

2 FAM 400

OPENING, CLOSING, OR CHANGING THE STATUS OF A FOREIGN POST

2 FAM 410

GENERAL PROCEDURES

(TL:GEN-305; 06-17-2003)
(Office of Origin: HR/RMA/RPA)

2 FAM 411 PROCESS TO OPEN, CLOSE, OR CHANGE THE STATUS OF A FOREIGN SERVICE POST

(TL:GEN-240; 07-23-1986)

A proposal to open, close, or change the status of a post normally is made and recommended by the assistant secretary for the appropriate regional bureau. The final decision to open, close, or change the status of a diplomatic mission is made by the President. The final decision to open, close, or change the status of a consular post, consular agency, branch, or special office is made by the Under Secretary for Management.

2 FAM 411.1 Requesting Authorization to Open, Close, or Change Status of Foreign Service Post

(TL:GEN-305; 06-17-2003)

The assistant secretary for the requesting regional bureau prepares a written proposal requesting authorization to open, close, or change the status of a *Foreign Service* post. This proposal must be cleared by those bureaus/offices which have a vested interest in terms of setting foreign policy priorities, allocating Department resources or dealing with the Congress and the public. These bureaus/offices act in an advisory capacity on any proposal to open, close, or change the status of a diplomatic mission or a consular post. The bureaus/offices and their primary areas of responsibility are:

Bureau/Office	Areas of Responsibility
<i>Bureau of Human Resources (M/DGHR)</i>	Foreign policy priorities; <i>human resources</i> (FS and FSNs)
<i>Bureau of Resource Management (RM)</i>	Foreign policy priorities; resources (salaries and support)
<i>Overseas Buildings Operations (OBO)</i>	Real property (office and residential); operational expenditures (furnishings/vehicles/ schools/official and household transportation/allowances)
Bureau of Consular Affairs (CA)	Consular requirements
Bureau of Diplomatic Security (DS)	Security requirements; communications requirements
Bureau of Legislative Affairs (H)	Congressional relations; legislative requirements
Foreign Service Institute (M/FSI)	Training requirements
<i>Office of Management Policy (M/P)</i>	<i>U.S. Government rightsizing; general management issues</i>
Office of the Under Secretary for Political Affairs (P)	Foreign policy perspective and priorities
<i>Office of the Legal Adviser (L)</i>	<i>Legal requirements</i>

2 FAM 411.2 Factors to Consider

(TL:GEN-273; 09-14-1991)

Foreign Service posts are maintained at places of significance to U.S. policy or interests and where the maintenance of a post is acceptable to the foreign government. In determining whether to open, close, or change the status of a post, the following factors are considered (as appropriate):

- (1) History of any previous U.S. representation in the locality, including reasons for opening or closing such offices;
- (2) Positive advantages to the U.S. Government in maintaining U.S. representation in the locality for long-range or temporary promotion of U.S. policy;
- (3) Extent of need for reporting economic and political developments in the locality in accordance with long-range U.S. interests, including strategic consideration and the supply of strategic materials;
- (4) Extent of U.S. capital investment and commercial interests, including the number of U.S. firms with established branches or agents, and opportunities for the promotion of U.S. trade;
- (5) Number of resident and transient U.S. citizens, including expected changes, and their need for documentation, protection, and other types of consular services;

(6) Anticipated need for, and efficacy of, a cultural activities program to promote mutual understanding between the peoples of the United States and the host country;

(7) Anticipated need for, and efficacy of, an information program to promote local understanding of U.S. policies and objectives;

(8) Extent of local business and public activity requiring consular services (such as notarial, citizenship, visa, and shipping services); and convenience of travel and communications for United States and local nationals to obtain such services;

(9) Expressed interest of U.S. Government agencies (other than the Department) in the maintenance of a post in the locality;

(10) Expressed interest of host government in the maintenance of U.S. representation in the locality (**NOTE:** When a consular district is delimited to include territory in more than one state, the consent of each state is required for the commencement of the performance of consular functions (see 2 FAM 450));

(11) Representation maintained by the host government in the United States, including number, rank, and functions of such office;

(12) Representation maintained by other governments in the locality, including number, rank, and functions of such offices;

(13) Relationship of a new post with supervisory offices, including possibility of centralized accounting or other administrative functions to reduce costs;

(14) Availability of housing and office space (including estimated cost), food, communication and transportation, recreation and medical facilities, and other conditions which would affect the personnel assigned to the post; and need for allowances and differentials, if any;

(15) Privileges and immunities extended or to be extended U.S. representatives by the host government, including free entry, tax exemption, etc.;

(16) Availability of personnel, funds, office furniture and supplies, automotive equipment from other posts in the area, or reasons why they are not available from such posts;

(17) Rank and size of post, including details of proposed functions, staffing, and limits of consular district; and

(18) Estimated initial and long-range requirements for additional personnel, funds, supplies, and equipment.

2 FAM 411.3 Preliminary Decision

(TL:GEN-273; 09-14-1991)

a. Although a proposal may originate in the field or elsewhere, the assistant secretary of the regional bureau makes the preliminary decision to open a post. After initial consultations with such offices in the Department as the regional bureau deems appropriate, a memorandum detailing the substantive objectives, justification for action, foreign policy implications and potential resource requirements is prepared, cleared with the appropriate bureaus/offices listed in 2 FAM 411.1, and forwarded to the Under Secretary for Management through the Secretariat (see 2 FAM 411.1 and 2 FAM 411 Exhibit 411.3). The preliminary decision normally includes only the unsolicited view, if any, of other Federal agencies concerning their interest in such a decision.

b. When the proposal concerns the opening, closing, or change of status of a diplomatic mission, the regional bureau also prepares and submits, with the statement, a memorandum for the President following guidelines in the *Secretariat Procedures Handbook*.

2 FAM 411.4 Final Decision

(TL:GEN-305; 06-17-2003)

a. The requesting bureau is responsible for securing clearances and attaching or incorporating the comments and recommendations of the bureaus/offices into the final proposal memorandum. A reasonable deadline by which all bureaus/offices must clear may be set by the requesting bureau. Any clearances not received by the designated date shall be noted in the memorandum.

b. The requesting bureau should request comments relevant to specific posts from the Office of the Inspector General. However, it is left to the discretion of the Inspector General as to whether to respond or not.

c. The requesting bureau forwards the complete proposal package, including the cleared memorandum and all written comments from the bureaus/offices, to the Director General (*M/DGHR*), serving as Secretariat, who is responsible for overseeing the process and maintaining the files. The Secretariat will review the package for completeness and forward it to the Under Secretary for Management.

d. Should there be an impasse, the Director General, serving as the Secretariat, may convene a meeting of the reviewing bureaus/offices to resolve the matter. If resolution is not obtained, the Director General may decide to forward the package with his or her recommendations to the Under Secretary for Management.

e. In the case of a diplomatic mission, the Under Secretary for Management reviews the proposal and forwards it with his or her recommendations to the Secretary for presentation to the President.

f. The same procedure is followed for consular posts and agencies, and branch and special officers, except that the final decision on the proposal is made by the Under Secretary for Management.

g. The Bureau of *Human Resources*, Office of Resource Management and Organization Analysis (*HR/RMA*) will maintain the official file of record for post openings, closings or changing of status.

2 FAM 411.5 Timing the Request

(TL:GEN-273; 09-14-1991)

Formal approval to open, close or change the status of a post must be granted prior to initiating any negotiations or compromising/committing acts.

2 FAM 412 AUTHORITIES

(TL:GEN-305; 06-17-2003)

a. The U.S. Constitution, Article II, Section 2, provides the basic authority for these procedures, deriving from the President's authority to appoint ambassadors and other public *ministers* and consuls.

b. *Public Law* 102-138 of October 28, 1991 (105 STAT. 647), provides specific provisions which must be followed when seeking to close a consular or diplomatic post.

2 FAM 413 THROUGH 419 UNASSIGNED

2 FAM 411 Exhibit 411.3
PRELIMINARY DECISION MEMORANDUM
(SAMPLE TEXT)

(TL:GEN-305; 06-17-2003)

(Security Classification or
Administrative Control Designation)

ACTION MEMORANDUM

Date:

TO: M—Ms. Jane Doe

THRU: *M/DGHR—Amb. Ruth A. Davis*
Secretariat for Foreign Service Posts

FROM: [Bureau] Assistant Secretary—Richard M. Roe

TAGS: AMGT, [country code]

SUBJECT: Preliminary Decision to Open Consulate at Cascade Grande, Mountlanda

This regional bureau, after informal consultation with other appropriate offices, has made a preliminary decision to open a Consulate at Cascade Grande, Mountlanda, during fiscal year 2003. In accordance with 2 FAM 422, the following statement of objectives and projection of personnel requirements is provided.

(Regional bureau completes.)

(Regional bureau completes.)

The Bureau will await advice of final decision on this matter from your office.

Recommendation:

Approve _____ Disapprove _____

Clearances:
(As required in 2 FAM 411.1 paragraph a)

(Security Classification or
Administrative Control Designation)