Monday,
December 13, 2004

Part XIX

Agency for International Development

Semiannual Regulatory Agenda
AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

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), and the Regulatory Flexibility Act. 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:

General: For further information on the agenda or the review list in general, contact: Joanne M. Paskar, Chief, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Washington, DC 20523; Telephone (202) 712-1217, e-mail jpaskar@usaid.gov.

Specific: For further information about any particular item on the agenda, contact the individual listed as the contact for that item.

SUPPLEMENTARY INFORMATION: Executive Order 12866 and the Regulatory Flexibility Act require the semiannual publication in the Federal Register of an agenda of regulations. The Regulatory Flexibility Act applies only to regulations for which a notice of proposed rulemaking was issued on or after September 19, 1980. USAID is required to publish an agenda listing all the regulations it expects to propose or promulgate that are likely to have a “significant economic impact on a substantial number of small entities.” The Executive order became effective on September 30, 1993, and it is required that USAID publish a listing of all the regulations it expects to have under active consideration for proposal or review during the coming one-year period.


Roberto J. Miranda,
Director of Administrative Services.

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<td>3001</td>
<td>Rules and Procedures Applicable to Commodity Transactions Financed by USAID; Miscellaneous Administrative Revisions</td>
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2994. USAID ACQUISITION REGULATION (AIDAR) CREATION OF APPENDIX A

Priority: Substantive, Nonsignificant
Legal Authority: Not Yet Determined
CFR Citation: 48 CFR ch 7, app A
Legal Deadline: None
Abstract: Appendix A will replace, in substance, the existing appendix D and J scheduled to be deleted commensurate to this action.

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Tom M. Henson, Senior Procurement Analyst, Office of Procurement, Agency for International Development, Room 7.08–106, Policy Division, 1300 Pennsylvania Avenue NW., Washington, DC 20523
Phone: 202 712–5448
Fax: 202 216–3136
Email: thenson@usaid.gov
RIN: 0412–AA49

Agency for International Development (AID) Final Rule Stage

2995. 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 will be 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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Regulatory Flexibility Analysis
Required: Undetermined
Government Levels Affected: Undetermined
Federalism: Undetermined
Agency Contact: Lisa Witte, Agency for International Development, Suite 7.06–102, 1300 Pennsylvania Avenue NW., Washington, DC 20523
Phone: 202 712–1365
Fax: 202 216–3039
Email: lwitte@usaid.gov
RIN: 0412–AA54

Agency for International Development (AID) Proposed Rule Stage

2996. 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.

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: Organizations
Government Levels Affected: None
Agency Contact: Michael Gushue, Senior Procurement Analyst, Agency for International Development, Room 7.10–031, 1300 Pennsylvania Avenue NW., Washington, DC 20523
Phone: 202 712–5831
Email: mgushue@usaid.gov
RIN: 0412–AA21

2997. 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.

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Regulatory Flexibility Analysis
Required: No
Government Levels Affected: None
Agency Contact: Diane M. Howard, Senior Procurement Analyst, Agency for International Development, Room 7.08–082U, M/OP/P, 1300 Pennsylvania Avenue NW., Washington, DC 20523–7801
Phone: 202 712–0206
Fax: 202 216–3395
Email: dheoward@usaid.gov
RIN: 0412–AA30
Agency for International Development (AID)  

**2998. USAID ACQUISITION REGULATION (AIDAR) DELETION OF APPENDIX D AND APPENDIX J**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 22 USC 2381  
**CFR Citation:** 48 CFR ch 7, app D; 48 CFR ch 7, app J  
**Legal Deadline:** None  
**Abstract:** Deletion of appendices D and J of the AIDAR, regarding personal service contracts with U.S. citizens and cooperating country and third country nationals. Policy statements in the appendices will be consolidated into internal policy manuals, and information of a regulatory nature will be incorporated into a new appendix A.

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Tom M. Henson, Senior Procurement Analyst, Office of Procurement, Agency for International Development, Room 7.08–106, Policy Division, 1300 Pennsylvania Avenue NW., Washington, DC 20523  
Phone: 202 712–5448  
Fax: 202 216–3136  
Email: thenson@usaid.gov  
**RIN:** 0412–AA43

**2999. PARTICIPATION BY RELIGIOUS ORGANIZATIONS IN USAID PROGRAMS**

**Priority:** Other Significant  
**Legal Authority:** 7 USC 1726a(c); 22 USC 2381(a)  
**CFR Citation:** 22 CFR 202; 22 CFR 205; 22 CFR 211; 22 CFR 226  
**Legal Deadline:** None  
**Abstract:** This rule proposes to implement executive branch policy that, within the framework of constitutional guidelines, religious (or faith-based) organizations should be able to compete on an equal footing with other organizations for USAID funding. This proposed rule would revise USAID regulations pertaining to the award of grants, cooperative agreements, and contracts awarded for the purpose of administering grant programs to ensure their compliance with this policy and to clarify that faith-based organizations are eligible to participate in programs on the same basis as any other organization, with respect to programs for which such other organizations are eligible.

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Jan W. Miller, Assistant General Counsel for Employee and Public Affairs, Agency for International Development, Room 6881, GS, Washington, DC 20523  
Phone: 202 712–4774  
Fax: 202 216–3485  
Email: jmiller@usaid.gov  
**RIN:** 0412–AA52

**3000. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS; TECHNICAL AMENDMENT**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 301; 42 USC 289; 42 USC 300v–1(b)  
**CFR Citation:** 22 CFR 225  
**Legal Deadline:** None  
**Abstract:** This final rule amends the U.S. Agency for International Development (USAID) regulations for protection of human subjects by changing all references to the Office for Protection from Research Risks (OPRR) to the Office for Human Research Protections (OHRP) and revising the footnotes at the end of 45 CFR 46.101(j) by deleting the references to research involving fetuses, pregnant women, or human in vitro fertilization and subject B of 45 CFR part 46. This technical amendment is being made in conjunction with the other Federal departments and agencies that have promulgated the Federal Policy for the Protection of Human Subjects.

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Dr. James D. Shelton, Associate Director for Regulatory Affairs, Office for Human Research Protection, Agency for International Development, Room 820, SA–18, GH/PRH, Washington, DC 20523  
Phone: 202 712–0869  
Fax: 202 216–3485  
Email: jshelton@usaid.gov  
**Related RIN:** Related to 0412–AA17  
**RIN:** 0412–AA53

**Agency for International Development (AID) Long-Term Actions**

**3001. RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY USAID; MISCELLANEOUS ADMINISTRATIVE REVISIONS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 22 CFR 201  
**Agency Contact:** Frances M. Maki  
Phone: 202 712–4978  
Email: fmaki@usaid.gov  
**Related RIN:** Related to 0412–AA34  
**RIN:** 0412–AA51  
**[FR Doc. 04–22636 Filed 12–10–04; 8:45 am]**

BILLING CODE 6116–01–S