

(e) Consultation

During any discussions with a country for the purpose of entering into a Compact with the country, officials of the Corporation participating in such discussions shall, at a minimum, consult with appropriate officials of the United States Agency for International Development, particularly with those officials responsible for the appropriate region or country on development issues related to the Compact.

(f) Coordination with other donors

To the maximum extent feasible, activities undertaken to achieve the objectives of the Compact shall be undertaken in coordination with the assistance activities of other donors.

(g) Assistance for development of compact

Notwithstanding subsection (a), the Chief Executive Officer may enter into contracts or make grants for any eligible country for the purpose of facilitating the development and implementation of the Compact between the United States and the country.

(h) Requirement for approval by the Board

Each Compact shall be approved by the Board before the United States enters into the Compact.

(i) Increase or extension of assistance under a Compact

Not later than 15 days after making a determination to increase or extend assistance under a Compact with an eligible country, the Board, acting through the Chief Executive Officer—

(1) shall prepare and transmit to the appropriate congressional committees a written report and justification that contains a detailed summary of the proposed increase in or extension of assistance under the Compact and a copy of the full text of the amendment to the Compact; and

(2) shall publish a detailed summary, full text, and justification of the proposed increase in or extension of assistance under the Compact in the Federal Register and on the Internet website of the Corporation.

(j) Duration of Compact

The duration of a Compact shall not exceed 5 years.

(k) Concurrent Compacts

An eligible country that has entered into and has in effect a Compact under this section may enter into and have in effect at the same time not more than one additional Compact in accordance with the requirements of this chapter if—

(1) one or both of the Compacts are or will be for purposes of regional economic integration, increased regional trade, or cross-border collaborations; and

(2) the Board determines that the country is making considerable and demonstrable progress in implementing the terms of the existing Compact and supplementary agreements thereto.

(l) Subsequent Compacts

An eligible country and the United States may enter into one or more subsequent Compacts in

accordance with the requirements of this chapter after the expiration of the existing Compact. (Pub. L. 108–199, div. D, title VI, § 609, Jan. 23, 2004, 118 Stat. 218; Pub. L. 115–167, title II, § 204(a), Apr. 23, 2018, 132 Stat. 1280; Pub. L. 118–159, div. E, title LI, § 5122(c)(2), Dec. 23, 2024, 138 Stat. 2431.)

Editorial Notes

REFERENCES IN TEXT

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

AMENDMENTS

2024—Subsec. (b)(2). Pub. L. 118–159, § 5122(c)(2)(B), struck out “with respect to a lower middle income country described in section 7705(b) of this title,” after “paragraph (1),”.

Pub. L. 118–159, § 5122(c)(2)(A), amended heading generally. Prior to amendment, heading read as follows: “Lower middle income countries”.

2018—Subsecs. (k), (l). Pub. L. 115–167 struck out first sentence of subsec. (k) which read “An eligible country 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).

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 re-

port 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 terminates assistance under subsection (a) for a country or entity, or reinstates assistance under subsection (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;