Monday,
April 30, 2007

Part XVIII

Agency for
International
Development

Semiannual Regulatory Agenda
AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Ch. II

Federal Regulations; USAID Regulatory Agenda Semiannual Summary

AGENCY: U.S. Agency for International Development.

ACTION: Semiannual regulatory agenda.

SUMMARY: The U.S. Agency for International Development (USAID) is publishing this agenda as required by Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735, October 4, 1993) as amended, and the Regulatory Flexibility Act of 1980, as amended. This agenda reports the status of those regulations currently under review and gives USAID’s plan for the issuance of proposed regulations during the next 12 months.

It is expected that the information provided in this agenda will enable the public to be more aware of and to participate more effectively in USAID’s regulatory process.

FOR FURTHER INFORMATION CONTACT: For additional information about specific regulatory actions listed in the agenda, you should direct your comments and inquiries to the appropriate agency contact identified in each entry. For general information on the agenda, you should direct your comments and inquiries to Betty Y. Chung, Deputy Assistant General Counsel for Legislation and Policy, Office of the General Counsel, U.S. Agency for International Development, Washington, DC 20523; telephone: (202) 712-4791, e-mail: bchung@usaid.gov.

SUPPLEMENTARY INFORMATION: Executive Order 12866, as amended, and the Regulatory Flexibility Act require the semiannual publication in the Federal Register of an agenda of regulations. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, and regulations completed or withdrawn by USAID. The agenda is intended to facilitate comments and views by interested members of the public. Publication of the proposed rulemaking actions in the agenda does not impose any obligation on USAID to take any final action with regard to any specific item. Furthermore, USAID is not precluded from rulemaking activities that are not listed in this agenda. The dates listed in the timetables for specific actions are estimates and are not commitments to act on or by the particular date.


Donald F. Gressett,
Assistant General Counsel for Legislation and Policy.

Agency for International Development—Proposed Rule Stage

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<th>Sequence Number</th>
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Agency for International Development—Final Rule Stage

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Agency for International Development—Long-Term Actions

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<td>2681</td>
<td>Administration of Grants and Cooperative Agreements</td>
<td>0412–AA21</td>
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2673. USAID DIRECT CONTRACTS FOR PERSONAL SERVICES  
Priority: Substantive, Nonsignificant  
Legal Authority: Not Yet Determined  
CFR Citation: 48 CFR ch 7, app A  
Abstract: Appendix A will replace, in substance, the existing appendix D and J scheduled to be deleted commensurate to this action.  
Timetable:  
<table>
<thead>
<tr>
<th>Action</th>
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<tr>
<td>NPRM</td>
<td>02/13/07</td>
<td>72 FR 6812</td>
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<td>01/00/08</td>
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Regulatory Flexibility Analysis  
Required: No  

Small Entities Affected: No  
Government Levels Affected: None  
URL For Public Comments: www.regulations.gov  
Agency Contact: Tom M. Henson, Senior Procurement Analyst, Office of Acquisition and Assistance, Agency for International Development, Policy Division, 1300 Pennsylvania Avenue NW., RRB 7.8.33, Washington, DC 20523  
Phone: 202 712–4913  
Fax: 202 216–3395  
Email: thenson@usaid.gov  
RIN: 0412–AA49

2674. RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY USAID  
Priority: Other Significant  
Legal Authority: 22 USC 2381  
CFR Citation: 22 CFR 201  
Legal Deadline: None  
Abstract: USAID Regulation 1, 22 CFR 201, is being amended to:  
1. Revise the criteria for noncompetitive procurement for private sector programs;  
2. Revise the marking requirements to address the use of the new USAID Identity;  
3. Revise and add definitions;  
4. Revise agency organizational names and acronyms;  
5. Reinstatement Section 201.13 coverage on ocean transportation costs that was erroneously deleted from prior editions;  
6. Provide for advertising public sector procurements over $25,000 in the USAID Procurement Bulletins as the primary means of advertising these procurements to U.S. suppliers (in lieu of advertising public sector procurements over $100,000 in Fed Biz Opps, successor to Commerce Business Daily);  
7. Make numerous clarifications and editorial amendments; and  
8. Update the Paperwork Reduction Act approvals.  
Timetable:  
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Regulatory Flexibility Analysis  
Required: No  

Small Entities Affected: No  
Government Levels Affected: None  
URL For Public Comments: www.regulations.gov  
Agency Contact: Kenneth Monsess, Procurement Analyst, Agency for International Development, 1300 Pennsylvania Avenue NW., RRB 7.08–021, Washington, DC 20523  
Phone: 202 712–4913  
Email: kmonsess@usaid.gov  
Related RIN: Related to 0412–AA34  
RIN: 0412–AA51

2675. TRANSFER OF FOOD COMMODITIES FOR FOOD USE AND DISASTER RELIEF, ECONOMIC DEVELOPMENT, AND OTHER ASSISTANCE  
Priority: Other Significant. Major status under 5 USC 801 is undetermined.  
Unfunded Mandates: Undetermined  
Legal Authority: 7 USC 1726a(c)  
CFR Citation: 22 CFR 211  
Legal Deadline: None  
Abstract: 22 CFR 211 is being rewritten in order to update guidance to reflect changes in the 1996 and 2002 Farm Bills as well as to revise financial and programmatic reporting requirements.  
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<tr>
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<td>69 FR 51404</td>
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Regulatory Flexibility Analysis  
Required: Undetermined  

Government Levels Affected: Undetermined  
URL For Public Comments: www.regulations.gov  
Agency Contact: Diane M. Howard, Senior Procurement Analyst, Agency for International Development, 1300 Pennsylvania Avenue NW., RRB 7.08–031, Washington, DC 20523–7801  
Phone: 202 712–0206  
Fax: 202 216–3395  
Email: dhoward@usaid.gov  
RIN: 0412–AA59
2677. MISCELLANEOUS AMENDMENTS TO THE AIDAR (AIDAR NOTICE 98–2)

Priority: Substantive, Nonsignificant
Legal Authority: 22 USC 2381
CFR Citation: 48 CFR 712; 48 CFR 727; 48 CFR 742; 48 CFR 752; 48 CFR ch 7, app I
Legal Deadline: None

Abstract: The USAID Acquisition Regulation will be amended to clarify USAID policy on the use of Government facilities and personnel in commercial products, establish an Agency policy regarding contract clauses to clarify withholding requirements under IQC contracts, revise reporting requirements, and coordinate the Agency’s academic publication policy with the FAR’s Rights in Data coverage by removing it from appendix I into a new part 727. This new AIDAR part will also provide for contractual coverage of Rights in Data in USAID’s contracts performed overseas and awarded to U.S. organizations, provide guidance on Rights in Data coverage for overseas contracts with non-U.S. entities, and provide an alternate paragraph to add to the applicable FAR clause to reserve USAID’s right to restrict release of data when release may negatively impact the Government’s development or diplomatic relationship with the cooperating countries.

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: None
URL For Public Comments: www.regulations.gov

Agency Contact: Carol Ketrick, Procurement Analyst, Agency for International Development, 1300 Pennsylvania Avenue NW., RRB 7.08–031, Washington, DC 20523–7801
Phone: 202 712–0206
Fax: 202 216–3395
Email: cketrick@usaid.gov

RIN: 0412–AA30

2678. APPLICATION OF POST–DIFFERENTIAL AND DANGER PAY TO EXTENDED WORK WEEKS UNDER COST–REIMBURSEMENT TYPE CONTRACTS

Priority: Substantive, Nonsignificant
Legal Authority: 22 USC 2381
CFR Citation: 48 CFR 752
Legal Deadline: None

Abstract: The USAID Acquisition Regulation will be amended to establish USAID policy on the application of Post-Differential and Danger Pay to extended work weeks under cost-reimbursement type contracts.

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: None
URL For Public Comments: www.regulations.gov

Agency Contact: Carol Ketrick, Procurement Analyst, Agency for International Development, 1300 Pennsylvania Avenue NW., RRB 7.08–020, Washington, DC 20523 Phone: 202 712–1382
Fax: 202 216–3395
Email: cketrick@usaid.gov

RIN: 0412–AA56

2679. ESTABLISHMENT OF A MENTOR–PROTE´GE´ PROGRAM

Priority: Other Significant
Legal Authority: Not Yet Determined
CFR Citation: 48 CFR Parts 719

Legal Deadline: None

Abstract: This rule proposes to implement Executive Branch policy that, within the framework of constitutional guidelines, “small businesses” should be encouraged to compete for USAID funding. This proposed rule would establish a Mentor-Prote´ge´ Program to motivate and encourage firms and institutions of higher education to provide business development assistance to small businesses and institutions of higher education in the United States that either historically or currently have ethnic minority student enrollments of more than 25 percent. The Mentor-Prote´ge´ Program is also designed to improve the performance of USAID contractors and subcontractors by providing developmental assistance to prote´ge´ entities, foster the establishment of long-term business relationships between small businesses and prime contractors and between institutions of higher education with MSIs, and increase the overall number of small businesses and MSIs that receive USAID contract and subcontract awards.

Timetable:

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<td>NPRM</td>
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<td>71 FR 64518</td>
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Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined
URL For Public Comments: www.regulations.gov

Agency Contact: Ms. Tracy A. Scrivner, Administrative Specialist, Agency for International Development, 1300 Pennsylvania Avenue NW, Washington, DC 20523 Phone: 202 712–4983
Fax: 202 216–3056
Email: tscrivner@usaid.gov
RIN: 0412–AA58

2680. • VARIOUS ADMINISTRATIVE CHANGES TO THE USAID ACQUISITION REGULATIONS (AIDAR)
Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.
Unfunded Mandates: Undetermined
Legal Authority: Not Yet Determined
CFR Citation: Not Yet Determined
Legal Deadline: None
Abstract: The U.S. Agency for International Development (USAID) is proposing to amend its regulations to:
1) Delete all references to Office of Personnel Management’s (OPM) obsolete Executive Service (ES-6) as the contract employee salary threshold and replace with revised terminology; 2) modify AIDAR clause 752.228-70 MEDICAL EVACUATION (MEDEVAC) SERVICES (Mar 1993) to delete the requirement for contractors to purchase MEDEVAC Services insurance through a USAID centrally awarded contract; 3) remove the obsolete clause 752.7016 FAMILY PLANNING AND POPULATION ASSISTANCE ACTIVITIES (AUG 1986); and 4) update the title of Office of Procurement (OP) to Office of Acquisition and Assistance (OAA) throughout.
Timetable:
Action | Date | FR Cite
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Final Rule | 04/00/07 | 
Final Action Effective | 07/00/07 | 

Agency for International Development (AID) Long-Term Actions

2681. ADMINISTRATION OF GRANTS AND COOPERATIVE AGREEMENTS
Priority: Substantive, Nonsignificant
Legal Authority: 22 USC 2381
CFR Citation: 22 CFR 226
Legal Deadline: None
Abstract: This regulation will implement the Governmentwide uniform administrative requirements for grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations issued by the Office of Management and Budget.
Timetable:
Action | Date | FR Cite
--- | --- | ---
Interim Final Rule | 01/19/95 | 60 FR 3743
Final Action | 06/00/08 | 
Regulatory Flexibility Analysis Required: No
Small Entities Affected: Organizations
Government Levels Affected: None
URL For Public Comments: www.regulations.gov
Agency Contact: Michael Gushue, Senior Procurement Analyst, Agency for International Development, Room 7.10–031, 1300 Pennsylvania Avenue NW., Room 7.10–031, 1300 Pennsylvania Avenue NW., Washington, DC 20523
Phone: 202 712–5831
Email: mgushue@usaid.gov
RIN: 0412–AA21