



Federal Register

**Monday,
December 22, 2003**

Part XIX

**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: Joanne M. Paskar, Chief, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Washington, DC 20523; Telephone (202) 712-1217, email: jpaskar@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 one-year period.

Dated: September 24, 2003.

Roberto J. Miranda,
Director of Administrative Services.

Agency for International Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3131	USAID Acquisition Regulation (AIDAR) Deletion of Appendix D and Appendix J	0412—AA43
3132	USAID Acquisition Regulation (AIDAR) Creation of Appendix A	0412—AA49
3133	Rules and Procedures Applicable to Commodity Transactions Financed by USAID; Miscellaneous Administrative Revisions	0412—AA51

Agency for International Development—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3134	Administration of Grants and Cooperative Agreements	0412—AA21
3135	Miscellaneous Amendments to the AIDAR (AIDAR Notice 98—2)	0412—AA30

Agency for International Development—Completed Actions

Sequence Number	Title	Regulation Identification Number
3136	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance	0412—AA45
3137	Governmentwide Debarment and Suspension; Requirements for Drug—Free Workplace (Financial Assistance)	0412—AA47
3138	Adding Vietnam, Cambodia, Afghanistan, and China to the List of Countries Eligible for USAID Financing	0412—AA48

Agency for International Development (AID)

Proposed Rule Stage

3131. 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	12/00/03	
NPRM Comment Period End	01/00/04	
Final Action	03/00/04	
Final Action Effective	04/00/04	

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

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RIN: 0412-AA43**3132. 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	12/00/03	
NPRM Comment Period End	01/00/04	
Final Action	03/00/04	
Final Action Effective	04/00/04	

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

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RIN: 0412-AA49**3133. RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY USAID; MISCELLANEOUS ADMINISTRATIVE REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 2381**CFR Citation:** 22 CFR 201**Legal Deadline:** None

Abstract: Various administrative changes and corrections; adding conditions when costs to the free port/bonded warehouses are eligible for financing, and making changes to the two forms found in appendices A and B.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

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

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RIN: 0412-AA51

Agency for International Development (AID)

Final Rule Stage

3134. 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	06/00/04	

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

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RIN: 0412-AA21**3135. 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

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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	12/00/03	
Final Action Effective	01/00/04	

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

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RIN: 0412-AA30

Agency for International Development (AID)

Completed Actions

3136. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 794; 42 USC 2000d to 2000d—7; 42 USC 6101 to 6107; EO 12250**CFR Citation:** 22 CFR 209.1 to 209.13; 22 CFR 217.1 to 217.47; 22 CFR 218.01 to 218.39**Legal Deadline:** None

Abstract: The Agency for International Development proposes to make amendments to its regulations implementing title VI of the Civil Rights Act of 1964 (title VI), section 504 of the Rehabilitation Act of 1972 (section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRRA) added definitions of "program or activity" and "program" to title VI and added a definition of "program or activity" to section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. The promulgation of this proposed regulation explicitly incorporates the CRRRA's definition of "program or activity" and "program" into the Department's title VI, section 504, and Age Discrimination Act regulations.

The Department's proposed regulation will be published as part of a joint Notice of Proposed Rulemaking involving up to 24 Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76459
NPRM Comment Period End	01/05/01	
Final Action	08/26/03	68 FR 51335
Final Action Effective	09/25/03	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

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RIN: 0412-AA45**3137. GOVERNMENTWIDE DEBARMENT AND SUSPENSION; REQUIREMENTS FOR DRUG—FREE WORKPLACE (FINANCIAL ASSISTANCE)****Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 2381**CFR Citation:** 22 CFR 208; 22 CFR 210**Legal Deadline:** None

Abstract: These regulations cover suspension and debarment under nonprocurement programs and drug-free workplace rules. Regulations are being rewritten in plain language and to eliminate certification requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3315
NPRM Comment Period End	03/25/02	
Final Action	11/26/03	68 FR 66533

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Federalism:** This action may have federalism implications as defined in EO 13132.

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RIN: 0412-AA47**3138. ADDING VIETNAM, CAMBODIA, AFGHANISTAN, AND CHINA TO THE LIST OF COUNTRIES ELIGIBLE FOR USAID FINANCING****Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 2381**CFR Citation:** 22 CFR 228**Legal Deadline:** None

Abstract: Vietnam, Cambodia, Afghanistan, and China will be removed from the restricted countries list for source/origin/nationality purposes.

AID**Completed Actions**

Timetable:

Action	Date	FR Cite
Final Action	05/06/03	68 FR 23891
Final Action Effective	05/06/03	

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

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RIN: 0412-AA48

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