

U.S. Department of Agriculture
Washington, D.C. 20250

DEPARTMENTAL REGULATION		NUMBER: 1051-002
SUBJECT: INTERNATIONAL ACTIVITIES AND AGREEMENTS OF USDA AGENCIES	DATE December 22, 2004	
	OPI: Foreign Agricultural Service	

1 PURPOSE

This regulation addresses the responsibilities of Departmental agencies regarding coordination of international activities and agreements and establishes the Intra-Departmental Coordination Committee on International Affairs. This regulation also establishes procedures within the Department to ensure compliance with the Case-Zablocki Act, 1 U.S.C. 112a and 112b, regarding consultation with the Secretary of State, reporting to Congress, and publication of international agreements.

2 SPECIAL INSTRUCTIONS

- a This regulation is not intended to limit any agency's authority to conduct international activities, to constitute a change in existing delegations of authority for any agency engaged in international activities, nor to constitute a delegation of authority to any agency to engage in international activities.
- b This regulation does not limit, or in any way supercede, DR 1051-1, "Coordination of USDA Activities with Foreign Countries" or regulations appearing at 7 C.F.R. part 2.

3 POLICY

- a A number of agencies within the Department have authority to conduct activities overseas. These activities increasingly involve a wide range of technical assistance responsibilities that are vital to United States foreign policy, trade, and international humanitarian goals. As such, their planning and implementation affect a number of other agencies within the U.S. Government, such as the Department of State and the U.S. Agency for International Development. In addition, a number of agencies in the Department are involved in international issues that affect various U.S. Government policies, including trade, economic development, food safety, natural resources, science and the environment. It is important that the Department's international activities are coordinated and carry uniform messages, and that the Department ensure that its international activities are coordinated with overall U.S. policy goals.

- b In many cases, the international activities of Departmental agencies involve entering into agreements with foreign governments or international organizations. Generally, under the Case-Zablocki Act, an "international agreement," regardless of its form, may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary of State. Further, the Secretary of State must transmit to Congress the text of any international agreement, other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force. The Secretary of State has issued regulations that set forth the criteria to be used by governmental agencies in determining whether an agreement they are contemplating is an "international agreement." The Department must implement these responsibilities in a timely and consistent manner.
- c The Foreign Agricultural Service (FAS) has been delegated detailed responsibilities in the international arena. These include, but are not limited to, the responsibility to coordinate the carrying out by Department agencies of their functions involving foreign agriculture policies and programs and their operations and activities in foreign areas; acting as a liaison on these matters and functions relating to foreign agriculture with the Department of State, the United States Trade Representative, the U.S. Agency for International Development and foreign governments; conducting functions of the Department relating to the World Trade Organization, and legislation affecting international agricultural trade; and administering and directing the Department's programs in international development, technical assistance and training carried out under the Foreign Assistance Act of 1961, as amended.

4 RESPONSIBILITIES

- a FAS shall keep other agencies informed of the Department's international activities, policies and agreements, that may be of interest to, or have an implication for, other agencies' domestic or international activities. FAS will also ensure that other agencies have opportunities for input and consultation on Departmental policies and positions relating to international affairs.
- b Every agency of the Department shall keep the Administrator, FAS, timely and fully informed of its international programs and projects, whether or not such activities take place in the United States or another country. This coordination shall be undertaken in such manner as the Administrator, FAS, may determine is necessary to facilitate FAS in carrying out its responsibilities to coordinate Department functions involving foreign agricultural policies and programs and Departmental agencies' operations and activities in foreign areas.

- c Whenever an agency of the Department intends to enter into an agreement with a foreign state, foreign state agency, or intergovernmental organization, the head of such agency shall consult with the Office of the General Counsel to ensure that the agency possesses the requisite authority to enter into such agreement. After determining that such authority exists, the agency shall furnish the draft text of the agreement to the Administrator, FAS, prior to negotiations or, if that is not feasible, as soon as possible in the negotiation process.
- (1) FAS shall review the draft text to assure its compliance with U.S. foreign policy and to determine whether the agreement is subject to the requirements of the Case-Zablocki Act and further review by the Secretary of State. In order to ensure a coordinated Departmental position, FAS shall be the point of contact with the Department of State regarding these matters. In undertaking these responsibilities, agencies shall take cognizance of the fact that the Department of State generally requires that international agreements be submitted to it for review no later than 50 days prior to the anticipated date for concluding such agreement.
 - (2) FAS may exempt certain categories of agreements from this requirement as appropriate.
- d Subject to exceptions made by FAS after consultations with affected agencies, agreements calling for the Department to furnish services on an advance of funds or reimbursable basis for international activities that are carried out under the Foreign Assistance Act of 1961, or otherwise funded by the Department of State, U.S. Agency for International Development, a foreign state, foreign state agency, or intergovernmental organization, shall be entered into by FAS.
- (1) In granting exceptions, FAS must take into consideration existing agreements and existing statutory authorities delegated to other agencies to conduct international activities.
 - (2) FAS, or in the case of an exception, another agency approved by FAS, will negotiate the details of these agreements, including establishing the indirect cost rates and providing technical services, with the funding entity. After entering into such agreements, FAS, or the FAS-approved agency, will coordinate the furnishing of such services with appropriate agencies of the Department through the Economy Act or other appropriate arrangements.
 - (3) This paragraph does not apply to:
 - (a) Grants made to an agency of the Department; or

- (b) Grants and cooperative agreements subject to the Federal Grant and Cooperative Agreement Act (FGCA), 31 U.S.C. 6301, et seq., and cooperative agreements statutorily exempt from the FGCA, that are entered into pursuant to statutory authority delegated to an agency.
- e There is hereby established the “Intra-Departmental Coordination Committee on International Affairs” (the “Committee”) with representation from USDA agencies as determined appropriate by the Under Secretary for Farm and Foreign Agricultural Services. The Committee will be chaired, and meetings of the Committee will be called, by the Associate Administrator, or other official as designated by the Administrator, of FAS. The Committee shall meet at least quarterly.
 - (1) The Committee will serve as a mechanism to assist in the coordination of USDA’s international activities as provided for in this Departmental Regulation and to review implementation of this Departmental Regulation. The Committee will report periodically to the Subcabinet on its deliberations and elevate any unresolved policy or coordination issues to the Subcabinet for resolution.
 - (2) The permanent members of the committee will consist of representatives from the international offices, or Office of the Administrators, of such USDA agencies as the Animal and Plant Health Inspection Service, Agricultural Research Service, Agricultural Marketing Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, Farm Service Agency, Food and Nutrition Service, Food Safety and Inspection Service, Foreign Agricultural Service, Forest Service, Grain Inspection, Packers and Stockyards Administration, National Agricultural Statistics Service, Natural Resources Conservation Service, Risk Management Agency, Rural Business Cooperative Service, Rural Utilities Service, Rural Housing Service, the Office of the Chief Economist, the Office of the General Counsel, the Office of Budget and Program Analysis and others, as needed.

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