



Monday,
November 22, 1999

Part XVIII

**Agency for
International
Development**

Semiannual Regulatory Agenda

Agency for International Development (AID)

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:

General: For further information on the agenda or the review list in general, contact: Willette L. 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 wsmithusaid.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.

Margaret H. Thome,

Director of Administrative Services.

Agency for International Development (AID)
Final Rule Stage**3279. 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	12/00/99	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Organizations

Government Levels Affected: None

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RIN: 0412-AA21

3280. 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 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	01/00/00	
Final Action Effective	02/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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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AID

Final Rule Stage

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RIN: 0412-AA30

Agency for International Development (AID)

Completed Actions

3281. 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 Request for Proposal (RFP) and to add a provision to part 752 on salary supplements for host government employees.**Timetable:**

Action	Date	FR Cite
Final Action	04/06/99	64 FR 16647
Final Action Effective	05/06/99	

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.**Agency Contact:** Frances M. Maki, Senior Procurement Analyst, Agency for International Development, Room 7.08-094, M OP/P, 1300 Pennsylvania Avenue NW., Washington, DC 20523-7801Phone: 202 712-0610
Email: fmaki@usaid.gov
RIN: 0412-AA38**3282. RULES AND PROCEDURES APPLICABLE TO COMMODITIES TRANSACTIONS FINANCED BY USAID****Priority:** Info./Admin./Other**Legal Authority:** 22 USC 2381**CFR Citation:** 22 CFR 201.03; 22 CFR 201.23(c); 22 CFR 201.31; 22 CFR 201.32; 22 CFR 201.51(c)(4); 22 CFR 201.52(a); 22 CFR 201.67(a)**Legal Deadline:** None**Abstract:** USAID Regulation 1 is being amended to update Paperwork Reduction Act approval information and to update office names and addresses.**Timetable:**

Action	Date	FR Cite
Final Action	04/12/99	64 FR 17535
Final Action Effective	05/12/99	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Kathleen O'Hara, Chief, Policy Division, Office of Procurement, Agency for International Development, Room 7.08-092, 1300 Pennsylvania Avenue NW, Washington, DC 20523-7801Phone: 202 712-4759
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RIN: 0412-AA41

3283. • REALIGNMENT OF CONTRACTING RESPONSIBILITIES AND AUTHORITIES FROM THE PROCUREMENT EXECUTIVE TO THE DIRECTOR, OFFICE OF PROCUREMENT, AND OTHER MISCELLANEOUS AMENDMENTS (AIDAR CIRCULAR 99-1)**Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 2381**CFR Citation:** 48 CFR 701 to 703; 48 CFR 705 to 706; 48 CFR 709; 48 CFR 714; 48 CFR 716; 48 CFR 719; 48 CFR 726; 48 CFR 732 to 734; 48 CFR 749 to 750; 48 CFR 752**Legal Deadline:** None**Abstract:** Authorities previously delegated to the Agency Procurement Executive have been redelegated to the Director of the Office of Procurement. Many of these authorities are identified in the USAID Acquisition Regulation (AIDAR) 48 CFR chapter 7, which consequently must be amended to reflect the redelegation. Other administrative amendments are being made.**Timetable:**

Action	Date	FR Cite
Final Action	08/03/99	64 FR 42040
Final Action Effective	09/02/99	

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.**Agency Contact:** Diane M. Howard, Senior Procurement Analyst, Agency for International Development, Room 7.08-082U, M OP/P, 1300 Pennsylvania Avenue NW., Washington, DC 20523-7801Phone: 202 712-0206
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RIN: 0412-AA42

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