

AID Small Business Memo

Trade Information for American Suppliers



Issued By
DEPARTMENT OF STATE

Agency for International Development, Office of Small Business
Washington, D. C. 20523

Area Code 202 343-2689



SBM No. 67-15
August 18, 1967
(M/L: Entire OSB List)

AMENDMENT X 10

TO

A.I.D. REGULATION I - MAY 25, 1967 EDITION

There follows below the text of Amendment I to A.I.D. Regulation I (Revised) as published in the Federal Register August 3, 1967 (Vol. 32 No. 149) on pages 11264 and 11265:

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[AID Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY AID

Miscellaneous Amendments

Title 22, Chapter II, Part 201 (AID Reg. 1), is amended as follows:

RULES AND REGULATIONS

a. The following new paragraph (x) is added to § 201.01:

§ 201.01 Definitions.

(x) *Certificate Concerning U.S.-Source Commodities.* "Certificate Concerning U.S.-Source Commodities" means the Certificate and Agreement with the Agency for International Development Concerning Sales of U.S.-Source Commodities Financed with Foreign Assistance Funds (AID Form 33) which appears as Appendix E to this Part 201.

b. The following new paragraph (j) is added to § 201.11:

§ 201.11 Eligibility of commodities.

(j) *Purchases from eligible suppliers.* Commodities procured with funds made available under this Part 201 shall be purchased from eligible suppliers. A supplier shall not be eligible to receive AID funds if:

(1) The supplier has been suspended or debarred by AID pursuant to AID Regulation B, Part 208 of this chapter;

(2) The supplier has been placed by AID on prior review and approval pursuant to § 201.33 of this Part 201 and AID has not, in fact, given its prior approval to the supplier for the furnishing of specific goods;

(3) With respect to procurement of U.S.-source commodities, the supplier does not maintain a regular place of business in the United States as required by § 201.34.

c. The following new § 201.34 is added immediately following § 201.33.

§ 201.34 Eligibility requirement for suppliers of U.S.-source commodities.

Unless otherwise provided by AID, a supplier of U.S.-source commodities shall be eligible to receive payment from funds made available by AID only if he maintains in the United States a regular place of business and the activity of the supplier at this regular place of business can be related to the accomplishment of the sale or the performance of the sale agreement. For purposes of this requirement, "regular place of business" means a permanent business establishment such as an office, sales outlet, or other fixed place of business, but does not include a mere postal address or box number or any casual or temporary use of facilities or the premises of a commission agent, broker, or custodian in the United States, acting in the ordinary course of his business as such, for an enterprise which otherwise would have no regular place of business in the United States.

d. In § 201.52, paragraph (a) (2) (i) (f) is revised, and paragraph (a) (10) is added, as follows:

§ 201.52 Required documents.

(a) *Commodities and commodity-related services.* . . .

(2) *Supplier's invoice.* (i) . . .

(f) The delivery terms (such as, f.o.b., f.a.s., c.i.f., or c. & f.): *Provided, however, that no invoice will be accepted which indicates that title and risk of loss to U.S.-source commodities have remained with the supplier after the commodities have been transferred into the custody of the ocean or air carrier at the port or point of export in the United States.*

(10) *Certificate concerning U.S.-source commodities.* With respect to U.S.-source commodities, one such original executed by the commodity supplier of the Certificate Concerning U.S.-Source Commodities.

c. Section 201.71 is amended by adding the following new paragraph (c):

§ 201.71 Terms of letters of credit.

(c) *Letters of credit for U.S.-source commodities.* Unless instructed by AID to the contrary, with respect to any proposed sale of U.S.-source commodities the bank shall not open, confirm, or advise any letter of credit to a beneficiary located outside the United States as indicated by the address provided by the importer or by the Approved Applicant to the opening bank or by the opening bank to the confirming or advising bank.

§ 201.72 [Amended]

f. Section 201.72 is amended as follows:

1. Paragraph (b) is amended by inserting in the first sentence after the words "Certificate Concerning Commissions," the words "Certificate Concerning U.S.-Source Commodities,".

2. Paragraph (c) is amended by inserting after the words "Certificate Concerning Commissions," the words "Certificate Concerning U.S.-Source Commodities,".

§ 201.73 [Amended]

g. Section 201.73 is amended as follows:

1. Paragraph (a) is amended by inserting after the words "the Certificate Concerning Commissions," in the first sentence the words "Certificate Concerning U.S.-Source Commodities,".

2. Subparagraph (1) of paragraph (c) is amended by inserting after the words "Certificate Concerning Commissions," the words "Certificate Concerning U.S.-Source Commodities,".

h. The following new Appendix E added at the end of Part 201:

Amendment I to A.I.D. Regulation I
(Continued)

APPENDIX E—CERTIFICATE AND AGREEMENT
WITH THE AGENCY FOR INTERNATIONAL
DEVELOPMENT CONCERNING SALES OF U.S.-
SOURCE COMMODITIES FINANCED WITH
FOREIGN ASSISTANCE FUNDS (AID FORM 53)

In consideration of the receipt of funds made available by the United States under the Foreign Assistance Act of 1961, as amended, in payment, in whole or in part, of the sum indicated on the accompanying invoice to be due and owing for the sale of U.S.-source commodities, the undersigned, acting on behalf of the supplier whose name appears on line 3 below and authorized to bind the supplier, agrees with and certifies to AID as follows:

A. The supplier maintains a regular place of business in the United States at the address indicated on line 4 below, and the activity of the supplier at this regular place of business can be related to the accomplishment of the sale or the performance of the sales agreement.

B. The supplier is the true and only supplier on the sale described on the accompanying invoice to the importer of the U.S.-source commodities. The supplier has furnished the U.S.-source commodities under a sales agreement which he has concluded (which has been concluded on his behalf and in his name) directly with the importer in the cooperating country. Performance by the supplier under the sales agreement with the importer does not at the same time constitute performance by any other firm of an undertaking with the same importer to deliver the same goods, thereby entitling such other firm to a portion of the purchase price received by the supplier.

C. The supplier has arranged to have title and risk of loss to the commodities described by the accompanying invoice pass to the importer in the cooperating country upon transfer of the commodities into the custody of the ocean or air carrier at the port or point of export in the United States.

1. Invoice No.
2. AID No.
3. Name of supplier
4. Address of supplier's regular place of business in the United States
5. Juridical form of business activity conducted at supplier's regular place of business in the United States.

- ☐ a. Corporation or partnership organized under the laws of a state of the United States;
- ☐ b. Sole proprietorship;
- ☐ c. Branch of a corporation or partnership organized under the laws of a state of the United States;
- ☐ d. Branch (unincorporated in the United States) of a non-U.S. enterprise.
- ☐ e. Other (indicate)

[check the appropriate box]

6. Address of head office of supplier if different from address of regular place of business
7. Name of undersigned and position in firm
8. Signature
9. Date

DEFINITIONS: As used on this form "cooperating country" means the country to which AID is providing assistance by making funds available to procure commodities in the United States; "importer" means any person or organization in the cooperating country authorized by the government of the cooperating country to use AID funds to procure commodities subject to the provisions of AID Regulation 1, 22 CFR Part 201; "regular place of business" means a permanent business establishment such as an office, sales outlet, or other fixed place of business, but does not include a mere postal address or box number or any casual or temporary use of facilities or the premises of a commission

agent, broker or custodian in the United States acting in the ordinary course of his business as such for an enterprise which otherwise would have no regular place of business in the United States; "U.S.-source commodities" means commodities shipped from the United States.

INSTRUCTIONS: On line 1, the supplier shall insert the serial number or other number which he has assigned to his invoice. On line 2, the supplier shall insert the AID implementation number which identifies the transaction.

Effective date. The foregoing amendments shall enter into effect 60 days after

RULES AND REGULATIONS

the date on which they appear in the FEDERAL REGISTER. Shipments made after the effective date of these amendments under letters of credit opened or confirmed before such effective date shall not be subject to the foregoing amendments.

Dated: July 31, 1967.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 67-9066; Filed, Aug. 2, 1967;
8:49 a.m.]

GP O 928-865

DEPARTMENT OF STATE
AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

POSTAGE AND FEES PAID
AGENCY FOR INTERNATIONAL DEVELOPMENT

FIRST CLASS MAIL

AID Small Business Memo

Trade Information for American Suppliers



Issued By

DEPARTMENT OF STATE

Agency for International Development, Office of Small Business
Washington, D. C. 20523 Dudley 3-7007



SBM No. 67-19
September 29, 1967
(M/L: Entire OSB List)

CHANGE IN EFFECTIVE DATE OF SBM 67-15

Following is the text of a document submitted for publication in the Federal Register that establishes the dates on which the amendment to AID Regulation I, published in SBM No. 67-15, becomes effective:

TITLE 22 - FOREIGN RELATIONS

Chapter II - Agency for International Development, Department of State

[A.I.D. Reg. 1]

PART 201-RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Effective Date of Miscellaneous Amendments

The Effective Date clause which appears at the end of Miscellaneous Amendments published in the Federal Register, Vol. 32, pages 11264 and 11265, is revised to read:

"Effective Dates. (a) The provisions added to Part 201 by the foregoing amendments, other than the provisions of subparagraphs (1) and (2) of the new paragraph (j) of §201.11, shall enter into effect on November 1, 1967, but shall not apply with respect to shipments under letters of credit opened before that date.

(b) The provisions of subparagraphs (1) and (2) of the new paragraph (j) of §201.11 shall enter into effect on October 2, 1967, but shall not apply with respect to shipments under letters of credit opened before that date."

William S. Gaud

William S. Gaud
Administrator

SEP 28 1967

Date

Proposed Rule Making

DEPARTMENT OF STATE

Agency for International Development

[22 CFR Part 201]

COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Applicable Rules and Procedures

A.I.D. has just recently rescinded the rules which it promulgated on August 3, 1967 at 32 F.R. 11264-65 as amendments to A.I.D. Regulation 1. In lieu of these rules, A.I.D. now proposes to require each supplier of U.S.-source commodities to execute a new certification as a condition for receiving payment with foreign assistance funds. The new certification may eventually appear as part of a new A.I.D. form or may be incorporated into a revised version of the Supplier's Certificate, A.I.D. Form 282. The certification would read as follows:

In consideration of the receipt of funds made available by the United States under the Foreign Assistance Act of 1961, as amended, in payment, in whole or in part, of the sum indicated on the accompanying invoice to be due and owing for the sale of U.S.-source commodities, the undersigned, acting on behalf of the supplier whose name appears below and authorized to bind the supplier, agrees with and certifies to A.I.D. as follows:

At the time of receiving payment with A.I.D. funds, the supplier is an individual, resident in the United States; a non-resident citizen of the United States; a corporation or partnership organized under the laws of the United States; or a controlled foreign corporation (within the meaning of § 957 et seq. of the Internal Revenue Code) as attested by current information on file with the Internal Revenue Service of the United States (on IRS Form 959, 2952, 3646, or any substitute or successor forms) submitted by shareholders of the corporation. If the supplier is a controlled foreign corporation without a regular place of business in the United States, the supplier appoints any shareholder or officer thereof agent for the supplier to receive service of process in the United States in connection with any dispute arising between the supplier and A.I.D. and relating to the commodity sale financed by A.I.D.

It is the intention of A.I.D. to limit the continued eligibility of suppliers to furnish U.S.-source commodities under A.I.D. financing to those individuals or firms who can execute the foregoing certification. Foreign suppliers located outside the United States who do not qualify as nonresident U.S. citizens or controlled foreign corporations would henceforth be excluded from eligibility to supply U.S.-source commodities under A.I.D. financing.

Comments concerning the regulatory changes proposed by this notice are solicited for receipt by A.I.D. as soon as

possible, but not later than December 15, 1967.

Dated: October 30, 1967.

RUTHERFORD M. POATS,
Deputy Administrator.

[F.R. Doc. 67-12970; Filed, Oct. 31, 1967;
8:55 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for 1967-68 Fiscal Period

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1967, through July 31, 1968, will amount to \$145,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at \$0.005 per standard packed box.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office

of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 27, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-12909; Filed, Oct. 31, 1967;
8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 28]

CERRY PIE

Definition and Standard of Identity and Standard of Quality

The Commissioner of Food and Drug on his own initiative, proposes that the following new Part 28 be added to Title 21 to establish a standard of identity and a standard of quality for cherry pie:

PART 28—FRUIT PIES

Sec. 28.1 Cherry pie; identity; label statement of optional ingredients.
28.2 Cherry pie; quality; label statement of substandard quality.

AUTHORITY: The provisions of this Part issued under secs. 401, 701, 52 Stat. 1010, 1055, as amended; 21 U.S.C. 341, 371.

§ 28.1 Cherry pie; identity; label statement of optional ingredients.

(a) Cherry pie is the food prepared by incorporating in a filling contained in pastry shell mature, whole, pitted, stemmed, red, sour (tart) cherries (fresh, frozen, or canned) that have not been treated with a chemical preservative. The top of the pie may be open or may be wholly or partly covered with pastry or other suitable topping. Filling, pastry, and topping components of food consist of optional ingredients provided in paragraph (b) of this section. The food may be frozen or baked both baked and frozen.

(b) The optional ingredients referred to in paragraph (a) of this section consist of suitable substances that are food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act or color additives as defined in section 201(t) of the act; or if they are food additives or color additives as defined, they are used in conformity with regulations established pursuant to section 409 or 705 of the act. Ingredients that perform a useful function in formulation of the filling, pastry, topping components, when used in s