

Suspend the Rules and Pass the Bill, H.R. 3766, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
1ST SESSION

H. R. 3766

To direct the President to establish guidelines for United States foreign development and economic assistance programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2015

Mr. POE of Texas (for himself and Mr. CONNOLLY) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To direct the President to establish guidelines for United States foreign development and economic 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 2015”.

1 **SEC. 2. GUIDELINES FOR UNITED STATES FOREIGN DEVEL-**
2 **OPMENT AND ECONOMIC ASSISTANCE PRO-**
3 **GRAMS.**

4 (a) PURPOSE.—The purpose of this section is to
5 evaluate the performance of United States foreign develop-
6 ment and economic assistance and its contribution to the
7 policies, strategies, projects, program goals, and priorities
8 undertaken by the Federal Government, to foster and pro-
9 mote innovative programs to improve effectiveness, and to
10 coordinate the monitoring and evaluation processes of
11 Federal departments and agencies that administer United
12 States foreign development and economic assistance.

13 (b) ESTABLISHMENT OF GUIDELINES.—Not later
14 than 18 months after the date of the enactment of this
15 Act, the President shall set forth guidelines for the estab-
16 lishment of measurable goals, performance metrics, and
17 monitoring and evaluation plans that can be applied with
18 reasonable consistency to United States foreign develop-
19 ment and economic assistance. Such guidelines shall be
20 established according to best practices of monitoring and
21 evaluation studies and analyses.

22 (c) OBJECTIVES OF GUIDELINES.—

23 (1) IN GENERAL.—The guidelines established
24 under subsection (b) shall provide direction to Fed-
25 eral departments and agencies that administer
26 United States foreign development and economic as-

1 sistance on monitoring the use of resources, evalu-
2 ating the outcomes and impacts of United States
3 foreign development and economic assistance
4 projects and programs, and applying the findings
5 and conclusions of such evaluations to proposed
6 project and program design.

7 (2) OBJECTIVES.—Specifically, the guidelines
8 established under subsection (b) shall require Fed-
9 eral departments and agencies that administer
10 United States foreign development and economic as-
11 sistance to take the following actions:

12 (A) Establish annual monitoring and eval-
13 uation agendas and objectives to plan and man-
14 age the process of monitoring, evaluating, ana-
15 lyzing progress, and applying learning toward
16 achieving results.

17 (B) Develop specific project monitoring
18 and evaluation plans, to include measurable
19 goals and performance metrics, and identify the
20 resources necessary to conduct such evalua-
21 tions, which should be covered by program
22 costs, during project design.

23 (C) Apply rigorous monitoring and evalua-
24 tion methodologies to such programs, including
25 through the use of impact evaluations, ex-post

1 evaluations, or other methods as appropriate,
2 that clearly define program logic, inputs, out-
3 puts, intermediate outcomes, and end outcomes.

4 (D) Disseminate guidelines for the develop-
5 ment and implementation of monitoring and
6 evaluation programs to all personnel, especially
7 in the field, who are responsible for the design,
8 implementation, and management of United
9 States foreign development and economic assist-
10 ance programs.

11 (E) Establish methodologies for the collec-
12 tion of data, including baseline data to serve as
13 a reference point against which progress can be
14 measured.

15 (F) Evaluate at least once in their lifetime
16 all programs whose dollar value equals or ex-
17 ceeds the median program size for the relevant
18 office or bureau or an equivalent calculation to
19 ensure the majority of program resources are
20 evaluated.

21 (G) Conduct impact evaluations on all pilot
22 programs before replicating wherever possible,
23 or provide a written justification for not con-
24 ducting an impact evaluation where such an

1 evaluation was deemed inappropriate or impos-
2 sible.

3 (H) Develop a clearinghouse capacity for
4 the collection and dissemination of knowledge
5 and lessons learned that serve as benchmarks to
6 guide future programs for United States devel-
7 opment professionals, implementing partners,
8 the donor community, and aid recipient govern-
9 ments, and as a repository of knowledge on les-
10 sons learned.

11 (I) Distribute evaluation reports internally.

12 (J) Publicly report each evaluation, includ-
13 ing an executive summary, a description of the
14 evaluation methodology, key findings, appro-
15 priate context (including quantitative and quali-
16 tative data when available), and recommenda-
17 tions made in the evaluation within 90 days
18 after the completion of the evaluation.

19 (K) Undertake collaborative partnerships
20 and coordinate efforts with the academic com-
21 munity, implementing partners, and national
22 and international institutions that have exper-
23 tise in program monitoring, evaluation, and
24 analysis when such partnerships provide needed

1 expertise or significantly improve the evaluation
2 and analysis.

3 (L) Ensure verifiable, valid, credible, pre-
4 cise, reliable, and timely data are available to
5 monitoring and evaluation personnel to permit
6 the objective evaluation of the effectiveness of
7 United States foreign development and eco-
8 nomic assistance programs, including an assess-
9 ment of assumptions and limitations in such
10 evaluations.

11 (M) Ensure that standards of professional
12 evaluation organizations for monitoring and
13 evaluation efforts are employed, including en-
14 suring the integrity and independence of evalua-
15 tions, permitting and encouraging the exercise
16 of professional judgment, and providing for
17 quality control and assurance in the monitoring
18 and evaluation process.

19 (d) PRESIDENTIAL REPORT.—Not later than 18
20 months after the date of the enactment of this Act, the
21 President shall submit to the appropriate congressional
22 committees a report that contains a detailed description
23 of the guidelines established under subsection (b). The re-
24 port shall be submitted in unclassified form, but it may
25 contain a classified annex.

1 (e) COMPTROLLER GENERAL REPORT.—The Comp-
2 troller General of the United States shall, not later than
3 1 year after the report required by subsection (d) is sub-
4 mitted to Congress, submit to the appropriate congres-
5 sional committees a report that analyzes—

6 (1) the guidelines established pursuant to sub-
7 section (b); and

8 (2) a side-by-side comparison of the President’s
9 budget request for that fiscal year of every oper-
10 ational unit that carries out United States foreign
11 development and economic assistance and the per-
12 formance of such units during the prior fiscal year.

13 **SEC. 3. INFORMATION ON UNITED STATES FOREIGN DE-**
14 **VELOPMENT AND ECONOMIC ASSISTANCE**
15 **PROGRAMS.**

16 (a) PUBLICATION OF INFORMATION.—

17 (1) UPDATE OF EXISTING WEB SITE.—Not
18 later than 90 days after the date of the enactment
19 of this Act, the Secretary of State shall update the
20 Department of State’s Internet Web site,
21 “ForeignAssistance.gov”, to make publicly available
22 comprehensive, timely, and comparable information
23 on United States foreign development and economic
24 assistance programs, including all information re-

1 quired pursuant to subsection (b) of this section that
2 is then available to the Secretary of State.

3 (2) INFORMATION SHARING.—The head of each
4 Federal department or agency that administers
5 United States foreign development and economic as-
6 sistance shall, not later than 2 years after the date
7 of the enactment of this Act, and on a quarterly
8 basis thereafter, provide to the Secretary of State
9 comprehensive information about the United States
10 foreign development and economic assistance pro-
11 grams carried out by such department or agency.

12 (3) UPDATES TO WEB SITE.—Not later than 2
13 years after the date of the enactment of this Act, the
14 Secretary of State shall publish, through the
15 “ForeignAssistance.gov” Web site or a successor on-
16 line publication, the information provided under sub-
17 section (b) of this section and shall update such in-
18 formation on a quarterly basis.

19 (b) MATTERS TO BE INCLUDED.—

20 (1) IN GENERAL.—The information described in
21 subsection (a) shall be published on a detailed
22 award-by-award and country-by-country basis unless
23 assistance is provided on a regional level, in which
24 case the information shall be published on an award-
25 by-award and region-by-region basis.

1 (2) TYPES OF INFORMATION.—

2 (A) IN GENERAL.—To ensure trans-
3 parency, accountability, and effectiveness of
4 United States foreign development and eco-
5 nomic assistance programs, the information de-
6 scribed in subsection (a) shall include—

7 (i) links to all regional, country, and
8 sector assistance strategies, annual budget
9 documents, congressional budget justifica-
10 tions, evaluations and summaries of eval-
11 uations as required under section
12 2(c)(2)(J);

13 (ii) basic descriptive summaries for
14 United States foreign development and
15 economic assistance programs and awards
16 under such programs; and

17 (iii) obligations and expenditures
18 under such programs.

19 Each type of information described in this para-
20 graph shall be published or updated on the
21 Internet Web site not later than 90 days after
22 the date of issuance of the information.

23 (B) RULE OF CONSTRUCTION.—Nothing in
24 subparagraph (A) shall be construed to require
25 a Federal department or agency that admin-

1 isters United States foreign development and
2 economic assistance to provide any information
3 that does not relate to or is not otherwise re-
4 quired by the United States foreign develop-
5 ment and economic assistance programs carried
6 out by such department or agency.

7 (3) REPORT IN LIEU OF INCLUSION.—

8 (A) HEALTH OR SECURITY OF IMPLE-
9 MENTING PARTNERS.—If the head of a Federal
10 department or agency, in consultation with the
11 Secretary of State, makes a determination that
12 the inclusion of a required item of information
13 online would jeopardize the health or security of
14 an implementing partner or program bene-
15 ficiary or would require the release of propri-
16 etary information of an implementing partner
17 or program beneficiary, the head of the Federal
18 department or agency shall provide such deter-
19 mination in writing to the appropriate congres-
20 sional committees, including the basis for such
21 determination and shall—

22 (i) provide a briefing to the appro-
23 priate congressional committees on such
24 information; or

1 (ii) submit to the appropriate congres-
2 sional committees such information in a
3 written report.

4 (B) NATIONAL INTERESTS OF THE UNITED
5 STATES.—If the Secretary of State makes a de-
6 termination that the inclusion of a required
7 item of information online would be detrimental
8 to the national interests of the United States,
9 the Secretary of State shall provide such deter-
10 mination in writing to the appropriate congres-
11 sional committees, including the basis for such
12 determination and shall—

13 (i) provide a briefing to the appro-
14 priate congressional committees on such
15 information; or

16 (ii) submit to the appropriate congres-
17 sional committees the item of information
18 in a written report.

19 (C) FORM.—Any briefing or item of infor-
20 mation provided under this paragraph may be
21 provided in classified form, as appropriate.

22 (4) FAILURE TO COMPLY.—If a Federal depart-
23 ment or agency fails to comply with the require-
24 ments of subsection (a), paragraph (1) or (2) of this
25 subsection, or subsection (c) with respect to pro-

1 viding information described in subsection (a), and
2 the information is not subject to a determination
3 under subparagraph (A) or (B) of paragraph (3) of
4 this subsection not to make the information pub-
5 lically available, the Director of the Office of Man-
6 agement and Budget, in consultation with the head
7 of such department or agency, shall submit to the
8 appropriate congressional committees not later than
9 September 1, 2016, a consolidated report describing,
10 with respect to each required item of information
11 not made publicly available—

12 (A) a detailed explanation of the reason for
13 not making such information publicly available;
14 and

15 (B) the department's or agency's plan and
16 timeline for immediately making such informa-
17 tion publicly available, and for ensuring that in-
18 formation is made publically available in fol-
19 lowing years.

20 (c) SCOPE OF INFORMATION.—The online publication
21 required by subsection (a) shall, at a minimum, provide
22 the information required by subsection (b)—

23 (1) in each fiscal year from 2016 through 2019,
24 such information for fiscal years 2012 through the
25 current fiscal year; and

1 (2) for fiscal year 2020 and each fiscal year
2 thereafter, such information for the immediately pre-
3 ceding five fiscal years in a fully searchable form.

4 **SEC. 4. DEFINITIONS.**

5 In this Act:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Foreign Relations
10 and the Committee on Appropriations of the
11 Senate; and

12 (B) the Committee on Foreign Affairs and
13 the Committee on Appropriations of the House
14 of Representatives.

15 (2) EVALUATION.—The term “evaluation”
16 means, with respect to a United States foreign de-
17 velopment and economic assistance program, the
18 systematic collection and analysis of information
19 about the characteristics and outcomes of the pro-
20 gram, including projects conducted under such pro-
21 gram, as a basis for making judgments and evalua-
22 tions regarding the program, to improve program ef-
23 fectiveness, and to inform decisions about current
24 and future programming.

1 (3) UNITED STATES FOREIGN DEVELOPMENT
2 AND ECONOMIC ASSISTANCE.—The term “United
3 States foreign development and economic assistance”
4 means assistance provided primarily for the purposes
5 of foreign development and economic support, in-
6 cluding assistance authorized under—

7 (A) part I of the Foreign Assistance Act of
8 1961 (22 U.S.C. 2151 et seq.), other than—

9 (i) title IV of chapter 2 of such part
10 (relating to the Overseas Private Invest-
11 ment Corporation);

12 (ii) chapter 3 of such part (relating to
13 International Organizations and Pro-
14 grams); and

15 (iii) chapter 8 of such part (relating
16 to International Narcotics Control);

17 (B) chapter 4 of part II of the Foreign As-
18 sistance Act of 1961 (22 U.S.C. 2346 et seq.;
19 relating to Economic Support Fund);

20 (C) the Millennium Challenge Act of 2003
21 (22 U.S.C. 7701 et seq.); and

22 (D) the Food for Peace Act (7 U.S.C.
23 1721 et seq.).