

Ypsilanti, Michigan 48198 (NSF Ypsilanti). OSHA staff performed an on-site review of NSF's testing facilities at NSF Ypsilanti on May 3–4, 2023, in which assessors found some nonconformances with the requirements of 29 CFR 1910.7. NSF has addressed these issues sufficiently, and OSHA staff preliminarily determined that OSHA should grant the application.

OSHA published the preliminary notice announcing NSF's expansion application in the **Federal Register** on August 16, 2023 (88 FR 55737). The agency requested comments by August 31, 2023, but it received no comments in response to the notice. OSHA now is proceeding with this notice to grant expansion of NSF's scope of recognition.

To obtain or review copies of all public documents pertaining to the NSF expansion application, go to www.regulations.gov or contact the Docket Office at (202) 693–2350 (TTY (877) 889–5627. Docket No. OSHA–2006–0048 contains all materials in the record containing NSF's recognition.

II. Final Decision and Order

OSHA staff examined NSF's expansion application, conducted a detailed on-site assessment, and examined other pertinent information. Based on review of this evidence, OSHA finds that NSF meets the requirements of 29 CFR 1910.7 for expansion of recognition, subject to the specified limitations and conditions. OSHA, therefore, is proceeding with this final notice to grant NSF's scope of recognition. OSHA limits the expansion of NSF's recognition to include the site at Ypsilanti, Michigan as listed above. OSHA's recognition of the site limits NSF to performing product testing and certifications only to the test standards for which the site has the proper capability and programs, and for test standards in NSF's scope of recognition. This limitation is consistent with the recognition that OSHA grants to other NRTLs that operate multiple sites.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, NSF also must abide by the following conditions of the recognition:

1. NSF must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. NSF must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. NSF must continue to meet the requirements for recognition, including all previously published conditions on NSF's scope of recognition, in all areas for which it has recognition.

OSHA hereby expands the NRTL scope of recognition for NSF to include one additional test site.

III. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

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MILLENNIUM CHALLENGE CORPORATION

[MCC FR 23–05]

Millennium Challenge Corporation Selection Criteria and Methodology Report for Fiscal Year 2024

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: The Millennium Challenge Act of 2003, as amended, requires the Millennium Challenge Corporation to publish a report that identifies the criteria and methodology that MCC intends to use to determine which candidate countries may be eligible to be considered for assistance under the Millennium Challenge Act for fiscal year 2024. The report is set forth in full below.

(Authority: 22 U.S.C. 7707(b)(2))

Dated: September 13, 2023.

Gina Porto Spiro,

Acting Vice President, General Counsel, and Corporate Secretary.

Millennium Challenge Corporation Selection Criteria and Methodology Report for Fiscal Year 2024

This document explains how the Board of Directors (the Board) of the Millennium Challenge Corporation (MCC) will identify, evaluate, and select eligible countries for fiscal year (FY) 2024. Specifically, this document discusses the following:

- (I) Which countries MCC will evaluate
- (II) How the Board evaluates these countries
 - A. Overall evaluation
 - B. For selection of an eligible country for a first compact
 - C. For selection of an eligible country for a subsequent compact
 - D. For selection of an eligible country for a concurrent compact
 - E. For threshold program assistance
 - F. A note on potential transition to upper middle income country status after initial selection

This report is provided in accordance with section 608(b) of the Millennium Challenge Act of 2003, as amended (the Act), as more fully described in Appendix A.

(I) Which countries are evaluated?

MCC evaluates the policy performance of all candidate countries and statutorily-prohibited countries by dividing them into two income categories for the purposes of creating “scorecards.” These categories are used to account for the income bias that occurs when countries with more per capita resources perform better than countries with fewer. In FY 2024, those scorecard evaluation income categories¹ are:

- Countries whose gross national income (GNI) per capita is \$2,145 or less; and
- Countries whose GNI per capita is between \$2,146 and \$4,465.

Appendix B lists all candidate countries and statutorily-prohibited countries for scorecard evaluation purposes.

(II) How does the Board evaluate these countries?

A. Overall Evaluation

The Board looks at three statutorily-mandated factors when it evaluates any candidate country for compact eligibility: (1) policy performance; (2) the opportunity to reduce poverty and generate economic growth; and (3) the availability of MCC funds.

(1) Policy Performance

Appendix C describes all 20 indicators, their definitions, what is required to “pass,” their source, and their relationship to the statutory criteria. Because of the importance of evaluating a country's policy performance in a comparable, cross-

¹ These income groups correspond to the definitions of low income countries and lower middle countries using the historical International Development Association (IDA) threshold published by the World Bank. MCC has used these categories to evaluate country performance since FY 2004. Our amended statute no longer uses those definitions for funding purposes, but we continue to use them for evaluation purposes.

country way, the Board relies to the maximum extent possible upon the best-available objective and quantifiable policy performance indicators. These indicators act as proxies for a country's commitment to just and democratic governance, economic freedom, and investing in its people, per MCC's founding statute. Comprised of 20 third-party indicators in the categories of ruling justly, encouraging economic freedom, and investing in people, MCC scorecards are created for all candidate countries and statutorily-prohibited countries. To "pass" most indicators on its scorecard, a country's score on each indicator must be above the median score *in its income group* (as defined above for scorecard evaluation purposes). For the inflation, political rights, civil liberties, and immunization rates² indicators, however, MCC has established minimum or maximum scores for "passing." In particular, the Board considers whether a country:

- passed at least 10 of the 20 indicators, with at least one pass in each of the three categories,
- passed either the Political Rights or Civil Liberties indicator; and
- passed the Control of Corruption indicator.

While satisfaction of all three aspects means a country is termed to have "passed" the scorecard, the Board also considers whether the country performs "substantially worse" in any one policy category than it does on the scorecard overall.

The mandatory passing of either the Political Rights or Civil Liberties indicators is called the Democratic Rights "hard hurdle" on the scorecard, while the mandatory passing of the Control of Corruption indicator is called the Control of Corruption "hard hurdle." Not passing either "hard hurdle" results in not passing the scorecard overall, regardless of whether at least 10 of the 20 other indicators are passed.

• *Democratic Rights "hard hurdle":* This hurdle sets a minimum bar for democratic rights below which the Board will not consider a country for eligibility. Requiring that a country pass *either* the Political Rights *or* Civil Liberties indicator creates a democratic incentive for countries, recognizes the importance democracy plays in driving poverty-reducing economic growth, and holds MCC accountable to working with

the best governed, poorest countries. When a candidate country is only passing one of the two indicators comprising the hurdle (instead of both), the Board will also closely examine why it is not passing the other indicator to understand what the score implies for the broader democratic environment and trajectory of the country. This examination will include consultation with both local and international civil society experts, among others. The hurdle is an important signal of the importance MCC places on democratic governance and the role of MCC programs in helping democracies deliver development results for their citizens—a democratic dividend.

• *Control of Corruption "hard hurdle":* Corruption in any country is an unacceptable tax on economic growth and an obstacle to the private sector investment needed to reduce poverty. Accordingly, MCC seeks out partner countries that are committed to combatting corruption. It is for this reason that MCC also has the Control of Corruption "hard hurdle," which helps ensure that MCC is working with countries where there is relatively strong performance in controlling corruption. Requiring the passage of the indicator incentivizes countries to demonstrate a clear commitment to controlling corruption, and allows MCC to better understand the issue by seeing how the country performs relative to its peers and over time.

Together, the 20 policy performance indicators are the predominant basis for determining which eligible countries will be selected for MCC assistance, and the Board expects a country to be passing its scorecard at the point the Board decides to select the country for a compact. The Board, however, also recognizes that even the best-available data has inherent challenges. Data gaps, real-time events versus data lags, the absence of narratives and nuanced detail, and other similar weaknesses affect each of these indicators. As such, the Board uses its judgment to interpret policy performance as measured by the scorecards. The Board may also consult other sources of information to enhance its understanding of the context underpinning a country's policy performance beyond scorecard issues (e.g., specific policy issues related to trade, the treatment of civil society, other U.S. aid programs, financial sector performance, and security/foreign policy concerns). The Board uses its judgment on how best to weigh such information in assessing overall policy performance and making a final determination.

(2) The Opportunity To Reduce Poverty and Generate Economic Growth

While the Board considers a range of other information sources depending on the country, specific areas of attention typically include better understanding issues and trends in, and trajectory of:

- the state of democratic and human rights (especially vulnerable groups³);
- civil society's perspective on salient governance issues;
- the control of corruption and rule of law;
- the potential for the private sector (both local and foreign) to lead investment and growth;
- poverty levels within a country; and
- the country's institutional capacity.

Where applicable, the Board also considers MCC's own experience and ability to reduce poverty and generate economic growth in a given country—such as considering MCC's core areas of expertise and skills versus a country's needs, and MCC's capacity to work with a country.

This information provides greater clarity on the likelihood that MCC programs will have an appreciable impact on reducing poverty by generating economic growth in a given country. The Board has used such information to better understand when a country's performance on a particular indicator may not be up to date or is about to change. It has also used supplemental information to decline to select countries that are otherwise passing their scorecards. More details on this subject (sometimes referred to as "supplemental information") can be found on MCC's website: www.mcc.gov/who-we-select/indicators.

(3) The Availability of MCC Funds

The final factor that the Board must consider when evaluating countries is the availability of funds. The agency's budget is constrained, and often specifically limited, by provisions in the Act and in applicable appropriations acts. MCC has a continuous pipeline of countries in compact development, compact implementation, threshold programs, and program closure. Consequently, the Board factors in MCC's overall portfolio when making its selection decisions given current and projected funding availability for each planned or existing program.

* * * * *

The following subsections describe how the Board applies each of these three statutorily-mandated factors: selection of countries for a compact,

² A minimum score required to pass has been established for the immunization rates indicator only when the median score is above a 90 percent immunization rate. Countries must score above 90 percent or the median for their scorecard income pool, whichever is lower, in order to pass the indicator.

³ For example: women; children; LGBTQI+ individuals; people with disabilities; and workers.

selection of countries for a subsequent compact, selection of countries for the threshold program, and selection of countries for a concurrent compact. A note follows on considerations for countries that might transition to upper middle income country status after initial selection.

B. Evaluation for Selection of Eligible Countries for a First Compact

When selecting eligible countries for a compact, the Board looks at all three statutorily-mandated aspects described in the previous section: (1) policy performance, first and foremost as measured by the scorecards and bolstered through supplemental information (as described in the previous section); (2) the opportunity to reduce poverty and generate economic growth, examined through the use of other supporting information (as described in the previous section); and (3) available funding.

At a minimum, the Board considers whether a country passes its scorecard. It also examines supporting evidence that a country's commitment to just and democratic governance, economic freedom, and investing in its people is on a sound footing and performance is on a positive trajectory (especially on the "hard hurdles" of Democratic Rights and Control of Corruption), and that MCC has the funds to support a meaningful compact with that country. Where applicable, previous threshold program information is also considered. For those countries currently developing or implementing a threshold program, the Board will examine the progress the country has made toward substantial implementation.

The Board then weighs the information described above across each of the three dimensions. During the compact development period following initial selection, the Board reevaluates a selected country based on this same approach.

C. Evaluation for Selection of Eligible Countries for a Subsequent Compact

Section 609(l) of the Act authorizes MCC to enter into "one or more subsequent Compacts." MCC does not consider the eligibility of a country for a subsequent compact, however, before the country has completed its compact or is within 18 months of compact end date. Selection for a subsequent compact is not automatic and is intended for countries that (1) exhibit successful performance on their previous compact(s); (2) exhibit improved scorecard policy performance during the partnership; and (3) exhibit a continued commitment to further their

sector reform efforts in any subsequent partnership. As a result, the Board has an even higher standard when selecting countries for subsequent compacts.

(1) Successful Implementation of the Previous Compact(s)

To evaluate the previous compact's success, the Board examines whether the compact succeeded within its budget and time limits, in particular by looking at three aspects:

- *The degree to which there is evidence of strong political will and management capacity:* Is the partnership characterized by the country ensuring that both policy reforms and the compact program itself are both being implemented to the best of that country's ability?
- *The degree to which the country has exhibited commitment and capacity to achieve program results:* Are the financial and project results being achieved; to what degree is the country committing its own resources to ensure the compact is a success; to what extent is the private sector engaged (if relevant); and other compact-specific issues?
- *The degree to which the country has implemented the compact in accordance with MCC's core policies and standards:* Is the country adhering to MCC's policies and procedures, including in critical areas such as: remediating unresolved claims of fraud, corruption, or abuse of funds; procurement; and monitoring and evaluation?

Appendix D provides details on the specific information types examined and sources used in each of the three areas. Overall, the Board is looking for evidence that the previous compact(s) will be or has been completed on time and on budget, and that there is a commitment to continued, robust reform going forward.

(2) Improved Scorecard Policy Performance

The Board also expects the country to have improved its overall scorecard policy performance during the partnership, and to pass the scorecard in the year of selection for the subsequent compact. The Board focuses on the following:

- The overall scorecard pass/fail rate over time, and what this suggests about underlying policy performance, as well as an examination of the underlying reasons;
- The progress over time on policy areas measured by both hard-hurdle indicators—Democratic Rights and Control of Corruption—including an

examination of the underlying reasons; and

- Other indicator trajectories deemed relevant by the Board.

In all cases, while the Board expects the country to be passing its scorecard, the Board also examines other sources of information to understand the nuance and reasons behind scorecard or indicator performance over time, including any real-time updates, methodological changes within the indicators themselves, shifts in the relevant candidate pool, or alternative policy performance perspectives (such as those gleaned through consultations with civil society and related stakeholders). The Board also consults other information sources to look at policy performance over time in areas not covered by the scorecard, but that the Board deemed to be important (such as trade and foreign policy concerns).

(3) A Commitment to Further Sector Reform

The Board expects that subsequent compacts will endeavor to tackle deeper policy reforms necessary to unlock an identified constraint to growth. Consequently, the Board considers MCC's own experience during the previous compact in considering how committed the country is to reducing poverty and increasing economic growth, and tries to gauge the country's commitment to further sector reform should it be selected for a subsequent compact. This includes:

- Assessing the country's delivery of policy reform during the previous compact (as described above);
- Assessing expectations of the country's ability and willingness to continue embarking on sector policy reform in a subsequent compact;
- Examining both other information sources describing the opportunity to reduce poverty by generating growth (as outlined in A.2 above), and the prior compact's relative success overall, as already discussed; and
- Finally, considering how well funding can be leveraged for impact, given the country's experience in the previous compact.

* * * * *

Through this overall approach to selection for a subsequent compact, the Board applies the three statutorily-mandated evaluation criteria (policy performance, the opportunity to reduce poverty and generate economic growth, and available funds) in a way that assesses the previous partnership from a compact success standpoint, a commitment to improved scorecard policy performance standpoint, and a commitment to continued sector policy

reform standpoint. The Board then weighs all the information described above in making its decision.

During the compact development period following initial selection, the Board reevaluates a selected country based on this same approach.

D. Evaluation for Concurrent Compacts

Section 609(k) of the Act authorizes MCC to enter into one additional concurrent compact with a country if one or both of the compacts with the country is for the purpose of regional economic integration, increased regional trade, or cross-border collaborations.

The fundamental criteria and process for the selection of countries for such compacts remains the same as those for the selection of countries for non-concurrent compacts: countries continue to be evaluated and selected individually, as described in sections II.A, II.B, II.C, and II.F.

Section 609(k) also requires as a precondition for a concurrent compact that the Board determine that the country is making “considerable and demonstrable progress in implementing the terms of the existing Compact and supplementary agreements thereto.” This statutory requirement is fully consistent with prior Board practice regarding the selection of a country for a non-concurrent compact. For a country where a concurrent compact is contemplated, the Board will take into account whether there is clear evidence of success, as relevant to the phase of the current compact. Among other information, the Board will examine the evaluation criteria described in Section II.C.1 above, notably:

- The degree to which there is evidence of strong political will and management capacity;
- The degree to which the country has exhibited commitment and capacity to achieve program results; and
- The degree to which the country has implemented the compact in accordance with MCC’s core policies and standards.

In addition to providing information to the Board so it can make its determination regarding the country’s progress in implementing its current compact, MCC will provide the Board with additional information relating to the potential for regional economic integration, increased regional trade, or cross-border collaborations for any country being considered for a concurrent compact. This information may include items such as:

- The current state of a country’s regional integration, such as common financial and political dialogue frameworks, integration of productive

value chains, and cross-border flows of people, goods, and services.

- The current and potential level of trade between a country and its neighbors, including analysis of trade flows and unexploited potential for trade, and an assessment of the extent and significance of tariff and non-tariff barriers, including information regarding the patterns of trade.

- The potential gains from cross-border cooperation between a country and its neighbors to alleviate bilateral and regional bottlenecks to economic growth and poverty reduction, such as through physical infrastructure or coordinated policy and institutional reforms.

The Board can then weigh all information as a whole—the fundamental selection factors described in sections II.A, II.B, II.C, and II.F, the information regarding implementation of the current compact, and any additional relevant information regarding potential regional integration—to determine whether or not to direct MCC to seek to enter into a concurrent compact with a country.

E. Evaluation for Threshold Program Assistance

The Board may also evaluate countries for participation in the threshold program. Threshold programs provide assistance to candidate countries exhibiting a significant commitment to meeting the criteria described in the previous subsections, but failing to meet such requirements. Specifically, in examining a candidate country’s policy performance, the opportunity to reduce poverty and generate economic growth, and available funds, the Board will consider whether a country appears to be on a trajectory to becoming viable for compact eligibility in the medium or short term.

F. A Note on Potential Transition to Upper Middle Income Country (UMIC) Status After Initial Selection

Some candidate countries may have a high per capita income or a high growth rate that implies there is a chance they could transition to UMIC status during the life of an MCC partnership. It is not possible to accurately predict if or when such a transition may occur.

Nonetheless, such countries may have more resources at their disposal for funding their own growth and poverty reduction strategies. As a result, in addition to using the regular selection criteria described in the previous sections, the Board will use its discretion to assess both the need and the opportunity presented by partnering

with such a country, in order to ensure that MCC’s scarce grant funds are directed appropriately.

Specifically, if a candidate country with a high probability of transitioning to UMIC status is under consideration for selection, the Board will examine additional data and information related to the following:

- Whether the country faces significant challenges accessing other sources of development financing (such as international capital, domestic resources, and other donor assistance) and, if so, whether MCC grant financing would be an appropriate tool;
- Whether the nature of poverty in the country (for example, high inequality or poverty headcount ratios relative to peer countries) presents a clear and strategic opportunity for MCC to assist the country in reducing such poverty through projects that spur economic growth;
- Whether the country demonstrates particularly strong policy performance, including policies and actions that demonstrate a clear priority on poverty reduction; and
- Whether MCC can reasonably expect that the country would contribute a significant amount of funding to the compact.

These additional criteria would then be applied in any additional years of selection as the country continues to develop its compact. Should a country eventually transition to UMIC status during compact development, it would no longer be a candidate for selection for that fiscal year. Continuing compact development beyond that point would then be at the Board’s discretion.

Appendix A: Statutory Basis for This Report

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

Section 605 of the Act authorizes the provision of assistance to countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction. The Act requires MCC to take a number of steps in selecting countries for compact assistance for FY 2024 based on the countries’ demonstrated commitment to just and democratic governance, economic freedom, and investing in their people, MCC’s opportunity to reduce poverty and generate economic growth in the country, and the availability of funds. These steps include the submission of reports to the congressional committees specified in the Act and publication of information in the **Federal Register** that identify:

(1) The countries that are “candidate countries” for assistance for FY 2024 based on per capita income levels and eligibility to receive assistance under U.S. law (section 608(a) of the Act; 22 U.S.C. 7707(a));

(2) The criteria and methodology that MCC’s Board of Directors (Board) will use to measure and evaluate policy performance of the candidate countries consistent with the requirements of section 607 of the Act (22 U.S.C. 7706) in order to determine “eligible countries” from among the “candidate countries” (section 608(b) of the Act; 22 U.S.C. 7707(b)); and

(3) The list of countries determined by the Board to be “eligible countries” for FY 2024, with justification for eligibility determination and selection for compact negotiation, including those eligible countries with which MCC will seek to enter into compacts (section 608(d) of the Act; 22 U.S.C. 7707(d)).

This report satisfies item 2 above.

Appendix B: Lists of All Candidate Countries and Statutorily-Prohibited Countries for Evaluation Purposes

Income Groups for Scorecards

Since MCC was created, it has relied on the *World Bank’s gross national income (GNI) per capita income data* (Atlas method) and the historical ceiling for eligibility as set by the World Bank’s International Development Association (IDA) to divide countries into two income categories for purposes of creating scorecards. These categories are used to account for the income bias that occurs when countries with more per capita resources perform better than countries with fewer. Using the historical IDA eligibility ceiling for the scorecard evaluation groups ensures that the poorest countries compete with their income level peers and are not compared against countries with more resources to mobilize.

MCC will continue to use the historical IDA classifications for eligibility to categorize countries in two groups for purposes of FY 2024 scorecard comparisons:

- Countries with GNI per capita equal to or less than IDA’s historical ceiling for eligibility (*i.e.*, \$2,145 for FY 2024); and
- Countries with GNI per capita above IDA’s historical ceiling for eligibility but below the World Bank’s upper middle income country threshold (*i.e.*, \$2,146 and \$4,465 for FY 2024).

The list of countries for FY 2024 scorecard assessments is set forth below:

Countries With GNI per Capita of \$2,145 or Less

1. Afghanistan
2. Angola
3. Benin
4. Burkina Faso
5. Burundi
6. Cambodia
7. Cameroon
8. Central African Republic
9. Chad
10. Comoros
11. Congo, Democratic Republic of the
12. Congo, Republic of
13. Eritrea
14. Ethiopia

15. Gambia, The
16. Guinea
17. Guinea-Bissau
18. Haiti
19. Korea, North
20. Kyrgyzstan
21. Lesotho
22. Liberia
23. Madagascar
24. Malawi
25. Mali
26. Mozambique
27. Myanmar
28. Nepal
29. Nicaragua
30. Niger⁴
31. Nigeria
32. Pakistan
33. Rwanda
34. Senegal
35. Sierra Leone
36. Somalia
37. South Sudan
38. Sudan
39. Syria
40. Tajikistan
41. Tanzania
42. Timor-Leste
43. Togo
44. Uganda
45. Yemen
46. Zambia
47. Zimbabwe

Countries With GNI per Capita Between \$2,146 and \$4,465

1. Algeria
2. Bangladesh
3. Bhutan
4. Bolivia
5. Cabo Verde
6. Cote d’Ivoire
7. Djibouti
8. Egypt
9. Eswatini
10. Ghana
11. Honduras
12. India
13. Iran
14. Jordan
15. Kenya
16. Kiribati
17. Laos
18. Lebanon
19. Mauritania
20. Micronesia, Federated States of
21. Mongolia
22. Morocco
23. Papua New Guinea
24. Philippines
25. Samoa
26. Sao Tome and Principe
27. Solomon Islands
28. Sri Lanka
29. Tunisia
30. Ukraine
31. Uzbekistan
32. Vanuatu
33. Vietnam

Statutorily-Prohibited Countries

1. Burkina Faso

⁴ Note that, should events that began in July 2023 in Niger be assessed to trigger restrictions on foreign assistance pursuant to the military coup restriction in section 7008 of the FY 2023 SFOAA, Niger will not be a candidate country.

2. Burma
3. Cambodia
4. Eritrea
5. Guinea
6. Haiti
7. Iran
8. Korea, North
9. Mali
10. Nicaragua
11. South Sudan
12. Sri Lanka
13. Sudan
14. Syria
15. Zimbabwe

Appendix C: Indicator Definitions

The following indicators will be used to measure candidate countries’ demonstrated commitment to the criteria found in section 607(b) of the Act. The indicators are intended to assess the degree to which the political and economic conditions in a country serve to promote broad-based sustainable economic growth and reduction of poverty and thus provide a sound environment for the use of MCC funds. The indicators are not goals in themselves; rather, they are proxy measures of policies that are linked to broad-based sustainable economic growth. The indicators were selected based on (i) their relationship to economic growth and poverty reduction; (ii) the number of countries they cover; (iii) transparency and availability; and (iv) relative soundness and objectivity. Where possible, the indicators are developed by independent sources. Listed below is a brief summary of the indicators (a detailed rationale for the adoption of these indicators can be found in the public Guide to the Indicators on MCC’s website at www.mcc.gov/who-we-select/indicators).

Ruling Justly

1. *Political Rights*: Independent experts rate countries on the prevalence of free and fair electoral processes; political pluralism and participation of all stakeholders; government accountability and transparency; freedom from domination by the military, foreign powers, totalitarian parties, religious hierarchies and economic oligarchies; and the political rights of minority groups, among other things. Pass: Score must be above the minimum score of 17 out of 40. Source: *Freedom House*

2. *Civil Liberties*: Independent experts rate countries on freedom of expression and belief; association and organizational rights; rule of law and human rights; and personal autonomy and economic rights, among other things. Pass: Score must be above the minimum score of 25 out of 60. Source: *Freedom House*

3. *Freedom of Information*: Measures the legal and practical steps taken by a government to enable or allow information to move freely through society; this includes measures of press freedom, national freedom of information laws, and the extent to which a county is shutting down social media or the internet. Pass: Score must be above the median score for the income group. Source: *Reporters Without Borders/Access Now/Centre for Law and Democracy*.

4. *Government Effectiveness*: An index of surveys and expert assessments that rate

countries on the quality of public service provision; civil servants' competency and independence from political pressures; and the government's ability to plan and implement sound policies, among other things. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings)*

5. *Rule of Law*: An index of surveys and expert assessments that rate countries on the extent to which the public has confidence in and abides by the rules of society; the incidence and impact of violent and nonviolent crime; the effectiveness, independence, and predictability of the judiciary; the protection of property rights; and the enforceability of contracts, among other things. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings)*

6. *Control of Corruption*: An index of surveys and expert assessments that rate countries on: "grand corruption" in the political arena; the frequency of petty corruption; the effects of corruption on the business environment; and the tendency of elites to engage in "state capture," among other things. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings)*

Encouraging Economic Freedom

1. *Fiscal Policy*: General government net lending/borrowing as a percent of gross domestic product (GDP), averaged over a three-year period. Net lending/borrowing is calculated as revenue minus total expenditure. The data for this measure comes from the IMF's World Economic Outlook. Pass: Score must be above the median score for the income group. Source: *The International Monetary Fund's World Economic Outlook Database*

2. *Inflation*: The most recent average annual change in consumer prices. Pass: Score must be 15 percent or less. Source: *The International Monetary Fund's World Economic Outlook Database*

3. *Regulatory Quality*: An index of surveys and expert assessments that rate countries on the burden of regulations on business; price controls; the government's role in the economy; and foreign investment regulation, among other areas. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings)*

4. *Trade Policy*: A measure of a country's openness to international trade based on weighted average tariff rates and non-tariff barriers to trade. Pass: Score must be above the median score for the income group. Source: *The Heritage Foundation*

5. *Gender in the Economy*: An index that measures the extent to which laws provide men and women equal capacity to generate income or participate in the economy, including factors such as the capacity to access institutions, get a job, register a business, sign a contract, open a bank account, choose where to live, to travel freely, property rights protections, protections against domestic violence, and

child marriage, among others. Pass: Score must be above the median score for the income group. Source: *Women, Business, and the Law (World Bank) and the WORLD Policy Analysis Center (UCLA)*

6. *Land Rights and Access*: An index that rates countries on the extent to which the institutional, legal, and market framework provides secure land tenure and equitable access to land in rural areas and the extent to which men and women have the right to private property in practice and in law. Pass: Score must be above the median score for the income group. Source: *The International Fund for Agricultural Development and Varieties of Democracy Index*

7. *Access to Credit*: An index that ranks countries based on access and use of formal and informal financial services as measured by the number of bank branches and ATMs per 100,000 adults and the share of adults that have an account at a formal or informal financial institution. Pass: Score must be above the median score for the income group. Source: *Financial Development Index (International Monetary Fund) and Findex (World Bank)*

8. *Equal Employment Opportunity*: Measures a country government's commitment to ending slavery and forced labor, preventing employment discrimination, and protecting the rights of workers and people with disabilities. Pass: Score must be above the median score for the income group. Sources: *Varieties of Democracy Institute and WORLD Policy Analysis Center (UCLA)*.

Investing in People

1. *Health Expenditures*: Total current expenditures on health by government (excluding funding sourced from external donors) at all levels divided by GDP. Pass: Score must be above the median score for the income group. Source: *The World Health Organization*

2. *Education Expenditures*: Total expenditures on education by government at all levels divided by GDP. Pass: Score must be above the median score for the income group. Source: *The United Nations Educational, Scientific and Cultural Organization and National Governments*

3. *Natural Resource Protection*: Assesses a country government's commitment to preserving biodiversity and natural habitats, responsibly managing ecosystems and fisheries, and engaging in sustainable agriculture. Pass: Score must be above the median score for the income group. Source: *Yale Center for Environmental Law and Policy*

4. *Immunization Rates*: The average of DPT3 and measles immunization coverage rates for the most recent year available. Pass: Score must be above either the median score for the income group or 90 percent, whichever is lower. Source: *The World Health Organization and the United Nations Children's Fund*

Girls Education

a. *Girls' Primary Completion Rate*: The number of female students enrolled in the last grade of primary education minus repeaters divided by the population in the relevant age cohort (gross intake ratio in the

last grade of primary). Countries with a GNI/capita of \$2,145 or less are assessed on this indicator. Pass: Score must be above the median score for the income group. Source: *United Nations Educational, Scientific and Cultural Organization*

b. *Girls' Lower Secondary Completion Rate*: The number of female pupils that have completed the last grade of lower secondary education divided by the population within three to five years of the intended age of completion, expressed as a percentage of the total population of females in the same age group. Countries with a GNI/capita between \$2,146 and \$4,465 are assessed on this indicator instead of Girls' Primary Completion Rates. Pass: Score must be above the median score for the income group. Source: *United Nations Educational, Scientific and Cultural Organization*

6. *Child Health*: An index made up of three indicators: (i) access to improved water, (ii) access to improved sanitation, and (iii) child (ages 1–4) mortality. Pass: Score must be above the median score for the income group. Source: *The Center for International Earth Science Information Network and the Yale Center for Environmental Law and Policy Relationship to Statutory Criteria*

Within each policy category, the Act sets out a number of specific selection criteria. A set of objective and quantifiable policy indicators is used to inform eligibility decisions for assistance and to measure the relative performance by candidate countries against these criteria. The Board's approach to determining eligibility ensures that performance against each of these criteria is assessed by at least one of the objective indicators. Most are addressed by multiple indicators. The specific indicators appear in parentheses next to the corresponding criterion set out in the Act.

Section 607(b)(1): Just and Democratic Governance, Including a Demonstrated Commitment to—

(A) promote political pluralism, equality and the rule of law (*Political Rights, Civil Liberties, Rule of Law, and Gender in the Economy*);

(B) respect human and civil rights, including the rights of people with disabilities (*Political Rights, Civil Liberties, Equal Employment Opportunity, and Freedom of Information*);

(C) protect private property rights (*Civil Liberties, Regulatory Quality, Rule of Law, and Land Rights and Access*);

(D) encourage transparency and accountability of government (*Political Rights, Civil Liberties, Freedom of Information, Control of Corruption, Rule of Law, and Government Effectiveness, Equal Employment Opportunity*);

(E) combat corruption (*Political Rights, Civil Liberties, Rule of Law, Freedom of Information, and Control of Corruption*); and

(F) the quality of the civil society enabling environment (*Civil Liberties, Freedom of Information, Equal Employment Opportunity, and Rule of Law*)

Section 607(b)(2): Economic Freedom, Including a Demonstrated Commitment to Economic Policies That—

(A) encourage citizens and firms to participate in global trade and international capital markets (*Fiscal Policy, Inflation, Trade Policy, and Regulatory Quality*);

(B) promote private sector growth (*Inflation, Fiscal Policy, Land Rights and Access, Access to Credit, Gender in the Economy, and Regulatory Quality*);

(C) strengthen market forces in the economy (*Fiscal Policy, Inflation, Trade Policy, Land Rights and Access, Access to Credit, and Regulatory Quality*); and

(D) respect worker rights, including the right to form labor unions (*Equal Employment Opportunity, Civil Liberties, and Gender in the Economy*)

Section 607(b)(3): Investments in the People of Such Country, Particularly Women and Children, Including Programs That—

(A) promote broad-based primary education (*Girls' Primary Completion Rate, Girls' Secondary Education Enrollment Rate, Total Public Expenditure on Primary Education, and Equal Employment Opportunity*);

(B) strengthen and build capacity to provide quality public health and reduce child mortality (*Immunization Rates, Public Expenditure on Health, and Child Health*); and

(C) promote the protection of biodiversity and the transparent and sustainable management and use of natural resources (*Natural Resource Protection*).

Appendix D: Subsequent and Concurrent Compact Considerations

MCC reporting and data in the following chart are used to assess threshold program performance, compact performance of MCC compact countries nearing the end of compact implementation (*i.e.*, within 18 months of compact end date), or for current MCC compact countries under consideration for a concurrent compact, where appropriate. Some reporting used for assessment may contain sensitive information and adversely affect implementation or MCC-partner country relations. This information is for MCC's internal use and is not made public. However, key implementation information is summarized in compact status and results reports that are published quarterly on MCC's website under MCC country programs

(www.mcc.gov/where-we-work) or monitoring and evaluation (www.mcc.gov/our-impact/m-and-e) web pages.

For completed compacts, additional information is used to assess compact performance and is found in a country's Star Report. The Star Report and its associated quarterly business process capture key information to provide a framework for results and improve the ability to disseminate learning and evidence throughout the lifecycle of an MCC investment from selection to final evaluation. For each compact and threshold program, evidence is collected on performance indicators, evaluation results, partnerships, sustainability efforts, and learning, among other elements.

In addition to the Star Reports, MCC also surveys staff on topics related to the quality of the partnership during design and implementation of programs, progress toward program results, a partner country's commitment to undertaking policy and institutional reforms, and compliance with MCC standards. Additional information on the survey can be found in the Guide to the Program Surveys: <https://www.mcc.gov/resources/doc/guide-to-program-surveys-fy23>.

Topic	MCC reporting/data source	Published documents
COUNTRY PARTNERSHIP		
Political Will <ul style="list-style-type: none"> • Status of major conditions precedent • Program oversight/implementation <ul style="list-style-type: none"> ◦ project restructures ◦ partner response to accountable entity capacity issues • Political independence of the accountable entity Management Capacity <ul style="list-style-type: none"> • Project management capacity • Project performance • Level of MCC intervention/oversight • Relative level of resources required 	<ul style="list-style-type: none"> • <i>Quarterly implementation reporting</i> • <i>Quarterly results reporting</i> • <i>MCC Star Reports</i> 	<ul style="list-style-type: none"> • <i>Quarterly results published as "Table of Key Performance Indicators" (available by country): https://www.mcc.gov/our-impact/m-and-e.</i> • <i>Star Reports (available by country): https://www.mcc.gov/resources?twp_resource_type=star-report.</i>
PROGRAM RESULTS		
Financial Results <ul style="list-style-type: none"> • Commitments—including contributions to compact and threshold funding • Disbursements Project Results <ul style="list-style-type: none"> • Output, outcome, objective targets • Accountable entity commitment to 'focus on results' • Accountable entity cooperation on impact evaluation • Percent complete for process/outputs • Relevant outcome data • Details behind target delays Target Achievements	<ul style="list-style-type: none"> • <i>Indicator tracking tables</i> • <i>Quarterly financial reporting</i> • <i>Quarterly implementation reporting</i> • <i>Quarterly results reporting</i> • <i>Impact evaluations</i> • <i>MCC Star Reports</i> 	<ul style="list-style-type: none"> • <i>Monitoring and Evaluation Plans (available by country): https://www.mcc.gov/our-impact/m-and-e.</i> • <i>Quarterly results published as "Table of Key Performance Indicators" (available by country): https://www.mcc.gov/our-impact/m-and-e.</i> • <i>Star Reports (available by country): https://www.mcc.gov/resources?twp_resource_type=star-report.</i>
ADHERENCE TO STANDARDS		
<ul style="list-style-type: none"> • Procurement • Environmental and social • Fraud and corruption • Program closure • Monitoring and evaluation • All other legal provisions 	<ul style="list-style-type: none"> • <i>Audits (GAO and OIG)</i> • <i>Quarterly implementation reporting</i> • <i>MCC Star Reports</i> 	<ul style="list-style-type: none"> • <i>Published OIG and GAO audits.</i> • <i>Star Reports (available by country): https://www.mcc.gov/resources?twp_resource_type=star-report.</i>

Topic	MCC reporting/data source	Published documents
COUNTRY SPECIFIC		
Sustainability <ul style="list-style-type: none"> • Implementation entity • MCC investments Role of private sector or other donors <ul style="list-style-type: none"> • Other relevant investors/investments • Other donors/programming • Status of related reforms • Trajectory of private sector involvement going forward 	<ul style="list-style-type: none"> • Quarterly implementation reporting • Quarterly results reporting • MCC Star Reports 	<ul style="list-style-type: none"> • Quarterly results published as "Table of Key Performance Indicators" (available by country): https://www.mcc.gov/our-impact/m-and-e. • Star Reports (available by country): https://www.mcc.gov/resources?twp_resource_type=star-report.

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NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Thursday, September 21, 2023.

PLACE: Board Room, 7th Floor, Room 7B, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314-3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Board Briefing, Share Insurance Fund Quarterly Report.
2. NCUA Rules and Regulations, Financial Innovation—Loan Participation, Eligible Obligations, and Notes of Liquidating Credit Unions.

CONTACT PERSON FOR MORE INFORMATION: Melane Conyers-Ausbrooks, Secretary of the Board, Telephone: 703-518-6304.

Melane Conyers-Ausbrooks,
Secretary of the Board.

[FR Doc. 2023-20300 Filed 9-15-23; 11:15 am]

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

2023 Tribal Consultation

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts will conduct a Tribal Consultation at the 2023 International Conference of Indigenous Tribal Archives, Libraries, and Museums in Oklahoma City, Oklahoma on Wednesday, October 25, 2023, 2:30–3:30 p.m. CDT.

DATES: The 2023 Tribal Consultation will take place on October 25, 2023, 2:30–3:30 p.m. CDT. Tribal leaders wishing to send a proxy to the consultation session should send

notification to the email address listed in the address section below by October 18, 2023. If neither a tribal leader nor a proxy is able to attend this consultation session, please provide written comments to the email address listed in the address section below by November 15, 2023.

ADDRESSES: Please RSVP for this meeting by emailing NativeArts@arts.gov. Proxy notifications and written comments may also be sent to NativeArts@arts.gov by the dates listed above.

SUPPLEMENTARY INFORMATION:

The agenda is as follows:

1. NEA Resources

a. The NEA, established by Congress in 1965, is an independent Federal agency that is the largest funder of the arts and arts education in communities nationwide and a catalyst of public and private support for the arts. By advancing equitable opportunities for arts participation and practice, the NEA fosters and sustains an environment in which the arts benefit everyone in the United States. This is accomplished primarily by providing resources to support the creative lives of all communities in the United States. Grants are awarded for specific projects to 501(c)(3) nonprofit organizations, federally recognized Tribes, or units of State or local government. Individual makers, artists, and culture bearers are recognized and supported through programs such as the National Heritage Fellowship, Jazz Masters, and Creative Writing Fellowships. Forty percent of the NEA's program budget is granted to State Arts Agencies and Regional Arts Organizations, which make subgrants to support additional arts activities across the nation.

- i. What is your awareness of our agency's work?
- ii. Have NEA resources impacted your community? If so, how?
- iii. To what extent do you see the arts and cultural activities of your tribal community reflected in the resources we offer?
- iv. The review criteria for our primary grant program, Grants for Arts Projects,

includes artistic excellence, which is defined as "The quality of the artists and other key individuals, creative process, works of art, organizations, arts education providers, artistic partners, and/or services involved in the project and their relevance to the audience or communities the project aims to serve." How does this definition of artistic excellence resonate with the artistic and cultural activities of your tribal community?

2. Tribal Engagement

a. In recent years, the NEA has made grants to Tribal governments and Tribal Colleges & Universities (TCUs). We also have recognized Indigenous artists with National Heritage Fellowships. These direct grants to Tribes, Tribal citizens, and TCUs are in addition to the grants we make to Native-serving nonprofits.

- i. How can the NEA expand on this engagement with tribes and increase awareness of these opportunities?
- ii. If the NEA has the resources to send staff representation to in-person events, where would our participation be most effective?
- b. The NEA annually updates the Federal Resources for Native Arts & Cultural Activities, which is a consolidation of opportunities offered by federal agencies for organizations looking for funding and other resources to support Native arts and cultural activities.
 - i. Have you ever accessed this publication?
 - ii. Is this publication a useful resource to make available to tribal communities?
 - iii. How can we increase awareness of this resource guide?

3. Partnerships With Tribal-Serving Organizations

a. Tribal Arts Councils: At the last NEA Tribal Consultation session, the NEA discussed the possibility of supporting the work of Tribal Arts Councils, bodies organized to support arts and cultural activities at the regional level by providing programs and support services. These Tribal Arts Councils could be similar in form to State, regional or local Arts agencies,