

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

the International Development Association for the fiscal year involved, as defined by the International Bank for Reconstruction and Development; and

(B) the country meets the requirements of paragraph (1)(B).

(3) Fiscal year 2013 and subsequent fiscal years

A country shall be a candidate country for purposes of eligibility for assistance for fiscal year 2013 or a subsequent fiscal year if the country—

(A) has a per capita income not greater than the lower middle income country threshold established by the International Bank for Reconstruction and Development for such fiscal year;

(B) is among the 75 countries identified by the International Bank for Reconstruction and Development as having the lowest per capita income; and

(C) meets the requirements under paragraph (1)(B).

(4) Rule of construction

For the purposes of determining whether a country is eligible for receiving assistance under section 7704 of this title pursuant to paragraph (1)(B), the exercise by the President, the Secretary of State, or any other officer or employee of the United States of any waiver or suspension of any provision of law referred to in such paragraph, and notification to the appropriate congressional committees in accordance with such provision of law, shall be construed as satisfying the requirement of such paragraph.

(b) Lower middle income countries

(1) Fiscal years 2006 through 2012

In addition to countries described in subsection (a), a country shall be a candidate country for purposes of eligibility for assistance for fiscal years 2006 through 2012 if the country—

(A) is classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and has an income greater than the historical ceiling for International Development Association eligibility for the fiscal year involved; and

(B) meets the requirements of subsection (a)(1)(B).

(2) Fiscal year 2013 and subsequent fiscal years

In addition to the countries described in subsection (a), a country shall be a candidate country for purposes of eligibility for assistance for fiscal year 2013 or a subsequent fiscal year if the country—

(A) has a per capita income not greater than the lower middle income country threshold established by the International Bank for Reconstruction and Development for the fiscal year;

(B) is not among the 75 countries identified by the International Bank for Reconstruction and Development as having the lowest per capita income; and

(C) meets the requirements under subsection (a)(1)(B).

(3) Limitation

The total amount of assistance provided to countries described in paragraph (1) for fiscal year 2006 or any subsequent fiscal year may not exceed 25 percent of the total amount of assistance provided to all countries under section 7704 of this title for fiscal year 2006 or the subsequent fiscal year, as the case may be.

(c) Treatment of countries with per capita income changes

A country qualifying for candidate status under this section with a per capita income that changes during the fiscal year such that the country would be reclassified from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for such fiscal year and the 2 subsequent fiscal years.

(d) Identification by the Board

The Board shall identify whether a country is a candidate country for purposes of this section.

(Pub. L. 108–199, div. D, title VI, §606, Jan. 23, 2004, 118 Stat. 215; Pub. L. 115–167, title II, §201, Apr. 23, 2018, 132 Stat. 1278.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a)(1)(B), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§2151 et seq.) of this title. 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.

AMENDMENTS

2018—Subsec. (a)(1)(B). Pub. L. 115–167, §201(a)(1), substituted “(4)” for “(3)”.

Subsec. (a)(2). Pub. L. 115–167, §201(a)(2), substituted “Fiscal years 2005 through 2012” for “Fiscal year 2005 and subsequent fiscal years” in heading and “each of fiscal years 2005 through 2012” for “fiscal year 2005 or a subsequent fiscal year” in introductory provisions.

Subsec. (a)(3), (4). Pub. L. 115–167, §201(a)(3), (4), added par. (3) and redesignated former par. (3) as (4).

Subsec. (b)(1). Pub. L. 115–167, §201(b)(1), substituted “Fiscal years 2006 through 2012” for “In general” in heading and “fiscal years 2006 through 2012” for “fiscal year 2006 or a subsequent fiscal year” in introductory provisions.

Subsec. (b)(2), (3). Pub. L. 115–167, §201(b)(2), (3), added par. (2) and redesignated former par. (2) as (3).

Subsecs. (c), (d). Pub. L. 115–167, §201(c), added subsec. (c) and redesignated former subsec. (c) as (d).

§ 7706. Eligible countries

(a) Determination by the Board

The Board shall determine whether a candidate country is an eligible country for purposes of this section. Such determination shall be based, to the maximum extent possible, upon objective and quantifiable indicators of a country’s demonstrated commitment to the criteria