

113TH CONGRESS  
1ST SESSION

# S. 1271

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

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IN THE SENATE OF THE UNITED STATES

JULY 10, 2013

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

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## A BILL

To direct the President 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 2013”.

6 **SEC. 2. GUIDELINES FOR UNITED STATES FOREIGN ASSIST-**  
7 **ANCE PROGRAMS.**

8 (a) PURPOSE.—The purpose of this section is to  
9 evaluate the performance of United States foreign assist-  
10 ance and its contribution to policy, strategies, projects,

1 program goals, and priorities undertaken by the Federal  
2 Government, to foster and promote innovative programs  
3 to improve effectiveness, and to coordinate the monitoring  
4 and evaluation processes of Federal departments and  
5 agencies that administer foreign assistance.

6 (b) ESTABLISHMENT OF GUIDELINES.—Not later  
7 than 18 months after the date of the enactment of this  
8 Act, the President shall establish guidelines regarding the  
9 establishment of measurable goals, performance metrics,  
10 and monitoring and evaluation plans that can be applied  
11 with reasonable consistency to United States foreign as-  
12 sistance. Such guidelines shall be established according to  
13 best practices of monitoring and evaluation studies and  
14 analyses.

15 (c) OBJECTIVES OF GUIDELINES.—

16 (1) IN GENERAL.—The guidelines established  
17 under subsection (b) shall provide direction to Fed-  
18 eral departments and agencies that administer  
19 United States foreign assistance on how to develop  
20 the complete range of activities relating to the moni-  
21 toring of resources, the evaluation of projects, the  
22 evaluation of program impacts, and analysis that is  
23 necessary for the identification of findings, gen-  
24 eralizations that can be derived from those findings,

1 and their applicability to proposed project and pro-  
2 gram design.

3 (2) OBJECTIVES.—Specifically, the guidelines  
4 shall provide direction on how to achieve the fol-  
5 lowing objectives for monitoring and evaluation pro-  
6 grams:

7 (A) Building measurable goals, perform-  
8 ance metrics and monitoring and evaluation  
9 into program design, to be tracked against an  
10 established baseline at the outset, including the  
11 provision of sufficient program resources to  
12 conduct monitoring and evaluation.

13 (B) Disseminating guidelines for the devel-  
14 opment and implementation of monitoring and  
15 evaluation programs to all personnel, especially  
16 in the field, who are responsible for the design,  
17 implementation, and management of foreign as-  
18 sistance programs.

19 (C) Developing a clearinghouse capacity  
20 for the collection and dissemination of knowl-  
21 edge and lessons learned that serve as bench-  
22 marks to guide future programs for United  
23 States development professionals, implementing  
24 partners, the international aid community, and

1 aid recipient governments, and as a repository  
2 of knowledge on lessons learned.

3 (D) Distributing evaluation reports inter-  
4 nally and making this material available online  
5 to the public. Furthermore, providing a sum-  
6 mary of each evaluation, including a description  
7 of the evaluation methodology, and key findings  
8 and recommendations made in the evaluation,  
9 to the public online in a fully searchable form  
10 within 90 days after the completion of the eval-  
11 uation. Any material made available online pur-  
12 suant to this subparagraph may not include any  
13 classified or proprietary information of non-  
14 governmental organizations, contractors, or pri-  
15 vate sector clients.

16 (E) Establishing annual monitoring and  
17 evaluation agendas and objectives.

18 (F) Applying rigorous monitoring and eval-  
19 uation methodologies to focus on learning, ac-  
20 countability, and policymaking, choosing from  
21 among a wide variety of qualitative, quan-  
22 titative, summative, and formative methods  
23 common in the field of social scientific inquiry,  
24 including impact evaluations, a simple grading  
25 system providing a clear evaluation of out-

1 comes, and analysis of project logic that in-  
2 cludes inputs, activities, outputs, intermediate  
3 outcomes, and end outcomes.

4 (G) Partnering with the academic commu-  
5 nity, implementing partners, and national and  
6 international institutions that have expertise in  
7 monitoring and evaluation and analysis when  
8 such partnerships will provide needed expertise  
9 or will significantly improve the evaluation and  
10 analysis.

11 (H) Developing and implementing a train-  
12 ing plan for aid personnel on the proper con-  
13 duct of monitoring and evaluation programs.

14 (I) Providing relevant and useful evalua-  
15 tion questions that meet the needs of decision-  
16 makers, an appropriate and feasible design for  
17 the evaluation questions, and criteria that per-  
18 mit objective assessment and valid conclusions  
19 on the evaluation questions.

20 (J) Ensuring sufficient, credible, and reli-  
21 able measures and data in the evaluation of the  
22 effectiveness of foreign assistance programs, in-  
23 cluding an assessment of assumptions and limi-  
24 tations in such evaluations.

1           (K) Ensuring that generally accepted  
2           standards such as independence, professional  
3           judgment, competence, and quality control and  
4           assurance are followed in the monitoring and  
5           evaluation of programs.

6           (d) IMPLEMENTATION OF GUIDELINES.—Beginning  
7           not later than one year after the date on which the Presi-  
8           dent establishes the guidelines under subsection (b), the  
9           head of each Federal department or agency that admin-  
10          isters United States foreign assistance shall administer  
11          the foreign assistance in 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 the appropriate congressional  
15          committees a report that contains a detailed description  
16          of the guidelines that have been developed on measurable  
17          goals, performance metrics, and monitoring and evalua-  
18          tion plans for United States foreign assistance programs  
19          established under this section. The report shall be sub-  
20          mitted in unclassified form to the maximum extent pos-  
21          sible, but may contain a classified annex.

22          (f) IMPLEMENTATION NOT REQUIRED FOR CERTAIN  
23          SECURITY SECTOR ASSISTANCE.—

24                 (1) IN GENERAL.—The Secretary of State shall  
25                 not be required to administer any United States for-

1       eign assistance program relating to United States  
2       security sector assistance in accordance with the  
3       guidelines established under this section if the Sec-  
4       retary of State makes a determination that the ad-  
5       ministration of such program in accordance with the  
6       guidelines would be detrimental to the national in-  
7       terests of the United States.

8               (2) BRIEFINGS OR REPORT.—The Secretary of  
9       State shall provide briefings or submit a written re-  
10      port to the appropriate congressional committees ex-  
11      plaining any determination made under paragraph  
12      (1). Any such report may be submitted to the appro-  
13      priate congressional committees in classified form.

14             (g) COMPTROLLER GENERAL REPORTS.—The Comp-  
15      troller General of the United States shall—

16             (1) not later than one year after the date of the  
17      enactment of this Act, submit to the appropriate  
18      congressional committees a report that contains an  
19      analysis of the actions that the major Federal de-  
20      partments and agencies that administer United  
21      States foreign assistance have taken to ensure that  
22      United States foreign assistance program evaluation  
23      is planned, conducted, and utilized effectively;

24             (2) not later than three years after the date of  
25      the enactment of this Act, submit to the appropriate

1 congressional committees a report that contains an  
2 analysis of—

3 (A) the guidelines established pursuant to  
4 subsection (b); and

5 (B) the implementation of the guidelines  
6 by the major Federal departments and agencies  
7 that administer United States foreign assist-  
8 ance; and

9 (3) not later than 5 years after the date of the  
10 enactment of this Act, and biennially thereafter for  
11 8 years, submit to the appropriate congressional  
12 committees a report that contains an analysis of the  
13 implementation of the guidelines by the major Fed-  
14 eral departments and agencies that administer  
15 United States foreign assistance.

16 (h) EVALUATION DEFINED.—In this section, the  
17 term “evaluation” means, with respect to a United States  
18 foreign assistance program, the systematic collection and  
19 analysis of information about the characteristics and out-  
20 comes of the program and projects under the program as  
21 a basis for judgments, to improve effectiveness, and to in-  
22 form decisions about current and future 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 ASSISTANCE**  
5 **PROGRAMS.**

6 (a) PUBLICATION OF INFORMATION.—

7 (1) ESTABLISHMENT OF WEBSITE.—Not later  
8 than 30 days after the date of the enactment of this  
9 Act, the President shall direct the Secretary of State  
10 to revise the Department of State’s Internet website,  
11 “ForeignAssistance.gov”, to make publicly available  
12 comprehensive, timely, comparable, and accessible  
13 information on United States foreign assistance pro-  
14 grams.

15 (2) INFORMATION SHARING.—The head of each  
16 Federal department or agency that administers  
17 United States foreign assistance shall, not later than  
18 two years after the date of the enactment of this  
19 Act, and every 90 days thereafter, provide to the  
20 Secretary of State information about the foreign as-  
21 sistance programs carried out by such department or  
22 agency.

23 (3) UPDATES TO WEBSITE.—The Secretary of  
24 State shall publish not later than 2 years after the  
25 date of the enactment of this Act and update on a  
26 quarterly basis on the “ForeignAssistance.gov”

1 website the information provided under paragraph  
2 (2).

3 (b) MATTERS TO BE INCLUDED.—

4 (1) IN GENERAL.—The information described in  
5 subsection (a) shall be published on a detailed pro-  
6 gram-by-program basis and country-by-country  
7 basis.

8 (2) TYPES OF INFORMATION.—To ensure trans-  
9 parency, accountability, and effectiveness of United  
10 States foreign assistance programs, the information  
11 described in subsection (a) shall include country as-  
12 sistance strategies, annual budget documents, con-  
13 gressional budget justifications, obligations, expendi-  
14 tures, and reports and evaluations for United States  
15 foreign assistance programs and projects under such  
16 programs. Each type of information described in this  
17 paragraph shall be published or updated on the  
18 Internet website not later than 90 days after the  
19 date of issuance of the information.

20 (3) REPORT IN LIEU OF INCLUSION.—

21 (A) HEALTH OR SECURITY OF IMPLE-  
22 MENTING PARTNERS.—If the head of a Federal  
23 department or agency makes a determination  
24 that the inclusion of a required item of informa-  
25 tion on the Internet website would jeopardize

1 the health or security of an implementing part-  
2 ner or program beneficiary, the head of the  
3 Federal department or agency may provide  
4 briefings to the appropriate congressional com-  
5 mittees on the item of information or submit to  
6 the appropriate congressional committees the  
7 item of information in a written report in lieu  
8 of including it on the Internet website, along  
9 with the reasons for not including it in the  
10 database required under this section.

11 (B) NATIONAL INTERESTS OF THE UNITED  
12 STATES.—If the Secretary of State makes a de-  
13 termination that the inclusion of a required  
14 item of information on the Internet website  
15 would be detrimental to the national interests  
16 of the United States, the Secretary of State  
17 shall provide briefings to the appropriate con-  
18 gressional committees on the item of informa-  
19 tion or submit to the appropriate congressional  
20 committees the item of information in a written  
21 report in lieu of including it on the Internet  
22 website, along with the reasons for not includ-  
23 ing it in the database required under this sec-  
24 tion.

1 (C) FORM.—Any briefing or item of infor-  
2 mation provided under this paragraph may be  
3 provided in classified form.

4 (4) FAILURE TO COMPLY.—If the head of the  
5 department or agency fails to comply with the re-  
6 quirements under paragraph (2), the head shall indi-  
7 cate for each required item—

8 (A) identification of the reason for not in-  
9 cluding the information during that quarter;

10 (B) a detailed explanation of the reason;  
11 and

12 (C) the department's or agency's plan and  
13 timeline for including the omitted information  
14 for the current fiscal year and the following two  
15 fiscal years, including milestones, deadlines,  
16 prerequisites, and other explanatory informa-  
17 tion.

18 (c) SCOPE OF INFORMATION.—

19 (1) IN GENERAL.—The Internet website shall  
20 contain the information described in subsection (b)  
21 as follows:

22 (A) For fiscal year 2013, the information  
23 relating to such fiscal year and each of the im-  
24 mediately preceding 2 fiscal years.

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

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

7 (D) For fiscal year 2016, the information  
8 relating to such fiscal year and each of the im-  
9 mediately preceding 5 fiscal years.

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

17 **SEC. 4. SENSE OF CONGRESS ON IMPLEMENTATION.**

18 It is the sense of Congress that Congress shall take  
19 into account the Comptroller General's reports under sec-  
20 tion 2(f)(2) when making decisions regarding the appro-  
21 priation of funds for each department or agency that ad-  
22 ministers United States foreign assistance.

23 **SEC. 5. AVAILABILITY OF FUNDS.**

24 Up to 5 percent of the amounts authorized to be ap-  
25 propriated for a fiscal year for each Federal department

1 or agency for United States foreign assistance programs  
2 is authorized to be appropriated to carry out this Act with  
3 respect to such programs for such fiscal year.

4 **SEC. 6. 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) **UNITED STATES FOREIGN ASSISTANCE.**—

16 The term “United States foreign assistance” means  
17 any tangible or intangible item provided by any  
18 agency of the United States Government to a foreign  
19 country, including any training, service, or technical  
20 advice, any item of real, personal, or mixed property,  
21 any agricultural commodity, United States dollars,  
22 and any currencies of any foreign country which are  
23 owned by the United States Government, and in-  
24 cludes foreign assistance provided by means of gift,  
25 loan, sale, credit, or guaranty.

1           (3) UNITED STATES SECURITY SECTOR ASSIST-  
2           ANCE.—The term “United States security sector as-  
3           sistance” means the policies, programs, and activi-  
4           ties the United States Government employs to en-  
5           gage with foreign partners in the use of force to pro-  
6           tect both the foreign state and its citizens at home  
7           or abroad, to maintain international peace and secu-  
8           rity, to contribute to efforts that address common  
9           security challenges, and to enforce the law and pro-  
10          vide oversight of security institutions and forces, in-  
11          cluding through helping foreign partners build and  
12          sustain the capacity and effectiveness of institutions  
13          to provide security, safety, and justice for their peo-  
14          ple.

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