



Federal Register

**Monday,
December 13, 2004**

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, e-mail 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: October 1, 2004.

Roberto J. Miranda,
Director of Administrative Services.

Agency for International Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2994	USAID Acquisition Regulation (AIDAR) Creation of Appendix A	0412-AA49
2995	Transfer of Food Commodities for Food Use and Disaster Relief, Economic Development, and Other Assistance ..	0412-AA54

Agency for International Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2996	Administration of Grants and Cooperative Agreements	0412-AA21
2997	Miscellaneous Amendments to the AIDAR (AIDAR Notice 98-2)	0412-AA30
2998	USAID Acquisition Regulation (AIDAR) Deletion of Appendix D and Appendix J	0412-AA43
2999	Participation by Religious Organizations in USAID Programs	0412-AA52
3000	Federal Policy for the Protection of Human Subjects; Technical Amendment	0412-AA53

Agency for International Development—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3001	Rules and Procedures Applicable to Commodity Transactions Financed by USAID; Miscellaneous Administrative Revisions	0412-AA51

Agency for International Development (AID)

Proposed Rule Stage

2994. 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	07/00/05	
NPRM Comment Period End	08/00/05	
Final Action	11/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tom M. Henson, Senior Procurement Analyst, Office of Procurement, Agency for International Development, Room 7.08-106, Policy Division, 1300 Pennsylvania Avenue NW., Washington, DC 20523
Phone: 202 712-5448
Fax: 202 216-3136
Email: thenson@usaid.gov**RIN:** 0412-AA49**2995. • 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 will be 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	12/00/04	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:**

Undetermined

Federalism: Undetermined**Agency Contact:** Lisa Witte, Agency for International Development, Suite 7.06-102, 1300 Pennsylvania Avenue NW., Washington, DC 20523
Phone: 202 712-1365
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Email: lwitte@usaid.gov**RIN:** 0412-AA54

Agency for International Development (AID)

Final Rule Stage

2996. 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	10/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Organizations**Government Levels Affected:** None**Agency Contact:** Michael Gushue, Senior Procurement Analyst, Agency for International Development, Room 7.10-031, 1300 Pennsylvania Avenue NW., Washington, DC 20523
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RIN: 0412-AA21**2997. 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 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	03/00/05	
Final Action Effective	04/00/05	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**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 20523-7801
Phone: 202 712-0206
Fax: 202 216-3395
Email: dhoward@usaid.gov**RIN:** 0412-AA30

AID

Final Rule Stage

2998. 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	01/22/04	
Final Action	01/00/05	

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

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RIN: 0412–AA43**2999. • PARTICIPATION BY RELIGIOUS ORGANIZATIONS IN USAID PROGRAMS****Priority:** Other Significant**Legal Authority:** 7 USC 1726a(c); 22 USC 2381(a)**CFR Citation:** 22 CFR 202; 22 CFR 205; 22 CFR 211; 22 CFR 226**Legal Deadline:** None

Abstract: This rule proposes to implement executive branch policy that, within the framework of constitutional guidelines, religious (or faith-based) organizations should be able to compete on an equal footing with other organizations for USAID funding. This proposed rule would revise USAID regulations pertaining to the award of grants, cooperative agreements, and contracts awarded for the purpose of administering grant programs to ensure their compliance with this policy and to clarify that faith-based organizations are eligible to participate in programs on the same basis as any other organization, with respect to programs for which such other organizations are eligible.

Timetable:

Action	Date	FR Cite
Final Action	11/00/04	

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

Agency Contact: Jan W. Miller, Assistant General Counsel for Employee and Public Affairs, Agency for International Development, Room 6881, NS, GC LD, Room 6.06–074, 1300 Pennsylvania Avenue NW., Washington, DC 20523
Phone: 202 712–4774
Email: jmiller@usaid.gov

RIN: 0412–AA52**3000. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS; TECHNICAL AMENDMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 42 USC 289; 42 USC 300v–1(b)**CFR Citation:** 22 CFR 225**Legal Deadline:** None

Abstract: This final rule amends the U.S. Agency for International Development (USAID) regulations for the protection of human subjects by changing all references to the Office for Protection from Research Risks (OPRR) to the Office for Human Research Protections (OHRP) and revising the footnote at the end of 45 CFR 46.101(i) by deleting the references to research involving fetuses, pregnant women, or human in vitro fertilization and subject B of 45 CFR part 46. This technical amendment is being made in conjunction with the other Federal departments and agencies that have promulgated the Federal Policy for the Protection of Human Subjects.

Timetable:

Action	Date	FR Cite
Final Action	11/00/04	

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

Agency Contact: Dr. James D. Shelton, Associate Director for Regulatory Affairs, Office for Human Research Protection, Agency for International Development, Room 820, SA–18, GH/PRH, Washington, DC 20523
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Related RIN: Related to 0412–AA17**RIN:** 0412–AA53

Agency for International Development (AID)

Long-Term Actions

3001. RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY USAID; MISCELLANEOUS ADMINISTRATIVE REVISIONS**Priority:** Substantive, Nonsignificant**CFR Citation:** 22 CFR 201**Timetable:**

Action	Date	FR Cite
NPRM	01/00/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Frances M. Maki

Phone: 202 712–4978
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Related RIN: Related to 0412–AA34**RIN:** 0412–AA51

[FR Doc. 04–22636 Filed 12–10–04; 8:45 am]

BILLING CODE 6116–01–S