Commodity Credit Corporation, USDA

authorized officials of the U.S. Government.

(b) Strategic plan and performance measures. All Cooperator program applications shall also contain:

(1) A description of the U.S. and world market situation for the eligible commodity;
(2) Data summarizing historical and projected U.S. production, U.S. exports to the world, world trade, and U.S. market share;
(3) A summary of proposed activity budgets by country or region;
(4) A summary of proposed administrative budgets by country or region;
(5) A list of all countries that define any designated region;
(6) For each country or region for which activities are proposed:
   (i) A market assessment, including the constraint(s) impeding U.S. exports, the export growth opportunities, the performance of competing suppliers, expected changes in demand, etc.;
   (ii) The long-term strategy that will be used to counteract the constraints and achieve additional U.S. exports;
   (iii) Previous activities, performance, and evaluation results;
   (iv) Projected export goals and U.S. market share; and
   (v) Performance indicators against which future success in addressing the constraint(s) or opportunities may be measured;
(7) A description of all proposed activities, including the requested FAS resources and the specific goals and benchmarks to be used to measure the effectiveness of each activity;
(8) A justification for any new overseas office, including a list of job titles, corresponding position descriptions, salary ranges, and any request for approval of salaries above the Foreign Service National (FSN) salary plan. To request approval of a salary above the FSN salary plan, the Cooperator shall include a detailed description of both the duties and responsibilities of the position, and of the qualifications and background of the individual concerned. The Cooperator shall also justify, based on a verifiable local salary survey or other documented local salary information, why the highest FSN salary level is inappropriate.

§ 1484.21 How does FAS determine which Cooperator program applications are approved?

(a) General. FAS allocates funds in a manner that effectively supports the strategic decision-making initiatives of the Government Performance and Results Act (GPRA) of 1993. In deciding whether a proposed project will contribute to the effective creation, expansion, or maintenance of foreign markets, FAS seeks to identify those projects that would demonstrate a clear, long-term agricultural trade strategy by market or product and a program effectiveness time line against which results can be measured at specific intervals using quantifiable product or country or region goals. These performance indicators are part of FAS’ resource allocation strategy to fund applicants which can demonstrate performance based on a long-term strategic plan and address the performance measurement objectives of the GPRA.

(b) Approval criteria. FAS will consider a number of factors when reviewing proposed projects, including:

(1) The ability of the organization to provide an experienced U.S.-based staff with technical and international trade expertise to ensure adequate development, supervision, and execution of the proposed project;
(2) The organization’s willingness to contribute resources, including cash and goods and services of the U.S. industry and foreign third parties;
(3) The conditions or constraints affecting the level of U.S. exports and market share for the agricultural commodities and products;
(4) The degree to which the proposed project is likely to contribute to the creation, expansion, or maintenance of foreign markets;
(5) The degree to which the strategic plan is coordinated with other private or U.S. government-funded market development projects;
(6) Past program results and evaluations, if applicable; and
(7) Previous Cooperator program funding.
§ 1484.22 How are Cooperator program funds allocated?

After determining which applications to recommend for approval, the Commodity Divisions recommend funding levels for the approved applicants within their respective divisions. Applications then compete for funds on the basis of the following allocation criteria (the number in parentheses represents a percentage weight factor). Data used in the calculations for contribution levels, past export performance and past demand expansion performance will cover not more than a 6-year period, to the extent such data is available. The method for applying the following criteria will be described in the Cooperator program announcement in the Federal Register:

(a) Contribution Level (40%).
(b) Past Export Performance (20%).
(c) Past Demand Expansion Performance (20%).
(d) Future Demand Expansion Goals (10%).
(e) Accuracy of Past Demand Expansion Projections (10%).

Subpart C—Program Operations

§ 1484.30 How does FAS formalize its working relationship with approved Cooperators?

FAS will notify each applicant in writing of the final disposition of its application. FAS will send a program agreement, allocation approval letter, and a signature card to each approved applicant. The allocation approval letter will specify any special terms and conditions applicable to a Cooperator’s program, including the required level of Cooperator contribution. An applicant that accepts the terms and conditions contained in the program agreement and allocation approval letter should so indicate by having its Chief Executive Officer sign the program agreement and submit the signed agreement to the Director, Marketing Operations Staff, FAS, USDA. Final agreement shall occur when the Administrator signs the agreement on behalf of FAS. The application, the program agreement, the allocation approval letter, and this part shall establish the terms and conditions of a Cooperator agreement between FAS and the approved applicant.

§ 1484.31 Who acts on behalf of each Cooperator?

The Cooperator shall designate at least two individuals in its organization to sign program agreements, reimbursement claims, and requests. The Cooperator shall submit the signature card signed by those designated individuals and by the Cooperator’s Chief Executive Officer to the Director, Marketing Operations Staff, FAS, USDA, prior to the start of the marketing plan year. The Cooperator shall immediately notify the Director of any changes in signatories (e.g., removal or addition of individuals, name changes, etc.), and shall submit a revised signature card accordingly.

§ 1484.32 Must Cooperators follow specific employment practices?

(a) A Cooperator shall enter into written contracts with all overseas employees and shall ensure that all terms, conditions, and related formalities of such contracts conform to governing local law.
(b) A Cooperator shall, in its overseas offices, conform its office hours, work week, and holidays to local law and to the custom generally observed by U.S. commercial entities in the local business community.
(c) A Cooperator may pay salaries or fees in any currency (U.S. or foreign) in conformance with contract specifications. Cooperators are cautioned to consult local laws regarding currency restrictions.

§ 1484.33 Must Cooperators follow certain financial management guidelines?

(a) A Cooperator shall implement and maintain a financial management system that conforms to generally accepted accounting principles.
(b) A Cooperator shall institute internal controls and provide written guidance to commercial entities participating in its activities to ensure their compliance with these provisions. Each Cooperator shall maintain original records and documents relating to program activities for 5 calendar years.