

## § 1486.100

## 7 CFR Ch. XIV (1-1-08 Edition)

- 1486.504 How does a Recipient respond to a compliance report?
- 1486.505 Can a Recipient appeal the determinations of the Director, CRS?
- 1486.506 When will a project be reviewed?
- 1486.507 What is the effect of failing to make required contributions?
- 1486.508 How long must Recipients maintain original project records?
- 1486.509 Are Recipients allowed to charge fees for specific activities in approved projects?
- 1486.510 What is the policy regarding disclosure of program information?
- 1486.511 What is the general policy regarding ethical conduct?
- 1486.512 Has the Office of Management and Budget reviewed the paperwork and record keeping requirements contained in this part?

AUTHORITY: 7 U.S.C. 5622 note.

SOURCE: 70 FR 255, Jan. 4, 2005, unless otherwise noted.

### Subpart A—General Information

#### § 1486.100 What is the Emerging Markets Program?

(a) The principal purpose of the EMP is to assist U.S. entities in developing, maintaining, or expanding the exports of U.S. agricultural commodities and products by providing partial funding for technical assistance activities that promote U.S. agricultural exports to emerging markets, a consistent with U.S. foreign policy interests. The Program is intended primarily to support export market development efforts of the private sector, but the Program's resources may also be used to assist public agricultural organizations as well. Technical assistance may include activities such as feasibility studies, market research, sector assessments, orientation visits, specialized training, business workshops, and similar undertakings.

(b) The EMP may be used to support exports of U.S. agricultural commodities and products only through generic activities.

(c) Only initiatives that support the export of U.S. agricultural commodities and products are eligible for assistance from the program. The program's resources may not be used to support the export of another country's products to the United States, or to promote the development of a foreign economy as a primary objective.

(d) The program is administered by personnel of USDA's Foreign Agricultural Service.

#### § 1486.101 What special definitions apply to this program?

For purposes of this subpart, the following definitions apply:

*Activities*—components of a project which, when implemented collectively, are intended to achieve a specific market development objective.

*Administrator*—the Administrator of FAS, or designee.

*Advisory Committee*—a group of representatives from the private sector appointed by the Secretary of Agriculture whose primary mission is to review proposals requesting funding under the EMP and make recommendations on projects and programs that can enhance exports through the use of program funds.

*Agreement*—a written assistance agreement under this part.

*Agricultural Commodity*—an agricultural commodity, food, feed, fiber, wood, livestock, or insect, and any product thereof; and fish harvested from a U.S. aquaculture farm or harvested by a vessel as defined in Title 46, United States Code, in waters that are not waters (including the territorial sea) of a foreign country.

*Attache/Counselor*—the Foreign Agricultural Service employee representing United States Department of Agriculture interests in the foreign country in which promotional activities are conducted.

*CCC*—Commodity Credit Corporation.

*Compliance Review Staff*—the office within the Foreign Agricultural Service responsible for performing reviews of Recipients to ensure compliance under this part.

*Constraint*—a condition in a particular country or region which inhibits the development, expansion, or maintenance of exports of a specific U.S. agricultural commodity or product.

*Cost Share/Contribution*—the amount of funding (cash and in-kind) U.S. entities are willing to commit from their own resources in support of an approved project.

*Deputy Administrator*—the Deputy Administrator, Commodity and Marketing Programs, Foreign Agricultural Service, or designee.

*Emerging Market*—any country or regional grouping that is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; has the potential to provide a viable and significant market for United States agricultural commodities or products; a population greater than 1 million; and a per capita income level below the level for upper middle-income countries as determined by the World Bank.

*EMP*—Emerging Markets Program.

*FAS*—Foreign Agricultural Service.

*Generic Promotion*—an activity that does not involve or promote the exclusive or predominant use of an individual company name or logo or brand name.

*Project*—an approach or undertaking made up of one or more activities which, taken together, are intended to achieve a specific market development objective.

*Project Funds*—the funds made available to a Recipient by the Commodity Credit Corporation under an agreement, and authorized for expenditure in accordance with this part.

*Proposal*—an application for funding.

*Recipient*—a U.S. entity receiving financial assistance directly from the Commodity Credit Corporation or Foreign Agricultural Service to carry out a project.

*SRTG*—State Regional Trade Group.

*STRE*—sales and trade relations expenses including meals, receptions, refreshments, checkroom fees, tips, and dining decorations.

*UES*—Unified Export Strategy.

*USDA*—United States Department of Agriculture.

**§1486.102 Is there a list of eligible emerging market countries?**

The World Bank periodically redefines the income limits on upper middle-income economies. Consequently, an absolute list of “emerging market” countries has not been established. However, CCC will provide general guidance on country eligibility in each program announcement.

**§1486.103 Are regional projects possible under the program?**

Projects that focus on regions, such as the Caribbean Basin, rather than individual countries, are eligible for consideration provided such projects target qualifying emerging markets in the specified region. CCC may consider activities which target qualified emerging markets in a specific region, but are conducted in a non-emerging market because of its importance as a central location and ease of access to that region.

**Subpart B—Eligibility, Applications, and Funding**

**§1486.200 What entities are eligible to participate in the program?**

To participate in the EMP, U.S. private or government entities must demonstrate a role or interest in the exports of U.S. agricultural commodities or products. Government organizations consist of federal, state, and local agencies. Private entities include non-profit trade associations, universities, agricultural cooperatives, state regional trade groups, and profit-making entities and consulting businesses.

**§1486.201 Under what conditions may research and consultant organizations, individuals, or any other for-profit entity apply to the program?**

(a) Proposals from research and consulting entities will be considered for funding assistance only with evidence of substantial participation in and financial support by U.S. industry to a proposed project. Such support most credibly is provided in the form of actual monetary contributions to the cost of a project.

(b) For-profit entities shall not use program funds to conduct private business or to promote private self-interests. For-profit entities may not use program funds to supplement the costs of normal day-to-day operations or to promote their own products or services beyond specific uses approved in a given project.

**§1486.202 Are there any ineligible entities?**

Foreign organizations, whether government or private, may participate as