

TITLE: CIB 94-4 Guidelines to Assure USAID Programs do not Result in the Loss of Jobs in the U.S.

MEMORANDUM FOR CONTRACTING OFFICERS AND NEGOTIATORS

TO: NDistribution List FAC

FROM: DAA/M, Michael Sherwin, Procurement Executive

SUBJECT: Guidelines to Assure USAID Programs do not Result in the Loss of Jobs in the U.S.

Contract Information Bulletin 94-4

Policy Determination (PD) 20, "Guidelines to Assure USAID Programs do not Result in the Loss of Jobs in the U.S." implemented statutory prohibitions on expenditure of appropriated funds. The PD contains a standard clause (attached) for inclusion in USAID-funded grants and inter-agency agreements and indicates that when the PD applies to a contract, appropriate provisions covering the subject matter are to be included.

This guidance is to clarify the requirements of the PD concerning the provisions to be included in instruments which you authorize:

Assistance Agreements: You should include the standard clause in all Handbook 13 grants and cooperative agreements, and the clause is required in subagreements as well. It may not always be feasible to include the clause in agreements with public international organizations. If not, the Mission or Bureau may take other steps to ensure compliance with the statutory restrictions.

Contracts: When the provisions of PD 20 apply to a contract, the technical office should provide appropriate language tailored to the specific circumstances for the contract statement of work, or if applicable to the circumstances, the standard clause may be used. The provision is not required in subcontracts.

Inter-agency Agreements: PASAs and RSSAs are handled similarly to contracts. Other types of inter-agency agreements should always include the standard clause.

We will revise Handbooks 13 and 14 as soon as possible to incorporate this clause.

Attachment: a/s

Attachment

STANDARD CLAUSES TO BE INCLUDED IN ALL GRANTS AND INTER-AGENCY AGREEMENTS, AND IN CONTRACTS AS APPROPRIATE:

RELOCATION OF U.S. BUSINESSES, ASSISTANCE TO EXPORT PROCESSING ZONES, INTERNATIONALLY RECOGNIZED WORKERS' RIGHTS (JANUARY 1994)

No funds or other support provided hereunder may be used in a project or activity reasonably likely to involve the relocation or expansion outside of the United States of an enterprise located in the United States if non-U.S. production in such relocation or expansion replaces some or all of the production of, and reduces the number of employees at, said enterprise in the United States.

No funds or other support provided hereunder may be used in a project or activity the purpose of which is the establishment or development in a foreign country of any export processing zone or designated area where the labor, environmental, tax, tariff, and safety laws of the country would not apply, without the prior written approval of USAID.

No funds or other support provided hereunder may be used in an activity which contributes to the violation of internationally recognized rights of workers in the recipient country, including those in any designated zone or area in that country.

This provision must be included in all subagreements.