

| KEY: red = mandatory law/EO/regulation<br>orange = mandatory agency policy ("shall")<br>green = best practices, agency guidelines, suggestions ("should") | Applies to All   | USAID - all bureaus  | USAID Global Development Alliances/Public-Private Partnerships   | USAID: Global Health (GH) | OPIC  | MCC  | Ex-Im Bank  |
|---|--|--|--|---------------------------|---|--|---|
| <b>Scope / General Due Diligence</b>  |  | USAID Policies are addressed to Missions, country Bureaus and Pillar (i.e. subject-specific) Bureaus. They are generally not addressed to implementers or contractors who actually carry out the work. We have broken out Global Health and Global Development Alliances because additional specific rules and guidelines apply to them, but they must also follow all general policies, rules and guidelines. | Due diligence should be carried out by USAID Mission or DC considering entering into a partnership with a for profit or non-profit partner, but not for implementers or contractors. It must be carried out and documented before an MOU or partnership agreement is signed. It is recommended that further due diligence be carried out annually thereafter. While "responsibility determinations" involve review of the primary applicant's systems for management, accounting, and audit as noted above, "due diligence" typically involves review of the proposed alliance partners' (including additional organization(s) participating in the alliance, that are not the direct recipient of USAID funds) social/corporate responsibility through various resources and websites of the type contained within the GDA Secretariat's Tools for Alliance Builders. Other resources, such as Dunn & |                           | Scope of Application: all projects supported through OPIC insurance, reinsurance, direct loans, or investment guaranties, including support through Financial Intermediaries. Projects are categorized as A (high risk), B (medium risk), C (low risk) and D (Financial intermediaries). In categorizing projects, OPIC considers direct, indirect, induced, regional, trans-boundary and cumulative environmental and social impacts. Risks are assessed at key stages in the project life cycle including pre-construction, construction, operations, decommissioning and closure. -Category A projects are likely to have significant adverse environmental and/or social impacts that are irreversible, sensitive, diverse, or unprecedented. Types of likely Cat A projects are listed, and require full env'tl and social | Only MCC partnership countries are eligible. A list of 21 indicators of economic freedom, ruling justly and investing in people are consulted to create a country scorecard. Eligible countries must score above the median overall in these categories, as well as have income below a certain level. For eligible countries MCC sets up a counterpart MCA in the host gov't as a separate unit, with personnel selected by open competition. The MCA determines priorities, working with DC staff, which also monitors projects. | The Charter of the Export-Import Bank (EXIM Bank) requires the Bank to establish procedures to take into account the potential beneficial and adverse environmental effects of goods and services for which support is requested, consistent with the mandate to support U.S. jobs through exports. All applications for which Ex-Im Bank's financial exposure is greater than \$10.0 million will be screened and categorized as to their potential for environmental and social risks and impacts, and the extent, if any, of subsequent review under these Procedures and Guidelines. EXIM Bank will screen and categorize these applications based on information contained in the "Environmental Screening Document" that is submitted by the Applicant. Only those transactions pertaining to a "project" will be subject to a review. For purposes of these Procedures and Guidelines, a project is any commercial, industrial or infrastructure |
| <b>Environment: Environmental Impact Assessment, Water, Ecosystem Services</b>  | For those projects that may significantly affect the quality of the human environment of the U.S., its territories or possessions, or Antarctica | FAA 117 Section 117 of the Foreign Assistance Act (FAA) of 1961, as amended. Requires USAID to utilize an EIA process to evaluate the potential impact   | Environmental Accountability Qs re due diligence<br>•Does the company collect and evaluate adequate and timely information regarding the   |                           | 21 USC 2191 (Congressional Statement of Purpose; Creation and Functions of Corporation) - The Corporation, in determining whether to provide insurance  | Section 605(e)(3) of the Millennium Challenge Act of 2003 prohibits MCC from providing assistance for any project that is "likely to cause a   | - EXIM Bank operates in compliance with the OECD "Common Approaches on the Environment" establishing an environmental review  |

|  |   |  |  |  |  |                          |   |
|--|---|--|--|--|--|--------------------------|---|
| <p><b>Climate*</b><br/> <b>*The Trump administration has rejected US commitments to fighting climate change, so although these EO s and QDDR have not been formally repealed they should not be relied on as current policy. In addition, the following possibly relevant orders have been revoked: (i) The Presidential Memorandum of November 3, 2015 (Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment); and (ii) The Presidential Memorandum of September 21, 2016 (Climate Change and National Security). (iii) The Council on Environmental Quality was directed to rescind its final guidance entitled "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions</b></p> | <p><b>Executive Order (EO) 13677 on Climate-Resilient International Development."</b> Describes requirements for climate risk screening and consideration of climate change mitigation at the strategy level.</p> | <p>The 2015 Quadrennial Diplomacy and Development Review (QDDR), commits USAID to "accelerate the integration of climate change mitigation and resilience throughout our policy, programming, and operations."</p> <p>Effective October 1, 2015, climate risk screening is required as part of the development of all new USAID strategies, including Country Development Cooperation Strategies (CDCSs), Regional Development Cooperation Strategies (RDCSs), Mission strategies, country strategies, or equivalent. See ADS 201mat.</p> <p>Starting October 1, 2016 (FY 2017), USAID will begin applying climate risk management practices to all new projects and activities, except for projects and activities that are implemented on an emergency basis, e.g., humanitarian assistance.</p> | <p>Power Africa implementers require certain private energy projects, including mini-grid, geothermal, hydro to do a desktop analysis of emissions, and in certain cases when no other agencies' standards apply, to do a full ESIA.</p> |  | <p>OPIC is required to reduce the Direct Greenhouse Gas Emissions associated with projects in OPIC's active portfolio by 30 percent over a ten year period (June 30,2008 – September 30, 2018) and by 50 percent over a fifteen year period (June 30, 2008 – September 30, 2023) . ES Policy: 8.4</p> <p>In order to achieve the 30 and 50 percent reduction goals OPIC establishes an annual transactional cap for all new projects within a given year with significant, Direct Greenhouse Gas Emissions.</p> <p>With respect to projects that involve the construction of coal-fired power plants, OPIC will give strong preference to projects that capture and sequester 85 percent of Greenhouse Gas emissions. Projects involving clean energy technologies are assigned a Greenhouse Gas emissions level of zero for the purpose of this policy. Clean energy technology is defined as products or services that</p> | <p>IFC PC 1, 3, 4, 6</p> | <p>In addition to the World Bank Group Guidelines, certain power generation projects having a high carbon intensity will be subject to a special review process. If a Category A or B Project is expected to produce direct emissions greater than 25,000 tonnes CO2 equivalent per year (during normal full operations), then project sponsors shall quantify the estimated annual greenhouse gas emissions during full operations, provide this number to EXIM Bank and include it in the ESIA. If the Project is a fossil fuel power generation project, then the sponsors shall also quantify the project's carbon intensity in grams of CO2 equivalent per kilowatt-hour. In 2009, EXIM Bank became the first ECA to adopt a Carbon Policy to address the climate change issues raised by the Bank's export financing activities</p> <p>IFC PC 1, 3, 4, 6<br/> Equator Principle: 1, 2, 3, 4</p> |
|--|---|--|--|--|--|--------------------------|---|

|   |  |   |   |  |  |                       |   |
|---|--|---|---|--|--|-----------------------|---|
| <p><b>Access to Land / Natural Resources for Communities / Biodiversity/Land Tenure</b></p> | <p><b>2014 Appropriations Bill: “Funds appropriated by this Act for biodiversity programs shall not be used to support the expansion of industrial scale logging or any other industrial scale extractive activity into areas that were primary/intact tropical forests as of December 30, 2013...</b></p> | <p>FAA 118Establishes programming mandates related to tropical forests and requires that: “Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of (1) the actions necessary in that country to achieve conservation and sustainable management of tropical forests, and (2) the extent to which the actions proposed for support by the Agency meet the needs thus identified.” ADS 201.3.4 implements this mandate by requiring that an “environmental analysis” conforming to this requirement and that of FAA 119 (see below), be completed in Phase 1 of development of each CDCS.<br/>FAA 119Establishes programming mandates related to biodiversity and requires that: “Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an</p> | <p>Power Africa implementers require certain private energy projects, including mini-grid, geothermal, and hydro to undergo a desktop due diligence analysis including land tenure status, biodiversity and other environmental issues.</p> |  | <p>ESPS prohibits projects that involve conversion or degradation of critical habitat, including IUCN Categories I-IV. Also prohibited are construction of most dams (see above). Where no sector specific prohibition or guideline exists for a particular project then the World Bank General Environmental Guidelines and the IFC Occupational Health &amp; Safety Guidelines will be applied .<br/><b>Environmental Guidance Renewable Energy - Wind Projects:</b>Screening. Land acquisition procedures, physical or economic displacement of people and/or impacts on their livelihood, and changes in land use are factors considered in screening projects as Category A or B. Information regarding actual land ownership, and in some countries, past ownership, as well as existing and adjacent land use, can assist in determining if effects in this area would result in a Category A or B classification. Projects involving significant</p> | <p>IFC PC 1, 5, 6</p> | <p>IFC PC 1, 5, 6<br/>Equator Principle: 1, 2, 3, 4<br/>See above for definitions of Category A projects.</p> |
|---|--|---|---|--|--|-----------------------|---|

|  |  |   |  |  |   |                    |   |
|--|--|---|--|--|---|--------------------|---|
| <p><b>Cultural Heritage &amp; Indigenous Peoples</b></p> | <p>QDDR 2015: State Dept. and USAID will expand efforts to engage and work with indigenous peoples. Indigenous peoples play a pivotal role in sustainable development, conservation, and mitigating and adapting to the effects of climate change. We will integrate consideration of their issues into USAID and Department policies, programs, and projects. In addition, we will work with their communities to strengthen traditional resource management strategies, legalize and demarcate their territories, and improve their livelihoods. An indigenous issues coordinator sits at USAID, with a mandate to deal with indigenous peoples issues in all foreign assistance.</p> <p>QDDR 2015: We are increasing collaboration with indigenous groups and religious communities on governance and other matters where our diplomatic and development goals align. USAID addresses</p> | <p>Reg. 216 requires consideration of cultural resources as part of environmental assessment. Biodiversity policy: “support [gender equality and women’s and] indigenous peoples’ empowerment in leadership and decision making in the biodiversity conservation context and strengthen the legal and/or traditional land and resource rights of communities and indigenous peoples”; a draft policy on indigenous peoples has been pending since 2015. A non-mandatory handbook has sections on IPs, social soundness. In stating US support for the UN Declaration on the Rights of Indigenous Peoples, the US has “committed to serving as a model in the international community in promoting and protecting the collective rights of indigenous peoples as well as human rights of all individuals” (Announcement of US support for UNDRIP, Dec 2010).</p> |  |  | <p>OPIC will not support certain types of projects, as listed in appendix B of its Environmental and Social Policy Statement, p.35-36) - ex.'s include: projects in or impacting natural World Heritage Sites unless it can be demonstrated through an environmental assessment that the project (i) will not result in the degradation of the protected area and (ii) will produce positive environmental and social benefits.</p> <p>Environmental Guidance – Renewable Energy – Wind /biofuelProjects, Rev 2, 4-3 Projects may be located in an area with the potential for containing tangible cultural resources. In addition, a wind project may impact the cultural heritage of the area by changing the landscape and possibly the type of economic activity in the area (IFC 2006). If a wind/biofuel project has the potential to impact cultural resources, either tangible or intangible, mitigation measures</p> | <p>IFC PC 7, 8</p> | <p>IFC PC 7, 8<br/>Equator Principle: 1, 2, 3, 4, 5</p> |
|--|--|---|--|--|---|--------------------|---|

|   |  |  |  |   |   |   |   |
|---|--|--|--|---|---|---|---|
| <p><b>Gender, including anti-discrimination and women's empowerment</b></p> | <p>Executive Order – Instituting a National Action Plan on Women, Peace, and Security Executive Order – Preventing and Responding to Violence Against Women and Girls Globally, The White House (2012) .<br/>Executive Order 13623: Preventing and Responding to Violence Against Women and Girls Globally - (i.e. "Section 3 (b) Member agencies shall more comprehensively integrate gender- based violence prevention and response programming into their foreign policy and foreign assistance efforts.)<br/>The Department of State and U.S. Agency for International Development (USAID) are implementing reforms initiated through the 2010 Quadrennial Diplomacy and Development Review (QDDR) related to support for women and girls abroad in the realms of policy development, budget planning, and personnel training. (from the United States National Action Plan on Women, Peace,</p> | <p>A<br/>Presidential Memorandum of Jan. 30, 2013 mandates the Senior Coordinator for Gender Equality and Women's Empowerment at USAID to advise the Administrator. Also creates an interagency working group on gender.<br/>—The Girls Count Act of 2015 authorizes USAID to support programs and key ministries, including: interior, youth, and education ministries, to help increase property rights, social security, home ownership, land tenure security, inheritance rights, access to education, and economic and entrepreneurial opportunities, particularly for women and girls. It directs the Secretary of State and the USAID Administrator to coordinate their efforts with multilateral organizations, private sector and civil society organizations.<br/>Gender Equality and Female Empowerment Policy - developed by USAID in 2012 and revised in 2017. Gender analysis is one of only two</p> | <p>Power Africa implementers require certain private energy projects, including mini-grid, geothermal, hydro to Identify potential and unforeseen negative impacts from Power Africa-supported activities through gender integration and propose interventions to mitigate the impacts. A gender advisor works on integrating gender considerations.</p> | <p>Helms Amendment (1973): USAID funds may not be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions. Under the Leahy Amendment, the term "motivate," as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options.<br/>ADS Mandatory Guidance 205maa: By this guidance, USAID opposes any practice of, or support for, Female Genital Cutting (FGM/C) and works toward the goal of total elimination of FGM/C. Under no circumstances does USAID support the practice of FGM/C by medical personnel.</p> | <p>Gender discrimination prohibited in labor context. Meaningful consultation with Project Affected People must be gender inclusive and responsive.</p> | <p>The Millennium Challenge Corporation issued Gender Integration Guidelines in March 2011 . "MCC requires that gender is considered in the selection of eligible countries and integrated into the development and design of Compact Programs, the assessment and implementation of projects, the monitoring of program results, and the evaluation of program impacts." - quoted from Gender Integration Guidelines March 2011<br/>- Each MCC investment requires a Social and Gender Integration Plan (SGIP), which provides a comprehensive roadmap for social inclusion and gender integration throughout compact projects. Payment of the second disbursement of compact funds is contingent on the partner country completing and MCC approving this plan.<br/>- MCC's Gender Policy - in order to maximize the impact of Compacts on economic growth and poverty reduction, MCC</p> | <p>IFC PC 1<br/>Equator Principle: 1, 2, 3, 4</p> |
|---|--|--|--|---|---|---|---|

|   |   |  |  |  |   |  |  |
|---|---|--|--|--|---|--|--|
| <p><b>Protection of Vulnerable Groups, Including Minorities, LGBTI, Elderly, IDPs or Others</b></p> | <p>The Victims of Trafficking &amp; Violence Protection Act of 2000 (Pub. L. 106-386); The Trafficking Victims Protection Reauthorization Act of 2003 (H.R. 2620); The Trafficking Victims Protection Reauthorization Act of 2005 (H.R. 972); The Trafficking Protection and Reauthorization Act of 2008 (H.R. 7311) These 4 Acts provide the tools to combat trafficking in persons both worldwide and domestically. The Acts authorized the establishment of G/TIP and the President's Interagency Task Force to Monitor and Combat Trafficking in Persons to assist in the coordination of anti-trafficking efforts.) . Executive Order of Sept. 25, 2012 re Strengthening Anti-Trafficking provisions in federal contracts.</p> <p>QDDR 2015: The Department and USAID, which named its first LGBT Coordinator in March 2014, will expand and</p> | <p>As part of the ADS205 directive to Missions, Regional Missions, and Country Offices to describe how the Mission will implement the Agency's Gender Equality and Female Empowerment policy (see gender above), in 2017 the following language was added: "At the Mission's discretion, this Mission Order may also address issues related to the inclusion of other social groups, as long as it addresses the relevant gender issues."</p> <p>USAID LGBT Vision for Action: Promoting and Supporting the Inclusion of Lesbian, Gay, Bisexual, and Transgender Individuals (USAID Policy) - a "set of core principles", includes: Achieving inclusive development programming will require increasing the integration of LGBT issues into USAID's organizational processes, policies, and programming where windows of opportunity arise and capitalizing on lessons learned from prior work in this area, beginning with health and DRG</p> | <p>-As part of due diligence, must ask: •Does the company have a non-discrimination policy governing the hiring and promotion of minorities, women? •Does the company have a good reputation (no serious red flag issue areas), especially in areas of corporate social responsibility (CSR)? In the case of new companies or companies with past CSR troubles, are they committed to instituting/improving a sound CSR policy?</p> <p>- The LGBTI Global Development Partnership: "The LGBTI Global Development Partnership (LGBTI-GDP) is a first-of-its-kind public-private partnership. It leverages the financial and technical contributions of corporations, bilateral donors, foundations, NGOs, and universities to support LGBTI human rights and development in 14 countries across all regions." Funding and implementing partners include USAID among others.</p> |  | <p>Category A and B projects must consider project-related social issues including affected population, housing, income, employment and working conditions, land use, visual impacts, noise and lighting impacts, as well as any fiscal, cultural, ethnic and religious impacts. Information should also be provided on ...individuals and groups that may be particularly vulnerable because of gender, poverty or other factors and the potential for increased transmission of communicable diseases. In addition, Projects may be classified as Special Consideration based on an assessment of the severity of possible social risks, and their relevance to a project. Key risk factors that are taken into consideration may include....: Regional vulnerabilities: projects in countries (i) with a documented history of Labor Rights issues, (ii) having recently experienced conflict associated with Project Affected People, or (iii) with</p> | <p>- Examining the rights of LGBT persons in Vetting for U.S. Assistance: MCC examines human rights, including the human rights of LGBT persons, through its Civil Liberties indicator, which is used as one of the criteria to determine country eligibility for MCC assistance. In situations where concerns for the interests of LGBT individuals are identified during due diligence on a proposed project, MCC integrates these concerns into its social and gender assessment and oversight. (<a href="https://www.whitehouse.gov/the-press-office/2014/06/24/fact-sheet-advancing-human-rights-lgbt-persons-globally">https://www.whitehouse.gov/the-press-office/2014/06/24/fact-sheet-advancing-human-rights-lgbt-persons-globally</a>) (<a href="https://www.mcc.gov/who-we-fund/indicator/civil-liberties-indicator">https://www.mcc.gov/who-we-fund/indicator/civil-liberties-indicator</a>)</p> | <p>EXIM Bank has a business development team devoted to minority and woman-owned businesses which works exclusively with these businesses<br/>IFC PC 1<br/>Equator Principle: 1, 2, 3, 4</p> |
|---|---|--|--|--|---|--|--|

|                              |  |   |   |   |  |   |  |
|------------------------------|--|---|---|---|--|---|--|
| <p><b>“Human Rights”</b></p> | <p>Section 7031(A) of the 2014 Appropriations Act requires that funds made available for direct government-to-government assistance only if...(E) the recipient government is taking steps to protect the rights of civil society, including freedom of association and assembly. —Executive Order 13107: Implementation of Human Rights Treaties - Section 1: (a) - it shall be the policy and practice of the Government of the United States fully to respect and implement its obligations under the international human rights treaties to which it is a party, including the ICCPR, the CAT, and the CERD). In 2017, EO 13818 of Dec. 20, 2017 provided that no donation from individuals or entities could be made, and property and resources within US are blocked, for persons designated by the Treasury Dept in consultation with the DoS and Atty General. to be responsible for or complicit in, or to have directly or indirectly</p> | <p>The Foreign Assistance Act of 1961(i.e. Section 116 (a) No assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violation of internationally recognized human rights) USAID Policy: USAID Strategy on Democracy, Human Rights, and Governance - June 2013. Among the objectives of the strategy: Protect and promote universally recognized human rights. 3.1: Support mechanisms for protection, mitigation, and response to violations against human rights, in particular human rights violations affecting the most vulnerable 3.2: Prevent violations by strengthening human rights frameworks, institutions, and oversight 3.3:Promote human rights principles,in accordance with universal values and international norms 4: Improve development outcomes through the</p> | <p>As part of due diligence, ask: Is the company primarily involved in tobacco or the manufacture or sale of firearms, i.e., involvement in these activities constitutes a significant share of a company’s total portfolio? Does the company have or is the company a signatory to relevant codes of conduct (e.g. social responsibility codes, inclusive business practice codes, etc.) or labor standards?</p> | <p>Public Law 109-95: Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005 (PL 109-95) calls for a comprehensive, coordinated, and effective response on the part of the U.S. Government to the urgent needs of the world’s most vulnerable children. USAID is the lead agency under PL 109-95. During 2009, a Secretariat was established in the Bureau of Global Health (GH) to implement the legislative requirements specified under PL 109-95, including 1) a unified U.S. Government coordination strategy; 2) a U.S. Government-wide monitoring and evaluation system; and 3) annual reports to Congress. The Secretariat is also home to the U.S. Government Special Advisor for Children in Adversity, a position mandated by the law.</p> | <p>Pursuant to Section 239 (i) of the Foreign Assistance Act, OPIC must take into account in the conduct of its programs in a country, in consultation with the U.S. Department of State, all available information about observance of and respect for human rights and fundamental freedoms in such country and the effect the operation of such programs will have on human rights and fundamental freedoms in such country - OPIC does a “Human Rights Consultation” with the State Department prior to project approval. Human Rights is defined as: Those rights expressed in the International Bill of Rights and the principles set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work. The Special Consideration classification of a project indicates (1) a project’s heightened potential for Labor Rights or Human Rights risks or impacts; and (2) a higher risk</p> | <p>- MCC's Civil Liberties Indicator: "This indicator measures country performance on freedom of expression and belief, associational and organizational rights, rule of law and human rights, personal autonomy, individual and economic rights, and the independence of the judiciary."</p> |  |
|------------------------------|--|---|---|---|--|---|--|

|  |  |  |   |  |  |                 |   |
|--|--|--|---|--|--|-----------------|---|
| <p><b>Arbitrary or Forced Displacement</b></p> |  | <p>In the Dec. 2016 National Action Plan on Responsible Business Practices, the U.S. government reaffirm[ed] its support for the consistent implementation of the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), and will commit to adhering to and aligning its relevant overseas development assistance activities to the the VGGT. — USAID Guidelines on Compulsory Displacement and Resettlement in USAID Programming - voluntary tool developed by Land and Resource Tenure group which describes “good practices” - Outline of guidelines: understand the legal and institutional context; Identify all legitimate landholders and relevant risks; If physical displacement is unavoidable, develop a Resettlement Action Plan; Promote informed and meaningful engagement; Improve livelihoods and living standards; and provide additional protections to vulnerable groups,especially</p> | <p>Power Africa implementers require certain private energy projects, including mini-grid, geothermal, hydro and some others to consider resettlement issues.</p> |  | <p>OPIC will not support certain types of projects, as listed in appendix B of its Environmental and Social Policy Statement, p.35-36) - ex.'s include: projects that require resettlement of 5,000 or more persons are prohibited. All projects with potentially major impacts on people or which pose serious socio-economic risk,including but not limited to Physical and Economic Displacement, impacts on Indigenous Peoples and adverse impacts on Cultural Heritage are considered Category A. Economic displacement is defined as “loss of assets or access to assets that leads to loss of income sources or means of livelihood.” —For those projects with the potential for significant adverse impacts on Project Affected People, OPIC will confirm prior to project approval that: (1) the Applicant has engaged the affected groups and communities as required under Performance Standard 1 and</p> | <p>IFC PC 5</p> | <p>IFC PC 5<br/>Equator Principle: 1, 2, 3, 4</p> |
|--|--|--|---|--|--|-----------------|---|

|   |  |   |   |  |  |   |   |
|---|--|---|---|--|--|---|---|
| <p><b>Community Health &amp; Safety, Including Exacerbation of Local Tensions / Atrocity Prevention</b></p> | <p><b>Presidential Study Directive (PSD-10) on Mass Atrocities (2011) mandates a whole of government approach to preventing atrocities. Projects in conflict-prone areas require an Interagency Conflict Assessment Framework.</b></p> <p><b>Executive Order (May 18, 2016) – Comprehensive Approach to Atrocity Prevention and Response</b></p> | <p>- Executive Order – Comprehensive Approach to Atrocity Prevention and Response - Sec. 5. Enhancing Capabilities and Tools. Agencies shall take the following actions in support of the United States Government's policy of working to prevent and respond to mass atrocities:</p> <p>The Department of State and USAID shall work with OMB to support the maintenance of civilian assistance accounts and authorities that enable swift civilian responses to mass atrocity threats and situations. The Department of State and USAID shall offer mass atrocity prevention and response training courses to all officers deployed or planning deployment to countries deemed by the IC to be at high or substantial risk for mass atrocities.</p> <p>The Department of State and USAID shall continue to build and use civilian capacity (i.e., the ability to deploy personnel</p> | <p>Power Africa implementers require certain private energy projects, including mini-grid, geothermal, hydro to conduct a desktop due diligence assessment that looks at social/cultural/political/economic considerations, and country risk – including issues such as government stability and conflict situations.</p> | <p>There are a number of restrictions regarding abortion and involuntary sterilization set forth in Section 104(f) of the FAA and the annual Appropriations Act. These restrictions apply to all activities funded under the annual Appropriations Act, including FP/RH, MCH, HIV/AIDS, malaria, and other health activities. These legislative restrictions are reflected in the mandatory standard provisions of all USAID awards . Biden Amendment (1981): USAID funds may not be used to pay for any biomedical research that relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. Epidemiological or descriptive research to assess the incidence, extent, or consequences of abortions is not covered by the amendment and is therefore permitted. .Additional provision relating to voluntary sterilization (1985): USAID funds may not be used</p> | <p>OPIC applies the following policies to all transactions regardless of the type of financing provided or the sector: IFC's eight social and environmental Performance Standards and World Bank's General and Industry Sector Environmental, Health and Safety Guidelines. OPIC applies ANSI Standard re Private Security Contractors and the Voluntary Principles on Security and Human Rights. OPIC also applies a specific set of community safety guidelines to construction projects. Re conflict, impact analysis for Cat A and B projects includes: Project-related social issues, including affected populations, housing, income, employment and working conditions, land use, visual impacts, noise and lighting impacts, as well as any fiscal, cultural, ethnic, religious, and Human Rights impacts. Information should also be provided on impacts to Project Affected People including any Economic or Physical Displacement (See Glossary),</p> | <p>IFC PC 4 Section 605(e)(3) of the Millennium Challenge Act of 2003 MCC may not provide assistance for any project that is "likely to cause a significant environmental, health, or safety hazard."</p> <p>Construction risk protocol. MCC is committed to promoting the continuous improvement of health and safety (H&amp;S) performance of MCC staff, contractors and consultants as well as the staff, consultants and contractors of MCC's counterparts, the accountable entities known as the Millennium Challenge Accounts (MCAs). It is MCC's policy to ensure that MCC-funded projects and activities meet or exceed all applicable in-country H&amp;S laws and regulations; and, where such laws and regulations are insufficient or absent, to encourage and facilitate the application of responsible international practices and standards. Scope: This policy applies to any program, project or activity</p> | <p>IFC PC 4 Equator Principle: 1, 2, 3, 4</p> |
|---|--|---|---|--|--|---|---|

|                                  |  |   |  |   |   |                 |  |
|----------------------------------|--|---|--|---|---|-----------------|--|
| <p><b>Non-Discrimination</b></p> |  | <p>USAID strongly encourages its implementing partners and their sub-awardees at all tiers to also develop and enforce comprehensive non-discrimination policies for their workplaces that address protection for all employees, including on the basis of sexual orientation and gender identity, subject to applicable law. In addition, an inherent principle of USAID assistance is that all beneficiaries may participate in USAID programs without discrimination. For our development assistance to truly become inclusive and to ensure that LGBT persons have full access to USAID programs, all operating units are accountable for ensuring that USAID staff and implementers uphold these existing provisions addressing non-discrimination in the context of USAID-funded programming.</p> <p>Discrimination Based on Religion Prohibited: The recipient must not, in providing services, discriminate against a</p> | <p>As part of due diligence, ask: Does the company have a non-discrimination policy governing the hiring and promotion of minorities, women?</p> | <p>Livingston-Obey Amendment: In awarding grants for natural family planning, no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning, and all applicants must comply with the DeConcini Amendment.</p> | <p>- Definition of Rights of Workers includes Internationally Recognized Worker Rights, but adds protection from discrimination with respect to employment and occupation on the basis of personal characteristics that are unrelated to inherent job requirements. (from OPIC's Environmental and Social Policy Statement)<br/>OPIC will only support projects that avoid prejudice and discrimination (ESPS 1.3).</p> | <p>IFC PC 2</p> | <p>In accordance with Section 2(k) of the Bank's Charter, except as otherwise provided in the Charter, the Bank may not (a) deny an application for financing based solely on the industry, sector or business the application concerns, or (b) promulgate or implement policies that discriminate against an application based solely on the industry, sector or business that it concerns.</p> <p>IFC PC 2<br/>Equator Principle: 1, 2, 3, 4</p> |
|----------------------------------|--|---|--|---|---|-----------------|--|

|   |   |  |  |  |   |                 |   |
|---|---|--|--|--|---|-----------------|---|
| <p><b>Labor Rights / Safe Working Standards</b></p> | <p><b>Executive Order 13126: Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor</b> - (i.e. "Section 1 (Policy) It shall be the policy of the United States Government, consistent with the Tariff Act of 1930, 19 U.S.C. 1307, the Fair Labor Standards Act, 29 U.S.C. 201 et. seq., and the Walsh-Healey Public Contracts Act, 41 U.S.C. 35 et seq., that executive agencies shall take appropriate actions to enforce the laws prohibiting the manufacture or importation of goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part by forced or indentured child labor.")</p> <p>Executive Order of July 31, 2014 on Fair Pay and Safe Workplaces required federal government contracts over \$500,000 to go to companies that hadn't violated labor laws. The Order was repealed by the Trump administration.</p> <p>—ILO Conventions 105, 176, 182; Declaration of</p> | <p>ADS 225 requires all trade and investment related activities to comply w/ internationally recognized workers rights as defined in 19 U.S.C. 2467(4), but only those activities – this only affects 2% of funds spent. The same ADS requires that trade and investment-related activities do not provide financial incentives that are likely to lead to the loss of US jobs.</p> <p>A GAO audit re construction risk has led to current development of a policy, but not done yet. Counter-trafficking policy touches on forced labor, child labor.</p> | <p>As part of due diligence, ask:•If relevant, does the company have policies barring harmful child labor or forced labor?</p> <ul style="list-style-type: none"> <li>•Does the company have a non-discrimination policy governing the hiring and promotion of minorities, women?</li> <li>•Is the company accepting of unions or attempts to organize a union?</li> <li>•Does the company have a health and safety action plan for workers, including the handling of hazardous materials and the prevention of environmental accidents?</li> </ul> |  | <p>Section 231A of the Foreign Assistance Act contains the following provision: "The Corporation (OPIC) may insure, reinsure, guarantee, or finance a project only if the country in which the project is to be undertaken is taking steps to adopt and implement laws that extend Internationally Recognized Worker Rights, as defined in section 507(4) of the Trade Act of 1974, to workers in that country (including any designated zone in that country)."The term includes: (1) the right of association; (2) the right to organize and collective bargaining; (3) prohibition on forced labor and the worst forms of child labor; (4) a minimum age for the employment of children; and (5) acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety. OPIC includes statutorily required standard worker rights language in every insurance contract, and every finance and investment funds agreement.</p> | <p>IFC PC 2</p> | <p>IFC PC 2<br/>Equator Principle: 1, 2, 3, 4</p> |
|---|---|--|--|--|---|-----------------|---|

|   |  |   |  |  |   |   |  |
|---|--|---|--|--|---|---|--|
| <p><b>Participation of Affected Communities</b></p> |  | <p>ADS 200saf Additional help Guidance on Consultation and Avoidance of Unfair Competitive Advantage (2000) states: It is USAID policy to require and encourage wide participation by and consultation with other entities involved in development, both our partners and our customers - whether host country citizens, governments, NGOs, PVOs, for-profits, or other donor organizations.....While the Agency encourages the broadest possible participation appropriate to a particular situation, some actions require caution in order to ensure a basic standard of fairness. The concern is to balance the need to make maximum use of the development knowledge, experience, and skills possessed by customers and partners in order to achieve development results and meet U.S. foreign assistance objectives, while ensuring that no potential implementors of USAID programs gain an unfair advantage as a result of</p> |  |  | <p>OPIC must confirm that project proponents have carried out meaningful consultation with project affected people. Project Affected People are defined as: Individuals, workers, groups or local communities, including within the supply chain, which are or could be affected by the project's Area of Influence, directly or indirectly, including as a result of cumulative impacts. Emphasis should be placed on those who are directly and adversely affected, disadvantaged or vulnerable. For all projects Applicants are required to meet the requirements related to Stakeholder engagement, Stakeholder analysis and engagement planning, access to information, consultation, reporting to Stakeholders and the establishment of a [community and worker] grievance mechanism. The form and scope of the consultation should be commensurate with the project risks and the nature and scope</p> | <p>the legislation establishing MCC requires that "in entering into a Compact, the United States shall seek to ensure that the government of an eligible country (1) takes into account the local-level perspectives of the rural and urban poor, including women, in the eligible country; and (2) consults with private and voluntary organizations, the business community, and other donors in the eligible country." (from Ch. 6 - Guidelines for Consultation) MCC has committed to meeting the Performance Standards of the IFC - which includes specific guidance on consultation - IFC PC 1 MCC's Gender Policy has specific requirements on consultation: countries will ensure that both women and men have opportunities for meaningful participation throughout the consultative processes related to a Compact program. This consultative approach will inform program development, design, implementation, monitoring,</p> | <p>IFC PC 1 Equator Principle: 1, 2, 3, 4, 5 Project stakeholders, NGOs and interested parties may provide information or comments regarding potential environmental and social issues associated with such projects by responding in writing to the E&amp;E Division at EXIM Bank. Providing information does not give legal standing to any person or group to participate in the EXIM Bank decision-making process. EXIM Bank will review and may take into account the environmental information provided from these sources. If material received by EXIM Bank from sources other than the applicant gives rise to concerns regarding a project's potential risks and impacts, EXIM Bank will give the applicant an opportunity to provide further information addressing these concerns during the period in which EXIM Bank undertakes its environmental review or during the operative stage of EXIM</p> |
|---|--|---|--|--|---|---|--|

|   |  |   |  |  |   |  |  |
|---|--|---|--|--|---|--|--|
| <p><b>Transparency/ Public Rights to/ Access to Information</b></p> |  | <p>Environmental Compliance Database for USAID contains a searchable database of Initial Environmental Examinations (1-page) and environmental assessments for all projects, searchable by country and bureau, although reserving procurement information. Publicly available at <a href="http://gemini.info.usaid.gov/egat/envcomp/search.php">http://gemini.info.usaid.gov/egat/envcomp/search.php</a>.<br/>         From ADS 201.3.19.2: As a general policy, USAID encourages its staff to include stakeholders, partners, and customers in developing USAID plans and related activities. Nonetheless, at some stages of preparation, USAID is required to limit, temporarily, access to planning documents and their review. There are three basic reasons for such restrictions. (1) In procurement, potential issues of organizational conflict of interest and unfair competitive advantage influence the degree to which current or potential partner organizations may be involved in project/activity design. (2)</p> |  |  | <p>Project-related information that is posted on the OPIC web site includes project summaries, summaries of OPIC environmental and social site-monitoring reports, OPIC's active portfolio list and portfolio company investments of OPIC-supported investment funds. Notwithstanding this commitment, OPIC may withhold records or portions of records that are exempted from public disclosure under the Freedom of Information Act (FOIA). Applicants are required to meet the requirements related to ...access to information, consultation, reporting to Stakeholders ...Although disclosure of project-related information is primarily the responsibility of Applicants, OPIC is committed to making available non-confidential project-specific information. OPIC provides advance notice and information on Category A projects, to ensure that interested parties have sufficient information to</p> | <p>implementing entities will be expected to incorporate timely, participatory, and meaningful public consultation in the development of Compact-related Environmental and Social Impact Assessments, analyses, and associated Management Plans. They will also be expected to make these documents publicly available and easily accessible. <b>The authorizing legislation of the MCC requires that the MCC publish both in the Federal Register and on their website a number of reports IFC PC 1</b> Consistent with MCC's principle of host-country ownership of the projects implemented under a Compact, implementing entities will be expected to incorporate timely, participatory, and meaningful public consultation in the development of Compact-related Environmental and Social Impact Assessments, analyses, and associated Management Plans. They will also be expected to make these</p> | <p>The National Action Plan on Resp Business Practices says that EXIM will continue to improve its portal. --when EXIM Bank receives and processes a final application for long-term financing for a project requiring review, EXIM Bank will list the project, its location and a brief description of the project, on the Pending and Approved Transactions List located through its web site. For Category A projects, instructions on how to obtain the project ESIA and other information authorized for release by the project sponsors will be posted on the Pending and Approved Transactions List of EXIM Bank's Web site. In order to protect confidential business information, neither the Pending and Approved Transactions List nor the ESIA's will provide specific information about the identity of the exporter, contract value or the products for which EXIM Bank financing is sought, unless otherwise authorized for release by the buyer or project</p> |
|---|--|---|--|--|---|--|--|

|                                 |  |  |  |   |   |                      |   |
|---------------------------------|--|--|--|---|---|----------------------|---|
| <p><b>Access to Redress</b></p> |  | <p>-Through Inspector General for suspected improprieties.</p> <p>-In Land and Resource Tenure and Social Impacts recommendations: involve indigenous peoples in monitoring; ensure accessible grievance mechanisms are in place. Minimum good practices that should be observed across all types of development projects - Establish accessible and effective grievance mechanisms.</p> |  | <p>Through Inspector General for suspected improprieties.</p> | <p>Applicants are required to undertake ...the establishment of a grievance mechanism. In addition, OPIC has an Office of Accountability (OA) to assess and review complaints about OPIC-supported projects. - The Office of Accountability was established in 2005 by OPIC's Board of Directors in response to guidance from the U.S. Congress. The OA's mission is to 1) provide a forum for affected stakeholders and clients to address concerns and conflicts around the environmental or social effects of Projects, and 2) evaluate and report on OPIC's compliance with its environmental, social, human rights, and labor rights policies.</p> | <p>IFC PC 1,2, 4</p> | <p>IFC PC 1,2, 4</p> <p>Equator Principle: 1, 2, 3, 4, 6, 9, 10</p> <p>- Environmental and Social Project Information and Concerns provides a process for customers, organizations and individuals to request or submit information regarding a specific project, and provides feedback on environmental and social issues. It establishes a formal timeline for response, allowing EXIM staff to promptly receive inquiries and engage in appropriate follow-up action. Please note that a one-time request for information about a particular project is not a subscription for any subsequent monitoring reports on the project. Anyone can request or submit information and/or share their concerns about projects that may or have received export financing support from EXIM Bank. You can also submit information or concerns about a project that has not yet</p> |
|                                 |  |  |  |   |   |                      |   |
|                                 |  |  |  |   |   |                      |   |