

O:MDMMDM09560.xml

[Discussion Draft]

S.L.C.

RELEASE IN FULL

111TH CONGRESS
1ST SESSION

S. _____

To strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, 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 Assistance Re-
5 vitalization and Accountability Act of 2009".

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—Except as otherwise pro-
2 vided, the term “Administrator” means the Adminis-
3 trator of the United States Agency for International
4 Development.

5 (2) AGENCY.—Except as otherwise provided,
6 the term “Agency” means the United States Agency
7 for International Development.

8 (3) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means the Committee on Foreign Relations
11 of the Senate and the Committee on Foreign Affairs
12 of the House of Representatives.

13 (4) SECRETARY.—Except as otherwise provided,
14 the term “Secretary” means the Secretary of State.

15 **SEC. 3. FINDINGS.**

16 Congress makes the following findings:

17 (1) Poverty and hunger, lack of opportunity,
18 gender inequality, and environmental degradation
19 are recognized as significant contributors to socio-
20 economic and political instability, as well as to the
21 exacerbation of disease pandemics and other global
22 health threats.

23 (2) The 2006 National Security Strategy of the
24 United States notes, “America’s national interests
25 and moral values drive us in the same direction: to

1 assist the world's poor citizens and least developed
2 nations and help integrate them into the global econ-
3 omy.”.

4 (3) The bipartisan Final Report of the National
5 Commission on Terrorist Attacks Upon the United
6 States (9/11 Commission Report) recommends, “A
7 comprehensive United States strategy to counter ter-
8 rorism should include economic policies that encour-
9 age development, more open societies, and opportu-
10 nities for people to improve the lives of their families
11 and enhance prospects for their children.”.

12 (4) The alleviation of poverty and hunger is in
13 the national interest of the United States. It im-
14 proves United States security by mitigating the un-
15 derlying causes of violence and extremism, addresses
16 threats like climate change and pandemic disease,
17 expands economic opportunities for producers and
18 consumers in the United States, demonstrates
19 United States leadership to the world, and rep-
20 resents the values, humanitarianism, and generosity
21 of the American people.

22 (5) Elevating the standing of the United States
23 in the world represents a critical and essential ele-
24 ment for any strategy to improve national and global
25 security by mitigating the root causes of conflict and

1 multinational terrorism, strengthening diplomatic
2 and economic relationships, preventing global cli-
3 mate change, curbing weapons proliferation, and fos-
4 tering peace and cooperation between all nations.

5 (6) Currently the global development policies
6 and programs of the United States Government are
7 scattered across 12 different Federal departments,
8 25 different Federal agencies, and nearly 60 Federal
9 Government offices. The current law governing for-
10 eign assistance is outdated, cumbersome, and lacks
11 relevance for modern challenges, articulating at least
12 140 broad priorities for United States development
13 efforts, with at least 400 specific directives on how
14 to implement those broad priorities. Moreover, it al-
15 lows the budget process to drive priorities, rather
16 than setting clear priorities that drive resource deci-
17 sions.

18 (7) The international and domestic challenges
19 of the 21st century—including transnational threats
20 such as economic instability, terrorism, climate
21 change, and disease—cannot be met with a foreign
22 assistance apparatus that was created to confront
23 the challenges of the 20th century. The cornerstone
24 for a new foreign assistance architecture begins with
25 reform of the Foreign Assistance Act of 1961 that

1 ensures a rationalized organizational structure for a
2 strengthened development agency, a concise set of
3 development priorities, rebuilt human resource ca-
4 pacity, strengthened monitoring and evaluation, re-
5 invigorated policy and intellectual expertise, with
6 sufficient resources and commensurate account-
7 ability to achieve key foreign assistance goals.

8 (8) President Barack Obama has expressed a
9 commitment to cut extreme poverty and hunger
10 around the world in half, and to increase the level
11 of United States foreign assistance to meet that
12 goal.

13 **SEC. 4. STATEMENT OF POLICY.**

14 It is the policy of the United States, given the impor-
15 tance of global prosperity and security to the national in-
16 terests of the United States, to promote global develop-
17 ment and the reduction of poverty and hunger. In support
18 of this policy, a reform and rebuilding process should be
19 initiated that will redefine the United States foreign as-
20 sistance architecture and strengthen the capacity of the
21 United States Agency for International Development and
22 related agencies to establish effective development policies
23 and implement innovative and effective foreign assistance
24 programs with maximum impact.

1 **SEC. 5. POLICY, STRATEGIC PLANNING, EVALUATION, AND**
2 **RESEARCH.**

3 (a) SENSE OF CONGRESS ON BUILDING THE POLICY
4 CAPACITY OF USAID.—It is the sense of Congress that—

5 (1) there has been too little emphasis in recent
6 years in developing the capacity of the Agency to
7 formulate international development policy and to
8 integrate important policy initiatives and innovative
9 policy concepts into Agency programs and activities;

10 (2) the Agency should increase its emphasis on
11 recruiting, hiring, training, and enhancing profes-
12 sional officers who will support the Agency's role in
13 formulating development policy and enhancing inno-
14 vative solutions to development challenges;

15 (3) there is a particular need to strengthen pol-
16 icy formulation and development in missions world-
17 wide, in addition to strengthening the capacity of the
18 Agency to address policy issues in headquarters in
19 Washington, District of Columbia, which should be
20 dealt with by deploying policy officers to missions
21 worldwide; and

22 (4) a Bureau for Policy and Strategic Planning
23 should ensure that policy concepts and priorities are
24 appropriately integrated into all programs and ac-
25 tivities undertaken by the Agency.

1 (b) ESTABLISHMENT OF USAID POSITIONS TO
2 BUILD POLICY AND STRATEGIC PLANNING CAPACITY.—

3 (1) DEPUTY ADMINISTRATOR OF THE UNITED
4 STATES AGENCY FOR INTERNATIONAL DEVELOP-
5 MENT.—Section 624 of the Foreign Assistance Act
6 of 1961 (22 U.S.C. 2384) is amended by inserting
7 after subsection (c) the following new subsection:

8 “(d) DEPUTY ADMINISTRATORS.—There shall be in
9 the United States Agency for International Development,
10 among the statutory officers authorized by subsection (a),
11 not more than 2 Deputy Administrators, who shall assist
12 the Administrator in all matters.”.

13 (2) ASSISTANT ADMINISTRATOR FOR POLICY
14 AND STRATEGIC PLANNING.—Such section is further
15 amended by adding at the end the following new
16 subsection:

17 “(f) ASSISTANT ADMINISTRATOR FOR POLICY AND
18 STRATEGIC PLANNING.—There shall be in the United
19 States Agency for International Development, among the
20 statutory officers authorized by subsection (a), an Assist-
21 ant Administrator for Policy and Strategic Planning, who
22 shall assist the Administrator and Deputy Administrators
23 in matters related to policy planning, strategic planning,
24 program design, research, evaluation, budget allocation
25 and management, and in other matters.”.

1 “(4) Establishing resource and workforce allo-
2 cation criteria.

3 “(5) Guiding overall budget decisions and re-
4 viewing bureau-specific resource allocations, work-
5 force allocations, and program decisions.

6 “(6) Integrating monitoring and evaluation into
7 overall decisionmaking and strategic planning.”.

8 (d) OFFICE OF RESEARCH AND EVALUATION.—
9 Chapter 2 of part III of the Foreign Assistance Act of
10 1961 (22 U.S.C. 2381 et seq.), as amended by subsection
11 (c), is further amended by inserting after section 624A
12 the following new section:

13 **“SEC. 624B OFFICE FOR LEARNING, EVALUATION, AND**
14 **ANALYSIS IN DEVELOPMENT.**

15 “(a) SENSE OF CONGRESS ON ANALYSIS AND EVAL-
16 UATION.—It is the sense of Congress that—

17 “(1) achieving United States foreign policy ob-
18 jectives requires the consistent and systematic eval-
19 uation of the impact of United States foreign assist-
20 ance programs and analysis on what programs work
21 and why, when, and where they work;

22 “(2) the design of assistance programs and
23 projects should include the collection of relevant
24 data required to measure outcomes and impacts;

1 “(3) the design of assistance programs and
2 projects should reflect the knowledge gained from
3 evaluation and analysis;

4 “(4) a culture and practice of high quality eval-
5 uation should be revitalized at agencies managing
6 foreign assistance programs, which requires that the
7 concepts of evaluation and analysis are used to in-
8 form policy and programmatic decisions, including
9 the training of aid professionals in evaluation design
10 and implementation;

11 “(5) the effective and efficient use of funds can-
12 not be achieved without an understanding of how
13 lessons learned are applicable in various environ-
14 ments, and under similar or different conditions; and

15 “(6) project evaluations should be used as
16 sources of data when running broader analyses of
17 development outcomes and impacts.

18 “(b) **ESTABLISHMENT.**—There is established in the
19 Bureau for Policy and Strategic Planning an Office for
20 Learning, Evaluation, and Analysis in Development (re-
21 ferred to in this section as the ‘Office’), which shall be
22 under the management of the Assistant Administrator for
23 Policy and Strategic Planning.

24 “(c) **DUTIES.**—The duties of the Office shall be to—

1 “(1) develop, design, coordinate, guide, and
2 conduct the complete range of activities relating to
3 the monitoring of resources, the evaluation of
4 projects, the evaluation of program impacts, and
5 analysis that is necessary for the identification of
6 findings, generalizations that can be derived from
7 those findings, and their applicability to proposed
8 project and program design;

9 “(2) serve as a resource to the United States
10 Agency for International Development, other govern-
11 ment entities, implementing partners, the academic
12 community, the donor community, and host govern-
13 ments in the design of programs and projects;

14 “(3) serve as an authoritative voice in linking
15 evaluation and research results to strategic planning
16 and policy options;

17 “(4) design a strategy for strengthening evalua-
18 tion and research for foreign assistance programs
19 managed by the United States Agency International
20 Development;

21 “(5) develop the scope and guidelines for eval-
22 uation and research that are multidisciplinary in na-
23 ture;

1 “(6) establish annual evaluation and research
2 agendas and objectives that are responsive to policy
3 and programmatic priorities;

4 “(7) guide the use of rigorous methodologies,
5 choosing from among a wide variety of qualitative
6 and quantitative methods common in the field of so-
7 cial scientific inquiry;

8 “(8) coordinate the evaluation processes of bu-
9 reaus and missions of the United States Agency for
10 International Development;

11 “(9) develop and implement a training plan on
12 evaluation and research for aid personnel;

13 “(10) make recommendations to the Assistant
14 Administrator for Policy and Strategic Planning on
15 linking evaluation and research findings to policy
16 and strategic planning options;

17 “(11) develop a clearinghouse capacity for the
18 dissemination of knowledge and lessons learned to
19 USAID professionals, implementing partners, the
20 international aid community, and aid recipient gov-
21 ernments, and as a repository of knowledge on les-
22 sons learned;

23 “(12) distribute evaluation and research reports
24 internally and make this material available online to
25 the public; and

1 “(13) partner with the academic community,
2 implementing partners, and national and inter-
3 national institutions that have expertise in evalua-
4 tion and analysis when such partnerships will pro-
5 vide needed expertise or will significantly improve
6 the evaluation and analysis.

7 “(d) SUBORDINATE UNITS.—The Administrator may
8 create such subordinate units as may be necessary for the
9 performance of duties described in paragraphs (9) and
10 (11) of subsection (c).

11 “(e) TECHNICAL EXPERTISE.—If the Assistant Ad-
12 ministrators determines that the Office requires expertise
13 that is of a technical nature and is outside the expertise
14 of the Agency for International Development, such exper-
15 tise may be accessed through existing contracting authori-
16 ties.

17 “(f) MONITORING.—Evaluation and analysis activi-
18 ties of the Office shall be in addition to, but not duplica-
19 tive of, existing monitoring activities as provided under ex-
20 isting law.

21 “(g) COORDINATION.—The Office should closely co-
22 ordinate and consult with the **[Independent Evaluation**
23 **and Research Innovation Group for Foreign Assistance]**
24 to ensure consistency of approach toward evaluation, re-
25 search, analysis, and related activities.

1 “(h) ANNUAL REPORTS TO CONGRESS.—

2 “(1) IN GENERAL.—Not later than 1 year after
3 the date of the enactment of this Act, and not later
4 than December 31 of each year thereafter, the Ad-
5 ministrator shall submit to the appropriate congres-
6 sional committees a report on the work of the Office.

7 “(2) CONTENT.—The report required under
8 paragraph (1) shall include—

9 “(A) a copy of the annual evaluation and
10 research agenda for the preceding year;

11 “(B) a description of the evaluation activi-
12 ties conducted in the preceding year;

13 “(C) a description of training activities
14 conducted in the preceding year;

15 “(D) a forecast of evaluation and research
16 planned for the following year; and

17 “(E) a description of the ways in which the
18 results of evaluations have informed the design
19 and operation of agency policies and programs
20 during the year.

21 “(i) AUTHORIZATION OF APPROPRIATION.—There
22 are authorized to be appropriated to the United States
23 Agency for International Development \$5,000,000 for fis-
24 cal year 2010 and such sums as may be necessary for fis-
25 cal year 2011.

1 “(j) DEFINITIONS.—In this section:

2 “(1) ANALYSIS.—The term ‘analysis’ means the
3 comparative study of evaluations conducted over a
4 period of time, in varying locations, and under vary-
5 ing conditions that produces generalized findings
6 and explanations of outcomes and assesses their ap-
7 plicability to proposed project and program design.

8 “(2) EVALUATION.—The term ‘evaluation’
9 means the full range of activities designed to assess
10 the efficiency and effectiveness of inputs and proc-
11 esses on outputs, results, and outcomes of various
12 projects, programs, and activities.

13 “(3) OUTCOME.—The term ‘outcome’ means
14 any change occurring during the course of a project,
15 program, or activity, including changes that cannot
16 be attributed directly to the project, program, or ac-
17 tivity.

18 “(4) OUTPUTS.—The term ‘output’ means the
19 products, capital, goods, and services that result
20 from a project, program, or activity.”.

21 **SEC. 6. INDEPENDENT EVALUATION AND RESEARCH INNO-**
22 **VATION GROUP FOR FOREIGN ASSISTANCE.**

23 (a) FINDINGS.—Congress makes the following find-
24 ings:

1 (1) The American public and Congress must
2 have confidence that—

3 (A) Federal funds allocated for foreign as-
4 sistance programs are used efficiently and effec-
5 tively; and

6 (B) funding allocations and programs are
7 linked to clearly defined policy objectives.

8 (2) The December 2007 HELP Commission
9 Report on Foreign Assistance Reform states, “[T]he
10 systems our government uses to evaluate develop-
11 ment and humanitarian assistance programs are ei-
12 ther in disarray or do not exist. Current systems
13 tend to focus more on outputs, such as counting how
14 many books are delivered to a school, rather than on
15 outcomes, such as measuring how many children can
16 actually read. Indeed, out of 26,285 impact evalua-
17 tions that USAID conducted between 1996 and
18 2005, only 30 measured the impact of projects.”.

19 (3) The HELP Commission also recommends
20 that the United States Government reestablish an
21 independent Office of Monitoring and Evaluation re-
22 sponsible for foreign assistance operations and pro-
23 vide the office with sufficient funding to monitor and
24 evaluate performance that should be accountable to
25 Congress and to the executive branch.

1 (b) ESTABLISHMENT.—There is established in the ex-
2 ecutive branch the Independent Evaluation and Research
3 Innovation Group for Foreign Assistance (referred to in
4 this section as the “Group”).

5 (c) PURPOSES.—The purposes of the Group shall
6 be—

7 (1) to evaluate the impact of United States
8 Government foreign assistance programs and their
9 contribution to policy, strategies, projects, program
10 goals, and priorities undertaken by the United
11 States Government in support of foreign policy ob-
12 jectives; and

13 (2) to cultivate an integrated research and de-
14 velopment program that will—

15 (A) incorporate best practices from evalua-
16 tion studies and analyses; and

17 (B) foster and promote innovative pro-
18 grams to improve the effectiveness of United
19 States foreign assistance.

20 (d) DUTIES AND AUTHORITIES.—

21 (1) EVALUATIONS OF UNITED STATES GOVERN-
22 MENT FOREIGN ASSISTANCE PROGRAMS AND INTER-
23 NATIONAL AND MULTILATERAL ASSISTANCE PRO-
24 GRAMS SUPPORTED BY UNITED STATES FUNDING.—

1 (A) AUTHORIZATION.—The Group is au-
2 thorized to conduct evaluations, on a program-
3 by-program basis, of the effectiveness of—

4 (i) foreign assistance programs car-
5 ried out by any United States Government
6 agency; and

7 (ii) international and multilateral as-
8 sistance programs receiving financial as-
9 sistance from the United States.

10 (B) IMPACT ASSESSMENT.—Evaluations
11 conducted under subparagraph (A) shall assess
12 the impact of the programs described in clauses
13 (i) and (ii) of subparagraph (A) and their con-
14 tribution to policy, strategies, projects, program
15 goals, and priorities of the United States Gov-
16 ernment;

17 (C) SELECTION CRITERIA.—The Director,
18 in consultation with the Board, shall estab-
19 lish—

20 (i) criteria for selecting foreign assist-
21 ance programs and international and mul-
22 tilateral assistance programs receiving fi-
23 nancial assistance from the United States
24 to be evaluated under subparagraph (A);
25 and

1 (ii) procedures for conducting such
2 evaluations.

3 (D) COORDINATION.—The criteria and
4 procedures established under subparagraph (C)
5 shall include procedures to avoid duplication of
6 the Group's activities, and to ensure effective
7 coordination and cooperation, with the activities
8 of the Comptroller General of the United
9 States, relevant Inspectors General, and other
10 relevant entities.

11 (E) METHODOLOGIES.—In conducting
12 evaluations under subparagraph (A), the Group
13 shall utilize rigorous and objective methodolo-
14 gies, choosing from among a wide variety of
15 qualitative and quantitative methods common in
16 the field of social scientific inquiry.

17 (F) INTERAGENCY ASSISTANCE.—In con-
18 ducting evaluations under subparagraph (A),
19 the Director is authorized to request informa-
20 tion or assistance from the head of any Federal
21 agency to the extent necessary to facilitate the
22 evaluation of a program, including access to all
23 records, reports, audits, reviews, documents, pa-
24 pers, recommendations, and other material
25 available to the program being evaluated by the

1 Group. Upon receipt of a request under this
2 subparagraph, the head of the Federal agency
3 receiving the request, insofar as is practicable
4 and not in contravention of any applicable law,
5 shall furnish to the Director, or to an author-
6 ized designee, such information or assistance as
7 may be necessary to carry out the purposes of
8 this section.

9 (G) REPORTS.—Not later than 30 days be-
10 fore issuing a report under this subparagraph,
11 the Director shall submit a draft of the report
12 to the head of the Federal agency responsible
13 for implementing the program being evaluated
14 and provide the agency head an opportunity to
15 comment on the report. The Group shall issue
16 a report on each evaluation conducted under
17 subparagraph (A) that contains—

18 (i) an assessment of the effectiveness
19 of the program evaluated;

20 (ii) any recommendations to improve
21 the program's effectiveness; and

22 (iii) any comments received from the
23 head of the Federal agency or his or her
24 designee.

1 (H) CONSULTATION.—The Director shall
2 regularly consult with the appropriate congres-
3 sional committees to discuss priorities for eval-
4 uations to be conducted under subparagraph
5 (A).

6 (2) RESEARCH ON FOREIGN ASSISTANCE DE-
7 SIGN, IMPLEMENTATION, EVALUATION, AND EFFEC-
8 TIVENESS.—

9 (A) IN GENERAL.—The Group shall con-
10 duct research and analysis on the design, imple-
11 mentation, evaluation, and effectiveness of for-
12 eign assistance programs in an effort to develop
13 innovative approaches relating to foreign assist-
14 ance, including—

15 (i) research and analysis on the effec-
16 tiveness of international and multilateral
17 assistance programs receiving financial as-
18 sistance from the United States, including
19 programs of the World Bank Group,
20 United Nations entities, and regional mul-
21 tilateral development banks, as compared
22 to United States foreign assistance pro-
23 grams;

24 (ii) research and analysis aimed at de-
25 veloping objective methodologies for evalu-

1 ating the effectiveness of foreign assistance
2 programs in achieving assistance objec-
3 tives;

4 (iii) research and analysis aimed at
5 identifying ways of improving coordination
6 of foreign assistance programs carried out
7 by Federal agencies, including ways of co-
8 ordinating research and development con-
9 ducted by such agencies;

10 (iv) research and analysis aimed at
11 identifying approaches through which the
12 United States Government can support the
13 development of evaluation capacity in de-
14 veloping countries, and strategies to en-
15 courage the use of evaluation findings
16 among different levels of decision makers
17 and implementers; and

18 (v) research and analysis of trends re-
19 lating to foreign assistance programs and
20 the measures necessary to assure contin-
21 ued progress the relative effectiveness of
22 international and multilateral assistance
23 programs supported by United States
24 funding, including programs of the World
25 Bank Group, United Nations entities, and

1 regional multilateral development banks, as
2 compared to United States foreign assist-
3 ance programs.

4 (B) INTEGRATED RESEARCH AND DEVEL-
5 OPMENT PROGRAM.—The Director, in consulta-
6 tion with the Board, shall establish and imple-
7 ment an integrated research and development
8 program that will serve as a laboratory for in-
9 novative programs related to foreign assistance
10 to fulfill the objectives described in subpara-
11 graph (A).

12 (C) PARTNERS.—In conducting research
13 and analysis under subparagraph (A), the
14 Group shall partner with the academic commu-
15 nity, implementing partners, and national and
16 international institutions that have expertise in
17 evaluation, research, and analysis, as appro-
18 priate.

19 (D) REPORTS.—The Group shall issue re-
20 ports on the results of research conducted pur-
21 suant to subparagraph (A) that include rec-
22 ommendations to Federal agencies responsible
23 for implementing foreign assistance programs
24 on how to improve the design, implementation,
25 and evaluation of such programs.

1 (E) COLLABORATION.—The Group shall
2 actively collaborate with Federal agencies re-
3 sponsible for implementing foreign assistance
4 programs by—

5 (i) sharing the results of research con-
6 ducted pursuant to subparagraph (A); and

7 (ii) providing recommendations and
8 advice on how to improve the design, effec-
9 tiveness, efficiency, and innovation of such
10 programs.

11 (F) CONSULTATION.—The Director shall
12 regularly consult with the appropriate congres-
13 sional committees to discuss priorities for re-
14 search to be conducted under subparagraph
15 (A).

16 (3) INDEPENDENCE.—The Group shall preserve
17 its independence to ensure organizational autonomy,
18 protection from external influence, and avoidance of
19 conflicts of interest.

20 (e) IERIG ADVISORY BOARD.—

21 (1) ESTABLISHMENT.—There is established an
22 Independent Evaluation and Research Innovation
23 Group for Foreign Assistance Advisory Board (re-
24 ferred to in this subsection as the “Board”).

1 (2) PURPOSES.—The purposes of the Board
2 shall be—

3 (A) to consult with the Director regarding
4 the existing program of work of the Group, cur-
5 rent evaluations that are ongoing or completed,
6 and projected evaluations and activities to be
7 undertaken by the Group; and

8 (B) to serve as a forum for coordination
9 and discussion of related matters pertaining to
10 the Group's operations and activities.

11 (3) DUTIES.—The Board shall—

12 (A) regularly consult with the Director re-
13 garding the activities of the Group, but may not
14 prevent or prohibit the Director from initiating,
15 carrying out, or completing any evaluation or
16 analysis of any development, humanitarian, or
17 foreign assistance program or activity; and

18 (B) ensure coordination with the Office of
19 Management and Budget in the Executive Of-
20 fice of the President.

21 (4) MEMBERSHIP.—The Board shall consist
22 of—

23 (A) the Director of the Group, or designee;

24 (B) the Secretary of State, or designee;

1 (C) the Secretary of the Treasury, or des-
2 ignee;

3 (D) the Administrator of the United States
4 Agency for International Development, or des-
5 ignee;

6 (E) the Chief Executive Officer of the Mil-
7 lennium Challenge Corporation, or designee;

8 (F) the Secretary of Agriculture, or des-
9 ignee;

10 (G) the Secretary of Defense, or designee;

11 (H) the Secretary of Health and Human
12 Services, or designee;

13 (I) 1 individual to be appointed by the Di-
14 rector;

15 (J) 1 officer in the Senior Foreign Service
16 for the Agency for International Development
17 or the Department of State with experience in
18 the implementation of assistance programs;

19 (K) 4 individuals with relevant professional
20 evaluation and international experience, who
21 shall be appointed by the President, by and
22 with the advice and consent of the Senate, of
23 which—

24 (i) 1 individual shall be appointed
25 from among a list of 3 individuals sub-

1 mitted by the chairman of the Committee
2 on Foreign Relations of the Senate;

3 (ii) 1 individual shall be appointed
4 from among a list of 3 individuals sub-
5 mitted by the ranking member of the Com-
6 mittee on Foreign Relations of the Senate;

7 (iii) 1 individual shall be appointed
8 from among a list of 3 individuals sub-
9 mitted by the chairman of the Committee
10 on Foreign Affairs of the House of Rep-
11 resentatives; and

12 (iv) 1 individual shall be appointed
13 from among a list of 3 individuals sub-
14 mitted by the ranking member of the Com-
15 mittee on Foreign Affairs of the House of
16 Representatives.

17 (5) TERMS.—

18 (A) OFFICERS OF THE FEDERAL GOVERN-
19 MENT.—Each member of the Board described
20 in subparagraphs (A) through (H) of paragraph
21 (4) shall serve for a term that is concurrent
22 with the term of service of the individual's posi-
23 tion as an officer within the other Federal de-
24 partment or agency.

1 (B) OTHER MEMBERS.—Each member of
2 the Board described in subparagraphs (I)
3 through (K) of paragraph (4) shall be ap-
4 pointed for a 3-year term and may be re-
5 appointed for an additional 2-year term.

6 (C) VACANCIES.—A vacancy in the Board
7 shall be filled in the manner in which the origi-
8 nal appointment was made.

9 (6) CHAIRPERSON.—The members of the Board
10 shall select from among its membership a Chair-
11 person to serve a 6-month term. Selections under
12 this paragraph shall alternate between officers of the
13 Federal Government and individuals described in
14 paragraph (4)(K).

15 (7) TECHNICAL ADVISORY SUBGROUP.—The Di-
16 rector shall have the authority to form a technical
17 advisory subgroup to provide recommendations and
18 advise the existing program of work of the Group.
19 The subgroup shall consist of the 4 members of the
20 Board described in paragraph (4)(K), and additional
21 members as appropriate.

22 (8) QUORUM.—A majority of the members of
23 the Board shall constitute a quorum.

24 (9) MEETINGS.—The Board shall meet at the
25 call of the Chairperson but no less than annually.

1 (10) COMPENSATION.—

2 (A) OFFICERS OF THE FEDERAL GOVERN-
3 MENT.—

4 (i) IN GENERAL.—A member of the
5 Board described in subparagraph (A), (B),
6 (C), (D), (E), (F), (G), or (H) of para-
7 graph (4) may not receive additional pay,
8 allowances, or benefits by reason of the
9 member's service on the Board.

10 (ii) TRAVEL EXPENSES.—Each such
11 member of the Board shall receive travel
12 expenses, including per diem in lieu of sub-
13 sistence, in accordance with applicable pro-
14 visions under subchapter I of chapter 57 of
15 title 5, United States Code.

16 (B) OTHER MEMBERS.—

17 (i) IN GENERAL.—Except as provided
18 in clause (ii), a member of the Board de-
19 scribed in paragraph (4)(F)—

20 (I) shall be paid compensation
21 out of funds made available for the
22 purposes of this title at the daily
23 equivalent of the highest rate payable
24 under section 5332 of title 5, United
25 States Code, for each day (including

O:\MDM\MDM09560.xml

[Discussion Draft]

S.L.C.

30

1 travel time) during which the member
2 is engaged in the actual performance
3 of duties as a member of the Board;
4 and

5 (II) while away from the mem-
6 ber's home or regular place of busi-
7 ness on necessary travel in the actual
8 performance of duties as a member of
9 the Board, shall be paid per diem,
10 travel, and transportation expenses in
11 the same manner as is provided under
12 subchapter I of chapter 57 of title 5,
13 United States Code.

14 (ii) LIMITATION.—A member of the
15 Board may not be paid compensation
16 under clause (i)(II) for more than 90 days
17 in any calendar year.

18 (f) DIRECTOR.—

19 (1) APPOINTMENT.—

20 (A) IN GENERAL.—The Group shall be
21 headed by a Director, who shall be appointed by
22 the President from among the individuals rec-
23 ommended under subparagraph (B) to a 4-year
24 term, subject to a 1-year renewal, by and with
25 the advice and consent of the Senate.

1 (B) SELECTION.—When a vacancy occurs
2 in the office of Director, the chairmen and
3 ranking minority members of the Committee on
4 Foreign Relations of the Senate and the Com-
5 mittee on Foreign Affairs of the House of Rep-
6 resentatives shall each recommend up to 3 indi-
7 viduals to the President for appointment to the
8 vacant office. In considering individuals for ap-
9 pointment to the office of Director, the chair-
10 men and ranking minority members shall—

11 (i) take into account the integrity and
12 demonstrated ability of the individuals in
13 public administration, international devel-
14 opment and foreign assistance programs,
15 monitoring and evaluation analysis, and all
16 aspects of program and project design;

17 (ii) disregard the political affiliation of
18 the individuals.

19 (2) RESPONSIBILITIES.—The Director shall—

20 (A) be responsible for the management of
21 the Group;

22 (B) exercise the powers of the Group;

23 (C) be responsible for initiating, carrying
24 out, and completing any evaluation or analysis

1 of any development, humanitarian, or foreign
2 assistance program or activity; and
3 (D) discharge the duties of the Group.

4 (3) RANK; COMPENSATION.—The Director
5 shall—
6 (A) have the equivalent rank of Assistant
7 Secretary; and
8 (B) be compensated at the rate provided
9 for level IV of the Executive Schedule under
10 section 5315 of title 5, United States Code.

11 (4) ADDITIONAL TERM; REMOVAL.—
12 (A) ADDITIONAL TERM.—The Director
13 may be reappointed for not more than 1 addi-
14 tional 4-year term.
15 (B) REMOVAL.—The President may re-
16 move the Director from office after submitting
17 written notification to the Senate and the
18 House of Representatives that describes the un-
19 derlying reasons for such removal.

20 (5) CONFORMING AMENDMENT.—Section 5315
21 of title 5, United States Code, is amended by adding
22 at the end the following:
23 “Director, Independent Evaluation and Research In-
24 novation Group for Foreign Assistance.”

1 (g) DEPUTY DIRECTORS.—The Director shall ap-
2 point—

3 (1) a Deputy Director for Evaluation, who shall
4 be responsible for overseeing the evaluations con-
5 ducted by the Group; and

6 (2) a Deputy Director for Research Innovation,
7 who shall be responsible for overseeing an integrated
8 research and development program that will foster
9 and promote innovative programs to improve the ef-
10 fectiveness of United States foreign assistance.

11 (h) OFFICE SPACE, EQUIPMENT, AND SUPPLIES.—
12 Each agency head shall provide the Director with—

13 (1) appropriate and adequate office space at
14 central and field office locations of such agency;

15 (2) such equipment, office supplies, and com-
16 munications facilities and services as may be nec-
17 essary for the operation of such offices; and

18 (3) necessary maintenance services for such of-
19 fices and the equipment and facilities located in such
20 offices.

21 (i) PERSONNEL MATTERS.—

22 (1) HUMAN RESOURCES MANAGEMENT SYS-
23 TEM.—Notwithstanding any other provision of law,
24 the Director may establish a human resources man-

1 agement system for the employees of the Group that
2 provides for—

3 (A) work schedule flexibility;

4 (B) merit based hiring;

5 (C) fair treatment without regard to polit-
6 ical affiliation;

7 (D) equal pay for equal work;

8 (E) protection of employees against re-
9 prisal for whistle blowing;

10 (F) a pay-for-performance evaluation sys-
11 tem that links individual pay to performance;

12 (G) a streamlined process for removing
13 underperforming employees; and

14 (H) a maximum tenure with the Group of
15 7 years.

16 (2) DETAIL OF PERSONNEL.—

17 (A) FROM FEDERAL GOVERNMENT.—Upon
18 the request of the Director, the head of a Fed-
19 eral agency may detail any employee of such
20 agency to the Group on a reimbursable basis.
21 Any employee so detailed remains, for the pur-
22 pose of preserving such employee's allowances,
23 privileges, rights, seniority, and other benefits,
24 an employee of the agency from which detailed.

1 (B) FROM OUTSIDE ORGANIZATIONS.—The
2 Director may accept the services of personnel
3 detailed to the Group from organizations out-
4 side the Federal Government, including bilat-
5 eral agencies, multilateral institutions, inter-
6 national organizations, think-tanks, nongovern-
7 mental organizations, institutions of higher edu-
8 cation, and the private sector.

9 (3) REEMPLOYMENT RIGHTS.—

10 (A) IN GENERAL.—An employee of an
11 agency who is serving under a career or career
12 conditional appointment (or the equivalent),
13 and who, with the consent of the head of such
14 agency, transfers to the Group, is entitled to be
15 reemployed in such employee's former position
16 or a position of like seniority, status, and pay
17 in such agency, if such employee—

18 (i) is separated from the Group for
19 any reason, other than misconduct, neglect
20 of duty, or malfeasance; and

21 (ii) applies for reemployment not later
22 than 90 days after the date of separation
23 from the Group.

24 (B) SPECIFIC RIGHTS.—An employee de-
25 scribed in subparagraph (A)—

1 (i) is entitled to be reemployed within
2 30 days after applying for reemployment;
3 and

4 (ii) once reemployed, is entitled to at
5 least the rate of basic pay to which such
6 employee would have been entitled had
7 such employee never transferred to the
8 Group.

9 (4) HIRING AUTHORITY.—Not more than 5 em-
10 ployees of the Group may be appointed, com-
11 pensated, or removed without regard to the civil
12 service laws and regulations.

13 (5) BASIC PAY.—The Director may fix the rate
14 of basic pay of employees of the Group without re-
15 gard to the provisions of chapter 51 of title 5,
16 United States Code (relating to the classification of
17 positions) or subchapter III of chapter 53 of such
18 title (relating to General Schedule pay rates), except
19 that no employee of the Office may receive a rate of
20 basic pay that exceeds the rate for level IV of the
21 Executive Schedule under section 5315 of such title.

22 (6) PERSONNEL OUTSIDE THE UNITED
23 STATES.—

24 (A) ASSIGNMENT TO UNITED STATES EM-
25 BASSIES.—Employees of the Group, including

1 individuals detailed to or contracted by the
2 Group, may be assigned to a United States dip-
3 lomatic mission or consular post or a United
4 States Agency for International Development
5 field mission for purposes of assignments re-
6 lated to activities or programs of the Group.

7 (B) PRIVILEGES AND IMMUNITIES.—Each
8 employee of the Group, including any individual
9 detailed to or contracted by the Group, and the
10 members of the family of such employee, while
11 the employee is performing duties in any coun-
12 try or place outside the United States, shall be
13 afforded the same benefits enjoyed by members
14 of the Foreign Service, or the family of a mem-
15 ber of the Foreign Service, as appropriate.

16 (C) RESPONSIBILITY OF CHIEF OF MIS-
17 SION.—Employees of the Group, including indi-
18 viduals detailed to or contracted by the Group,
19 and members of the families of such employees,
20 shall be subject to section 207 of the Foreign
21 Service Act of 1980 (22 U.S.C. 3927) in the
22 same manner as United States Government em-
23 ployees while the employee is performing duties
24 in any country or place outside the United
25 States if such employee or member of the fam-

1 ily of such employee is not a national of or per-
2 manently resident in such country or place.

3 (j) PUBLIC DISCLOSURE.—

4 (1) IN GENERAL.—Not less frequently than
5 quarterly, the Group shall make publicly available on
6 the Internet Web site of the Group—

7 (A) the findings and conclusions of all the
8 reports and studies completed by the Group
9 since the most recent public disclosure;

10 (B) information regarding funds allocated
11 or transferred by the Group under this section;

12 (C) the name of each United States Gov-
13 ernment agency with management responsibility
14 for the activities that were evaluated; and

15 (D) a description of the program or project
16 carried out by the agencies described in sub-
17 paragraph (C).

18 (2) DISSEMINATION.—The information required
19 to be disclosed under paragraph (1) shall be made
20 available to the public—

21 (A) through publication in the Federal
22 Register;

23 (B) on the Internet Web site of the Group;
24 and

1 (C) by any other methods that the Direc-
2 tor determines to be appropriate

3 (k) REPORT ON PROJECTED EVALUATIONS.—Not
4 later than November 1, 2010, and each fiscal year there-
5 after, the Director shall submit a report to the appropriate
6 congressional committees that includes a projected list of
7 evaluations for the current fiscal year.

8 (l) REPORT ON METHODOLOGIES AND BEST PRAC-
9 TICES.—

10 (1) INITIAL REPORT.—Not later than Sep-
11 tember 30, 2011, the Group shall submit a report to
12 each Federal Agency responsible for implementing
13 foreign assistance programs that details rec-
14 ommended methodologies and best practices for use
15 in evaluating the effectiveness of United States Gov-
16 ernment foreign assistance programs.

17 (2) REGULAR UPDATES.—The Group shall reg-
18 ularly update the methodologies recommended in the
19 report submitted under paragraph (1) to account for
20 developments and trends in foreign assistance pro-
21 grams.

22 (3) BIENNIAL REPORT.—Not later than 2
23 years after the submission of the report under para-
24 graph (1), and biennially thereafter, the Group
25 shall submit a report to each Federal Agency re-

1 sponsible for implementing foreign assistance pro-
2 grams that contains updates to its recommended
3 methodologies and best practices for use in evalu-
4 ating the effectiveness of United States Government
5 foreign assistance programs.

6 (m) STRATEGIC PLAN.—

7 (1) SUBMISSION.—Every 2 years, the Director
8 shall submit a strategic plan for the activities of the
9 Group to the appropriate congressional committees.

10 (2) CONTENTS.—The strategic plan required
11 under paragraph (1) shall include—

12 (A) the long-term strategic goals of the
13 Group;

14 (B) the identification of the activities and
15 programs that support—

16 (i) the achievement of the Group's
17 strategic goals; and

18 (ii) opportunities that hold the poten-
19 tial for yielding significant development or
20 foreign assistance benefits; and

21 (C) the connection of the activities and
22 programs of the Group to activities and mis-
23 sions of United States foreign assistance pro-
24 grams.

1 (n) GOVERNMENT ACCOUNTABILITY OFFICE RE-
2 PORT.—Not later than September 30, 2015, the Comp-
3 troller General of the United States shall submit a report
4 to the appropriate congressional committees that con-
5 tains—

6 (1) a review of, and comments addressing, the
7 performance and overall effectiveness of the Group's
8 activities, programs and general operations;

9 (2) an assessment of how effectively the Group
10 has implemented its stated objectives and adhered to
11 and accomplished the purposes and duties described
12 in subsections (c) and (d);

13 (3) recommendations relating to any additional
14 actions the Comptroller General recommends to im-
15 prove the Group's performance, activities and oper-
16 ations; and

17 (4) assess the impact of the Group on the work-
18 load of the International Affairs Division of the Gov-
19 ernment Accountability Office.

20 (o) ADMINISTRATIVE AUTHORITIES OF THE
21 GROUP.—In addition to the authority otherwise provided
22 under this section, the Group, in carrying out the provi-
23 sions of this section, is authorized—

1 (1) to select, appoint, and employ such officers
2 and employees as may be necessary for carrying out
3 the functions, powers, and duties of the Group;

4 (2) to obtain services authorized by section
5 3109 of title 5, United States Code, at daily rates
6 not to exceed the equivalent rate prescribed for
7 grade GS-18 of the General Schedule under section
8 5332 of such title;

9 (3) to the extent, and in such amounts as may
10 be appropriated in advance—

11 (A) to make and perform such contracts,
12 grants, and other agreements for audits, stud-
13 ies, evaluations, analyses, and other services
14 with—

15 (i) public agencies;

16 (ii) any private entity or person in the
17 United States or in a candidate country;
18 and

19 (iii) governmental agencies of any
20 such country that is undertaking research
21 that supports the work of the Group, as
22 appropriate; and

23 (B) to make such payments as may be nec-
24 essary for carrying out the functions of the
25 Group;

1 (4) to adopt, alter, and use a seal, which shall
2 be judicially noticed;

3 (5) to determine and prescribe the manner in
4 which its obligations shall be incurred and its ex-
5 penses allowed and paid, including expenses for rep-
6 resentation;

7 (6) to lease, purchase, or otherwise acquire, im-
8 prove, and use such real property wherever situated,
9 as may be necessary for carrying out the functions
10 of the Group;

11 (7) to accept cash gifts or donations of services
12 or of property, tangible or intangible, for the pur-
13 pose of carrying out the provisions of this section;

14 (8) to use the United States mails in the same
15 manner and on the same conditions as executive
16 agencies;

17 (9) to enter into personal services contracts
18 with individuals, who shall not be considered Federal
19 employees for any provision of law administered by
20 the Office of Personnel Management;

21 (10) to hire or obtain passenger motor vehicles;
22 and

23 (11) to have such other powers as may be nec-
24 essary and incident to carrying out this section.

1 (p) OTHER AUTHORITIES.—Except to the extent in-
2 consistent with the provisions of this section, the adminis-
3 trative authorities contained in the State Department
4 Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.)
5 and the Foreign Assistance Act of 1961 (22 U.S.C. 2151
6 et seq.) shall apply to the implementation of this section
7 to the same extent and in the same manner as such au-
8 thorities apply to the implementation of such Acts.

9 (q) APPLICABILITY OF THE GOVERNMENT CORPORA-
10 TION CONTROL ACT.—

11 (1) IN GENERAL.—The Group shall be subject
12 to chapter 91 of subtitle VI of title 31, United
13 States Code, except that the Group shall not be au-
14 thorized to issue obligations or offer obligations to
15 the public.

16 (2) CONFORMING AMENDMENT.—Section
17 9101(3) of title 31, United States Code, is amended
18 by adding at the end the following:

19 “(S) the Independent Evaluation and Re-
20 search Innovation Group for Foreign Assist-
21 ance.”.

22 (r) INSPECTOR GENERAL.—

23 (1) IN GENERAL.—The Inspector General of
24 the Agency for International Development—

1 (A) shall serve as Inspector General for the
2 Group; and

3 (B) in acting in such capacity, may con-
4 duct reviews, investigations, and inspections of
5 all aspects of the operations and activities of
6 the Group.

7 (2) REIMBURSEMENT.—The Group shall reim-
8 burse the Agency for International Development for
9 all expenses incurred by the Inspector General in
10 connection with the Inspector General's responsibil-
11 ities under this subsection.

12 (s) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 the following amounts:

15 (1) \$30,000,000 for fiscal year 2011.

16 (2) \$35,000,000 for fiscal year 2012.

17 (3) \$40,000,000 for fiscal year 2013.

18 (4) \$45,000,000 for fiscal year 2014.

19 (5) \$50,000,000 for fiscal year 2015.

20 (6) \$55,000,000 for fiscal year 2016.

21 (t) EFFECTIVE DATE.—This section shall remain in
22 effect until September 30, 2016.

1 **SEC. 7. COMPREHENSIVE WORKFORCE AND HUMAN RE-**
2 **SOURCES STRATEGY FOR THE UNITED**
3 **STATES AGENCY FOR INTERNATIONAL DE-**
4 **VELOPMENT.**

5 (a) COMPREHENSIVE WORKFORCE AND HUMAN RE-
6 SOURCES STRATEGY FOR THE UNITED STATES AGENCY
7 FOR INTERNATIONAL DEVELOPMENT.—The Adminis-
8 trator shall develop and implement a comprehensive work-
9 force and human resources strategy for the Agency to sup-
10 port the objective of promoting development and reducing
11 global poverty.

12 (b) SCOPE.—The strategy required under subsection
13 (a) shall be a strategy for modernizing the workforce of
14 the United States Agency for International Development
15 in support of foreign assistance and policy priorities, and
16 shall—

17 (1) determine long-term Agency personnel pri-
18 orities, including priorities over 5- and 10-year time
19 periods;

20 (2) identify career professional development
21 programs for all personnel, including training, lan-
22 guage, and education, interagency and intergovern-
23 mental rotations, and assignment opportunities out-
24 side the United States Government;

25 (3) include an assessment of future develop-
26 ment and foreign policy priorities and the implica-

1 tions of such priorities for technical and policy ex-
2 pertise, including how to meet future unanticipated
3 demands brought about by manmade and natural
4 disasters;

5 (4) include an overseas facilities and security
6 assessment examining the implications of such facili-
7 ties and security for personnel increases;

8 (5) include the appropriateness of regional plat-
9 forms to perform necessary Agency functions and to
10 provide services to other donors and organizations;

11 (6) consider structural reform options to profes-
12 sionalize the human resource capacity of the Agency,
13 including options to outsource the entirety of the
14 human resource capacity of the Agency; and

15 (7) address the means to enable the Agency to
16 access cutting-edge technical and managerial exper-
17 tise.

18 (c) **FACTORS TO CONSIDER.**—In developing the
19 strategy required under subsection (a), the Administrator
20 shall, among other things—

21 (1) examine the objectives the Agency is man-
22 dated to fulfill, and assess whether its current work-
23 force model effectively supports the goals of the
24 Agency;

1 (2) review the Agency's workforce evolution and
2 identify the additional program demands that have
3 been placed on the workforce in the past 10 years;

4 (3) examine different personnel and workforce
5 management models from other United States Gov-
6 ernment agencies, international organizations, and
7 the private sector and determine the comparative ad-
8 vantages the models might offer and whether they
9 would allow the Agency to better structure its work-
10 force to carry out its responsibilities and meet the
11 challenges of a changing environment;

12 (4) examine different bureaucratic and legisla-
13 tive constraints facing the Agency in implementing
14 a comprehensive workforce planning and manage-
15 ment system and how these constraints can be ad-
16 dressed, including—

17 (A) which limitations, if any, currently
18 exist that prevent the Agency from hiring the
19 right people for the right positions in a timely
20 manner, including mid-level hires and reentry of
21 mid-level professionals into the Agency; and

22 (B) how this compares with other organi-
23 zations, such as the Department of State and
24 the Millennium Challenge Corporation (MCC),
25 and how the Agency compares to the Depart-

1 ment of State and the MCC in its ability to at-
2 tract and retain high caliber professionals;

3 (5) examine the advantages and disadvantages
4 of the Agency's use of contractors in the last 10
5 years to carry out its core mission and management
6 responsibilities;

7 (6) assess the scope and effectiveness of train-
8 ing, including [available/availability?] of language
9 training, for Agency personnel and the extent to
10 which available training[s?] support carrying out
11 Agency objectives; and

12 (7) present a cost analysis for using a con-
13 tracting model versus a direct hire model and deter-
14 mine the cost savings and consequences that could
15 result from the elimination of institutional contrac-
16 tors and the hiring of the same professionals as per-
17 sonal services contractors.

18 (d) **WORKFORCE AND HUMAN RESOURCES TASK**
19 **FORCE.—**

20 (1) **IN GENERAL.—**The Administrator shall es-
21 tablish a workforce and human resources task force
22 that will participate in the development of the work-
23 force and human resources strategy required under
24 subsection (b) and will consult with, and provide in-
25 formation and advice to, senior management of the

1 Agency on matters and issues related to workforce
2 planning, human resource recruitment and training,
3 and other personnel issues as the Agency develops
4 and implements the workforce and human resources
5 strategy.

6 (2) COMPOSITION.—The task force shall be
7 composed of 9 members as follows:

8 (A) Four senior career professionals of the
9 Agency from different personnel backgrounds,
10 at least 2 of whom shall be from Foreign Serv-
11 ice, appointed by the Administrator.

12 (B) One senior official from the Depart-
13 ment of State appointed by the Secretary.

14 (C) One senior official from the Office of
15 Personnel Management appointed by the Direc-
16 tor of the Office of Personnel Management.

17 (D) Three professionals outside the United
18 States Government noted for their knowledge
19 and experience in personnel and human re-
20 source issues, appointed by the Administrator
21 in consultation with the Senate.

22 (3) DEADLINE FOR APPOINTMENTS.—All mem-
23 bers of the task force shall be designated not later
24 than 60 days after the date of the enactment of this
25 Act.

1 (4) TERMINATION.—The task force shall termi-
2 nate 2 years after the enactment of this Act.

3 (e) REPORTS.—

4 (1) INITIAL REPORT.—Not later than 180 days
5 after the date of the enactment of this Act, the Ad-
6 ministrator shall submit to the appropriate congres-
7 sional committees the strategy required under sub-
8 section (a).

9 (2) GOVERNMENT ACCOUNTABILITY OFFICE RE-
10 PORT.—Not later than 120 days after the submis-
11 sion of the initial strategy under paragraph (1), the
12 Comptroller General of the United States shall sub-
13 mit to the appropriate congressional committees a
14 report that contains—

15 (A) a review of, and comments addressing,
16 the strategy submitted under paragraph (1);
17 and

18 (B) recommendations relating to any addi-
19 tional actions the Comptroller General rec-
20 ommends to improve the strategy and its imple-
21 mentation.

22 (3) SUBSEQUENT REPORTS.—Not later than 2
23 years after the submission of the initial strategy
24 under paragraph (1), and every 2 years thereafter
25 until 2021, the Administrator shall transmit to the

1 appropriate congressional committees an updated
2 strategy—

3 (A) assessing progress made during the
4 preceding 2 years toward implementing the
5 strategy required under this section and meet-
6 ing the specific goals, benchmarks, and time
7 frames specified in the strategy required under
8 subsection (a);

9 (B) identifying legal or other impediments
10 to achieving those objectives and recommenda-
11 tions for addressing those impediments; and

12 (C) describing modifications to the strat-
13 egy based upon the Agency's experience during
14 the previous 2 years and any revisions to the
15 policy, program, financial or other assumptions
16 that were the basis for the current strategy.

17 (f) OUTSIDE ASSISTANCE.—To assist in the develop-
18 ment, formulation, and implementation of the workforce
19 and human resources strategy, the Administrator shall
20 contract with an independent organization—

21 (1) to help the Agency assess current human
22 resource capacity;

23 (2) to review how its human resource capacity
24 matches up against Agency mandates and policy pri-
25 orities;

1 (3) to compare the Agency's current human re-
2 source system and practices with best practices of
3 other organizations, public and private;

4 (4) to provide a set of recommendations to fa-
5 cilitate structural reform to the Agency's human re-
6 sources bureau; and

7 (5) to assist with other issues related to sup-
8 porting the development of the workforce and human
9 resources strategy.

10 (g) AVAILABILITY OF FUNDS.—Amounts made avail-
11 able to carry out section 667 of the Foreign Assistance
12 Act of 1961 (22 U.S.C. 2427) shall be made available to
13 carry out subsection (f).

14 **SEC. 8. PERSONNEL AND HUMAN RESOURCES.**

15 (a) CAREER PROFESSIONAL DEVELOPMENT.—Chap-
16 ter 2 of part III of the Foreign Assistance Act of 1961
17 (22 U.S.C. 2381 et seq.) is amended by inserting after
18 section 630 the following new section:

19 **“SEC. 630A. INTERAGENCY AND INTERNATIONAL ORGANI-
20 ZATION ROTATIONS.**

21 **“(a) ROTATIONS.—**

22 **“(1) CAREER GUIDELINES.—**The Administrator
23 shall establish career guidelines for Foreign Service
24 officers and civil service officers that incorporate
25 interagency, intergovernmental, or international or-

1 organization rotational assignments. The guidelines es-
2 tablished under this paragraph shall include—

3 “(A) selection;

4 “(B) professional education and training;

5 “(C) types of relevant interagency, inter-
6 governmental, and international organization
7 assignments; and

8 “(D) such other matters as the Adminis-
9 trator considers appropriate.

10 “(2) PROMOTIONS TO SENIOR RANKS.—Not
11 later than 2 years after the date of the enactment
12 of this Act, the Administrator shall establish addi-
13 tional guidelines that consider participation by rel-
14 evant officers in at least 1 interagency, intergovern-
15 mental, or international organizational rotational as-
16 signment of at least 6 months as a factor for pro-
17 motion into the ranks of the Senior Foreign Service
18 or Senior Executive Service.

19 “(3) PROMOTION POLICY OBJECTIVES FOR AS-
20 SIGNMENTS TO INTERAGENCY, INTERGOVERN-
21 MENTAL, AND INTERNATIONAL ORGANIZATIONS.—

22 “(A) QUALIFICATIONS.—The Adminis-
23 trator shall ensure that promotion precepts and
24 promotion panels do not penalize officers who

1 have been assigned to interagency, intergovern-
2 mental or international organizations.

3 “(B) REPORT.—The Administrator shall
4 provide an annual report to the appropriate
5 congressional committees that—

6 “(i) specifies the aggregate number of
7 officers and the promotion rates of officers
8 who are serving in, or have served in,
9 interagency, intergovernmental, or inter-
10 national organization rotational assign-
11 ments; and

12 “(ii) details efforts to meet the objec-
13 tives described in paragraph (1).

14 “(b) DETAIL OF PERSONNEL.—Upon the request of
15 the Administrator, the head of a Federal department or
16 agency may detail any employee of such department or
17 agency to the United States Agency for International De-
18 velopment on a reimbursable basis. Any employee so de-
19 tailed shall remain, for the purpose of preserving such em-
20 ployee’s allowances, privileges, rights, seniority, and other
21 benefits, an employee of the department or agency from
22 which detailed, and such service with the Agency shall be
23 considered as service to the home agency for purposes of
24 professional advancement.

1 “(c) EXTERNAL TRAINING AND EDUCATION OPPOR-
2 TUNITIES.—It is the sense of Congress that—

3 “(1) the Administrator of the United States
4 Agency for International Development should aug-
5 ment and expand external training and education
6 opportunities for Foreign Service and civil service
7 personnel and expand opportunities for work assign-
8 ments to entities outside the United States Govern-
9 ment;

10 “(2) a strong development agency should have
11 a knowledgeable and capable workforce that is famil-
12 iar with and has access to cutting edge development
13 practices, methodologies, ideas, work experience, and
14 programs; and

15 “(3) the Administrator of the United States
16 Agency for International Development should ensure
17 that personnel of the Agency have opportunities dur-
18 ing their careers to obtain a range of knowledge-
19 building work experiences and advanced education
20 and training in academic and other relevant institu-
21 tions in the United States and abroad to increase
22 the capacity of the Agency to fulfill its mission.”.

23 (b) REPORT.—Not later than 1 year after the date
24 of the enactment of this Act, the Administrator of the
25 United States Agency for International Development shall

1 submit to the appropriate congressional committees a re-
2 port on efforts to facilitate and promote external training
3 and education opportunities for Foreign Service and civil
4 service personnel, including—

5 (1) a description of the internal process of se-
6 curing such opportunities and the number of officers
7 who have undertaken such external trainings in the
8 past year; and

9 (2) a description of actions the Administrator
10 has taken or plans to take to further expand and fa-
11 cilitate external training and education opportuni-
12 ties.

13 **SEC. 9. STRENGTHENING DEVELOPMENT COORDINATION**
14 **IN THE FIELD.**

15 (a) **IN GENERAL.**—Section 631(d) of the Foreign As-
16 sistance Act of 1961 (22 U.S.C. 2391) is amended to read
17 as follows:

18 “(d) **COORDINATION OF DEVELOPMENT ASSISTANCE**
19 **ACTIVITIES.**—Under the overall direction of the chief of
20 the United States diplomatic mission, the chief of each
21 special mission carrying out the purposes of part I in a
22 country shall be responsible for the coordination of all de-
23 velopment and humanitarian efforts of the United States
24 Government in such country. Such activities shall include
25 all development and humanitarian activities from funds

1 made available to carry out the provisions of this or any
2 other Act.”.

3 (b) SENSE OF CONGRESS ON MODERNIZING USAID
4 MISSIONS FOR THE 21ST CENTURY.—It is the sense of
5 Congress that—

6 (1) the role of the United States Agency for
7 International Development (USAID) and foreign as-
8 sistance continues to evolve to meet emerging chal-
9 lenges, new priorities, changing circumstances, and
10 augmented roles and responsibilities;

11 (2) the environment in which our foreign assist-
12 ance and development agencies operate is dramati-
13 cally different than the Cold War environment in
14 which they were created;

15 (3) despite the new and changing of USAID
16 circumstances, the United States Government has
17 not significantly updated the basic USAID mission
18 structure since it was first established in 1961; and

19 (4) to reflect evolving threats, opportunities and
20 challenges in the 21st century, USAID should un-
21 dertake a comprehensive examination of the mission
22 structure, with special attention to staffing, authori-
23 ties, the balance between Washington, District of
24 Columbia, and the field, and management best prac-
25 tices.

1 (c) REPORT.—Not later than 18 months after the
2 date of the enactment of this Act, the Administrator of
3 the United States Agency for International Development
4 shall submit to the appropriate congressional committees
5 a report on modernizing USAID missions for the 21st cen-
6 tury, including—

7 (1) whether missions are staffed and well suited
8 for current and emerging roles and responsibilities;

9 (2) whether the management and organizational
10 structure provide the required flexibility while pro-
11 viding effective oversight of programs;

12 (3) whether the level of centralized versus de-
13 centralized decisionmaking is appropriate for the
14 current and emerging context in which the mission
15 is working;

16 (4) whether there is sufficient flexibility in
17 terms of personnel to address fluctuations in funding
18 for programs, and if not, what type of flexibility
19 would be helpful;

20 (5) whether up-to-date technical expertise and
21 lessons from prior projects are being systematically
22 incorporated into new program design;

23 (6) whether missions of USAID are appro-
24 priately focused on bilateral and multilateral donor

1 coordination and whether this is a priority for
2 USAID personnel;

3 (7) what the appropriate relationship and bal-
4 ance are between USAID missions and the broader
5 United States mission in a country;

6 (8) how effectively USAID is able to coordinate
7 with the Department of Defense, especially as the
8 Department of Defense implements an increasing
9 number of development and humanitarian programs;

10 (9) whether the existing structure of the United
11 States foreign assistance system allows for proper
12 coordination between different Federal departments
13 and agencies implementing foreign assistance and
14 development programs to avoid duplication of effort;
15 and

16 (10) what obstacles exist to more effective co-
17 ordination, including what structural or organiza-
18 tional improvements would assist with more effective
19 coordination.

20 **SEC. 10. TRANSPARENCY OF UNITED STATES FOREIGN AS-**
21 **SISTANCE.**

22 (a) **SENSE OF CONGRESS ON TRANSPARENCY OF AS-**
23 **SISTANCE.**—It is the sense of Congress that—

24 (1) United States citizens and recipients of
25 United States foreign assistance should, to the max-

1 imum extent practicable, have full access to informa-
2 tion on United States foreign assistance; and

3 (2) to the extent possible, United States Gov-
4 ernment agencies, departments, and institutions
5 should undertake preparatory consultations with rel-
6 evant outside stakeholders in a transparent and full
7 manner in the course of formulating policies and
8 strategies related to foreign assistance and develop-
9 ment.

10 (b) PUBLIC AVAILABILITY OF INFORMATION.—

11 (1) IN GENERAL.—The President shall direct
12 all Federal departments and agencies to make pub-
13 licly available on their Web sites comprehensive,
14 timely, comparable, and accessible information on
15 United States foreign assistance. The information
16 shall be presented on a detailed program-by-program
17 basis and country-by-country basis.

18 (2) CONTENT.—To ensure transparency, ac-
19 countability, and effectiveness of United States for-
20 eign assistance, the information on United States
21 foreign assistance published and made available
22 under paragraph (1) shall include annual budget
23 presentations and justifications of any programs or
24 projects that provide foreign assistance by any Fed-
25 eral department or agency. In the event that detailed

1 information is classified, an unclassified summary
2 shall be posted and the classified details shall be
3 submitted separately to the appropriate congress-
4 sional committees.

5 (3) **TIMELY AVAILABILITY OF INFORMATION.**—

6 The President shall direct the head of each Federal
7 department and agency providing United States for-
8 eign assistance to ensure that the information re-
9 quired under this subsection is made available on no
10 less than an annual basis at the time the President's
11 annual budget is released. Data that is of a provi-
12 sional nature shall be updated when actual figures
13 are available.

14 (c) **SENSE OF MULTILATERAL EFFORTS.**—It is the
15 sense of Congress that, in order to best assess the use
16 and impact of United States foreign assistance in relation
17 to funding provided by other donor nations and recipient
18 countries, the President should fully engage with and par-
19 ticipate in the International Aid Transparency Initiative,
20 established on September 4, 2008, at the Accra High
21 Level Forum on Aid Effectiveness.

22 **SEC. 11. OPERATING EXPENSES.**

23 (a) **FINDINGS.**—Congress makes the following find-
24 ings:

1 (1) The separate account created by Congress
2 in 1976 to authorize and appropriate funds for all
3 operating expenses of the United States Agency for
4 International Development has been an important
5 tool to ensure transparency of administrative costs
6 and accountability of funds.

7 (2) Funding for the operating expenses of the
8 Agency has not kept pace with the growth of the
9 Agency's program funding and the expanded geo-
10 graphic and sectoral demands for economic assist-
11 ance abroad.

12 (3) As a result, this has caused the Agency in
13 certain cases to fund selected administrative costs
14 out of program funds in order to properly admin-
15 ister, oversee, and implement its programs and ac-
16 tivities, thus detracting from the goals of increased
17 transparency and accountability that establishment
18 of the separate operating expenses account was in-
19 tended to foster.

20 (4) A 2003 Government Accountability Office
21 report on the operating expenses of the Agency
22 noted that "USAID's operating expense account
23 does not fully reflect the agency's cost of doing busi-
24 ness primarily because the agency pays for some ad-
25 ministrative activities done by contractors and other

1 nondirect-hire staff with program funds” and that
2 “Congress has increasingly encouraged the Agency
3 to use program funds to support certain administra-
4 tive costs”.

5 (5) The December 2007 HELP Commission
6 Report on Foreign Assistance Reform states, “Over
7 time, the effectiveness of a separate OE budget has
8 eroded. During the past 30 years, Congress and the
9 Executive branch have allowed program funds to be
10 used to pay for the costs of activities once funded
11 from the OE account while cutting the OE budget.”

12 (6) The HELP Commission Report also rec-
13 ommends “[a]bolish[ing] the OE account and
14 replac[ing] it with a more accurate accounting proc-
15 ess,” arguing that “the USAID OE account no
16 longer serves a useful purpose” and stating, “While
17 it might have been constructive in bringing clarity to
18 the cost of doing business in the 1970s, another sys-
19 tem should be developed that calculates true admin-
20 istrative and management expenses, including those
21 now funded with program or project funds. This new
22 system needs to allow administrative expenses to be
23 properly managed and monitored and needs to en-
24 sure that Congress receives clear, timely and trans-
25 parent information regarding these expenditures.”

1 (7) While Congress concurs with the HELP
2 Commission's recommendation that a major reassessment of the scope and the continued utility of
3 the operating expenses account structure is in order,
4 Congress also believes that the urgency of the issues
5 confronting Agency management in terms of hiring
6 technical expertise and providing the Agency with
7 the capacity to oversee and administer critical foreign
8 assistance programs and functions, justifies
9 providing the Agency with broader discretion on
10 ways to support direct-hire staffing requirements.

12 (b) GUIDELINES FOR PROGRAM FUNDS.—

13 (1) IN GENERAL.—Subject to paragraph (2)
14 and except as otherwise authorized by law, program
15 funds may be used for—

16 (A) travel expenses of all employees who
17 are members of the Foreign Service or civil
18 service;

19 (B) salaries and related expenses of employees other than Foreign Service or civil service employees who are United States citizens;
20 and
21 and

22 (C) research and policy analysis in support
23 of programs, including analysis for development
24

1 assistance policy planning and evaluations of
2 programs.

3 (2) NOTIFICATION.—The Administrator shall—

4 (A) submit a written report to the appro-
5 priate congressional committees detailing the
6 Agency's plan for managing and accounting for
7 the funds used in accordance with the authority
8 provided by paragraph (1) not later than 60
9 days after the date of the enactment of this
10 Act; and

11 (B) consult with the appropriate congres-
12 sional committees about the use and manage-
13 ment of such funds not later than 60 days after
14 the date of the enactment of this Act.

15 (c) SEMIANNUAL REPORT.—Not later than once
16 every 6 months after the date of the enactment of this
17 Act until 2013, the Administrator shall submit to the ap-
18 propriate congressional committees a report detailing the
19 purpose and amount of funds obligated under the author-
20 ity provided pursuant to subsection (b) broken down by
21 bureau and activity.

22 (d) REPORT ON RECOMMENDATIONS FOR OPERATING
23 EXPENSE REFORM.—Not later than 180 days after the
24 date of the enactment of this Act, the Administrator shall,
25 in coordination with the workforce and human resources

1 task force established pursuant to section 7(d), submit to
2 the appropriate congressional committees a report includ-
3 ing—

4 (1) recommendations and detailed justifications
5 for streamlining and improving the efficiency of how
6 the Agency uses operating expenses, including rec-
7 ommendations for alternative models and ap-
8 proaches;

9 (2) recommendations and detailed justifications
10 for increasing the transparency of Agency operating
11 expenses;

12 (3) an assessment of how the operating ex-
13 penses account has affected Agency performance in
14 support of program goals and objectives; and

15 (4) an assessment of how the operating ex-
16 penses account has affected human resources and
17 personnel of the Agency, including a discussion of
18 the proliferation of new hiring authorities and in-
19 creased reliance on contractors to handle the core
20 business of the Agency.