

114TH CONGRESS
1ST SESSION

H. R. 3766

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2015

Mr. POE of Texas (for himself and Mr. CONNOLLY) introduced the following bill; which was referred to the Committee on Foreign Affairs

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. GUIDELINES FOR UNITED STATES FOREIGN DEVEL-**
7 **OPMENT AND ECONOMIC ASSISTANCE PRO-**
8 **GRAMS.**

9 (a) PURPOSE.—The purpose of this section is to
10 evaluate the performance of United States foreign develop-

1 ment and economic assistance and its contribution to the
2 policies, strategies, projects, program goals, and priorities
3 undertaken by the Federal Government, to foster and pro-
4 mote innovative programs to improve effectiveness, and to
5 coordinate the monitoring and evaluation processes of
6 Federal departments and agencies that administer United
7 States foreign development and economic assistance.

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

17 (c) OBJECTIVES OF GUIDELINES.—

18 (1) IN GENERAL.—The guidelines established
19 under subsection (b) shall provide direction to Fed-
20 eral departments and agencies that administer
21 United States foreign development and economic as-
22 sistance on monitoring the use of resources, evalu-
23 ating the outcomes and impacts of United States
24 foreign development and economic assistance
25 projects and programs, and applying the findings

1 and conclusions of such evaluations to proposed
2 project and program design.

3 (2) OBJECTIVES.—Specifically, the guidelines
4 established under subsection (b) shall require Fed-
5 eral departments and agencies that administer
6 United States foreign development and economic as-
7 sistance to take the following actions:

8 (A) Establish annual monitoring and eval-
9 uation agendas and objectives to plan and man-
10 age the process of monitoring, evaluating, ana-
11 lyzing progress, and applying learning toward
12 achieving results.

13 (B) Develop specific project monitoring
14 and evaluation plans, to include measurable
15 goals and performance metrics, and identify the
16 resources necessary to conduct such evalua-
17 tions, which should be covered by program
18 costs, during project design.

19 (C) Apply rigorous monitoring and evalua-
20 tion methodologies to such programs, including
21 through the use of impact evaluations, ex-post
22 evaluations, or other methods as appropriate,
23 that clearly define program logic, inputs, out-
24 puts, intermediate outcomes, and end outcomes.

1 (D) Disseminate guidelines for the develop-
2 ment and implementation of monitoring and
3 evaluation programs to all personnel, especially
4 in the field, who are responsible for the design,
5 implementation, and management of United
6 States foreign development and economic assist-
7 ance programs.

8 (E) Establish methodologies for the collec-
9 tion of data, including baseline data to serve as
10 a reference point against which progress can be
11 measured.

12 (F) Evaluate at least once in their lifetime
13 all programs whose dollar value equals or ex-
14 ceeds the median program size for the relevant
15 office or bureau or an equivalent calculation to
16 ensure the majority of program resources are
17 evaluated.

18 (G) Conduct impact evaluations on all pilot
19 programs before replicating wherever possible,
20 or provide a written justification for not con-
21 ducting an impact evaluation where such an
22 evaluation was deemed inappropriate or impos-
23 sible.

24 (H) Develop a clearinghouse capacity for
25 the collection and dissemination of knowledge

1 and lessons learned that serve as benchmarks to
2 guide future programs for United States devel-
3 opment professionals, implementing partners,
4 the donor community, and aid recipient govern-
5 ments, and as a repository of knowledge on les-
6 sons learned.

7 (I) Distribute evaluation reports internally.

8 (J) Develop a summary of each evaluation,
9 including a description of the evaluation meth-
10 odology and key findings and recommendations
11 made in the evaluation within 90 days after the
12 completion of the evaluation.

13 (K) Undertake collaborative partnerships
14 and coordinate efforts with the academic com-
15 munity, implementing partners, and national
16 and international institutions that have exper-
17 tise in program monitoring, evaluation, and
18 analysis when such partnerships provide needed
19 expertise or significantly improve the evaluation
20 and analysis.

21 (L) Ensure verifiable, valid, credible, pre-
22 cise, reliable, and timely data are available to
23 monitoring and evaluation personnel to permit
24 the objective evaluation of the effectiveness of
25 United States foreign development and eco-

1 nomic assistance programs, including an assess-
2 ment of assumptions and limitations in such
3 evaluations.

4 (M) Ensure that standards of professional
5 evaluation organizations for monitoring and
6 evaluation efforts are employed, including en-
7 suring the integrity and independence of evalua-
8 tions, permitting and encouraging the exercise
9 of professional judgment, and providing for
10 quality control and assurance in the monitoring
11 and evaluation process.

12 (d) 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 established under subsection (b). The re-
17 port shall be submitted in unclassified form, but it may
18 contain a classified annex.

19 (e) COMPTROLLER GENERAL REPORT.—The Comp-
20 troller General of the United States shall, not later than
21 1 year after the report required by subsection (d) is sub-
22 mitted to Congress, submit to the appropriate congress-
23 sional committees a report that analyzes—

24 (1) the guidelines established pursuant to sub-
25 section (b); and

1 (2) a side-by-side comparison of the President’s
2 budget request for that fiscal year of every oper-
3 ational unit that carries out United States foreign
4 development and economic assistance and the per-
5 formance of such units during the prior fiscal year.

6 **SEC. 3. INFORMATION ON UNITED STATES FOREIGN DE-**
7 **VELOPMENT AND ECONOMIC ASSISTANCE**
8 **PROGRAMS.**

9 (a) PUBLICATION OF INFORMATION.—

10 (1) UPDATE OF EXISTING WEB SITE.—Not
11 later than 90 days after the date of the enactment
12 of this Act, the Secretary of State shall update the
13 Department of State’s Internet Web site,
14 “ForeignAssistance.gov”, to make publicly available
15 comprehensive, timely, and comparable information
16 on United States foreign development and economic
17 assistance programs, including all information re-
18 quired pursuant to subsection (b) of this section that
19 is then available to the Secretary of State.

20 (2) INFORMATION SHARING.—The head of each
21 Federal department or agency that administers
22 United States foreign development and economic as-
23 sistance shall, not later than 2 years after the date
24 of the enactment of this Act, and on a quarterly
25 basis thereafter, provide to the Secretary of State

1 comprehensive information about the United States
2 foreign development and economic assistance pro-
3 grams carried out by such department or agency.

4 (3) UPDATES TO WEB SITE.—Not later than 2
5 years after the date of the enactment of this Act, the
6 Secretary of State shall publish, through the
7 “ForeignAssistance.gov” Web site or a successor on-
8 line publication, the information provided under sub-
9 section (b) of this section and shall update such in-
10 formation on a quarterly basis.

11 (b) MATTERS TO BE INCLUDED.—

12 (1) IN GENERAL.—The information described in
13 subsection (a) shall be published on a detailed
14 award-by-award and country-by-country basis unless
15 assistance is provided on a regional level, in which
16 case the information shall be published on an award-
17 by-award and region-by-region basis.

18 (2) TYPES OF INFORMATION.—

19 (A) IN GENERAL.—To ensure trans-
20 parency, accountability, and effectiveness of
21 United States foreign development and eco-
22 nomic assistance programs, the information de-
23 scribed in subsection (a) shall include all re-
24 gional, country, and sector assistance strategies,
25 annual budget documents, congressional budget

1 justifications, obligations, expenditures, evalua-
2 tions and summaries of evaluations as required
3 under section 2(c)(2)(J), and basic descriptive
4 summaries for United States foreign develop-
5 ment and economic assistance programs and
6 awards under such programs. Each type of in-
7 formation described in this paragraph shall be
8 published or updated on the Internet Web site
9 not later than 90 days after the date of
10 issuance of the information.

11 (B) RULE OF CONSTRUCTION.—Nothing in
12 subparagraph (A) shall be construed to require
13 a Federal department or agency that admin-
14 isters United States foreign development and
15 economic assistance to provide any information
16 that does not relate to or is not otherwise re-
17 quired by the United States foreign develop-
18 ment and economic assistance programs carried
19 out by such department or agency.

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 online would jeopardize the health or secu-

1 rity of an implementing partner or program
2 beneficiary or would require the release of pro-
3 prietary information of an implementing part-
4 ner or program beneficiary, the head of the
5 Federal department or agency shall provide
6 such determination in writing to the appro-
7 priate congressional committees, including the
8 basis for such determination and shall—

9 (i) provide a briefing to the appro-
10 priate congressional committees on such
11 information; or

12 (ii) submit to the appropriate congres-
13 sional committees such information in a
14 written report.

15 (B) NATIONAL INTERESTS OF THE UNITED
16 STATES.—If the Secretary of State makes a de-
17 termination that the inclusion of a required
18 item of information online would be detrimental
19 to the national interests of the United States,
20 the Secretary of State shall provide such deter-
21 mination in writing to the appropriate congres-
22 sional committees, including the basis for such
23 determination and shall—

1 (i) provide a briefing to the appro-
2 priate congressional committees on such
3 information; or

4 (ii) submit to the appropriate congress-
5 sional committees the item of information
6 in a written report.

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

10 (4) FAILURE TO COMPLY.—If a Federal depart-
11 ment or agency fails to comply with the require-
12 ments of subsection (a), paragraph (1) or (2) of this
13 subsection, or subsection (c) with respect to pro-
14 viding information described in subsection (a), and
15 the information is not subject to a determination
16 under subparagraph (A) or (B) of paragraph (3) of
17 this subsection not to make the information pub-
18 lically available, the Director of the Office of Man-
19 agement and Budget, in consultation with the head
20 of such department or agency, shall submit to the
21 appropriate congressional committees not later than
22 September 1, 2016, a consolidated report describing,
23 with respect to each required item of information
24 not made publicly available—

1 (A) a detailed explanation of the failure of
2 not making such information publicly available;
3 and

4 (B) the department's or agency's plan and
5 timeline for immediately making such informa-
6 tion publicly available, and for ensuring that
7 such failures do not take place in following
8 years.

9 (c) SCOPE OF INFORMATION.—The online publication
10 required by subsection (a) shall, at a minimum, provide
11 the information required by subsection (b)—

12 (1) in each fiscal year from 2016 through 2019,
13 such information for fiscal years 2012 through the
14 current fiscal year; and

15 (2) for fiscal year 2020 and each fiscal year
16 thereafter, such information for the immediately pre-
17 ceding five fiscal years in a fully searchable form.

18 **SEC. 4. DEFINITIONS.**

19 In this Act:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

23 (A) the Committee on Foreign Relations
24 and the Committee on Appropriations of the
25 Senate; and

1 (B) the Committee on Foreign Affairs and
2 the Committee on Appropriations of the House
3 of Representatives.

4 (2) EVALUATION.—The term “evaluation”
5 means, with respect to a United States foreign de-
6 velopment and economic assistance program, the
7 systematic collection and analysis of information
8 about the characteristics and outcomes of the pro-
9 gram, including projects conducted under such pro-
10 gram, as a basis for making judgments and evalua-
11 tions regarding the program, to improve program ef-
12 fectiveness, and to inform decisions about current
13 and future programming.

14 (3) UNITED STATES FOREIGN DEVELOPMENT
15 AND ECONOMIC ASSISTANCE.—The term “United
16 States foreign development and economic assistance”
17 means assistance provided primarily for the purposes
18 of foreign development and economic support, in-
19 cluding assistance authorized 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);

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

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

○