

DAV14E62

S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

S. 2946

To provide improved water, sanitation, and hygiene programs for high priority developing countries, 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. BARRASSO

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Senator Paul Simon
5 Water for the World Act of 2014”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) water and sanitation are critically important
9 resources that impact many other aspects of human
10 life; and

11 (2) the United States should be a global leader
12 in helping provide viable access to clean water and

1 sanitation for the world’s most vulnerable popu-
2 lations.

3 **SEC. 3. CLARIFICATION OF ASSISTANCE TO PROVIDE SAFE**
4 **WATER AND SANITATION TO INCLUDE HY-**
5 **GIENE.**

6 Chapter 1 of part I of the Foreign Assistance Act
7 of 1961 is amended—

8 (1) by redesignating section 135 (22 U.S.C.
9 2152h), as added by section 5(a) of the Senator
10 Paul Simon Water for the Poor Act of 2005 (Public
11 Law 109–121; 22 U.S.C. 2152h note), as section
12 136; and

13 (2) in section 136, as redesignated—

14 (A) in the section heading, by striking
15 “**AND SANITATION**” and inserting “**, SANITA-**
16 **TION, AND HYGIENE**”; and

17 (B) in subsection (b), by striking “and
18 sanitation” and inserting “, sanitation, and hy-
19 giene”.

20 **SEC. 4. IMPROVING COORDINATION AND OVERSIGHT OF**
21 **SAFE WATER, SANITATION AND HYGIENE**
22 **PROJECTS AND ACTIVITIES.**

23 Section 136 of the Foreign Assistance Act of 1961,
24 as redesignated and amended by this Act, is further
25 amended by adding at the end the following:

1 “(e) COORDINATION AND OVERSIGHT.—

2 “(1) USAID GLOBAL WATER COORDINATOR.—

3 “(A) DESIGNATION.—The Administrator
4 of the United States Agency for International
5 Development (referred to in this paragraph as
6 ‘USAID’) or the Administrator’s designee, who
7 shall be a current USAID employee serving in
8 a career or non-career position in the Senior
9 Executive Service or at the level of a Deputy
10 Assistant Administrator or higher, shall serve
11 concurrently as the USAID Global Water Coor-
12 dinator (referred to in this subsection as the
13 ‘Coordinator’).

14 “(B) SPECIFIC DUTIES.—The Coordinator
15 shall—

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

20 “(ii) lead the implementation and re-
21 vision, not less frequently than once every
22 5 years, of USAID’s portion of the Global
23 Water Strategy required under subsection
24 (j);

25 “(iii) seek—

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

8 “(II) to implement such pro-
9 grams and activities;

10 “(III) to take advantage of
11 economies of scale; and

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

14 “(iv) coordinate with the Department
15 of State and USAID staff in each high pri-
16 ority country designated pursuant to sub-
17 section (h) to ensure that USAID activities
18 and projects, USAID program planning
19 and budgeting documents, and USAID
20 country development strategies reflect and
21 seek to implement—

22 “(I) the safe water, sanitation,
23 and hygiene objectives established in
24 the strategy required under subsection

1 (j), including objectives relating to the
2 management of water resources; and

3 “(II) international best practices
4 relating to—

5 “(aa) increasing access to
6 safe water and sanitation;

7 “(bb) conducting hygiene-re-
8 lated activities; and

9 “(cc) ensuring appropriate
10 management of water resources;
11 and

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

17 “(2) DEPARTMENT OF STATE SPECIAL COORDI-
18 NATOR FOR WATER RESOURCES.—

19 “(A) DESIGNATION.—The Secretary of
20 State or the Secretary’s designee, who shall be
21 a current employee of the Department of State
22 serving in a career or non-career position in the
23 Senior Executive Service or at the level of a
24 Deputy Assistant Secretary or higher, shall
25 serve concurrently as the Department of State

1 Special Advisor for Water Resources (referred
2 to in this paragraph as the ‘Special Advisor’).

3 “(B) SPECIFIC DUTIES.—The Special Ad-
4 visor shall—

5 “(i) provide direction and guidance to,
6 coordinate, and oversee the projects and
7 programs of the Department of State au-
8 thorized under this section;

9 “(ii) lead the implementation and re-
10 vision, not less than every 5 years, of the
11 Department of State’s portion of the Glob-
12 al Water Strategy required under sub-
13 section (j);

14 “(iii) prioritize and coordinate the De-
15 partment of State’s international engage-
16 ment on the allocation, distribution, and
17 access to global fresh water resources and
18 policies related to such matters;

19 “(iv) coordinate with United States
20 Agency for International Development and
21 Department of State staff in each high pri-
22 ority country designated pursuant to sub-
23 section (h) to ensure that United States
24 diplomatic efforts related to safe water,
25 sanitation, and hygiene, including efforts

1 related to management of water resources
2 and watersheds and the resolution of intra-
3 and trans-boundary conflicts over water re-
4 sources, are consistent with United States
5 national interests; and

6 “(v) represent the views of the United
7 States Government on the allocation, dis-
8 tribution, and access to global fresh water
9 resources and policies related to such mat-
10 ters in key international fora, including
11 key diplomatic, development-related, and
12 scientific organizations.

13 “(3) ADDITIONAL NATURE OF DUTIES AND RE-
14 STRICTION ON ADDITIONAL OR SUPPLEMENTAL COM-
15 PENSATION.—The responsibilities and specific duties
16 of the Administrator of the United States Agency
17 for International Development (or the Administra-
18 tor’s designee) and the Secretary of State (or the
19 Secretary’s designee) under paragraph (2) or (3), re-
20 spectively, shall be in addition to any other respon-
21 sibilities or specific duties assigned to such individ-
22 uals. Such individuals shall receive no additional or
23 supplemental compensation as a result of carrying
24 out such responsibilities and specific duties under
25 such paragraphs.”.

1 **SEC. 5. PROMOTING THE MAXIMUM IMPACT AND LONG-**
2 **TERM ECONOMIC VIABILITY OF USAID SAFE**
3 **WATER, SANITATION, AND HYGIENE-RELATED**
4 **PROJECTS AND PROGRAMS.**

5 Section 136 of the Foreign Assistance Act of 1961,
6 as redesignated and amended by this Act, is further
7 amended by adding at the end the following:

8 “(f) **PRIORITIES AND CRITERIA FOR MAXIMUM IM-**
9 **PACT AND LONG-TERM ECONOMIC VIABILITY.**—The Ad-
10 ministrator of the United States Agency for International
11 Development shall ensure that the Agency for Inter-
12 national Development’s projects and programs authorized
13 under this section are designed to achieve maximum im-
14 pact and long-term economic viability by—

15 “(1) prioritizing countries on the basis of the
16 following clearly defined criteria and indicators, to
17 the extent sufficient historical data are available—

18 “(A) the proportion of the population
19 using an unimproved drinking water source;

20 “(B) the total population using an unim-
21 proved drinking water source;

22 “(C) the proportion of the population with-
23 out piped water access;

24 “(D) the proportion of the population
25 using shared or other unimproved sanitation fa-
26 cilities;

1 “(E) the total population using shared or
2 other unimproved sanitation facilities;

3 “(F) the proportion of the population prac-
4 ticing open defecation;

5 “(G) the total number of children younger
6 than 5 years of age who died from diarrheal
7 disease;

8 “(H) the proportion of all deaths of chil-
9 dren younger than 5 years of age resulting from
10 diarrheal disease;

11 “(I) the national government’s capacity,
12 capability, and commitment to work with the
13 United States to improve access to safe water,
14 sanitation, and hygiene, including—

15 “(i) the government’s capacity and
16 commitment to developing the indigenous
17 capacity to provide safe water and sanita-
18 tion without the assistance of outside do-
19 nors; and

20 “(ii) the degree to which such govern-
21 ment—

22 “(I) identifies such efforts as a
23 priority; and

24 “(II) allocates resources to such
25 efforts;

1 “(ii) the health and educational op-
2 portunities available to women as a result
3 of increased access to safe water, sanita-
4 tion, and hygiene, including access to ap-
5 propriate facilities at primary and sec-
6 ondary educational institutions; and

7 “(iii) the indigenous capacity of the
8 host nation or community to provide safe
9 water and sanitation without the assistance
10 of outside donors;

11 “(B) is designed, as part of the provision
12 of safe water and sanitation to the local com-
13 munity—

14 “(i) to be financially independent over
15 the long term, focusing on local ownership
16 and economic viability;

17 “(ii) to be undertaken in conjunction
18 with relevant public institutions or private
19 enterprises;

20 “(iii) to identify and empower local in-
21 dividuals or institutions to be responsible
22 for the effective management and mainte-
23 nance of such project or program; and

24 “(iv) to provide safe water or exper-
25 tise or capacity building to those identified

1 parties or institutions for the purposes of
2 developing a plan and clear responsibilities
3 for the effective management and mainte-
4 nance of such project or program;

5 “(C) leverages existing public, private, or
6 other donor investments in the water, sanita-
7 tion, and hygiene sectors, including investments
8 in the management of water resources;

9 “(D) avoids duplication of efforts with
10 other United States Government agencies or de-
11 partments or those of other nations or non-
12 governmental organizations;

13 “(E) coordinates such efforts with the ef-
14 forts of other United States Government agen-
15 cies or departments or those of other nations or
16 nongovernmental organizations directed at as-
17 sisting refugees and other displaced individuals;
18 and

19 “(F) involves consultation with appropriate
20 stakeholders, including communities directly af-
21 fected by the lack of access to clean water, sani-
22 tation or hygiene, and other appropriate non-
23 governmental organizations; and

24 “(3) seeking to further the strategy required
25 under subsection (j) after 2018.

1 “(g) USE OF IMPROVED HISTORICAL DATA COLLEC-
2 TION AND REVIEW OF NEW STANDARDIZED INDICA-
3 TORS.—

4 “(1) IN GENERAL.—The Administrator of the
5 United States Agency for International Development
6 is authorized to use improved historical data collec-
7 tion—

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

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

14 “(2) CONSULTATION AND NOTICE.—The Ad-
15 ministrator shall—

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

18 “(B) notify such committees not later 30
19 days before using improved historical data col-
20 lection and review of new standardized indica-
21 tors under paragraph (1) for the purposes of
22 carrying out this section.

23 “(h) DESIGNATION OF HIGH PRIORITY COUN-
24 TRIES.—

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

3 “(A) designate, on the basis of the criteria
4 set forth in subsection (f)(1) not fewer than 10
5 countries as high priority countries to be the
6 primary recipients of United States Government
7 assistance authorized under this section during
8 fiscal year 2016; and

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

11 “(2) ANNUAL DESIGNATIONS.—

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

16 “(B) DESIGNATIONS AFTER FISCAL YEAR
17 2018.—Beginning with fiscal year 2019, des-
18 ignations under paragraph (1) shall be made—

19 “(i) based upon the criteria set forth
20 in subsection (f)(1); and

21 “(ii) in furtherance of the strategy re-
22 quired under subsection (j).

23 “(i) TARGETING OF PROJECTS AND PROGRAMS TO
24 AREAS OF GREATEST NEED.—

1 “(1) IN GENERAL.—Not later than 15 days be-
2 fore the obligation of any funds for water, sanita-
3 tion, or hygiene projects or programs pursuant to
4 this section in countries that are not ranked in the
5 top 50 countries based upon the WASH Needs
6 Index, the Administrator of the United States Agen-
7 cy for International Development shall notify the ap-
8 propriate congressional committees of the planned
9 obligation of such funds.

10 “(2) DEFINED TERM.—In this subsection and
11 in subsection (j), the term ‘WASH Needs Index’
12 means the needs index for water, sanitation, or hy-
13 giene projects or programs authorized under this
14 section that has been developed using the criteria
15 and indicators described in subparagraphs (A)
16 through (H) of subsection (f)(1).”.

17 **SEC. 6. UNITED STATES STRATEGY TO INCREASE APPRO-**
18 **PRIATE LONG-TERM ECONOMIC VIABILITY**
19 **AND ACCESS TO SAFE WATER, SANITATION,**
20 **AND HYGIENE.**

21 (a) IN GENERAL.—Section 136 of the Foreign Assist-
22 ance Act of 1961, as redesignated and amended by this
23 Act, is further amended by adding at the end the fol-
24 lowing:

25 “(j) GLOBAL WATER STRATEGY.—

1 “(1) IN GENERAL.—Not later than October 1,
2 2017, and every 5 years thereafter, the President,
3 acting through the Secretary of State, the Adminis-
4 trator of the United States Agency for International
5 Development, and the heads of other Federal depart-
6 ments and agencies, as appropriate, shall submit a
7 single government-wide Global Water Strategy to the
8 appropriate congressional committees that provides a
9 detailed description of how the United States in-
10 tends—

11 “(A) to increase access to safe water, sani-
12 tation, and hygiene in high priority countries
13 designated pursuant to subsection (h), including
14 a summary of the WASH Needs Index and the
15 specific weighting of historical data and other
16 definitions used to develop and rank countries
17 on the WASH Needs Index;

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

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

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

4 “(A) from the United States Agency for
5 International Development that describes spe-
6 cifically how the Agency for International De-
7 velopment will—

8 “(i) carry out the duties and respon-
9 sibilities assigned to the Global Water Co-
10 ordinator under subsection (e)(1);

11 “(ii) ensure that the Agency for Inter-
12 national Development’s projects and pro-
13 grams authorized under this section are
14 designed to achieve maximum impact and
15 long-term economic viability, including by
16 implementing the requirements described
17 in subsection (f); and

18 “(iii) increase access to safe water,
19 sanitation, and hygiene in high priority
20 countries designated pursuant to sub-
21 section (h);

22 “(B) from the Department of State that
23 describes specifically how the Department of
24 State will—

1 “(i) carry out the duties and respon-
2 sibilities assigned to the Special Coordi-
3 nator for Water Resources under sub-
4 section (e)(2); and

5 “(ii) ensure that the Department’s ac-
6 tivities authorized under this section are
7 designed—

8 “(I) to improve management of
9 water resources and watersheds in
10 countries designated pursuant to sub-
11 section (h); and

12 “(II) to prevent and resolve, to
13 the greatest degree possible, both
14 intra- and trans-boundary conflicts
15 over water resources in such coun-
16 tries; and

17 “(C) from other Federal departments and
18 agencies, as appropriate, that describes the con-
19 tributions of the departments and agencies to
20 implementing the Global Water Strategy.

21 “(3) INDIVIDUALIZED PLANS FOR HIGH PRI-
22 ORITY COUNTRIES.—For each high priority country
23 designated pursuant to subsection (h), the Adminis-
24 trator of the United States Agency for International
25 Development shall—

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

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

5 “(ii) meets the requirements under
6 subsection (f); and

7 “(B) include such plan in an appendix to
8 the Global Water Strategy required under para-
9 graph (1).

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

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

23 “(6) CONSULTATION AND BEST PRACTICES.—
24 The Global Water Strategy shall—

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

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

6 “(k) DEFINITIONS.—In this section—

7 “(1) the term ‘appropriate congressional com-
8 mittees’ means—

9 “(A) the Committee on Foreign Relations
10 of the Senate;

11 “(B) the Committee on Appropriations of
12 the Senate;

13 “(C) the Committee on Foreign Affairs of
14 the House of Representatives; and

15 “(D) the Committee on Appropriations of
16 the House of Representatives; and

17 “(2) the term ‘viable’ or ‘viability’ means ensur-
18 ing the long-term operation of high-quality and last-
19 ing projects and programs approved under the cri-
20 teria of subsection (f) that directly provide improved
21 water, sanitation and hygiene that are coordinated
22 with the community served.”.

23 (b) DEPARTMENT OF STATE AGENCY-SPECIFIC
24 PLAN.—Not later than 180 days after the date of enact-
25 ment of this Act, the Secretary of State shall submit an

1 agency-specific plan to the appropriate congressional com-
2 mittees (as defined in section 136(k) of the Foreign As-
3 sistance Act of 1961, as added by subsection (a)) that
4 meets the requirements of section 136(j)(2)(B) of such
5 Act, as added by subsection (a).

6 (c) CONFORMING AMENDMENT.—Section 6 of the
7 Senator Paul Simon Water for the Poor Act of 2005 (Pub-
8 lic Law 109–121; 22 U.S.C. 2152h note) is repealed.