

803(b)(1) and 1007(c). Motion at 1–2. The settling parties have not represented that they have reached an agreement with non-settling claimants. Therefore, the Judges conclude that a controversy exists with respect to DART Musical Works Funds for royalty years 2009, 2010, and 2011.

By this notice, the Judges grant the settling claimants' Motion and announce the commencement of a proceeding to determine the proper distribution of DART Musical Works Funds (both the Musical Publishers Subfund and the Writers Subfund) for royalty years 2009, 2010, and 2011. The Judges granted the settling claimants' request for partial distribution pursuant to Section 801(b)(3)(C) of the Copyright Act, which authorizes the Judges to order partial distributions notwithstanding the existence of ongoing controversies. Consequently, all DART Musical Works funds for royalty years 2009, 2010, and 2011 remain in dispute, notwithstanding the 95% distribution to the settling claimants. All settling claimants agreed, at the time of the partial distribution, to repay any potential overpayment.

#### Commencement of Proceeding

Consistent with 17 U.S.C. 804(b)(8), the Judges determine that, for the reasons stated above, a controversy exists with respect to the distribution of the 2009, 2010, and 2011 DART Musical Works Funds royalties for the Music Publishers Subfund and the Writers Subfund.

#### Petitions To Participate

Petitions to Participate must provide all of the information required by 37 CFR 351.1(b)(2). Participants also must identify by year each subfund in the Musical Works Fund to which they are asserting a claim (*i.e.*, Music Publishers or Writers, or both). Petitions to Participate submitted by interested parties whose claims do not exceed \$1,000 must contain a statement that the party will not seek a distribution of more than \$1,000. 37 CFR 351.1(b)(4). No filing fee is required for such parties. Interested parties with claims exceeding \$1,000, however, must submit a filing fee of \$150 with their respective Petitions to Participate, or the petition will be rejected. CASH WILL NOT BE ACCEPTED. Parties filing online through eCRB must pay by credit card. All other parties must pay the filing fee with a check or money order made payable to the "Copyright Royalty Board" and mailed or delivered with a paper claim form, as described in the ADDRESSES section above. If a check is returned for lack of sufficient funds, the

corresponding Petition to Participate will be dismissed.

Any participant that is an individual may represent herself or himself. All other participants must be represented by counsel. In accordance with 37 CFR 350.2 (Representation), only attorneys who are members of the bar in one or more states or the District of Columbia and in good standing will be allowed to represent parties before the Copyright Royalty Judges. The Judges will address further procedural matters, including scheduling, after Petitions to Participate have been filed.

#### Intention To Conduct a Paper Proceeding

In accordance with Section 803(b)(5)(B) of the Copyright Act, the Judges find it appropriate to conduct a paper proceeding in this matter in light of the relatively modest amount of royalties in dispute and the anticipated small number of non-settling claimants. In such proceedings, the Judges determine issues solely on the basis of the filing of a written direct statement by each participant, a response of an opposing participant, and one additional response from the participant. 17 U.S.C. 803(b)(5). Any party wishing to comment on the Judges' intention to conduct a paper proceeding should include such comments in its Petition to Participate.

Dated: August 29, 2017.

**Jesse M. Feder,**  
*U.S. Copyright Royalty Judge.*

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### MILLENNIUM CHALLENGE CORPORATION

[MCC FR 17–04]

#### Report on Countries That Are Candidates for Millennium Challenge Account Eligibility in Fiscal Year 2018 and Countries That Would Be Candidates but for Legal Prohibitions

**AGENCY:** Millennium Challenge Corporation.

**ACTION:** Notice.

**SUMMARY:** Section 608(a) of the Millennium Challenge Act of 2003 requires the Millennium Challenge Corporation to publish a report that identifies countries that are "candidate countries" for Millennium Challenge Account assistance during FY 2018. The report is set forth in full below.

Dated: August 28, 2017.

**Jeanne M. Hauch,**  
*VP/General Counsel and Corporate Secretary,*  
*Millennium Challenge Corporation.*

#### Report on Countries That Are Candidates for Millennium Challenge Compact Eligibility for Fiscal Year 2018 and Countries That Would Be Candidates but for Legal Prohibitions

##### Summary

This report to Congress is provided in accordance with section 608(a) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. 7701, 7707(a) (the Act).

The Act authorizes the provision of assistance for global development through the Millennium Challenge Corporation (MCC) for countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries to achieve lasting economic growth and poverty reduction. The Act requires MCC to take a number of steps in selecting countries with which MCC will seek to enter into a compact, including determining the countries that will be eligible countries for fiscal year (FY) 2018 based on (a) a country's demonstrated commitment to (i) just and democratic governance, (ii) economic freedom, and (iii) investments in its people; and (b) the opportunity to reduce poverty and generate economic growth in the country, and (c) the availability of funds to MCC. These steps include the submission of reports to the congressional committees specified in the Act and the publication of notices in the **Federal Register** that identify:

The countries that are "candidate countries" for FY 2018 based on their per capita income levels and their eligibility to receive assistance under U.S. law and countries that would be candidate countries but for specified legal prohibitions on assistance (section 608(a) of the Act);

The criteria and methodology that the MCC Board of Directors (Board) will use to measure and evaluate the relative policy performance of the "candidate countries" consistent with the requirements of subsections (a) and (b) of section 607 of the Act in order to determine "eligible countries" from among the "candidate countries" (section 608(b) of the Act); and

The list of countries determined by the Board to be "eligible countries" for FY 2018, identification of such countries with which the Board will seek to enter into compacts, and a justification for such eligibility

determination and selection for compact negotiation (section 608(d) of the Act).

This report is the first of three required reports listed above.

#### *Candidate Countries for FY 2018*

The Act requires the identification of all countries that are candidate countries for FY 2018 and the identification of all countries that would be candidate countries but for specified legal prohibitions on assistance. Under the terms of the Act, sections 606(a) and (b) set forth the two income tests countries must satisfy to be candidate countries.<sup>1</sup> However for FY 2017, those categories are defined by MCC's FY 2017 appropriations act, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (the FY 2017 SFOAA). Specifically, the FY 2017 SFOAA used the same definitions that have been used since the FY 2012 appropriations act and defines low income candidate countries as the 75 poorest countries as identified by the World Bank and provided that a country that changes during the fiscal year from low income to lower middle income (or vice versa) will retain its candidacy status in its former income category for the fiscal year and two subsequent fiscal years. Assuming these definitions will be used again in FY 2018, MCC is using them for purposes of this report.<sup>2</sup>

Under the redefined categories, a country will be a candidate country for FY 2018 if it:

Meets one of the following tests:

Has a per capita income that is not greater than the World Bank's lower middle income country threshold for such fiscal year (\$3,955 gross national income per capita for FY 2018); and is among the 75 lowest per capita income

countries, as identified by the World Bank; or

Has a per capita income that is not greater than the World Bank's lower middle income country threshold for such fiscal year (\$3,955 gross national income per capita for FY 2018); but is *not* among the 75 lowest per capita income countries as identified by the World Bank; and

Is not ineligible to receive U.S. economic assistance under part I of the Foreign Assistance Act of 1961, as amended (the Foreign Assistance Act), by reason of the application of the Foreign Assistance Act or any other provision of law.

Due to the provisions requiring countries to retain their former income classification for three fiscal years, changes from the low income to lower middle income categories or vice versa for FY 2018 will go into effect for FY 2021. Countries transitioning to the upper middle income category do not remain in the candidate pool.<sup>3</sup>

Pursuant to section 606(c) of the Act, the Board identified the following countries as candidate countries under the Act for FY 2018. In so doing, the Board referred to the prohibitions on assistance to countries for FY 2017 under the FY 2017 SFOAA.

#### *Candidate Countries: Low Income Category*

1. Afghanistan
2. Angola
3. Bangladesh
4. Benin
5. Bhutan
6. Burkina Faso
7. Burundi
8. Cambodia
9. Cameroon
10. Central African Republic
11. Chad
12. Comoros
13. Congo, Dem. Rep.
14. Congo, Rep.
15. Côte d'Ivoire
16. Djibouti
17. Egypt, Arab Rep.

<sup>1</sup> Sections 606(a) and (b) of the Act provide that a country will be a candidate country for purposes of eligibility if it (1) has a per capita income equal to or less than the historical ceiling of the International Development Association eligibility for the fiscal year involved (the "low income category") or (2) is classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and has an income greater than the historical ceiling for International Development Association eligibility for the fiscal year involved (the "lower middle income category"); and is not ineligible to receive U.S. economic assistance under part I of the Foreign Assistance Act of 1961, as amended (the Foreign Assistance Act), by reason of the application of the Foreign Assistance Act or any other provision of law.

<sup>2</sup> If the language relating to the definition of low income candidate countries is not enacted or is changed for MCC's FY 2018 appropriations act, MCC will revisit the selection process once the FY 2018 appropriations act is enacted and will conduct the selection process in accordance with the Act and applicable provisions for FY 2018.

<sup>3</sup> In FY 2018, the World Bank updated its estimates of gross national incomes per capita resulting in Georgia re-entering the candidate pool. However, Georgia was classified as a low income country as recently as FY 2015. Due to Georgia's transition to upper middle income status in FY 2017, the provision for gradual reclassification between LIC the LMIC pools does not apply to it. Although Georgia has re-entered the candidate pool in FY 2018, it does so as a lower middle income country and does not retain the gradual reclassification treatment it would have received this fiscal year if it had not exited the candidate pool in FY 2017. As a result, the removal of Georgia from the low income category due to its exiting of the candidate pool in FY 2017 means that there are only 74 low income countries for FY 2018 (8 of which are legally prohibited).

18. Ethiopia
19. Gambia, The
20. Ghana
21. Guatemala
22. Guinea
23. Guinea-Bissau
24. Haiti
25. Honduras
26. India
27. Indonesia
28. Kenya
29. Kiribati
30. Kyrgyz Republic
31. Lao PDR
32. Lesotho
33. Liberia
34. Madagascar
35. Malawi
36. Mali
37. Mauritania
38. Micronesia, Fed. Sts.
39. Moldova
40. Morocco
41. Mozambique
42. Nepal
43. Nicaragua
44. Niger
45. Nigeria
46. Pakistan
47. Papua New Guinea
48. Philippines
49. Rwanda
50. São Tomé and Príncipe
51. Senegal
52. Sierra Leone
53. Solomon Islands
54. Somalia
55. Sri Lanka
56. Swaziland
57. Tajikistan
58. Tanzania
59. Timor-Leste
60. Togo
61. Uganda
62. Uzbekistan
63. Vanuatu
64. Vietnam
65. Yemen, Rep.
66. Zambia

#### *Candidate Countries: Lower Middle Income Category*

1. Armenia
2. Cabo Verde
3. El Salvador
4. Georgia
5. Jordan
6. Kosovo
7. Mongolia
8. Tunisia
9. Ukraine

#### *Countries That Would Be Candidate Countries but for Legal Provisions That Prohibit Assistance*

Countries that would be considered candidate countries for FY 2018, but are ineligible to receive United States economic assistance under part I of the

Foreign Assistance Act by reason of the application of any provision of the Foreign Assistance Act or any other provision of law are listed below. This list is based on legal prohibitions against economic assistance that apply as of July 21, 2017.

#### Prohibited Countries: Low Income Category

Bolivia is ineligible to receive U.S. economic assistance pursuant to section 706(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Pub. L. 107-228), regarding adherence to obligations under international counternarcotics agreements and other counternarcotics measures.

Burma is ineligible to receive U.S. economic assistance, absent special authority, because of concerns relative to its record on human rights.

Eritrea is ineligible to receive U.S. economic assistance, including due to its status as a Tier 3 country under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

North Korea is ineligible to receive U.S. economic assistance, including pursuant to section 7007 of the FY 2017 SFOAA, which prohibits direct assistance to the government of North Korea.

South Sudan is ineligible to receive U.S. economic assistance pursuant to section 7042(i)(2) of the FY 2017 SFOAA, which prohibits, with limited exceptions, assistance to the central government of South Sudan until the Secretary of State certifies and reports to Congress that such government is taking effective steps to end hostilities and pursue good faith negotiations for a political settlement of the internal conflict; provide access for humanitarian organizations; end the recruitment and use of child soldiers; protect freedoms of expression, association, and assembly; reduce corruption related to the extraction and sale of oil and gas; establish democratic institutions; establish accountable military and police forces under civilian authority; and investigate and prosecute individuals credibly alleged to have committed gross violations of human rights, including at the Terrain compound in Juba, South Sudan on July 11, 2016.

Sudan is ineligible to receive U.S. economic assistance, including pursuant to section 7042(j) of the FY 2017 SFOAA, which prohibits (with limited exceptions) assistance to the government of Sudan.

Syria is ineligible to receive U.S. economic assistance, including pursuant to section 7007 of the FY 2017

SFOAA, which prohibits direct assistance to the government of Syria.

Zimbabwe is ineligible to receive U.S. economic assistance, including pursuant to section 7042(k)(2) of the FY 2017 SFOAA, which prohibits (with limited exceptions) assistance for the central government of Zimbabwe unless the Secretary of State certifies and reports to Congress that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

Countries identified above as candidate countries, as well as countries that would be considered candidate countries but for the applicability of legal provisions that prohibit U.S. economic assistance, may be the subject of future statutory restrictions or determinations, or changed country circumstances, that affect their legal eligibility for assistance under part I of the Foreign Assistance Act by reason of application of the Foreign Assistance Act or any other provision of law for FY 2018.

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## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts

#### Proposed Collection; Comment Request; 60-Day Notice for Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

**AGENCY:** National Endowment for the Arts, National Foundation on the Arts and the Humanities.

**ACTION:** Notice.

**SUMMARY:** The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on the "Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery" for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. This notice announces our intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection.

**DATES:** Written comments are due by October 31, 2017.

**ADDRESSES:** Send comments to: Sunil Iyengar, National Endowment for the Arts, 400 7th Street SW., Washington, DC 20506-0001, telephone (202) 682-5424 (this is not a toll-free number), fax (202) 682-5677, or send via email to [research@arts.gov](mailto:research@arts.gov).

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Melissa Menzer, 202-682-5548, [menzerm@arts.gov](mailto:menzerm@arts.gov).

**SUPPLEMENTARY INFORMATION:** Comments submitted in response to this notice may be made available to the public through posting on a government Web site. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public.