

only one Compact at any given time under this section.”, redesignated the remainder of subsec. (k) as (l), and added a new subsec. (k).

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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 termi-