

## **Treaties and International Agreements**

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### **Introduction**

The United States often enters agreements with states. Two types of agreements are treaties and executive agreements. The United States Constitution Art. 2 § 2 dictates that **treaties** are international agreements that have received the advice and consent of two-thirds of the Senate and has been ratified by the President. There are two types of treaties. **Bilateral treaties** are agreements made by two countries. **Multilateral treaties** are agreements made by three or more countries. As Executive Chief of the United States, the President has the authority to create international agreements with other nations without Senate approval. These international agreements are called **executive agreements**.

### **Scope**

The goals of this pathfinder are to familiarize researchers with the treaty process, identify print and electronic sources containing the text of treaties and agreements, identify tools that update and check the status of a treaty, and help researchers locate legislative history on treaties.

### **Treaty Making Process**

Treaties are initiated at the executive level of government usually by the President or the Secretary of State. A representative for the United States is sent to negotiate the terms of the treaty with the representatives of other countries. Upon agreement of the terms, the representative submits the terms to the Secretary of State for approval. If the terms are accepted by the Secretary of State, then the representative will sign the treaty. The Secretary of State submits the treaty to the President for transmittal to the Senate.

Once the President receives the treaty, it is submitted to the Senate for approval. In the Senate, it is referred to the Senate Foreign Relations Committee for consideration. The committee considers the terms of the treaty and, upon approval, submits the treaty to the entire Senate for consideration. The Senate must approve the treaty with a 2/3 majority vote. The President ratifies the treaty and proclaims its entry into force.

### **Executive Agreement Process**

Executive Agreements follow much of the same process as treaties. They are initiated at the Executive level of government and are negotiated by a representative. Upon agreement of terms, the Secretary of State authorizes the negotiator to sign the agreement and the agreement will enter into force. Executive agreements do not go to the Senate for consideration and approval. However, the Senate does need to be notified by the Executive Branch within 60 days of signing the agreement [Case-Zablocki Act (1 U.S.C. §112b)].

## Finding Aids for Treaties (Indexes)

### *Treaties in Force (TIF)*

This is an annual publication that indexes treaties and international agreements in which the United States is a party that are currently in force as of January 1 of a given year. It is arranged into two sections, bilateral treaties and multilateral treaties. The bilateral section is arranged by country and within each country, broad subject headings. The multilateral section is arranged by subject.

Location: Law Government Documents Stacks S 9.14:  
Department of State website (PDF file) <http://www.state.gov/s/l/c8455.htm>  
[Hein Online](#) – (On-campus use. Remote access-ASU students & staff)  
[Lexis](#) – INTLAW;USTIF (Available to law students and law faculty only)  
[Westlaw](#) – USTIF (Available to law students and law faculty only)

### *A Guide to the United States Treaties in Force*

This set is used in conjunction with *Treaties in Force*. This annual publication provides additional access points for locating treaties. Treaties are indexed numerically, by country, by subject and chronologically.

Igor Kavass, the compiler of this index, assigns newly ratified treaties a “KAV” number. The text of these treaties is available on [Hein Online](#). When the treaty is later assigned a TIAS number, the official numbering by the State Department, the KAV number is replaced with the TIAS number. The index contains tables that cross reference KAV and TIAS numbers.

Location: Law Government Documents Stacks S 9.14A  
[Hein Online](#) - (On-campus use. Remote access-ASU students & staff)

### *United States Treaty Index 1776- & Current Treaty Index*

*United States Treaty Index* indexes treaties that are currently in force and those not in force. Treaties are indexed numerically, geographically, by subject, by country, and chronologically. It is kept current by *Current Treaty Index*

Entries for the above indexes contain the following:

- Brief summary of the content of the treaty
- Signature date
- Date the treaty entered into force
- Citations to where the full-text of treaty can be located
- Amendments and their citations

Location: Law Government Documents Stacks S 9.12/2A:  
[Hein Online](#) - (On-campus use. Remote access-ASU students & staff)

## Full-text Treaty Sources

### Pre-1950 Treaties

#### *Statutes at Large* (STAT)

This is the official source when citing treaties prior to 1950. Volumes 7 and 8 contain treaties from 1778-1845. After 1845, the text of the treaties are in parts 2 and 3 of each sessional volume. Volume 64 Part 3 contains a cumulative list of treaties contained in the *Statutes at Large*. They are indexed by country and by subject.

Location: Law Core KF 50 .U5  
[Hein Online](#) (v.8 only) (On-campus use. Remote access-ASU students & staff)

#### *Treaties and Other International Agreements of the United States of America, 1776-1949* (BEVANS)

More commonly referred to by its compiler's name, Bevans is an unofficial source for treaties ratified before 1950. This is a 13-volume set that compiles all of the treaties that appear in the *Statutes at Large*. Volumes 1-4 contain multilateral treaties and volumes 5-12 contain bilateral treaties arranged alphabetically by country. Volume 13 contains the index to the set.

Location: Law Government Documents Stacks S 9.12.2/3:  
[Hein Online](#) (On-campus use. Remote access-ASU students & staff)

### Post-1950 Treaties

Beginning January 1, 1950, treaties were no longer published in the *Statutes at Large*. Rather, a new set was created called *United States Treaties and Other International Agreements* (UST)

#### *United States Treaties and Other International Agreements* (UST)

This is the official source for treaties ratified after 1950. Bound volumes are issued annually containing the text of the treaty in all of the signatories' language and lists the important dates during the ratification process. This set is about 14 years behind schedule.

Location: Law Government Documents Stacks S 9.12:  
[Hein Online](#) (On-campus use. Remote access-ASU students & staff)

#### *Treaties and Other International Acts Series* (TIAS)

Prior to a treaty's appearance in UST, they are issued as a slip treaty and receive a unique TIAS number. This is the first official publication of a treaty. This series is about 5 years behind schedule.

Location: Law Government Documents Stacks S 9.10:  
[Hein Online](#) (On-campus use. Remote access-ASU students & staff)

### *KAV Agreements*

This source is used to locate unpublished treaties and international agreements. KAV numbers, which are assigned by Igor I. Kavass, are a unique numbering system to assist in identifying those agreements that have been entered into force but have not yet been published in UST or TIAS. Until a treaty is assigned a TIAS number by the State Department, KAV numbers are used to identify treaties and international agreements.

Location: [Hein Online](#) (On-campus use. Remote access-ASU students & staff)

### *United Nations Treaty Series (UNTS)*

UNTS is a collection of treaties and international agreements that have been registered with the United Nations and published by the Secretariat since 1946. UNTS includes the texts of treaties in their authentic language(s), along with translations into English and French, as appropriate.

Location: Law Foreign Collection and Law Microfiche KZ172 .T74  
[UN Treaty Database](#) (See Reference Librarian for Username and Password)

### WESTLAW and LEXIS

[Westlaw](#): USTREATIES. (Available to law students and law faculty only)

Westlaw has complete full-text coverage of international and Native American treaties and agreements to which the United States is a party from 1778 to present. Besides treaties, it also includes State Department Documents and Treaty documents. Coverage includes:

- Statutes at Large – v.8 (1778) – v.64 (1949)
- US Treaties and Other International Agreements (U.S.T.) v.1 (1949) – v.35 pt.IV(1984) TIAS 10978
- Treaties and Other International Agreements – (1985) TIAS 10979 –
- Senate Treaty Documents – 103<sup>rd</sup> Congress (1993) –
- State Department Documents – State Dept. No. 90-1 (1990) –
- Native American Treaties – v.7 Statutes at Large (1797)
- Case-Zablocki Act – 1990 -

[Lexis](#): INTLAW; USTRTY (Available to law students and law faculty only)

Treaty coverage on Lexis-Nexis is from 1776 to the present. It contains the text of ratified treaties and unratified treaties from the following sources:

- Slip Documents: Treaties and international agreements released by the US Department of State, but not yet printed in TIAS.
- Treaties and Other International Acts Series (T.I.A.S) from 1985
- US Treaties and Other International Agreements (U.S.T.) 1949-
- Bevan's Treaties and Other International Agreements 1776

This database also includes terminated, superseded, or abolished treaties that are useful for historical research.

## Updating and Checking the Status of Treaties

It may be necessary to see where the treaty is in the ratification process or to see if a treaty has been amended or revised. The sources listed below provide this information.

### *Thomas Website*

The Thomas website allows researchers to check the status of a treaty from 94<sup>th</sup> Congress (1975)-present. Older treaties are included if they were pending in 1975. Searches can be done by Congress, Treaty Document Number, Keyword, Type of Treaty (subject matter) and date of transmittal to Senate. Each record contains Treaty number, transmission date, date entered into force (if applicable), Short Title, Subject Type, Countries involved, TIAS number, Popular Title, Formal Title, Related Documents and Legislative Actions. The text of treaties as submitted to the Senate is available from the 104<sup>th</sup> Congress forward.

Location: Online <http://thomas.loc.gov/home/treaties/treaties.htm#text>

### *CCH Congressional Index*

The Senate volume of this set contains a section on treaties that are referred to the Senate. This is updated weekly and is a useful tool to track the progress of a treaty. An index is located at the front of the section and is followed by a list of treaties that are arranged chronologically by Congressional session. Each entry contains a summary of the treaty and lists the action that it has received to date including references to executive reports and treaty documents. This source is for treaty research only. Since executive agreements are not approved by the Senate, they are not listed here.

Location: Law Reserve KF49 .C6 Current two years  
Law Core KF49 .C6 1965/1966, 1969/1970-

### *Senate Website*

This website has four sections. The first section, *Treaties Received*, lists treaties that were transmitted from the President to the Senate during the current Congress. The second section, *Treaties Approved*, lists treaties that were approved by the Senate during the current congressional session. *Treaty Actions* lists treaties that have had Senate floor status action during the Current Congress. The list contains the date of the action and a brief description of what occurred. *Treaties on the Executive Calendar*, the last section, lists treaties that were reported out of the Committee on Foreign Relations and are ready to be debated in the Senate. This site is for treaty research only. Since executive agreements are not approved by the Senate, they are not listed here.

Location: Online [http://www.senate.gov/pagelayout/legislative/d\\_three\\_sections\\_with\\_teasers/treaties.htm](http://www.senate.gov/pagelayout/legislative/d_three_sections_with_teasers/treaties.htm)

### *State Department Treaty Actions*

This website lists actions taken by the State Department in regard to treaties and international agreements. It includes actions from 1997. Bilateral treaties are listed first and are arranged by country. Multilateral treaties, which are listed by subject, follow. This site can be used to track treaties and executive agreements.

Location: Online <http://www.state.gov/s/l/c3428.htm>

### *Shepards United States Citations: Statutes*

Shepards can be used to locate statutes that may affect treaties and court decisions that cite to a treaty. It also lists treaties that amend earlier treaties. *Shepards United States Citations* only cites federal cases. It would be necessary to consult each state's *Shepards* to get a list of state opinions that have cited a treaty. For treaties appearing in UST, search by volume number and page number. For treaties appearing in the *Statutes at Large*, search by year, then volume and page number. (Note: search the "United States Statutes at Large (not in the US Code) section). If you use Shepards online, simply type the citation into the search box.

Location: Law Indexes and Citators KF 101.2 .S53 1996  
Shepards Online– Available at the law library only.

## **Locating Background Information about Treaties (Legislative History)**

Treaties are often ambiguous and interpretations may differ among groups. There are sources available to help clarify what the intent is. Similar to statutes, researchers can do a legislative history on a treaty. Below is a list of sources that can be consulted.

### *Senate Treaty Documents*

Senate treaty documents contain the text of the **proposed** treaty, a statement from the President and Secretary of State, and other supporting documentation. Prior to 1979, these documents were called Senate Executive Documents.

Location: *CIS [microform]*

- Law Government Documents Microforms Cabinet 6 1986 – 2003 - . Indexes located on South Wall of Microform Room
- Hayden Doc Reference KF49 .C612X FICHE 1970-present

*CIS Index to US Senate Executive Documents & Reports 1817-1969*

- **Index** – Law Government Documents. Reference KF42.2 .A551 1987
- **Text** –Law Government Documents Microforms KF42.2 .A55 1987 Cabinet 13

GPO Access <http://www.gpoaccess.gov/serialset/cdocuments/index.html> From 104<sup>th</sup> Congress

[Westlaw](#) USTREATIES From 103<sup>rd</sup> Congress (1993) (available to law students and law faculty only)

[Lexis](#) INTLAW; USTRTY 1981-present (available to law students and law faculty only)

### *Senate Executive Reports*

After the Foreign Relations Committee has studied and held hearings on a treaty, they issue a Senate Executive Report. This is the most important document when conducting a legislative history because it contains the Committee's analysis and recommendations for the proposed treaty. The document also contains the text of the treaty and any amendments or reservations that the committee has recommended.

Location: *United States Congressional Serial Set* –

- Law Government Documents Stacks Y 1.1/2: (1969-present)
- Hayden U.S. Documents Y 1.1/2: (1789-1969)

- [Congressional Universe](#) 1789-1969 (On-campus use. Remote access-ASU students & staff)

*CIS [microform]* Law Library Government Documents Microforms Cabinet 6 1986-2001  
*CIS Index to US Senate Executive Documents & Reports 1817-1969*

- **Index** – Law Government Documents. Reference KF42.2 .A551 1987
  - **Text** – Law Government Documents Microforms KF42.2 .A55 1987 Cabinet 13
- GPO Access* <http://www.gpoaccess.gov/serialset/creports/index.html> From 104<sup>th</sup> Congress

### *Congressional Record*

After the Senate Foreign Relations Committee reports on the treaty, the treaty goes to the Senate for debate and an approval vote. The Congressional Record will contain the Senate proceedings of the debate and may contain the text of the proposed treaty. If an amendment or reservation is recommended during the debate, the text of the change is likely to appear.

Location: Law Historical 3<sup>rd</sup> Floor KF35 .C6 1873-1969  
 Law Government Documents Stacks and Microform X 1.1: 1970-Present  
 GPO Access <http://www.gpoaccess.gov/crecord/index.html> 1994-present  
[Congressional Universe](#) 1985-present (On-campus use. Remote access-ASU students & staff)  
[Westlaw](#) CR 1985-present (available to law students and law faculty only)  
[Lexis](#) GENFED; RECORD 1985-present (available to law students and law faculty only)

## Subject Specific Treaties

### Tax Treaties

#### *Tax Treaties Reporter*

This reporter contains the text of income and estate and gift tax treaties between the United States and other countries. This set contains official explanations of treaties and new developments on treaties already in existence and waiting to be ratified.

Location: CCH Tax Research Network (On-campus use. Remote access-ASU students & staff)

#### *IRS Website*

This website contains the text of selected income tax treaties.

Location: Online <http://www.irs.gov/businesses/international/article/0,,id=96739,00.html>

### Extradition Treaties

#### *Extradition Law and Treaties* compiled by Igor Kavass

This four volume set contains extradition treaties in force between the United States and other countries. Treaties are arranged by the country.

Location: Law Treatises K5443 .A2 U683 1980

## **Indian Treaties**

*Indian Affairs: Law and Treaties* edited by Charles K. Kappler

Volume 2 of this set compiles treaties between the United States and Indian Nations. There is an index at the end of the volume and the text of the treaties appears as they would in the *Statutes at Large*.

Location:      Law Indian Law              KF8203 1904  
                  Law Government Documents Stacks      Y4. IN2/2:L 44  
Online:            <http://digital.library.okstate.edu/kappler/>  
                  [Hein Online](#) (On-campus use. Remote access-ASU students & staff)

## **Unperfected Treaties**

*Unperfected Treaties of the United States of America 1776-1976*

This nine volume set contains treaties that the United States signed but never entered into force. It includes over 400 unperfected treaty. This source contains the text of the treaty and a paragraph explaining why it never went into force.

Location:      Law Government Documents Stacks      S 9.12/2b