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The United States has been a party to international negotiations for agricultural commodities since 1937. Delegations generally consist of the head of the delegation and alternates who are U.S. Government employees and advisers from either the Government or the private sector. The use of private-sector representatives as advisers is a long-established practice and was institutionalized by the Trade Act of 1974. Findings/Conclusions: Advisers have performed an important service in negotiations for international commodity agreements, and the private sector should be able to consult with and provide information to negotiators. However, private-sector advisers have almost exclusively come from industry organizations. The recent accreditation of advisers representing consumer interests indicates an increased awareness of the need for consumer representation, but greater emphasis is needed for such representation in order to provide U.S. negotiators with a more balanced view of objectives. The Federal Personnel Manual (FPM) distinguishes between consultants and advisers who are special Government employees subject to Federal conflict-of-interest laws and those invited to appear in a representative capacity who are not subject to these laws. The role of advisers involved in the commodity negotiations does not completely meet criteria for classifying them as representatives of the private sector rather than of the Government. There is also a question as to whether or not industry representatives in

coffee negotiations were special Government employees.
Recommendations: The Secretary of State should: inform concerned Secretaries, heads of agencies, and organizational entities that private-sector involvement in international commodity conferences includes balanced representation between consumer and industry sectors; revise the State Department policies and guidelines which define the role of the advisers to meet the established criteria for representative advisers as contained in the FPM; issue regulations on elementary rules and ethics applicable to advisers representing the private sector; and strengthen administrative procedures for security clearances and exclusion of nonaccredited persons. (Author/HTW)

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REPORT BY THE
Comptroller General
OF THE UNITED STATES

RELEASED
5/15/78

Role Of The Private Sector In International Commodity Negotiations Needs Revision

At the request of the Chairman, Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, House Committee on Agriculture, GAO reviewed the process of choosing U.S. delegations to international commodity negotiations and their effectiveness in representing consumer interests.

The Government's use of private-sector representatives in international negotiations is a long-established practice which allows representatives to make their views known and provides U.S. negotiators a way to seek information and advice. The concept of the need for private-sector advisers in multilateral negotiations was institutionalized by the Trade Act of 1974.

In the case of negotiations for international commodity agreements, the advisers have rendered an important service. However, the Secretary of State should require that private-sector involvement in international commodity conferences be balanced between consumer and industry sectors, and that the roles of the advisers be changed to assure that they meet the criteria for private-sector representatives as distinguished from special Government employees representing the United States.





COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20549

B-175530

The Honorable Frederick W. Richmond
Chairman, Subcommittee on Domestic
Marketing, Consumer Relations,
and Nutrition
Committee on Agriculture
House of Representatives

Dear Mr. Chairman:

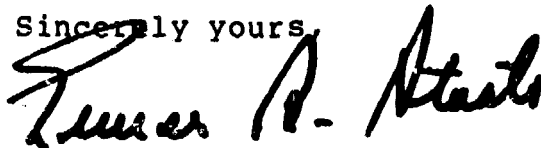
This report is in response to your requests of August 5, and December 15, 1977, that we review the adequacy and propriety of the process by which U.S. delegations to international commodity negotiations are chosen and the effectiveness of the delegations in representing U.S. consumer interests.

We limited our review to those U.S. delegations recently involved in negotiations for agreements on four agricultural products. The commodities are three tropical products--cocoa, coffee, and sugar--and wheat. To expedite the issuance of this report, you requested that written agency comments not be obtained. However, the matters covered in the report were discussed with representatives of the Departments of State, Agriculture, and Justice and the Civil Service Commission. Where appropriate, their comments were considered in the report.

Our review showed a need for action by the Secretary of State to change the selection process for and the roles of private-sector advisers involved in international commodity agreements. We are making recommendations to the Secretary of State that (1) private-sector involvement in international commodity conferences include balanced representation between consumer and industry sectors, (2) the roles of private-sector advisers be modified to meet the criteria of representatives of the private sector and not of special Government employees, (3) regulations on elementary rules and ethics applicable to private-sector advisers be issued, and (4) the administrative procedures for security clearances and the exclusion of non-accredited persons from the work of the delegations be strengthened.

We will be in touch with your office to arrange for subsequent distribution of this report.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas A. Stairs". The signature is written in a cursive style with a large, sweeping initial 'T'.

Comptroller General
of the United States

D I G E S T

The United States has been a party to international negotiations for agricultural commodities since 1937. The Department of State is responsible for accrediting delegation members and establishes the general rules and policies governing the delegations' conduct.

Delegations generally consist of the head of delegation and alternates who are U.S. Government employees, and advisers from either the Government or the private sector. In the negotiations for sugar, cocoa, and coffee, the official delegations have been headed by the State Department, while the delegations for wheat negotiations have been headed by the Department of Agriculture.

The U.S. Government's use of private-sector representatives as advisers in international commodity negotiations is a long-established practice. This allows private-sector representatives an opportunity to air their views and provides U.S. negotiators a way to seek information and advice. The concept of the need for private-sector advisers in multilateral negotiations was institutionalized by the Trade Act of 1974.

In the case of negotiations for international commodity agreements, GAO believes that the advisers have performed an important service and that affected segments of the private sector should be able to consult with and provide information to negotiators. However, private-sector advisers have almost exclusively come from industry organizations. The recent accreditation of advisers representing consumer interests, though limited, indicates an increased awareness of the need for consumer representation. However, greater emphasis is needed to bring consumer representation into the process in

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order to provide U.S. negotiators with a more balanced view of the objectives to be pursued in international negotiations.

The Federal Personnel Manual distinguishes between consultants and advisers who are special Government employees subject to Federal conflict-of-interest laws and those invited to appear before a Government agency in a representative capacity who are not employees of the Government and, therefore, not subject to the conflict-of-interest laws.

GAO does not believe that the role of the advisers involved in international commodity negotiations completely meets the criteria for classifying them as representing the private sector as distinguished from representing the United States as special Government employees. The Department of Justice has also informed the Department of State that there is a very real question as to whether or not the industry representatives in the coffee negotiations were special Government employees.

RECOMMENDATIONS

The Secretary of State should:

- Inform Secretaries of Departments and heads of agencies, as well as organizational entities within the Department of State, that private-sector involvement in international commodity conferences include balanced representation between consumer and industry sectors.
- Revise the State Department policies and guidelines which define the role of the advisers to meet the established criteria for representative advisers as contained in the Federal Personnel Manual.
- Issue regulations on elementary rules and ethics applicable to advisers representing the private sector.

The Secretary should also strengthen the administrative procedures for security clearances and the exclusion of nonaccredited persons from the work of the delegations.

This review was made at the request of the Chairman, Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, House Committee on Agriculture. To expedite the issuance of the report, the Chairman requested that formal comments not be obtained. However, the report has been discussed with representatives of the Departments of State, Agriculture, Justice, and the Civil Service Commission, and their comments were considered in the report.

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ABBREVIATIONS

FBI	Federal Bureau of Investigation
FPM	Federal Personnel Manual
GAO	General Accounting Office
ICA	international coffee agreement
IWC	International Wheat Council
NCA	National Coffee Association
OIC	Office of International Conferences
STR	Office of the Special Representative for Trade Negotiations
U.N.	United Nations

CHAPTER 1

INTRODUCTION

The United States has entered into or negotiated international commodity negotiations between producer and consumer countries to stabilize price and assure supply availability. In the past 20 years, the United States has been involved in the negotiation of commodity agreements concerning coffee, cocoa, sugar, wheat, and tin. Agreements are negotiated by the executive branch, subject to ratification by the U.S. Senate.

REASON FOR REVIEW

In a letter dated August 5, 1977, the Chairman, Subcommittee on Domestic Marketing, Consumer Relations and Nutrition, House Committee on Agriculture, questioned the adequacy and propriety of the selection process for U.S. delegations to the negotiations and the effectiveness with which delegations represent U.S. consumer interests. The Chairman noted that the negotiating team for the 1975 coffee agreement included 10 industry advisers and stated that if industry advisers benefited from privileged information as a result of their presence, conflict-of-interest violations may exist. The Chairman requested, therefore, that we initiate an investigation concerning nine questions to which we respond in chapter 5.

In a letter dated December 15, 1977, the Chairman requested answers to five additional questions to which we respond in chapter 5. In summary, the Chairman stated that he was seeking an authoritative opinion fully clarifying legal questions raised by the policy of inviting advisers from American industry to participate in international negotiations as part of U.S. delegations without consideration of both Federal conflict-of-interest standards and procedures and those of the Federal Advisory Committee Act.

The Chairman requested also that existing regulations that do not completely cover these matters be precisely delineated with the view toward proposing remedial legislation to better safeguard the public interest.

SCOPE OF REVIEW

With the concurrence of the Subcommittee office, we limited our review to four agricultural commodities--cocoa,

coffee, and sugar (tropical products), and wheat--which were the subject of recent negotiations.

The cocoa agreement negotiated in 1972 became effective for the period of 3 crop years beginning October 1, 1973. The United States participated in the negotiations for the agreement but was not a signer because of reservations that the object price range was too high and that the export quota and surplus stock operations specified in the agreement would not be effective. The agreement was renegotiated in October 1975, and the United States was again an active participant. The resulting cocoa agreement of 1975 is basically an extension of the 1972 agreement, and again the United States did not sign as it considered the agreement to be unsound and unworkable.

The United States has been a member of the 1962, 1968, and 1976 international coffee agreements (ICAs). Under the sponsorship of the United Nations (U.N.), the 1962 ICA was successfully negotiated and adopted. The 1962 ICA expired on September 30, 1968, and was replaced by a similar 5-year agreement. In April 1973 the agreement was extended for 2 years. On October 1, 1976, the third ICA having a 5-year term entered into force with the United States as a member.

The United States has been a member of previous international sugar agreements, including the first agreement of 1937, but was not a member of the 1968 agreement. The 1968 agreement, scheduled to expire in 1973, has been extended annually to provide statistical data and a forum for negotiations of a new agreement. Its economic provisions, however, have been suspended. Negotiations begun in Geneva in April 1977 for a new agreement were recessed without conclusion. Talks were resumed in September and final agreement was reached in October 1977. The United States' membership in the agreement is subject to ratification by the U.S. Senate.

The United States has been a party to various international wheat agreements since 1949. The International Wheat Agreement of 1971 is currently in effect. The 1971 agreement had a 3-year term and was extended by protocols for 1 year in 1974, again in 1975, and for 2 years in 1976. The current extension will expire in June 1978.

In 1975 a Preparatory Group was established to consider possible bases for a new agreement and to recommend to the International Wheat Council (IWC), which administers the

agreement, whether a formal negotiating conference should be convened. There have been various meetings of the Preparatory Group, including one held in November 1977.

Through December 1977 we conducted various work in Washington, D.C.; New York, New York; and Chicago, Illinois. In Washington we reviewed applicable legislation and regulations and the activities of the Departments of State, Agriculture, Commerce, and the Treasury. We also talked to various trade advisers whose associations are located in Washington. In New York we talked with trade advisers representing all segments of the industries involved in the commodity negotiations. In Chicago we talked to market analysts and traders.

CHAPTER 2

AUTHORITY FOR NEGOTIATIONS AND

SELECTION OF DELEGATIONS

The Secretary of State is responsible for developing policy on and negotiating international commodity agreements. Title 22 U.S.C. 2656 provides that the Secretary of State

"* * * shall perform such duties as shall from time to time be enjoined on or entrusted to him by the President relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the department, and he shall conduct the business of the department in such manner as the President shall direct."

Title 22 U.S.C. 2672 further provides for U.S. participation in such international conferences and authorizes the Secretary of State to pay the expenses of participation.

In exercising its responsibility, State draws upon the expertise of various U.S. Government agencies as well as certain affected segments of the private sector. However, in the case of the International Wheat Council, the Department of Agriculture has the lead negotiating role. The designation of Agriculture as the lead agency is informal, evolving from its inherent relationship with the commodity. There are no agency guidelines, memorandums, or Presidential orders designating it as the lead agency.

SELECTION OF DELEGATIONS

On February 28, 1948, the President approved a memorandum from the Secretary of State recommending that responsibilities for approving delegations to international conferences and meetings be shared between the President and the Department of State. The memorandum provided that the President would continue to approve those individuals to such conferences and organizations "as required by law or of major importance," while the Secretary of State would

designate all other representatives and delegates, including the advisory staffs for all groups. Subsequently, the Secretary of State redelegated much of his authority to the Assistant Secretary for International Organization Affairs.

The Office of the Assistant Secretary for International Organization Affairs provides guidance and support for U.S. participation in international organizations and conferences and acts as the communications channel between the Federal Government and such organizations. The Office provides leadership in developing, coordinating, and implementing U.S. policy on the handling of multilateral political, scientific, economic, and social matters. Within the Office of International Organization Affairs, the Office of International Conferences (OIC) administers the overall international conference program for the U.S. Government, including funds management, and receives and coordinates actions on all invitations to the U.S. Government to participate in multilateral conferences and meetings. In consultation with other agencies of the Government and organizational units of the State Department, the Office recommends or approves the composition, instruction, and accreditation of U.S. delegations. The State Department accredits representatives and advisers to participate in about 1,000 international conferences annually.

Upon receipt of an invitation to participate, data about the conference are assembled and the extent and nature of governmental and private interests are determined. The Department's policy in this regard is stated in its Program Officer's Manual:

"In general, United States delegations are officially accredited only when official participation is necessary, i.e., to those conferences which involve intergovernmental responsibilities. This practice accords with the Congressional mandate to reduce United States participation in international conferences and maintains the appropriate relationship between the nature of a conference and the character and responsibility of a United States delegation."

The size and composition of an official U.S. delegation is determined by the State Department in consultation with other interested Federal agencies, private persons and organizations, and frequently the Congress. In composing

the delegations to international conferences, the Office of International Organization Affairs applies the following general rules that are set forth in the Department of State's Program Officer's Manual:

"For reasons of efficiency and economy, and in order to assure focus and concentration of effort, a delegation should include only the minimum number of qualified persons required to accomplish the particular United States objective at a conference or meeting. Each delegation represents the United States Government as a whole. Regardless of the type of conference, it is not necessary for every agency, or every element of this or any other department, which has or claims an interest in the subject matter, to have its own men on the delegation. Consideration for membership in a delegation is given only to United States citizens."

In an April 18, 1977, memorandum to the Secretaries of Departments and heads of agencies, the Secretary of State reiterated the policies governing U.S. delegations to multi-lateral international conferences and meetings.

--"Secretaries of State in the last five Administrations expressed their opposition to large United States delegations. The size of delegations will be reduced by 15-25%."

--"Each delegation represents the United States Government. No accredited delegate 'represents' an organization--delegates represent the United States."

--"All interested Government agencies have an opportunity to work on instructions to conference delegations before they leave Washington. The participation of U.S. private entities will ordinarily occur prior to the official delegation's departure. Participation in the preparation of instructions is not cause for delegation membership."

--"U.S. delegations to international conferences should reflect the composition of American society. To this end delegation nominations will include

women and representatives of minority groups. If an unsuccessful search for representatives of these groups has been made, a statement to that effect should accompany the nomination."

--"No official of this Government should attend a multilateral international conference at which accreditation is required without the prior knowledge and approval of the Office of International Conferences of the Department of State. Any question whether a particular meeting requires accreditation can be answered by that office."

--"Authority for accreditation is not shared by the Assistant Secretary of State for International Organization Affairs with any other office of the Government, except the Office of International Conferences of the Department of State."

In carrying out the State Department's rule of including only the minimum number of qualified persons, the Office of International Organization Affairs determines the composition of the delegations by analyzing the agenda of a particular conference and applying the following two precepts:

--Each member should be able to deal with several items of the agenda.

--Each member should be able to serve the Government interest as distinct from the interest of a single Government agency. However, when a conference deals with subjects having an important bearing on a particular agency, representation of that agency may be permitted.

Moreover, the Office states that it will not accredit a delegation larger than that sent to a previous meeting in the same series unless a compelling need can be demonstrated.

Delegations to the conferences consist of the head of the delegation, or the delegate, and alternates who are U.S. Government employees. Additionally, the delegation includes advisers who are either U.S. Government employees or representatives from the private sector.

The number of members on delegations to meetings varies depending on the meeting's nature and the commodity being

discussed. In 1977 there were four sugar meetings, three coffee meetings, and no cocoa meetings. At cocoa negotiations the team would probably consist of three Government representatives and two private-sector advisers. Delegations to coffee and sugar meetings usually consist of eight members from Government agencies and eight private-sector advisers.

Since the signing of the latest International Wheat Agreement of 1971, there have been 16 negotiating sessions and 7 sessions of the Preparatory Group. In recent years officially accredited delegations have averaged about 7 members, with as many as 11 and as few as 1. In addition to the delegate, there are usually three or four alternates--one from the State Department and the rest from Agriculture.

Since 1976 there have been meetings at which the topics of discussion included establishing grain reserves. Individuals from the Office or the Special Representative For Trade Negotiations (STR) and the Department of the Treasury were included and accredited as Government advisers to the delegation.

Since 1971 there normally have been four private-sector advisers. Delegation members are selected primarily by informal procedures, and not by formal specific operational guidelines.

Delegation members to international negotiations regarding tropical products are nominated to OIC by the Tropical Products Division, Bureau of Economic and Business Affairs, Department of State.

In obtaining advisers to represent private industry, the State Department works through trade associations. The Department attempts to have representation that accurately reflects all segments of an industry as well as geographic interests. The salaries of industry advisers are not paid by the Government.

The State Department has involved industry advisers in negotiating international agreements for coffee for almost 20 years. Coffee industry involvement with the State Department is done through the National Coffee Association (NCA) which is the broadest based coffee industry association in the United States. Its membership includes both coffee roasters (processors) and coffee trading firms. The Foreign

Affairs Committee of NCA nominates members to represent both segments of the trade. Its nominations are based on the type of expertise required, availability to attend, and geographic representation.

In 1977 private-sector advisers attended sugar negotiations for the first time as accredited members of the U.S. delegation. Prior to 1977 they had attended in a private capacity as observers on behalf of their industries. The U.S. sugar industry has many segments, all of which are drawn upon to participate in the meetings. Cane and beet sugar producers, refiners, and industrial users are all involved. In all, eight associations are asked by the State Department to recommend members to attend the negotiations.

Industry advisers assisted the U.S. delegation at the 1972 and 1975 meetings for the negotiation of a cocoa agreement. The two major cocoa industry groups--the Chocolate Manufacturers Association and the Cocoa Merchants Association--were asked by the State Department to recommend members to represent their respective associations.

Within Agriculture, the Office of the Assistant Administrator for Foreign Commodity Analysis of the Foreign Agricultural Service, acting for the Assistant Secretary for International Affairs and Commodity Programs, has been primarily responsible for selecting both Agriculture officials and industry advisers to attend international conferences concerning wheat.

The completed list of individuals recommended by this office is then forwarded to the Office of International Organization Affairs within Agriculture. This Office was established to coordinate Agriculture's involvement in all international organizations to ensure effective representation by the Department of Agriculture. For meetings on wheat, the Office of International Organization Affairs performs only the administrative tasks of ensuring that both the Government representatives and the industry advisers selected have filled out and submitted the necessary security-related information and have been cleared prior to their selection.

The nature of topics to be discussed primarily determines which Agriculture members are selected for a delegation. Policy discussions normally require that high ranking officials participate. No formats or guidelines for selecting delegations exist; the delegations' compositions have

varied greatly in size and official level of participation. Delegates have ranged from Assistant Secretary to staff members in operating offices.

Only individuals from the Departments of State, Commerce, and the Treasury, and STR have been considered recently for these positions. The individuals are selected by their respective agency based on their functional expertise.

Industry advisers for wheat have been limited to individuals representing four organizations: Great Plains Wheat, Western Wheat Associates, National Association of Wheat Growers, and North American Export Grain Association.

Two of these organizations, Great Plains Wheat and Western Wheat Associates, are cooperators or export marketing associations which are supported by U.S. wheat growers and which work cooperatively with Agriculture's market development programs. The Foreign Agricultural Service, in a cooperative effort with these organizations, helps finance and promote export sales projects.

As a result of the historically close ties between these organizations and Agriculture's market promotion efforts, these groups have been the only ones sought out. Agriculture's position on having only these four organizations participate in advisory capacities and to attend the sessions is tied to the need for continuity of representation desirable as a result of the frequently required followup meetings.

Though other organizations have expressed their desire to be considered for advisory positions, their input has been limited to attendance at public sessions in Washington.

Industry advisers on wheat have rarely spent more than 4 or 5 weeks a year in this capacity. They receive no salaries, though the representatives from Great Plains Wheat and Western Wheat Associates, as a result of their export promotion roles as cooperators, had had their travel and expenses paid by the Foreign Agricultural Service until September 1977.

Upon verification of the required documents, Agriculture forwards the list to the State Department's Office of International Conferences, which has the final authority to accredit delegates. Justification memos from Agriculture

to the State Department, explaining the selection of individuals as members, are brief. The most descriptive justification given for selecting advisers was for the September 1977 meeting of the IWC:

"Since these meetings are considering possible elements that might be included in a new wheat agreement, it is important that industry representation be able to follow the process fully and that the delegation have the benefit of their guidance."

Also, there have been no guidelines on the extent or balance of private advisers on the delegations. Officials who have made the selections stated that they were satisfied that the organizations selected were representative of the overall interests of the industry and the consumer and, therefore, they did not seek out other sectors for advice.

Once the selections are made, they are rarely questioned. Neither the Office of International Organization Affairs at Agriculture or OIC at the State Department questions the selected members' roles or areas of expertise. OIC reviews the list only to attempt to regulate the delegations' minority composition and size (to approximate that of previous sessions).

Upon specific instructions from the State Department, overseas posts will accredit official U.S. delegations to the government of a country or to the headquarters of an international organization. Customarily, this accreditation is accomplished by diplomatic note to the foreign ministry or international secretariat setting forth the names and titles of the delegation members and their capacities.

Involvement of consumer advisers

Throughout the years of negotiations and meetings on international commodity agreements, there has been an absence of consumer advisers on delegations. Not until the summer of 1977 were consumer advisers accredited to the delegations. For the 1977 summer negotiations for the Sugar Agreement, representatives of the Consumer Federation of America, the Puerto Rico Consumer Commission, and the State Department's Consumer Affairs Coordinator were accredited to delegations to negotiations or meetings. The Consumer Affairs Coordinator was also accredited to the delegation for a meeting of the International Coffee Organization in the fall of 1977.

The travel expenses of these advisers were paid by the State Department.

We believe that recent participation by consumer advisers indicates an increased awareness by the Department of State to consider consumer interests in the negotiations and international meetings concerning commodity agreements. However, it is industry's view, supported by U.S. Government officials, that the interests of the consumer are the same as those of the industrial users of the commodity and that the industry advisers adequately represent consumers on the delegation. As in the instance of coffee, where high prices in 1976 ultimately resulted in decreased consumer demand, it is not in the interest of the industry to advocate or support provisions of an agreement that will have an adverse effect on consumer demand and the industries' marketing of a product.

Notwithstanding this viewpoint, industry and Government officials are supportive of increased consumer representation to negotiations and meetings involving commodity agreements. The problems presented are identifying knowledgeable consumer representatives in the various commodity areas, holding down the size of delegations, and funding travel costs. 1/

Security requirements

The Department of State requires that all delegation members to international commodity negotiating sessions comply with security regulations.

U.S. Government employees on the delegation, by virtue of their Federal employment and their work in international areas, usually have security clearances. State Department employees receive security clearances as a prerequisite to employment. Clearances for proposed State Department delegation members are verified by a check of the Department's files.

1/Effective Oct. 1, 1977, the Secretary of State received authorization (22 U.S.C. 2692) to make available funds appropriated for salaries and expenses to compensate the cost of necessary participation on committees and delegations of persons whose interests would not otherwise be adequately represented and of persons or person's organizations that cannot afford to pay the costs of participation.

Proposed private-sector advisers must also meet security requirements of the U.S. agency heading the delegation. If the delegation is headed by the State Department, they must fill out a Form 184, Request for Biographic Data, which is transmitted to the security office with a memorandum noting the clearance level requested. From this information a National Agency Check consisting of a check of departmental, Civil Service Commission, and Federal Bureau of Investigation (FBI) files can be performed. On the basis of this procedure, an individual may be awarded an access clearance up to the level of secret.

The procedures followed by the State Department for providing proper security clearances for Government and private-sector members to international conferences headed by the State Department seem to insure that they all receive the required clearances. A check of the State Department's security files showed that, for conferences headed by the State Department, all of the industry advisers received a National Agency Check and were given access clearances up to secret.

According to the State Department's Program Officers Manual, the responsibility for security certification of employees of other agencies lies with that agency. A certification to the effect that a valid security clearance for that designated member exists is considered by the State Department's security office as evidence that its requirements have been met. The Department of Agriculture requires that all employees selected have on file updated security clearances in accordance with their responsibilities on the delegation.

This responsibility for ensuring that private-sector members of delegations headed by agencies other than the State Department are given proper security clearances is unclear. The State Department's Program Officers Manual states that:

- The Department's Office of Security must certify that members proposed from industry meet security requirements of the Government before being accredited.
- Nominees of other agencies, whether Federal employees or public members, must be cleared by the nominating agency which must furnish written notification to the Department of State.

According to security officials at the State Department, the term "security requirements of the Government" refers to whatever level is prescribed by the nominating agency.

When Agriculture heads the delegation, advisers are required to fill out Form AD-125, Personnel Questionnaire. This form requests basic information on addresses, employment, citizenship, and criminal records. From this form an internal check of Agriculture's investigation files is made and a name check is requested from the FBI.

The FBI name check of criminal and subversive files is intended only to show that there are no existing records on the individual which would either discredit or embarrass the U.S. Government. The resultant clearance gives the individual authority to travel overseas in the capacity designated by the delegation but does not, nor is it intended to, give them access to classified materials.

Upon confirmation of compliance with the security requirements, Agriculture's Security Office will notify OIC at the State Department that "clearances have been effected" for the individuals nominated.

Officials of Agriculture's Office of International Affairs stated that the security checks by Agriculture are done as a courtesy to the State Department since the State Department retains the ultimate responsibility for ensuring compliance with the proper security clearance procedures.

Unless an adviser has received a prior access clearance, he will not receive one from Agriculture as a result of his role as an adviser to IWC.

This uncertainty as to which agency is ultimately responsible for insuring compliance with security requirements has resulted in the accreditation of industry advisers to the delegation without access clearances. A check of agency records showed that only 2 of the 11 persons who had served since 1971 as advisers to the IWC had an access clearance on file at Agriculture. There were no security clearance records at the State Department's security office for any of these advisers.

Due, however, to the fact that there are provisions that all accredited members receive a proper clearance, the Government members of the IWC delegations, including

the delegates, felt that industry advisers had been cleared and, therefore, had access to security information. Consequently, there have been instances, according to Government members and industry advisers, where classified information, including cables and documents, has been made available to the entire delegation, including private-sector advisers.

CHAPTER 3

RESPONSIBILITY AND CONDUCT

The United States Civil Service Commission's regulations state that the "avoidance of misconduct and conflicts of interest on the part of Government employees and special Government employees" is indispensable to the maintenance of high standards of honesty, integrity, and impartiality. To attain these standards, regulations have been established to prescribe standards of conduct and responsibilities. Federal agencies are required to prepare and submit, for the Commission's approval, regulations implementing Commission regulations, Executive orders, and laws which prescribe additional standards of conduct and financial disclosure appropriate to the particular functions and activities of the agency.

The application of the standards of conduct and responsibilities depends on whether the individuals are (1) employees of the Federal Government, (2) special Government employees, or (3) advisers to the Government in a representative capacity.

GOVERNMENT EMPLOYEES

Title 5 U.S.C. 2105 defines a Government employee as an officer and an individual who is appointed in the Civil Service, engaged in the performance of a Federal function under authority of law or an executive act, and subject to supervision while engaged in the performance of the duties of his position.

In 1965 the President issued Executive Order 11222 which prescribes standards of ethical conduct for Government officers and employees.

- "Employees may not (a) have direct or indirect financial interests that conflict substantially, or appear to conflict substantially, with their responsibilities and duties as Federal employees, or (b) engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained through their employment." (Section 203)

- "An employee shall not engage in any outside employment, including teaching, lecturing, or writing, which might result in a conflict, or an apparent conflict, between the private interests of the employee and

his official Government duties and responsibilities * * *." (Section 202)

--" * * * no employee shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from any person, corporation, or group which--

- (1) has, or is seeking to obtain, contractual or other business or financial relationships with his agency;
- (2) conducts operations or activities which are regulated by his agency; or
- (3) has interests which may be substantially affected by the performance or nonperformance of his official duty." (Section 201)

Section 201 of Executive Order 11222 provides also that employees shall avoid any action which might result in, or create the appearance of

- (1) using public office for private gain,
- (2) giving preferential treatment to any person,
- (3) impeding Government efficiency or economy,
- (4) losing complete independence or impartiality,
- (5) making a Government decision outside official channels, or
- (6) affecting adversely the confidence of the public in the integrity of the Government.

Conflict-of-interest restrictions affecting Federal employees are contained in sections of title 18 of the United States Code, a criminal statute. Section 208 requires employees to refrain from participating personally and substantially in their governmental capacity in any matter in which they, their spouse, minor child, partner, or enterprise with which they are connected has a financial interest.

Financial disclosure

Section 401 of Executive Order 11222 requires that each agency head, each Presidential appointee in the Executive

Office who is not subordinate to the head of an agency, and each full-time member of a committee, board, or commission appointed by the President file a statement of employment and financial interests with the Chairman of the Civil Service Commission.

Section 402 states that the Commission shall prescribe regulations to require the submission of statements of financial interests by such employees subordinate to the heads of agencies, as the Commission may designate. In accordance with the order, Government employees that are required to submit statements of employment and financial interests include:

- All employees classified at the GS-13 level and above and who are responsible for making decisions or taking a Government action in regard to
 - contracting or procurement,
 - administering grants or subsidies, and
 - regulating or other activities where the decision or action has an economic impact on the interests of any non-Federal enterprise.
- Employees classified at the GS-13 level and above whose positions' duties and responsibilities require them to file such statements to avoid involvement in a conflict-of-interest situation.
- Employees classified below the GS-13 level whose positions, as determined by the agency, are of such a nature that the filing of such statements would be essential to protect the integrity of the Government and avoid employee involvement in a possible conflict-of-interest situation.

Employees in positions that meet the criteria may, however, be excluded from the reporting requirements when the agency determines that the degree of supervision and review over the individual does not warrant filing, the effect on the integrity of the Government is inconsequential, or there exists only a remote chance of an inherent conflict of interest.

SPECIAL GOVERNMENT EMPLOYEES

Section 202 of title 18 of the United States Code defines a special Government employee as an officer or employee of the executive or legislative branch who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties, either on a full-time or intermittent basis.

Section 208 prohibits special Government employees, in the course of their official duties, from participating personally and substantially in a particular matter in which, to their knowledge, they, their spouses, minor children, partners, or profit or nonprofit enterprises with which they are connected have a financial interest. Under 208 (b) an agency may grant a special Government employee an ad hoc exemption from this prohibition if the interest is deemed not so substantial as to affect the integrity of their service. An agency may also waive certain financial interests by a general rule or regulation which are considered too remote or too inconsequential to affect the integrity of special Government employees' services.

Part III of Executive Order 11222 provides that special Government employees shall not use (1) their Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for themselves or another person, particularly one with whom they have family, business, or financial ties or (2) inside information obtained as a result of their Government employment for private gain for themselves or another person either by direct action on their part or by counsel, recommendation, or suggestion to another person, particularly one with whom they have family, business, or financial ties. For the purpose of this section, inside information is information obtained under Government authority which has not become part of the body of public information.

Financial disclosure

Section 306 of Executive Order 11222 provides that each agency shall require a special Government employee to supply, at the time of employment, a statement of all other employment. In addition, the statement shall list such other financial information as the appointing department or agency shall decide is relevant in the light of the duties the appointee is to perform. The statement shall be kept current throughout the period during which the employee is on the Government rolls.

CONSULTANTS AND ADVISERS

The Federal Personnel Manual (FPM) distinguishes between consultants and advisers who are special Government employees and those persons who are invited by an agency to appear in a representative capacity. A consultant or adviser whose advice is obtained by an agency from time to time because of his individual qualifications and who serves in an independent capacity is an officer or employee of the Government. On the other hand, one who is requested to appear before a Government agency to present the views of a nongovernmental organization or group which he represents or for which he is in a position to speak does not act as a servant of the Government and is not its officer or employee. Such individuals fall outside the definition of a special Government employee and are therefore not subject to the conflict-of-interest laws.

FPM Chapter 304 requires that, in the employment of consultants for positions as special Government employees, an employee-employer relationship exists and for this purpose establishes the following guidelines:

"Ordinarily, when an agency uses the advisory service of someone of consultant caliber, the agency creates an employee-employer relationship governed by this chapter. Pay for personal service usually indicates an employee-employer relationship, but the relationship also exists when service is unpaid. However, the facts in a situation govern whether the relationship exists. For example, persons an agency invites to travel to advise on Government matters are not necessarily Government employees. Although not all the conditions usually associated with the relationship are present, an employee-employer relationship subject to this chapter usually exists when the person:

- (1) Serves under the direction and supervision of a Federal employee;
- (2) Works in space and equipment provided by the Government;
- (3) Has access to agency records and files;
- (4) Analyzes for solution specific agency problems and functions and presents recommendations or reports;

(5) Ordinarily serves on more than one occasion on the same project, and may serve periodically for some time;

(6) Works on dates or at hours set by, or required to be reported to, the agency."

In further attempting to determine whether a person is acting in a representative capacity or as a special Government employee, the following guidelines are included in FPM:

- (1) A person who receives pay from the Government for services as an adviser or consultant is its employee and not a representative of an outside group. The Government's payment of travel expenses and a per diem allowance, however, does not by itself make the recipient an employee.
- (2) It is rare that a consultant or adviser who serves alone is acting in a representative capacity. Those who have representative roles are mostly persons serving as members of an advisory committee or similar body utilized by a Government agency.
- (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 the person has a representative function.
- (4) When an adviser or consultant is in a position to act as a spokesman for the United States or a Government agency--as, for example, in an international conference--that person is obviously acting as an officer or employee of the Government.

Individuals who are not employees or special employees but who act in a capacity of representing nongovernmental interests are not subject to the standards of responsibility and conduct imposed by law and regulation upon regular and special Government employees.

Presidential memorandum of May 2, 1963, stated that such individuals are nonetheless subject to certain elementary rules of ethics in conducting public business. In part, the rules provided that an adviser:

- Must refrain from any use of his/her public office which is motivated by, or gives the appearances of being motivated by, the desire for private gain for himself/herself or other persons.
- Must not, on the basis of any inside information, enter into speculation, or recommend speculation to members of his/her family or business associates in commodities, land, or securities of any private company. And he/she should be careful in his/her personal financial activities to avoid any appearance of acting on the basis of information obtained in the course of his Government work.
- May not use information obtained, which is not generally available to those outside the Government, for the special benefit of a business or other entity by which he/she is employed or retained or in which he/she has a financial interest.
- When requested by a private enterprise to act in a capacity similar to that of his/her Government capacity, he/she should when he/she believes such a request is motivated by a desire to secure inside information, make a choice between accepting the tendered private employment and continuation of his Government consultancy. In any event he/she should discuss any such offer of private employment with the chief legal officer of his Government agency.
- Shall not use his/her position to coerce, or give the appearance of coercing, another person to provide any financial benefit to himself/herself or persons with whom he/she has family, business or financial ties.
- Shall not receive or solicit anything of value as a gift, gratuity, or favor for himself/herself or persons with whom he/she has family, business, or financial ties if the acceptance thereof would result in, or give the appearance of resulting in, his/her loss of complete independence or impartiality in serving the Government.

The memorandum further discussed the exclusion of the adviser's, employer's, or client's contracts or other transactions with the Government from the range of his/her duties.

The memorandum provided that in order to avoid, to the maximum extent possible, conflicts of interest, all firms within an industry should have access to the same information programs available to a consultant or adviser who is employed by any of them, and regular Government employees should not divulge to advisers confidential information unnecessary to the performance of an adviser's governmental responsibility. The memorandum stated that departments and agencies should discourage the practice of organizations urging the appointment of one of its employees or members to a particular Government consultancy, and any initiative in connection with the appointment of consultants or in securing the names of qualified persons should come from the Government.

On May 8, 1965, section 703 of Executive Order 11222 provided that the President's memorandum of May 2, 1963, was revoked effective on the date of issuance by the Civil Service Commission of regulations implementing the order. In November 1965 the Commission incorporated into FPM the criteria distinguishing between special Government employees and persons who are consultants or advisers. However, the portions of the Presidential memorandum pertaining to ethical standards and conduct of advisers were not incorporated.

Financial disclosure

Advisory members who are not special Government employees but act in capacities representative of nongovernmental interests are not subject to the financial disclosure obligations of special Government employees. They are not required to submit statements of employment or financial interests.

ROLES AND RESPONSIBILITIES OF DELEGATION MEMBERS

According to State Department officials, all officially accredited members of delegations to international conferences or meetings, whether they are heads of delegations, alternates, or advisers, are subject to the policies specified by the State Department.

The Office of International Conferences issues instructions to all delegates to guide them in carrying out their responsibilities as heads of the delegations. In part these instructions state that:

- The entire delegation he/she heads is accredited officially and any statements made for the delegation or by its members may be interpreted as the

official views of the Government and not the views of individual members.

- The decisions by the head of delegation shall be final and binding.
- The head of delegation should allow (unless otherwise authorized) only accredited persons to participate in the work of the delegation. He should promptly report to the State Department the presence of any unaccredited officials who attempt to insert themselves as part of the delegation.
- The head of a delegation may consult on technical matters qualified American citizens at the site of the meeting if the consultation is informal and without expense to the Government.

No guidelines or instructions define the roles of either the alternates or the advisers on the delegations. According to State Department officials, it is up to the delegate, in accordance with his instructions, to determine the roles and the responsibilities of the other members of the delegation. These roles will depend on the nature of the conference, the assistance required, and the overall needs of the delegation.

In November 1977, subsequent to the initiation of our review, the Department of State devised a form letter to send to private sector advisers accredited to the delegations which states that:

"The Department deeply appreciates your willingness to participate as a member of this Delegation. The Department benefits from the willingness of private citizens such as yourself, who are knowledgeable about [Blank to be filled in] to present their perspectives on how matters under discussion among governments will affect various interests.

"As you are aware from your past experience, certain ground rules pertain to your participation. You will not be performing any governmental duties, nor will you be a special Government employee. You will not be required to present any views or opinions where you believe this would be improper or prejudicial

to your company's interests. While the delegation wants to have the advantage of your views and perspectives as an employee of [Blank to be filled in] you, of course, should not, outside the delegation, advocate positions which are contrary to official United States Government positions. As in the past, the Chairman of the United States delegation will provide you with guidance should there be any questions on any of these matters.

"As you have a security clearance, you could, at the Chairman's discretion, receive information classified up to the level of your clearance. I do not anticipate, based on past experience, that you would need to be shown or told of any such information at this conference, but I know you are aware of the requirement to protect confidentiality should that happen.

"I sincerely hope that you will be able to participate on the delegation. The Department believes, and your experience confirms, that the views of those outside the Government can be extremely helpful to the Government in international conferences of this type. You understand, I believe, that the Government will not compensate you or your employer for any expenses incurred as a result of your travel or participation on the delegation."

Involvement of industry advisers

Prior to negotiations the Department of State will hold meetings usually with representatives from other Government agencies and offices to formulate the basic U.S. policy and position on the subject of the forthcoming conference. Industry participation is normally not included at this stage.

Subsequently, there are policy discussions in Washington by the entire delegation, including the industry advisers. The meetings are not public and are held just prior to the negotiating sessions to discuss the proposals to be presented at the session. This is usually a very general discussion outlining the position that the United States will take in the negotiations. By this time State has usually determined what U.S. policy will be and it is a matter of informing the trade of the position. Although

the briefing does not give the trade an opportunity to have significant policy input regarding the U.S. position, it does afford them the opportunity to assess the U.S. position's impact on the industry. Industry's major concern is with the movement of goods to and from producing and consuming countries, while the State Department's main concern is that the industry understands policies and positions and their implications on the trading of the commodity.

In addition to prenegotiating sessions, organizations furnishing advisers to coffee and wheat negotiating sessions maintain liaison with U.S. Government agencies.

The Foreign Affairs Committee of the National Coffee Association meets occasionally with State Department and other Government officials to help keep abreast of developments that will affect the coffee industry. For instance, in August 1975, at the request of the Government, members of the Foreign Affairs Committee met with representatives of the Departments of State, Agriculture, Commerce, and the Treasury to review the results of discussions of the last International Coffee Council session and the plans for resumption of discussions at the fall sessions. In the course of the discussion, U.S. Government officials expressed the view that the United States would continue to participate in negotiations to arrive at a new coffee agreement, which subsequently entered into force in October 1976.

The NCA will attempt to formulate an industry position to be sent to the State Department. Invariably, there is divergence of opinion within the trade on most issues, which is reflected in any communication with the State Department.

As a result of their close program working relationship with the Department of Agriculture, the four organizations that send representatives to act as industry advisers on the U.S. delegation to the IWC are generally in current communication with Agriculture. The advisers are thereby kept well informed of Agriculture's positions and actions concerning the domestic and international wheat market.

While attending the international meetings on tropical products, trade advisers usually meet among themselves each morning. At these meetings information is interchanged on the events and informal discussions and contacts of the previous day.

For all conferences, briefing sessions are held every morning at the U.S. mission, chaired by the delegate. At these briefings the previous day's events are discussed and the agenda and debate sequence for the next day outlined. Government representatives on the various working committees report on developments of interest. Industry advisers may contribute information they have gathered and offer advice.

In the case of tropical products, advisers are present throughout the negotiations but do not attend all meetings. The head of the U.S. delegation will determine which meetings they may attend. In most cases they are permitted to attend meetings concerning technical aspects of the agreements. Trade advisers were never present at actual negotiations among heads of delegations. However, advisers were always on hand to provide technical assistance. In the course of the sugar negotiations, industry was able to provide information concerning such things as crop size, methods of financing, ability to export, sugar production in Cuba, verification of stocks, cost of sugar storage, and analysis of statistical information. Another essential role performed by the advisers was as conduits to other delegations.

In the case of wheat, advisers have been invited to attend all meetings and usually are seated at the rear of the delegation to provide information or opinions as needed. During the meetings, all statements are made for the U.S. delegation by either the delegate or the designated alternates. If technical assistance or information is needed by the delegation, the industry advisers are contacted.

The consensus among U.S. Government officials is that continued industry participation at these meetings is important. U.S. Government officials cited instances where the industry was able to keep the U.S. delegate from a mistake due to a misunderstanding concerning a commodity. U.S. officials noted also that the world-wide contacts of most advisers provide useful sources of information not available to Government delegates. Several officials cited that it was industry advisers to the sugar negotiations who paved the way for the introduction to the Cuban delegation.

It has been stated also by U.S. Government officials that inclusion of industry advisers on the delegations is important in order to gain industry support for a negotiated agreement.

Industry advisers feel that, in addition to the prestige of being selected to serve on the delegation and the opportunity to meet with their counterparts from other countries, the benefit they receive is the opportunity to monitor the proceeding and advise the delegate regarding matters that might affect their industry.

Authorized attendance

It has also been the State Department policy to insure that only official members of the delegations attend the sessions. Instructions from the Office of International Organizational Affairs provide that:

"No one, whether from government or not, is to attend an international conference unless officially invited. The heads of U.S. delegations are instructed to see this principle is followed and to report immediately to the Department any activity at variance with it."

In this connection the Foreign Affairs Manual provides that:

"The instructions issued to the principal U.S. representative may authorize him, in special cases, to consult with qualified Americans at the site of the meeting. However, this does not constitute authority to accredit such individuals or authority for them to speak on behalf of the United States. These considerations apply equally to meetings of experts, working parties, and similar groups where the U.S. Government is invited to be represented officially and where the participants serve as representatives of governments."

Due to the length of the sugar negotiations, trade advisers attended on a staggered basis, each for a 2-week session. As a result of this arrangement, there sometimes was a situation in which an adviser would arrive in Geneva several days ahead of his scheduled 2-week session or another would remain in Geneva after his 2-week participation ended. The State Department made it clear that an adviser was accredited to the delegation only for the assigned 2-week session and could attend delegation meetings only while accredited.

However, in the case of wheat, it was noted that some nonaccredited persons have been in attendance at the meetings, at the request of the delegate, and have been included in the discussions held before and after the sessions by the delegations. Though OIC is supposed to receive written requests from Agriculture to allow such nonaccredited persons to attend the sessions, no such requests have been made.

Members of the delegations, including Agriculture's delegates, the State Department alternates, and industry participants, all commented that OIC's official accreditation process was strictly a formality and has little bearing on attendance at IWC.

Delegates explained that even though OIC specifically reminds the mission of the policy, nonaccredited advisers continue to be invited. Members of the delegation explained that as long as the advisers did not speak formally at the sessions, they were not "participating," and therefore were in compliance with OIC's instructions. Also, since the instructions to the delegates allow for consultation on technical matters at the site of the meeting, this allows them to seek out industry advice while in London.

Information available to private sector advisers

The head of delegation has the discretion to determine to what information advisers shall have access and what information advisers shall have access and what meetings they may attend. State officials who have served as head of delegations to coffee, cocoa, and sugar meetings noted that advisers have access to all conference documents which are public documents and are briefed to the extent that the head of a delegation feels necessary. Most briefings are cursory, merely consisting of a summary of the prior day's events. U.S. Government officials were adamant in their belief that at no time was any information available to trade advisers that could give them a competitive advantage over those not attending the meetings.

Trade advisers could not conceive of a situation in which their presence at the meetings could result in their receiving market-sensitive information on which they could trade.

Advisers stated that the information made available to them throughout the meetings was public information available to anyone who might be interested. Advisers agreed that the conferences were so well covered by the press that their association members usually had the information before they could get reports back.

As a result of the wheat industry advisers' close working relationship with Agriculture, they at times have access to information which is not normally available to the general public. Policy proposals by Agriculture, for example, concerning possible elements of a new wheat agreement and including proposed measures to be taken under specified market conditions, are major topics of review and discussion by the delegations. While at actual IWC sessions, industry advisers are exposed to the policy proposals of other importing and exporting countries and are privy to similar proposals made by IWC.

Copies of the materials made available to the industry advisers at IWC sessions and the technical data available at the preparatory meetings included

- summary reports of the Secretariat, IWC, on the latest forecasts of world wheat supply and demand for the next 2 years, factors effecting supply and demand for the next 2 years, export availabilities, international stockpiles of wheat, and international import requirements;
- estimated wheat imports of the most seriously affected countries;
- Preparatory Group's "Review of Possible Elements in a New International Wheat Agreement"; and
- Agriculture's policy proposals.

Though the information presented by IWC in its varied reports is restricted to the attendees at the sessions, most of the data is compiled from Agriculture and U.N. data and, according to wheat market analysts lagged the Agriculture data by 1 to 2 weeks. The information is not new and is available from the news services. As one wheat market analyst explained, the printing of the data indicates that somebody must have had the information beforehand and by the time it is printed and distributed to the members of IWC, it has already been discounted by the market.

The time factor inherent in policy proposals is so long that the gaining of any special trade or market advantages by industry advisers as a result of their participation on the delegations seems to be small. In considering policy proposals, for example, the time lapse between initial discussion, acceptance by IWC, ratification by the implementing governments, and entry into force by the agreement eliminates their potential market utility.

Congressional staff members in attendance at both the working delegation meetings (in which the U.S. policy positions were developed) and the IWC meetings confirmed that the materials made available and that the information and policies discussed by the delegations could hardly be considered market sensitive.

Records of proceedings

Records of the preparatory and negotiating sessions are the responsibility of the agencies in charge of the negotiations. Both Agriculture and State Department officials confirmed, however, that no official records were kept of the meetings held before and after the negotiating sessions, which included Government and industry participation.

There are a few formal records kept by the agencies of correspondence with industry advisers. The most recent letter on file at Agriculture between it and individuals in the wheat industry concerning the industry's participation in the IWC sessions dated back to May 1975. Also, industry advisers selected to participate as members of the delegations were notified by telephone of their selection, and no records were kept of such communication.

CHAPTER 4

CONCLUSIONS AND RECOMMENDATIONS

Our review of the selection and role of delegations to meetings and negotiations on international commodity agreements has raised questions regarding the balance of representation, classification of private-sector advisers, and aspects of the administration of the program.

BALANCED REPRESENTATION FROM THE PRIVATE SECTOR

Using private-sector advisers is a well established practice within the Federal Government. Recently, the Trade Act of 1974 (19 U.S.C. 2101), authorized the President to enter into multilateral trade negotiations and established an institutional framework to assure that representative elements from the private sector have the opportunity to make known their views to U.S. negotiators. It also provides negotiators a formal mechanism through which to seek information and advice from the private sector with respect to U.S. negotiating objectives and bargaining positions before and during the multilateral trade negotiations.

Section 135 of the act provides for the creation of advisory committees and requires the President to provide opportunity for the submission of information and recommendations on an informal basis by private organizations or groups.

The advisory committees established pursuant to this section are of three types:

- An overall, policy-level advisory committee for trade negotiations, composed of representatives of Government, labor, industry, agriculture, service industries, consumer interests, and the general public, represents a broad range of interests and is intended to provide U.S. negotiators with a balanced view of what objectives U.S. negotiators should pursue in the multilateral trade negotiations.
- General policy advisory committees for industry, labor, and agriculture, respectively, provide general policy advice on any trade agreements negotiated.

--Advisory committees for particular product sectors represent industry, labor, or agricultural interests, in such sectors.

The requirement for the advisory committees reflects congressional concern for representative elements from the private sector to strengthen the position of U.S. negotiators by improving their knowledge and familiarity with the problems facing the private sector.

A report of the Senate Committee on Finance (Report No. 93-1298) states that:

"* * * the private sector of our economy must be given a much larger role in providing information to our negotiators and assessing the merits of an agreement than has ever been provided in the past. If the Congress is to vote on trade agreements affecting virtually every segment of the American society, those affected most by such agreements should be able to consult closely with and provide vital information to the negotiators and in turn should be consulted on a regular basis by the negotiators."

While the Trade Act of 1974 applies primarily to multilateral trade negotiations conducted under the auspices of the General Agreement on Tariffs and Trade, we believe the concept of private-sector representation equally applies to international commodity agreements.

In the negotiations involving coffee, cocoa, sugar, and wheat, representation from the private sector has been almost exclusively from industry. Although the inclusion of advisers representing consumer interests in the 1977 sugar agreement negotiations is an indication of increased awareness of the need for consumer representation, we believe greater emphasis is needed to bring representation of consumers at the retail level into the process in order to provide U.S. negotiators with a balanced view of the objectives to be pursued in international commodity negotiations.

Recommendation to the Secretary of State

While the Secretary's memorandum of April 18, 1977, stated that delegations should reflect the composition of American society by including women and representatives of minority groups, it did not refer to the need for balanced representation of industry and consumer interests. We recommend that the Secretary inform the Secretaries of Departments and heads of agencies as well as organizational entities within the Department of State, that private sector involvement in international conferences regarding commodities should reflect the composition of U.S. economic interests by including balanced representation between consumer and industry sectors.

CLASSIFICATION OF PRIVATE-SECTOR ADVISERS

The distinction between special Government employees and advisers who act in a representative capacity has been defined by either executive memorandum or FPM since 1965. Although certain functions may be the same, the employment of individual experts and consultants generally involves furnishing personal services and establishing an employee-employer relationship, while one who is requested to appear before a Government agency to present the views of a non-governmental organization or group which one represents or for which one is in a position to speak does not act as a servant of the Government and is not an officer or employee.

It is recognized that there is a fine distinction between the definition of a special Government employee and a representative adviser. The regulations provide that representative advisers (1) generally do not serve alone and mostly serve as members of an advisory committee or similar body utilized by a Government agency and (2) are not in a position to act as a spokesperson for the United States or a Government agency.

In the case of international commodity agreements and negotiations that we reviewed, the delegations are subject to the following guidelines and instructions:

- Each member is individually selected and accredited to the delegation.
- Each delegation represents the Government as a whole and no accredited delegate represents an organization.

--The decisions by the head of the delegation (who is a Government employee) are final and binding.

--The entire delegation is accredited officially and any statement made for the delegation or by its members may be interpreted as the official views of the Government.

--Adviser members should not, outside the delegation, advocate positions which are contrary to Government positions.

In addition, the Secretary of State instructed that participation in the preparation of instructions is not cause for delegation membership, and that participation by the private-sector will ordinarily occur prior to the official delegation's departure. Rather than representing the industry as a committee or similar body (preparing policy or negotiating instructions) prior to official delegation departure, it appears from our review that the primary role of industry advisers has been to serve the delegation in a technical advisory capacity at the negotiations.

In view of the above instructions and guidelines, we do not believe that the roles of the industry advisers are completely in accord with the criteria for designation as representative advisers, as distinguished from special Government employees. The advisers are individually accredited to a delegation which is headed by a Government employee to whom they furnish technical advice and from whom they receive guidance and instruction. The delegation, including advisers, represents the U.S. Government and not an individual agency or organization, and statements made by a member can be interpreted as an official view of the U.S. Government. Although adviser members are instructed not to advocate positions outside the delegation that are contrary to Government positions, there are no instructions to preclude them from advocating Government positions and thereby being placed in a position as spokesperson for the Government.

The Department of Justice also informed the Department of State on February 10, 1978, that there is a very real question whether the industry representatives in the coffee negotiations were special Government employees.

The Departments of Justice and State are addressing the matter and possible solutions to the question of adviser classification.

Recommendation to the Secretary of State

In view of the variance between the criteria for the designation of representative advisers and their actual roles in connection with commodity agreement negotiations and meetings, we recommend that the Secretary of State revise the State Department's policies and guidelines, which define the role of the advisers, to meet the established criteria for representative advisers as contained in FPM.

ETHICAL STANDARDS OF CONDUCT

Private-sector representatives serving on delegations to commodity negotiations and meetings have not been subject to any published ethical standards of conduct since 1965 when Executive Order 11222 revoked the President's memorandum of May 2, 1963. Although these advisers are not subject to the standards of responsibility and conduct imposed by law and regulation upon regular and special Government employees, we believe that such individuals should be subject to basic published rules of ethics when serving as advisers.

Recommendation to the Secretary of State

We recommend that the Secretary of State issue regulations on elementary rules and ethics applicable to private-sector advisers involved in public business of the nature contained in the Presidential memorandum of May 2, 1963. Such rules, with instructions on compliance, should be furnished to all private-sector representatives who are formally selected as advisers.

ADMINISTRATION OF THE PROGRAM

We noted several areas where the administration of the selection and the conduct of the delegations should be strengthened.

Security Requirements

It was noted that security clearances for industry advisers on delegations headed by the Department of Agriculture did not provide access to classified material as did clearances for advisers on delegations headed by the Department of State. As a result of the uncertainties as to the

level of clearance received and the responsibility for ensuring a specified level of clearance, private-sector members of the delegations on wheat were given access to classified materials without being cleared.

As the Assistant Secretary of State for International Organization Affairs is solely authorized to accredit delegation members, the ultimate responsibility for proper security clearance lies with that office.

Authorized attendance

Notwithstanding specific instructions to delegates that only accredited persons participate in delegation work, it was noted that nonaccredited persons have attended and been included in discussions held by the delegations at wheat conference.

Recommendations to the Secretary of State

We recommend that the Secretary of State instruct the Assistant Secretary of State for International Organization Affairs, on the basis of the necessary access to information, to determine the security clearance level required by delegation members and to accredit members only when the nominating agency certifies that the prescribed clearance level has been provided. Additionally, all delegates should be informed of the level of access for each member of the delegation.

We also recommend that the Secretary of State strongly reiterate to heads of delegations the State Department policy that nonaccredited persons be excluded from delegation work and that any attempts to violate this policy be reported immediately to the Department.

CHAPTER 5

RESPONSES TO QUESTIONS PRESENTED

In requesting our review of delegations to international commodity negotiations, the Chairman, Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, House Committee on Agriculture, posed specific questions. Below are responses to the questions presented in the letter of August 5, 1977, based primarily on information in the preceding chapters.

1. What criteria are used to determine the composition of U.S. delegations to commodity agreement negotiations?

The criteria for selecting delegations are general in nature. The size and composition of the delegation is determined by the Department of State in consultation with other interested Federal agencies, private persons, organizations, and the Congress. The State Department provides that, for reasons of efficiency and economy and in order to assure focus and concentration of effort, a delegation should include only the minimum number of qualified persons required to accomplish the particular objective. To determine the composition, the State Department provides that each member should be able to deal with several items on the agenda and serve the Government interests as distinct from the interest of a single Government agency. Each delegation should reflect the composition of American society, and to this end should include women and minorities. The size and level of participation depends on the nature of the meeting and the commodity being discussed. Specific persons are selected informally and not on the basis of specific criteria.

2. Can U.S. delegates or their immediate families hold financial interests in commodity agreements being negotiated?

U.S. Government employees may not have direct or indirect financial interests that conflict substantially, or appear to conflict substantially, with their responsibilities and duties. In our opinion this restriction generally precludes Government officials on the delegations or their immediate families from having a financial interest in any commodity in which they have a direct role in the negotiation toward an agreement.

3. To what extent are industry advisers involved in the actual negotiating process, and are they privy to restricted information?

Prior to departure for negotiations or meetings, the delegations hold policy discussions in Washington. While attending the international meetings, delegations hold daily briefing sessions at the U.S. mission. In the case of tropical products, the delegate determined which meetings trade advisers were to attend, which in most cases were those concerning technical aspects of the agreement. Trade advisers were never present at actual negotiations among heads of delegations. However, advisers were always available to provide technical assistance. In the case of wheat, advisers have been invited to attend all meetings and usually are seated at the rear of the delegation to provide information or opinions, as needed.

The delegate is responsible for determining to what information advisers shall have access. In most instances industry advisers have access only to public information. But in certain instances they do have access to classified documents.

4. When industry advice is required, what procedures insure that representatives will not benefit from privileged information?

The heads of delegations determine the information to which advisers shall have access. The nature of the information available also provides a safeguard. The public nature of the information, the time factor between the policy proposals and implementation, and the number of representatives having access make it unlikely that any individual could gain a market advantage from the information available.

5. Do statutes, Executive orders, or guidelines exist to prevent conflicts of interest on the part of U.S. delegates (or advisers) to commodity negotiations?

U.S. Government employees and special Government employees are subject to standards of ethical conduct prescribed by Executive Order 11222 and title 18 of the United States Code. Individuals who are not employees or special employees, but who act in a capacity of representing nongovernmental interests are not subject to the standards of responsibility and conduct imposed by law and regulation upon regular and special employees.

6. Were conflict-of-interest statutes fully enforced in negotiations for coffee, wheat, and cocoa, and are they being fully enforced in the present negotiations for a sugar agreement?

We believe that the Departments of Agriculture, Commerce, and the Treasury have complied with the conflict-of-interest statutes for those employees connected with the negotiations and meetings subject to our review. In the case of the Department of State, we are uncertain. In a November 1977 letter to the Secretary of State, we requested to review the financial disclosure statements of State Department employees who have attended negotiations and meetings dealing with international commodity agreements. To date we have received no reply to our request.

7. Are existing conflict-of-interest laws sufficient to prevent both the abuse of privileged information and the appearance of impropriety on the part of U.S. participants in international commodity agreement negotiations?

We believe the conflict-of-interest laws are sufficient as they apply to Government and special Government employees involved in the negotiations of international commodity agreements. However, persons who are accredited to the delegation as representative advisers are not subject to the standards of responsibility and conduct imposed by law and regulation upon regular and special Government employees. In 1965, rules of ethics in the conduct of public business pertaining to representative advisers and contained in Presidential memorandum of May 2, 1963, were revoked. There has been no subsequent replacement or reinstatement of these rules.

8. How do conflict-of-interest standards for U.S. negotiating teams compare with the standards employed in other areas of Government?

The standards applicable to members of delegations to international negotiations and meetings on commodities are the same that apply to agencies and individuals in the course of all Government operations.

9. Is it required that consumer representatives also attend such negotiations?

It is not required that consumer representatives also attend negotiations. It was not until the summer of 1977 that consumer advisers were accredited to delegations.

The following are responses to questions presented by the Chairman in his letter of December 15, 1977.

1. Does the Comptroller General agree with the State Department's assessment that title 22 U.S.C 2256 and 2672, which give the Secretary of State general authority for the management of foreign affairs, is sufficient authority by which to attach industry advisers to a U.S. negotiating team, allowing them to be present at hard bargaining sessions on issues affecting their industry without giving them an official status and activating standard Government conflict-of-interest procedures?

We believe there exists, within the United States Code, Executive orders, Presidential memorandums, and Rules and Regulations of the Civil Service Commission, adequate authority for the Secretary of State to include industry advisers as members of delegations to international negotiations and to allow their presence at negotiating sessions. To the extent the advisers are properly classified as representatives of industry, they do have official status and are subject to rules and regulations applicable to persons serving in a representative capacity. However, in view of the established criteria for distinguishing between special Government employees and representative advisers, and the role performed by the individuals in the instances we reviewed, we question their classification as representative advisers instead of special Government employees.

2. Did the General Accounting Office offer an opinion on legal questions inherent in these policies of State prior to commencement of negotiations for ICA '76? If not, than why not?

and,

3. Did the Comptroller General offer an opinion on antitrust dimensions of inviting, in unison, major coffee companies to advise the U.S. government on matters affecting their economic affairs? If not, why not?

The present review represents the first time we have specifically addressed the use of industry representatives by the State Department for negotiating international commodity agreements. To our knowledge we have never been requested to address these questions, nor have we previously

addressed them on our own initiative. This Office has no jurisdiction to issue legal opinions of a binding nature on questions like these even if they had been referred to us. The legal authority for subjecting industry representatives to the Government conflict-of-interest restrictions is primarily within the jurisdiction of the executive agencies concerned, in consultation with the Department of Justice and the Civil Service Commission. Similarly, this Office does not have jurisdiction to render formal legal opinions of a binding nature respective of any possible antitrust implications of using representatives from the coffee industry in an advisory capacity, this being the responsibility of the Department of Justice.

4. Does this policy not transgress the ethical spirit and intent of conflict-of-interest statutes, if not the letter of the law?

We are not in a position to offer an opinion on whether the policy transgresses the ethical spirit and intent of conflict-of-interest statutes or the law itself. In view of the role of the industry advisers accredited to the delegations, we do question their classification as representative advisers as compared to a classification of special Government employee. We question also the absence of prescribed rules of ethical standards of conduct in their conduct of public business.

5. Does this not create a precedent that could be employed Government-wide against the public interest?

The use of private-sector advisers in a representative capacity is a long-established practice. The Trade Act of 1974 institutionalizes the need for advisers from the private sector to strengthen the power of U.S. negotiators by improving their knowledge and familiarity with the problems facing the private sector. In the instances that we reviewed, we believe the industry advisers have performed an important service in the negotiations and meetings dealing with commodity agreements. We believe that segments of the private sector which are affected most by such agreements should be able to consult with and provide information to the negotiators. Our questions with regard to the involvement go to the balance of representation and the classification in light of the established criteria for distinguishing between industry representatives and special Government employees.

FREDERICK W. RICHMOND, N.Y.
CHAIRMAN

MATTHEW F. ACHUGH, N.Y.
DANIEL H. AKANA, HAWAII
LION L. PANETYA, CALIF.
RICHARD MOLAN, MINN.
ALVIN BALDUR, WIS.
DAN GLICKMAN, KANS.
MARCOLO L. VOLKMEI R, MD.

THOMAS S. FOLEY, WASH.
EX OFFICIO MEMBER

U.S. House of Representatives
Committee on Agriculture
Subcommittee on Domestic Marketing,
Consumer Relations, and Nutrition
Room 1301, Longworth House Office Building
Washington, D.C. 20515

August 5, 1977

STEVEN D. STAMM, IOWA
RANKING MEMBER

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CHARLES E. GRANLEY, IOWA

WILLIAM L. WAMPLER, VA.
EX OFFICIO MEMBER

ROBERT M. BIRN
HYDE M. MURRAY
COMMITTEE CHAIRMAN

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Honorable Elmer B. Staats
Comptroller General of the
United States
General Accounting Office
Washington, D. C.

Dear Mr. Comptroller General:

To date, the U.S. Government has signed or is in the process of negotiating international agreements affecting the supply and pricing of coffee, wheat, cocoa and sugar, as well as non-agricultural commodities.

The negotiating team representing the U.S. Government at the International Coffee Agreement of 1975 included ten "industry advisors", at least four of whom were listed in Treasury Department memoranda as "commodity brokers" in coffee. These same parties were known to be involved in a substantial volume of trading in coffee stocks and futures at the time of these negotiations.

Questions arise as to the adequacy and propriety of the selection process by which our delegation was chosen, and its effectiveness in representing American consumer interests. If industry benefitted from privileged information as a result of their representatives' presence at these proceedings, conflict of interest violations may also exist.

The Subcommittee, therefore, requests the GAO to initiate an investigation of the following questions relating to U.S. Government participation in international negotiations affecting commodities.

- (1) What criteria are used to determine the composition of U.S. delegations to commodity agreement negotiations?

Honorable Elmer B. Staats
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August 5, 1977

Can U.S. delegates or their immediate families hold financial interests in commodity agreements being negotiated?

To what extent are industry advisors involved in the actual negotiating process? Are they privy to restricted information?

Is it required that consumer representatives also attend such negotiations?

- (2) Do statutes, executive orders or guidelines exist to prevent conflicts of interest on the part of U.S. delegates (or advisors) to commodity negotiations?

When industry advice is required, what procedures insure that representatives will not benefit from privileged information?

- (3) Were conflict of interest statutes fully enforced in negotiations for coffee, wheat and cocoa?

Are they being fully enforced in the present negotiations for a sugar agreement?

- (4) Are existing conflict of interest laws sufficient to prevent both the abuse of privileged information and the appearance of impropriety on the part of U.S. participants in international commodity agreement negotiations?

How do conflict of interest standards for U.S. negotiating teams compare with the standards employed in other areas of government?

The study should address these questions as they apply to all commodity agreements in which the U.S. participated as a negotiator (irrespective of our ultimately joining the agreement or not). It should also include agreements presently under discussion and the

Honorable Elmer B. Staats
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implications of present standards as applied to possible future agreements.

Finally, the study should address the consumer impact of the present practices and laws governing industry participation in international commodity agreement negotiations.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Fred Richmond". The signature is written in a cursive style with a large initial "F" and "R".

Fred Richmond
Chairman

FR:dsm:bim

ERICK W. RICHMOND, N.Y.
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 HYDI H. MURRAY,
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U.S. House of Representatives
Committee on Agriculture
Subcommittee on Domestic Marketing,
Consumer Relations, and Nutrition
 Room 1301, Longworth House Office Building
 Washington, D.C. 20515

December 15, 1977

Honorable Elmer B. Staats
 Comptroller General of the U.S.
 General Accounting Office
 Washington, D. C. 20548

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Dear Mr. Comptroller General:

My subcommittee is conducting an inquiry into negotiations of international commodity agreements. The State Department, as lead agency in such negotiations, has long pursued a policy of inviting industry advisors to participate as an integral part of U.S. negotiating teams.

In negotiations pursuant to the International Coffee Agreement of 1976 ten industry advisors were included in the U.S. delegation. According to State, they were present to "represent their particular interests and to advise on technical matters in the coffee trade." Advisors attended almost all working group meetings in which the agreement was developed, including (in the words of State) "hard bargaining sessions." (They represented the dominant elements of the U.S. coffee trade. See attached).

This is a questionable practice because of clear personal interests such representatives had in all matters under discussion. No representatives of consumer groups were present, adding to the one-sidedness of the proceedings.

Statutes and/or regulations exist to direct conduct of negotiations in a manner safeguarding the public interest. Attempts to elicit specific delineation from State as to procedures and standards followed to prevent abuse of public trust by participants under their direction has proven most

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difficult. State Department responses have been both contradictory and inadequate.

A letter of October 17, 1977, to Gilbert Gude, Director of the Congressional Research Service, from Deputy Assistant Secretary Bosworth, states, "Government officials and industry advisors involved in the negotiations and working sessions (of ICA '76) were subject to standard conflict of interest regulations as enumerated in Executive Order 11222, 5 CFR Part 735, and 22 CFR Part 10." Clearly, this response acknowledges that specific procedures were required of State regulating acquisition and status of private advisors to coffee negotiations.

When queried further regarding specific adherence of State to requirements of "standard conflict of interest regulations," State's response was totally different.

A letter from Assistant Secretary Bennet of October 27, 1977, to me stated: "The industry advisors to this delegation were attached to the delegation without remuneration subject to instructions of the head of the delegation. They were not designated special government employees pursuant to 18 USC 202... These appointments were made under Title 22 USC 2656 and 2672, which gives the Secretary of State general authority for the management of foreign affairs." The letter further indicates that State did not regard these advisors as subject to any conflict of interest requirements or laws.

A second letter from Mr. Bosworth of November 23, 1977 attempts to mitigate this contradiction by retracting his letter of October 17th: "After further examination, I find that my response in that letter...was not fully accurate...It is, of course, true that all government officials were subject to regulations enumerated in my response...My letter was incorrect, however, in stating that advisors to the delegation from private industry were subject to these regulations."

Yet, in a December 15, 1976, letter to Senator Lee Metcalf, Acting Assistant Secretary Jenkins indicated that: "The Department (State) subscribes to the Federal Personnel

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Manual's definition of a consultant as:

"A person who serves as an advisor to an officer or instrumentality of the government, as distinguished from an officer or employee who carries out the agency's duties and responsibilities. A consultant gives views or opinions on problems or questions presented by the agency, but neither performs nor supervises performance of operating functions."
(Emphasis Added)

The definition of "consultant" as contained in the Federal Personnel Manual, to which the State Department claims to subscribe, is virtually identical to their description of the actual function of industry "advisors" attached to the U.S. delegation. In effect, the "advisors" in question functioned as "consultants" without being officially defined as such, or subjected to conflict of interest regulations normally applied to individuals of consultant status.

Extending invitations to ten representatives of an industry, all of whom were nominated by the same trade association (National Coffee Association), with the expressed purpose of having them advise collectively on matters affecting an entire industry, seems to constitute a de facto advisory committee. Here again, State does not cite designation of this collective as an advisory committee under terms of the Federal Advisory Committee Act.

State contends that general authority of the Secretary of State to conduct foreign affairs empowers him to "attach" such individuals to an official U.S. delegation without requiring adherence to any conflict of interest statutes. Despite statutes and executive orders exhaustively defining categories of advisors and corollary conflict of interest standards for their service to the U.S. government, the State Department has, apparently, conjured up new forms of advisory groups responsible to heads of delegations or Cabinet officers, but not subject to conflict of interest laws designed to protect the public interest.

Honorable Elmer B. Staats
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As Comptroller General of the United States, I seek your ruling on the following questions:

(1) Does the Comptroller General agree with State's assessment that, "Title 22 USC 2256 and 2672, which gives the Secretary of State general authority for the management of foreign affairs", is sufficient authority by which to "attach" industry advisors to a U.S. negotiating team, allowing them to be present at "hard bargaining sessions" on issues affecting their industry, without giving them an official status and activating standard government conflict of interest procedures?

(2) Did the General Accounting Office offer an opinion on legal questions inherent in these policies of State prior to commencement of negotiations for ICA '76? If not, then why not?

(3) Did the Comptroller General offer an opinion on anti-trust dimensions of inviting, in unison, major coffee companies to advise the U.S. government on matters affecting their economic affairs? If not, why not?

(4) Does this policy not transgress the ethical spirit and intent of conflict of interest statutes, if not the letter of the law?

(5) Does this not create a precedent that could be employed government-wide against the public interest?

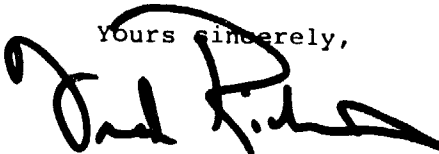
I seek authoritative opinion fully clarifying legal questions raised by the policy of inviting advisors from American industry to participate in international negotiations as part of U.S. delegations without consideration of federal conflict of interest standards and procedures, as well as those of the Federal Advisory Committee Act. It is inconceivable that total absence of regulations and control should exist in so sensitive an area as conduct of international commodity negotiations.

If by some chance existing regulations are incomplete in their application to these matters, I would appreciate precise delineation of the "grey areas", with the view

Honorable Elmer B. Staats
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toward proposing remedial legislation to better safeguard
the public interest.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Fred Richmond". The signature is stylized with a large, looping initial "F" and a long, sweeping underline.

Fred Richmond
Chairman

FR:dsm:ab

PRINCIPAL OFFICIALS RESPONSIBLE FOR ADMINISTERING
ACTIVITIES DISCUSSED IN THIS REPORT

Tenure of office
From To

DEPARTMENT OF AGRICULTURE

SECRETARY OF AGRICULTURE:

Bob Bergland	Jan. 1977	Present
John A. Knebel (acting)	Oct. 1976	Jan. 1977
Earl L. Butz	Dec. 1971	Oct. 1976
Clifford M. Hardin	Jan. 1969	Nov. 1971

DEPARTMENT OF STATE

SECRETARY OF STATE:

Cyrus R. Vance	Jan. 1977	Present
Henry A. Kissinger	Sept. 1973	Jan. 1977
William P. Rogers	Jan. 1969	Sept. 1973