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ARD

- 1. MR. SULLIVAN
- 2. ASIA/FR

August 26, 1977

Don't
Put this on this
Do I can use as an
each reference
Thanks Return to Sr.

MEMORANDUM

TO: Distribution
 FROM: AA/TA, Erven J. Long *E.J.L.*
 SUBJECT: Title XII Information

The attached Information Memorandum for the Administrator and background paper are provided for your information and use.

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- AID Members of JCAD — ARD got a copy, ERICH
- AID Members of JRC

10/24/77
C.H.K.O.W. - N.S.
August 9, 1977

INFORMATION MEMORANDUM FOR THE ADMINISTRATOR

THROUGH: ES

FROM : AA/TA, Curtis Farrar

SUBJECT: Title XII: A.I.D./BIFAD/Joint Committee
Responsibilities and Relationships

This memorandum attempts to respond to your request, relayed by Mr. Nooter in his memorandum of July 15, for a "paper which sets forth the relationship of the BIFAD Board and its committees with AID." In reading it, you should bear in mind that the relationship is an evolving one, which is being shaped by the day-to-day actions of the various players.

The primary role of the BIFAD and its substructure, as defined by the statute, is to "participate in the planning, development and implementation of, initiating recommendations for, and monitoring of the activities described in Section 297 of Title XII." It has been determined by A.I.D. that BIFAD is an advisory committee within the meaning of the Federal Advisory Committee Act. BIFAD does not have authority to approve expenditures of funds or to make policy decisions. As the language of the statute makes clear, however, its role goes well beyond the normal concept of advice, and includes active involvement in a wide range of A.I.D. decision-making. One of the subjects on which it expects to have considerable influence is in fact the definition of its own role.

Title XII activities have been defined by A.I.D. with concurrence of the BIFAD as all technical assistance financed by Section 103 with some exceptions not germane to the present argument. The scope of BIFAD concern, however, is much broader, again by mutual agreement and backed by specific statutory language. BIFAD covers all of the A.I.D. program and all of A.I.D. responsibilities directly related to Title XII activities.

Given the definition of its role, BIFAD may reasonably expect to be consulted in advance and have a chance to give advice on any steps of a policy, procedural or organizational nature that it considers will have an important effect on the implementation of Title XII activities. The Board will certainly extend its participation quite deeply into matters of procedure which the members perceive as affecting the interests of the universities in Title XII programs.

The Board also expects to deal specifically with a certain number of individual Title XII activities. The Agency has taken the view that BIFAD should concentrate on matters of program policy and procedures and the matching of university capabilities with Agency needs. The Board, on the other hand, has wanted to get specific and has asked its Joint Committees to review selected individual activities as test cases, and as a means of learning about how A.I.D. does business. Once this set of test cases has been completed, the Agency and BIFAD will presumably consider the results and set a course for further action. The Board has agreed in principle that it does not wish to become another layer in A.I.D.'s program approval process.

Some confusion has arisen in recent months concerning the method of BIFAD making recommendations to A.I.D., and about the means of communicating A.I.D. positions to the BIFAD. The BIFAD has mistakenly taken the informal positions of A.I.D. staff participating in BIFAD or Joint Committee discussions as representing a considered Agency view; it has therefore taken its own consensus following such discussions as representing an agreement to take certain actions. This is being rectified, and the BIFAD now understands that its recommendations must be communicated to A.I.D. in a manner that enables the Agency to complete its decision process, and that informal opinions of Agency officials do not necessarily represent our final judgments.

Members of the BIFAD and Joint Committees will participate in the final stages of the FY '79 Budget Review process. Due to BIFAD staff limitations, this involvement is not expected to be substantive with the possible exception of the cross-cut review of Food and Nutrition programs. A major concern of BIFAD is assuring greater involvement in future years to enable the BIFAD to advise the Administrator on the apportionment of funds under Title XII.

The Agency is not obliged to accept recommendations received from BIFAD. BIFAD recourse when recommendations are not accepted by A.I.D. is essentially political. A.I.D. must make an Annual Report to Congress (Section 300) of its activities and those of the BIFAD under Title XII. A.I.D. is required to consult BIFAD in the preparation of the Annual Report. The Annual Report may include the separate views of the BIFAD, thus providing a formal channel to criticize the Agency.

The process of participation by BIFAD does constitute a significant constraint on the Agency's freedom to conduct its business; the management of the participation relationship will require continual attention from those who are primarily responsible for making the decisions in which the BIFAD has an interest.

A paper on the history and evolution of Title XII and the responsibilities and authorities of BIFAD has been prepared in connection with this assignment. That paper and a set of supporting documents are available if you wish to see them.

Clearance: GC:MBall Elg Engh
GC:ARichstein ARL
AA/PPC:CPaolillo (draft)

AA/TA:FRiggs/CFarrar:cn:8/9/77

TABS

- A 1. Public Law 94-161 - International Development and Food Assistance Act of 1975.
- B 2. List of Co-Signers/Sponsors (Famine Prevention Act)
- C 3. Memorandum from Richstein to Gladson (1/21/76) re Section 298 of the Foreign Assistance Act of 1961, as amended.
- D 4. A.I.D. Regulation No. 14
- E 5. Original Charter for the Board for International Food and Agricultural Development
- F 6. Findley - Correspondence with Parker; with Geyer; with Parker (7/6/76) re Geyer's Memorandum of Law
- G 7. Letter from Parker to Humphrey (8/6/76) concerning the role of the Board
- H 8. Item V of Board meetings (1/10/77)
- I 9. Annual Report to Congress and letter from Gilligan to Mondale (3/31/77)
- J 10. Amended Charter of BIFAD
- K 11. Draft of Guidelines for collaborative research support activity
- L 12. Memorandum from Richstein to White (4/6/76) re staff support for BIFAD

August 3, 1977

TITLE XII BOARD AND JOINT COMMITTEE RESPONSIBILITIES
AND RELATIONSHIPS WITH A.I.D.

1. Background of Title XII Legislation

Title XII resulted from two separate initiatives.

-- The Findley Bill, initially, proposed an entity, other than A.I.D., which would receive funds to be disbursed to land-grant institutions for the purpose of building land-grant type institutions and competencies around the world.

- The USDA was one candidate entity. A separate independent entity was also suggested.

- The university community was actively involved in preparation of Findley Bills and in the compromise solution.

- A.I.D. was considered unresponsive to the potential of the land-grant university system.

-- Separately A.I.D. had proposed a Title XII amendment. A.I.D. wanted Congressional support for long-term contract funding of;

- International Research Centers

- LDC research institutions

- Collaborative research support programs with

U.S. Universities

-- Through much consultation and many redrafts of the legislation, the Findley-Humphrey Amendment (Title XII) was passed by Congress on December 20, 1975 (TAB A). It had 91 co-signers/sponsors in the House of Representatives and 6 co-signers in the Senate (TAB B). The university community had vigorously supported the passage of this legislation.

2. Board's Responsibilities and Duties as Described in Title XII Legislation

Section 298 of the Act requires the President to establish a Board for International Food and Agricultural Development (sub-section (a)).

-- Its responsibilities include:

- participating in the planning, development and implementation of, initiating recommendations for, and monitoring of the activities described in Section 297 (General Authority) of Title XII.

-- Its duties (sub-section (c)) include:

- participation in formulating policy, procedures and criteria for project proposal review, selection and monitoring;
- maintaining a current roster of universities interested in and capable of partaking in programs under Title XII;
- recommending which countries could benefit from Title XII programs and identifying countries interested in developing agricultural institutions for teaching, research or extension work;
- reviewing agreements between the Administrator and universities engaged in Title XII programs;
- reviewing universities' activities under Title XII to assure compliance with Title XII's purposes;
- recommending to the Administrator the apportionment of funds under Section 297 of Title XII; and
- assessing the impact of Title XII programs in solving developing countries' agricultural problems.

-- The Board is to be consulted in the preparation of the President's annual report to Congress on Title XII (subsection (e));

- the report shall contain a summary of the Board's activities;
- the report may contain separate views of the Board with respect to any aspect of the program conducted or proposed to be conducted under Title XII.

-- The President may authorize the Board to create such subordinate units as may be necessary for the performance of its duties including but not limited to the following (subsection (d)):

- a Joint Research Committee to take part in administration and development of programs for long-term collaborative research described in Section 297 (a) (3); and
- a Joint Committee on Country Programs, to assist in implementing the bilateral activities described in (a) (2), (a) (4) and (a) (5) of Section 297.

3. Interpretations of Board's Role and Responsibilities

(a) A.I.D.'s Interpretations

The Agency's interpretation of the Act and legislative history (GC memorandum dated January 21, 1976, Tab C) was that:

- The functions of the Board and joint committees are advisory.
- On balance, the legislative history tends to indicate that, while the Board (and joint committees) was to be advisory in nature -
 - its recommendations were to be given the greatest possible consideration.

-- The Board and subordinate committees are subject to the Federal Advisory Committee Act, OMB Circular A-63 and A.I.D. Regulation 14 (Tab D). These directives require that --

- a charter (Tab E) for the Board and its subordinate units be filed with A.I.D., the Senate Foreign Relations Committee, the House International Relations Committee and the Library of Congress;
- notice of meetings be published in the Federal Register at least 15 days before the date of the meeting, and in other appropriate publications;
- all committee meetings be open to the public and public participation permitted except in certain extremely limited situations;
- there must be a designated Federal Officer to chair or attend each meeting;
- no meeting may be conducted in the absence of the Federal Officer;
- no meeting may be held except at the call of or with the advance approval of the designated Federal Officer, and with an agenda approved by such officer;
- the Federal Officer has the authority to adjourn any meeting whenever he determines adjournment to be in the public interest;
- a charter must be filed at the end of each successive two-year period following the date of enactment of the Act establishing the Board (applies even though the Board was made permanent by the legislation).

(b) Accord Reached with Congressman Findley on Role of the Board

In exchange of correspondence and at a meeting on June 15, 1976, (Tab F, Fl, Tab G, G1) a general understanding between the Agency and Congressman Findley was reached on interpretations of functions of the Board:

-- that, while the Board performs advisory functions, it has responsibilities and duties to "participate with A.I.D. in the development of policy and program decisions covered by Title XII."

-- that in carrying out its participatory functions the Board has extensive responsibilities - "within the Advisory Committee legal framework and subject to ultimate responsibility resting with the A.I.D. Administrator."

(c) Evolution of Role of Board and Definition of Title XII

Activities as Agreed between Board and Agency.

In initial meetings with the Board, working agreement was reached on its role and on definition of Title XII activities (Tab H). In the first annual report on Title XII activities (Tab I), the Administrator reported to Congress (on April 1, 1977) agreement with the Board on its role and on the definition of Title XII activities:

-- On the role of the Board.

- Its members are appointed and commissioned by the President;
- the Board reports directly to the Administrator of A.I.D.;
- the intent of Title XII was that the Board, operating under the Advisory Committee Act, participate in policy formulation,

program planning, budget development, implementation and evaluation;

- the Board's role will be broad, with major participation in the full range of Agency policy formulation and implementation related to food and nutrition;

- the Board will concentrate on the core of activities dealing with food and nutrition programs funded by Section 103;

- also, the Board will concern itself -

.. with the remainder of Section 103 programs;

.. with other activities such as those funded from the Education and Human Resources Development appropriation where such programs affect issues in Food and Nutrition;

.. with those Supporting Assistance activities which are comparable to Title XII or other Food and Nutrition activities;

.. with agricultural development issues in A.I.D. programs which arise in connection with food aid administered under P.L. 480.

- Although the responsibilities and role of the Board are extensive, the final responsibility for decisions and accountability for funds rests with the Administrator.

-- On definition of Title XII activities. Activities falling under the following categories would suit the definition covered in Title XII:

- food and nutrition components of centrally-funded international research and technical assistance programs, including associated capital costs;
- support to International Agricultural Research Centers;
- programs to strengthen developing country institutions in research, teaching, extension and other institutional capabilities essential to agricultural development, including associated capital costs;
- advisory services to developing country governments and private sectors on such food and nutritional development activities as -
 - .. agricultural production and marketing, credit, irrigation and water management;
 - .. nutrition and rural development projects;
 - .. (capital costs in above areas are excluded from Title XII budget estimates).

d. Method and Extent of Board Participation in A.I.D. Programming Process Not Yet Well Defined.

Method and extent of Board's participation in A.I.D.'s policies and programming process has not been well defined as yet:

-- Policy-Program-Project Review --

- A.I.D. has sought to steer the Board's participation toward policy and broad planning aspects of A.I.D.'s operation.
- While the Board is in general agreement, it feels that its activities should include the review of selected projects through its staff and the joint committees.

- So far, the Board has asked to review the following type of projects screened by its joint committees -

.. collaborative research support

jointly by A.I.D.'s technical staff (TA/AGR) and the Joint Research Committee (JRC); these projects will require substantial financial participation and involvement of universities working with the Board and JRC;

.. 16 country projects selected by the Joint Committee on Agricultural Development (JCAD) for matching with appropriate university competence;

.. a country pilot project selected and developed in each of the four geographical regions by the JCAD and regional bureaus for testing involvement of universities in sector analysis and planning country agricultural programs (the DAP exercise)

- The basis for selection and method and timing of review of other projects and programs within A.I.D.'s process have not been recommended by the Board.

- (A.I.D. has recommended against, and the Board has avoided, measures which would impose the Board mechanism as a separate layer within A.I.D.'s project review and approval process.

-- Participation in A.I.D.'s budgeting process for recommending to the Administrator the apportionment of funds under Section 297:

- Participation by the Board in the budget review process posed a legal problem -

.. relating to the extent to which budgetary information may be disclosed to the Board; and

.. the extent to which this participation of the Board could be conducted in compliance with the Federal Advisory Committee Act.

- A.I.D. may make budgetary documents available to the Board on a need-to-know basis, provided -

.. that they are exempted from public disclosure by A.I.D.

under the Freedom of Information Act, as determined by the GC;

- The Board cannot discuss such information at its meetings unless the meeting can be closed for such purposes, based on the applicable exemptions provided for the government in the Sunshine Act.

- Board participation in the budgetary review process cannot lawfully involve the deliberation of a group of its members where such deliberation determines or results in the joint conduct of Board business, unless it is a public meeting held in accordance with the Federal Advisory Committee Act.

- The Chairman of the Board may participate provided he takes no action on behalf of the Board or makes a determination which results in Board action.

- Currently, budget review is being carried out by attendance of individual Board staff and committee members at bureau ABS reviews.

4. Current Status and Operating Procedures of the Joint Committees and Board Staff.

a. Concept of jointness in the joint committees.

-- The joint committees are subordinate units of the Board, which exercises approving authority over their recommendations.

-- A.I.D. has minority membership on the joint committees -

- with 5 members on the JRC as compared to 9 from universities of the total membership of 21; and

- with 7 members on the JCAD as compared to 9 from universities of a total membership of 22.

-- The roles of the JRC and the JCAD are defined in their respective charters which are part of the Board's current charter (Tab J).

b. Joint Research Committee and collaborative research programs.

(1) Role of the JRC. The role of the JRC is particularly and uniquely important to A.I.D., as well as to the university community.

-- It has responsibility for developing the interests and involving land grant and other agricultural universities (eligible universities as defined in Title XII) in participating in and contributing their resources to long-term, international collaborative research support programs;

-- It will review and make recommendations to A.I.D.'s technical staff in developing the programs for A.I.D. financing through grants.

-- University interests will relate to the potential value to its state's agricultural programs from participating in the international collaborative research programs.

- The JRC will have several functions. Important among them will be:
 - to participate in the administration and development of the collaborative research activities described in Section 297 (a)(3);
 - to participate in the continued development and implementation of other research activities (centrally-funded research);
 - to serve the Board by identifying research opportunities;
 - to serve the Board in meeting its responsibilities to participate in the planning and implementation of the provision by the U.S. of program support for international agricultural research centers;
 - to assist the Board in participating in the planning, development and implementation of assistance provided by the U.S. to strengthen the capacity of eligible U.S. universities to participate in Title XII programs;
 - to develop for the Board such analyses as it may require;
- Problems and issues for the operation of the JRC.
 - While the Board has approved the JRC-recommended procedures and guidelines to be followed by the JRC in its operations (Tab K), these are still in the process of being cleared by A.I.D..
 - The JRC and Board have been operating on the assumption that research priorities determined by the JRC and recommended by the Board will be accepted by A.I.D.; a process must be developed within A.I.D. for review and action on such research priorities.

- The method and extent of the JRC review and participation in development of A.I.D.'s centrally-funded research programs and in A.I.D.'s support of International Centers have not been determined.
- A method of coordination by the JRC with RAC has not been developed, although the RAC chairman has been made a member of the JRC.
- There is a possibility of overlapping functions between RAC and the JRC in their respective roles.
- A number of legal problems have arisen in the JRC-recommended method of planning and administering collaborative research programs. These are being sorted out.
- Because of limited Board Support Staff, the JRC has had to rely heavily on A.I.D. TA/AGR for staff work.
- While the relationship between the JRC and the A.I.D. technical staff has been harmonious, gaps in communication between the JRC and the Board and between the Board and A.I.D. have appeared. This was due partly to inadequate Board Support Staff, and partly by internal A.I.D. communications.
- The method and extent of the JRC's assistance to the Board in participating in programs to strengthen U.S. universities has not been defined.

(2) Role of the JCAD. The Joint Committee on Agricultural Development was the name chosen for the Joint Committee on

Country Programs mentioned in the Act. Like the JRC, the JCAD is responsible to the Board.

-- Its major role is to assist the Board in mobilizing effective university participation in A.I.D. country programs on food and nutrition.

-- A principal program focus will be developing and improving LDC institutions in agricultural research, education and extension.

-- The JCAD will perform the following functions in assisting the Board:

- participate in identification of priority needs for institutional development in LDCs;
- participate in the conceptualization and design of Title XII projects and programs directed toward meeting such needs;
- evaluate the interest and capacity of eligible universities to participate in country programs;
- identify areas in which U.S. universities must be strengthened to participate effectively in country programs;
- participate in the development of policies, procedures and programs which will assure the most efficient use of Title XII funds invested in formal and informal education in LDC personnel in the U.S. and elsewhere;
- determine ways whereby Title XII activities may be utilized to provide international, professional experience for young U.S. agriculturists;

- respond to Board requests for reviewing and acting on country program and project proposals;
 - assist the Board in effective integration of Title XII agricultural research and development programs with complementary development activities, such as those implemented under P.L. 480, farmer-to-farmer programs and private voluntary organizations;
 - develop for the Board such analyses as they may request.
- Problems and issues for the operation of the JCAD. The JCAD has selected 14 proposed mission projects from a group of 35 determined by the bureau to be suitable for universities to test a system of matching university resources to projects. The intended procedure was for the JCAD to recommend a short list of universities which could implement the projects.
- Due to a lack of information about university capabilities, the Board staff has not yet been able to provide the short list of universities for the JCAD to review.
 - The Board staff is in the process of developing and distributing questionnaires to the university community to obtain additional information concerning university capabilities necessary for the matching process.
- The JCAD has identified, from Regional Bureau suggestions, pilot countries in each geographical region in which U.S. universities might assist in the DAP and in agricultural sector analyses for planning programs for agricultural development.

- University competencies will be identified for participation in these pilot projects in the matching process described.

-- Like the JRC, the JCAD has not yet divined methods and extent of its functions as outlined above.

-- Also like the JRC, the JCAD must depend on the Board staff and consultants for its support. These are still limited.

(3) Role of the Board Staff. The Board staff provides support to the Board and joint committees to assure their proper functioning. A.I.D. is required by the Federal Advisory Committee Act to provide staff and other support to the Board and its committees, (TAB L).

-- Problems and Issues.

- The principal problem is the limitations of the staff. The staff is too hard-pressed to keep abreast of its functions in budgeting and arranging for travel, in planning meetings and in keeping records.

- Preparation of issue papers by the Board staff in response to directions of the Board have been too late for adequate A.I.D. coordination and for review of Board members and designated Federal attendees.

- The staff is yet too small and does not have sufficient numbers of consultants aboard to respond to the Board for -

... analytical studies concerning technical assistance;

.. obtaining information on eligible universities;

.. obtaining information on A.I.D.'s operation;and

.. forward planning.

- The Board's lack of participation in A.I.D.'s programming, policy determination and budgeting process has been due to the limited Board staff to inform the Board on these matters.

- While position ceilings have been provided by A.I.D., the Executive-Director of the Board Staff, employed by A.I.D. on July 10, 1977, has not had sufficient time to recruit and to fill the vacant positions.

- Recruitment from universities is affected by conflict of interest statute which prevents such personnel from occupying university positions which deal with A.I.D. upon their return to the university.

- A.I.D.'s limitation in matching salary and benefits of highly paid university personnel is also a factor.

4. The Agency's Title XII Coordination Staff

A Title XII Coordination Staff was established in TAB to:

- provide an Agency focal point for relating to the Title XII and for coordinating Board, joint committees and BIFAD Staff activities with the rest of the Agency;

- provide leadership in determining or establishing Agency position and policies on issues and problems

arising from the Board's activities and recommendations;

- follow through on coordinating the implementation of new policies and programs agreed by A.I.D. and the Board mechanism; and

- to backstop the Board Staff.

-- Problems

- The problems of staff work described for the Board staff applies in general to the A.I.D. Coordination Staff, particularly in staff preparation of issue and discussion papers. Measures are underway to rectify these problems.

5. Designated A.I.D. Attendees

The Administrator designated top officers from the Agency to attend Board meetings. Their role is to react and to provide a dialogue in Board discussions.

-- Dialogues have been useful at those meetings where there has been adequate prior preparation on issues in sufficient time for review by participants.

-- Problems and Issues

- There has been inadequate dialogues at meetings -
 - where discussion papers have been prepared and distributed too late for review prior to Board meetings;

- considerable absenteeism among A.I.D.- Designated Attendees is a problem;

- use of lower-level substitutes communicates to

the Board a lack of interest by top A.I.D. leadership,
(timely availability of discussion papers should im-
prove this situation).

Clearances:

GC:ARichstein: draft
GC:MBall: /s/
AA/PPC:CPaolillo/AKivimae draft
AA/TA:CFarrar (draft)
AA/TA:ELong (draft)

AA/TA:WFJohnson/FRiggs/CBarker:eml:7/26/77:59054
Second Draft:8/3/77

23

TAB A

1. Public Law 94-161 - International Development and Food Assistance Act of 1975.



Public Law 94-161
94th Congress, H. R. 9005
December 20, 1975

An Act

To authorize assistance for disaster relief and rehabilitation, to provide for overseas distribution and production of agricultural commodities, to amend the Foreign Assistance Act of 1961, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Development and Food Assistance Act of 1975".

International
Development
and Food
Assistance Act
of 1975.
22 USC 2151
note.

TITLE I—INTERNATIONAL DISASTER ASSISTANCE

INTERNATIONAL DISASTER ASSISTANCE

Sec. 101. The Foreign Assistance Act of 1961 is amended—

(1) by amending the chapter heading for chapter 9 of part I to read "CHAPTER 9—INTERNATIONAL DISASTER ASSISTANCE";

22 USC 2292.

(2) by repealing section 491;

Repeal.

(3) by inserting immediately after the chapter heading for such chapter 9 the following new sections:

22 USC 2292.

"SEC. 491. POLICY AND GENERAL AUTHORITY.—(a) The Congress, recognizing that prompt United States assistance to alleviate human suffering caused by natural and manmade disasters is an important expression of the humanitarian concern and tradition of the people of the United States, affirms the willingness of the United States to provide assistance for the relief and rehabilitation of people and countries affected by such disasters.

22 USC 2292.

"(b) Subject to the limitation on appropriations in section 492, and notwithstanding any other provision of this or any other Act, the President is authorized to furnish assistance to any foreign country or international organization on such terms and conditions as he may determine, for international disaster relief and rehabilitation, including assistance relating to disaster preparedness, and to the prediction of, and contingency planning for, natural disasters abroad.

Infra.

"(c) In carrying out the provisions of this section the President shall insure that the assistance provided by the United States shall, to the greatest extent possible, reach those most in need of relief and rehabilitation as a result of natural and manmade disasters.

22 USC 2292a.

"SEC. 492. AVAILABILITY.—There is authorized to be appropriated to the President to carry out section 491, \$25,000,000 for each of the fiscal years 1976 and 1977. Amounts appropriated under this section are authorized to remain available until expended. The President shall submit quarterly reports to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives on the programming and obligation of funds under this section.

Reports to
Senate
committee
and Speaker
of the House.

"SEC. 493. DISASTER ASSISTANCE—COORDINATION.—The President is authorized to appoint a Special Coordinator for International Disaster Assistance whose responsibility shall be to promote maximum effectiveness and coordination in responses to foreign disasters by United States agencies and between the United States and other donors. Included among the Special Coordinator's responsibilities

Special
Coordinator
for Inter-
national
Disaster
Assistance.
Presidential
appointment.
22 USC 2292b.

T of A

shall be the formulation and updating of contingency plans for providing disaster relief.”;

22 USC 2292c.

(4) by redesignating section 452 as section 494 and inserting it immediately after section 493;

22 USC 2292d,
2292e.

(5) by redesignating sections 639A and 639B as sections 494A and 494B, respectively, and inserting them immediately after section 494;

Repeal.
22 USC 2399,
22 USC 2292e.

(6) by repealing section 639;
(7) in section 494B, as redesignated by paragraph (5) of this section—

(A) by striking out “SAHEL” in the section caption,
(B) by inserting “(a)” immediately after the section caption,

(C) by striking out “supports” and inserting in lieu thereof “reaffirms its support of”, and

(D) by adding the following new subsections at the end thereof:

Sahel and drought-stricken African nations, comprehensive development plan.

“(b) The President is authorized to develop a long-term comprehensive development program for the Sahel and other drought-stricken nations in Africa.

“(c) In developing this long-term program, the President shall—

“(1) consider international coordination for the planning and implementation of such program;

“(2) seek greater participation and support by African countries and organizations in determining development priorities; and

“(3) begin such planning immediately.

Appropriation authorization.

“(d) There is authorized to be appropriated to the President, to carry out the purposes of this section, in addition to funds otherwise available for such purposes, \$5,000,000 for the fiscal year 1976, which amount is authorized to remain available until expended. The President shall submit to the Foreign Relations and Appropriations Committees of the Senate and the International Relations and Appropriations Committees of the House of Representatives not later than April 30, 1976, a comprehensive proposal for carrying out the provisions of this section which shall include budget materials relating to programs for the fiscal year 1977.”; and

Comprehensive proposal, submittal to congressional committees.

(8) by adding the following new section immediately after new section 494B:

22 USC 2292f.

“SEC. 495. CYPRUS RELIEF AND REHABILITATION.—The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other needy people in Cyprus. There is authorized to be appropriated for the purposes of this section, in addition to amounts otherwise available for such purposes, \$30,000,000. Such amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policy and general authority contained in section 491.”.

TITLE II—FOOD AID TO POOR COUNTRIES

POLICY

7 USC 1691.

SEC. 201. Section 2 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following:

"In furnishing food aid under this Act, the President shall—

"(1) give priority consideration, in helping to meet urgent food needs abroad, to making available the maximum feasible volume of food commodities (with appropriate regard to domestic price and supply situations) required by those countries most seriously affected by food shortages and by inability to meet immediate food requirements on a normal commercial basis;

"(2) continue to urge all traditional and potential new donors of food, fertilizer, or the means of financing these commodities to increase their participation in efforts to address the emergency and longer term food needs of the developing world;

"(3) relate United States assistance to efforts by aid-receiving countries to increase their own agricultural production, with emphasis on development of small, family farm agriculture, and improve their facilities for transportation, storage, and distribution of food commodities;

"(4) give special consideration to the potential for expanding markets for America's agricultural abundance abroad in the allocation of commodities or concessional financing; and

"(5) give appropriate recognition to and support of a strong and viable American farm economy in providing for the food security of consumers in the United States and throughout the world."

WORLD FOOD CONFERENCE TARGET

SEC. 202. The Agricultural Trade Development and Assistance Act of 1954 is amended by inserting immediately after section 2 the following new section:

"Sec. 3. Pursuant to the World Food Conference recommendation that donor countries provide a total of at least ten million tons of food assistance to needy nations annually, the President is urged to maintain a significant United States contribution to this goal and to encourage other countries to maintain and increase their contributions as well."

7 USC 1691a.

EXERCISE OF AUTHORITIES

SEC. 203. Section 103 of the Agricultural Trade Development and Assistance Act of 1954 is amended—

7 USC 1703.

(1) by amending subsection (a) to read as follows:

"(a) take into account efforts of friendly countries to help themselves toward a greater degree of self-reliance, including efforts to increase their own agricultural production, especially through small, family farm agriculture, to improve their facilities for transportation, storage, and distribution of food commodities, and to reduce their rate of population growth;"

(2) in subsection (b), by inserting "and in section 106(b) (2)" immediately after "section 104"; and

(3) in subsection (d), by striking out the second proviso and inserting in lieu thereof "Provided, That this exclusion from the definition of 'friendly country' may be waived by the President if he determines that such waiver is in the national interest and reports such determination to the Congress within 10 days of the date of such determination,"

Waiver.

FOREIGN CURRENCIES FROM OVERSEAS SALES

- 7 USC 1704. Sec. 204. Section 104 of the Agricultural Trade Development and Assistance Act of 1954 is amended—
- (1) by inserting immediately after "the House Committee on Agriculture" each time it appears "and the House Committee on International Relations";
 - (2) by inserting immediately after "the Senate Committee on Agriculture and Forestry" each time it appears "and the Senate Committee on Foreign Relations"; and
- Repeal. (3) by repealing subsection (c).

USE BY FOREIGN COUNTRIES OF PROCEEDS OF SALES OF AGRICULTURAL COMMODITIES

- 7 USC 1706. Sec. 205. Section 106(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended—
- (1) by inserting "(1)" immediately after "(b)";
 - (2) by adding at the end thereof: "In negotiating such agreements with recipient countries, the United States shall emphasize the use of such proceeds for purposes which directly improve the lives of the poorest of their people and their capacity to participate in the development of their countries."; and
 - (3) by adding at the end thereof the following new paragraphs:
 - "(2) Greatest emphasis shall be placed on the use of such proceeds to carry out programs of agricultural development, rural development, nutrition, and population planning, and to carry out the program described in section 406(a)(1) of this Act, in those countries which are undertaking self-help measures to increase agricultural production, improve storage, transportation, and distribution of commodities, and reduce population growth in accordance with section 109 of this Act, and which programs are directed at and likely to achieve the policy objectives of sections 103 and 104 of the Foreign Assistance Act of 1961 and are consistent with the policy objectives of this Act, pursuant to agreements between the United States and foreign governments under which uses of such proceeds shall be made for such purposes. Such uses shall be deemed payments for the purpose of section 103(b) of this Act, except that for any fiscal year the total value of such payments may not exceed 15 per centum of the total value of all agreements entered into under title I of this Act for such fiscal year. Such payments shall be described in the reports required by section 408 of this Act and section 657 of the Foreign Assistance Act of 1961.
 - "(3) In entering into agreements for the sale of agricultural commodities for dollars on credit terms under this title, priority shall be given to countries which agree to use the proceeds from the sale of the commodities in accordance with the country's agricultural development plan which—
 - "(A) is designed to increase the access of the poor in the recipient country to an adequate, nutritious, and stable food supply;
 - "(B) provides for such objectives as—
 - "(i) making farm production equipment and facilities available to farmers.
 - "(ii) credit on reasonable terms and conditions for small farmers, and
- 7 USC 1736.
- 7 USC 1709.
- 22 USC 2151a, 2151b.
- 7 USC 1703.
- 7 USC 1736b, 22 USC 2417.

"(iii) farm extension and technical information services designed to improve the marketing, storage, transportation, and distribution system for agricultural commodities and to develop the physical and institutional infrastructure supporting the small farmer;

"(C) provides for participation by the poor, insofar as possible, in the foregoing at the regional and local levels; and

"(D) is designed to reach the largest practicable number of farmers in the recipient country."

SALES AGREEMENTS WITH DEVELOPING COUNTRIES

SEC. 206. Section 109 (a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof: "In taking these self-help measures into consideration the President shall take into particular account the extent to which they are being carried out in ways designed to contribute directly to development progress in poor rural areas and to enable the poor to participate actively in increasing agricultural production through small farm agriculture."

7 USC 1709.

ASSISTANCE TO MOST SERIOUSLY AFFECTED COUNTRIES

SEC. 207. Title I of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new section:

"SEC. 111. Not more than 25 per centum of the food aid commodities provided under this title in each fiscal year shall be allocated and agreed to be delivered to countries other than those with an annual per capita gross national product of \$300 or less and affected by inability to secure sufficient food for their immediate requirements through their own production or commercial purchase from abroad, unless the President certifies to the Congress that the use of such food assistance is required for humanitarian food purposes and neither House of Congress disapproves such use, by resolution, within thirty calendar days after such certification. In determining per capita gross national product for the purposes of this section, the President is authorized and directed to make use of data developed by the World Bank for its most recent annual report and relied upon by the Secretary of the Treasury. A reduction below 75 per centum in the proportion of food aid allocated and agreed to be delivered to countries with a per capita gross national product of \$300 or less and affected by inability to secure sufficient food for their immediate requirements through their own production or commercial purchase from abroad which results from significantly changed circumstances occurring after the initial allocation shall not constitute a violation of the requirements of this section. Any reallocation of food aid shall be in accordance with this section so far as practicable. The President shall report promptly any such reduction, and the reasons therefor, to the Congress."

7 USC 1711.

Report to Congress.

CONTINUITY OF DISTRIBUTION UNDER TITLE II

SEC. 208. Section 201 of the Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) by inserting "(a)" immediately after "SEC. 201." ; and

(2) by adding at the end thereof the following new subsection:

"(b) The minimum quantity of agricultural commodities distributed

7 USC 1721.

under this title shall be 1,300,000 tons of which the minimum distributed through nonprofit voluntary agencies and the World Food Program shall be one million tons in each fiscal year, unless the President determines and reports to the Congress, together with his reasons, that such quantity cannot be used effectively to carry out the purposes of this title: *Provided*, That such minimum quantity shall not exceed the total quantity of commodities determined to be available for disposition under this Act pursuant to section 401, less the quantity of commodities required to meet famine or other urgent or extraordinary relief requirements."

7 USC 1731.

LIMITATION ON USE OF FOREIGN CURRENCIES

SEC. 209. Title II of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new section:

7 USC 1726.

"SEC. 206. Except to meet famine or other urgent or extraordinary relief requirements, no assistance under this title shall be provided under an agreement permitting generation of foreign currency proceeds unless (1) the country receiving the assistance is undertaking self-help measures in accordance with section 109 of this Act, (2) the specific uses to which the foreign currencies are to be put are set forth in a written agreement between the United States and the recipient country, and (3) such agreement provides that the currencies will be used for purposes specified in section 103 of the Foreign Assistance Act of 1961. The President shall include information on currencies used in accordance with this section in the reports required under section 408 of this Act and section 657 of the Foreign Assistance Act of 1961."

7 USC 1709.

22 USC 2151a.

7 USC 1736b.

22 USC 2417.

ADVISORY COMMITTEE

SEC. 210. Section 407 of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting immediately before the period at the end of the first sentence "or their designees (who shall be members of such committees or, in the case of members from the executive branch, who shall have been confirmed by the Senate)".

7 USC 1736a.

REPORTS TO THE CONGRESS

SEC. 211. Section 408 of the Agricultural Trade Development and Assistance Act of 1954 is amended—

7 USC 1736b.

- (1) by inserting "(a)" immediately after "SEC. 408.";
- (2) by striking out "calendar" in the first sentence and inserting in lieu thereof "fiscal"; and
- (3) by adding the following new subsections:

"(b) In his presentation to the Congress of planned programming of food assistance for each fiscal year, the President shall include a global assessment of food production and needs, self-help steps which are being taken by food-short countries under section 109(a) of this Act, steps which are being taken to encourage other countries to increase their participation in food assistance or the financing of food assistance, and the relationship between food assistance provided to each country under this Act and other foreign assistance provided to such country by the United States and other donors.

7 USC 1709.

Report to congressional committees.

"(c) Not later than November 1 of each calendar year the President shall submit to the House Committee on Agriculture, the House Committee on International Relations, the Senate Committee on Agriculture and Forestry, and the Senate Committee on Foreign Relations a

revised global assessment of food production and needs, and revised planned programming of food assistance for the current fiscal year, to reflect, to the maximum extent feasible, the actual availability of commodities for food assistance."

INTERNATIONAL FOOD RESERVE SYSTEM

SEC. 212. The Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new section:

"SEC. 412. The President is authorized and encouraged to seek international agreement, subject to congressional approval, for a system of food reserves to meet food shortage emergencies and to provide insurance against unexpected shortfalls in food production, with costs of such a system to be equitably shared among nations and with farmers and consumers to be given firm safeguards against market price disruption from such a system."

7 USC 1736f.

REPORT REGARDING IMPLEMENTATION OF RECOMMENDATIONS OF WORLD FOOD CONFERENCE

SEC. 213. The Congress calls upon the President to strengthen the efforts of the United States to carry out the recommendations of the World Food Conference. The President shall submit a detailed report to the Congress not later than November 1, 1976, with respect to the steps he has taken to carry out the recommendations of the World Food Conference, including steps to fulfill the commitment of the United States and to encourage other nations to increase their participation in efforts to improve the food security of the poorest portion of the world's population.

7 USC 1691a note.
Report to Congress.

AMENDMENT TO FARMER-TO-FARMER PROGRAM

SEC. 214. Section 406 of the Agricultural Trade Development and Assistance Act of 1954 is amended—

- (1) by striking out "the Secretary of Agriculture" in subsection (a) and inserting in lieu thereof "the President";
- (2) by striking in paragraph (1) of subsection (a) "through existing agencies of the Department of Agriculture";
- (3) by amending paragraph (5) of subsection (a) to read as follows:
- "(5) to coordinate the program authorized in this section with other foreign assistance activities of the United States;"

7 USC 1736.

TITLE III—DEVELOPMENT ASSISTANCE

POLICY

SEC. 301. Section 102 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsections:

22 USC 2151.

"(c) Assistance under this chapter should be used not simply for the purpose of transferring financial resources to developing countries, but to help countries solve development problems in accordance with a strategy that aims to increase substantially the participation of the poor. Accordingly, greatest emphasis shall be placed on countries and activities which effectively involve the poor in development, by expanding their access to the economy through services and institutions at the local level, increasing labor-intensive production, spreading pro-

ductive investment and services out from major cities to small towns and outlying rural areas, and otherwise providing opportunities for the poor to better their lives through their own effort.

"(d) For the purpose of assuring that development assistance furnished under this chapter is increasingly concentrated in countries which will make effective use of such assistance to help the poor toward a better life (especially such countries which are suffering from the worst and most widespread poverty and are in greatest need of outside assistance), the President shall establish appropriate criteria to assess the commitment and progress of countries in meeting the objectives set forth in subsection (c) of this section and in other sections of this chapter. In establishing such criteria, the President shall specifically take into account their value in assessing the efforts of countries to—

- "(1) increase agricultural productivity per unit of land through small-farm labor-intensive agriculture;
- "(2) reduce infant mortality;
- "(3) control population growth;
- "(4) promote greater equality of income distribution, including measures such as more progressive taxation and more equitable returns to small farmers; and
- "(5) reduce rates of unemployment and underemployment.

The President shall endeavor to bring about the adoption of similar criteria by international development organizations in which the United States participates. Presentation materials submitted to the Congress with respect to assistance under this chapter, beginning with fiscal year 1977, shall contain detailed information concerning the steps being taken to implement this subsection."

FOOD AND NUTRITION

22 USC 2151a.

SEC. 302. Section 103 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a), by inserting "\$618,800,000 for the fiscal year 1976 and \$745,000,000 for the fiscal year 1977," immediately after "1975,"; and

(2) by adding at the end thereof the following new subsections:

"(c) Assistance provided under this section shall be used primarily for activities which are specifically designed to increase the productivity and income of the rural poor, through such means as creation and strengthening of local institutions linked to the regional and national levels; organization of a system of financial institutions which provide both savings and credit services to the poor; stimulation of small, labor-intensive enterprises in rural towns; improvement of marketing facilities and systems; expansion of local or small-scale rural infrastructure and utilities such as farm-to-market roads, land improvement, energy, and storage facilities; establishment of more equitable and more secure land tenure arrangements; and creation and strengthening of systems to provide other services and supplies needed by farmers, such as extension, research, training, fertilizer, water, and improved seed, in ways which assure access to them by small farmers.

"(d) Foreign currency proceeds from sales of commodities provided under the Agricultural Trade Development and Assistance Act of 1954 which are owned by foreign governments shall be used whenever practicable to carry out the provisions of this section.

"(e) In order to carry out the purposes of this section, the President is authorized to participate in and provide, on such terms and conditions as he may determine, up to \$200,000,000 to the International Fund

Foreign
currency
proceeds,
7 USC 1691
note.

for Agricultural Development. There is authorized to be appropriated to the President without fiscal year limitation \$200,000,000 for such contribution.

Appropriation authorization.

"(f) No funds may be obligated to carry out subsection (e) unless—

"(1) satisfactory agreement is reached on the Articles of Agreement for the International Fund for Agricultural Development;

"(2) such Articles of Agreement are reviewed and approved by the Senate Committee on Foreign Relations and the House Committee on International Relations;

Articles of Agreement, review and approval by congressional committees.

"(3) all donor commitments to the International Fund for Agricultural Development total at least \$1,000,000,000 equivalent in convertible currencies, except that the United States contribution shall be proportionally reduced if this combined goal is not met; and

"(4) there is equitable burden sharing among the different categories of contributors.

"(g) The President shall submit to the Congress full and complete data concerning United States participation in, and operation of, the International Fund for Agricultural Development in the annual presentation materials on proposed economic assistance programs."

Data, submittal to Congress.

AGRICULTURAL RESEARCH

SEC. 303. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by adding after section 103 the following new section:

"SEC. 103A. AGRICULTURAL RESEARCH.—Agricultural research carried out under this Act shall (1) take account of the special needs of small farmers in the determination of research priorities, (2) include research on the interrelationships among technology, institutions, and economic, social, and cultural factors affecting small-farm agriculture, and (3) make extensive use of field testing to adapt basic research to local conditions. Special emphasis shall be placed on disseminating research results to the farms on which they can be put to use, and especially on institutional and other arrangements needed to assure that small farmers have effective access to both new and existing improved technology."

22 USC 2151a-1.

POPULATION PLANNING AND HEALTH

SEC. 304. Section 104 of the Foreign Assistance Act of 1961 is amended—

22 USC 2151b.

(1) by inserting "(a)" immediately before "In":

(2) by inserting "\$243,100,000 for the fiscal year 1976 and \$275,600,000 for the fiscal year 1977." immediately after "1975";

(3) by adding at the end thereof the following new sentence: "Not less than 67 percent of the funds made available under this section for any fiscal year shall be used for population planning, either in separate programs or as an element of health programs."; and

(4) by adding at the end thereof the following new subsection:

"(b) Assistance provided under this section shall be used primarily for extension of low-cost, integrated delivery systems to provide health and family planning services, especially to rural areas and to the poorest economic sectors, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach; health programs which emphasize disease prevention, environmental sanitation, and health education; and population planning programs which include education in

responsible parenthood and motivational programs, as well as delivery of family planning services and which are coordinated with programs aimed at reducing the infant mortality rate, providing better nutrition to pregnant women and infants, and raising the standard of living of the poor."

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

22 USC 2151c.

SEC. 305. (a) Section 105 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" immediately before "In";

(2) by inserting "\$80,200,000 for the fiscal year 1976 and \$101,800,000 for the fiscal year 1977," immediately after "1975," and

(3) by adding at the end thereof the following new subsections:

"(b) Assistance provided under this section shall be used primarily to expand and strengthen nonformal education methods, especially those designed to improve productive skills of rural families and the urban poor and to provide them with useful information; to increase the relevance of formal education systems to the needs of the poor, especially at the primary level, through reform of curricula, teaching materials, and teaching methods, and improved teacher training; and to strengthen the management capabilities of institutions which enable the poor to participate in development.

"(c) Of the amount authorized to be appropriated by subsection (a), not less than \$1,000,000 shall be available to support the southern African student program and the southern African training program, for the purpose of providing educational assistance to Southern Africans."

TECHNICAL ASSISTANCE, ENERGY, RESEARCH, RECONSTRUCTION, AND SELECTED DEVELOPMENT PROBLEMS; INTERMEDIATE TECHNOLOGY

SEC. 306. The Foreign Assistance Act of 1961 is amended—

(1) by repealing sections 106, 107, and 241; and

(2) by inserting immediately after section 105 the following new sections:

"SEC. 106. TECHNICAL ASSISTANCE, ENERGY, RESEARCH, RECONSTRUCTION, AND SELECTED DEVELOPMENT PROBLEMS.—(a) The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the following activities, to the extent that such activities are not authorized by sections 103, 104, and 105 of this Act:

"(1) programs of technical cooperation and development, particularly the development efforts of United States private and voluntary agencies and regional and international development organizations;

"(2) programs to help developing countries alleviate their energy problems by increasing their production and conservation of energy, through such means as research and development of suitable energy sources and conservation methods, collection and analysis of information concerning countries' potential supplies of and needs for energy, and pilot projects to test new methods of production or conservation of energy;

"(3) programs of research into, and evaluation of, the process of economic development in less developed countries and areas, into the factors affecting the relative success and costs of development activities, and into the means, techniques, and such other

Repeals.

22 USC 2151d,
2151e, 2201.

22 USC 2151d.

22 USC 2151a,
2151b.

Supra.

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aspects of development assistance as the President may determine in order to render such assistance of increasing value and benefit;

"(4) programs of reconstruction following natural or manmade disasters;

"(5) programs designed to help solve special development problems in the poorest countries and to make possible proper utilization of infrastructure and related projects funded with earlier United States assistance; and

"(6) programs of urban development, with particular emphasis on small, labor intensive enterprises, marketing systems for small producers, and financial and other institutions which enable the urban poor to participate in the economic and social development of their country.

"(b) There is authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, \$99,550,000 for the fiscal year 1976 and \$104,500,000 for the fiscal year 1977, which amounts are authorized to remain available until expended. Of the amounts made available under this section, not less than \$30,000,000 shall be available during the period beginning July 1, 1975, and ending September 30, 1977, only for reimbursement to private voluntary agencies of the United States for costs incurred with respect to the shipment of food and nonfood commodities provided through private donations.

Appropriation authorization.

"SEC. 107. INTERMEDIATE TECHNOLOGY.—Of the funds made available to carry out this chapter for the fiscal years 1976, 1977, and 1978, a total of \$20,000,000 may be used for activities in the field of intermediate technology, through grants in support of an expanded and coordinated private effort to promote the development and dissemination of technologies appropriate for developing countries. The Agency for International Development shall prepare a detailed proposal to carry out this section and shall keep the Senate Foreign Relations Committee and the House International Relations Committee fully and currently informed concerning the development of the proposal. The proposal shall be transmitted to these committees no later than March 31, 1976, and shall not be implemented until thirty days after its transmittal or until passage by each committee of a resolution in effect approving its implementation."

22 USC 2151e.

COST-SHARING

SEC. 307. Section 110(a) of the Foreign Assistance Act of 1961 is amended by inserting immediately before the period at the end thereof the following: "and except that the President may waive this cost-sharing requirement in the case of a project or activity in a country which the agency primarily responsible for administering part I of this Act determines is relatively least developed based on the United Nations Conference on Trade and Development list of 'relatively least developed countries'."

22 USC 2151h.

DEVELOPMENT AND USE OF COOPERATIVES

SEC. 308. Section 111 of the Foreign Assistance Act of 1961 is amended to read as follows:

22 USC 2151i.

"SEC. 111. DEVELOPMENT AND USE OF COOPERATIVES.—In order to strengthen the participation of the rural and urban poor in their country's development, high priority shall be given to increasing the use of funds made available under this Act for assistance in the development of cooperatives in the less developed countries which will

enable and encourage greater numbers of the poor to help themselves toward a better life. Not less than \$20,000,000 of such funds shall be used during the fiscal years 1976 and 1977, including the period from July 1, 1976, through September 30, 1976, only for technical assistance to carry out the purposes of this section."

INTEGRATING WOMEN INTO NATIONAL ECONOMIES

22 USC 2151k.

SEC. 309. Section 113 of the Foreign Assistance Act of 1961 is amended by striking out "Sections 103 through 107" and inserting in lieu thereof "Part I".

HUMAN RIGHTS AND DEVELOPMENT ASSISTANCE

22 USC 2151n.

SEC. 310. Part I of the Foreign Assistance Act of 1961 is amended by inserting immediately after section 115 the following new section:

"SEC. 116. HUMAN RIGHTS.—(a) No assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.

"(b) In determining whether this standard is being met with regard to funds allocated under this part, the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives may require the Administrator primarily responsible for administering part I of this Act to submit in writing information demonstrating that such assistance will directly benefit the needy people in such country, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit the needy people in such country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 617 of this Act.

22 USC 2367.

"(c) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States.

Report to Speaker of the House and Senate committee.

"(d) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, in the annual presentation materials on proposed economic development assistance programs, a full and complete report regarding the steps he has taken to carry out the provisions of this section."

DEVELOPMENT ASSISTANCE

22 USC 2169.

SEC. 311. Chapter 2 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by amending section 209(c) to read as follows:

"(c) It is the sense of the Congress that the President should increase, to the extent practicable, the funds provided by the United States to multilateral lending institutions and multilateral organiza-

tions in which the United States participates for use by such institutions and organizations in making loans to foreign countries.”;

(2) by amending section 214—

22 USC 2174.

(A) in subsection (c), by inserting “and for each of the fiscal years 1976 and 1977, \$25,000,000,” immediately after “\$19,000,000,”; and

(B) in subsection (d), by inserting “and for each of the fiscal years 1976 and 1977, \$7,000,000,” immediately after “\$6,500,000”;

(3) in section 221, by striking out “\$355,000,000” and inserting in lieu thereof “\$430,000,000”;

22 USC 2181.

(4) in section 222 (c), by striking out “\$550,000,000” and inserting in lieu thereof “\$600,000,000”; and

22 USC 2182.

(5) in section 223—

22 USC 2183.

(A) by striking out “June 30, 1976” in subsection (i) and inserting in lieu thereof “September 30, 1978”; and

(B) by adding at the end thereof the following new subsection:

“(j) Guaranties shall be issued under sections 221 and 222 only for housing projects which (1) except for regional projects, are in countries which are receiving, or which in the previous two fiscal years have received, development assistance under chapter 1 of part I of this Act, (2) are coordinated with and complementary to such assistance, and (3) are specifically designed to demonstrate the feasibility and suitability of particular kinds of housing or of financial or other institutional arrangements. Of the aggregate face value of housing guaranties hereafter issued under this title, not less than 90 per centum shall be issued for housing suitable for families with income below the median income (below the median urban income for housing in urban areas) in the country in which the housing is located. The face value of guaranties issued with respect to housing in any country shall not exceed \$25,000,000 in any fiscal year, and the average face value of guaranties issued in any fiscal year shall not exceed \$15,000,000. Notwithstanding the provisions of the first sentence of this subsection, the President is authorized to issue housing guaranties until September 30, 1977, as follows: In Israel, not exceeding a face amount of \$50,000,000, and in Portugal, not exceeding a face amount of \$20,000,000.”.

22 USC 2151.

FAMINE PREVENTION

SEC. 312. Chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new title:

“TITLE XII—FAMINE PREVENTION AND FREEDOM FROM HUNGER

“SEC. 296. GENERAL PROVISIONS.—(a) The Congress declares that, in order to prevent famine and establish freedom from hunger, the United States should strengthen the capacities of the United States land-grant and other eligible universities in program-related agricultural institutional development and research, consistent with sections 103 and 103A, should improve their participation in the United States Government’s international efforts to apply more effective agricultural sciences to the goal of increasing world food production, and in general should provide increased and longer term support to the application of science to solving food and nutrition problems of the developing countries.

22 USC 2220a.

22 USC 2151a. Ante, p. 857.

Land-grant
universities.

"The Congress so declares because it finds—

"(1) that the establishment, endowment, and continuing support of land-grant universities in the United States by Federal, State, and county governments has led to agricultural progress in this country;

"(2) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with foreign agricultural institutions in expanding indigenous food production for both domestic and international markets;

"(3) that, in a world of growing population with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger but to build the economic base for growth, and moreover, that the greatest potential for increasing world food supplies is in the developing countries where the gap between food need and food supply is the greatest and current yields are lowest;

"(4) that increasing and making more secure the supply of food is of greatest benefit to the poorest majority in the developing world;

"(5) that research, teaching, and extension activities, and appropriate institutional development therefor are prime factors in increasing agricultural production abroad (as well as in the United States) and in improving food distribution, storage, and marketing;

"(6) moreover, that agricultural research abroad has in the past and will continue in the future to provide benefits for agriculture in the United States and that increasing the availability of food of higher nutritional quality is of benefit to all; and

"(7) that universities need a dependable source of Federal funding, as well as other financing, in order to expand, or in some cases to continue, their efforts to assist in increasing agricultural production in developing countries.

"(b) Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, various components must be brought together in order to increase world food production, including—

"(1) strengthening the capabilities of universities to assist in increasing agricultural production in developing countries;

"(2) institution-building programs for development of national and regional agricultural research and extension capacities in developing countries which need assistance;

"(3) international agricultural research centers;

"(4) contract research; and

"(5) research program grants.

"(c) The United States should—

"(1) effectively involve the United States land-grant and other eligible universities more extensively in each component;

"(2) provide mechanisms for the universities to participate and advise in the planning, development, implementation, and administration of each component; and

"(3) assist such universities in cooperative joint efforts with—

"(A) agricultural institutions in developing nations, and

"(B) regional and international agricultural research centers,

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directed to strengthening their joint and respective capabilities and to engage them more effectively in research, teaching, and extension activities for solving problems in food production, distribution, storage, marketing, and consumption in agriculturally underdeveloped nations.

"(d) As used in this title, the term 'universities' means those colleges or universities in each State, territory, or possession of the United States, or the District of Columbia, now receiving, or which may hereafter receive, benefits under the Act of July 2, 1862 (known as the First Morrill Act), or the Act of August 30, 1890 (known as the Second Morrill Act), which are commonly known as 'land-grant' universities; institutions now designated or which may hereafter be designated as sea-grant colleges under the Act of October 15, 1966 (known as the National Sea Grant College and Program Act), which are commonly known as sea-grant colleges; and other United States colleges and universities which—

"Universities."

12 Stat. 503.
40 Stat. 417.

33 USC 1121
note.

"(1) have demonstrable capacity in teaching, research, and extension activities in the agricultural sciences; and

"(2) can contribute effectively to the attainment of the objectives of this title.

"(e) As used in this title, the term 'Administrator' means the Administrator of the Agency for International Development.

Definitions.

"(f) As used in this title, the term 'agriculture' shall be considered to include aquaculture and fisheries.

"(g) As used in this title, the term 'farmers' shall be considered to include fishermen and other persons employed in cultivating and harvesting food resources from salt and fresh waters.

"SEC. 297. GENERAL AUTHORITY.—(a) To carry out the purposes of this title, the President is authorized to provide assistance on such terms and conditions as he shall determine—

22 USC 2220b.

"(1) to strengthen the capabilities of universities in teaching, research, and extension work to enable them to implement current programs authorized by paragraphs (2), (3), (4), and (5) of this subsection, and those proposed in the report required by section 300 of this title;

"(2) to build and strengthen the institutional capacity and human resource skills of agriculturally developing countries so that these countries may participate more fully in the international agricultural problem-solving effort and to introduce and adapt new solutions to local circumstances;

"(3) to provide program support for long-term collaborative university research on food production, distribution, storage, marketing, and consumption;

"(4) to involve universities more fully in the international network of agricultural science, including the international research centers, the activities of international organizations such as the United Nations Development Program and the Food and Agriculture Organization, and the institutions of agriculturally developing nations; and

"(5) to provide program support for international agricultural research centers, to provide support for research projects identified for specific problem-solving needs, and to develop and strengthen national research systems in the developing countries.

"(b) Programs under this title shall be carried out so as to—

"(1) utilize and strengthen the capabilities of universities in—

"(A) developing capacity in the cooperating nation for classroom teaching in agriculture, plant and animal sciences,

human nutrition, and vocational and domestic arts and other relevant fields appropriate to local needs;

"(B) agricultural research to be conducted in the cooperating nations, at international agricultural research centers, or in the United States;

"(C) the planning, initiation, and development of extension services through which information concerning agriculture and related subjects will be made available directly to farmers and farm families in the agriculturally developing nations by means of education and demonstration; or

"(D) the exchange of educators, scientists, and students for the purpose of assisting in successful development in the cooperating nations;

"(2) take into account the value to United States agriculture of such programs, integrating to the extent practicable the programs and financing authorized under this title with those supported by other Federal or State resources so as to maximize the contribution to the development of agriculture in the United States and in agriculturally developing nations: and

"(3) whenever practicable, build on existing programs and institutions including those of the universities and the United States Department of Agriculture and the United States Department of Commerce.

"(c) To the maximum extent practicable, activities under this section shall (1) be designed to achieve the most effective interrelationship among the teaching of agricultural sciences, research, and extension work, (2) focus primarily on the needs of agricultural producers, (3) be adapted to local circumstances, and (4) be carried out within the developing countries.

"(d) The President shall exercise his authority under this section through the Administrator.

Establishment,
22 USC 2220c.

"SEC. 298. BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT.—(a) To assist in the administration of the programs authorized by this title, the President shall establish a permanent Board for International Food and Agricultural Development (hereafter in this title referred to as the 'Board') consisting of seven members, not less than four to be selected from the universities. Terms of members shall be set by the President at the time of appointment. Members of the Board shall be entitled to such reimbursement for expenses incurred in the performance of their duties (including per diem in lieu of subsistence while away from their homes or regular place of business) as the President deems appropriate.

"(b) The Board's general areas of responsibility shall include, but not be limited to—

"(1) participating in the planning, development, and implementation of,

"(2) initiating recommendations for, and

"(3) monitoring of,

the activities described in section 297 of this title.

"(c) The Board's duties shall include, but not necessarily be limited to—

"(1) participating in the formulation of basic policy, procedures, and criteria for project proposal review, selection, and monitoring;

"(2) developing and keeping current a roster of universities—

"(A) interested in exploring their potential for collaborative relationships with agricultural institutions, and with

scientists working on significant programs designed to increase food production in developing countries,

"(B) having capacity in the agricultural sciences,

"(C) able to maintain an appropriate balance of teaching, research, and extension functions,

"(D) having capacity, experience, and commitment with respect to international agricultural efforts, and

"(E) able to contribute to solving the problems addressed by this title;

"(3) recommending which developing nations could benefit from programs carried out under this title, and identifying those nations which have an interest in establishing or developing agricultural institutions which engage in teaching, research, or extension activities;

"(4) reviewing and evaluating memorandums of understanding or other documents that detail the terms and conditions between the Administrator and universities participating in programs under this title;

"(5) reviewing and evaluating agreements and activities authorized by this title and undertaken by universities to assure compliance with the purposes of this title;

"(6) recommending to the Administrator the apportionment of funds under section 297 of this title; and

"(7) assessing the impact of programs carried out under this title in solving agricultural problems in the developing nations.

"(d) The President may authorize the Board to create such subordinate units as may be necessary for the performance of its duties, including but not limited to the following:

"(1) a Joint Research Committee to participate in the administration and development of the collaborative activities described in section 297 (a) (3) of this title; and

"(2) a Joint Committee on Country Programs which shall assist in the implementation of the bilateral activities described in sections 297 (a) (2), 297 (a) (4), and 297 (a) (5).

"(e) In addition to any other functions assigned to and agreed to by the Board, the Board shall be consulted in the preparation of the annual report required by section 300 of this title and on other agricultural development activities related to programs under this title.

"SEC. 299. AUTHORIZATION.—(a) The President is authorized to use any of the funds hereafter made available under section 103 of this Act to carry out the purposes of this title. Funds made available for such purposes may be used without regard to the provisions of sections 110 (b), 211 (a), and 211 (d) of this Act.

"(b) Foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States shall be used to the maximum extent possible in lieu of dollars in carrying out the provisions of this title.

"(c) Assistance authorized under this title shall be in addition to any allotments or grants that may be made under other authorizations.

"(d) Universities may accept and expend funds from other sources, public and private, in order to carry out the purposes of this title. All such funds, both prospective and in hand, shall be periodically disclosed to the Administrator as he shall by regulation require, but no less often than in an annual report.

22 USC 2220d.

22 USC 2151a.

22 USC 2151h,
2171.

Presidential
report to
Congress.
22 USC 2220e.

"SEC. 300. ANNUAL REPORT.—The President shall transmit to the Congress, not later than April 1 of each year, a report detailing the activities carried out pursuant to this title during the preceding fiscal year and containing a projection of programs and activities to be conducted during the subsequent five fiscal years. Each report shall contain a summary of the activities of the Board established pursuant to section 298 of this title and may include the separate views of the Board with respect to any aspect of the programs conducted or proposed to be conducted under this title."

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

22 USC 2222. SEC. 313. (a) Section 302 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a), by (A) inserting immediately before the period "and for the fiscal year 1976, \$194,500,000 and for the fiscal year 1977, \$219,900,000. Of such amounts, not to exceed \$250,000 during the fiscal year 1976 shall be available for contribution to the Namibia Institute"; (B) inserting "(1)" immediately after "(a)" and (C) adding at the end of the subsection the following new paragraph:

"(2) The Congress reaffirms its support for the work of the Inter-American Commission on Human Rights. To permit such Commission to better fulfill its function of insuring observance and respect for human rights within this hemisphere, not less than \$357,000 of the amount appropriated for fiscal year 1976 and \$358,000 of the amount appropriated for fiscal year 1977, for contributions to the Organization of American States, shall be used only for budgetary support for the Inter-American Commission on Human Rights;"

(2) in subsection (b) (1), by striking out "\$51,220,000" and inserting in lieu thereof "\$61,220,000";

(3) in subsection (b) (2), by inserting "and for use beginning in the fiscal year 1976, \$27,000,000," immediately after "fiscal year 1975, \$14,500,000,"; and

(4) in subsection (d) by striking out "1974 and 1975, \$18,000,000" and inserting in lieu thereof "1976 and 1977, \$20,000,000".

22 USC 2225. (b) Section 54 of the Foreign Assistance Act of 1974 is amended by striking out "part III" and inserting in lieu thereof "part I".

22 USC 2221. (c) Section 301 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(f) The President is hereby authorized to permit United States participation in the International Fertilizer Development Center and is authorized to use any of the funds made available under this part for the purpose of furnishing assistance to the Center on such terms and conditions as he may determine."

ASSISTANCE TO FORMER PORTUGUESE COLONIES IN AFRICA

22 USC 2293. SEC. 314. Section 496 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" immediately after the section caption;

(2) by striking out "\$5,000,000" and inserting in lieu thereof "\$7,750,000";

(3) by striking out "\$20,000,000" and inserting in lieu thereof "\$17,250,000"; and

(4) by adding at the end thereof the following new subsections:
 "(b) Notwithstanding the provisions of section 620(r) of this Act, the United States is authorized to forgive the liability incurred by the Government of the Cape Verde Islands for the repayment of a \$3,000,000 loan on June 30, 1975.

22 USC 2370,

"(c) The President is authorized to use up to \$30,000,000 of the funds made available under this part for the fiscal year 1976, in addition to funds otherwise available for such purposes, to provide development assistance in accordance with chapter 1 or relief and rehabilitation assistance in accordance with chapter 9 (including assistance through international or private voluntary organizations) to countries and colonies in Africa which were, prior to April 25, 1974, colonies of Portugal."

22 USC 2151
et seq.
22 USC 2292
et seq.

FURNISHING OF SERVICES AND COMMODITIES

Sec. 315. Section 607(a) of the Foreign Assistance Act is amended by deleting the second full sentence, and inserting in lieu thereof the following: "Such advances or reimbursements may be credited to the currently applicable appropriation, account, or fund of the agency concerned and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used, under the following circumstances:

22 USC 2357.

"(1) Advances or reimbursements which are received under this section within one hundred and eighty days after the close of the fiscal year in which such services and commodities are delivered.

"(2) Advances or reimbursements received pursuant to agreements executed under this section in which reimbursement will not be completed within one hundred and eighty days after the close of the fiscal year in which such services and commodities are delivered: *Provided*, That such agreements require the payment of interest at the current rate established pursuant to section 2 (b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526), and repayment of such principal and interest does not exceed a period of three years from the date of signing of the agreement to provide the service: *Provided further*, That funds available for this paragraph in any fiscal year shall not exceed \$1,000,000 of the total funds authorized for use in such fiscal year by chapter 1 of part I of this Act, and shall be available only to the extent provided in appropriation Acts. Interest shall accrue as of the date of disbursement to the agency or organization providing such services."

12 USC 635
note.

SUPPORT OF REIMBURSABLE DEVELOPMENT PROGRAMS

Sec. 316. Section 661 of the Foreign Assistance Act of 1961 is amended by striking out "in each of the fiscal years 1975 and 1976" and inserting in lieu thereof "in the fiscal year 1975, \$2,000,000 in the fiscal year 1976, and \$2,000,000 in the fiscal year 1977."

22 USC 2421.

TRANSITION PROVISIONS FOR INTERIM QUARTER

Sec. 317. Part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 665. TRANSITION PROVISIONS FOR INTERIM QUARTER.—There are authorized to be appropriated for the period July 1, 1976, through September 30, 1976, such amounts as may be necessary to conduct programs and activities for which funding was authorized for fiscal year

22 USC 2425.

1976 by the International Development and Food Assistance Act of 1975, in accordance with the provisions applicable to such programs and activities for such fiscal year, except that the total amount appropriated for such period shall not exceed one-fourth of the total amount authorized to be appropriated for the fiscal year 1976 for such programs and activities."

DISCRIMINATION AGAINST UNITED STATES PERSONNEL

22 USC 2426. SEC. 318. Part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 666. DISCRIMINATION AGAINST UNITED STATES PERSONNEL.—

(a) The President shall not take into account, in assigning officers and employees of the United States to carry out any economic development assistance programs funded under this Act in any foreign country, the race, religion, national origin, or sex of any such officer or employee. Such assignments shall be made solely on the basis of ability and relevant experience.

"(b) Effective six months after the date of enactment of the International Development and Food Assistance Act of 1975, or on such earlier date as the President may determine, none of the funds made available under this Act may be used to provide economic development assistance to any country which objects to the presence of any officer or employee of the United States who is present in such country for the purpose of carrying out any program of economic development assistance authorized by the provisions of this Act on the basis of the race, religion, national origin, or sex of such officer or employee.

Rules and regulations. (c) The Secretary of State shall promulgate such rules and regulations as he may deem necessary to carry out the provisions of this section."

OPERATING EXPENSES

22 USC 2427. SEC. 319. Part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

22 USC 2151. "SEC. 667. OPERATING EXPENSES.—Nothing in this Act is intended to preclude the Committees on Appropriations, in appropriation legislation, from setting a ceiling on operating expenses of the agency primarily responsible for administering part I and limiting the availability of other sums therefor."

LIMITATION ON ASSISTANCE TO CHILE

7 USC 1701. SEC. 320. Notwithstanding any other provision of law, the total amount of economic assistance (including but not limited to housing guaranties and sales under title I of the Agricultural Trade Development and Assistance Act of 1954) that may be made available to Chile may not exceed \$90,000,000 during the fiscal year 1976.

SETTLEMENT OF DEBT OWED THE UNITED STATES

22 USC 2220a note. SEC. 321. No debt owed to the United States by any foreign country with respect to the payment of any loan made under any program funded under this Act may be settled in an amount less than the full amount of such debt unless the Congress by concurrent resolution approves of such settlement.

December 20, 1975 - 21 -

Pub. Law 94-161

PARTICIPATION BY OTHER COUNTRIES IN PROVIDING ASSISTANCE TO
ISRAEL OR EGYPT

SEC. 322. It is the sense of the Senate that the President should attempt to negotiate an equitable share of participation by the countries of Western Europe, Japan, and the United Nations in providing assistance to Israel or Egypt.

Approved December 20, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-442 (Comm. on International Relations) and 94-691 (Comm. of Conference).

SENATE REPORTS: No. 94-406 (Comm. on Foreign Relations) and 94-434 (Comm. on Agriculture and Forestry).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Sept. 10, considered and passed House.

Nov. 3-5, considered and passed Senate, amended.

Dec. 4, Senate agreed to conference report.

Dec. 9, House agreed to conference report.

89 STAT. 869

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TAB B

2. List of Co-Signers/Sponsors (Famine Prevention Act)

91
46
CO-SIGNERS-SPONSORS
FAMINE PREVENTION ACT - FINLEY (R, ILL.)

HR 2436, HR 2437, HR 2438
HR 2512, HR 3084, HR 3417
HR 6189, HR 6522

NORTH EAST

Delaware

Pierre S. duPont (R) FA, Mer Mar-Fish

Maryland

Gilberg Gude (R) D.C, Gov't Ops.
Paul Sarbanes (D) Jd, Mer Mar-Fish

Massachusetts

Silvio Conte (R) App, Sel Sm. Bus.
Michael Harrington (D) FA, GO
Margaret Heckler (R) AG, ~~Bkng-Congr~~, Vets Adm.

New Jersey

Peter Rodino (D) Jdcy., Chrm.
Edwin Forsyth (R) ~~Ed-Labor~~, Mer. Mar-Fish, GO
Henry Helstoski (D) ~~Inste For Congr, Vet Affs~~, Ways & Means

New York

| | |
|-----------------------------------------------------------------|-----------------------------------------------------------------------|
| Bella Abzug (d) Gov't Ops, Pb. Wks | Thomas Downey (D) Armed Services |
| Ben Rosenthal (D) FA, GO | James Scheuer (D) Intrst, Sci-Astr |
| Herman Badillo (D) Ed-Labor , Jdcy. Sm.Bs. | Barber Conable, Jr. (R) Ways-Means Jt. Ec., Chrm. Pol.Cm., HGOP-CC |
| Fred Richmond (D) Ag, Sm. Bus. | Peter Peyser (R) Agri., Ed. & Labc |
| Shirley Chisholm (D) Ed-Labor | |
| Frank Horton (R) Govt. Ops. | |
| Mathew McHugh (d) Ag, Vets. Affs. | |
| John Lafalce (D) Bking, Crcy & Hous', SmBS. | |
| Robert Roe (d) Library, Dem Nat Cong (CHRM) Pb Works, Sci-Astro | |
| Jonathan Bingham (d) FA, Int-Ins. Affs | |
| Charles Rangle (D) Jud, D.C. ; Ways & Means | |
| Steven Solarz (D) FA, Pst. Ofce & C'l Affs. | |

Pennsylvania

Richard Schulze (R) Armd Ser., Bnk'g, Cur. & Hous'g
Dan Flood (d) Appr.
Robert Nix (D) FA, PO
Gus Yatron (D) FA, Sm. Bus.

Vermont

James Jeffords (R) Ag, Ed. & Labor

New Hampshire

James Cleveland (R) Pb Wks, Hous Adm, Jt. Cong Ops

T C B B

Illinois

Paul Findley (r) Ag/FA
Paul Simon (D) Ed & Labr., PO
Abner Mikva (D) Ways & Means
Ed Madigan (R) Ag, Commerce
Ralph H. Metcalfe (D) Commerce, Mer. Mar. & Fish.
Tim Hall (D) Ed & Lab., Sci-Tech.
Tom Railsback (R) Jdcy, D.C.

Robert McClory (R) Jdcy.

Indiana

Phil Hayes (D) Bnking, Currency, Sci-Tech
Floyd Fithian (D) Ag

Iowa

Tom Harkin (D) Ag, Sci-Tech.

Kansas

Keith Sibelius (R) Ag, Int
Larry Winn, Jr. (R) Sci-Astro, FA
Matha Keys (D) Ways & Means

Michigan

William Broomfield (R) FA, Sm. Bus.
Jim O'Hara (D) Ed.Lab., Budget
Don Riegler (D) FA
Bob Carr (D) Arm. Ser., Interior

James Blanchard (D) Bnking, Currency, S
Marvin Esch (R) Ed-Labor, Sci-Tech. T

Minnesota

Don Fraser (D) FA, D.C.
Albert Quie (R) Ed-Labor, Stand. Off. Conduct
Bob Bergland (D) Agricul'e, Sel Sm Bus
Bill Frenzell (D) Ways & Means

Nebraska

Charles Thone (R) Ag, Govt. Operations

Ohio

Delbert Latta (R) Rules, Budget
John Seiberling (D) Int. Ins Afrs, Jdcy
Wayne Hays (D) FA, House Ad (Chrm)
Louis Stokes (D) App, Budget

Wisconsin

Alvin Baldus (D) AG, Small Bus.
David R. Obey (D) Appr, Dem Sdy Grp.
Clement Zablocki (R) FA

Missouri

Jerry Litton (D) Ag, D. C.
James Symington (D) In'ste- For Com'ce; Sci-Astro

Alabama

John Buchanan (R) FA, Ed.-Lbr.

Kentucky

Carl Perkins (D) Ed-Labor (Chrm)

Tennessee

Marilyn Lloyd (D) Pb. Wks, Sci & Tech.

Texas

Barbara Jordan (D) Jdcy, GO
Charles Wilson (D) FA, Vet Affrs

Mississippi

David Bowen (D) Ag, Mer. Mar-Fish

South Carolina

Butler Derrick (D) Bnk'g, Curr&Hs., E
John Jenrette (D) Ag, PO

WEST

California

George Miller (D) Ed. & Labr. Interior
Don Edwards (D) Jdcy, Vet Affrs
Robert Leggett (D) Armd Svs; Mer. Mar-Fish; Budget
Fortney (Pete) Stark (D) Ways & Means
Edward R. Roybal (D) Appr.
George Brown (D) Ag, Sci-Astro
Ronald Dellums (D) Armed Svs, D. C.
John Krebs (D) Ag, Sm. Business

Thomas Rees (D) Bnkg; Curncy;
Harold Johnson (D) Pb. Wks,
Ins. Afrs
Augustus Hawkins (D) Ed-Labo
House A

Colorado

Frank Evans (D) Appr.
James Johnson (R) Ag; Interior
Mrs. Patricia Schroeder (D) Armed Svs, PO-Civ Svc.

Guam

Antonio Won Pat (D) Armed Ser., Interior

Oregon

James Weaver (D) Ag, Interior

Washington

Tom Foley (D) Ag, Chairman; Stds. Off. Cndct.
Donald Bonker (D) FA, Mer. Mar. & Fish.
Joel Pritchard (R) Gov't Ops, Mer Mar-Fish

Hawaii

Spark M. Matsunaga (D) Rules, Dem. Pol-Steer.
Patsy Mink (D) Ed-Labor, Int-Ins. Afrs., Budget

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TAB C

3. Memorandum from Richstein to Gladson (1/21/76) re Section 298 of the Foreign Assistance Act of 1961, as amended.

Memorandum

7-30
TITLE

ACTION COPY 1 4

GC, Charles L. Gladson

DATE: January 21, 1976

TO : GC/TFHA, A. R. Richstein

SUBJECT: Section 298 of the Foreign Assistance Act of 1961, as Amended

Section 298 is part of a new Title XII which was added to the FAA by Section 312 of the International Development and Food Assistance Act of 1975 (P.L. 94-161, 89 Stat 849, December 20, 1975), hereinafter referred to as "the Act".

Section 298

Subsection (a) of Section 298 authorizes the President to establish a Board for International Food and Agricultural Development to consist of seven members, not less than four of whom are to be selected from universities (as defined in Section 296(d)). Terms of the members are set at the time of appointment. Board members are entitled to reimbursement for expenses incurred in the performance of their duties.

Subsection (b) includes in the Board's responsibilities the participation in the planning, development and implementation of the initiation of recommendations for, and the monitoring of, the activities set forth under Section 297 (General Authority) of Title XII.

Subsection (c) includes in the Board's duties:

(1) Participation in formulating policy, procedures and criteria for project proposal, review, selection and monitoring;

(2) Maintaining a current roster of universities interested in and capable of partaking in programs under Title XII;

(3) Recommending which countries could benefit from Title XII programs and identifying countries interested in developing agricultural institutions for teaching, research, or extension work;

Tab C



(4) Reviewing agreements between the Administrator and universities engaged in Title XII programs;

(5) Reviewing universities' activities under Title XII to assure compliance with Title XII's purposes;

(6) Recommending to the Administrator the apportionment of funds under Section 297 of Title XII; and

(7) Assessing the impact of Title XII programs in solving developing countries' agricultural problems.

Under subsection (d) the President may authorize the Board to create such subordinate units as may be necessary for the performance of its duties including:

(1) A Joint Research Committee, to take part in the administration and development of programs for long-term collaborative research described in Section 297(a) (3); and

(2) A Joint Committee on Country Programs, to assist in implementing the bilateral activities described in (a) (2), (a) (4), and (a) (5) of Section 297.

Additionally, under subsection (e), the Board is to be consulted in the preparation of the annual report required by Section 300 of Title XII and on other agricultural development activities related to Title XII programs.

ISSUES: (1) Is the Board an advisory committee for purposes of the Federal Advisory Committee Act (PL 92-463, 86 Stat 770)?

(2) Are the subordinate units of the Board required to comply with the requirements of the Federal Advisory Committee Act?

(3) Does the Act confer non-advisory functions on the Board on its subordinate units? If not, how may such functions be given to them?

(4) Who is responsible for providing support services to the Board and its subordinate units?

(5) Who may appoint the members of the Board?

2

but
not
limited
to this
only

(6) Are the statutory conflict of interest provisions (18 U.S.C. 201 et seq.) applicable to the members of the Board?

CONCLUSIONS: (1) The Board is an advisory committee for purposes of the Federal Advisory Committee Act.

(2) The subordinate units, either as subgroups of the Board or committees are also required to comply with the Federal Advisory Committee Act.

(3) The Act does not confer non-advisory functions on the Board or its subordinate units. If the Board or its subordinate units are to have non-advisory functions, an Executive Order delegating such authority is necessary.

(4) Since the Act does not contain specific authority for the Board or its subordinate units to provide its own support services and since the Board and its subordinate units report to the Administrator, AID is responsible for providing support services.

(5) Under existing delegations of authority, the Administrator may appoint the members of the Board.

(6) Membership on the Board does not subject the members to the statutory conflict of interest provisions applicable to officers and employees of the U.S. Government. However, they are subject to both general corporate statutes and common law obligations of fidelity and fair dealing.

Has this been changed by the Justice Dept. opinions of J. Marshall

DISCUSSION: (1) The Senate Report on H.R. 9005 specifically provides that the Board is to be permanent in duration, and therefore, not subject to the two-year expiration requirement of the Federal Advisory Committee Act. (S.Rep.No. 406, 94th Cong., 1st Sess. 42 1975). This clearly indicates that Congress considers the Board to be an advisory committee for purposes of the Federal Advisory Committee Act. In addition, the areas of responsibility and the duties of the Board are obviously advisory in nature, and clearly bring the Board within the definition of an advisory committee for purposes of Federal Advisory Committee Act.

Section 9 of the Federal Advisory Committee Act provides that prior consultation by the Agency with OMB is not required when establishment of the committee is "specifically authorized by statute or by the President." Since Title XII specifically authorizes the President to establish the Board, prior consultation with OMB is not required.

The Act defines "Presidential advisory committee" as an advisory committee which advised the President. Although Title XII authorizes the President to establish the Board, it is clear that the Board advises the AID Administrator and not the President, and therefore is not a Presidential advisory committee under the Act. Even if the decision were made that the members of the Board were to be appointed by the President, it would still not change the result since the criterion is whether or not the committee in question advises the President.

The Board as a statutory advisory committee advising the AID Administrator is subject to the requirements of the Federal Advisory Committee Act, OMB Circular A-63 and AID Regulation 14. These requirements include:

- Filing of a charter with the AID Administrator, the Senate Foreign Relations and House International Relations Committee, and the Library of Congress. Until a charter has been filed the Board may not meet or take any action.

- Public notice of meetings in the Federal Register and other appropriate publications at least 15 (preferably 30) days in advance.

- Public attendance at and participation in meetings, except where the AID Administrator determines the meeting is concerned with matters not available to the public under the Freedom of Information Act.

- There must be a designated Federal officer to chair or attend each meeting and no meeting can be conducted in the absence of that officer. In addition, no meeting may be held except at the call of or with the advance approval of the designated officer and with an agenda approved by such officer.

- The charter must be filed upon the expiration of each successive two-year period following the date of enactment of the Act establishing the Board. (While the legislative history provides for a permanent Board, it does not exempt the Board from filing a charter every two years.)

(2) As regards the subordinate units, Section 297 provides for the President to authorize the Board to create such subordinate units "as may be necessary for the performance of its duties." Since the Board is an advisory committee for purposes of the Federal Advisory Committee Act and the subordinate units are to assist in the performance of the Board's advisory function, the subordinate units also are considered advisory for purposes of the Federal Advisory Committee Act. Accordingly, the subordinate units either as subgroups of the Board or as separate advisory committees are subject to the requirements of the Federal Advisory Committee Act, OMB Circular A-63 and Regulation 14.

(3) As to whether the Act confers non-advisory functions upon the Board or its subordinate units, the Federal Advisory Committee Act at Section 9(b) provides that:

"(b) Unless otherwise specifically 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." (Emphasis supplied.)

"Presidential directive" in this instance has been interpreted by the Department of Justice and OMB to mean an executive order, executive memorandum or an OMB directive. OMB/Department of Justice Memorandum on Implementation of the Federal Advisory Committee Act, 38 Fed. Reg. 2306 (1973) at para. 8.c. A review of the Board's responsibilities set forth in

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subsection (b), and its duties set forth in subsection (c), does not disclose any specific provision for use of the Board in a non-advisory function. The legislative history is unclear as to whether or not the Board was to be given more than advisory functions.

In the House Hearings Rep. Zablocki and Dean Bentley of the University of Illinois at Urbana-Champaign engaged in the following colloquy regarding the Board:

MR. ZABLOCKI . . . I have just two questions, Mr. Chairman. The section 298 in the committee draft print of Title XII provides for the Board of International Agricultural Development. What do you gentlemen envision the role of the Board to be and to what extent will it administer this new land-grant program?

MR. BENTLEY. I am of course not familiar with all of the things that this Board might do, but one important function of the Board would be to advise on a program development and provide a basis for establishing policy that relates to the activities that come under the purview of the bill. I would look to this Board as a functional one and not merely a rubber stamp board; it would be a board that would definitely be involved in setting policy and in helping to enunciate a program of research and education that would relate to implementing the intent of the Findley amendment.

MR. ZABLOCKI. Dr. Bentley, you mention "setting policy." You mean it would--

MR. BENTLEY. Help to establish policy.

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subsection (b), and its duties set forth in subsection (c), does not disclose any specific provision for use of the Board in a non-advisory function. The legislative history is unclear as to whether or not the Board was to be given more than advisory functions.

In the House Hearings Rep. Zablocki and Dean Bentley of the University of Illinois at Urbana-Champaign engaged in the following colloquy regarding the Board:

MR. ZABLOCKI . . . I have just two questions, Mr. Chairman. The section 298 in the committee draft print of Title XII provides for the Board of International Agricultural Development. What do you gentlemen envision the role of the Board to be and to what extent will it administer this new land-grant program?

MR. BENTLEY. I am of course not familiar with all of the things that this Board might do, but one important function of the Board would be to advise on a program development and provide a basis for establishing policy that relates to the activities that come under the purview of the bill. I would look to this Board as a functional one and not merely a rubber stamp board; it would be a board that would definitely be involved in setting policy and in helping to enunciate a program of research and education that would relate to implementing the intent of the Findley amendment.

MR. ZABLOCKI. Dr. Bentley, you mention "setting policy." You mean it would--

MR. BENTLEY. Help to establish policy.

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MR. ZABLOCKI. The Board would not have any authority other than that, it would not be directly administering the program, they would be more of an advisory board. Of course, advisory boards in the past, depending on the composition of the personnel on those advisory boards, were not very helpful. We would hope that this advisory board would be a meaningful advice giver.

MR. BENTLEY. Yes; it would have to have some power in this matter or the Board would become a pro forma operation. That is not what is envisioned under this particular title.

MR. ZABLOCKI. Well, I imagine the Board is to have some input without having actual jurisdiction.

MR. BENTLEY. Yes. (Hearings and Markup on H.R. 9005 before the Committee on International Relations, 94th Cong., 1st Sess. (1975) at 368. Tab. 4.

During the markup, Rep. Bingham in commenting on the Board remarked:

"True, they don't have anything but advisory authority but they will be requiring staff, . . . space, . . . administrative funds." (Hearings and Markup at 499.)

Sen. Humphrey in discussing Title XII with Rep. Findley commented:

"I want the legislative history of this amendment to be clear, that both you, sir as a sponsor in the House, myself, as a sponsor in the Senate - look upon the Board as having powers and authority and responsibilities."

To which Rep. Findley replied: "Absolutely".
(Hearings on S. 1816 and H.R. 9005 Before the Sub-
committee on Foreign Assistance of the Committee
on Foreign Relations, 94th Cong., 1st Sess. (1975)
at 346.)

Rep. Findley commented on the floor of the House at the time the conference report was being considered:

"The Board is not window dressing.
The Board is not for just advisory
functions." 121 Cong. Rec. H. 12066
(daily ed. December 4, 1975.)

On balance, the legislative history tends to indicate that while the Board was to be advisory in nature, its recommendations were to be given the greatest possible consideration. In addition, Section 298 provides that the duties and responsibilities of the Board "shall include, but not necessarily be limited to" those enumerated, thus, permitting the Board to be given additional duties and responsibilities by the Executive Branch. Accordingly, it is our opinion that section 298 does not specifically authorize the Board to perform non-advisory functions.

As regards the subordinate units, the Act does not particularize any functions but provides a general mandate of an advisory nature "to participate in the implementing and development of the collaborative activities" in the case of the Joint Research Committee, and "to assist in the implementation of bilateral activities", in the case of the Joint Committee on Country Programs. Accordingly, it is our opinion that the Act does not confer any non-advisory functions on the subordinate units. If there is a desire to give either the Board or its subordinate units duties of a non-advisory nature, an Executive Order will be required.

(4) Under Section 12(b) of the Federal Advisory Committee Act, the agency to whom a committee reports is responsible for providing support services unless the establishing authority provides otherwise. Accordingly, AID is responsible for providing the necessary support services, including staff, quarters, supplies. OMB Circular A-63 contains guidelines as to the pay and travel expenses for advisory committee members, staff and

consultants and subsection (a) of Section 298 specifically provides for appropriate reimbursement to Board members for expenses incurred in the performance of their duties (including per diem in lieu of subsistence).

(5) As to the issue whether the Administrator may appoint the members of the Board and the subordinate units, it is our opinion that he has this authority by virtue of Executive Order 10973, as amended, and State Department Delegation of Authority No. 104. It is noted that section 297 (d) specifically provides that:

"The President shall exercise his authority under this Section 297 through the Administrator."

The lack of a similar provision in section 298, however, is not fatal to the authority of the Administrator under existing delegations (cited above) to perform the functions given to the President under section 298. The Executive Order confers upon the Secretary of State, exclusive of the functions reserved to the President or delegated to others, all functions conferred upon the President by the Act, which is defined in Part VI as the Foreign Assistance Act of 1961, as amended. Therefore, Section 298, as part of the Foreign Assistance Act of 1961, as amended, is delegated to the Administrator, since it is not reserved by the President under Executive Order 10973 or by the Secretary of State or delegated to others under State Department Delegation of Authority No. 104.

(6) The non-government members of the Board and its subordinate units are not considered government employees as a result of their membership on an advisory committee. Therefore, unless members are appointed as consultants or otherwise placed in an employer-employee relationship with the Government, mere membership on the Board or a subordinate unit does not subject to them the statutory conflict of interest provisions, 18 U.S.C. 201, et seq. However, they are subject to both general corporate statutes and common law obligations of fidelity and fair dealing. (Op. Att. Gen., 39 Law Week 2071 (July 10, 1970)).

Clearance:
GC/LPC:KCKammerer (Draft)

GC/TFHA:JMiller:my:1/21/76

TAB D

4. A.I.D. Regulation No. 14

Subpart F—Administrative Medicine

- Sec. 214.51 Administrative review of denial for public access to records.
214.52 Administrative review of other alleged non-compliance.

AUTHORITY: Section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381); sec. 8(a) of the Federal Advisory Committee Act, P.L. 92-463; and Executive Order 11763.

Subpart A—General

§ 214.1 Purpose.

The regulations in this part prescribe administrative guidelines and management controls for A.I.D. advisory committees. Federal Advisory Committees are governed by the provisions of the Federal Advisory Committee Act, P.L. 92-463 (effective January 5, 1973, hereinafter referred to as the Act); Executive Order No. 11763 (February 21, 1973) entitled "Committee Management"; OMB Circular A-53 (March 27, 1974, as amended).

§ 214.2 Definition of advisory committee.

- (a) The term "advisory committee" is defined in section 3(2) of the Act.
(b) In general, this definition includes any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or sub-group thereof, which is formed or utilized by the Agency for obtaining advice or recommendations, and which is not composed wholly of full-time Federal employees.

§ 214.3 A.I.D. Advisory Committee Management Officer.

The Advisory Committee Management Officer is responsible to the Administrator for the establishment of uniform administrative guidelines and management controls which must be consistent with directives of the Director of the OMB under sections 7 and 10 of the Act.

Subpart B—Establishment of Advisory Committees

§ 214.11 Establishment and Chartering Requirements.

Provisions governing the establishment and chartering of Advisory Committees are contained in section 9 of the Act and paragraph 6 of OMB Circular A-53. In summary, these requirements include the following:

(a) Where establishment of an Advisory Committee is not specifically authorized by statute or by the President, the need for a new A.I.D. advisory committee is determined by the A.I.D. Administrator, in accordance with the guidelines set forth in section 5(b) of the Act. The determination also includes a certification that creation of the Committee is in the public interest and a description of the nature and purpose of the Committee.

(b) After written consultation to the OMB Secretariat and notification that the establishment of the Committee would be in accord with the Act, A.I.D. publishes the Administrator's Determination in the Federal Register at

| Media to be used (as listed by medium number in § 214.107(b)) | | Quantity of media to be used in the base and seed layers | | Test organism | Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar | Incubation temperature for the plates |
|---------------------------------------------------------------|------------|----------------------------------------------------------|------------|---------------|--------------------------------------------------------------------------------------------|---------------------------------------|
| Base layer | Seed layer | Base layer | Seed layer | | | |

| | | | | | Milliliters | Degrees C |
|-------|-------|-------|-------|-------|-------------|-----------|
| | | | | | | |
| | | | | | 0.03 | 22-35 |
| | | | | | | |

2. On page 26270 in the table in § 436.105(b) the figure under the heading "Final concentration units or milligrams per milliliter" should read "1mg."

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[A.I.D. Reg. 14]

PART 214—ADVISORY COMMITTEE MANAGEMENT

Title 22, Chapter II, Part 214 (A.I.D. Reg. 14) was originally published in the Federal Register of August 8, 1973 (FR 21398). Because of the amendments briefly described below, and the updating of references and dates, Part 214 is republished in its entirety.

CHANGES

§ 214.11 Amended by the addition of language requiring that A.I.D. consultation with the Office of Management and Budget (OMB) Committee Management Secretariat on the establishment of a new Advisory Committee be in writing.

§ 214.12 A new section on considerations in membership selection.

§ 214.13 Formerly numbered § 214.12.

§ 214.14 Formerly numbered § 214.13.

§ 214.15 A new section on changes in membership.

§ 214.21 Amended by the addition of a provision which limits a committee to two years after it is renewed, unless further renewed prior to its expiration; and addition of a requirement for A.I.D. to notify OMB of a renewal not more than 60 nor less than 30 days prior to expiration, such renewal to be approved by the OMB Secretariat.

§ 214.22 Amended by the addition of a requirement that within A.I.D., renewal documentation is to be submitted to the Administrator 65 days prior to the expiration date.

§ 214.31 Amended by the addition of a requirement that Advisory Committee Representatives maintain current membership lists.

§ 214.33 Amended by a provision that notices of meetings are to explain why if any part of the meeting is to be closed, in addition to the previous requirement for notices to include "the extent to which the public may attend or participate in the meeting"; a provision that notices normally state that meetings are open to the public; and a requirement that in A.I.D., notices of meetings are to be sent to the General Counsel 32 days before the meeting date. This is to ensure publication in the FEDERAL REGISTER.

at least 15 days in advance of the meeting rather than the seven days previously required.

§ 214.34 Amended by the addition of a provision that when the A.I.D. Administrator determines that a meeting should be closed, the determination itself is to be available to the public; and a requirement that when all or part of a meeting is closed, the committee shall issue a report at least annually.

§ 214.38 This section, which formerly required an annual report from each committee, is eliminated.

§ 214.39 Renumbered § 214.38 and modified to reflect the above change in committee reporting requirements.

§ 214.44 Revised to reflect current A.I.D. reporting requirements, i.e., a report on the annual comprehensive review of committees due in OMB by November 30, an annual report to GSA due February 1, and notification to OMB if any significant changes in committees occur.

Part 214 of 22 CFR Chapter II is republished as set forth below.

Subpart A—General

- Sec. 214.1 Purpose.
214.2 Definition of advisory committee.
214.3 A.I.D. Advisory Committee Management Officer.

Subpart B—Establishment of Advisory Committees

- 214.11 Establishment and chartering requirements.
214.12 Considerations in Membership Selection.
214.13 Responsibilities within A.I.D.
214.14 Charter revisions.
214.15 Changes in membership.

Subpart C—Termination and Renewal of Advisory Committees

- 214.21 Termination and renewal provisions.
214.22 Responsibilities within A.I.D.

Subpart D—Operation of Advisory Committees

- 214.31 A.I.D. advisory committee Representatives.
214.32 Calling of advisory committee meetings.
214.33 Notice of meetings.
214.34 Public participation.
214.35 Minutes of meetings.
214.36 Records of advisory committees.
214.37 Public access to committee records.
214.38 Submission of reports to the Library of Congress.

Subpart E—Administration of Advisory Committees

- 214.41 Support Services.
214.42 Uniform pay guidelines.
214.43 Agency records.
214.44 Annual review and reports.

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and, thus, are available for public inspection and copying except where access is denied under paragraph (b) of this section.

(b) Access to advisory committee records may be denied only where:

(1) Such records relate directly to a meeting which was closed for reasons of national security; or

(2) Such records relate to a meeting or to the part of a meeting which was closed to the public; or

(3) A document is subject to the exemptions listed in 5 U.S.C. 552(b); or

(4) Such records relate to the non-advisory functions of a group which is "utilized" as an advisory committee but was not established for that purpose.

(c) Procedures for requesting access to advisory committee records are the same as those established for Agency records under section 212.33 of AID Regulation 12 (22 CFR Part 212). They are implemented subject to the general oversight of the Advisory Committee Management Officer on behalf of the Agency.

(d) Procedures for denial of access to advisory committee records are the same as those established for Agency records under section 212.36 of AID Regulation 12; except that use of exemption (5) of 5 U.S.C. 552(b) as the basis for denial requires a formal determination by the A.I.D. Administrator that the denial is essential to protect the free exchange of internal views and to avoid undue interference with agency or advisory committee operation. Implementation of these procedures also are subject to the general oversight of the Advisory Committee Management Officer.

§ 214.38 Submission of reports to the Library of Congress.

(a) Each advisory committee is to file with the Library of Congress eight copies of each of its reports, except where the report falls within an exemption listed in 5 U.S.C. 552(b) or relates to a meeting which was closed for reasons of national security.

(b) The A.I.D. Advisory Committee Representative provides copies of committee reports to the Office of Legislative Affairs for transmittal to the Library of Congress; and sends a copy to the A.I.D. Advisory Committee Management Officer for inclusion in the Agency's central file on advisory committees.

(c) As appropriate, the A.I.D. Advisory Committee Representative may also send copies of background papers and other advisory committee documents to Office of Legislative Affairs for transmittal to the Library of Congress.

Subpart E—Administration of Advisory Committees

§ 214.41 Support Services.

(a) A.I.D. provides support services for advisory committees which are established by or report to the Agency, unless the establishing authority provides otherwise.

(b) Within A.I.D., support services are provided by and charged to the allotment of the A.I.D. office or bureau through which the advisory committee reports, and are coordinated by the designated

A.I.D. Advisory Committee Representative.

(c) Support services include staff, quarters, supplies, and funds.

§ 214.42 Uniform Pay Guidelines.

(a) A.I.D. follows OMB/CSC guidelines in section 11 of OMB Circular A-63 in establishing rates of pay for advisory committee members, staffs, and consultants.

(b) In summary, A.I.D. policy regarding compensation for advisory committee members is as follows:

(1) Advisory committee members who are not employed by the U.S. Government ordinarily serve without compensation. However, they may be reimbursed for travel and related expenses of incidental travel under the provisions of A.I.D. travel regulations.

(2) If committee members are appointed as A.I.D. consultants or experts, their compensation shall be fixed in accordance with CSC guidelines and regulations, and the general agreement between CSC and A.I.D.

(3) Expenses of committee members are charged to the allotments of the A.I.D. office or bureau through which the advisory committee reports.

§ 214.43 Agency Records.

(a) The A.I.D. Advisory Committee Management Officer maintains the Agency's official central files on the nature, functions, and operations of each A.I.D. advisory committee. Central files contain the following information with respect to each A.I.D. advisory committee:

(1) Original copy of Advisory Committee Charter filed with the Administrator;

(2) Official records copy of formal determinations by the A.I.D. Administrator with respect to the establishment, renewal, operation, and termination of the committee;

(3) Annual reports of committee activity;

(4) Designations of Advisory Committee Representatives;

(5) Location of official files of the Advisory Committee.

(b) Each A.I.D. Advisory Committee Representative maintains individual advisory committee files at a location known to the A.I.D. Advisory Committee Management Officer. These files contain the following information:

(1) Copies of documents establishing, renewing, and terminating the committees;

(2) Copies of committee charters filed with the A.I.D. Administrator;

(3) Fiscal records which fully disclose the disposition of any funds made available to the committee;

(4) Advisory committee records described above in § 214.36(b) (i.e., the reports, transcripts, minutes, appendices, and other documents which were made available to, or prepared for or by, the committee).

(c) The A.I.D. Advisory Committee Management Officer, the A.I.D. Auditor General, the OMB Secretariat, and the Comptroller General shall have access to these records.

(d) Personnel documentation required by CSC and Agency regulations shall be maintained in the official personnel records of the Office of Personnel and Manpower.

§ 214.44 Annual Review and Report.

(a) A.I.D. conducts an annual comprehensive review of advisory committees under instructions provided by OMB Circular A-63, Section 10, as amended, and submits required data to OMB on the prescribed format, by November 30 of each year.

(b) A.I.D. reports monthly to OMB on committee terminations or other significant changes in continuing A.I.D. Advisory Committees.

(c) A.I.D. also provides information to the General Services Administration (GSA) for an annual report to Congress. The Agency report is due on February 1 of each year; includes only those advisory committees established by or reporting to A.I.D.; and is submitted on a form prescribed by GSA.

(d) Within A.I.D., the Advisory Committee Management Officer collects required information from the A.I.D. Advisory Committee Representatives; appraises advisory committee activities for the Administrator; and prepares the Agency's reports for the Administrator.

Subpart F—Administrative Remedies

§ 214.51 Administrative review of denial for public access to records.

Any person whose request for access to an advisory committee document is denied may seek administrative review in accordance with § 212.36(c) of A.I.D. Regulation 12, 22 CFR 212.36(c).

§ 214.52 Administrative review of other alleged non-compliance.

With regard to other alleged non-compliance with the Act, OMB Circular A-63, or this regulation, the following procedures are to be used:

(a) Advisory committee members or other aggrieved individuals or organizations must file a written complaint which contains specific information regarding the alleged non-compliance.

(b) The written complaint must be addressed to the Administrator or Deputy Administrator, Agency for International Development, 21st and Virginia Avenues, N.W., Washington, D.C. 20522.

(c) The complaint must be filed within thirty (30) days after the date of the alleged non-compliance.

(d) The complaint will be considered by the Administrator or Deputy Administrator with the advice and assistance of the General Counsel and the A.I.D. Advisory Committee Management Officer.

(e) Written notice of the disposition of the complaint shall be provided to the complainant within thirty (30) days of the date the complaint was received by the Agency.

Effective date. This regulation is effective July 28, 1975.

Dated: July 23, 1975.

DANIEL PARKER,
Administrator.

[FR Doc. 75-20778 Filed 5-8-75; 8:45 am]

determining the number of members necessary to be present at a meeting for the transaction of committee business;

Adjourning any meeting, whenever it determines adjournment to be in the public interest;

(9) Assuring that minutes are kept of each advisory committee meeting and of the meetings of sub-committees and sub-groups, and that such minutes are certified for accuracy by the chairman or presiding officer of the committee; and

(10) Assuring that, subject to section 552 of Title 5 U.S.C., the documents of the advisory committee are made available for public inspection and copying.

(11) Maintaining a current list of members of the advisory committee, and furnishing membership information to the A.I.D. Advisory Committee Management Officer on request.

§ 214.32 Calling of Advisory Committee Meetings.

(a) No advisory committee is to hold any meetings except at the call or with the advance approval, of the designated A.I.D. Advisory Committee Representative.

(b) Each advisory committee meeting is conducted in accordance with an agenda approved by the designated A.I.D. Advisory Committee Representative.

(1) The agenda lists the matters to be considered at the meeting and indicates whether any part of the meeting is concerned with matters which may be exempt from public disclosure under section 552(b) of title 5 U.S.C.

(2) Copies of the agenda are distributed to members of the committee prior to the date of the meeting and are included in the official records of the Advisory Committee.

§ 214.33 Notice of Meetings.

(a) Notice of each advisory committee meeting (whether the meeting is open or closed) shall be published in the FEDERAL REGISTER at least fifteen (15) days before the date of the meeting, and should also be provided through other means such as newspaper advertisements, press releases, and direct mail.

(1) Exceptions to the requirement for public notice are granted only for reasons of national security as determined by the Director, OMB and are requested and justified by the Administrator, A.I.D. at least thirty (30) days prior to the meeting.

(2) Exceptions to the fifteen (15) day advance publication requirement are granted in emergency situations or when such notice is otherwise impracticable as determined by the Administrator, A.I.D. In such situations, the facts upon which exception is based are to be included in the Notice of the meeting.

(3) Requests for exceptions under paragraph (a) (1) and (2) of this section are prepared by the Advisory Committee Representative and are cleared by the Advisory Committee Management Officer and the General Counsel prior to submission to the Administrator.

(b) Notices include the name of the advisory committee; the time of the meeting; the purposes of the meeting; a statement regarding the extent to which the public will be permitted to attend and, if any part is closed, why such closure or partial closure is necessary, including citation of the appropriate exemption permitted under the Freedom of Information Act. Thus, A.I.D. Notices of Advisory Committee meetings normally state that the meeting is open to the public and include the place of the meeting; and instructions for gaining access to open meetings which are held in a "secured" building.

(c) Both formal and informal notices are prepared by the A.I.D. Advisory Committee Representative; formal notices to be published in the FEDERAL REGISTER are cleared with the Advisory Committee Management Officer and are sent to the Office of the General Counsel at least thirty-two (32) days before the scheduled meeting date.

(d) Copies of all public notices are provided to the Advisory Committee Management Officer.

§ 214.34 Public Participation.

(a) Each advisory committee meeting is to be open to the public except where:

(1) The Director, OMB, has determined that public notice of a meeting would be inconsistent with national security; or

(2) The Administrator, A.I.D. has formally determined that the meeting, or a part of the meeting, is concerned with matters listed in section 552(b) of title 5 U.S.C. and should therefore, be closed to the public.

(b) Advisory committee requests to close all or part of a meeting or a series of meetings are to include the reasons for proposed closure, citing specific exceptions involved under section 552(b) of the Freedom of Information Act. Such requests are submitted by the A.I.D. Advisory Committee Representative, through the Advisory Committee Management Officer and the General Counsel to the Administrator at least forty (40) days before the scheduled date of the meeting.

(c) The Administrator's determination is to be in writing and is to contain a brief statement of the reasons for closing the meeting (or portion thereof). The determination itself is to be made available to the public on request.

(d) When all or part of an advisory committee meeting is closed and detailed minutes are not to be made available in their entirety to the public, the Committee shall prepare and make available to the public within thirty (30) days of the close of the meeting a summary of its activities and related matters which are informative to the public consistent with the policy of 5 U.S.C. 552(b). Notice of availability of such a summary shall be incorporated in the notice of the meeting published in the FEDERAL REGISTER.

(e) To facilitate public participation in advisory committee meetings which are to be open or partially open to the public:

(1) Meetings are to be held at a reasonable time and at a place that is accessible to members of the public.

(2) The size of the meeting room is to be large enough to accommodate the Advisory committee, its staff, and those members of the public who might be expected to attend.

(3) Any member of the public is permitted to file a written statement with the committee, before or after the meeting.

(4) Interested persons may be permitted to present oral statements at the meeting in accordance with procedures established by the committee, and to the extent time available for the meeting permits.

(5) Other participation by members of the public is not permitted, except in accordance with procedures established by the committee.

§ 214.35 Minutes of Meetings.

(a) Minutes are to be kept of each meeting of each advisory committee and its formal and informal sub-groups.

(b) The chairman or presiding officer designates a member or other person to keep the minutes.

(c) The minutes are to include:

(1) The time and place of the meeting;

(2) A list of members, staff, and A.I.D. employees attending;

(3) A complete summary of matters discussed and conclusions reached;

(4) Copies of all reports received, issued, or approved;

(5) The extent to which the meeting was open to the public; and

(6) The extent of public participation, including a list of those who presented oral or written statements and an estimate of the number of those who attended the meeting.

(d) The chairman or presiding officer of the advisory committee is to certify to the accuracy of the minutes. The certification is to indicate that "the minutes are an accurate and complete summary of the matters discussed and conclusions reached at the meeting held on (date(s))."

§ 214.36 Records of Advisory Committees.

(a) The A.I.D. Advisory Committee Representative is to maintain the records of the advisory committee in a location known to the A.I.D. Advisory Committee Management Officer.

(b) Such records are to include the reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, and other documents which were made available to, or prepared for or by, the advisory committee.

(c) Advisory committee records are maintained and disposed of according to procedures prescribed in the Agency's Handbook 21—Communications, Part III, Records Filing and Disposition Manual.

§ 214.37 Public Access to Committee Records.

(a) Records maintained in accordance with § 214.36 are subject to the Freedom of Information Act 5 U.S.C. section 552

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fifteen (15) days prior to the filing of the Committee's Charter.

(c) Each advisory committee established or used by A.I.D. is required to file a charter with the A.I.D. Administrator, the House Foreign Affairs Committee, and the Senate Foreign Relations Committee, before meeting or taking any action.

(d) Advisory committee charters shall include the following information:

(1) Committee's official title;

(2) Committee's objectives and scope of activity;

(3) Period of time necessary for the committee to carry out its purposes;

(4) Agency official to whom the committee reports;

(5) Agency responsible for providing necessary support for the committee;

(6) Description of duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(7) Estimated annual operating costs in dollars and man-years for the committee;

(8) Estimated number and frequency of committee meetings;

(9) Committee's termination date; and

(10) Date the charter is filed.

(e) A copy of the charter is required to be sent to the Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. 20540.

§ 214.12 Considerations in Membership Selection.

Membership is to be fairly balanced in terms of points of view represented and functions to be performed. Appropriate attention is also given to factors of sex, race, creed, national origin, and religion.

§ 214.13 Responsibilities within A.I.D.

(a) The A.I.D. Office or Bureau seeking establishment of a new A.I.D. advisory committee:

(1) Justifies the need for the advisory committee to the satisfaction of the A.I.D. Advisory Committee Management Officer, the A.I.D. Administrator, and the OMB Secretariat.

(2) Prepares, clears with the Advisory Committee Management Officer and the General Counsel, and submits to the Administrator all documentation necessary to establish or use the advisory committee.

(b) The Advisory Committee Management Officer with assistance as appropriate from the General Counsel and the Office of Legislative Affairs:

(1) Appraises the need for the proposed advisory committee;

(2) Assures that the requirements of the Act and OMB guidelines have been followed;

(3) If satisfied with paragraph (b) (1) and (2) of this section, clears the proposal for submission to the Administrator and obtains OMB concurrence in Agency actions to establish advisory committees;

(4) Maintains the agency file of approved charters and formal determinations;

(5) Publishes approved charters in the Agency's internal directives system;

(6) Reviews proposed committee membership for compliance with legal requirements, including conflict of interest.

(7) Assures publication of the Administrator's formal determinations in the Federal Register; and

(8) Transmits approved advisory committee charters to the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the Library of Congress.

§ 214.14 Charter Revisions.

(a) Sponsoring A.I.D. Bureaus and Offices initiate revisions to advisory committee charters, as necessary, to reflect current information regarding scope, duties, etc.

(b) Charter revision requires clearances by the advisory committee, the A.I.D. Advisory Committee Management Officer and the General Counsel; consultation with OMB; approval by the A.I.D. Administrator, and notification of the change to the Federal Register, Congressional committees, and the Library of Congress.

§ 214.15 Changes in membership.

Changes in membership of advisory committees are proposed by the Bureau or Office through which the committee reports, are cleared by the Advisory Committee Management Officer and the Office of the General Counsel, and are approved by the A.I.D. Administrator.

Subpart C—Termination and Renewal of Advisory Committees

§ 214.21 Termination and Renewal Provisions.

Provisions governing the termination and renewal of advisory committees are contained in section 14 of the Act and paragraph 7 of OMB Circular A-53, as amended. As related to A.I.D.-established non-statutory committees, these provisions mean that:

(a) Each such committee which was in existence on January 5, 1973, shall terminate by January 5, 1975, unless it is renewed by the A.I.D. Administrator prior to the latter date.

(b) Each such committee established after January 5, 1973, shall terminate not later than two years after its establishment, unless it is renewed by the A.I.D. Administrator prior to its termination date.

(c) Any committee which is renewed shall continue for not more than two years unless, prior to the expiration of that period, it is renewed.

(d) Renewal requires advance approval of the Administrator in accordance with section 5(c) which requires application of the criteria set forth in section 5(b) of the Act; notification to the OMB Secretariat not more than sixty (60) days nor less than thirty (30) days before the expiration date, and concurrence by the Secretariat; publication of a notice of the renewal; and

the filing of a new advisory committee charter with the appropriate House and Senate Committees and to the Library of Congress.

(e) Notification to the OMB Secretariat shall include:

(1) The A.I.D. Administrator's determination that renewal is necessary and is in the public interest;

(2) The reasons for the determination;

(3) The Agency's plan to attain or maintain balanced membership of the committee; and

(4) An explanation of why the committee's functions cannot be performed by the Agency or by an existing advisory committee.

§ 214.22 Responsibilities within A.I.D.

Responsibilities within A.I.D. for the renewal of advisory committees are as follows:

(a) The Office or Bureau through which the advisory committee reports: Prepares, clears with the Advisory Committee Management Officer and the General Counsel, and submits to the Administrator all documentation necessary for committee renewal sixty-five (65) days prior to the expiration date of the Committee.

(b) The Office of General Counsel assists in the preparation of charters; reviews and clears the proposal for conformity with the Act and other requirements; and assures publication of the Administrator's determination of renewal in the Federal Register.

(c) The Office of Legislative Affairs transmits approved advisory committee charters to the House and Senate Committees and to the Library of Congress.

Subpart D—Operation of Advisory Committees

§ 214.31 A.I.D. Advisory Committee Representative.

(a) For each advisory committee used by A.I.D., the Administrator designates an A.I.D. employee to serve as the A.I.D. Advisory Committee Representative.

(b) The designated A.I.D. employee performs functions required by section 10 of the Act and assigned herein. Such functions include:

(1) Calling, or giving advance approval to, advisory committee meetings;

(2) Approving an agenda for each meeting;

(3) Making recommendations on proposals to close meetings, or parts of meetings, to the public; and clearing such recommendations with the Advisory Committee Management Officer and the General Counsel for decisions by the Administrator;

(4) Assuring that advance notices of each meeting (whether open or closed) are published in the Federal Register, provided through other means such as press releases and direct mail, and provided to the Advisory Committee Management Officer;

(5) Assuring that open meetings are accessible to the public;

(6) As specified by the Administrator, chairing or attending each meeting;

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TAB E

5. Original Charter for the Board for International Food and
Agricultural Development

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Original Charter
filed by the Administration
April 14, 1976

CHARTER OF THE BOARD FOR INTERNATIONAL
FOOD AND AGRICULTURAL DEVELOPMENT

A. Committee's official designation:

Board for International Food and Agricultural Development.

B. Committee's objectives and scope of its activity:

Participating in the planning, development, and implementation of; initiating recommendations for; and monitoring of, the activities described in Section 297 of Title XII of the Foreign Assistance Act of 1961, as amended. (22USC 2220a et seq.)

C. Committee membership and appointment:

The Board shall consist of seven members appointed by the President, not less than four to be selected from the universities as defined by Section 296(d) of Title XII. Terms of members shall be set up by the President at the time of appointment.

D. Period of time necessary for Committee to carry out its purposes:

Indefinite.

E. Agency and official to whom the Committee reports:

Administrator of the Agency for International Development.

F. Agency responsible for providing necessary support for the Committee:

Agency for International Development.

G. Description of duties for which the Committee is responsible:

Pursuant to Section 298 of Title XII of the Foreign Assistance Act of 1961, as amended, the duties of the Board are as follows:

TBF

- (1) to participate in the formulation of basic policy, procedures, and criteria for project proposal review, selection, and monitoring;
- (2) to develop and keep current a roster of universities--
 - (a) interested in exploring their potential for collaborative relationships with agricultural institutions, and with scientists working on significant programs designed to increase food production in developing countries.
 - (b) having capacity in the agricultural sciences,
 - (c) able to maintain an appropriate balance of teaching, research, and extension functions,
 - (d) having capacity, experience, and commitment with respect to international agricultural efforts, and
 - (e) able to contribute to solving the problem addressed by this title.
- (3) to recommend which developing nations could benefit from programs carried out under Title XII, and identifying those nations which have an interest in establishing or developing agricultural institutions which engage in teaching, research, or extension activities;
- (4) to review and evaluate memorandums of understanding or other documents that detail the terms and conditions between the Administrator and universities participating in programs under Title XII;
- (5) to review and evaluate agreements and activities authorized by Title XII and undertaken by universities to assure compliance with the purposes of Title XII;

- (6) to recommend to the Administrator the apportionment of funds under Section 297 of Title XII; and
- (7) to assess the impact of programs carried out under Title XII in solving agricultural problems in the developing nations.
- (8) to participate in the preparation of the annual report required by Section 300 of Title XII and on other agricultural development activities related to programs under Title XII;

H. Subordinate Units:

- (1) The Board is authorized to create the following subordinate units:
 - (a) A Joint Research Committee to participate in the administration and development of the collaborative activities described in Section 297(a)(3) of Title XII.
 - (b) A Joint Committee on Country Programs which shall assist in the implementation of the activities described in Sections 297(a)(2), 297(a)(4) and 297(a)(5) of Title XII.
- (2) The Board is authorized to create additional subordinate units as may be necessary for the performance of its duties, subject to the provisions of the Federal Advisory Committee Act.
- (3) Members of subordinate units shall be appointed by the Administrator.

I. Estimated annual operating costs in (1) dollars and (2) man-years* for the committee:

(1) \$112,000

(2) 1.82 man-years

J. Estimated number and frequency of Committee meetings:

Eight times a year.

K. Committee's termination date:

Section 298 of Title XII provides for a permanent Board.

*Cost and man-year estimates made herein cover only domestic travel, pay, and per diem necessary for members of the Board and joint committees, authorized by statute, to attend regularly scheduled meetings. They do not cover staff or international travel.

Legislative history and background discussions, however, indicate that the Board and its subordinate committees will require staff support, international travel and other resources to fulfill the Board's duties and responsibilities. The type and amount of staff and other support needed must be determined in joint discussions with the Board as an early agenda item. Therefore, cost estimates herein cited are preliminary; revised cost estimates will be provided following these discussions with the Board.

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TAB F

6. Findley - Correspondence with Parker; with Geyer; with Parker (7/6/76) re Geyer's Memorandum of Law

Congress of the United States
House of Representatives
Washington, D. C.

June 10, 1976

Subj: AGR

rm/ag

ACTION: GC as approp.

INFO: Parker log

Murphy log

AA/PPC

The Honorable Daniel Parker
Administrator
Agency for International Development
320 - 21st Street, N.W.
Washington, D.C. 20523

AA/TA
AA/LEG

Dear Dan:

I am in receipt of Mr. Gladson's May 12, 1976, letter and attached memorandum of January 27, 1976, and January 21, 1976, which conclude that Section 298 of the Foreign Assistance Act of 1961 as Amended confers only advisory functions on the Board for International Food and Agriculture Development.

As author of this legislative provision, I believe the memorandum does not adequately address the functions of the Board as I had envisioned them. I have a memorandum of law on the functions of the Board. This memorandum concludes that it has non-advisory as well as advisory functions.

In view of this serious conflict of legal opinions, I would like to meet with you and discuss the difference as soon as possible. The Board and its role in implementing the Famine Prevention Amendment are the heart of the program. The program will be gravely weakened, and perhaps fatally, if the function of the Board is diminished by misinterpretation of its legislative mandate.

Warm regards,

Paul Findley
Representative in Congress

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June 7, 1976

MEMORANDUM TO: Mr. Paul Findley

FROM: L. Léon Geyer

SUBJECT: Section 298 of the Foreign Assistance Act of 1961, as Amended: The Board for International Food and Agricultural Development

Section 298 is part of a new Title XII, Famine Prevention Program, which was added to the FAA by Section 312 of the International Development and Food Assistance Act of 1975 (PL 94-161, 89 Stat. 849, December 20, 1975, S. Rept. No. 94-434, S. Rept. No. 94-406, H. Rept. 94-442 and H. Rept. 94-891), hereinafter referred to as "the Act".

Section 298 directs the President to establish a permanent Board for International Food and Agricultural Development, hereinafter referred to as "the Board". The Board is "to assist" in the administration of the programs as authorized under the Famine Prevention Amendment. (Section 298(a)).

Section 298(b) states that the Board's general areas of responsibility shall include, but not be limited to--

- (1) participating in the planning, development and implementation of,
- (2) initiating recommendations for, and
- (3) monitoring of,

the activities described in Section 297 of this title.

Section 298(c) states that the Board's duties shall include, but not necessarily be limited to:

- (1) participating in the formulation of basic policy, procedures, and criteria for project proposal

- (1) review, selection, and monitoring.
- (2) developing and keeping current a roster of universities.
- (3) recommending which developing nations could benefit from programs carried out under this title, and identifying those nations which have an interest in establishing...
- (4) reviewing and evaluating memoranda of understanding.
- (5) reviewing and evaluating agreements and activities to assure compliance.
- (6) recommending to the Administrator the apportionment of funds.
- (7) assessing the impact of programs.

Section 298(d) empowers the President to authorize the Board to create such subordinate units as may be necessary for the performance of its duties, including but not limited to the following:

- (1) a Joint Research Committee to participate in the administration and development (of programs).
- (2) a Joint Committee on Country Programs which shall assist in the implementation (of activities).

Section 298(e) states that in addition to any other functions assigned or agreed to by the Board, the Board shall be consulted in the preparation of the annual report.

ISSUES:

- (1) Does P.L. 94-161 confer non-advisory functions on the Board for International Food and Agricultural Development or on its subordinate units?
- (2) Are there legal precedents of Congress creating an institution or board with both advisory and administrative functions?

CONCLUSION:

- (1) The Act confers non-advisory functions on the Board.
- (2) Congress has previously established boards with b

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Administrative and advisory functions.

DISCUSSION:

(1) Under the legal system, the legislature by statute creates rights, imposes duties and lays down rules of conduct. (1 Am. Jur. 2nd Adm. Law § 16.) As the Supreme Court has stated:

There is, of course, no more persuasive evidence of the purpose of a statute than the words by which the legislature undertook to give expression of its wishes. Often these words are sufficient in and of themselves to determine the purpose of the legislation. In such cases, we have followed their plain meaning. (United States et al. v. American Trucking Associations, Inc. et al. 310 U.S. 534, 543 (1940)).

The Board for International Food and Agricultural Development as established by PL 94-161 is "to assist in the administration of programs authorized by the title" (Sec. 298(a)). The Board's responsibility shall include participating in the planning, development, and implementation of activities under the Act. (Sec. 298(b)(1)). The Board is to initiate recommendations for, and monitor activities under the Act. (Sec. 298(b)(2) & (3)).

The Board's duties shall include participating in the formulation of basic policy, procedures and criteria for project proposal review, selection, and monitoring. (Sec. 298(c)(1)). The Board is required to develop and keep current a roster of universities eligible under the Act. (Section 298(c)(2)). The Board is charged with recommending which developing nations could benefit from programs under the Act. (Sec. 298(c)(3)).

Additional functions of the Board include reviewing and evaluating memoranda of understandings, agreements and activities, authorized by the Act. (Sec- 298(c)(4)&(5)); recommending apportionment of funds (Sec. 298(c)(6)); and assessing the impact of programs carried out under the Act (Sec. 298(c)(7)). The Board shall be consulted in the preparation of the annual report. (Sec. 298(e)).

With the President's authorization, the Board may create subordinate units, including (1) a Joint Research Committee (with AID) to participate in the administration and development of activities under the Act and (2) a Joint Committee on Country Programs to assist in the implementation of activities under the Act. (Sec. 298(d)).

Key statutory words which describe the function of the Board are as follows:

1. assist
2. responsibility
3. participate, participating
4. initiate
5. monitoring
6. duties
7. developing
8. keeping
9. recommending
10. reviewing
11. evaluating
12. assessing
13. consulting

Webster's Third New International Dictionary (Unabridged, 1968) defines these words as follows:

1. assist:

to give support or aid...to perform some service for...an act of assistance...an act or circumstance that helps to bring about a decisive result

2. responsibility: the quality or state of being accountable...something for which anyone is responsible or accountable
3. participate,ing: to impart a share of...to possess some of the properties, qualities, or attributes of something...to have a part or share in something...involving participation by more than one person or agency
4. initiate: to begin or get going...perform or facilitate the first actions, steps, or stages of: establish as an instituting custom, or trend...to bring about initial formation of...
5. monitoring: a person or thing that gives advice...to watch, observe...for a special purpose...to keep track of, regulate or control
6. duty,ies: ...obligatory tasks, conduct, service, or functions enjoined by order...responsibility for maintaining continued operation or status...
7. develop,ing: ...to express...to elaborate, to open up: cause to become more completely unfolded so as to reveal hidden or unexpected qualities or potentials...to make actually available or usable...
8. keeping: the act of one that keeps as a: custody, guard, maintenance...
9. recommend,ing: ...present with approval: indicate as being one's choice for something or as otherwise having one's approval or support...entrust, commit, consign...to make acceptable...advise, counsel.
10. review,ing: ...to take a view of...examine with consideration or attention: survey, to examine judicially...to go over or examine critically or deliberately...to make a formal or official examination of the state of...

11. evaluate,ing:

...to examine and judge concerning the worth, quality, significance, amount, degree or condition of; appraise, rate...

12. assess,ing:

...to make an official evaluation or estimate of...to analyze critically and judge definitively the nature, significance, status, or merit of...

13. consult,ing:

that advises: that aid especially by providing professional or expert advice...

Black's Law Dictionary (1969) defines the words as follows:

1. assist:

to help; aid; succor; lend countenance or encouragement to; participate in as an auxiliary...to contribute effort in the complete accomplishment of an ultimate purpose intended to be effected by those engaged.

2. responsibility:

the obligation to answer for an act done...

3. participate,ing:

to receive or have a share or part of; to partake of; experience in common with others; to have or enjoy a part or share in common with others;...to take equal shares and portions; to share or divide.

4. initiate:

not defined

5. monitoring:

not defined

6. duty,ies:

...the words, "it shall be the duty", in ordinary legislation, implies the assertion of the power to command and to coerce obedience...In its use in Jurisprudence, this word is the correlative of right....

7. develop,ing:

...to bring, or attempt to bring, to a state of fruition...to unfold more completely; to evolve the possibilities or power of; to make active...

8. keep,ing: to continue...to have or retain in one's power or possession... to maintain, carry on, conduct or manage...to maintain continuously and methodically for the purpose of a record.
9. recommend,ing: to advise or counsel...
10. review,ing: to re-examine judicially... revision...
11. evaluating: not defined
12. assess,ing: to ascertain, fix the value of...
13. consulting: not defined

Black's Law Dictionary(1968) defines "advisory" as "counselling, suggesting, or advising, but not imperative or conclusive...not binding". Webster's Third New International Dictionary(Unabridged, 1968) defines advisory "as having or exercising power to advise...intended to advise...". Board is defined as "...a number of persons appointed or elected to sit in council for the management or investigation of a public business...". Black's Law Dictionary defines Board as:

an official or representative body organized to perform a trust or to execute official or representative functions of having the management of a public office or department exercising administrative or governmental functions...

A committee of persons organized under authorities, have oversight or control of certain matters, or discharge certain functions of a magisterial, representative, or judiciary character...

A review of the common and legal definition of the statutory words which describe the function of the Board indicate that the Board does have non-advisory functions as well as advisory functions. The Board's function of

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consulting and recommending both by legal definition and common usage clearly indicate that the Board has an advisory function as it pertains to certain of the Board's obligations under the Act. Just as clearly, other statutory words by legal definition and common usage indicate that the Board has administrative responsibilities, power and obligations. Monitoring, evaluating, initiating and review all convey administrative functions to the Board. To participate means to have a share of. To assist means to perform a service for. The legal definition of a board as a body organized to execute or perform official functions and exercise administrative powers indicates that absent statutory or legislative restriction, the Board is to have administrative functions--non-advisory functions.

In the present case, the issue is whether the Board for International Food and Agricultural Development has non-advisory functions. Although, as noted previously, one can logically state that the statutory words, both by legal definition and common usage, in and of themselves, convey non-advisory functions to the Board, a disparity of interpretation has arisen. The General Counsel of the Agency for International Development has concluded that the Board has advisory functions only (Memorandum of Law, General Counsel/TFHA/AID, A.R. Richstein, January 21, 1976). The memorandum is in direct conflict with the statutory authority establishing the Board. It is also in direct conflict with statements of the sponsors of the bill. Senator Humphrey, in discussing the Board with Representative Findley commented:

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I want the legislative history of this amendment to be clear, that both you, sir, as a sponsor in the House, myself, as a sponsor in the Senate - look upon the Board as having powers and authority and responsibilities.

To which Representative Findley replied: "Absolutely".

(Hearings on S. 1816 and H.R. 9005 Before the Senate Subcommittee on Foreign Assistance of the Committee on Foreign Relations, 94th Congress, 1st Sess. (1975) at 346). At the time that the conference report was considered by the House, Representative Findley commented "The Board is not for just advisory functions." (121 Cong. Rec. H. 12066 daily ed., Dec. 9, 1975). It is a well settled principle of law that legislative history of a statute is immaterial where its language is unambiguous. (U.S. v. McKesson & Robbins, Inc., 351 U.S. 305 at 313-315 (1955)).

It is an equally well settled principle that the Courts will consider and give weight to the legislative history if the statute on its face is inconclusive or ambiguous. (v. Louisiana, 363 U.S. 1 (1959) and Scales v. U.S., 367 U.S. 203 (1960)). In fact, the Supreme Court has stated that "the legislative history of a statute is the most fruitful source of instruction as to its proper interpretation..." (Flora v. U.S., 362 U.S. 145 at 151 (1959)).

The statutory language creating the Board is conclusive as to the functions of the Board. The Board has non-advisory functions. This conclusion is supported by the statute itself and also by the legislative history.

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If it were true that the statute was not clear on this point, then the meaning of statutory language can be obtained from legislative history. The Supreme Court has stated:

...while the clear meaning of statutory language is not to be ignored, words are inexact tools at best, and hence it is essential that the words of a statute be placed in their proper context by resort to the legislative history. (Tidewater Oil Co. v. U.S., 409 U.S. 151 at 157 (1972)).

The prime objective in the construction of laws creating and empowering administrative agencies is to ascertain and carry out the intent of the legislature. In the Addison case, the Court stated:

We should of course be faithful to the meaning of a statute. But after all, Congress expresses its meaning by words. If legislative policy is couched in vague language, easily susceptible of one meaning as well as another in the common speech of men, we should not stifle a policy by a pedantic or grudging process of construction... general words should draw nourishment from their purpose. Legislation introducing a new system is at best empirical... The natural meaning of words cannot be displaced by reference to difficulties in administration. (Addison v. Holly Hill Co., 322 U.S. 607 at 617 (1943)).

The Court has also stated that:

if an absolutely literal reading of a statutory provision is irreconcilably at war with the clear congressional purpose, a less literal construction must be considered. U.S. v. Campos-Serrano, 404 U.S. 293 at 298 (1971).

In the Bacto-Unidish case, the Court reaffirmed the principle that "where the statutes' language seemed insufficiently precise, the natural way to draw the line is in light of the statutory purpose" (U.S. v. An Article of Drug...Bacto-Unidish...394 U.S. 784 at 799 (1969)).

In its holding, the Court stated that "we must take care not to narrow the coverage of a statute short of the

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point where Congress indicated it should extend." (Ibid. at 801).

Did Congress intend that the Board's functions "extend" beyond those of boards or committees established to advise only? To determine if the legislative history supports the statutory interpretation that the Board has non-advisory functions, it is necessary to review the principles of statutory construction. In Sand's Treatise on statutory construction, he states:

In the course of deliberations on a bill, legislators look to its sponsor as well as to the representative of the committee having charge of it, as one who is expected to be particularly well informed about its purpose, meaning, and intended effect. In recognition of this reality of legislative practice, courts give consideration to statements made by a bill's sponsor on grounds similar to those relied on to support the use of statements by the committeeman in charge of the bill. Going a step further, statements by a committee member responsible for the inclusion in a bill of the provision being construed have been taken into consideration as evidence of how it should be construed. C.P. Sands, Sutherland Statutory Construction § 48.15 (1973).

In applying this principle of law, the courts have stated:

These floor managers were member of the legislative committees that held extensive hearings and were responsible for formulating the legislation. Only recently, in circumstances similar to those in the instant case, a unanimous Supreme Court relied on statements made in debate, not only by a sponsor of legislation and by a member of the Conference Committee

but also by other members of Congress, and regarded such statements as authoritative indicators of congressional intent...The authorities cited by the Board do not support the view that we may disregard or give little or no weight to statements made on the floor of Congress under the circumstances of this case. In *United States v. International Union United Automobile, etc., Workers (UAW-CIO)*, 352 U.S. 567, 77 S. Ct. 529, 1 L.Ed. 2d 563 (1957) although the Court did say that debate is not entitled to the same weight "as carefully considered committee reports," it still examined the debate, finding that it confirmed what was contained in the reports. *Pan American World Airways v. C.A.B.* 380 Fed. 2nd 770 at 782 (1967).

and

Indeed, a sponsor's views are entitled to great weight in any event. As this Court stated in *Gartner v. Soloner*: (384 F. 2d 348, 353 (3d Cir. 1967), cert. denied, 390 U.S. 1040, 88 S. Ct. 1633, 20 L. Ed. 2d 302 (1968)).

"In attempting to extract the legislative purpose primary concern should always be given to the views expressed by the sponsors of the bill and in this respect, the statements of Senator McClellan and Representative Elliott should be looked to as representing the true spirit of Section 102". (*Brennan v. Corning Glass Works*, 480 F. 2d 1254 at 1260-61 (1973)).

Had the sponsors of the bill and the legislature desired only advisory functions for the Board, would not the legislature define the unit as the Advisory Board for International Food and Agriculture Development to advise the Administrator?

In establishing other boards, the Congress has titled the board advisory if its functions were clearly limited to advisory functions.

In the establishment of the Adjustment Assistance Advisory Board, the legislative authority states that "At the request of the President, the Board shall advise him and the agencies" (76 Stat. 901; 19 USC §. 1991).

The Air Quality Advisory Board (42 U.S.C. 1857e)

advises and consults with the Administrator of the Environmental Protection Agency "on matters of policy relating to the activities and functions of the Administrator regarding air pollution control and makes such recommendations as it deems necessary to the President".

There is no doubt that in the cases of the above boards, the legislative body intended that boards be advisory in nature. By not affixing the word advisory to the Board's title, the legislature in enacting P.L. 94-161 may have planned to establish a board with non-advisory functions.

Congress has established boards that are independent and do not have advisory functions.

The National Transportation Safety Board (49 U.S.C. 1654) is authorized "to determine the probable cause of transportation accidents and make reports on the facts, conditions, and circumstances related to those accidents; and review on appeal the suspension, amendment, modification, revocation, or denial on any certificate or license issued by the Department of Transportation." Moreover, the Board is authorized to exercise "all functions, powers, and duties related to aircraft accident investigations." Additionally, the Board may conduct any special studies related to transportation safety, may initiate any accident investigations "it deems necessary or appropriate," and may request the Department of Transportation to "initiate special inves-

investigations or conduct further investigations."

The Board for International Broadcasting (87 Stat. 457; Public Law 93-129) is authorized "to make grants to Radio Free Europe and to Radio Liberty; to review and evaluate the mission and operation of Radio Free Europe and Radio Liberty, and to assess the quality and effectiveness of their broadcasting; to develop and apply financial procedures, and make audits of the two Radios; and to prescribe regulations necessary to carry out its functions."

The Board consists of five members appointed by the President, by and with the advice and consent of the Senate.

The Congress has also legislated a third type of board--boards that have advisory and non-advisory functions.

The following are examples of bodies within an agency, which appear advisory in nature, but actually have non-advisory functions as well.

The National Potato Promotion Board (7 USC 2617), within the Department of Agriculture, has the powers to administer orders issued by the Secretary related to the promotion, development, research and advertising of potatoes; to make rules and regulations to effectuate the terms and conditions of such an order; to receive, investigate, and report to the Secretary complaints of violations of said orders; and to recommend to the Secretary amendments to such orders. The members of the board are selected by the Secretary of Agriculture.

The second example is the Low-Emission Vehicle Cer-

tification Board (42 USC 1857f-6e), within the Environmental Protection Agency. This Board has the power to certify any class or model of motor vehicles which it determines is suitable as a substitute for a class or model of vehicles at that time in use by agencies of the Federal Government, if the substitute meets specified criteria (i.e., safety, performance, reliability, serviceability, its fuel availability, noise level, and its maintenance costs). The members comprise: the Administrator of the Environmental Protection Agency or his designee; the Secretary of Transportation or his designee; the Chairman of the Council on Environmental Quality or his designee; the Director of the National Highway Safety Bureau; the Administrator of General Services; and two members appointed by the President. It also has advisory functions.

The authorizing legislation creating the Board for International Food and Agricultural Development states that the Board's general responsibilities shall include, but not be limited to:

- (1) participating in the planning, development, and implementation of,
- (2) initiating recommendations for, and
- (3) monitoring of

the activities described in section 297 of the International Development and Food Assistance Act of 1975. In addition, the Act explicitly states that the Board shall: (1) participate in the formulation of basic policy, procedures, and criteria for project proposal review, selection, and monitoring; (2) develop and keep current a roster of univer-

... .. the international agricul-
tural efforts; (3) recommend which nations could benefit from
proposed programs and identify those nations interested in es-
tablishing or developing agricultural institution; (4) review
and evaluate memorandums of understanding; (5) review and
evaluate agreements and activities authorized and undertaken
by universities; (6) recommend the apportionment of funds
under Section 297; and (7) assess the impact of programs carried
out under the Act. These responsibilities and duties represent
policymaking, rather than strictly advisory functions. Moreover,
Public Law 94-161 authorizes the President to establish a
permanent board, which effectively removes it from the 2-year
expiration requirement of the Federal Advisory Committee Act
of 1972 (86 Stat. 770).

As in the case of the National Potato Promotion Board, do
the functions given to the Board for International Food and
Agricultural Development include non-advisory functions?

The legislative history of Section 298 confirms that
the Board has non-advisory functions. The history of the
Board in the House and Senate is equally clear on this issue.
It should be noted that "universities" eligible for membership
on the Board had previously had advisory roles with AID. (On
September 29, 1965, the Administrator of AID established an
Advisory Committee on AID-University Relations).

The Board created by statute is not an advisory Board by
definition. Further, the sponsors of the legislation envisioned
the creation of a new body; a new institution to approach the
problem of famine.

The House Report on HR 9005 states that:

To assist in its (Title XII, the Famine Prevention Program) administration, there is established a new, permanent Board...The Board will be a focal point for the increased U.S. university role in this area of foreign assistance. The Board is given broad responsibilities and duties in assisting the Administration. H.R. Rep. No. 94-442, 94th Cong., 1st Sess. 25 (1975).

In the section-by-section analysis of the House Report, the report language is silent as to explicit advisory or non-advisory functions. The report language indicates that the Board is to "assist"; has duties and responsibilities; The Joint Research Committee can "take part in the Administration...of programs" and the Board can submit separate views to the annual report. Ibid. at 61-62.

In the Senate, a report on H.R. 9005 was filed by both the Committee on Agriculture and Forestry (Sen. Rep. No. 94-434, 94th Cong., 1st Sess. (1975)) and the Committee on Foreign Relations (Sen. Rep. No. 94-406, 94th Cong., 1st Sess. (1975)).

The Senate report called Title XII a "major innovation" (Sen. Rep. 94-406 Ibid. at 9). The report recognizes Senator Humphrey and Congressman Paul Findley as the sponsors of the Title XII legislation. (Ibid. at 38) The section-by-section analysis of Section 298 of H.R. 9005 as provided in the Senate Report describes the function of the Board similarly to the House Report. (Ibid. at 42)

Claiming jurisdiction over Section 311 of H.R. 9005, the Senate Agriculture and Forestry Committee amended H.R. 9005 by making Section 311 Title V of the Agricultural Trade Development and Assistance Act of 1954 instead of Title XII of the Foreign Assistance Act of 1961. (Sen. Rep. 94-434

Ibid. at 1-3). The only report language commenting on the function of the Board is contained in letter form from the Under Secretary of Agriculture who commented that the Board would "advise" the AID Administrator (Ibid. at 26). This comment is not controlling as the conference committee rejected the Senate Agriculture Committee's efforts to move Section 311 of H.R. 9005 to the Agriculture Trade Development and Assistance Act of 1954 from the Foreign Assistance Act of 1961. (H.R. Rep. 94-691, 94th Cong., 1st Sess. 35 (1975)) No other references to the function of the Board can be found in report language. (Sen. Rep. 94-406 Ibid.; H. Rep. 94-442 Ibid.; Sen. Rep. 94-434 Ibid. and H. Rep. 94-691 Ibid.)

During the floor debate on H.R. 9005, the House sponsor of the famine prevention provision, Mr. Findley, indicated that the program gives to the universities a more prominent role in the formulation and implementation of programs.

Equally important (emphasis added) the author states:

it gives universities--through membership control of the Board for International Agricultural Development specified in the bill--an important role in the development of policies and monitoring of program execution. (121 Cong. Rec. H 8575 (1975) (daily ed. Sept. 10, 1975))

During debate with Rep. Shuster, Mr. Findley points out new elements to our foreign assistance program from the Famine Prevention Program.

Second, it gives for the first time a role of great prominence to land grant university specialists who have had this long experience in improving the education of farmers in this country. It gives a role of

great prominence to these specialists in the formulation and carrying out of programs for the better education of farmers abroad. I just wanted to call that to the gentleman's attention. Ibid. at H. 8586.

Recognizing the key role that the Board was to play in implementing title XII, Mr. Anderson of Illinois stated:

Mr. Chairman, I particularly wish to commend my colleague from Illinois (Mr. Firdley) on his contribution to this legislation in the famine prevention section. Under the new provisions contained in this bill, assistance will be provided to land grant and certain other universities to work cooperatively with agricultural institutions in the developing countries on their food problems. This new program will be administered by a new Board for International Agricultural Development. (Emphasis added)
I think this additional tool for assisting developing countries can make a substantial contribution to their efforts to develop their own food production capabilities. Ibid. at H. 8591

Mr. Anderson's comment was the only direct reference to the functions of the Board during house debate on passage of H.R. 9005 as reported by Committee. It emphasizes that the Board is a new tool to administer the famine prevention program.

Senate debate on initial passage of H.R. 9005 can be found at 121 Cong. Rec. S. 18999-19092 and 19093-19096 (daily ed. Nov. 3, 1975); 121 Cong. Rec. S. 19187-19224 (daily ed. Nov. 4, 1975); and 121 Cong. Rec. S. 19334-19310 (daily ed. Nov. 5, 1975). During the debate found in the above passage, no reference to the function of the Board can be found. A colloquy between Senator Humphrey and Senator Javits outlines the basic purpose of Title XII as to make AID's program better by "bringing the U.S. universities into a more carefully defined, cooperative

relationship with AID." (121 Cong. Rec. S. 19202 (daily ed. November 4, 1975)).

During the adoption of the conference report, Senator Humphrey and Senator Javits, both conferees on the bill, agreed that:

Qualified institutions including but not limited to land-and-sea-grant colleges will be primary U.S. implementing agencies but [sic] will play a role in policy formulation and monitoring through the seven member Board for International Food and Agricultural Development." 121 Cong. Rec. S. 21106 (daily ed. December 4, 1975):

Senator Humphrey continued:

The famine prevention and freedom from hunger program established under the International Development and Food Assistance Act of 1975 represents an important effort to more fully utilize the resources and expertise of the U.S. academic community in tackling the long-range problems of worldwide hunger. In order to facilitate the accomplishment of this objective and insure that universities are recognized and utilized as a prime resource and co-equal partners with the Agency for International Development, a Board for International Food and Agricultural Development with majority representation from universities has been established. This Board is not meant to be simply window dressing or just an advisory commission. On the contrary, the Board will share with AID decision making on all aspects of policy development and execution for this program and all aspects of development and execution of contracts and grants. In more specific terms, the Board will play a key role in: first, choosing participating universities, countries, and projects; second, monitoring and evaluating individual projects and the overall program; third, overseeing the relationship between AID and the universities and the countries and universities, and fourth, recommending the apportionment of funding. The seriousness with which the formulators of the legislation viewed the role of this Board is further reinforced by the authorization to establish subordinate units such as a Joint Research Committee and

a Joint Committee on Country Programs to carry out these many tasks. In other words, the Board has not only been assigned responsibilities and duties, but has been given the means to carry them out. It is hoped that having been given this authority, long-range funding possibilities, and a key role in the decision making of the overall program the U.S. academic institutions will demonstrate a deep commitment to the task of famine prevention. (121 Cong. Rec. S. 21106 (daily ed. 1975)).

There is no question that Senator Humphrey, as a prime sponsor of this legislation intended that the Board have non-advisory functions. The Board was created to "insure that universities are recognized and utilized as . . . co-equal partners with AID. . . The Board will share with AID decision making. . ." [Ibid and emphasis added] according to Senator Humphrey.

The sponsor of Title XII in the House, Mr. Findley, was equally adamant that the board had non-advisory functions. During debate on passage of the conference report, Mr. Findley stated:

What is the authority of the university-controlled Board? The legislation is clear. Through control of the Board, the universities will be partners with AID, not subordinates.

The Board will share with AID decision-making on all aspects of policy development and execution of contracts and grants.

As stated in section 298, the Board will have responsibility in "participating in the planning, development, and implementation of, initiating recommendations for and monitoring of the activities described in section 297" of title XII. Section 297 provides the authority to enhance the participation of U.S. land-grant and other eligible institutions in the task of increasing food production in the less-developed nations. Authority under this section includes efforts to strengthen the institutional capacity and human resource skills of agriculturally developing countries and support for international agricultural research and extension activities in the developing nations.

Let me emphasize that under section 298, the Board will have substantial authority in the formulation of basic policy, procedures

and criteria for project proposal review, selection and monitoring. It will also participate in the planning, development, implementation and monitoring of specific programs in foreign countries. It will have the right, coequal with AID, to review and evaluate agreements and activities, and it will be consulted in the preparation of each 5-year forward planning report to the Congress.

The Board will have the opportunity to help write regulations and keep all such regulations under constant review.

Eligibility will be determined by the Administrator of the Agency for International Development working jointly with the Board, applying the standards set forth in the legislation.

To emphasize the role and importance of the Board, I think that it is appropriate that the colloquy that Senator Humphrey and I developed during hearings before the Senate Subcommittee on Foreign Assistance be repeated. The Board is not window dressing. The Board is not for just advisory purposes. . . .

As the principal author of the famine prevention program, I wish to state clearly that the Board is to be a working institution. The people selected to serve on it must be in a position to commit most, if not all, of their time to its work. The Board has a heavy responsibility. It must serve coequally with AID in passing on the eligibility of institutions. It must help AID establish procedures, policies, and continually update these. It must be in charge of the work of committees established under this title. Such committees are to work under the direction of the Board, not under AID. In addition, the Board has heavy responsibilities in connection with the approval, review, and monitoring of all proposals and agreements established under this title.

The Board is a basic part of the famine prevention program. As I said earlier, it is to be a co-equal partner, not a subordinate of AID.

121 Cong. Rec. H-12065-6
(daily ed. Dec. 9, 1975)

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The comments of the two sponsors of the Famine Prevention Program on the floor of the Senate and House is supported by the hearing record. During testimony before the Senate Subcommittee on Foreign Assistance of the Senate Foreign Relations Committee, Mr. Findley and Mr. Humphrey joined in the following colloquy:

BOARD FOR INTERNATIONAL AGRICULTURAL
DEVELOPMENT

Another item, Congressman Findley, the Board for International Agricultural Development. Would you like to make any comments in particular? I am sure you have discussed this in your prepared statement which we entered in its full text in the record?

MR. FINDLEY. Senator, the Board's role in this program is a very vital one. It should not be regarded as a purely functionary advisory role at all. In fact, the language of section 298 makes it very plain that the Board will have a responsibility to participate in the planning, development, and implementation of all the activities described in section 297.

Equally important, it will have the duty of participating in the formulation of basic policy, procedures and criteria for project proposal, review, selection, and monitoring. This means that the membership of the Board will actually be a partner with the administrator of AID in planning the program from the very beginning and establishing procedures. I think this is vitally important, because the university leadership in this field is the greatest resource that our Nation has for the development of agricultural education, both in this country and abroad.

This provides a means through which this leadership and its resources, its rich experience, can be brought into conjunction with that of the AID staff at the very highest level, in its very initial stages, as well as in carrying out the various programs. It is a vital role.

I am sure the President will take very seriously the importance of quality in the selection of seven members of the Board.

SENATOR HUMPHREY. In Canada there is a similar entity for their AID program, as it relates to agriculture and food production, am I not correct?

MR. FINDLEY. I must say, Senator, I do not know.

SENATOR HUMPHREY. I believe that is the case. The important words here, in section 298, need to be emphasized. "Section 298, Board for International Agricultural Development." It says, "To assist in the administration of the programs." So it is to be involved. It is not an appendage. That is what you and I are getting at here. It is a fundamental part of the administration of the programs authorized. Then, it says, "the Board's general areas of responsibility"-- that is the important word--"shall include"-- not may, but shall; then it says, "The Board's duties shall include, but not necessarily limited to--(1) participating in the formulation of basic policy, procedures." Then down in Item 3, it says, recommending which developing nations could benefit from programs carried out under this title, and identifying those nations which have an interest in establishing or developing agricultural institutions which engage in teaching, research, or extension activities."

I note that, all the way through here, the Board has mandates, so to speak. It is not the sort of language that we occasionally put in when we have a problem that we do not quite know what we want to do about, so we establish an advisory commission. I want the legislative history of this amendment to be clear, that both you, sir, as a sponsor in the House, myself as a sponsor in the Senate--look upon this Board as having powers and authority and responsibility?

MR. FINDLEY. Absolutely. In fact, in subsection (c), is another important function that is assigned to the Board. "The Board shall be consulted in the preparation of the annual report required by section 300 of this title." That report is of vital interest, because that is the report which contains, in addition to a review of the activities of the past year, a 5-year forward look in detail on what this program anticipates in the way of responsibilities for individual universities.

The Board does indeed have a powerful, vital role in the administration of this program.

SENATOR HUMPHREY. Including, under subsection "(6) recommending to the Administrator the apportionment of funds, under section 297 of this title."

I think with your prepared testimony and what you have said orally, Congressman, and our colloquy, we are making it very clear that the Board is more than window dressing. It is a basic, fundamental part of the program. In fact, it is the heart of the program. From the Board's activities, things flow.

I just wanted to make it clear so our colleagues and friends at AID will clearly understand that this is not some little afterthought that Congressman Findley and Senator Humphrey had. We are deadly serious about it, and intend to get this into a bill. We intend to monitor. Is that not correct?

MR. FINDLEY. Yes, sir.

SENATOR HUMPHREY. Thank you very much, Congressman.

MR. FINDLEY. Thank you, Senator.

SENATOR HUMPHREY. I really appreciate your initiative in this.

Hearings on S.1816 and H.R.9005 before the Senate Subcommittee on Foreign Assistance of the Senate Committee on Foreign Relations, 94th Congress, 1st Session, at 345-346 (1975).

Recognizing that the Board would create competition between AID and the land grant universities, Senator Humphrey stated:

. . . once you start an institution like we are talking about, with a board of overseers that is more than advisory. . . Ibid. 375.

During markup of H.R. 9005 in the House, Mr. Findley commented that the Board would have "substantial authority" [Hearings and Markup on the International Development and Food Assistance Act of 1975 Before the House Committee on International Relations, 94th Congress, 1st Session (1975) at 474]. Authority is defined by Webster's dictionary (op.cit.) as "a status that carries with it the right to command and give final decisions. . . delegated powers over others." Authority as prescribed by the author of the bill is clearly non-advisory in nature. Authority is the right to command and make decisions. It includes delegated powers.

Senator Humphrey and Mr. Findley indicated that the Board was to have a fundamental part in the administration of the Famine Prevention Program [Title XII]. The relationship of the Board to AID was that of a partner, a coequal with AID and not a subordinate. The legislative history of the Board clearly indicates that the sponsors of the bill expected the Board to have a non-advisory role in the administration of Title XII. The mandate for the board is that of a coequal partner with AID to jointly administer

provisions as specified under the statute.

In the Macauley case, the Court relied on the explanation of the bill by one of the sponsors as determinative of the scope of the jurisdiction under the statute. [Macauley v. Waterman, S.S. Corps. 327 U.S. 540 at 544 (1945)] Certainly, the statements of the House sponsor (and author) and the Senate sponsor indicate the legislative intent of this legislation. The legislative history indicating that the Board has non-advisory functions is clearly within the scope and meaning of Section 298 of the Foreign Assistance Act of 1961, as amended.

The hearing record of Section 298 of the FAA of 1961 clearly supports the contention that the Board has non-advisory functions as well as advisory functions: [Hearings on H.R.9005 and S.1816 Before the Subcommittee on Foreign Assistance of the Senate Committee on Foreign Relations, 94th Cong., 1st Sess. (1975) and Hearings and Markup on the International Development and Food Assistance Act of 1975 Before the House Committee on International Relations, 94th Cong., 1st Sess. (1975)].

Neglecting the total legislative history of Section 298 and relying on comments of legislators other than sponsors of the bill, the AID memorandum suggests that the Board has advisory functions only. A reading of the legislative history indicates that the Board has non-advisory functions as well.

Chief Justice Marshall stated:

It is undoubtedly a well-established principle in the exposition of statutes, that every part is to be considered, and the intention of the legislature to be extracted from the whole. . .

Where the mind labors to discover the design of the legislature, it seizes everything from which aid can be derived; and in such case, the title claims a degree of notice, and will have its due share of consideration. U.S. v. Fisher 6 U.S. 358 at 358. (1805)

Giving the Board's title its "degree of notice," seizing upon everything from which the design of the legislature can be determined, and by relying on the explanation of the sponsors of the bill as to the scope of the Board's functions, it is clear that the Act confers non-advisory functions on the Board.

(2) Congress has previously established boards with both advisory and non-advisory functions. An example of a body within an agency, which appears advisory in nature, but actually has some specified policy is the National Potato Promotion Board (7 USC 2617). The Board is within the Department of Agriculture and has the power to administer orders issued by the Secretary related to the promotion, development, research and advertising of potatoes; to make rules and regulations to effectuate the terms and conditions of such an order; to receive, investigate, and report to the Secretary complaints of violations of said orders; and to recommend to the Secretary amendments to such orders. The members of the

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Page Thirty

Board are selected by the Secretary of Agriculture.

The principle of organizational units having both advisory and non-advisory functions is well established in our legal system. The various cabinet departments are prime examples of units that have both advisory and non-advisory functions. The Congress in establishing the Board for International Food and Agricultural Development was applying this time-honored principle.

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7/6/76

Honorable Paul Findley
House of Representatives
Washington, D. C. 20515

Dear Paul:

I greatly appreciated the opportunity to discuss with you, on June 15, our mutual perceptions of the nature of the functions of the Board for International Food and Agricultural Development - whose appointment, I understand, is imminent. I am pleased that our views appear to coincide so precisely. Rather than reiterate the points discussed and I take it agreed upon, I am enclosing the memorandum of conversation of that meeting which, I feel, quite well expresses that consensus.

We have read the L. Leon Geyer memorandum to you and are, as you suggested, placing it in our official file as a useful part of the record. We do not feel a point-by-point response is indicated, as it seems clear that its principal thrust was to assure the kind of understanding of the functions of the Board which were mutually elucidated at the June 15 meeting and reflected in the attached memorandum of conversation.

I felt that our meeting was very helpful in focusing our mutual attention upon an extremely important set of relationships just as we are about to enter upon this new and exciting enterprise.

Your strong interest and continued counsel is most helpful and appreciated.

Sincerely yours,

Daniel Parker

Attachment: Mem con

AA/TA:ELong:mvc:6/25/76

T.C.F.

MEMORANDUM OF CONVERSATION

DATE OF MEETING: June 15, 1976

SUBJECT: Functions of Title XII Board

PARTICIPANTS: Congressman Paul Findley; A/AID, Mr. Daniel Parker; AA/TA, Mr. Curtis Farrar; Dr. Erven Long

COPIES TO: AID participants named above; GC, Mr. Charles Gladson; AA/LEG, Mr. Denis Neill

The meeting was requested by Congressman Findley in a letter of June 10, 1976, to Administrator Parker in order to resolve what he considered to be a "serious conflict of legal opinions" between his view and A.I.D.'s, as expressed in a GC memo, on the functions of the Board for International Food and Agricultural Development.

Congressman Findley began by reading excerpts from an A.I.D. GC memo (Richstein to Gladson; January 21, 1976), which appeared to him especially to conflict with the clear intent of the wording of Title XII and its legislative history:

- Page 3; Conclusion (3) "The Act does not confer non-advisory functions on the Board or its subordinate units."
- Page 3; Conclusion (4) "... since the Board and its subordinate units report to the Administrator...."
- Page 8 - "On balance, the legislative history tends to indicate that while the Board was to be advisory in nature, its recommendations were to be given the greatest possible consideration.... Accordingly, it is our opinion that section 298 does not specifically authorize the Board to perform non-advisory functions."

TAB F,

The first of these statements he felt to be inconsistent with both the wording of the Act and its legislative history, in which several "non-advisory" functions were clearly indicated [presumably such duties as developing and keeping a roster of Universities...].

The second he felt to be inconsistent with the Act also, which provided that the subordinate committees were to be "creatures" of the Board.

The third he felt to be internally inconsistent.

To these general opening statements, the Administrator responded as outlined below.

1. The cited GC memo characterizing the Board as an "Advisory Committee," relates to the classification of its general authority under the Advisory Committee Act. The possibilities would be either "advisory" or "operational." Being an "operational," body would necessitate several other circumstances such as requirement of accountability for funds spent, conflict of interest, prohibition of other employment by its members and other considerations inconsistent with the constituency's desires for a representational role for the Board. Hence, by elimination of the "operational" alternative, the Board falls within the category of Advisory Committee. Under this classification of the powers of the Board, the ultimate responsibility for decision making, administration and accountability rests with the Administrator.

Congressman Findley agreed that it was not intended that the Board be "operational," nor would it be feasible.

2. However, this statement of characterization of the Board under the Advisory Committee Act does not diminish the responsibilities and duties of the Board as described in the act and in legislative history. A.I.D. sees the Board, and the subordinate committees, as participative in the development of policy and program decisions covered by Title XII. In fact, "participation" is the key word which Title XII, quite correctly we feel, uses to describe the general nature of the relationship of the Board to A.I.D.

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University representatives, a large agenda of issues for early Board attention. Also, we have postponed where this has been possible several policy and program decisions in order to receive benefit of Board consideration.

Congressman Findley indicated that, again, this was what he was hoping would be the case.

6. Perhaps most importantly, we in A.I.D. look forward with a very positive attitude and keen anticipation to the advantages to our programs which will flow from the cooperative interaction with the Board provided for in Title XII.

In general, it would be our suggestion that, within the framework outlined, we proceed to work with the Board on matters of substance and with dispatch. If problems arise out of that process they can be resolved with the Board participating in their resolution.

Congressman Findley concurred in this approach, indicating that he hoped the Board would get underway soon.

After the above discussion, Congressman Findley indicated that he would like to have his "memorandum of law" made "a part of the file" to offset possible misinterpretation of the GC memorandum. The Administrator agreed and indicated that, further, we would respond to his memorandum within the context of the day's discussions. Congressman Findley indicated that his would be very good.

The overall texture and tone of the discussions suggested complete meeting of the minds and desire to proceed to implementing AID/Board interactions without recourse to further legalistic or semantic debate about powers or authorities of the Board. It was also mutually hoped that the announcement of the Board would be given publicity and ceremonial attention commensurate with its significance.

DRAFTING OFFICER: AA/TA:Erven J. Long:mab

DATE OF PREPARATION: 6/22/76:X23800

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TAB G

7. Letter from Parker to Humphrey (8/6/76) concerning the role of the Board

104
AUG 6 1975

Honorable Hubert H. Humphrey
United States Senate
Washington, D. C. 20510

Dear Senator Humphrey:

Thank you for sending me a copy of your letter to Congressman Paul Findley regarding the role of the Title XII Board.

Your letter arrived at a propitious time. The President has signed the Commissions for the Board members and announced their appointment.

Your intent with respect to the role of the Board corresponds completely with our own. I am enclosing a Memorandum of Conversation of my June 15 discussions with Congressman Findley on this subject. You will note that the memo underlines, as does your letter, "participation" as defining the Board's role. This Memorandum of Conversation has been made a part of the official file, as defining A.I.D. policy on the matter of the role of the Board.

Also, I would strongly urge that you and Congressman Findley do meet with the Board to outline your views, as you suggest in your letter. In fact, such presentations on the opening day of the first meeting are on the proposed agenda which we have been waiting to take up with the Board Chairman as soon as the Board is appointed. We have been in contact with Mr. J.B. Cordero over the last several weeks on this matter.

We, of course, do not yet know the date of the first Board meeting but sincerely hope it can be worked out with the Board for a time convenient to your participation.

Your continued interest in this legislation is greatly appreciated.

Sincerely,

Wsh Dan

Daniel Parker

Enclosure

Re: *Writen: AA/LEG:DM/Neill:ep.*

6

200
cc: A/H/TA
A/H/CC

JOHN SPARKMAN, ALA., CHAIRMAN
BOB MANSFIELD, MONT.
FRANK CHURCH, IDAHO
SPURDY BRYNINGTON, MO.
CLAYTON BELL, W.V.
GARY W. MC GEE, WYO.
GEORGE MC LOVERIN, S. DAK.
ROBERT M. HUMPHREY, MINN.
BOB CLARK, IOWA
JOSEPH R. BIDEN, JR., DEL.

CLIFFORD P. CASE, N.J.
JACOB K. JAVITS, N.Y.
MUGH SCOTT, PA.
JAMES S. PEARSON, KANS.
CHARLES M. PRYOR, ILL.
ROBERT P. CHIFFIN, MICH.

PAT M. HOLT, CHIEF OF STAFF
ARTHUR M. KURL, CHIEF CLERK

July 17 3 55 PM '76
The United States Senate
COMMITTEE ON FOREIGN RELATIONS
EXECUTIVE WASHINGTON, D.C. 20510

July 21, 1976

The Honorable Paul Findley
House of Representatives
Washington, D. C. 20515

Dear Paul:

Thank you for your letter concerning AID's implementation of Title XII of the Foreign Assistance Act. As you know, I am both interested in and concerned about Title XII. The Administration has taken entirely too long to appoint the Board and, now, judging from the legal memorandum enclosed in your letter, some people at AID are apparently seeking to restrict the Board's role to a purely advisory function. Clearly, our intent was to establish a Board which would participate in the formulation of AID policy affecting agricultural assistance, research and development. As you know, the legislative history of Title XII fully supports this view. If we cannot convince the Agency's lawyers of that we shall have to make the point explicit in the law.

I think that we should meet with members of the Board when they are appointed; tell them what we intended the Board to do; and let them know that we will support their efforts to participate fully in the formulation of policy as provided in our legislation. I believe that if we support the Board from the beginning and let the Agency know we intend to carefully monitor its work, we will get the results we want. I was pleased to note that in his conversation with you, Dan Parker appeared to agree with our view of the role of the Board. He is a reasonable man and I am sure he will take a positive view of the Board.

With best wishes,

Sincerely,

Hubert H. Humphrey ✓

cc: Mr. Daniel Parker

FILE File

JUL 30 1976

ACTION MEMORANDUM FOR THE ADMINISTRATOR

THRU: JES

FROM: AA/TA Erven J. Long

Problem: Need to respond to carbon copy of letter from Senator Humphrey to Congressman Findley re: powers of the Title XII Board.

Discussion:

1. We feel it important that you use this opportunity to demonstrate to Senator Humphrey the clear congruence of AID views with his on the matters covered in his letter to Congressman Findley, and that this is not a contrived, after the fact response.

2. J. B. Cordero advises that his understanding is that Congressman Findley's letter to Senator Humphrey was written before your June 15 meeting with Congressman Findley, and so indicated substantial concern over AID's view of the role of the Board. However, in a chance subsequent encounter Congressman Findley indicated to Senator Humphrey that your comments at that meeting had essentially removed his concern over the matter. Cordero feels that the type of response recommended here would be extremely well received.

Recommendation: That you sign the attached letter to Senator Humphrey.

Attachments

Clearance:

| | |
|----------------|-------------|
| OLA:DNeill | Date |
| GC:ARRichstein | Date 8/1/76 |
| AA/TA:CFarrar | Date 8/2/76 |
| GC:WEWarren | Date 8/2/76 |

AA/TA:EJLong:mab:7/30/76:X23800

Lin 494
JUN 28 1976

ACTION MEMORANDUM TO THE ADMINISTRATOR

THRU: ES

FROM: AA/TA, Curtis Farrar *msf*

Problem: Need to respond to Congressman Findley's "memorandum of law" as promised him in your meeting in his office, June 15, 1976.

Discussion: The "memorandum" given you by Congressman Findley is a memo to him by Congressman L. Leon Geyer, June 7, 1976. It is a long, discursive document, only occasionally bearing directly upon its Subject: "Section 298 of the Foreign Assistance Act, 1961, as Amended: The Board for International Food and Agricultural Development".

Detailed response to this memorandum as such would serve no useful purpose, and would probably be almost impossible to do without raising more problems than it resolves. Therefore, it is our recommendation and that of OLA and G.C. that your response be essentially an abstract of your statements in the June 15 meeting, incorporating response to the memo by reference only as falling within the general spirit of understandings arrived at in the meeting. (This seems an especially desirable approach as Mr. Geyer has already called twice. He indicates that his memo should have no response as such; however, he does keep raising legalistic type questions and efforts to resolve them in their own terms would be unending and redundant. He has the writer's natural interest in his document, which must have taken weeks to prepare. But the recommended approach would put the issue to rest in a way which he would accept. The situation with Rus McGregor is essentially identical.)

We suggest this might best be done by making general reference to his memorandum in a letter to him, indicating that as promised we are placing his memo in the official file; that we are not making detailed response to it as we feel that its general thrust was to assure the type of AID understanding of the role and functions of the Board agreed upon in the meeting, and by attaching to your letter a mem con of that June 15 meeting.

Recommendation: That you send Congressman Findley the enclosed letter with the attached mem con.

Approved: _____

Disapproved: _____

Date: _____

Clearance:

CC:CLGladson _____ Date _____

E/R AA/LEG:DNeill _____ Date _____

AA/TA:ELong:mvc:6/25/76

2133, RAYBURN BUILDING
WASHINGTON, D.C. 20513
(202) 225-5271

PAUL FINDLEY
20TH DISTRICT, ILLINOIS

COMMITTEES
INTERNATIONAL RELATIONS
AGRICULTURE

Congress of the United States

House of Representatives

Washington, D.C.

July 22, 1976

rm Due 8/4/76

Subj: AGR

ACTION: GC for Parker sig.

INFO: Parker log

Murphy log

AA/LEG, AA/TA

AA/PPC

The Honorable Daniel Parker
Administrator
Agency for International Development
320 - 21st Street, N.W.
Washington, D.C. 20523

EXECUTIVE SECRET

28 12 28 PM '76

Dear Dan:

Thank you very much for writing to me on July 16. As you know, I have a deep continuing interest in the success of the Title XII program, and I feel that the question of the status and authority of the board is vital to that success.

Commenting briefly and incompletely on the subject of your letter, may I make these observations:

1. The board certainly has a mixed role under the statute. It is one of participation, one of advice, but it is far more than either of these words convey. The board is to participate in policy formulation, in administration, in oversight, and in the review process. It is to have coordinate authority with the office you hold. These points I endeavored to make as clearly as I could during the legislative history of the Act.

2. Perhaps, it might be necessary and/or advisable for the board to develop an operating charter as an early project. This charter could lay out the role of the board in a more precise manner in line with the statute and the legislative history. It could be quite specific as to the function and tasks the board must perform.

3. I am glad that you concur that the memorandum prepared under my direction should be in the file of the Agency for International Development. I think it definitely should be provided as resource material to each member of the board when the time comes for announcement of the board members.

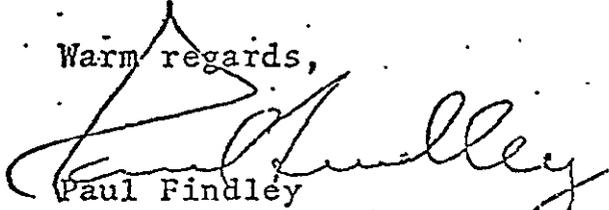
T.C.G.

113
The Honorable Daniel Parker
July 22, 1976
Page 2

4. I feel that you and I personally have a very close concurrence in the role of the board, but it would perhaps be an overstatement to say that we have a complete meeting of the minds. I do, however, deeply appreciate and greatly admire the constructive cooperative spirit which you bring to the development of the Title XII program. I hope you continue to occupy this position for a very long time. Political life is rather uncertain, however, and I think it very prudent that both of us take care to assure the proper role for the board regardless of who continues in the Congress or in the Executive Branch.

5. While I'm very gratified at the way Title XII is taking shape, I do believe there is a considerable value in very careful and thorough discussion about the powers and authorities of the board, even though it may appear to be legalistic and semantic. I really feel this discussion should continue. Will look forward to further close association with you.

Warm regards,


Paul Findley
Representative in Congress

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TAB H

8. Item V of Board meetings (1/10/77)

0113

The Scope of Title XII

There are two facets to a definition of the scope of AID's work covered by Title XII. First is the extent of participation by the Title XII Board, its subordinate units and staff in the development of the U.S. foreign aid program. Second is agreement on program categories which will permit activities to be classified under the Title XII rubric.

This paper synthesizes an earlier background paper prepared by AID and revisions suggested by the Board at its meeting on December 22, 1976.

The Role of the Board

Section 298, Title XII of the Foreign Assistance Act provides for the establishment of the Board and indicates that its general areas of responsibility shall include, but not be limited to, participating in the planning, development and implementation of, initiating recommendations for and monitoring of the activities described in section 297. Included is participation in the "...formulation of basic policy, procedures and criteria for project proposal review, selection, and monitoring." The Board has agreed to take a broad view of its role in these matters, one which focuses on advice through participation in the full range of Agency policy formulation and its implementation.

This approach will require participation of the Board in development assistance issues broader than those accounted for under Title XII itself and broader still than those within the confines of Section 103, the Food and Nutrition authorizing legislation. Thus, the Board will have an important role in the planning, programming and evaluation of all Section 103 programs including those accounted for under Title XII. The Board will also review and advise on other development assistance programs such as those funded from the Education and Human Resources Development appropriation where such programs affect issues in Food and Nutrition. Those Supporting Assistance activities which are comparable to Food and Nutrition or Title XII activities also will be within the Board's purview. Finally, the Board will be involved through AID in agricultural development issues of interest to the Board which arise in connection with food aid administered under PL 480.

Definition of Title XII Activities

Section 299 of the Foreign Assistance Act authorizes the use of Section 103 funds to carry out the purposes of Title XII. The Board has agreed that the purposes of Title XII are quite broad; and, as a result, a broad definition of Section 103 activities included under Title XII is necessary. In general, projects will fall within the definition of Title XII if they are designed to achieve the purposes for which assistance is authorized by Section 297 and involve:

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- a. Research, research support and the development of research capacity in the LDC's, the International Agricultural Research Centers and the food and nutrition component of AID's centrally funded research program.
 - b. Training and extension.
 - c. Advisory services to LDC government ministries on agricultural production and marketing, nutrition projects, and technical assistance for rural development.
 - d. New programs under Title XII authorities developed under the leadership of the Board.

To the extent that the research, training and extension activities listed in a. and b., above, have associated capital costs, these costs will be included within the core of Title XII activities. It is anticipated that the capital costs associated with the advisory services referred to in subparagraph c, will not be included in the core of Title XII activities.

In summary, this core of Title XII activities covers all of AID's technical assistance funded from Section 103 with two exceptions and ~~also covers capital costs directly connected with research, training and extension.~~ The two technical assistance exceptions are:

- a. Resources specifically earmarked for support and development of programs administered by private and voluntary organizations; and
- b. Use of the 211 (d) authority (as opposed to the Title XII Authority) to strengthen the capacity of institutions in the United States to develop and carry out programs concerned with economic and social development of less developed countries.

It is recognized that further exception may be identified and agreed to by AID and the Board as experience is gained with the application of these criteria.

Given its broad role, the Board will be involved in planning and programming of the total Food and Nutrition program but will concentrate first on the core of Title XII activities defined above. Less attention is expected to be devoted to capital costs directly associated with such Title XII activities and less still to activities like fertilizer and road construction loans which are not directly related to Title XII activities.

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The fact that an activity is not contained within the Title XII core in no way prevents the Board from concentrating whatever degree of attention it wishes on that activity.

AID will be responsible for developing and maintaining data relevant to this definition of Title XII and to the role of the Board, including:

- a. Total Title XII activities within Section 103;
- b. Components of that total which are of special interest such as research, extension and training;
- c. The extent of university involvement in the total of Title XII activities and components;
- d. Capital costs directly related to activities included within the definition of Title XII;
- e. Capital costs not related to Title XII;
- f. Supporting Assistance activities similar to those included under Title XII; and
- g. PL-480 activities related to those included under Title XII.

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TAB I

9. Annual Report to Congress and letter from Gilligan to
Mondale (3/31/77)



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DEPARTMENT OF STATE
AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON

MAR 31 1977

THE ADMINISTRATOR

Honorable Walter F. Mondale
President of the Senate
United States Senate
Washington, D. C. 20510

Dear Mr. President:

It is my honor to transmit to you a report regarding activities carried out under Title XII of the Foreign Assistance Act of 1961, as amended, on Famine Prevention and Freedom from Hunger. This report is the first to be submitted to the Congress in compliance with the provisions of Section 300 of the Act. It thus represents our initial summary of progress in implementing legislation that will have a profound impact on the shape of the A.I.D. program to combat malnutrition and end the world food crisis. I am confident that significant future achievements will grow from the beginnings herein described.

Sincerely,


John J. Gilligan

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APRIL 1, 1977

REPORT TO THE CONGRESS

ON

TITLE XII - FAMINE PREVENTION AND
FREEDOM FROM HUNGER

OF THE

FOREIGN ASSISTANCE ACT OF 1961
AS AMENDED

SUBMITTED
BY THE
AGENCY FOR INTERNATIONAL DEVELOPMENT

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I. INTRODUCTION

The enactment of Title XII of the International Development and Food Assistance Act of 1975 instructed the Agency for International Development to undertake significant new initiatives toward achieving the goal of Famine Prevention and Freedom from Hunger. The Title places specific emphasis on the increased involvement of U.S. Land Grant, Sea Grant and other qualified universities in the planning and execution of food, nutrition and agricultural development programs. This is the initial report detailing the activities carried out pursuant to Title XII. It is submitted in response to Section 300 of the Title. The Title singles out for special attention long-term programs of research, strengthening the institutional and human resource capabilities of the developing countries, and greater integration of efforts by the relevant agricultural institutions wherever located.

The core concept of Title XII is the fuller and more effective involvement of the Land Grant, Sea Grant and other qualified U.S. universities and of the technical resources of the U.S. Department of Agriculture and other Federal Agencies having relevant capabilities.

The Title implies a spirit of partnership between A.I.D. and the Universities, each having complementary skills, resources and mutually compatible goals. This partnership mobilizes the resources not only of individual universities but of a total ongoing system of agricultural research and educational activities funded from federal and state sources to meet domestic needs. It builds upon the policy, planning and coordinating processes evolved for this purpose. An example of one coordinating instrument is the Agricultural Research Policy Advisory Committee (ARPAC), established jointly by the Secretary of Agriculture and the National Association of State Universities, which involves representatives of food producers, processors and consumers and the general public, as well as university and government personnel, in assessing research needs and recommending on national agricultural research priorities.

Title XII mechanisms are designed to take full advantage of this system to encourage more productive integration of planning and implementation of U.S. domestic and international agricultural development programs.

Title XII provides for the creation of a Board for International Food and Agricultural Development (hereafter "Board"), with subordinate committees and staff, charged to participate actively in formulating policy, defining problems, and carrying out the planning, design, implementation and evaluation of activities coming within the scope of Title XII. The Board will also participate in establishing policies and procedures for involving university resources more effectively in these activities.

This Report outlines the steps taken by the Agency to re-direct its programs to conform to Title XII, and the role of the Board in this process.

The Basemark for Title XII: The Current World Food and Nutrition Situation

Section 103 of the Foreign Assistance Act authorizes A.I.D. development assistance programs in food and nutrition. Title XII is a key to implementing better Section 103, and broadening U.S. response to the interrelated global problems of population growth, food supply and poverty.

According to estimates prepared by FAO for the World Food Conference of 1974, some 460 million of the world's people are malnourished to the extent that their health is affected. Other estimates suggest that serious malnutrition affects 15 to 25 percent of the populations of Asia and Africa, and that malnutrition is the chief cause of child mortality in developing countries.

The elimination of hunger and malnutrition requires sustained and coordinated efforts on a wide front. Accelerating increases in food production are necessary merely to keep step with population growth. The world's population grew from 3 to 4 billion between 1960 and 1975, and four-fifths of this growth took place in less developed countries. If present fertility rates are not significantly reduced, the world's population will reach some 7.2 billion by the year 2000. Fortunately, fertility rates in developing countries appear on average to have begun declining in recent years. If this trend continues and can be accelerated by complementary efforts to expand health, education, nutrition and family planning services, the magnitude of the world food problem will be proportionately reduced.

There is a substantial time lag, however, between declines in fertility and significant reductions in population growth. In the meantime the world faces a serious current and medium-term food production and nutrition problem. The FAO estimates that if present trends continue, there will be an annual grain deficit in developing market economies of 85 million metric tons by 1985, a five-fold increase over the 16 million ton deficit for the 1969/1971 base period. Given similar assumptions, studies by the U.S. Department of Agriculture and the International Food Policy Research Institute show roughly comparable results. Recent improvement in grain supplies would not affect these projections significantly as they appear not to derive from any significant long-term upward shift in growth rates of grain production in developing countries. The FAO estimated that the rate of growth of developing country grain production would have to increase from 2.6 percent per year currently to 3.6 percent in 1985 in order to eliminate the projected food gap. However, this provides for no increase in current consumption levels. Significant reduction of malnutrition requires average annual growth rates in developing country grain production of about 4.0 percent.

Overcoming malnutrition requires not only that more grain and other foodstuffs be produced in the developing countries, but that food be available to the poor and the hungry. Few if any governments of developing countries can afford to distribute free or subsidized food on the scale required. The only long-term solution in primarily agrarian societies is to increase food production by the poor themselves (which entails increasing the production and incomes of millions of small farmers), while simultaneously increasing the incomes and purchasing power of other poor and malnourished people. The central role of increased small farmer production in alleviating hunger and malnutrition is emphasized in the Food and Nutrition section (Section 103) of the Foreign Assistance Act, which calls for the creation and strengthening of systems to provide "services and supplies needed by farmers, such as extension, research, training, fertilizer, water, and improved seed in ways which assure access to them by small farmers." Title XII, as a contributing component of the food and nutrition program, is similarly mandated.

II. ESTABLISHMENT OF TITLE XII MECHANISMS AND PROCEDURES

A.I.D.'s response to Title XII began immediately with its passage at the midpoint of FY 1976. Because it takes time to design programs and meet Congressional presentation requirements,

the impact on FY 1976 and 1977 programs was necessarily modest. The proposed FY 1978 programs are the first to be developed in response to A.I.D. guidance and instructions regarding Title XII.

As the Board was not commissioned until October 1976, after most of the planning for FY 1977 had been completed, it had no impact on content of the FY 1977 programs. Also, because of lead time necessary for country program development, it had no opportunity to influence FY 1978 program proposals. However, it will influence how many of the FY 1978 proposals are implemented. The Board's full involvement in both program development and implementation will begin from the FY 1979 program. The subordinate joint committees and Board staff will add substantial resources, which will accelerate and deepen the participation of the Board in program development and in influencing implementation of programs already proposed or underway.

On August 2, 1976, after considering numerous names suggested from the universities, private foundations, and agribusiness, the President appointed six persons as members of the Board for International Food and Agricultural Development. They were sworn in on October 18, 1976. (A seventh member withdrew at the last minute for personal reasons; a replacement was subsequently appointed and sworn in on February 14, 1977.) The Board members are as follows:

Chairman

Dr. Clifton R. Wharton, Jr. (3 years)
President, Michigan State University

Board Members

Dr. Orville G. Bentley (3 years)
Dean, College of Agriculture
University of Illinois

Dr. Anson R. Bertrand (2 years)
Dean, College of Agriculture
Texas Tech University

Mr. Charles Krause (2 years)
Krause Milling Company
Milwaukee, Wisconsin

Board Members (continued)

Mr. M. Peter McPherson (3 years)
Vorys, Sater, Seymour and Pease
Washington, D. C.

Mr. J. J. O'Connor (1 year)
Consultant
Houston, Texas

Dr. Gerald W. Thomas (3 years)
President, New Mexico State University

The Board decided to hold monthly meetings, at least through June. Meetings were held on October 19-20, November 22, December 22, January 10-11, February 14-15 and March 14. Federal officials designated to attend Board meetings include the Administrator and other members of the Executive Staff of A.I.D., and representatives of the Department of Agriculture and the National Oceanic and Atmospheric Administration of the Department of Commerce. Dr. Erven J. Long, Associate Assistant Administrator of A.I.D., is the Federal Officer for the Board, pursuant to the Advisory Committee Act. A.I.D. and the Board agree on the critical importance of Title XII activities and have therefore established the principle that the Administrator or Deputy Administrator should be present for discussions involving major policy decisions.

During its early meetings, the Board reviewed and revised its Charter, which has been filed with the appropriate committees of the Congress and furnished to the Library of Congress. It has created subordinate Committees: a Joint Research Committee and a Joint Committee on Agricultural Development. Structure and function of these two Committees have been agreed upon. Members have been selected and announced. Their first meetings are anticipated for early April 1977. The Board has also decided on the organization and operation of staff required by the Board and its subordinate committees. The Office of Executive Director has been established and staff is being recruited. During the period covered by this report, the staff function was performed by A.I.D. personnel and individuals serving as consultants.

Scope and Role of Board

As provided in Section 298, the Board has significant responsibilities in the implementation of Title XII. Its members are appointed and commissioned by the President and it reports directly

to the Administrator of A.I.D. Although the Board operates under the Advisory Committee Act—the Administrator has final responsibility for decisions and accountability for funds—it is the clear intent of Title XII that the Board participate in policy formulation, program planning, budget development, implementation and evaluation.

The Board and A.I.D. have agreed to take a broad view of the Board's role and to extend major participation of the Board in the full range of Agency policy formulation and implementation related to food and nutrition.

This approach requires Board participation in development assistance issues broader than those specifically involving university activities and broader than Title XII itself. The core of Title XII falls within Food and Nutrition programs funded by Section 103. The Board will concentrate on this core, but will concern itself also with the remainder of Section 103 programs, and with other activities such as those funded from the Education and Human Resources Development appropriation where such programs affect issues in Food and Nutrition. Those Supporting Assistance activities which are comparable to Title XII or other Food and Nutrition activities also will be within the Board's purview. Finally, the Board will be involved through A.I.D. in agricultural development issues which arise in connection with food aid administered under PL 480.

The Board could have restricted its attention to Title XII core activities. But this narrow focus would have greatly lessened its impact and effectiveness. The agreed broader approach permits the Board to make its recommendations on the apportionment of funds to Title XII activities in the context of other requirements of the developing countries and to seek optimum complementary relationships between Title XII and other activities.

A.I.D. warmly welcomes, and will work energetically to facilitate, this broad involvement of the Board in Agency activities related to food and nutrition from whatever source financed.

University Community Activity

The U.S. university community has expressed strong interest and has been actively preparing for its role in Title XII. Ad hoc university work groups participated extensively in the

development of the initial terms of reference for the joint committees. Many universities have undertaken internal studies to examine their interests, resources and their capacities to participate in Title XII programs. Annual meetings of several professional associations have included sessions on Title XII. On September 27-29, 1976, the Virginia Polytechnic Institute and State University held a conference on Title XII; and the University of Minnesota is holding a follow-on conference May 5-7 of this year. University associations and their sub-structures have been instrumental in organizing the strong commitment of individual universities to the goals of Title XII and related programs. Universities have been active and generous in making highly qualified faculty and administrators available for service on joint committees, panels and other support groups.

III. TITLE XII ACTIVITIES OF THE REPORTING PERIOD

A. Introduction

A first task of A.I.D. and the Board was to determine which of its ongoing and proposed activities came within the scope of Title XII. A definition has been agreed upon by A.I.D. and the Board in extended discussion. The four categories which follow form the basis for the projections of this report. The first two are interregional programs under the Technical Assistance Bureau and the others fall within the programs in particular developing countries or regional programs managed by the geographic bureaus. The categories will undoubtedly be modified through time as new program approaches evolve:

1. Research, which includes: (a) support to International Agricultural Research Centers and similar organizations; (b) food and nutrition components of A.I.D.'s centrally-funded contract research program; (c) a new Collaborative Research Support Program. (Budget estimates include associated capital costs.)
2. The balance of the centrally-funded technical assistance program, concerned with the adaptation and application of agricultural and nutrition technology. (Budget estimates include associated capital costs.)
3. Strengthening developing country institutions in research, teaching, extension and other institutional capabilities essential to agricultural development. (Budget estimates include associated capital costs.)

4. Advisory services to developing country governments and private sectors on such food and nutritional development activities as agricultural production and marketing, credit, irrigation and water management, general nutrition projects, and technical assistance for rural development, in which developing or strengthening of research, educational or extension capabilities, though often an important by-product, is not the central purpose. (Budget estimates for this category are limited to technical assistance, training and related activities and do not include capital costs.)

B. Title XII Impact Upon A.I.D. Programs and Activities

1. Development of Strategy Statements

For each functional area of A.I.D. involvement the Agency prepares a statement describing overall program strategy. At present A.I.D. is working on several strategy exercises directed at reorienting programs in line with legislative changes including Title XII. Some of these statements are new, while others replace earlier, outmoded documents. Chief among those directly relevant to Title XII are statements for agriculture, for nutrition, and for fisheries and aquaculture.

Through its review of the proposed strategies the Board will directly and powerfully influence the policies that determine the specific content and design of agricultural development programs. Board involvement at all stages of such strategy formation represents the earliest, and probably most important, means of influencing future foreign assistance programs and activities. It sets the stage for the involvement of the Board and the U.S. universities in the definition and design of programs which come within the scope of Title XII.

The draft agriculture sector strategy statement sets the twin objectives of increased food production and improved equity and participation. The Board has discussed an early draft of this strategy statement, and will review a revised draft that incorporates its suggestions. As reactions are received from A.I.D. field Missions, the Board, its subordinate Joint Committees and staff, will assist in analyzing responses and in refining the strategy.

A document proposing changes in strategy for nutrition is on the Board agenda for April.

Responsive to the clear intent of Title XII that more emphasis be placed upon fisheries and aquaculture, A.I.D. completed in July 1976 a draft strategy statement as a basis for an expanded program. Its focus is on the simultaneous achievement of increased production, improved nutrition and improved employment opportunities, especially among the underemployed rural poor. This strategy statement will also be submitted to the Board for review and for assistance in implementation.

2. Guidance to Overseas Missions

Specific guidance and instructions to the overseas Missions concerning Title XII began even before final enactment. The first such A.I.D. guidance to the field, in June 1975, alerted A.I.D. Bureaus and overseas Missions to the Congressional and Executive initiatives of that time which ultimately were merged to form Title XII as enacted. The Missions were encouraged to consider opportunities for assisting host countries to expand their agricultural research, educational and extension capabilities. They were advised that one of the greatest opportunities for the developing countries to enhance the application of improved technology to increase their food production is through strengthening their national research systems, effectively linking them to international sources of relevant technology and, through appropriate local institutions, to the individual farmers. The Missions were encouraged to increase assistance for agricultural research and related institutional capacities in their host countries and, if sound proposals were ready, to submit them for funding in FY 1977.

Guidance relating Title XII to country programs was transmitted to the Missions in March of 1976 as a part of the instructions for the preparation of the Annual Budget Submissions for FY 1978. This guidance requested that the Missions thoroughly examine their programs and appraise the opportunities for U.S. university involvement in ongoing and future Section 103 activities in context of Title XII legislative instructions.

In addition to their traditional role of implementing development projects, the guidance suggested that the universities be brought in earlier to take part in:

— Host country analysis and planning in a sector or subsector. The university role would be to help develop local institutional capacities, as well as assist in the diagnosis of development problems in the sector, and the formulation, analysis and selection of policies, approaches and goals.

— Identification and design of projects, where the university role would include suggesting means of linking local activities to international research networks, and ways of strengthening institutional capabilities in research, extension and training.

The following examples of new project proposals illustrate the response.

Afghanistan: The Mission proposed a project to increase small farmer income through improved wheat productivity and development of alternative crops. It proposed a joint effort by the Ministry of Agriculture, Kabul University Faculty of Agriculture, and a U.S. agricultural university to develop a package of farm production practices and technologies to help the small farmer increase production on his farm. The project would establish a set of services to small farmers, supported by improved research and extension. The life of project cost of this proposal is estimated at \$8.7 million.

Egypt: The plan is to improve the flow of techniques, information and services to the farm level, and to reduce the managerial, agricultural organizational, and other major institutional constraints to agricultural development. A U.S. agricultural university would provide technical assistance in policy development, agricultural planning, project selection and program management. Over five years, the estimated project cost to A.I.D. is \$8.28 million.

Honduras: The Honduran agricultural development program depends on agricultural research beyond the present capability of the Research Services of the Ministry of Natural Resources. The proposed project will provide technical assistance and training to strengthen the Research Service's ability to carry out research activities, to adapt research from other countries, and to package results so that small farmers can benefit from improved agronomic and other technical information. The project includes an action program designed to respond to the immediate problems of small farmers. A joint venture between the Ministry of Natural Resources and a U.S. university to implement the project is being explored. A.I.D.'s support will total approximately \$1.9 million over three years.

Liberia: The Mission has proposed to develop a local agricultural research capability for identifying and extending improved farming systems to small farmers. The

proposed A.I.D. response would be a joint effort of the Ministry of Agriculture, the International Institute of Tropical Agriculture (IITA of Ibadan, Nigeria), and a U.S. agricultural university to analyze agronomic problems and possibilities (soil management, crop substitution, improved farming systems) and to disseminate these research results to the subsistence farmers. The estimated five-year cost of this project is \$3.4 million.

Philippines: The Mission has proposed an integrated agricultural production and marketing project. Its goals are to increase the productivity of small farmers and to improve efficiency of the marketing system for their products. This requires (1) strengthened government capability to develop national policies for food systems; (2) establishment of institutional capacity to develop integrated packages of production/processing/marketing technology; and (3) systematic extension of new technological packages to small farmers and other small entrepreneurs. The estimated cost for this proposal is \$12.78 million.

Sierra Leone: The Mission proposed a project to establish an institutional capability for formulating and coordinating policy and plans and for carrying out analysis and evaluation, relevant to rural development. It would be carried out in cooperation with the Ministry of Agriculture, the Ministry of Development and Economic Planning and one or more U.S. agricultural universities. It is expected to result in a central rural development planning and coordination unit capable of achieving improved collaboration among the various ministries and agencies involved with rural development planning and policy. The estimated five-year life of the project cost is \$3.2 million.

3. Development Assistance Program (DAP)

The Development Assistance Program (DAP) which was established in 1973 is A.I.D.'s primary analysis and planning document and is prepared for each country and regional program. The DAP is planned to be valid from three to five years, subject to changes in the country situation. It analyzes the development situation in a particular country or region. Flowing from this analysis is a determination of the appropriate priority groups within the poor majority of the particular country, and the medium-term goals for A.I.D. assistance in the fields where major programs are planned.

Guidance transmitted to the Missions in May 1976 instructed them to take Title XII into account in preparing and revising DAP's, particularly in calculating total resource requirements, and to identify programs which might be implemented under Title XII. Thus, those DAP's recently completed, revised or currently being prepared will reflect guidance on Title XII.

As the DAP is the primary, multi-year programming exercise at the country or regional program level, establishing the basis from which specific activities will be defined and designed, it has considerable influence on future assistance programs. Therefore, A.I.D. has discussed with the Board means and mechanisms for proper participation by the Board, its subordinate Committees and staff in the DAP exercise as it relates to Title XII and, especially, in establishing a framework for university participation at the country level in preparation and modification of DAP's.

4. Interregional Programs

The several types of centrally funded food and nutrition programs in research and technical assistance, because they are primarily focused on problems or subject matter of world-wide importance rather than on the unique circumstances of individual countries, generally require less modification to incorporate Title XII concepts than do the country assistance programs.

a. Support to International Agricultural Research Centers

Continued support to International Agricultural Research Centers and similar organizations was directly authorized by the legislation. This support is being carried forward in accordance with decisions arrived at through U.S. participation in the Consultative Group for International Agricultural Research (CGIAR). Several steps have been taken to facilitate closer integration of the activities of these Centers with other Title XII activities. These include informal discussions with Directors of several of the Centers and with the Technical Advisory Committee that provides technical guidance to the CGIAR. Key university leaders who have participated in shaping Title XII concepts have met with Center Directors. A representative of the International Center program will serve on the Joint Research Committee, and this Committee will, as part of its responsibilities, review U.S. support to these Centers and submit its analyses and conclusions

to the Board. Center Directors have participated in various professional and university association meetings specifically to discuss their interrelationships with University research and country assistance programs. The Board plans to review International Research Center activities at an early meeting.

The International Agricultural Research Centers represent widely varying geographic characteristics and primary research emphases as the brief descriptions listed below indicate.

(1) IRRI (International Rice Research Institute - The Philippines), concentrates on rice, and on farming systems involving rice as the major crop of the monsoon season. Estimates for the 1974/75 cropping year show that high-yielding rice varieties emanating from IRRI were grown on about 53.3 million hectares in Asia and the Near East.

(2) CIMMYT (International Center for Maize and Wheat Improvement - Mexico), has international responsibility, among the Centers, for research on corn, wheat, and triticale. It is estimated that short-strawed, high-yielding wheats resulting from the work at CIMMYT were grown on about 47.7 million hectares in 1974/75 (in Asia and the Near East).

(3) CIAT (International Center for Tropical Agriculture - Colombia), has major research programs on beans, cassava and beef production systems, with work on corn and rice closely related to CIMMYT and IRRI, respectively. Rice varieties developed by CIAT in cooperation with Colombian scientists resulted in a dramatic increase in national production of that food grain in Colombia.

(4) IITA (International Institute for Tropical Agriculture - Nigeria), is designed to serve the hot, humid tropics of Africa and concentrates on food legumes (cowpeas), cereals (corn and rice with strong CIMMYT and IRRI links), root and tuber crops (sweet potatoes, cassava and yams), and farming systems. IITA scientists assisted Zaire in successfully combatting a serious disease that threatened the national production of cassava—a basic food crop in that country.

(5) ICRISAT (International Crop Research Institute for the Semi-Arid Tropics - India), addresses agriculture in the semi-arid tropics with emphasis on farming systems (particular attention to water management), food legumes (chick peas, pigeon peas, and peanuts), and cereals (sorghum and pearl millet).

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A major outreach program is under development in the Sahel of West Africa.

(6) CIP (International Potato Center - Peru), limits its focus to the white potato. Remarkable progress has been made in development of a potato adapted to the hot, humid tropics.

(7) ILCA (International Livestock Center for Africa - Ethiopia), is concerned with the major livestock systems in Africa. Cooperative programs have been established with Ethiopia, Kenya and Mali.

(8) ILRAD (International Laboratory for Research on Animal Diseases - Kenya), focuses on two of the major livestock diseases in Africa: trypanosomiasis and East Coast fever. A breakthrough has been made in culturing the trypanosome in vitro which promises to hasten development of a successful vaccine.

(9) ICARDA (International Center for Agricultural Research in the Dry Areas - Syria and Iran), addresses some of the major research need of arid land agriculture (farming systems, wheat, barley, food legumes and livestock husbandry).

(10) AVRDC (Asian Vegetable Research and Development Center - Taiwan), supported outside the CGIAR framework, concentrates on six vegetables important in the diet of developing countries—especially those of Asia. Commendable progress has been made in developing varieties of tomatoes and Chinese cabbage with tolerance to hot weather.

(11) IFDC (International Fertilizer Development Center - U.S.A.), is dedicated to research, development and technical assistance to provide more effective fertilizers for developing countries. Whenever possible raw materials available in the developing countries are being used. Technology is being sought which fits the industrial base of these countries and is scaled to their demand for fertilizer.

b. The Central Research Program

The central research program, begun in 1963, is problem-solving in orientation, directed at finding solutions applicable, with proper local adaptation, to key problems common to many or all developing countries. It operates through discrete research projects under A.I.D. contracts.

Illustrations of some successful projects include:

(1) Control of Vertebrate Pests: A.I.D.-funded research on the Vampire Bat by the Denver Wildlife Research Center, Department of Interior, has resulted in an effective control system which in Nicaragua alone has eliminated vampire bat-transmitted rabies. It is estimated that extension of this control throughout Latin America will result in savings to the livestock industry of \$200,000,000 annually, and inestimable benefit from rabies reduction of infection of humans. Rat control research from the same project has indicated possible reduction in rice crop losses from 50-70 percent to less than 1.5 percent throughout Asia.

(2) Research on Hemoprotozoal Diseases: Research carried out by Texas A&M University, CIAT and the Colombian Government is providing means of protecting livestock against these blood parasite diseases. Research indicates a possible fourfold increase in production of susceptible high quality cattle.

(3) Tropical Soils Research: There are 800 million hectares of weathered tropical soils suitable for farming, nearly five times the cropland farmed in the U.S., which are farmed little if at all because of lack of scientific knowledge of their characteristics. A.I.D.-sponsored research by North Carolina State University, Cornell and the University of Puerto Rico has provided means of bringing these soils into profitable production by removing such constraints as aluminum and manganese toxicity, and through other improved soil management methods.

(4) Cereal Quality Improvement: A broad effort to increase production and nutritional quality of sorghums--a staple food of some three hundred million of the world's poorest people--has been carried out by four U.S. universities, ICRISAT in India and some fifteen cooperating developing countries. Focusing on the nutritional quality of sorghum as its part of the effort, Purdue University has developed breeding lines with radically improved protein content and, hence, nutritional value. Similarly, as part of a multi-university collaborative effort with CIMMYT in Mexico and several developing countries, the University of Nebraska has developed nutritionally improved breeding lines of wheat--which is exceeded only by rice as the world's largest source of protein.

(5) Wheat Soy Flour: Kansas State University has developed a baking flour for developing country uses which combines 12 percent soy flour with 88 percent wheat flour and proper dough conditioners to produce a 50 percent increase in utilizable protein in bread. This has had excellent acceptance in developing country consumer field trials and is on its way toward successful commercialization in several countries.

The food and nutrition component of this central research program, specifically included in Title XII, has been implemented through close cooperation with the entire public sector involved in agricultural research. The land grant and other agricultural universities, the U.S. Department of Agriculture, other branches of the Federal Government and other public and private institutions having expertise in agricultural research have provided counsel, assistance, and other resources in ways that closely parallel the concepts being developed under Title XII. A Research Advisory Committee of outstanding scientists, drawn largely from the University community, reviews each central research project, in all A.I.D. activity fields, for technical and methodological competence. Direct consultation between A.I.D. managers and U.S. Department of Agriculture research administrators has provided detailed linkage at the Federal level.

This central research program will come under Board purview. Provision is made for at least one overlapping member of the Research Advisory Committee and the Joint Research Committee of the Board; and the A.I.D. Federal Officer of the Board serves also as Federal Officer to the Research Advisory Committee.*

*A brochure providing advance notification of general areas in which research proposals are desired and guidelines for preparing proposals, Contract Program in Centrally Funded Research, January 1977, is available from the Agency for International Development, Washington, D. C. 20523

A catalogue by subject, by author, and by contract number, of all publications resulting from this centrally funded research program, Research Literature for Development: Vol. I, Food Production and Nutrition, December 1976, is similarly available.

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c. The Collaborative Research Support Program

The new collaborative research support program authorized under Section 297(a)(3) of Title XII has not yet been initiated. However, there has been substantial preparatory work by A.I.D. and university representatives. Concepts and guidelines have been agreed upon by A.I.D. and the Board. The Joint Research Committee has been charged with the exploration of this new program as its first priority assignment. Three million dollars have been set aside for this program for FY 1977, and \$6 million proposed for FY 1978.

This program features research to be developed and mutually supported by A.I.D. and collaborating institutions reflecting mutuality of benefit. It draws upon the long experience of joint federal and state support to research activities based on the complementarities of benefit to U.S. government and individual state objectives. In this case, however, the mutual benefit is shared between United States domestic and developing country research needs.

The solution of many food and nutritional problems in both the United States and developing countries requires new research-based knowledge and technology with much overlap of subject matter. This provides opportunities for substantial mutual benefit from joint research efforts which cut across national boundaries and different levels of agricultural development. Most commercial crops and animals produced in the United States have their origins in the developing countries; and most of the world's food is from crops and animals which are common to both the more and the less developed countries.

Toward the solution of its own food and nutrition problems, the United States is engaged, through the U.S. Department of Agriculture, the agricultural universities and other institutions, in major research efforts. But these efforts would greatly

... support... research... knowledge... technology... mutual benefit... national boundaries... agricultural development... United States... origins... world's food... common... more and the less developed countries.

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benefit from opportunities to work in cooperation with developing country scientists on such production-limiting factors as plant and animal diseases and temperature and soil constraints which are best studied under the situations of maximum stress characteristic of the developing countries. Developing countries would, of course, benefit directly from this effort. Most importantly, however, solution of specific, major technical problems often requires critical masses of scientific talent and institutional resources not usually available to a single country.

Therefore, the collaborative research support program is designed to create arrangements for providing A.I.D. support to organized research efforts on specific problems, involving collaboration among selected U.S. universities, the U.S. Department of Agriculture, International Agricultural Research Centers and developing country universities or other research institutions. The selection of collaborating entities in a specific case would be determined by their capability to contribute to the solution of the problem and by the extent of the benefits they derive.

d. General Technical Services

General technical services activities are concerned with the adaptation and transfer of knowledge and technology to the developing countries, primarily by developing and demonstrating new technologies on a pilot basis or by directly involving experts with A.I.D. Missions and developing country officials who are designing country programs. General technical service activities are financed and managed by the Technical Assistance Bureau in Washington. For example, a new technology produced by A.I.D.-financed research can be transferred to the developing countries through general technical services projects. In the Technical Assistance Bureau portfolio of agriculture activities, about one-third of the projects adapt and apply new technology or provide the services of experts to our Missions.

U.S. universities have typically taken responsibility for adapting and applying new technologies. For example, Oregon State University is promoting better methods of weed control in the developing countries, Texas A&M is concerned with the control of hema-protozoal diseases, Kansas State University has

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been introducing methods to improve the nutritive value of wheat foods and the University of North Carolina is investigating better ways to promote soy bean consumption by humans. Some university experts have made themselves available for short-term assistance on important problems common to most of the developing countries. For example, Mississippi State University's experience with seed multiplication and distribution has been used extensively by A.I.D. Missions working with governments to develop seed programs. Kansas State University has performed a similar role in helping A.I.D. Missions design programs for food grain drying, storage and processing.

The objective of all these activities is to increase the use of new technologies by careful adaptation to developing country circumstances. Through careful adaptation, well-selected demonstrations and the interaction of U.S. researchers with developing country program implementors, we hope to reduce the time interval between discovery of new solutions and the application to developing country problems. Carefully tying these efforts to development of country programs can provide resources and opportunities to accelerate and expand the transfer process. A.I.D. and universities involved in research efforts are increasingly concerned with identifying, from the outset of any research and development effort, ways and means of transferring new technologies. Without application, new knowledge provides no benefit for poor people in developing countries.

5. Improved Procedures and Mechanisms for University Involvement

The Agency has been experimenting with a jointly-developed A.I.D./University model agreement now called the Collaborative Assistance Method. After five years of trial experience, this approach was incorporated into Agency procurement regulations in February 1976. The major improvement is its provision for earlier involvement of university resources, including collaboration with the host country and A.I.D. in project design. This partnership notion is carried into the implementation phase, permitting greater flexibility on the part of the contractor and host country jointly to make decisions on specific inputs required, with the Agency exercising its responsibilities primarily through determination of the intended outputs or accomplishment. This approach necessarily features careful

joint pre-planning and continuous, objective evaluation. It has the strong endorsement of the university community and appears to be working effectively in the relatively few instances where it has been tried.

Another contracting mechanism that has potential for use for Title XII activities was developed for a centrally funded agricultural program for mobilizing economists.* This program was developed by A.I.D. because it has been unable to attract an adequate number of agricultural economists. A new contracting and funding mechanism developed to reflect the collaborative characteristics of the activity was approved in December of 1975. The procedure starts with the selection of a university or agency with capacities identified by A.I.D. as required for the program. The institution selected signs a Basic Memorandum of Agreement to indicate interest in working with A.I.D. No funds are involved at this point.

Once an area of work has been designated, a second document defines the scope of work, describes the relationships between parties involved and provides the A.I.D. funds. This is the Cooperative Agreement and is negotiated with an institution which had previously entered into a Basic Memorandum of Agreement. Each of the parties involved in the Cooperative Agreement shares some part of the cost of the activity as well as administrative and implementation responsibilities.

Six Basic Memorandums of Agreement have been concluded with U.S. universities. This mechanism, presently confined to agricultural economics, may be appropriate for some other Title XII activities involving U.S. universities focusing on a particular problem area under which many specific activities would develop as the problem is addressed.

The Board did not participate in developing these improved procedures and mechanisms for university involvement. However, A.I.D. and university experience with them will provide rich sources of information for Board evaluation, and for participation in their improvement. The Board did examine the

* For additional discussion of this program see page 29.

new set of arrangements for mobilizing agricultural economists, and approved it as an experiment worth careful future evaluation, for possible modification and/or adaptation to other selected uses. Continued efforts will be made by A.I.D. working with the Board to create improved procedures and mechanisms necessary for the mobilization and long-term commitment of university resources to foreign assistance activities.

IV. FISCAL YEAR 1976, 1977 AND 1978 CONGRESSIONAL PRESENTATION ESTIMATES AND FIVE YEAR PROJECTIONS

Estimated magnitudes of Title XII activities within the Food and Nutrition program proposed for fiscal years 1976 and anticipated for 1977 and 1978 are given in Table I below. (For purposes of comparability, Congressional Presentation figures are used for fiscal years 1976 and 1977, rather than actual (1976) and estimated (1977) program levels which were substantially lower: \$407 million and \$493 million respectively).

These estimates are based on the definitions of Title XII activity categories (described in Part III) jointly established by the Board and A.I.D. They are estimates only of orders of magnitude and should not be considered as firm numbers for these categories. The Board is still in the process of analyzing the proposed activities for FY 1978 and may further refine the definitions of Title XII categories. Many projects incorporate elements of more than one category so that the way they are counted depends largely on definitions and details of project design. As the definitions are altered, and project design influenced by Board/A.I.D. interaction, the magnitudes of the categories may change. The more effective involvement of university resources in program development and implementation will also modify program design and content.

TABLE I

ESTIMATED TITLE XII LEVELS FOR FY 1976 THROUGH FY 1978
AS SUBMITTED BY THE PRESIDENT TO THE CONGRESS
(IN MILLIONS)

| <u>CATEGORY</u> | <u>FY 1976</u> | | <u>FY 1977</u> | | <u>FY 1978</u> | |
|-------------------------------------------------------------------------------------------|----------------|-----------|----------------|-----------|----------------|-----------|
| | <u>\$</u> | <u>¢</u> | <u>\$</u> | <u>¢</u> | <u>\$</u> | <u>¢</u> |
| Title XII | 100 | 17 | 118 | 21 | 195 | 33 |
| Research* | (30) | | (40) | | (43) | |
| Adaptation and Appli- cation of Technology* | (4) | | (10) | | (23) | |
| Strengthening Developing Country Institutional Research, Teaching and Extension* | (28) | | (18) | | (42) | |
| Advisory Services to Developing Countries** | (38) | | (50) | | (87) | |
| Residual*** | <u>482</u> | <u>83</u> | <u>422</u> | <u>79</u> | <u>391</u> | <u>67</u> |
| Total Food and Nutrition (Section 103 AID Request) | 582 | 100 | 540 | 100 | 586 | 100 |

* Includes related capital costs.

** Does not include related capital costs.

*** Includes all non-Title XII Section 103 activities (e.g., rural road construction, fertilizer production or procurement, etc.). Includes also activities closely related to Title XII such as support to build capacity at U.S. agricultural universities under Section 211 (d), capital costs of advisory services to developing countries, and activities of voluntary agencies.

Table I portrays a substantial positive trend in Title XII activities from FY 1976 through FY 1978.

In FY 1976, 17 percent of the proposed \$582 million for Section 103 (food and nutrition) would classify as Title XII. The FY 1976 program was prepared prior to the enactment of Title XII. In preparing the FY 1977 program the field Missions had some anticipatory information regarding Agency and Congressional interests in Title XII type activities. Proposed FY 1977 Title XII activities increased about \$18 million over FY 1976 in a reduced Food and Nutrition program total.

Although the Board had no opportunity to participate, A.I.D. had informed the Missions about Title XII legislation and provided preliminary program guidance for preparation of their FY 1978 programs. In consequence, for FY 1978, \$195 million or 33 percent of the \$586 million proposed Food and Nutrition program are planned for Title XII activities. This represents both an absolute and relative increase of 95 percent from two years' earlier, clearly reflecting Agency response to the Title XII legislative guidance.

There is a relatively modest increment in Regional and Country funded activities of "Strengthening of Developing Country Institutions in Research, Teaching and Extension." In classifying projects, this "strengthening" category was deliberately defined narrowly to include assistance to specified developing country research, academic or technical institutions only where the primary intent was to develop and/or strengthen local institutional capacity.

Although this category, of strengthening developing country institutional capacity, has been historically the characteristic type of U.S. university involvement, it is clearly not the only or the major category of opportunity. Many of the projects in the FY 1978 program classified as Advisory Services are of an integrated type, which include elements such as agricultural policy development, extension services, agricultural manpower development, adaptive research on local food crops, and livestock range management: activities in which universities are actively involved in the United States and can be expected to assist developing countries effectively.

The Residual category is composed of those Section 103 activities not classified as Title XII. They are "residual" only in this special sense. They are mandated under Section 103,

as are Title XII activities, and constitute essential parts of the A.I.D. program in Food and Nutrition. The Board has a significant but somewhat less direct interest in an involvement with these than with Title XII activities. Examples of this residual would be capital costs for construction of rural roads, electrification and fertilizer procurement or factories. Also included are capital costs, as distinct from technical assistance costs, for projects in the Advisory Services category in fields such as agricultural credit. The total in the Residual category for FY 1978 is \$401 million or about 69 percent of the total Food and Nutrition program as compared with 83 percent in FY 1976.

An accurate assessment of the role for universities in the growing Title XII core is not yet possible. Many of the individual projects planned for funding in FY 1978 are appropriate for university involvement, including in some cases universities working closely with U.S. private sector business firms and organizations. The Board, the Joint Committees and the staff will soon begin examining the projects and developing improved policies and procedures for proper matching of university resources to these and other yet-to-be-identified developing country needs.

The A.I.D. program for FY 1978 includes about \$50 million in activities comparable to those in the Title XII core, but funded outside of Section 103. These are therefore in addition to the totals given in Table I. They offer similar opportunities for U.S. university involvement, and fall within the agreed purview of the Board. They are funded under Education and Human Resources Development, the special program for the eight African nations of the Sahel, and Security Supporting Assistance which covers economic assistance justified primarily on political or security grounds.

Long Term Projections

Data given above on FY 1976-1978 Food and Nutrition programs indicate rapid growth in the Title XII component, both in absolute and relative terms. Particularly for FY 1978 there is a substantial potential for increased U.S. university involvement.

Because the Executive Branch is presently considering the future scope and magnitude of the U.S. foreign assistance program, specific projections as to the size of the Food and

Nutrition program, or of the Title XII component, in the four years following FY 1978 are not now possible. However, as was indicated to the Board during the review of a draft A.I.D. agricultural strategy paper, it is clear that A.I.D. Food and Nutrition programs need to be increased several fold to have adequate impact on the critical world food production problems, and to begin to meet the needs of the rural poor. Increased funding for the Food and Nutrition functional account will, of course, result in increases in Title XII activities.

V. SUBSTANTIVE BOARD/A.I.D. ACTIONS TAKEN OR IN PROCESS

A. Establishment of Subordinate Joint Committees

The Title XII Amendment to the Foreign Assistance Act of 1961 indicates that the President may authorize the Board for International Food and Agricultural Development to create subordinate units necessary to the performance of its duties. Under this authority the following committees have been established:

-- A Joint Research Committee (JRC)

-- A Joint Committee on Agricultural Development (JCAD)

The members of both committees are appointed jointly by the A.I.D. Administrator and the Chairman of the Board.

In addition, the Board will utilize as consultants a selected group of professionals to assist in its planned active participation in A.I.D.'s programming and budgetary processes associated with food, nutrition and agricultural development.

The Joint Research Committee will be concerned with all Title XII activities directed toward the discovery of new knowledge and development of technology useful to the developing countries. The committee will consist of members from A.I.D., U.S. universities, U.S. Department of Agriculture (USDA), National Oceanic and Atmospheric Administration (NOAA), the International Agricultural Research Centers, and the private agricultural sector.

The Joint Committee on Agricultural Development will be concerned with the expansion of institutional capacity in the developing countries to adapt such knowledge and technology to local conditions and to assure its delivery to producers,

processors, distributors and consumers. This committee will have major responsibility for improving country level educational, extension and research capabilities, for integrating these effectively at local levels, for tying them in effectively with multi-country, problem-oriented research efforts, and for other country agricultural development efforts. The committee will consist of members from A.I.D., U.S. universities, USDA, NOAA, private agricultural sector, and voluntary organizations.

Selection of the membership of both committees has been completed. It is anticipated that they will be fully operational by April 1977.*

B. Determination of Eligibility of Universities

At paragraph 296(d) Title XII defines the term universities as used in the Title to mean the land and sea grant universities and others possessing comparable capacities. Yet it is clear from the context that institutions other than those made eligible by the definition also have a role in Title XII.

The Board has addressed the practical operational differences between eligible institutions and other institutions in their relationship to Title XII activities. It is understood that the required minimum of four university Board members must come from eligible universities; that the authority in Section 297(a)(1) to strengthen U.S. universities is limited to eligible universities; that the authority in Section 297(a)(3) to provide program support for long-term collaborative research is limited to eligible universities as grantees; and that the authority in Section 297(a)(4) to involve universities more fully in the international network of agricultural science is clearly directed to the greater involvement of eligible institutions. However, this does not preclude any institution, eligible or otherwise, from participating in these networks as a contractor, or in any Title XII activity as a sub-contractor of an eligible university, or as a contractor or sub-contractor of an international agricultural research center.

It is clear also that the Title XII authority does not preempt any other existing authorities to conduct food and nutrition activities.

* Names of chairpersons and members are attached to this report.

The Board is developing criteria for determining eligibility for those institutions not specifically included among categories made eligible by definition in Section 296(d), but which may be eligible by virtue of having "demonstrable capacity in teaching, research and extension activities in the agricultural sciences and can contribute effectively to the attainment of the objectives of this title," as provided for in that Section.

C. Progress Toward the Establishment of a Roster of Universities

The Board's duties include; under Section 298(c)(2), developing and keeping current a roster of universities that are eligible and interested in participating in Title XII programs.

Information that will assist in establishing university eligibility, interests and capabilities for contributing to solving the problems addressed by Title XII is being provided by the universities.

D. Progress Toward Defining and Optimizing Board Participation in A.I.D.'s Programming Process

The Board and A.I.D. have together identified three A.I.D. processes most appropriate for participation by the Board in discharging its legislative responsibilities. They are planning, budgeting and program development.

In the planning process, the key points will be: the preparation of Agriculture, Nutrition and other sector or sub-sector strategies to provide broad guidance for the development of program and projects; the preparation of the multi-year country strategy embodied in selective A.I.D. Mission's Development Assistance Program; and the preparation of annual program guidance to Field Missions and central offices on priorities, policies and procedures.

In the budget process, several means of participation by the Board and its subordinate units are possible. Its staff may wish, on a selective basis, to participate in the budget reviews conducted by A.I.D. The Board itself may wish to concentrate on review and analysis of the total economic assistance funding request including Food and Nutrition and the core of Title XII activities and, as appropriate, other development sectors, PL 480, and security supporting assistance. For FY 1979, A.I.D. might arrange a review of the Agency-wide Food and Nutrition programs at which the Board could provide its recommendations to the Administrator. (It should be noted that advance release of budgetary information is subject to certain established procedures and restrictions.)

In the project development process, it has not yet been determined how the Board and its mechanisms will be involved in details of all of the several hundred individual projects. The Board is currently reviewing the project development system. Through its committees, the Board may wish to review and monitor the progress of relevant individual project activities, and of the participation of universities therein.

Development of feasible procedures which optimize the contribution of the Board and its instruments to the above three processes is a high priority task.

E. Strengthening U.S. University Capacities

The Board recognizes that in order for the U.S. universities to be more effectively involved in Title XII, some measures have to be taken to strengthen their capabilities. The Board is working on how best to bring this about. It discussed the distinction between the two legislative authorities to strengthen U.S. institutions for international development work--Section 297(a)(1) of Title XII and Section 211(d) elsewhere in the Foreign Assistance Act. It concluded that the constraints attached to the exercise of these two authorities, and the objectives they are designed to serve, are sufficiently different to be complementary rather than competitive.

The Section 211(d) authority is aimed at the more general and longer-term strengthening of specific U.S. institutional competencies essential to assist international development, but not available in the United States. Title XII makes clear, and the Congressional Report on the Act elaborates, that the Title XII authority for strengthening U.S. university capacities is directly related to overseas development assistance activities.*

* "The committee intends that the assistance to U.S. universities to strengthen their capabilities for helping to increase agricultural production in developing countries will relate only to their overseas development responsibility, and will be limited to instances where university capacity is clearly lacking and is clearly required for the purpose of this title. Title XII aid to universities is not deemed as an end in itself. Foreign assistance funds are too limited to promote a large-scale effort to build U.S. university capabilities which are only indirectly related to the objectives of the 'New Directions' program." Report of the Committee on International Relations Together with Additional and Supplemental Views on H.R. 9005 (Report No. 94-442), August 1, 1975.

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However, much can be done through
to involve U.S. universities and
strengthen their capabilities for
efforts.

The Board staff is preparing
review, an analysis of needs and
strengthening of U.S. capabilities
U.S. technical, professional and
provide effective assistance to develop
and nutrition problems is of major
universities. This will be a study
A.I.D. and Board analysis and
attention will be given to strengthening
the predominant black 1890 land grant
activities; another is means of
development.

F. Board endorsement of the
Economic Analysis and

The Board has reviewed
getting underway that come from
centrally funded expanded program
farmer-to-farmer program. The
analysis (carried out under the
discussed on page 20) has as its
of developing country planning
the consequences of alternative
for agriculture and rural development
economic and social goals. The
formation and analytical base is
on agricultural and rural development
and investments. It will also
planning U.S. assistance efforts.
Presently six U.S. universities
Department of Agriculture, are
implementation of the project.

The farmer-to-farmer program
after consultation and concurrence
and Budget, the U.S. Department of
Corps, provided for implementation
FY 1977 and FY 1978. The plan
farmers, who have shown special
as local communicators between

planning and other means
as will significantly
ing out such assistance

the early Board and A.I.D.
has for achieving needed
development of a strong
national capacity to pro-
countries on their food
born to A.I.D. and the
substantial future joint
One aspect meriting early
the participation of
institutions in Title XII
of the role of women in

Program for Agricultural
to-Farmer Program

and two programs just
one of Title XII: the
basic analysis and the
program of economic
the Agreement mechanism
enhancing the capability
to identify and analyze
programs and projects
in terms of their multiple
It will be an improved in-
country decision making
strategies interventions
better information for
ing those under Title XII.
with the U.S.
ing with A.I.D. in the

initiated by the Agency
the Office of Management
State and the Peace
development program for
for selected American
the capability in working
localities and farmers in

their communities, into developing countries as members of agricultural university teams which are already working in these countries on an A.I.D. project. The farmer-to-farmer program provides an excellent potentiality for getting new, locally adapted technical knowledge and improved farm practices and technology more rapidly and widely applied on developing country farms.

VI. BOARD CONTRIBUTIONS TO THIS REPORT

Section 298(e) of Title XII provides, among other things, that "the Board shall be consulted in the preparation of the annual report required by Section 300 of this title..."

The Board, at its February 14-15 meeting, reviewed and suggested modifications of the outline upon which this report is based. At its March 14 meeting, it reviewed in detail a draft of the report and made many suggestions, which have been incorporated into this report. The Chairman of the Board has, in accordance with Board action at that meeting, read and approved this final draft.

Section 300 stipulates that this report "may include the separate views of the Board with respect to any aspect of the programs conducted or proposed to be conducted under this title." The Board, at its March 14 meeting, advised A.I.D. that it did not wish to make any separate comments in the report. By unanimous vote it approved the following motion: "...that the Board endorse the report and compliment the A.I.D. staff on the objective approach they have taken to the report and that they incorporate as many of the suggestions as they feel feasible into the final draft for Congress."

As expressed by Chairman Wharton, this action was taken to show the sense of unity between A.I.D. and the Board and to demonstrate that the issues are being addressed in a cooperative fashion.

Attachments:

Lists of Joint Committee Members

JOINT RESEARCH COMMITTEE

Frederick E. Hutchinson, Chairman
Vice President for Research and Public Service
University of Maine

Tony J. Cunha, Dean of Agriculture
California Polytechnic Institute at Pomona

Elmer R. Kiehl, Dean of Agriculture and Director of the
Agricultural Experiment Station, University of Missouri

Jarvis F. Miller, Director, Agricultural Experiment Station,
Texas A & M

Hugh Popenoe, Director, International Programs and
Sea Grant Institute, University of Florida

William Pritchard, Dean of Veterinary Sciences and Coordinator
of International Programs, University of California System

Charlotte E. Roderuck, Professor of Nutrition and Assistant
Director of the Agricultural and Home Economics Experiment
Station, Iowa State University

Ross Whaley, Dean of Agriculture, University of Massachusetts

B. C. Webb, Dean of Agriculture, North Carolina Ag and
Technical College

Guy Baird, Associate Director for Research, Office of
Agriculture, Technical Assistance Bureau, A. I. D.

John S. Balis, Agricultural Development Officer, Latin
America Bureau, A. I. D.

Irwin Hornstein, Deputy Director, Office of Nutrition,
Technical Assistance Bureau, A. I. D.

Mary C. Kilgour, Research Evaluation Officer, Office
of Rural Development, Technical Assistance Bureau, A. I. D.

Woodrow W. Leake, Agricultural Development Officer, Africa
Bureau, A. I. D.

C. W. Carlson, Assistant Administrator, Agricultural
Research Service, U. S. Department of Agriculture

Kenneth R. Farrell, Deputy Administrator, Economic
Research Service, U. S. Department of Agriculture

Clare I. Harris, Deputy Administrator, Cooperative State
Research Service, U. S. Department of Agriculture

Lowell S. Hardin, Program Officer
International Division, Ford Foundation

N. Osterso, Director, Office of Sea Grants, National
Oceanic and Atmospheric Administration

(A representative from private industry yet to be appointed.)

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JOINT COMMITTEE ON AGRICULTURAL DEVELOPMENT

Sherwood O. Berg, Chairman
President, South Dakota State University

Richard Merritt, Director of Resident Instruction,
Rutgers University

John T. Murdock, Executive Director of Midwest Universities
Consortium for International Activities and Director of
International Programs in Agriculture, University of Wisconsin.

Linda Nelson, Chairman, Department of Family Ecology,
Michigan State University.

Jackson A. Rigney, Dean, International Programs, North
Carolina State University at Raleigh

John S. Robins, Dean of Agriculture, Washington State
University

Harold F. Robinson, Chancellor, Western Carolina University

L. H. Watts, Director, Agricultural Extension Service,
Colorado State University

Daniel Chaij, Agricultural Development Officer,
Latin America Bureau, A.I.D.

Pollo Ehrich, Agricultural Economist, Asia Bureau, A.I.D.

Leon F. Hesser, Director, Office of Agriculture, Technical
Assistance Bureau, A.I.D.

Mariadene Johnson, Assistant Director, Office of Development
Resources, Africa Bureau, A.I.D.

Russell O. Olson, Chief, Agriculture Division, Technical
Office, Near East Bureau, A.I.D.

Ludwig Rudel, Health Development Officer, Office of Nutrition,
Technical Assistance Bureau, A.I.D.

Alfred D. White, Deputy Assistant Administrator, Near East
Bureau, A.I.D.

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Joint Committee on Agricultural Development - 2

Lawrence E. McGary, Participating Agency Service Agreement
Coordinator, Extension Service, U.S. Department of Agriculture

Lyle Schertz, Deputy Administrator, Economic Research Service,
U.S. Department of Agriculture

F. M. Cregger, Assistant Director, CARE

J. D. Noel, Regional Director, Catholic Relief Services

James Storer, Special Assistant, International Affairs,
Office of Marine Resources, National Oceanic and Atmospheric
Administration

(A representative of the 1890 Land Grant Institutions yet to be
appointed.)

(A representative from private industry yet to be appointed.)

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TAB J

10. Amended Charter of BIFAD

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CHARTER OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT*

(Amended, according to Board Recommendations at meetings on November 22, 1976, February 14, 1977 and March 14, 1977)

A. Board's official designation:

Board for International Food and Agricultural Development

(Title XII of the International Development and Food Assistance Act of 1975, PL 94-161, 94th Congress, H.R. 9005, December 20, 1975 provides in Sec. 298(a) that in order, "To assist in the administration of the programs authorized by this title, the President shall establish a permanent Board for International Food and Agricultural Development (hereafter in this title referred to as the Board) consisting of seven members, not less than four to be selected from the universities": See Attachment A for complete text of Title XII).

B. Board's objectives and scope of its activity:

Participating in the planning, development and implementation of; initiating recommendations for; and monitoring of, the activities described in Section 297 of Title XII.

C. Board membership and appointment:

The Board shall consist of seven members appointed by the President, not less than four to be selected from the universities as defined by Section 296(d) of Title XII. Terms of members shall be established by the President at the time of appointment.

*This Charter supercedes the Charter of the Board for International Food and Agricultural Development filed on April 14, 1976. This amended Charter was adopted by the Board on March 14, 1977.

T.B.J.

D. Period of time necessary for Board to carry out its purposes:

Indefinite.

E. Agency and official to whom the Board reports:

Administrator of the Agency for International Development.

F. Agency responsible for providing necessary support for the Board:

Agency for International Development.

G. Description of duties for which the Board is responsible:

Pursuant to Section 298 of Title XII of the Foreign Assistance Act of 1961, as amended, the duties of the Board are as follows:

- (1) to participate in the formulation of basic policy, procedures and criteria for project proposal review, selection and monitoring;
- (2) to develop and keep current a roster of universities--
 - (a) interested in exploring their potential for collaborative relationships with agricultural institutions, and with scientists working on significant programs designed to increase food production in developing countries,
 - (b) having capacity in the agricultural sciences,
 - (c) able to maintain an appropriate balance of teaching, research and extension functions,
 - (d) having capacity, experience and commitment with respect to international agricultural efforts, and
 - (e) able to contribute to solving the problem addressed by this title.
- (3) to recommend which developing nations could benefit from programs carried out under Title XII, and identifying those nations which have an interest in establishing or developing agricultural institutions which engage in teaching, research or extension activities;

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- (4) to review and evaluate memoranda of understanding or other documents that detail the terms and conditions between the Administrator and universities participating in programs under Title XII;
 - (5) to review and evaluate agreements and activities authorized by Title XII and undertaken by universities to assure compliance with the purposes of Title XII;
 - (6) to recommend to the Administrator the apportionment of funds under Section 297 of Title XII; and
 - (7) to assess the impact of programs carried out under Title XII in solving agricultural problems in the developing nations; 1/
 - (8) to participate in the preparation of the annual report required by Section 300 of Title XII and on other agricultural development activities related to programs under Title XII, as provided in Section 298.

H. Subordinated Units: 2/

- (1) The Board shall have two subordinate units, the Joint Research Committee and the Joint Committee on Agricultural Development.

Joint Research Committee (JRC)

(1/ Sec. 296(f) provides that the term "agriculture" shall be considered to include aquaculture and fisheries).

(2/ Subordinate units are subject to the laws and regulations governing federal advisory committees.

a. Non-Federal members of subordinate units shall be jointly appointed by the Administrator and the Chairman of the Board after due consideration of the recommendations of the Board;

b. Federal members of subordinate units shall be appointed by the Administrator in consultation with the Board).

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Joint Committee on Agricultural Development (JCAD)

The objectives, duties and scope of the activities of these Committees are set forth in the staff paper on Joint Committee Structure adopted by the Board on February 14, 1977, which is attached hereto as Attachment B and is expressly incorporated herein by reference. The period of time for these Committees to carry out their purposes is indefinite. These committees will report to the Board. Necessary support for these committees will be provided by the Agency for International Development. The annual operating costs in dollars and man-years for the JRC and JCAD are included in the estimated operating costs for the Board. It is expected that the committees will meet at least once a month.

- (2) The Board is authorized to create additional subordinate units as may be necessary for the performance of its duties.

I. Estimated minimum annual operating costs in (1) dollars, and

(2) man-years for the Board and Joint Committees.

| | | |
|-------|-------------------------|------------------------|
| (1) | \$500,000. for FY 77 | \$1,050,000 for FY 78 |
| (2) | 5.5 man years for staff | 20 man years for staff |
| | 1.0 " " consultants | 2 " " consultants |
| Total | 6.5 for FY 77 | Total 22 for FY 78 |

J. Estimated number and frequency of Committee meetings.

Ten meetings for the Board and each Joint Committee per year.

K. Committees' Termination date:

Section 298 of Title XII provides for a permanent Board.

L. Charter Amendment:

The Board may amend the Charter as necessary, consistent with applicable laws and regulations.

M. Date filed: June 30, 1977

AA/TA:6/17/77

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BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT
JOINT COMMITTEE STRUCTURE

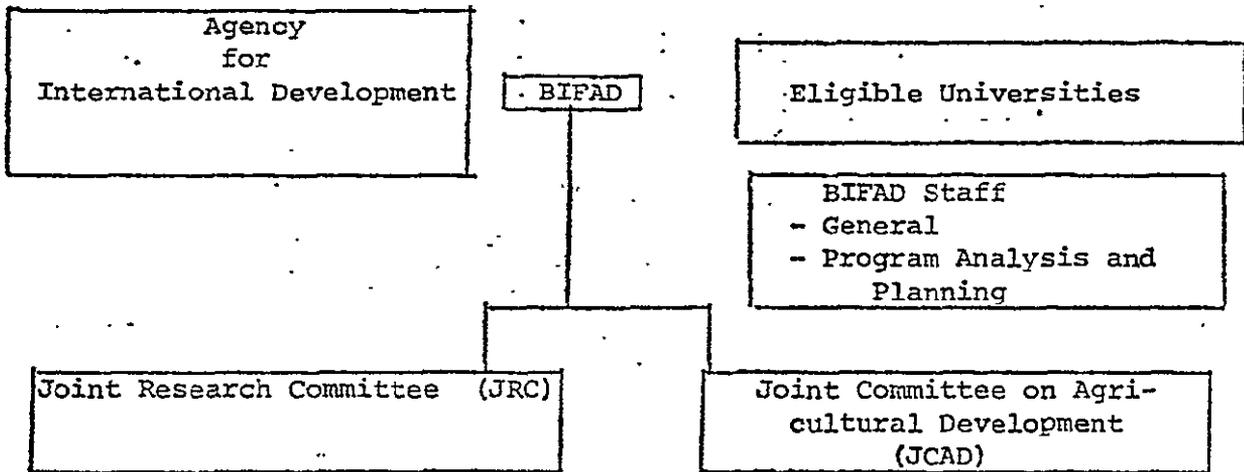
The Title XII Amendment to the Foreign Assistance Act of 1961 indicates that the President may authorize the Board for International Food and Agricultural Development (BIFAD) to create subordinate units necessary to the performance of its duties. The legislation specifies that these subordinate units may include but not be limited to:

- A Joint Research Committee (JRC)
- A Joint Committee on Country Programs (JCCP)

Given the broad scope and complex nature of the responsibilities and duties which the Title XII Amendment assigns the BIFAD, it is clear that a slight variant of the joint committee structure suggested in the legislation would be desirable. Initially, under authorization provided by the Title XII Amendment, the BIFAD will create the following joint committees:

- A Joint Research Committee (JRC)
- A Joint Committee on Agricultural Development (JCAD)

In recognition of the fact that the BIFAD must participate actively in the programming and budgetary processes associated with food, nutrition and agricultural development programs funded through AID, the BIFAD also will establish a special staff group to serve its needs in the program analysis and planning area.



Attachment B

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This joint committee and staff structure, appropriately interfaced with existing entities within AID, the university community and the LDC's, will facilitate greatly the discharge of the BIFAD's responsibilities. Organizational and operational aspects of this committee structure are given below.

The Joint Research Committee
(JRC)

It is the responsibility of the BIFAD to help mobilize and deploy U.S. scientific capacity in order to make maximum contributions to the eventual solution of the world food; nutrition and agricultural development problems. The Board's responsibilities and duties cover a spectrum of agricultural research activities authorized, funded and implemented by AID. This spectrum includes support of the International Agricultural Research Centers, centrally funded research contracts and grants, and country-specific and/or region-specific research funded through regular and special budgets of individual AID Missions and Regional Bureaus. Additionally, the BIFAD has participatory responsibilities for developing and implementing collaborative research support programs newly authorized by the Title XII Amendment and to strengthen U.S. universities to perform this function.

The JRC will be concerned with all Title XII research activities directed toward the discovery of new knowledge and development of technology useful to the developing countries. The Joint Committee on Agricultural Development (JCAD) will be concerned with the expansion of institutional capacity in the LDC's to adapt such knowledge and technology to local conditions and to assure its delivery to producers, processors, distributors and consumers. Arrangements will be made to provide essential interaction between the JRC and the JCAD at this interface.

The BIFAD must be in a position to consider the total LDC-oriented agricultural research commitment of the U.S. if it is to participate effectively in the management of this significant aspect of the U.S. bilateral assistance program. The Joint Research Committee (JRC) will serve the BIFAD in all ways essential to the discharge of this responsibility.

Roles of the JRC

The JRC will play several roles. Important among these will be:

1. to participate in the administration and development of the collaborative research activities described in Section 297(a), (3) of the Title XII Amendment. It will assist the BIFAD in conceptualizing, planning and implementing the Collaborative Research

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Support programs authorized in Section 298(d), (3) of Title XII. It will participate in the identification of research needs as well as in program selection, development, implementation and evaluation.

2. to participate in the continued development and implementation of other research activities directed toward the solution of food, nutrition and agricultural development problems of the developing nations. Included will be all relevant research activities supported by AID through centrally funded research contracts and grants and country-specific or region-specific research funded through regular and special budgetary allocations of the AID Missions and Regional Bureaus.

The JRC will serve the BIFAD by identifying opportunities for research to be mounted through these authorizations, participating in essential review, monitoring and evaluation processes and providing specific recommendations relative to research programs and projects of this type to be included in annual and five year programs and budgetary projections for Title XII.

3. to serve the BIFAD in meeting its responsibilities to participate in the planning and implementation of the provision by the U.S. of program support for international agricultural research centers. The JRC will develop mechanisms essential to understanding and evaluating the research and outreach activities of the International Agricultural Research Centers, strengthening the relationships between the cognizant programs of the Centers and U.S. universities involved in Title XII programs, assessing the trade-offs between investment of Title XII resources in Center-based research and alternative research programs and participating in the programmatic decision-making processes of the Centers.
4. to assist the BIFAD in participating in the planning, development and implementation of assistance provided by the U.S. to strengthen the capacity of Title XII-participating U.S. universities to contribute to the generation of the body of knowledge and applicable technology essential to the amelioration of world food and related problems. It will help devise innovative mechanisms for providing federal (AID) funding to U.S. universities for long-term support of scientific staff, research programs, graduate training activities and the like in furthering the purpose of Title XII.

5. to develop for the BIFAD such analysis as it may request, including but not limited to, those dealing with desirable Title XII research program and budgetary projections.

To play these roles, the JRC will need to perform several specific functions. Such will be elaborated in collaboration with the BIFAD and its staff.

Organization and Composition

Selection of members of the JRC will be guided by the specific talents required to play the essential roles of the Committee. As a group, the JRC should have in-depth understanding of food and nutrition, by training or experience, and should understand the development process and the role of agriculture in it. Members should have an understanding of the research process and the nature of agricultural and fishery research.

JRC members should have recognized stature in and the respect of their parent organizations and professional colleagues. The University component of the JRC should include representation of the Agricultural Experiment Stations and research coordinating units of 1890 and other institutions. Agricultural deans, international agriculture directors and sea grant directors should also be represented. The JRC should include individuals representing a broad range of relevant scientific disciplines and in-depth knowledge of the scientific needs of the LDC's in the several geographic regions of the world.

Membership

- 1 Chairman of the Research Advisory Committee;
- 5 members from AID;
- 9 members from universities;
- 3 members from USDA;
- 1 members representing the National Oceanographic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce;
- 1 member representing the Consultative Group on International Agricultural Research (CGIAR);
- 1 member representing the private agricultural sector.

Total 21 members

Appointments

JRC non-Federal members will be appointed jointly by the AID Administrator and the Chairman of the BIFAD.

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Terms of Office

The terms of office of non-university representatives will be determined by the parent agency. The initial terms for university representatives will be for one, two and three years; thereafter appointments will be for three years. In the event of resignations, appointments will be made to fill unexpired terms.

Chairmanship

The Chairman of the JRC will be designated by the BIFAD.

Joint Committee on Agricultural Development (JCAD)

The Title XII legislation places major responsibility on the BIFAD and U.S. universities for effective participation in the expansion of world food supplies, improving human nutrition and accelerating agricultural development in the poor nations. In virtually all cases, this will involve assistance in developing and strengthening the public and private agricultural infrastructure, including that essential to the fishery sub-sector. It will also involve human resource development at a variety of levels. Functionally, the key sets of institutions are those required to (a) provide an adequate supply of appropriately trained professionals, (b) develop location-specific technology capable of sharply increasing productivity, output and income, (c) deliver to private and public decision-makers and action-takers packages of appropriate technology and related information, and (d) provide other essential services on the input and output sides of the production, processing, distribution and consumption process.

In the developing countries these services are provided through a variety of institutional forms which seldom coincide, structurally, with the cognizant institutional forms characteristic of the United States. However, the functions to be performed and the services to be provided tend to be identical. Few sound developmental assistance activities can be neatly packaged into extension, teaching or research program development projects; rather, they tend to require two or more such elements to avoid exacerbating typical fragmentation of these services.

The fundamental expertise in the relevant U.S. research and education community is institutionalized in the traditional "teaching", "research", "extension" trilogy. To service well the development needs of the poor nations and, simultaneously, to tap effectively U.S. institutional expertise, the BIFAD should have a permanent joint committee capable of bridging this structural gap. The Joint Committee on Agricultural Development has been designed with this in mind.

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Roles of the JCAD

The Joint Committee on Agricultural Development will have the following roles:

1. to participate in the identifications of priority needs for institutional development in the LDC's to assure adequate internal capacity for human resource development, research, the delivery of information and technology to end users and such other services as may be required for the rapid modernization of agriculture.

The JCAD will assist the BIFAD in a country-by-country assessment of priority needs for strengthening agricultural institutions.

2. to participate in the conceptualization and design of Title XII projects and programs directed toward meeting such needs. In performing this role, the JCAD may:
 - review, appraise and advise BIFAD on the status of AID-supported country programs involving institutional development activities,
 - identify the primary constraints to technology transfer and agricultural development and conceptualize new approaches to removing such constraints,
 - participate in monitoring and evaluating technical assistance programs designed to strengthen education, extension, research and related institutions,
 - assess existing AID program formulation and review processes in this area and recommend desirable modifications.
3. to evaluate the interest and capacity of eligible U.S. universities to participate in country problem analysis as well as project conceptualization, design and implementation. It will assist the BIFAD in "matching up" U.S. universities and Title XII country programs and projects, consistent with AID procedures.
4. to identify areas in which U.S. universities must be strengthened if they are to be effective in the development of essential agricultural and related institutions and national systems in the LDC's. Further, the JCAD will assist the BIFAD in devising programs and procedures capable of achieving this end.

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5. to assist the BIFAD in the development of policies, practices and programs which will assure the most efficient use of Title XII funds invested in formal and informal education of LDC personnel in the U.S. and elsewhere.
 6. to determine ways and means whereby Title XII activities may be utilized to provide international professional experience for young U.S. agriculturalists and for agricultural scientists, educators and administrators.
 7. to respond to the BIFAD as requested in receiving, reviewing and acting on country program and project proposals.
 8. to assist the BIFAD in the effective integration of agricultural research and development programs implemented under Title XII authorizations with complementary development activities such as those implemented under P.L. 480, farmer-to-farmer programs, and private voluntary organizations.
 9. to develop for the BIFAD such analyses as it may request, including but not limited to, those dealing with desirable country programs and budgetary projections.

Organization and Composition

The JCAD will play a set of roles requiring a broad spectrum of professional training, experience and understanding on the part of its members. Corporately, the JCAD should have expertise in the range of agricultural sciences, social as well as bio-physical, and in the educational, research and extension functions as such relate to the development process. This expertise should incorporate in-depth experience in these areas in both the U.S. system and in systems characteristic of developing nations in the several geographic regions of the world.

JCAD members should have recognized stature in and the respect of their parent organizations and professional colleagues. The university component of the JCAD should include representatives of the international programs, resident instruction, extension and research divisions of the agricultural complexes of eligible universities.

Given the scope of responsibility of the JCAD, it will require access to additional talent and expertise in the form of short-term consultants, panels and study groups. These may be drawn from appropriate extension, instructional, research and development personnel as required.

Membership

9 members from universities, including 1 representative from the 1890 Universities;

7 members from AID;

2 members from USDA;

1 member from the private agricultural sector;

2 members from the voluntary organizations;

1 member from USDC (Office of Marine Resources)

Total 22 members

Appointments

JCAD non-Federal members will be appointed jointly by the AID Administrator and the Chairman of BIFAD.

Terms of Office

The terms of office of non-university representatives will be determined by the parent agency. The initial terms for university representatives will be for one, two and three years; thereafter all appointments will be for three years. In the event of resignations, appointments will be made to fill unexpired terms.

Chairmanship

The Chairman of the JCAD will be designated by the BIFAD.

Staff Group for Program Analysis and Planning

The BIFAD is charged with numerous responsibilities for participating in planning, developing and implementing the food, nutrition and agricultural development programs funded through AID. It follows that the Board must have some means of objectively evaluating Title XII programs and projects to determine if U.S. resources are being utilized in optimal fashion. It must also have an effective means of identifying new, high-payoff investment opportunities in agricultural development abroad. Further, it must have a means of assessing the degree to which U.S. bilateral efforts are complementary to the agricultural development activities of other organizations and if the Title XII program is, in fact, doing those things in which the U.S. has a true comparative advantage.

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To serve the BIFAD's needs in this area, it is imperative that a staff group charged with specific analytical and planning responsibilities be created to work in partnership with AID.

Roles of the Staff Group

The staff group on program analysis and planning will:

1. assess the needs of the agricultural sectors of developing countries utilizing sector analyses and other available studies and information. It may also commission special studies and analyses as required.
2. determine priority opportunities for Title XII projects and programs for recommendation to the BIFAD.
3. recommend to the BIFAD desirable modifications of ongoing programs and new programs which should be developed.
4. conduct objective analyses of Title XII activities to determine the degree to which they are effective.
5. provide the BIFAD with objective analyses of complementary, competitive or substitutive relationships among Title XII activities and other developmental initiatives in cooperating countries, in the international centers and in institutions involved in centrally funded research and development activities.
6. participate in short-term and long-term planning exercises for Title XII and related programs.
7. develop for the BIFAD such analyses and reports as it may request, including, but not limited to, those dealing with desirable Title XII programs and funded allocations. In conducting such work, it will work closely with the JRC and the JCAD.

January 20, 1977. Revised June 16, 1977.

TAB K

11. Draft of Guidelines for collaborative research support activity

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REVISED DRAFT

GUIDELINES FOR THE CONDUCT OF
COLLABORATIVE RESEARCH SUPPORT ACTIVITY
UNDER TITLE XII OF THE
INTERNATIONAL DEVELOPMENT AND FOOD ASSISTANCE ACT OF 1975

June 23, 1977

Ted K

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INTRODUCTION

Purpose of this Report

Title XII, Section 298(d) of the International Development and Food Assistance Act of 1975 states that "The President may authorize the Board to create such subordinate units as may be necessary for the performance of its duties, including, but not limited to, the following:

A Joint Research Committee to participate in the administration and development of the collaborative activities described in Section 297(a), (3) of this Title".^{1/}

Section 297(a) provides authority for a totally new type of research program. This program, of central concern to this report, is identified in the legislation as follows: "...to provide program support for long-term collaborative university research on food production, distribution, storage, marketing, and consumption".^{2/3/}

This report outlines briefly and recommends for consideration by the Board for International Food and Agricultural Development and by the Agency for International Development on the underlying concepts and general characteristics of desirable approaches for implementing this new research authority. Although this report describes the operational guidelines for implementation of the Collaborative Research Support programs, it is important to note there are other research program categories which function under Title XII authority. Centrally funded research contracts for programs with U.S. institutions and developing countries will be continued as in the past, with initial evaluation by the JRC. Also, it is expected that some research projects linking U.S. institutions and developing countries will be funded as parts of AID country programs and hence will fall under immediate cognizance of the JCAD.

^{1/} A description of the Joint Research Committee (JRC) and its role under the Board for International Food and Agricultural Development has previously been approved by the Board. The Board has expanded the role of the JRC to cover all research activities encompassed under Title XII.

^{2/} For the purpose of this report, the definition of a U.S. university is as described in the Act, Section 296(d).

^{3/} Universities interested in potential involvement under Title XII research authorities may desire a criterion to distinguish "collaborative research" from "centrally funded research" contracts. The JRC suggests this be based on an evaluation by the university as to whether or not university resources are to be committed to the program, since this commitment is required of all "collaborative research" programs, but not required for "centrally funded research" projects. (See page 13).

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Background

Concepts and recommendations presented here have evolved in part from an extended discussion process between AID and representatives of agricultural universities and the USDA, starting before and extending through the development of Title XII legislation, and culminating in an earlier report prepared by an ad hoc committee consisting primarily of university representatives (Hutchinson report).

These discussions were based on a mutual desire to explore possibilities of drawing upon the long experience of "Hatch Act" and other collaboration between the U.S. Department of Agriculture and state-supported research institutions, which feature federal support to state-funded research, justified by the complementarities of benefit to U.S. Government and individual state objectives.

The "Hatch Act" model does not provide a closely replicable analogy, however, as both U.S. Government research funds and those from the several states are all directed to the benefit of the U.S. public - albeit at a different level of governmental aggregation - and both USDA and the several state research institutions are mandated to serve those domestic U.S. interests. In contrast, U.S. funds for foreign assistance are to assist the peoples of developing countries and the Agency for International Development is mandated to use its resources to that purpose.

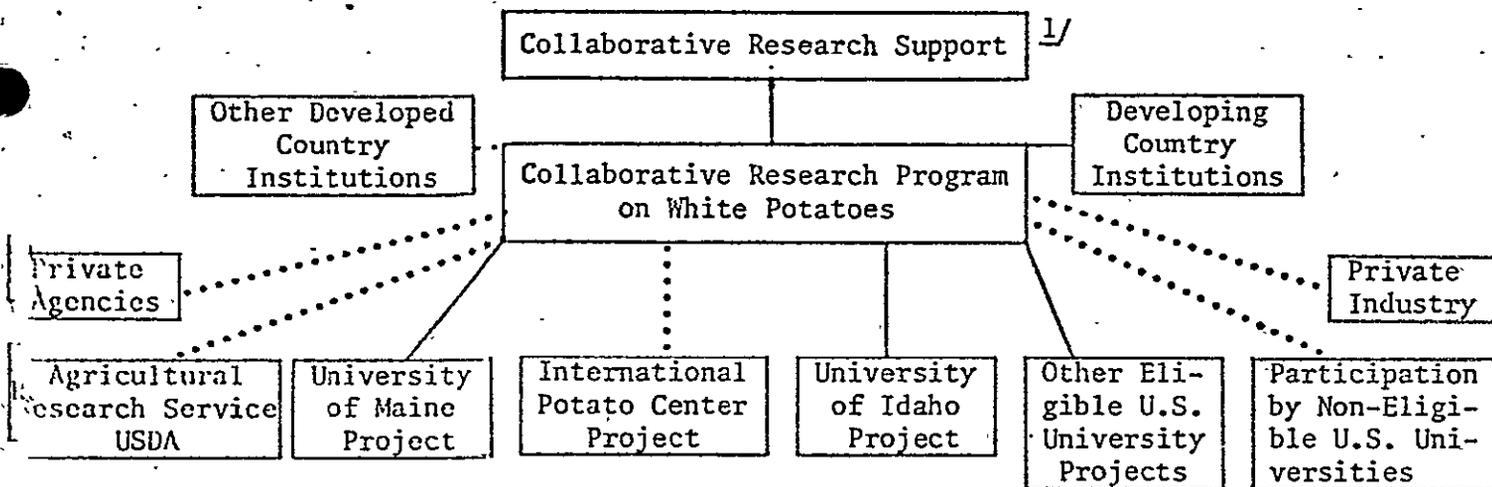
However, agricultural leaders concerned both with domestic and with developing country needs for research-based science and technology have come increasingly to see large areas of overlap of subject matter and the resulting substantial mutual advantage of joint research program efforts which cut across national boundaries and different levels of agricultural development. Most commercial crops and animals produced in the U.S. have

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origins in what are now the developing countries and most of the world's food is from crops and animals which are common to both the more and the less developed countries. Furthermore, such production-limiting factors as plant and animal disease, and climate (temperature, humidity, etc.) and soil constraints, are often best studied under the conditions of maximum stress which frequently occur in developing countries. Most important, solution of specific, major technical problems often require critical masses of scientific talent and institutional resources not usually available to a single country.

THE PROGRAM

Some Definitions

"Collaborative Research Support" is the generic term given to the activity carried out under Section 298(d), (3) of Title XII. This is research jointly supported by AID and collaborating institutions. Specific multi-institutional collaborative programs, organized around an identified problem are designated as "Collaborative Research Support Programs". Formally organized individual components of a given Collaborative Research Support Program may be designated as projects. One example of this approach is as follows:



The term "Collaborative Research Support Program" denotes an arrangement which facilitates collaboration among U.S. universities, U.S. Department of Commerce, USDA, International Agricultural Research Centers, other research institutions, private agencies and industry, and developing country university and other research institutions on a problem-oriented basis in a common research and development program to solve a priority food and nutrition problem. (See Program Planning section on pages 11-13). This may require fundamental research. The diagram shown above is for the purpose of illustration and it should be

^{1/} By definition in the Title XII legislation, funds for Collaborative Research Support Programs must be granted to eligible institutions. In the diagram this means the linkages with solid lines indicate potential direct funding through the management entity (page 9), while dotted lines indicate funding must occur as a subcontract or grant from the management entity or one of the participating eligible institutions.

176 recognized that there are many other variations which could be developed.

The JRC will encourage participation by small and less-experienced, eligible institutions and other interested institutions (public and private).

The Concept

The amelioration of world food, nutrition, and poverty problems will require considerable expansion in a comprehensive body of relevant scientific knowledge. While expanding, the research capacity extant in the developing nations is insufficient to the task of providing such in an acceptable time frame. The special purpose international agricultural research centers have considerable capacity to contribute to certain of these knowledge needs; however, this also is insufficient. The agricultural research establishment of the American higher education community, the USDA, U.S. Department of Commerce, and other federal research organizations, have extensive capacity to work effectively on this set of problems. For a variety of reasons, this capacity has not been brought to bear in sufficiently comprehensive fashion on these issues. If progress is to be made, and the U.S. foreign assistance commitment effectively discharged, this latter capacity must be mobilized to work in collaborative fashion with the international agricultural research centers and, even more important, the agricultural research institutions in the developing nations. Conceptually, it is the creation of an instrumentality capable of mobilizing this talent and permitting it to play a significant role in high-payoff, problem-oriented, research programs that is of principal concern.

This instrumentality and the collaborative research programs which it generates must also be capable of assuming effective interaction and complementarity with national, bi-national, and multi-national agricultural development programs in developing nations.

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Research programs of U.S. agricultural research institutions have, to a degree, become specialized in response to the specific characteristics of agriculture within their respective state. Since the late 1940's the U.S. state agricultural experiment stations have collaborated in research planning and implementation on a regional basis through a formal process entitled "Regional Research" which is funded by Congress for that specific purpose. Regional research projects have enabled state agricultural experiment stations to contribute specialized research competence to the solution of comprehensive problems. The rising relative and absolute costs of scientific research will inevitably force more such specialization because it is becoming increasingly more difficult for a U.S. state agricultural research institution to cover the research needs of all components of agriculture in that state.

Similarly, developing country institutions cannot be all things to all people. Certain basic minimal response capabilities to major agricultural needs must be developed and maintained in each country; but such institutions will have to make priority decisions and choices among competing needs in order to devote enough attention to any one problem to make significant contributions and thereby earn their constituents support.

In some subject matter areas, International Agricultural Research Centers have been established, and in some subject matter areas these address problems confronted by developing country and U.S. agriculture alike. These Centers are supported by some thirty donor members of the Consultative Group on International Agricultural Research (CGIAR) of which the U.S. is one of the major donors. The Centers focus their research and training programs on the major food sources of the developing countries. Their successful operation is dependent upon establishment of effective linkages, on the one hand with the client developing country research systems, and on the other, for supportive

research with appropriate institutions in the developed countries.

Program Approach

The "Collaborative Research Support Program" approach will link institutions having common interests in organized programs of research on selected problems. Such a collaborative research program on a single problem of common interest to the U.S. and several of the developing nations might involve a single U.S. institution as the U.S. leader, an international center, and several developing nation agricultural universities or research centers. More commonly, two or more U.S. universities with exceptional competence and interest in the problem would work as a team with the collaborating foreign institutions either under a special consortium or under prime grantee/subgrantee or subcontractor arrangement. Under any organizational model, certain specialized competencies required for effective solution of a given problem might not be available in the principal participating institutions and would need to be drawn from whichever source, U.S. or foreign, most capable of providing them.

Financing for a Collaborative Research Support Program would flow from AID in the form of long-term grants through the special consortium, or prime grantee, to the U.S. university(ies) and other entities formally involved in pursuit of a solution to the problem. All such funds would be used to support research conducted as part of the approved research program. These funds could be used for such purposes as:

- financing those components of appropriately reoriented U.S. based research programs having identifiable utility in solution of developing country problems;

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- financing planning and organizational costs of making such research programs of maximum effectiveness;
 - financing overseas research activities of U.S. faculty and graduate students working on approved collaborative research programs;
 - financing grants to, or contracts with, collaborating developing country institutions or individuals;
 - financing support to developing country arrangements for conducting research in practical farm situations to test validity, relevance and applicability of findings;
 - financing developing country and U.S. graduate students and other junior U.S. scientists on research necessary to prosecution of the problem-solving activity;
 - financing development of information exchange systems including conferences, data storage and retrieval systems, publications, materials exchanges, professional exchange arrangements and any other arrangements necessary to prosecution of the problem-solving activity;
 - financing special activities specific to the participation of International Agricultural Research Centers on approved research not covered by their budgets; and
 - financing such other functions as are essential to effective conduct of approved collaborative research programs.

The bulk of the contribution to the total program would come, of course, from the U.S. and foreign institutions' own resources devoted to their research efforts; however, the new international component of most programs would be

180 paid primarily by AID funding for Title XII programs. Collaborating U.S. institutions would likely be those with a high performance potential as judged by commitment or willingness to become committed, professional research capability and related factors. It is expected that collaborating institutions would elect to participate in programs which would be complimentary to their own domestic responsibilities.

Collaborating developing country institutions would participate out of their sense of the priority research needs of the constituencies they serve and their capability to contribute to solution of the identified priority research problems.

Division of effort would be worked out in large part by the collaborating researchers themselves. It would not necessarily follow a standard pattern. In some cases, U.S. scientists might do the major portion of the more basic research, because of access to costly laboratory facilities and specific expertise; in other instances, because of special aptitudes or interest, this might be a primary contribution of developing country researchers. Interest, capability and, above all, design requirements of an effective research program would be the ultimate considerations.

Characteristics of an Administrative Entity

For each Collaborative Research Support Program, an administrative "Management Entity", with required legal status, will be required for administering the resources contributed by AID and for overseeing the individual projects comprising the program. This management entity would receive and administer AID grant funds for the Collaborative Research Support Program, sub-allocating them to the participating U.S. and developing country insti-

tutions for their respective projects. The management entity would also assure that resources contributed to each project by the participating institutions would be made available to these projects in accordance with the budgetary plans.

The management entity might be a lead university (U.S. or developing country university), or other institution, an administrative unit within a lead university, a special consortium of universities, or other body representing the participating institutions. Although in some limited number of problem areas it may be possible for a single university to conduct a Collaborative Research Support Program without involving other U.S. institutions, this approach would not be typical.

In this concept, funds for a grant for a given Collaborative Research Support Program would flow from AID to the management entity and from that entity to each institution participating through projects in a Collaborative Research Support Program. AID would hold the management entity responsible for performance of the research program; the management entity would hold the collaborating institutions responsible for performance of their respective projects. The JRC will, through the Board, assist AID in execution of all these activities by such continuing evaluational and other program development and monitoring mechanisms as it may evolve. Similarly, AID would hold the management entity accountable for the funds and for their appropriate use in the projects, and this entity would, in turn, hold the participating institutions accountable for the funds and for their use in the projects according to budgetary plans. A suitable system of accountability would be developed between the management entity and the contributing universities for holding participating institutions accountable for use of AID funds in their projects.

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Such a management system is essential for efficient management of a number of participating university projects comprising a Collaborative Research Support Program. It is hoped that this will facilitate participation of a wide range of institutions, make available a diversity of scientific talent, and assure that all necessary disciplinary and institutional components of a Collaborative Research Support Program will be integrated into a comprehensive effort.

Program Planning

The Joint Research Committee will be responsible for preparing a prioritized list of programs suitable for addressing world food problems, with specific areas identified within each program. After this list is prepared and approved by the Board, the first step in the process of planning a specific program proposal would be for the JRC to organize a meeting or a series of meetings if necessary, for a larger group than would ultimately be involved in a Collaborative Research Support Program. This could include representation from eligible universities having an interest and capability in the subject and representatives from developing countries, International Agricultural Research Centers, AID Missions, and other research agencies. Out of this meeting would come a delineation of the problem and the identification of the institutions which would become actively engaged through a supporting project. Steps will be taken to assure that all eligible institutions, including the smaller and less-experienced, and other public and private entities having interest and scientific capacity in the problem area have an opportunity to participate in this phase of the planning process.

The JRC is willing to use a variety of techniques in the process of getting a proper plan developed for Collaborative Research Support programs.

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In some instances, the responsibility for coordinating the planning function might be given to a single university (preferably one which does not have a primary interest in participating in the research program), whereas in other instances, it might be given to an organization such as the Sea Grant Association which could coordinate the efforts of all interested and eligible universities. The primary goal would be to define a proper identity for the specific program in question which could best conduct the planning process.

A Program Review Committee (PRC) will be appointed by the JRC for each Collaborative Research Support Program. The PRC will be responsible for assisting the JRC in monitoring and evaluating each Collaborative Research Support Program. When the initial planning for a Collaborative Research Support Program has been completed and the participating institutions have been identified, a PRC consisting of members from non-participating institutions, will be officially appointed. The PRC would be asked by the JRC to make a final scientific evaluation of the proposed program and if the program were activated, the PRC would be responsible for continuing evaluation of progress toward attainment of objectives. The JRC would be expected to provide staff support for each PRC.

When the entity for a Collaborative Research Support Program grant has completed the process and has obtained input from the PRC, a proposal will be submitted to the JRC for consideration and approval before being recommended to the Board. Essential features of a grant proposal are as follows:

- (1) a master plan for the entire Collaborative Research Support Program Grant. This should include a state-of-the-arts review;

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- (2) project statements from each participating entity, including a description of collaborative relationships with developing country and other institutions;
 - (3) a plan to show how the Collaborative Research Program will be coordinated, including the management of the funds provided by the grant, as an integral part of the total research effort.
 - a. The involved universities will unite in a legally defined corporation or special consortium, or;
 - b. One institution will be designated as the lead institution which will accept a Support Grant that will be subdivided by sub-grants and/or contracts to the cooperating institutions.
 - (4) Program and fiscal accountability:
 - a. Individual project contributions by collaborating institutions to the program as well as program progress will be evaluated periodically by the PRC for recommendation to the JRC and to the AID program manager;
 - b. Annual project summaries will be submitted by the cooperating universities for review by the PRC;
 - c. Evaluation plans laying out critical steps in the research process and appropriate progress measuring devices will be developed;
 - d. Expenditures will be subject to audit in accordance with FMC-73-8 entitled "Cost Principles for Educational Institutions";
 - e. Forward funding decisions will be made by AID, keeping in mind the need for a two-year lead time.

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Characteristics of Collaborative Research Support Program Grants

(1) Collaborative Research Support Grants will be approved for periods of up to five years with forward funding assured for three or more years. These grants will be reviewed annually with regard to a rolling five-year plan and budget.

(2) The principle of "jointness" between the U.S. universities and AID in conceptualization and management of each Collaborative Research Support Program should be the standard test in evaluating the proposal. "Jointness" should be demonstrable through specific indication in the proposal of commitment by each U.S. university. Commitment will be tested by whether the AID component is additive to on-going university research programs and whether the total university effort toward the solution of international food problems exceeds the amount funded by AID.

6/30/77

FEH

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TAB L

12. Memorandum from Richstein to White (4/6/76) re staff support for BIFAD

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April 6, 1976

MEMORANDUM FOR: AA/NESEA, Mr. Alfred D. White,

FROM: GC/TFHA, A. R. Richstein,

SUBJECT: Staff Support for Title XII Board of International Food and Agricultural Development

This memorandum considers the available options for providing staff support to the Board for International Food and Agricultural Development, hereinafter referred to as the Board, and its subordinate units, which have been authorized by the newly enacted Title XII, FAA of 1961.

A prior GC memorandum has concluded that the Board is an advisory committee within the meaning of the Federal Advisory Committee Act and that AID is responsible under Section 12(b) of the latter Act to provide the necessary support services, including staff, quarters and supplies. (Memorandum, from GC, dated January 27, 1976, and enclosure, Subject: Section 298 of the Foreign Assistance Act, as amended.)

The provisions of Title XII which authorize the establishment of the Board and its subordinate units do not specifically provide for its staff. Section 5(b)(5) of the Federal Advisory Committee Act indicates that "adequate staff" will be "either supplied by an agency or employed by it." To the extent the word "supplied" is construed to mean "furnished pursuant to a contract for such services", specific authority is necessary to enter into personal service contracts if the services to be provided are "personal" in nature. OMB Circular A-63 sets forth the guidelines for the pay and travel expenses for advisory committee members, staff and consultants.

OPTION I - Direct Hire Staff -

It can provide staff support to the Board and its subordinate units from existing personnel resources or it can use additional personnel specifically employed for such purpose, subject to applicable personnel ceilings. Staff personnel will not be paid at a rate higher than the daily equivalent of the maximum rate for GS-15, unless a determination is made that the staff member's position would appropriately be placed in the General Schedule grade higher than GS-15. Any such determination must be reviewed by the head of the agency annually. (Para 11b, OMB Circular A-63, March 27, 1975.)

TBL

OPTION II - Use of a Support Services Contract -

In order to assess the legal feasibility of this option it is necessary to make assumptions concerning the nature of the support services to be performed. It is assumed that the staff, in performing services in support of the Board's Title XII functions, as well as the subordinate unit support staffs, will be performing comparable services, meeting comparable needs, as those performed elsewhere within AID by civil service or foreign service personnel. The services are to be provided in support of a federal function and are not temporary in nature. Further, it is assumed that the inherent nature of the services will require Government direction or supervision of contractor employees, directly or indirectly, in order adequately to protect the Government's interest. Finally, it is assumed that AID would retain the right to require immediate replacement of any individuals determined to be unsatisfactory, thus controlling their employment. Accordingly, the services involved in this option satisfy the generally accepted test of Federal employment and cannot be procured by contract. (32 CG 427, 431; 44 CG 762, 763).

OPTION III - Use Intergovernmental Personnel Act Employees -

The purpose of Title IV of the Intergovernmental Personnel Act of 1970, is to facilitate Federal-State local cooperation through the sharing of personnel resources of the various levels of governmental institution of higher education are covered under the program and this includes private as well as public institutions, and technical and junior colleges as well as 4 year colleges and universities. (guidelines on Personal Mobility, U.S. Civil Service Commission, Bureau of Intergovernmental Personnel Program, Washington, D.C. (1971), Section II).

Section 3374 of the Intergovernmental Personnel Act provides that IPA appointees are deemed Government employees for purposes of the conflict of interest statutes (18 USC 203 et seq.). Section 208 of Title 18 prohibits a Government employee from participating "through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise", in any "particular matter" in which, to his knowledge, be his spouse, minor child, partner, organization in which he is serving or any person or organization with whom he is negotiating or has any

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arrangement concerning prospective employment, has a financial interest. The organizations covered by section 708 include non-profit, as well as business organizations with which an employee has a connection. (Memorandum, Attorney General, January 28, 1963).

In view of the applicability of the conflict of interest statutes to IPA personnel serving with the federal government as committee staff personnel, they would not be able to participate through advice, recommendation or decision, or otherwise, in any matter involving the selection of their universities for grants or contracts. Similarly, the IPA staff could not recommend allocations of Title XII funds to the extent that such allocations could foreseeably affect their universities in any manner whatsoever.

Conflicts of interest problems must be considered on a case by case basis with reference to specific facts. It is apparent, however, that the use of IPA personnel as supporting staff (Option III) would require careful monitoring to avoid inadvertent violations of Title 18 USC. Option I, therefore, offers the most feasible alternative for providing staff support.

cc: AA/TA:CFarrar
AA/TA:ELong
GC:CLGladson

Clearance:
GC:WEWarren

12-7-68 4/2/76

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TAB M

ACTION MEMO

Action Memorandum

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April 21, 1977

NOTED: RHH

ACTION MEMORANDUM FOR THE ACTING DEPUTY ADMINISTRATOR

THRU: ES

FROM: AA/TA, Curtie Farrar

Problem: Need to decide on approach to handling conflicts of interest statutory requirements as they apply to Title XII Board and its subordinate committees.

Discussion: The Office of the General Counsel now feels that the members of the Board and its subordinate units will be subject to the conflict of interest statutes.

In a prior review of the applicability of the conflict of interest statutes to the Title XII Board, the General Counsel indicated that its members should be considered to be acting in a representative capacity for the university community and other private sector interests with which they are primarily associated rather than as officers and employees of the U.S. Government, within the meaning of Title 18, U.S.C. Accordingly, the provisions of section 208(a), Title 18, U.S.C. were not considered to be applicable. Consistent with this view a decision was made to reimburse the Board members for expenses incurred in the performance of their Board functions, including per diem and travel, but not to compensate them as experts or consultants for their time or services devoted to Title XII business. If they had been compensated, they would have been deemed to be officers or employees of the U.S. Government, notwithstanding their advisory role in a representative capacity. In view of the broad scope of the functions of the Title XII Board as they have since evolved and, in consequence, the manner in which it now appears that the Board and its subordinate units (the Joint Committees) will act, the GC has reviewed the problem in consultation with the Department of Justice and has concluded that the Title XII Board members and the members of its subordinate units should more appropriately be considered as officers and employees for purposes of the conflict of interest statutes (see attachment).

Two alternatives are open to A.I.D.: (a) Seek specific legislation to exempt members of the Board and subordinate committees from application of general conflict of interest laws. Such exemption could not, of course, extend to include direct financial benefit from actions resulting from their participation. (b) Provide exemptions on an individual

basis to Board and subordinate committee members where it can be determined that their financial interest or the financial interest of university and other sectors with which they are associated are too inconsequential to be likely to affect the integrity of their services (this would not include exemption for participation in matters in which they or the organizations with which they have present or expected connections are directly involved).

A third possibility of a general exemption was examined and found not to be feasible.

We recommend providing specific exemptions rather than seeking exemptions through legislation.

The disadvantages of legislative action involve:

a. The possibility of substantial delay and the attendant period of uncertainty as to the conflict of interest status of Board and subordinate committee members at a time when they are moving to undertake the kinds of actions which could create conflict of interest problems.

b. Uncertainty of outcome as the Congressional sponsors of Title XII, it seems clear, did not address the conflict of interest issue.

c. The probability that seeking legislative amendments would afford an opportunity for efforts to reconstruct the basic relationship of the Board to A.I.D.-- to attempt to make it "operational" instead of "advisory"--an issue which has required great determination to bring to the present point of mutual accommodation. Extended debate on this problem could have serious consequences for the program, for Congressional attitudes and especially for adverse impact on the university community.

Issuance of individual exemptions would meet the need and also provide for a specific examination of whether serious conflict of interest does exist in any particular case.

It would be necessary for the Administrator to sign each individual exemption; however, the processing of individual exemptions should be relatively expeditious once the procedures have been established.

One aspect of the revised view is that the conflict of interest status of Board and subordinate committee members is not affected by whether or not they receive pay for their efforts.

We planned to pay the members of the Joint Research and Joint Agricultural Development Committees a daily consultant fee if they wish to receive it. We would now plan similarly to pay members of the Board.

Recommendation: That we proceed to arrange for the General Counsel to prepare individual exemptions exempting the Board and Subordinate Committee members from the pertinent conflict of interest statutes with reference to the performance of their Board and Committee functions. This will include specification of the kinds of activities directly affecting their universities or other organizations with which they are connected for which exemption will not be provided.

Approved: RWN

Disapproved: _____

Date: 4/23/77

Attachment:

Memo on the Applicability of Conflict of Interest Statutes to the Title XII Board

Clearance: GC:MBall draft
GC/TFHA:ARRichstein draft

AA/TA:EJLong:jb:4/20/77

~~SECRET~~

DRAFT

MEMORANDUM ON THE APPLICABILITY OF CONFLICT OF INTEREST STATUTES TO THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT (TITLE XII BOARD) SUBORDINATE UNITS

This memorandum discusses the applicability of the conflict of interest statutes to the members of the Board for International Food and Agricultural Development (Title XII Board) and its subordinate committees and supporting staff in connection with the performance of their authorized functions.

The memorandum concludes:

1) In view of the scope and nature of the Board's activities, the members of the Board and its subordinate units should be considered as officers or employees of the United States for purposes of the Federal conflict of interest laws.

2) Exemptions from the operation of the provisions of section 208(a) of Title 18, U.S.C. which prohibit participation of Federal employees in matters affecting their financial interest, may be issued under the authority of section 208(b)(1) of Title 18. It would be appropriate to issue such exemptions on an individual basis to the members of the Title XII Board and to the subordinate committee members where a finding may reasonably be made that their financial interest and those of the organizations with which they are connected are too inconsequential to be likely to affect the integrity of their service.

3) It would not be appropriate to grant an exemption under section 208(b)(1) with respect to those matters in which the Board members or subordinate unit members have subsisting relations with universities which are directly and substantially involved.

4) It would not be appropriate to issue a general regulation exempting the financial interests involved as too remote or inconsequential.

5) In addition to consideration of individual exemptions, specific legislation might be proposed to exempt the Title XII Board members and the members of the subordinate committees from the application of the conflict of interest statutes.

I. THE TITLE XII BOARD

The President established the Board for International Food and Agricultural Development pursuant to the requirement in section 298 of a new Title XII which was added to the Foreign Assistance Act of 1961, as amended by section 312 of the International Development and Food Assistance Act of 1975, P.L. 94-161, 89 Stat. 849, 864. This new authority is designed to enlist fuller and more effective use of the land-grant, sea-grant and similar agricultural colleges and universities in meeting the challenge of increasing food supplies for the growing populations of developing countries. H.R. Rep. 442, 94th Cong., 1st Sess., 25. The President, through the Administrator, AID, is authorized to provide assistance to universities (as defined in section 296 of the Foreign Assistance Act of 1961, as amended), to strengthen their capabilities in research, teaching and extension work to enable them to implement current programs authorized by Title XII, and to assist them in carrying out the activities authorized by Title XII.

Congress intended the Board to be a focal point for the increased U.S. university role in this area of foreign assistance. H.R. Rep. 442, 94th Cong., 1st Sess., 25. Consistent with this legislative intent the Board is given general areas of responsibility which include participation in the planning, development and implementation of, the initiation of recommendations for, and the monitoring of activities authorized by Title XII. Section 298(b) FAA of 1961, as amended. The Board's duties include "participating" in the formulation of basic policy, procedures, and criteria for project proposal review, selection and monitoring; developing and keeping current a roster of eligible universities; recommending which developing nations could benefit from programs carried out under Title XII, reviewing and evaluating memorandums of understanding between AID and participating universities; reviewing and evaluating agreements and activities authorized by Title XII to assure compliance with its provisions; recommending to the AID Administrator the apportionment of funds under section 297 of Title XII and assessing the impact of programs carried out under Title XII in solving agricultural problems in the developing nations.

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The question as to whether the members of the Board should be considered as "representatives" of the universities and other sectors with which they are connected is a difficult one. If they may be considered to be "representative", they need not be considered to be officers and employees within the meaning of the conflicts of interest statutes. See Presidential Memorandum "Preventing Conflicts of Interest on the Part of Special Government Employees", 28 Fed. Reg. 4539 (May 2, 1963), set out in pertinent part in Chapter 735, Appendix C, of the Federal Personnel Manual.

The legislative history of the Board indicates a university perception of Title XII in which the Board would provide a mechanism for representation of the entities involved in Title XII activities.

"One of the underlying objectives of the Title XII Amendment appears to be that of creating a truly cooperative program between the federal agency responsible for U.S. bilateral foreign agriculture assistance activities, the colleges of Agriculture and the U.S.D.A. Hence, it would seem desirable to constitute the board in the manner such that the federal and state entities involved directly in the cooperative activities would be represented." See Prepared Statement of D. Woods Thomas, Hearings on S.1816 and H.R. 9005, by the Subcommittee on Foreign Assistance of the Senate Committee on Foreign Relations, 94th Cong., 1st Sess., 350.

In the House Hearings Rep. Zablocki and Dean Bentley of the University of Illinois at Urbana-Champaign engaged in the following colloquy regarding the Board:

MR. ZABLOCKI . . . I have just two questions, Mr. Chairman. The section 298 in the committee draft print of Title XII provides for the Board of International Agricultural Development. What do you gentlemen envision the role of the Board to be and to what extent will it administer this new land-grant program?

MR. BENTLEY. I am of course not familiar with all of the things that this Board might do, but one important function of the Board would be to advise on a program development and provide a basis for establishing policy that relates to the activities that come under the purview of the bill. I would look to this Board as a functional one and not merely a rubber stamp board; it would be a board that would definitely be involved in setting policy and in helping to enunciate a program of research and education that would relate to implementing the intent of the Findley amendment.

MR. ZABLOCKI. Dr. Bentley, you mention "setting policy." You mean it would--

MR. BENTLEY. Help to establish policy.

MR. ZABLOCKI. The Board would not have any authority other than that, it would not be directly administering the program, they would be more of an advisory board. Of course, advisory boards in the past, depending on the composition of the personnel on those advisory boards, were not very helpful. We would hope that this advisory board would be a meaningful advice giver.

MR. BENTLEY. Yes; it would have to have some power in this matter or the Board would become a pro forma operation. That is not what is envisioned under this particular title.

MR. ZABLOCKI. Well, I imagine the Board is to have some input without having actual jurisdiction.

MR. BENTLEY. Yes Hearings and Markup on H.R. 9005 before the Committee on International Relations, 94th Cong., 1st Sess. (1975) at 368.

However, it is now clear that the Board is to participate actively in the programming and budgetary processes associated with food, nutrition and agricultural development programs funded through AID and that a special staff group to serve its needs in the program analysis and planning area is to be provided by AID. In addition, the Board plans to create a subordinate Joint Research (JRC) Committee and a Joint Committee on Agricultural Development (JCAD) to assist it in the performance of its duties.

The Board's functions will cover a broad spectrum of agricultural research activities authorized, funded and implemented by AID. These activities include support of the International Agricultural Research Centers, centrally funded research contracts and grants and research funded through AID Mission and Regional Bureau budgets. In addition the Board will participate in the planning and development of a collaborative research support program and in connection with programs designed to strengthen US universities to engage in activities authorized by Title XII. A Joint Research Committee (JRC) is to be established to assist the Board in the performance of these functions. Members of the Joint Research Committee are to be appointed from the universities, the private sector and from within the executive branch.

The Board will also participate in the formulation of policy and programs involving assistance in the development and strengthening of agricultural infrastructure in developing countries. A Joint Committee on Agricultural Development with membership components similar to those of the JRC, will assist the Board in the performance of these functions, including the assessment of priority needs, the evaluation of "eligible" universities and identification of areas in which universities are to be strengthened.

We have in our earlier consideration of this matter, based on the legislative history of Title XII and the purpose of the Board concluded that the members should not be considered officers and employees. It is also our understanding that the university members were recommended

by the university community.^{1/} However, the evolving nature of the Board and the functions it is to perform indicate that its members are more than mere "representatives" of the universities and other sectors with which they are associated. The same conclusion appears to be appropriate for the members of the subordinate units.

1/ We note the following pertinent provisions of Chapter 735, Appendix C, of the Federal Personnel Manual, subparagraphs 2(g)(2), (3) (4).

"(2) It is rare that a consultant or adviser who serves alone is acting in a representative capacity. Those who have representative roles are for the most part persons serving as members of an advisory committee or similar body utilized by a Government agency. It does not follow, however, that the members of every such body are acting as representatives and are therefore outside the range of the conflict of interest laws. This result is limited to the members of committees utilized to obtain the views of non-governmental groups or organizations.

"(3) The fact that a person is appointed by an agency to an advisory committee upon the recommendation of an outside group or organization tends to support the conclusion that he has a representative function.

"(4) Although members of a governmental advisory body 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."

CONFLICT OF INTEREST

The principal conflict of interest provisions which would be applicable to members of the Board and the subordinate units are 18 USC sections 203, 205, and 208. It is assumed that the Board members and members of the subordinate units will not be required to perform duties in excess of 130 days during any period of 365 consecutive days. They would, therefore, be considered, "special Government employees" for purposes of the conflict of interest laws. See 18 U.S.C. 202(a).

Section 208(a) prohibits an officer or employee of the United States, including a special Government employee, from participating personally and substantially as a Federal employee in a particular matter in which, to his knowledge, he, his spouse, minor child, partner, or organization in which he is serving as an officer, director, trustee or employee or with which he is negotiating or has an arrangement for future employment, has a financial interest, unless he first obtains an appropriate exemption under 18 U.S.C. 208(b)). The university members of the Title XII Board have maintained their positions with their universities. It is possible that all four universities involved could benefit from assistance under Title XII. Accordingly, many of the Board's decisions may have a direct and predictable effect on the financial interest of those universities and the university members would be prohibited by section 208(a) from participating in such Board matters unless they first obtained an exemption under section 208(b).

INDIVIDUAL EXEMPTIONS

Section 208(b) provides that the prohibition in subsection (a) shall not apply (1) if the officer or employee first advises the official responsible for appointment to his position of the nature and circumstances of the matter and the financial interest involved and receives an advance written determination that the interest is too insubstantial to be likely to affect the integrity of his service, or (2) if by general regulation published in the Federal Register the financial interest has been exempted as too remote or inconsequential. There is no applicable regulation in this regard and it is doubtful that such a regulation would be appropriate. Accordingly, any exemption would have to be made on an individual basis under section 208(b)(1).

Such exemption could be made for the appropriate individual, with respect to all particular matters before the Board except those in which the member's own university was specifically involved or was directly and substantially interested.

In this connection, it is significant that Congress has directed that a majority of the Board be selected from the universities that are eligible to receive grants under the Title XII program in which the Board will perform important functions. It is reasonable to infer that Congress did not intend for section 208 to prevent the full and effective participation of the university members in most Board activities. Accordingly, 18 U.S.C. 208 and the statutory provisions directing that the Board be established should be construed to give the fullest possible effect to both provisions.

As the result of informal consultation with the Department of Justice we have learned that in the past it has suggested that an exemption under section 208(b)(1) of 18 U.S.C. may be appropriate only where the duties of the employee are of a general nature and would not result in any particular party or organization obtaining an advantage over another. See Federal Personnel Manual, Chapter 735, Appendix C. Some of the functions of the Board may be of this type-- e.g., the formulation of policy, procedures and criteria for project proposal review, selection and monitoring. However, the Board's function of recommending an allocation of funds among various Title XII objectives would have the effect of preferring some universities with the expertise relevant to the priority areas over those whose expertise lies in lower priority areas. However, it is considered that a decision to make a section 208(b)(1) exemption applicable to that function would nevertheless be appropriate. A contrary conclusion would result in the disqualification of the four members of the Board whose participation Congress most desired, to be disqualified from an entire category of the Board's statutory functions. We do not believe that this conclusion would be consistent with the Congress' express expectation for the Board and we do not think it is required by section 208(b)(1). It is our understanding, based on informal consultation, that the Office of Legal Counsel, Department of Justice, is of the same view.

CRITERIA FOR APPLICATION OF THE EXEMPTION

The statutory test is whether the financial interest "is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee". This does not require that there be no substantial financial interest. If the exempting official is confident of the integrity of the university members involved under all of the pertinent circumstances an exemption under section 208(b)(1) would be appropriate to permit the Board members to participate in a broad range of the Board's activities, including those which may not affect all universities equally.

However, it would not be appropriate to grant a section 208(b)(1) exemption with respect to those matters in which the members' university is specifically involved or in which it has a direct and substantial interest. Aside from any subjective assessment of integrity there would be significant appearance problems in such direct involvement. See Executive Order 11222, section 302.

Insofar as the members of the subordinate committees and staff members are concerned, it must be noted that there is no legislative mandate to appoint or use university members. However to the extent that members from universities are deemed essential to the performance of the Board functions the same considerations in granting section 208(b)(1) exemptions as are applied to the Board, would seem to be appropriate for these members. Section 208(b)(1) requires that the exemption be granted by "the Government official responsible for appointment to his position", in this case, the President. Section 503 of Executive Order 11222 delegates the power to grant an exemption under section 208(b)(1) to department and agency heads with respect to Presidential appointees who are subordinate to a department or agency head. It is our view that members of the Title XII Board may be considered subordinate to the Administrator, Agency for International Development, for purposes of this delegation provision. The power of exemption under 18 U.S.C. 208(b)(1) with respect to those members therefore is in the Administrator. In view of the fact that the establishment of this Board has been directed by Congress, the provisions of section 505(c) reserving the exemption authority to the President for groups established by the President, is considered inapplicable.

Finally, in view of the continuing important nature of the Title XII Board and subordinate unit functions it may be appropriate to propose specific legislation to exempt their members from the application of the conflict of interest statutes.

The remainder of this memorandum considers the effect of 18 USC 203 and 205 upon the Board and subordinate unit members.

18 U.S.C. 203 and 205

These two sections in general operate to preclude a regular Government employee, except in the discharge of his official duties, from representing another person before an agency or court, whether with or without pay in a matter in which the United States is a party or has a direct and substantial interest. The two sections, however, impose only the following major restrictions upon a special Government employee:

1. He may not except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he has at any time participated personally and substantially in the course of his Government employment.
2. He may not, except in the discharge of his official duties, represent anyone else in a matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and which is pending before the agency he serves. This restraint, however, is not applicable if he has served the agency no more than 60 days during the past 365 days. He is bound by the restraint, if applicable, regardless of whether the matter is one in which he has ever participated personally and substantially.

These restrictions prohibit both paid and unpaid representation and apply to a special Government employee on the days when he does not serve the Government as well as on the days when he does.

Guidelines with reference to sections 203 and 205 to be applied by government agencies in utilizing the services of special Government employees are set forth in Federal