

ALERT

Proposed USAID Rule Prohibits Discrimination Against End-Users of Supplies or Services

August 22, 2016

WHAT: The U.S. Agency for International Development (USAID) issued a notice of proposed rulemaking that would expressly prohibit discrimination among end-users of supplies or services.

Nondiscrimination practices support USAID's principles of inclusion and equal access and help to ensure that USAID programs empower and effectively reach socially marginalized individuals. Issued to ensure equitable access to USAID programs, the proposed rule states that a contractor may not discriminate against any end-user of the contract supplies or services on any factor not expressly stated in the award. USAID will still be able to define scopes of work to target assistance to certain populations and contractors complying with those awards will be in compliance with the nondiscrimination rule.

WHEN: USAID issued the notice of proposed rulemaking on August 22, 2016. Comments on the proposed rulemaking are due September 21, 2016.

WHAT DOES IT MEAN FOR INDUSTRY: The proposed rule makes clear that contractors cannot discriminate against end-users of the contract in any way that is contrary to the statement of work. Under the proposed rule, contractors must carefully review their awards to ensure that they are implementing the award only on the basis of factors specifically listed. Interested parties should review the proposed rulemaking and submit comments where their interests are affected.

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