

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.**

**S. 3310**

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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. LUGAR

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

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 one year after the date of the enactment of this Act,  
8 the President shall establish guidelines regarding the es-  
9 tablishment of measurable goals, performance metrics,  
10 and monitoring and evaluation plans that can be applied  
11 on a uniform basis to United States foreign assistance.  
12 Such guidelines shall be established according to best  
13 practices of monitoring and evaluation studies and anal-  
14 yses.

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 at the outset, including the  
10 provision of sufficient program resources to  
11 conduct 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  
19 for 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. Prin-  
8 cipated exceptions will be made in cases of classi-  
9 fied or 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 con-  
3                   duct 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  
7 head of each Federal department or agency that admin-  
8 isters United States foreign assistance shall administer  
9 the foreign 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  
12 to Congress a report that contains a detailed description  
13 of the guidelines that have been developed on measurable  
14 goals, performance metrics, and monitoring and evalua-  
15 tion plans for United States foreign assistance programs  
16 established under this section.

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

1 **SEC. 3. INTERNET WEB SITE TO MAKE PUBLICLY AVAIL-**  
2 **ABLE COMPREHENSIVE, TIMELY, COM-**  
3 **PARABLE, AND ACCESSIBLE INFORMATION**  
4 **ON UNITED STATES FOREIGN ASSISTANCE**  
5 **PROGRAMS.**

6 (a) ESTABLISHMENT; PUBLICATION AND UP-  
7 DATES.—Not later than 30 days after the date of the en-  
8 actment of this Act, the President shall direct the Sec-  
9 retary of State to establish and maintain an Internet  
10 website to make publicly available comprehensive, timely,  
11 comparable, and accessible information on United States  
12 foreign assistance programs. The head of each Federal de-  
13 partment or agency that administers United States for-  
14 eign assistance shall, not later than three years after the  
15 date of the enactment of this Act, publish and on a quar-  
16 terly basis update on an Internet website such information  
17 with respect to the programs of the department or agency.

18 (b) MATTERS TO BE INCLUDED.—

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

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

1 tions, obligations, expenditures, and reports and  
2 evaluations for United States foreign assistance pro-  
3 grams and projects under such programs. Each type  
4 of information described in this paragraph shall be  
5 published or updated on the Internet website not  
6 later than 90 days after the date of issuance of the  
7 information.

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

21 (c) SCOPE OF INFORMATION.—

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

1           (A) For fiscal year 2013, the information  
2 relating to such fiscal year and each of the im-  
3 mediately preceding 2 fiscal years.

4           (B) For fiscal year 2014, the information  
5 relating to such fiscal year and each of the im-  
6 mediately preceding 3 fiscal years.

7           (C) For fiscal year 2015, the information  
8 relating to such fiscal year and each of the im-  
9 mediately preceding 4 fiscal years.

10          (D) For fiscal year 2016, the information  
11 relating to such fiscal year and each of the im-  
12 mediately preceding 5 fiscal years.

13          (2) OLDER INFORMATION.—For fiscal year  
14 2017 and each fiscal year thereafter, the Internet  
15 website shall also contain a link to a searchable  
16 database available to the public containing informa-  
17 tion described in subsection (b) relating to fiscal  
18 years prior to the immediately preceding 5 fiscal  
19 years but subsequent to fiscal year 2010.

20          (d) FORM.—The information required under sub-  
21 section (b) shall be published on the Internet website in  
22 unclassified form. Any information determined to be clas-  
23 sified or particularly sensitive information may be sub-  
24 mitted to Congress in classified form. An unclassified  
25 summary of such information shall be published on the



1 Internet website unless the head of the Federal depart-  
2 ment or agency, in consultation with the appropriate con-  
3 gressional committees, determines that such publication  
4 would have a detrimental effect on national security.

5 **SEC. 4. OFFSET.**

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

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

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

1           (3) report to Congress not later than 90 days  
2 after the date of the enactment of this Act the ac-  
3 tions taken to ensure compliance with paragraphs  
4 (1) and (2), including the specific initiatives, posi-  
5 tions, and programs within the Department of State  
6 or such other department or agency that have been  
7 eliminated to ensure that the costs of carrying out  
8 this Act will be offset.

9 **SEC. 5. DEFINITIONS.**

10 In this Act:

11           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
12 TEES.—The term “appropriate congressional com-  
13 mittees” means—

14                 (A) the Committee on Foreign Relations  
15 and the Committee on Appropriations of the  
16 Senate; and

17                 (B) the Committee on Foreign Affairs and  
18 the Committee on Appropriations of the House  
19 of Representatives.

20           (2) UNITED STATES FOREIGN ASSISTANCE.—  
21 The term “United States foreign assistance” has the  
22 meaning given the term “foreign assistance” in sec-  
23 tion 634(b) of the Foreign Assistance Act of 1961  
24 (22 U.S.C. 2394 (b)).