



**College and University Professional
Association for Human Resources**

March 15, 2022

Mr. Crandall Watson
Chief
Procurement Policy Division
Office of Contracting and Procurement
U.S. Department of Agriculture

RE: Extension Request for the Comment Period on RIN: 0599-AA28, Agriculture Acquisition Regulation Proposed Rule (87 Fed. Reg. 9005, February 17, 2022)

Dear Mr. Watson:

On behalf of the College and University Professional Association for Human Resources (CUPA-HR) and the undersigned higher education organizations, we respectfully request a 90-day extension to the comment period on the United States Department of Agriculture's ("USDA") Notice of Proposed Rulemaking ("NPRM") to make amendments to the Agriculture Acquisition Regulation ("AGAR"). The current 32-day comment period does not provide colleges and universities with an adequate amount of time to effectively analyze the proposal, solicit input, and develop a meaningful response to the NPRM. Therefore, we urge USDA to provide stakeholders an additional 90 days to submit comments.

The NPRM proposes major policy changes surrounding labor law compliance and reporting that will have far reaching impacts on colleges and universities that conduct agricultural research under contracts from USDA. Specifically, the NPRM would insert an AGAR clause requiring contractors to certify compliance with 15 different labor laws and their state law equivalents, as well as certify the compliance of any subcontractors and suppliers. Additionally, the NPRM would insert a clause requiring contractors to certify that they and any subcontractors are in compliance with previously required corrective actions for adjudicated labor law violations and provide a list of their specific violations to a contracting officer.

The NPRM in question appears similar to an earlier USDA Direct Final Rule (76 Fed. Reg. 74722) and NPRM (76 Fed. Reg. 74755), which also sought to amend the AGAR to include a new clause around labor law compliance certification and reporting. These changes were proposed over ten years ago and were quickly withdrawn after being met with widespread public opposition—including our [associations' objections](#) due to the unmanageable compliance burden and uncertain compliance risk the changes imposed on colleges and universities. Our associations recognize the established complexity of such matters and require additional time to assess the current proposal.

Higher education institutions need adequate time to evaluate the NPRM's impact on their research missions and collect the information needed in order to provide thoughtful and accurate

input to USDA. Therefore, the undersigned organizations strongly urge the agency to extend the comment period by an additional 90 days.

Respectfully submitted,

Basil Thomson

Basil Thomson
Government Relations
CUPA-HR

On behalf of:

American Council on Education
Association of American Universities
Association of Public and Land-grant Universities
College and University Professional Association for Human Resources