

112TH CONGRESS
2^D SESSION

H. R. 3159

IN THE SENATE OF THE UNITED STATES

DECEMBER 31 (legislative day, DECEMBER 30), 2012

Received

AN ACT

To direct the President to establish guidelines for United States foreign development assistance, 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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. GUIDELINES FOR UNITED STATES FOREIGN DEVEL-
5 OPMENT ASSISTANCE.**

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

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

25 (c) OBJECTIVES OF GUIDELINES.—

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

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

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

21 (B) Disseminating guidelines for the devel-
22 opment and implementation of monitoring and
23 evaluation programs to all personnel, especially
24 in the field, who are responsible for the design,
25 implementation, and management of United

1 States foreign development assistance pro-
2 grams.

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

9 (D) Distributing evaluation reports inter-
10 nally.

11 (E) Establishing annual monitoring and
12 evaluation agendas and objectives.

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

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

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

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

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

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

23 (1) not later than one year after the date of the
24 enactment of this Act, submit to the appropriate
25 congressional committees a report that contains an

1 analysis of the actions that the major Federal de-
2 partments and agencies that administer United
3 States foreign development assistance have taken to
4 ensure that United States foreign development as-
5 sistance program evaluation is planned, conducted,
6 and utilized effectively; and

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

11 (A) the guidelines established pursuant to
12 subsection (b); and

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

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

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

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

20 (b) MATTERS TO BE INCLUDED.—

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

24 (2) TYPES OF INFORMATION.—To ensure trans-
25 parency, accountability, and effectiveness of United
26 States foreign development assistance, such informa-

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

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

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

19 (B) the Secretary of State makes a deter-
20 mination that the inclusion of a required item
21 of information on the Internet website would be
22 detrimental to the national interests of the
23 United States,

24 then the head of such Federal department or agency
25 or the Secretary of State, as the case may be, shall

1 provide briefings to Congress on the item of infor-
2 mation or submit to Congress the item of informa-
3 tion in a written report in lieu of it being included
4 on the Internet website, along with the reasons for
5 it not being included on the Internet website. Any
6 such item of information may be submitted to Con-
7 gress in classified form.

8 (c) SCOPE OF INFORMATION.—

9 (1) IN GENERAL.—The Internet website shall
10 contain the information described in subsection (b)
11 as follows:

12 (A) For fiscal year 2013, the information
13 relating to such fiscal year and each of the im-
14 mediately preceding 2 fiscal years.

15 (B) For fiscal year 2014, the information
16 relating to such fiscal year and each of the im-
17 mediately preceding 3 fiscal years.

18 (C) For fiscal year 2015, the information
19 relating to such fiscal year and each of the im-
20 mediately preceding 4 fiscal years.

21 (D) For fiscal year 2016 and each fiscal
22 year thereafter, the information relating to such
23 fiscal year and each of the immediately pre-
24 ceding 5 fiscal years.

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

8 **SEC. 4. CONGRESSIONAL BRIEFINGS IF REQUIREMENTS OF**
9 **SECTION 3 ARE NOT MET.**

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

20 **SEC. 5. OFFSET.**

21 Of the amounts authorized to be appropriated for
22 United States foreign development assistance programs of
23 a Federal department or agency that administers such
24 programs for a fiscal year, up to 5 percent of such
25 amounts are authorized to be appropriated to carry out

1 this Act with respect to such programs for such fiscal
2 year.

3 **SEC. 6. DEFINITIONS.**

4 In this Act:

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

8 (A) the Committee on Foreign Affairs and
9 the Committee on Appropriations of the House
10 of Representatives; and

11 (B) the Committee on Foreign Relations
12 and the Committee on Appropriations of the
13 Senate.

14 (2) UNITED STATES FOREIGN DEVELOPMENT
15 ASSISTANCE.—The term “United States foreign de-
16 velopment assistance” means assistance primarily
17 for purposes of foreign development and economic
18 support, including but not limited to assistance au-
19 thorized under—

20 (A) part I of the Foreign Assistance Act of
21 1961 (22 U.S.C. 2151 et seq.), other than—

22 (i) title IV of chapter 2 of such part
23 (relating to the Overseas Private Invest-
24 ment Corporation);

1 (ii) chapter 3 of such part (relating to
2 International Organizations and Pro-
3 grams); and

4 (iii) chapter 8 of such part (relating
5 to International Narcotics Control);

6 (B) chapter 4 of part II of the Foreign As-
7 sistance Act of 1961 (22 U.S.C. 2346 et seq.;
8 relating to Economic Support Fund) for long-
9 term development; and

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

Passed the House of Representatives December 30,
2012.

Attest:

KAREN L. HAAS,

Clerk.