

Calendar No. 538

112TH CONGRESS
2D SESSION

S. 3310

[Report No. 112-233]

To direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2012

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

NOVEMBER 13, 2012

Reported by Mr. KERRY, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Foreign Aid Trans-
3 parency and Accountability Act of 2012”.

4 **SEC. 2. GUIDELINES FOR UNITED STATES FOREIGN ASSIST-**
5 **ANCE PROGRAMS.**

6 (a) **PURPOSE.**—The purpose of this section is to
7 evaluate the performance of United States foreign assist-
8 ance programs and their contribution to policy, strategies,
9 projects, program goals, and priorities undertaken by the
10 Federal Government, to foster and promote innovative
11 programs to improve the effectiveness of such programs,
12 and to coordinate the monitoring and evaluation processes
13 of Federal departments and agencies that administer such
14 programs.

15 (b) **ESTABLISHMENT OF GUIDELINES.**—The Presi-
16 dent, in consultation with the Department of State,
17 United States Agency for International Development, Mil-
18 lennium Challenge Corporation, and the Department of
19 Defense, shall establish guidelines regarding the establish-
20 ment of measurable goals, performance metrics, and moni-
21 toring and evaluation plans that can be applied on a uni-
22 form basis to United States foreign assistance programs,
23 country assistance plans, and international and multilat-
24 eral assistance programs receiving financial assistance
25 from the United States. Such guidelines shall be estab-

1 lished according to best practices of monitoring and eval-
2 uation studies and analyses.

3 ~~(c) OBJECTIVES OF GUIDELINES.—~~

4 ~~(1) IN GENERAL.—~~Such guidelines shall provide
5 direction to Federal departments and agencies that
6 administer United States foreign assistance pro-
7 grams on how to develop the complete range of ac-
8 tivities relating to the monitoring of resources, the
9 evaluation of projects, the evaluation of program im-
10 pacts, and analysis that is necessary for the identi-
11 fication of findings, generalizations that can be de-
12 rived from those findings, and their applicability to
13 proposed project and program design.

14 ~~(2) OBJECTIVES.—~~Specifically, the guidelines
15 shall provide direction on how to achieve the fol-
16 lowing objectives for monitoring and evaluation pro-
17 grams:

18 ~~(A) Building measurable goals, perform-~~
19 ~~ance metrics and monitoring and evaluation~~
20 ~~into program design at the outset, including the~~
21 ~~provision of sufficient program resources to~~
22 ~~conduct monitoring and evaluation.~~

23 ~~(B) Disseminating guidelines for the devel-~~
24 ~~opment and implementation of monitoring and~~
25 ~~evaluation programs to all personnel, especially~~

1 in the field, who are responsible for the design,
2 implementation and management of foreign as-
3 sistance programs.

4 (C) Developing a clearinghouse capacity
5 for the dissemination of knowledge and lessons
6 learned to United States development profes-
7 sionals, implementing partners, the inter-
8 national aid community, and aid recipient gov-
9 ernments, and as a repository of knowledge on
10 lessons learned.

11 (D) Distributing evaluation reports inter-
12 nally and making this material available online
13 to the public. Furthermore, providing a sum-
14 mary including a description of methods, key
15 findings and recommendations to the public on-
16 line in a fully searchable form within 90 days
17 after the completion of the evaluation. Prin-
18 ciple exceptions will be made in cases of classi-
19 fied or proprietary material.

20 (E) Establishing annual monitoring and
21 evaluation agendas and objectives that are re-
22 sponsive to policy and programmatic priorities.

23 (F) Applying rigorous monitoring and eval-
24 uation methodologies, choosing from among a
25 wide variety of qualitative and quantitative

1 methods common in the field of social scientific
2 inquiry.

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

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

13 ~~(d) ROLE OF OTHER FEDERAL DEPARTMENTS AND~~
14 ~~AGENCIES.—The President shall carry out this section in~~
15 ~~conjunction with the heads of Federal departments and~~
16 ~~agencies that administer United States foreign assistance~~
17 ~~programs.~~

18 ~~(e) REPORT.—Not later than one year after the date~~
19 ~~of the enactment of this Act, the President shall submit~~
20 ~~to Congress a report that contains a detailed description~~
21 ~~of the guidelines that have been developed on measurable~~
22 ~~goals, performance metrics, and monitoring and evalua-~~
23 ~~tion plans for United States foreign assistance programs~~
24 ~~established under this section.~~

1 (f) **EVALUATION DEFINED.**—In this section, the term
 2 “evaluation” means, with respect to a United States for-
 3 eign assistance program, the systematic collection and
 4 analysis of information about the characteristics and out-
 5 comes of the program and projects under the program as
 6 a basis for judgments, to improve effectiveness, and to in-
 7 form decisions about current and future programming.

8 **SEC. 3. INTERNET WEB SITE TO MAKE PUBLICLY AVAIL-**
 9 **ABLE COMPREHENSIVE, TIMELY, COM-**
 10 **PARABLE, AND ACCESSIBLE INFORMATION**
 11 **ON UNITED STATES FOREIGN ASSISTANCE**
 12 **PROGRAMS.**

13 (a) **ESTABLISHMENT; PUBLICATION AND UP-**
 14 **DATES.**—Not later than 2 years after the date of the en-
 15 actment of this Act, the President shall establish and
 16 maintain an Internet Web site to make publicly available
 17 comprehensive, timely, comparable, and accessible infor-
 18 mation on United States foreign assistance programs. The
 19 head of each Federal department or agency that admin-
 20 isters such programs shall on a regular basis publish and
 21 update on the Web site such information with respect to
 22 the programs of the department or agency.

23 (b) **MATTERS TO BE INCLUDED.**—

1 (1) ~~IN GENERAL.~~—Such information shall be
2 published on a detailed program-by-program basis
3 and ~~country-by-country~~ basis.

4 (2) ~~TYPES OF INFORMATION.~~—To ensure trans-
5 parency, accountability, and effectiveness of United
6 States foreign assistance programs, the information
7 shall include ~~country~~ assistance strategies, annual
8 budget documents, congressional budget justifica-
9 tions, actual expenditures, and reports and evalua-
10 tions for such programs and projects under such
11 programs. Each type of information described in this
12 paragraph shall be published on the Web site not
13 later than 30 days after the date of issuance of the
14 information and shall be continuously updated.

15 (3) ~~REPORT IN LIEU OF INCLUSION.~~—If the
16 head of a Federal department or agency makes a de-
17 termination that the inclusion of a required item of
18 information on the Web site would jeopardize the
19 health or security of an implementing partner or
20 program beneficiary or would be detrimental to the
21 national interests of the United States, such item of
22 information may be submitted to Congress in a writ-
23 ten report in lieu of including it on the Web site,
24 along with the reasons for not including it in the
25 database required under subsection (c)(2).

1 ~~(c) SCOPE OF INFORMATION.—~~

2 ~~(1) IN GENERAL.—The Web site shall contain~~
 3 ~~such information relating to the current fiscal year~~
 4 ~~and the immediately preceding 5 fiscal years.~~

5 ~~(2) DATABASE.—~~

6 ~~(A) IN GENERAL.—Subject to subpara-~~
 7 ~~graph (B), the Web site shall also contain a~~
 8 ~~link to a searchable database available to the~~
 9 ~~public containing such information relating to~~
 10 ~~fiscal years prior to the current fiscal year and~~
 11 ~~the immediately preceding 5 fiscal years.~~

12 ~~(B) LIMITATION.—The database shall not~~
 13 ~~contain such information relating to fiscal years~~
 14 ~~prior to fiscal year 2006.~~

15 ~~(d) FORM.—Such information shall be published on~~
 16 ~~the Web site in unclassified form. Any information deter-~~
 17 ~~mined to be classified information may be submitted to~~
 18 ~~Congress in classified form and an unclassified summary~~
 19 ~~of such information shall be published on the Web site.~~

20 ***SECTION 1. SHORT TITLE.***

21 *This Act may be cited as the “Foreign Aid Trans-*
 22 *parency and Accountability Act of 2012”.*

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

3 (a) *PURPOSE.*—*The purpose of this section is to evalu-*
 4 *ate the performance of United States foreign assistance and*
 5 *its contribution to policy, strategies, projects, program*
 6 *goals, and priorities undertaken by the Federal Govern-*
 7 *ment, to foster and promote innovative programs to im-*
 8 *prove effectiveness, and to coordinate the monitoring and*
 9 *evaluation processes of Federal departments and agencies*
 10 *that administer foreign assistance.*

11 (b) *ESTABLISHMENT OF GUIDELINES.*—*Not later than*
 12 *one year after the date of the enactment of this Act, the*
 13 *President shall establish guidelines regarding the establish-*
 14 *ment of measurable goals, performance metrics, and moni-*
 15 *toring and evaluation plans that can be applied on a uni-*
 16 *form basis to United States foreign assistance. Such guide-*
 17 *lines shall be established according to best practices of moni-*
 18 *toring and evaluation studies and analyses.*

19 (c) *OBJECTIVES OF GUIDELINES.*—

20 (1) *IN GENERAL.*—*The guidelines established*
 21 *under subsection (b) shall provide direction to Federal*
 22 *departments and agencies that administer United*
 23 *States foreign assistance on how to develop the com-*
 24 *plete range of activities relating to the monitoring of*
 25 *resources, the evaluation of projects, the evaluation of*
 26 *program impacts, and analysis that is necessary for*

1 *the identification of findings, generalizations that can*
2 *be derived from those findings, and their applicability*
3 *to proposed project and program design.*

4 (2) *OBJECTIVES.*—Specifically, the guidelines
5 *shall provide direction on how to achieve the following*
6 *objectives for monitoring and evaluation programs:*

7 (A) *Building measurable goals, performance*
8 *metrics and monitoring and evaluation into pro-*
9 *gram design at the outset, including the provi-*
10 *sion of sufficient program resources to conduct*
11 *monitoring and evaluation.*

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

18 (C) *Developing a clearinghouse capacity for*
19 *the dissemination of knowledge and lessons*
20 *learned to United States development profes-*
21 *sionals, implementing partners, the inter-*
22 *national aid community, and aid recipient gov-*
23 *ernments, and as a repository of knowledge on*
24 *lessons learned.*

1 (D) *Distributing evaluation reports inter-*
2 *nally and making this material available online*
3 *to the public. Furthermore, providing a sum-*
4 *mary including a description of methods, key*
5 *findings and recommendations to the public on-*
6 *line in a fully searchable form within 90 days*
7 *after the completion of the evaluation. Principled*
8 *exceptions will be made in cases of classified or*
9 *proprietary material.*

10 (E) *Establishing annual monitoring and*
11 *evaluation agendas and objectives that are re-*
12 *sponsive to policy and programmatic priorities.*

13 (F) *Applying rigorous monitoring and eval-*
14 *uation methodologies, choosing from among a*
15 *wide variety of qualitative and quantitative*
16 *methods common in the field of social scientific*
17 *inquiry.*

18 (G) *Partnering with the academic commu-*
19 *nity, implementing partners, and national and*
20 *international institutions that have expertise in*
21 *monitoring and evaluation and analysis when*
22 *such partnerships will provide needed expertise*
23 *or will significantly improve the evaluation and*
24 *analysis.*

1 (H) *Developing and implementing a train-*
2 *ing plan for aid personnel on the proper conduct*
3 *of monitoring and evaluation programs.*

4 (d) *IMPLEMENTATION OF GUIDELINES.—Beginning*
5 *not later than one year after the date on which the Presi-*
6 *dent establishes the guidelines under subsection (b), the head*
7 *of each Federal department or agency that administers*
8 *United States foreign assistance shall administer the for-*
9 *eign assistance in accordance with the guidelines.*

10 (e) *REPORT.—Not later than one year after the date*
11 *of the enactment of this Act, the President shall submit to*
12 *Congress a report that contains a detailed description of*
13 *the guidelines that have been developed on measurable goals,*
14 *performance metrics, and monitoring and evaluation plans*
15 *for United States foreign assistance programs established*
16 *under this section.*

17 (f) *EVALUATION DEFINED.—In this section, the term*
18 *“evaluation” means, with respect to a United States foreign*
19 *assistance program, the systematic collection and analysis*
20 *of information about the characteristics and outcomes of the*
21 *program and projects under the program as a basis for*
22 *judgments, to improve effectiveness, and to inform decisions*
23 *about current and future programming.*

1 **SEC. 3. INTERNET WEB SITE TO MAKE PUBLICLY AVAILABLE**
2 **COMPREHENSIVE, TIMELY, COMPARABLE,**
3 **AND ACCESSIBLE INFORMATION ON UNITED**
4 **STATES FOREIGN ASSISTANCE PROGRAMS.**

5 (a) *ESTABLISHMENT; PUBLICATION AND UPDATES.*—
6 *Not later than 30 days after the date of the enactment of*
7 *this Act, the President shall direct the Secretary of State*
8 *to establish and maintain an Internet website to make pub-*
9 *licly available comprehensive, timely, comparable, and ac-*
10 *cessible information on United States foreign assistance*
11 *programs. The head of each Federal department or agency*
12 *that administers United States foreign assistance shall, not*
13 *later than three years after the date of the enactment of*
14 *this Act, publish and on a quarterly basis update on an*
15 *Internet website such information with respect to the pro-*
16 *grams of the department or agency.*

17 (b) *MATTERS TO BE INCLUDED.*—

18 (1) *IN GENERAL.*—*Such information shall be*
19 *published on a detailed program-by-program basis*
20 *and country-by-country basis.*

21 (2) *TYPES OF INFORMATION.*—*To ensure trans-*
22 *parency, accountability, and effectiveness of United*
23 *States foreign assistance programs, the information*
24 *shall include country assistance strategies, annual*
25 *budget documents, congressional budget justifications,*
26 *obligations, expenditures, and reports and evaluations*

1 *for United States foreign assistance programs and*
 2 *projects under such programs. Each type of informa-*
 3 *tion described in this paragraph shall be published or*
 4 *updated on the Internet website not later than 90*
 5 *days after the date of issuance of the information.*

6 (3) *REPORT IN LIEU OF INCLUSION.—If the head*
 7 *of a Federal department or agency makes a deter-*
 8 *mination that the inclusion of a required item of in-*
 9 *formation on the Internet website would jeopardize*
 10 *the health or security of an implementing partner or*
 11 *program beneficiary or would be detrimental to the*
 12 *national interests of the United States, the head of the*
 13 *Federal department or agency may provide briefings*
 14 *to Congress on the item of information or submit to*
 15 *Congress the item of information in a written report*
 16 *in lieu of including it on the Internet website, along*
 17 *with the reasons for not including it in the database*
 18 *required under this section.*

19 (c) *SCOPE OF INFORMATION.—*

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

23 (A) *For fiscal year 2013, the information*
 24 *relating to such fiscal year and each of the im-*
 25 *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 2017
11 and each fiscal year thereafter, the Internet website
12 shall also contain a link to a searchable database
13 available to the public containing information de-
14 scribed in subsection (b) relating to fiscal years prior
15 to the immediately preceding 5 fiscal years but subse-
16 quent to fiscal year 2010.

17 (d) FORM.—The information required under sub-
18 section (b) shall be published on the Internet website in un-
19 classified form. Any information determined to be classified
20 or particularly sensitive information may be submitted to
21 Congress in classified form. An unclassified summary of
22 such information shall be published on the Internet website
23 unless the head of the Federal department or agency, in con-
24 sultation with the appropriate congressional committees,

1 *determines that such publication would have a detrimental*
2 *effect on national security.*

3 **SEC. 4. OFFSET.**

4 *Notwithstanding any other provision of law, the Sec-*
5 *retary of State and the head of each other Federal depart-*
6 *ment or agency that administers United States foreign as-*
7 *sistance, in consultation with the appropriate congressional*
8 *committees, shall—*

9 *(1) eliminate such initiatives, positions, and*
10 *programs within the Department of State or such*
11 *other department or agency that are not otherwise re-*
12 *quired by law as the Secretary or the head of such*
13 *other department or agency determines to be nec-*
14 *essary to entirely offset any and all costs incurred to*
15 *carry out the provisions of this Act with respect to the*
16 *Department of State or such other department or*
17 *agency;*

18 *(2) ensure no net increases in personnel are*
19 *added to carry out the provisions of this Act, with*
20 *any new full or part time employees ore equivalents*
21 *offset by eliminating an equivalent number of existing*
22 *staff; and*

23 *(3) report to Congress not later than 90 days*
24 *after the date of the enactment of this Act the actions*
25 *taken to ensure compliance with paragraphs (1) and*

1 (2), including the specific initiatives, positions, and
 2 programs within the Department of State or such
 3 other department or agency that have been eliminated
 4 to ensure that the costs of carrying out this Act will
 5 be offset.

6 **SEC. 5. DEFINITIONS.**

7 *In this Act:*

8 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
 9 *TEES.—The term “appropriate congressional commit-*
 10 *tees” means—*

11 (A) *the Committee on Foreign Relations*
 12 *and the Committee on Appropriations of the*
 13 *Senate; and*

14 (B) *the Committee on Foreign Affairs and*
 15 *the Committee on Appropriations of the House of*
 16 *Representatives.*

17 (2) *UNITED STATES FOREIGN ASSISTANCE.—The*
 18 *term “United States foreign assistance” has the*
 19 *meaning given the term “foreign assistance” in sec-*
 20 *tion 634(b) of the Foreign Assistance Act of 1961 (22*
 21 *U.S.C. 2394 (b)).*

Amend the title so as to read: “A bill to direct the President to establish guidelines for United States foreign assistance, and for other purposes.”.

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[Report No. 112-233]

A BILL

To direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, and for other purposes.

NOVEMBER 13, 2012

Reported with an amendment and an amendment to the title