

114TH CONGRESS
1ST SESSION

S. 2184

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2015

Mr. RUBIO (for himself and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

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

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

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

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

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

18 (B) improving program effectiveness; and

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

21 (3) UNITED STATES FOREIGN DEVELOPMENT
22 AND ECONOMIC ASSISTANCE.—The term “United
23 States foreign development and economic assistance”
24 means assistance provided primarily for the purposes

1 of foreign development and economic support, in-
2 cluding assistance authorized under—

3 (A) part I of the Foreign Assistance Act of
4 1961 (22 U.S.C. 2151 et seq.), except for—

5 (i) title IV of chapter 2 of such part
6 (relating to the Overseas Private Invest-
7 ment Corporation);

8 (ii) chapter 3 of such part (relating to
9 International Organizations and Pro-
10 grams); and

11 (iii) chapter 8 of such part (relating
12 to International Narcotics Control);

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

16 (C) the Millennium Challenge Act of 2003
17 (22 U.S.C. 7701 et seq.); and

18 (D) the Food for Peace Act (7 U.S.C.
19 1721 et seq.).

20 **SEC. 3. GUIDELINES FOR UNITED STATES FOREIGN DEVEL-**
21 **OPMENT AND ECONOMIC ASSISTANCE PRO-**
22 **GRAMS.**

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

24 (1) to evaluate the performance of United
25 States foreign development and economic assistance

1 and its contribution to the policies, strategies,
2 projects, program goals, and priorities undertaken
3 by the Federal Government;

4 (2) to foster and promote innovative programs
5 to improve effectiveness; and

6 (3) to coordinate the monitoring and evaluation
7 processes of Federal departments and agencies that
8 administer United States foreign development and
9 economic assistance.

10 (b) ESTABLISHMENT OF GUIDELINES.—Not later
11 than 18 months after the date of the enactment of this
12 Act, the President shall set forth guidelines, according to
13 best practices of monitoring and evaluation studies and
14 analyses, for the establishment of measurable goals, per-
15 formance metrics, and monitoring and evaluation plans
16 that can be applied with reasonable consistency to United
17 States foreign development and economic assistance.

18 (c) OBJECTIVES OF GUIDELINES.—

19 (1) IN GENERAL.—The guidelines established
20 pursuant to subsection (b) shall provide direction to
21 Federal departments and agencies that administer
22 United States foreign development and economic as-
23 sistance on—

24 (A) monitoring the use of resources;

1 (B) evaluating the outcomes and impacts
2 of United States foreign development and eco-
3 nomic assistance projects and programs; and

4 (C) applying the findings and conclusions
5 of such evaluations to proposed project and pro-
6 gram design.

7 (2) OBJECTIVES.—The guidelines established
8 pursuant to subsection (b) shall require Federal de-
9 partments and agencies that administer United
10 States foreign development and economic assist-
11 ance—

12 (A) to establish annual monitoring and
13 evaluation agendas and objectives to plan and
14 manage the process of monitoring, evaluating,
15 analyzing progress, and applying learning to-
16 ward achieving results;

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

23 (C) to apply rigorous monitoring and eval-
24 uation methodologies to such programs, includ-
25 ing through the use of impact evaluations, ex-

1 post evaluations, or other methods as appro-
2 priate, that clearly define program logic, inputs,
3 outputs, intermediate outcomes, and end out-
4 comes;

5 (D) to disseminate guidelines for the devel-
6 opment and implementation of monitoring and
7 evaluation programs to all personnel, especially
8 in the field, who are responsible for the design,
9 implementation, and management of United
10 States foreign development and economic assist-
11 ance programs;

12 (E) to establish methodologies for the col-
13 lection of data, including baseline data to serve
14 as a reference point against which progress can
15 be measured;

16 (F) to evaluate, at least once in their life-
17 time, all programs whose dollar value equals or
18 exceeds the median program size for the rel-
19 evant office or bureau or an equivalent calcula-
20 tion to ensure the majority of program re-
21 sources are evaluated;

22 (G) to conduct impact evaluations on all
23 pilot programs before replicating wherever pos-
24 sible, or provide a written justification for not
25 conducting an impact evaluation where such an

1 evaluation was deemed inappropriate or impos-
2 sible;

3 (H) to 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) to internally distribute evaluation re-
12 ports;

13 (J) to develop a summary of each evalua-
14 tion, including a description of the evaluation
15 methodology and key findings and recommenda-
16 tions made in the evaluation within 90 days
17 after the completion of the evaluation;

18 (K) to undertake collaborative partnerships
19 and coordinate efforts with the academic com-
20 munity, implementing partners, and national
21 and international institutions that have exper-
22 tise in program monitoring, evaluation, and
23 analysis when such partnerships provide needed
24 expertise or significantly improve the evaluation
25 and analysis;

1 (L) to ensure verifiable, valid, credible,
2 precise, reliable, and timely data are available
3 to monitoring and evaluation personnel to per-
4 mit the objective evaluation of the effectiveness
5 of United States foreign development and eco-
6 nomic assistance programs, including an assess-
7 ment of assumptions and limitations in such
8 evaluations; and

9 (M) to ensure that standards of profes-
10 sional evaluation organizations for monitoring
11 and evaluation efforts are employed, including
12 ensuring the integrity and independence of eval-
13 uations, permitting and encouraging the exer-
14 cise of professional judgment, and providing for
15 quality control and assurance in the monitoring
16 and evaluation process.

17 (d) PRESIDENT'S REPORT.—Not later than 18
18 months after the date of the enactment of this Act, the
19 President shall submit a report to the appropriate con-
20 gressional committees that contains a detailed description
21 of the guidelines established pursuant to subsection (b).
22 The report shall be submitted in unclassified form, but
23 it may contain a classified annex.

24 (e) COMPTROLLER GENERAL'S REPORT.—Not later
25 than 1 year after the date on which the report required

1 under subsection (d) is submitted to Congress, the Com-
2 troller General of the United States shall submit a report
3 to the appropriate congressional committees that—

4 (1) analyzes the guidelines established pursuant
5 to subsection (b); and

6 (2) provides a side-by-side comparison of—

7 (A) the President’s budget request for that
8 fiscal year of every operational unit that carries
9 out United States foreign development and eco-
10 nomic assistance; and

11 (B) the performance of such units during
12 the most recently completed fiscal year.

13 **SEC. 4. INFORMATION ON UNITED STATES FOREIGN DE-**
14 **VELOPMENT AND ECONOMIC ASSISTANCE**
15 **PROGRAMS.**

16 (a) PUBLICATION OF INFORMATION.—

17 (1) UPDATE OF EXISTING WEBSITE.—Not later
18 than 90 days after the date of the enactment of this
19 Act, the Secretary of State shall update the Depart-
20 ment of State’s website, “ForeignAssistance.gov”, to
21 make publicly available comprehensive, timely, and
22 comparable information on United States foreign de-
23 velopment and economic assistance programs, in-
24 cluding all information required under subsection (b)
25 that is available to the Secretary of State.

1 (2) INFORMATION SHARING.—Not later than 2
2 years after the date of the enactment of this Act,
3 and quarterly thereafter, the head of each Federal
4 department or agency that administers United
5 States foreign development and economic assistance
6 shall provide the Secretary of State with comprehen-
7 sive information about the United States foreign de-
8 velopment and economic assistance programs carried
9 out by such department or agency.

10 (3) UPDATES TO WEBSITE.—Not later than 2
11 years after the date of the enactment of this Act,
12 and quarterly thereafter, the Secretary of State shall
13 publish, on the “ForeignAssistance.gov” website or
14 through a successor online publication, the informa-
15 tion provided under subsection (b).

16 (b) MATTERS TO BE INCLUDED.—

17 (1) IN GENERAL.—The information described in
18 subsection (a)—

19 (A) shall be published on a detailed award-
20 by-award and country-by-country basis; or

21 (B) if assistance is provided on a regional
22 level, shall be published on an award-by-award
23 and region-by-region basis.

24 (2) TYPES OF INFORMATION.—

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

6 (i) all regional, country, and sector as-
7 sistance strategies, annual budget docu-
8 ments, congressional budget justifications,
9 obligations, expenditures, evaluations and
10 summaries of evaluations in accordance
11 with section 3(c)(2)(J); and

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

16 (B) PUBLICATION.—Each type of informa-
17 tion described in subparagraph (A) shall be
18 published or updated on the appropriate website
19 not later than 90 days after the date on which
20 the information is issued.

21 (C) RULE OF CONSTRUCTION.—Nothing in
22 this paragraph may be construed to require a
23 Federal department or agency that administers
24 United States foreign development and eco-
25 nomic assistance to provide any information

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

5 (3) REPORT IN LIEU OF INCLUSION.—

6 (A) HEALTH OR SECURITY OF IMPLE-
7 MENTING PARTNERS.—If the head of a Federal
8 department or agency makes a determination
9 that the inclusion of a required item of informa-
10 tion online would jeopardize the health or secu-
11 rity of an implementing partner or program
12 beneficiary or would require the release of pro-
13 prietary information of an implementing part-
14 ner or program beneficiary, the head of the
15 Federal department or agency shall provide
16 such determination in writing to the appro-
17 priate congressional committees, including the
18 basis for such determination and shall—

19 (i) provide a briefing to the appro-
20 priate congressional committees on such
21 information; or

22 (ii) submit such information to the
23 appropriate congressional committees in a
24 written report.

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
4 item of information online would be detrimental
5 to the national interests of the United States,
6 the Secretary of State shall—

7 (i) provide such determination, includ-
8 ing the basis for such determination, in
9 writing to the appropriate congressional
10 committees; and

11 (ii)(I) provide a briefing on such in-
12 formation to the appropriate congressional
13 committees; or

14 (II) submit the item of information in
15 a written report to the appropriate con-
16 gressional committees.

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

20 (4) FAILURE TO COMPLY.—If a Federal depart-
21 ment or agency fails to comply with the require-
22 ments under paragraph (1) or (2), subsection (a), or
23 subsection (c), with respect to providing information
24 described in subsection (a), and the information is
25 not subject to a determination under subparagraph

1 (A) or (B) of paragraph (3) not to make the infor-
2 mation publicly available, the Director of the Office
3 of Management and Budget, in consultation with the
4 head of such department or agency, not later than
5 September 1, 2016, shall submit a consolidated re-
6 port to the appropriate congressional committees
7 that includes, with respect to each required item of
8 information not made publicly available—

9 (A) a detailed explanation of the failure of
10 not making such information publicly available;
11 and

12 (B) a description of the department's or
13 agency's plan and timeline for—

14 (i) immediately making such informa-
15 tion publicly available; and

16 (ii) ensuring that such failures do not
17 take place in subsequent years.

18 (c) SCOPE OF INFORMATION.—The online publication
19 required under subsection (a) shall, at a minimum—

20 (1) in each of the fiscal years 2016 through
21 2019, provide the information required under sub-
22 section (b) for fiscal years 2012 through the current
23 fiscal year; and

24 (2) for fiscal year 2020 and each fiscal year
25 thereafter, provide the information required under

- 1 subsection (b) for the immediately preceding 5 fiscal
- 2 years in a fully searchable form.

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