

# Department of the Interior Departmental Manual

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**Series:** Information Resources Management

**Part 381:** Origination of Records and Information

**Chapter 2:** Presidential Directives

**Originating Office:** Office of Planning and Performance Management

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## 381 DM 2

**2.1 Presidential Directives.** There are three types of directives by which the President promulgates policy, delegations, etc. to the executive branch and makes official announcements which are of general public interest. These documents, personally signed by the President, are Executive Orders, Proclamations, and Memoranda.

A. Executive Orders are generally directed to Federal departments and establishments. They may set policy, establish organizations, assign responsibilities, delegate authority, activate programs, or prescribe procedures; and are founded on constitutional or statutory authority, that is cited in the Order.

B. Proclamations in most instances affect the activities and interests of the general public. They may be used to establish policy and regulate actions when founded on constitutional or statutory authority which is cited in the proclamation. If not based on such authority, they are hortatory in nature and are not legally binding.

C. Presidential Memoranda are generally directed to Federal departments and establishments on a single or multiple addressee basis. They may require specified actions by or reports from the addressee(s). Generally, they deal with a one-time project or activity, though on occasion they may prescribe policy.

**2.2 Responsibility.** The Legislative Counsel, Office of Congressional and Legislative Affairs, is responsible for coordinating the Departmental review and proposed Presidential documents originated internally, and those originated externally which are submitted to the Department for review. The Legislative Counsel serves as the Department's single point of contact with the Office of Management and Budget in matters related to Presidential directives.

## 2.3 Procedures.

A. Documents Originated Externally. Proposed Presidential documents which are submitted to the Department for concurrence and comment will be routed to the Legislative Counsel, who will determine appropriate review officials, coordinate the review, and prepare a response for the Department.

B. Documents Originated Internally. Proposed Presidential documents originated in the Department will be routed to the Legislative Counsel. Documents must be submitted well in advance of the intended issuance date to allow adequate time for Departmental and executive branch coordination.

(1) The Legislative Counsel will coordinate Departmental review by the Office of the Solicitor, affected bureaus and offices, and appropriate Secretarial Officers, and will arrange for transmittal to the Office of Management and Budget for executive branch coordination and clearance.

(2) The document must be accompanied by a transmittal letter to the Director of the Office of Management and Budget explaining the purpose, and background of the proposed document and its relationship, if any, to pertinent laws and other Presidential directives. The originating bureau or office will prepare the transmittal letter for the signature of the Secretary of the Interior.

**2.4 Format.** The appropriate format for proposed Executive orders and Proclamations is prescribed in 1 CFR 19 ( See Appendix 1 to this chapter).

**2.5 Copy Requirements.** In addition to the copy requirements prescribed in 1 CFR 19.2(a) of Appendix 1, originators will provide sufficient copies for internal distribution as prescribed for other letters and documents signed by Secretarial Officers.

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Appendix 1

## EXCERPT FROM TITLE 1 CODE OF FEDERAL REGULATIONS

Sec.

19.1 Form.

19.2 Routing and approval of drafts.

19.3 Routing and certification of originals and copies.

19.4 Proclamations calling for the observance of special days or events.

19.5 Proclamations of treaties excluded.

19.6 Definition.

AUTHORITY: Secs. 1 to 6 of E.O. 11030, 27 FR 5847, 3 CFR, 1959-1963 Comp., p. 610, and E.O. 11354, 32 FR 7695, 3 CFR, 1966-1970 Comp., p. 652

SOURCE: 37 FR 23610, Nov. 4, 1972, unless otherwise noted.

' 19.1 **Form.**

Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

- (a) The order or proclamation shall be given a suitable title.
- (b) The order or proclamation shall contain a citation of the authority under which it is used.
- (c) Punctuation, capitalization, spelling, and other matters of style shall, in general, conform to the most recent edition of the U.S. Government Printing Office Style Manual.
- (d) The spelling of geographic names shall conform to the decisions of the Board on Geographic Names, established by section 2 of the Act of July 25, 1947, 61 Stat. 456 (43 U.S.C. 364a).
- (e) Descriptions of tracts of land shall conform, so far as practicable, to the most recent edition of the ASpecifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations, @ prepared by the Bureau of Land Management, Department of the Interior.
- (f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 x 13 inches, shall have a left-hand margin of approximately 1 2 inches and a right-hand margin of approximately 1 inch, and shall be double-spaced except that quotations, tabulations, and descriptions of land may be single-spaced.
- (g) Proclamations issued by the President shall conclude with the following-described recitation:

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_, in the year of our Lord \_\_\_\_, and of the Independence of the United States of America the \_\_\_\_\_.

#### **' 19.2 Routing and approval of drafts.**

- (a) A proposed Executive order or proclamation shall first be submitted, with seven copies thereof, to the Director of the Office of Management and Budget, together with a letter, signed by the head or other properly authorized officer of the originating Federal agency, explaining the nature, purpose, background, and effect of the proposed Executive order or proclamation and its relationship, if any to pertinent laws and other Executive orders or proclamations.
- (b) If the Director of the Office of Management and Budget approves the proposed Executive order or proclamation, he shall transmit it to the Attorney General for his consideration as to both form and legality.
- (c) If the Attorney General approves the proposed Executive order or proclamation, he shall transmit it to the Director of the Office of the Federal Register, National Archives and Records Administration: *Provided*, That in cases involving sufficient urgency the Attorney General may transmit it directly to the President: *And provided further*, That the authority vested in the Attorney General by this section may be delegated by him, in whole or in part, to the Deputy Attorney General. Solicitor General, or to such Assistant Attorney General as he may designate.
- (d) After determining that the proposed Executive order or proclamation conforms to the requirements of ' 19.1 and is free from typographical or clerical error, the Director of the Office of the Federal Register shall transmit it and three copies thereof to the President.
- (e) If the proposed Executive order or proclamation is disapproved by the Director of the Office of Management and Budget or by the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by a statement of the reasons for such disapproval

#### **'19.3 Routing and certification of originals and copies.**

- (a) If the order or proclamation is signed by the President, the original and two copies shall be forwarded to the Director of the Federal Register for publication in the FEDERAL REGISTER.
- (b) The Office of the Federal Register shall cause to be placed upon the copies of all Executive

orders and proclamations forwarded as provided in paragraph (a) of this section the following notation, to be signed by the Director or by some person authorized by him to sign such notation: A Certified to be a true copy of the original. @

**' 19.4 Proclamations calling for the observance of special days or events.**

Except as may be otherwise provided by law, responsibility for the preparation and presentation of proposed proclamations calling for the observance of special days, or other periods of time, or events, shall be assigned by the Director of the Office of Management and Budget to such agencies as he may consider appropriate. Such proposed proclamations shall be submitted to the Director at least 60 days before the date of the specified observance.

**' 19.5 Proclamations of treaties excluded.**

Consonant with the provisions of Chapter 15 of Title 44 of the United States Code (44 U.S.C. 1511), nothing in these regulations shall be construed to apply to treaties, conventions, protocols, or other international agreements, or proclamations thereof by the President.

**' 19.6 Definition.**

The term A Presidential proclamations and Executive orders, @ as used in Chapter 15 of Title 44 of the United States Code (44 U.S.C. 1505(a)), shall, except as the President or his representative may hereafter otherwise direct, be deemed to include such attachments thereto as are referred to in the respective proclamations or orders.

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Replaces 1/11/84 #2543