

Calendar No. 318

114TH CONGRESS
1ST SESSION**H. R. 3766**

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2015

Received; read twice and placed on the calendar

AN ACT

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) Publicly report each evaluation, includ-
9 ing an executive summary, a description of the
10 evaluation methodology, key findings, appro-
11 priate context (including quantitative and quali-
12 tative data when available), and recommenda-
13 tions made in the evaluation within 90 days
14 after the completion of the evaluation.

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

23 (L) Ensure verifiable, valid, credible, pre-
24 cise, reliable, and timely data are available to
25 monitoring and evaluation personnel to permit

1 the objective evaluation of the effectiveness of
2 United States foreign development and eco-
3 nomic assistance programs, including an assess-
4 ment of assumptions and limitations in such
5 evaluations.

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

14 (d) PRESIDENTIAL REPORT.—Not later than 18
15 months after the date of the enactment of this Act, the
16 President shall submit to the appropriate congressional
17 committees a report that contains a detailed description
18 of the guidelines established under subsection (b). The re-
19 port shall be submitted in unclassified form, but it may
20 contain a classified annex.

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

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

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

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

11 (a) PUBLICATION OF INFORMATION.—

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

22 (2) INFORMATION SHARING.—The head of each
23 Federal department or agency that administers
24 United States foreign development and economic as-
25 sistance shall, not later than 2 years after the date

1 of the enactment of this Act, and on a quarterly
2 basis thereafter, provide to the Secretary of State
3 comprehensive information about the United States
4 foreign development and economic assistance pro-
5 grams carried out by such department or agency.

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

13 (b) MATTERS TO BE INCLUDED.—

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

20 (2) TYPES OF INFORMATION.—

21 (A) IN GENERAL.—To ensure trans-
22 parency, accountability, and effectiveness of
23 United States foreign development and eco-
24 nomic assistance programs, the information de-
25 scribed in subsection (a) shall include—

(i) links to all regional, country, and sector assistance strategies, annual budget documents, congressional budget justifications, evaluations and summaries of evaluations as required under section 2(c)(2)(J);

(ii) basic descriptive summaries for United States foreign development and economic assistance programs and awards under such programs; and

(iii) obligations and expenditures under such programs.

Each type of information described in this paragraph shall be published or updated on the Internet Web site not later than 90 days after the date of issuance of the information.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to require a Federal department or agency that administers United States foreign development and economic assistance to provide any information that does not relate to or is not otherwise required by the United States foreign development and economic assistance programs carried out by such department or agency.

1 (3) REPORT IN LIEU OF INCLUSION.—

2 (A) HEALTH OR SECURITY OF IMPLE-
3 MENTING PARTNERS.—If the head of a Federal
4 department or agency, in consultation with the
5 Secretary of State, makes a determination that
6 the inclusion of a required item of information
7 online would jeopardize the health or security of
8 an implementing partner or program bene-
9 ficiary or would require the release of propri-
10 etary information of an implementing partner
11 or program beneficiary, the head of the Federal
12 department or agency shall provide such deter-
13 mination in writing to the appropriate congres-
14 sional committees, including the basis for such
15 determination and shall—

16 (i) provide a briefing to the appro-
17 priate congressional committees on such
18 information; or

19 (ii) submit to the appropriate congres-
20 sional committees such information in a
21 written report.

22 (B) NATIONAL INTERESTS OF THE UNITED
23 STATES.—If the Secretary of State makes a de-
24 termination that the inclusion of a required
25 item of information online would be detrimental

1 to the national interests of the United States,
2 the Secretary of State shall provide such deter-
3 mination in writing to the appropriate congres-
4 sional committees, including the basis for such
5 determination and shall—

6 (i) provide a briefing to the appro-
7 priate congressional committees on such
8 information; or

9 (ii) submit to the appropriate congres-
10 sional committees the item of information
11 in a written report.

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

15 (4) FAILURE TO COMPLY.—If a Federal depart-
16 ment or agency fails to comply with the require-
17 ments of subsection (a), paragraph (1) or (2) of this
18 subsection, or subsection (c) with respect to pro-
19 viding information described in subsection (a), and
20 the information is not subject to a determination
21 under subparagraph (A) or (B) of paragraph (3) of
22 this subsection not to make the information pub-
23 lically available, the Director of the Office of Man-
24 agement and Budget, in consultation with the head
25 of such department or agency, shall submit to the

1 appropriate congressional committees not later than
2 September 1, 2016, a consolidated report describing,
3 with respect to each required item of information
4 not made publicly available—

5 (A) a detailed explanation of the reason for
6 not making such information publicly available;
7 and

8 (B) the department's or agency's plan and
9 timeline for immediately making such informa-
10 tion publicly available, and for ensuring that in-
11 formation is made publically available in fol-
12 lowing years.

13 (c) SCOPE OF INFORMATION.—The online publication
14 required by subsection (a) shall, at a minimum, provide
15 the information required by subsection (b)—

16 (1) in each fiscal year from 2016 through 2019,
17 such information for fiscal years 2012 through the
18 current fiscal year; and

19 (2) for fiscal year 2020 and each fiscal year
20 thereafter, such information for the immediately pre-
21 ceding 5 fiscal years in a fully searchable form.

22 **SEC. 4. DEFINITIONS.**

23 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Relations
5 and the Committee on Appropriations of the
6 Senate; and

7 (B) the Committee on Foreign Affairs and
8 the Committee on Appropriations of the House
9 of Representatives.

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

20 (3) UNITED STATES FOREIGN DEVELOPMENT
21 AND ECONOMIC ASSISTANCE.—The term “United
22 States foreign development and economic assistance”
23 means assistance provided primarily for the purposes
24 of foreign development and economic support, in-
25 cluding assistance authorized under—

1 (A) part I of the Foreign Assistance Act of
2 1961 (22 U.S.C. 2151 et seq.), other than—
3 (i) title IV of chapter 2 of such part
4 (relating to the Overseas Private Invest-
5 ment Corporation);
6 (ii) chapter 3 of such part (relating to
7 International Organizations and Pro-
8 grams); and
9 (iii) chapter 8 of such part (relating
10 to International Narcotics Control);
11 (B) chapter 4 of part II of the Foreign As-
12 sistance Act of 1961 (22 U.S.C. 2346 et seq.;
13 relating to Economic Support Fund);
14 (C) the Millennium Challenge Act of 2003
15 (22 U.S.C. 7701 et seq.); and
16 (D) the Food for Peace Act (7 U.S.C.
17 1721 et seq.).

Passed the House of Representatives December 8,
2015.

Attest:

KAREN L. HAAS,
Clerk.

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