

Calendar No. 295

114TH CONGRESS
1ST SESSION**S. 2184**

To direct the President to establish guidelines for United States foreign development and economic assistance programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2015

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

NOVEMBER 17, 2015

Reported by Mr. CORKER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

6 (A) the Committee on Foreign Relations of
7 the Senate;

8 (B) the Committee on Appropriations of
9 the Senate;

10 (C) the Committee on Foreign Affairs of
11 the House of Representatives; and

12 (D) the Committee on Appropriations of
13 the House of Representatives.

14 (2) ~~EVALUATION.~~—The term “evaluation”
15 means, with respect to a United States foreign de-
16 velopment and economic assistance program, the
17 systematic collection and analysis of information
18 about the characteristics and outcomes of the pro-
19 gram, including projects conducted under such pro-
20 gram, as a basis for—

21 (A) making judgments and evaluations re-
22 garding the program;

23 (B) improving program effectiveness; and

24 (C) informing decisions about current and
25 future programming.

1 ~~(3)~~ UNITED STATES FOREIGN DEVELOPMENT
 2 AND ECONOMIC ASSISTANCE.—The term “United
 3 States foreign development and economic assistance”
 4 means assistance provided primarily for the purposes
 5 of foreign development and economic support, in-
 6 cluding assistance authorized under—

7 (A) part I of the Foreign Assistance Act of
 8 1961 (~~22 U.S.C. 2151~~ et seq.); except for—

9 (i) title IV of chapter 2 of such part
 10 (relating to the Overseas Private Invest-
 11 ment Corporation);

12 (ii) chapter 3 of such part (relating to
 13 International Organizations and Pro-
 14 grams); and

15 (iii) chapter 8 of such part (relating
 16 to International Narcotics Control);

17 (B) chapter 4 of part II of the Foreign As-
 18 sistance Act of 1961 (~~22 U.S.C. 2346~~ et seq.;
 19 relating to Economic Support Fund);

20 (C) the Millennium Challenge Act of 2003
 21 (~~22 U.S.C. 7701~~ et seq.); and

22 (D) the Food for Peace Act (~~7 U.S.C.~~
 23 ~~1721~~ et seq.).

1 **SEC. 3. GUIDELINES FOR UNITED STATES FOREIGN DEVEL-**
 2 **OPMENT AND ECONOMIC ASSISTANCE PRO-**
 3 **GRAMS.**

4 (a) PURPOSES.—The purposes of this section are—

5 (1) to evaluate the performance of United
 6 States foreign development and economic assistance
 7 and its contribution to the policies, strategies,
 8 projects, program goals, and priorities undertaken
 9 by the Federal Government;

10 (2) to foster and promote innovative programs
 11 to improve effectiveness; and

12 (3) to coordinate the monitoring and evaluation
 13 processes of Federal departments and agencies that
 14 administer United States foreign development and
 15 economic assistance.

16 (b) ESTABLISHMENT OF GUIDELINES.—Not later
 17 than 18 months after the date of the enactment of this
 18 Act, the President shall set forth guidelines, according to
 19 best practices of monitoring and evaluation studies and
 20 analyses, for the establishment of measurable goals, per-
 21 formance metrics, and monitoring and evaluation plans
 22 that can be applied with reasonable consistency to United
 23 States foreign development and economic assistance.

24 (c) OBJECTIVES OF GUIDELINES.—

25 (1) IN GENERAL.—The guidelines established
 26 pursuant to subsection (b) shall provide direction to

1 Federal departments and agencies that administer
2 United States foreign development and economic as-
3 sistance on—

4 (A) monitoring the use of resources;

5 (B) evaluating the outcomes and impacts
6 of United States foreign development and eco-
7 nomic assistance projects and programs; and

8 (C) applying the findings and conclusions
9 of such evaluations to proposed project and pro-
10 gram design.

11 (2) OBJECTIVES.—The guidelines established
12 pursuant to subsection (b) shall require Federal de-
13 partments and agencies that administer United
14 States foreign development and economic assist-
15 ance—

16 (A) to establish annual monitoring and
17 evaluation agendas and objectives to plan and
18 manage the process of monitoring, evaluating,
19 analyzing progress, and applying learning to-
20 ward achieving results;

21 (B) to develop specific project monitoring
22 and evaluation plans, including measurable
23 goals and performance metrics, and to identify
24 the resources necessary to conduct such evalua-

1 tions, which should be covered by program
2 costs, during project design;

3 (C) to apply rigorous monitoring and eval-
4 uation methodologies to such programs, includ-
5 ing through the use of impact evaluations, ex-
6 post evaluations, or other methods as appro-
7 priate, that clearly define program logic, inputs,
8 outputs, intermediate outcomes, and end out-
9 comes;

10 (D) to disseminate guidelines for the devel-
11 opment and implementation of monitoring and
12 evaluation programs to all personnel, especially
13 in the field, who are responsible for the design,
14 implementation, and management of United
15 States foreign development and economic assist-
16 ance programs;

17 (E) to establish methodologies for the col-
18 lection of data, including baseline data to serve
19 as a reference point against which progress can
20 be measured;

21 (F) to evaluate, at least once in their life-
22 time, all programs whose dollar value equals or
23 exceeds the median program size for the rel-
24 evant office or bureau or an equivalent calcula-

tion to ensure the majority of program resources are evaluated;

(G) to conduct impact evaluations on all pilot programs before replicating wherever possible; or provide a written justification for not conducting an impact evaluation where such an evaluation was deemed inappropriate or impossible;

(H) to develop a clearinghouse capacity for the collection and dissemination of knowledge and lessons learned that serve as benchmarks to guide future programs for United States development professionals, implementing partners, the donor community, and aid recipient governments; and as a repository of knowledge on lessons learned;

(I) to internally distribute evaluation reports;

(J) to develop a summary of each evaluation, including a description of the evaluation methodology and key findings and recommendations made in the evaluation within 90 days after the completion of the evaluation;

(K) to undertake collaborative partnerships and coordinate efforts with the academic com-

1 munity, implementing partners, and national
 2 and international institutions that have exper-
 3 tise in program monitoring, evaluation, and
 4 analysis when such partnerships provide needed
 5 expertise or significantly improve the evaluation
 6 and analysis;

7 (L) to ensure verifiable, valid, credible,
 8 precise, reliable, and timely data are available
 9 to monitoring and evaluation personnel to per-
 10 mit the objective evaluation of the effectiveness
 11 of United States foreign development and eco-
 12 nomic assistance programs, including an assess-
 13 ment of assumptions and limitations in such
 14 evaluations; and

15 (M) to ensure that standards of profes-
 16 sional evaluation organizations for monitoring
 17 and evaluation efforts are employed, including
 18 ensuring the integrity and independence of eval-
 19 uations, permitting and encouraging the exer-
 20 cise of professional judgment, and providing for
 21 quality control and assurance in the monitoring
 22 and evaluation process.

23 (d) PRESIDENT'S REPORT.—Not later than 18
 24 months after the date of the enactment of this Act, the
 25 President shall submit a report to the appropriate con-

1 gressional committees that contains a detailed description
 2 of the guidelines established pursuant to subsection (b).
 3 The report shall be submitted in unclassified form, but
 4 it may contain a classified annex.

5 (e) COMPTROLLER GENERAL'S REPORT.—Not later
 6 than 1 year after the date on which the report required
 7 under subsection (d) is submitted to Congress, the Comp-
 8 troller General of the United States shall submit a report
 9 to the appropriate congressional committees that—

10 (1) analyzes the guidelines established pursuant
 11 to subsection (b); and

12 (2) provides a side-by-side comparison of—

13 (A) the President's budget request for that
 14 fiscal year of every operational unit that carries
 15 out United States foreign development and eco-
 16 nomic assistance; and

17 (B) the performance of such units during
 18 the most recently completed fiscal year.

19 **SEC. 4. INFORMATION ON UNITED STATES FOREIGN DE-**
 20 **VELOPMENT AND ECONOMIC ASSISTANCE**
 21 **PROGRAMS.**

22 (a) PUBLICATION OF INFORMATION.—

23 (1) UPDATE OF EXISTING WEBSITE.—Not later
 24 than 90 days after the date of the enactment of this
 25 Act, the Secretary of State shall update the Depart-

1 ment of State’s website, “ForeignAssistance.gov”, to
2 make publicly available comprehensive, timely, and
3 comparable information on United States foreign de-
4 velopment and economic assistance programs, in-
5 cluding all information required under subsection (b)
6 that is available to the Secretary of State.

7 (2) INFORMATION SHARING.—Not later than 2
8 years after the date of the enactment of this Act,
9 and quarterly thereafter, the head of each Federal
10 department or agency that administers United
11 States foreign development and economic assistance
12 shall provide the Secretary of State with comprehen-
13 sive information about the United States foreign de-
14 velopment and economic assistance programs carried
15 out by such department or agency.

16 (3) UPDATES TO WEBSITE.—Not later than 2
17 years after the date of the enactment of this Act,
18 and quarterly thereafter, the Secretary of State shall
19 publish, on the “ForeignAssistance.gov” website or
20 through a successor online publication, the informa-
21 tion provided under subsection (b).

22 (b) MATTERS TO BE INCLUDED.—

23 (1) IN GENERAL.—The information described in
24 subsection (a)—

1 (A) shall be published on a detailed award-
2 by-award and country-by-country basis; or

3 (B) if assistance is provided on a regional
4 level, shall be published on an award-by-award
5 and region-by-region basis.

6 (2) TYPES OF INFORMATION.—

7 (A) IN GENERAL.—To ensure the trans-
8 parency, accountability, and effectiveness of
9 United States foreign development and eco-
10 nomic assistance programs, the information de-
11 scribed in subsection (a) shall include—

12 (i) all regional, country, and sector as-
13 sistance strategies, annual budget docu-
14 ments, congressional budget justifications,
15 obligations, expenditures, evaluations and
16 summaries of evaluations in accordance
17 with section 3(e)(2)(J); and

18 (ii) basic descriptive summaries for
19 United States foreign development and
20 economic assistance programs and awards
21 under such programs.

22 (B) PUBLICATION.—Each type of informa-
23 tion described in subparagraph (A) shall be
24 published or updated on the appropriate website

1 not later than 90 days after the date on which
2 the information is issued.

3 (C) ~~RULE OF CONSTRUCTION.~~—Nothing in
4 this paragraph may be construed to require a
5 Federal department or agency that administers
6 United States foreign development and eco-
7 nomic assistance to provide any information
8 that does not relate to, or is not otherwise re-
9 quired by, the United States foreign develop-
10 ment and economic assistance programs carried
11 out by such department or agency.

12 ~~(3) REPORT IN LIEU OF INCLUSION.~~—

13 (A) ~~HEALTH OR SECURITY OF IMPL-~~
14 ~~EMENTING PARTNERS.~~—If the head of a Federal
15 department or agency makes a determination
16 that the inclusion of a required item of informa-
17 tion online would jeopardize the health or secu-
18 rity of an implementing partner or program
19 beneficiary or would require the release of pro-
20 prietary information of an implementing part-
21 ner or program beneficiary, the head of the
22 Federal department or agency shall provide
23 such determination in writing to the appro-
24 priate congressional committees, including the
25 basis for such determination and shall—

1 (i) provide a briefing to the appro-
2 priate congressional committees on such
3 information; or

4 (ii) submit such information to the
5 appropriate congressional committees in a
6 written report.

7 (B) NATIONAL INTERESTS OF THE UNITED
8 STATES.—If the Secretary of State makes a de-
9 termination that the inclusion of a required
10 item of information online would be detrimental
11 to the national interests of the United States,
12 the Secretary of State shall—

13 (i) provide such determination, includ-
14 ing the basis for such determination, in
15 writing to the appropriate congressional
16 committees; and

17 (ii)(I) provide a briefing on such in-
18 formation to the appropriate congressional
19 committees; or

20 (II) submit the item of information in
21 a written report to the appropriate con-
22 gressional committees.

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

1 (4) FAILURE TO COMPLY.—If a Federal depart-
 2 ment or agency fails to comply with the require-
 3 ments under paragraph (1) or (2), subsection (a), or
 4 subsection (c), with respect to providing information
 5 described in subsection (a), and the information is
 6 not subject to a determination under subparagraph
 7 (A) or (B) of paragraph (3) not to make the infor-
 8 mation publicly available, the Director of the Office
 9 of Management and Budget, in consultation with the
 10 head of such department or agency, not later than
 11 September 1, 2016, shall submit a consolidated re-
 12 port to the appropriate congressional committees
 13 that includes, with respect to each required item of
 14 information not made publicly available—

15 (A) a detailed explanation of the failure of
 16 not making such information publicly available;
 17 and

18 (B) a description of the department's or
 19 agency's plan and timeline for—

20 (i) immediately making such informa-
 21 tion publicly available; and

22 (ii) ensuring that such failures do not
 23 take place in subsequent years.

24 (c) SCOPE OF INFORMATION.—The online publication
 25 required under subsection (a) shall, at a minimum—

1 (1) in each of the fiscal years 2016 through
 2 2019, provide the information required under sub-
 3 section (b) for fiscal years 2012 through the current
 4 fiscal year; and

5 (2) for fiscal year 2020 and each fiscal year
 6 thereafter, provide the information required under
 7 subsection (b) for the immediately preceding 5 fiscal
 8 years in a fully searchable form.

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Foreign Aid Trans-*
 11 *parency and Accountability Act of 2015”.*

12 **SEC. 2. DEFINITIONS.**

13 *In this Act:*

14 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
 15 *TEES.—The term “appropriate congressional commit-*
 16 *tees” means—*

17 (A) *the Committee on Foreign Relations of*
 18 *the Senate;*

19 (B) *the Committee on Appropriations of the*
 20 *Senate;*

21 (C) *the Committee on Foreign Affairs of the*
 22 *House of Representatives; and*

23 (D) *the Committee on Appropriations of the*
 24 *House of Representatives.*

1 (2) *EVALUATION.*—*The term “evaluation”*
 2 *means, with respect to a United States foreign devel-*
 3 *opment and economic assistance program, the system-*
 4 *atic collection and analysis of information about the*
 5 *characteristics and outcomes of the program, includ-*
 6 *ing projects conducted under such program, as a basis*
 7 *for—*

8 (A) *making judgments and evaluations re-*
 9 *garding the program;*

10 (B) *improving program effectiveness; and*

11 (C) *informing decisions about current and*
 12 *future programming.*

13 (3) *UNITED STATES FOREIGN DEVELOPMENT AND*
 14 *ECONOMIC ASSISTANCE.*—*The term “United States*
 15 *foreign development and economic assistance” means*
 16 *assistance provided primarily for the purposes of for-*
 17 *ign development and economic support, including as-*
 18 *sistance authorized under—*

19 (A) *part I of the Foreign Assistance Act of*
 20 *1961 (22 U.S.C. 2151 et seq.), except for—*

21 (i) *title IV of chapter 2 of such part*
 22 *(relating to the Overseas Private Investment*
 23 *Corporation);*

1 (ii) chapter 3 of such part (relating to
2 International Organizations and Pro-
3 grams); and

4 (iii) chapter 8 of such part (relating to
5 International Narcotics Control);

6 (B) chapter 4 of part II of the Foreign As-
7 sistance Act of 1961 (22 U.S.C. 2346 *et seq.*; re-
8 lating to Economic Support Fund);

9 (C) the Millennium Challenge Act of 2003
10 (22 U.S.C. 7701 *et seq.*); and

11 (D) the Food for Peace Act (7 U.S.C. 1721
12 *et seq.*).

13 **SEC. 3. GUIDELINES FOR UNITED STATES FOREIGN DEVEL-**
14 **OPMENT AND ECONOMIC ASSISTANCE PRO-**
15 **GRAMS.**

16 (a) *PURPOSES.*—The purposes of this section are—

17 (1) to evaluate the performance of United States
18 foreign development and economic assistance and its
19 contribution to the policies, strategies, projects, pro-
20 gram goals, and priorities undertaken by the Federal
21 Government;

22 (2) to foster and promote innovative programs to
23 improve effectiveness; and

24 (3) to coordinate the monitoring and evaluation
25 processes of Federal departments and agencies that

1 *administer United States foreign development and*
 2 *economic assistance.*

3 **(b) ESTABLISHMENT OF GUIDELINES.**—*Not later than*
 4 *18 months after the date of the enactment of this Act, the*
 5 *President shall set forth guidelines, according to best prac-*
 6 *tices of monitoring and evaluation studies and analyses, for*
 7 *the establishment of measurable goals, performance metrics,*
 8 *and monitoring and evaluation plans that can be applied*
 9 *with reasonable consistency to United States foreign devel-*
 10 *opment and economic assistance.*

11 **(c) OBJECTIVES OF GUIDELINES.**—

12 **(1) IN GENERAL.**—*The guidelines established*
 13 *pursuant to subsection (b) shall provide direction to*
 14 *Federal departments and agencies that administer*
 15 *United States foreign development and economic as-*
 16 *sistance on—*

17 **(A)** *monitoring the use of resources;*

18 **(B)** *evaluating the outcomes and impacts of*
 19 *United States foreign development and economic*
 20 *assistance projects and programs; and*

21 **(C)** *applying the findings and conclusions*
 22 *of such evaluations to proposed project and pro-*
 23 *gram design.*

24 **(2) OBJECTIVES.**—*The guidelines established*
 25 *pursuant to subsection (b) shall provide direction to*

1 *Federal departments and agencies that administer*
2 *United States foreign development and economic as-*
3 *sistance on how—*

4 *(A) to establish annual monitoring and*
5 *evaluation agendas and objectives to plan and*
6 *manage the process of monitoring, evaluating,*
7 *analyzing progress, and applying learning to-*
8 *ward achieving results;*

9 *(B) to develop specific project monitoring*
10 *and evaluation plans, including measurable*
11 *goals and performance metrics, and to identify*
12 *the resources necessary to conduct such evalua-*
13 *tions, which should be covered by program costs,*
14 *during project design;*

15 *(C) to apply rigorous monitoring and eval-*
16 *uation methodologies to such programs, includ-*
17 *ing through the use of impact evaluations, ex-*
18 *post evaluations, or other methods as appro-*
19 *priate, that clearly define program logic, inputs,*
20 *outputs, intermediate outcomes, and end out-*
21 *comes;*

22 *(D) to disseminate guidelines for the devel-*
23 *opment and implementation of monitoring and*
24 *evaluation programs to all personnel, especially*
25 *in the field, who are responsible for the design,*

1 *implementation, and management of United*
2 *States foreign development and economic assist-*
3 *ance programs;*

4 *(E) to establish methodologies for the collec-*
5 *tion of data, including baseline data to serve as*
6 *a reference point against which progress can be*
7 *measured;*

8 *(F) to evaluate, at least once in their life-*
9 *time, all programs whose dollar value equals or*
10 *exceeds the median program size for the relevant*
11 *office or bureau or an equivalent calculation to*
12 *ensure the majority of program resources are*
13 *evaluated;*

14 *(G) to conduct impact evaluations on all*
15 *pilot programs before replicating wherever pos-*
16 *sible, or provide a written justification for not*
17 *conducting an impact evaluation where such an*
18 *evaluation was deemed inappropriate or impos-*
19 *sible;*

20 *(H) to develop a clearinghouse capacity for*
21 *the collection and dissemination of knowledge*
22 *and lessons learned that serve as benchmarks to*
23 *guide future programs for United States develop-*
24 *ment professionals, implementing partners, the*
25 *donor community, and aid recipient govern-*

ments, and as a repository of knowledge on lessons learned;

(I) to internally distribute evaluation reports;

(J) to publicly report each evaluation, including an executive summary, a description of the evaluation methodology, key findings, appropriate context, including quantitative and qualitative data when available, and recommendations made in the evaluation within 90 days after the completion of the evaluation;

(K) to undertake collaborative partnerships and coordinate efforts with the academic community, implementing partners, and national and international institutions that have expertise in program monitoring, evaluation, and analysis when such partnerships provide needed expertise or significantly improve the evaluation and analysis;

(L) to ensure verifiable, valid, credible, precise, reliable, and timely data are available to monitoring and evaluation personnel to permit the objective evaluation of the effectiveness of United States foreign development and economic assistance programs, including an assessment of

1 *assumptions and limitations in such evaluations;*
2 *and*

3 *(M) to ensure that standards of professional*
4 *evaluation organizations for monitoring and*
5 *evaluation efforts are employed, including ensur-*
6 *ing the integrity and independence of evalua-*
7 *tions, permitting and encouraging the exercise of*
8 *professional judgment, and providing for quality*
9 *control and assurance in the monitoring and*
10 *evaluation process.*

11 *(d) PRESIDENT'S REPORT.—Not later than 18 months*
12 *after the date of the enactment of this Act, the President*
13 *shall submit a report to the appropriate congressional com-*
14 *mittees that contains a detailed description of the guidelines*
15 *established pursuant to subsection (b). The report shall be*
16 *submitted in unclassified form, but it may contain a classi-*
17 *fied annex.*

18 *(e) COMPTROLLER GENERAL'S REPORT.—Not later*
19 *than 1 year after the date on which the report required*
20 *under subsection (d) is submitted to Congress, the Comp-*
21 *troller General of the United States shall submit a report*
22 *to the appropriate congressional committees that—*

23 *(1) analyzes the guidelines established pursuant*
24 *to subsection (b); and*

25 *(2) provides a side-by-side comparison of—*

- 1 (A) the President’s budget request for that
 2 fiscal year of every operational unit that carries
 3 out United States foreign development and eco-
 4 nomic assistance; and
- 5 (B) the performance of such units during
 6 the most recently completed fiscal year.

7 **SEC. 4. INFORMATION ON UNITED STATES FOREIGN DEVEL-**
 8 **OPMENT AND ECONOMIC ASSISTANCE PRO-**
 9 **GRAMS.**

10 (a) *PUBLICATION OF INFORMATION.*—

11 (1) *UPDATE OF EXISTING WEBSITE.*—Not later
 12 than 90 days after the date of the enactment of this
 13 Act, the Secretary of State shall update the Depart-
 14 ment of State’s website, “ForeignAssistance.gov”, to
 15 make publicly available comprehensive, timely, and
 16 comparable information on United States foreign de-
 17 velopment and economic assistance programs, includ-
 18 ing all information required under subsection (b) that
 19 is available to the Secretary of State.

20 (2) *INFORMATION SHARING.*—Not later than 2
 21 years after the date of the enactment of this Act, and
 22 quarterly thereafter, the head of each Federal depart-
 23 ment or agency that administers United States for-
 24 eign development and economic assistance shall pro-
 25 vide the Secretary of State with comprehensive infor-

1 *mation about the United States foreign development*
 2 *and economic assistance programs carried out by*
 3 *such department or agency.*

4 (3) *UPDATES TO WEBSITE.*—*Not later than 2*
 5 *years after the date of the enactment of this Act, and*
 6 *quarterly thereafter, the Secretary of State shall pub-*
 7 *lish, on the “ForeignAssistance.gov” website or*
 8 *through a successor online publication, the informa-*
 9 *tion provided under subsection (b).*

10 (b) *MATTERS TO BE INCLUDED.*—

11 (1) *IN GENERAL.*—*The information described in*
 12 *subsection (a)—*

13 (A) *shall be published on a detailed award-*
 14 *by-award and country-by-country basis; or*

15 (B) *if assistance is provided on a regional*
 16 *level, shall be published on an award-by-award*
 17 *and region-by-region basis.*

18 (2) *TYPES OF INFORMATION.*—

19 (A) *IN GENERAL.*—*To ensure the trans-*
 20 *parency, accountability, and effectiveness of*
 21 *United States foreign development and economic*
 22 *assistance programs, the information described*
 23 *in subsection (a) shall include—*

24 (i) *links to all regional, country, and*
 25 *sector assistance strategies, annual budget*

documents, congressional budget justifications, and evaluations in accordance with section 3(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.

(B) *PUBLICATION.*—Each type of information described in subparagraph (A) shall be published or updated on the appropriate website not later than 90 days after the date on which the information is issued.

(C) *RULE OF CONSTRUCTION.*—Nothing in this paragraph may 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.

(3) *REPORT IN LIEU OF INCLUSION.*—

(A) *HEALTH OR SECURITY OF IMPLEMENTING PARTNERS.*—If the head of a Federal

1 *department or agency, in consultation with the*
 2 *Secretary of State, makes a determination that*
 3 *the inclusion of a required item of information*
 4 *online would jeopardize the health or security of*
 5 *an implementing partner or program beneficiary*
 6 *or would require the release of proprietary infor-*
 7 *mation of an implementing partner or program*
 8 *beneficiary, the head of the Federal department*
 9 *or agency shall provide such determination in*
 10 *writing to the appropriate congressional commit-*
 11 *tees, including the basis for such determination*
 12 *and shall—*

13 *(i) provide a briefing to the appro-*
 14 *priate congressional committees on such in-*
 15 *formation; or*

16 *(ii) submit such information to the ap-*
 17 *propriate congressional committees in a*
 18 *written report.*

19 *(B) NATIONAL INTERESTS OF THE UNITED*
 20 *STATES.—If the Secretary of State makes a de-*
 21 *termination that the inclusion of a required item*
 22 *of information online would be detrimental to*
 23 *the national interests of the United States, the*
 24 *Secretary of State shall—*

1 (i) provide such determination, includ-
2 ing the basis for such determination, in
3 writing to the appropriate congressional
4 committees; and

5 (ii)(I) provide a briefing on such infor-
6 mation to the appropriate congressional
7 committees; or

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

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

14 (4) *FAILURE TO COMPLY.*—If a Federal depart-
15 ment or agency fails to comply with the requirements
16 under paragraph (1) or (2), subsection (a), or sub-
17 section (c), with respect to providing information de-
18 scribed in subsection (a), and the information is not
19 subject to a determination under subparagraph (A) or
20 (B) of paragraph (3) not to make the information
21 publicly available, the Director of the Office of Man-
22 agement and Budget, in consultation with the head of
23 such department or agency, not later than September
24 1, 2016, shall submit a consolidated report to the ap-
25 propriate congressional committees that includes,

1 *with respect to each required item of information not*
 2 *made publicly available—*

3 *(A) a detailed explanation of the reason for*
 4 *not making such information publicly available;*
 5 *and*

6 *(B) a description of the department's or*
 7 *agency's plan and timeline for—*

8 *(i) immediately making such informa-*
 9 *tion publicly available; and*

10 *(ii) ensuring that such information is*
 11 *made publicly available in subsequent*
 12 *years.*

13 *(c) SCOPE OF INFORMATION.—The online publication*
 14 *required under subsection (a) shall, at a minimum—*

15 *(1) in each of the fiscal years 2016 through 2019,*
 16 *provide the information required under subsection (b)*
 17 *for fiscal years 2012 through the current fiscal year;*
 18 *and*

19 *(2) for fiscal year 2020 and each fiscal year*
 20 *thereafter, provide the information required under*
 21 *subsection (b) for the immediately preceding 5 fiscal*
 22 *years in a fully searchable form.*

23 *(d) SENSE OF CONGRESS.—It is the sense of Congress*
 24 *that the Secretary of State and the Administrator of the*
 25 *United States Agency for International Development should*

1 *coordinate the consolidation of processes and data collection*
2 *and presentation for the Department of State's website,*
3 *"ForeignAssistance.gov", and the United States Agency for*
4 *International Development's website, "Ex-*
5 *plorer.USAID.gov", to the extent that is possible to maxi-*
6 *mize efficiencies, no later than the end of fiscal year 2018.*

Calendar No. 295

114TH CONGRESS
1ST Session

S. 2184

A BILL

To direct the President to establish guidelines for
United States foreign development and economic
assistance programs, and for other purposes.

NOVEMBER 17, 2015

Reported with an amendment