

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

such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) Hiring authority

Of persons employed by the Corporation, not to exceed 30 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) Basic pay

The Chief Executive Officer may fix the rate of basic pay of employees of the Corporation without regard to the provisions of chapter 51 of title 5 (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Corporation may receive a rate of basic pay that exceeds the rate for level II of the Executive Schedule under section 5313 of such title.

(e) Definitions

In this section—

- (1) the term “agency” means an executive agency, as defined by section 105 of title 5; and
- (2) the term “detail” means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Corporation.

(Pub. L. 108–199, div. D, title VI, §617, Jan. 23, 2004, 118 Stat. 224.)

§ 7717. Personnel outside the United States

(a) Assignment to United States embassies

An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission.

(b) Privileges and immunities

The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(c) Responsibility of chief of mission

An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 3927 of this title in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

(Pub. L. 108–199, div. D, title VI, §618, Jan. 23, 2004, 118 Stat. 225.)

§ 7718. Authorization of appropriations

(a) Authorization of appropriations

There are authorized to be appropriated to carry out this chapter such sums as may be necessary for each of the fiscal years 2004 and 2005.

(b) Allocation of funds

(1) In general

The Corporation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this chapter. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this chapter or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) Notification

The Corporation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

(Pub. L. 108–199, div. D, title VI, §619, Jan. 23, 2004, 118 Stat. 225.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b)(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.

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