PART 202—OVERSEAS SHIPMENTS OF SUPPLIES BY VOLUNTARY NON-PROFIT RELIEF AGENCIES

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Source: 44 FR 41425, July 17, 1979, unless otherwise noted.


§ 202.1 Definition of terms.

(a) The Administrator means the Administrator of the Agency for International Development.

(b) The Committee means the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development.

(c) Supplies means development, relief and rehabilitation supplies shipped in support of programs approved by AID as well as administrative supplies and equipment shipped in support of such programs. In no case shall such supplies include items for the personal use of representatives of the registered agency.

(d) Agency or agencies means the American Red Cross and any United States voluntary non-profit relief agency registered with and approved by the Committee.

(e) Duty free means exempt from all customs duties, and other duties, tolls, and taxes of any kind.

(f) Recipient country means any country or area in which voluntary non-profit relief agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid have programs approved by AID.

(g) Reimbursement means (1) payment directly to an agency by AID, or (2) payment to an agency by a banking institution in the United States acting under letter of commitment issued by AID guaranteeing subsequent reimbursement to the banking institution of such payment.

(h) Port of entry means an ocean port in the recipient country.

(1) Point of entry means the first customs point, or any otherwise designated point in a recipient country which receives imported commodities via an ocean port not located in the recipient country.

§ 202.2 Shipments eligible for reimbursement of freight charges.

(a) In order to further the efficient use of United States voluntary contributions for development, relief, and rehabilitation in nations or areas designated by the Administrator of AID from time to time, agencies may be reimbursed by AID within specified limitations for freight charges incurred and paid in transporting supplies donated to or purchased by such agencies from United States ports or, in the case of excess or surplus property supplied by the United States, from foreign ports to ports of entry in the recipient country or to points of entry in the recipient country in cases (1) of landlocked countries, (2) where ports cannot be used effectively because of natural or other disturbances, (3) where carriers to a specified country are unavailable, or (4) where a substantial savings in costs or time can be effected by the utilization of ports or entry other than ports.

(b) Shipments shall be eligible for reimbursement of freight charges only as authorized by the issuance by AID of a Procurement Authorization (Form AID 1160–4).

(c) The Office of Commodity Management, Bureau for Program and Management Services, AID, shall be responsible for determining when carriers are “unavailable.”

§ 202.3 Freight reimbursement limitations.

Economic utilization of AID funds available for reimbursement to agencies for freight charges incurred and paid by such agencies for the shipment of donated or purchased supplies to a recipient country requires the following limitations on amounts reimbursable:

(a) Ocean freight. The amount of ocean freight charges reimbursable to an agency is limited to the actual cost of transportation of the supplies as assessed by the delivering carrier either in accordance with its applicable tariff for delivery to the discharge port or in accordance with the applicable charter
or booking contract at a rate not exceeding the prevailing rate, if any, for similar freight services, or the rate paid to the supplier of ocean transportation for similar services by other customers similarly situated, as attested to by the supplier in Block 13 of Form AID 1550–1, entitled “Voluntary Agency and Carrier Certificate.” (See §202.4(a).)

(b) **Inland freight.** The amount of inland freight charges reimbursable to an agency is limited to the actual cost of transportation of supplies from pickup point in initial port of discharge to designated point of entry in the recipient country at a rate negotiated by the agency representative as attested to by such agency representative in Block 14 of Form AID 1550–1, entitled “Voluntary Agency and Carrier Certificate.” (See §202.4(b).)

(c) **Related shipping costs.** Where inland freight charges are reimbursable, expenses incurred in transferring supplies from ocean carrier to inland carrier may be reimbursed to the agency when such expenses are not for account of the ship nor included in the inland transportation charges.

**§ 202.4 Certificates.**

Certificates will be required as follows:

(a) **Ocean transportation.** The supplier of ocean transportation will execute Form AID 1550–1, entitled “Voluntary Agency and Carrier Certificate,” in an original and two copies.

(b) **Inland transportation and related shipping costs.** Where inland transportation, including related shipping costs, is reimbursable under provisions of §202.3, the representative of the agency will execute Form AID 1550–1, entitled “Voluntary Agency and Carrier Certificate,” in an original and two copies when, in the absence of published tariffs or a prevailing rate, it is necessary to negotiate for the shipment of the supplies.

**§ 202.5 Approval of programs, projects and services.**

(a) Prior to applying for reimbursement for freight charges, an agency must obtain AID’s written approval of its programs by submitting the following information to the Chief, Public Liaison Division, Office of Private and Voluntary Cooperation, Bureau for Private and Development Cooperation, Agency for International Development, Department of State, Washington, DC 20523.

(1) A narrative description detailing the agency’s specific country programs, objectives, projects, or services of relief, rehabilitation, disaster assistance, development assistance and welfare;

(2) Except as provided for in paragraph (b) of this section, evidence that written assurances have been obtained from the government of the recipient country that:
   (i) Appropriate facilities are or will be afforded for the necessary and economical operations of the program, project, or service;
   (ii) The specific program, project, or service has been accepted;
   (iii) The supplies provided in support of the program, project or service will be free of customs duties, other duties, tolls and taxes;
   (iv) The supplies will be treated as a supplementary resource;
   (v) The supplies will be identified, to the extent practicable, as being of United States origin; and
   (vi) Insofar as practicable, the supplies will be received, unloaded, warehoused, and transported cost-free to points of distribution;

(3) Evidence that:
   (i) Shipments will be made only to consignees reported to AID, and full responsibility is assumed by the agency for the noncommercial distribution of the supplies free of cost to the persons ultimately receiving them, or in special cases and following notice to AID, for the sale to recipients at nominal cost or as payment for work performed to promote projects of self-help and economic development, but in no case shall supplies be withheld from needy persons because of their inability to pay or work; and
   (ii) Distribution is made solely on the basis of need without regard to race, color, religion, sex or national origin;

(iii) That paragraphs (a)(3) (i) and (ii) of this section are conducted under the supervision of the agency’s representative specifically charged with responsibility for the program or project.
§ 202.7 Documentation required for reimbursement.

Claims for reimbursement of freight charges must be supported by the following documents:

(a) Voucher SF 1034. “Public Voucher for Purchases and Services Other than Personal”—Voucher SF 1034 in original and three copies to be prepared by the agency requesting reimbursement of freight charges.

(b) Bills of lading—(1) To ports of entry. Where the shipment is made to a port of entry, ocean or charter party bill of lading (or photostat) evidencing shipment from an eligible port of export as prescribed in §202.2(a) to the port of entry. The bill of lading shall indicate the carrier’s complete statement of charges including all relevant weights, cubic measurements, rates, and any applicable tariff surcharges.

(2) To points of entry. (i) Where the shipment is made to a point of entry and through bills of lading to designated point of entry are not issued, an ocean or charter party bill of lading (or photostat) evidencing shipment from an eligible port of export as prescribed in §202.2(a) to the port of discharge, and a receipted copy of the rail, truck, or barge bills of lading (or other acceptable commercial document) covering the transportation of the supplies from the ocean carrier’s point of delivery at port of discharge to point of entry in recipient country, correctly assessed at time of loading by the land carrier for freight on a weight, measurement, or unit basis to point of entry in recipient country and from point of entry to point of delivery in the recipient country. The bill of lading shall indicate the carrier’s complete statement of charges including all relevant weights, cubic measurements, rates and any applicable tariff surcharges.

(ii) Where shipment is made to point of entry and through bills of lading are issued, a receipted copy of the through bill of lading evidencing shipment from an eligible port of export as prescribed in §202.2(a) to point of entry in the recipient country. The bill of lading shall include the carrier’s complete statement of charges including all relevant weights, cubic measurements, rates, and any applicable tariff surcharges.

(c) Receipted invoices. One copy (or photostat) of the detailed invoice of the supplier of the transportation evidencing payment by the agency to the carrier. If the bills of lading required by paragraph (b) of this section meet the requirements of this subparagraph, no invoice is required.

(d) Voluntary Agency and Carrier Certificate, Form AID 1550–1. (i) As provided in §202.4(a), the original and two copies of the Voluntary Agency and Carrier Certificate executed by the supplier of ocean transportation, and

(ii) As provided in §202.4(b), the original and two copies of the Voluntary Agency and Carrier Certificate executed by the Agency.
§ 202.8 Refund by suppliers and/or agencies.

(a) By suppliers. Any supplier of freight to whom freight charges have been financed by AID will promptly refund to AID upon demand the entire amount, or any lesser amount specified, of such freight charges determined by AID to be in excess of the prevailing rate at time of shipment. If any, or the rate paid the supplier for similar services by other customers similarly situated.

(b) By agencies. Any agency to which freight charges have been paid or reimbursed under this Regulation will promptly refund to AID upon demand the entire amount, or any lesser amount specified, of inland transportation and/or related shipping costs, (1) whenever AID determines that the reimbursements were improper as being in violation of the provisions of the Foreign Assistance Act of 1961, and relevant appropriation acts, or any rules, regulations, or procedures of AID promulgated under any of these acts, or (2) whenever it is determined by the agency or AID that any of the supplies for which reimbursement was made have not been accorded duty-free status by the recipient country.

§ 202.9 Waiver authority.

The Administrator may waive, withdraw, or amend from time to time any or all of the provisions of this part.

§ 202.10 Participation by faith-based organizations.

The procedures established under this part shall be administered in compliance with the standards set forth in part 203, Participation by Religious Organizations in USAID Programs, of this chapter.

[69 FR 61723, Oct. 20, 2004]

PART 203—REGISTRATION OF PRIVATE VOLUNTARY ORGANIZATIONS (PVOs)

Sec.

203.1 Purpose.

203.2 Definitions.

203.3 U.S. PVO conditions of registration.

203.4 U.S. PVO initial documentation requirements.

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203.9 Denial of registration.

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203.11 Access to records and communications.

203.12 Cooperative Development Organizations (CDOs).

203.13 Delegation of authority.


SOURCE: 70 FR 25467, May 13, 2005, unless otherwise noted.

§ 203.1 Purpose.

(a) USAID registers PVOs to:

(1) Meet statutory and regulatory requirements that a U.S. PVO be registered with USAID as a condition for USAID funding.

(2) Provide USAID with information for computing the amount of USAID funding made available to PVOs.

(b) It is not the purpose of registration to allow or enable registered PVOs to make any representation to the public concerning the meaning of being registered with USAID. Promotional materials or advertisements suggesting otherwise will be grounds for removal from the USAID PVO Registry.

(c) Registration does not bring an organization within the Ambassador’s authority and responsibility for the security of U.S. Government operations and personnel abroad.

§ 203.2 Definitions.

As used in this part:

(a) Cooperative Development Organization (CDO) means an organization designated by USAID as a voluntary, independent business enterprise formed to meet specific needs of its members through a common venture.


(c) General public means citizens and nongovernmental organizations (NGOs). The general public does not include government agencies in the United States or abroad, or public international organizations such as the