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SENATOR PAUL SIMON WATER FOR THE WORLD ACT OF 2014

DECEMBER 8, 2014.—Ordered to be printed

Mr. MENENDEZ, from the Committee on Foreign Relations,
submitted the following

R E P O R T

[To accompany S. 2946]

The Committee on Foreign Relations, having had under consideration the bill S. 2946, to provide improved water, sanitation, and hygiene programs for high priority developing countries, and for other purposes, reports favorably thereon, with an amendment, and recommends that the bill, as amended, do pass.

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I. PURPOSE

The purpose of S. 2946 as amended is to provide improved water, sanitation, and hygiene programs for high priority developing countries by improving and refining existing policies with respect to the allocation of Water, Sanitation, and Hygiene (WASH) assistance to countries most in need. S. 2946 adds hygiene as one of the principal priorities of United States safe water projects. S. 2946 also provides for the appointment of a USAID Global Water Coordinator and Department of State Special Coordinator for Water Resources to ensure WASH policies remain a foreign assistance priority. S. 2946 establishes criteria for the allocation of WASH foreign assistance funds to be distributed to developing countries most in need of WASH improvements. S. 2946 also directs the State Department and USAID to develop and submit to the appropriate congressional committees a government-wide Global Water Strategy no later than October 1, 2017, and every five years thereafter. S. 2946 mandates that the Global Water Strategy detail how the United States

intends to increase safe water access in developing countries, manage water resources to reduce conflict over water scarcity, and best allocate funds to high priority developing countries and countries most in need of WASH improvements.

II. COMMITTEE ACTION

S. 2946 was introduced on November 19, 2014, by Senators Durbin, Corker, Coons, and Flake. On December 4, 2014, the committee considered S. 2946 and ordered it reported favorably by voice vote, with an amendment.

The committee took the following action with regard to amendments:

A proposed amendment from Senator John Barrasso and a second-degree amendment proposed by Senator Richard Durbin were accepted by voice vote.

III. BACKGROUND

On December 1, 2005, the Senator Paul Simon Water for the Poor Act was enacted into law, making the effort to meet key water and sanitation targets a major goal of U.S. foreign assistance. Since passage of that Act, USAID and the Department of State have worked with other governments to increase access to safe drinking water and proper sanitation. As a result of U.S. investments, approximately 4.8 million people gained new or improved access to drinking water or sanitation in fiscal year (FY) 2013, according to the Department of State's 2014 Annual Report to Congress. The efforts mandated under that Act have helped improve access to safe drinking water and proper sanitation. In the view of the committee, additional refinements to the law are needed to ensure continued progress. Many of the newly established WASH efforts at USAID and the Department of State are not accounted for in statute and additional accountability measures to ensure WASH funding is appropriately directed towards countries and regions most in need have not been developed or implemented. One fifth of the world's population still draws on freshwater resources that are either polluted or significantly overdrawn and nearly 2.5 billion people lack access to proper sanitation. This lack of access to quality water resources and proper sanitation is a barrier to economic development and improvements in public health and child mortality rates and also serves as a source of intra- and inter-country conflict.

IV. DISCUSSION

A summary of the key provisions of S. 2946, as amended, follows:

Section 1

Section 1 states the bill may be cited as the "Senator Paul Simon Water for the World Act of 2014."

Section 2

Section 2 states that it is the sense of Congress that water, sanitation, and hygiene impacts many areas of life, with cross-cutting impacts on other sectors, and as such, the U.S. should play a greater role in WASH programming.

Section 3

Section 3 makes technical corrections to the Water for the Poor Act of 2005 by adding “hygiene” to the term “water and sanitation,” since simple hygiene practices, while often overlooked, are not only cheaper than other WASH programming, but are extremely effective, when implemented correctly, and are necessary to meet sanitation goals.

Section 4

Section 4 requires the USAID Administrator and the Secretary of State, or their designees, to provide direction and guidance, coordinate, and oversee the projects and programs authorized by this Act and the Water for the Poor Act of 2005. Section 4 codifies and refines the existing Global Water Coordinator at USAID who shall provide direction, guidance, and oversight of USAID’s water, sanitation, and hygiene programs authorized by this Act and the Water for the Poor Act; lead the implementation and revision of USAID’s portion of the Global Water Strategy required by this Act; seek to expand USAID’s WASH capacity; coordinate with the Department of State and Agency staff in each High Priority Country; and develop appropriate benchmarks, measureable goals, performance metrics, and monitoring and evaluation plans for Agency projects and programs. Section 4 also codifies and refines the existing position of Special Advisor for Water Resources at the Department of State who shall provide direction, guidance, and oversight of the Department of State projects and programs authorized by this Act and the Water for the Poor Act; lead the implementation and revision, not less than every 5 years, of the Department of State’s portion of the Global Water Strategy required by this Act; prioritize and coordinate the Department’s international engagement on global fresh water resources and policies; coordinate with USAID and State staff in each High Priority Country to ensure that U.S. diplomatic efforts related to safe water, sanitation, and hygiene, including efforts related to management of water resources and watersheds and the resolution of intra- and trans-boundary conflicts over water resources, are consistent with United States national interests; and represent the views of the U.S. Government in key international fora, including key diplomatic, development-related, and scientific organizations related to freshwater issues.

Section 5

Section 5 requires that to ensure that water, sanitation, and hygiene programs are targeted to reach the neediest populations, achieve maximum impact, and continue to deliver lasting and equitable benefits after completion, USAID shall prioritize in which countries they work based on eleven prioritization criteria in this Act. Section 5 also requires USAID to prioritize, monitor, and evaluate projects and programs against the health-based components of prioritization criteria, as well as other metrics such as improvements in health and educational opportunities for women and children, increased access to clean water and sanitation, improved indigenous capacity to independently carry out future projects and programs in this sector, financial sustainability, empowerment of local communities or institutions, effective maintenance, and others. Section 5 also states that the USAID Administrator is author-

ized, with consultation and notification to Congress, to use current and improved data to measure the prioritization criteria. Section 5 also mandates that not later than October 1, 2015, the President shall annually designate, based on the prioritization criteria, not less than ten High Priority Countries that will be the primary recipients of U.S. government development assistance and focus. Section 5 also requires USAID to notify Congress within 15 days prior to the obligation of any funds for water, sanitation, or hygiene projects or programs in countries that are not ranked in the top 50 countries of the WASH Needs Index, a ranking of countries made pursuant to the health-based prioritization in the Act. The purpose of the Congressional Notification is to ensure added transparency and consideration for how and where USAID spends water, sanitation, and hygiene assistance.

Section 6

Section 6 requires the President, acting through the Secretary of State and USAID Administrator, to develop a Global Water Strategy not later than October 2017, and update it every 5 years thereafter. The Global Water Strategy shall include a detailed description of how the United States intends to increase access to safe water, sanitation, and hygiene in high priority countries; improve management of water resources and watersheds in such countries; and work to prevent and resolve, to the greatest degree possible, both intra- and trans-boundary conflicts over water resources in such countries. The Global Water Strategy shall also include an agency-specific plan from both USAID and the Department of State.

Section 6 further mandates that as soon as practicable, but not later than 2018, the USAID shall update and revise their existing Water and Development Strategy to reflect the requirements of this Act, including how the Agency will carry out the duties and responsibilities assigned to the Global Water Coordinator, increase access to safe water, sanitation, and hygiene in high priority countries, and ensure that projects and programs are designed to achieve maximum impact and long-term sustainability.

Section 6 also mandates that, not later than 180 days after the enactment of this Act, the Department of State shall develop their agency-specific plan, as part of the Global Water Strategy, that describes specifically how the Department will carry out the duties and responsibilities assigned to the Special Coordinator for Water Resources; ensure that activities improve management of water resources and watersheds in high priority countries; prevent and resolve, to the greatest degree possible, both intra- and trans-boundary conflicts over water resources; and a description from other relevant federal departments and agencies of their contributions to implementing the Global Water Strategy.

Section 6 also states that as part of the Global Water Strategy, USAID shall:

- develop a plan for each High Priority Country that considers cost, is evidence-based and results-oriented, and seeks to achieve the purposes of this Act;
- specifically describe the target percentage of funding for each year covered by such strategy to be directed toward projects

aimed at providing first-time access to safe water and sanitation;

- include specific and measurable goals, benchmarks, performance metrics, timetables, and monitoring and evaluation plans required to be developed by the Administrator of the United States Agency for International Development in accordance with this Act; and
- ensure that the Global Water Strategy is developed in consultation with the heads of other appropriate Federal departments and agencies and that it incorporates best practices from the international development community.

V. COST ESTIMATE

In accordance with rule XXVI, paragraph 11(a) of the Standing Rules of the Senate, the committee notes that the cost estimate provided by the Congressional Budget Office was not available for inclusion in this report. The estimate will be printed in either a supplemental report or the Congressional Record when it is available.

VI. EVALUATION OF REGULATORY IMPACT

In compliance with rule XXVI of the Standing Rules of the Senate, the Committee finds that no significant regulatory impact will result from the enactment of S. 2946.

VII. CHANGES IN EXISTING LAW

In compliance with rule XXVI, paragraph 12 of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman).

The Foreign Assistance Act of 1961, as amended

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PART I

CHAPTER 1—POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

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[SEC. 135. ASSISTANCE TO PROVIDE SAFE WATER AND SANITATION.]

* * * * *

SEC 136. ASSISTANCE TO PROVIDE SAFE WATER, SANITATION, AND HYGIENE.

(a) **PURPOSES.**—The purposes of assistance authorized by this section are—

- (1) to promote good health, economic development, poverty reduction, women's empowerment, conflict prevention, and environmental sustainability by providing assistance to expand access to safe water and sanitation, promoting integrated water resource management, and improving hygiene for people around the world;

(2) to seek to reduce by one-half from the baseline year 1990 the proportion of people who are unable to reach or afford safe drinking water and the proportion of people without access to basic sanitation by 2015;

(3) to focus water and sanitation assistance toward the countries, locales, and people with the greatest need;

(4) to promote affordability and equity in the provision of access to safe water and sanitation for the very poor, women, and other vulnerable populations;

(5) to improve water efficiency through water demand management and reduction of unaccounted-for water;

(6) to promote long-term sustainability in the affordable and equitable provision of access to safe water and sanitation through the creation of innovative financing mechanisms such as national revolving funds, and by strengthening the capacity of recipient governments and communities to formulate and implement policies that expand access to safe water and sanitation in a sustainable fashion, including integrated planning;

(7) to secure the greatest amount of resources possible, encourage private investment in water and sanitation infrastructure and services, particularly in lower middle-income countries, without creating unsustainable debt for low-income countries or unaffordable water and sanitation costs for the very poor; and

(8) to promote the capacity of recipient governments to provide affordable, equitable, and sustainable access to safe water and sanitation.

(b) **AUTHORIZATION.**—To carry out the purposes of subsection (a), the President is authorized to furnish assistance for programs in developing countries to provide affordable and equitable access to safe water [and sanitation], *sanitation, and hygiene*.

(c) **ACTIVITIES SUPPORTED.**—Assistance provided under subsection (b) shall, to the maximum extent practicable, be used to—

(1) expand affordable and equitable access to safe water and sanitation for underserved populations;

(2) support the design, construction, maintenance, upkeep, repair, and operation of water delivery and sanitation systems;

(3) improve the safety and reliability of water supplies, including environmental management; and

(4) improve the capacity of recipient governments and local communities, including capacity-building programs for improved water resource management.

(d) **LOCAL CURRENCY.**—The President may use payments made in local currencies under an agreement made under title I of the Food for Peace Act 177 (7 U.S.C. 1701 *et seq.*) to provide assistance under this section.

(e) **COORDINATION AND OVERSIGHT.**—

(1) **USAID GLOBAL WATER COORDINATOR.**—

(A) **DESIGNATION.**—*The Administrator of the United States Agency for International Development (referred to in this paragraph as “USAID”) or the Administrator’s designee, who shall be a current USAID employee serving in a career or non-career position in the Senior Executive Service or at the level of a Deputy Assistant Administrator or higher, shall serve concurrently as the USAID Global*

Water Coordinator (referred to in this subsection as the “Coordinator”).

(B) SPECIFIC DUTIES.—The Coordinator shall—

(i) provide direction and guidance to, coordinate, and oversee the projects and programs of USAID authorized under this section;

(ii) lead the implementation and revision, not less frequently than once every 5 years, of USAID’s portion of the Global Water Strategy required under subsection (j);

(iii) seek—

(I) to expand the capacity of USAID, subject to the availability of appropriations, including through the designation of a lead subject matter expert selected from among USAID staff in each high priority country designated pursuant to subsection (h);

(II) to implement such programs and activities;

(III) to take advantage of economies of scale; and

(IV) to conduct more efficient and effective projects and programs;

(iv) coordinate with the Department of State and USAID staff in each high priority country designated pursuant to subsection (h) to ensure that USAID activities and projects, USAID program planning and budgeting documents, and USAID country development strategies reflect and seek to implement—

(I) the safe water, sanitation, and hygiene objectives established in the strategy required under subsection (j), including objectives relating to the management of water resources; and

(II) international best practices relating to—

(aa) increasing access to safe water and sanitation;

(bb) conducting hygiene-related activities; and

(cc) ensuring appropriate management of water resources; and

(v) develop appropriate benchmarks, measurable goals, performance metrics, and monitoring and evaluation plans for USAID projects and programs authorized under this section.

(2) DEPARTMENT OF STATE SPECIAL COORDINATOR FOR WATER RESOURCES.—

(A) DESIGNATION.—The Secretary of State or the Secretary’s designee, who shall be a current employee of the Department of State serving in a career or non-career position in the Senior Executive Service or at the level of a Deputy Assistant Secretary or higher, shall serve concurrently as the Department of State Special Advisor for Water Resources (referred to in this paragraph as the “Special Advisor”).

(B) SPECIFIC DUTIES.—The Special Advisor shall—

(i) provide direction and guidance to, coordinate, and oversee the projects and programs of the Department of State authorized under this section;

(ii) lead the implementation and revision, not less than every 5 years, of the Department of State's portion of the Global Water Strategy required under subsection (j);

(iii) prioritize and coordinate the Department of State's international engagement on the allocation, distribution, and access to global fresh water resources and policies related to such matters;

(iv) coordinate with United States Agency for International Development and Department of State staff in each high priority country designated pursuant to subsection (h) to ensure that United States diplomatic efforts related to safe water, sanitation, and hygiene, including efforts related to management of water resources and watersheds and the resolution of intra- and trans-boundary conflicts over water resources, are consistent with United States national interests; and

(v) represent the views of the United States Government on the allocation, distribution, and access to global fresh water resources and policies related to such matters in key international fora, including key diplomatic, development-related, and scientific organizations.

(3) **ADDITIONAL NATURE OF DUTIES AND RESTRICTION ON ADDITIONAL OR SUPPLEMENTAL COMPENSATION.**—*The responsibilities and specific duties of the Administrator of the United States Agency for International Development (or the Administrator's designee) and the Secretary of State (or the Secretary's designee) under paragraph (2) or (3), respectively, shall be in addition to any other responsibilities or specific duties assigned to such individuals. Such individuals shall receive no additional or supplemental compensation as a result of carrying out such responsibilities and specific duties under such paragraphs.*

(f) **PRIORITIES AND CRITERIA FOR MAXIMUM IMPACT AND LONG-TERM SUSTAINABILITY.**—*The Administrator of the United States Agency for International Development shall ensure that the Agency for International Development's projects and programs authorized under this section are designed to achieve maximum impact and long-term sustainability by—*

(1) *prioritizing countries on the basis of the following clearly defined criteria and indicators, to the extent sufficient data are available—*

(A) *the proportion of the population using an unimproved drinking water source;*

(B) *the total population using an unimproved drinking water source;*

(C) *the proportion of the population without piped water access;*

(D) *the proportion of the population using shared or other unimproved sanitation facilities;*

(E) *the total population using shared or other unimproved sanitation facilities;*

- (F) *the proportion of the population practicing open defecation;*
- (G) *the total number of children younger than 5 years of age who died from diarrheal disease;*
- (H) *the proportion of all deaths of children younger than 5 years of age resulting from diarrheal disease;*
- (I) *the national government's capacity, capability, and commitment to work with the United States to improve access to safe water, sanitation, and hygiene, including—*
 - (i) *the government's capacity and commitment to developing the indigenous capacity to provide safe water and sanitation without the assistance of outside donors; and*
 - (ii) *the degree to which such government—*
 - (I) *identifies such efforts as a priority; and*
 - (II) *allocates resources to such efforts;*
- (J) *the availability of opportunities to leverage existing public, private, or other donor investments in the water, sanitation, and hygiene sectors, including investments in the management of water resources; and*
- (K) *the likelihood of making significant improvements on a per capita basis on the health and educational opportunities available to women as a result of increased access to safe water, sanitation, and hygiene, including access to appropriate facilities at primary and secondary educational institutions seeking to ensure that communities benefitting from such projects and activities develop the indigenous capacity to provide safe water and sanitation without the assistance of outside donors;*
- (2) *prioritizing and measuring, including through rigorous monitoring and evaluating mechanisms, the extent to which such project or program—*
 - (A) *further significant improvements in—*
 - (i) *the criteria set forth in subparagraphs (A) through (H) of paragraph (1);*
 - (ii) *the health and educational opportunities available to women as a result of increased access to safe water, sanitation, and hygiene, including access to appropriate facilities at primary and secondary educational institutions; and*
 - (iii) *the indigenous capacity of the host nation or community to provide safe water and sanitation without the assistance of outside donors;*
 - (B) *is designed, as part of the provision of safe water and sanitation to the local community—*
 - (i) *to be financially independent over the long term, focusing on local ownership and sustainability;*
 - (ii) *to be undertaken in conjunction with relevant public institutions or private enterprises;*
 - (iii) *to identify and empower local individuals or institutions to be responsible for the effective management and maintenance of such project or program; and*
 - (iv) *to provide safe water or expertise or capacity building to those identified parties or institutions for the purposes of developing a plan and clear respon-*

sibilities for the effective management and maintenance of such project or program;

(C) leverages existing public, private, or other donor investments in the water, sanitation, and hygiene sectors, including investments in the management of water resources;

(D) avoids duplication of efforts with other United States Government agencies or departments or those of other nations or nongovernmental organizations;

(E) coordinates such efforts with the efforts of other United States Government agencies or departments or those of other nations or nongovernmental organizations directed at assisting refugees and other displaced individuals; and

(F) involves consultation with appropriate stakeholders, including communities directly affected by the lack of access to clean water, sanitation or hygiene, and other appropriate nongovernmental organizations;

(3) seeking to further the “USAID Water and Development Strategy, 2013–2018” through 2018; and

(4) seeking to further the strategy required under subsection (j) after 2018.

(g) *USE OF IMPROVED DATA COLLECTION AND REVIEW OF NEW STANDARDIZED INDICATORS.*—

(1) *IN GENERAL.*—The Administrator of the United States Agency for International Development is authorized to use improved data collection—

(A) to meet the health-based prioritization criteria established pursuant to subsection (f)(1); and

(B) to review new standardized indicators in evaluating progress towards meeting such criteria.

(2) *CONSULTATION AND NOTICE.*—The Administrator shall—

(A) regularly consult with the appropriate congressional committees; and

(B) notify such committees not later 30 days before using improved data collection and review of new standardized indicators under paragraph (1) for the purposes of carrying out this section.

(h) *DESIGNATION OF HIGH PRIORITY COUNTRIES.*—

(1) *INITIAL DESIGNATION.*—Not later than October 1, 2015, the President shall—

(A) designate, on the basis of the criteria set forth in subsection (f)(1) and in furtherance of the “USAID Water and Development Strategy, 2013–2018”, not fewer than 10 countries as high priority countries to be the primary recipients of United States Government assistance authorized under this section during fiscal year 2016; and

(B) notify the appropriate congressional committees of such designations.

(2) *ANNUAL DESIGNATIONS.*—

(A) *IN GENERAL.*—Except as provided in subparagraph (B), the President shall annually make new designations pursuant to the criteria set forth in paragraph (1).

(B) *DESIGNATIONS AFTER FISCAL YEAR 2018.*—Beginning with fiscal year 2019, designations under paragraph (1) shall be made—

- (i) based upon the criteria set forth in subsection (f)(1); and
- (ii) in furtherance of the strategy required under subsection (j).

(i) **TARGETING OF PROJECTS AND PROGRAMS TO AREAS OF GREATEST NEED.**—

(1) **IN GENERAL.**—Not later than 15 days before the obligation of any funds for water, sanitation, or hygiene projects or programs pursuant to this section in countries that are not ranked in the top 50 countries based upon the WASH Needs Index, the Administrator of the United States Agency for International Development shall notify the appropriate congressional committees of the planned obligation of such funds.

(2) **DEFINED TERM.**—In this subsection and in subsection (j), the term “WASH Needs Index” means the needs index for water, sanitation, or hygiene projects or programs authorized under this section that has been developed using the criteria and indicators described in subparagraphs (A) through (H) of subsection (f)(1).

(j) **GLOBAL WATER STRATEGY.**—

(1) **IN GENERAL.**—Not later than October 1, 2017, and every 5 years thereafter, the President, acting through the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other Federal departments and agencies, as appropriate, shall submit a single government-wide Global Water Strategy to the appropriate congressional committees that provides a detailed description of how the United States intends—

(A) to increase access to safe water, sanitation, and hygiene in high priority countries designated pursuant to subsection (h), including a summary of the WASH Needs Index and the specific weighting of data and other assumptions used to develop and rank countries on the WASH Needs Index;

(B) to improve the management of water resources and watersheds in such countries; and

(C) to work to prevent and resolve, to the greatest degree possible, both intra- and trans-boundary conflicts over water resources in such countries.

(2) **AGENCY-SPECIFIC PLANS.**—The Global Water Strategy shall include an agency-specific plan—

(A) from the United States Agency for International Development that describes specifically how the Agency for International Development will—

(i) carry out the duties and responsibilities assigned to the Global Water Coordinator under subsection (e)(1);

(ii) ensure that the Agency for International Development’s projects and programs authorized under this section are designed to achieve maximum impact and long-term sustainability, including by implementing the requirements described in subsection (f); and

(iii) increase access to safe water, sanitation, and hygiene in high priority countries designated pursuant to subsection (h);

(B) from the Department of State that describes specifically how the Department of State will—

(i) carry out the duties and responsibilities assigned to the Special Coordinator for Water Resources under subsection (e)(2); and

(ii) ensure that the Department's activities authorized under this section are designed—

(I) to improve management of water resources and watersheds in countries designated pursuant to subsection (h); and

(II) to prevent and resolve, to the greatest degree possible, both intra- and trans-boundary conflicts over water resources in such countries; and

(C) from other Federal departments and agencies, as appropriate, that describes the contributions of the departments and agencies to implementing the Global Water Strategy.

(3) *INDIVIDUALIZED PLANS FOR HIGH PRIORITY COUNTRIES.*—For each high priority country designated pursuant to subsection (h), the Administrator of the United States Agency for International Development shall—

(A) develop a costed, evidence-based, and results-oriented plan that—

(i) seeks to achieve the purposes of this section; and

(ii) meets the requirements under subsection (f); and

(B) include such plan in an appendix to the Global Water Strategy required under paragraph (1).

(4) *FIRST TIME ACCESS REPORTING REQUIREMENT.*—The Global Water Strategy shall specifically describe the target percentage of funding for each fiscal year covered by such strategy to be directed toward projects aimed at providing first-time access to safe water and sanitation.

(5) *PERFORMANCE INDICATORS.*—The Global Water Strategy shall include specific and measurable goals, benchmarks, performance metrics, timetables, and monitoring and evaluation plans required to be developed by the Administrator of the United States Agency for International Development pursuant to subsection (e)(1)(B)(v).

(6) *CONSULTATION AND BEST PRACTICES.*—The Global Water Strategy shall—

(A) be developed in consultation with the heads of other appropriate Federal departments and agencies; and

(B) incorporate best practices from the international development community.

(k) *DEFINITION.*—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.