

# EXECUTIVE AGREEMENTS: An Introduction

## THE UNITED STATES REGULARLY ENTERS INTERNATIONAL LEGAL AGREEMENTS



**Over 90%** take the form of executive agreements, rather than treaties entered with the advice and consent of the Senate

## THERE ARE THREE CATEGORIES OF LEGALLY BINDING EXECUTIVE AGREEMENTS

### Congressional-Executive



authorized by statute

### Sole Executive



made pursuant to President's constitutional authority

### Pursuant to Treaty



authorized by previously ratified treaty



### Political Commitments

Unlike traditional executive agreements, "political agreements" are not intended to have legal effect

## TREATIES VS. EXECUTIVE AGREEMENTS: the Relevance of Subject Matter

Agreements concerning some topics are typically entered as treaties and others as executive agreements

### Traditional Treaty Subjects

- ★ Mutual Defense
- ★ Arms Control/Reduction
- ★ Human Rights
- ★ Extradition
- ★ Mutual Legal Assistance
- ★ Tax
- ★ Environmental Protection

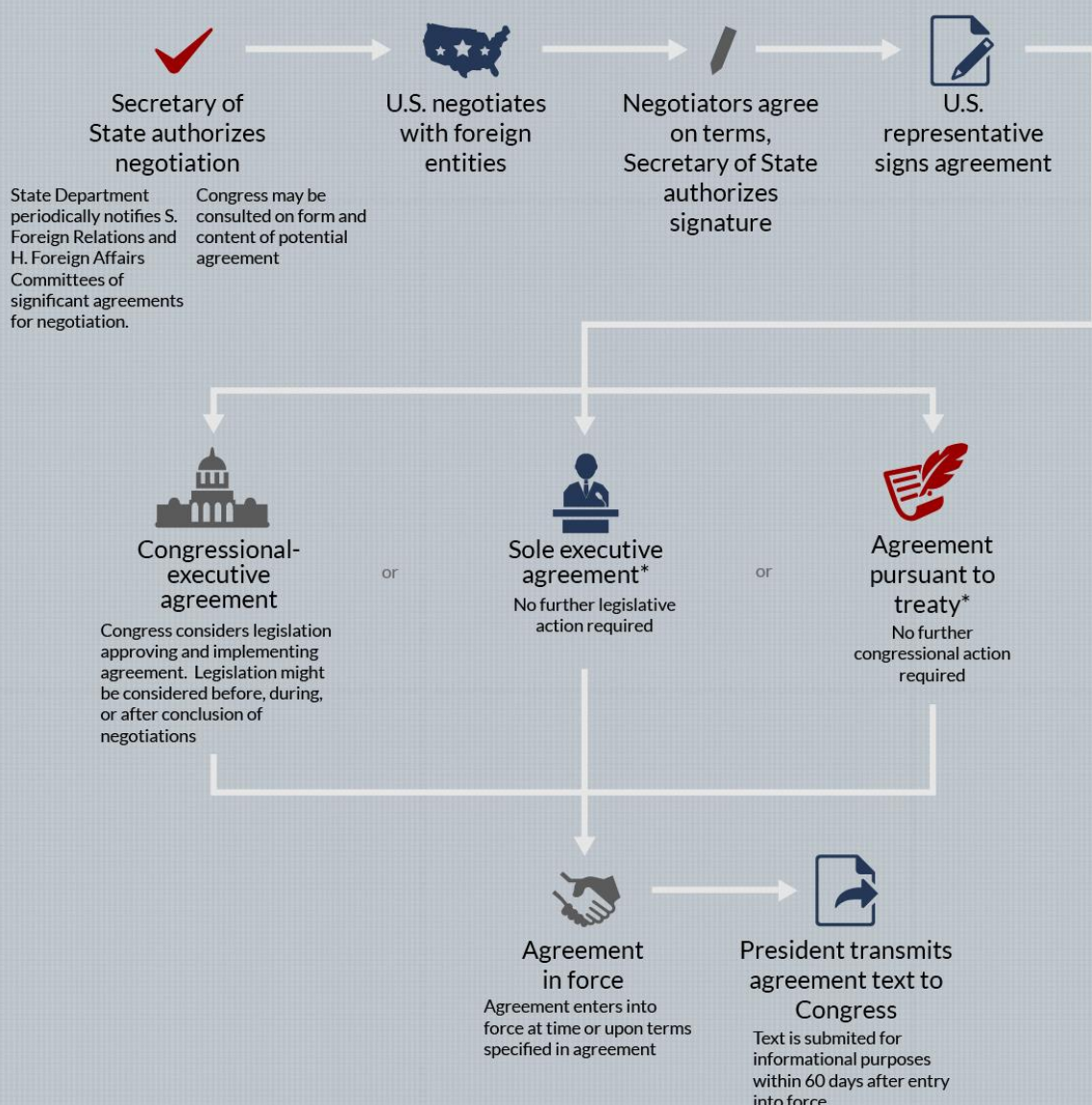
### Traditional Executive Agreement Subjects

- ★ Status of U.S. Forces on Foreign Soil
- ★ Arms & Technology Transfers
- ★ Tariffs & Trade
- ★ Economic and Technical Assistance
- ★ Foreign Claims Settlement

## THE STATE DEPARTMENT CONSIDERS SEVERAL FACTORS when deciding whether a legal compact should be a treaty or executive agreement:



## TYPICAL PROCESS FOR ENTERING AN INTERNATIONAL LEGAL AGREEMENT BY WAY OF EXECUTIVE AGREEMENT





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