

118TH CONGRESS  
2D SESSION

# H. R. 9719

To amend the Foreign Assistance Act of 1961 to modify requirements regarding management of the United States Agency for International Development, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2024

Mr. MEEKS introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Oversight and Accountability, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Foreign Assistance Act of 1961 to modify requirements regarding management of the United States Agency for International Development, 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 “Strengthening USAID  
5 Management Act”.

1 **SEC. 2. STAFFING TO PREVENT OR RESPOND TO CRISIS.**

2 Section 625 of the Foreign Assistance Act of 1961  
3 (22 U.S.C. 2384) is amended by adding after subsection  
4 (f) the following:

5 “(g) The Administrator of the United States Agency  
6 for International Development is authorized to appoint  
7 and employ personnel in the excepted service using funds  
8 appropriated or otherwise made available to carry out the  
9 provisions of part I of this Act, chapter 4 of part II of  
10 this Act, and section 509(b) of the Global Fragility Act  
11 of 2019 (22 U.S.C. 9808(b)) to prevent or respond to for-  
12 eign crises and contexts with increasing instability. Such  
13 funds are authorized to be made available for the oper-  
14 ating expenses and administrative costs of such personnel.  
15 The Administrator shall coordinate with the Director of  
16 the Office of Personnel Management to implement this  
17 provision.”.

18 **SEC. 3. UNITED STATES AGENCY FOR INTERNATIONAL DE-**  
19 **VELOPMENT PAY RATE ADJUSTMENT.**

20 Chapter 53 of title 5, United States Code, is amend-  
21 ed—

22 (1) in section 5314, by inserting “and 1 other  
23 official of the Agency for International Development  
24 to be appointed by the President” after “Deputy Ad-  
25 ministrator, Agency for International Development”;  
26 and

1           (2) in section 5315, by striking “Development  
2           (6)” and inserting “Development (5)”.

3 **SEC. 4. PAYMENT FOR SERVICES PERFORMED ABROAD**  
4 **PURSUANT TO CONTRACT.**

5           Section 636(a) of the Foreign Assistance Act of 1961  
6 (22 U.S.C. 2396(a)) is amended by adding at the end the  
7 following:

8           “(17) employing individuals or organizations,  
9           by contract, for services performed abroad pursuant  
10          to this Act or title II of the Food for Peace Act (7  
11          U.S.C. 1721 et seq.), and individuals employed by  
12          contract to perform such services, provided that—

13                 “(A) such individuals shall not by virtue of  
14                 such payment be considered to be employees of  
15                 the United States Government for purposes of  
16                 any law administered by the Office of Personnel  
17                 Management (except that the Administrator of  
18                 the United States Agency for International De-  
19                 velopment may determine the applicability to  
20                 such individuals of section 5 of the State De-  
21                 partment Basic Authorities Act of 1956 (22  
22                 U.S.C. 2672) regarding tort claims when such  
23                 claims arise in a foreign country in connection  
24                 with United States operations abroad and of

1 any other law administered by the Adminis-  
2 trator concerning such individuals); and

3 “(B) such contracts are authorized to be  
4 negotiated, the terms of such contracts to be  
5 prescribed, and the work to be performed,  
6 where necessary, without regard to such statu-  
7 tory provisions as relate to the negotiation,  
8 making, and performance of contracts and per-  
9 formance of work in the United States.”.

10 **SEC. 5. FOREIGN SERVICE REPORT.**

11 Not later than 180 days after the date of enactment  
12 of this Act, the Administrator of the United States Agency  
13 for International Development shall submit to the Com-  
14 mittee on Foreign Affairs of the House of Representatives  
15 and the Committee on Foreign Relations of the Senate  
16 a report that includes—

17 (1) a description of any effort by the Adminis-  
18 trator in the 3 years prior to the submission of the  
19 report to empower and integrate cooperating country  
20 nationals throughout the agency, including an in-  
21 crease in the number of—

22 (A) warranted contracting officers and  
23 agreement officers who are cooperating country  
24 nationals; and

1 (B) cooperating country national advisor  
2 positions; and

3 (2) a breakdown of Foreign Service National  
4 fellowships in the 5 years prior to the submission of  
5 the report that includes anonymized information re-  
6 garding—

7 (A) participant demographics;

8 (B) the assigned mission associated with  
9 each fellowship;

10 (C) operating unit in which each fellowship  
11 occurred; and

12 (D) duration of each fellowship.

13 **SEC. 6. ANTI-TERRORISM CERTIFICATION.**

14 Not later than 270 days after the date of the enact-  
15 ment of this Act, the Administrator of the United States  
16 Agency for International Development shall initiate rule-  
17 making procedures to require bidders for programs in  
18 high-risk areas to certify that they do not provide material  
19 support or resources to individuals or entities involved in  
20 terrorism.

21 **SEC. 7. OVERSEAS PAY COMPARABILITY.**

22 (a) IN GENERAL.—Subject to such regulations as the  
23 Secretary of State may prescribe, including with respect  
24 to phase-in schedule and treatment as basic pay, and not-  
25 withstanding any other provision of law, any eligible mem-

1 ber may be paid a locality-based comparability payment  
2 (stated as a percentage) that is not more than two-thirds  
3 of the amount of the locality-based comparability payment  
4 (stated as a percentage) that would be payable to such  
5 member under section 5304 of title 5, United States Code,  
6 if the official duty station of such member were in the  
7 District of Columbia.

8 (b) LIMITATION.—The amount of any locality-based  
9 comparability payment that is paid to an eligible member  
10 under this section shall be subject to any limitation on  
11 pay applicable to locality-based comparability payments  
12 under section 5304 of title 5, United States Code.

13 (c) ELIGIBLE MEMBER DEFINED.—In this section,  
14 the term “eligible member” means a member of the For-  
15 eign Service if—

16 (1) such member is designated class 1 or below  
17 for purposes of section 403 of the Foreign Service  
18 Act of 1980 (22 U.S.C. 3963); and

19 (2) the official duty station of such member is  
20 not in the continental United States or a nonforeign  
21 area, as defined in section 591.205 of title 5, Code  
22 of Federal Regulations.

1           (d) SUNSET.—The authority under this section shall  
2 terminate on the date that is 2 years after the date of  
3 the enactment of this Act.

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