

**Quarterly Meeting Report - June 15-16, 1983**

# **A C V F A**

**Advisory Committee on Voluntary Foreign Aid  
U.S. Agency for International Development**

**Theme: U.S. Food Aid Policy**

**Convened at: U.S. Department of State  
Washington, D.C.**

## PREFACE

This document presents a summary of the proceedings of the quarterly meeting of the Agency for International Development Advisory Committee on Voluntary Foreign Aid (ACVFA). The Committee met June 15-16 at the State Department in Washington, D.C. Eighteen Committee members attended the meeting.

The Advisory Committee on Voluntary Foreign Aid was established in 1946 to serve as a focal point for relations between the U.S. Government and U.S. private and voluntary organizations. It is composed of private citizens, appointed by the Administrator of the Agency for International Development, who serve without compensation. Staff operations for the Committee are provided through AID's Bureau for Food For Peace and Voluntary Assistance.

The Committee has created subcommittees to review and comment on specific issues of concern to AID regarding implementation of policies and programs in the areas of:

- PVO Policy
- PVO-Corporate Relations
- Development Education
- Women in Development
- PVO-University Relations
- Food for Peace

Comments on the report or requests for further information should be directed to:

ACVFA  
Agency for International Development  
Department of State  
Washington, D.C. 20523

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# Meeting Agenda

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AGENCY FOR INTERNATIONAL DEVELOPMENT  
WASHINGTON, D. C. 20523

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

A G E N D A

WEDNESDAY, JUNE 15, 1983

THEME: U.S. Food Aid Policy

8:30 a.m.

Registration - Loy Henderson Auditorium, State Dept.

8:45 a.m.

Opening Remarks: E. Morgan Williams, ACVFA Chairman

9:15 a.m.

Current Structure & Organization of P.L.480,  
the U.S. Food for Peace Program

Moderator: Philip Johnston, Executive Director, CARE  
ACVFA Member

Speaker: Julia Chang Bloch, Assistant Administrator  
AID/Bureau of Food for Peace & Voluntary  
Assistance

Q & A

9:45 a.m.

Coffee Break

10:00 a.m.

P.L. 480: Historical Perspectives

Moderator: Philip Johnston

Speakers: Kay Bitterman, Former FFP Coordinator  
USAID

Frank Ellis, Former FFP Coordinator, USAID

Q & A

10:45 a.m.

U.S. Food Aid: A View from the Private Sector

Introduction: E. Morgan Williams

Speaker: Dwayne Andreas, Chairman & CEO  
Archer-Daniels-Midland (invited)

Q & A

11:20 a.m.

P.L. 480: Legislative Update

Introduction: Philip Johnston

Speaker: Lewis Gulick, Senior Staff, HFAC

Q & A

Noon

Break for Lunch

WEDNESDAY, JUNE 15, 1983

AFTERNOON SESSION -- Subcommittee Meetings Are  
Open to All Interested Persons

2:15 p.m. - 4:30 p.m.

SUBCOMMITTEE MEETINGS

PVO Policy: Room 1105  
State Department Building  
Diplomatic Entrance

PVO/Corporate Relations: Room 1107  
State Department Building  
Diplomatic Entrance

Development Education  
Loy Henderson Auditorium  
State Department Building

Women in Development  
Loy Henderson Auditorium  
State Department Building

PVO/University Relations: Room 1912 (1st Floor)  
State Department Building

Food for Peace: AID/FVA/FFP Conference Room  
1400 Wilson Blvd, 4th Floor  
Rosslyn, Virginia (235-3336)  
(Free Shuttle Bus from State Department)

THURSDAY, JUNE 16, 1983

8:30 a.m. ACVFA BUSINESS MEETING  
E. Morgan Williams, Presiding

Reports from Subcommittees

9:45 - 11:45 - ACVFA BUSINESS SESSION

- I. Report from AID/General Counsel -- Jan Miller
  - Conflict of Interest Statements
  - Appointment of members of Congress to ACVFA
  - Communications from ACVFA with Hill, State, White House
- II. Report from Planning & Operations Subcommittee - Morgan Williams  
Budget, ACVFA Quarterly Meeting dates & locations, Agendae, Subcommittees, Contracts.
- III. Report from Special Committee on Policy Issues  
Mark Ball, Chairman, Reporting
- IV. Scheduling of Meetings in Fiscal Year 1984  
Establish Priorities & Agenda Items for the Upcoming Year  
(October 1 - September 30, 1984)

V. New Business

Noon Quarterly Meeting Adjournment

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# **Opening Plenary Session**

**Theme: U.S. Food Aid Policy**

SUMMARY OF THE FIRST PLENARY SESSION  
ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID  
Wednesday, June 15, 1983

Presiding: E. Morgan Williams, Chairman  
Recorder: Louis A. Briganti

THEME: U.S. FOOD AID POLICY

After a brief opening statement by the Chairman, Mr. Williams, this session was turned over to Philip Johnston, who moderated the morning's presentations and discussions on the Food for Peace Program and its enabling legislation. Mr. Johnston described the Food for Peace Act of 1954 as a "hydra-headed" entity, establishing distinctive program mechanisms under three separate titles.

Current Structure and Organization of P.L. 480, the U.S. Food for Peace Program

The first speaker, Julia Chang Bloch, Assistant Administrator for AID, cited four objectives of the legislation:

- (1) To promote trade expansion
- (2) To promote US foreign policy interests
- (3) To serve the cause of foreign development, and
- (4) To meet humanitarian needs in many countries of the world.

The responsibility for overall execution of the program was shared by AID and the Department of State, Commerce, Treasury and the Office of Management and Budget. The program's broad support constituency was based on this balance of objectives.

She noted that the program as originally enacted was essentially a food transfer program, the only monetary element going to defray the cost of transporting food.

Title I of the Act was and is a Concessional Loan Financing Program supporting purchases by developing countries of U.S. grain.

Title II provides grants, principally to PVOs like CARE and Catholic Relief Services, to provide direct feeding and nutrition related services in developing countries, such as Maternal and Child Health, School Feeding and the Food for Work Program, which funds development of small local infrastructures (i.e., farm-to-market roads, etc.). Small monetary grants are made under this program along with food transfers.

Title III provides for the conversion of some Title I loan packages to grants where the recipient country or grantee agrees to certain requested policy changes, standards, or revised procedures or programs.

The FY 1983 Food for Peace Program budget was \$1.5 billion, about \$650 million of which was allocated to Title II, and \$850 million to Titles I and III. The primary AID focus on P.L. 480 is on the Act's balance of objectives, and on maximizing the program's impact in developing countries.

Ms. Chang Bloch also cited a current need for multi-sector analysis in such areas as poverty, social service, nutrition, health, and food production to better define food need problems and determine where Food for Peace assistance can be directed for the greatest impact.

She then addressed the need for Subcommittee support to AID in administering P.L. 480. She noted that while program guidance is in place, the Subcommittee should play a role in public education and information, serving as a bridge between the public, PVOs and AID, reporting back to AID on its reviews and assessments to tell AID "how it's doing." The example given was Title II targeting.

The next subject addressed was the concern voiced within the Advisory Committee about possible relationships between the Administration's food surplus reduction (PIK) Program and Food for Peace. Ms. Chang Bloch stated that no impact or relationship is anticipated. Section 416 now includes all commodities in the U.S. inventory for these grants as well as monetization and barter arrangements. Title II currently mandates 1.7 million tons of surplus grain which will be delivered, while 17 commodities and blended foods are now available under this title, and 5.5 million tons of grain stock is available under Titles I and III. However, Title I grain amounts may be affected by reductions in availability achieved through PIK, because of these concessional sales.

Responding to a question from the Rev. Taylor, Ms. Chang Bloch stated that previous problems of adverse currency impact caused by imbalances between concessional sales and grants are no longer a factor. Today only India and Pakistan have excess currency in U.S. hands.

Ms. Keegan asked about the status of the Percy/Pressler amendment to the Commodity Donation Program, which broadened the available variety of commodities but prevented barter and sales. Ms. Chang Bloch responded that the Senate has in fact allowed monetization and barter.

In response to a question from Mr. Sorokin, she suggested that there have been more evaluations of Title II than of Titles I and III, but AID has not developed impact measures for Title II projects, due primarily to a lack of useful data from local recipient areas. She also suggested that ACVFA might be able to help with this problem, designing improved evaluation and impact assessment strategies for Title II projects.

She referred Jack Thompson (Universities' Field Staff International) to Peggy Sheehan, who is in charge of Title II programs, for information on guidelines on selection of Food for Work projects in individual recipient countries, noting that no overall guidelines exist.

She stated that Clay-Singer Papers and (IFPRI) research provide support for a statement that P.L. 480 programs are not creating disincentives for local food production.

This session was suspended at this point for a fifteen minute break.

#### P.L. 480: Historical Perspectives

Kay Bitterman and Frank Ellis delivered presentations on the historical perspectives of P.L. 480. Ms. Bitterman's report concentrated on Title I Sales Programs and on P.L. 480 in general. She cited the Marshall Plan as background for Food for Peace, as well as another set of grants to Pakistan and India for wheat purchases, and Sections 550 and 402 of the Mutual Security Act. Conflicts arose immediately between P.L. 480 and Section 402.

The Executive Branch initially opposed P.L. 480, then supported it as a surplus disposal measure. In 1966 the Johnson Administration rewrote P.L. 480 to change its surplus disposal orientation to one in which we used our abundant agricultural productivity to achieve a variety of policy objectives. Throughout its life, she noted, the Act has enjoyed broad bilateral support.

In 1955 \$200 million in grain was exported under Title I. From 1956 to 1965 this program produced 20-28% of the total value of U.S. agricultural exports. FY 1977 was the first year in which it accounted for as little as 10%. Sixty percent of these Title I exports went to India, Pakistan, Bangladesh, Indonesia, Yugoslavia and Viet Nam, Egypt, and Korea.

Food for Viet Nam was the largest overall of the P.L. 480 programs. The largest of the Title I programs was the export to India.

By 1971 we had made the important transition from Title I sales for local currency to sales for U.S. currency.

Mr. Ellis noted that 1964 was a significant milestone year for Title II of the Food for Peace Act, in which it added the self-help requirement. It gave PVOs the ability to use food "insofar as practical to alleviate the cause of the need for food." By 1966 the Food for Work thrust had become very popular. That year also brought new authority to use blended and fortified foods (i.e., corn-soya-milk and wheat-soya blends and others); PVOs were able to begin training recipients in how to blend and use these products.

During a brief period of questions and answers Mr. Ellis and Ms. Bitterman noted that P.L. 480 is clearly used for national security purposes, and has been since at least 1972, when we moved away from Family Feeding to Food for Work. Restoration of Section 203 authority has given AID ability to monetize food contributions.

Considerable amounts of bilateral and PVO-operated Title II food transfers are going to the drought-stricken countries of the Sahel in Africa. Twenty percent of Title II grants are made to African countries.

Mr. Johnston praised the work of both Ellis and Bitterman over the years in encouraging, supporting, and guiding PVO action in feeding the hungry around the world through the Food for Peace Program.

#### P.L. 480: Legislative Update

Lewis Gulick, Sr. Staff Consultant to the House Foreign Affairs Committee, then addressed the current legislative environment surrounding the program.

He noted that interest in food was especially high this year, in view of the large surpluses being maintained in this country. HR 2992 has been reported by the Foreign Affairs Committee, with 6 provisions dealing directly or indirectly with food aid.

One is an expansion of the present Section 416 authority in the Agriculture Act of 1949. It provides for expansion to all commodities in CCC stock for Food for Peace sales and grants.

At the present time USDA counsel say that current law forbids sale or barter of Section 416 commodities; that they are strictly for donation, in spite of authorities of P.L. 480. Therefore, another amendment was adopted to clarify this situation by expressly permitting sale and/or barter of these commodities.

Another amendment re-adopted (actually a pair of amendments) are the so-called Fenwick Amendments. These increase the PVO role in implementation of Title II and III Food for Peace programs.

A further amendment concerns Egypt. It reduces the Title I aid to Egypt from \$250 million to \$225 million, and stipulates further gradual reductions over coming years. Egypt's large wheat imports create an active disincentive for local production (a loaf of bread costs one cent throughout the country).

A further amendment requires quarterly reports for Title II programming, while another affects the Section 406 farmer-to-farmer technical assistance program, which resembles Title XII, in which U.S. agricultural universities provide technical and production assistance (using Section 103 funds) to developing countries around the world. This amendment earmarks 1/10 of one percent of P.L. 480 funds for this purpose. This had not previously been funded. The amount is quite small (\$1.5 million), and this program may not actually be implemented this year.

A further amendment concerns the International Fund for Agricultural Development (IFAD). This amendment allows for fulfillment of the U.S. pledge of \$180 million for FY 1984 to be drawn from the Agriculture account (Section 103), if Congress fails to appropriate sufficient funds to IFAD directly.

This legislation should be brought to the floor of the House in July.

Additional legislation is also of interest. One is a proposed \$500 million increase in the P.L. 480 budget (now \$1.5 billion). House and Senate budget conferees were still at work, but chances for Senate passage of this increase were not good.

HR 1590, a domestic food and commodity distribution bill allows commodities in the CCC inventory to be distributed in this country to needy citizens. It would also allow up to 300,000 tons of international wheat emergency reserve to be used for domestic distribution. This reserve was set up as a backstop for P.L. 480 in emergency situations, so this has caused some concern. However, amendments have been added to replenish the reserve as it is drawn down.

There has also been a resolution to establish a Select Committee on Hunger (HR 15). Two hundred and twenty-nine members have signed to co-sponsor this resolution. Rules Committee approval will be sought soon to set up the Committee later in this session of Congress. Congressman Gillman's expectation is that this committee would review outstanding studies and recommendations, (such as those of the Presidential Commission on Hunger, the Brandt Commission, and the Carlucci Commission), and come forward with legislative and administrative recommendations.

Finally, several bills in Congress have been introduced to promote the improvement of American agricultural exports. However, many take the form of a federal subsidy to help domestic products compete more effectively with foreign products. He forecast little hope for most of these.

In his question-answer period, Mr. Gulick responded that Section 416 still bars PVO sale/barter of commodities, because the Senate amendment has not yet been enacted. Monetization by PVOs under Section 416 is still forbidden, while possible under P.L. 480 (Title II).

The proposed resolution (HR 15) on a Select Committee on Hunger will, if approved, address both domestic and world hunger.

Mr. Johnston concluded the presentation by reminding the members that there is a substantial, vocal body of criticism of P.L. 480, and that a presentation of these criticisms might well provide balance to the generally positive presentation this morning. We may have to live with the reality that we cannot statistically prove the efficacy of the program. But we must face both sides of the program and the local and international response to it.

Ms. Taft raised the question about the necessity for considering Titles I, II, and III as an integral whole, or of dealing with them as three separate, distinct entities that may or may not be designed to work together. Mr. Johnston agreed that there is indeed a good deal of confusion, and that in major respects the three titles are in fact separate programs, each with its own constituency. Perhaps, he noted, a useful role of ACVFA would be to help articulate the program's national and international meaning.

Mr. Williams closed by summarizing plans for the remainder of this meeting, and the need for agenda planning for the September 1983 meeting and the four ACVFA meetings scheduled for FY 1984.

Committee members in attendance at the First Plenary Session included:

ACVFA CHAIRMAN

Morgan Williams                      Cooperative League of the USA

ACVFA MEMBERS

Bob Beasley	Vice President, Farmland Industries, Inc.
Enzo Bighinatti	Assistant to President, American Red Cross
Alice Burnette	Director of Development, Howard University
Willie Campbell	President, Overseas Education Fund of the League of Women Voters
Anna Chennault	President, TAC International
LaVern Freeh	President, International Development Corp., Land O'Lakes, Inc.
Marie Gadsden	Phelps Stokes Fund
Philip Johnstone	Executive Director, CARE
Mary Barden Keegan	President, Delegation for Friendship Among Women
Mary McDonald	Member, Cook County Commission, Illinois
James Morgan	President, World Neighbors, Inc.
Kenneth Smith	President, International Management & Development Group, Ltd.
Martin Sorkin	Economic Consultant
Julia Taft	Sr. Fellow, Georgetown University Center for Immigration Policy and Refugee Assistance
Dr. Carl Taylor	Professor (International Health), Johns Hopkins University
Michaela Walsh	President, Women's World Banking
William Walsh	President, Project Hope

SUMMARY OF THE BUSINESS MEETING  
ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID  
June 16, 1983

Presiding: E. Morgan Williams, Chairman  
Recorder: Mary Lou Rayball

Mr. Williams requested Subcommittee Chairpersons to summarize and submit written recommendations to the full committee regarding future efforts and meeting agendas, committee business recommendations (e.g., funding for subcommittee projects or consultants), and AID business recommendations.

I. REPORTS FROM SUBCOMMITTEE MEETINGS

Report From The Subcommittee on Food For Peace

The Subcommittee Chairman, Phil Johnston, reported on the Subcommittee discussion of activities related to Title II, Public Law 480. The following activities were accepted by the Subcommittee for future action:

- Identify Title II objectives, assess appropriateness and determine level of achievement
- Review and assess appropriateness of Title II policies and procedures
- Identify accomplishments of Title II investments
- Identify major problems and weaknesses of Title II and solutions to such problems

- Identify major Title II opportunities and needs not currently being addressed
- Develop a series of recommendations based upon findings related to the preceding tasks.

Twelve months is the time frame for completion of these activities. Mr. Johnston reported that there are no additional AID resources available for this project. Bill Pearson, the AID Staff Liaison, agreed to compile the necessary materials for examination by subcommittee members. Mr. Pearson will provide to the Chairman an estimate of the amount of time that he will be able to devote to the project in consideration of his other AID assignments.

Mr. Johnston recommended that a discussion of the six subcommittee objectives be included in the June, 1984 meeting agenda.

Mr. Williams requested written confirmation of activities agreed upon by both the subcommittee and AID.

#### Report from the PVO/University Relations Subcommittee

The Subcommittee Chairman, Dr. Carl Taylor, reported that 11 persons attended the meeting, including three Committee members (Marie Gadsden, Alice Burnette, and Dr. Taylor), and three AID staff persons. Dr. Taylor noted that his Subcommittee is experiencing difficulties similar to those experienced by the Subcommittee on Food For Peace regarding staff and dollar limitations on proposed activities. The Subcommittee on PVO/University Relations is also unclear as to whether staff assistance will be made available or whether the Committee members themselves are expected to undertake the proposed activities.

The first item of discussion was a proposal that was presented at the conference on PVO/University Relationships at Howard University last October. The conference recommended that a task force be established that

would expand committee membership to include representatives of both the University and PVO communities. The General Counsel indicated that this is not permitted by the membership structure. The Subcommittee would like to further explore relevant legal restrictions and possible mechanisms whereby the necessary base of contact with the two communities may be developed.

The Subcommittee reviewed the following seven recommendations that resulted from the October Howard University conference and discussed AID Administrator McPherson's responses:

- Extended PVO/University involvement/establishment of a task force.
- A survey (perhaps conducted by a contractor) to identify and determine characteristics and extent of PVO/University collaboration.
- Encouragement of 2 or 3 proposals for pilot projects modeled after the BIFAD model of collaboration. As a result of this discussion at the October conference, 2 unsolicited proposals have already been received by AID and are now being considered by PVC for possible funding. Several more collaborative projects are being discussed. Apparently, a discussion of the possibility of funding for such projects rapidly results in a number of incoming collaborative proposals from PVOs and universities. The Subcommittee requested a statement from the full Committee as to whether this is worth promoting and how.
- The use of university/PVO relationships to promote development education.
- Funding for field experience for young professionals and junior faculty members.

This would assist PVOs with field research and evaluation by essentially providing apprenticeships for PVO projects. No action has yet been taken.

- Streamlining general provisions of AID regulations to ensure greater functional efficiency in collaborative projects.
- Develop a newsletter to promote information available about PVO/University collaborative activities.

Dr. Taylor suggested that a special section be added to the BIFAD Briefs to address this issue. The Subcommittee suggested that if a new newsletter is not developed, special sections could be attached to several existing newsletters. The Subcommittee also suggested that BIFAD Briefs could be sent to individuals on the ACVFA mailing list. Marie Gadsden agreed to assume the responsibility for gathering the information for the newsletters.

Finally, the Subcommittee Chairman posed two questions for consideration by the Advisory Committee:

- Should Subcommittee membership be expanded to include the involvement of two or three people representing the PVO and university communities?
- Is assistance available for the Subcommittee to proceed with the state-of-the-art survey of PVO/University collaboration and other activities?

Mr. Williams requested a letter (to be used in FY 84 committee support negotiations) indicating subcommittee needs, including funding level, where appropriate, from the chairpersons of any Subcommittees that might require:

- Support from the ACVFA staff in FY 84
- Funding for outside survey staff/consultants to conduct research
- Support staff and/or technical assistance from other AID bureaus/agencies.

Report From The Subcommittee on Women In Development

The Subcommittee on Women in Development conducted its first meeting on June 15, 1983. The meeting was conducted in two parts to increase participation and secure greater input for ACVFA members. The Chairperson, Michaela Walsh, suggested in the future the procedure for Subcommittee meetings be changed so that half of the Subcommittees would meet at one time and half at a different time. The divided schedule would allow ACVFA members to attend more than one Subcommittee meeting.

The first meeting was held at noon, and focussed on AID internal processes, as they relate to women. It was suggested that the Committee applaud Administrator McPherson for his demonstrated commitment to encouraging the participation of women throughout the agency and for furthering the role of women through his policies. The focus of the second meeting was primarily on issues related to AID policy on business and enterprise development and its affects on women. Distinctions between income generation and business development projects were drawn to lessen the considerable confusion between the two.

The Subcommittee recommended that AID, through the Women in Development Office should:

- o Identify issues to be reviewed in the AID grantmaking process to ensure women are equitably represented as beneficiaries
- o Encourage the representation of women on grant selection and proposal review committees

- Identify and assess impact of business development issues on women
- Review data relating to women's access to credit and their participation in small enterprise business development and then develop criteria promoting more equitable participation by women.

Ms. Walsh indicated that one of the most important things that the WID Subcommittee can do is to integrate women's issues into the ACVFA meeting agendas. A specific request was made for the various subcommittees to include in their research agendas issues relating to women. Additionally, the Subcommittee requested that a full committee meeting be devoted to women in development within the next twelve months. At that time, some very specific recommendations will be made. A report of the June 15th Subcommittee meeting will be developed for presentation at the September meeting and for mailing to all committee members and meeting participants.

#### Report From The Development Education Subcommittee

In the absence of the Chairman, Willie Campbell presided at the meeting and delivered the summary report. Twelve or thirteen people were in attendance, including two ACVFA members. Mrs. Campbell reported that development education is "alive, busy and doing extraordinarily well." In the last few months there have been a number of workshops and conferences on the subject. As a result of burgeoning interest and involvement in development education, a more functional definition of the term is emerging. Participants of the recent Experiment in International Living workshop are preparing a paper that will clarify definitions of development education and provide recommendations. ACVFA is conducting a survey that will provide information on PVOs involved in development education.

The Subcommittee discussed the use of the media in development education. Concern was expressed that the media should not be considered the ultimate vehicle for development education. The Subcommittee suggested that careful attention be paid to the messages the media sends and the audience it reaches. The effects of mass media projects should be compared with those of smaller, more specific projects that require greater commitment on the part of those involved.

AID's Biden-Pell Program was a major Subcommittee agenda item. Mr. Gerry Connolly of the Senate Foreign Relations Committee staff expressed strong support for AID's response to the Biden-Pell legislation. The Subcommittee recommended that a letter be sent from the ACVFA Chairman to Senators Biden and Pell indicating ACVFA's appreciation of their support of the Development Education Program and PVO satisfaction with AID program administration. The Subcommittee raised the issue of whether or not Biden-Pell funds may be used by organizations not working overseas, but involved in development education domestically. Mr. Connolly explained that the original intent of the authorizing legislation was to encourage organizations working overseas to do development education. The intent of the Biden-Pell amendment was to involve PVOs working overseas in development education in this country.

The need for a long-term program strategy was also discussed. Consensus was that the Subcommittee role and its relationship to AID must be more clearly defined, and a continuing structure for development education identified within AID.

The Subcommittee made the following recommendations regarding future activities:

- Development of a private sector resource workshop exploring private sector funding for development education activities. Corporations and foundations are not giving sufficient accounts of money for overseas projects. The private community must be sensitized to the need for development

education. The Subcommittee recommended that this be done in collaboration, or after consultation, with the Council on Foundations.

- Meeting with the Subcommittee on PVO/University Relations to identify and coordinate possible activities to be undertaken jointly. There is a great deal of university involvement in development education projects, even in the small Biden-Pell Grant projects. There are a number of collaborative programs between PVOs and the land grant colleges in particular.
- Expansion of development education issues to include important aspects of development other than hunger. Encourage public education on other major development issues. Mrs. Campbell noted that the Biden-Pell projects do relate to hunger, but that they have been interpreted fairly liberally. The Subcommittee is interested in determining if there is the possibility of further liberalization or consideration of other aspects of development.

Julia Bloch suggested that the committee look at migration, refugee, and development economic issues (e.g., labor impact of moving populations) in its effort to expand the scope of development education. Mrs. Bloch offered the Subcommittee her assistance in developing this approach.

#### Report From The Subcommittee on PVO/Corporate Relations

In the absence of the Chairman, Kenneth Smith, Subcommittee member Anna Chennault reported on the meeting. She submitted a brief written report prepared by the Chairman, and reported on the following issues discussed in the meeting attended by approximately ten persons:

- Status of the subcommittee efforts
- Status of the Newman & Hermanson Company activity on behalf of the Subcommittee

- Future activities, including possible Subcommittee activities and agenda items for the full Advisory Committee meeting in October, and recommendations for on-going efforts by AID or other international agencies
- Future plans of the recently established President's Task Force on International Private Enterprise.

Mrs. Chennault reported that part of the Subcommittee's deliberations focused on its future role. Several questions were raised regarding the appropriateness of objectives/activities under consideration, and the complexities presented by current economic issues and problems. Mrs. Chennault discussed the world business climate and the potential for private/public cooperation for achieving AID development objectives and creating a better economic climate. She discussed the difficulty the U.S. business community is experiencing and cautioned that funding for collaborative projects may be difficult to acquire. Mrs. Chennault noted that the Subcommittee agreed to:

- Focus on bringing PVOs and small/medium sized businesses together to promote information sharing and collaborative projects. (Representatives of small and medium sized companies were scheduled to attend a PVO-AID pilot project conference to be held the week of June 20, 1983.)
- Continue to gather information on ongoing joint ventures and barriers to collaboration.

#### Report From The PVO Policy Subcommittee

Subcommittee Chairman, E. Morgan Williams, turned the report over to Mark Ball noting that Mr. Ball will be assuming the responsibility of Chairman this fall.

Mr. Ball's report suggested a substantial number of agenda items for early action by the Advisory Committee. The Subcommittee proposed an update on the implementation of the AID policy paper on U.S. PVOs adopted one year ago and on AID policy relating to indigenous PVOs, though no full blown policy paper is likely to be developed in that area. A very brief, written statement supporting the role of indigenous PVOs in development, but not defining relationships between indigenous and U.S. PVOs or providing a structure for implementation, will be submitted for comments to the Committee and the PVO community at large. The Subcommittee expressed approval of AID's decision to forego a policy paper on this matter in favor of a less formal statement.

The Subcommittee also discussed the Cooperative Policy Proposal now circulating within the cooperative community. PVO representatives expressed interest in wider distribution of that document. Mr. Ball noted that he did not detect any interest in having a discussion of this proposal included on the fall Committee agenda. A review of the AID grantmaking process and a discussion of models such as the Comprehensive Program Grant and the Canadian grantmaking process, were suggested for the September meeting agenda.

A report on the activities of the Carlucci Commission was also recommended for the full committee meeting in September. The Commission, appointed by Secretary Shultz, deals with critical issues regarding security and economic assistance. The Commission is working toward an October 3, 1983 deadline for reporting to the Secretary of State and Congress. The PVO community is concerned that the Commission may endorse what they view as a move away from development assistance towards security assistance. PAID is monitoring the Commission. The Subcommittee has not developed a proposal for action by the Advisory Committee. A status report on the Commission would be timely in September. At that time the issues will be clearly defined, the Development Assistance Task Force of the Commission will have been appointed, and PAID and the PVO community at large will have had the opportunity to react.

The final subject reported on by Mr. Ball was the Subcommittee discussion of the Pell-Percy amendment to the Foreign Assistance Act. In its present form, the proposed amendment earmarks 15% of the development assistance budget for expenditure by PVOs. That figure is greater than last year's, but additional programs are included in the computation. Development assistance now includes not only what is legally considered development assistance, but similar assistance provided for under the Economic Support Fund. AID's position on the amendment and its likely impact on PVOs were discussed. The issues, however, are not sufficiently defined to warrant full Committee attention at this time.

#### Committee Discussion of Issues Arising From Subcommittee Reports

Anna Chennault proposed a joint meeting of the PVO Policy and PVO/Corporate Relations Subcommittees after expressing concern regarding overlap between the two and the lack of regular dialogue on issues common to both.

The remainder of the discussion focused on Dr. Walsh's suggestion regarding the need for a comprehensive review of the AID contract and grantmaking processes. Dr. Walsh expressed concern that PVOs lack access to AID funds as a result of direct competition with profit-making organizations and AID's contracting obligations. Dr. Walsh suggested that a representative of the AID contracts office participate in a Committee discussion of contracting and grantmaking issues and problems. The Committee is interested in determining the percentage of the AID budget that goes to grants, as compared to contracts, and the amount of available funding that is received by PVOs. Mrs. Alice Burnette proposed that the ACVFA Chairman request that AID, via Administrator McPherson, provide the Committee with a full report on the entire contract process.

Consensus was that the Committee must have the support of Mr. McPherson prior to undertaking such an effort. The topic was considered as a major agenda item for the December meeting. Phil Johnston suggested

that the Committee will require more time to carefully define and pursue realistic objectives, and that this would be more effective than simply providing a forum for discussion.

The meeting was suspended at this point for a ten minute break.

## II. REPORT FROM AID OFFICE OF THE GENERAL COUNSEL - JAN MILLER

Conflict of interest issues were the first agenda item discussed by Mr. Miller. Complex conflict of interest laws are most readily understood if two standards of conduct affecting Advisory Committee members are considered:

- That which governs the conduct of the special government employee or Advisory Committee member and requires self disqualification from participation, as a government employee, in any matter which will have a direct and predictable effect on one's financial interest or the financial interests of any organization with which he/she is affiliated.
- That which governs the conduct of Advisory Committee members acting as private citizens and imposes certain restraints on the activities of such individuals. Members should not use their membership on the Committee to obtain, or give the appearance of obtaining, preferential treatment in dealing with the Agency.

Mr. Miller advised members to avoid activities presenting the opportunity for involvement in matters which may affect one's financial interest or give the appearance of the use of public office for private gain. Mr. Miller then noted that everything the Advisory Committee discusses technically affects the financial interests of the PVOs some members are affiliated with. He explained that the Department of Justice has taken the position that even a broad policy statement or similar dialogue can have an affect on a financial interest and, therefore, the agency should move to exempt members because their interest is so insubstantial as to have no affect on the integrity of the services they provide, or there should be disqualification.

Mr. Miller will review Committee members' financial disclosure statements for potential conflicts of interest and will then address the issue of whether the Advisory Committee should request exemptions for its members from the Administrator. The Chairman requested that the Committee staff prepare a letter to Peter McPherson requesting advice and assistance from the Office of the General Counsel in this matter.

The second issue discussed by Mr. Miller concerned the appointment of members of Congress to ACVFA. He developed an opinion that concluded that members of Congress can be appointed to AID's Advisory Committees. This, however, is a constitutional issue and, therefore, the Department of Justice will decide whether membership on a particular committee, by a particular representative, is permissible.

The third issue brought before the Committee concerns ACVFA communications with Congress, the Department of State and the White House. Mr. Miller noted that the Committee advises and reports directly to the Agency Administrator. In that capacity, it may communicate to the Administrator its advice and recommendations on legislation and recommend that he forward the Committee's recommendations to the President and/or the Congress, or pass them on as part of the Agency's dialogue with Congressional leaders. ACVFA does not, however, have the authority to communicate directly with Members of Congress or the President.

The final issue addressed by Mr. Miller was raised by Dr. Carl Taylor, of the PVO/University Relations Subcommittee. Dr. Taylor expressed interest in extending his Subcommittee membership to members of the University and PVO communities and solicited advice on how the Subcommittee could accomplish that legally. Mr. Miller responded that a Subcommittee with membership not composed entirely of ACVFA members is technically, considered a separate committee. This presents administrative problems such as the need to secure a separate charter and OMB approval. An alternative to subcommittees with a different membership

than the full Committee would be to expand the membership of ACVFA and then form Subcommittees from the expanded membership. This circumvents the problem of additional administrative requirements. The possibility of associate memberships was also explored.

III. REPORT FROM PLANNING AND OPERATIONS AD HOC COMMITTEE  
and  
IV. SCHEDULING OF MEETINGS IN FISCAL YEAR 1984

Sections III and IV summarize all of the proceedings of the ACVFA Business Section following the report from the General Counsel. The two sections, combined, reflect that portion of the ACVFA Business meeting which served as a forum for Committee discussion of operational issues, the ACVFA budget, and future meeting dates, locations and agendas.

Morgan Williams, Chairman, discussed the Ad Hoc Committee efforts to address the ambiguity surrounding the meeting schedule and locations, the budget and other operational issues. He reported on the following agreements reached with AID regarding operations of the Committee:

- The Committee will meet on a regular basis four times each fiscal year
- The Committee meetings will be 1 1/2 days each
- Three of the four meetings will be held in Washington, D.C. The fourth meeting may be held in or out of the country, at a location agreed upon by the Committee and AID.
- The Committee will prepare an annual budget request to AID for its meetings and program support. The Committee will operate within a budget approved by AID
- The Committee will be given adequate and reasonable financial support from AID to carry on its duties and functions
- The Committee will be given adequate and reasonable staff support from AID to carry on its duties and functions
- Social functions held by the Committee will be the financial responsibility of the Committee and not AID. (Social function spending by AID is severely limited. It will, therefore, be handled by individual Committee members.)

- Contracts with outside organizations for Committee meeting support and assistance, will be approved by the Committee and AID
- Committee staff will be hired with the consultation of the Chairperson of the Committee.

The second agenda item reported on by the Chairman was the September meeting, and quarterly meeting dates and locations for 1984. Mr. Williams suggested that the Committee continue with its regular meeting schedule of December, March, June and September. The Committee will convene Thursday morning of the second week of each of those months and adjourn Friday, mid-day. The September meeting date (the 15th and 16th) was confirmed, and the change in location from California to Washington, D.C., announced. The following meeting dates were also established: December 15-16, 1983; March 15-16, 1984; June 14-15, 1984; and September 13-14, 1984. The Committee will establish meeting dates one year in advance. At every quarterly meeting the dates of the next annual meeting occurring that same month will be announced.

The September and December, 1983 meetings will be held in Washington, D.C. Mr. Williams suggested that the FY84, out-of-the-country meeting be held in March or June to avoid negative publicity. This will be decided at the next ACVFA meeting in September. Haiti is under consideration as a possible location for that meeting. Mr. Williams suggested a return to the Caribbean, or another place "reasonably close to the United States." Committee members noted that West Africa is only a 6 1/2 hour flight from New York, has a very significant AID program, and presents an array of development problems. The Committee will look into travel packages that would reportedly reduce the cost to a figure comparable to the cost of travel to some parts of Central America.

It was decided that members will convey to Dr. Toye Byrd and/or Morgan Williams, prior to the September meeting, specific recommendations regarding location of the FY 84 out-of-the-country meeting. The Committee staff will be prepared to inform the Committee of costs of the various

Locations under consideration at the September meeting. Morgan Williams and Toye Byrd will develop recommendations based on the input of Committee members regarding location and relative costs.

The third topic of discussion was the ACVFA subcommittee system. Standard operating procedure will be that subcommittee meetings will be held in conjunction with Committee meetings. Essential exceptions will be made, if the proposed meeting can be worked into the budget.

The six subcommittees will convene at every ACVFA meeting, but not concurrently as in the past. The Committee staff will divide the six topical subcommittees (all but the Planning and Operations Ad Hoc Committee) into two sections, Groups A and B. The two groups will be scheduled to meet at different times to allow members to attend more than one subcommittee meeting. The meetings will be 1 1/2 hours in duration. This system will provide greater flexibility.

During discussion of the subcommittee system, Michaela Walsh noted that there are no women presently on the PVO Policy Subcommittee and expressed interest in serving on that Subcommittee. The Chairman requested ACVFA members to limit subcommittee assignments to two. He noted that subcommittee meetings are open to interested persons and that the PVO/University Relations Subcommittee could develop a mailing list of attendees to keep them up to date on subcommittee activity without violating federal statutes or AID regulations regarding subcommittee membership.

Item II of the 1984 Proposed Annual Operating Budget was the fourth topic of discussion reported by the Planning and Operations Ad Hoc Committee. The proposed budget, in addition to providing for ACVFA member expenses for meetings, printing and publication, and miscellaneous expenses, provides monies for contractual services. Mr. Williams explained that one contractor will be used to provide support services for meetings and subcommittee activities, and for securing and paying speakers.

Dr. Toye Byrd offered the following comments regarding the need for contractual services:

- Contracting provides a mechanism for purchasing necessary meeting materials and for securing resource persons.
- Contracting is in some instances more efficient. Final meeting reports can be developed, produced and disseminated by a private organization in one month. The same effort may require 3 months in-house.
- A contractor is essential for overseas meeting support (e.g., securing local speakers). AID would be required to go through appropriate diplomatic channels. The time frame for meeting planning does not allow this.

The Chairman moved to adopt the proposed budget, in concept. The motion was carried.

The final topic of conversation centered on agenda items for upcoming ACVFA meetings. Mark Ball, Chairman of the Special Committee on Policy Issues, provided the following program suggestions for the September meeting:

- Report on activities and impact of the Carlucci Commission
- Report on AID grant making/contracting processes
- Report on the implementation of AID-U.S. PVO policies
- Report on indigenous PVO policies.

Mr. Ball suggested a basic hearing format for enumeration of those issues. AID, Carlucci Commission and PVO representatives would make presentations and the Advisory Committee would have the opportunity to ask questions. Mr. Ball also proposed that the Ad Hoc Committee on Planning and Operations meet before the September meeting to work out the details of the four proposed agenda items. The meeting is open to all Committee

members. The objective of the Ad Hoc Committee is long-range operational planning (e.g., development of meeting agendas and future Committee objectives).

The Ad Hoc Committee also addresses problems as they arise. For this reason, its membership is comprised of Washington, D.C. based Committee members who are able to meet between full committee meetings at no cost to AID. Dr. William Walsh accepted an invitation extended by Chairman Williams to serve on the Ad Hoc Committee.

Possible agenda items discussed for future meetings included: 1) a review of the AID contract-award process, contingent upon approval by Mr. McPherson, and tentatively scheduled for the December meeting; and 2) a review of the AID budgeting process, as it relates to PVOs. Dr. Walsh noted that the issue of PVO access to the budgeting process is confusing. He suggested that a determination be made as to whether AID is interested in PVO participation in this process. He raised the following questions: should PVOS intervene and make recommendations, and if so, when.

Marie Gadsden recommended rotation of Subcommittee presentations at ACVFA meetings.

The Chairman requested the Committee members to bring any additional business before the Committee. Mr. Williams determined that there was none and declared the meeting adjourned.

## **Subcommittee Meeting Summaries**

- **PVO Policy**
- **PVO-Corporate Relations**
- **Development Education**
- **Women in Development**
- **PVO-University Relations**
- **Food for Peace**

SUMMARY OF THE MEETING  
OF  
THE SUBCOMMITTEE ON PVO POLICY OF THE  
ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID  
June 15, 1983

Presiding: E. Morgan Williams, Chairman

Recorder: Louis A. Briganti

The Subcommittee meeting was convened at 2:20 P.M. by its Chairman, E. Morgan Williams. Twenty four people were in attendance. The Subcommittee was adjourned at 5:05 P.M. by Mr. Williams.

The first agenda item during the meeting was a status report from the Subcommittee's Special Issues Policy Group. The highlight of this discussion was a presentation by Mr. John Wilhelm, AID Commissioner on Security and Economic Assistance, on the work of the "Carlucci Commission." Mr. Wilhelm explained that the Commission is taking the first comprehensive look at foreign policy and assistance since the Peterson Commission in 1970. He noted that tremendous changes have occurred between then and now, both in the world community and in the area of assistance to developing countries. For example, today we contribute only 7% of the ODA going into Africa, and we are one of 56 donor nations.

The Commission is operating, therefore on the basis of two convictions: (1) that our basic foreign assistance goals must be reviewed in light of overall strategic and foreign policy objectives, and (2) that the coordination of foreign assistance by the current multitude of donor nations must be accomplished. The Commission is organized, therefore into task forces working on Definitions and Process.

Members of the Subcommittee expressed concern that the work, and even the existence of the Carlucci Commission represents an AID trend away from development assistance toward strategic assistance oriented to security

issues of the U.S. and developing nations. Mr. Wilhelm opposed this notion, and stated that the Commission was working toward an October 3, 1983 milestone for reporting to the Secretary of State and Congress.

David Merrill of AID then discussed the status of the Foreign Assistance Act of 1983, passed by the House Foreign Affairs Committee, which earmarks 15% of the AID foreign assistance budget for expenditure through PVOs. The significance of this allocation, the reasons for its inclusion in the Act, AID's position on it, and its likely impact on PVOs were discussed at length.

Though the PVO representatives in attendance generally favored the allocation, they expressed the thought that it was needed because they had had continuing difficulty competing for AID funds, both in contracts and grants. This difficulty was expressed in the larger context of an "adversary," rather than cooperative relationship with AID, though there was also agreement that the AID/PVO relationship had improved somewhat in recent months. Several members and visitors described continuing concerns about ingrained AID mindsets and structures which hinder or prevent productive AID/PVO dialogue, and even set one AID bureau into an adversarial position vis-a-vis other bureaus.

While ACVFA was seen as the only instrument through which the private sector might find an ombudsman in dealing with AID and the nation's development assistance program, the Committee has not been able to prevent small PVOs from being frozen out of development program grants and contracts. Even AID "grants" to PVOs, it was noted, are being drawn as tightly as contracts, and are being competed, awarded, and administered with sufficient complexity to put real financial burdens on PVOs.

In this connection Tom McKay of AID reported that his office is conducting a comprehensive review of the agency's grantmaking process, from budgeting through contracting, and that progress is being made toward rationalization and hopefully some simplification of the process. The issue of Comprehensive Program Grants was raised as a potential direction toward simplifying the process, as was the Canadian Block Grant Program.

Mr. McKay also reported that the AID Policy Paper on U.S. PVOs adopted last fall is now being implemented, and promised to report to the Committee on the implementation steps taken to date at the September ACVFA meeting.

The Subcommittee then took up the issue of the proposed AID Policy Paper on Indigenous PVOs. It was suggested by the AID staff members that a basic decision had been made to the effect that a formal Policy Paper on this subject is not warranted. It will be AID's policy to support the strengthening of indigenous private sector programs and institutions, either directly or through U.S. PVOs. PVO representatives at the table agreed, moreover, that the whole purpose of U.S. PVOs is the strengthening of local organizations, even by working as local organizations. Subcommittee members expressed general approval of AID's decision to forego a policy paper in favor of a less formal "statement."

Implementation of this policy on indigenous PVOs will be left to the field, it was reported.

The Chairman then asked for an update on AID's proposed Policy Paper on Cooperative Development. It was reported that the initial draft paper has received comments from ACVFA, but that AID has asked for more definitive feedback. The subject of the paper, however, is overseas cooperative development, not cooperation between U.S. PVOs.

Subcommittee members expressed frustration at their failure to receive copies of previous communications on this policy paper, and Mr. McKay assured them that his office would assume responsibility for direct distribution of drafts and interrogatories to ACVFA and its individual members, rather than relying on the Committee staff to make secondary distribution.

The scheduled update on PVO/Policy Implementation Plans for the FVA Bureau will be delivered at the September meeting.

While no formal recommendations were offered for action by ACVFA, much of the discussion during the meeting centered on the need in September for a full presentation on the:

- AID Grantmaking Process
- The work and impact of the Carlucci Commission, and
- The AID Cooperatives Policy Paper.

SUMMARY OF THE MEETING  
OF  
THE SUBCOMMITTEE ON PVO/CORPORATE RELATIONS  
ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID  
June 15, 1983

Presiding: Kenneth M. Smith, Chairman

Recorder: Mary Lou Rayball

The Subcommittee was convened at 2:35 p.m. and adjourned at 4:05 p.m. by its Chairman, Kenneth Smith. The meeting was conducted in Room 1107 of the State Department Building. Fifteen people were in attendance. The Subcommittee discussed the status of its efforts to date, the Newman and Hermanson Company's activities on behalf of the Subcommittee, possible future activities, and the purpose and objectives of the President's Task Force on International Private Enterprise.

The recently established 19-member Task Force, comprised mainly of individuals with extensive business backgrounds, will advise the President on the role of private enterprise in international economic development. Birge Watkins, Assistant Director, reported that the Task Force will serve as a forum through which the Agency for International Development and the U.S. business and financial community can exchange information, review strategies, and explore areas of mutual interest with the overall objective of fostering a fuller partnership between AID and U.S. private enterprise in meeting national objectives in foreign assistance.

The Task Force has formed four subcommittees, two of which are policy-oriented. The first of these will look at trade policy as it relates to development overseas and AID policy. The second will address food and agribusiness policy. The third and fourth action subcommittees will review respectively, 1) AID private sector programs and initiatives in an attempt to identify new ideas for improvement in that area, and the

development of partnership arrangements; and 2) U.S. Private Sector Initiatives in Development. The fourth subcommittee will maintain a business focus, but will look at other private sector means of meeting development objectives. Partnerships are one such vehicle. They assist U.S. business, while also benefiting the developing country.

The task force convened for the first time May 2, 1983. It is scheduled to operate through September 30, 1984. Mr. Watkins and Mr. Smith agreed to keep the President's Task Force and the Advisory Committee apprised of the other's activity.

The Subcommittee has, with the assistance of the Newman and Hermanson Company:

- Conducted interviews with corporations and associations of corporations, and PVOs and associations of PVOs
- Made several determinations regarding the status of PVO-corporate collaborative ventures
- Developed relevant dissemination materials.

The number of PVO-corporate collaborative projects is small. Joint projects currently involve larger corporations and PVOs. Mr. Smith noted that the smaller the company and/or the private voluntary organization, the less the likelihood of a joint venture. Two presentations on joint projects were provided for audiences including PVO and corporate representatives. Indigenous PVOs and corporations made presentations at the Jamaica meeting. The head of the American Express Foundation and a representative of Partners of the Americas reported on a joint effort in which Partners of the Americas arranged for training assistance that American Express was in need of. The Newman and Hermanson Company has developed a slide/tape presentation that illustrates the advantages and opportunities of collaboration.

Specifically, the presentation addresses the issues of:

- How PVOs might assist in corporate growth and/or the establishment of operations in developing countries
- How PVOs and corporations can work together for economic development
- How each partners' involvement may enhance the work of the other and assist the other in meeting operational objectives
- How negative perceptions of corporations by PVOs, and PVOs by corporations, serve as barriers to effective joint ventures.

Mr. Smith noted that Subcommittee research indicates that PVOs and corporations do not lack a willingness to work together, but instead have limited experience, resources and opportunity for communication and planning that would stimulate the development of business partnerships. Corporations have not identified PVOs as sources of assistance. Very little has been done to conceptualize and document specific ways in which PVOs can assist corporations and vice versa. The range of services is much larger than either potential partner realizes. The small number of joint projects is not indicative of disinterest. Corporations would be in favor of working with PVOs if they had an understanding of how such relationships would assist them in accomplishing corporate objectives in third world countries. PVOs need to understand that joint ventures may be a vehicle for expanding their opportunities and impact in certain countries.

The Chairman concluded that the Subcommittee has, in general, accomplished its objectives. It conducted a review of the problems of PVO-corporate relations, developed some conclusions regarding barriers to effective joint projects and mechanisms for addressing those issues, and developed dissemination materials to promote cooperation between the two groups.

The question then posed to the Subcommittee by the Chairman was, "where do we go from here?" Mr. Smith raised the issue of whether or not it is appropriate for the Subcommittee or the full Committee to take any further action in this area. Comments ranged from those suggesting that the Subcommittee be disbanded, to those suggesting that a great deal of work is yet to be accomplished. Activities for future action by the Subcommittee were suggested in the form of questions raised by the meeting participants:

- Is there a dissemination role the Advisory Committee or Subcommittee could play?
- Are there forums that could be created to make possible a brokering system between PVOs and corporations?
- Should the exploration process begun in Jamaica be continued?
- Should a document on successful projects and activities be produced?
- Should the Subcommittee provide specific recommendations to the public and private sectors to increase the numbers and effectiveness of PVO-corporate collaborative projects?
- Should recommendations or a plan of action be developed for the President's Task Force on International Private Enterprise?
- Should the Subcommittee conclude that the job has been done to the extent the Advisory Committee can do it and disband?

An extensive discussion of these points ensued. The concluding determination was that the subcommittee should continue its work, the need for which is clearly indicated by the lack of joint efforts by PVOs and

corporations. The Subcommittee proceeded to identify specific needs which could be addressed through the group's future deliberations and activities:

- The lack of information available regarding how PVOs can be of assistance to corporations working overseas and possible Subcommittee role for addressing this impediment.
- The need to involve more people from the business community in forums addressing PVO-corporate issues. The Subcommittee could identify vehicles to secure corporate audiences. For example, the Advisory Committee could convene a meeting (involving PVOs) at a regional business meeting of the Chamber of Commerce. Face to face contact is desirable. It was recommended that if the goal is to have business people in attendance, then meetings should be held in business communities such as New York or Los Angeles. Deborah Mace noted that AID was scheduled to hold a training seminar involving six PVOs, and representatives from eight major corporations during the week of June 20th. She suggested that the corporate participants representing banks, oil and manufacturing companies be contacted for input on how to structure useful meetings between PVOs and corporations.
- The lack of research on barriers to collaboration and how to overcome them.
- The need for assistance among the growing numbers of small companies interested in doing business overseas. An example of a recently developed vehicle for assisting American businesses in doing work overseas was discussed. A district export council, established in northern Texas, brings large and small companies together to identify businesses in the area that have products or services which could be used in

developing countries. Export trading companies move the goods from the states to the developing country. PVOs could play a major role in this activity.

It was noted that small and medium sized businesses lack the resources and knowledge necessary to do business overseas. They are at a disadvantage in that they often lack the necessary foreign language expertise, and business and political contacts. They are, therefore, great candidates for PVO assistance. The Subcommittee could encourage cooperation through literature promoting joint ventures.

- The need for a regional focus. The Caribbean was recommended because the Subcommittee has experience in that region and has generated interest among indigenous and U.S. PVOs in that area. Additionally, the Caribbean is receiving a great deal of attention and small businesses are interested in setting up operations there.

On the basis of the discussion of the Subcommittee's role and accomplishments to date, and existing problems impeding the development of effective PVO-corporate collaboration, the following was agreed to:

- The Subcommittee should continue to operate through the September meeting
- The focus will be on bringing PVOs and small/medium sized businesses together on a regular basis to create joint ventures and efforts
- The Subcommittee will:
  - Identify the barriers to joint ventures
  - Propose specific solutions to be taken by government, PVOs and the private sector

- Will bring those recommendations before the full Committee for reaction and possible approval at the September meeting
- The Newman and Hermanson Company will continue to provide technical assistance to the Subcommittee in carrying out its work.

SUMMARY OF THE MEETING  
OF  
THE SUBCOMMITTEE ON DEVELOPMENT EDUCATION  
ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID  
June 15, 1983

Presiding: Willie Campbell, Acting Chairperson  
Recorder: Dr. Jerri Towne

Overview of the Subcommittee Meeting

In the absence of John Sewell, the Subcommittee meeting was chaired by Willie Campbell. Following introductions of those present, Tom Keehn was asked to give a report on what P.A.I.D. is doing in the area of development education. Two additional brief reports on other efforts in development education were given by Mary Ellen Burgess and Nancy Radthe. Beth Hogan then presented a report on AID's administration of Biden-Pell grants.

Topics deliberated by the Subcommittee included: development of a consensual definition of development education, the need for the development of a body of knowledge in the area, and sources for development education funding. Each of these issues was seen as relevant to the ensuing discussion of long-term strategies for development education. The development of a strategy or position paper on development education was discussed and rejected as premature at this time.

The meeting concluded with a discussion of the Subcommittee's role and their prerogative for independent action. A summary of the recommendations and conclusions reached by the subcommittee was provided by Ms. Campbell.

## PAID Activities in Development Education

Tom Keehn reported that development education is one of three major program activities at PAID. He described three different areas of activity:

- A 3-day conference/workshop in the uses of media in education which was attended by approximately 50 persons including media representatives.
- A developing initiative (over the last 3 months) involving the Financial Managers Association to expand the consideration given to development education in the financial and auditing fields.
- A PVO retreat on development education held recently in Vermont, consisting of two days of serious discussion by the 22 invited participants. The questions addressed included:
  - Where are we now in development education in the United States?
  - Where should we be a few years down the road?

The goals of the meeting were to develop a descriptive statement of what development education is and an agenda for action. A "white paper" will be prepared describing the meeting.

## Other Efforts in Development Education

In the discussion following Mr. Keehn's report, many very positive comments were made regarding the direction PAID is taking. In addition, two other related efforts were described.

- Mary Ellen Burgess described a survey being conducted by her organization in which questionnaires were mailed to 548 American PVOs to assess 1) what is going on in development education, and 2) their interest in becoming more involved.

The outcome of the study will be a directory describing the groups involved in development education, their activities and sources of funding.

- Nancy Radthe described the efforts of Michigan Partners of Americas based at Michigan State University. This group has distributed 15 small grants (under \$1000) to various groups around the state to identify resource persons, and promote development education efforts through existing networks (e.g., NHEC, 4-H, PSAs).

#### AID's Administration of Biden-Pell Grants

Beth Hogan, the AID staff person assigned to the Subcommittee, provided a very informative report on the types of proposals and projects funded through the Biden-Pell Grant Program. Recipients of the \$650,000 total earmarked for this year's awards will be announced by October. Among the issues raised during the discussion of the program were the following:

- Biden-Pell authorizes AID to use the money to promote new initiatives and public awareness. Therefore, the focus is on new, rather than ongoing projects (55% will be new projects this year).
- The issue of the difference between development education and lobbying was raised. The use of Biden-Pell funds is limited to educational efforts, and lobbying activities are illegal. This limited the consideration of proposals with narrowly defined programs which would be used for agency fundraising.

- The short-term nature of the projects (1 year limit) has led to problems such as 1) lack of adequate start-up funds for promising projects; 2) limited possibilities of doing impact evaluations; and 3) the need to develop a mechanism to gauge the true readiness of a group to implement a project effectively.
- Although it is not necessary for an agency to be registered with AID to submit a proposal, the recipients of the awards have been mainly operational PVOs.

### Summary of Key Discussion Points

Throughout the Subcommittee meeting, the discussions focused predominantly on several central topics. The issues of major concern to the Subcommittee are summarized below.

- Definition of Development Education - Discussions about development education revolved around aims, goals, and the need for cooperative action. The question of the difference between development education and lobbying or fund-raising was considered. Informal methods of development education through continuing international involvement of American PVOs was discussed. Tying development education efforts to existing linkages and international connections (such as education, industry, politics, and agriculture) was also suggested.
- Development of a body of knowledge in Development Education - This topic is closely related to the issue of defining development education. The survey described by Mary Ellen Burgess indicates one attempt to integrate information on development education. Other suggestions included: 1) development of a data pool or resource center to compile information on development education activities and

disseminate information to interested parties; and 2) informal meetings in which Biden-Pell recipients share their experiences.

- Sources of funding for Development Education - A flexible strategy for cost recovery in development education was another recurring subject. Although private sector support was seen as a major initiative, not many mechanisms for this type of funding are in place. Only one person at the meeting reported a direct corporate contribution for development education. One of the problems recognized with private funding was that the corporation may not be interested in "education," but would rather fund actual demonstration projects with greater public image appeal. Other comments on the subject of private sector funding were that development education programs may not be "jazzy" enough, or perhaps such funding sources are simply overloaded. Alternatives to private support of development education included: 1) grants from government and philanthropic groups, and 2) noncompetitive grants by consortia groups.

#### Long Term Strategies for Development Education

Much of the discussion at the meeting revolved around long term strategies for development education. In particular, the issue of whether or not there was a need for an AID policy paper on development education was debated. Both positive and negative aspects of this issue were raised as evidenced by the following comments:

- If broad and general enough, it (a policy paper) could help to develop strategies and possibly a direction.
- Who would it be addressed to -- those groups in education or media nationally, or those involved in international development activities?

- One problem is that it may inhibit initiatives in the PVO community and perhaps curtail discussion.
- Although it could strengthen development education efforts, it may be too limiting -- the door should be left open for a couple of years.

There was a consensus among those present that the Subcommittee recommend that instead of a policy paper or strategy paper, further sessions should be conducted to explore the area of private sector funding. Specifically, the Subcommittee recommended the establishment of working relationships with the Committee on International Grantmaking and the Council on Foundations.

Another issue discussed by the Subcommittee concerned the establishment of priorities for future efforts. There was a great deal of concern expressed about the "overemphasis" the Biden/Pell legislation places on hunger as a theme for development education. Other issues such as economic development, nutrition, technical assistance and skills development were seen as equally important by some commentators:

- AID has not previously seen this as an issue or problem, but they are tied to the working of the legislation which specifies "hunger-related" programs.
- One woman's experience was that hunger could be used as a starting point for discussing other linkages among American organizations.
- One problem is that for those who work in international development, there are a lot more reasons for doing it than "trying to feed hungry people"
- The suggestion was made that hunger could serve as an "over arching theme" for a thematic approach that might run for

three years to encourage the convergence of images of the various groups and interests involved to achieve an impact. For example "Hunger and Women of the Third World," "Hunger and Children," "Hunger in an Interrelated World," or "Hunger and it's Relationship to the Earth."

- A negative aspect of the thematic approach that was pointed out was that it may take away from groups developing their own programs and emphasis. People at the grass-roots level want to set their own agendas.

In addition, there was some discussion of the possible role of universities in development education. A meeting to discuss cooperative efforts between this Subcommittee and the Subcommittee on PVO/University Relations was suggested.

#### Role of the Subcommittee

The final topic discussed was the role of the Subcommittee with respect to the Advisory Committee and AID's long term strategy. Members were concerned with the procedures to be used in encouraging private sector involvement in development education, and in focusing development education efforts in areas other than hunger. The Subcommittee was advised by the AID representative (Beth Hogan) that it was free to define its own agenda; the only stipulation for a Subcommittee meeting being that it be publicly announced.

#### Summary of Recommendations

At the close of the meeting, Willie Campbell summarized the feelings and recommendations of the Subcommittee on the topics addressed during the session. These included:

- Recognition that the Subcommittee did hear and note the increasing tempo of 14 recent activities in development education.
- Although the topic of AID's long term strategy on development education was not explored to any great extent, there was a consensus that such a strategy was needed and that the Subcommittee would like to participate in its development.
- It was decided that a policy paper on development education was not really needed at this point.
- Establishment of a program within the Subcommittee or ACVFA relating to the need for private sector funds for development education and contacting the Council on Foundations and/or the Committee on International Grantmaking.
- The Subcommittee agreed to explore the possibility of developing a program relating to broader development issues of development education and not focusing on hunger alone.
- The Subcommittee recommended a possible joint session with the Subcommittee on PVO/University Relations.
- The AID policy of awarding most Biden-Pell grants to PVOs was commended. It was also noted that AID should not go overboard in awarding grants to non-PVOs that work overseas.
- There was appreciation for AID's administration of the first year's Biden-Pell program and a hope expressed that more resources will be made available in the future. The Subcommittee recommended that a letter be sent to both the Advisory Committee and to Congress indicating their support for current efforts in development education and hope for future appropriations.

SUMMARY OF THE MEETING  
OF  
THE SUBCOMMITTEE ON WOMEN IN DEVELOPMENT  
ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID  
June 15, 1983

Presiding: Michaela Walsh, Chairperson

Recorder: Judith A. Hermanson

Attended by 24 participants, the newly-established Subcommittee on Women in Development, was convened by Chair Michaela Walsh in the lounge across from the Loy Henderson Auditorium in the State Department at 2:15 P.M. The meeting of the Subcommittee was adjourned at 4:35 by Mary Keegan, who served as Assistant Chair.

During the course of the discussion, topics covered included (1) the role of the Subcommittee, (2) the programmatic relationship of women in development to business development and income generation, and (3) other issues bearing significantly on women in development concerns.

Role of the Subcommittee

Ms. Walsh stated that the establishment of the Women in Development (WID) Subcommittee of the Advisory Committee on Voluntary Foreign Aid (ACVFA) was a result of the March Meeting held in Jamaica, resulting in part from an evolution in the concerns of ACVFA toward the consideration of specific development issues. A general role for the WID Subcommittee is to assist the ACVFA to define WID issues, particularly as they relate to the roles played by AID and PVOs in the development process. In this process, as appropriate, the Subcommittee may make recommendations to ACVFA.

A short range objective stated by Ms. Walsh at the beginning of the meeting is for the WID subcommittee to establish an agenda for itself.

Suggestions brought to the Subcommittee from the women members of ACVFA, who had met informally at lunch, included having one of the next five scheduled ACVFA meetings to be held in Africa focus on women in development. No consensus was reached on this point per se; however, an objection was made that persons concerned with WID issues frequently belong to those organizations least likely to have funding available to sponsor trips to Africa, and so such a meeting might be robbed of knowledgeable participants.

Additional recommendations to the Subcommittee from the ACVFA members included (a) elucidating the process for evaluating Mission Directors with an eye to ensuring sensitivity to WID concerns; (b) providing general assistance in the establishment of a positive atmosphere for women; and (c) considering ways to ensure that women or those sensitive to WID concerns are appointed to review panels or as readers for grant awards so that there is some assurance that WID issues are considered adequately during this process.

After discussion that continued during the entire meeting, however, a consensus emerged that one of the most important things that the WID Subcommittee can do is to assist ACVFA to be aware of and to examine the implications for women in the topics that they have selected for consideration during their next five meetings. Specifically, the Subcommittee requested that the Chair request ACVFA to consider, in connection with its agenda for its next five meetings, the differential impact of that item on women and the specific efforts being made by AID to redress any imbalances that might be present.

This thrust is consistent with the AID WID Policy Paper, recently issued by the WID Office, that views women and their role as integral parts of the development process. To this end, it was further recommended that the Subcommittee be convened at lunch or at a different time from the other Subcommittees, thus allowing the ACVFA members to bring WID concerns into focus during these other deliberations.

Nonetheless, it was also agreed that other WID issues of more general concern should also be raised and usefully addressed by the Subcommittee. The importance of coordinating recommendations and other actions with the AID WID office was also stressed. Moreover, Ms. Tinsdale, Director, WID Office stated that she hoped to receive assistance from the Subcommittee particularly in the area of "enterprise development," the major item on the agenda for this inaugural meeting.

### Enterprise Development

In introducing the major topic for discussion, Ms. Walsh observed that although the problem of access to credit for women is basically the same throughout the world, it is of critical importance to understand the larger social, political, and economic context in which the women must function. Without such understanding (reflected in the project structure and design), no credit or other economic program for women will succeed.

A representative of Women's World Banking served as a resource person for the ensuing discussion of enterprise development by outlining several issues that must be addressed by those concerned with the role of women in development and with designing projects to enhance that role. The point was made that there are no "right" or "wrong" ways of resolving the issues, but that they must nonetheless be resolved before a coherent project activity can ensue. The issues enumerated include:

- Is the project intended to be a business development or an income generation project? If it is business development, then it is necessary to develop an on-going structure that can support itself through its own efforts (i.e., profits). This distinction was seen to be a key to project design; on this distinction rests the answers to questions of what sort of economic contribution the "enterprise" is expected to make and to what role (and degree of sophistication) the woman entrepreneur is expected to aspire.

- Is the project going to deal with individuals, non-legalized groups of individuals, legalized groups (e.g., cooperatives), or so-called "solidarity groups," non-legalized groups of individuals come together for the sole and express purpose of obtaining credit? The observation was made that for women, there seems to be a bias against the individual focus.
- Is the project going to focus on industry, service, commerce? Or, said another way, is it trying to create jobs, value or both?
- Is the project interested in high growth or low growth?

Taking off from these discussion points, a representative from AID's Office of Private Enterprise (PRE) described how AID is addressing enterprise development. Private enterprise development is a new initiative launched by this Administration, and is in part a necessary outcome of AID's programmatic focus on infrastructure and basic needs, both of which neglected the private sector. Positive development experience in such countries as Taiwan and Singapore, in which government policies toward the private sector favorably affected development, prompted this new thrust which seeks to leverage public monies and to strengthen the private sectors.

Among the considerations that AID takes into account in deciding how to target efforts in a given country approximate those faced by each businessperson; they include the following:

- What is the policy framework for dealing with private enterprise?
- How does the capital market function?
- What are the management resources (e.g., business plan and basis for calculating the cost of production)?

- How can a business be started? What are the essential ingredients for entrepreneurship in this situation?
- What is the state of the art in this particular business? How does technology transfer take place?
- How does marketing occur? What are the possibilities for non-traditional products and non-traditional customers?

AID is using the strategy of both strengthening existing institutions and creating new institutions (e.g., use of an existing institution in Ivory Coast as a "full-service merchant bank") to assist the entrepreneur or would-be entrepreneur to address these issues. Through these institutions, AID assists in mobilizing resources, providing consulting services and marketing assistance. These services are seen as being necessary to a range of businesses from "micro" to "medium" size. Moreover, these efforts can also assist in identifying service or product gaps (e.g., "agribusiness") for new entrepreneurs.

In response to a question of how the new entrepreneur can be assisted in overcoming "start up" anxieties, two forms of assistance were identified: entrepreneurship seminars and provision of credit. (In the last instance, the provision of credit at market rates was emphasized so as to assure the viability of the business over the longer haul. There have been instances of economic collapse after the concessional money is removed.)

Although these efforts have not been directed specifically at women's enterprise (and for social and cultural reasons in many places there are few women participants), PRE has assisted Women's World Banking and has worked with the "micro" business end of the spectrum (which are often women's businesses). Nonetheless, concern was expressed by members of the Subcommittee about the necessity of developing alternative mechanisms if women are to be adequately served by these efforts, as well as the necessity of getting a better understanding of percentages (or numbers) of women who are/have been involved in these efforts.

The general discussion following the two sets of extended comments included expression of concern that women entrepreneurs were, in a certain sense, excluded from this process because it is assumed that the participants have at least some knowledge of the existing formalized systems of credit and entrepreneurship (suggesting a bias toward "business development" rather than "income generation"). For example, many women take advantage of the "informal" credit system that exists in many places -- a system that is run by individual "loan sharks" -- and so lack of familiarity with the "formal" system does not mean lack of familiarity with the concept and/or lack of need for credit.

Moreover, another question was raised with regard to the participation of women because the emphasis in "business development" is -- at least subtly -- on "growth," which might contravene the woman's inclinations and other (e.g., family) responsibilities.

A further concern was raised with regard to the raising of unrealistic expectations. Entrepreneurship (in the sense of "business development"), it was maintained, should remain an option for women, but not the only option. Not all women will have the sophistication (many may be illiterate, for example) or the desire to move "up the scale" from income generation to business development. The pressures to modernize often involve an economic opportunity cost and these costs should be considered for women in development projects in general.

However, there may indeed exist a continuum of development and many women may wish to and be able to make the transition from one type of activity to the other. An opinion was voiced, however, that this is more likely to occur if the development assistance "goes slower and thinks smaller," helping the women entrepreneurs to develop both confidence and capacities, which will enable them in the end, to make their own informed choices about the role that they wish to play in this aspect of economic development.

In connection with the concern raised about how best to reach the businesswoman, an additional set of issues was outlined by the Women's World Banking representative. They include the following:

- Should the project work with foreign or local intermediary (PVO) organizations? A point was made that frequently the PVOs themselves do not distinguish between income generation and business development, and in working in these projects they need not only to make this distinction but to build in accountability to the projects that they assist.
- Should the project work through government or private institutions?
- Is a small or a large scale impact desired?
- How is the credit going to be funnelled? A point was made that the "loan shark" system, in many cases, provides loans not only for business purposes but also for social purposes, and when it is supplanted by other credit sources (generally provided for business purposes only) it retaliates in various ways, including refusal to lend for other purposes. Hence, it is crucially important to understand the social and cultural variables as well in making judgements about how best to involve women in the system.

However, if a decision is made to involve the women entrepreneur in the larger, formal credit system, then provision must be made for her to obtain not only management assistance for her business (indeed, that in itself is a point of controversy -- at what point that becomes necessary), but more important to obtain "systems" skills or an understanding of how the system as a whole works in the country. An additional point was made, however, that in this larger linking of women entrepreneurs with resources, to the

extent possible, it is desirable to incorporate the existing "middlemen" into the process. Often when a group has had experience with the indigenous credit system, it is difficult to move to the formal system.

Recalling the issue of differentiating between income generation and business development, a concern was raised concerning the importance of continuing credit opportunities once they have been initiated. For example, AID should look at the future of revolving loan funds. If the businesses that have borrowed from these funds are to continue to expand, to continue to be successful, they will need other sources of credit as well. Moreover, it was felt that women should be involved in defining these processes so that their chances of success will be optimized.

- Where will management assistance come from? A model that has been employed with the so-called "solidarity groups" -- or those that come together expressly for the purpose of gaining credit -- provides working capital to such groups on the stipulation that it be repaid by each group member by a specified (relatively short term) time. Only when the money has been satisfactorily repaid will additional loans be made. This approach has worked because of its self-selection aspect (those wishing credit come together) and it is in the group's self interest to assist the other members to be successful; thus management assistance tends to come from the group itself.
- How does growth take place? What is the impact on the informal sector?

This set of issues generated discussion related to the preceding concern with regard to the question of how a woman entrepreneur gains access to the more formalized systems. It was stressed that business

development and income generation should both be options for women, and that business development activity should be careful not to raise expectations that cannot be fulfilled. Nonetheless, the group did not feel that the issue of enterprise development for women had been exhausted; indeed, they felt that the following issues were outstanding in this regard:

- What women-owned businesses in the developing world currently exist? (A suggestion was made that this is an activity that should be undertaken by AID -- separate from the ACVFA activities -- to compile some of the existing data in this regard. Perhaps a Task Force could be convened.)
- What is the future of revolving loan funds and other credit projects? What provisions are being made to assist women to "move up" the entrepreneurship scale? And if such provisions are being made, are women involved in that process?
- What is the extent to which AID is looking at the existing institutions with which it has relations to determine the constraints on women's access to these institutions? (This is a current initiative of AID's WID Office.)
- How is credit currently received and used by women? AID should undertake a review in this regard.
- What is the focus of PVO activities with regard to enterprise development? Some of the questions raised at the Subcommittee meeting should also be raised with the PVOs. A suggestion was made that a flyer highlighting the points raised at the meeting should be developed and sent to PVOs working in the area of women's enterprise development.

## Other WID Issues Raised

The WID Office committed to the participants that it would prepare, and send to each of them, a summary of those areas in which it is currently working. In addition, however, other WID issues of concern to the Subcommittee were raised during the course of the meeting. These included:

- There is a need for program management training for women across the board (not just limited to business management assistance)
- The percentage of women in Participant Training should be ascertained -- both in the U.S. and in the field
- There should be a study to ascertain the legal status of women in terms of their access to economic institutions in AID-assisted countries
- The impact of refugee status on women is in need of examination -- how is the transition made from relief to development
- There should be a better understanding gained of the relationship of indigenous women's groups to international donors.
- A support system of some sort should be developed for women working in international business
- There should be a requirement that the RFPs issued by AID positively encourage the addressing of WID issues by the potential (and actual) contractors, for example, by assigning points to these considerations in the "factors for award" evaluation criteria.

SUMMARY OF THE MEETING  
OF  
THE SUBCOMMITTEE ON PVO/UNIVERSITY RELATIONS  
ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID  
June 15, 1983

Presiding: Dr. Carl Taylor, Chairman

Recorder: Dr. Cheryl Bailey

The Subcommittee Meeting was convened by the Chairman, Dr. Carl Taylor. The first item of business discussed was the General Counsel's determination regarding the Subcommittee's interest in expanding its membership to include PVO and university representatives. The General Counsel had cited the Advisory Committee's charter which indicated that Subcommittee membership must be drawn from the full Committee membership. The Chairman presented the view that greater meeting attendance and continuity would be assured if the Subcommittee had more designated members. However, the AID representatives cautioned the group that AID would be responsible for the meeting expenses of additional designated members.

Marie Gadsden pointed out that a Subcommittee of 3 or 4 people can not represent a consensus of U.S. opinion. She also suggested that the Subcommittee membership be enlarged.

The next topic discussed was the future role of the Subcommittee. One participant stated that the group should move beyond the discussion stage and begin promoting trial collaborative efforts. Another suggestion was that the Subcommittee engage in conducting research, developing programmatic activities, and providing feedback to the Advisory Committee. The Chairman suggested that a three-way relationship between the Committee, Subcommittee and AID which would include feedback from AID to the Subcommittee would be extremely desirable.

Ms. Gadsden followed by providing her perceptions of the goals of the Subcommittee. Research is one goal. Promoting the evolution of the consortiums is another goal -- this can be accomplished without the same people. The third and final function according to Ms. Gadsden is the circulation of PVO and university materials.

The Chairman then requested comments from the AID representatives present. Mr. Ross Bigelow responded that AID is concerned that the Subcommittee's objectives might be too widespread. AID expressed concern regarding the cost of the Subcommittee activity under consideration. Mr. Bigelow noted that AID is interested in supporting Subcommittee objectives, but suggested that the Subcommittee pursue informal participation by PVO and university representatives, rather than Subcommittee membership for the two groups. Dr. Carl Taylor invited suggestions for alternatives to Subcommittee membership. A Subcommittee comprised of two separate groups - Committee members and "functional" members - was considered, though it was agreed that this possibility might be problematic for both AID and the participants. Associate membership was mentioned as another possibility for addressing the Subcommittee need for expanded membership.

The Subcommittee discussion then turned to the AID grantmaking process. Mrs. Burnette expressed concern that AID does not use external reviewing for grantmaking purposes. AID staff person, Mr. Paul Bisek responded that AID's present emphasis is to consider proposals that are field oriented and not directed toward "institutional building." Mr. Bisek noted that PVO grants are unique in that they are unsolicited. If a PVO's objectives are congruent with AID's needs, the project is generally funded.

The Chairman then presented the seven recommendations resulting from the conference held at Howard University last fall and AID Administrator McPherson's reactions to those recommendations. Based on that discussion, the Subcommittee recommended the following:

- Subcommittee membership should be extended to include associate members representing the PVO and University communities.
- A contractor should be engaged to conduct a survey and analysis of PVO/University collaborative relations. This issue was referred to the Director of the PVC Office for the design of a strategy and implementation plan. Mr. Bisek noted that AID will focus on field-oriented strategies.
- AID should encourage two or three joint university-PVO proposals for pilot projects modeled after the collaborative model developed by BIFAD. As a result of the October meeting, several unsolicited proposals have been received. PVC should monitor these incoming proposals.
- Development education should be promoted through collaborative efforts undertaken by universities and PVOs. A proposal for a special project being developed by the National Association of State and University Land Grant Colleges (NASULGC) and the Cooperative network is currently under consideration.
- Funding should be provided for field experience for junior faculty members and young professionals. A mechanism must be established for these individuals to work on PVO field projects conducting research and evaluation studies.
- AID and the Subcommittee should consider mechanisms for streamlining contracting regulations.
- A regular newsletter is needed to maintain an information flow on PVO/University collaborative activities. It was suggested that a special section be included in newsletters such as the BIFAD Briefs. To assure wider circulation, the

ACVFA mailing list could be added to the BIFAD Briefs. Ms. Gadsden assumed responsibility for relaying information from the Subcommittee to the appropriate newsletters. The material forwarded could include reports of presentations made during Subcommittee meetings.

The Chairman invited participant reactions to the role of the Subcommittee. Participants agreed that the Subcommittee should:

- Strive to improve communication and cooperation between PVOs and universities
- Identify existing linkages and use those to promote additional linkages
- Narrow the Subcommittee meeting focus to specific issues.

Mr. Bisek suggested that Subcommittee meetings include a panel of speakers, and agreed to assist the Subcommittee in identifying appropriate panelists. The discussion then turned to possible funding mechanisms for the proposed state-of-the-art survey. Mr. Collins and Ms. Bihead discussed the possibility of the joint enterprise efforts which involve breaking a project into segments, thereby providing opportunities for smaller institutions to become involved.

A representative of the Partners of the Americas provided a status report on that organization's activities. The session concluded with the Chairman summarizing the major points covered during the discussions.

SUMMARY OF THE MEETING  
OF  
THE SUBCOMMITTEE ON PUBLIC LAW 480-FOOD FOR PEACE  
ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID  
June 15, 1983

Presiding: Philip Johnston, Chairman

Recorder: Cassandra Brown

The Subcommittee was convened at 2:15 p.m. and adjourned at 4:30 p.m. by its chairman, Phil Johnston. Sixteen people were in attendance. The meeting was conducted in the fourth floor conference room of the AID office building at 1400 Wilson Boulevard in Arlington, Virginia.

In his opening remarks, Mr. Falcon conveyed information he had received by telephone from Mrs. Julia Bloch. Mrs. Bloch communicated her desire for the Subcommittee to hear her views on the approach the Committee should take regarding P.L. 480. Rather than taking on a monumental task which would involve investing years of work, she suggested that the Subcommittee look at other areas of P.L. 480 that would be easier to achieve. Some of her suggestions were:

- Provide more public information to generate greater support for P.L. 480
- Review criticism of P.L. 480 and identify problems
- Assist AID in understanding program operations at the field level
- Improve administration of P.L. 480

Suggested topical areas for committee focus included:

- USDA total process
- Participation in Hunger programs
- Title II programs.

Peggy Sheehan from AID defined and discussed ongoing projects, and how these programs worked within Title II. She gave a very detailed account of the pros and cons of the current programs under Title II.

The Subcommittee agreed on six objectives to be completed in the coming year. The focus of the Subcommittee will be on the Title II program. The objectives are to:

1. Review the objectives of Title II and determine how appropriate they are.
2. Review and determine the appropriateness of Title II policies and procedures.
3. Delineate major problems and weaknesses of Title II and identify solutions.
4. Identify the major needs and new opportunities of Title II not being addressed currently.
5. Identify what is being achieved in Title II programs.
6. Develop recommendations.

To achieve its goal, the Subcommittee has asked AID to assist by supplying pertinent documents and other necessary materials. Mr. Bill Pearson has been designated as the Subcommittee's AID staff liaison. AID will assist the Subcommittee by sorting through the necessary documents and doing the first cut based on the basic objectives of the Subcommittee. The Subcommittee requested AID assistance in performing a preliminary review of the documents, because it does not have enough of an understanding of Title II to do this task on its own.

Mr. Pearson agreed to undertake the task, and noted that AID is currently evaluating Title II on a country by country basis. Mr. Pearson will report to the Subcommittee on the amount of time necessary for the collection and review of the documents.

**Appendix A**  
**Business Meeting Handouts**

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AGENCY FOR INTERNATIONAL DEVELOPMENT  
WASHINGTON, D. C. 20523

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

BUSINESS MEETING AGENDA

June 16, 1983

9:45 a.m.

E. Morgan Williams, ACVFA Chairman, Presiding

- I. Report from AID/Office of the General Counsel -- Jan Miller
    - Conflict of Interest Statements
    - Appointment of members of Congress to ACVFA
    - Communications from the ACVFA with Congress, State and White House
  
  - II. Report from Planning & Operations Subcommittee -- E. Morgan Williams
    - Oakland Meeting -- November 10-11, 1983
    - ACVFA Quarterly Meeting Dates and Locations in 1984
    - Subcommittee Systems
    - 1984 Proposed Annual Operating Budget
      - Contracts for Support Services to the ACVFA
    - Agenda Items for ACVFA Meetings (Report from Special Issues Committee)
  
  - III. Report from Special Issues Policy Committee
    - Mark Bail, Chairman, Reporting
  
  - IV. NEW BUSINESS
- Noon - Quarterly Meeting Adjournment

AGENCY FOR INTERNATIONAL DEVELOPMENT  
WASHINGTON, D.C. 20543

JUL 8 1982

MEMORANDUM

TO: FVA/ACFVA, Ms. Vera Connolly

FROM: GC/CP, Jan W. Miller *J. Miller*

SUBJECT: Application of the Federal Advisory Committee Act to the Activities of the Advisory Committee on Voluntary Foreign Aid

You have asked for an analysis of the application of the Federal Advisory Committee Act ("FACA"), 5 U.S.C. Appendix I, to various subcommittee and individual member activities of the Advisory Committee on Voluntary Foreign Aid ("ACVFA").

I. Subcommittees Composed Entirely of ACVFA Members.

Subcommittees composed entirely of ACVFA members may be appointed by the ACFVA either on a continuing or an ad hoc basis. Article 9 of the Charter of the ACFVA specifically provides for the appointment of subcommittees, AID Handbook 17, Appendix 5, A5-2. Such subcommittees would not be required under the FACA to file a new charter; they would operate under the current ACVFA Charter. Meetings of such subcommittees would have to comply with the provisions of the FACA regarding publication of notice of meetings, public attendance and participation, the keeping of minutes, etc. in the same manner as any meeting of the ACVFA.

II. Subcommittees Not Composed Entirely of ACVFA Members

In our opinion, a subcommittee not composed entirely of ACVFA members is considered a separate advisory committee for purposes of the FACA, regardless of whether or not the subcommittee was appointed by the ACVFA or whether or not members of the ACVFA were on the subcommittee. The proposed government-wide regulations on advisory committees issued by GSA require a separate chartering exercise for any

subcommittee which has members other than the members of the parent committee, has functions other or different from the parent committee or functions independently of the parent committee. 41 CFR 101-6.1006-1, 45 Fed. 55772, August 21, 1980. A single charter could be used for both the committee and any subcommittees. This has been done for the Board for International Food and Agricultural Development ("BIFAD") which has a subcommittee of entirely different membership. See AID Handbook 17, Appendix 5, A5-6.

An alternative to subcommittees with a different membership than the ACVFA would be to expand the membership of the ACVFA and then form subcommittees from the expanded membership. An expansion of the ACVFA would not require an amendment to the ACVFA charter because the charter sets no limits on the maximum number of members.

It should be noted that simply because an AID employee is not formally a member of a subcommittee does not mean that an AID employee cannot participate in a meaningful manner in subcommittee meetings. At the request of the subcommittee, AID employees can be made available by their respective bureaus/offices to assist the subcommittee. This has been done with great success by BIFAD and its subcommittees where representatives of AID's bureaus/offices routinely attend the meetings.

### III. Unstructured Ad Hoc Groups and Private Sector Groups.

Two of the most controversial aspects of the FACA have been the "one-shot" meetings and the use of privately-established groups by Government agencies for advisory purposes. The following discussion attempts to set out some general principles, but applicability of the FACA requires consideration of the particular facts.

A. Unstructured Ad Hoc Groups or One-Shot Meeting. The ad hoc group or the "one-shot meeting" has been and continues to be a subject of controversy and litigation. The most significant example was the subject of a suit brought by Ralph Nader to gain admittance to a series of biweekly meetings convened by the White House by the Assistant to the President for Public Liaison. Nader v. Baroody, 396 F. Supp. 1231 (D.D.C. 1975). The individuals invited to the meeting were representatives of major business organizations, senior citizens, professional service firms, church groups, youth and other private sector groups. The purpose of the meetings was to open the White

House to groups in the private sector and to increase the flow of information between those groups and top Executive officials, including the President. There were fifteen separate meetings and each meeting involved a different group. Attendance was by specific invitation to named individuals.

Judge Gesell held that such meetings were not advisory committees for purposes of the FACA. In so holding the judge noted that the FACA's definition of an advisory committee was broad and imprecise and that its very vagueness and sweeping character would permit a reading which could include the ad hoc groups involved, as well as any other less formal conference of two or more governmental persons who advise the President. Judge Gesell stated that "the Act was not intended to apply to all amorphous, ad hoc group meetings" and the meetings at issue were not advisory committees under the FACA "since the group meetings are unstructured, informal and not conducted for the purpose of obtaining advice on specific subjects indicated in advance."

However, the applicability of the holding in Nader to all unstructured, ad hoc groups is limited by two factors.

The first is that, while the meetings were convened to provide advice, Judge Gesell noted that the meetings "not conducted for the purpose of obtaining advice on specific subjects indicated in advance" and compared the White House meetings to the situation in Food Chemical News v. Davis, 378 F. Supp. 1048 (D.D.C. 1974). In Food Chemical, Judge Richey held that meetings of industry and consumer committees with Treasury officials to obtain advice on proposed Treasury regulations were covered by the FACA and that the informality of organization could not be used as a "subterfuge" to avoid the open meeting requirements of the FACA. The groups in Food Chemical differed from those in Nader in that they were public sector groups created by private organizations and not by a Federal Government official.

The second factor was Judge Gesell's concern that applying the open meeting requirement's of the FACA would raise "the most serious questions under our tripartite form of government as to the congressional power to restrict the effective discharge of the President's business" citing United States v. Nixon, 418 U.S. 683, 711 (1974); Myers v. United States, 272 U.S. 52, 131, 164, (1962); Soucie v. David, 448 F. 2d 1067, 1080-84 (D.C. Cir. 1971) (Wilkey, J., concurring).

Judge Gesell's opinion in Nader relies heavily on the fact that Congress had not objected to the position taken in the joint Justice/OMB 1973 draft of OMB Circular A-63, 38 Fed. Reg. 2306 (1973), which limited the definition of advisory committees to groups with all or most of the following characteristics:

- a) fixed membership;
- b) established by a Federal official or on the basis of Federal laws; or if not federally established, the initiative for its use as an advisory body came from a Federal official rather than from a private group;
- c) a defined purpose of providing advice regarding a particular subject or subjects;
- d) an organizational structure (e.g., officers) and a staff;
- e) regular or periodic meetings.

The Department of Justice has consistently adhered to that guideline as regards ad hoc groups. The prepared statement of Deputy Assistant Attorney General Mary C. Lawton at the hearings on bills to amend the FACA contained the following statement:

Section 2 of the bill would add to the definition of "advisory committee" an express reference to "any ad hoc groups". We have interpreted the existing Act as applying to ad hoc, as well as continuing, advisory Committees, See 6(c) of the Act.

The question here is the meaning of "ad hoc group". One possible interpretation, though not the one we have followed, is that the term includes a one-time informal meeting between a Federal official and a group composed of private persons. If this is the intent of the amendment, we object to it.

Hearings on S. 2947 and S. 3013 Before the Subcommittee on Reports, Accounting and Management of the Senate Committee on Government Operations, 94th Cong., 2d Sess., at 85 (1976).

The final form of Circular A-63, and the proposed GSA regulations, supra, however, do not contain any interpretation comparable with the draft; they simply repeat the statutory definition.

Michael Cardozo in a study prepared for the Administrative Conference of the United States concluded that the weight of evidence is that the ultimate conclusion was to exclude "one shot" meetings of unstructured groups. Cardozo, The Federal Advisory Committee Act in Operation, 33 Ad. L. Rev. 1, 28 (1981). Paragraph (2)(a) of Recommendation 80-3, 1 CFR 305.80-3, which was adopted by the Administrative Conference on June 5-6, 1980, reflects that conclusion:

Uncertainty as to the applicability of FACA to one-time or occasional meetings between ad hoc groups and government officials has tended to discourage useful contacts with the private sector. It is impractical to require such meetings to conform with the Act's requirements regarding chartering, advance notice and structure of the committee. The Administrative Conference believes that the Act is not applicable to ad hoc, unstructured noncontinuing groups and that GSA's guidelines should make this clear. Coverage of such groups would not further the purposes of the Act.

However, Alexis C. Jackson, a Government Member of the Administrative Conference from the Department of Interior, took issue with that recommendation in a separate statement and suggested revision of paragraph 2(a). Mr. Jackson states that Interior's practice has been to include ad hoc groups within the FACA and that the courts have held that the FACA is applicable to such groups with the exception of Nader which reflected the possible constitutional consequences of restricting meetings within the Office of the President.

B. Private Sector Groups. Another difficult problem concerns committees, by whatever name called, that are clearly not "established" by a Government agency, but are "utilized" when an agency officer receives reports from them and gives them consideration in making decisions.

The provisions of the FACA and the case law make it clear that the FACA applies not only to advisory committees established by a Federal agency, but to privately established committees whose advice is utilized by an agency. Food Chemical News, Inc. v. Davis, 378 F. Supp. 1048 (D.D.C. 1974); Center for Auto Safety

v. Cox, 580 F. 2d 689 (D.C. Cir. 1978). However, there continues to be considerable discussion on what is meant by "utilized" and what provisions of the FACA should apply to privately established advisory groups. See Cardozo, The Federal Advisory Committee Act in Operation, supra; Recommendation No. 80-3 of Administrative Conference of the United States, supra.

It should be noted that the FACA would not normally apply to committees formed by organizations under contract to provide advice to the Federal government on the theory that the agency is "utilizing" the contractor for purposes of advice, rather than the committee. Lombardo v. Handler, 397 F. Supp. 792 (D.D.C. 1975), aff'd, 546 F. 2d 1043 (D.C. Cir. 1976), cert. denied, 431 U.S. 932 (1977). Nor would it apply in cases where the purpose of the meeting is for government officials to present agency views to the private group, rather than receive advice from it. Consumer Union of U.S., Inc. v. HEW, 409 F. Supp. 473 (D.D.C. 1976).

A determination that a private sector group is being "utilized" as an advisory committee under the FACA requires consideration of the particular facts. The following factors or areas of inquiry should be considered. No single factor is crucial and the absence of one may be counterbalanced by the strong presence of others.

1. Formation of the Group. If the establishment of the committee resulted from a request of the Government or its sole or main purpose is to advise Federal officials, there is an indication that the FACA is applicable.
2. Initiative for Dealings with the Government. A group's dealings with the Government can consist of joint meetings, written communications or both. One pertinent factor is who initiated such a dealing. If the initiative comes from a Federal official, this may indicate applicability of the FACA, and conversely. However, the significance of initiative is lessened if there is a continuing, regular course of dealing.
3. Purpose of the Federal Official. If the major purpose is to obtain advice that indicates coverage, failure to follow the group's advice does not necessarily mean the absence of an advisory relationship.

Purposes on the part of Federal officials which indicate noncoverage include courtesy or public relations, e.g. complying with a request of the private group.

4. Nature of Dealings. Periodic dealings with a private group require careful analysis. Private group requests for a meeting or periodic meetings to present its views are not ordinarily subject to the FACA. Nor are groups used solely to provide information (as opposed to providing advice).

5. Frequency of Dealings. A one-time meeting or very infrequent meetings suggests the absence of "utilization," unless there is substantial effort on the part of the committee.

6. Recognition of Advisory Role. Formal recognition by the agency of the private group's advisory role clearly indicates applicability of the FACA.

C. Status of the ACVFA Member. The FACA defines advisory committees as a committee utilized or established in the interest of obtaining advice for a Government "agency" or a "Federal official". The issue of the applicability of the FACA is further complicated when the request for advice or the initiation for a meeting comes, not from a full-time Federal official, but one or more members of the ACVFA. Members of the ACVFA are special Government employees, but they are also private citizens. Consequently, it is necessary to determine whether the ACVFA member is acting in an official capacity, thereby raising the issue of the applicability of the FACA or as a private citizen when meeting with a group of private citizens to obtain their advice on matters of concern to the ACVFA. As a general rule a member of the ACVFA should be presumed to be acting in a private capacity when he or she meets with other private citizens or otherwise requests advice from private groups on matters of concern to the ACVFA. However, the following factors should be considered in determining whether the member is acting in an official capacity.

1. Agency Support or Recognition. If agency resources (letterhead, personnel) are used to prepare for the meeting or if the agency recognizes the official status of the FACA member there is an indication that the member is acting in an official capacity.

2. Presence of Other ACVFA Members or AID Officials. Presence of other ACVFA members at the meeting could constitute a subcommittee of the ACVFA and also indicates that the members are attending in their official capacity. Attendance by AID officials, e.g. ACVFA staff, similarly indicates official capacity.

3. Initiative for Information. If the agency or ACVFA has specifically asked the member to gather advice or recommendations on a particular issue and to report back to the ACVFA, or the agency, that is an indication of an official capacity. However, if the member has no special mission and is meeting to educate him/or herself on ACVFA matters, that is an indication of private capacity.

A determination that an individual is acting in his or her official capacity as an ACVFA member does not necessarily mean that the meeting is subject to the FACA. Whether the FACA applies to the meeting would be dependent upon the factors set forth in III.A. and B.

January 17, 1983

cc: Bloch, Gladson, ACVFA, PFE, Chron

INFORMATION MEMORANDUM FOR THE ADMINISTRATOR

THRU: ES

FROM: GC, Chandler L. van Orman

*C. L. van Orman*

SUBJECT: Appointment of Members of Congress to Advisory  
Committees

Attached for your information is an opinion that concludes that Members of Congress may be appointed to advisory committees and recommends that any such appointments be limited to appointments that are clearly representative in nature and, to the extent practicable, to committees composed predominantly of members serving in their representative capacities.

Attachment:

Copy Memorandum from GC/CP, Jan W. Miller to GC,  
Chandler L. van Orman re above subject,  
dated January 13, 1983

GC/CP: JWMiller<sup>Jm</sup>:bmg:1/17/83

cc: A/AID, Jay F. Morris  
EXRL, Kate L. Semerad  
AA/FVA, Julia C. Bloch ✓

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AGENCY FOR INTERNATIONAL DEVELOPMENT  
WASHINGTON, D.C. 20523

OFFICE OF  
THE GENERAL COUNSEL

January 13, 1983

MEMORANDUM

To: GC, Chandler L. van Orman  
From: GC/CP, Jan W. Miller *Jan Miller*  
Subject: Appointment of Members of Congress to Advisory  
Committees

You have asked whether Members of Congress could be appointed to any of AID's advisory committees.

Issue: The question presented by the appointment of Members of Congress to advisory committees is whether membership on an advisory committee is "office" for purposes of the second portion of Article I, Section 6, Clause 2 of the Constitution (hereafter the "Incompatibility Clause").

Conclusion: It is our opinion that membership on an advisory committee is not "office" under the Incompatibility Clause and, therefore, Members of Congress can be appointed to AID's advisory committees. However, to avoid any possible conflict with the Incompatibility Clause, appointments of Members of Congress should be limited to appointments that are clearly representative in nature and, to the extent practicable, to committees that are composed predominantly of members serving in their representative capacities.

Discussion:

A. The "Incompatibility Clause". Article I, Section 6, Clause 2 of the Constitution provides:

No Senator or Representative shall, during the Time for which he was elected, be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office. (Emphasis added.)

The issue is whether membership on an advisory committee is "office" for purposes of the second portion of the clause.

B. "Employee or Officer" under the Conflict of Interest Statutes. The constitutional issue of advisory committee membership has not been formally addressed by either the courts, the Attorney General or the Comptroller General. However, the Office of Government Ethics (OGE) has set forth certain factors to be used in determining whether or not members of advisory committees are "offices or employees" under the conflict of interest laws, 18 U.S.C. §§201-209. Memorandum from Office of Government Ethics to Heads of Departments and Agencies of the Executive Branch entitled "Members of Federal Advisory Committees and the Conflict of Interest Statutes" (July 9, 1982) (hereafter "OGE Memorandum").

The OGE Memorandum makes two basic distinctions:

1. Committee members whose service is obtained because of their individual qualifications and who serve in an independent capacity, are considered officers and employees for purposes of the Federal conflict of interest laws.

2. Committee members who are appointed to act in a representative capacity, i.e., to present the view of a non-governmental organization or group which the member represents, or for which the member is in a position to speak, are not acting as servants of the Government and are not considered its employees or officers.

The principles to be taken into account in determining in which capacity an advisory committee member is acting were originally stated in the Presidential Memorandum of May 2, 1963, entitled "Preventing Conflicts of Interest on the part of Special Government Employees," 3 CFR 834, 1959-1963 Comp., and are now found at Appendix C, Chapter 735, Federal Personnel Manual ("FPM"). There are five principles:

1. A person receiving compensation from the Government for his services as an adviser is its employee, and not a representative of an outside group. However, Government payment of travel and per diem does not by itself make the recipient an employee.

2. It is rare for an adviser who serves alone to act in a representative capacity. Those who have representative roles are for the most part serving as a member of an advisory committee or similar group utilized by a Government agency. However, it does not follow that the members of every such body are acting as representatives. This result is limited to the members of committees utilized to obtain the views of non-governmental groups or organizations.

3. The fact that an individual is appointed upon the recommendation of an outside group or organization tends to support the conclusion that he has a representative function.

4. While members who are expected to bind outside organizations are no doubt serving in a representative capacity, the absence of authority to bind outside groups does not require the conclusion that the members are Government employees. What is important is whether they function as spokesmen for outside groups, not whether they can formally commit them.

5. Where an adviser or consultant is in a position to act as a spokesman for the United States or a government agency, e.g. in an international conference, he is obviously acting as an officer or employee of the Government.

The OGE Memorandum concludes that, aside from the question of compensation which entails employee status, whether or not a committee member is an officer or employee is to be ascertained from the language used in the enabling legislation, Executive Order, committee charter or other pertinent document to describe the role of the committee members. The choices are two: (1) the use of words to command the members to exercise individual and independent judgment, or (2) the use of words to characterize them as representatives of individuals or entities outside the Government who have an interest in the subject matter. Where the language does not articulate a deliberate choice, the OGE Memorandum states that it is fair to conclude that the member is an employee for that is the usual status of someone appointed by an officer or agency of the Government to serve it.

The memorandum also states that a determination that a committee member is an employee or officer for purposes of the conflict of interest statutes would also satisfy the definition of officer and employee under 5 U.S.C. §§2104 or 2105, i.e. appointment by a Federal official, performance of a Federal function and supervision by another employee.

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It is reasonable to conclude that a finding under the OGE Memorandum as to "officer or employee" would tend to support the same finding as to "office" under the Incompatibility Clause. Indeed one might argue that in view of the holding in Reservists Committee to Stop the War, et al. v. Laird, 325 F. Supp. 833 (D.D.C., 1971), aff'd 495 F. 2d 1075 (D.D.C.), rev'd on other grounds, 418 U.S. 208, 1/ that a finding under the OGE Memorandum is controlling for purposes of the Incompatibility Clause.

C. Reservists v. Laird. The Court in Reservists held that a commission in the Armed Forces Reserve was "office" under the Incompatibility Clause. The Government argued that a reserve commission was not office under the "Incompatibility Clause" because Reserve officers were not considered officers under 5 U.S.C. §2015(d) which specifically provides that a reservist who is not on active duty is deemed not an employee or individual holding office of trust or profit under the United States, and under the conflict of interest laws, citing Simmons v. United States, 55 Ct. Cl. 56 (1920).

The Court in rejecting those arguments stated that the Framers of the Constitution have erected an "inflexible barrier" against Congressmen being appointed to any other office and cited the words of the House Committee on Judiciary in 1916:

But no line can be drawn between the large and small office. The Constitution prohibits a Member of Congress from holding "any" office under the United States while a member of either House. Reservists, supra at 839.

Since the Court in Reservists determined there was office under the Incompatibility Clause even where there was no office or employment under 5 U.S.C. §2105 or the conflict of interest laws, one could argue that a finding of office or employment under those statutes, i.e. under the OGE memorandum, should be controlling, and not merely a presumption, for purposes of the Incompatibility Clause.

D. Office v. Employment. It is our opinion, however, that the OGE Memorandum is not controlling for purposes of the Incompatibility Clause.

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1/ The Supreme Court held that the plaintiffs lacked standing and, therefore, did not reach the merits.

The Incompatibility Clause applies to any office and there is a distinction between "office" and "employment." See 63 Am. Jur. 2d, Public Officers and Employees, §11. Although every office may be employment, every employment is not office. Public office is created by force of law and a position created by contract of employment does not rise to the dignity of an office. Public office involves an exercise of some portion of the sovereign power of the state in making, executing, or administering the law; employment does not. Office has tenure and continuing and permanent duties. Employment is for a temporary purpose. It lacks the idea of tenure and has duties that are occasional and intermittent. Id. at §12.

At issue in Reservists were reserve commissions in the armed forces, which clearly possess the attributes of office. Consequently, the Court did not have the issue of office versus employment. Similarly, because the conflict of interest laws apply equally to officers or employees, the OGE Memorandum did not need to address the issue.

However, it is clear that membership on an advisory committee, even when it is employment, does not rise to the status of office. Advisory committee membership is often for a temporary purpose, e.g. to make a report. It does not involve tenure and its duties are occasional and intermittent, rather than continuing and permanent. It involves the giving of advice rather than the power of the sovereign in making, executing or administering the law.

Moreover, there is a common example which is office or employment under the conflict of interest statutes and under Article II, Section 2, Clause 2, of the Constitution, but yet is not office under the Incompatibility Clause - the appointment of Members of Congress to negotiate treaties and other international agreements or to represent the United States at meetings of international organizations. Under the fifth principle of Appendix C of the FPM, supra, such duties result in office or employment under the conflict of interest laws. Moreover, when those appointments are made with the advice and consent of the Senate, they are considered "Officers of the United States" under Article II, Section 2, Clause 2. However, the Attorney General has held that such appointments do not constitute office under the Incompatibility Clause:

The appointment with the concurrence of the Senate can be reconciled with the prohibitions of Article 1, section 6, clause 2 only on the theory that, although made in accordance with the method prescribed by Article II, section 2, clause 2 for the appointments of "Officers of the United States," they, nevertheless, do not place Members of Congress within that classification. 42 Op. Atty. Gen. 165, 168 (1962).

In addition, the presumption of office or employment under the OGE Memorandum in our opinion is not warranted in the case of Members of Congress. Members of Congress almost always act, or are seen as acting, in their representative, not individual, capacity when speaking on matters of public concern. Indeed, it would be difficult to imagine a situation where membership of a Member of Congress on an advisory committee would be anything other than in a representative capacity.

E. Summary and Recommendations. In summary, it is our opinion the OGE Memorandum is not controlling and that appointment to membership on an advisory committee, even when it is employment under the OGE Memorandum, does not rise to the status of "office" under the Incompatibility Clause.

However, as the Attorney General once recommended in a case involving Members of Congress serving on active duty in the armed forces, it would be a "sound and reasonable policy" to avoid any possible conflict with the Incompatibility Clause. 40 Op. Atty. Gen. 301 (1943). Therefore, we recommend that appointment of Members of Congress be limited to appointments that are clearly representative in nature and be limited, to the extent practicable, to committees that are composed predominantly of members serving in a representative capacity.

The representational nature of the appointment of a Member of Congress should be evidenced by such things as:

- 1) Involvement of Congressional Leadership. This can be accomplished either through appointment by the Congress, joint appointment by both Executive and Legislative branches, or consultation.
- 2) Ex Officio Appointment. For example, Chairperson, ranking minority Member or Member of a committee or subcommittee concerned with subject matter of the advisory committee.

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Regarding the representative status of a committee as a whole, a distinction should be made between existing AID committees and new committees:

1. Existing Committees. This office has consistently held that the private members of existing AID advisory committees (RAC, BIFAD, ACVFA) are special Government employees for purposes of the Federal conflict of interest laws. GC Opinion: Conflict of Interest No. 82, Fries (February 14, 1978); Memorandum from GC, Bolton to AA/EXRL, Morris, "Conflict of Interests of Advisory Committee Members" (September 22, 1981). Therefore, it would be necessary to recharter them and in doing so to clearly demonstrate in the charter and other documentation that membership was being changed to a representative capacity.
2. New Committees. For new committees, the charter should clearly demonstrate the representational nature of the committee.

GC/CP:JWMiller:bmg:1/13/83

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AGENCY FOR INTERNATIONAL DEVELOPMENT  
WASHINGTON D C 20523

OFFICE OF  
THE GENERAL COUNSEL

April 25, 1983

MEMORANDUM

To: FVC/ACVFA, Toye Brown Byrd  
From: GC/CP, Jan W. Miller *Jan Miller*  
Subject: ACVFA Communications with Congress

You have asked whether the Advisory Committee on Voluntary Foreign Aid ("ACVFA") may urge members of Congress to pass legislation or write the President in support of pending legislation.

Conclusion: It is our opinion that the ACVFA does not have the authority to communicate directly with Members of Congress or the President. The ACVFA's authority is limited to providing advice to the Administrator and the agency. In that capacity, it may communicate to the Administrator its advice and recommendations on legislation and recommend to the Administrator that he forward the Committee's recommendations to the President and/or the Congress.

Discussion: The ACVFA has no inherent powers, functions or authorities. The extent of its functions and authority are derived from the Federal Advisory Committee Act, 5 U.S.C. Appendix, and its charter.

Section 9(b) of the FACA provides:

"(b) Unless otherwise provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government."

The Charter of the ACVFA states that the ACVFA will report to the Administrator and "consult with, provide information to, and advise" AID and, as appropriate, other Government agencies on matters and issues relating to USG/PVO relations.

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Therefore, the role of the ACVFA is limited to one of advising the Administrator and the agency (and other agencies as AID may deem appropriate). Under section 9(b) of the FACA, the Executive branch or agency position on policy matters, such as proposed legislation, is not the province of the ACVFA but one for the Administrator and other Federal officials.

The FACA and the charter in effect establish a chain of command with the ACVFA reporting to the Administrator; it does not include direct access to the President, and it only includes other agencies as AID deems appropriate.

Communications to Congress are governed by that same chain of command and, indeed, is just another step in the formulation of agency and Executive policy positions, a duty which under the FACA cannot be given to advisory committees.

Where Congress has deemed it necessary for an advisory committee to have direct access to Congress, it has enacted specific legislation. An example is section 300 of the Foreign Assistance Act of 1961, as amended, which permits the separate views of the Board for International Food and Agricultural Development ("BIFAD") to be included in the annual report of Title XII activities.

All of the above is not to say that ACVFA cannot provide advice and recommendations on proposed legislation to the Administrator. The subject matter scope of the ACVFA is very broad. The Charter authorizes the ACVFA to consult with, provide information to and advise AID,

"on matters and issues needing attention  
across a wide spectrum of development  
issues relating to foreign assistance  
in which U.S. Government and U.S. private  
and voluntary organizations interact."

Clearly, legislative proposals that impact on the AID/PVO relations are within the Committee's mandate. Therefore, the Committee may submit to the Administrator its recommendations on proposed legislation and request that its recommendations be forwarded to the Congress, the President, and other U.S. agencies.

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ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Agreements Reached With AID On Operations of the Committee

1. The Committee will meet four times each fiscal year.
  2. The Committee meetings will be 1½ days each.
  3. Three of the meetings each year will be held in Washington, D.C. and one meeting is a location approved by the Committee and AID. This could be a country where AID has a program or a location within the U.S.
  4. The Committee will prepare a yearly budget request to AID for its meetings and program support. The Committee will operate within a budget approved by AID.
  5. The Committee will be given adequate and reasonable financial support from AID to carry on its duties and functions.
  6. The Committee will be given adequate and reasonable staff support from AID to carry on its duties and functions.
  7. Social functions held by the Committee will be the financial responsibility of the Committee and not AID.
  8. All contracts with outside organizations, etc., that provide support or assistance for Committee meetings, programs or whatever will be approved by the Committee and AID.
  9. Committee staff will be hired with the consultation of the Chairperson of the Committee.
- 

ADVISORY COMMITTEE DATES TO MEET

1983 Sept. 15-16  
Dec. 15-16

1984 March 15-16  
June 14-15  
Sept. 13-14

AGENCY FOR INTERNATIONAL DEVELOPMENT  
WASHINGTON, D. C. 20523

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

PROPOSED ANNUAL OPERATING BUDGET FOR THE ACVFA

I. <u>ACVFA Member Expenses for Meetings</u>	TOTAL
A. Quarterly ACVFA Meetings - Travel & Per Diem	\$46,800
(15 D.C. based members have no expenses for D.C. meetings; 15 from D.C. at max. 2 meetings away from D.C.= 15 x 2 x \$600=\$18,000; NYC members=4x2 in D.C.at \$300=\$2400 4 x 2 x 600=\$4800; 9x 4 x \$600=\$21,600)	
B. One subcommittee meeting per year not linked with quarterly meetings: No expenses for policy subcommittee based in D.C.; average 4 members per subcommittee. (\$400 x 4 members x 5 subcommittees=\$8,000) - Travel & Per Diem	8,000
	<hr/>
	ACVFA Travel Expenses Sub-total
	\$54,800
II. <u>Contractual Services</u>	\$90,000
Limited staff for operation of the ACVFA requires augmentation through use of external contractual services. The bare minimum of contracting services for support to the ACVFA, includes:	
- <u>Policy Subcommittee</u> (D.C.based, including legislative briefings estimated at \$5,000 per year)	
- <u>Food for Peace Subcommittee</u> expenses for start-up estimated at \$10,000 per year.	
- <u>PVO/Corporate Relations Subcommittee</u> - technical assistance, survey and logistical support for two quarterly meetings at reduced rate of \$35,000.	
- <u>University/PVO Subcommittee</u> ; if follow recommendations from October, 1982 meeting; minimal cost at \$10,000 from FVA; need other monies from S&T and BIFAD.	
- <u>Women in Development Subcommittee</u> - expenses for start-up estimated at \$10,000 per year.	
- <u>Development Education Subcommittee</u> - expenses should be drawn from Biden-Pell program funds (estimated \$25,000)	

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Proposed ACVFA Budget Request for Annual Operating Expenses  
Page 2

- Other consultant services to ACVFA as needed such as clerical support services, orientation/training for new ACVFA members; special surveys or meetings, and general support services to ACVFA operations such as services secured through purchase orders. (Estimated \$20,000)

Printing and Publication

Revision of ACVFA Brochure	500
Public Reports of ACVFA Quarterly Meetings (average recording and duplication per meeting= \$3,500 x 4; approved by CRB 1/5/83)	14,500
ACVFA notebooks, name tags and related registration materials (\$62.50 x 4 meetings)	250.

Miscellaneous

ACVFA conference registration fees, training workshops, etc.	<u>2,000</u>
GRAND TOTAL	\$162,050

Note: ACVFA Staff Costs are not included in this statement because they are funded from a separate OE Account.

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James Joseph  
Bob Marshall  
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