

There are, of course, a number of divisions, offices, and bureaus in the Department which are engaged in certain activities falling within the exceptions contained in 5 U.S.C. 1002; i.e., (1) functions requiring secrecy in the public interest and (2) matters relating solely to the internal management of the Department.

The Department and its Foreign Service are concerned almost exclusively with the performance of foreign affairs functions which necessarily have a direct bearing on our relations with foreign governments, their citizens and representatives, and international organizations. The protection of sensitive information in the files of the Department and the maintenance of the sources which provide such information must be continued and judgment exercised in disclosing information relating to such matters. In addition, there is a considerable amount of information, rules, regulations, and procedures in day-to-day use which are concerned solely with the internal management.

Our replies to the specific questions raised are as follows:

1. Question. Generally, to what functions of your agency does 5 U.S.C. 1002 apply? Are there any divisions, bureaus, branches, or other constituent units of your agency to which the section does not apply?

Answer. 5 U.S.C. 1002 applies generally to all functions of the Department of State; there are no constituent units to which it does not apply.

2. Question. In what official or unofficial publication, and at what intervals, does your agency publish?

(a) Descriptions of its central and field organization (see sec. 3(a)(1) of the Administrative Procedure Act.

Answer. A description of the Department's organization is published from time to time in the U.S. Government Organization Manual. The Department of State's field organization is published in the Federal Register from time to time as substantive changes are effected.

(b) Statements of the general course and methods by which functions are channeled and determined (see sec. 3(a)(2) of statute).

Answer. Annually in the U.S. Government Organization Manual and as necessary in the Department's regulations.

(c) Substantive rules adopted as authorized by law (see sec. 3(a)(3) of statute).

Answer. Substantive rules of concern to the public adopted as authorized by law are published in the Federal Register. These rules and procedures are also published in the Department's manuals of regulations.

(d) Statements of general policy or interpretations formulated and adopted by the agency for the guidance of the public (see sec. 3(a)(3) of statute).

Answer. These statements are published in the Federal Register.

(e) Rules addressed to and served upon named persons in accordance with law (see sec. 3(a)(3) of statute).

Answer. Not applicable to the Department of State.

3. Question. Please describe the manner in which your agency publishes, or, in accordance with published rule, makes available to public inspection, all final and interim opinions or orders in the adjudication of cases, pursuant to sec. 3(b) of the Administrative Procedure Act or other authority.

Answer. (Inserted after question 5.)

4. Question. In what types of cases does your agency refrain from publishing interim and final opinions or orders where, in the opinion of your agency good cause requires they be held confidential, pursuant to section 3(b) of the Administrative Procedure Act or other authority?

Answer. (Inserted after question 5.)

5. Question. In what circumstances are unpublished opinions and orders cited or used as precedents in other proceedings?

Answer. Based on our discussion with Mr. Archibald, questions 3, 4, and 5 appear to be more applicable to agencies having broad domestic regulatory powers. The domestic administrative functions performed by the Department of State in the public's interest do not entail the use of precedents except as applicable to the issuance of U.S. passports. However, all passport regulations having as their basis opinions, orders, and precedents are published in the Federal Register.

6. Question. What is the procedure for making available to the general public the records and files, interpretations and legal opinions of your agency?

Answer. Historical records of the Department are made available to the public when they are transmitted periodically to the National Archives. They are also made available to scholars at an earlier date. In addition, there are published from time to time volumes of Foreign Relations of the United States,