U.S. Government Interagency Policies

A Mandatory Reference for ADS Chapter 200

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1. Overview

ADS 200, Formulation, Implementation, and Governance of USAID Development and Humanitarian Policies applies in its entirety to USAID development and humanitarian policies. Other policy documents, including U.S. Government (USG) interagency policies, and those developed due to a requirement by Congress, must align with USAID principles, accessibility requirements and, if appropriate, branding and style. In all cases, for any type of policy document, the Administrator, or their designee, is the final approver. Any exceptions to the principles, processes, and requirements in **ADS 200** and its associated mandatory references must be discussed in advance with the Bureau for Planning, Learning, and Resource Management, Office of Policy Implementation and Analytics (PLR/PIA).

Interagency policy documents are expected to follow the formulation process and the structure and content of policies and strategies to the greatest extent possible (see **ADS 200**, **200mac**, and **200mad**). Agency clearances are required.

2. U.S. Government Interagency Policies and Action Plans

USAID frequently engages in interagency processes, initiated by the White House, federal agencies and departments, or at the direction of the U.S. Congress, to formulate USG policies, strategies, action plans, and implementation plans. The interagency (as defined in ADS 200) refers to other agencies, departments, bureaus, and offices of the USG, including, but not limited to, the National Security Council, Departments of Agriculture, Commerce, Defense, State, and Treasury, Centers for Disease Control, U.S. International Development Finance Corporation, the Office of Science and Technology Policy, and the National Science and Technology Council.

As soon as USAID is engaged, the lead Bureau/Independent Office (B/IO) should contact PLR and the Office of Policy (POL) to ensure awareness, coherence with other policies, and collaboration with all relevant B/IOs. This collaboration ensures that USAID policy positions and equities are represented clearly and prominently in USG policies, including the principles of sustainability, inclusivity, local leadership, evidenced-based, and burden reduction to the greatest extent possible. The lead B/IO should ensure the roles and responsibilities of USAID and other federal agencies and departments are clearly delineated in both policy documents and implementation plans. Managing policy implementation properly may require creating an interagency coordination mechanism (such as an interagency working group).

Once engaged, PLR and the lead B/IO jointly determine which portions of the **ADS 200** process must be followed, considering externally required content, processes, and timelines. PLR or POL may assign a point of contact (POC) to help coordinate and track the process. Drafters should consult and follow to the extent possible the formulation requirements for drafting in **ADS 200**, **200mac**, and **200mad** (e.g., principles, formulation process, document structure and content, accessibility, and clearances).

In some cases, USAID develops policies in response to Congressional mandates. These are USAID policies or strategies and must follow ADS 200 in its entirety, and any deviations must be discussed in advance with PLR/PIA. The Policy Working Group (PWG) may truncate the formulation process only if necessary to align with required timelines, such as not having a Terms of Reference for the PWG, but are expected to follow it to the greatest extent possible. Compliance with the structure and content of policies and strategies in ADS 200 and its associated mandatory references is still expected to the greatest extent possible, and the clearance process is required, particularly final approval by the Administrator or their designee. Comment periods and formulation processes may be adjusted to align with Congressional requirements, in consultation with PLR/PIA. In addition, the drafters must review existing ADS policies to ensure that the policy document does not contradict legal or administrative directives.

As with internally-developed policies, when USG interagency policy documents, including action plans and implementation plans, are ready for final approval and release, the policy must be cleared at the Assistant Administrator (AA)-level for relevant B/IOs including: PLR and POL, the Bureau for Legislative and Public Affairs (LPA), the Bureau for Management (M Bureau), the Office of the General Counsel (GC), as well as B/IOs and senior coordinators with relevant sectoral or geographic expertise, or relationships with the interagency partners. For example, the Bureau for Conflict Prevention and Stabilization, Office of Civilian-Military Cooperation (CPS/CMC) should be given the opportunity to clear any policy document that includes the Department of Defense. Other B/IOs should be given the option of clearing. When clearance is secured, the Administrator, or designee, must approve the policy via an Action Memo submitted to the Executive Secretariat (ES). The lead B/IO must subsequently send the approved USG policy document to PLR/PIA to be added to the Policy Registry.

3. International Development Commitments

International development commitments refer to international accords (such as formal agreements, conventions, charters, protocols, decisions, recommendations, declarations, arrangements, memoranda of understanding [MOU], strategic agreements, and statements of intent) to which USAID or the USG has committed. USAID or the USG often formally sign on to such agreements or otherwise endorse voluntary commitments. However, these commitments only have the effect of official policy when incorporated into an approved USAID or the USG policy document.

At the headquarters and country-level, USAID often seeks to formalize coordination or cooperation with bilateral or multilateral donor partners through such commitments, which may take the form of an MOU, joint financing arrangement, grant agreements to other donors (as defined in **ADS 351**), gift acceptance letters with other donors (as defined in **ADS 628**), delegated cooperation arrangements, terms of reference for collaboration, statements of intent, and other documents or partnership instruments. When USAID is working with a Public International Organization (PIO) as an implementing partner, PIO agreements are governed by **ADS 308**.

Whether the provisions of these accords are mandatory depends on the nature of the accord and can range from voluntary to binding under United States or international law. Even if the accord is not considered legally binding (which is often the case for country-level MOUs), there may still be significant repercussions for the United States if it fails to implement its commitments.

The respective Operating Unit (OU) must send an electronic copy of any finalized international development commitment, whether voluntary or legally binding, to the Bureau for Planning, Learning, and Resource Management Office of Development Cooperation (PLR/DC) and must upload the copy to the Development Experience Clearinghouse for restricted access by USAID personnel only.

4. USAID Roles in Engagement in Multilateral Policy Processes

USAID also engages in multilateral fora on development and humanitarian issues with broad relevance, either through direct participation in USG delegations to meetings of the United Nations (UN) agencies and other multilateral organizations or by providing input to other federal agencies and departments to inform their positions when USAID is not the lead. Depending on the situation, POL, PLR, or the Office of the Chief Economist (OCE) may take the role leading and coordinating the Agency's engagement, with input from Pillar and Regional B/IOs, as necessary. In many instances, it may be appropriate for a B/IO other than PLR, POL, or OCE to lead USAID's engagement when the issue or topic is focused on a region, country, sector, or specific program area. In these cases, the lead B/IO should keep the other B/IOs informed.

The Department of State generally leads negotiations on international accords and policies, especially at the global level. However, other federal agencies and departments may take the lead on developing an international accord or commitment depending on the context. For example, the United States Trade Representative is the lead negotiator with the World Trade Organization (WTO). USAID plays a critical role in raising development perspectives and providing its policy and implementation expertise. When a global accord or policy is focused on development, USAID may be the lead negotiator and signatory on bilateral, trilateral, regional, or international commitments. If USAID is not the lead negotiator, USAID actively engages in interagency strategic planning and discussions, especially when development and/or foreign assistance is considered.

PLR/DC serves as the Agency's lead interlocutor, relationship manager, and coordinator with multilateral organizations and bilateral donor government partners, including for international commitments with broad relevance or on cross-cutting issues. On cross-cutting issues, such as the UN development committees or the Group of Twenty (G20) Leaders' Statements, PLR/DC generally plays a coordinating role for USAID, with significant technical support from Pillar and Regional Bureaus. PLR also often serves as the central point of contact and knowledge hub for USAID engagement with multilateral

partners and international organizations, with support from OUs. PLR/DC can provide the USAID and USG policy perspective and relationship with a particular donor, and will support and remain engaged, as appropriate. POL and OCE may lead on topics where they are leading Agency efforts.

Relevant OUs, including B/IOs and Missions, should lead negotiations when the agreement focuses on a specific region, country, sector, or area of expertise. OUs should keep PLR/DC informed to ensure coordination and share good practices across the Agency, particularly for agreements signed by OUs in Washington with counterparts from other bilateral donors, multilateral organizations, and philanthropic organizations. Likewise, when PLR engages donor partners in specific areas of expertise, geographic areas, and countries, PLR should inform and involve relevant OUs in the discussions.

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