

response to the ITS commitment will incorporate an automated response by the CAES participant to CAES, followed, in succession, by an automated response from CAES to ITS. This fully automated response procedure, as with all others contained in this proposal, will be in compliance with every aspect of the ITS Plan.

## 2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Sections 11A(a)(1)(C), 11A(a)(1)(D), 11A(a)(2) and 15A(b)(c) of the Act. Section 11A(a)(1)(C) provides that it is in the public interest and appropriate for the protection of investors and the maintenance of air and orderly markets to assure: (1) Economically efficient execution of securities transactions; (2) fair competition among brokers and dealers; (3) the availability to brokers, dealers and investors of information with respect to quotations and transactions in securities; (4) the practicability of brokers executing investors' orders in the best market; and (5) an opportunity for investors' orders to be executed without the participation of a dealer. Section 11A(a)(1)(D) states that the linking of all markets for qualified securities through communications and data processing facilities will foster efficiency, enhance competition, increase the information available to brokers, dealers and investors, facilitate the offsetting of investor's orders and contribute to best execution of such order. Section 11A(a)(2) directs the Commission to facilitate the establishment of a national market system for qualified securities. Section 15A(b)(6) requires that the rules of a registered national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Nasdaq believes that the proposed rule specifically promotes the objectives of these sections of the Act by encouraging participation in the National Market System for listed securities and providing fair and unburdened access for all NASD members, to the ultimate benefit of

member firms and public customers alike.

## B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

## C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve the proposed rule change, or

(B) institute proceedings to determine where the proposed rule change should be disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. In particular, commenters are invited to address whether ATSS (in addition to ECNs) should be included in the proposal. The Commission also notes that the proposed rule change will have an effect on the operation of the ITS pre-opening application. Generally, under ITS rules, an exchange specialist is required to accept those pre-opening responses sent to the exchange by market makers from other participant markets prior to the opening of their markets for trading in the security. If, however, one or more market makers from other participant markets have already opened trading in a security, the exchange specialist is not required to (but may in his discretion) accept preopening responses from that other participant market for the purpose of including them in the opening transaction.<sup>10</sup> Because a pre-opening response from the ITS/CAES Third

<sup>10</sup> The same procedure applies for re-openings following trading halts. See Exhibit A of the ITS Plan, "Pre-Opening Application Rule," Sec. (b)(iii)(B).

Market is sent in aggregate form—that is, pre-opening third market buy and sell interest from all third market makers is sent as one response, it is possible that an ECN/ATS CAES Market Maker trading a security before the opening will trigger the exception to the requirement that the exchange specialist accept a pre-opening response from the third market. The Commission requests that interested persons provide written comment on this aspect of the proposal.

Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, located at the above address. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR-NASD-99-75 and should be submitted by February 22, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 00-2117 Filed 1-31-00; 8:45 am]

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## DEPARTMENT OF STATE

### [Public Notice 3209]

### Amendment to Culturally Significant Objects Imported for Exhibition; Determinations: "Ancient Faces: Mummy Portraits from Roman Egypt"

DEPARTMENT: United States Department of State.

ACTION: Notice.

SUMMARY: On January 7, 2000, Public Notice 3196 was published at page 1219 of the **Federal Register** (65 FR 1219) by the United States Department of State pursuant to Pub. L. 89-259 relating to the exhibit "Ancient Faces: Mummy Portraits from Roman Egypt." I hereby determine that an additional work of art

<sup>11</sup> 17 CFR 200.30-3(a)(12).

to be included in the exhibit and imported from abroad for the temporary exhibition without profit within the United States is of cultural significance. I also determine that the temporary exhibition of this work of art as part of the exhibit at The Metropolitan Museum of Art, New York City, from on or about February 14, to on or about May 7, 2000, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U. S. Department of State (telephone: 202-619-6981). The address is U.S. Department of State, SA-44, 301-4th Street, SW, Room 700, Washington, DC 20547-0001.

Dated: January 24, 2000.

**William B. Bader,**

*Assistant Secretary For Educational and Cultural Affairs, U.S. Department of State.*

[FR Doc. 00-2119 Filed 1-31-00; 8:45 am]

**BILLING CODE 4710-08-P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Notice of the Change in Meeting Date of the Industry Functional Advisory Committee on Electronic Commerce (IFAC-4)

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

**ACTION:** Notice of Change in Meeting Date.

**SUMMARY:** A notice was published in the **Federal Register** dated January 14, 2000, Volume number 65, FR DOC. 98.00-984, page 2453-2454, announcing a meeting of the Industry Functional Advisory Committee on Electronic Commerce (IFAC-4) scheduled for February 3, 2000, from 9 a.m. to 3 p.m. The meeting was to be opened to the public from 9 a.m. to 12 noon and closed to the public from 12 noon to 3 p.m. However, due to scheduling conflicts the meeting has been rescheduled for February 4, 2000, from 8 a.m. to 5 p.m. The meeting will be opened to the public from 8 a.m. to 3 p.m. and closed to the public from 3 p.m. to 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** Ladan Manteghi, Office of the United States Trade Representative, (202) 395-6120.

**Pate Felts,**

*Assistant U.S. Trade Representative.*

[FR Doc. 00-2059 Filed 1-31-00; 8:45 am]

**BILLING CODE 3190-01-M**

## 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) to conduct a review by April 30, 2000, 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; and to identify foreign countries engaging in discriminatory government procurement practices. 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 noon on February 25, 2000.

**ADDRESSES:** Office of the U.S. Trade Representative, 600 17th Street, NW., Washington, DC 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, Assistant General Counsel, (202) 395-9626; and legal questions regarding Title VII should be addressed to Stephen Kho, Assistant General Counsel, (202) 395-3581.

**SUPPLEMENTARY INFORMATION:** Pursuant to Part I of Executive Order 13116 of March 31, 1999 (64 FR 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 and a report on countries engaging in discriminatory government procurement practices, identified under Part II of the Executive Order and publish the reports in the **Federal Register**. The USTR also may describe in the 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.

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 on priority foreign country practices and countries engaging in discriminatory government procurement practices that should be considered for identification in accordance with the criteria established under Executive Order 13116. If the practice is also the subject of comments submitted in connection with the 2000 National Trade Estimate Report on Foreign Trade Barriers (2000 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 2000 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