

Senate Unit Votes Limits on Presidential War Powers

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WASHINGTON, May 17—The Senate Foreign Relations Committee today approved by a vote of 15 to 0 legislation that would define and restrict war-making powers of the Presidency.

The legislation is identical to a bill that was approved by the Senate last year, but died in conference. It provides that in the absence of a declaration of war by Congress a President would be allowed to commit the armed forces to combat for only 30 days and only in emergencies such as repelling or forestalling an attack on the United States or its forces overseas.

However, as approved by the committee and sent to the Senate floor, the bill does not apply to "present hostilities" and so would not require a halt in the bombing of Cambodia.

House Version Looser

A House Foreign Affairs subcommittee earlier this month approved a bill somewhat less restrictive than the Senate legislation, but still embracing the principle that the President cannot continue hostilities without obtaining Congressional approval.

The subcommittee bill, which would allow the emergency use

of troops for 120 days without the specific approval of Congress, is expected to be approved by the full committee at a meeting on Tuesday.

With the Senate and the House moving in the same general direction, some legislation placing restrictions on the war powers of the Presidency appears likely to emerge from this session of Congress.

But it was regarded as doubtful that President Nixon would sign such legislation in view of his past position that the proposed Congressional restriction would encroach upon his constitutional powers as Commander in Chief.

Likely Bid to Override

Therefore, the real test of Congress's willingness to reassert its Constitutional power to make war is likely to come in an attempt to override a Presidential veto.

Indications of Congressional opinion building up against the President on the war-powers were issue the votes in the Foreign Relations Committee today of Senator Hugh Scott, the Republican leader, and Senator Robert P. Griffin, the Republican whip, for the war-powers bill sponsored by Senator Jacob K. Javits, Republican of New York.

Of all the committee members, only Senator J. W. Ful-

bright, the chairman, withheld his approval, voting "present," because he believed that the Javits bill was not restrictive enough.

The Javits bill, first introduced in 1970 in reaction to what was widely regarded in Congress as a "Presidential war" in Indochina, is designed to place Congressional restrictions on the President's authority to commit the armed forces in an era of undeclared wars.

The emergency uses of the armed forces provided by the legislation would include pro-

tection of American nationals being evacuated from a foreign country.

But in this and other emergency situations, the President would have to seek Congressional approval for any period longer than 30 days. One important and potentially controversial exception would be an instance in which the President certified that "unavoidable military necessity" required the continued use of the armed forces to protect their safety during disengagement from hostilities.