

(Pub. L. 108–199, div. D, title VI, §603, Jan. 23, 2004, 118 Stat. 211; Pub. L. 108–447, div. D, title V, §534(q), Dec. 8, 2004, 118 Stat. 3008.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title VI of Pub. L. 108–199, div. D, Jan. 23, 2004, 118 Stat. 211, which is classified generally to this chapter. For complete classification of this title to the Code, see Short Title note set out under section 7701 of this title and Tables.

AMENDMENTS

2004—Par. (8). Pub. L. 108–447 added par. (8).

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**§ 7703. Establishment and management of the Millennium Challenge Corporation**

**(a) Establishment**

There is established in the executive branch a corporation to be known as the “Millennium Challenge Corporation” that shall be responsible for carrying out this chapter. The Corporation shall be a government corporation, as defined in section 103 of title 5.

**(b) Chief Executive Officer**

**(1) In general**

There shall be in the Corporation a Chief Executive Officer who shall be responsible for the management of the Corporation.

**(2) Appointment**

**(A) In general**

Except as provided in subparagraph (B), the Chief Executive Officer shall be appointed by the President, by and with the advice and consent of the Senate.

**(B) Interim CEO**

The members of the Board of Directors described in subsection (c)(3)(A) may designate by unanimous consent in writing an individual who is an officer within any Federal department or agency (and who has been appointed to such position by the President, by and with the advice and consent of the Senate) to carry out the duties described in this subsection until the Chief Executive Officer is appointed pursuant to subparagraph (A).

**(3) Relationship to Board**

The Chief Executive Officer shall report to and be under the direct authority of the Board.

**(4) Compensation and rank**

**(A) In general**

The Chief Executive Officer shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of title 5 and shall have the equivalent rank of Deputy Secretary.

**(B) Omitted**

**(5) Authorities and duties**

The Chief Executive Officer shall be responsible for the management of the Corporation

and shall exercise the powers and discharge the duties of the Corporation.

**(6) Authority to appoint officers**

In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Corporation.

**(c) Board of Directors**

**(1) Establishment**

There shall be in the Corporation a Board of Directors.

**(2) Duties**

The Board shall perform the functions specified to be carried out by the Board in this chapter and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Corporation may be conducted and in which the powers granted to it by law may be exercised.

**(3) Membership**

The Board shall consist of—

(A) the Secretary of State, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, the Chief Executive Officer of the Corporation, and the United States Trade Representative; and

(B) four other individuals with relevant international experience who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual should be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual should be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual should be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual should be appointed from among a list of individuals submitted by the minority leader of the Senate.

**(4) Terms**

**(A) Officers of the Federal Government**

Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual’s position as an officer within the other Federal department or agency.

**(B) Other members**

Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 2 years.

**(C) Vacancies**

A vacancy in the Board shall be filled in the manner in which the original appointment was made.

**(5) Chairperson**

There shall be a Chairperson of the Board. The Secretary of State shall serve as the Chairperson.

**(6) Quorum**

A majority of the members of the Board shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on January 23, 2004, shall include at least one member of the Board described in paragraph (3)(B).

**(7) Meetings**

The Board shall meet at the call of the Chairperson.

**(8) Compensation****(A) Officers of the Federal Government****(i) In general**

A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

**(ii) Travel expenses**

Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5.

**(B) Other members****(i) In general**

Except as provided in clause (ii), a member of the Board described in paragraph (3)(B)—

(I) shall be paid compensation out of funds made available for the purposes of this chapter at the daily equivalent of the highest rate payable under section 5332 of title 5 for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(II) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5.

**(ii) Limitation**

A member of the Board may not be paid compensation under clause (i)(II) for more than 90 days in any calendar year.

(Pub. L. 108-199, div. D, title VI, § 604, Jan. 23, 2004, 118 Stat. 212.)

## REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c)(2), (8)(B)(i)(I), was in the original "this title", meaning title VI of Pub. L. 108-199, div. D, Jan. 23, 2004, 118 Stat. 211, which is classified generally to this chapter. For complete classification of this title to the Code, see Short Title note set out under section 7701 of this title and Tables.

## CODIFICATION

Section is comprised of section 604 of div. D of Pub. L. 108-199. Subsec. (b)(4)(B) of section 604 of div. D of Pub. L. 108-199 amended section 5313 of Title 5, Government Organization and Employees.

**§ 7704. Authorization of assistance****(a) Assistance**

Notwithstanding any other provision of law (other than a provision of this chapter), the

Board, acting through the Chief Executive Officer, is authorized to provide assistance under this section for each country that enters into a Millennium Challenge Compact with the United States pursuant to section 7708 of this title to support policies and programs that advance the progress of the country in achieving lasting economic growth and poverty reduction and are in furtherance of the purposes of this chapter.

**(b) Form of assistance**

Assistance under this section may be provided in the form of grants, cooperative agreements, or contracts to or with eligible entities described in subsection (c). Assistance under this section may not be provided in the form of loans.

**(c) Eligible entities**

An eligible entity referred to in subsection (b) is—

(1) the national government of the eligible country;

(2) regional or local governmental units of the country; or

(3) a nongovernmental organization or a private entity.

**(d) Application**

The Chief Executive Officer, in consultation with the Board and working with eligible countries selected by the Board for negotiation of Compacts, should develop and recommend procedures for considering solicited and unsolicited proposals in Compacts prior to an approval of the Compacts by the Board.

**(e) Limitations****(1) Prohibition on military assistance and training**

Assistance under this section may not include military assistance or military training for a country.

**(2) Prohibition on assistance relating to United States job loss or production displacement**

Assistance under this section may not be provided for any project that is likely to cause a substantial loss of United States jobs or a substantial displacement of United States production.

**(3) Prohibition on assistance relating to environmental, health, or safety hazards**

Assistance under this section may not be provided for any project that is likely to cause a significant environmental, health, or safety hazard.

**(4) Prohibition on use of funds for abortions and involuntary sterilizations**

The prohibitions on use of funds contained in paragraphs (1) through (3) of section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)(1)–(3)) shall apply to funds made available to carry out this section to the same extent and in the same manner as such prohibitions apply to funds made available to carry out part I of such Act [22 U.S.C. 2151 et seq.]. The prohibition on use of funds contained in any provision of law comparable to the eleventh and fourteenth provisos under the heading "Child Survival and Health Programs