

118th CONGRESS, 2d Session

**AMENDMENT TO RULES COMMITTEE PRINT**

**118–44**

**OFFERED BY MR. MASSIE OF KENTUCKY**

Page 6, after line 17, insert the following:

1           (12) Article II, Section 2 of the United States  
2       Constitution provides that the President “shall have  
3       Power, by and with the Advice and Consent of the  
4       Senate, to make Treaties, provided two-thirds of the  
5       Senators present concur”.

6           (13) Alexander Hamilton writes in Federalist  
7       Paper #75 regarding the Treaty Making Powers of  
8       the Executive that “Its objects are CONTRACTS  
9       with foreign nations, which have the force of law,  
10      but derive it from the obligations of good faith. They  
11      are not rules prescribed by the sovereign to the sub-  
12      ject, but agreements between sovereign and sov-  
13      ereign. The power in question seems therefore to  
14      form a distinct department, and to belong, properly,  
15      neither to the legislative nor to the Executive. The  
16      qualities elsewhere detailed as indispensable in the  
17      management of foreign negotiations, point out the  
18      Executive as the most fit agent in those trans-

1       actions; while the vast importance of the trust, and  
2       the operation of treaties as laws, plead strongly for  
3       the participation of the whole or a portion of the leg-  
4       islative body in the office of making them”.

5           (14) If any provisions of a treaty are to have  
6       legal bearing on United States citizens those provi-  
7       sions must pass both the United States House of  
8       Representatives and the Senate and be presented to  
9       the President, as all Federal laws must.

10          (15) The United States Constitution establishes  
11       a clear framework for making treaties by the Execu-  
12       tive and with the advice and consent of the Senate.  
13       This process is indispensable for the Founders’ vi-  
14       sion of constitutional government.

15          (16) The United States House of Representa-  
16       tives does not vote for, ratify, affirm, or consent to  
17       treaties.

