

108TH CONGRESS
1ST SESSION

S. 1240

To establish the Millennium Challenge Corporation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2003

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To establish the Millennium Challenge Corporation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Millennium Challenge Act of 2003”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings; purpose.

Sec. 3. Definitions.

TITLE I—MILLENNIUM CHALLENGE ASSISTANCE

Sec. 101. Establishment and management of the Millennium Challenge Corporation.

Sec. 102. Authorization for Millennium Challenge assistance.

- Sec. 103. Candidate country.
- Sec. 104. Eligible country.
- Sec. 105. Eligible entity.
- Sec. 106. Millennium Challenge Contract.
- Sec. 107. Suspension of assistance to an eligible country.
- Sec. 108. Disclosure.
- Sec. 109. Annual report to Congress.

TITLE II—STRUCTURE, FUNCTION, AND POWERS OF THE
MILLENNIUM CHALLENGE CORPORATION

- Sec. 201. Chief executive officer.
- Sec. 202. Millennium Challenge Board.
- Sec. 203. Coordination with USAID.
- Sec. 204. Powers of the Corporation.
- Sec. 205. Principal office.
- Sec. 206. Personnel authorities.
- Sec. 207. Personnel outside the United States.
- Sec. 208. Use of services of other agencies.
- Sec. 209. Administrative authorities.
- Sec. 210. Applicability of chapter 91 of title 31, United States code.

TITLE III—THE MILLENNIUM CHALLENGE ACCOUNT AND
AUTHORIZATION OF APPROPRIATIONS

- Sec. 301. Establishment of the Millennium Challenge Account.
- Sec. 302. Authorization of appropriations.

1 SEC. 2. FINDINGS; PURPOSE.

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) On March 14, 2002, President George W.
5 Bush stated that “America supports the inter-
6 national development goals in the U.N. Millennium
7 Declaration, and believes that the goals are a shared
8 responsibility of developed and developing coun-
9 tries.” The President also called for a “new compact
10 for global development, defined by new account-
11 ability for both rich and poor nations” and pledged
12 support for increased assistance from the United
13 States through the establishment of a Millennium

1 Challenge Account for countries that govern justly,
2 invest in their own people, and encourage economic
3 freedom.

4 (2) The elimination of extreme poverty and the
5 achievement of the other international development
6 goals of the United Nations Millennium Declaration
7 adopted by the United Nations General Assembly on
8 September 8, 2000, are important objectives and it
9 is appropriate for the United States to make devel-
10 opment assistance available in a manner that will as-
11 sist in achieving such goals.

12 (3) The availability of financial assistance
13 through a Millennium Challenge Account, linked to
14 performance by developing countries, can contribute
15 significantly to the achievement of the international
16 development goals of the United Nations Millennium
17 Declaration.

18 (b) PURPOSES.—The purposes of this Act are—

19 (1) to provide United States assistance for glob-
20 al development through the Millennium Challenge
21 Corporation, as described in section 102; and

22 (2) to provide such assistance in a manner that
23 promotes economic growth and the elimination of ex-
24 treme poverty and strengthens good governance, eco-
25 nomic freedom, and investments in people.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) BOARD.—The term “Board” means the
4 Millennium Challenge Board established by section
5 202.

6 (2) CANDIDATE COUNTRY.—The term “can-
7 didate country” means a country that meets the cri-
8 teria set out in section 103.

9 (3) CEO.—The term “CEO” means the chief
10 executive officer of the Corporation.

11 (4) CORPORATION.—The term “Corporation”
12 means the Millennium Challenge Corporation estab-
13 lished by section 101.

14 (5) ELIGIBLE COUNTRY.—The term “eligible
15 country” means a candidate country that is deter-
16 mined, under section 104, as being eligible to receive
17 assistance under this Act.

18 (6) MILLENNIUM CHALLENGE ACCOUNT.—The
19 term “Millennium Challenge Account” means the ac-
20 count established under section 301.

21 **TITLE I—MILLENNIUM**
22 **CHALLENGE ASSISTANCE**

23 **SEC. 101. ESTABLISHMENT AND MANAGEMENT OF THE MIL-**
24 **LENNIUM CHALLENGE CORPORATION.**

25 (a) ESTABLISHMENT.—There is established in the ex-
26 ecutive branch a corporation within the meaning of section

1 103 of title 5, United States Code, to be known as the
2 Millennium Challenge Corporation with the structure,
3 function, and powers described in title II.

4 (b) MANAGEMENT OF THE CORPORATION.—

5 (1) IN GENERAL.—The responsibility for the
6 management of the Corporation shall be vested in a
7 chief executive officer, who shall report to the Sec-
8 retary of State.

9 (2) CONSULTATION.—The CEO shall consult
10 with the Board in carrying out the responsibility de-
11 scribed in paragraph (1).

12 **SEC. 102. AUTHORIZATION FOR MILLENNIUM CHALLENGE**
13 **ASSISTANCE.**

14 (a) AUTHORITY.—The Corporation is authorized to
15 provide assistance to an eligible entity consistent with the
16 purposes of this Act set out in section 2(b) to conduct
17 programs or projects consistent with the objectives of a
18 Millennium Challenge Contract. Assistance provided under
19 this Act may be provided notwithstanding any other provi-
20 sion of law.

21 (b) EXCEPTION.—Assistance under this Act may not
22 be used for military assistance or training.

23 (c) FORM OF ASSISTANCE.—Assistance under this
24 Act may be provided in the form of grants to eligible enti-
25 ties.

1 (d) COORDINATION.—The provision of assistance
2 under this Act shall be coordinated with other United
3 States foreign assistance programs.

4 (e) APPLICATIONS.—An eligible entity seeking assist-
5 ance under this Act to conduct programs or projects con-
6 sistent with the objectives of a Millennium Challenge Con-
7 tract shall submit a proposal for the use of such assistance
8 to the Board in such manner and accompanied by such
9 information as the Board may reasonably require.

10 **SEC. 103. CANDIDATE COUNTRY.**

11 (a) IN GENERAL.—A country is a candidate country
12 for the purposes of this Act—

13 (1) during fiscal year 2004, if such country is
14 eligible to receive loans from the International De-
15 velopment Association;

16 (2) during fiscal year 2005, if the per capita in-
17 come of such country is less than the historical per
18 capita income cutoff of the International Develop-
19 ment Association for that year; and

20 (3) during any fiscal year after 2005—

21 (A) for which more than \$5,000,000,000
22 has been appropriated to the Millennium Chal-
23 lenge Account, if the country is classified as a
24 lower middle income country by the World
25 Bank on the first day of such fiscal year; or

1 (B) for which not more than
 2 \$5,000,000,000 has been appropriated to such
 3 Millennium Challenge Account, the per capita
 4 income of such country is less than the histor-
 5 ical per capita income cutoff of the Inter-
 6 national Development Association for that year.

7 (b) LIMITATION ON ASSISTANCE TO CERTAIN CAN-
 8 DIDATE COUNTRIES.—In a fiscal year in which subpara-
 9 graph (A) of subsection (a)(3) applies with respect to de-
 10 termining candidate countries, not more than 20 percent
 11 of the amounts appropriated to the Millennium Challenge
 12 Account shall be available for assistance to countries that
 13 would not be candidate countries if subparagraph (B) of
 14 subsection (a)(3) applied during such year.

15 **SEC. 104. ELIGIBLE COUNTRY.**

16 (a) DETERMINATION BY THE BOARD.—The Board
 17 shall determine whether a candidate country is an eligible
 18 country by evaluating the demonstrated commitment of
 19 the government of the candidate country to—

20 (1) just and democratic governance, including a
 21 demonstrated commitment to—

22 (A) promote political pluralism and the
 23 rule of law;

24 (B) respect human and civil rights;

25 (C) protect private property rights;

1 (D) encourage transparency and account-
2 ability of government; and

3 (E) limit corruption;

4 (2) economic freedom, including a demonstrated
5 commitment to economic policies that—

6 (A) encourage citizens and firms to partici-
7 pate in global trade and international capital
8 markets;

9 (B) promote private sector growth; and

10 (C) strengthen market forces in the econ-
11 omy; and

12 (3) investments in the people of such country,
13 including improving the availability of educational
14 opportunities and health care for all citizens of such
15 country.

16 (b) ASSESSING ELIGIBILITY.—

17 (1) IN GENERAL.—To evaluate the dem-
18 onstrated commitment of a candidate country for
19 the purposes of subsection (a), the Board shall use
20 objective and quantifiable indicators of a candidate
21 country's performance with respect to the criteria
22 described in paragraphs (1), (2), and (3) of such
23 subsection.

24 (2) ANNUAL PUBLICATION OF INDICATORS.—

1 (A) INITIAL PUBLICATION.—Not later than
2 45 days prior to the final publication of indica-
3 tors under subparagraph (B) in any year, the
4 Board shall publish in the Federal Register and
5 make available on the Internet the indicators
6 that the Board proposes to use for the purposes
7 of paragraph (1) in such year.

8 (B) FINAL PUBLICATION.—Not later than
9 15 days prior to the selection of eligible coun-
10 tries in any year, the Board shall publish in the
11 Federal Register and make available on the
12 Internet the indicators that are to be used for
13 the purposes of paragraph (1) in such year.

14 (3) CONSIDERATION OF PUBLIC COMMENT.—

15 The Board shall consider any comments on the pro-
16 posed indicators published under paragraph (2)(A)
17 that are received within 30 days after the publica-
18 tion of such indicators when selecting the indicators
19 to be used for the purposes of paragraph (1).

20 **SEC. 105. ELIGIBLE ENTITY.**

21 (a) ASSISTANCE.—Any eligible entity may receive as-
22 sistance under this Act to carry out a project in an eligible
23 country for the purpose of making progress toward achiev-
24 ing an objective of a Millennium Challenge Contract.

1 (b) DETERMINATIONS OF ELIGIBILITY.—The Board
2 shall determine whether a person or governmental entity
3 is an eligible entity for the purposes of this section.

4 (c) ELIGIBLE ENTITIES.—For the purposes of this
5 section, an eligible entity is—

6 (1) a government, including a local or regional
7 government; or

8 (2) a nongovernmental organization or other
9 private entity.

10 **SEC. 106. MILLENNIUM CHALLENGE CONTRACT.**

11 (a) IN GENERAL.—The Board shall invite the govern-
12 ment of an eligible country to enter into a Millennium
13 Challenge Contract with the Corporation. A Millennium
14 Challenge Contract shall establish a multiyear plan for the
15 eligible country to achieve specific objectives consistent
16 with the purposes set out in section 2(b).

17 (b) CONTENT.—A Millennium Challenge Contract
18 shall include—

19 (1) specific objectives to be achieved by the eli-
20 gible country during the term of the Contract;

21 (2) a description of the actions to be taken by
22 the government of the eligible country and the
23 United States Government for achieving such objec-
24 tives;

1 (3) the role and contribution of private entities,
2 nongovernmental organizations, and other organiza-
3 tions in achieving such objectives;

4 (4) a description of beneficiaries, to the extent
5 possible disaggregated by gender;

6 (5) regular benchmarks for measuring progress
7 toward achieving such objectives;

8 (6) a schedule for achieving such objectives;

9 (7) a schedule of evaluations to be performed to
10 determine whether the country is meeting its com-
11 mitments under the Contract;

12 (8) a statement that the Corporation intends to
13 consider the eligible country's performance in achiev-
14 ing such objectives in making decisions about pro-
15 viding continued assistance under the Contract;

16 (9) the strategy of the eligible country to sus-
17 tain progress made toward achieving such objectives
18 after the expiration of the Contract;

19 (10) a plan to ensure financial accountability
20 for any assistance provided to a person or govern-
21 ment in the eligible country under this Act; and

22 (11) a statement that nothing in the Contract
23 may be construed to create a legally binding or en-
24 forceable obligation on the United States Govern-
25 ment or on the Corporation.

1 (c) REQUIREMENT FOR CONSULTATION.—The Cor-
2 poration shall seek to ensure that the government of an
3 eligible country consults with private entities and non-
4 governmental organizations in the eligible country for the
5 purpose of ensuring that the terms of a Millennium Chal-
6 lenge Contract entered into by the Corporation and the
7 eligible country—

8 (1) reflect the needs of the rural and urban
9 poor in the eligible country; and

10 (2) provide means to assist poor men and
11 women in the eligible country to escape poverty
12 through their own efforts.

13 **SEC. 107. SUSPENSION OF ASSISTANCE TO AN ELIGIBLE**
14 **COUNTRY.**

15 The Secretary of State shall direct the CEO to sus-
16 pend the provision of assistance to an eligible country
17 under a Millennium Challenge Contract during any period
18 for which such eligible country is ineligible to receive as-
19 sistance under a provision of the Foreign Assistance Act
20 of 1961 (22 U.S.C. 2151 et seq.).

21 **SEC. 108. DISCLOSURE.**

22 (a) REQUIREMENT FOR DISCLOSURE.—The Corpora-
23 tion shall make available to the public on a continuous
24 basis and on the earliest possible date, the following infor-
25 mation:

1 (1) A list of the candidate countries determined
2 to be eligible countries during any year.

3 (2) The text of each Millennium Challenge Con-
4 tract entered into by the Corporation.

5 (3) For assistance provided under this Act—

6 (A) the name of each entity to which as-
7 sistance is provided;

8 (B) the amount of assistance provided to
9 the entity; and

10 (C) a description of the program or project
11 for which assistance was provided.

12 (4) For each eligible country, an assessment
13 of—

14 (A) the progress made during each year by
15 an eligible country toward achieving the objec-
16 tives set out in the Millennium Challenge Con-
17 tract entered into by the eligible country; and

18 (B) the extent to which assistance provided
19 under this Act has been effective in helping the
20 eligible country to achieve such objectives.

21 (b) DISSEMINATION.—The information required to be
22 disclosed under subsection (a) shall be made available to
23 the public by means of publication in the Federal Register
24 and posting on the Internet, as well as by any other meth-
25 ods that the Board determines appropriate.

1 **SEC. 109. ANNUAL REPORT TO CONGRESS.**

2 Not later than January 31 of each year, the Presi-
3 dent shall submit to Congress a report on the assistance
4 provided under this Act during the prior fiscal year. The
5 report shall include—

6 (1) information regarding obligations and ex-
7 penditures for assistance provided to each eligible
8 country in the prior fiscal year;

9 (2) a discussion, for each eligible country, of
10 the objectives of such assistance;

11 (3) a description of the coordination of assist-
12 ance under this Act with other United States foreign
13 assistance and related trade policies;

14 (4) a description of the coordination of assist-
15 ance under this Act with the contributions of other
16 donors; and

17 (5) any other information the President con-
18 siders relevant to assistance provided under this Act.

19 **TITLE II—STRUCTURE, FUNC-**
20 **TION, AND POWERS OF THE**
21 **MILLENNIUM CHALLENGE**
22 **CORPORATION**

23 **SEC. 201. CHIEF EXECUTIVE OFFICER.**

24 (a) IN GENERAL.—The President shall appoint, by
25 and with the advice and consent of the Senate, a chief
26 executive officer of the Corporation.

1 (b) RELATIONSHIP TO THE SECRETARY OF STATE.—

2 The CEO shall report to and be under the direct authority
3 and foreign policy guidance of the Secretary of State. The
4 Secretary of State shall coordinate the provision of United
5 States foreign assistance.

6 (c) DUTIES.—The CEO shall, in consultation with
7 the Board, direct the performance of all functions and the
8 exercise of all powers of the Corporation, including—

9 (1) ensuring program and policy coordination
10 among agencies of the United States Government in
11 carrying out this Act;

12 (2) ensuring that assistance under this Act is
13 coordinated with other United States economic as-
14 sistance programs;

15 (3) pursuing coordination with other countries
16 and international organizations with respect to as-
17 sistance to countries receiving assistance under this
18 Act;

19 (4) ensuring proper management, implementa-
20 tion, and oversight by agencies of the United States
21 Government responsible for assistance under this
22 Act; and

23 (5) resolving policy, program, and funding dis-
24 putes among agencies of the United States Govern-
25 ment involved in carrying out this Act.

1 (d) EXECUTIVE LEVEL II.—Section 5313 of title 5,
 2 United States Code, is amended by adding at the end the
 3 following:

4 “Chief Executive Officer, Millennium Challenge
 5 Corporation.”.

6 **SEC. 202. MILLENNIUM CHALLENGE BOARD.**

7 (a) ESTABLISHMENT OF THE BOARD.—There is es-
 8 tablished a Millennium Challenge Board.

9 (b) COMPOSITION.—The Board shall be composed of
 10 the following members:

11 (1) The Secretary of State, who shall serve as
 12 the Chair of the Board.

13 (2) The Secretary of the Treasury.

14 (3) The Administrator of the United States
 15 Agency for International Development.

16 (4) The CEO.

17 (5) The United States Trade Representative.

18 (c) FUNCTIONS OF THE BOARD.—The Board shall
 19 perform the functions specified to be carried out by the
 20 Board in this Act.

21 **SEC. 203. COORDINATION WITH USAID.**

22 (a) REQUIREMENT FOR COORDINATION.—An em-
 23 ployee of the Corporation assigned to a United States dip-
 24 lomatic mission or consular post or a United States Agen-
 25 cy for International Development field mission in a foreign

1 country shall, in a manner that is consistent with the au-
2 thority of the Chief of Mission, coordinate the performance
3 of the functions of the Corporation in such country with
4 the officer in charge of the United States Agency of Inter-
5 national Development programs located in such country.

6 (b) USAID PROGRAMS.—The Administrator of the
7 United States Agency for International Development shall
8 seek to ensure that appropriate programs of the Agency
9 play a primary role in preparing candidate countries to
10 become eligible countries under section 104.

11 **SEC. 204. POWERS OF THE CORPORATION.**

12 (a) POWERS.—The Corporation—

13 (1) shall have perpetual succession unless dis-
14 solved by an Act of Congress;

15 (2) may adopt, alter, and use a seal, which shall
16 be judicially noticed;

17 (3) may prescribe, amend, and repeal such
18 rules, regulations, and procedures as may be nec-
19 essary for carrying out the functions of the Corpora-
20 tion;

21 (4) may make and perform such contracts,
22 grants, and other agreements with any person or
23 government however designated and wherever situ-
24 ated, as may be necessary for carrying out the func-
25 tions of the Corporation;

1 (5) may determine and prescribe the manner in
2 which its obligations shall be incurred and its ex-
3 penses allowed and paid, including expenses for rep-
4 resentation;

5 (6) may lease, purchase, or otherwise acquire,
6 improve, and use such real property wherever situ-
7 ated, as may be necessary for carrying out the func-
8 tions of the Corporation;

9 (7) may accept cash gifts or donations of serv-
10 ices or of property (real, personal, or mixed), tan-
11 gible or intangible, for the purpose of carrying out
12 the provisions of this Act;

13 (8) may use the United States mails in the
14 same manner and on the same conditions as the ex-
15 ecutive departments of Government;

16 (9) may contract with individuals for personal
17 services, who shall not be considered Federal em-
18 ployees for any provision of law administered by the
19 Office of Personnel Management;

20 (10) may hire or obtain passenger motor vehi-
21 cles; and

22 (11) shall have such other powers as may be
23 necessary and incident to carrying out this Act.

24 (b) CONTRACTING AUTHORITY.—The functions and
25 powers authorized by this Act may be performed without

1 regard to any provision of law regulating the making, per-
2 formance, amendment, or modification of contracts,
3 grants, and other agreements.

4 **SEC. 205. PRINCIPAL OFFICE.**

5 The Corporation shall maintain its principal office in
6 the metropolitan area of Washington, District of Colum-
7 bia.

8 **SEC. 206. PERSONNEL AUTHORITIES.**

9 (a) REQUIREMENT TO PRESCRIBE A HUMAN RE-
10 SOURCES MANAGEMENT SYSTEM.—The CEO shall, jointly
11 with the Director of the Office of Personnel Management,
12 prescribe regulations that establish a human resources
13 management system, including a retirement benefits pro-
14 gram, for the Corporation.

15 (b) RELATIONSHIP TO OTHER LAWS.—

16 (1) INAPPLICABILITY OF CERTAIN LAWS.—Ex-
17 cept as provided in paragraph (2), the provisions of
18 title 5, United States Code, and of the Foreign Serv-
19 ice Act of 1980 (22 U.S.C. 3901 et seq.) shall not
20 apply to the human resource management program
21 established pursuant to paragraph (1).

22 (2) APPLICATION OF CERTAIN LAWS.—The
23 human resources management system established
24 pursuant to subsection (a) may not waive, modify, or

1 otherwise affect the application to employees of the
2 Corporation of the following provisions:

3 (A) Section 2301 of title 5, United States
4 Code.

5 (B) Section 2302(b) of such title.

6 (C) Chapter 63 of such title (relating to
7 leave).

8 (D) Chapter 72 of such title (relating to
9 antidiscrimination).

10 (E) Chapter 73 of such title (relating to
11 suitability, security, and conduct).

12 (F) Chapter 81 of such title (relating to
13 compensation for work injuries).

14 (G) Chapter 85 of such title (relating to
15 unemployment compensation).

16 (H) Chapter 87 of such title (relating to
17 life insurance).

18 (I) Chapter 89 of such title (relating to
19 health insurance).

20 (J) Chapter 90 of such title (relating to
21 long-term care insurance).

22 (3) RELATIONSHIP TO RETIREMENT BENEFITS
23 LAWS.—The retirement benefits program referred to
24 in subsection (a) shall permit the employees of the

1 Corporation to be eligible, unless the CEO deter-
2 mines otherwise, for benefits under—

3 (A) subchapter III of chapter 83 and chap-
4 ter 84 of title 5, United States Code (relating
5 to retirement benefits); or

6 (B) chapter 8 of title I of the Foreign
7 Service Act of 1980 (22 U.S.C. 4041 et seq.)
8 (relating to the Foreign Service Retirement and
9 Disability System).

10 (c) APPOINTMENT AND TERMINATION.—Except as
11 otherwise provided in this section, the CEO may, without
12 regard to any civil service or Foreign Service law or regu-
13 lation, appoint and terminate employees as may be nec-
14 essary to enable the Corporation to perform its duties.

15 (d) COMPENSATION.—

16 (1) AUTHORITY TO FIX COMPENSATION.—Sub-
17 ject to the provisions of paragraph (2), the CEO
18 may fix the compensation of employees of the Cor-
19 poration.

20 (2) LIMITATIONS ON COMPENSATION.—The
21 compensation for an employee of the Corporation
22 may not exceed the lesser of—

23 (A) the rate of compensation established
24 under title 5, United States Code, or any For-
25 eign Service law for an employee of the Federal

1 Government who holds a position that is com-
2 parable to the position held by the employee of
3 the Corporation; or

4 (B) the rate of pay prescribed for level IV
5 of the Executive Schedule under section 5315
6 of title 5, United States Code.

7 (e) TERM OF EMPLOYMENT.—

8 (1) IN GENERAL.—Except as provided in para-
9 graphs (2) and (3), no individual may be employed
10 by the Corporation for a total period of employment
11 that exceeds 5 years.

12 (2) EXCEPTED POSITIONS.—The CEO, and not
13 more than 3 other employees of the Corporation who
14 are designated by the CEO, may be employed by the
15 Corporation for an unlimited period of employment.

16 (3) WAIVER.—The CEO may waive the max-
17 imum term of employment described in paragraph
18 (1) if the CEO determines that such waiver is essen-
19 tial to the achievement of the purposes of this Act.

20 (f) AUTHORITY FOR TEMPORARY EMPLOYEES.—The
21 CEO may procure temporary and intermittent services
22 under section 3109(b) of title 5, United States Code, at
23 rates for individuals which do not exceed the daily equiva-
24 lent of the annual rate of basic pay prescribed for level

1 V of the Executive Schedule under section 5316 of such
2 title.

3 (g) **DETAIL OF FEDERAL EMPLOYEES TO THE COR-**
4 **PORATION.**—Any Federal Government employee may be
5 detailed to the Corporation on a fully or partially reim-
6 bursable or on a nonreimbursable basis, and such detail
7 shall be without interruption or loss of civil service or For-
8 eign Service status or privilege.

9 (h) **REINSTATEMENT.**—An employee of the Federal
10 Government serving under a career or career conditional
11 appointment, or the equivalent, in a Federal agency who
12 transfers to or converts to an appointment in the Corpora-
13 tion with the consent of the head of the agency is entitled
14 to be returned to the employee's former position or a posi-
15 tion of like seniority, status, and pay without grade or pay
16 reduction in the agency if the employee—

17 (1) is being separated from the Corporation for
18 reasons other than misconduct, neglect of duty, or
19 malfeasance; and

20 (2) applies for return to the agency not later
21 than 30 days before the date of the termination of
22 the employment in the Corporation.

23 **SEC. 207. PERSONNEL OUTSIDE THE UNITED STATES.**

24 (a) **ASSIGNMENT TO UNITED STATES EMBASSIES.**—
25 An employee of the Corporation, including an individual

1 detailed to or contracted by the Corporation, may be as-
2 signed to a United States diplomatic mission or consular
3 post or a United States Agency for International Develop-
4 ment field mission.

5 (b) PRIVILEGES AND IMMUNITIES.—The Secretary of
6 State shall seek to ensure that an employee of the Cor-
7 poration, including an individual detailed to or contracted
8 by the Corporation, and the members of the family of such
9 employee, while the employee is performing duties in any
10 country or place outside the United States, enjoy the privi-
11 leges and immunities that are enjoyed by a member of
12 the Foreign Service, or the family of a member of the For-
13 eign Service, as appropriate, of comparable rank and sal-
14 ary of such employee, if such employee or a member of
15 the family of such employee is not a national of or perma-
16 nently resident in such country or place.

17 (c) RESPONSIBILITY OF CHIEF OF MISSION.—An
18 employee of the Corporation, including an individual de-
19 tailed to or contracted by the Corporation, and a member
20 of the family of such employee, shall be subject to section
21 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)
22 in the same manner as United States Government employ-
23 ees while the employee is performing duties in any country
24 or place outside the United States if such employee or

1 member of the family of such employee is not a national
2 of or permanently resident in such country or place.

3 **SEC. 208. USE OF SERVICES OF OTHER AGENCIES.**

4 The Corporation may utilize the information services,
5 facilities and personnel of, or procure commodities from,
6 any agency of the United States Government on a fully
7 or partially reimbursable or nonreimbursable basis under
8 such terms and conditions as may be agreed to by the head
9 of such agency and the Corporation for carrying out this
10 Act.

11 **SEC. 209. ADMINISTRATIVE AUTHORITIES.**

12 The Corporation is authorized to use any of the ad-
13 ministrative authorities contained in the State Depart-
14 ment Basic Authorities Act of 1956 (22 U.S.C. 2651a et
15 seq.) and the Foreign Assistance Act of 1961 (22 U.S.C.
16 2151 et seq.) unless such authority is inconsistent with
17 a provision of this Act.

18 **SEC. 210. APPLICABILITY OF CHAPTER 91 OF TITLE 31,**

19 **UNITED STATES CODE.**

20 The Corporation shall be subject to chapter 91 of title
21 31, United States Code.

1 **TITLE III—THE MILLENNIUM**
2 **CHALLENGE ACCOUNT AND**
3 **AUTHORIZATION OF APPRO-**
4 **PRIATIONS**

5 **SEC. 301. ESTABLISHMENT OF THE MILLENNIUM CHAL-**
6 **LENCE ACCOUNT.**

7 There is established on the books of the Treasury an
8 account to be known as the Millennium Challenge Account
9 that shall be administered by the CEO under the direction
10 of the Board. All amounts made available to carry out the
11 provisions of this Act shall be deposited into such Account
12 and such amounts shall be available to carry out such pro-
13 visions.

14 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There are authorized to be appro-
16 priated to carry out the provisions of this Act
17 \$1,000,000,000 for fiscal year 2004, \$2,300,000,000 for
18 fiscal year 2005, and \$5,000,000,000 for fiscal year 2006.

19 (b) AVAILABILITY.—Funds appropriated under sub-
20 section (a)—

21 (1) are authorized to remain available until ex-
22 pended, subject to appropriations acts; and

23 (2) are in addition to funds otherwise available
24 for such purposes.

25 (c) ALLOCATION OF FUNDS.—

1 (1) IN GENERAL.—The Corporation may allo-
2 cate or transfer to any agency of the United States
3 Government any of the funds available for carrying
4 out this Act. Such funds shall be available for obli-
5 gation and expenditure for the purposes for which
6 authorized, in accordance with authority granted in
7 this Act or under authority governing the activities
8 of the agencies of the United States Government to
9 which such funds are allocated or transferred.

10 (2) NOTIFICATION.—The notification require-
11 ments of section 634A(a) of the Foreign Assistance
12 Act of 1961 (22 U.S.C. 2394–1(a)) shall apply to
13 any allocation or transfer of funds made pursuant to
14 paragraph (1).

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