

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>17</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

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## SMALL BUSINESS ADMINISTRATION

### Privacy Act System of Records Notice

**AGENCY:** Small Business Administration.  
**ACTION:** Notice of new system of records.

**SUMMARY:** The Small Business Administration is adding a new system of records to the Agency's Privacy Act System of Records. The new system is called "Cost Allocation Data System" (CADS). The purpose of CADS is to collect uniform information on employee time and Agency costs for the Office of the Chief Financial Officer. It collects the percentage (%) of time that each SBA employee spent on administering the various SBA programs and activities via a web-based survey. Later, the survey result is matched against the Agency payroll file based on the employee's Social Security Number, first and last name. Data collected is to be used to develop accurate cost data for Agency's various programs and activities. It supports the Agency's budget, financial reporting and the Government Performance & Results Act (GPRA) requirements. Generally, designated Program Managers in Headquarters and the District Directors will have access to individual survey results for quality assurance purpose. They will also have access to loan program data for management analysis.

**DATES:** The new system will be effective without further notice, unless comments are received that result in a need for modification.

**ADDRESSES:** Address comments to Joseph Lodo, Chief Financial Officer, Office of the Chief Financial Officer, Small Business Administration, 409 3rd Street, SW., Suite 6000, Washington, DC 20416.

#### FOR FURTHER INFORMATION CONTACT:

Joseph Lodo, Chief Financial Officer, Office of the Chief Financial Officer, (202) 205-6449.

#### SBA 175

#### SYSTEM NAME:

Cost Allocation Data System (CADS), U.S. Small Business Administration (SBA).

#### SYSTEM LOCATION:

Office of the Chief Financial Officer, SBA Headquarters.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All SBA employees.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Individual information on all SBA employees, i.e., name, social security number, office code, employee's pay data, employee's survey result on the percentage (%) of time spent on administration of the various SBA programs and activities. Also, the Agency-wide costs, i.e., rent, postage, telecommunications, centralized printing, centralized training, employees' relocation costs, credit report costs, performance management appraisal system (PMAS) awards, contractors costs, Agency loan count and SBA employment full time equivalent (FTE) count.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 (Records Management by Federal Agencies), Pub. L. 101-576 (CFO Act) and Pub. L. 103-62 (Results Act).

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used, disclosed, or referred:

(a) To the Agency cost contractor for use in the Agency's cost accounting activity.

(b) To a Congressional office from an individual's record when the office is inquiring on the individual's behalf. The Member's access rights are no greater than the individual's.

(c) To the Federal, state, local or foreign agency or organization which investigates, prosecutes, or enforces violations, statutes, rules, regulations, or orders issued when an Agency identifies a violation or potential violation of law, arising by general or program statute, or by regulation, rule, or order.

(d) To Agency volunteers and interns for use in their official duties.

(e) To the Department of Justice (DOJ) when:

(1) The agency, or any component thereof, or

(2) Any employee of the Agency in his or her official capacity; or

(3) Any employee of the Agency in his or her official capacity where the DOJ has agreed to represent the employee; or

(4) The United States Government, where the Agency determines that litigation is likely to affect the Agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by

the DOJ is deemed by the Agency to be relevant and necessary to the litigation, provided, however, that in each case, the Agency determines that disclosure of the records to the DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

(f) To disclose them in a proceeding before a court or adjudicative body before which the Agency is authorized to appear, when:

(1) The Agency, or any component thereof; or

(2) Any employee of the Agency in his or her official capacity; or

(3) Any employee of the Agency in his or her individual capacity where the Agency has agreed to represent the employee; or

(4) The United States Government, where the Agency determines that litigation is likely to affect the Agency, or any of its components, is a party to litigation or has an interest in such litigation, and the Agency determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, the Agency determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

##### STORAGE:

The electronic form is maintained in a database which is behind the Agency's firewall.

##### RETRIEVABILITY:

The employee's Social Security Number, and first and last name retrieve survey result.

##### SAFEGUARDS:

Access and use of the CADS are accomplished via the use of a restricted password. Access and use are limited to Project Lead and Group members and only those other Agency employees whose official duties require such access.

##### RETENTION AND DISPOSAL:

In accordance with SBA SOP 00 41 2, Item #65:06, these records are retained a minimum of 3 years and generally destroyed 3 years after last update.

##### SYSTEM MANAGER(S) AND ADDRESS:

Chief Financial Officer, Office of the Chief Financial Officer, Small Business Administration, 409 3rd Street, SW., Suite 6000, Washington, DC 20416.

<sup>17</sup> 17 CFR 200.30-3(a)(12).

**NOTIFICATION PROCEDURE:**

An individual may submit a record inquiry either in person or in writing to the System Manager or Privacy Act Officer. Individuals inquiring about this system must follow the SBA Privacy Act Regulations at 13 CFR 102 Subpart B.

**RECORDS ACCESS PROCEDURES:**

Systems Manager or Privacy Act Officer will determine procedures. Individuals inquiring about this system must follow the SBA Privacy Act Regulations at 13 CFR 102 Subpart B.

**CONTESTING RECORD PROCEDURES:**

Notify the official listed about and state reason(s) for contesting and the proposed amendment sought, as indicated in 13 CFR 102 Subpart B.

**RECORD SOURCE CATEGORIES:**

SBA employees to whom the records belong.

Dated: February 22, 2001.

**Christopher Holleman,**

*Acting Senior Privacy Act Official.*

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**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE****Identification of Priority Foreign Country Practices and Foreign Countries Engaging in Discriminatory Procurement Practices; Request for Public Comment**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for written submissions from the public.

**SUMMARY:** Executive Order 13116 of March 31, 1999 requires the United States Trade Representative ("USTR"), by April 30, 2001, to conduct a review of U.S. trade expansion priorities and to identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports. This Executive Order also requires the USTR to identify foreign countries engaging in discriminatory government procurement practices. Pursuant to this Executive Order, the USTR must submit to the congressional committees of jurisdiction a report on priority foreign country practices (the "Super 301" report) and a report on countries engaging in discriminatory government procurement practices (the "Title VII" report) and publish these reports in the **Federal Register**. USTR is requesting written submissions from the public concerning practices that should

be considered by the USTR for these purposes.

**DATES:** Submissions must be received by 12:00 noon on March 26, 2001.

**ADDRESSES:** Office of the U.S. Trade Representative, 600 17th Street, NW, Washington, D.C. 20508.

**FOR FURTHER INFORMATION CONTACT:**

Questions concerning the filing of submissions should be directed to Sybia Harrison, Staff Assistant to Section 301 Committee, (202) 395-3432; legal questions regarding Executive Order 13116 and Super 301 should be addressed to Demetrios Marantis, Associate General Counsel, (202) 395-3150; and legal questions regarding Title VII should be addressed to Mélida Hodgson, Associate General Counsel, (202) 395-3582.

**SUPPLEMENTARY INFORMATION:** Pursuant to Part I of Executive Order 13116 of March 31, 1999 (64 F.R. 1633), the USTR is required, no later than April 30, to review United States trade expansion priorities and identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent. Part II of Executive Order 13116 requires the USTR, no later than April 30, to review and identify other countries' compliance with the Agreement on Government Procurement ("GPA") and other government procurement agreement obligations, or otherwise maintain, in government procurement, a significant and persistent practice of discrimination against U.S. products or services which results in identifiable harm to United States businesses and whose products or services are acquired in significant amounts by the United States Government.

The USTR must submit to the congressional committees of jurisdiction a report on the priority foreign country practices identified under Part I of the Executive Order (the "Super 301" report). The USTR also may describe in this report foreign country practices that may warrant identification in the future or that were not identified because they are being addressed by provisions under U.S. trade law, existing bilateral trade agreements, or in trade negotiations, and progress is being made toward their elimination. The USTR must also submit to the congressional committees of jurisdiction a report on countries engaging in discriminatory government procurement practices, identified under Part II of the Executive Order (the "Title VII" report) and publish the reports in the **Federal Register**.

Executive Order 13116 also requires the USTR to initiate investigations under section 302(b)(1) of the Trade Act of 1974 as amended (19 U.S.C. 2412 (b)(1)), no later than 90 days after submission of the reports, with respect to any of the identified practices that have not been satisfactorily resolved in the interim.

**Requirements for Submissions**

The USTR invites submissions concerning priority foreign country practices that should be considered for identification in the Super 301 report in accordance with the criteria established under Executive Order 13116. The USTR also invites submissions concerning countries engaging in discriminatory government procurement practices that should be considered for identification in the Title VII report in accordance with the criteria established under Executive Order 13116. If the practice is also the subject of comments submitted in connection with the 2001 National Trade Estimate Report on Foreign Trade Barriers ("2001 NTE Report"), the present submission should identify the related comments in the NTE public docket and include any additional pertinent information, including information explaining why the practice rises to the level of a "priority foreign country practice" within the meaning of Executive Order 13116. If the practice was not the subject of comments submitted in connection with the 2001 NTE Report, the submission should: (1) Include information on the nature and significance of the practice; (2) identify the United States product, service, intellectual property right, or foreign direct investment matter which is affected by the practice; and (3) provide any other information considered relevant. Such information may include information on the relevant trade and government procurement agreements to which a foreign country is a party, its compliance with those agreements, and any other information related to the factors set forth in Parts I and II of Executive Order 13116 for identification of priority foreign country practices and countries that engage in discriminatory government procurement practices.

Interested persons must provide twenty copies of any submission, in English, to Sybia Harrison, Staff Assistant to Section 301 Committee, Office of the United States Trade Representative, by noon on March 26, 2001. Because submissions will be placed in a public file, open to public inspection at USTR, business-confidential information should not be submitted. Inspection is only by