

## Agency for International Development

726.7101

the purpose of providing foreign assistance are not subject to the procedures set forth in FAR subpart 25.4

[89 FR 4206, Jan. 23, 2024]

### Subpart 725.70—Source and Nationality

SOURCE: 79 FR 74994, Dec. 16, 2014, unless otherwise noted.

#### 725.701 General.

USAID's source and nationality requirements for program-funded contracts and subcontracts are set forth in 22 CFR part 228, Rules on Procurement of Commodities and Services Financed by USAID. 22 CFR part 228 is supplemented by the policies and procedures in ADS Chapters 310 and 312.

#### 725.702 Designation of authorized geographic code.

(a) Unless another geographic code is specified in the Schedule of the contract, in accordance with 22 CFR part 228, the authorized code for all Agency contracts is Geographic Code 937, which is the U.S., the cooperating/recipient country, and developing countries other than advanced developing countries, and excluding prohibited sources.

(b) The list of developing countries is available in ADS Chapter 310.

#### 725.703 Source and Nationality requirements—Contract clause.

Insert the clause at 752.225–70, Source and Nationality Requirements in all USAID program-funded solicitations and contracts for goods or services, unless source and nationality requirements do not apply as set forth at 22 CFR 228.02.

#### 725.704 Geographic Code waivers.

(a) Authority to approve waivers of source, nationality, and transportation services requirements, pursuant to 22 CFR part 228, subpart D, is set forth in ADS Chapters 103 and 310.

(b) If a Geographic Code other than Code 937 is authorized by a waiver, the contracting officer must insert the authorized geographic code approved in the waiver, in the Schedule of the contract as required in 725.702. In addition,

the contracting officer must place a copy of the approved geographic code waiver in the official contract file.

## PART 726—OTHER SOCIOECONOMIC PROGRAMS

### Subpart 726.70 [Reserved]

#### Subpart 726.71—Trade and Investment Activities and the “Impact on U.S. Jobs” and “Workers’ Rights

Sec.

726.7101 Trade and Investment Activities and the “Impact on U.S. Jobs” and “Workers’ Rights.”

AUTHORITY: Sec. 621, Pub. L. 87–195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O.12163, Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.

SOURCE: 55 FR 8470, Mar. 8, 1990, unless otherwise noted.

### Subpart 726.70 [Reserved]

#### Subpart 726.71—Trade and Investment Activities and the “Impact on U.S. Jobs” and “Workers’ Rights

##### 726.7101 Trade and Investment Activities and the “Impact on U.S. Jobs” and “Workers’ Rights.”

(a) *Policy.* USAID policy and required procedures in ADS Chapter 225 (Program Principles for Trade and Investment Activities and the “Impact on U.S. Jobs” and “Workers’ Rights”) implement statutory prohibitions on obligation and expenditure of appropriated funds. ADS Chapter 225 requires Agency operating units to analyze a project or activity to ensure compliance with U.S. foreign policy objectives as stated in Section 601 of the Foreign Assistance Act (FAA) of 1961, as amended; the U.S. Government's trade and development objectives set forth in trade legislation; and related policy documents. If the analysis concludes that the project or activity meets the criteria for what the ADS chapter describes as “gray-area activities” or if the contract statement of work has the potential to evolve into what the chapter defines as a prohibited activity, then the planner must include in the

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procurement request language appropriately tailored to the specific circumstances for the contract statement of work.

(b) *Special contract requirement.* The contracting officer must insert in Section H of the uniform contract format a clause substantially the same as the clause in 752.226-70 when informed by

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the requesting operating unit that the statement of work or statement of objectives includes gray-area activities or investment-related activities where specific activities are not identified at the time of obligation but could be for investment-related activities, as described in ADS Chapter 225.

[88 FR 39191, June 15, 2023]