

**Functional Series 100 – Agency Organization and Legal Affairs  
Chapter 153 - Indemnification of Employees, and Representation of Employees by  
the Department of Justice or Private Counsel at Government  
Expense**

**\*This is a new ADS Chapter. These policies and procedures were formerly part of  
ADS 537**

**Table of Contents**

<a href="#"><u>153.1</u></a>	<a href="#"><u>OVERVIEW</u></a> .....	<a href="#"><u>2</u></a>
<a href="#"><u>153.2</u></a>	<a href="#"><u>PRIMARY RESPONSIBILITIES</u></a> .....	<a href="#"><u>2</u></a>
<a href="#"><u>153.3</u></a>	<a href="#"><u>POLICY AND PROCEDURES</u></a> .....	<a href="#"><u>2</u></a>
<a href="#"><u>153.3.1</u></a>	<a href="#"><u>Indemnification of Employees</u></a> .....	<a href="#"><u>2</u></a>
<a href="#"><u>153.3.2</u></a>	<a href="#"><u>Representation of Employees by the Department of Justice or Private Counsel at Government Expense</u></a> .....	<a href="#"><u>2</u></a>
<a href="#"><u>153.4</u></a>	<a href="#"><u>MANDATORY REFERENCES</u></a> .....	<a href="#"><u>3</u></a>
<a href="#"><u>153.4.1</u></a>	<a href="#"><u>External Mandatory References</u></a> .....	<a href="#"><u>3</u></a>
<a href="#"><u>153.4.2</u></a>	<a href="#"><u>Internal Mandatory References</u></a> .....	<a href="#"><u>3</u></a>
<a href="#"><u>153.5</u></a>	<a href="#"><u>ADDITIONAL HELP</u></a> .....	<a href="#"><u>3</u></a>
<a href="#"><u>153.6</u></a>	<a href="#"><u>DEFINITIONS</u></a> .....	<a href="#"><u>3</u></a>

## **Chapter 153 - Indemnification of Employees, and Representation of Employees by the Department of Justice or Private Counsel at Government Expense**

### **153.1 OVERVIEW**

This chapter establishes policy and procedures for

- a. Indemnification of employees for personal liability for official acts; and
- b. Representation of employees by the Department of Justice or private counsel for acts within the scope of employment.

### **153.2 PRIMARY RESPONSIBILITIES**

- a. The Assistant Administrator for the Bureau for Management (AA/M) has authority under the delegation in ADS 103.3.10.1 to decide requests for indemnification. **(See [ADS 103.3.10.1](#))**

### **153.3 POLICY AND PROCEDURES**

#### **153.3.1 Indemnification of Employees**

The policy for indemnification of employees for personal liability for official acts is set forth in 22 CFR Part 207. **(See Mandatory Reference, [22 CFR Part 207](#))** Requests for indemnification are submitted to and decided by the AA/M or his or her delegate in consultation with the Office of the General Counsel.

#### **153.3.2 Representation of Employees by the Department of Justice or Private Counsel at Government Expense**

Employees who believe they are entitled to representation by the Department of Justice must submit their requests for representation to the Office of the General Counsel, Office of the Assistant General Counsel for Litigation and Enforcement (GC/LE). The procedures for such representation are found at 28 CFR § 50.15. **(See Mandatory Reference, [28 CFR Sec. 50.15](#))**

Under 28 CFR § 50.16, there are situations in which USAID may pay for private counsel. **(See Mandatory Reference, [28 CFR Sec. 50.16](#))** AA/M is authorized under the general delegation of authority in ADS 103.3.10.1 to decide whether or not to retain private counsel.

**153.4 MANDATORY REFERENCES**

**153.4.1 External Mandatory References**

- a. [22 CFR Part 207, Indemnification of Employees](#)
- b. [28 CFR Sec. 50.15, Representation of Federal officials and employees by Department of Justice attorneys or by private counsel furnished by the Department in civil, criminal, and congressional proceedings in which Federal employees are sued, subpoenaed, or charged in their individual capacities.](#)
- c. [28 CFR Sec. 50.16, Representation of Federal employees by private counsel at Federal expense.](#)

**153.4.2 Internal Mandatory References**

- a. [ADS 103, Delegations of Authority](#)

**153.5 ADDITIONAL HELP**

**153.6 DEFINITIONS**