

Orders, Docket No. 2003–2 CARP CD 2001 (dated October 1, 2003), Docket No. 2002–8 CARP CD 2000 (dated December 4, 2002), Docket No. 2001–6 CARP CD 99 (dated October 17, 2001), Docket No. 2000–6 CARP CD 98 (dated October 12, 2000) and Docket No. 99–5 CARP CD 97 (dated October 18, 1999). However, the Copyright Office must, prior to any distribution of the royalty fees, ascertain who the claimants are and the extent of any controversy over the distribution of the royalty fees.

The CARP rules provide that:

In the case of a royalty fee distribution proceeding, the Librarian of Congress shall, after the time period for filing claims, publish in the **Federal Register** a notice requesting each claimant on the claimant list to negotiate with each other a settlement of their differences, and to comment by a date certain as to the existence of controversies with respect to the royalty funds described in the notice. Such notice shall also establish a date certain by which parties wishing to participate in the proceeding must file with the Librarian a notice of intention to participate.

37 CFR 251.45(a). The Copyright Office may publish this notice on its own initiative, *see, e.g.*, 64 FR 23875 (May 4, 1999); in response to a motion for partial distribution from an interested party, *see, e.g.*, 68 FR 48415 (August 13, 2003), or in response to a petition requesting that the Office declare a controversy and initiate a CARP proceeding. In this case, the Office has received a motion for a partial distribution of the 2002 cable royalty fees.

On July 15, 2004, representatives of the Phase I claimant categories to which royalties have been allocated in prior cable distribution proceedings filed a motion with the Copyright Office for a partial distribution of the 2002 cable royalty fund. The Office will consider this motion after each interested party has been identified by filing the Notice of Intention to Participate requested herein and has had an opportunity to file responses to the motion.

### 1. Comments on the Existence of Controversies

Before commencing a distribution proceeding or making a partial distribution, the Librarian of Congress must first ascertain whether a controversy exists as to the distribution of the royalty fees and the extent of those controversies. 17 U.S.C. 803(d). Therefore, the Copyright Office is requesting comment on the existence and extent of any controversies, at Phase I and Phase II, as to the distribution of the 2002 cable royalty fees.

In Phase I of a cable royalty distribution, royalties are distributed to

certain categories of broadcast programming that has been retransmitted by cable systems. The categories have traditionally been syndicated programming and movies, sports, commercial and noncommercial broadcaster-owned programming, religious programming, music programming, and Canadian programming. The Office seeks comments as to the existence and extent of controversies between these categories for royalty distribution.

In Phase II of a cable royalty distribution, royalties are distributed to claimants within a program category. If a claimant anticipates a Phase II controversy, the claimant must state each program category in which he or she has an interest that has not, by the end of the comment period, been satisfied through a settlement agreement and the extent of the controversy.

The Copyright Office must be advised of the existence and extent of all Phase I and Phase II controversies by the end of the comment period. It will not consider any controversies that come to its attention after the close of that period.

### 2. Notice of Intention To Participate

Section 251.45(a) of the rules, 37 CFR, requires that a Notice of Intention to Participate be filed in order to participate in a CARP proceeding, but it does not prescribe the contents of the Notice. In a prior proceeding, the Library was forced to address the issue of what constitutes a sufficient Notice and to whom it is applicable. *See* 65 FR 54077 (September 6, 2000); *see also* Orders in Docket No. 2000–2 CARP CD 93–97 (June 22, 2000, and August 1, 2000). These rulings will result in a future amendment to § 251.45(a) to specify the content of a properly filed Notice. In the meantime, the Office advises those parties filing Notices of Intention to Participate in this proceeding to comply with the following instructions.

Each claimant that has a dispute over the distribution of the 2002 cable royalty fees, either at Phase I or Phase II, shall file a Notice of Intention to Participate that contains the following: (1) The claimant's full name, address, telephone number, facsimile number (if any), and e-mail address (if any); (2) identification of whether the Notice covers a Phase I proceeding, a Phase II proceeding, or both; and (3) a statement of the claimant's intention to fully participate in a CARP proceeding.

Claimants may, in lieu of individual Notices of Intention to Participate, submit joint Notices. In lieu of the requirement that the Notice contain the

claimant's name, address, telephone number, facsimile number, and e-mail address, a joint Notice shall provide the full name, address, telephone number, facsimile number (if any), and e-mail address (if any) of the person filing the Notice; and it shall contain a list identifying all the claimants that are parties to the joint Notice. In addition, if the joint Notice is filed by counsel or a representative of one or more of the claimants that are parties to the joint Notice, the joint Notice shall contain a statement from such counsel or representative certifying that, as of the date of submission of the joint Notice, such counsel or representative has the authority and consent of the claimants to represent them in the CARP proceeding.

Notices of Intention to Participate must be received by the Copyright Office no later than 5 p.m. on August 25, 2004.

### 3. Motion of Phase I Claimants for Partial Distribution

A claimant who is not a party to the motion may file a response to the motion no later than August 25, 2004, provided that the respondent files a Notice of Intention to Participate in this proceeding in accordance with this Notice.

The Motion of Phase I Claimants for Partial Distribution is posted on the Copyright Office Web site at <http://www.copyright.gov/carp/phase1motion.pdf>.

Dated: July 20, 2004.

**David O. Carson,**

*General Counsel.*

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## MILLENNIUM CHALLENGE CORPORATION

[FR 04–08]

### Report on Countries That Are Candidates for Millennium Challenge Account Eligibility in FY 2005 and Countries That Would Be Candidates but for Legal Prohibitions

**AGENCY:** Millennium Challenge Corporation.

**SUMMARY:** Section 608(d) 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 2005. The report is set forth in full below.

*Report:* This report to Congress is provided in accordance with section

608(a) of the Millennium Challenge Act of 2003, codified at 22 U.S.C. 7701 and 7707(a) (the "Act"). The Act authorizes the provision of Millennium Challenge Account ("MCA") assistance to countries that enter into compacts with the United States to support policies and programs that advance the prospects of such countries achieving lasting economic growth and poverty reduction. The Act requires the Millennium Challenge Corporation to take a number of steps in determining the countries that, based on their demonstrated commitment to just and democratic governance, economic freedom and investing in their people, will be eligible for MCA assistance during Fiscal Year 2005. 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:

1. The countries that are "candidate countries" for MCA assistance during Fiscal Year 2005 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 legal prohibitions on assistance (section 608(a) of the Act);

2. The criteria and methodology that the Board of Directors of the Millennium Challenge Corporation (the "Board") will use to measure and evaluate the relative policy performance of the candidate countries consistent with the requirements of section 607 of the Act in order to select "eligible countries" from among the "candidate countries" (section 608(b) of the Act); and

3. The list of countries determined by the Board to be "eligible countries" for Fiscal Year 2005, including which of the eligible countries the Board will seek to enter into MCA compacts (section 608(d) of the Act).

This notice is the first of the three required notices listed above.

#### Candidate Countries for FY 2005

The Act requires the identification of all countries that are candidates for MCA assistance in FY 2005 and the identification of all countries that would be candidate countries but for legal prohibitions on assistance. Section 606(a) of the Act provides that, during FY 2005, countries shall be candidates for the MCA if they:

- Have a *per capita* income equal to or less than the historical ceiling of the International Development Association for the fiscal year involved (or \$1465 for FY 2005); and
- Are not subject to legal provisions that prohibit them from receiving United States economic assistance

under part I of the Foreign Assistance Act of 1961, as amended.

Pursuant to section 606(c) of the Act, the Board of Directors of the Millennium Challenge Corporation has identified the following countries as candidate countries under the Act for FY 2005. In so doing, the Board has anticipated that prohibitions against assistance that applied to countries during FY 2004 will again apply during FY 2005, even though the Foreign Operations, Export Financing and Related Appropriations Act for FY 2005 has not yet been enacted and certain findings under other statutes have not yet been made. As noted below, the Millennium Challenge Corporation will provide any required updates on subsequent changes in applicable legislation or other circumstances that would affect the status of countries as candidate countries for FY 2005.

1. Afghanistan
2. Angola
3. Armenia
4. Azerbaijan
5. Bangladesh
6. Benin
7. Bhutan
8. Bolivia
9. Burkina Faso
10. Cameroon
11. Chad
12. China
13. Comoros
14. Congo, Dem. Rep.
15. Congo, Rep. (Brazzaville)
16. Djibouti
17. Egypt, Arab Rep. of
18. Equatorial Guinea
19. Eritrea, and
20. Ethiopia
21. Gambia
22. Georgia
23. Ghana
24. Guinea
25. Guyana
26. Haiti
27. Honduras
28. India
29. Indonesia
30. Iraq<sup>1</sup>
31. Kenya
32. Kiribati
33. Kyrgyz Republic
34. Lao PDR
35. Lesotho

<sup>1</sup> Iraq is identified as a candidate country on a provisional basis. Iraq is subject to section 620(t) of the Foreign Assistance Act of 1961, as amended, which prohibits assistance to countries with which the United States severed diplomatic relations, unless diplomatic relations have been resumed and an agreement for the furnishing of assistance has subsequently been entered into. While the United States has resumed diplomatic relations with Iraq, an assistance agreement, which would satisfy section 620(t), has not yet been completed. If such an agreement has not been entered into by the date on which the MCC Board determines eligible countries pursuant to section 607 of the Act, Iraq will not be treated as a candidate country as of that date.

36. Madagascar
37. Malawi
38. Mali
39. Mauritania
40. Moldova
41. Mongolia
42. Morocco
43. Mozambique
44. Nepal
45. Nicaragua
46. Niger
47. Nigeria
48. Pakistan
49. Papua New Guinea
50. Paraguay
51. Philippines
52. Rwanda
53. Sao Tome and Principe
54. Senegal
55. Sierra Leone
56. Solomon Islands
57. Sri Lanka
58. Swaziland
59. Tajikistan
60. Tanzania
61. Timor-Leste
62. Togo
63. Turkmenistan
64. Tuvalu
65. Uganda
- 66.
67. Vanuatu
68. Vietnam
69. Yemen, Rep.
70. Zambia

Albania, Bosnia and Herzegovina, Cape Verde, and Tonga were candidate countries for FY 2004 but are not candidate countries for FY 2005, due to increases in their levels of per capita income above the historical ceiling of the International Development Association. In addition, Serbia & Montenegro, which would have been a candidate country for FY 2004 but for legal prohibitions that apply to Serbia, is not a candidate country for FY 2005 due to an increase in its *per capita* income above the International Development Association historical ceiling.

#### Countries That Would Be Candidate Countries but for Statutory Provisions That Prohibit Assistance

Countries that would be considered candidate countries during FY 2005 but are subject to legal provisions which prohibit them from receiving U.S. economic assistance under part I of the Foreign Assistance Act of 1961, as amended (the "Foreign Assistance Act") are listed below. As noted above, this list is based on legal prohibitions against economic assistance that apply during FY 2004 that are anticipated to apply again during FY 2005.

1. Burma. Section 570 of the FY 1997 Foreign Operations Act prohibits assistance to the government with certain narrow exceptions. In addition, Burma has been identified as a major

drug-transit or major illicit drug producing country for 2004 (Presidential Determination No. 2003-38, dated 9/15/03) and designated as having "failed demonstrably" to adhere to its international obligations and take the measures required by section 489(a)(1) of the Foreign Assistance Act, thus making Burma ineligible for assistance. Burma is listed as a Tier III country under the Trafficking Victims Protection Act for not complying with minimum standards for eliminating trafficking and not making significant efforts to comply (Presidential Determination No. 2003-35, 9/9/03).

2. Burundi is subject to section 508 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 ("FY 2004 Appropriations Act"), which prohibits assistance to the government of a country whose duly elected head of government has been deposed by a military coup.

3. Cambodia is subject to section 561(b) of the FY 2004 Appropriations Act, which prohibits assistance to the central government of Cambodia, except in specified circumstances.

4. Central African Republic is subject to section 508 of the FY 2004 Appropriations Act.

5. Cote d'Ivoire is subject section 508 of the FY 2004 Appropriations Act.

6. Cuba. Section 507 of the FY 2004 Appropriations Act prohibits direct assistance to Cuba. The Cuban Liberty and Democratic Solidarity Act of 1996, Pub. L. 104-114 requires the President to take all necessary steps to ensure that no funds or other assistance is provided to the Cuban government.

7. Guinea-Bissau is subject to section 508 of the FY 2004 Appropriations Act.

8. Liberia is subject to section 620(q) of the Foreign Assistance Act and section 512 of the FY 2004

Appropriations Act, both of which prohibit assistance under part I of the Foreign Assistance Act based on past due indebtedness to the United States.

9. Somalia is subject to section 620(q) of the Foreign Assistance Act and section 512 of the FY 2004 Appropriations Act.

10. Sudan is subject to: section 620(q) of the Foreign Assistance Act and section 512 of the FY 2004 Appropriations Act. Sudan also is subject to section 508 of the FY 2004 Appropriations Act and section 620A of the Foreign Assistance Act.

11. Syrian Arab Republic. Section 507 of the FY 2004 Appropriations Act prohibits direct assistance to Syria.

12. Uzbekistan is subject to section 568 of the FY 2004 Appropriations Act, which requires that funds appropriated

for assistance to the central Government of Uzbekistan may be made available only if the Secretary of State determines and reports to the Congress that the government is making substantial and continuing progress in meeting its commitments under a framework agreement with the United States.

13. Zimbabwe is subject to section 620(q) of the Foreign Assistance Act and section 512 of the FY 2004 Appropriations Act.

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 during FY 2005. The Millennium Challenge Corporation will include any required updates on such statutory eligibility that affect countries' identification as candidate countries for FY 2005, at such time as it publishes the notices required by sections 608(b) and 608(d) of the Act or at other appropriate times. Any such updates with regard to the legal eligibility or ineligibility of particular countries identified in this report will not affect the date on which the Board of Directors is authorized to determine eligible countries from among candidate countries which, in accordance with section 608(a) of the Act, shall be no sooner than 90 days from the date of publication of this notice.

Dated: July 21, 2004.

**Paul V. Applegarth,**  
Chief Executive Officer, Millennium  
Challenge Corporation.

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## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice.

**SUMMARY:** NARA is giving public notice that the agency proposes to request extension of two currently approved information collections. The first information collection is used to evaluate requests for access to records that have been restricted because they contain highly personal information. The second information collection is an

application that is submitted to a Presidential library to request the use of space in the library for a privately sponsored activity. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be received on or before September 24, 2004, to be assured of consideration.

**ADDRESSES:** Comments should be sent to: Paperwork Reduction Act Comments (NHP), Room 4400, National Archives and Records Administration, 8601 Adelphi Rd., College Park, MD 20740-6001; or faxed to 301-837-3213; or electronically mailed to [tamee.fechhelm@nara.gov](mailto:tamee.fechhelm@nara.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the proposed information collections and supporting statements should be directed to Tamee Fechhelm at telephone number 301-837-1694, or fax number 301-837-3213.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology. The comments that are submitted will be summarized and included in the NARA request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collections:

1. *Title:* Statistical Research in Archival Records Containing Personal Information.

*OMB number:* 3095-0002.

*Agency form number:* None.

*Type of review:* Regular.

*Affected public:* Individuals.

*Estimated number of respondents:* 1.

*Estimated time per response:* 7 hours.

*Frequency of response:* On occasion.

*Estimated total annual burden hours:* 7 hours.

*Abstract:* The information collection is prescribed by 36 CFR 1256.4 and 36 CFR 1256.16. Respondents are