U.S. Treaty Research

Definition
According to Article 1(a) of the Vienna Convention on the Law of Treaties, a treaty is:

*an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.*

What's in a name?
Treaties can go by lots of different names, such as: pacts, agreements, conventions, statutes, accords, charters, and final acts.

But legally there's no difference.

Two or many?
Some treaties are bilateral... between just two countries.
Others are multilateral... between many countries.

There's a treaty on (almost) everything
Treaties, like international law in general, affect many aspects of our lives. For instance, there are treaties to guarantee that the mail gets delivered and to protect wildlife.

Bilateral Treaties to which the U.S. is a Party

Under U.S. law there is a distinction between the terms “treaty” and “executive agreement.”

- The term “treaty” is reserved for an agreement that is made by and with the advice and consent of the Senate.
- Agreements not submitted to the Senate are known as executive agreements.
- There are different resources used to find treaties and executive agreements so it helps to know whether you are researching a treaty or an executive agreement. Often, executive agreements will be referred to as treaties so this can be confusing. The key thing to remember is that if you’re seeking a “treaty” and you don’t find it in the usual places, remember that you may need to look for it among executive agreements.

Treaties under U.S. Law

Some background:
All treaties under U.S. law are created through the following process:

- First, the Secretary of State authorizes negotiation.
- Next, the U.S. representatives negotiate.
- They agree on terms, and upon authorization of the Secretary of State, sign the treaty.
- Then the Senate Foreign Relations Committee considers the treaty and reports to the Senate.
- The Senate considers and approves the treaty by a 2/3 majority.
Finally, the President proclaims the entry into force of the treaty.

**Now how to find a treaty....**

How do you find out if a U.S. bilateral treaty exists? What if it’s an older treaty that’s not on the Internet? And how do you get a citation?

The best place to start is *Treaties in Force*, an annual indexing publication that lists and very briefly summarizes all U.S. treaties and agreements still in force. Treaties in Force is available online through the Department of State. The most current edition available is 2013 but there is a 2014/2015 supplement.

**Research problem: finding a U.S. bilateral treaty**

What if you were asked to find a bilateral treaty between the U.S. and Romania on agriculture?

**First have a look in Treaties in Force**

Research Tip: *Treaties in Force* is an index—a tool you use to find treaty citations, not the full text. Another useful treaty index is *United States Treaty Index*.

Bilateral treaties are listed first in *Treaties in Force*, followed by multilateral treaties.

Let's have a closer look at the citations that can be provided for treaties in the Treaties in Force:

- **U.S.T.** = United States Treaties and Other International Agreements (which is no longer being published)
- **T.I.A.S.** = Treaties and Other International Acts Series (which is available online)
- **U.N.T.S.** = United Nations Treaty Series (which is also available online)

In *Treaties in Force*, bilateral treaties are organized alphabetically by country, whereas multilateral treaties are arranged by topic.

From *Treaties in Force*, you found three citations for the treaty. Now you can look up the actual text of the treaty in either the U.S.T., T.I.A.S., or U.N.T.S.

You should also check the supplement, which updates the 2013 edition. As you can see here, the supplement contains no new agricultural treaty with Romania since 2013.

**Follow up using T.I.F. with looking at T.I.A.S.**

In order to ensure that you have the most up-to-date information, please use the State Department’s T.I.A.S. listings, which are available online, and will provide you with the most current information on treaties. You can access T.I.A.S. on the State Department’s website. While using T.I.F. may be easier due to its indices, T.I.A.S. will ensure that you have the most recent information regarding treaties – the information in T.I.A.S. is more current than in any other resource including commercial databases like Hein Online. You should also check the T.I.A.S. entries for every year since the main volume of T.I.F., as the supplement has had a few omissions.
Official sources for U.S. treaties in full-text
Once you have the citation, you need to get the text of the treaty.

In addition to the U.S.T. (covering 1950 – 1983/84 in our collection), there are several other official sources for the full-text of U.S. treaties:

- *Treaties and Other International Agreements of the United States*, covering 1776-1949 (often cited to as Bevans) is available in two electronic databases and in print.
- The *Statutes at Large* (covering 1776-1950) (cited to as Stat.) (even though publication of this set did not start until later, it contains treaties back to the founding of the country)
- *Treaties and Other International Acts Series* (the print covers 1946-the present, online only goes back to 1996) (cited to as T.I.A.S.) This series is the first official publication of new treaties and agreements (also called slip treaties).

And there are some unofficial sources for U.S. treaties
Since the official sources are so slow to be published, most researchers rely on unofficial sources:

- *Hein’s United States Treaties and Other International Agreements Current Service* (1990-present)
- *Consolidated Treaties and International Agreements* (1990-present) (often cited to as CTIA)
- Lexis Advance and WestlawNext both have databases for U.S. treaties
- Organizational websites for the topic of the treaty (such as the World Health Organization). Note that depending on the organization, you may be able to access an official version of the treaty you are seeking.
- Topical websites are also a source for treaties. Examples of these include Refworld and EcoLex

Now let’s look at Executive Agreements under U.S. Law

Some background first
All executive agreements under U.S. law are created through this basic process:

- First, the Secretary of State authorizes negotiations.
- Next, U.S. representatives negotiate.
- They agree upon terms, and upon authorization of the Secretary of State, sign the agreement.
- Then the agreement enters into force.
- Finally, the President transmits the agreement to Congress.

Let’s compare
A *treaty* is an international agreement that has received the Senate's advice and consent in a 2/3 majority vote. It's been ratified by the President.

An *executive agreement* is an international agreement entered into by the President that doesn't require the advice and consent of the Senate.

Official full-text sources for executive agreements

- United States Statutes at Large (1789 - 1950)
- Executive Agreement Series (1929 - 1946)
- Treaties and Other International Acts Series (TIAS) (1946 - present)
Some unofficial sources for executive agreements
You can also find the text of executive agreements in a number of unofficial print and electronic sources. Some of the most common are:

- *Consolidated Treaties and International Agreements (C.T.I.A.*) (1990 – present, though we have only received issues through 2011) (this is available online as Oxford Historical Treaties).
- *International Legal Materials (I.L.M.*) (available through WestlawNext, Lexis Advance, and in print)
- U.S. State Department website
- U.S. Trade Representative's online trade agreements library
- Lexis Advance and WestlawNext (both have US Treaties databases)
- Online topical collections of agreements, such as the U.N.’s extradition and judicial assistance agreements or various trade agreement collections.

Finding tools
Frequently, you will find out about the existence of an executive agreement through reading secondary sources or other materials. When this happens, you can turn to one of the official or unofficial sources to locate the text of the agreement.

But sometimes you just need to find out if an agreement exists at all, and you don't have any extra information.

In these cases, you might check some of the following finding tools:

- *Treaties in Force (T.I.F.*)*. Despite the name, it lists executive agreements, too.
- *A Guide to U.S. Treaties in Force*. This is often used together with T.I.F. (though we cancelled this as of 2013) (you will sometimes hear this referred to as Kavass).
- *United States Treaty Index: 1776 – 1990*

U.S. Sources for Treaty History
If you're looking for the history of a treaty to which the U.S. is a party, you can use a number of the traditional legislative history tools. You'll be looking for government documents such as hearings, reports and committee prints. Some of the most important are:

- *Senate Treaty Documents & Senate Executive Reports* (these are only available for treaties, not agreements)

Unlike legislation, treaties can be held over from year to year in the Senate. Use the Senate volume of the CCH Congressional Index to determine the status of treaties pending before the Senate.

Consult Wolff’s International Reference Librarians for further assistance in treaty research.