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Dated: April 4, 2012.

**Victor M. Fortuno,**

*Vice President & General Counsel.*

[FR Doc. 2012-8541 Filed 4-5-12; 4:15 pm]

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## MILLENNIUM CHALLENGE CORPORATION

[MCC 12-04]

### Report on Countries That Are Candidates for Millennium Challenge Account Eligibility in Fiscal Year 2012 and Countries That Would Be Candidates but for Legal Prohibitions

**AGENCY:** Millennium Challenge Corporation.

**ACTION:** Notice.

**SUMMARY:** Section 608(d) of the Millennium Challenge Act of 2003 (the “Act”) requires the Millennium Challenge Corporation to publish a report that identifies countries that are “candidate countries” for Millennium Challenge Account assistance during FY 2012. In December 2011, Congress enacted changes in MCC’s FY 2012 appropriation that redefined candidate countries for FY 2012 as part of the Consolidated Appropriations Act, 2012 (Pub. L. 112-74) (the “Appropriations Act”).<sup>1</sup> While this does not affect the compact or threshold program eligibility decisions made at the December 2011 MCC Board meeting, it does alter the income classification of some candidate countries. As such, it is necessary for MCC to revise its FY 2012 Candidate Country Report. This revised report incorporates the new definitions and the subsequent reclassification of countries. The report is set forth in full below and

updates the report published November 8, 2011 (76 FR 69291).

Dated: April 3, 2012.

**Henry C. Pitney,**

*Acting VP/General Counsel and Corporate Secretary, Millennium Challenge Corporation.*

### Report on Countries That Are Candidates for Millennium Challenge Account Eligibility for Fiscal Year 2012 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 Millennium Challenge Account (MCA) assistance 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 the Millennium Challenge Corporation (MCC) to take a number of steps in selecting countries with which MCC will seek to enter into a compact, including (a) determining the countries that will be eligible for MCA assistance for fiscal year 2012 (FY 2012) based on a country’s demonstrated commitment to (i) just and democratic governance, (ii) economic freedom, and (iii) investments in its people; and (b) considering the opportunity to reduce poverty and generate economic growth in the country. 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 MCA assistance for FY 2012 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 “MCA eligible countries” from among the “candidate countries” (section 608(b) of the Act); and

The list of countries determined by the Board to be “MCA eligible countries” for FY 2012, 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. This report was initially published in September 2011. In December 2011, Congress enacted changes in MCC’s FY 2012 appropriation that redefined candidate countries for FY 2012 as part of the Consolidated Appropriations Act, 2012 (Pub. L. 112-74) (the “Appropriations Act”).<sup>2</sup> While this does not affect the compact or threshold program eligibility decisions made at the December 2011 MCC Board meeting, it does alter the income classification of some candidate countries. As such, it is necessary for MCC to revise its FY 2012 Candidate Country Report. This revised report incorporates the new definitions and the subsequent reclassification of countries.

#### Candidate Countries for FY 2012

The Act requires the identification of all countries that are candidates for MCA assistance for FY 2012 and the identification of all countries that would be candidate countries but for specified legal prohibitions on assistance. Due to provisions in the Appropriations Act, the FY 2012 candidate pool must be structured differently than in past years. The new provisions define low income as the 75 poorest countries and provide for gradual graduation from the low income to lower middle income category. This year’s newly-issued candidate list will establish the baseline of those countries for purposes of determining income levels. The provisions of the Appropriations Act that supplant Sections 606 (a) and (b) of the Act provide that for FY 2012, a country shall be a candidate for MCA assistance 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 (\$3,975 GNI per capita for FY12); 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 (\$3,975 GNI per capita for FY12); 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.

<sup>1</sup> The changes to the Act enacted in the Appropriations Act only apply to the FY 2012 selection process. The relevant language would need to be included in next year’s appropriations act or in an amendment to the Act in order for these changes to continue beyond FY 2012.

<sup>2</sup> The changes to the Act enacted in the Appropriations Act only apply to the FY 2012 selection process. The relevant language would need to be included in next year’s appropriations act or in an amendment to the Act in order for these changes to continue beyond FY 2012.

Pursuant to section 606(c) of the Act, the Board identified the following countries as candidate countries under the Act for FY 2012 at its March 22, 2012 meeting. In so doing, the Board referred to the prohibitions on assistance as applied to countries in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (SFOAA), Public Law 112-74, Div. I. All section references identified as prohibitions on assistance to a given country are taken from Title VII of the FY 2012 SFOAA, unless another statute is identified.

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Candidate Countries: Low Income Category

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Afghanistan*	Liberia
Bangladesh	Malawi
Benin	Mali
Bhutan	Mauritania
Bolivia	Micronesia
Burkina Faso	Moldova
Burundi	Mongolia
Cambodia*	Mozambique
Cameroon*	Nepal
Central African Republic*	Nicaragua*
Chad*	Niger*
Comoros	Nigeria
Côte D'Ivoire*	Pakistan
Congo, Democratic Republic of*	Papua New Guinea
Congo, Republic of the	Philippines
Djibouti	Rwanda
Egypt, Arab Republic*	Sao Tome and Principe
Ethiopia*	Senegal
Gambia, The	Sierra Leone
Georgia	Solomon Islands
Ghana	Somalia*
Guatemala	Sri Lanka
Guinea*	Swaziland*
Guinea-Bissau*	Tajikistan*
Haiti	Tanzania
Honduras	Timor-Leste
India	Togo
Indonesia	Tuvalu
Iraq	Uganda
Kenya	Vanuatu
Kiribati	Vietnam
Kyrgyz Republic*	Yemen*
Lao PDR	Zambia
Lesotho	

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Candidate Countries: Lower Middle Income Category

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Angola*	Marshall Islands
Armenia	Morocco
Belize	Paraguay
Cape Verde	Samoa
El Salvador	Tonga
Guyana	Turkmenistan*

Kosovo	Ukraine
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\* Countries are currently prohibited from assistance due to Section 7031 of the SFOAA, which prohibits assistance to governments where there is a lack of financial management and budget transparency. However, with minor exception, they are expected to receive waivers. Where waivers are granted, these countries will be considered candidate countries for FY 2012.

*Countries That Would Be Candidate Countries but for Legal Prohibitions That Prohibit Assistance*

Countries that would be considered candidate countries for FY 2012, 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. As noted above, this list is based on legal prohibitions against economic assistance that apply as of December 2011.

*Prohibited Countries: Low Income Category*

Burma is subject to numerous restrictions, including but not limited to section 570 of the FY 1997 Foreign Operations, Export Financing, and Related Programs Appropriations Act (Pub. L. 104-208), which prohibits assistance to the government of Burma until it makes measurable and substantial progress in improving human rights practices and implementing democratic government, and due to its status as a major drug-transit or major illicit drug producing country for FY 2012 (Presidential Determination No. 2011-16 (9/15/2011)).

Eritrea is subject to restrictions due to its status as a Tier III country under the Trafficking Victims Protection Act, as amended, 22 U.S.C. section 7101 et seq.

Madagascar is subject to section 7008 of the SFOAA, which prohibits assistance to the government of a country whose duly elected head of government is deposed by military coup or decree and also section 7031(b) regarding budget transparency.

North Korea is subject to numerous restrictions, including section 7007 of the SFOAA which prohibits any direct assistance to the government.

Sudan is subject to numerous restrictions, including but not limited to section 620A of the Foreign Assistance Act which prohibits assistance to governments supporting international terrorism, section 7012 of the SFOAA and section 620(q) of the Foreign Assistance Act, both of which prohibit assistance to countries in default in payment to the U.S. in certain

circumstances, section 7008 of the SFOAA, which prohibits assistance to the government of a country whose duly elected head of government is deposed by military coup or decree, and section 7043(f).

Syria is subject to numerous restrictions, including but not limited to 620A of the Foreign Assistance Act which prohibits assistance to governments supporting international terrorism, section 7007 of the SFOAA which prohibits direct assistance, and section 7012 of the SFOAA and section 620(q) of the Foreign Assistance Act, both of which prohibit assistance to countries in default in payment to the U.S. in certain circumstances.

Uzbekistan's central government is subject to section 7076(a) of the FY 2009 SFOAA, which is carried forward by section 7063 of the FY 2012 SFOAA. This may be waived for six months at a time by the Secretary of State. The restriction limits the provision of funds (other than expanded international military education and training funds).

Zimbabwe is subject to several restrictions, including section 7043(j)(2) which prohibits assistance (except for macroeconomic growth assistance) to the central government of Zimbabwe, unless the Secretary of State determines and reports to Congress that the rule of law has been restored in Zimbabwe.

*Prohibited Countries: Lower Middle Income Category*

Fiji is subject to section 7008 of the SFOAA, which prohibits assistance to the government of a country whose duly elected head of government is deposed by military coup or decree.

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 2012.

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**NATIONAL SCIENCE FOUNDATION**

**Notice of Permits Issued Under the Antarctic Conservation Act of 1978**

**AGENCY:** National Science Foundation.