

2 FAM 1120 PUBLICATION IN THE FEDERAL REGISTER

*(CT:GEN-328; 07-11-2006)
(Office of Origin: A/ISS/DIR)*

2 FAM 1121 GENERAL

2 FAM 1121.1 Authority

*(CT:GEN-328; 07-11-2006)
(State Only)*

Authorities include:

- Federal Register Act (44 U.S.C. Chapter 15)
- Administrative Procedure Act (5 U.S.C. 551 et seq.)

2 FAM 1121.2 Liaison Functions

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(State Only)*

- a. The Office of Directives Management (A/ISS/DIR) has liaison responsibility with the Office of the Federal Register (OFR) on all matters concerning Department of State publication in the Federal Register (FR). The designated Federal Register liaison and alternates have sole authority for submissions to the OFR. The liaison has other specific authorities and responsibilities regarding submissions to the OFR, such as certification of submissions and signatures, authorization for corrections, appropriate format, etc.
- b. The Department's regulatory coordinator reviews and clears all Department rule notices. The regulatory coordinator provides liaison with the Office of Management and Budget's Office of Information and Regulatory Affairs (OMB/OIRA). The regulatory coordinator also creates and submits review packages to OMB's RISC/OIRA Consolidated Information System (ROCIS).

2 FAM 1122 WHAT IS THE FEDERAL

REGISTER SYSTEM?

(CT:GEN-328; 07-11-2006)
(State Only)

The Federal Register System is the central publication system that the U.S. Government uses to inform the public of Presidential documents, regulations, rules, and notices affecting them. The system is composed of two major publications, the daily Federal Register and the annually revised Code of Federal Regulations (CFR). Both publications are available in paper and electronic versions.

2 FAM 1122.1 Federal Register (FR)

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- a. The Federal Register is a daily publication that provides a uniform system for publishing Presidential and Federal agency documents. It is published on all official U.S. Government workdays. The Federal Register contains certain Presidential documents, documents of general applicability and legal effect, and documents requiring publication by statute or regulation. The Federal Register is the initial means by which rules and regulations are codified into the CFR.
- b. The Federal Register System charges a fee for all material published in the Federal Register. For a list of OFR publishing fees, access the DIR Web site or call the Federal Register liaison in DIR.

2 FAM 1122.2 Code of Federal Regulations (CFR)

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The Code of Federal Regulations (CFR) is a codification of the rules and regulations of the various Federal agencies. The CFR is divided into 50 titles according to subject matter. The title for the Department of State is 22 CFR, Foreign Relations.

2 FAM 1123 FEDERAL REGISTER (FR) DOCUMENT CATEGORIES

2 FAM 1123.1 Presidential Documents

(CT:GEN-328; 07-11-2006)
(State Only)

The Department of State publishes the following Presidential documents in the Federal Register:

- Presidential Determinations
- Presidential Memoranda

2 FAM 1123.2 Rule Notices

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- a. For purposes of the Federal Register System the terms "rule" and "regulation" are used interchangeably.
- b. Agency rules and regulations are publicly declared by notices published in the Federal Register. They propose or finalize additions, subtractions and changes to agency regulations in the CFR. Some request public comment within a specified time period.
- c. The following are types of rules and notices normally used in rulemaking:
 - (1) **Proposed Rule.** This contains a proposed rule and an explanation for the proposed changes. It usually solicits public comment and provides a location for making those comments. Proposed rules are published in a Notice of Proposed Rulemaking (NPRM); and
 - (2) **Final Rule.** Notices of final rules contain the final version of the rule and an effective date for implementing its provisions.
- d. Examples of other rules and notices include:
 - (1) **Interim Rule** (also known as Interim Final Rule). Notices of interim rules contain a rule and an effective date for implementing its provisions, but such rules must be finalized later in a final rule notice;
 - (2) **Direct Final Rule.** Notices of direct final rules are notices of final rules that were not first proposed in a NPRM or in an interim rule
 - (3) **Advance Notice of Proposed Rulemaking (ANPRM).** Sometimes used when the Department desires public comment prior to proposing a rule.
- e. A number of conditions apply to rule notices, including review by the Office of Management and Budget (OMB), notification of Congress, notification of the General Accountability Office (GAO), etc. Originating offices should consult with the office within the Office of the Legal Adviser (L) that provides legal services to their bureau for all rulemaking undertakings (see 2 FAM 1124, paragraph b).
- f. A/ISS/DIR has OFR-approved templates for use and can provide guidance (see the A/ISS/DIR Web site).

2 FAM 1123.3 Other Notices

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- a. Other types of notices published by the Department include notices of:
 - Delegations of Authority (see 2 FAM 1140)
 - Information Collections (see 2 FAM 1160)
 - Notices of Findings
 - Availability of information, forms, historical documents, etc.
 - Meetings
- b. The DIR Web site provides templates and guidelines for notice documents.

NOTE: All anticipated rules and regulations, regardless of their state of development, must be reported, upon request, to L for inclusion in the Department's semiannual regulatory agenda.

2 FAM 1124 OBTAINING CLEARANCES

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- a. Generally, originating offices must obtain clearances from Department offices affected by the publication of the document and any other clearances, as appropriate. The clearance procedure for Delegations of Authority and Information Collections are contained in 2 FAM 1140 and 2 FAM 1160.
- b. Rules and regulations. Originating offices must also clear all rule documents through the Office of the Legal Adviser (L). Originating offices must obtain review and clearance from the L office that provides other legal services to them.
- c. The Federal Register liaison in A/ISS/DIR reviews all notices. A/ISS/DIR may specify and/or require that originating offices obtain specific clearances before A/ISS/DIR submits materials to the OFR liaison for publication in the Federal Register.

2 FAM 1125 WHAT ARE THE FEDERAL REGISTER DOCUMENT REQUIREMENTS?

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- a. A/ISS/DIR has pre-approved OFR formats for publishing your documents in the Federal Register. If you have any questions about formatting, contact A/ISS/DIR's Federal Register liaison, or visit the DIR Web site.
- b. OFR requirements for Federal Register documents are available in the Federal Register Document Drafting Handbook.

2 FAM 1126 WHAT DOCUMENTS DO I NEED?

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- a. Request four signed originals of each notice, if possible (three for the Office of the Federal Register and one for the Department's records). A minimum of two signed originals is required. All originals must carry the authorizing officer's original signature, in ink (preferably blue).
- b. The OFR requires a diskette containing the submitted material. You must include clearance material in a separate document. The diskette label must contain:
 - (1) Agency name and originating office symbol;
 - (2) An identifier that ties the diskette and document together, such as title or subject (use the regulation identification number (RIN)) if the document is a rule); and
 - (3) An "UNCLASSIFIED" designation.
- c. Submit all Federal Register documents to A/ISS/DIR for review and processing immediately after they are signed. A/ISS/DIR will not assign a public notice number until it has the complete package. In the event of questions or problems, A/ISS/DIR will contact the originating office directly.
- d. A/ISS/DIR will forward the document to the OFR via courier.

2 FAM 1127 HOW LONG DOES IT TAKE TO PUBLISH?

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The Federal Register normally publishes documents within 4 days of receiving them from A/ISS/DIR. This permits sufficient time for the OFR to perform its review; for the Government Printing Office to format the document for publication; and to release the document for public inspection.

2 FAM 1127.1 Emergency Publication

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If a document requires publishing in less than 4 days, the originating office must submit an emergency request with the document stating the reason for the accelerated scheduling. This accelerated scheduling makes only a 1-day difference—it is published in 3 days instead of 4 days.

2 FAM 1127.2 Special Handling Publication

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In certain circumstances the originating office or agency may require special handling and a limited release of sensitive notices. Bring these special requests to the attention of the Federal Register liaison in A/ISS/DIR as soon as possible, so that arrangements can be made for their publication.

2 FAM 1128 AND 1129 UNASSIGNED