

participation, including nongovernmental organizations, private and voluntary organizations, academia, women's and student organizations, local trade and labor unions, and the business community.

**(c) Additional provision relating to prohibition on taxation**

In addition to the elements described in subsection (c), each Compact shall contain a provision that states that assistance provided by the United States under the Compact shall be exempt from taxation by the government of the eligible country.

**(d) Local input**

In entering into a Compact, the United States shall seek to ensure that the government of an eligible country—

- (1) takes into account the local-level perspectives of the rural and urban poor, including women, in the eligible country; and
- (2) consults with private and voluntary organizations, the business community, and other donors in the eligible country.

**(e) Consultation**

During any discussions with a country for the purpose of entering into a Compact with the country, officials of the Corporation participating in such discussions shall, at a minimum, consult with appropriate officials of the United States Agency for International Development, particularly with those officials responsible for the appropriate region or country on development issues related to the Compact.

**(f) Coordination with other donors**

To the maximum extent feasible, activities undertaken to achieve the objectives of the Compact shall be undertaken in coordination with the assistance activities of other donors.

**(g) Assistance for development of compact**

Notwithstanding subsection (a), the Chief Executive Officer may enter into contracts or make grants for any eligible country for the purpose of facilitating the development and implementation of the Compact between the United States and the country.

**(h) Requirement for approval by the Board**

Each Compact shall be approved by the Board before the United States enters into the Compact.

**(i) Increase or extension of assistance under a Compact**

Not later than 15 days after making a determination to increase or extend assistance under a Compact with an eligible country, the Board, acting through the Chief Executive Officer—

- (1) shall prepare and transmit to the appropriate congressional committees a written report and justification that contains a detailed summary of the proposed increase in or extension of assistance under the Compact and a copy of the full text of the amendment to the Compact; and
- (2) shall publish a detailed summary, full text, and justification of the proposed increase in or extension of assistance under the Compact in the Federal Register and on the Internet website of the Corporation.

**(j) Duration of Compact**

The duration of a Compact shall not exceed 5 years.

**(k) Subsequent Compacts**

An eligible country and the United States may enter into and have in effect only one Compact at any given time under this section. An eligible country and the United States may enter into one or more subsequent Compacts in accordance with the requirements of this chapter after the expiration of the existing Compact.

(Pub. L. 108–199, div. D, title VI, §609, Jan. 23, 2004, 118 Stat. 218.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (k), 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.

**§ 7709. Congressional and public notification of Compact**

**(a) Congressional consultation prior to Compact negotiations**

Not later than 15 days prior to the start of negotiations of a Compact with an eligible country, the Board, acting through the Chief Executive Officer—

- (1) shall consult with the appropriate congressional committees with respect to the proposed Compact negotiation; and
- (2) shall identify the objectives and mechanisms to be used for the negotiation of the Compact.

**(b) Congressional and public notification after entering into a Compact**

Not later than 10 days after entering into a Compact with an eligible country, the Board, acting through the Chief Executive Officer—

- (1) shall provide notification of the Compact to the appropriate congressional committees, including a detailed summary of the Compact and a copy of the text of the Compact; and
- (2) shall publish such detailed summary and the text of the Compact in the Federal Register and on the Internet website of the Corporation.

(Pub. L. 108–199, div. D, title VI, §610, Jan. 23, 2004, 118 Stat. 220.)

**§ 7710. Suspension and termination of assistance**

**(a) Suspension and termination of assistance**

After consultation with the Board, the Chief Executive Officer may suspend or terminate assistance in whole or in part for a country or entity under section 7704 of this title if the Chief Executive Officer determines that—

- (1) the country or entity is engaged in activities which are contrary to the national security interests of the United States;
- (2) the country or entity has engaged in a pattern of actions inconsistent with the criteria used to determine the eligibility of the country or entity, as the case may be; or
- (3) the country or entity has failed to adhere to its responsibilities under the Compact.

**(b) Reinstatement**

The Chief Executive Officer may reinstate assistance for a country or entity under section 7704 of this title only if the Chief Executive Officer determines that the country or entity has demonstrated a commitment to correcting each condition for which assistance was suspended or terminated under subsection (a).

**(c) Congressional notification**

Not later than 3 days after the date on which the Chief Executive Officer suspends or terminates assistance under subsection (a) for a country or entity, or reinstates assistance under subsection (b) for a country or entity, the Chief Executive Officer shall submit to the appropriate congressional committees a report that contains the determination of the Chief Executive Officer under subsection (a) or subsection (b), as the case may be.

**(d) Rule of construction**

The authority to suspend or terminate assistance under this section includes the authority to suspend or terminate obligations and sub-obligations.

(Pub. L. 108–199, div. D, title VI, §611, Jan. 23, 2004, 118 Stat. 220.)

**§ 7711. Disclosure****(a) Requirement for disclosure**

The Corporation shall make available to the public on at least a quarterly basis, the following information:

(1) For assistance provided under section 7704 of this title—

(A) the name of each entity to which assistance is provided;

(B) the amount of assistance provided to the entity; and

(C) a description of the program or project, including—

(i) a description of whether the program or project was solicited or unsolicited; and

(ii) a detailed description of the objectives and measures for results of the program or project.

(2) For funds allocated or transferred under section 7718(b) of this title—

(A) the name of each United States Government agency to which such funds are transferred or allocated;

(B) the amount of funds transferred or allocated to such agency; and

(C) a description of the program or project to be carried out by such agency with such funds.

**(b) Dissemination**

The information required to be disclosed under subsection (a) shall be made available to the public by means of publication in the Federal Register and on the Internet website of the Corporation, as well as by any other methods that the Board determines appropriate.

(Pub. L. 108–199, div. D, title VI, §612, Jan. 23, 2004, 118 Stat. 221.)

**§ 7712. Annual report****(a) Report**

Not later than March 31, 2005, and each March 31 thereafter, the President shall submit to Con-

gress a report on the assistance provided under section 7704 of this title during the prior fiscal year.

**(b) Contents**

The report shall include the following:

(1) The amount of obligations and expenditures for assistance provided to each eligible country during the prior fiscal year.

(2) For each eligible country, an assessment of—

(A) the progress made during each year by the country toward achieving the objectives set out in the Compact entered into by the country; and

(B) the extent to which assistance provided under section 7704 of this title has been effective in helping the country to achieve such objectives.

(3) A description of the coordination of assistance provided under section 7704 of this title with other United States foreign assistance and related trade policies.

(4) A description of the coordination of assistance provided under section 7704 of this title with assistance provided by other donor countries.

(5) Any other information the President considers relevant with respect to assistance provided under section 7704 of this title.

(Pub. L. 108–199, div. D, title VI, §613, Jan. 23, 2004, 118 Stat. 221.)

**ASSIGNMENT OF FUNCTION TO SUBMIT A REPORT RELATING TO MILLENNIUM CHALLENGE CORPORATION ACTIVITIES**

Memorandum of President of the United States, Mar. 31, 2005, 70 F.R. 17195, provided:

Memorandum for the Secretary of State

Consistent with section 301 of title 3, United States Code, the function of the President under section 613 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Division D of Public Law 108–199) [22 U.S.C. 7712] is assigned to the Secretary of State.

The Secretary of State shall perform such function in a manner consistent with the President's constitutional authority to withhold information the disclosure of which could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties. Heads of departments and agencies shall, to the extent permitted by law, furnish to the Secretary information the Secretary requests to perform such function, in the format and on the schedule specified by the Secretary.

Any reference in this memorandum to the provision of any Act shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provision.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

**§ 7713. Powers of the Corporation; related provisions****(a) Powers**

The Corporation—

(1) shall have perpetual succession unless dissolved by a law enacted after January 23, 2004;

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

(3) may make and perform such contracts, grants, and other agreements with any person