

Suspend the Rules And Pass the Bill, H. R. 3159, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

112TH CONGRESS
1ST SESSION

H. R. 3159

To direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2011

Mr. POE of Texas (for himself, Mr. BERMAN, Mr. SMITH of Washington, Mr. CRENSHAW, Mr. BURTON of Indiana, Mrs. ELLMERS, Mr. CONYERS, Mr. MORAN, Mr. CARNAHAN, Mr. SIRES, Mr. RANGEL, Mr. GRIFFIN of Arkansas, Mr. CHABOT, Mr. BILIRAKIS, Mr. ACKERMAN, Mr. WESTMORELAND, Mr. CONNOLLY of Virginia, Mr. MCCAUL, Mr. JACKSON of Illinois, Mr. MCDERMOTT, Mr. BONNER, Ms. ESHOO, Mr. CICILLINE, Mr. BLUMENAUER, Mr. COFFMAN of Colorado, Mr. WELCH, Mr. DEUTCH, Mr. MURPHY of Connecticut, Mrs. SCHMIDT, Mr. ELLISON, and Mr. KELLY) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Foreign Aid Trans-
5 parency and Accountability Act of 2012”.

6 **SEC. 2. GUIDELINES FOR UNITED STATES FOREIGN DEVEL-**
7 **OPMENT ASSISTANCE.**

8 (a) PURPOSE.—The purpose of this section is to
9 evaluate the performance of United States foreign develop-
10 ment assistance and its contribution to policy, strategies,
11 projects, program goals, and priorities undertaken by the
12 United States, to foster and promote innovative programs
13 to improve the effectiveness of United States foreign devel-
14 opment assistance, and to coordinate the monitoring and
15 evaluation processes of Federal departments and agencies
16 that administer United States foreign development assist-
17 ance.

18 (b) ESTABLISHMENT OF GUIDELINES.—Not later
19 than 18 months after the date of the enactment of this
20 Act, the President shall establish guidelines regarding the
21 establishment of measurable goals, performance metrics,
22 and monitoring and evaluation plans that can be applied
23 with reasonable consistency to United States foreign devel-
24 opment assistance. Such guidelines should be established

1 according to best practices of monitoring and evaluation
2 studies and analyses.

3 (c) OBJECTIVES OF GUIDELINES.—

4 (1) IN GENERAL.—The guidelines established
5 under this section shall provide direction to Federal
6 departments and agencies that administer United
7 States foreign development assistance on how to de-
8 velop the complete range of activities relating to the
9 monitoring of resources, the evaluation of projects,
10 the evaluation of program impacts, and analysis that
11 is necessary for the identification of findings, gen-
12 eralizations that can be derived from those findings,
13 and their applicability to proposed project and pro-
14 gram design.

15 (2) OBJECTIVES.—Specifically, the guidelines
16 shall provide direction on how to achieve the fol-
17 lowing objectives for monitoring and evaluation of
18 programs:

19 (A) Building measurable goals, perform-
20 ance metrics and monitoring and evaluation
21 into program design at the outset, including the
22 provision of sufficient program resources to
23 conduct monitoring and evaluation.

24 (B) Disseminating guidelines for the devel-
25 opment and implementation of monitoring and

1 evaluation programs to all personnel, especially
2 in the field, who are responsible for the design,
3 implementation, and management of United
4 States foreign development assistance pro-
5 grams.

6 (C) Contributing to the collection and dis-
7 semination of knowledge and lessons learned to
8 United States development professionals, imple-
9 menting partners, the international aid commu-
10 nity, and aid recipient governments, and as a
11 repository of knowledge on lessons learned.

12 (D) Distributing evaluation reports inter-
13 nally.

14 (E) Establishing annual monitoring and
15 evaluation agendas and objectives.

16 (F) Applying rigorous monitoring and eval-
17 uation methodologies, including choosing from
18 among a wide variety of qualitative and quan-
19 titative methods common in the field of social
20 scientific inquiry.

21 (G) Partnering with the academic commu-
22 nity, implementing partners, and national and
23 international institutions that have expertise in
24 monitoring and evaluation and analysis when
25 such partnerships will provide needed expertise

1 or will significantly improve the evaluation and
2 analysis.

3 (H) Developing and implementing a train-
4 ing plan for appropriate aid personnel on the
5 proper conduct of monitoring and evaluation
6 programs.

7 (d) IMPLEMENTATION OF GUIDELINES.—Beginning
8 not later than one year after the date on which the Presi-
9 dent establishes the guidelines under this section, the head
10 of each Federal department or agency that administers
11 United States foreign development assistance shall admin-
12 ister the United States foreign development assistance in
13 accordance with the guidelines.

14 (e) PRESIDENTIAL REPORT.—Not later than 18
15 months after the date of the enactment of this Act, the
16 President shall submit to Congress a report that contains
17 a detailed description of the guidelines that have been de-
18 veloped on measurable goals, performance metrics, and
19 monitoring and evaluation plans for United States foreign
20 development assistance established under this section. The
21 report shall be submitted in unclassified form to the max-
22 imum extent possible, but may include a classified annex.

23 (f) COMPTROLLER GENERAL REPORTS.—The Comp-
24 troller General of the United States shall—

1 (1) not later than one year after the date of the
2 enactment of this Act, submit to the appropriate
3 congressional committees a report that contains an
4 analysis of the actions that the major Federal de-
5 partments and agencies that administer United
6 States foreign development assistance have taken to
7 ensure that United States foreign development as-
8 sistance program evaluation is planned, conducted,
9 and utilized effectively; and

10 (2) not later than two years after the date of
11 the enactment of this Act, submit to the appropriate
12 congressional committees a report that contains an
13 analysis of—

14 (A) the guidelines established pursuant to
15 subsection (b); and

16 (B) the implementation of the guidelines
17 by the major Federal departments and agencies
18 that administer United States foreign develop-
19 ment assistance.

20 (g) **EVALUATION DEFINED.**—In this section, the
21 term “evaluation” means, with respect to a United States
22 foreign development assistance program, the systematic
23 collection and analysis of information about the character-
24 istics and outcomes of the program and projects under the
25 program as a basis for judgments, to improve effective-

1 ness, and to inform decisions about current and future
2 programming.

3 **SEC. 3. INTERNET WEBSITE TO MAKE PUBLICLY AVAIL-**
4 **ABLE COMPREHENSIVE, TIMELY, COM-**
5 **PARABLE, AND ACCESSIBLE INFORMATION**
6 **ON UNITED STATES FOREIGN DEVELOPMENT**
7 **ASSISTANCE PROGRAMS.**

8 (a) ESTABLISHMENT; PUBLICATION AND UP-
9 DATES.—Not later than 30 days after the date of the en-
10 actment of this Act, the President shall direct the Sec-
11 retary of State to establish and maintain an Internet
12 website to make publicly available in unclassified form
13 comprehensive, timely, comparable, and accessible infor-
14 mation on United States foreign development assistance.
15 The head of each Federal department or agency that ad-
16 ministers United States foreign development assistance
17 shall, not later than 3 years after the date of the enact-
18 ment of this Act, publish and on a quarterly basis update
19 on the Internet website such information with respect to
20 the United States foreign development assistance pro-
21 grams of such Federal department or agency.

22 (b) MATTERS TO BE INCLUDED.—

23 (1) IN GENERAL.—Such information shall be
24 published on a detailed program-by-program basis
25 and country-by-country basis.

1 (2) TYPES OF INFORMATION.—To ensure trans-
2 parency, accountability, and effectiveness of United
3 States foreign development assistance, such informa-
4 tion should include country assistance strategies, an-
5 nual budget documents, congressional budget jus-
6 tifications, obligations, expenditures, and reports
7 and evaluations, including those developed pursuant
8 to the guidelines established by section 2, for United
9 States foreign development assistance programs and
10 projects under such programs. Each type of infor-
11 mation described in this paragraph shall be pub-
12 lished or updated on the Internet website not later
13 than 90 days after the date of issuance of the infor-
14 mation.

15 (3) REPORT IN LIEU OF INCLUSION.—If—

16 (A) the head of a Federal department or
17 agency makes a determination that the inclu-
18 sion of a required item of information on the
19 Internet website would jeopardize the health or
20 security of an implementing partner or program
21 beneficiary, or

22 (B) the Secretary of State makes a deter-
23 mination that the inclusion of a required item
24 of information on the Internet website would be

1 detrimental to the national interests of the
2 United States,
3 then the head of such Federal department or agency
4 or the Secretary of State, as the case may be, shall
5 provide briefings to Congress on the item of infor-
6 mation or submit to Congress the item of informa-
7 tion in a written report in lieu of it being included
8 on the Internet website, along with the reasons for
9 it not being included on the Internet website. Any
10 such item of information may be submitted to Con-
11 gress in classified form.

12 (c) SCOPE OF INFORMATION.—

13 (1) IN GENERAL.—The Internet website shall
14 contain the information described in subsection (b)
15 as follows:

16 (A) For fiscal year 2013, the information
17 relating to such fiscal year and each of the im-
18 mediately preceding 2 fiscal years.

19 (B) For fiscal year 2014, the information
20 relating to such fiscal year and each of the im-
21 mediately preceding 3 fiscal years.

22 (C) For fiscal year 2015, the information
23 relating to such fiscal year and each of the im-
24 mediately preceding 4 fiscal years.

1 (D) For fiscal year 2016 and each fiscal
2 year thereafter, the information relating to such
3 fiscal year and each of the immediately pre-
4 ceding 5 fiscal years.

5 (2) OLDER INFORMATION.—For fiscal year
6 2017 and each fiscal year thereafter, the Internet
7 website shall also contain a link to a searchable
8 database available to the public containing informa-
9 tion described in subsection (b) relating to fiscal
10 years prior to the immediately preceding 5 fiscal
11 years but subsequent to fiscal year 2010.

12 **SEC. 4. CONGRESSIONAL BRIEFINGS IF REQUIREMENTS OF**
13 **SECTION 3 ARE NOT MET.**

14 If the information described in section 3(b) with re-
15 spect to a United States foreign development assistance
16 program is not provided as required under section 3, then
17 the head of the relevant Federal department or agency
18 shall provide briefings to the appropriate congressional
19 committees, along with a detailed explanation of why the
20 requirements for publication on the Internet have not been
21 met and when they will be met, with respect to each month
22 for which such information is not published on the Inter-
23 net.

1 **SEC. 5. OFFSET.**

2 Of the amounts authorized to be appropriated for
3 United States foreign development assistance programs of
4 a Federal department or agency that administers such
5 programs for a fiscal year, up to 5 percent of such
6 amounts are authorized to be appropriated to carry out
7 this Act with respect to such programs for such fiscal
8 year.

9 **SEC. 6. DEFINITIONS.**

10 In this Act:

11 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
12 **TEES.**—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Foreign Affairs and
15 the Committee on Appropriations of the House
16 of Representatives; and

17 (B) the Committee on Foreign Relations
18 and the Committee on Appropriations of the
19 Senate.

20 (2) **UNITED STATES FOREIGN DEVELOPMENT**
21 **ASSISTANCE.**—The term “United States foreign de-
22 velopment assistance” means assistance primarily
23 for purposes of foreign development and economic
24 support, including but not limited to assistance au-
25 thorized under—

- 1 (A) part I of the Foreign Assistance Act of
2 1961 (22 U.S.C. 2151 et seq.), other than—
- 3 (i) title IV of chapter 2 of such part
4 (relating to the Overseas Private Invest-
5 ment Corporation);
- 6 (ii) chapter 3 of such part (relating to
7 International Organizations and Pro-
8 grams); and
- 9 (iii) chapter 8 of such part (relating
10 to International Narcotics Control);
- 11 (B) chapter 4 of part II of the Foreign As-
12 sistance Act of 1961 (22 U.S.C 2346 et seq.;
13 relating to Economic Support Fund) for long-
14 term development; and
- 15 (C) the Millennium Challenge Act of 2003
16 (22 U.S.C 7701 et seq.).

Amend the title so as to read: “A bill to direct the President to establish guidelines for United States foreign development assistance, and for other purposes.”.