

1 FAM 240

OFFICE OF THE LEGAL ADVISER (L)

(CT:ORG-204; 02-10-2009)
(Office of Origin: L)

1 FAM 241 LEGAL ADVISER (L)

1 FAM 241.1 Responsibilities

(CT:ORG-204; 02-10-2009)

The responsibilities of the Legal Advisor are:

- a. Advises and represents the *Bureaus and missions of the Department; the Secretary and senior leadership; and, through the Secretary, the Executive Branch* on all legal and legal policy issues arising in connection with U.S. foreign policy and the work of the Department;
- b. Brings legal considerations to bear in formulating and carrying out U.S. foreign policy and in the administration of the Department and the Foreign Service;
- c. Reports directly to the Secretary of State;
- d. For administrative purposes, is treated as equivalent to an assistant secretary;
- e. Participates in international negotiations and represents the *United States* in international conferences related to legal issues, *and serves as a member of delegation and legal adviser to Treaty implementation commissions*;
- f. Represents the Department regarding legal concerns at interagency meetings, congressional hearings, and meetings of private organizations;
- g. Acts as the Department's point of contact with the Departments of Justice and Treasury with respect to sensitive law enforcement operations, prosecutions, and other individual cases that may affect the conduct of U.S. foreign policy;
- h. Represents the United States in litigation before international tribunals;
- i. Has lead responsibility on behalf of the Department for domestic litigation that involves the Department or its interests, coordinating the views of other Departments when necessary, and assisting the Justice Department in connection with such litigation;

- j. Serves as Chairman of the Department of State's Advisory Committee on International Law and the Secretary of State's Advisory Committee on Private International Law;
- k. Authorizes testimony of Department employees and production of Departmental records in response to legal process;
- l. Exercises general direction over attorney-advisers, other than those in the Office of Inspector General, who work-in bureaus other than the *Office of the Legal Adviser's Office* (e.g., CA, S); pursuant to Section 104(e) of the Immigration and Nationality Act, 8 U.S.C. 1104(e), provides general direction to the Director of the Visa Office's Office of Legislation, Regulations, and Advisory Assistance (CA/VO/L) through the Assistant Legal Adviser for Consular Affairs, who fulfills the responsibilities of General Counsel of the Visa Office provided for in 8 U.S.C. 1104(e); and
- m. Has substantive and coordinating responsibility for the following *Foreign Affairs Manual* (FAM) materials:
 - (1) 1 FAM 240—Office of the Legal Adviser;
 - (2) 2 FAM 210—Privileges and Immunities (Introduction and Immunities of U.S. Representatives and Establishments Abroad);
 - (3) 2 FAM 230—Privileges and Immunities (Immunities and Liabilities of Foreign Representatives in the U.S.);
 - (4) 2 FAM 240—Privileges and Immunities (Customs Privileges Accorded U.S. Representatives Abroad);
 - (5) 2 FAM 260—Privileges and Immunities (Tax Exemptions Accorded U.S. Representatives Abroad);
 - (6) 2 FAM 280—Privileges and Immunities (Claims Against the United States);
 - (7) 2 FAM 500—Legal Affairs (Service of Legal Process);
 - (8) *2 FAM 700—Ethics*;
 - (9) 2 FAM 1130—Executive Orders, Proclamations and Other Presidential Documents;
 - (10) 2 FAM 1420—International Organizations Immunities;
 - (11) 3 FAM 4150—Compliance with the Financial Disclosure Requirements of the Ethics in Government Act of 1978;
 - (12) 5 FAM 480—Use of Copyrighted Material; and
 - (13) 11 FAM 700—Treaties and Other International Agreements.
- n. L also has substantive responsibilities in other areas of the FAM as applicable.

1 FAM 241.2 Organization

(CT:ORG-204; 02-10-2009)

An organization chart of L is found at Exhibit 241.2.

1 FAM 241.3 Authorities.

(CT:ORG-204; 02-10-2009)

Authorities for the Office of the Legal Adviser (L) are:

- a. 22 U.S.C. 2651a and 2656;
- b. 1 U.S.C. 112a and 112b (collection and transmission to Congress, *and publication* of international agreements);
- c. 5 U.S.C. Appendix 101-110 (Ethics in Government Act of 1978);
- d. 18 U.S.C. 3181, 3184 through 3188, 3193, and 3195 (international extradition);
- e. 22 U.S.C. 1972 (Fishermen's Protective Act);
- f. 22 U.S.C. 2660 (providing copies of treaties to the Public Printer);
- g. 22 U.S.C. 2669(b) and (f) (international and tort claims, respectively);
- h. 22 U.S.C. 2698 (procurement of legal services abroad);
- i. 22 U.S.C. 2710 (expenses of arbitration);
- j. 8 U.S.C. 1104(e) (supervision of the General Counsel of the Visa Office) and 1503 (Board of Appellate Review—L/BAR);
- k. 22 U.S.C. 2668a (claims payment), and
- l. 22 CFR 172.4 and 172.5 (approval of testimony and production of documents by Department employees, delegated to the Deputy Legal Advisers by Delegation of Authority No. 206, dated September 7, 1993).*
- m. 22 C.F.R. Part 181 (coordination, reporting, and publication of international agreements for purposes of implementing 1 U.S.C. 112a and 112b).*
- n . The following Delegations of Authority apply:*
 - (1) Delegation of Authority No. 94-1, dated March 6, 1969, from the Secretary to the Legal Adviser and Deputy Legal Advisers to Perform Functions Under the Fishermen's Protective Act (22 U.S.C. 1973 and 1975);*
 - (2) Delegation of Authority No. 108, dated March 9, 1964, from the Secretary to the Legal Adviser and Deputy Legal Advisers to Settle and Pay Certain Meritorious Claims (presented by foreign*

- governments), in accordance with 5 U.S.C. § 170g (now 22 U.S.C. 2669);*
- (3) Delegation of Authority No. 142, dated October 18, 1978, from the Secretary to the Legal Adviser of the functions vested in the Secretary of State by Executive Order 11517, relating to the issuance and signature of warrants appointing agents to return fugitives from justice extradited to the United States;*
 - (4) Delegation of Authority No. 166-2, dated May 30, 2008, by the Deputy Secretary to the Legal Adviser and Deputy Legal Advisers to settle claims under the Federal Tort Claims Act and 22 U.S.C. 2669-1;*
 - (5) Delegation of Authority No. 167, dated October 27, 1987, by the Secretary to the Legal Adviser, Deputy Legal Adviser, and L/CID, over records pertaining to arbitration of claims before the U.S.-Iran Claims Tribunal (50 U.S.C. 1701 note);*
 - (6) Delegation of Authority No. 175-4, dated January 1, 2006, from the Deputy Secretary to the Legal Adviser, regarding waiver determinations with respect to financial interests of Department employees other than seventh floor principals (18 U.S.C. 208(b)(1) and (3));*
 - (7) Delegation of Authority No. 182, dated January 8, 1990, from the Secretary to the Legal Adviser, re delegating authority received from USAID regarding ten Iranian development loans (case No. B/38);*
 - (8) Delegation of Authority No. 214, dated September 20, 1994, by the Secretary to the Legal Adviser of the functions vested in the Secretary by 1 U.S.C. 112a(b);*
 - (9) Delegation of Authority No. 220, dated March 7, 1997, from the Secretary to the Legal Adviser to consult with the Attorney General to make certain determinations in connection with the institution of a prosecution in the United States of a U.S. national accused of killing or attempting to kill a U.S. national in a foreign country (18 U.S.C. 1119);*
 - (10) Delegation of Authority No. 268-1, dated August 7, 2003, from the Deputy Secretary to the Legal Adviser, to receive complaints of discrimination submitted by or against employees of S/OCR and to assign complaints for investigation, if warranted;*
 - (11) Delegation of Authority No. 282, dated July 15, 2005, from the Secretary to the Legal Adviser and Deputy Legal Advisers the function vested in the Secretary relating to the referral to the Foreign Claims Settlement Commission of categories of claims against foreign governments (22 U.S.C. 1623(a)(1)(C)); and*

(12) *Delegation of Authority No. 293-1, dated January 12, 2007, from the Secretary to the Legal Adviser, of:*

- (a) *The functions conferred upon the President by sections 601(b)(3), 601(b)(4) (compliance with free trade agreements), and 620(e)(2) (application of the act of state doctrine) of the Foreign Assistance Act of 1961, and*
- (b) *Responsibility for ensuring compliance with the Case Act (1 U.S.C. § 112b) and applicable regulations and procedures, including the Circular 175 procedure, with respect to international agreements.*

o. Other authorities, as appropriate

1 FAM 242 DEPUTY LEGAL ADVISERS

(CT:ORG-204; 02-10-2009)

- a. On behalf of the Legal Adviser, the Deputy Legal Advisers direct and carry out responsibilities concerning provision of legal advice and services and provide effective and coordinated supervision of the legal activities of the bureau.
- b. The Principal Deputy Legal Adviser also acts as the bureau's Chief Management *Official* and chairs the Deputies' Committee. The Principal Deputy also serves as the Department's Designated Agency Ethics Official. In accordance with the Federal Vacancies Reform Act of 1998, the Principal Deputy serves as Acting Legal Adviser in the event that the position of Legal Adviser is vacant.

1 FAM 243 COUNSELOR, INTERNATIONAL LAW

(CT:ORG-204; 02-10-2009)

- a. Assists the Legal Adviser in advising the Secretary and, through the Secretary, the President and the officers and bureaus of the Department, on the domestic and international law aspects of national policy, positions, and plans relating to international affairs.
- b. Acts as liaison officer for the Legal Adviser within the academic community, bar associations, and other institutions involved in the practice and development of international law.
- c. Provides specialized advice, conducts long-term studies, and directs complex and often politically sensitive projects as assigned by the Legal Adviser.

- d. Responds to requests for advice from the deputies, assistant legal advisers, and other attorneys within the Office of the Legal Adviser.

1 FAM 244 EXECUTIVE DIRECTOR (L/EX)

(CT:ORG-204; 02-10-2009)

- a. Directs administrative management and support activities within the Office of the Legal Adviser, including program planning, administrative policy development, budget planning and control, financial management, personnel management and services, information systems management, general office services and property management, security, management analysis and evaluation, procurement and contracting, internal communications, *electronic and paper records management*.
- b. Serves as the internal control manager for the Office of the Legal Adviser and establishes and maintains internal management controls to prevent waste, fraud, abuse, and mismanagement of the bureau's resources. Periodically assesses the relative vulnerability of the bureau's internal control areas, conducts internal control reviews, and corrects identified problems.
- c. Supervises the Law Library, which is responsible for the development, selection, acquisition, and management of the bureau's legal collection, as well as the administration of legal research and cataloging services.
- d. Accepts legal service on behalf of the Secretary of State and Department of State officials in their official capacities.

1 FAM 245 GEOGRAPHIC ASSISTANT LEGAL ADVISERS

(CT:ORG-139; 06-15-2005)

The geographic legal offices:

- (1) Provide legal advice to their respective geographic bureaus;
- (2) Work closely with officers of the Department and other interested agencies within the foreign policy community; and
- (3) Provide both formal and informal legal advice on questions of international and domestic law, including the drafting and interpretation of international agreements, domestic statutes, executive orders, and other legal documents.

1 FAM 245.1 African and Near Eastern Affairs (L/AN)

(CT:ORG-204; 02-10-2009)

Provides legal advice on matters relating to Africa *and the Near East*.

1 FAM 245.2 East and South Asian Affairs (L/ESA)

(CT:ORG-204; 02-10-2009)

Provides legal advice on matters relating to East Asia and the Pacific *region, as well as South and Central Asia, including Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan*.

1 FAM 245.3 European and Eurasian Affairs (L/EUR)

(CT:ORG-204; 02-10-2009)

Provides legal advice on matters relating to Europe and Eurasia, including the independent states of the former Soviet Union, *except for Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan*.

1 FAM 245.4 Western Hemisphere Affairs (L/WHA)

(CT:ORG-204; 02-10-2009)

Provides legal advice *on matters relating* to the Western Hemisphere, *including* U.S. participation in the Organization of American States.

1 FAM 246 FUNCTIONAL ASSISTANT LEGAL ADVISERS

(CT:ORG-139; 06-15-2005)

The functional legal offices provide legal advice to the various functional bureaus, other officers and bureaus of the Department, and other government entities on matters within their special competence.

1 FAM 246.1 Nonproliferation and Verification (L/NPV)

(CT:ORG-204; 02-10-2009)

a. Provides legal guidance and assistance to the Department, and primarily

the Bureau of Arms Control and Bureau of Verification, Compliance *and Implementation*, on negotiation, interpretation, and implementation of arms control agreements and initiatives including: START, INF, Moscow Treaty; Conventional Forces in Europe, Vienna Document 1999, Open Skies Treaty; the Chemical Weapons Convention and the Biological Weapons Convention; agreements on transfers of landmines; the nuclear test-ban treaties; and agreements to protect and dispose of plutonium and other fissile materials.

- b. Provides legal advice and assistance as required by the Bureau of International Security and Nonproliferation and other bureaus in the Department on matters relating to:*
- (1) Nuclear energy and technology, nuclear policy and operations, peaceful international nuclear cooperation, nuclear export activities, nuclear nonproliferation sanctions and initiatives, and military applications of nuclear energy, including implementation of the Nuclear Non-Proliferation Act of 1978 and the Atomic Energy Act of 1954, as amended;*
 - (2) Nonproliferation issues related to missiles and chemical and biological weapons, including implementation of sanctions laws and export control laws, negotiation and implementation of technology safeguards agreements in connection with satellites and space-launch vehicles, and issues related to remote sensing;*
 - (3) Implementation of sanctions provisions related to lethal military equipment transfers to terrorism-list countries;*
 - (4) Interpretation, implementation, and strengthening of the Nuclear Non-Proliferation Treaty, the four principal multilateral export control regimes, the Statute and safeguards agreements of the International Atomic Energy Agency, nuclear weapons-free zones, and other international initiatives to curb proliferation;*
 - (5) Formulation of U.S. response to proliferation activities by countries of proliferation concern; and*
 - (6) Establishment, funding, and implementation of proliferation-related assistance programs and agreements, including those related to the Nonproliferation and Disarmament Fund, science centers, export controls and border security, protection and disposition of plutonium and other fissile materials, and weapons program dismantlement.*
- c. Assists in drafting laws, regulations, procedures, and agreements related to the foregoing areas of practice.*

1 FAM 246.2 Buildings and Acquisitions (L/BA)

(CT:ORG-204; 02-10-2009)

Provides legal advice and representation in:

- (1) Solicitation, award, and administration of Federal acquisition contracts;
- (2) Acquisition, development, and disposition of real property abroad and domestically;
- (3) Negotiation and mediation of contract claims and agency bid protests;
- (4) Direct representation in contract appeals before the *Civilian* Board of Contract Appeals and bid protests to the *Government Accountability* Office; and coordination with the Department of Justice representation in acquisition matters in Federal and foreign courts;
- (5) Management of Government property domestically and abroad;
- (6) Drafting and interpretation of Federal acquisition laws, regulations, and policies;
- (7) Oversight and administration of employee associations and American schools at posts abroad; and
- (8) Grant and cooperative agreement law, regulations, policies, and administration.

1 FAM 246.3 Consular Affairs (L/CA)

(CT:ORG-204; 02-10-2009)

- a. Provides legal advice and supports interagency efforts and international negotiations concerning visas; immigration, *repatriation, sharing of information with foreign governments*; parole, citizenship, and passport issues; the protection of and provision of benefits and services to U.S. citizens abroad; international children's issues; international judicial assistance; and the performance of other consular functions by U.S. consular officers or U.S. protecting powers abroad.
- b. Provides general legal advice on the performance of consular functions by foreign consular officers in the United States and on U.S. obligations relating to the performance of such functions.
- c. Handles international, foreign, and domestic litigation and witness requests relating to the performance of consular functions.
- d. Provides legal advice regarding consular fees, *legislative proposals related*

to passport, visa, or other consular operations; disclosure of visa and consular information, and other management issues relevant to the operations of the Bureau of Consular Affairs.

- e. *Fulfills the responsibilities of General Counsel of the Visa Office provided for in 8 U.S.C. 1104(e).*

1 FAM 246.4 Diplomatic Law and Litigation(L/DL)

(CT:ORG-204; 02-10-2009)

Provides legal advice and assistance with respect to issues involving diplomatic law to the Office of the Foreign Missions, the Office of Protocol, and other officers, agencies, and departments as required, operationally and in domestic and foreign litigation. Substantive responsibilities relate particularly to the following areas:

- (1) Interpretation and application of international agreements and domestic statutes pertaining to U.S. and foreign diplomatic and consular missions and personnel, including the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the Diplomatic Relations Act, and the Foreign Missions Act;
- (2) Legal issues concerning the status, privileges, and immunities of international organizations, their personnel, and missions of states members in the United States under the International Organizations Immunities Act and relevant headquarters agreements;
- (3) Legal issues relating to immunity of foreign states and governmental officials in the United States, including interpretation and application of the Foreign Sovereign Immunities Act;
- (4) Legal issues relating to immunity of the U.S. Government and its personnel abroad, including in the context of litigation;
- (5) Legal issues relating to head of state immunity; and
- (6) Related legal issues and projects arising in the context of civil litigation, for example under the Alien Tort Statute.

1 FAM 246.5 Economic and Business Affairs (L/EB)

(CT:ORG-139; 06-15-2005)

- a. Provides legal advice on all aspects of international economic policy, including economic sanctions, export and import controls, terrorism finance, international trade and trade agreements, antitrust, civil aviation, maritime, energy, investment protection (including under bilateral investment and Friendship, Commerce, and Navigation treaties and, with

L/CID, expropriation matters), international telecommunications and information policy, tax, monetary affairs, debt, intellectual property, and U.S. Government guarantee and insurance programs.

- b. Is responsible for the issue of extraterritorial application of U.S. laws insofar as those laws have an economic dimension.

1 FAM 246.6 Employment Law (L/EMP)

(CT:ORG-139; 06-15-2005)

- a. Advises Department officials on issues involving the Foreign Service Act, Title VII of the Civil Rights Act, the Rehabilitation Act, the Ethics in Government Act of 1978, the Hatch Act, the Civil Service authorities in Title V of the United States Code, and other laws, Executive Orders, and regulations.
- b. Provides legal advice and services to the Director General of the Foreign Service and Director of Personnel, and others involved in the management of the Department's human resources and labor relations matters.
- c. Advises the Director of Medical Services on a range of legal issues, including medical clearances, disability and reasonable accommodation, and access to health units or medical services.
- d. Conducts litigation, including representation of the Department at administrative hearings, before the Equal Employment Opportunity Commission, the Merit Systems Protection Board, labor arbitrators, and the Foreign Service Grievance Board, and supports USG efforts in personnel litigation in Federal courts.
- e. Directs and carries out the financial disclosure reporting and review program as required by the Ethics in Government Act of 1978, Executive Orders and regulations, and other applicable laws.

1 FAM 246.7 Human Rights and Refugees (L/HRR)

(CT:ORG-139; 06-15-2005)

Provides legal advice to the Department on human rights and refugee matters in foreign affairs, in both bilateral and multilateral contexts, including promotion of democracy and rule of law programs, worker rights and international labor issues, asylum, migration, and population issues; negotiation and ratification of human rights treaties; and interpretation and application of domestic laws related to human rights and refugees.

1 FAM 246.8 International Claims and Investment Disputes (L/CID)

(CT:ORG-139; 06-15-2005)

Provides legal advice and representation, and coordinates activities within and outside the Department, with respect to all aspects of international claims and investment disputes, including:

- (1) Claims under international law by the United States and U.S. nationals against foreign governments, and by foreign governments and foreign nationals against the United States, from inception through settlement, including questions of domestic and international law and standards of compensation; expropriation; other international property and investment disputes; claims for denial of justice, war damage, mob violence, wrongful death, personal injury, expulsion, and imprisonment; espousal of claims, negotiation of lump sum settlements, and presentation of claims before dispute settlement bodies; and tort claims, domestic law, and litigation relating to all the foregoing;
- (2) Claims pending before the Iran-United States Claims Tribunal in The Hague and claims against Iraq before the United Nations Compensation Commission in Geneva; policies pertaining to, and legal positions taken before, the Tribunal and the Commission; and associated litigation in the United States;
- (3) Claims under the investment chapter of the North American Free Trade Agreement (Chapter Eleven), including representation of the United States in claims by Canadian and Mexican investors and presentation of U.S. views on issues of treaty interpretation in claims against Canada and Mexico;
- (4) Claims against foreign states of the Overseas Private Investment Corporation under the dispute provisions of bilateral investment guarantee and investment incentive agreements;
- (5) Claims against the United States, and state-to-state claims against foreign states for espousable claims, under the dispute provisions of bilateral and other investment agreements and the investment provisions of free trade agreements;
- (6) Promotion of international investment dispute settlement machinery and related issues in bilateral or multilateral fora; development of claims resolution processes to assist efforts to resolve disputes between third countries and nationals; assistance in drafting investment and investor-State provisions in free trade agreements and, bilateral, and other investment agreements; and participation

- in interagency investment-related policymaking fora; and
- (7) Coordination of activities within the Department, with other agencies, and with Congress regarding compensation for acts of international terrorism, including assistance with litigation in U.S. courts involving the attachment of diplomatic and non-diplomatic blocked property.

1 FAM 246.9 Law Enforcement and Intelligence (L/LEI)

(CT:ORG-139; 06-15-2005)

- a. Provides legal advice and services on international aspects of law enforcement matters, including the international extradition of fugitives, legal assistance in the administration of justice in criminal matters, international anti-corruption enforcement, and international counter-terrorism efforts.
- b. Negotiates bilateral extradition and mutual legal assistance treaties and multilateral terrorism and law enforcement treaties, including on corruption, organized crime, cyber crime, and trafficking in persons.
- c. Provides legal advice to the Bureau of Intelligence and Research on domestic and international legal aspects of intelligence matters, including coordination with appropriate agencies in connection with legislation, regulations, and litigation concerning intelligence activities. Provides legal advice to Department policy bureaus on international anti-narcotics, anti-terrorism, corruption, and trafficking in persons issues, and to the Bureau of Diplomatic Security on law enforcement issues.

1 FAM 246.10 General Management (L/M)

(CT:ORG-204; 02-10-2009)

- a. Provides legal advice to the Bureau of Diplomatic Security, the Bureau of Resources Management, and the Bureau of Information Resources Management, and other officers and bureaus in the Department on matters relating to the responsibilities of these bureaus, including law enforcement and protection authorities and responsibilities, fiscal and appropriations law; *interaction with the Government Accountability Office; and issues relating to* the Federal Advisory Committee Act and eGovernment requirements.
- b. Provides legal advice to the Bureau of Administration, the Bureau of Human Resources, and other officers and bureaus in the Department on matters relating to travel and allowances, evacuations, authentications, directives, regulations, the Federal Records Act, the Paperwork Reduction

Act, the Freedom of Information Act, the Privacy Act, classification and release of documents, and other information law.

- c. Provides legal advice to the Bureau of Legislative Affairs and other officers and bureaus in the Department on matters relating to *communications with Congress on a variety of issues, including Congressional requests for information or documentation.*
- d. Provides legal advice to *the Office of the Under Secretary for Management and other* offices and bureaus in the Department on *a number of* general management and administrative questions, *including Department of State and Chief of Mission authorities, but* not including personnel, procurement, buildings, or ethics.
- e. Coordinates and prepares the Department of State's submission to the Unified Agenda *of Federal Regulatory and Deregulatory Actions.*
- f. Working with the Bureau of Resources Management, provides legal advice and overall direction for the garnishment program for Department and other foreign affairs agency employees and retirees.
- g. *Provides legal advice to the Bureau of Diplomatic Security, the Office of War Crimes Issues, and other Department officials in connection with the Rewards for Justice Program.*

1 FAM 246.11 Legislation and Foreign Assistance (L/LFA)

(CT:ORG-204; 02-10-2009)

- a. *Provides legal advice to the Bureau of Legislative Affairs, the Bureau of Resource Management, and other officers and bureaus in the Department on matters relating to:*
 - (1) *Appropriations and authorization legislation and other legislative initiatives regarding Department of State and Foreign Operations funding and other Department of State authorities;*
 - (2) *The implementation of foreign assistance programs authorized under the Foreign Assistance Act, Arms Export Control Act, Migration and Refugee Assistance Act, or other authorizing legislation, including programs providing economic, military, humanitarian and peacekeeping assistance, HIV/AIDS and Millennium Challenge Corporation assistance, and migration and refugee assistance;*
 - (3) *The implementation of sanctions legislation related to the provision of foreign assistance;*
 - (4) *Legislative aspects of other related programs, such as foreign*

military sales, defense and other technology exports, and Department of Defense authorities in which the Department has equities.

b. Assists in drafting laws, regulations, procedures, and agreements related to the foregoing areas of practice.

1 FAM 246.12 Oceans, International Environmental and Scientific Affairs (L/OES)

(CT:ORG-204; 02-10-2009)

Provides legal advice and assistance to the Bureau of Oceans and International Environmental and Scientific Affairs and other U.S. Government agencies concerning the development, negotiation, interpretation, and application of customary and conventional international law, as well as domestic law, relating to:

- (1) Oceans, including the law of the sea, fisheries, maritime boundaries, marine pollution, marine mammals, deep seabed mining, maritime drug interdiction, marine scientific research, navigation and overflight freedoms, and baselines;
- (2) The environment and conservation, including marine pollution, trans-boundary air pollution, climate change, biodiversity, stratospheric ozone depletion, biotechnology, desertification, forests, wetlands, energy efficiency, transboundary pollution, hazardous wastes, trade and environment, environmental impact assessment, endangered species, protected marine species, the UN Commission on Sustainable Development, *the UN Environment Programme*, war and the environment, liability for environmental damage, and financial assistance to developing countries;
- (3) Scientific and technological affairs, including *issues related to* technology transfer and intellectual property rights;
- (4) Outer space, including the *UN Treaties and Principles on Outer Space*, Space Station agreements, *and cooperation agreements*;
- (5) Polar affairs, including all matters related to the Antarctic Treaty system; and;
- (6) *International health issues, including matters relating to avian influenza and other diseases.*

1 FAM 246.13 Political-Military Affairs (L/PM)

(CT:ORG-139; 06-15-2005)

- a. Provides legal advice and assistance to the Bureau of Political-Military Affairs, others in the Department, and other agencies on matters relating to:
 - (1) Global military and political-military activities, including use of force, base rights and status of forces agreements, foreign military claims, and suits against U.S. armed forces;
 - (2) Foreign military assistance, including technical assistance, foreign military sales, and security assistance;
 - (3) Military applications of space technology;
 - (4) Munitions export control and naval vessel loans program;
 - (5) Disarmament;
 - (6) U.S. and foreign government aircraft, vessels, and nuclear-powered warships; and
 - (7) Laws of war including Geneva Red Cross Conventions, Hague Conventions and Rules, and the Convention on Conventional Weapons.
- b. Assists in drafting related laws, regulations, procedures, and agreements; and assists in providing the Department with budgetary input to Congress relating to the above areas.

1 FAM 246.14 Private International Law (L/PIL)

(CT:ORG-204; 02-10-2009)

- a. Provides legal advice and representation, and coordinates activities within and outside the Department, concerning the development and implementation of private international law *on topics such as family law, commercial law, and judicial assistance*, including:
 - (1) U.S. participation in the activities of the UN Commission on International Trade Law, the Hague Conference on Private International Law, the International Institute for the Unification of Private Law, and the private international law activities of the Organization of American States, *and other organizations as appropriate*;
 - (2) U.S. participation in bilateral and multilateral intergovernmental treaty negotiations and other international activities to unify and harmonize private international law; and

- (3) Department efforts within the executive branch and vis-à-vis the Congress and the U.S. academic and legal communities, *and U.S. state governments* concerning U.S. ratification *or other implementation* of private international law conventions and treaties, enactment of implementing legislation *or adoption of model laws or other legal texts*, and *development* of procedures for implementation.
- b. *L/PIL staff also serve* as Vice-Chairman and Executive Director of the Secretary of State's Advisory Committee on Private International Law.

1 FAM 246.15 Public Diplomacy and Public Affairs (L/PD)

(CT:ORG-139; 06-15-2005)

- a. Provides legal advice on international educational, cultural, and information exchanges and activities conducted pursuant to the Mutual Educational and Cultural Exchange Act of 1961, as amended ("Fulbright-Hays"), the United States Information and Educational Exchange Act of 1948 ("Smith-Mundt"), and other legislation. Substantive areas include the Exchange Visitor Program, international exchange agreements, world fairs, restrictions on domestic dissemination of program materials prepared for distribution abroad, and international broadcasting.
- b. Provides legal advice on cultural property issues and immunity from judicial seizure, pursuant to the Convention on Cultural Property Implementation Act and the immunity from judicial seizure statute, respectively.
- c. Provides legal advice on issues dealing with informing and influencing the international public about U.S. policy and American society.
- d. Provides legal advice on issues dealing with the overall public communication strategies of the Department, including the preparation of materials for public release in the United States, and related press, copyright, and rights clearance issues.
- e. Handles certain other public diplomacy issues, including residual problems of World War II involving enemy assets, looted objects, and cultural and artistic property.

1 FAM 246.16 Treaty Affairs (L/T)

(CT:ORG-204; 02-10-2009)

- a. Provides legal advice *to other offices under the Legal Adviser, other Department bureaus (including posts overseas), and other government agencies* on all aspects of treaty law and procedure, including

constitutional questions, drafting, negotiation, conclusion, interpretation, and termination of treaties; and provides notice to Congress (*pursuant to the Case-Zablocki Act*) regarding international executive agreements entered into by the United States.

- b. Oversees the Circular 175 procedure, through which approval is sought for the negotiation, conclusion, and termination of international agreements.*
- c. Works closely with the Senate Committee on Foreign Relations and coordinates the transmittal of treaties to the Senate for advice and consent to ratification.*
- d. Oversees the Department's compliance with the Case-Zablocki Act (1 U.S.C. § 112a and 112b), including the reporting of international agreements other than treaties to Congress.*
- e. Serves as the principal U.S. government repository for U.S. treaties and other international agreements.*
- f. Discharges the U.S. government's function as depositary for certain multilateral treaties and is responsible for the registration of treaties and international agreements with the United Nations pursuant to Article 102 of the Charter of the United Nations and Article 83 of the Convention on International Civil Aviation.*
- g. Publishes Treaties in Force (TIF) as of January 1 of each year and is charged with publication of treaties and international agreements in the Treaties and Other International Acts Series (TIAS).*

1 FAM 246.17 United Nations Affairs (L/UNA)

(CT:ORG-204; 02-10-2009)

Provides legal advice on issues arising from U.S. participation in the United Nations system and in international conferences, such as those concerned with *resolutions and other activities of the UN Security Council*, development of international law, dependent territories, pacific settlement of disputes, peacekeeping, and privileges and immunities. Substantive areas of responsibility include issues related to UN sanctions, UN peacekeeping, UN financing, the International Criminal Court, the International Court of Justice (including representation of the United States in cases before the Court), issues coming before the Sixth (Legal) Committee of the United Nations General Assembly, issues coming before the International Law Commission, representation of the United States and other entities in international organizations, the status of the United States as host country for the United Nations and other international organizations, and the Advisory Committee on International Law.

1 FAM 247 THROUGH 249 UNASSIGNED

1 FAM EXHIBIT 241.2 OFFICE OF THE LEGAL ADVISER (L)

(CT:ORG-204; 02-10-2009)

