

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Ch. II

Fall 2023 Semiannual Agenda of Regulations

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 (E.O.) 12866, "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), and the Regulatory Flexibility Act. The Agenda reports the status of those USAID regulations that are currently under review and describes the Agency's plan for the issuance of proposed regulations during the next 12 months. The information provided in this Agenda will enable the public to be more aware of and participate more effectively in USAID's regulatory process.

FOR FURTHER INFORMATION CONTACT: For additional information about specific USAID regulatory actions listed in the Agenda, you should direct your comments and inquiries to the appropriate Agency contact identified in each entry. For general information on the Agenda, you should direct your comments and inquiries to Ruth Buckley, Deputy Assistant Administrator, Bureau for Management, USAID, Washington, DC 20523; Telephone: (202) 921-5068, E-mail: rbuckley@usaid.gov.

SUPPLEMENTARY INFORMATION: E.O. 12866 and the Regulatory Flexibility Act require the semiannual publication in the *Federal Register* of an Agenda of regulations. The Office of Management and Budget publishes the complete Unified Agenda at www.reginfo.gov. The purpose of the Agenda is to provide information to the public on regulations that are currently under review at U.S. Government Departments and

Agencies, including USAID, or that a Department or Agency is proposing, completing, or withdrawing. The Agenda is intended to facilitate comments and views by interested members of the public. Publication of the proposed rulemaking actions in the Agenda does not impose any obligation on USAID to take any final action with regard to any specific item. Furthermore, USAID is not precluded from rulemaking activities not listed in this Agenda.

On July 19, 2023, the Office of Information and Regulatory Affairs published guidance on Broadening Public Participation and Community Engagement in the Regulatory Process. USAID fully supports this effort by having a robust outreach program with partners, including recurring Industry Days and outreach events, use of social media to reach wide audiences, and the WorkwithUSAID.org platform. Additionally, USAID engages stakeholders when developing new development policies or strategies. Currently, the rule entitled, “USAID AIDAR: Planning, Collection and Submission of Digital Information as Well as Submission of Activity MEL Plans to USAID”, is addressing public comments and drafting the final rule.

NAME: Colleen Allen,

Regulatory Policy Officer.

Agency for International Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1	USAID AIDAR: Incorporating Various Administrative Changes	0412-AA88

2	USAID AIDAR Appendix D: Incorporating Various Changes Related to Personal Services Contracts With Individual U.S. Nationals	0412-AA92
3	USAID AIDAR: Incorporating a New Agency Clause Entitled: Safeguarding Against Sexual Exploitation, Abuse, and Other Forms of Misconduct	0412-AA95
4	USAID AIDAR Appendix J: Incorporating Various Changes Related to Personal Services Contracts With Individual Cooperating Country or TCNs	0412-AB03
5	USAID AIDAR Appendix D: Revisions to the Policies to Determine Pay Rates for U.S. Personal Services Contractors	0412-AB06
6	USAID AIDAR: Visa Requirements for Exchange Visitors	0412-AB07
7	USAID Acquisition and Assistance Regulations: Updates to Partner Vetting Policies and Procedures	0412-AB08
8	USAID Assistance Regulations: Plain Language Revisions to 2 CFR 700	0412-AB12
9	USAID AIDAR: Strengthen Compliance with Women's Entrepreneurship and Economic Empowerment Act of 2018	0412-AB13
10	USAID AIDAR: Strengthening Nondiscrimination Policy for Employees of USAID Contractors	0412-AB14

Agency for International Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
11	USAID AIDAR: Security and Information Technology Requirements	0412-AA87

12	USAID AIDAR: Planning, Collection and Submission of Digital Information as Well as Submission of Activity MEL Plans to USAID	0412-AA90
13	USAID AIDAR Appendix D: Revisions to Expand Fringe Benefits for U.S. Personal Services Contractors	0412-AA98
14	Partnerships With Faith-Based and Neighborhood Organizations	0412-AB10

Agency for International Development—Completed Actions

Sequence Number	Title	Regulation Identifier Number
15	USAID AIDAR: Foreign Tax Reporting, Conference Planning, and Trade and Investment Activities	0412-AB04
16	USAID Implementation of HAVANA Act of 2021	0412-AB11

Agency for International Development (AID)	Proposed Rule Stage

1. USAID AIDAR: INCORPORATING VARIOUS ADMINISTRATIVE CHANGES [0412-AA88]

Priority: Substantive, Nonsignificant

Legal Authority: sec. 621, Pub. L. 87-195; 75 Stat. 445, 22 U.S.C. 2381 (as amended); E.O. 12163 (44 FR 56673); 3 CFR 1979, Comp. p. 435

CFR Citation: 48 CFR 7

Legal Deadline: None

Abstract: The U.S. Agency for International Development (USAID) is issuing this final rule revising the Agency for International Development Acquisition Regulation (AIDAR) to maintain consistency with Federal and Agency regulations, remove obsolete material and internal Agency procedures, and make editorial amendments to better clarify the regulation.

Timetable:

Action	Date	FR Cite
NPRM	11/00/23	
Direct Final Rule	11/00/23	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Lyudmila Bond, Agency for International Development

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Email: lbond@usaid.gov

RIN: 0412-AA88

2. USAID AIDAR APPENDIX D: INCORPORATING VARIOUS CHANGES RELATED TO PERSONAL SERVICES CONTRACTS WITH INDIVIDUAL U.S. NATIONALS [0412-AA92]

Priority: Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: sec. 621, Pub. L. 87-195; 75 Stat. 445; 22 U.S.C. 2381 (as amended); E.O. 12163 (44 FR 56673); 3 CFR 1979, Comp. p. 435

CFR Citation: 48 CFR 7, App. D

Legal Deadline: None

Abstract: The U.S. Agency for International Development (USAID) is amending Appendix D of its Acquisition Regulation that contains policies for personal services contracts with individuals who are U.S. nationals (USPSCs), to incorporate long-standing USAID internal policy into the regulation, remove obsolete material and internal policies, and make editorial amendments to clarify the regulation. This revision would provide consistency in the procurement of personal services from USPSCs, and improve compliance with the Agency's current regulatory and policy requirements for such staff. The rule does not impose new requirements on the public; however, it includes minor clarifying revisions to current requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/24	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard E. Spencer, Agency for International Development

Phone: 202 916-2629

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RIN: 0412-AA92

3. USAID AIDAR: INCORPORATING A NEW AGENCY CLAUSE ENTITLED: SAFEGUARDING AGAINST SEXUAL EXPLOITATION, ABUSE, AND OTHER FORMS OF MISCONDUCT [0412-AA95]

Priority: Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: Pub. L. 87-195, sec. 621(a); 75 Stat. 445; 22 U.S.C. 2381; 44 FR 56673; 3 CFR 1979, Comp. p. 435

CFR Citation: 48 CFR 752

Legal Deadline: None

Abstract: The United States Agency for International Development (USAID) seeks public comment on a proposed rule that would incorporate a new clause entitled "Safeguarding Against Sexual Exploitation, Abuse, and Other Forms of Misconduct," into the USAID Acquisition Regulation. The clause would reflect USAID's zero-tolerance approach to sexual misconduct in USAID-funded activities and ensure USAID contractors have the required policies, procedures, and capacities in place to prevent, address, and report misconduct directed to, or that affects, end-users of supplies or services (referred to as "beneficiaries" or "potential beneficiaries") of USAID-funded contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/23	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Lyudmila Bond, Agency for International Development

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RIN: 0412-AA95

4. USAID AIDAR APPENDIX J: INCORPORATING VARIOUS CHANGES RELATED TO PERSONAL SERVICES CONTRACTS WITH INDIVIDUAL COOPERATING COUNTRY OR THIRD COUNTRY NATIONALS [0412-AB03]

Priority: Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: sec. 621, Pub. L. 87–195; 75 Stat. 445; 22 U.S.C. 2381 (as amended); E.O. 12163 (44 FR 56673); 3 CFR 1979, Comp. p. 435

CFR Citation: 48 CFR 7, App. J

Legal Deadline: None

Abstract: The U.S. Agency for International Development (USAID) is amending Appendix J of its Acquisition Regulation that contains policies for personal services contracts with individuals who are cooperating country or third country nationals (CCNPSCs, TCNPSCs), to incorporate long-standing USAID internal policy into the regulation, remove obsolete material and internal policies, and make editorial amendments to clarify the regulation. This revision would provide consistency in the procurement of personal services from CCNPSCs and TCNPSCs, and improve

compliance with the Agency's current regulatory and policy requirements for such staff. The rule does not impose new requirements on the public; however, it includes minor clarifying revisions to current requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/2024	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard E. Spencer, Agency for International Development

Phone: 202-916-2629

Email: rspencer@usaid.gov

RIN: 0412-AB03

5. USAID AIDAR APPENDIX D: REVISIONS TO THE POLICIES TO DETERMINE PAY RATES FOR U.S. PERSONAL SERVICES CONTRACTORS [0412-AB06]

Priority: Substantive, Nonsignificant

Legal Authority: sec. 621, Pub. L. 87–195; 75 Stat. 445, 22 U.S.C. 2381 (as amended); E.O. 12163 (44 FR 56673); 3 CFR 1979 Comp. p. 435

CFR Citation: 48 CFR 7, App. D

Legal Deadline: None

Abstract: The U.S. Agency for International Development (USAID) seeks public comment on a proposed rule that would amend Appendix D of its Acquisition Regulation

to change the standards used to determine the pay rates for U.S. personal services contracts with individuals (USPSCs), especially those used for USPSCs performing abroad.

Timetable:

Action	Date	FR Cite
NPRM	09/00/24	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard E. Spencer, Agency for International Development

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RIN: 0412-AB06

6. USAID AIDAR: VISA REQUIREMENTS FOR EXCHANGE VISITORS [0412-AB07]

Priority: Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: Pub. L. 87-195, sec. 621; 75 Stat. 445, 22 U.S.C. 2381 (as amended); E.O. 12163 (44 FR 56673); 3 CFR 1979 Comp. p. 435

CFR Citation: 48 CFR 7

Legal Deadline: None

Abstract: The United States Agency for International Development is proposing to amend its Acquisition Regulation Parts 719 and 752 to comply with revisions to ADS

252 and the retirement of ADS 253. The proposed rule will remove references to obsolete participant training requirements in AIDAR parts 719 and 752 and add a new clause in part 752 to implement new visa requirements for exchange visitors. The purpose of the new clause will be to apply the visa requirements in ADS 252 to Exchange Visitors who are coming to the United States through contractor sponsorship. It will be a new clause in the AIDAR since there is currently nothing in the CFR that applies the Agency policy in ADS 252 to exchange visitors entering the US through contract funding.

Timetable:

Action	Date	FR Cite
NPRM	06/00/24	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Kelly Miskowski, Agency for International Development

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RIN: 0412-AB07

7. USAID ACQUISITION AND ASSISTANCE REGULATIONS: UPDATES TO PARTNER VETTING POLICIES AND PROCEDURES [0412-AB08]

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 48 CFR 7; 2 CFR 701

Legal Deadline: None

Abstract: The United States Agency for International Development is proposing to amend its Acquisition Regulation (AIDAR) at 48 CFR chapter 7 and its Federal Assistance regulation at 2 CFR 701 to comply with revised Agency policies and procedures pertaining to Partner Vetting.

Timetable:

Action	Date	FR Cite
NPRM	09/00/24	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lyudmila Bond, Agency for International Development

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Email: lbond@usaid.gov

RIN: 0412-AB08

8. USAID ASSISTANCE REGULATIONS: PLAIN LANGUAGE REVISIONS TO 2 CFR 700 [0412-AB12]

Priority: Other Significant

Legal Authority: Sec. 621, Public L. 87-195, 75 Stat 445, (22 U.S.C. 2381) as amended, E.O. 12163, Sept 29, 1979, 44 FR 56673; 2 CFR 1979 Comp., p. 435

CFR Citation: 2 CFR 700

Legal Deadline: None

Abstract: The U.S. Agency for International Development (USAID) is issuing this direct final rule revising USAID's assistance regulations (2 CFR 700) to make plain language editorial amendments to better clarify the regulation. This update is being done in accordance with Section 7(m) of E.O. 14058, "Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government" which requires that USAID review and revise regulations to ensure that they are clear and intelligible.

Timetable:

Action	Date	FR Cite
NPRM	05/00/24	
Direct Final Rule	05/00/24	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Kelly Miskowski, Agency for International Development

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RIN: 0412-AB12

9. USAID AIDAR: Strengthen Compliance with Women's Entrepreneurship and Economic Empowerment Act of 2018 [0412-AB13]

Priority: Substantive, Nonsignificant

Legal Authority: sec. 621, Pub. L. 87-195; 75 Stat. 445, 22 U.S.C. 2381 (as amended); E.O. 12163 (44 FR 56673); 3 CFR 1979, Comp. p. 435

CFR Citation: 48 CFR 7

Legal Deadline: None

Abstract: The U.S. Agency for International Development (USAID) is issuing this rule to strengthen USAID's compliance with the Women's Entrepreneurship and Economic Empowerment Act of 2018 (P.L. 115-428) section 3. This rule will propose to incorporate a new clause into the Agency for International Development Acquisition Regulation (AIDAR) that will establish a requirement to integrate gender equality and women's empowerment into the Agency awards.

Timetable:

Action	Date	FR Cite
NPRM	09/00/24	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Lyudmila Bond, Agency for International Development

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RIN: 0412-AB13

10. USAID AIDAR: Strengthening Nondiscrimination Policy for Employees of USAID Contractors [0412-AB14]

Priority: Substantive, Nonsignificant

Legal Authority: sec. 621, Pub. L. 87-195; 75 Stat. 445, 22 U.S.C. 2381 (as amended);
E.O. 12163 (44 FR 56673); 3 CFR 1979, Comp. p. 435

CFR Citation: 48 CFR 7

Legal Deadline: None

Abstract: The U.S. Agency for International Development (USAID) is proposing to amend the Agency for International Development Acquisition Regulation (AIDAR) to strengthen the current nondiscrimination policy for employees of contractors, subject to relevant legal considerations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/24	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Yes, Businesses

Government Levels Affected: None

Federalism: No

Agency Contact: Lyudmila Bond, Agency for International Development

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RIN: 0412-AB14

Agency for International Development (AID)	Final Rule Stage
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11. USAID AIDAR: SECURITY AND INFORMATION TECHNOLOGY REQUIREMENTS [0412-AA87]

Priority: Substantive, Nonsignificant

Legal Authority: sec. 621, Pub. L. 87-195; 75 Stat. 445, 22 U.S.C. 2381 (as amended); E.O. 12163 (44 FR 56673) (Sept. 29, 1979)

CFR Citation: 48 CFR 752; 3 CFR 1979 Comp. p. 435

Legal Deadline: None

Abstract: The U.S. Agency for International Development (USAID) is publishing a final rule that would amend its Acquisition Regulation (AIDAR) to incorporate: 1) a revised definition of "information technology"; 2) revised requirements for contractors' access to the Agency's facilities and/or information systems; and 3) other requirements related to information security and information technology. The rule would affect contractors and subcontractors who perform under USAID-funded contracts that require access to the Agency's information systems and contracts that include information technology.

Timetable:

Action	Date	FR Cite
NPRM	03/21/19	84 FR 10469
NPRM Comment Period End	05/20/19	
Final Rule	12/00/23	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0412-AA87

12. USAID AIDAR: PLANNING, COLLECTION AND SUBMISSION OF DIGITAL INFORMATION AS WELL AS SUBMISSION OF ACTIVITY MEL PLANS TO USAID [0412-AA90]

Priority: Other Significant

Legal Authority: Pub. L. 87-195, sec. 621; 75 Stat. 445; 22 U.S.C. 2381; E.O. 12163 (44 FR 56673); 3 CFR 1979, Comp. p. 435

CFR Citation: 48 CFR 727, 742 and 752

Legal Deadline: None

Abstract: This rule implements USAID's requirements for managing digital information data as a strategic asset to inform the planning, design, implementation, monitoring, and evaluation of the Agency's foreign assistance programs. This rule would incorporate two new clauses entitled, "Planning, Collection, and Submission of Digital Information to USAID and Activity Monitoring, Evaluation, and Learning Plan Requirements into the USAID Acquisition Regulation (AIDAR)." This rule is intended to increase efficiency, and improve the use of data and other forms of digital information across the Agency's programs and operations.

Timetable:

Action	Date	FR Cite
NPRM	12/15/21	86 FR 71216
NPRM Comment Period End	02/14/22	
Notice of Supplemental Document (NSD)	04/14/23	88 FR 22990
NSD Comment Period End	05/15/23	
Final Rule	04/00/24	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Kelly Miskowski, Agency for International Development

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RIN: 0412-AA90

**13. USAID AIDAR APPENDIX D: REVISIONS TO EXPAND FRINGE BENEFITS FOR
U.S. PERSONAL SERVICES CONTRACTORS [0412-AA98]****Priority:** Substantive, Nonsignificant

Legal Authority: sec. 621, Pub. L. 87-195; 75 Stat. 445, 22 U.S.C. 2381 (as amended); E.O. 12163 (44 FR 56673); 3 CFR 1979 Comp. p. 435

CFR Citation: 48 CFR 7, App. D

Legal Deadline: None

Abstract: This rule revises Appendix D of the AID Acquisition Regulation (AIDAR Appendix D) in order to revise and expand fringe benefits for personal services contracts with individuals who are U.S. nationals (USPSCs). Specifically, this rule will: 1) provide a relocation expense benefit similar to the benefit provided to USAID's U.S. direct-hire employees, normally Foreign Service Officers; and 2) provide a paid parental leave benefit comparable to what is available to USAID's U.S. direct-hire employees.

Timetable:

Action	Date	FR Cite
NPRM	01/13/22	87 FR 2104
NPRM Comment Period End	03/14/22	
Final Rule	03/00/24	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0412-AA98

14. PARTNERSHIPS WITH FAITH-BASED AND NEIGHBORHOOD ORGANIZATIONS [0412-AB10]

Priority: Other Significant

Legal Authority: 22 U.S.C. 2381(a); 5 U.S.C. 301; E.O. 14015; E.O. 13279; E.O. 13559

CFR Citation: 22 CFR 205.1

Legal Deadline: None

Abstract: The United States Agency for International Development (USAID) and eight other participating Federal agencies issued a final rule on December 17, 2020, to implement Executive Order 13831 (Establishment of a White House Faith and Opportunity Initiative). However, President Biden revoked Executive Order 13831 via Executive Order 14015 (Establishment of the White House Office of Faith-Based and Neighborhood Partnerships), and USAID and the other participating Federal agencies are engaging in an interagency process to consider revisions.

Timetable:

Action	Date	FR Cite
NPRM	01/13/23	
NPRM Comment Period Ends	03/14/23	
Final Rule	01/00/24	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Adam Phillips, Agency for International Development

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RIN: 0412-AB10

Agency for International Development (AID)	Completed Actions

**15. USAID AIDAR: FOREIGN TAX REPORTING, CONFERENCE PLANNING, AND
TRADE AND INVESTMENT ACTIVITIES [0412-AB04]**

Priority: Substantive, Nonsignificant

Legal Authority: sec. 621, Pub. L. 87–195; 75 Stat. 445, 22 U.S.C. 2381 (as amended); E.O. 12163 (44 FR 56673); 3 CFR 1979, Comp. p. 435

CFR Citation: 48 CFR 7

Legal Deadline: None

Abstract: This rule will amend its Acquisition Regulation parts 726, 729, 731, and 752 to comply with revised Agency policies and procedures and statutory requirements. Part 726 refers to an Agency Policy Determination that was replaced by Automated Directives System (ADS) chapter 225. Part 729 refers to statutory foreign tax reporting requirements that have been revised. Agency policy on the allowability for conference costs in USAID contracts in part 731 was recently revised. Clauses in part 752 that

correspond to these updated Parts must be amended accordingly. Through this rule, USAID will amend its Acquisition Regulation parts 726 and 752 to comply with revised Agency policies and procedures and statutory requirements to help ensure that there is no negative impact on U.S. workers' jobs.

Timetable:

Action	Date	FR Cite
NPRM	04/18/22	87 FR 22843
NPRM Comment Period End	06/17/22	
Final Rule	06/15/23	88 FR 39189

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kelly Miskowski, Agency for International Development

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RIN: 0412-AB04

16. USAID IMPLEMENTATION OF HAVANA ACT OF 2021 [0412-AB11]

Priority: Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 22 U.S.C. 2680b(i)(4)

CFR Citation: 22 CFR 242

Legal Deadline: None

Abstract: On October 8, 2021, the "Helping American Victims Affected by Neurological Attacks" (HAVANA) Act of 2021 became law (Public Law 117-46). In this latest Act, Congress authorized federal government agencies to compensate affected current employees, former employees, and their dependents for qualifying injuries to the brain. This interim final rule only implements the HAVANA Act of 2021.

Timetable:

Action	Date	FR Cite
Interim Final Rule	6/26/23	88 FR 41316

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

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RIN: 0412-AB11

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