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**Monday,
June 28, 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, Email: 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.

Dated: May 18, 2004.

Roberto J. Miranda,
Director of Administrative Services.

Agency for International Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3017	USAID Acquisition Regulation (AIDAR) Creation of Appendix A	0412-AA49
3018	Rules and Procedures Applicable to Commodity Transactions Financed by USAID; Miscellaneous Administrative Revisions	0412-AA51

Agency for International Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3019	Administration of Grants and Cooperative Agreements	0412-AA21
3020	Miscellaneous Amendments to the AIDAR (AIDAR Notice 98-2)	0412-AA30
3021	USAID Acquisition Regulation (AIDAR) Deletion of Appendix D and Appendix J	0412-AA43
3022	Federal Policy for the Protection of Human Subjects; Technical Amendment	0412-AA53

Agency for International Development (AID)

Proposed Rule Stage

3017. 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.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	08/00/04	
Final Action	01/00/05	
Final Action Effective	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0412-AA49

AID

Proposed Rule Stage

3018. RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY USAID; MISCELLANEOUS ADMINISTRATIVE REVISIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 2381**CFR Citation:** 22 CFR 201**Legal Deadline:** None**Abstract:** Various administrative changes and corrections; adding

conditions when costs to the free port/bonded warehouses are eligible for financing, and making changes to the two forms found in appendices A and B.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Frances M. Maki, Senior Procurement Analyst, Agency for International Development, Room 7.08-094, M/OP/P, 1300 Pennsylvania Avenue NW., Washington, DC 20523
Phone: 202 712-4978
Email: fmaki@usaid.gov**Related RIN:** Related to 0412-AA34**RIN:** 0412-AA51

Agency for International Development (AID)

Final Rule Stage

3019. 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	01/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Organizations**Government Levels Affected:** None**Agency Contact:** Allen Eisenberg, Senior Procurement Analyst, Agency for International Development, Room 7.08-096, 1300 Pennsylvania Avenue NW., Washington, DC 20523
Phone: 202 712-1467
Email: aeisenberg@usaid.gov**RIN:** 0412-AA21

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:

Action	Date	FR Cite
NPRM	11/04/98	63 FR 59501
NPRM Comment	01/04/99	
Period End		
Final Action	12/00/04	
Final Action Effective	01/00/05	

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: 202 712-0206Fax: 202 216-3395
Email: dhoward@usaid.gov**RIN:** 0412-AA30**3021. 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.**Timetable:**

Action	Date	FR Cite
NPRM	12/22/03	68 FR 65432
NPRM Comment	01/22/04	
Period End		
Final Action	01/00/05	

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**3020. 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

AID

Final Rule Stage

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RIN: 0412-AA43

3022. • 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 the 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 footnote at the end of 45 CFR 46.101(i) 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 inconjunction with the other Federal departments and agencies that have promulgated the Federal Policy for the Protection of Human Subjects.

Timetable:

Action	Date	FR Cite
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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Related RIN: Related to 0412-AA17

RIN: 0412-AA53

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