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The Authority for U.S. Participation in the Paris Climate Agreement

By Gwynne Taraska and Ben Bovarnick July 2015

Center for American Progress



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Introduction and summary

In December 2015, the parties to the U.N. Framework Convention on Climate Change, or UNFCCC, will meet in Paris to strike a new international agreement that aims to limit climate change. A central aspect of the agreement will be a set of national goals—from both developed and developing countries—to reduce greenhouse gas emissions. Many major emitters, including the United States, China, the European Union, and Mexico, have already announced their intended goals.¹ The United States, for example, aims to reduce emissions 26 percent to 28 percent below 2005 levels by 2025.²

There has been considerable discussion, however, about whether the United States will be able to become a party to the agreement, given the conspicuous opposition of some members of the U.S. Senate to addressing climate change. This report aims to shed light on this discussion by explaining the types of international agreements in the United States and the possible nature of the forthcoming climate agreement.

In the United States, there are two categories of agreements that are binding under international law: treaties, which require the formal consent of a two-thirds majority of the Senate, and executive agreements, which the president can be authorized to conclude on a variety of grounds. These grounds may include the consent of the Senate to a prior treaty to which the agreement is pursuant, the enactment by Congress of a statute to which the agreement is pursuant, or the president's independent constitutional authorities.

Despite popular understanding, executive agreements are a well-established means of entering international agreements and account for the overwhelming majority—94 percent—of international agreements in the United States in the modern era.³ They are also on par with treaties in force and weight under international law, as both can create international legal obligations for the United States.⁴ The Appendix to this report—which presents a memorandum from the Congressional Research Service on the 182 multilateral executive agreements

entered by the United States from 1985 through 2014—illustrates that executive agreements have been used in almost all areas of international law, in matters of both great and minor significance, and throughout both Republican and Democratic administrations and congresses.

The general topic of the Paris agreement and its level of importance, therefore, do not predetermine that it will qualify as a treaty rather than an executive agreement. Instead, the content and context of the agreement must be considered. To this point, U.S. Special Envoy for Climate Change Todd Stern has said:

We will submit to Congress any kind of agreement that requires that kind of submission. Some agreements do and some agreements don't. So it's going to depend entirely on how this agreement is written, how it's framed, what is or isn't legally binding, and so forth.⁵

The Paris agreement is still under negotiation. It is becoming increasingly clear, however, that the final agreement could lack the features—such as legally binding national emissions reduction targets or legally binding national targets for providing financial assistance—that would suggest the need for formal congressional consent.⁶ It is therefore possible that the Paris agreement will qualify as an executive agreement. If so, U.S. participation would be based on the authority granted by the Senate when it approved the original UNFCCC treaty in 1992, as well as the president's constitutional foreign affairs power. The fact that the agreement would be consistent with existing U.S. laws, such as the Clean Air Act, and could be implemented without new legislation would supplement these authorities.⁷

Meanings of 'treaty'

In general conversation and outside the United States, "treaty" is often used to refer to any written international agreement that is governed by international law.⁸ In a narrower, U.S.-specific sense, it refers to an international agreement—governed by international law—that is approved pursuant to Article II of the Constitution, requiring the consent of at least two-thirds of the Senate.⁹ This report uses "treaty" in the U.S.-specific sense. Binding international agreements in the United States that are not treaties are called "executive agreements." President George Washington concluded the first executive agreements during his tenure, and U.S. courts have upheld their constitutionality.¹⁰

Background on the UNFCCC and the Paris agreement

In 1992, the George H.W. Bush administration submitted the U.N. Framework Convention on Climate Change to the Senate for its consent to U.S. ratification. It was approved and entered into force in 1994.¹¹ Since then, the parties to the treaty have aimed to stabilize greenhouse gas levels in order to avoid dangerous climate change and have aimed to build global resilience to the climate change that is now unavoidable.

In 2011, the parties began the process of developing a new international climate agreement to be adopted in December of this year in Paris and to take effect no later than 2020.¹² The agreement is intended to be more effective than previous efforts of the parties, including both the Kyoto Protocol of 1997 and the Copenhagen Accord of 2009. The Kyoto Protocol, a legally binding agreement with national targets that were internationally negotiated, required emissions reductions from only developed countries and lacked—or lost—the participation of several major economies, including the United States, which never sought to ratify it. As a consequence, the Kyoto Protocol now covers only a fraction of global emissions. The Copenhagen Accord, a political agreement with nationally determined goals, had insufficient collective ambition to rein in global warming.¹³

In contrast to the Kyoto Protocol, the Paris agreement will require action from both developed and developing countries, will have nationally determined goals to mitigate greenhouse gas emissions, and is expected to elicit broad participation. In contrast to the Copenhagen Accord, the agreement is to have force under international law and is expected to elicit more adequate mitigation efforts, especially over successive 5- or 10-year cycles that give countries the opportunity to improve their national goals.¹⁴ It is possible that the Paris agreement will become the first climate agreement that successfully limits carbon pollution.

The fact that the Paris agreement will be governed by international law does not imply that the associated national goals—called “nationally determined contributions”—also will be legally binding. It is possible for the core agreement to be binding while the associated national goals remain political commitments. The parties to the UNFCCC continue to negotiate the legal status of the nationally determined contributions. Although the European Union has proposed legally binding national mitigation targets, other parties may be coalescing around an agreement in which there are binding procedural obligations—such as obligations to submit national goals and to report on progress—but in which the national goals have political, not legal force.¹⁵

Categories of international agreements in the United States

Treaties, executive agreements, and the authorities that underlie them

In the United States, there are two categories of bilateral or multilateral agreements that are internationally binding: treaties and executive agreements. The president submits treaties to the Senate, where they require approval by a two-thirds majority, as outlined in Article II of the U.S. Constitution.¹⁶

Executive agreements, which carry the legal force and weight of treaties under international law, have a variety of authorities that can underlie them:

- The president can conclude an executive agreement that is pursuant to a prior treaty. Such agreements are sometimes referred to as “treaty-executive agreements.” Executive agreements made pursuant to treaty obligations are well entrenched in U.S. practice and law. In *Wilson v. Girard*, for example, the U.S. Supreme Court determined that the Senate’s approval of a treaty provided authorization for a subsequent agreement.¹⁷
- The president can conclude an executive agreement using authority delegated by Congress through the previous enactment of a statute that approved such an agreement.¹⁸ Executive agreements that are sanctioned by prior statutes are referred to as “ex ante congressional-executive agreements.”
- The president can negotiate an agreement and subsequently submit it to both the Senate and House for approval through the adoption of a statute.¹⁹ This is in contrast to treaties, which are submitted only to the Senate for approval by a supermajority. Such agreements are referred to as “ex post congressional-executive agreements.”
- The president can conclude an executive agreement based on the president’s inherent foreign affairs power or other independent constitutional authorities. These include, for example, the president’s authority as commander in chief and

the authority to “take care that the laws be faithfully executed.”²⁰ Agreements authorized only in this way are sometimes called “sole executive agreements.” Sole executive agreements may be strengthened if they are consistent with U.S. law and can be implemented without new legislation.²¹

This categorization is not meant to imply that the possible authorities to enter an agreement are always mutually exclusive. It is possible, for example, for a prior treaty, a statute, and the president’s foreign affairs power to simultaneously provide authorization.

Although most forms of international agreement involve a measure of congressional approval, only treaties and ex post congressional-executive agreements involve formal congressional approval after the agreement has been negotiated.

Self-executing and non-self-executing agreements

The authority to enter an agreement and create an international legal obligation for the United States does not necessarily imply the authority to implement the agreement—that is, the means to meet and enforce the agreement under domestic law.

Some international agreements—both treaties and executive agreements—are “self-executing,” which means that U.S. courts can directly enforce them.²² Most treaties and executive agreements, however, are not self-executing; instead, they rely on what is known as “implementing legislation” for domestic legal effect.²³ Under international law, an agreement carries the responsibility to create the domestic means of implementation if they do not already exist.²⁴

Prevalence of executive agreements

Executive agreements are not only common but also account for an overwhelming majority of international agreements. From 1939 to 2013, the United States entered approximately 94 percent of its international agreements as executive agreements and only 6 percent as treaties: There were 17,300 executive agreements, compared with 1,100 treaties.²⁵ From 1980 to 2000, there were more than 3,000 executive agreements and only 375 treaties.²⁶ An empirical study of executive agreements finds that approximately 80 percent of executive agreements between 1990 and 2000 were congressional-executive agreements. The majority of these were *ex ante*, that is, they were concluded according to the authority previously delegated by Congress in a statute.

Executive agreements also account for the majority of multilateral agreements, although multilateral agreements are more likely than bilateral agreements to be treaties.²⁷ The Appendix to this report—which presents a memorandum from the Congressional Research Service to Rep. Earl Blumenauer (D-OR)—shows 182 recorded multilateral executive agreements entered from 1985 through 2014 on subjects including atomic energy, aviation, environment, pollution, defense, forestry, migration, and arms limitation, among others.

The United States entered approximately 94 percent of its legally binding international agreements as executive agreements and only 6 percent as treaties from 1939 to 2013.

Considerations in choosing a path

In some cases, it may be relatively clear how the executive branch should pursue a potential international agreement. The agreement may, for example, fall under legislation that authorizes it, such as the 1954 Atomic Energy Act, which has sanctioned executive agreements on nuclear research, safety, and waste management.²⁸ Alternatively, the agreement may fall within the purview of a prior treaty, such as the Convention on International Civil Aviation, which has sanctioned several executive agreements on air safety and transport.²⁹

In other cases, it may be less clear whether an emerging international agreement will be an executive agreement or a treaty. Despite popular understanding, importance does not necessitate that an agreement be a treaty rather than an executive agreement. Many truly significant international agreements are executive agreements: examples include the General Agreement on Tariffs and Trade; the North American Free Trade Agreement; the World Trade Organization; the Bretton Woods Agreement; the Algiers Accords; the Paris Peace Accords; the Yalta Agreement; and the Convention on Long-range Transboundary Air Pollution, or LRTAP, among many others.³⁰ Several notable executive agreements are highlighted throughout this section.

Convention on Long-range Transboundary Air Pollution and subsequent agreements

LRTAP, signed in 1979 during the Carter administration, “was the first international legally binding instrument to deal with problems of air pollution on a broad regional basis.”³¹ The United States entered LRTAP—and several subsequent protocols signed during the Reagan and Clinton administrations—as executive agreements.³² The agreements committed the United States to help finance monitoring and evaluation of pollutants; control emissions of nitrogen oxides; control heavy metals pollution; and support abatement of acidification, eutrophication, and ground-level ozone. U.S. acceptance of these protocols did not require new legislation or modification of U.S. laws.³³

Neither does subject matter necessitate that an agreement be a treaty rather than an executive agreement. The United States has entered executive agreements in almost all areas of international law.³⁴ There are, however, some patterns in practice, although these patterns may be rooted more in tradition than reason.³⁵ From 1980 to 2000, for example, agreements on human rights and extradition were pursued only as treaties, whereas agreements on defense, atomic energy, and economic cooperation tended to be pursued as executive agreements.³⁶

Environmental agreements during this time typically were pursued as either treaties or agreements pursuant to treaties: There were 8 treaties and more than 30 executive agreements, many of which were treaty-executive agreements, over the 1980–2000 span.³⁷ There are, however, several important examples of executive agreements on environmental topics that were not pursuant to prior treaties, including LRTAP and its protocols and the North American Agreement on Environmental Cooperation.³⁸ The Minamata Convention on Mercury is another recent case.

Minamata Convention on Mercury

In 2013, the United States became the first country to join the Minamata Convention on Mercury, a multilateral agreement to combat mercury pollution.³⁹ Regulation of mercury under the convention requires control of mercury emissions through “best available techniques (BAT) and best environmental practices (BEP),” while preserving flexibility of individual countries to comply with the agreement through “nationally appropriate mechanisms.”⁴⁰ The convention has 128 signatories and has been ratified by 12 countries to date.⁴¹ The United States concluded the convention as an executive agreement. The State Department noted that it could be implemented “under existing legislative and regulatory authority.”⁴²

It is noteworthy that an empirical study of international agreements finds that the data do not support the theory that presidents are likely to use executive agreements to circumvent an antagonistic Senate.⁴³ The Appendix to this report, which sorts multilateral agreements by president and the majority party in the House and Senate, confirms that executive agreements are common regardless of the configurations of the parties in the executive and legislative branches.

Convention on International Civil Aviation and subsequent agreements

The Convention on International Civil Aviation established international rules for air travel and the International Civil Aviation Organization, or ICAO, which is the agency tasked with regulating international air travel.⁴⁴ The United States entered the convention as a treaty in 1946. Since then, the United States has participated in several executive agreements pursuant to its treaty obligations, such as an agreement to ban smoking on international flights, signed under President Bill Clinton, and an agreement on the liberalization of international air transportation, signed under President George W. Bush.⁴⁵

Space treaties and subsequent agreements

The 1998 Agreement Concerning Cooperation on the Civil International Space Station, or ISS, set forth commitments by the United States and partner countries to design, develop, and operate the ISS. The 1988 International Cospas-Sarsat Programme Agreement established cooperation on a satellite-based distress alert system to aid search and rescue operations.⁴⁶ The United States entered both agreements as executive agreements pursuant to four prior treaties concerning international activity in outer space.⁴⁷ The agreements did not require new implementing legislation.

The case of Paris

Some have argued that acts such as the Clean Air Act, the National Environmental Policy Act, and the Clean Water Act give the president sufficient authority to conclude an agreement with legally binding national emissions reduction targets as an *ex ante* congressional-executive agreement.⁴⁸ This position, however, is controversial. An agreement with national emissions reduction targets that are binding under international law would suggest the need for formal congressional consent after the agreement has been negotiated, as would an agreement with national targets for providing climate finance that are binding under international law.⁴⁹

As the contours of the Paris agreement come into focus, however, it is becoming clear that the agreement may not include national emissions reduction targets or finance targets that have legal force. Instead, the agreement may include legally binding procedural obligations—such as obligations for the parties to submit national emissions reduction goals and to report on progress—but the national goals themselves may be only politically binding.

Such an agreement would qualify as an executive agreement, and the United States could become a party to it on several grounds. First, the U.N. Framework Convention on Climate Change, approved by the Senate in 1992, would lend authorization as a parent treaty. Framework conventions as a class are understood to produce more specific agreements that advance their missions over time.⁵⁰ The Paris agreement would advance the purpose of the UNFCCC, the primary goal of which is to stabilize greenhouse gas levels in order to avoid dangerous climate change.⁵¹ Further, the United States already pledged to make emissions mitigation efforts and to report on progress when it ratified the UNFCCC.⁵²

Again, the president's authority to enter agreements that are within the purview of a preceding treaty is established. According to political scholars Glen Krutz and Jeffrey Peake, "Executive agreements pursuant to U.S. treaty obligations are rarely controversial and are generally considered well within the domain of the executive

as chief diplomat.”⁵³ It is worth noting that the Senate, during the hearing on the original treaty, expressed its preference only that further agreements with legally binding national targets should come back before it for formal consent.⁵⁴

The president’s constitutional foreign affairs power would also lend authorization for U.S. participation in the Paris agreement and would be strengthened by statutory support: The agreement would be consistent with current U.S. laws, and implementing legislation would not need to be created.⁵⁵ Instead, the agreement would be domestically grounded through the same statutes that implemented—and continue to implement—the original UNFCCC treaty. These include the Clean Air Act, which requires the regulation of air pollution—including greenhouse gas emissions—and the Energy Policy Act, which directs the Energy Information Administration to inventory emissions and provides implementation power for monitoring and reporting requirements.⁵⁶ The Paris agreement would therefore be akin to LRTAP and the Minamata Convention, insofar as becoming a party to the agreement would not require any change to existing U.S. law.⁵⁷

Conclusion

As the Paris climate meeting approaches, a narrative has emerged that the executive branch will seek to circumvent the Senate by pursuing the agreement as an executive agreement rather than as a fully legitimate treaty. This narrative is misguided in multiple ways and may be dispelled by an examination of the role of executive agreements in U.S. diplomacy and the content and context of the Paris agreement.

Executive agreements are well established in U.S. law and practice. They are ubiquitous in both Republican and Democratic administrations; they have been used in matters of great significance, as evidenced by agreements such as the Paris Peace Accords, which ended U.S. combat in Vietnam; and they can be found on nearly all topics of international cooperation, including the environment and air pollution. The Convention on Long-range Transboundary Air Pollution and its protocols, approved during both Republican and Democratic administrations, is a vivid example.

Although the Paris climate agreement is still under negotiation, it is becoming clear that it could ultimately lack any features that would suggest the need for formal congressional approval. An agreement with legally binding national emissions reduction goals or legally binding national finance commitments would likely be appropriate as a treaty. But an agreement in which the national goals themselves lack legal force—although there may be binding procedural obligations to submit and update those goals—would qualify as an executive agreement. Such an agreement would advance the original U.N. Framework Convention on Climate Change treaty, which itself obliged the United States to mitigate emissions and report on progress, and would not require any change to U.S. law for implementation. Formal congressional approval of such an agreement would be unnecessary and uncharacteristic given U.S. practice.

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Endnotes

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- 2 The White House, “U.S.–China Joint Announcement on Climate Change,” Press release, November 11, 2014, available at <https://www.whitehouse.gov/the-press-office/2014/11/11/us-china-joint-announcement-climate-change>.
- 3 Michael John Garcia, “International Law and Agreements: Their Effect upon U.S. Law” (Washington: Congressional Research Service, 2014), available at <https://fas.org/sgp/crs/misc/RL32528.pdf>. See the section of our report titled “Prevalence of executive agreements” for more information.
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- 7 Bodansky presents the idea of presidential executive agreements augmented with statutory support in *ibid.*
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- 9 “[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.” See U.S. Constitution, Article II, Section 2.
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- 15 Gwynne Taraska, “From Bonn to Paris: Navigating the Course to an Effective International Climate Agreement” (Washington: Center for American Progress, 2015), available at <https://www.americanprogress.org/issues/green/report/2015/06/19/115641/from-bonn-to-paris-navigating-the-course-to-an-effective-international-climate-agreement/>.
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- 17 See Congressional Research Service, “Treaties and Other International Agreements: The Role of the United States Senate; A Study Prepared for the Committee on Foreign Relations” (2001).
- 18 See *Dames & Moore v. Regan*, 453 U.S. 654 (1981).
- 19 Oona A. Hathaway, “Presidential Power over International Law: Restoring the Balance,” *The Yale Law Journal* 119 (2) (2009): 140–268, available at <http://www.yalelawjournal.org/article/presidential-power-over-international-law-restoring-the-balance>; Purvis, “The Case for Climate Protection Authority.”
- 20 U.S. Constitution, Article II, Sections 2 and 3. See also Hannah Chang, “International Executive Agreements on Climate Change,” *Columbia Journal of Environmental Law* 35 (2) (2010): 337–372; Louis Henkin, *Foreign Affairs and the United States Constitution*, Second edition (New York: Oxford University Press, 1996). *American Insurance Association v. Garamendi* recognizes the power of the president to conclude internationally binding agreements as executive agreements, without formal congressional approval. See *American Insurance Association v. Garamendi*, 539 U.S. 396 (2003).
- 21 For the idea of sole executive agreements with statutory support, see Bodansky, “Legal Options for U.S. Acceptance of a New Climate Change Agreement.”
- 22 See, for example, Chang, “International Executive Agreements on Climate Change.”
- 23 See, for example, Garcia, “International Law and Agreements.”
- 24 See, for example, Oona A. Hathaway, “Treaties’ End: The Past, Present, and Future of International Lawmaking in the United States,” *The Yale Law Journal* 117 (7) (2008): 1236–1372, available at <http://www.yalelawjournal.org/article/treaties-end-the-past-present-and-future-of-international-lawmaking-in-the-united-states>.
- 25 Garcia, “International Law and Agreements.”
- 26 Hathaway, “Presidential Power over International Law.”
- 27 Six percent of executive agreements were multilateral between 1980 and 2000; 35 percent of treaties were multilateral over the same timespan. See Hathaway, “Treaties’ End.”

- 28 Ibid.
- 29 Ibid.
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- 33 U.S. Department of State, *Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-Level Ozone* (1999), available at <http://www.state.gov/documents/organization/125299.pdf>.
- 34 Hathaway, "Treaties' End." A typical view, in fact, is that treaties and congressional-executive agreements are interchangeable. In *Foreign Affairs and the United States Constitution*, Louis Henkin makes the often-quoted claim that "it is now widely accepted that the Congressional-Executive agreement is available for wide use, even general use, and is a complete alternative to a treaty." Henkin, *Foreign Affairs and the United States Constitution*. This may be an overstatement, as the U.S. Supreme Court, in *Missouri v. Holland*, said that treaty-making power could address issues beyond the powers of Congress as outlined in Article I of the Constitution. *Missouri v. Holland*, 252 U.S. 416 (1920).
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- 39 United Nations, "Minamata Convention on Mercury" (2013), available at http://www.mercuryconvention.org/Portals/11/documents/Booklets/Minamata%20Convention%20on%20Mercury_booklet_English.pdf.
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- 45 Chang, "International Executive Agreements on Climate Change"; Foreign Affairs, Trade and Development Canada, "Agreement to Ban Smoking on International Passenger Flights," available at <http://www.treaty-accord.gc.ca/text-texte.aspx?id=102789> (last accessed July 2015); International Civil Aviation Organization, "Aeronautical Agreement - ICAO Registration Number 4778," available at http://cfapp.icao.int/dagmar/agr_details.cfm?UserLang=&icaoregno=4778%2E0 (last accessed July 2015).
- 46 Parties to the International Cospas-Sarsat Programme Agreement, "The International Cospas-Sarsat Programme Agreement" (1988), available at https://www.uscg.mil/hq/cg5/cg534/EmergencyBeacons/Internationa_C-S_Agreement1988.pdf.
- 47 These space treaties established guidelines that dictate arms control, freedom of exploration, damages liability, and safety and rescue for astronauts. They include the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies; the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space; the Convention on International Liability for Damage Caused by Space Objects; and the Convention on Registration of Objects Launched into Outer Space. See, for example, U.S. Department of State, *Space Station: Agreement between the United States of America and Other Governments* (1998), available at <http://www.state.gov/documents/organization/107683.pdf>.
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- 49 Bodansky, "Legal Options for U.S. Acceptance of a New Climate Change Agreement."
- 50 See, for example, Barbour, "International Agreements on Climate Change"; United Nations, "U.N. Framework Convention on Climate Change" (1992), available at http://unfccc.int/files/essential_background/convention/background/application/pdf/convention_text_with_annexes_english_for_posting.pdf.
- 51 The Congressional Research Service's report for the Senate Committee on Foreign Relations says that "executive agreements pursuant to treaties are supposed to be within the purview of the treaty, that is, carry out the purposes of the treaty." See Congressional Research Service, "Treaties and Other International Agreements."
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- 53 Krutz and Peake, *Treaty Politics and the Rise of Executive Agreements*.

54 "... A decision by the executive branch to reinterpret the Convention to apply legally binding targets and timetables for reducing emissions of greenhouse gases to the United States would alter the "shared understanding" of the Convention between the Senate and the executive branch and would therefore require the Senate's advice and consent." See Senate Committee on Foreign Relations, "United Nations Framework Convention on Climate Change: report to accompany Treaty doc. 102-38" (Government Printing Office, 1992). Quoted in Congressional Research Service, "Treaties and Other International Agreements."

55 Again, for the idea of sole executive agreements with statutory support, see Bodansky, "Legal Options for U.S. Acceptance of a New Climate Change Agreement."

56 For the means of implementation for the UNFCCC treaty, see Barbour, "International Agreements on Climate Change"; Chang, "International Executive Agreements on Climate Change." See also Senate Committee on Foreign Relations, *U.N. Framework Convention on Climate Change: Hearing on Treaty doc. 102-38*. The UNFCCC treaty provides authorization to enter a new agreement that is pursuant to it, but—as it is not self-executing—it would not itself provide domestic implementation power for an agreement in its purview.

57 It is worth noting that existing U.S. statutes—such as the International Development and Food Assistance Acts of 1975 and 1977 and the Foreign Assistance Act of 1961, which are statutes that authorize ex ante congressional-executive agreements—would supply additional support for any obligations to assist vulnerable countries in their development efforts or efforts to manage and protect natural resources. For a selected list of acts that authorize ex ante congressional-executive agreements, see Hathaway, "Presidential Power over International Law."

Appendix: Multilateral agreements—other than treaties—the United States entered from 1985 to 2014

The following information was originally compiled by the Congressional Research Service, or CRS, in a memorandum to Rep. Earl Blumenauer (D-OR). It has not been edited for substance but has been reorganized chronologically by presidential administration and the concurrent congressional sessions.¹

The CRS memorandum draws from the annual *Treaties in Force* reports from the U.S. Department of State—which list all international agreements to which the United States is a party—and excludes agreements that were sent to the Senate for formal consent. It therefore captures international agreements that are considered executive agreements.

President Ronald Reagan: 14 multilateral executive agreements from 1985 to 1989

1985 to 1987: Democratic House majority, Republican Senate majority

- Convention establishing the Multilateral Investment Guarantee Agency (MIGA) with annexes and schedules.
Done at Seoul October 11, 1985. Entered into force April 12, 1988.
- Memoranda of understanding concerning salmonid research and enforcement of the international convention for the high seas fisheries of the North Pacific Ocean.
Signed at Vancouver April 9, 1986. Entered into force April 9, 1986.
- Agreement concerning the international fund for Ireland, with annexes.
Done at Washington September 26, 1986. Entered into force September 26, 1986.

1987 to 1989: Democratic House majority, Democratic Senate majority

- Amendment to Constitution of the International Organization for Migration.
Done May 20, 1987.
- Memorandum of understanding concerning general arrangements for the collaborative development and production of a modular standoff weapon system.
Signed June 12-July 24, 1987. Entered into force July 24, 1987.
- Inter-American convention on amateur radio service.
Done at Lima August 14, 1987. Entered into force February 21, 1990; for the United States March 20, 1991.
- Memorandum of understanding concerning a NATO anti-air warfare system (NAAWS), with annex.
Signed September 11 to October 19, 1987. Entered into force October 19, 1987.
- Memorandum of understanding for the project definition phase of a NATO frigate replacement for the 1990s (NFR 90).
Signed October 20, 1987, January 23, 1988, and January 25, 1988. Entered into force January 25, 1988.
- Agreement regarding inspections relating to the treaty of December 8, 1987 between the United States and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles, with annex.
Signed at Brussels December 11, 1987. Entered into force June 1, 1988.
- Memorandum of understanding concerning the four power air senior national representative cooperative long term technology projects.
Signed at Washington and Paris April 11, April 27, and June 28, 1988. Entered into force June 28, 1988.
- Agreement concerning the accession of Belgium, the Netherlands and the United Kingdom to the United States-German memorandum of understanding of March 10 and June 13, 1986 for cooperative software development and implementation for the EIFEL system.
Signed at Bonn, Brussels, Washington, The Hague, and London January 27, March 8, April 5, June 27, and July 19, 1988. Entered into force July 19, 1988.

- International COSPAS–SARSAT program agreement.
Done at Paris July 1, 1988. Entered into force August 30, 1988.
- Agreement for the establishment of the International Development Law Organization.
Signed at Rome February 5, 1988. Entered into force April 28, 1989.
- Protocol to the 1979 Convention on long-range transboundary air pollution concerning the control of emissions of nitrogen oxides or their transboundary fluxes, with annex.
Done at Sofia October 31, 1988. Entered into force February 14, 1991.

President George H.W. Bush: 28 multilateral executive agreements from 1989 to 1993

1989 to 1991: Democratic House majority, Democratic Senate majority

- Terms of reference of the International Copper Study Group.
Done at Geneva February 24, 1989. Entered into force January 23, 1992.
- Declaration of Cartagena concerning the production of, trafficking in and demand for illicit drugs.
Signed at Cartagena February 15, 1990. Entered into force February 15, 1990.
- Agreement regarding protection of information transferred into the United States in connection with the initial phase of a project for the establishment of a uranium enrichment installation in the United States based upon the gas centrifuge process developed within the three European countries.
Signed at Washington April 11, 1990. Entered into force April 11, 1990.
- Agreement establishing the European Bank for Reconstruction and Development, with annexes.
Done at Paris May 29, 1990. Entered into force March 28, 1991.
- Amendment to Memorandum of understanding for the cooperative support of the 76/62 OTO Melara Compact Gun (OMCG), with annexes.
Signed May 30, June 22, August 24 and November 8, 1990.

- Memorandum of understanding concerning cooperation in the fight against illicit trafficking of narcotic drugs through the use of equipment and personnel based at Great Inagua and such other bases as may be established in the Turks and Caicos Islands, with annexes.
Signed at Washington July 12, 1990. Entered into force July 12, 1990.
- Memorandum of understanding concerning a cooperative program for full integration of a radar in the AV-8B weapon system and the production and life cycle support of a radar equipped AV-8B (AV-8B Harrier II Plus), with annexes.
Signed at Rome, Washington, and Madrid August 8, August 31, and September 28, 1990. Entered into force September 28, 1990.
- Agreement concerning the convention of October 23, 1954, on the presence of foreign forces in the Federal Republic of Germany.
Exchange of notes at Bonn September 25, 1990. Entered into force September 25, 1990.
- Agreement regarding the status of foreign forces in the former territory of the German Democratic Republic.
Exchange of notes at Bonn September 25, 1990. Entered into force October 3, 1990.
- Agreement concerning the convention of May 26, 1952, as amended, on relations between the Three Powers and the Federal Republic of Germany and the convention of May 26, 1952, as amended, on settlement of matters arising out of the war and the occupation.
Exchange of notes at Bonn September 27 and 28, 1990. Entered into force September 28, 1990.
- Declaration suspending the operation of quadripartite rights and responsibilities.
Signed at New York October 1, 1990. Entered into force October 3, 1990.
- Memorandum of understanding concerning a cooperative project for the establishment, operation, management and support of the NATO Insensitive Munitions Information Center (NIMIC), with annexes.
Signed at Brussels October 24, 1990. Entered into force October 24, 1990.

1991 to 1993: Democratic House majority, Democratic Senate majority

- Memorandum of understanding for exchanges of information regarding third-generation anti-tank guided missiles.
Signed at Washington, London, Paris, and Bonn January 30, February 13, and March 7, 1991. Entered into force March 7, 1991.
- Memorandum of understanding concerning a cooperative program for full integration of a radar in the AV-8B weapon system and the production, remanufacture and in-service support of a radar equipped AV-8B (AV-8B HARRIER II PLUS), with annexes and supplemental agreement.
Signed at Rome and Washington February 7 and March 4, 1992. Entered into force November 12, 1992.
- Memorandum of understanding on the avoidance of overlaps and conflicts relating to deep seabed areas, with annexes.
Signed at New York February 22, 1991. Entered into force February 22, 1991.
- Amendment to Memorandum of understanding for the cooperative support of the 76/62 OTO Melara Compact Gun (OMCG), with annexes.
Signed June 14, 1991, July 5, 1991, October 9 1991, December 3, 1991, and February 5, 1992.
- Memorandum of understanding on the avoidance of overlaps and conflicts relating to deep sea-bed areas, with annexes.
Done at New York August 20, 1991. Entered into force August 28, 1991; effective August 20, 1991.
- Program memorandum of understanding concerning general arrangements for the collaborative program on a multifunctional information distribution system, with supplement no. 1.
Signed at Paris, Madrid, Washington, Rome, and Bonn June 17, 1991, July 4, 1991, August 27, 1991, October 4, 1991, and January 7, 1992. Entered into force October 4, 1991.
- Agreement on cooperation in the engineering design activities for the International Thermonuclear Experimental Reactor.
Signed at Washington July 21, 1992. Entered into force July 21, 1992.

- Agreement regarding the establishment, construction and operation of a uranium enrichment installation in the United States, with annex and agreed minute. *Signed at Washington July 24, 1992. Entered into force February 1, 1995.*
- Memorandum of understanding on cooperative research, development and demonstration of internetworking technologies to improve communications systems network interoperability, with annex. *Signed at Bonn, Washington, London, and Paris October 22, November 7, November 14, and December 16, 1991. Entered into force December 16, 1991.*
- Agreement on a comprehensive political settlement of the Cambodia conflict, with annexes. *Done at Paris October 23, 1991. Entered into force October 23, 1991.*
- Agreement concerning the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia. *Done at Paris October 31, 1991. Entered into force October 31, 1991.*
- Amendment to Memorandum of understanding concerning the EURO-NATO Joint Jet Pilot Training (ENJJPT) Program. *Signed December 6, 1991, January 31, 1992, March 20, 1992, April 9, 1992, May 5, 1992, July 17, 1992, August 14, 1992, September 9, 1992, October 19 1992, November 3, 1992.*
- OECD Council decision on the control of transfrontier movements of wastes destined for recovery operations. *Adopted at Paris March 30, 1992. Entered into force March 30, 1992.*
- Agreement establishing the Inter-American Institute for Global Change Research. *Done at Montevideo May 13, 1992. Entered into force March 12, 1994.*
- Agreement on state and local taxation of foreign employees of public international organizations. *Done at Washington April 21, 1992. Entered into force May 24, 1994.*
- North American free trade agreement, with notes and annexes. *Signed at Washington, Ottawa, and Mexico December 8, 11, 14 and 17, 1992. Entered into force January 1, 1994.*

President Bill Clinton: 62 multilateral executive agreements from 1993 to 2001

1993 to 1995: Democratic House majority, Democratic Senate majority

- Amendments to Memorandum of understanding concerning the EURO-NATO Joint Jet Pilot Training (ENJJPT) Program.
Signed January 15, 1993, March 16, 1993, and April 15, 1993. November 3, 1993, January 11, 1994, February 4, 1994, February 16, 1994, April 1, 1994, April 28, 1994, May 11, 1994, May 25, 1994, June 6, 1994, June 28, 1994, July 20, 1994, and October 4, 1994.
- Establishment agreement for the Center for International Forestry Research (CIFOR), with constitution.
Done at Canberra March 5, 1993. Entered into force March 5, 1993; for the United States May 3, 1993.
- Amendments to Agreement to supplement the agreement of June 19, 1951 between the parties to the North Atlantic Treaty regarding the status of their forces with respect to foreign forces stationed in the Federal Republic of Germany, with protocol of signature.
Signed March 18, 1993; May 16, 1994.
- Administrative agreement to implement article 60 of the agreement of August 3, 1959, as amended, to supplement the agreement between the parties to the North Atlantic Treaty regarding the status of their forces with respect to foreign forces stationed in the Federal Republic of Germany.
Done at Bonn March 18, 1993. Entered into force March 29, 1998.
- North American agreement on labor cooperation, with annexes.
Signed at Mexico, Washington and Ottawa September 8, 9, 12 and 14, 1993. Entered into force January 1, 1994.
- North American agreement on environmental cooperation, with annexes.
Signed at Mexico, Washington and Ottawa September 8, 9, 12 and 14, 1993. Entered into force January 1, 1994.

- Agreement to establish a science and technology center in Ukraine.
Done at Kiev October 25, 1993. Entered into force July 16, 1994.
- Memorandum of understanding concerning cooperation on an international military satellite for communications (INMILSAT) (Feasibility Study).
Done at Washington, London, and Paris December 30, 1993, January 6, 1994, and January 28, 1994. Entered into force January 28, 1994.
- International tropical timber agreement, 1994, with annexes.
Done at Geneva January 26, 1994. Entered into force provisionally, January 1, 1997.
- Agreement on technological safeguards associated with the launch of the INMARSAT-3 satellite.
Signed at Washington February 14, 1994. Entered into force August 19, 1994.
- Marrakesh agreement establishing the World Trade Organization (WTO).
Done at Marrakesh April 15, 1994. Entered into force January 1, 1995.
- Agreement on government procurement.
Done at Marrakesh April 15, 1994. Entered into force January 1, 1996.
- North American framework agreement between the United States Treasury, the Banco de Mexico/Government of Mexico and the Bank of Canada.
Signed at Mexico April 22 and 26, 1994. Entered into force April 26, 1994.
- Memorandum of understanding for the development of synthetic aperture radar application to support coastal warfare and surface shipwake detection and characterization, with annexes.
Signed at Washington, London, and Kjeller August 12, August 25, and September 5, 1994. Entered into force September 5, 1994.
- Agreement terminating the agreement of September 25, 1990, concerning the presence and status of Allied Forces in Berlin.
Exchange of notes at Bonn September 12, 1994. Entered into force September 12, 1994.
- Agreement on the status of missions and representatives of third states to the North Atlantic Treaty Organization.
Done at Brussels September 14, 1994. Entered into force March 28, 1997.

- Amendment to Memorandum of understanding concerning a cooperative project for the establishment, operation, management and support of the NATO Insensitive Munitions Information Center (NIMIC), with annexes.
Signed October 6, October 12, October 17, October 25, and November 2, 1994.
- Agreement to ban smoking on international passenger flights.
Done at Chicago November 1, 1994. Entered into force March 1, 1995.

1995 to 1997: Republican House majority, Republican Senate majority

- Agreement on the establishment of the Korean Peninsula Energy Development Organization.
Done at New York March 9, 1995. Entered into force March 9, 1995.
- Amendments to Memorandum of understanding concerning a cooperative project for the establishment, operation, management and support of the NATO Insensitive Munitions Information Center (NIMIC), with annexes.
Signed March 15, 28 and 29, 1995.
March 15, March 28, March 29, April 4, and April 10, 1995.
March 15, March 28, March 29, April 4, and April 12, 1995.
March 29, April 2, April 9, April 16, April 18, April 22, April 30, and June 13, 1996.
- Amendments to Memorandum of understanding concerning the EURO-NATO Joint Jet Pilot Training (ENJJPT) Program.
Signed March 17, March 29, March 30, April 27, June 16, June 30, July 27, and September 19, 1995.
- Arrangement on the joint financing of a North Atlantic Height Monitoring System.
Signed at Montreal July 31, August 11, 18 and 23, September 28, October 25 and December 12, 1995. Entered into force December 12, 1995.
- Memorandum of understanding for senior national representatives (ARMY) cooperation and exchanges of information, with attachments and an understanding.
Signed at Washington, London, Paris, and Bonn October 19, 1995, November 13, 1995, November 27, 1995, and January 9, 1996. Entered into force January 9, 1996.

- Memorandum of understanding concerning multilateral exchange of research and development information, with appendix.
Signed at Washington, Ottawa, London, and Canberra October 20, 1995, November 15, 1995, December 1, 1995, January 30, 1996, and February 12, 1996.
Entered into force February 12, 1996.
- Memorandum of understanding for the technical cooperation program, with appendices.
Signed at Melbourne October 24, 1995. Entered into force October 24, 1995.
- Addendum to the memorandum of understanding of May 20, 1977 for cooperative support of the NATO seasparrow surface missile system concerning the cooperative engineering and manufacturing development of the evolved seasparrow missile, with annexes and related letter.
Signed at Washington April 26 and June 16, 1995. Entered into force June 16, 1995.
- Agreement among the States Parties to the North Atlantic Treaty and other States participating in the Partnership for Peace regarding the status of their forces.
Done at Brussels June 19, 1995. Entered into force January 13, 1996.
- Memorandum of understanding on the establishment and operation of the International Planning and Coordination Staff for the Multinational Reaction Forces (Air) of NATO – Reaction Force Air Staff, with annexes.
Signed at Casteau July 20, 24, 25, and 28, and August 1, 10, and 15, 1995. Entered into force August 15, 1995.
- Memorandum of agreement concerning the SARSAT Space Segment.
Done at Washington September 11, 1995. Entered into force November 10, 1995.
- Memorandum of understanding concerning the establishment, mission, financing, administration and status of Headquarters 5 Allied Tactical Air Force (HQ 5 ATAF), with annexes.
Signed at Casteau September 25, 26, and 29, and October 2, 1995. Entered into force October 2, 1995; effective January 1, 1994.

- Memorandum of understanding concerning the manning, funding and support of NATO Southern Region Maritime Sub-Principal Subordinate Command Headquarters of Commander Gibraltar Mediterranean (HQ GIBMED), Commander Maritime Air Forces Mediterranean (HQ MARAIRMED), Commander Central Mediterranean (HQ MEDCENT), Commander Eastern Mediterranean (HQ MEDEAST), Commander Northeast Mediterranean (HQ MEDNOREAST) and Commander Submarines Mediterranean (HQ SUBMED), with annexes.

Signed at Casteau September 27 and October 2, 1995. Entered into force October 2, 1995; effective January 1, 1994.

- Memorandum of understanding concerning a feasibility study for a NATO influence minesweeping system (NIMS), with annexes.

Signed at Haakonvern, Ottawa, Paris, and Washington December 4, 1995, December 5, 1995, March 11, 1996, and June 3, 1996. Entered into force June 3, 1996.

- Memorandum of understanding covering a feasibility study for a NATO submarine rescue system (NSRS).

Signed at Bristol, Oslo, Washington, Rome, and Paris February 21, February 29, March 15, March 22, and June 12, 1996. Entered into force June 12, 1996.

- Memorandum of understanding covering subphase two of the design and development phase of the NATO improved link eleven (NILE) project, with annex and related letter.

Signed at Quebec, Bristol, Rome, Bonn, The Hague, Washington, and Paris May 24, June 5, June 6, June 11, July 2, and July 8, 1996. Entered into force July 2, 1996.

- Memorandum of understanding concerning multilateral exchange of military information, with appendix.

Signed at Washington, London, Ottawa, Canberra, and Wellington November 19, 1996, January 8, 1997, March 10, 1997, March 26, 1997, and April 18, 1997. Entered into force April 18, 1997.

- Agreement establishing the Middle East Desalination Research Center.

Signed at Muscat December 22, 1996. Entered into force December 22, 1996.

1997 to 1999: Republican House majority, Republican Senate majority

- Agreement between the parties to the North Atlantic Treaty for the security of information, with annexes.
Done at Brussels March 6, 1997. Entered into force August 16, 1998.
- Agreement on cooperation among the original members of the Korean Peninsula Energy Development Organization. Signed September 19, 1997.
Signed at Washington September 19, 1997. Entered into force September 19, 1997.
- Amendment to agreement on the establishment of the Korean Peninsula Energy Development Organization.
Signed September 19, 1997.
- Agreement for the High speed Anti-Radiation Missile (HARM) AGM-88 upgrade, with annexes.
Signed at Washington, Bonn, and Rome October 14, 1997, February 5, 1998, and March 7, 1998. Entered into force March 7, 1998.
- Arrangement concerning application of the space station intergovernmental agreement pending its entry into force.
Signed at Washington January 29, 1998. Entered into force January 29, 1998.
- Agreement concerning cooperation on the civil international space station, with annex.
Signed at Washington January 29, 1998. Entered into force March 27, 2001.
- Agreement on the international dolphin conservation program, with annexes.
Done at Washington May 21, 1998. Entered into force February 15, 1999.
- Protocol to the 1979 Convention on long-range transboundary air pollution on heavy metals, with annexes.
Done at Aarhus June 24, 1998. Entered into force December 29, 2003.
- Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles, with annexes.
Done at Geneva June 25, 1998. Entered into force August 25, 2000.

- Memorandum of understanding for the cooperation in the engineering and manufacturing development phase of the U.S. lightweight 155mm howitzer program. *Signed at Washington and Bristol August 9 and 28, 1998. Entered into force August 28, 1998.*
Amendments and extension
March 19, 24 and 26, 1999.
- Memorandum of understanding concerning trilateral technology research and development projects, with annex.
Signed November 3, 1998. Entered into force November 3, 1998.

1999 to 2001: Republican House majority, Republican Senate majority

- Amendment to Memorandum of understanding concerning a cooperative project for the establishment, operation, management and support of the NATO Insensitive Munitions Information Center (NIMIC), with annexes.
Signed April 7, April 20, April 21, April 26, April 27, May 6, May 18 and May 21, 1999.
- Agreement establishing the Group of States against Corruption (GRECO), with appendix.
Done at Strasbourg May 1, 1999. Entered into force May 1, 1999; for the United States September 20, 2000.
- Agreement concerning cooperation on the application of non-proliferation assurances to low enriched uranium transferred to the United States for fabrication into fuel and retransfer to Taiwan, with annex and related side letter.
Exchanges of notes at Washington July 21, 1999. Entered into force May 1, 2000.
- Protocol to the 1979 Convention on long-range transboundary air pollution to abate acidification, eutrophication and ground-level ozone.
Done at Gothenburg November 30, 1999. Entered into force May 17, 2005.
- Memorandum of understanding concerning the research, development and acquisition of chemical, biological and radiological defense materiel, with appendices.
Signed at Washington April 6, April 10, and June 1, 2000. Entered into force June 1, 2000.

- Memorandum of understanding concerning the establishment, financing, administration, manning and status of headquarters naval striking and support forces, southern region, with annexes.
Signed June 1, June 7, June 8, June 13, June 14, June 19, June 26, and July 27, 2000. Entered into force July 27, 2000; effective September 1, 1999.
- International coffee agreement 2001, with annex.
Done at London September 28, 2000. Entered into force provisionally October 1, 2001.
- Amendment to Memorandum of understanding for the technical cooperation program, with appendices.
Signed October 16, 2000.
- Memorandum of understanding for interoperable networks for secure communications.
Signed at Washington, Koblenz, Rome, London, Ottawa, Baerum, Paris, and The Hague October 31, 2000, November 27, 2000, December 21, 2000, December 22, 2000, January 3, 2001, January 16, 2001, and February 16, 2001. Entered into force February 16, 2001.

President George W. Bush: 68 multilateral executive agreements from 2001 to 2009

January 2001 to May 24, 2001: Republican House majority, Republican Senate majority

- Memorandum of understanding concerning cooperative framework for system development and demonstration of the Joint Strike Fighter.
Signed at Washington January 17, 2001. Entered into force January 17, 2001.
Amendments and Related Agreements
January 17, 2001.
- Multilateral agreement on the liberalization of international air transportation, with annex and appendix.
Done at Washington May 1, 2001. Entered into force December 21, 2001.

- Memorandum of understanding concerning cooperation in navigation warfare technology demonstrator and system prototype projects, with annexes.
*Signed at Washington, Canberra, and Bristol May 13, May 31, and July 6, 2001.
Entered into force July 6, 2001.*

May 24, 2001, to 2003: Republican House majority, Democratic Senate majority

- Agreement on the appointment of the International Mines Rescue Body (IMRB), with attachment.
Signed at Bytom, Poland May 29, 2001. Entered into force May 29, 2001.
- Memorandum of understanding concerning cooperative framework for system development and demonstration of the Joint Strike Fighter.
*Done February 1 and 5, 2002.
February 1 and 7, 2002.
May 16 and 28, 2002.
May 28 and June 20, 2002.
June 5, June 10, June 17, July 8, and September 17, 2002.
June 17, June 20, July 8, September 17, and October 14, 2002.
June 17, June 24, July 8, September 17, October 14, and November 14, 2002.
July 11, September 17, October 14, and November 14, 2002.
October 31 and November 14, 2002.*
- Memorandum of understanding for future air capabilities projects, with annexes.
Signed at Gramat, London, and Paris March 26, April 5, and May 3, 2002. Entered into force May 3, 2002.
- Memorandum of understanding concerning the in-service support phase of the NATO improved link eleven project, with annexes.
Signed at Washington, Ottawa, Paris, Koblenz, Rome, and London June 13, June 18, June 20, June 27, and July 2, 2002. Entered into force July 2, 2002.
- Amendments to Agreement for the establishment of the International Development Law Organization.
Signed June 30, 2002; November 30, 2002.

- Amendment to Memorandum of understanding for senior national representatives (ARMY) cooperation and exchanges of information, with attachments and an understanding.
Signed September 19, 2002.
- Memorandum of understanding concerning cooperative projects for the C-130J, with annexes.
Signed at Washington, London, Rome, and Canberra December 16, 2002, and January 7, 2003, January 17, 2003, and January 31, 2003. Entered into force January 31, 2003.
- Agreement on mutual acceptance of oenological practices, with annex.
Done at Toronto December 18, 2001. Entered into force December 1, 2002.

2003 to 2005: Republican House majority, Republican Senate majority

- Framework agreement on a multilateral nuclear environmental programme in the Russian Federation.
Signed at Stockholm May 21, 2003. Entered into force April 14, 2004. Entered into force for the United States June 14, 2013.
- Memorandum of understanding concerning the mission training via distributed simulation (MTDS) project.
Signed February 19, February 20, February 23, February 26, February 27, and March 4, 2004. Entered into force March 4, 2004.
- Memorandum of understanding concerning exchange of electric warship information.
Signed at Washington, Paris, and Bristol April 7, April 30, and May 6, 2004. Entered into force May 6, 2004.
- Amendments to Memorandum of understanding for the cooperation in the engineering and manufacturing development phase of the U.S. lightweight 155mm howitzer program.
Signed April 28, June 7 and July 13, 2004.

- Amendment to Memorandum of understanding concerning a cooperative program for full integration of a radar in the AV-8B weapon system and the production, remanufacture and in-service support of a radar equipped AV-8B (AV-8B HARRIER II PLUS), with annexes and supplemental agreement.
Signed June 28, 2004.
- The Dominican Republic-Central America-United States free trade agreement.
Signed at Washington August 5, 2004. Entered into force March 1, 2006.
- Amendment to Memorandum of understanding concerning cooperative projects for the C-130J, with annexes.
Signed August 27, September 8, September 15, and September 29, 2004.
- Memorandum of understanding concerning the Multilateral Interoperability Program (MIP).
Signed September 24, 2004, October 13, 2004, October 26, 2004, January 6, 2005, January 19, 2005, and February 3, 2005. Entered into force February 3, 2005.
- Framework memorandum of understanding concerning cooperation in post production support of harrier aircraft, with annexes.
Signed October 5, 2004, December 9, 2004, and January 10, 2005. Entered into force December 9, 2004; for the United States January 10, 2005.
- Amendment to Memorandum of understanding for future air capabilities projects, with annexes.
Signed October 7 and 27, 2003.
- Memorandum of understanding for the production of STANDARD missile, with annexes.
Signed at Koblenz, The Hague, and Washington October 20, October 21, and December 3, 2004. Entered into force December 3, 2004.
- Memorandum of understanding for STANDARD missile upgrades and improvements, with annexes.
Signed at Koblenz, The Hague, Ottawa, and Washington October 20, October 21, November 15, and December 3, 2004. Entered into force December 3, 2004.

2005 to 2007: Republican House majority, Republican Senate majority

- Memorandum of understanding concerning the in-service support phase of the NATO improved link eleven project, with annexes.
Signed February 10, February 21, February 22, February 25, March 8, March 9, and September 27, 2005.
- Framework agreement for international collaboration on research and development of generation IV nuclear energy systems.
Signed at Washington February 28, 2005. Entered into force February 28, 2005.
- Agreement amending the memorandum of understanding of January 25, 1991, as amended, concerning a cooperative project for the establishment, operation, management and support of the Munitions Safety Information Analysis Center (MSIAC).
Signed at Brussels, Stockholm, Helsinki, Paris, Abbey Wood, Rome, and Koblenz April 26, April 27, April 28, May 19, May 24, June 2, June 8, July 11, July 28, August 10, August 31, and September 16, 2005.
- Amendment to Memorandum of understanding for interoperable networks for secure communications.
Signed June 2, June 20, June 22, June 27, June 28, July 1, August 12, and December 14, 2005.
- Memorandum of understanding concerning the cooperative framework for the F/A 18 program, with annex.
Signed at Washington and Tikkakoski August 23 and September 23, 2005. Entered into force September 23, 2005.
- Amendment to Memorandum of understanding concerning cooperation in navigation warfare technology demonstrator and system prototype projects, with annexes.
Signed October 14, 2005, October 25, 2005, November 17, 2005, and January 11, 2006.
- Amendment to Memorandum of understanding for the technical cooperation program, with appendices.
Signed October 15, 2005.

- Agreement on duty-free treatment of multi-chip integrated circuits (MCPs).
Done at Brussels November 28, 2005. Entered into force January 4, 2006.
- Memorandum of understanding for cooperation in the ocean surface topography mission.
Signed at Washington, Darmstadt and Paris March 21, March 24, March 30, and April 7, 2006. Entered into force April 7, 2006.
- Amendment to Agreement constituting an International Commission for the International Tracing Service.
Signed May 6, 2006.
- Combined joint military information exchange annex concerning operational and technical information for naval command, control, communications and computers (C4), with appendices.
Signed at Quebec and Washington May 24 and June 2, 2006. Entered into force June 2, 2006.
- Memorandum of understanding concerning the establishment, administration, and operation of the combined joint operations from the sea center of excellence, with annexes.
Signed at Norfolk May 31, 2006. Entered into force May 31, 2006.
- Amendment to Memorandum of understanding concerning the research, development and acquisition of chemical, biological and radiological defense materiel, with appendices.
Signed August 24 and 25 and September 8, 2006.
- Operation arrangement concerning the establishment of a Virtual Regional Maritime Traffic Centre (V-RMTC) for the Mediterranean and Black Seas.
Signed at Venice October 12, 2006. Entered into force October 12, 2006.
- Memorandum of understanding concerning the exchange of information and data between warfare and tactical development centers.
Signed October 26 and November 6, 2006. Entered into force November 6, 2006.
- Agreement on the establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER project, with annexes.
Signed at Paris November 21, 2006. Entered into force October 24, 2007.

- Memorandum of understanding concerning the production, sustainment, and follow-on development of the joint strike fighter, with annexes.
Signed at Washington, Oslo, and Copenhagen November 14, 2006, December 11, 2006, December 12, 2006, January 25, 2007, January 31, 2007, February 7, 2007, and February 27, 2007. Entered into force December 31, 2006.
- Amendments to memorandum of understanding concerning cooperative framework for system development and demonstration of the Joint Strike Fighter.
Signed December 18, 2006; November 14, December 11 and 12, 2006. Entered into force September 16, 2005.

2007 to 2009: Democratic House majority, Democratic Senate majority

- Agreement for assistance in securing nuclear fuel for a research reactor, with annexes.
Signed at Warsaw and Vienna January 8, 12, and 16, 2007. Entered into force January 16, 2007.
- Amendments to memorandum of understanding concerning cooperative framework for system development and demonstration of the Joint Strike Fighter.
Signed January 17, 2007; January 25 and 31, February 7 and 27, 2007.
- Memorandum of understanding for the cooperation in global positioning system and navigation warfare research, development, test and evaluation, with annexes.
Signed at Bonn, Washington, The Hague, Ottawa, Copenhagen, Canberra, Seoul, Bristol, Rome, and Stockholm February 15, February 21, March 1, March 7, April 3, April 13, April 16, April 20, April 30, 2007, and March 7, 2008. Entered into force April 3, 2007.
- Memorandum of understanding for aeronautical cooperative research and technology projects, with annex.
Signed at London, Rome, Bonn, Washington, and Paris March 12, March 13, March 15, and May 7, 2007. Entered into force May 7, 2007.
- Amendment to Framework memorandum of understanding concerning cooperation in post production support of harrier aircraft, with annexes.
Signed April 30, 2007, May 24, 2007, November 14, 2008, and January 26, 2009.

- Memorandum of understanding regarding funds to use for the benefit of poor citizens of Kazakhstan, with annexes.
Signed at Washington May 2, 2007. Entered into force May 2, 2007.
- Memorandum of understanding for senior national representatives (Army) collaboration projects, with annexes.
Signed at Paris June 14 and 18, 2007. Entered into force June 18, 2007.
Related Agreements
November 21 and 27, 2007, December 3 and 4, 2007, and January 9, 2008.
- Memorandum of understanding for the coalition secure management and operations system (COSMOS) Advanced Concept Technology Demonstration (ACTD) Project.
Signed at Singapore, London, Canberra, Arlington, and Ottawa July 6, 9, 23 and August 21, 2007, and February 19, 2008. Entered into force February 19, 2008.
- Agreement for cooperation in energy science and technology, with annexes.
Signed at Victoria July 23, 2007. Entered into force July 24, 2008.
- Amendment to Memorandum of understanding concerning cooperative projects for the C-130J, with annexes.
Signed January 29, February 13, February 22, March 4, April 16, and April 21, 2008.
- Memorandum of understanding concerning strategic airlift capability, with annexes.
Signed at Stockholm, Budapest, Sofia, Vilnius, Washington, Ljubljana, Brussels, Helsinki, Oslo, Tallinn, Warsaw, and Bucharest March 11, March 31, May 7, May 30, June 11, June 12, June 19, June 20, June 27, July 15, and July 30, 2008. Entered into force September 23, 2008.
- Memorandum of understanding for the research, development, test and evaluation of overhead non-imaging infrared data exploitation tools and techniques, with annexes.
Signed April 28, May 19, May 20, and June 12, 2008. Entered into force June 12, 2008.
- Cooperative agreement to foster trade, investment and development.
Signed at Washington July 16, 2008. Entered into force July 16, 2008.

- Postal payment services agreement.
Done at Geneva August 12, 2008. Entered into force January 1, 2010; definitively for the United States July 28, 2010.

President Barack Obama: 10 multilateral executive agreements from 2009 to 2013

2009 to 2011: Democratic House majority, Democratic Senate majority

- Agreement on International Renewable Energy Agency (IRENA).
Signed at Bonn June 29, 2009. Entered into force April 3, 2011.
- Agreement concerning surface combatant aluminum structure design.
Signed at Arlington and Koblenz October 1, 7, and 28, 2009. Entered into force for United States October 28, 2009.
- Amendment to Memorandum of understanding concerning the cooperative framework for the F/A 18 program, with annex.
Signed June 14, 22, 24 and 28, July 8, August 19 and 24, 2010.
- Agreement concerning exchange of secured software-defined radio (SSDR) research and development information.
Signed at Washington, Warsaw, Bagnaux, Rome, Stockholm, Madrid, and Helsinki August 17, 20 and 23, September 8, 15 and 16, and October 1, 2010. Entered into force October 1, 2010.

2011 to 2013: Republican House majority, Democratic Senate majority

- Agreement regarding the establishment, construction and operation of uranium enrichment installations using gas centrifuge technology in the United States of America, with agreed minutes.
Signed at Paris February 24, 2011. Entered into force January 31, 2012.
- Agreement on cooperation on aeronautical and maritime search and rescue in the Arctic.
Signed at Nuuk May 12, 2011. Entered into force January 19, 2013.

- Agreement concerning the replacement of highly enriched uranium by low enriched uranium, with annexes.
Signed at Vienna July 13, 29 and August 1, 2011. Entered into force August 1, 2011.
- Food assistance convention.
Done at London April 25, 2012. Entered into force January 1, 2013.

2013 to 2015: Republican House majority, Democratic Senate majority

- Agreement for Assistance in Securing Low Enriched Uranium for a Research Reactor, with annex.
*Signed at Vienna May 2 and December 16, and Geneva November 25, 2013.
Entered into force December 16, 2013.*
- Memorandum of Understanding on Defense Joint Strike Fighter Program Test and Evaluation.
Signed at High Wycombe, The Hague, Breda, Washington, and Canberra July 7, 11, 17, and 21, 2014. Entered into force July 17, 2014.

Endnotes

¹ Susan Chesser, "Multilateral Executive Agreements 1985–2014; Memorandum to the Honorable Earl Blumenauer" (Washington: Congressional Research Service, 2015), available at http://blumenauer.house.gov/images/pdf/070615_intlagreements.pdf.

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As progressives, we believe America should be a land of boundless opportunity, where people can climb the ladder of economic mobility. We believe we owe it to future generations to protect the planet and promote peace and shared global prosperity.

And we believe an effective government can earn the trust of the American people, champion the common good over narrow self-interest, and harness the strength of our diversity.

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We develop new policy ideas, challenge the media to cover the issues that truly matter, and shape the national debate. With policy teams in major issue areas, American Progress can think creatively at the cross-section of traditional boundaries to develop ideas for policymakers that lead to real change. By employing an extensive communications and outreach effort that we adapt to a rapidly changing media landscape, we move our ideas aggressively in the national policy debate.

