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**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provide information to the public on regulations currently under review, being proposed, and regulations completed or withdrawn by USAID.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.

Dated: March 2, 2007.

Donald F. Gressett,

Assistant General Counsel for Legislation and Policy.

Agency for International Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2673	USAID Direct Contracts for Personal Services	0412-AA49
2674	Rules and Procedures Applicable to Commodity Transactions Financed by USAID	0412-AA51
2675	Transfer of Food Commodities for Food Use and Disaster Relief, Economic Development, and Other Assistance ..	0412-AA54
2676	Modification of the USAID Acquisition Regulation by Adding a Key Subcontractor Consent Provisions	0412-AA59

Agency for International Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2677	Miscellaneous Amendments to the AIDAR (AIDAR Notice 98-2)	0412-AA30
2678	Application of Post-Differential and Danger Pay to Extended Work Weeks Under Cost-Reimbursement Type Contracts	0412-AA56
2679	Establishment of a Mentor-Protégé Program	0412-AA58
2680	Various Administrative Changes to the USAID Acquisition Regulations (AIDAR)	0412-AA60

Agency for International Development—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2681	Administration of Grants and Cooperative Agreements	0412-AA21

Agency for International Development (AID)

Proposed Rule Stage

2673. USAID DIRECT CONTRACTS FOR PERSONAL SERVICES**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	02/13/07	72 FR 6812
NPRM Comment Period End	04/16/07	
Final Action	12/00/07	
Final Action Effective	01/00/08	

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

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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. Reinstate 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:

Action	Date	FR Cite
NPRM	03/15/07	
NPRM Comment Period End	05/15/07	
Final Action	07/00/07	
Final Action Effective	08/00/07	

Regulatory Flexibility Analysis**Required:** 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

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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.**Timetable:**

Action	Date	FR Cite
ANPRM	08/19/04	69 FR 51404
ANPRM Comment Period End	09/18/04	
NPRM	12/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Ms. Juli Majernik, Food for Peace Officer, Agency for International Development, 1300 Pennsylvania Avenue NW., Room 7.06-107, Washington, DC 20523-7600

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RIN: 0412-AA54**2676. • MODIFICATION OF THE USAID ACQUISITION REGULATION BY ADDING A KEY SUBCONTRACTOR CONSENT PROVISIONS****Priority:** Other Significant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The United States Agency for International Development is proposing to amend the USAID Acquisition Regulation (AIDAR) by providing additional authority to monitor prime contractor compliance with subcontracting plans. The intent of this amendment is to provide the contracting officer a means for monitoring and assuring that subcontractors who were named in the offeror's proposal and whose contributions were evaluated as part of the proposal evaluation are in fact used in the contract.**Timetable:**

Action	Date	FR Cite
ANPRM	01/26/07	72 FR 3778
ANPRM Comment Period End	03/27/07	
NPRM	07/00/07	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:**

Undetermined

URL For Public Comments:

www.regulations.gov

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RIN: 0412-AA59

Agency for International Development (AID)

Final Rule Stage

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:

Action	Date	FR Cite
NPRM	11/04/98	63 FR 59501
NPRM Comment Period End	01/04/99	
Final Action	04/00/07	
Final Action Effective	05/00/07	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov**Agency Contact:** Diane M. Howard, Senior Procurement Analyst, Agency for International Development, 1300

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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:

Action	Date	FR Cite
NPRM	10/24/06	71 FR 62229
NPRM Comment Period End	12/26/06	
Final Action	06/00/07	
Final Action Effective	07/00/07	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov

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RIN: 0412-AA56**2679. ESTABLISHMENT OF A MENTOR-PROTÉGÉ 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-Protégé 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-Protégé Program is also designed to improve the performance of USAID contractors and subcontractors by providing developmental assistance to protégé 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:

Action	Date	FR Cite
NPRM	11/22/06	71 FR 64518
NPRM Comment Period End	12/08/06	
Final Action	05/00/07	
Final Action Effective	06/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** Undetermined**URL For Public Comments:** www.regulations.gov

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AID

Final Rule Stage

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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
Final Rule	04/00/07	
Final Action Effective	07/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

URL For Public Comments: www.regulations.gov

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RIN: 0412-AA60

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

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RIN: 0412-AA21

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