

109TH CONGRESS
1ST SESSION

H. R. 4014

To reauthorize the Millennium Challenge Act of 2003, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2005

Mr. HYDE (for himself and Mr. LANTOS) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To reauthorize the Millennium Challenge Act of 2003, 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 Reauthorization Act of 2005”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Declaration of policy.

**TITLE I—AMENDMENTS TO THE MILLENNIUM CHALLENGE ACT
OF 2003**

Sec. 101. Purposes.

Sec. 102. Establishment and management of the Millennium Challenge Corporation.

- Sec. 103. Authorization of assistance.
- Sec. 104. Candidate countries.
- Sec. 105. Eligible countries.
- Sec. 106. Millennium Challenge Compact.
- Sec. 107. Congressional and public notification of Compact.
- Sec. 108. Suspension and termination of assistance.
- Sec. 109. Disclosure.
- Sec. 110. Annual report.
- Sec. 111. Powers of the Corporation; related provisions.
- Sec. 112. Assistance to certain candidate countries.
- Sec. 113. General personnel authorities.
- Sec. 114. Publicity and identification of programs, projects, and activities.
- Sec. 115. Authorization of appropriations.

TITLE II—TRANSFER OF THE MILLENNIUM CHALLENGE ACT OF
2003 TO THE FOREIGN ASSISTANCE ACT OF 1961

- Sec. 201. Transfer of the Millennium Challenge Act of 2003 to the Foreign Assistance Act of 1961.
- Sec. 202. Conforming amendment.

1 SEC. 2. DECLARATION OF POLICY.

2 Congress declares the following:

3 (1) The Millennium Challenge Act of 2003 (22
4 U.S.C. 7701 et seq.) is the most important approach
5 to development assistance in a generation and is a
6 model for facilitating the transformation of needy
7 societies into communities of opportunity.

8 (2) It is the policy of the United States to con-
9 tinue to provide assistance under the Millennium
10 Challenge Act of 2003 to reduce overall poverty
11 through sustainable economic growth and develop-
12 ment in countries that receive assistance under such
13 Act.

1 **TITLE I—AMENDMENTS TO THE**
2 **MILLENNIUM CHALLENGE**
3 **ACT OF 2003**

4 **SEC. 101. PURPOSES.**

5 Section 602(2) of the Millennium Challenge Act of
6 2003 (22 U.S.C. 7701(2)) is amended by striking “pro-
7 motes economic growth and the elimination of extreme
8 poverty” and inserting “promotes the reduction of overall
9 poverty through sustainable economic growth and develop-
10 ment”.

11 **SEC. 102. ESTABLISHMENT AND MANAGEMENT OF THE MIL-**
12 **LENNIUM CHALLENGE CORPORATION.**

13 (a) **CHIEF EXECUTIVE OFFICER.**—Section 604(b)(2)
14 of the Millennium Challenge Act of 2003 (22 U.S.C.
15 7703(b)(2)) is amended—

16 (1) by striking “APPOINTMENT” and all that
17 follows through “the Chief Executive Officer shall be
18 appointed” and inserting the following: “APPOINT-
19 MENT.—The Chief Executive Officer shall be ap-
20 pointed”; and

21 (2) by striking subparagraph (B).

22 (b) **BOARD OF DIRECTORS.**—It is the sense of Con-
23 gress that the President should appoint to the Board of
24 Directors of the Millennium Challenge Corporation the in-
25 dividuals described in section 604(c)(3)(B) of the Millen-

1 nium Challenge Act of 2003 (22 U.S.C. 7703(c)(3)(B)),
2 as soon as possible after the congressional leadership sub-
3 mits to the President the lists of individuals for nomina-
4 tion to the Board of Directors pursuant to clauses (i)
5 through (iv) of section 604(c)(3)(B) such Act.

6 **SEC. 103. AUTHORIZATION OF ASSISTANCE.**

7 Section 605(a) of the Millennium Challenge Act of
8 2003 (22 U.S.C. 7704(a)) is amended by striking “in
9 achieving lasting economic growth and poverty reduction”
10 and inserting “in reducing overall poverty through sus-
11 tainable economic growth and development”.

12 **SEC. 104. CANDIDATE COUNTRIES.**

13 (a) **LOW INCOME COUNTRIES.**—Section 606(a)(2)(A)
14 of the Millennium Challenge Act of 2003 (22 U.S.C.
15 7705(a)(2)(A)) is amended—

16 (1) by striking “(A)” and inserting “(A)(i)”;

17 (2) by striking “and” at the end and inserting
18 “or” ; and

19 (3) by adding at the end the following new
20 clause:

21 “(ii) the average per capita income of the
22 country for the fiscal year involved and the 2
23 fiscal years most recently preceding the fiscal
24 year involved is equal to or less than the histor-
25 ical ceiling of the International Development

1 Association for the fiscal year involved, and the
2 country is eligible for assistance from the Inter-
3 national Development Association; and”.

4 (b) LOWER MIDDLE INCOME COUNTRIES.—Section
5 606(b)(1) of the Millennium Challenge Act of 2003 (22
6 U.S.C. 7705(b)(1)) is amended to read as follows:

7 “(1) IN GENERAL.—In addition to countries de-
8 scribed in subsection (a), a country shall be a can-
9 didate country for purposes of eligibility for assist-
10 ance for fiscal year 2006 or a subsequent fiscal year
11 if—

12 “(A) the average of the income classifica-
13 tion of the country in the then current edition
14 of the World Development Report for Recon-
15 struction and Development published by the
16 International Bank for Reconstruction and De-
17 velopment and the 2 most recently preceding
18 editions of the report is ‘lower-middle-income
19 economy’; and

20 “(B) the country meets the requirements
21 of subsection (a)(1)(B)”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 subsections (a) and (b) apply with respect to eligibility of
24 countries for assistance under the Millennium Challenge

1 Act of 2003 (22 U.S.C. 7701 et seq.) for fiscal year 2007
2 and subsequent fiscal years.

3 **SEC. 105. ELIGIBLE COUNTRIES.**

4 (a) CRITERIA.—Section 607(b) of the Millennium
5 Challenge Act of 2003 (22 U.S.C. 7706(b)) is amended—

6 (1) in paragraph (1)(B), by inserting at the end
7 before the semicolon the following: “and refugees”;
8 and

9 (2) in paragraph (2)(A), by striking “citizens”
10 and inserting “individuals”.

11 (b) SELECTION BY THE BOARD.—Section
12 607(c)(2)(B) of the Millennium Challenge Act of 2003 (22
13 U.S.C. 7706(c)(2)(B)) is amended by striking “and gen-
14 erate” and inserting “through”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 subsections (a) and (b) apply with respect to eligibility of
17 countries for assistance under the Millennium Challenge
18 Act of 2003 (22 U.S.C. 7701 et seq.) for fiscal year 2007
19 and subsequent fiscal years.

20 **SEC. 106. MILLENNIUM CHALLENGE COMPACT.**

21 (a) ELEMENTS.—

22 (1) AMENDMENTS.—Section 609(b)(1) of the
23 Millennium Challenge Act of 2003 (22 U.S.C.
24 7708(b)(1)) is amended—

25 (A) in subparagraph (D)—

1 (i) by inserting before “an identifica-
2 tion” the following: “in order to dem-
3 onstrate that programs in Compacts are
4 designed to reduce overall poverty through
5 sustainable economic growth and develop-
6 ment,”; and

7 (ii) by adding at the end before the
8 semicolon the following: “, and an analysis
9 of how the intended beneficiaries will par-
10 ticipate in, or be impacted by, each
11 project”;

12 (B) by redesignating subparagraphs (G)
13 through (K) as subparagraphs (H) through (L),
14 respectively;

15 (C) by inserting after subparagraph (F)
16 the following new subparagraph:

17 “(G) a description of the existing con-
18 straints to sustainable development in the coun-
19 try, including the productive capacity of the
20 poor, and a description of the role of the Cor-
21 poration and other donors in addressing such
22 constraints during the duration of the Com-
23 pact;”;

24 (D) in subparagraph (K) (as redesign-
25 ated), by striking “and” at the end;

1 (E) in subparagraph (L) (as redesignated),
2 by striking the period at the end and inserting
3 a semicolon; and

4 (F) by adding at the end the following new
5 subparagraphs:

6 “(M) a detailed description of the extent to
7 which the government of the country met, and
8 continues to meet, the requirements of sub-
9 section (d) (relating to local input) in devel-
10 oping the Compact, a comprehensive summary
11 of the local input provided to the government by
12 individuals and organizations described in such
13 subsection, and an explanation of how the local
14 input will be reflected in projects carried out
15 under the Compact; and

16 “(N) an analysis of the extent to which
17 each project carried out under the Compact will
18 contribute to reducing aggregate poverty in the
19 country through sustainable economic growth
20 and development.”.

21 (2) EFFECTIVE DATE.—The amendments made
22 by paragraph (1) apply with respect to eligibility of
23 countries for assistance under the Millennium Chal-
24 lenge Act of 2003 (22 U.S.C. 7701 et seq.) for fiscal
25 year 2006 and subsequent fiscal years.

1 (b) DEFINITION.—Section 609(b)(3) of the Millen-
2 nium Challenge Act of 2003 (22 U.S.C. 7708(b)(3)) is
3 amended by striking “to achieve market-driven economic
4 growth and eliminate extreme poverty” and inserting “to
5 eliminate extreme poverty and reduce overall poverty
6 through sustainable economic growth and development”.

7 (c) LOCAL INPUT.—Section 609(d) of the Millennium
8 Challenge Act of 2003 (22 U.S.C. 7708(d)) is amended—

9 (1) in paragraph (1), by striking “and” at the
10 end;

11 (2) by redesignating paragraph (2) as para-
12 graph (3);

13 (3) by inserting after paragraph (1) the fol-
14 lowing new paragraph:

15 “(2) consults with the national legislature of
16 the eligible country; and”;

17 (4) in paragraph (3) (as redesignated)—

18 (A) by inserting “national and inter-
19 national” before “private and voluntary organi-
20 zations”; and

21 (B) by striking “other” and inserting “for-
22 eign”.

23 (d) ASSISTANCE FOR DEVELOPMENT OF COMPACT.—
24 Section 609(g) of the Millennium Challenge Act of 2003
25 (22 U.S.C. 7708(g)) is amended—

1 (1) by striking “enter into contracts or make
2 grants” and inserting “enter into contracts, make
3 grants, or provide personnel of the Corporation on
4 a temporary basis”;

5 (2) by adding at the end before the period the
6 following: “, including facilitating the development of
7 the Compact proposal, implementation of the Com-
8 pact, and the development and implementation of
9 amendments to the Compact”; and

10 (3) by further adding at the end the following
11 new sentence: “Such facilitation of the development
12 and implementation of the Compact may include
13 supporting the meaningful participation of a broad
14 spectrum of independent civil society representatives
15 in such development and implementation.”.

16 (e) REQUIREMENT FOR APPROVAL BY THE BOARD.—
17 Section 609(h) of the Millennium Challenge Act of 2003
18 (22 U.S.C. 7708(h)) is amended—

19 (1) by striking “Each Compact” and inserting
20 the following:

21 “(1) IN GENERAL.—Each Compact”; and

22 (2) by adding at the end the following new
23 paragraph:

1 “(2) SENSE OF CONGRESS.—It is the sense of
2 Congress that the Board, acting through the Chief
3 Executive Officer, should—

4 “(A) establish and make known policies
5 that encourage each eligible country—

6 “(i) to submit to the Corporation its
7 Compact proposal not later than one year
8 after the date on which the country is
9 identified as an eligible country under sec-
10 tion 608(d)(2); and

11 “(ii) to seek to enter into a Compact
12 with the United States not later than two
13 years after the country has been identified
14 as such an eligible country; and

15 “(B) consider removing from eligibility
16 those countries that fail to submit a Compact
17 proposal or enter into a Compact with the
18 United States in a timely or good-faith manner,
19 but allow such countries to seek eligibility for
20 assistance under section 605 in subsequent
21 years, as appropriate.”.

22 (f) DURATION OF COMPACT.—Section 609(j) of the
23 Millennium Challenge Act of 2003 (22 U.S.C. 7708(j)) is
24 amended—

1 (1) by striking “The duration” and inserting
2 the following:

3 “(1) IN GENERAL.—Except as provided in para-
4 graph (2), the duration”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(2) EXCEPTION.—

8 “(A) IN GENERAL.—A Compact shall not
9 include a project with a duration of more than
10 5 years unless the Board—

11 “(i) determines that the project can-
12 not be completed in 5 years or less; and

13 “(ii) approves a duration for the
14 project of not more than 10 years.

15 “(B) CONGRESSIONAL NOTIFICATION.—

16 Not later than 15 days after the Board ap-
17 proves a duration for a project pursuant to sub-
18 paragraph (A)(ii), the Board, acting through
19 the Chief Executive Officer, shall submit to the
20 appropriate congressional committees a notifica-
21 tion of such approval, including a detailed ex-
22 planation for the determination and approval.”.

23 (g) CONCURRENT AND SUBSEQUENT COMPACTS.—

24 Section 609 of the Millennium Challenge Act of 2003 (22
25 U.S.C. 7708) is amended—

1 (1) by striking subsection (k); and

2 (2) by inserting at the end the following new
3 subsection:

4 “(k) CONCURRENT AND SUBSEQUENT COMPACTS.—

5 “(1) IN GENERAL.—Subject to the require-
6 ments of paragraph (2), an eligible country and the
7 United States—

8 “(A) may enter into and have in effect not
9 more than two Compacts at any given time
10 under this section; and

11 “(B) may enter into subsequent Compacts
12 in accordance with the requirements of this title
13 after the expiration of the existing Compact or
14 Compacts.

15 “(2) REQUIREMENTS.—

16 “(A) CONCURRENT COMPACTS.—An eligi-
17 ble country and the United States may enter
18 into a concurrent Compact only if the Board
19 determines that the country is making consider-
20 able and demonstrable progress in imple-
21 menting the terms of its existing Compact and
22 supplementary agreements thereto.

23 “(B) SUBSEQUENT COMPACTS.—An eligi-
24 ble country and the United States may enter
25 into subsequent Compacts if the Board deter-

1 mines that the country substantially met the
2 objectives of prior Compacts between the coun-
3 try and the United States and supplementary
4 agreements thereto.”.

5 (h) **EFFECTIVE DATE.**—The amendments made by
6 subsections (f) and (g) apply with respect to Compacts en-
7 tered into between the United States and an eligible coun-
8 try under the Millennium Challenge Act of 2003 (22
9 U.S.C. 7701 et seq.) before, on, or after the date of the
10 enactment of this Act.

11 **SEC. 107. CONGRESSIONAL AND PUBLIC NOTIFICATION OF**
12 **COMPACT.**

13 (a) **CONGRESSIONAL CONSULTATION PRIOR TO COM-**
14 **PACT NEGOTIATIONS.**—Section 610(a) of the Millennium
15 Challenge Act of 2003 (22 U.S.C. 7709(a)) is amended—

16 (1) in paragraph (1), by striking “and” at the
17 end;

18 (2) in paragraph (2), by striking the period at
19 the end and inserting “; and”; and

20 (3) by adding at the end the following new
21 paragraph:

22 “(3) shall—

23 “(A) in the case of negotiations for a con-
24 current Compact with an eligible country, notify
25 the appropriate congressional committees of its

1 determination that the country is making con-
2 siderable and demonstrable progress in imple-
3 menting the terms of its existing Compact and
4 supplementary agreements thereto pursuant to
5 section 609(k); and

6 “(B) in the case of negotiations for a sub-
7 sequent Compact with an eligible country, no-
8 tify the appropriate congressional committees of
9 its determination that the country substantially
10 met the objectives of prior Compacts between
11 the country and the United States and supple-
12 mentary agreements thereto pursuant to section
13 609(k).”.

14 (b) CONGRESSIONAL CONSULTATION AND NOTIFICA-
15 TION PRIOR TO ENTERING INTO A COMPACT.—Section
16 610 of the Millennium Challenge Act of 2003 (22 U.S.C.
17 7709(a)) is amended—

18 (1) by redesignating subsection (b) as sub-
19 section (c); and

20 (2) by inserting after subsection (a) the fol-
21 lowing new subsection:

22 “(b) CONGRESSIONAL CONSULTATION AND NOTIFI-
23 CATION PRIOR TO ENTERING INTO A COMPACT.—

24 “(1) MEETING OF THE BOARD.—Not later than
25 15 days prior to a meeting of the Board for the pur-

1 pose of fulfilling the requirement of section 609(h),
2 the Board, acting through the Chief Executive Offi-
3 cer, should consult with the appropriate congress-
4 sional committees, and provide copies, in a classified
5 form if necessary, of the proposed Compact, includ-
6 ing annexes or supplementary agreements thereto, to
7 the appropriate congressional committees.

8 “(2) ENTRY INTO COMPACT.—Not later than
9 15 days prior to entering into a Compact with an el-
10 igible country, the Board, acting through the Chief
11 Executive Officer, shall provide notification of the
12 proposed Compact to the appropriate congressional
13 committees in accordance with the procedures appli-
14 cable to reprogramming notifications under section
15 634A of the Foreign Assistance Act of 1961.”.

16 (c) CONGRESSIONAL AND PUBLIC NOTIFICATION
17 AFTER ENTERING INTO A COMPACT.—Section 610(c)(2)
18 of the Millennium Challenge Act of 2003 (as redesignated
19 by subsection (b)(1) of this section) is amended to read
20 as follows:

21 “(2) shall publish such detailed summary of the
22 Compact in the Federal Register and shall publish
23 such detailed summary and the text of the Compact
24 (including a copy of any annexes or supplementary

1 agreements thereto) on the Internet website of the
2 Corporation.”.

3 (d) **EFFECTIVE DATE.**—The amendments made by
4 subsections (a), (b), and (c) apply with respect to Com-
5 pacts entered into between the United States and an eligi-
6 ble country under the Millennium Challenge Act of 2003
7 (22 U.S.C. 7701 et seq.) on or after the date of the enact-
8 ment of this Act.

9 **SEC. 108. SUSPENSION AND TERMINATION OF ASSISTANCE.**

10 (a) **SUSPENSION AND TERMINATION OF ASSIST-**
11 **ANCE.**—Section 611(a) of the Millennium Challenge Act
12 of 2003 (22 U.S.C. 7710(a)) is amended in the matter
13 preceding paragraph (1)—

14 (1) by striking “After consultation with the
15 Board, the Chief Executive Officer” and inserting
16 “The Board, acting through the Chief Executive Of-
17 ficer,”; and

18 (2) by striking “if the Chief Executive Officer”
19 and inserting “if the Board”.

20 (b) **REINSTATEMENT.**—Section 611(b) of the Millen-
21 nium Challenge Act of 2003 (22 U.S.C. 7710(b)) is
22 amended—

23 (1) by striking “The Chief Executive Officer”
24 and inserting “The Board, acting through the Chief
25 Executive Officer,”; and

1 (2) by striking “the Chief Executive Officer”
2 and inserting “the Board”.

3 (c) CONGRESSIONAL NOTIFICATION.—Section 611(c)
4 of the Millennium Challenge Act of 2003 (22 U.S.C.
5 7710(c)) is amended—

6 (1) by striking “the Chief Executive Officer”
7 the first place it appears and inserting “the Board,
8 acting through the Chief Executive Officer,”; and

9 (2) by striking “the Chief Executive Officer” in
10 each place it appears thereafter and inserting “the
11 Board”.

12 (d) PUBLICATION IN FEDERAL REGISTER OF CER-
13 TAIN CRITERIA.—Not later than 30 days after the date
14 of the enactment of this Act, the Chief Executive Officer
15 of the Millennium Challenge Corporation shall publish in
16 the Federal Register a detailed description of the criteria
17 used by the Corporation to determine whether or not to
18 suspend or terminate assistance in whole or in part for
19 a country or entity under section 611 of the Millennium
20 Challenge Act of 2003 (22 U.S.C. 7710).

21 **SEC. 109. DISCLOSURE.**

22 Section 612 of the Millennium Challenge Act of 2003
23 (22 U.S.C. 7711) is amended by adding at the end the
24 following new subsection:

1 “(c) FREEDOM OF INFORMATION.—The Corporation
2 and its officers and employees shall be subject to the provi-
3 sions of section 552 of title 5, United States Code (relat-
4 ing to freedom of information).”.

5 **SEC. 110. ANNUAL REPORT.**

6 Section 613(b)(2) of the Millennium Challenge Act
7 of 2003 (22 U.S.C. 7712(b)(2)) is amended to read as
8 follows:

9 “(2) For each eligible country, an assessment
10 (in quantifiable terms to the maximum extent prac-
11 ticable) of—

12 “(A) the progress of the country to submit
13 a Compact proposal and negotiate a Compact to
14 final approval;

15 “(B) the impact that the assistance pro-
16 vided under section 605 has had on reducing
17 overall poverty through sustainable economic
18 growth and development and otherwise achiev-
19 ing the objectives set out in the Compact en-
20 tered into by the country;

21 “(C) the extent to which assistance pro-
22 vided under section 605 has been effective in
23 helping the country to achieve such objectives,
24 including a description of the measures and ef-
25 forts of the country to implement the Compact;

1 “(D) the policy reforms of the country that
2 are conducive to economic development and the
3 furtherance of such objectives that have been,
4 or need to be, implemented;

5 “(E) the amount and type of economic as-
6 sistance provided by other major donors to the
7 country which further the purposes of this title;
8 and

9 “(F) the commitment and contribution of
10 the country to achieving the objectives set out
11 in the Compact entered into by the country.”.

12 **SEC. 111. POWERS OF THE CORPORATION; RELATED PROVI-**
13 **SIONS.**

14 Section 614 of the Millennium Challenge Act of 2003
15 (22 U.S.C. 7713) is amended by adding at the end the
16 following new subsection:

17 “(h) **TECHNICAL ASSISTANCE.**—The Chief Executive
18 Officer is authorized and encouraged to contract with any
19 nongovernmental organization (including a university,
20 independent foundation, or other organization) or private
21 entity to provide technical assistance to an eligible country
22 with respect to the merits and feasibility of the Compact
23 proposal of the eligible country or amendments to the
24 Compact of the eligible country.”.

1 **SEC. 112. ASSISTANCE TO CERTAIN CANDIDATE COUN-**
2 **TRIES.**

3 Section 616(d) of the Millennium Challenge Act of
4 2003 (22 U.S.C. 7715(d)) is amended by striking “for fis-
5 cal year 2004” and inserting “for a fiscal year”.

6 **SEC. 113. GENERAL PERSONNEL AUTHORITIES.**

7 It is the sense of Congress that the Millennium Chal-
8 lenge Corporation should employ approximately 300 per-
9 sons in order to ensure that the Corporation carries out
10 its activities, including activities in eligible countries, in
11 an efficient and timely manner.

12 **SEC. 114. PUBLICITY AND IDENTIFICATION OF PROGRAMS,**
13 **PROJECTS, AND ACTIVITIES.**

14 It is the sense of Congress that, pursuant to section
15 641 of the Foreign Assistance Act of 1961 (22 U.S.C.
16 2401), the Chief Executive Officer (or the Chief Executive
17 Officer’s designee), in consultation with the Administrator
18 of the United States Agency for International Develop-
19 ment and the heads of other appropriate departments and
20 agencies of the Government of the United States, should
21 promulgate regulations that require programs, projects,
22 and activities, including public communications and com-
23 modities, that are partially or fully funded by the Millen-
24 nium Challenge Corporation to be marked or otherwise
25 bear a visible standard graphic identity marking that

1 clearly communicates that the assistance is “From the
2 American people”.

3 **SEC. 115. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) AMENDMENT.—Section 619(a) of the Millennium
5 Challenge Act of 2003 (22 U.S.C. 7718(a)) is amended
6 by striking “fiscal years 2004 and 2005” and inserting
7 “fiscal years 2006 through 2008”.

8 (b) RULE OF CONSTRUCTION.—The amendment
9 made by subsection (a) shall not be construed to affect
10 the availability of funds appropriated pursuant to the au-
11 thorization of appropriations under section 619 of the Mil-
12 lennium Challenge Act of 2003 (22 U.S.C. 7718(a)) be-
13 fore the date of the enactment of this Act.

14 **TITLE II—TRANSFER OF THE**
15 **MILLENNIUM CHALLENGE**
16 **ACT OF 2003 TO THE FOREIGN**
17 **ASSISTANCE ACT OF 1961**

18 **SEC. 201. TRANSFER OF THE MILLENNIUM CHALLENGE**
19 **ACT OF 2003 TO THE FOREIGN ASSISTANCE**
20 **ACT OF 1961.**

21 (a) TRANSFER.—The Millennium Challenge Act of
22 2003 (title VI of division D of the Consolidated Appropria-
23 tions Act, 2004; Public Law 108–199; 22 U.S.C. 7701
24 et seq.), as amended by this Act, is hereby—

1 (1) transferred from the Consolidated Appro-
 2 priations Act, 2004, to the Foreign Assistance Act
 3 of 1961 (22 U.S.C. 2151 et seq.); and

4 (2) inserted after title VI of chapter 2 of part
 5 I of the Foreign Assistance Act of 1961.

6 (b) REDESIGNATION.—Chapter 2 of part I of the
 7 Foreign Assistance Act of 1961 is amended—

8 (1) by redesignating the second title VI (as
 9 added by subsection (a)) as title VII; and

10 (2) in title VII (as redesignated by paragraph
 11 (1))—

12 (A) in the title heading, to read as follows:
 13 “TITLE VII—MILLENNIUM CHALLENGE ACT OF
 14 2003”;

15 (B) by redesignating sections 601 through
 16 620 as sections 261 through 280, respectively;
 17 and

18 (C) by striking each reference in such title
 19 to any of sections 601 through 620 and insert-
 20 ing a reference to the corresponding section
 21 number (as redesignated by subparagraph (B)).

22 (c) TECHNICAL ASSISTANCE.—Section 269(g) of the
 23 Foreign Assistance Act of 1961 (as added by subsection
 24 (a) and redesignated by subsection (b) of this section) is
 25 amended by inserting after “Notwithstanding subsection

1 (a)” the following: “or any other provision of law (other
2 than a provision of this title)”.

3 (d) CONFORMING AMENDMENT.—The table of con-
4 tents of the Consolidated Appropriations Act, 2004 (Pub-
5 lic Law 108–199) is amended by striking the item relating
6 to title VI of division D of such Act.

7 **SEC. 202. CONFORMING AMENDMENT.**

8 Section 270(b)(2) of the Foreign Assistance Act of
9 1961 (as added by section 201(a) and redesignated by sec-
10 tion 201(b) of this Act) is amended by striking “section
11 634A of the Foreign Assistance Act of 1961” and insert-
12 ing “section 634A of this Act”.

○