

In the Senate of the United States,

June 28, 2016.

Resolved, That the bill from the House of Representatives (H.R. 3766) entitled “An Act to direct the President to establish guidelines for United States foreign development and economic assistance programs, and for other purposes.”, do pass with the following

AMENDMENTS:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Foreign Aid Trans-*
3 *parency and Accountability Act of 2016”.*

4 ***SEC. 2. DEFINITIONS.***

5 *In this Act:*

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

1 (A) *the Committee on Foreign Relations of*
2 *the Senate;*

3 (B) *the Committee on Appropriations of the*
4 *Senate;*

5 (C) *the Committee on Foreign Affairs of the*
6 *House of Representatives; and*

7 (D) *the Committee on Appropriations of the*
8 *House of Representatives.*

9 (2) *EVALUATION.—The term “evaluation”*
10 *means, with respect to a covered United States foreign*
11 *assistance program, the systematic collection and*
12 *analysis of information about the characteristics and*
13 *outcomes of the program, including projects conducted*
14 *under such program, as a basis for—*

15 (A) *making judgments and evaluations re-*
16 *garding the program;*

17 (B) *improving program effectiveness; and*

18 (C) *informing decisions about current and*
19 *future programming.*

20 (3) *COVERED UNITED STATES FOREIGN ASSIST-*
21 *ANCE.—The term “covered United States foreign as-*
22 *stance” means assistance authorized under—*

23 (A) *part I of the Foreign Assistance Act of*
24 *1961 (22 U.S.C. 2151 et seq.), except for—*

1 (i) title IV of chapter 2 of such part
2 (relating to the Overseas Private Investment
3 Corporation); and

4 (ii) chapter 3 of such part (relating to
5 International Organizations and Pro-
6 grams);

7 (B) chapter 4 of part II of the Foreign As-
8 sistance Act of 1961 (22 U.S.C. 2346 et seq.; re-
9 lating to Economic Support Fund);

10 (C) the Millennium Challenge Act of 2003
11 (22 U.S.C. 7701 et seq.); and

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

14 **SEC. 3. GUIDELINES FOR COVERED UNITED STATES FOR-**
15 **IGN ASSISTANCE PROGRAMS.**

16 (a) *PURPOSES.*—The purposes of this section are to—

17 (1) evaluate the performance of covered United
18 States foreign assistance and its contribution to the
19 policies, strategies, projects, program goals, and prior-
20 ities undertaken by the Federal Government;

21 (2) support and promote innovative programs to
22 improve effectiveness; and

23 (3) coordinate the monitoring and evaluation
24 processes of Federal departments and agencies that
25 administer covered United States foreign assistance.

1 **(b) ESTABLISHMENT OF GUIDELINES.**—Not later than
2 18 months after the date of the enactment of this Act, the
3 President shall set forth guidelines, according to best prac-
4 tices of monitoring and evaluation studies and analyses, for
5 the establishment of measurable goals, performance metrics,
6 and monitoring and evaluation plans that can be applied
7 with reasonable consistency to covered United States foreign
8 assistance.

9 **(c) OBJECTIVES OF GUIDELINES.**—

10 **(1) IN GENERAL.**—The guidelines established
11 pursuant to subsection (b) shall provide direction to
12 Federal departments and agencies that administer
13 covered United States foreign assistance on—

14 **(A)** monitoring the use of resources;

15 **(B)** evaluating the outcomes and impacts of
16 covered United States foreign assistance projects
17 and programs; and

18 **(C)** applying the findings and conclusions
19 of such evaluations to proposed project and pro-
20 gram design.

21 **(2) OBJECTIVES.**—The guidelines established
22 pursuant to subsection (b) shall provide direction to
23 Federal departments and agencies that administer
24 covered United States foreign assistance on how to—

1 (A) establish annual monitoring and eval-
2 uation objectives and timetables to plan and
3 manage the process of monitoring, evaluating,
4 analyzing progress, and applying learning to-
5 ward achieving results;

6 (B) develop specific project monitoring and
7 evaluation plans, including measurable goals
8 and performance metrics, and to identify the re-
9 sources necessary to conduct such evaluations,
10 which should be covered by program costs;

11 (C) apply rigorous monitoring and evalua-
12 tion methodologies to such programs, including
13 through the use of impact evaluations, ex-post
14 evaluations, or other methods, as appropriate,
15 that clearly define program logic, inputs, out-
16 puts, intermediate outcomes, and end outcomes;

17 (D) disseminate guidelines for the develop-
18 ment and implementation of monitoring and
19 evaluation programs to all personnel, especially
20 in the field, who are responsible for the design,
21 implementation, and management of covered
22 United States foreign assistance programs;

23 (E) establish methodologies for the collection
24 of data, including baseline data to serve as a ref-

1 *erence point against which progress can be meas-*
2 *ured;*

3 *(F) evaluate, at least once in their lifetime,*
4 *all programs whose dollar value equals or exceeds*
5 *the median program size for the relevant office or*
6 *bureau or an equivalent calculation to ensure the*
7 *majority of program resources are evaluated;*

8 *(G) conduct impact evaluations on all pilot*
9 *programs before replicating, or conduct perform-*
10 *ance evaluations and provide a justification for*
11 *not conducting an impact evaluation when such*
12 *an evaluation is deemed inappropriate or im-*
13 *practicable;*

14 *(H) develop a clearinghouse capacity for the*
15 *collection, dissemination, and preservation of*
16 *knowledge and lessons learned to guide future*
17 *programs for United States foreign assistance*
18 *personnel, implementing partners, the donor*
19 *community, and aid recipient governments;*

20 *(I) internally distribute evaluation reports;*

21 *(J) publicly report each evaluation, includ-*
22 *ing an executive summary, a description of the*
23 *evaluation methodology, key findings, appro-*
24 *priate context, including quantitative and quali-*
25 *tative data when available, and recommenda-*

1 *tions made in the evaluation within 90 days*
2 *after the completion of the evaluation;*

3 *(K) undertake collaborative partnerships*
4 *and coordinate efforts with the academic commu-*
5 *nity, implementing partners, and national and*
6 *international institutions, as appropriate, that*
7 *have expertise in program monitoring, evalua-*
8 *tion, and analysis when such partnerships pro-*
9 *vide needed expertise or significantly improve*
10 *the evaluation and analysis;*

11 *(L) ensure verifiable, reliable, and timely*
12 *data, including from local beneficiaries and*
13 *stakeholders, are available to monitoring and*
14 *evaluation personnel to permit the objective eval-*
15 *uation of the effectiveness of covered United*
16 *States foreign assistance programs, including an*
17 *assessment of assumptions and limitations in*
18 *such evaluations; and*

19 *(M) ensure that standards of professional*
20 *evaluation organizations for monitoring and*
21 *evaluation efforts are employed, including ensur-*
22 *ing the integrity and independence of evalua-*
23 *tions, permitting and encouraging the exercise of*
24 *professional judgment, and providing for quality*

1 *control and assurance in the monitoring and*
2 *evaluation process.*

3 *(d) PRESIDENT’S REPORT.—Not later than 18 months*
4 *after the date of the enactment of this Act, the President*
5 *shall submit a report to the appropriate congressional com-*
6 *mittees that contains a detailed description of the guidelines*
7 *established pursuant to subsection (b). The report shall be*
8 *submitted in unclassified form, but it may contain a classi-*
9 *fied annex.*

10 *(e) COMPTROLLER GENERAL’S REPORT.—The Comp-*
11 *troller General of the United States shall, not later than*
12 *18 months after the report required by subsection (d) is sub-*
13 *mitted to Congress, submit to the appropriate congressional*
14 *committees a report that—*

15 *(1) analyzes the guidelines established pursuant*
16 *to subsection (b); and*

17 *(2) assesses the implementation of the guidelines*
18 *by the agencies, bureaus, and offices that implement*
19 *covered United States foreign assistance as outlined*
20 *in the President’s budget request.*

21 **SEC. 4. INFORMATION ON COVERED UNITED STATES FOR-**
22 **EIGN ASSISTANCE PROGRAMS.**

23 *(a) PUBLICATION OF INFORMATION.—*

24 *(1) UPDATE OF EXISTING WEBSITE.—Not later*
25 *than 90 days after the date of the enactment of this*

1 *Act, the Secretary of State shall update the Depart-*
2 *ment of State’s website, “ForeignAssistance.gov”, to*
3 *make publicly available comprehensive, timely, and*
4 *comparable information on covered United States for-*
5 *ign assistance programs, including all information*
6 *required under subsection (b) that is available to the*
7 *Secretary of State.*

8 (2) *INFORMATION SHARING.—Not later than 2*
9 *years after the date of the enactment of this Act, and*
10 *quarterly thereafter, the head of each Federal depart-*
11 *ment or agency that administers covered United*
12 *States foreign assistance shall provide the Secretary*
13 *of State with comprehensive information about the*
14 *covered United States foreign assistance programs*
15 *carried out by such department or agency.*

16 (3) *UPDATES TO WEBSITE.—Not later than 2*
17 *years after the date of the enactment of this Act, and*
18 *quarterly thereafter, the Secretary of State shall pub-*
19 *lish, on the “ForeignAssistance.gov” website or*
20 *through a successor online publication, the informa-*
21 *tion provided under subsection (b).*

22 (b) *MATTERS TO BE INCLUDED.—*

23 (1) *IN GENERAL.—The information described in*
24 *subsection (a)—*

1 (A) shall be published for each country on
2 a detailed basis, such as award-by-award; or

3 (B) if assistance is provided on a regional
4 level, shall be published for each such region on
5 a detailed basis, such as award-by-award.

6 (2) TYPES OF INFORMATION.—

7 (A) IN GENERAL.—To ensure the trans-
8 parency, accountability, and effectiveness of cov-
9 ered United States foreign assistance programs,
10 the information described in subsection (a) shall
11 include—

12 (i) links to all regional, country, and
13 sector assistance strategies, annual budget
14 documents, congressional budget justifica-
15 tions, and evaluations in accordance with
16 section 3(c)(2)(J);

17 (ii) basic descriptive summaries for
18 covered United States foreign assistance
19 programs and awards under such programs;
20 and

21 (iii) obligations and expenditures.

22 (B) PUBLICATION.—Each type of informa-
23 tion described in subparagraph (A) shall be pub-
24 lished or updated on the appropriate website not

1 *later than 90 days after the date on which the*
2 *information is issued.*

3 (C) *RULE OF CONSTRUCTION.*—*Nothing in*
4 *this paragraph may be construed to require a*
5 *Federal department or agency that administers*
6 *covered United States foreign assistance to pro-*
7 *vide any information that does not relate to, or*
8 *is not otherwise required by, the covered United*
9 *States foreign assistance programs carried out*
10 *by such department or agency.*

11 (3) *REPORT IN LIEU OF INCLUSION.*—

12 (A) *HEALTH OR SECURITY OF IMPLE-*
13 *MENTING PARTNERS.*—*If the head of a Federal*
14 *department or agency, in consultation with the*
15 *Secretary of State, makes a determination that*
16 *the inclusion of a required item of information*
17 *online would jeopardize the health or security of*
18 *an implementing partner or program beneficiary*
19 *or would require the release of proprietary infor-*
20 *mation of an implementing partner or program*
21 *beneficiary, the head of the Federal department*
22 *or agency shall provide such determination in*
23 *writing to the appropriate congressional commit-*
24 *tees, including the basis for such determination.*

1 (B) *NATIONAL INTERESTS OF THE UNITED*
2 *STATES.*—*If the Secretary of State makes a de-*
3 *termination that the inclusion of a required item*
4 *of information online would be detrimental to*
5 *the national interests of the United States, the*
6 *Secretary of State shall provide such determina-*
7 *tion, including the basis for such determination,*
8 *in writing to the appropriate congressional com-*
9 *mittees.*

10 (C) *FORM.*—*Information provided under*
11 *this paragraph may be provided in classified*
12 *form, as appropriate.*

13 (4) *FAILURE TO COMPLY.*—*If a Federal depart-*
14 *ment or agency fails to comply with the requirements*
15 *under paragraph (1), (2), or (3) of subsection (a), or*
16 *subsection (c), with respect to providing information*
17 *described in subsection (a), and the information is*
18 *not subject to a determination under subparagraph*
19 *(A) or (B) of paragraph (3) not to make the informa-*
20 *tion publicly available, the Director of the Office of*
21 *Management and Budget, in consultation with the*
22 *head of such department or agency, not later than one*
23 *year after the date of the enactment of this Act, shall*
24 *submit a consolidated report to the appropriate con-*
25 *gressional committees that includes, with respect to*

1 *each required item of information not made publicly*
2 *available—*

3 *(A) a detailed explanation of the reason for*
4 *not making such information publicly available;*
5 *and*

6 *(B) a description of the department’s or*
7 *agency’s plan and timeline for—*

8 *(i) making such information publicly*
9 *available; and*

10 *(ii) ensuring that such information is*
11 *made publicly available in subsequent*
12 *years.*

13 *(c) SCOPE OF INFORMATION.—The online publication*
14 *required under subsection (a) shall, at a minimum—*

15 *(1) in each of the fiscal years 2016 through 2019,*
16 *provide the information required under subsection (b)*
17 *for fiscal years 2015 through the current fiscal year;*
18 *and*

19 *(2) for fiscal year 2020 and each fiscal year*
20 *thereafter, provide the information required under*
21 *subsection (b) for the immediately preceding 5 fiscal*
22 *years in a fully searchable form.*

23 *(d) SENSE OF CONGRESS.—It is the sense of Congress*
24 *that the Secretary of State and the Administrator of the*
25 *United States Agency for International Development should*

1 *coordinate the consolidation of processes and data collection*
2 *and presentation for the Department of State’s website,*
3 *“ForeignAssistance.gov”, and the United States Agency for*
4 *International Development’s website, “Ex-*
5 *plorer.USAID.gov”, to the extent that is possible to maxi-*
6 *mize efficiencies, no later than the end of fiscal year 2018.*

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

Attest:

Secretary.

114TH CONGRESS
2^D SESSION

H.R. 3766

AMENDMENTS