

and the United States may enter into and have in effect only one Compact at any given time under this section.”, redesignated the remainder of subsec. (k) as (l), and added a new subsec. (k).

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-167, title II, §204(c), Apr. 23, 2018, 132 Stat. 1280, provided that: “The amendments made by this section [amending this section and section 7712 of this title] apply with respect to Compacts entered into between the United States and an eligible country under the Millennium Challenge Act of 2003 [22 U.S.C. 7701 et seq.] before, on, or after the date of the enactment of this Act [Apr. 23, 2018].”

§ 7709. Congressional and public notification

(a) Congressional consultations and notifications

(1) In general

The Board, acting through the Chief Executive Officer, shall consult with and notify the appropriate congressional committees not later than 15 days before taking any of the actions described in paragraph (2).

(2) Actions described

The actions described in this paragraph are—

- (A) providing assistance for an eligible country under section 7708(g) of this title;
- (B) commencing negotiations with an eligible country to provide assistance for—
 - (i) a Compact under section 7704 of this title; or
 - (ii) an agreement under section 7715 of this title;
- (C) signing such a Compact or agreement; and
- (D) terminating assistance under such a Compact or agreement.

(3) Economic justification

Any notification relating to the intent to negotiate or sign a Compact shall include a report describing the projected economic justification for the Compact, including, as applicable—

- (A) the expected economic rate of return of the Compact;
- (B) a cost-benefit analysis of the Compact;
- (C) a description of the impact on beneficiary populations;
- (D) the likelihood that the investment will catalyze private sector investments; and
- (E) any other applicable economic factors that justify each project to be funded under such a Compact to the extent practicable and appropriate.

(4) Risk management plan

Not later than 60 days before signing each concurrent Compact, as authorized under section 7708 of this title, the Board, acting through the Chief Executive Officer, shall consult with and provide to the appropriate congressional committees—

- (A) an assessment and, as appropriate, the identification of potential measures to mitigate risks, of—
 - (i) the countries’ commitment to regional integration and cross-border cooperation and capacity to carry out commitments;

- (ii) political and policy risks, including risks that could affect country eligibility;
- (iii) risks associated with realizing economic returns;
- (iv) time and completion risks; and
- (v) cost and financial risks; and

(B) an assessment of measures to be taken to mitigate any identified risks, including—

- (i) securing other potential donors to finance projects or parts of projects as needed; and
- (ii) partnering with regional organizations to support and oversee effective cross-border cooperation.

(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, shall—

- (1) publish the text of the Compact on the website of the Corporation;
- (2) provide the appropriate congressional committees with a detailed summary of the Compact and, upon request, the text of the Compact; and
- (3) publish in the Federal Register a detailed summary of the Compact and a notice of availability of the text of the Compact on the website of the Corporation.

(Pub. L. 108-199, div. D, title VI, §610, Jan. 23, 2004, 118 Stat. 220; Pub. L. 115-167, title II, §205, Apr. 23, 2018, 132 Stat. 1281.)

AMENDMENTS

2018—Pub. L. 115-167 amended section generally. Prior to amendment, section related to Congressional and public notification of Compact.

§ 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 sub-

section (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 timely disclosure

Not later than 90 days after the last day of each fiscal quarter, the Corporation shall make available to the public 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 Board, acting through the Chief Executive Officer, shall make the information required to be disclosed under subsection (a) available to the public—

(1) by publishing it on the website of the Corporation;

(2) by providing notice of the availability of such information in the Federal Register; and

(3) by any other methods that the Board determines to be appropriate.

(Pub. L. 108–199, div. D, title VI, §612, Jan. 23, 2004, 118 Stat. 221; Pub. L. 115–167, title II, §206, Apr. 23, 2018, 132 Stat. 1282.)

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–167, §206(a), in heading, inserted “timely” before “disclosure”, and in introductory provisions, substituted “Not later than 90 days after the last day of each fiscal quarter, the Corporation” for “The Corporation” and struck out “on at least a quarterly basis,” after “public”.

Subsec. (b). Pub. L. 115–167, §206(b), amended subsec. (b) generally. Prior to amendment, text read as follows: “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.”

§ 7712. Annual report

(a) Report

Not later than March 31, 2005, and each March 31 thereafter, the President shall submit to Congress 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 any 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; Pub. L. 115–167, title II, §204(b), Apr. 23, 2018, 132 Stat. 1280.)

AMENDMENTS

2018—Subsec. (b)(2)(A). Pub. L. 115–167 substituted “any Compact” for “the Compact”.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–167 applicable to Compacts entered into between the United States and an eligible country under this chapter before, on, or after Apr. 23, 2018, see section 204(c) of Pub. L. 115–167, set out as a note under section 7708 of this title.

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