

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 or government however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Corporation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this chapter;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this chapter.

#### (b) Principal office

The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

#### (c) Positions with foreign governments

When approved by the Chief Executive Officer, for purposes of implementing a Compact, employees of the Corporation (including individuals detailed to the Corporation) may accept and hold offices or positions to which no compensation is attached with governments or gov-

ernmental agencies of foreign countries or with international organizations.

#### (d) Other authorities

Except to the extent inconsistent with the provisions of this chapter, the administrative authorities contained in the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) shall apply to the implementation of this chapter to the same extent and in the same manner as such authorities apply to the implementation of those Acts.

#### (e) Applicability of Government Corporation Control Act

##### (1) In general

The Corporation shall be subject to chapter 91 of subtitle VI of title 31, except that the Corporation shall not be authorized to issue obligations or offer obligations to the public.

##### (2) Omitted

#### (f) Inspector General

##### (1) In general

The Inspector General of the United States Agency for International Development shall serve as Inspector General of the Corporation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Corporation.

##### (2) Authority of the Board

In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

#### (g) Reimbursement and authorization of services

##### (A) Reimbursement

The Corporation shall reimburse the United States Agency for International Development for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

##### (B) Authorization for services

Of the amount authorized to be appropriated under section 7718(a) of this title for a fiscal year, up to \$5,000,000 is authorized to be made available to the Inspector General of the United States Agency for International Development to conduct reviews, investigations, and inspections of operations and activities of the Corporation.

#### (g) Special assistance

##### (1) In general

The Chief Executive Officer is authorized to contract with any nongovernmental organization (including a university, independent foundation, or other organization) in the United States or in a candidate country, and, where appropriate, directly with a governmental agency of any such country, that is undertaking research aimed at improving data related to eligibility criteria under this chapter with respect to the country.

##### (2) Funding

Of the amount authorized to be appropriated under section 7718(a) of this title for a fiscal

year, up to \$5,000,000 is authorized to be made available to carry out paragraph (1).

(Pub. L. 108–199, div. D, title VI, §614, Jan. 23, 2004, 118 Stat. 222.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(6), (10), (d), and (g)(1), 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 State Department Basic Authorities Act of 1956, referred to in subsec. (d), is act Aug. 1, 1956, ch. 841, 70 Stat. 890. For complete classification of this Act to the Code, see Short Title note set out under section 2651 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (d), 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. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

##### CODIFICATION

Section is comprised of section 614 of div. D of Pub. L. 108–199. Subsec. (e)(2) of section 614 of div. D of Pub. L. 108–199 amended section 9101 of Title 31, Money and Finance.

### § 7714. Coordination with United States Agency for International Development

#### (a) Requirement for coordination

The Chief Executive Officer shall consult with the Administrator of the United States Agency for International Development in order to coordinate the activities of the Corporation with the activities of the Agency.

#### (b) USAID programs

The Administrator of the United States Agency for International Development shall seek to ensure that appropriate programs of the Agency play a primary role in preparing candidate countries to become eligible countries.

(Pub. L. 108–199, div. D, title VI, §615, Jan. 23, 2004, 118 Stat. 224.)

### § 7715. Assistance to certain candidate countries

#### (a) Authorization

The Board, acting through the Chief Executive Officer, is authorized to provide assistance to a candidate country described in subsection (b) for the purpose of assisting such country to become an eligible country.

#### (b) Candidate country described

A candidate country referred to in subsection (a) is a candidate country that—

(1) satisfies the requirements contained in subsection (a) or (b) of section 7705 of this title; and

(2) demonstrates a significant commitment to meet the requirements of section 7706(b) of this title but fails to meet such requirements (including by reason of the absence or unreliability of data).

#### (c) Administration

Assistance under this section may be provided through the United States Agency for International Development.

### (d) Funding

#### (1) Limitation

Not more than 10 percent of the amounts made available to carry out this chapter for a fiscal year may be made available to carry out this section.

#### (2) Restriction relating to assistance

None of the funds authorized to carry out the purposes of this chapter shall be available for assistance under this section to a country that does not qualify as a candidate country under section 7705 of this title for the fiscal year during which such assistance is provided.

(Pub. L. 108–199, div. D, title VI, §616, Jan. 23, 2004, 118 Stat. 224; Pub. L. 109–13, div. A, title II, §2109, May 11, 2005, 119 Stat. 268; Pub. L. 115–167, title II, §207, Apr. 23, 2018, 132 Stat. 1282.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subsec. (d), was in the original “this Act”, meaning title VI of Pub. L. 108–199, div. D, Jan. 23, 2004, 118 Stat. 211, known as the Millennium Challenge Act of 2003, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7701 of this title and Tables.

##### AMENDMENTS

2018—Subsec. (d). Pub. L. 115–167 amended subsec. (d) generally. Prior to amendment, text read as follows: “Not more than 10 percent of the amount appropriated pursuant to the authorization of appropriations under section 7718(a) of this title for fiscal year 2004 is authorized to be made available to carry out this section.”

2005—Subsec. (b)(1). Pub. L. 109–13 substituted “subsection (a) or (b) of section 7705” for “subparagraphs (A) and (B) of section 7705(a)(1)”.

### § 7716. General personnel authorities

#### (a) Detail of personnel

Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Corporation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee’s allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

#### (b) Reemployment rights

##### (1) In general

An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Corporation, is entitled to be reemployed in such employee’s former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Corporation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Corporation.

##### (2) Specific rights

An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with