



**AN ACT TO ESTABLISH THE MILLENNIUM CHALLENGE
ACCOUNT-LIBERIA (MCA)**

APPROVED OCTOBER 23, 2015

**PUBLISHED BY AUTHORITY
MINISTRY OF FOREIGN AFFAIRS
MONROVIA, LIBERIA**

PRINTED OCTOBER 26, 2015



AN ACT TO ESTABLISH THE MILLENNIUM CHALLENGE ACCOUNT-LIBERIA

AN ACT TO ESTABLISH THE MILLENNIUM CHALLENGE ACCOUNT - LIBERIA

PREAMBLE

Whereas, the United States Congress enacted “the Millennium Challenge Act of 2003” to (1) “provide United States assistance for global development through the Millennium Challenge Corporation...” and (2) “provide such assistance in a manner that promotes economic growth and the elimination of extreme poverty and strengthens good governance, economic freedom, and investments in people;”

Whereas, in 2012 the Republic of Liberia became eligible to seek grant assistance under the Millennium Challenge Act of 2003, which is administered by the Millennium Challenge Corporation;

Whereas, in 2013, the Government of Liberia, adhering to compact development timelines and requirements of the Millennium Challenge Corporation and working in collaboration with the Millennium Challenge Corporation, established a country core team for purposes of moving Liberia toward compact development;

Whereas, in 2013 the Liberia country core team, working in collaboration with the Millennium Challenge Corporation, developed a constraints analysis that showed that the lack of reliable and affordable electric power and the poor quality of Liberia’s roads are binding constraints to Liberia’s economic and investment growth;

Whereas having completed the constraints analysis, the Liberia country core team, in collaboration with the Millennium Challenge Corporation and in consultation with relevant sector ministries and agencies of the government of Liberia as well as with donor stakeholders, experts and consultants, began the process of developing projects to be funded under the Millennium Challenge Compact;

Whereas in June 2015 the Liberia country core team and the Millennium Challenge Corporation carried out a series of due diligence activities culminating into the development of concepts/projects to be funded under the Millennium Challenge Compact;

Whereas on October 2 2015, the Government of Liberia and the Government of the United States of America executed a Compact;

Whereas the Millennium Challenge Corporation requires that compact eligible countries establish accountable entities responsible to manage projects funded by the Millennium Challenge Corporation under the compact;

Now therefore, it is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled.

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PART I—PRELIMINARY PROVISIONS

SECTION 1. SHORT TITLE

This Act shall be cited as the MCAL Act of 2015

SECTION 2. PURPOSE OF ACT

This Act establishes the Millennium Challenge Account-Liberia as the legal Accountable Entity of the Government of Liberia having the responsibility to implement and oversee projects funded under the Millennium Challenge Compact entered between the Governments of Liberia and the United States on October 2, 2015.

SECTION 3. DEFINITIONS

Unless specified otherwise, for the purpose of this Act the terms listed in this section shall have the following meanings:

- (1) **"Accountable Entity"** means the legal entity designated by the Government of Liberia to implement the projects developed under the Millennium Challenge Compact during the term of the Compact, which is the same as the Millennium Challenge Account-Liberia.
- (2) **"Accrued Interest"** means interest accrued on MCC Funding held in a Permitted Account.
- (3) **"Act"** means the Millennium Challenge Account - Liberia Act of 2015.
- (4) **"Board"** means the Board of Directors of the MCA-Liberia.
- (5) **"Compact"** means the Millennium Challenge Compact.
- (6) **"CPS"** means Common Payment System which utilizes both the International Treasury Services (ITS) and/or Secure Payment System (SPS) by MCC to process payments in US dollars or foreign currency directly to vendors for goods, works or other services received.
- (7) **"Executive Committee"** means a committee, comprised of selected Board members, authorized to take certain limited actions.
- (8) **"Fiscal Agent"** means the entity selected and engaged through an international competitive process, as agreed between the Government of Liberia and the MCC, responsible for performing certain financial management activities on behalf of the MCA-Liberia.
- (9) **"General Auditing Commission" or "GAC"** means the General Auditing Commission of the Government of Liberia.
- (10) **"Government"** means the Government of Liberia.
- (11) **"Government Accountability Office" or "GAO"** means the U.S. Government Accountability Office.
- (12) **"Government Affiliate"** means a ministry, bureau, department, agency, corporation or any other entity chartered or established by the Government.

- (13) **"Governing Documents"** means this Act, charter, articles of incorporation, governance agreement, bylaws and other documents evidencing the formation, establishment and governance of the MCA-Liberia.
- (14) **"Implementation Documents"** means documents directly related to the Compact implementation, including the monitoring and evaluation plan, the detailed financial plan, the procurement plan and the work plans developed by the MCA-Liberia and, as applicable, approved by MCC.
- (15) **"Implementing Entity"** means any Government affiliate engaged by the MCA-Liberia to, implement and carry out any project, project activity (or a component thereof), or any other activities to be carried out in furtherance of the Compact.
- (16) **"Key Staff"** has the meaning given to such term in section 6.
- (17) **"Management Unit"** means the employees of the MCA-Liberia responsible for the day-to-day activities and assisting the Board with the implementation of the Compact.
- (18) **"MCA-Liberia"** means the Millennium Challenge Account-Liberia, the Accountable Entity responsible for implementing the Compact
- (19) **"MCC"** means the Millennium Challenge Corporation of the United States Government
- (20) **"MCC Disbursement Request"** means the written requests for periodic disbursements of MCC Funding submitted to MCC by MCA-Liberia.
- (21) **"MCC Funding"** means the financial assistance provided by MCC to the Government under the Compact.
- (22) **"M&E Plan"** means the plan for monitoring and evaluating the projects and activities developed and adopted by the MCA-Liberia as approved by MCC.
- (23) **"Observer"** means a nonvoting member of the Board who is an employee or representative of MCC.
- (24) **"Officer"** means the Chief Executive Officer, the Deputy Chief Executive Officer, or other senior officers of the Management Unit of the MCA-Liberia.
- (25) **"Permitted Account"** means any bank account established pursuant to the requirements of the Compact and maintained for the purpose of receiving MCC Funding.
- (26) **"Procurement Agent"** means the entity selected and engaged through an international competitive process, as agreed between the Government and MCC that will assist MCA-Liberia with carrying out procurement related activities to procure goods, works and services on behalf of the Program.
- (27) **"Program"** means Compact projects and their various components and activities.
- (28) **"Program Assets"** means the assets and property purchased or funded in whole or in part with MCC funding
- (29) **"Program Implementation Agreement"** means the program implementation agreement that specifies certain terms for Compact implementation between MCC, the Government and MCA-Liberia.
- (30) **"Stakeholders Committee"** means a body of representatives of the private sector, civil society and local governments that has been formally established to provide advice and input to MCA-Liberia regarding the implementation of the Program.

- (31) **"Supplemental Agreement"** means any agreement between (A) the Government (or any Government affiliate, including MCA-Liberia) and MCC (including, but not limited to, the Program Implementation Agreement), or (B) MCC and/or the Government (or any Government affiliate, including MCA-Liberia), on the one hand, and any third party, on the other hand, in each case, setting forth the details of any funding, implementing or other arrangements in furtherance of, and in compliance with, the Compact.
- (32) **"Tax"** means tax as defined in the Liberia Revenue Code of 2000, as amended
- (33) **"United States Government" or "USG"** means the Government of the United States of America.

PART II- ESTABLISHMENT, OBJECTIVE, STRUCTURE, FUNCTIONS AND POWERS OF THE MCA-LIBERIA

Section 4. ESTABLISHMENT OF MCA-LIBERIA

- (1) There is hereby established the Millennium Challenge Account-Liberia, as the Accountable Entity responsible to implement the Program of the Compact. MCA-Liberia may sue or be sued in its own name, and subject to the provisions of this Act perform such acts as bodies corporate may lawfully perform.
- (2) The MCA-Liberia shall be a legal, independent and autonomous agency of the Government.
- (3) The Compact and Program Implementation Agreement as entered into between the Government and MCC may supersede Liberian law in relevant aspects.

Section 5. OBJECTIVE OF MCA-LIBERIA

The following are the objectives of MCA-Liberia:

- (1) Implement all projects developed under the Millennium Challenge Compact for the duration of the Compact.
- (2) Manage Program Assets.
- (3) Ensure that Program is executed in a timely, effective and efficient manner.
- (4) Ensure overall compliance with the Compact and related agreements.

Section 6. Organization Structure

The MCA-Liberia shall have the following structure

- (1) Board of Directors
- (2) Management Unit headed by a Chief Executive Officer
 - a. The Management Unit shall consist of the following Key Staff positions, a Deputy Chief Executive Officer, General Counsel, Private Sector

Development Director, Roads Director, Energy Director, Environmental Social Protection Director, Gender Social Impact Director, Mt. Coffee Liaison Director, Procurement Director, Monitoring and Evaluation Director, Communications/Outreach Director, Administration and Finance Director, and Human Resource Director. The Board of Directors may approve additional positions as warranted.

- (3) Stakeholders Committee

Section 7. Functions of MCA-Liberia

To achieve the objectives for which it is established, MCA-Liberia is hereby empowered to carry out the following functions:

- (1) Transparently, efficiently and effectively manage and implement the Compact and Program.
- (2) Ensure the Compact is implemented in accordance with the terms of the Compact and under terms reached between the Government and the United States Government in any Supplemental Agreements;
- (3) Ensure the efficient transmission to the Government and MCC of periodic program, financial, audit and other relevant reports;
- (4) Advise the Government on required actions or regulations needed to efficiently implement the Compact; and
- (5) Ensure that MCA-Liberia remains an independent and autonomous agency, whose decisions are not influenced by political interests, preferences or considerations.

Section 8. Powers of MCA-Liberia

MCA-Liberia is authorized to discharge its functions under this Act and has the power to take actions necessary to achieve those functions in the manner consistent with the law. MCA-Liberia is specifically empowered to:

- (1) Acquire and hold movable and immovable property, enter into agreements with MCC and other Government Affiliates; enter into employment agreements with employees; and enter into contracts with contractors and consultants.
- (2) Enter into contracts in the name of MCA-Liberia;
- (3) Establish a bank account in a financial institution in the name of MCA-Liberia for the purpose of holding MCC Funding;
- (4) Expend MCC Funding;
- (5) Engage the services of a Fiscal Agent on terms acceptable to MCC;
- (6) Engage the Services of a Procurement Agent on terms acceptable to MCC;
- (7) Ensure the periodic auditing of MCA-Liberia by the GAC;
- (8) Competitively engage one or more independent auditors;
- (9) Perform other necessary functions in accordance with the Compact and Governing Documents; and
- (10) Sue and be sued in a court of competent jurisdiction in its own name.

PART III -- BOARD OF DIRECTORS

Section 9.

BOARD OF DIRECTORS

- 1) Establishment of the Board. There is hereby established a Board which shall be the governing body of MCA-Liberia. The Board shall comprise (9) nine voting members and (1) one non-voting member. Each voting member from the Government is called a **Statutory Member** while any other member is called a **Non-Statutory Member**.

A. Voting Members of the Board

- (i) The Minister of Finance and Development Planning
- (ii) The Minister of Lands Mines and Energy
- (iii) The Minister of Public Works
- (iv) The Minister of Justice
- (v) The Head- Presidential Delivery Unit
- (vi) The Chairman of the Board of Directors of the Liberia Electricity Corporation
- (vii) The Chief Executive Officer of MCA-Liberia, who shall serve as secretary to the Board
- (viii) A Representative each from the Private Sector and Civil Society, one of whom must be of each gender.

B. Non-voting member of the Board

The non-voting members of the Board shall be:

- (i) The representative of MCC

2) Selection of Members of the Board

Statutory Members of the Board shall be statutory heads serving in their respective statutory positions during the term of the Compact or their designated representatives. Designated representatives must have clear decision making authority. Non-Statutory Members, excluding the Chairman of the Board of the Liberia Electricity Corporation, shall be appointed by the President of Liberia through a consultative process involving representatives from both the private sector and civil society.

3) Chair of the Board of Directors

The Board shall be chaired by the Minister of Finance and Development Planning serving during the term of the Compact or by any individual acting as Minister of Finance and Development Planning during the term of the Compact. All documents and reports submitted to MCC by the Board in accordance with the Compact shall be certified by the Secretary of the Board and approved by the Chair as: (1) having been approved by the Board, and (2) being true, accurate and complete.

4) Term of the Members of the Board

Statutory Members of the Board shall serve as long as they hold office during the term of the Compact. Non-Statutory members shall be appointed for a period of two and a half (2 ½) years. Members may be removed for (i) acts in contravention of Section 13 of this Act; (ii) acts that may undermine the Government's compliance with the Compact; or (iii) acts resulting in the commission of a criminal offense.

Section 10. Powers, Roles and Responsibilities of the Board

- 1) The Board shall oversee the overall management of MCA-Liberia, set policies and guidelines, implement programs, and ensure the performance of the Designated Rights and Responsibilities (as defined in the Program Implementation Agreement).
- 2) Board members (i) have the authority to make the decisions at the Board meeting necessary to implement the Compact, and (ii) actively participate in the work of the Board, including attending meetings of the Board, formulating strategic direction to MCA-Liberia, evaluating reports, reading Board meeting minutes, reviewing the performance and compensation of the Management Unit, and communicating relevant outcomes of each Board meeting to his/her constituents.
- 3) The Board shall have the responsibility to certify or approve the appointment of Key Staff as stipulated in section 6.
- 4) The Board shall also be responsible for reviewing and approving the following documents, agreements and actions on behalf of MCA-Liberia, which cannot be delegated to the Executive Committee or the Management Unit:
 - i. Procurement plans and the monitoring and evaluation plan and any material amendments or supplements thereto;
 - ii. Agreements between the Government or MCA-Liberia and MCC, and any material amendment, suspension or termination of such agreements;
 - iii. Material Agreements (as defined in the Program Implementation Agreement, as applicable, except as otherwise agreed to by MCC) between MCA-Liberia and third-parties, and any material amendment, suspension or termination of such agreements;
 - iv. Employment agreements with Key Staff;
 - v. Audit findings and reports of the results of audits received from the audit committee;

- vi. Any agreement that is (a) with a party related to MCA-Liberia or any party that controls, is controlled by, or is under common control with MCA-Liberia or (b) not at arm's length (that is, the parties are not dealing from equal bargaining positions, one party is subject to the other's control or dominant influence, or the transaction is not treated with fairness, integrity and legality);
 - vii. Any pledge of Program Assets;
 - viii. Any material amendments or supplements to the Governing Documents;
 - ix. Any decision to dispose of and/or liquidate Program Assets,
 - x. Any decision to dissolve, reorganize, wind up the affairs or effect other changes to the , Board, the Management Unit or MCA-Liberia;
 - xi. Any decision to reorganize or effect changes to the Management Unit;
 - ix. Any change in the character or location of any Permitted Account;
 - x. Any formation or acquisition of a subsidiary or other affiliate of MCA-Liberia;
 - xi. Any material changes to the components or structure of MCA-Liberia, including adding or removing Board members and members of Key Staff; Any decision to engage, to accept or to manage any funds from any donor agencies or organizations in addition to MCC Funding during the Compact term; and
 - xii. Any other activity, agreement, document, transaction or any other action that requires Board approval pursuant to the Compact, Program Implementation Agreement, Law, any Governing Document or other supplemental agreement.
- 5) The Board shall approve and adopt a corporate seal for the MCA-Liberia, which shall be used on all official documents of the MCA-Liberia.
 - 6) The Board has the duty to protect, preserve, and manage the Program Assets and to do so consistent with the Compact and applicable Law. Board members may delegate such responsibility to members of the Management Unit; however, the Board must require an annual accounting for all Program Assets.
 - 7) The Board has a duty to investigate warnings or reports of Management Unit, employee, or contractor theft or mismanagement.

- 8) **Observer to the Board.** The MCC Observer has a duty to participate in all meetings of the Board either in person or by conference telephone and be provided with the agenda and related documentation for each meeting of the Board. The Observer has the obligation to share documentation relating to the meetings of the Board with MCC and to participate in the discussions arising during the meetings of the Board. The Observer also serves a vital role in identifying implementation issues and encouraging transparency in the Board decision-making process. Implementation issues shall be referred to MCC and addressed in accordance with MCC policy and internal review requirements.
- 9) Either the Board, or, if so designated in the bylaws or by a resolution of the Board, the Executive Committee or the chief executive officer (or equivalent) of the Management Unit may be responsible for reviewing and approving the following documents, agreements and actions on behalf of MCA-Liberia; provided that, if the Executive Committee or Chief Executive Officer (or equivalent) approves such documents, the Executive Committee or Chief Executive Officer (or equivalent) shall provide a complete, written copy of each of the following approved documents to the Board within seven (7) calendar days after such approval: (i) Implementation Documents, other than the procurement plans and M&E Plan, and any material amendments or supplements thereto; (ii) MCC Disbursement Requests; (iii) Audit plans submitted to MCC; and (iv) Reports (quarterly and annual) except audit reports, delivered to MCC.

Section 11. Meetings of the Board

- (1) The Board shall meet at least once every three months for its regular meeting, provided that in the first year of the Compact the Board Shall aim to meet once every month. The Board may have special meetings to address any number of issues pertaining to the Compact implementation.
- (2) The chair shall preside at the meetings of the Board. In the absence of the chair, the individual designated to act by the Minister of Finance and Development Planning shall chair the meeting.
- (3) The chief executive officer of MCA-Liberia shall be the Secretary of the Board.
- (4) The Secretary of the Board shall provide adequate notices to all members of the Board (voting and nonvoting) setting forth the date, time and location of the meeting, as well as, an agenda of issues and documents for consideration. Notices shall specify whether a meeting is special or regular. Notices for Regular Meetings shall be provided at least ten (10) days prior to the meetings. Notices for special meetings may be provided within as little as two (2) days prior to such meetings.
- (5) The Board shall reach a resolution or shall formulate in its bylaws the number of persons that constitute a quorum for Board Meetings. The decision making process of the Board shall be by consensus among all Board members or by a majority vote taken among voting members.

- (6) The Bylaws or Resolution of the Board shall stipulate the manner in which the Board shall meet, which shall be consistent with Law.
- (7) Board Meetings shall require a quorum of a simple majority of Board Members with at least two statutory members present.

Section 12. Board Committees

- (1) The Board may appoint an Executive Committee to take actions authorized by the Board under the Compact or Governing Documents or other decisions necessary between board meetings.
- (2) All Board Members are entitled to receive the documents provided to the Executive Committee and to participate as observers in the Executive Committee upon request.
- (3) During Regular Meetings, the Board must review the actions of the Executive Committee for consistency with the Compact, Governing Documents and overall Program implementation.
- (4) The Executive Committee shall include (i) the Chief Executive Officer; (ii) one non-statutory member, and (iii) one statutory member.
- (5) The resolution or bylaws of the Board shall stipulate the size of the Executive Committee, provided that this number shall not exceed half of the total membership of the Board.

Section 13. Conflicts and Disclosures of Interest

- (1) The Board shall ensure that no Board member, employee, agent, member of the Stakeholders Committee, member of the Management Unit, or representative of the MCA-Liberia shall participate in the selection, award, or administration of a contract, grant or other benefit or transaction financed in whole or in part by MCC Funding in which (1) such person, members of such person's immediate family or household or his or her business partners, or organizations controlled by or substantially involving such affiliate, has or have a financial or other interest, or (2) such person is negotiating or has any arrangement concerning prospective employment. In either case, the conflict of interest shall first be disclosed in writing to MCA-Liberia and MCC and, following such disclosure, MCA-Liberia and MCC shall agree in writing to proceed notwithstanding such conflict.
- (2) The Board shall also ensure that no Board member, employee, agent, member of the Stakeholders Committee, member of the Management Unit, or representative of the Accountable Entity solicits, accepts from, or offers to a third party or is promised directly or indirectly for himself or for another person or entity, any gift,

gratuity, favor or benefit, other than items of *de minimis* value and otherwise consistent with such guidance as MCC may provide from time to time, or engages in any activity which is, or gives the appearance of being, a conflict of interest.

Section 14. Remuneration of the Board

- (1) MCA-Liberia is prohibited from paying remuneration to the Board members with MCC Funding, except for reasonable expenses arising from their attendance at regular or special meetings so long as such reimbursements are consistent with the Compact, the Program Implementation Agreement (if applicable), MCC's cost principles governing the Accountable Entity, the fiscal accountability plan and the detailed budget for the Program.
- (2) MCA-Liberia and the Government are prohibited from paying remuneration to Government members of the Board from Government sources of funding.
- (3) MCA-Liberia is permitted to pay remuneration from Government sources of funding to Non-Statutory Members of the Board in connection with the performance of their duties. The Board in its resolution will determine the fees be paid to such Non-Statutory Members, provided that such payments does not exceed the highest daily rate of salary and benefits of a Government minister.
- (4) MCC reserves the right to review the level of remuneration to be paid to Non-Statutory Members. Any remuneration paid from Government sources of funding shall be disclosed in the detailed budget.

PART IV- STAKEHOLDERS COMMITTEE

Section 15 Establishment, Composition, Administration

- (1) There shall be established a Stakeholders Committee for the expressed purpose of entrenching a consultative process throughout Compact implementation. The Stakeholders Committee is a mechanism for representatives of the private sector, civil society and/or local government to provide advice and input to MCA-Liberia on the implementation of the Compact. There may be established more than one Stakeholders Committee to reflect the range of projects.
- (2) The Stakeholders Committee shall be comprised of the following members selected by their constituent groups:
 - (i) Two representatives from the private sector
 - (ii) Two representatives from Civil Society
 - (iii) Two representatives from NGOs working within a reasonable radius of project zones where possible
 - (iv) Two local residents from each project zone
 - (v) Two local government representatives from each project zone

- (3) The Stakeholders Committee shall meet every quarter during project implementation. The Chief Executive Officer shall provide notification for such meetings and may call special meetings if and when necessary. At the regular meetings of the Stakeholders Committee, the management shall provide briefing on project implementation and solicit input, feedback and advice.
- (4) Members of the Stakeholders Committee shall not receive any remuneration in connection with performance of their duties. However, MCA-Liberia may reimburse members for reasonable expenses arising from their attendance at regular or special meetings so long such reimbursements are consistent with the Compact or the detailed budget of the Program.

PART V--MANAGEMENT UNIT OF MCA-LIBERIA

Section 16 The Management Unit

- (1) The Management Unit shall be responsible for the day to day management of the Program and for the implementation of the Compact, subject to the direction and oversight of the Board and to MCC's right of approval as set forth in the Compact and related Supplemental Agreements.
- (2) The Management Unit shall be headed by a Chief Executive Officer and shall comprise Key Staff as stipulated in section 6.
- (3) The Chief Executive Officer shall be nominated by the Board after an open and competitive selection process, which nomination shall be subject to MCC approval, and appointed by the President of the Republic of Liberia.
- (4) Key Staff of the Management Unit shall be qualified and competent experts from the public and private sectors, recruited by the Chief Executive Officer through an open and competitive process, subject to the approval of the Board and MCC.

Section 17. Roles and Responsibilities of the Management Unit

- (1) The Management Unit shall assist the Board in overseeing the implementation of the Program and shall have principal responsibility (subject to the direction and oversight of the Board and subject to MCC's contractual rights of approval as set forth in the Compact or any in Supplemental Agreement) for the overall management of the implementation of the Program.
- (2) Without limiting the foregoing general responsibilities or the generality of Designated Rights and Responsibilities (as defined in the Program Implementation Agreement) that the Government may designate to MCA-

Liberia, the Management Unit shall develop each Implementation Document, oversee the implementation of the Program, manage and coordinate monitoring and evaluation, ensure compliance with the Fiscal Accountability Plan, and such other responsibilities as set out in the Governing Documents or otherwise delegated to the Management Unit by the Board from time to time.

- (3) Appropriate officers as designated in the Governing Documents shall have the authority to contract on behalf of MCA-Liberia under any procurement undertaken in accordance with MCC's Program Procurement Guidelines in furtherance of the Program.
- (4) Management shall have the obligation and right to approve certain actions and documents or agreements, including MCC disbursement requests, Compact reports, certain human resources decisions and certain other actions, as provided in the Governing Documents.

Section 18. Remuneration of the Management Unit

- (1) Remuneration includes, but is not limited to, salaries, benefits (pensions, health, disability, unemployment, severance, etc.), holidays and leave, transportation or food allowances (in cash or in kind), bonuses and overtime.
- (2) The Board of Directors shall determine the compensation rates of the Chief Executive Officer and Key Staff, subject to MCC approval, provided that compensation levels and benefits be comparable to those paid by other donor organizations or the private sector to individuals of comparable rank and qualifications doing comparable work. Comparability may be established by the use of salary surveys conducted within the country by the private sector or other donors.

PART VI—MISCELLANEOUS PROVISIONS

SECTION 19 Confidentiality

- (1) While transparency is greatly encouraged under Compact Implementation as stipulated in Section 30, the Board and Management Unit have a responsibility to ensure that certain documents, reports, data and other information relating to the Program shall be treated as confidential information and handled in a reasonable and appropriate manner to avoid public disclosure.
- (2) Confidential information includes information, documents and data relating to MCA-Liberia personnel matters, conflicts of interest, procurement matters prior to final contract award, contract administration and such other data, documentation or information specified by MCA-Liberia and agreed with MCC.

- (3) The Board shall ensure that only those with a need to know and under similar obligations of confidentiality shall have access to any and all of such confidential information, documents, data and other information provided to such party or otherwise generated in connection with the Program.
- (4) The Board shall ensure that each member of the Board, Stakeholders Committee, and Management Unit complies with the confidentiality obligations set forth in this Section.
- (5) Notwithstanding the foregoing requirements on confidentiality, all such confidential documents, reports, data and other information may be provided to MCC, the Inspector General, the Government Accountability Office, or other independent auditors and investigatory bodies that may be designated by MCC.

Section 20 Immunity

- (1) No member of the Board, Management Unit or employee or affiliate of MCC, shall in his or her personal capacity be liable in civil or criminal proceedings in respect of any act or omission done in good faith in the performance of duties and functions related to the Compact Implementation, unless such conduct is deemed willful or negligent.

Section 21 Transparency and Accountability

- (1) The Government and MCA-Liberia shall take the necessary steps to ensure transparency and accountability is achieved in Compact and Program implementation, as established in the Compact.

PART VII—TRANSITIONAL PROVISIONS

Section 22 Commencement of MCA-Liberia

- (1) Upon the passage of this act into Law, MCA-Liberia shall commence official operations after ratification of the Compact.
- (2) The effective date of the provisions which describe the powers and responsibilities of the Board is the date of publication of this Act into handbills.

Section 23 Term of Compact

- (1) The Compact shall remain in force for five (5) years from entry into force, unless earlier terminated in accordance with the terms of the Compact.

PART VIII—EFFECTIVE DATE OF ACT

Section 24 Effective Date

This Act shall take effect immediately upon publication into Handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING



THE SECRETARY OF THE SENATE



The Liberian Senate

CAPITOL BUILDING, CAPITOL HILL, MONROVIA, LIBERIA
WEST AFRICA

E-mail: singbehlibsens@hotmail.com

2015

FOURTH SESSION OF THE FIFTY-THIRD LEGISLATURE OF THE
REPUBLIC OF LIBERIA.

SCHEDULE OF SENATE'S ENROLLED BILL NO. 16 ENTITLED:

“AN ACT TO ESTABLISH THE MILLENNIUM CHALLENGE
ACCOUNT-LIBERIA (MCA)”

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR
EXECUTIVE APPROVAL.

APPROVED THIS 23rd DAY OF OCTOBER A.D. 2015

AT THE HOUR OF 5:35 P.M.


THE PRESIDENT OF THE REPUBLIC OF LIBERIA