

African Diaspora Marketplace (ADM): General Restrictions and Prohibitions

General Restrictions

- The following Goods and Services are ineligible to be funded with ADM grants: Military equipment, Surveillance equipment, Commodities and services for support of police or other law enforcement activities, Abortion equipment and services, Luxury goods and gambling equipment, Weather modification equipment and Pesticides.
- Procurement of the following Goods and Services with ADM grant funds will require detailed rationale, justification, and cost information. The following items may be ineligible and shall not be procured until approved by ADM: Agricultural commodities, Motor vehicles, Pharmaceuticals, Used equipment, U.S. Government-owned excess property, or Fertilizer. Finalists will be notified if additional justification is required once full business plans have been submitted.
- Transactions with or the provision of resources or support to individuals and organizations associated with terrorism are ineligible for the ADM competition. For a list of organizations determined by the US Government to be associated with terrorism, visit www.epls.gov.
- All ADM activities must be will be in accordance with US laws, regulations, and policies, including the US Treasury Department's Office of Foreign Assets Control regulations at www.treas.gov/offices/enforcement/ofac.. For restrictions related to the country of Sudan, please see <http://treas.gov/offices/enforcement/ofac/programs/sudan/sudan.shtml>
- Any activity intended to influence a member of the US Congress (i.e. lobbying).
- Any activity involving or related to “money transfer.”

For additional guidance on ADM General Restrictions, see USAID ADS 303 (<http://www.usaid.gov/policy/ads/300/303.pdf>), 312 (<http://www.usaid.gov/policy/ads/300/312.pdf>) and 22 CFR 227 http://edocket.access.gpo.gov/cfr_2007/aprqtr/pdf/22cfr227.100.pdf).

Prohibitions on Support for Outsourcing

- ADM grant funds are not allowed to be used to support outsourcing or related efforts designed to induce the relocation of any U.S. business or reduce the number of employees of the business in the U.S. Prohibited activities include the provision of financial incentives to US businesses to relocate, direct marketing of investment opportunities in the sub-Saharan African country of implementation or studies to support the same. For full information on this restriction, see ADS 225.
- Pursuit of the following activities with ADM grant funds will require additional review to ensure that they do not induce U.S. Firms to relocate: Technical assistance in establishing linkages with U.S. Businesses; Establishment of investment promotion offices; Financing trade fairs, exhibitions, and investment seminars in the sub-Saharan African host country; Activities involving export processing zones; Equity fund investments in host country activities; and the following activities if the objective is to promote investment in the sub-Saharan African host country: media advertising in the U.S., investment promotion missions to the U.S., travel to the sub-Saharan African host country, support to a U.S. Office engaged in investment promotion, feasibility studies, research services, studies, insurance and technical and management assistance.

For additional guidance on ADM Prohibitions on outsourcing, see USAID ADS 225 (<http://www.usaid.gov/policy/ads/200/225.pdf>).

Prohibitions on Violating Worker's Rights

- ADM will not support businesses or business activities that contribute to the violation of internationally recognized workers' rights including the right of association and to organize and bargain collectively; the prohibition of any form of forced or compulsory labor; adherence to the minimum age for the employment of children; and the provision of acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

Environmental Compliance

- Grantees must comply with host country environmental regulations unless otherwise directed in writing by USAID. In case of conflict between host country and USAID regulations, the latter shall govern. Details on these regulations shall be provided by AED/ADM within a reasonable timeframe upon receipt from USAID.
- The ADM may require an additional Environmental Assessment for proposals including the following activities: river basin development; irrigation or water management components including dams impoundments; agricultural land leveling; drainage projects; large scale agricultural mechanization; new lands development; resettlement projects; penetration road building or road improvement projects; power plants; industrial plants; and potable water and sewerage projects other than those that are small-scale.
- The ADM will require an Environmental Assessment of proposals involved in activities that may impact the protection of endangered or threatened species and their critical habitats.

For additional guidance on ADM Environmental Procedures, see USAID ADS 216 (http://www.usaid.gov/our_work/environment/compliance/reg216.pdf)