

111TH CONGRESS
1ST SESSION

S. 1524

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

JULY 28, 2009

Mr. KERRY (for himself, Mr. LUGAR, Mr. MENENDEZ, Mr. CORKER, Mr. RISCH, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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, hunger, lack of opportunity, gender
18 inequality, and environmental degradation are recog-
19 nized as significant contributors to—

20 (A) socioeconomic and political instability;

21 and

22 (B) the exacerbation of disease pandemic
23 and other global health threats.

24 (2) The 2006 National Security Strategy of the
25 United States notes, “America’s national interests

1 and moral values drive us in the same direction: to
2 assist the world's poor citizens and least developed
3 nations and help integrate them into the global econ-
4 omy.”.

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

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

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

1 security by mitigating the root causes of conflict and
2 multinational terrorism, strengthening diplomatic
3 and economic relationships, preventing global cli-
4 mate change, curbing weapons proliferation, and fos-
5 tering peace and cooperation between all nations.

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

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

1 reform of the Foreign Assistance Act of 1961 that
2 ensures a rationalized organizational structure for a
3 strengthened development agency, a concise set of
4 development priorities, rebuilt human resource ca-
5 pacity, strengthened monitoring and evaluation, re-
6 invigorated policy and intellectual expertise, with
7 sufficient resources and commensurate account-
8 ability to achieve key foreign assistance goals.

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

14 **SEC. 4. STATEMENT OF POLICY.**

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

1 **SEC. 5. POLICY AND STRATEGIC PLANNING.**

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

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

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

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

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

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

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

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

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

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

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 ministrator 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 Council on Research and
23 Evaluation of Foreign Assistance to ensure consistency of
24 approach toward evaluation, research, analysis, and re-
25 lated 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 APPROPRIATIONS.—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. COUNCIL ON RESEARCH AND EVALUATION OF FOR-**
22 **EIGN 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 Council on Research and Evaluation
3 of Foreign Assistance (referred to in this section as the
4 “Council”).

5 (c) PURPOSES.—The purposes of the Council 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 RECEIVING FINANCIAL ASSISTANCE FROM
25 THE UNITED STATES.—

1 (A) AUTHORIZATION.—The Council 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 Council’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 Coun-
13 cil shall utilize rigorous and objective meth-
14 odologies, choosing from among a wide variety
15 of qualitative and quantitative methods common
16 in 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 Council. 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.—At least 30 days before
10 issuing a report under this subparagraph, the
11 Director shall submit a draft of the report to
12 the head of the Federal agency responsible for
13 implementing the program being evaluated and
14 provide the agency head an opportunity to com-
15 ment on the report. The Council shall issue a
16 report to the appropriate congressional commit-
17 tees on each evaluation conducted under sub-
18 paragraph (A) that contains—

19 (i) an assessment of the effectiveness
20 of the program evaluated, including the ef-
21 fectiveness of any partnership with non-
22 Federal partners, as appropriate;

23 (ii) any recommendations to improve
24 the program's effectiveness, including the

1 effectiveness of partnerships with non-Fed-
2 eral organizations, as appropriate; and

3 (iii) any comments received from the
4 head of the Federal agency, or his or her
5 designee, including any non-Federal part-
6 ner, as appropriate.

7 (H) CONSULTATION.—The Director shall
8 regularly consult with the appropriate congres-
9 sional committees to discuss priorities for eval-
10 uations to be conducted under subparagraph
11 (A).

12 (2) RESEARCH ON FOREIGN ASSISTANCE DE-
13 SIGN, IMPLEMENTATION, EVALUATION, AND EFPEC-
14 TIVENESS.—

15 (A) IN GENERAL.—The Council shall con-
16 duct research and analysis on the design, imple-
17 mentation, evaluation, and effectiveness of for-
18 eign assistance programs in an effort to develop
19 innovative approaches relating to foreign assist-
20 ance, including—

21 (i) research and analysis aimed at de-
22 veloping objective methodologies for evalu-
23 ating the effectiveness of foreign assistance
24 programs in achieving assistance objec-
25 tives;

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

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

15 (B) ADDITIONAL RESEARCH.—In addition
16 to the research conducted under subparagraph
17 (A), the Council may also conduct research and
18 analysis on—

19 (i) trends relating to foreign assist-
20 ance programs and the measures necessary
21 to ensure continued progress; and

22 (ii) the relative effectiveness of inter-
23 national and multilateral assistance pro-
24 grams receiving financial assistance from
25 the United States, including programs of

1 the World Bank Group, United Nations
2 entities, and regional multilateral develop-
3 ment banks, as compared to United States
4 foreign assistance programs.

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

13 (D) PARTNERS.—In conducting research
14 and analysis under subparagraph (A), the
15 Council shall partner with the academic com-
16 munity, implementing partners, and national
17 and international institutions that have exper-
18 tise in evaluation, research, and analysis, as ap-
19 propriate.

20 (E) REPORTS.—The Council shall issue re-
21 ports to the appropriate congressional commit-
22 tees on the results of research conducted pursu-
23 ant to subparagraph (A) that include rec-
24 ommendations to Federal agencies responsible
25 for implementing foreign assistance programs

1 on how to improve the design, implementation,
2 and evaluation of such programs.

3 (F) COLLABORATION.—The Council shall
4 actively collaborate with Federal agencies re-
5 sponsible for implementing foreign assistance
6 programs by—

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

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

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

18 (3) INDEPENDENCE.—The Council shall pre-
19 serve its independence to ensure organizational au-
20 tonomy, protection from external influence, and
21 avoidance of conflicts of interest.

22 (e) COUNCIL ON RESEARCH AND EVALUATION OF
23 FOREIGN ASSISTANCE ADVISORY BOARD.—

24 (1) ESTABLISHMENT.—There is established a
25 Council on Research and Evaluation of Foreign As-

1 sistance Advisory Board (referred to in this sub-
2 section as the “Board”).

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

5 (A) to consult with the Director regarding
6 the existing program of work of the Council,
7 current evaluations that are ongoing or com-
8 pleted, and projected evaluations and activities
9 to be undertaken by the Council; and

10 (B) to serve as a forum for coordination
11 and discussion of related matters pertaining to
12 the Council’s operations and activities.

13 (3) DUTIES.—The Board shall—

14 (A) regularly consult with the Director re-
15 garding the activities of the Council, but may
16 not prevent or prohibit the Director from initi-
17 ating, carrying out, or completing any evalua-
18 tion or analysis of any development, humani-
19 tarian, or foreign assistance program or activ-
20 ity; and

21 (B) ensure coordination with the Office of
22 Management and Budget in the Executive Of-
23 fice of the President.

24 (4) MEMBERSHIP.—The Board shall consist
25 of—

1 (A) the Director of the Council, or des-
2 ignee;

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

4 (C) the Secretary of the Treasury, or des-
5 ignee;

6 (D) the Administrator of the United States
7 Agency for International Development, or des-
8 ignee;

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

11 (F) the Secretary of Agriculture, or des-
12 ignee;

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

14 (H) the Secretary of Health and Human
15 Services, or designee;

16 (I) 1 individual to be appointed by the Di-
17 rector;

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

22 (K) 4 individuals with relevant professional
23 evaluation and international experience, who
24 shall be appointed by the President, by and

1 with the advice and consent of the Senate, of
2 which—

3 (i) 1 individual shall be appointed
4 from among a list of 3 individuals sub-
5 mitted by the chairman of the Committee
6 on Foreign Relations of the Senate;

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

11 (iii) 1 individual shall be appointed
12 from among a list of 3 individuals sub-
13 mitted by the chairman of the Committee
14 on Foreign Affairs of the House of Rep-
15 resentatives; and

16 (iv) 1 individual shall be appointed
17 from among a list of 3 individuals sub-
18 mitted by the ranking member of the Com-
19 mittee on Foreign Affairs of the House of
20 Representatives.

21 (5) TERMS.—

22 (A) OFFICERS OF THE FEDERAL GOVERN-
23 MENT.—Each member of the Board described
24 in subparagraphs (A) through (H) of paragraph
25 (4) shall serve for a term that is concurrent

1 with the term of service of the individual's posi-
2 tion as an officer within the other Federal de-
3 partment or agency.

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

9 (C) VACANCIES.—A vacancy in the Board
10 shall be filled in the manner in which the origi-
11 nal appointment was made.

12 (6) CHAIRPERSON.—The members of the Board
13 shall select from among its membership a Chair-
14 person to serve a 1-year term.

15 (7) TECHNICAL ADVISORY GROUP.—The Direc-
16 tor shall have the authority to form a technical advi-
17 sory group to provide recommendations and advise
18 the existing program of work of the Council. The
19 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

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 Council 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; and

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 Council;

22 (B) exercise the powers of the Council;

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 Council.

4 (3) RANK; COMPENSATION.—The Director
5 shall—

6 (A) have the equivalent rank of Under Sec-
7 retary; and

8 (B) be compensated at the rate provided
9 for level III of the Executive Schedule under
10 section 5314 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 5314
21 of title 5, United States Code, is amended by adding
22 at the end the following:

23 “Director, Council on Research and Evaluation of
24 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 Council; 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 Council
2 that 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 Council 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 Council 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 Council 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 Council, is entitled to
15 be reemployed in such employee's former posi-
16 tion or a position of like seniority, status, and
17 pay in such agency, if such employee—

18 (i) is separated from the Council 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 Council.

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 Council.

9 (4) HIRING AUTHORITY.—Not more than 5 em-
10 ployees of the Council 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 Council 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 Council, including

1 individuals detailed to or contracted by the
2 Council, may be assigned to a United States
3 diplomatic 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 Council.

7 (B) OVERSEAS BENEFITS.—Each employee
8 of the Council, including any individual detailed
9 to or contracted by the Council, and the mem-
10 bers of the family of such employee, while the
11 employee is performing duties in any country or
12 place outside the United States, shall be af-
13 forded the same benefits enjoyed by members of
14 the Foreign Service, or the family of a member
15 of the Foreign Service, as appropriate.

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

1 of the family of such employee is not a national
2 of or permanently resident in such country or
3 place.

4 (j) PUBLIC DISCLOSURE.—

5 (1) IN GENERAL.—Not less frequently than
6 quarterly, the Council shall make publicly avail-
7 able—

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

11 (B) information regarding funds allocated
12 or transferred by the Council under this sec-
13 tion;

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

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

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

23 (A) through publication in the Federal
24 Register;

1 (B) on the Internet Web site of the Coun-
2 cil; and

3 (C) by any other methods that the Direc-
4 tor determines to be appropriate.

5 (k) REPORT ON PROJECTED EVALUATIONS.—Not
6 later than December 31, 2010, and November 1 there-
7 after, the Director shall submit a report to the appropriate
8 congressional committees that includes a projected list of
9 evaluations for the current fiscal year.

10 (l) REPORT ON METHODOLOGIES AND BEST PRAC-
11 TICES.—

12 (1) INITIAL REPORT.—Not later than Sep-
13 tember 30, 2011, the Director shall submit a report
14 to each Federal Agency responsible for implementing
15 foreign assistance programs and to the appropriate
16 congressional committees that details recommended
17 methodologies and best practices for use in evalu-
18 ating the effectiveness of United States Government
19 foreign assistance programs.

20 (2) REGULAR UPDATES.—The Director shall
21 regularly update the methodologies recommended in
22 the report submitted under paragraph (1) to account
23 for developments and trends in foreign assistance
24 programs.

1 (3) BIENNIAL REPORT.—Not later than 2 years
2 after the submission of the report under paragraph
3 (1), and biennially thereafter, the Director shall sub-
4 mit, to each Federal agency responsible for imple-
5 menting foreign assistance programs and to the ap-
6 propriate congressional committees, a report that
7 contains updates to its recommended methodologies
8 and best practices for use in evaluating the effective-
9 ness of United States Government foreign assistance
10 programs.

11 (m) ANNUAL REPORT.—

12 (1) IN GENERAL.—Not later than February 15,
13 2011, and each February 15 thereafter, the Director
14 shall submit a report to the appropriate congress-
15 sional committees that includes—

16 (A) the specific programs, projects, and ac-
17 tivities that were evaluated by the Council; and

18 (B) other activities carried out by the
19 Council during the most recently completed fis-
20 cal year.

21 (2) JOINT SUBMISSION.—The report described
22 in paragraph (1) may be submitted with the budget
23 justification materials submitted to Congress with
24 the President's budget under section 1105(a) of title
25 31, United States Code.

1 (n) STRATEGIC PLAN.—

2 (1) SUBMISSION.—Every 2 years, the Director
3 shall submit a strategic plan for the activities of the
4 Council to the appropriate congressional committees.

5 (2) CONTENTS.—The strategic plan required
6 under paragraph (1) shall include—

7 (A) the long-term strategic goals of the
8 Council;

9 (B) the identification of the activities and
10 programs that support—

11 (i) the achievement of the Council’s
12 strategic goals; and

13 (ii) opportunities that hold the poten-
14 tial for yielding significant development or
15 foreign assistance benefits; and

16 (C) the connection of the activities and
17 programs of the Council to activities and mis-
18 sions of United States foreign assistance pro-
19 grams.

20 (o) GOVERNMENT ACCOUNTABILITY OFFICE RE-
21 PORT.—Not later than 6 years after the date of the enact-
22 ment of this Act, the Comptroller General of the United
23 States shall submit a report to the appropriate congres-
24 sional committees that contains—

1 (1) a review of, and comments addressing, the
2 performance and overall effectiveness of the Coun-
3 cil's activities, programs and general operations;

4 (2) an assessment of how effectively the Council
5 has implemented its stated objectives and adhered to
6 and accomplished the purposes and duties described
7 in subsections (c) and (d);

8 (3) recommendations relating to any additional
9 actions the Comptroller General recommends to im-
10 prove the Council's performance, activities and oper-
11 ations; and

12 (4) assess the impact of the Council on the
13 workload of the International Affairs Division of the
14 Government Accountability Office.

15 (p) ADMINISTRATIVE AUTHORITIES OF THE COUN-
16 CIL.—In addition to the authority otherwise provided
17 under this section, the Council, in carrying out the provi-
18 sions of this section, is authorized—

19 (1) to select, appoint, and employ such officers
20 and employees as may be necessary for carrying out
21 the functions, powers, and duties of the Council;

22 (2) to obtain services authorized by section
23 3109 of title 5, United States Code, at daily rates
24 not to exceed the equivalent rate prescribed for

1 grade GS–18 of the General Schedule under section
2 5332 of such title;

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

5 (A) to make and perform such contracts,
6 grants, and other agreements for audits, stud-
7 ies, evaluations, analyses, and other services
8 with—

9 (i) public agencies;

10 (ii) any private entity or person in the
11 United States or in a candidate country;
12 and

13 (iii) governmental agencies of any
14 such country that is undertaking research
15 that supports the work of the Council, as
16 appropriate; and

17 (B) to make such payments as may be nec-
18 essary for carrying out the functions of the
19 Council;

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

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

1 (6) to lease, purchase, or otherwise acquire, im-
2 prove, and use such real property wherever situated,
3 as may be necessary for carrying out the functions
4 of the Council;

5 (7) to accept cash gifts or donations of services
6 or of property, tangible or intangible, for the pur-
7 pose of carrying out the provisions of this section, as
8 it relates to public-private partnerships;

9 (8) to use the United States mails in the same
10 manner and on the same conditions as executive
11 agencies;

12 (9) to enter into personal services contracts
13 with individuals, who shall not be considered Federal
14 employees for any provision of law administered by
15 the Office of Personnel Management;

16 (10) to hire or obtain passenger motor vehicles;
17 and

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

20 (q) OTHER AUTHORITIES.—Except to the extent in-
21 consistent with the provisions of this section, the adminis-
22 trative authorities contained in the State Department
23 Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.)
24 and the Foreign Assistance Act of 1961 (22 U.S.C. 2151
25 et seq.) shall apply to the implementation of this section

1 to the same extent and in the same manner as such au-
 2 thorities apply to the implementation of such Acts.

3 (r) APPLICABILITY OF THE GOVERNMENT CORPORA-
 4 TION CONTROL ACT.—

5 (1) IN GENERAL.—The Council shall be subject
 6 to chapter 91 of subtitle VI of title 31, United
 7 States Code, except that the Council shall not be au-
 8 thorized to issue obligations or offer obligations to
 9 the public.

10 (2) CONFORMING AMENDMENT.—Section
 11 9101(3) of title 31, United States Code, is amended
 12 by adding at the end the following:

13 “(S) the Council on Research and Evalua-
 14 tion of Foreign Assistance.”.

15 (s) INSPECTOR GENERAL.—

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

18 (A) shall serve as Inspector General for the
 19 Council; and

20 (B) in acting in such capacity, may con-
 21 duct reviews, investigations, and inspections of
 22 all aspects of the operations and activities of
 23 the Council.

24 (2) REIMBURSEMENT.—The Council shall reim-
 25 burse the Agency for International Development for

1 all expenses incurred by the Inspector General in
2 connection with the Inspector General's responsibil-
3 ities under this subsection.

4 (t) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 the following amounts:

7 (1) \$30,000,000 for fiscal year 2011.

8 (2) \$35,000,000 for fiscal year 2012.

9 (3) \$40,000,000 for fiscal year 2013.

10 (4) \$45,000,000 for fiscal year 2014.

11 (5) \$50,000,000 for fiscal year 2015.

12 (6) \$55,000,000 for fiscal year 2016.

13 (u) EFFECTIVE DATE.—This section shall be effec-
14 tive during the 7 year period beginning on the date of the
15 enactment of this Act.

16 **SEC. 7. COMPREHENSIVE WORKFORCE AND HUMAN RE-**
17 **SOURCES STRATEGY FOR THE UNITED**
18 **STATES AGENCY FOR INTERNATIONAL DE-**
19 **VELOPMENT.**

20 (a) COMPREHENSIVE WORKFORCE AND HUMAN RE-
21 SOURCES STRATEGY FOR THE UNITED STATES AGENCY
22 FOR INTERNATIONAL DEVELOPMENT.—The Adminis-
23 trator shall develop and implement a comprehensive work-
24 force and human resources strategy for the Agency to sup-

1 port the objective of promoting development and reducing
2 global poverty.

3 (b) SCOPE.—The strategy required under subsection
4 (a) shall be a strategy for modernizing the workforce of
5 the United States Agency for International Development
6 in support of foreign assistance and policy priorities, and
7 shall—

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

11 (2) identify career professional development
12 programs for all personnel, including training, lan-
13 guage, and education, interagency and intergovern-
14 mental rotations, and assignment opportunities out-
15 side the United States Government;

16 (3) include an assessment of future develop-
17 ment and foreign policy priorities and the implica-
18 tions of such priorities for technical and policy ex-
19 pertise, including how to meet future unanticipated
20 demands brought about by manmade and natural
21 disasters;

22 (4) include an overseas facilities and security
23 assessment examining the implications of such facili-
24 ties and security for personnel increases;

1 (5) include the appropriateness of regional plat-
2 forms to perform necessary Agency functions and to
3 provide services to other donors and organizations;

4 (6) consider structural reform options to profes-
5 sionalize the human resource capacity of the Agency,
6 including options to outsource the entirety of the
7 human resource capacity of the Agency; and

8 (7) address the means to enable the Agency to
9 access cutting-edge technical and managerial exper-
10 tise.

11 (c) FACTORS TO CONSIDER.—In developing the
12 strategy required under subsection (a), the Administrator
13 shall, among other things—

14 (1) examine the objectives the Agency is man-
15 dated to fulfill, and assess whether its current work-
16 force model effectively supports the goals of the
17 Agency;

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

21 (3) examine different personnel and workforce
22 management models from other United States Gov-
23 ernment agencies, international organizations, and
24 the private sector and determine the comparative ad-
25 vantages the models might offer and whether they

1 would allow the Agency to better structure its work-
2 force to carry out its responsibilities and meet the
3 challenges of a changing environment;

4 (4) examine different bureaucratic and legisla-
5 tive constraints facing the Agency in implementing
6 a comprehensive workforce planning and manage-
7 ment system and how these constraints can be ad-
8 dressed, including—

9 (A) which limitations, if any, currently
10 exist that prevent the Agency from hiring the
11 right people for the right positions in a timely
12 manner, including mid-level hires and reentry of
13 mid-level professionals into the Agency; and

14 (B) how this compares with other organi-
15 zations, such as the Department of State and
16 the Millennium Challenge Corporation (MCC),
17 and how the Agency compares to the Depart-
18 ment of State and the MCC in its ability to at-
19 tract and retain high caliber professionals;

20 (5) examine the advantages and disadvantages
21 of the Agency's use of contractors in the last 10
22 years to carry out its core mission and management
23 responsibilities;

24 (6) assess the scope and effectiveness of train-
25 ing, including the availability of language training,

1 for Agency personnel, and the extent to which avail-
2 able trainings support carrying out Agency objec-
3 tives; and

4 (7) present a cost analysis for using a con-
5 tracting model versus a direct hire model and deter-
6 mine the cost savings and consequences that could
7 result from the elimination of institutional contrac-
8 tors and the hiring of the same professionals as per-
9 sonal services contractors.

10 (d) WORKFORCE AND HUMAN RESOURCES TASK
11 FORCE.—

12 (1) IN GENERAL.—The Administrator shall es-
13 tablish a workforce and human resources task force
14 that will participate in the development of the work-
15 force and human resources strategy required under
16 subsection (b) and will consult with, and provide in-
17 formation and advice to, senior management of the
18 Agency on matters and issues related to workforce
19 planning, human resource recruitment and training,
20 and other personnel issues as the Agency develops
21 and implements the workforce and human resources
22 strategy.

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

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

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

7 (C) One senior official from the Office of
8 Personnel Management appointed by the Direc-
9 tor of the Office of Personnel Management.

10 (D) Three professionals outside the United
11 States Government noted for their knowledge
12 and experience in personnel and human re-
13 source issues, appointed by the Administrator
14 in consultation with the Senate.

15 (3) DEADLINE FOR APPOINTMENTS.—All mem-
16 bers of the task force shall be designated not later
17 than 60 days after the date of the enactment of this
18 Act.

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

21 (e) REPORTS.—

22 (1) INITIAL REPORT.—Not later than 1 year
23 after the date of the enactment of this Act, the Ad-
24 ministrator shall submit to the appropriate congres-

1 sional committees the strategy required under sub-
2 section (a).

3 (2) GOVERNMENT ACCOUNTABILITY OFFICE RE-
4 PORT.—Not later than 120 days after the submis-
5 sion of the initial strategy under paragraph (1), the
6 Comptroller General of the United States shall sub-
7 mit to the appropriate congressional committees a
8 report that contains—

9 (A) a review of, and comments addressing,
10 the strategy submitted under paragraph (1);
11 and

12 (B) recommendations relating to any addi-
13 tional actions the Comptroller General rec-
14 ommends to improve the strategy and its imple-
15 mentation.

16 (3) SUBSEQUENT REPORTS.—Not later than 2
17 years after the submission of the initial strategy
18 under paragraph (1), and every 2 years thereafter
19 until 2021, the Administrator shall transmit to the
20 appropriate congressional committees an updated
21 strategy—

22 (A) assessing progress made during the
23 preceding 2 years toward implementing the
24 strategy required under this section and meet-
25 ing the specific goals, benchmarks, and time

1 frames specified in the strategy required under
2 subsection (a);

3 (B) identifying legal or other impediments
4 to achieving those objectives and recommenda-
5 tions for addressing those impediments; and

6 (C) describing modifications to the strat-
7 egy based upon the Agency's experience during
8 the previous 2 years and any revisions to the
9 policy, program, financial or other assumptions
10 that were the basis for the current strategy.

11 (f) OUTSIDE ASSISTANCE.—To assist in the develop-
12 ment, formulation, and implementation of the workforce
13 and human resources strategy, the Administrator shall
14 contract with an independent organization—

15 (1) to help the Agency assess current human
16 resource capacity;

17 (2) to review how its human resource capacity
18 matches up against Agency mandates and policy pri-
19 orities;

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

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

1 “(C) types of relevant interagency, inter-
2 governmental, and international organization
3 assignments; and

4 “(D) such other matters as the Adminis-
5 trator considers appropriate.

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

15 “(3) PROMOTION POLICY OBJECTIVES FOR AS-
16 SIGNMENTS TO INTERAGENCY, INTERGOVERN-
17 MENTAL, AND INTERNATIONAL ORGANIZATIONS.—

18 “(A) QUALIFICATIONS.—The Adminis-
19 trator shall ensure that promotion precepts and
20 promotion panels do not penalize officers who
21 have been assigned to interagency, intergovern-
22 mental or international organizations.

23 “(B) REPORT.—The Administrator shall
24 provide an annual report to the appropriate
25 congressional committees that—

1 “(i) specifies the aggregate number of
2 officers and the promotion rates of officers
3 who are serving in, or have served in,
4 interagency, intergovernmental, or inter-
5 national organization rotational assign-
6 ments; and

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

9 “(b) EXTERNAL TRAINING AND EDUCATIONAL OP-
10 PORTUNITIES.—It is the sense of Congress that—

11 “(1) the Administrator of the United States
12 Agency for International Development should aug-
13 ment and expand external training and educational
14 opportunities for Foreign Service and civil service
15 personnel and expand opportunities for work assign-
16 ments to entities outside the United States Govern-
17 ment;

18 “(2) a strong development agency should have
19 a knowledgeable and capable workforce that is famil-
20 iar with and has access to cutting edge development
21 practices, methodologies, ideas, work experience, and
22 programs; and

23 “(3) the Administrator of the United States
24 Agency for International Development should ensure
25 that personnel of the Agency have opportunities dur-

1 ing their careers to obtain a range of knowledge-
2 building work experiences and advanced education
3 and training in academic and other relevant institu-
4 tions in the United States and abroad to increase
5 the capacity of the Agency to fulfill its mission.”.

6 (b) REPORT.—Not later than 1 year after the date
7 of the enactment of this Act, the Administrator of the
8 United States Agency for International Development shall
9 submit to the appropriate congressional committees a re-
10 port on efforts to facilitate and promote external training
11 and educational opportunities for Foreign Service and civil
12 service personnel, including—

13 (1) a description of the internal process of se-
14 curing such opportunities and the number of officers
15 who have undertaken such external trainings in the
16 past year; and

17 (2) a description of actions the Administrator
18 has taken or plans to take to further expand and fa-
19 cilitate external training and educational opportuni-
20 ties.

21 **SEC. 9. STRENGTHENING DEVELOPMENT COORDINATION**

22 **IN THE FIELD.**

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

1 “(d) COORDINATION OF DEVELOPMENT ASSISTANCE
2 ACTIVITIES.—Under the overall direction of the chief of
3 the United States diplomatic mission, the chief of each
4 special mission carrying out the purposes of part I in a
5 country shall be responsible for the coordination of all de-
6 velopment and humanitarian efforts of the United States
7 Government in such country. Such activities shall include
8 all development and humanitarian activities from funds
9 made available to carry out the provisions of this or any
10 other Act.”.

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

14 (1) the role of the United States Agency for
15 International Development (USAID) and foreign as-
16 sistance continues to evolve to meet emerging chal-
17 lenges, new priorities, changing circumstances, and
18 augmented roles and responsibilities;

19 (2) the environment in which our foreign assist-
20 ance and development agencies operate is dramati-
21 cally different than the Cold War environment in
22 which they were created;

23 (3) despite the new and changing of USAID
24 circumstances, the United States Government has

1 not significantly updated the basic USAID mission
2 structure since it was first established in 1961; and

3 (4) to reflect evolving threats, opportunities and
4 challenges in the 21st century, USAID should un-
5 dertake a comprehensive examination of the mission
6 structure, with special attention to staffing, authori-
7 ties, the balance between Washington, District of
8 Columbia, and the field, and management best prac-
9 tices.

10 (c) REPORT.—Not later than 18 months after the
11 date of the enactment of this Act, the Administrator of
12 the United States Agency for International Development
13 shall submit to the appropriate congressional committees
14 a report on modernizing USAID missions for the 21st cen-
15 tury, including—

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

18 (2) whether the management and organizational
19 structure provide the required flexibility while pro-
20 viding effective oversight of programs;

21 (3) whether the level of centralized versus de-
22 centralized decisionmaking is appropriate for the
23 current and emerging context in which the mission
24 is working;

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

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

8 (6) whether missions of USAID are appro-
9 priately focused on bilateral and multilateral donor
10 coordination and whether this is a priority for
11 USAID personnel;

12 (7) what the appropriate relationship and bal-
13 ance are between USAID missions and the broader
14 United States mission in a country;

15 (8) how effectively USAID is able to coordinate
16 with the Department of Defense, especially as the
17 Department of Defense implements an increasing
18 number of development and humanitarian programs;

19 (9) whether the existing structure of the United
20 States foreign assistance system allows for proper
21 coordination between different Federal departments
22 and agencies implementing foreign assistance and
23 development programs to avoid duplication of effort;
24 and

1 shall be presented on a detailed program-by-program
2 basis and country-by-country basis.

3 (2) CONTENT.—To ensure transparency, ac-
4 countability, and effectiveness of United States for-
5 eign assistance, the information on United States
6 foreign assistance published and made available
7 under paragraph (1) shall include annual budget
8 presentations and justifications of any programs or
9 projects that provide foreign assistance by any Fed-
10 eral department or agency. In the event that detailed
11 information is classified, an unclassified summary
12 shall be posted and the classified details shall be
13 submitted separately to the appropriate congress-
14 sional committees.

15 (3) TIMELY AVAILABILITY OF INFORMATION.—
16 The President shall direct the head of each Federal
17 department and agency providing United States for-
18 eign assistance to ensure that the information re-
19 quired under this subsection is made available on no
20 less than an annual basis at the time the President’s
21 annual budget is released. Data that is of a provi-
22 sional nature shall be updated when actual figures
23 are available.

24 (c) SENSE OF MULTILATERAL EFFORTS.—It is the
25 sense of Congress that, in order to best assess the use

1 and impact of United States foreign assistance in relation
2 to funding provided by other donor nations and recipient
3 countries, the President should fully engage with and par-
4 ticipate in the International Aid Transparency Initiative,
5 established on September 4, 2008, at the Accra High
6 Level Forum on Aid Effectiveness.

7 **SEC. 11. OPERATING EXPENSES.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) The separate account created by Congress
11 in 1976 to authorize and appropriate funds for all
12 operating expenses of the United States Agency for
13 International Development has been an important
14 tool to ensure transparency of administrative costs
15 and accountability of funds.

16 (2) Funding for the operating expenses of the
17 Agency has not kept pace with the growth of the
18 Agency's program funding and the expanded geo-
19 graphic and sectoral demands for economic assist-
20 ance abroad.

21 (3) As a result, this has caused the Agency in
22 certain cases to fund selected administrative costs
23 out of program funds in order to properly admin-
24 ister, oversee, and implement its programs and ac-
25 tivities, thus detracting from the goals of increased

1 transparency and accountability that establishment
2 of the separate operating expenses account was in-
3 tended to foster.

4 (4) A 2003 Government Accountability Office
5 report on the operating expenses of the Agency
6 noted that “USAID’s operating expense account
7 does not fully reflect the agency’s cost of doing busi-
8 ness primarily because the agency pays for some ad-
9 ministrative activities done by contractors and other
10 nondirect-hire staff with program funds” and that
11 “Congress has increasingly encouraged the Agency
12 to use program funds to support certain administra-
13 tive costs”.

14 (5) The December 2007 HELP Commission
15 Report on Foreign Assistance Reform—

16 (A) states, “Over time, the effectiveness of
17 a separate OE budget has eroded. During the
18 past 30 years, Congress and the Executive
19 branch have allowed program funds to be used
20 to pay for the costs of activities once funded
21 from the OE account while cutting the OE
22 budget.”;

23 (B) recommends “[a]bolish[ing] the OE
24 account and replac[ing] it with a more accurate
25 accounting process,”;

1 (C) argues that “the USAID OE account
2 no longer serves a useful purpose”; and

3 (D) states, “While it might have been con-
4 structive in bringing clarity to the cost of doing
5 business in the 1970s, another system should
6 be developed that calculates true administrative
7 and management expenses, including those now
8 funded with program or project funds. This new
9 system needs to allow administrative expenses
10 to be properly managed and monitored and
11 needs to ensure that Congress receives clear,
12 timely and transparent information regarding
13 these expenditures.”.

14 (6) While Congress concurs with the HELP
15 Commission’s recommendation that a major reas-
16 sessment of the scope and the continued utility of
17 the operating expenses account structure is in order,
18 Congress also believes that the urgency of the issues
19 confronting Agency management in terms of hiring
20 technical expertise and providing the Agency with
21 the capacity to oversee and administer critical for-
22 eign assistance programs and functions, justifies
23 providing the Agency with broader discretion on
24 ways to support direct-hire staffing requirements.

25 (b) GUIDELINES FOR PROGRAM FUNDS.—

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

4 (A) travel expenses of all employees who
5 are members of the Foreign Service or civil
6 service;

7 (B) salaries and related expenses of em-
8 ployees other than Foreign Service or civil serv-
9 ice employees who are United States citizens;
10 and

11 (C) costs associated with research and pol-
12 icy analysis in support of programs (other than
13 for salaries and benefits of employees or costs
14 associated with contractors), including analysis
15 for development assistance policy planning and
16 for the design, monitoring, and evaluation of
17 programs and activities.

18 (2) NOTIFICATION.—The Administrator shall—

19 (A) submit a written report to the appro-
20 priate congressional committees detailing the
21 Agency’s plan for managing and accounting for
22 the funds used in accordance with the authority
23 provided by paragraph (1) not later than 60
24 days after the date of the enactment of this
25 Act; and

1 (B) consult with the appropriate congress-
2 sional committees about the use and manage-
3 ment of such funds not later than 60 days after
4 the date of the enactment of this Act.

5 (c) SEMIANNUAL REPORT.—Not later than once
6 every 6 months until 2013, the Administrator shall submit
7 a report to the appropriate congressional committees that
8 details the purpose and amount of funds obligated under
9 the authority provided pursuant to subsection (b), cat-
10 egorized by bureau and activity.

11 (d) REPORT ON RECOMMENDATIONS FOR OPERATING
12 EXPENSE REFORM.—Not later than 1 year after the date
13 of the enactment of this Act, the Administrator, in coordi-
14 nation with the workforce and human resources task force
15 established pursuant to section 7(d), shall submit a report
16 to the appropriate congressional committees that con-
17 tains—

18 (1) recommendations and detailed justifications
19 for streamlining and improving the efficiency of how
20 the Agency uses operating expenses, including rec-
21 ommendations for alternative models and ap-
22 proaches;

23 (2) recommendations and detailed justifications
24 for increasing the transparency of Agency operating
25 expenses;

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

4 (4) an assessment of how the operating ex-
5 penses account has affected human resources and
6 personnel of the Agency, including a discussion of
7 the proliferation of new hiring authorities and in-
8 creased reliance on contractors to handle the core
9 business of the Agency.

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