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**Monday,
December 11, 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provide information to the public on regulations currently under review, being proposed, and regulations completed or withdrawn by USAID.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: August 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
2972	USAID Acquisition Regulation (AIDAR) Creation of Appendix A	0412-AA49
2973	Rules and Procedures Applicable to Commodity Transactions Financed by USAID	0412-AA51
2974	Transfer of Food Commodities for Food Use and Disaster Relief, Economic Development, and Other Assistance ..	0412-AA54
2975	Application of Post-Differential and Danger Pay to Extended Work Weeks Under Cost-Reimbursement Type Contracts	0412-AA56
2976	Establishment of a Mentor-Protégé Program	0412-AA58

Agency for International Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2977	Administration of Grants and Cooperative Agreements	0412-AA21
2978	Miscellaneous Amendments to the AIDAR (AIDAR Notice 98-2)	0412-AA30
2979	USAID Acquisition Regulation (AIDAR) Deletion of Appendix D and Appendix J	0412-AA43

Agency for International Development (AID)

Proposed Rule Stage

2972. USAID ACQUISITION REGULATION (AIDAR) CREATION OF APPENDIX A

Priority: Other Significant

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	12/00/06	
NPRM Comment	02/00/07	
Period End		
Final Action	06/00/07	
Final Action Effective	07/00/07	

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

AID

Proposed Rule Stage

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RIN: 0412-AA49

2973. 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	12/00/06	
NPRM Comment Period End	01/00/07	
Final Action	03/00/07	
Final Action Effective	04/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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Related RIN: Related to 0412-AA34

RIN: 0412-AA51

2974. 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	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0412-AA54

2975. 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

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RIN: 0412-AA56

2976. • 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	12/00/06	

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Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	02/00/07	
Final Action	01/00/07	
Final Action Effective	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

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RIN: 0412-AA58

Agency for International Development (AID)

Final Rule Stage

2977. 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	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Organizations

Government Levels Affected: None

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RIN: 0412-AA21

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

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RIN: 0412-AA30

2979. 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	08/31/06	
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0412-AA43

[FR Doc. 06-7545 Filed 12-08-06; 8:45 am]

BILLING CODE 6116-01-S

2978. 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