

2 FAM 1130

EXECUTIVE ORDERS, PROCLAMATIONS, AND OTHER PRESIDENTIAL DOCUMENTS

(CT:GEN-351; 02-06-2009)
(Office of Origin: L)

2 FAM 1131 DRAFTING RESPONSIBILITY

2 FAM 1131.1 Executive Orders

(CT:GEN-351; 02-06-2009)
(State Only)

The Office of the Legal Adviser (L) *must either draft or clear all* Executive Orders and Presidential Determinations *that* originate in the Department of State, *and must clear on all such documents that are sent to the Department for review. Bureaus must also* obtain clearances from the *Bureau* of Legislative Affairs (H) and other interested offices.

2 FAM 1131.2 Proclamations and Other Presidential Documents

(CT:GEN-351; 02-06-2009)
(State Only)

Interested offices are responsible for initiating and drafting proposed proclamations and other Presidential documents as necessary to facilitate the effective, efficient, economical, and timely discharge of the Department's functions, responsibilities, and activities for which they have primary responsibility. *(See 11 FAM 700 for treaties, conventions, protocols, or other international agreements prepared in the Office of the Legal Adviser.)*

2 FAM 1132 PROCEDURES

(CT:GEN-351; 02-06-2009)
(State Only)

- a. *Prepare transmittal* letters to the Office of Management and Budget and proposed Executive Orders, proclamations, and other Presidential documents (other than Presidential determinations) for the signature of the Legal Adviser.

- b. The drafting office is responsible for informal consultation with the Office of Management and Budget (OMB) or other agencies as desirable or necessary in particular instances, and for making and filing records of such consultation.
- c. The *Office of Directives Management (A/ISS/DIR)* acts as the liaison for submissions to OMB.

2 FAM 1133 CLEARING DOCUMENTS ORIGINATING IN THE DEPARTMENT

(CT:GEN-351; 02-06-2009)
(State Only)

- a. The originator sends the draft transmittal letter and document to the Office of Legislative Affairs and to the Office of the Legal Adviser (in the case of documents originating outside of L), as well as to other interested areas of the Department. *The Bureau of Finance and Management Policy's Office of the Executive Director (FMP/EX), usually the Financial Policy and Management Controls Staff, clears proposed orders, proclamations, and directives that affect the organization, management, and interagency relations of the Department.*
- b. Upon completion of the clearance procedure, the originator prepares the letter and final document for approval by:
 - (1) The Assistant Secretary with jurisdiction over the originating office; or
 - (2) The Under Secretary for Management (*if M is the office of origin*), then forwards the approved letter or document to the Office of the Legal Adviser, which refers matters of major substance to the Secretary or Deputy Secretary for approval.
- c. When the complexity of the subject warrants, the letter of transmittal to the Office of Management and Budget (prepared by the originator after obtaining all clearances) includes an explanation of the nature, purpose, background, and effect of the proposed Executive order or proclamation (except routine annual proclamations observing special days or events) or directive and its relationship, if any, to related laws and other Executive orders, proclamations, or other Presidential directives.
- d. *Signed* Presidential determinations are transmitted *by memorandum from the Executive Secretariat to the Office of Directives Management (A/ISS/DIR)*. Transmittal memoranda are submitted to the Secretary by Action Memorandum from the originating office with clearance by the Office of Legislative Affairs and the Office of the Legal Adviser.

2 FAM 1134 CLEARING DOCUMENTS ORIGINATING OUTSIDE DEPARTMENT

(CT:GEN-351; 02-06-2009)
(State Only)

- a. The Legal Adviser ensures that all interested Department offices (particularly the *Office of Management Policy, Rightsizing and Innovation (M/PRI)*, in regard to administrative matters), review proposed Executive orders, Presidential proclamations, and directives referred to the Department by the Office of Management and Budget (OMB).
- b. A/ISS/DIR acts as OMB liaison for clearances.

2 FAM 1135 PUBLISHING SIGNED DOCUMENTS

(CT:GEN-351; 02-06-2009)
(State Only)

- a. Signed Executive orders, proclamations, and other Presidential documents (other than Presidential determinations) are published in the Federal Register by the White House without further action by the Department.
- b. The White House returns signed Presidential determinations to the Executive Secretariat, which forwards them to the Office of the Legal Adviser. The Office of the Legal Adviser ensures that all legal requirements are satisfied and transmits the signed original document to the Federal Register liaison officer, Office of Directives Management (A/ISS/DIR), for publication in the Federal Register.
- c. Documents signed by principal officers of the Department *intended to be published in the Federal Register* are also forwarded by the Executive Secretariat to the Office of the Legal Adviser for *legal review* and *are* transmitted to the Federal Register Liaison Officer, A/ISS/DIR.

2 FAM 1136 THROUGH 1139 UNASSIGNED