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20-50-00 PURPOSE

To provide policy and procedure for the negotiation of international agreements, including the submission to the Department of State of information and documents in fulfillment of the provisions of the Case Act. (P.L. 92-403, 92nd Congress, S. 596, August 22, 1972.)

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20-50-10 POLICY

- A. All international agreements to which the United States becomes a party are to be cleared, prior to signature, with the Department of State and copies are to be submitted, after signature, to the Department of State for transmittal to the Congress, as required by the Case Act.
- B. All international agreements to which HEW will be a party are to be reported to the DHEW Office of International Affairs Management during negotiation. The Office of International Affairs Management will inform the State Department of the negotiations.
- C. The fact that an agency reports fully on its activities to a given Committee or Committees of Congress, including a discussion of agreements it has entered into, does not exempt the agreements concluded by such agency from transmission to the Congress by the Department of State under the Case Act.

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20-50-20 DEFINITIONS

- A. The determination whether an instrument or a series of instruments constitutes an international agreement that is required to be transmitted to the Congress is based upon the substance of that agreement, not upon its form or its character as a principal agreement or as a subordinate or implementing agreement.
- B. Although it is not practicable to enumerate every type of agreement that the Department of State should receive from HEW, agreements should be transmitted that: have political significance, involve a substantial grant of funds, constitute a commitment of funds that extends beyond a fiscal year, or would be a basis for requesting new appropriations, involve continuing or substantial cooperation in the conduct of a particular program or activity - or other cooperation, including the exchange or receipt of information, materials and/or services. Note: Individual project grant agreements under P.L. 480 are not included, but an overall agreement for the conduct of such projects is included. In case of doubt about the application of the Case Act to any particular agreement, appropriate information should be submitted to the State Department for decision as to appropriate action.

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20-50-30 PROCEDURE

A. Conduct of negotiations

The Office or officer responsible for any negotiations must ensure that during the negotiations no position is communicated to a foreign government or to an international organization as a United States position that goes beyond any existing authorization or instructions.

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B. Reporting

1. The Office or officer of the agency contemplating the possibility of an agreement with another country will supply, through channels, in duplicate, to the Office of International Affairs Management, the information requested on the DHEW International Agreement form, and a copy of the draft of the agreement when the draft has been prepared.
2. The Office of International Affairs Management will forward the DHEW International Agreement form to the Department of State for its information and comment.
3. The Office of International Affairs Management will report to the agency any comments that State may have with regard to the proposed agreement.

C. Transmission of Signed Texts to the State Department

When it is determined that the Case Act applies, the officer responsible for the negotiation of the agreement will transmit, through appropriate channels, a copy of the signed original text to the Office of International Affairs Management for transmission to the Department of State and if requested by State, the signed original of the text.

D. DHEW International Agreement Records

1. The Office of International Affairs Management will maintain a current listing of all international agreements signed by the Department or by an agency within the Department. This will be accomplished by keeping a file of the DHEW International Agreement forms submitted to it supplemented by memoranda of subsequent action.

(20-50-30 continued)

2. The agency concerned will keep, except when requested by State, the signed agreement and all accompanying papers such as agreed minutes, exchanges of notes, agreed interpretations, plans, etc.

This part of form to be completed when negotiations are initiated

TITLE OF AGREEMENT:

COUNTRY

ORGANIZATION

HEW AGENCY

CONTACT FOR INFORMATION

PURPOSE, GENERAL DESCRIPTION OF ACTIVITY

HEW RESPONSIBILITIES (FUNDS, PERSONNEL, EQUIPMENT, ETC.)

ADVANTAGE TO HEW

LEGAL BASIS FOR AGREEMENT

This part of form to be completed when signed

PERIOD OF AGREEMENT: FROM TO

HEW SIGNATORY, NAME AND TITLE

OTHER SIGNATORY, NAME AND TITLE

PROCEDURE FOR TERMINATION

DATE SIGNED

HEW FORM 618 rev. 3/74