



Federal Register

**Monday,
April 24, 2006**

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) 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: 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 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provide information to the public on regulations currently under review, being proposed, and regulations completed or withdrawn by USAID.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: February 24, 2006.

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

Agency for International Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2859	USAID Acquisition Regulation (AIDAR) Deletion of Appendix D and Appendix J	0412-AA43
2860	USAID Acquisition Regulation (AIDAR) Creation of Appendix A	0412-AA49
2861	Rules and Procedures Applicable to Commodity Transactions Financed by USAID	0412-AA51
2862	Transfer of Food Commodities for Food Use and Disaster Relief, Economic Development, and Other Assistance ..	0412-AA54
2863	Application of Post-Differential and Danger Pay to Extended Work Weeks Under Cost-Reimbursement Type Contracts	0412-AA56

Agency for International Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2864	Miscellaneous Amendments to the AIDAR (AIDAR Notice 98-2)	0412-AA30

Agency for International Development—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2865	Administration of Grants and Cooperative Agreements	0412-AA21

Agency for International Development—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2866	Administration of Assistance to U.S. Nongovernment Organizations	0412-AA55
2867	Limitation on Use of Funds and Eligibility for Funds Made Available To Monitor and Combat Trafficking in Persons	0412-AA57

Agency for International Development (AID)

Proposed Rule Stage

2859. 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 Period End	08/00/06	
Final Action	06/00/07	

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

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: 202 712-5448

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RIN: 0412-AA43**2860. 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	06/00/06	
NPRM Comment Period End	08/00/06	

Action

Final Action 06/00/07

Final Action Effective 08/00/07

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

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**2861. RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY USAID****Priority:** Substantive, Nonsignificant**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	04/00/06	
NPRM Comment Period End	05/00/06	
Final Action	07/00/06	
Final Action Effective	08/00/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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Related RIN: Related to 0412-AA34**RIN:** 0412-AA51**2862. 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	07/00/06	

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

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RIN: 0412-AA54

AID

Proposed Rule Stage

2863. 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	04/15/06	
NPRM Comment Period End	05/15/06	
Final Action	09/00/06	
Final Action Effective	10/15/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**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
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Email: cketrick@usaid.gov**RIN:** 0412-AA56

Agency for International Development (AID)

Final Rule Stage

2864. 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

Action	Date	FR Cite
NPRM Comment Period End	01/04/99	
Final Action	04/00/06	
Final Action Effective	05/00/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**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-AA30

Agency for International Development (AID)

Long-Term Actions

2865. 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	04/00/07	

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

Agency for International Development (AID)

Completed Actions

2866. ADMINISTRATION OF ASSISTANCE TO U.S. NONGOVERNMENT ORGANIZATIONS**Priority:** Other Significant**Legal Authority:** 22 USC 2381(a); 22 USC 2401, sec 641, Foreign Assistance Act of 1961, as amended**CFR Citation:** 22 CFR 226**Legal Deadline:** None**Abstract:** USAID proposes to require USAID-funded assistance awardees to mark with the USAID Standard Graphic Identity commodities, programs, projects, and public communications.**Timetable:**

Action	Date	FR Cite
NPRM	12/20/04	69 FR 75885
NPRM Comment Period End	02/03/05	
Final Action	08/26/05	70 FR 50183
Final Action Effective	01/02/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John Niemeyer, Attorney-Advisor, Agency for International Development, GC/CCM, 1300 Pennsylvania Avenue NW, RRB 6.06-095, Washington, DC 20523
Phone: 202 712-4776
Email: jniemeyer@usaid.gov**RIN:** 0412-AA55**2867. LIMITATION ON USE OF FUNDS AND ELIGIBILITY FOR FUNDS MADE AVAILABLE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 22 U.S.C. 7110(g)(1)-(2)**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** This proposed rule proposes to implement limitations on provision

of United States Government funds enacted in the Trafficking Victims Protection Reauthorization Act of 2003.

Timetable:

Action	Date	FR Cite
Withdrawn	03/14/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Mr. Stephen B. Kaplitt, Special Assistant to the General Counsel, Agency for International Development, 1300 Pennsylvania Avenue NW, Room 6.6-129, Washington, DC 20523
Phone: 202 712-4076
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[FR Doc. 06-2037 Filed 04-21-06; 8:45 am]

BILLING CODE 6116-01-S