

# Ronald Reagan Presidential Library

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**WHORM Subject File Code:** FE002-01

(Federal Government: Declaration of Independence -  
Constitution: Presidential Powers - Succession - Terms of  
Office)

**Case File Number(s):** 220000-249999

**Box Number:** 4

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*Last Updated: 02/28/2025*

# WITHDRAWAL SHEET

## Ronald Reagan Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
letter case (242550)			MDP 11/13/00
1. memo	from Robert Kimmitt to Ronald Peterson re: State draft report on S. 2670 (1p, partial)	7/24/84	P-5
2. memo	from Paul Thompson to R. Kimmitt re: legislative referral - war powers resolution (2pp, partial)	7/19/84	P-5
3. letter	from W. Tapley Bennett to Charles Percy re: S. 2670, page 2 (1p, partial)	n.d.	P-5
COLLECTION:			
WHORM: Subject File			kb
FILE FOLDER:			
FE002-01 (242550)			10/30/94

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].
- C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE  
WASHINGTON

April 9, 1984

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FE002-01

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Dear Mary Ann:

Thanks so very much for being so prompt in following up on my request regarding the possibility of your state offering a resolution on line-item veto authority. Also, I appreciate your efforts on the 50 States Project.

Just this week, the President remarked in his address to the Women in Business Conference in New York City that he was pleased that so many states had begun review of their laws and procedures to ensure equal treatment for women and that many had even amended their laws to address those concerns.

Your '84 Building Blocks Newsletter was most informative. I appreciate knowing about more of our friends in the fields.

Please keep me apprised of your efforts. I appreciate it.

Warm regards,



Lee L. Verstandig  
Assistant to the President  
for Intergovernmental Affairs

X  
The Honorable Mary Ann Arty  
Member of the House of Representatives  
for the State of Pennsylvania  
Harrisburg, Pennsylvania 17120

MARY ANN ARTY, MEMBER  
312 SOUTH BISHOP AVENUE  
SPRINGFIELD, PENNSYLVANIA 19064  
PHONE: (215) 623-3033

243-B MAIN CAPITOL BUILDING  
HARRISBURG, PENNSYLVANIA 17120  
PHONE: (717) 787-5564



COMMITTEES  
APPROPRIATIONS  
HEALTH AND WELFARE  
SUB-COMMITTEE ON HEALTH  
REPUBLICAN POLICY

GOVERNOR'S COUNCIL ON DRUG  
AND ALCOHOL ABUSE

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

March 30, 1984

Lee L. Verstandig, Assistant to the President  
for Intergovernmental Affairs  
The White House  
Washington, D.C. 20500

Dear Lee:

Thank you for sending to me the material I requested of Mary Redington on resolutions on line item veto for the President which have been introduced in various state legislatures.

I have discussed the matter with Matthew J. Ryan, Republican Leader of the Pennsylvania House of Representatives who will have a similar resolution prepared and who will introduce the resolution at an appropriate time (when the Democrats suspend the Rules for another agenda item).

I have also been in touch with Nora Brownell of Governor Thornburgh's office on the 50 States Project in Pennsylvania. Nora and I are close friends and we will put our heads together on the subject just as soon as we move past the April 10, 1984 Primary Election.

The briefing for women elected officials, which I had the privilege of attending in Washington, was superb. It will be outstanding in the memories of my political/legislative life. Thank you so much for making it happen.

I am enclosing a copy of "'84 Building Blocks", the Pennsylvania House Republican Campaign Committee Newsletter for your interest and information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mary Ann Arty".

Mary Ann Arty, Member  
165th Legislative District

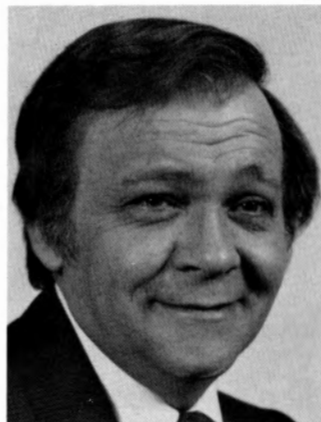
MAA/j11

Enc.

# Chairman's Report . . .

KENNETH E. BRANDT

Various activities and programs of the House Republican Campaign Committee have been discussed in '84 Building Blocks since its inaugural issue in June 1983. We have neglected, however, to recognize the dedication and work of the seven Republican Legislators who serve on the committee.



Kenneth E. Brandt

These seven individuals have agreed to take on the responsibilities of the Campaign Committee in addition to their primary role of representing their constituents. Not only do they help solve problems in their districts, serve on several legislative committees, and introduce and vote on legislation, they also find the time to help other Republicans get elected to the Pennsylvania House.

Mary Ann Arty, who represents the 165th District in Delaware County, is responsible for Southeast Pennsylvania on the Campaign Committee. Her territory includes some of the most predominantly Republican districts in the state, as well as some of the most predominantly Democrat areas in inner-city Philadelphia.

A registered nurse by profession, Representative Arty is active in numerous health-related organizations. In addition to her legislative and Campaign Committee activities, she also serves on the Springfield Township Board of Commissioners, and as Vice-Chairman of Delaware County Republican Executive Committee.

Harry Bowser of the 4th District in Erie County is responsible for the opposite corner of the state as Representative Arty. Like her, he has been a member of the House since 1979.

Representative Bowser is a former North East Borough Councilman, and a veteran of the United States Marine Corp. He is past President of the North East Jacees. A grape grower by profession, he is also a member at the Pennsylvania Farmers Association.

Representative Bowser is keeping his eye on several races in Northwest Pennsylvania.

Donald W. Dorr of the 193rd District in York County is one of the two most senior members of the Campaign Committee. He was first elected in 1972.

An attorney by profession, Representative Dorr is responsible for Republican legislative campaigns in the greater Susquehanna Valley. He is active in the Bar Association, Lions, Masonic Lodge and his church.

In addition to his Campaign Committee responsibilities and his normal legislative duties, Representative Dorr serves as Minority Chairman of the Professional Licensure Committee. A return to the majority by Republicans would put Representative Dorr's expertise to work as the Chairman of a committee.

George C. Hasay of the 117th District in Luzerne and

Columbia Counties is the Campaign Committee member who shares seniority with Representative Dorr, also having been elected in 1972.

Like Representative Dorr, Representative Hasay is Minority Chairman of a standing committee. He, too, would Chair a committee if Republicans held the majority.

Representative Hasay is responsible for Campaign Committee activities in Northeast Pennsylvania. He is active in his church, as well as numerous civic, social and veterans organizations.

Frank J. (Duke) Marmion of the 40th District in Allegheny County serves as Southwest Pennsylvania's spokesperson on the Campaign Committee.

First elected to the House in 1980, Representative Marmion is a former Township Commissioner. An avid baseball fan, he coached at the Little League and American Legion levels for 20 years.

In addition to overseeing races in the Southwest Pennsylvania, Representative Marmion serves on the Insurance and Local Government Committees.

Terry Punt, of the 90th District in Franklin and Fulton Counties, is responsible for the large rural areas on Central and Southcentral Pennsylvania.

Representative Punt was first elected in 1978. He is a veteran of the United States Army, and extremely active in many civic, church, and charitable organizations, particularly those concerned with handicapped children.

A tireless campaigner for Republicans, Representative Punt also serves as Republican Chairman of the Sub-Committee on Public Utilities of the Consumer Affairs Committee, and as a member of the Labor Relations Committee.

Donald Snyder of the 134th District in Lehigh County rounds out the Campaign Committee membership. Like Duke Marmion, Representative Snyder was first elected in 1980.

Representative Snyder will be overseeing several hotly contested races in the Greater Lehigh Valley and surrounding areas.

Like several other Campaign Committee members, Representative Snyder got his start in elective politics at the township level. He is a former accountant who also holds a law degree.

A member of the local Government, and Game and Fisheries Committees, Representative Snyder is active in numerous civic, charitable and cultural organizations.

These seven individuals give of their time and talent to help elect other Republicans to the Pennsylvania House. They are often asked to serve above and beyond the call of duty.

Without their efforts, there could be few, if any activities and programs of the Campaign Committee. On behalf of the Republican caucus and Republican candidates, I say "THANKS" to these fine people for their continuing service. We are happy that they are working closely with our top-notch candidates in their areas to help regain a majority for Republicans.

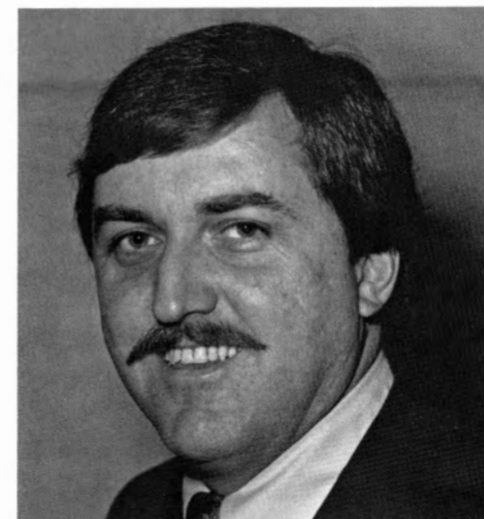
## HOUSE REPUBLICAN CAMPAIGN COMMITTEE



Donald W. Dorr



Mary Ann Arty



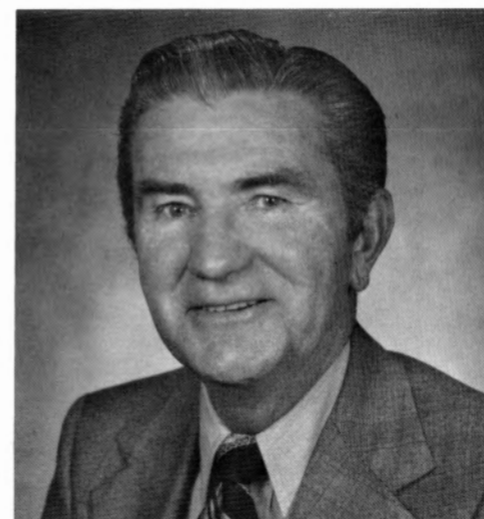
George C. Hasay



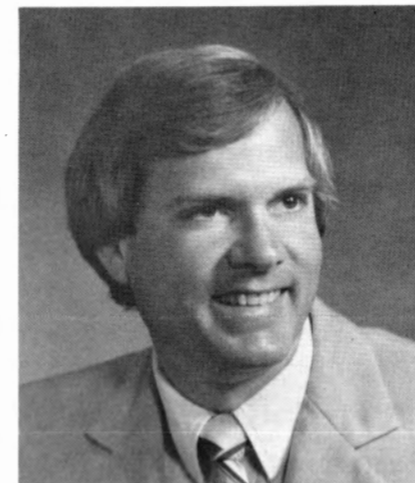
Terry Punt



Harry Bowser



Frank J. (Duke) Marmion



Donald Snyder

George, who is single, is interested in golf and music, in addition to politics.

These three candidates epitomize the dynamic, energetic type of candidate who wins State House elections.

The House Republican Campaign Committee is proud to have top-notch individuals such as these carry the Republican banner in the 1984 election.

# Spring Fling Cures Spring Fever

The 1984 version of the Spring Fling of the House Republican Campaign Committee has been scheduled.

The Spring Fling is the traditional time for all good Republicans to kick up their heels and celebrate the end of another winter.

The Spring Fling traditionally features a buffet dinner, various beverages, and dancing to live music.

This year, the festivities will take place in the Social Hall of the Hummelstown Fire Company, located a few miles east of Harrisburg. The affair will begin at 6:00 P.M. on May 7, and end at 10:00 P.M.

Tickets are \$50.00 per person, and can be obtained from the House Republican Campaign Committee, P. O. Box 11787, Harrisburg, PA 17108.

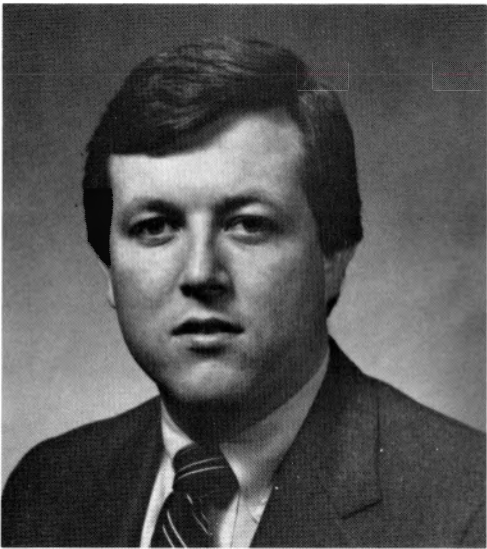
• Please send \_\_\_\_\_ ticket (s) to me. I have enclosed a non-corporate check or money order payable to House Republican Campaign Committee in the amount of \$50.00 per ticket.

• Enclosed is \$25.00 to help defray the cost of printing and mailing '84 Building Blocks.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_



George T. Kenney, Jr.

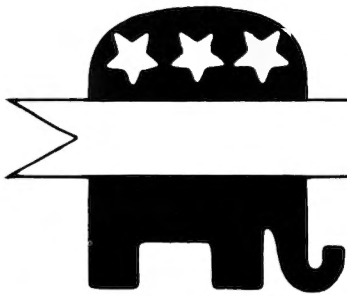
## NEW CAMPAIGN COMMITTEE

To clarify our mission, which is to assist qualified Republicans in their efforts to gain election to the Pennsylvania State House, a new campaign committee has been formed.

The new committee is called the House Republican Campaign Committee.

All correspondence and contributions should be addressed, effective immediately, to:

House Republican Campaign Committee  
P. O. Box 11787  
Harrisburg, PA 17108



## '84 BUILDING BLOCKS

NEWSLETTER OF —

**House Republican Campaign Committee**

P.O. BOX 11787, HARRISBURG, PENNSYLVANIA 17108 • 717/234-4901

Volume 1, Number 8

March, 1984

## THREE WINNERS IN SOUTHEAST PENNSYLVANIA

To continue our series of candidate profiles, we will introduce three candidates in Southeast Pennsylvania. All three are running in districts where the incumbent has chosen not to seek re-election.

The Democrat incumbent in the 153rd District in Abington and Rockledge, Montgomery County, has chosen to run for Congress. Local Republican leaders believe that this year the seat will return to the Republican column.

When Jon Fox, Abington Township Commissioner, agreed to run, many observers were convinced that the best possible candidate was recruited by the Republicans.

Jon Fox's record as Township Commissioner is impressive. He is Public Affairs Director of the Township, and a member of the Public Safety, and Police Communication Committees. He was instrumental in instituting a Town Watch Program, establishing a K-9 Police Squad, and starting an engraving operation to more easily identify stolen goods.

A life-long resident of the area, Jon Fox is a Director of Eastern Montgomery County Red Cross,



Jon D. Fox

American Cancer Society, and Friends of the Abington Library. He's an officer of the Abington Police Athletic League. He is on the Board of Abington Memorial Hospital, where he serves in the Advisory Committee on Geriatric Services. Jon is also a member of Abington Senior Citizen Support Council and Advisory Council of Montgomery County Office on Older Adults.

A United States Air Force Reservist, Jon is a trial lawyer and former Assistant District Attorney in Montgomery County.

Another local elected official is running for State House in the 164th District in Delaware County, where Sharon Hill Mayor Ronald Raymond is running for the seat being vacated by retiring Republican Representative Gerald Spitz.

Ron was first elected Mayor in 1981. He served on Borough Council from 1978 until his election as Mayor.

In addition to his role as Mayor, Ron serves as Chairman of the Sharon Hill Republican Party. He is a former chairman of Southeastern Delaware County Young Republicans, and former treasurer of Delaware County Young Republicans.

A realtor by profession, Ron is married and has a 3 year old daughter.

George T. Kenney, Jr. is the Republican candidate in the 170th District in Philadelphia. Frank Salvatore, the incumbent, is vacating the seat to challenge the current Democrat State Senator from the area.

George is a 1982 graduate of LaSalle College, which granted him a B.S. in Business Administration. He is a sales Representative for McNeil Pharmaceutical.

A long-time political activist, George is an elected Republican Committeeman, and serves as Treasurer for the 58th Ward Republican Executive Committee.



Ronald Raymond

Continued on page four

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THE WHITE HOUSE

WASHINGTON

April 19, 1984

Dear Elizabeth:

Jon Farnum has just written me indicating that you had joined him in introducing S-872, the resolution in support of granting the President line-item veto authority.

I want to take this opportunity to express my genuine appreciation for your leadership in this matter. It is an issue of utmost importance to the President. Providing the President with line-item veto authority would be, not only psychologically significant, but particularly important in addressing our nation's future budget problems.

Again, thanks for supporting this resolution and I hope you will convey my deep appreciation to the other State Senators who joined you as co-sponsors.

Sincerely,

*Lee*

Lee L. Verstandig  
Assistant to the President  
for Intergovernmental Affairs

X  
The Honorable Elizabeth M. Cesario  
Senator of the State  
of Rhode Island  
Providence, Rhode Island 02903

THE WHITE HOUSE

WASHINGTON

April 19, 1984

Dear Jon:

Thanks so much for your recent letter informing me of the fact that you and all of your Republican colleagues in the Senate sponsored the introduction of the line-item veto resolution (S-872).

I sincerely appreciate your efforts and support on this issue given the importance that the President places on the need for the President of the United States to have such authority.

While I too question whether this resolution will pass the State Legislature, I really appreciate all of your efforts. Have any of your colleagues in the House introduced this or a similar resolution?

Congratulations on your election as delegate to the convention. I look forward to seeing you there.

Warm regards,



Lee L. Verstandig  
Assistant to the President  
for Intergovernmental Affairs

The Honorable Jonathan K. Farnum  
Senator of the State of Rhode Island  
Providence, Rhode Island 02903

## THE WHITE HOUSE

WASHINGTON

April 19, 1984

Dear Mike:

Jon Farnum has just written me indicating that you had joined him in introducing S-872, the resolution in support of granting the President line-item veto authority.

I want to take this opportunity to express my genuine appreciation for your leadership in this matter. It is an issue of utmost importance to the President. Providing the President with line-item veto authority would be, not only psychologically significant but particularly important in addressing our nation's future budget problems.

Again, thanks for supporting this resolution and I hope you will convey my deep appreciation to the other State Senators who joined you as co-sponsors.

Sincerely,



Lee L. Verstandig  
Assistant to the President  
for Intergovernmental Affairs

The Honorable Michael J. Flynn  
Senator of the State  
of Rhode Island  
Providence, Rhode Island 02903

THE WHITE HOUSE

WASHINGTON

April 19, 1984

Dear Bill:

Jon Farnum has just written me indicating that you had joined him in introducing S-872, the resolution in support of granting the President line-item veto authority.

I want to take this opportunity to express my genuine appreciation for your leadership in this matter. It is an issue of utmost importance to the President. Providing the President with line-item veto authority would be, not only psychologically significant but particularly important in addressing our nation's future budget problems.

Again, thanks for supporting this resolution and I hope you will convey my deep appreciation to the other State Senators who joined you as co-sponsors.

Sincerely,



Lee L. Verstandig  
Assistant to the President  
for Intergovernmental Affairs

The Honorable William Pearson  
Senator of the State  
of Rhode Island  
Providence, Rhode Island 02903

THE WHITE HOUSE

WASHINGTON

April 19, 1984

Dear Vilma:

Jon Farnum has just written me indicating that you had joined him in introducing S-872, the resolution in support of granting the President line-item veto authority.

I want to take this opportunity to express my genuine appreciation for your leadership in this matter. It is an issue of utmost importance to the President. Providing the President with line-item veto authority would be, not only psychologically significant but particularly important in addressing our nation's future budget problems.

Again, thanks for supporting this resolution and I hope you will convey my deep appreciation to the other State Senators who joined you as co-sponsors.

Sincerely,



Lee L. Verstandig  
Assistant to the President  
for Intergovernmental Affairs

The Honorable Vilma A. Zanni  
Senator of the State of  
Rhode Island  
Providence, Rhode Island 02903

THE WHITE HOUSE  
WASHINGTON

May 15, 1984

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Dear Mack:

I want to applaud you for your recent efforts on behalf of a line item veto amendment. I was aware from earlier conversations of your interest in this issue and the fact that you had introduced legislation on the subject. You may know that I have been monitoring this issue in my current position with state and local elected officials.

Given the importance of reducing the deficit and the President's continued urging for line item veto authority, I have been working with state legislators to introduce resolutions in their chambers which would instruct their Congressional delegations to support line item veto authority either through the legislative processes or through the constitutional route.

To date over a dozen legislative chambers have introduced such resolutions. The State Federal Assembly, the policy arm of the National Conference of State Legislatures, has proposed such a resolution for their forthcoming annual conference and I expect to have this summer's national county and mayors' conferences consider this resolution as well.

Thus, I was very interested in the debate on the Senate Floor on this issue as well as the articles and editorial you inserted into the Congressional Record. Maybe we can put together a joint venture and further explore ways to provide this budget deficit reduction tool for the President. I already have Paul Coverdell working on this in your home state.

I would welcome the opportunity to talk to you or your staff on this subject.

Warm regards,



Lee L. Verstandig  
Assistant to the President  
for Intergovernmental Affairs

X  
The Honorable Mack F. Mattingly  
United States Senate  
Washington, D.C. 20510

THE WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

ID# 231159

FED02-01

INCOMING

DATE RECEIVED: JULY 02, 1984

NAME OF CORRESPONDENT: THE HONORABLE LEE A. DANIELS

SUBJECT: SUBMITS RESOLUTION MEMORIALIZES THE CONGRESS  
TO PROVIDE AN AMENDMENT TO THE CONSTITUTION  
AUTHORIZING LINE ITEM VETO FOR THE PRESIDENT

		ACTION	DISPOSITION			
ROUTE TO:		ACT	DATE	TYPE	C	COMPLETED
OFFICE/AGENCY	(STAFF NAME)	CODE	YY/MM/DD	RESP	D	YY/MM/DD
LEE VERSTANDIG		ORG	84/07/02			
	REFERRAL NOTE:					
ROBERT GLEASON		RSA	84/07/02			
	REFERRAL NOTE:					
	REFERRAL NOTE:					
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COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: 2200 \_\_\_\_\_

IA MAIL USER CODES: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

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\*ACTION CODES:                   \*DISPOSITION CODES:                   \*OUTGOING                   \*  
\*                                   \*                                   \* CORRESPONDENCE:                   \*  
\*A-APPROPRIATE ACTION           \*A-ANSWERED                   \*TYPE RESP=INITIALS                   \*  
\*C-COMMENT/RECOM               \*B-NON-SPEC-REFERRAL                   \*                   OF SIGNER                   \*  
\*D-DRAFT RESPONSE               \*C-COMPLETED                   \*                   CODE = A                   \*  
\*F-FURNISH FACT SHEET           \*S-SUSPENDED                   \*COMPLETED = DATE OF                   \*  
\*I-INFO COPY/NO ACT NEC\*                   \*                                   \*                   OUTGOING                   \*  
\*R-DIRECT REPLY W/COPY                   \*                                   \*                                   \*  
\*S-FOR-SIGNATURE               \*                                   \*                                   \*  
\*X-INTERIM REPLY               \*                                   \*                                   \*  
\*\*\*\*\*

REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE  
(ROOM 75,OEOb) EXT. 2590  
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING  
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS  
MANAGEMENT.

THE WHITE HOUSE

WASHINGTON

July 9, 1984

Dear Lee:

On behalf of the President, I would like to thank you for your recent letter in which you forward a copy of the House Resolution which calls on the Congress to grant the President line-item veto authority.

Your leadership in bringing this important resolution to unanimous passage is exemplary. Such an expression of support by the Illinois House of Representatives will be a valuable ingredient in the President's continued fight for providing sound fiscal management on the federal level.

Thank you for sending this material to us.

Warm regards,



Lee L. Verstandig  
Assistant to the President for  
Intergovernmental Affairs

The Honorable Lee A. Daniels  
Representative of the State of Illinois  
Room 300- State House  
Springfield, Illinois 62706



LEE A. DANIELS

MINORITY LEADER

SPRINGFIELD OFFICE  
STATE CAPITOL BUILDING  
SPRINGFIELD, ILLINOIS 62706

DISTRICT OFFICE  
180 WEST PARK AVENUE  
ELMHURST, ILLINOIS 60126

July 28, 1984

The Honorable Ronald W. Reagan  
President of the United States  
The White House  
Washington, D.C. 20501

Dear Mr. President:

I am proud to enclose Illinois House Resolution 1088, which I sponsored with House Speaker Michael Madigan, and which was adopted unanimously by the Illinois House of Representatives on June 21, 1984. The Resolution memorializes the Congress to provide an amendment to the Constitution of the United States authorizing line item veto for the President of the United States.

Illinois is one of 43 states which has found the line item veto to be a tremendous aid in providing sound fiscal management. You said it best in your January 1984 State of the Union Address: "The line item veto is a powerful tool against wasteful extravagant spending."

Engrossed copies of House Resolution 1088 will be transmitted to the officers of each House of Congress and to each member of Congress from Illinois. I sincerely hope that this strong expression of support from Illinois will aid you in your effort to effect this long overdue change.

If there is anything further that I may do to help in this effort, please let me know.

Sincerely,

A handwritten signature in purple ink, reading "Lee A. Daniels".

Lee A. Daniels  
Minority Leader

LAD:ks

cc M. B. Oglesby, Assistant to the President  
Lee Verstandig, Assistant to the President

STATE OF ILLINOIS  
EIGHTY-THIRD GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES

House Resolution No. 1088

Offered by Representatives Daniels and Madigan

WHEREAS, A commonly used element of the appropriations process in Illinois is the ability of the Governor to veto individual line items in appropriation bills. This important tool permits a chief executive to approve an appropriation measure containing scores or hundreds of itemized appropriations with exception, instead of rejecting an entire bill because of one or several wasteful and extravagant spending items; and

WHEREAS, Forty-three states presently permit the Governor to employ this line item veto technique in determining state spending. In Illinois, as well as throughout most of the country, governors of both parties have found this to be a most useful and necessary means of monitoring appropriations. The line item veto ability is consistent with our system of checks and balances, for, like any vetoed bill, a line item veto could be subject to proceedings to override the veto; and

WHEREAS, Not permitting a President to exercise the constitutional power of veto over a specific line item in an appropriation bill contributes to excess spending; and

WHEREAS, In Illinois, this ability has proven to operate smoothly and consistently with the notion of Executive-Legislative balance of powers. Clearly, the line item veto authority contributes greatly to good government and responsible consideration of appropriation items; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the members of the House of Representatives hereby memorialize the Congress of the United States to provide an amendment to the Constitution of the United States to provide the President with the authority to veto an item in appropriation bills; and be it further

RESOLVED, That suitably engrossed copies of this resolution be transmitted to the presiding officers of each House of Congress and to each member of Congress from Illinois.

Adopted by the House of Representatives on June 21, 1984.

*Michael J. Madigan*

Michael J. Madigan, Speaker of the House

*John F. O'Brien*

John F. O'Brien, Clerk of the House

Nancy R. 390  
9/19/84

MEMORANDUM

## NATIONAL SECURITY COUNCIL

July 24, 1984

242550  
1110  
FED02-01  
LE  
FGD11  
FG006-12

MEMORANDUM FOR RONALD K. PETERSON

FROM:

Paul B. Thompson for  
ROBERT M. KIMMITT

SUBJECT:

State Draft Report on S. 2670 a Bill Amending  
Section 5(b) of the War Powers Resolution

The NSC staff has reviewed and concurs with the substantive nature of the draft report. However, we have amended the letter to give more emphasis to the administration's primary objection to the bill, which is its attempt to place a definitional statement in the operative portion of the Resolution. This section would define the powers of the President in warmaking and then use that definition as a basis for a set of conditions under which the President would be permitted to act.

It is also proposed that the language be amended to clarify the definition of "the introduction of U.S. Armed Forces in another state for combat purposes" as "any U.S. military organization whose purpose is to deliver weapons fire upon the enemy." A copy of the amended draft report is attached. We concur in the letter as amended.

Because of the importance of this matter, we recommend you recirculate the letter, with all agency comments included, for a final clearance. At that time, we recommend you also seek the views of the Counsel to the President.

NSC #8405103

## MEMORANDUM

## NATIONAL SECURITY COUNCIL

ACTION

July 19, 1984

MEMORANDUM FOR ROBERT M. KIMMITT

FROM: *Samuel R. May*  
*for* PAUL THOMPSON

SUBJECT: Legislative Referral - War Powers Resolution

Senator Specter has proposed a bill (enclosed at Tab II) which amends Section 5(b) of the War Powers Resolution (enclosed at Tab III). The proposed amendment contains provisions prohibiting introduction of U.S. Armed Forces into foreign nations for combat purposes unless such action is pursuant to Congressional authorization, a declaration of war, or is a response to one of a list of enumerated circumstances. The Department of State has prepared a draft report on the proposed amendment and OMB requests our views on State's report. State's proposed response is enclosed at Tab II.

The proposed amendment is objectionable because the enumerated circumstances would, being in the operative portion of the bill, attempt to restrict the President's authority as Commander-in-Chief to act in a future situation. This proposal is very similar to an amendment proposed by Senator Javits at the time the Resolution was originally enacted. That amendment was withdrawn because of House objections, among others, to any enumeration of circumstances wherein the President might act being in the operative sections of the Resolution. The final compromise was the present Section 2(c), a very simplified statement of Presidential emergency powers as Commander-in-Chief, which lacks statutory authority because it is in the purpose and policy clause.

The proposed response addresses, but does not emphasize, the constitutional concerns of any attempt to define every conceivable situation in which the President's authority could be exercised. This concern could be emphasized by changing the order of the existing paragraphs. For example, the question

of how the five-day emergency period operates is not "fundamental" but is simply an aspect which would need to be clarified at some future date. Placing that paragraph in front of the fifth and sixth paragraphs, which contain the meat of our objections, dilutes our message.

Our fundamental objection should be <sup>directed toward</sup> to any attempt to include in the operative portion of the Resolution any single definitional statement intending to encompass every conceivable situation in which the President's Commander-in-Chief authority could be exercised. To emphasize this point I have reordered the paragraphs, moving up the paragraph which states our general reservations to any enumeration of circumstances under which the President may act. Additionally I have added a sentence emphasizing the inability of any single definitional statement to encompass the scope of the President's authority to act. This sentence is taken directly from a 1975 statement by State Department Legal Advisor Monroe Leigh to the House Foreign Affairs Committee.

I have followed the general paragraph with the paragraph which addresses the specific problems with provisions of this proposed amendment.

The State draft discusses two aspects of S. 2670 which would have to be clarified, including the meaning of the phrase "combat purposes" and the scope of the phrase "attack upon the United States." To this paragraph I have added the need to clarify defining "the introduction of U.S. Armed Forces in another state for combat purposes" as "any U.S. military organization whose purpose is to deliver weapons fire upon the enemy." Does this definition intend to include all units with such a general purpose to deliver weapons fire upon the enemy or does it mean only when the specific purpose for which the unit is deployed is to deliver weapons fire upon the enemy? If the former definition is intended, any time any infantry unit is deployed overseas would fall within the definition of introduction for "combat purposes."

#### RECOMMENDATION

Recommend that you forward the memorandum at Tab I to Peterson with the proposed amended draft. C. Lehman concurs. *CL*

Approve *CL*

Disapprove \_\_\_\_\_

#### Attachments

Tab I	-	Kimmit/Peterson Memorandum with Amended Draft
		Tab A - Amended Draft
Tab II	-	Incoming Material
Tab III	-	War Powers Resolution

cc: C. Lehman

of how the five-day emergency period operates is not "fundamental" but is simply an aspect which would need to be clarified at some future date. Placing that paragraph in front of the fifth and sixth paragraphs, which contain the meat of our objections, clarifies our messages.

Our fundamental objection should be to any attempt to include in the operative portion of the Resolution any single definitional statement intending to encompass every conceivable situation in which the President's Commander-in-Chief authority could be exercised. To emphasize this point I have reordered the paragraphs, moving up the paragraph which states our general reservations to any enumeration of circumstances under which the President may act. Additionally I have added a sentence emphasizing the inability of any single definitional statement to encompass the scope of the President's authority to act. This sentence is taken directly from a 1975 statement by State Department Legal Advisor Monroe Leigh to the House Foreign Affairs Committee.

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#### RECOMMENDATION

Recommend that you forward the memorandum at Tab I to Peterson with the proposed amended draft. C. Lehman concurs.

Disapprove

Approve

Attachments

Tab I - Kimmitt/Peterson Memorandum With Amended Draft  
Tab II - Incoming Material  
Tab III - War Powers Resolution

cc: C. Lehman



United States Department of State

Washington, D.C. 20520

*Maizer draft 1/11/64*

*Amended  
letter*

Dear Mr. Chairman:

I am responding to your request for Executive Branch comments on S. 2670, a bill proposed by Senator Specter to amend Section 5(b) of the War Powers Resolution.

S. 2670 would eliminate the current provisions of Section 5(b) that essentially purport to require the President to terminate the use of U.S. Armed Forces in actual or imminent hostilities if Congress does not within 60 days grant specific authorization for such use. As you know, the Executive Branch has always had serious doubts about the wisdom and constitutionality of Section 5(b), and we would welcome its elimination. We appreciate Senator Specter's efforts in this regard to find alternatives to this provision that would better serve U.S. national interests.

However, the provision proposed by S. 2670 as a substitute for the current Section 5(b) could also present serious problems. In essence it would, in the absence of a declaration of war or specific Congressional authorization, prohibit the introduction of U.S. Armed Forces into foreign territory "for combat purposes" except where necessary to repel or forestall an attack on the United States or its forces abroad, to evacuate U.S. citizens abroad under certain circumstances, or to protect vital U.S. security interests in a sudden emergency requiring military intervention in less than 5 days. The proposed provision also calls for action by Congress within 5 days on any request by the President for authorization to introduce forces for such "combat purposes."

In general, we are fully in agreement with the necessity of involving Congress in a thorough and timely way with respect to any decision to introduce U.S. forces into combat. However, we do not believe that it is useful to approach the War Powers problem by attempting to enumerate any exclusive list of limited circumstances under which the President may make combat

The Honorable  
Charles H. Percy, Chairman,  
Committee on Foreign Relations,  
United States Senate.

We do not believe that any single definitional statement can clearly encompass every conceivable situation in which the President's commander-in-chief authority could be exercised.

use of U.S. Armed Forces, or to establish any rigid timetable for Congressional action or withdrawal of U.S. forces. It is not possible to predict or define in advance all the circumstances under which such a use of U.S. forces may be essential to U.S. interests, and it is counterproductive to prescribe in advance what the character or timing of Congressional involvement should be in any particular situation. The two branches must work cooperatively together to deal with such situations as they arise, and not be thrust artificially into a confrontational posture because of statutory provisions adopted at some previous time.

Certainly any provision that precludes the continued combat use of U.S. forces abroad, apart from the limited situations described in subsection (a)(2)(A-C), if Congressional approval is not granted in 5 days would be highly unacceptable and threatening to U.S. national security interests, and would present serious constitutional problems. It is unrealistic to assume that Congress would necessarily act within such a short period (particularly if the emergency occurs when Congress is not in session) even if it agreed with the President's policy, and the existence of such a short deadline could seriously undermine the credibility of U.S. policy and the commitment of U.S. forces in many cases. This is particularly important in that the situations described in subsection (a)(2)(A-C) evidently do not include the emergency use of U.S. forces to assist a U.S. ally in defense against sudden attack, to participate in urgent peacekeeping requirements, or to protect U.S. citizens or non-military facilities in a foreign country where immediate evacuation is not desirable. Terrorists or dissident groups might in some situations even be encouraged to attack such targets in the hope that an effective and sustained U.S. response might prove to be infeasible.

~~Finally~~ apart from these fundamental questions, there are a number of aspects of S. 2670 that would have to be clarified in some appropriate way, including: (1) the meaning of the phrase "combat purposes", particularly with respect to the introduction of U.S. combat units into foreign territory not for the purpose of initiating combat but with the expectation that defensive action may be necessary; ~~and~~ (2) the scope of the phrase "attack upon the United States", particularly with respect to attacks on U.S. embassies or U.S.-registered commercial vessels and aircraft abroad; (3) the definition of

"the introduction of U.S. Armed Forces in another state for combat purposes" as "any U.S. military organization whose purpose is to deliver weapons fire upon the enemy" <sup>specifically</sup> ~~intentionally~~ does this mean general purpose of the unit or specific purpose for which they are deployed, for example would an infantry unit deployed on a purely training mission fall within this definition?

Finally, it is not clear from the text of S. 2670 how the provision for a 5-day emergency period, during which the President may act without Congressional authorization, would operate. Specifically, it is not clear whether the period runs from the date on which the President decides that emergency action is necessary, or from the date on which the events occurred which prompted his decision; likewise, it is not clear whether the President must judge that intervention must be completed or merely initiated within the 5-day period; and most important, it is not clear whether the President would be obliged to terminate his use of U.S. forces at the end of the 5-day period if Congress has not enacted a specific authorization.

We appreciate the opportunity to present our views on this legislative proposal. The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to submission of this report.

Sincerely,

W. Tapley Bennett, Jr.  
Assistant Secretary  
Legislative and Intergovernmental Affairs



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

June 27, 1984

5103

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer-  
Department of Defense  
National Security Council  
Department of Justice

SUBJECT: State draft report on S. 2670 a bill amending  
Section 5(b) of the War Powers Resolution.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than  
FRIDAY, JULY 20, 1984.

Questions should be referred to Tracey Lawler (395-4710)  
the legislative analyst in this office.

*Ronald K. Peterson*  
RONALD K. PETERSON FOR  
Assistant Director for  
Legislative Reference

Enclosures

cc: John Eisenhower  
Bob Howard  
John Cooney



United States Department of State

Washington, D.C. 20520

Dear Mr. Chairman:

I am responding to your request for Executive Branch comments on S. 2670, a bill proposed by Senator Specter to amend Section 5(b) of the War Powers Resolution.

S. 2670 would eliminate the current provisions of Section 5(b) that essentially purport to require the President to terminate the use of U.S. Armed Forces in actual or imminent hostilities if Congress does not within 60 days grant specific authorization for such use. As you know, the Executive Branch has always had serious doubts about the wisdom and constitutionality of Section 5(b), and we would welcome its elimination. We appreciate Senator Specter's efforts in this regard to find alternatives to this provision that would better serve U.S. national interests.

However, the provision proposed by S. 2670 as a substitute for the current Section 5(b) could also present serious problems. In essence it would, in the absence of a declaration of war or specific Congressional authorization, prohibit the introduction of U.S. Armed Forces into foreign territory "for combat purposes" except where necessary to repel or forestall an attack on the United States or its forces abroad, to evacuate U.S. citizens abroad under certain circumstances, or to protect vital U.S. security interests in a sudden emergency requiring military intervention in less than 5 days. The proposed provision also calls for action by Congress within 5 days on any request by the President for authorization to introduce forces for such "combat purposes."

It is not clear from the text of S. 2670 how the provision for a 5-day emergency period, during which the President may act without Congressional authorization, would operate. Specifically, it is not clear whether the period runs from the date on which the President decides that emergency action is

The Honorable  
Charles H. Percy, Chairman,  
Committee on Foreign Relations,  
United States Senate.

necessary, or from the date on which the events occurred which prompted his decision; likewise, it is not clear whether the President must judge that intervention must be completed or merely initiated within the 5-day period; and most important, it is not clear whether the President would be obliged to terminate his use of U.S. forces at the end of the 5-day period if Congress has not enacted a specific authorization.

Certainly any provision that precludes the continued combat use of U.S. forces abroad, apart from the limited situations described in subsection (a)(2)(A-C), if Congressional approval is not granted in 5 days would be highly unacceptable and threatening to U.S. national security interests, and would present serious constitutional problems. It is unrealistic to assume that Congress would necessarily act within such a short period (particularly if the emergency occurs when Congress is not in session) even if it agreed with the President's policy, and the existence of such a short deadline could seriously undermine the credibility of U.S. policy and the commitment of U.S. forces in many cases. This is particularly important in that the situations described in subsection (a)(2)(A-C) evidently do not include the emergency use of U.S. forces to assist a U.S. ally in defense against sudden attack, to participate in urgent peacekeeping requirements, or to protect U.S. citizens or non-military facilities in a foreign country where immediate evacuation is not desirable. Terrorists or dissident groups might in some situations even be encouraged to attack such targets in the hope that an effective and sustained U.S. response might prove to be infeasible.

In general, we are fully in agreement with the necessity of involving Congress in a thorough and timely way with respect to any decision to introduce U.S. forces into combat. However, we do not believe that it is useful to approach the War Powers problem by attempting to enumerate any exclusive list of limited circumstances under which the President may make combat use of U.S. Armed Forces, or to establish any rigid timetable for Congressional action or withdrawal of U.S. forces. It is not possible to predict or define in advance all the circumstances under which such a use of U.S. forces may be essential to U.S. interests, and it is counterproductive to prescribe in advance what the character or timing of Congressional involvement should be in any particular situation. The two branches must work cooperatively together to deal with such situations as they arise, and not be thrust artificially into a confrontational posture because of statutory provisions adopted at some previous time.

Finally, apart from these fundamental questions, there are a number of aspects of S. 2670 that would have to be clarified in some appropriate way, including: (1) the meaning of the phrase "combat purposes", particularly with respect to the introduction of U.S. combat units into foreign territory not for the purpose of initiating combat but with the expectation that defensive action may be necessary; and (2) the scope of the phrase "attack upon the United States", particularly with respect to attacks on U.S. embassies or U.S.-registered commercial vessels and aircraft abroad.

We appreciate the opportunity to present our views on this legislative proposal. The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to submission of this report.

Sincerely,

W. Tapley Bennett, Jr.  
Assistant Secretary  
Legislative and Intergovernmental Affairs

HOWARD H. BAKER, JR., TENN.  
 JESSE HELMS, N.C.  
 RICHARD G. LUGAR, IND.  
 CHARLES McC MATHIAS, JR., MD.  
 NANCY L. KASSEBAUM, KANS.  
 RUDY BOSCHWITZ, MINN.  
 LARRY PRESSLER, S. DAK.  
 FRANK H. MURKOWSKI, ALASKA  
 PAULA HAWKINS, FLA.

CLAIBORNE PELL, R.I.  
 JOSEPH R. BIDEN, JR., DEL.  
 JOHN GLENN, OHIO  
 PAUL S. SARBANES, MD.  
 EDWARD ZORINSKY, NEBR.  
 PAUL E. TSONGAS, MASS.  
 ALAN CRANSTON, CALIF.  
 CHRISTOPHER J. DODD, CONN.

# United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

SCOTT COMEN, STAFF DIRECTOR  
 GERYLD B. CHRISTIANSON, MINORITY STAFF DIRECTOR

*SH*

**ACTION**  
 is assigned to

*L*

May 21, 1984

The Honorable George P. Shultz  
 Secretary of State  
 Washington, D.C. 20520

Dear Mr. Secretary:

Enclosed are copies of S. 2670, "To require specific congressional authorization before the introduction of any United States Armed Forces into hostilities in another state, and for other purposes," which was introduced by Senator Specter on May 15, 1984.

The Foreign Relations Committee would appreciate receiving coordinated executive branch comments on this bill at an early date.

Sincerely,

*Charles H. Percy*

Charles H. Percy  
 Chairman

CHP:gkl

Enclosures

1984 MAY 29 PM 1:34  
 FAIM/IAP/WI

RECEIVED BY  
 DEPARTMENT OF STATE

OUT  
 1984 MAY 29 PM 2:27

98TH CONGRESS  
2D SESSION

# S. 2670

To require specific congressional authorization before the introduction of any United States Armed Forces into hostilities in another state, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MAY 15 (legislative day, MAY 14), 1984

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To require specific congressional authorization before the introduction of any United States Armed Forces into hostilities in another state, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That (a) in the War Power Resolution (Public Law 93-148  
4       (1973)), strike 5(b) and insert in lieu thereof the following:  
5       “(a) Notwithstanding any other provision of law, United  
6       States Armed Forces shall not be introduced into the terri-  
7       tory of another state for combat purposes unless—

1           “(1) the Congress has declared war or enacted  
2 specific authorization for such use of United States  
3 Armed Forces; or

4           “(2) the President has determined that such intro-  
5 duction of United States Armed Forces is necessary—

6           “(A) to repel an attack upon the United  
7 States or its territories or possessions; to take  
8 necessary and appropriate retaliatory actions in  
9 the event of such an attack; and to forestall the  
10 direct and imminent threat of such an attack;

11           “(B) to repel an attack against the United  
12 States Armed Forces located outside of the  
13 United States and its territories and possessions,  
14 and to forestall the direct and imminent threat of  
15 such an attack;

16           “(C) to protect citizens of the United States  
17 while evacuating them as rapidly as possible from  
18 any country in which such citizens, there with the  
19 express or tacit consent of the government of such  
20 country are being subjected to a direct and immi-  
21 nent threat to their lives, either sponsored by such  
22 government or beyond the power of such govern-  
23 ment to control: *Provided*, That the President  
24 shall make every effort to terminate such a threat  
25 without using the United States Armed Forces:

1       *And provided further,* That the President shall  
2       where possible, obtain the consent of the govern-  
3       ment of such country before using such armed  
4       forces; or

5               “(D) to protect vital security interests of the  
6       United States in a sudden emergency that must  
7       be met with military intervention as opposed to  
8       diplomatic or economic or other response and that  
9       requires such military intervention in less than  
10      five days, the maximum time for congressional  
11      action to authorize such intervention or declare  
12      war, as provided in (d) below.

13      “(b) If United States Armed Forces are introduced into  
14      another state pursuant to subsection (a)(2), the President  
15      shall describe such grounds in the report required by section  
16      4(a) of the War Powers Resolution (Public Law 93-148).

17      “(c) For the purposes of section (a) the introduction of  
18      United States Armed Forces in another state for combat pur-  
19      poses shall be defined as any United States military organiza-  
20      tion whose purpose is to deliver weapons fire upon an enemy.

21      “(d)(1) Any joint resolution or bill introduced at the re-  
22      quest of the President pursuant to subsection (a)(1) or passed  
23      by the other House shall become the pending business of the  
24      House in which it is received and shall be voted on within  
25      two calendar days thereafter.

1       “(2) Any conference shall be concluded within one cal-  
2 endar day and any report shall be acted on by both Houses  
3 immediately, notwithstanding any rule in either House.”.

4       (b) Strike section 6 and renumber section 7 et seq., ac-  
5 cordingly.

6       (c) Strike section 8(c) and redesignate (d) as (c).

○

## APPENDIX

## TEXT OF THE WAR POWERS RESOLUTION OF 1973, PUBLIC LAW 93-148



Public Law 93-148  
93rd Congress, H. J. Res. 542  
November 7, 1973

## Joint Resolution

Concerning the war powers of Congress and the President.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

War Powers  
Resolution.

## SHORT TITLE

SECTION 1. This joint resolution may be cited as the "War Powers Resolution".

## PURPOSE AND POLICY

SEC. 2. (a) It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

(b) Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof. USC prec. title 1.

(c) The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

## CONSULTATION

SEC. 3. The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

## REPORTING

SEC. 4. (a) In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances; 87 STAT. 555

(2) into the territory, airspace or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; 87 STAT. 556

or  
(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation.

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(b) The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(c) Whenever United States Armed Forces are introduced into hostilities or into any situation described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation, report to the Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congress less often than once every six months.

#### CONGRESSIONAL ACTION

SEC. 5. (a) Each report submitted pursuant to section 4(a)(1) shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate on the same calendar day. Each report so transmitted shall be referred to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations of the Senate for appropriate action. If, when the report is transmitted, the Congress has adjourned sine die or has adjourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least 30 percent of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this section.

(b) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

(c) Notwithstanding subsection (b), at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs by concurrent resolution.

#### CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL.

SEC. 6. (a) Any joint resolution or bill introduced pursuant to section 5(b) at least thirty calendar days before the expiration of the sixty-day period specified in such section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and such committee shall report one such joint resolution or bill, together with its recommendations, not later than twenty-four calendar days before the expiration of the sixty-day period specified in such section, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out not later than fourteen calendar days before the expiration of the sixty-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than four calendar days before the expiration of the sixty-day period specified in section 5(b). In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such sixty-day period.

#### CONGRESSIONAL PRIORITY PROCEDURES FOR CONCURRENT RESOLUTION

SEC. 7. (a) Any concurrent resolution introduced pursuant to section 5(c) shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and one such concurrent resolution shall be reported out by such committee together with its recommendations within fifteen calendar days, unless such House shall otherwise determine by the yeas and nays.

(b) Any concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a concurrent resolution passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within

three calendar days, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a concurrent resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such concurrent resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement.

#### INTERPRETATION OF JOINT RESOLUTION

SEC. 8. (a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred—

(1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution.

(b) Nothing in this joint resolution shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this joint resolution and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

(c) For purposes of this joint resolution, the term "introduction of United States Armed Forces" includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or

(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

59 Stat. 1031.

"Introduction  
of United  
States Armed  
Forces."

#### SEPARABILITY CLAUSE

SEC. 9. If any provision of this joint resolution or the application thereof to any person or circumstance is held invalid, the remainder of the joint resolution and the application of such provision to any other person or circumstance shall not be affected thereby.

#### EFFECTIVE DATE

SEC. 10. This joint resolution shall take effect on the date of enactment.

CARL ALBERT

*Speaker of the House of Representatives.*

JAMES O. EASTLAND

*President of the Senate pro tempore*

IN THE HOUSE OF REPRESENTATIVES, U.S.,

*November 7, 1973*

The House of Representatives having proceeded to reconsider the resolution (H. J. Res. 542) entitled "Joint resolution concerning the war powers of Congress and the President", returned by the President of the United States with his objections, to the House of Representatives, in which it originated was

*Resolved*, That the said resolution pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

W. PAT JENNINGS

*Clerk*

I certify that this Joint Resolution originated in the House of Representatives.

W. PAT JENNINGS

*Clerk*

IN THE SENATE OF THE UNITED STATES

*November 7, 1973*

The Senate having proceeded to reconsider the joint resolution (H. J. Res. 542) entitled "Joint resolution concerning the war powers of Congress and the President", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

National Security Council  
The White House

1262

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System #

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5103

8 JUL 19 P 6:07

SEQUENCE TO

HAS SEEN

DISPOSITION

Paul Thompson

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Bob Kimmitt

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John Poindexter

Tom Shull

Wilma Hall

Bud McFarlane

Bob Kimmitt

NSC Secretariat

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D

Situation Room

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A

I = Information

A = Action

R = Retain

D = Dispatch

N = No further Action

cc: VP Meese Baker Deaver Other

COMMENTS

Should be seen by:

(Date/Time)

Sam: Good job. I have made some suggestions at Tab I. Please run at by Paul on Monday. If you and he agree, he can sign it out for me.

Thanks -

Bob

NSC/S PROFILE

UNCLASSIFIED

ID 8405103

RECEIVED 28 JUN 84 19

TO MCFARLANE

FROM PETERSON, R

DOCDATE 27 JUN 84

KEYWORDS WAR POWERS

LEGISLATIVE REFERRAL

SUBJECT: S-2670 RE WAR POWERS RESOLUTION

ACTION: MEMO KIMMITT TO PETERSON

DUE: <sup>19</sup>~~20~~ JUL 84 STATUS S FILES WH

FOR ACTION

FOR CONCURRENCE

FOR INFO

THOMPSON *ful*

LEHMAN, C

KIMMITT

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COMMENTS

REF#

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NSCIFID

( DW )

ACTION OFFICER (S)	ASSIGNED	ACTION REQUIRED	DUE	COPIES TO
<i>Kimmit</i>	<i>X 7/19</i>	<i>For Sig</i>		
<i>Thompson</i>	<i>JUL 20 1984</i>	<i>further action</i>		
<i>C 24</i>		<i>THOMPSON SGD MEND</i>		<i>PT CC</i>

DISPATCH

*27. 24*

W/ATTCH

FILE *with SAC*