



**Monday
November 9, 1998**

Part XVIII

**Agency for
International
Development**

Semiannual Regulatory Agenda

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

U.S. Agency for International Development

22 CFR Ch. II

Federal Regulations; USAID Regulatory Agenda Semiannual Summary

AGENCY: United States Agency for International Development, IDCA.

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: Willette Smith, Chief, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Washington, DC 20523; telephone (202) 712-5027, e-mail address wsmith@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 1-year period.

Dated: August 28, 1998.

Margaret H. Thome,

Director, Bureau for Management, Office of Administrative Services.

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

Proposed Rule Stage

3351. MISCELLANEOUS AMENDMENTS TO THE AIDAR (AIDAR NOTICE 98-2)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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 establish an Agency policy regarding contract clauses to clarify withholding

requirements under IQC contracts, revise reporting requirements, revise the Agency's academic publications policy in appendix I to coordinate with the FAR's Rights in Data coverage, and clarify USAID policy on the use of Government facilities and personnel in commercial contracts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/98	
Final Action	01/00/99	
Final Action Effective	03/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. The agency has

not yet determined whether there is a paperwork burden associated with this action.

Additional Information: The final rule published in the Federal Register on July 29, 1997, at 62 FR 40462 (FR Doc. 97-18603) mistakenly cited this RIN number. It should have used RIN 0412-AA32.

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AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

Final Rule Stage

3352. 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.

AID

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/19/95	60 FR 3743
Final Action	11/00/98	
Final Action Effective	01/00/99	

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

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RIN: 0412-AA21

3353. ADMINISTRATIVE REQUIREMENTS FOR GRANTEES TO REFLECT SINGLE AUDIT ACT AMENDMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 2381**CFR Citation:** 22 CFR 226**Legal Deadline:** None

Abstract: USAID Regulation 26 (22 CFR part 226) is being amended to reflect the enactment of the Single Audit Act by incorporating the revised OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations" by reference.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/29/97	62 FR 45937
Interim Final Rule Effective	09/29/97	
Interim Final Rule Comment Period End	10/28/97	
Final Action	10/00/98	
Final Action Effective	12/00/98	

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

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RIN: 0412-AA36

3354. MISCELLANEOUS AMENDMENTS TO THE AIDAR (AIDAR NOTICE 98-1)**Priority:** Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 22 USC 2381**CFR Citation:** 48 CFR 703; 48 CFR 709; 48 CFR 715; 48 CFR 752**Legal Deadline:** None

Abstract: The AID Acquisition Regulation (AIDAR) is being amended to add an additional reporting level for violations to be in accordance with Federal Acquisition Regulation (FAR) subpart 3.104; to reflect changes in FAR part 9.5; and to reflect changes in FAR part 15. The AIDAR is also being amended to add a requirement to part 715 for a justification document to support the decision to reject all proposals and cancel the RFPP and to add a provision to part 752 on salary supplements for host government employees.

Timetable:

Action	Date	FR Cite
Final Action	10/00/98	
Final Action Effective	12/00/98	

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

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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3355. MISCELLANEOUS AMENDMENTS TO THE AIDAR (AIDAR NOTICE 98-3)**Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 2381

CFR Citation: 48 CFR 705; 48 CFR 709; 48 CFR 716; 48 CFR 722; 48 CFR 731; 48 CFR 732; 48 CFR 745; 48 CFR 747; 48 CFR 752

Legal Deadline: None

Abstract: The USAID Acquisition Regulation (AIDAR) is being amended to bring its organizational conflicts of interest coverage into conformance with the FAR; to implement the August 19, 1997, revisions to Office of Federal Contract Compliance Programs (OFCCP) regulations (41 CFR parts 60-1, 60-60) prohibiting employment discrimination and establishing affirmative action requirements for nonexempt Federal contractors and subcontractors; to allow for advances to for-profit organizations who are awarding grants under their contracts; to clarify the application of USAID's salary policy to fixed-price contractors; and to update corresponding clauses in part 752, as amended. The AIDAR is also being amended to incorporate provisions of various Contract Information Bulletins (CIBs) issued in the past few years that established contracting policies or procedures and to make administrative changes or corrections.

Timetable:

Action	Date	FR Cite
Final Action	12/00/98	
Final Action Effective	02/00/99	

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

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

Completed Actions

3356. RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS (AID REGULATION 1): INSPECTION AND PRICE PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 201.01; 22 CFR 201.21; 22 CFR 201.31; 22 CFR 201.48; 22 CFR 201.52; 22 CFR 201.60; 22 CFR 201.61; 22 CFR 201.63; 22 CFR 201.64

Legal Deadline: None

Abstract: AID Regulation 1 is being amended to provide for the possibility of preshipment inspection and to simplify the rules on maximum prices for commodities. The purpose of preshipment inspection is to complete price review of transactions prior to shipment, rather than after-the-fact, and when determined necessary, to require a physical inspection. The purpose of the amendments to the price rules is to make them easier for suppliers to understand and bring them into line with commercial practices used by preshipment inspection firms that will be contracted with to carry out the preshipment inspection program.

EXPLANATION: A proposed rule to amend USAID Regulation 1 was issued in the Federal Register on August 8, 1997 (62 FR 42712). USAID planned to change the procedure used to assure that prices paid to suppliers for transactions financed under Commodity Import Programs (CIPs) are fair and reasonable by implementing a preshipment review process. However,

USAID has since determined that the CIP will be managed by the USAID Mission in Egypt rather than by USAID/Washington. The Mission in Egypt will not implement a preshipment review program; therefore, the proposed rule has been withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	08/08/97	62 FR 42712
NPRM Comment Period End	10/07/97	
Withdrawn	09/17/98	63 FR 49682

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0412-AA34

3357. MISCELLANEOUS AMENDMENTS; 22 CFR PART 228

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 228.11; 22 CFR 228.21; 22 CFR 228.51; 22 CFR 228.53

Legal Deadline: None

Abstract: USAID proposes to amend its regulation on source, origin, and

nationality by revising the rule on systems determination for commodities, revising the rule on ocean freight eligibility, and clarifying waiver provisions. The change in systems determinations will allow commodities to be shipped directly from their source rather than being shipped through an authorized country if the system is being assembled in the recipient country. The ocean freight rule change would require approval by USAID before a transshipment from a U.S. flag vessel to a foreign flag vessel would be eligible for USAID financing.

Timetable:

Action	Date	FR Cite
NPRM	01/23/98	63 FR 3506
NPRM Comment Period End	03/24/98	
Final Action	07/20/98	63 FR 38751
Final Action Effective	09/18/98	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0412-AA37

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