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Guidance on Funding Foreign Government Delegations to International Conferences

The following provides guidance on a provision on funding of delegations to international conferences first contained in section 546 of USAID's FY 2000 Appropriations Act (the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000) and included in subsequent appropriations acts.

1. What is the law?

Section 546 provides:

None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.
(Emphasis supplied.)

2. Does section 546 apply to prior year appropriations?

No, it does not apply to appropriations prior to FY 2000, including recoveries under USAID's no-year authority. By its terms, section 546 applies to "funds appropriated by this Act" which limits the applicability of the provision to funds appropriated by the FY 2000 Foreign Operations Appropriations Act and subsequent appropriations acts.

3. Does section 546 apply to all USAID accounts?

No, it only applies to funds to carry out chapter 1 of part I of the Foreign Assistance Act (FAA). This means it applies to only the following appropriation accounts:

- Development Assistance, including assistance for sub-Saharan Africa,
- Child Survival and Disease Programs Fund, and
- Micro and Small Enterprise Development Program Account.

It does **not** apply to the following USAID accounts:

- International Disaster Assistance,
- Economic Support Fund,
- Assistance for Eastern Europe and Baltic States,
- Assistance for the Independent States of the Former Soviet Union, and
- Operating Expense Accounts (USAID and IG).

4. Does it apply to the non-USAID funds of contractors and grantees?

No. This applies only to USAID funds. A grantee, contractor, etc. could use its cost-share or program income for conference costs.

5. What is “another country’s delegation”?

“Another country’s delegation” is a delegation other than one representing the United States government or its agency.

A delegation is a one or more delegates or representatives. Essential to being a delegate is appointment by the principal and authority to represent and act on behalf of the principal. Since only the national government has the authority to designate its country’s representatives, a delegation under section 546 is limited to “foreign government delegations”, i.e., a delegation appointed by the national government (including ministries and agencies but excluding local, state and provincial entities) to act on behalf of the appointing authority at the international conference. For example, a delegation named by the Ministry of Interior to represent the Ministry at an international conference is a “foreign government delegation.” But a delegation chosen by a non-governmental entity is not “foreign government delegation.” For example, a worldwide conference of non-governmental organizations (NGOs) on democracy and governance issues where the country delegation is selected by a national private association is not a “foreign government delegation” because the delegates are not selected by a governmental entity.

Not every attendee or participant is a delegate. The fact that a government agency has approved or is funding a person’s attendance does not make that person a delegate. Some conferences will not be organized with a delegation structure. In such cases, there are no delegations and none of the attendees are members of a delegation. When the conference does have delegations, i.e., governmental entities are invited to send delegations, a participant is a delegate only when there is an appointment or designation by the governmental entity that the individual is authorized to officially represent the government or agency. For example, Ministry X furnishes the names of the members of the “Ministry X’s Delegation” to the conference organizers. A delegation that attends a conference as a delegation in an “official observer” status is still a “foreign government delegation” because they have been selected by the government to represent the government albeit in a limited role. But a group that

attends in an unofficial observer status would not because they have not been appointed as a delegation.

A country's delegation may have both governmental and non-governmental members. A private citizen that is part of a "foreign government delegation" is still covered by section 546 even though he or she may be free to present his or her views or those of his or her organization.

6. What is an "international conference"?

"International" means a conference attended by one or more delegations from countries other than the country in which the conference is being held. For example, a conference in Canada where the only foreign government delegation is from the Government of Canada is not an international conference. But if the United States were to send a delegation, it would be an international conference.

Not all gatherings are conferences. A "conference" for purposes of section 546 is a meeting where there are delegations and an agenda and an organizational structure in which country delegations are to participate through discussion, votes, etc. Thus, stand-alone workshops, seminars, and training sessions are not conferences. But a conference can have workshops, training sessions and the like; the costs of such events for delegates are covered by section 546.

7. What is a "multilateral or international organization"?

A multilateral or international organization under section 546 means a "public international organization" (PIO). A PIO is an organization established by international agreement and whose governing body is composed principally of foreign governments or other PIOs. A list of PIOs in which the United States participates on the governing body is found at <http://www.opm.gov/employ/internat/LIST.HTM#Inter-American>. But the term also includes PIOs in which the United States does not participate so the list is not exhaustive.

8. What is "under the auspices of" a PIO?

"Under the auspices" means that the PIO is identified in announcements and other conference documents as a sponsor, identified as the sponsor, host or similar term, or organizer, i.e., doing the organizational and administrative functions for the conference. Simply donating funds for conference costs does not make one a sponsor.

9. What costs are covered?

The following costs may not be funded:

- Travel, per diem, hotel expenses, meals, conference fees and costs of workshops, seminars and other conference events of any member of the delegation.

The following costs are allowable:

- Costs for attendees who are not members of the delegation.
- Materials for use at the conference, e.g., position papers.

10. Is there a clause for contracts, grants, cooperative agreements, Participating Agency Service Agreements (PASAs), other interagency agreements, Strategic Objective and Limited Scope Grant Agreements (SOAG/LSGAs), etc.?

Yes. Insert the following clause in agreements (contracts, assistance awards, SOAG/ LSGA) containing funds covered by section 546:

Foreign Government Delegations to International Conferences

Funds in this [agreement, amendment] may not be used to finance the travel, per diem, hotel expenses, meals, conference fees or other conference costs for any member of a foreign government's delegation to an international conference sponsored by a public international organization, except as provided in ADS Mandatory Reference "Guidance on Funding Foreign Government Delegations to International Conferences [<http://www.info.usaid.gov/pubs/ads/300/refindx3.htm>] or as approved by the [CO/AO/CTO],

Agreement/Contracting Officers are authorized to modify the clause as necessary to cover only those funds covered by section 546, to use the most appropriate term for the Agency's technical representative under the agreement, to provide additional guidance on the terms, or to not use the clause if there is no possibility of funding such costs under the agreement.

11. Does section 546 apply to invitational travel?

Yes. The law covers invitational travel, as well as contracts and assistance awards. The office funding the travel is responsible for reviewing invitational travel to ensure compliance with this guidance.

12. Is there a USAID point of contact on this provision?

Recipients and contractors should contact Cognizant Technical Officers (CTOs), not the Agreement/Contracting Officer. CTOs and other persons designing and implementing activities should contact their Regional Legal Advisor (RLA) or Assistant General Counsel (GC) for the region or program.