

113TH CONGRESS
1ST SESSION

S. 1271

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

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

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.

○