I. Constitutional Provisions

- A. Congress:
  
  - Article I, § 8: “The Congress shall have Power . . .
    
    - “To regulate Commerce with foreign Nations . . .” clause 3.
    
    - “To establish an uniform Rule of Naturalization . . .” clause 4.
    
    - “To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations . . .” clause 10.
  
  - Article II, § 2:
    
    - No treaties without two-thirds of Senators present concurring
    
    - Requisite Senate consent to appointments of ambassadors, public Ministers and consuls, and other officers of the United States
  
  - Supremacy Clause, Article VI, § 2:
    
    - “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

- B. Executive
  
  - Article II, § 1: “The executive Power shall be vested in a President of the United States of America. . . .”
  
  - Article II, § 2:
    
    - The President “shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur . . .”
... and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls...

- Article II, § 3: “[H]e shall receive Ambassadors and other public Ministers . . .”

**II. Topics for Discussion**

- Vesting of “executive” power & historical practice

- International agreements
  - Treaties
  - Congressional-executive agreements
  - Sole executive agreements
  - Supremacy Clause—effect of international agreements on domestic law
  - Termination of agreements—Open Skies Treaty, NAFTA
  - Iran nuclear deal

- Ukraine

- Presidential role in diplomacy & receiving ambassadors

- Congressional regulation of foreign commerce

- Congressional regulation of immigration policy

- Sanctions, Visas, Foreign Aid—significant congressional authority under the Constitution, but Congress often delegates broad discretion to the President
  - IEEPA
    - Section 232 (Trade Expansion Act used to impose steel & aluminum tariffs)
    - Immigration & Nationality Act Section 212(f) proclamations