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Office of the
Assistant Attorney General

Washington, D.C. 20530

MAR 23 1984

MEMORANDUM TO FRED F. FIELDING
COUNSEL TO THE PRESIDENT

Re: Increased Congressional Powers in the
Realm of United States Foreign Policy
Since the Vietnam War

You have asked us for a list of source materials giving examples of cases where Congress has acted after the Vietnam War to increase its powers in the realm of United States foreign policy. In the time available, we have compiled the following, nonexhaustive, list of sources:

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The following is a descriptive list of illustrative statutes, broken down into the subject-matter categories outlined by Senator Tower. */

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*/ We must note that the constitutionality of many of these statutes remains uncertain, because they attempt to assert congressional oversight over executive action in foreign policymaking through legislative veto devices of the type recently declared unconstitutional by the Supreme Court in Immigration and Naturalization Service v. Chadha, 103 S.Ct. 2764 (1983). For a more exhaustive treatment of these statutes, broken into subject matter area, see Office of Legal Counsel, Compilation of Currently Effective Statutes That Contain Legislative Veto Provisions (July 15, 1983).

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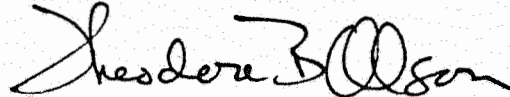
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I hope the above lists will be of use to you.



Theodore B. Olson
Assistant Attorney General
Office of Legal Counsel

cc: John G. Roberts, Jr. ✓
Associate Counsel to the President

RAH - fyi

THE WHITE HOUSE

WASHINGTON

March 23, 1984

JGR
You may wish to
peruse Bob Tamer's
latest tome. JGR has
a copy. RWS
3/26

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FROM: JOHN G. ROBERTS *JGR*

SUBJECT: OLC Memorandum on Increased Congressional
Involvement in Foreign Affairs

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22 U.S.C. § 2422 Hughes-Ryan Amendment Enacted 1974
 to the Foreign Assistance
 Act

Description: Provides that no funds appropriated under the authority of the Foreign Assistance Act may be expended by or on behalf of the Central Intelligence Agency for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that any such operation is important to U.S. national security and reports about the operation in a timely manner to the appropriate committees of Congress.

50 U.S.C. § 413 Intelligence Authorization Enacted 1980
 Act of Fiscal Year 1981

Description: Continues Hughes-Ryan Amendment's executive reporting requirement, but limits the reporting to the Senate and House Select Committees on Intelligence and provides that the Director of Central Intelligence must give those committees prior notice of "any significant anticipated intelligence activity." § 413(a)(1).

Pub. L. No. 94-212 Tunney Amendment to the Enacted 1975
 Defense Appropriations
 Act of 1976

Description: Prohibited use of funds appropriated in the Act for any activities involving Angola other than intelligence gathering.

22 U.S.C. § 2293 note Clark Amendment Enacted 1976
 to the Arms Export Amended 1980
 Control Act of 1976

Description: Prohibited any assistance of any kind to any group which has the effect or purpose of aiding military or paramilitary operations in Angola. Amended in 1980 to permit such assistance in the interests of United States national security if the President submits a written certification to the appropriate committees of Congress and Congress approves by a joint resolution.

Pub. L. No. 97-377 Boland Amendment Enacted 1982

Description: Bars the use of funds for any paramilitary activities designed to overthrow the Nicaraguan government.

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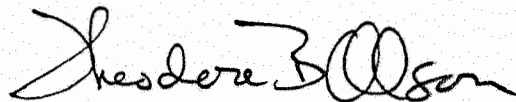
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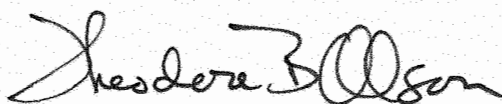
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