

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 below and Tables.

#### SHORT TITLE

Pub. L. 108–199, div. D, title VI, § 601, Jan. 23, 2004, 118 Stat. 211, provided that: “This title [enacting this chapter and amending section 5313 of Title 5, Government Organizations and Employees, and section 9101 of Title 31, Money and Finance] may be cited as the ‘Millennium Challenge Act of 2003’.”

### § 7702. Definitions

In this chapter:

#### (1) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

#### (2) Board

The term “Board” means the Board of Directors of the Corporation established pursuant to section 7703(c) of this title.

#### (3) Candidate country

The term “candidate country” means a country that meets the requirements of section 7705 of this title.

#### (4) Chief Executive Officer

The term “Chief Executive Officer” means the chief executive officer of the Corporation appointed pursuant to section 7703(b) of this title.

#### (5) Compact

The term “Compact” means a Millennium Challenge Compact described in section 7708 of this title.

#### (6) Corporation

The term “Corporation” means the Millennium Challenge Corporation established by section 7703(a) of this title.

#### (7) Eligible country

The term “eligible country” means a candidate country that is determined, under section 7706 of this title, to be an eligible country to receive assistance under section 7704 of this title.

#### (8) Investments in the people

The term “investments in the people” means government policies or programs of an eligible country that promote the health, education, and other factors which contribute to the well-being and productivity of their people, such as decent, affordable housing for all.

(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)—

(i) shall be appointed for a term of 3 years;

(ii) may be reappointed for a term of an additional 2 years; and

(iii) may continue to serve in each such appointment until the earlier of—

(I) the date on which his or her successor is appointed; or

(II) the date that is 1 year after the expiration of his or her appointment or reappointment, as the case may be.

**(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; Pub. L. 115-167, title II, §202, Apr. 23, 2018, 132 Stat. 1279.)

## 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.

## AMENDMENTS

2018—Subsec. (c)(4)(B). Pub. L. 115-167 amended subpar. (B) generally. Prior to amendment, text read as

follows: “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.”

#### § 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 Fund” of division E of Public Law 108-7 (117 Stat. 162) shall apply to funds made available to carry out this section for fiscal year 2004.

##### (f) Coordination

The provision of assistance under this section shall be coordinated with other United States foreign assistance programs.

(Pub. L. 108-199, div. D, title VI, §605, Jan. 23, 2004, 118 Stat. 214.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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.

The Foreign Assistance Act of 1961, referred to in subsec. (e)(4), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424. Part I of the Act is classified generally to subchapter I (§2151 et seq.) of chapter 32 of this title. For provisions deeming references to subchapter I to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II of chapter 32, see section 202(b) of Pub. L. 92-226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The provisos of Public Law 108-7, referred to in subsec. (e)(4), are contained in Pub. L. 108-7, div. E, title II, Feb. 20, 2003, 117 Stat. 162, and are not classified to the Code.

#### § 7705. Candidate countries

##### (a) Low income countries

###### (1) Fiscal year 2004

A country shall be a candidate country for purposes of eligibility for assistance for fiscal year 2004 if—

(A) the country is eligible for assistance from the International Development Association, and the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for that year, as defined by the International Bank for Reconstruction and Development; and

(B) subject to paragraph (4), the country is not ineligible to receive United States economic assistance under part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] by reason of the application of any provision of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] or any other provision of law.

###### (2) Fiscal years 2005 through 2012

A country shall be a candidate country for purposes of eligibility for assistance for each of fiscal years 2005 through 2012 if—

(A) the per capita income of the country is equal to or less than the historical ceiling of