the Act in slip form and in the United States Statutes at Large pursuant to section 112, of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bill referred to in subsection (a) of this section [enacting into law S. 3140 of the 106th Congress, as introduced on Sept. 28, 2000].''

Pub. L. 106–429, § 101(b), Nov. 6, 2000, 114 Stat. 1900, provided that: ''In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in subsection (a) of this section [enacting into law H.R. 5526 of the 106th Congress, as introduced on Oct. 24, 2000].''

Pub. L. 106–398, § 2, Oct. 30, 2000, 114 Stat. 1654, provided that: ''In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval an appendix setting forth the text of the bill referred to in section 1 [enacting into law H.R. 5408 of the 106th Congress, as introduced on Oct. 6, 2000].''

Pub. L. 106–387, § 1(b), Oct. 28, 2000, 114 Stat. 1549, provided that: ''In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in subsection (a) of this section [enacting into law H.R. 5426 of the 106th Congress, as introduced on Oct. 6, 2000].''

Pub. L. 106–377, § 1(b), Oct. 27, 2000, 114 Stat. 1441, provided that: ''In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) of this section [enacting into law H.R. 5482 and 5483 of the 106th Congress, as introduced on Oct. 18, 2000].''

Pub. L. 106–346, § 101(b), Oct. 23, 2000, 114 Stat. 1356, provided that: ''In publishing the Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in subsection (a) of this section [enacting into law H.R. 5394 of the 106th Congress, as introduced on Oct. 5, 2000].''

Pub. L. 106–113, div. B, § 1000(b), Nov. 29, 1999, 113 Stat. 1536, provided that: ''In publishing the Act in slip form and in the United States Statutes at Large pursuant to section 112, of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) of this section [enacting into law H.R. 3421, H.R. 3422, H.R. 3423, H.R. 3424, H.R. 3425, H.R. 3426, H.R. 3427 (as amended), H.R. 3428, and S. 1948 of the 106th Congress, as introduced on Nov. 17, 1999].''

EFFECT OF REPEAL OF SECTION 73 OF ACT JAN. 12, 1895

This section and section 112a of this title as not affected by the repeal of section 73 of act Jan. 12, 1895, ch. 23, 28 Stat. 615, which related to the same subject matter, see section 56(i) of act Oct. 31, 1951, ch. 655, 65 Stat. 729.

§ 112a. United States Treaties and Other International Agreements; contents; admissibility in evidence

(a) The Secretary of State shall cause to be compiled, edited, indexed, and published, beginning as of January 1, 1950, a compilation entitled ''United States Treaties and Other International Agreements,'' which shall contain all treaties to which the United States is a party that have been proclaimed during each calendar year, and all international agreements other than treaties to which the United States is a party that have been signed, proclaimed, or with reference to which any other final formality has been executed, during each calendar year. The said United States Treaties and Other International Agreements shall be legal evidence of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and agreements, therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

(b) The Secretary of State may determine that publication of certain categories of agreements is not required, if the following criteria are met:

(1) such agreements are not treaties which have been brought into force for the United States after having received Senate advice and consent pursuant to section 2(2) of Article II of the Constitution of the United States;

(2) the public interest in such agreements is insufficient to justify their publication, because (A) as of the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, the agreements are no longer in force,[1] (B) the agreements do not create private rights or duties, or establish standards intended to govern government action in the treatment of private individuals; (C) in view of the limited or specialized nature of the public interest in such agreements, such interest can adequately be satisfied by an alternative means; or (D) the public disclosure of the text of the agreement would, in the opinion of the President, be prejudicial to the national security of the United States; and

(3) copies of such agreements (other than those in paragraph (2)(D)), including certified copies where necessary for litigation or similar purposes, will be made available by the Department of State upon request.

(c) Any determination pursuant to subsection (b) shall be published in the Federal Register.

(d) The Secretary of State shall make publicly available through the Internet website of the Department of State each treaty or international agreement proposed to be published in the compilation entitled ''United States Treaties and Other International Agreements'' not later than 180 days after the date on which the treaty or agreement enters into force.

(Added Sept. 23, 1950, ch. 1001, § 2, 64 Stat. 980; amended Pub. L. 103–236, title I, § 138, Apr. 30, 1994, 108 Stat. 397; Pub. L. 108–458, title VII, § 7121(a), Dec. 17, 2004, 118 Stat. 3807.)

REFERENCES IN TEXT

The date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, referred to in subsec. (b)(2)(A), is the date of enactment of Pub. L. 103–236, which was approved Apr. 30, 1994.

AMENDMENTS

2004—Subsec. (d). Pub. L. 108–458 added subsec. (d).

[1] So in original. The comma probably should be a semicolon.

1994—Pub. L. 103–236 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–458, title VII, § 7122, Dec. 17, 2004, 118 Stat. 3808, provided that: ''Notwithstanding any other provision of this Act [see Tables for classification], this subtitle [subtitle A (§§ 7101–7122) of title VII of Pub. L. 108–458, enacting sections 2228, 2732, 3922b, 4029, 7536a, and 7555 of Title 22, Foreign Relations and Intercourse, amending this section, section 112b of this title, section 1189 of Title 8, Aliens and Nationality, sections 2651a, 2656f, 4003, 7513, 7514, 7518, 7536, 7537, 7538, and 7554 of Title 22, and section 2405 of Title 50, Appendix, War and National Defense, repealing section 2374 of Title 22, enacting provisions set out as notes under section 1189 of Title 8, sections 1431, 2451, 2452, 2651a, 2656, 2656f, 7501, 7511, 7513, 7514, and 7536 of Title 22, and section 2405 of Title 50, Appendix, and amending provisions set out as a note under section 112b of this title] shall take effect on the date of enactment of this Act [Dec. 17, 2004].''

EFFECT OF REPEAL OF SECTION 73 OF ACT JAN. 12, 1895

This section and section 112 of this title as not affected by the repeal of section 73 of act Jan. 12, 1895, ch. 23, 28 Stat. 615, which related to the same subject matter, see section 56(i) of act Oct. 31, 1951, ch. 655, 65 Stat. 729.

WRITTEN REQUESTS FOR DOCUMENTS

Copies of United States Treaties and Other International Agreements not available to Senators or Representatives unless specifically requested by them, in writing, see Pub. L. 94–59, title VIII, § 801, July 25, 1975, 89 Stat. 296, set out as a note under section 1317 of Title 44, Public Printing and Documents.

§ 112b. United States international agreements; transmission to Congress

(a) The Secretary of State shall transmit to the Congress the text of any international agreement (including the text of any oral international agreement, which agreement shall be reduced to writing), other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President. Any department or agency of the United States Government which enters into any international agreement on behalf of the United States shall transmit to the Department of State the text of such agreement not later than twenty days after such agreement has been signed.

(b) Not later than March 1, 1979, and at yearly intervals thereafter, the President shall, under his own signature, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report with respect to each international agreement which, during the preceding year, was transmitted to the Congress after the expiration of the 60-day period referred to in the first sentence of subsection (a), describing fully and completely the reasons for the late transmittal.

(c) Notwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary of State. Such consultation may encompass a class of agreements rather than a particular agreement.

(d)(1) The Secretary of State shall annually submit to Congress a report that contains an index of all international agreements, listed by country, date, title, and summary of each such agreement (including a description of the duration of activities under the agreement and the agreement itself), that the United States—

(A) has signed, proclaimed, or with reference to which any other final formality has been executed, or that has been extended or otherwise modified, during the preceding calendar year; and

(B) has not been published, or is not proposed to be published, in the compilation entitled ''United States Treaties and Other International Agreements''.

(2) The report described in paragraph (1) may be submitted in classified form.

(e)(1) Subject to paragraph (2), the Secretary of State shall determine for and within the executive branch whether an arrangement constitutes an international agreement within the meaning of this section.

(2)(A) An arrangement shall constitute an international agreement within the meaning of this section (other than subsection (c)) irrespective of the duration of activities under the arrangement or the arrangement itself.

(B) Arrangements that constitute an international agreement within the meaning of this section (other than subsection (c)) include the following:

(i) A bilateral or multilateral counterterrorism agreement.

(ii) A bilateral agreement with a country that is subject to a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

(f) The President shall, through the Secretary of State, promulgate such rules and regulations as may be necessary to carry out this section.

(Added Pub. L. 92–403, § 1, Aug. 22, 1972, 86 Stat. 619; amended Pub. L. 95–45, § 5, June 15, 1977, 91 Stat. 224; Pub. L. 95–426, title VII, § 708, Oct. 7, 1978, 92 Stat. 993; Pub. L. 103–437, § 1, Nov. 2, 1994, 108 Stat. 4581; Pub. L. 108–458, title VII, § 7121(b)–(d), Dec. 17, 2004, 118 Stat. 3807, 3808.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108–458, § 7121(b), substituted ''Committee on International Relations'' for ''Committee on Foreign Affairs''.

Subsec. (d). Pub. L. 108–458, § 7121(c), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 108–458, § 7121(d), designated existing provisions as par. (1), substituted ''Subject to paragraph (2), the Secretary of State'' for ''The Secretary of State'', and added par. (2).