

Wildlife Service (FWS) to promote the conservation of migratory birds.

**DATES:** This MOU went into effect on July 17, 2012, the date it was signed.

**FOR FURTHER INFORMATION CONTACT:** Kim Rivera, (907) 586-7424, email [Kim.Rivera@noaa.gov](mailto:Kim.Rivera@noaa.gov).

**SUPPLEMENTARY INFORMATION:** On January 10, 2001, President Clinton signed Executive Order (EO) 13186, "Responsibilities of Federal Agencies to Protect Migratory Birds". One of the requirements of E.O. 13186 is that each Federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations is directed to develop and implement a MOU with the FWS that shall promote the conservation of migratory bird populations (E.O. 13186 Section 3(a)). On July 17, 2012, NMFS and FWS finalized this MOU to conserve migratory bird populations as prescribed by E.O. 13186. This MOU went into effect on the date it was signed.

This NMFS-FWS MOU encompasses all relevant seabird-related NMFS activities and identifies specific areas of collaboration and cooperation with FWS, including seabird bycatch reduction, information sharing and coordination, international policy and diplomacy, and habitat conservation. The MOU also provides for strengthening migratory bird conservation by identifying strategies that promote conservation and reduce adverse impacts on migratory birds through enhanced collaboration between NMFS and the FWS. In addition, This MOU identifies specific activities where cooperation between NMFS and the FWS, will contribute to the conservation of migratory birds and their habitat. These activities are intended to complement and support existing efforts and to facilitate new collaborative conservation efforts for migratory birds.

The complete text of the MOU is available at [http://www.fakr.noaa.gov/protectedresources/seabirds/mou/eo13186\\_nmfs\\_fws\\_mou2012.pdf](http://www.fakr.noaa.gov/protectedresources/seabirds/mou/eo13186_nmfs_fws_mou2012.pdf). Section 3(g) of the E.O. 13186 states that "Each agency shall advise the public of the availability of its MOU through a notice published in the **Federal Register**." This notice fulfills the requirements of Section 3(g) of E.O. 13186. The E.O. is posted at <http://www.fakr.noaa.gov/protectedresources/seabirds/protectmigratory.pdf>.

Dated: September 27, 2012.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, Performing the functions and duties of the Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 2012-24433 Filed 10-2-12; 8:45 am]

**BILLING CODE 3510-22-P**

## **BUREAU OF CONSUMER FINANCIAL PROTECTION**

### **Privacy Act of 1974, as Amended**

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice of Proposed Privacy Act System of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended, the Bureau of Consumer Financial Protection, hereinto referred to as the Consumer Financial Protection Bureau ("CFPB" or the "Bureau"), gives notice of the establishment of a Privacy Act System of Records.

**DATES:** Comments must be received no later than November 2, 2012. The new system of records will be effective November 13, 2012, unless the comments received result in a contrary determination.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Electronic:* [privacy@cfpb.gov](mailto:privacy@cfpb.gov).
- *Mail/Hand Delivery/Courier:* Claire Stapleton, Chief Privacy Officer,

Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

Comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552 on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435-7220. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552, (202) 435-7220.

**SUPPLEMENTARY INFORMATION:** The Dodd-Frank Wall Street Reform and Consumer Protection Act ("Act"), Public Law 111-203, Title X, established the CFPB to administer and enforce federal consumer financial law. The new

system of records described in this notice "CFPB.021—CFPB Consumer Education and Engagement Records" will maintain records related to carrying out the functions of the CFPB's Division of Consumer Education and Engagement ("CEE"), including research relevant to improving consumer financial decision-making and well-being. Although this SORN describes the information to be collected across many CFPB projects coordinated by CEE, for each project the CFPB will collect only the information needed to accomplish the specific purpose of that project. The CFPB will maintain control over the records covered by this notice.

The report of the new system of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated November 30, 2000,<sup>1</sup> and the Privacy Act, 5 U.S.C. 552a(r).

The system of records entitled "CFPB.021—CFPB Consumer Education and Engagement Records" is published in its entirety below.

Dated: September 27, 2012.

**Claire Stapleton,**

*Chief Privacy Officer, Bureau of Consumer Financial Protection.*

### **CFPB.021**

#### **SYSTEM NAME:**

CFPB Consumer Education and Engagement Records

#### **SYSTEM LOCATION:**

Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

#### **CATEGORIES OF INDIVIDUALS IN THE SYSTEM:**

Individuals covered by this system are those who: participate in CFPB-sponsored or CFPB-funded financial education or financial capability programs, including financial education campaigns; utilize financial education web-tools or other financial education resources; or participate in surveys or other research conducted by the CFPB or by a third party, or by a third party on behalf of the CFPB.

<sup>1</sup> Although pursuant to Section 1017(a)(4)(E), of the Consumer Financial Protection Act, Public Law 111-203, the CFPB is not required to comply with OMB-issued guidance, it voluntarily follows OMB privacy-related guidance as a best practice and to facilitate cooperation and collaboration with other agencies.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in the system regarding the individuals described above may include: (1) Contact information (name, phone numbers, email address); (2) unique identifiers provided to government employees (3) information related to the participant's financial status including bank account information and records of consumer financial transactions; (4) information on consumer characteristics collected in connection with financial education programs or the consumer's business relationship with a third party; (5) bank account information (for payment to survey participants); (6) other information collected from or about consumers in response to surveys or other research methods; and (7) information relating to the effectiveness of financial education programs or resources or access to financial products or services.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Public Law 111-203, Title X, Sections 1013 and 1022, codified at 12 U.S.C. 5493 and 5512.

**PURPOSE(S):**

The Act established functions within the CFPB (1) To develop and implement initiatives to educate and empower consumers to make better informed financial decisions; (2) to develop and implement a strategy to improve the financial literacy of consumers, including access to financial information, products and services; and (3) to do research regarding, among other things, (a) consumer awareness and understanding of costs, risks, and benefits of consumer financial products or services, (b) consumer behavior with respect to consumer financial products and services, (c) experiences of traditionally underserved consumers, including un-banked and under-banked consumers, and (d) best practices and effective methods, tools, technology and strategies to educate and counsel seniors about personal finance management. Consistent with these functions, the purpose of the system is to enable the CFPB to identify and conduct effective financial education programs and also to collect, research, and publish certain information (other than personally-identifiable information) relevant to improving consumer financial decision-making skills and outcomes.

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

These records may be disclosed, consistent with the CFPB Disclosure of Records and Information Rules,

promulgated at 12 CFR part 1070 *et seq.*, to:

(1) Appropriate agencies, entities, and persons when: (a) The CFPB suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the CFPB has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the CFPB or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the CFPB's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(2) Another federal or state agency to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(3) The Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf;

(4) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of the CFPB or Federal Government and who have a need to access the information in the performance of their duties or activities;

(6) The U.S. Department of Justice ("DOJ") for its use in providing legal advice to the CFPB or in representing the CFPB in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by the CFPB to be relevant and necessary to the advice or proceeding, and such proceeding names as a party in interest:

(a) The CFPB;

(b) Any employee of the CFPB in his or her official capacity;

(c) Any employee of the CFPB in his or her individual capacity where DOJ has agreed to represent the employee; or

(d) The United States, where the CFPB determines that litigation is likely

to affect the CFPB or any of its components;

(7) A court, magistrate, or administrative tribunal in the course of an administrative proceeding or judicial proceeding, including disclosures to opposing counsel or witnesses (including expert witnesses) in the course of discovery or other pre-hearing exchanges of information, litigation, or settlement negotiations, where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(8) A grand jury pursuant either to a federal or state grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury, where the subpoena or request has been specifically approved by a court. In those cases where the Federal Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge;

(9) Appropriate federal, state, local, foreign, tribal, or self-regulatory organizations or agencies responsible for investigating, prosecuting, enforcing, implementing, issuing, or carrying out a statute, rule, regulation, order, policy, or license if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order, policy or license; and

(10) Appropriate federal, state, local, foreign, tribal or self-regulatory organizations or agencies or private entities that partner with the CFPB for research purposes.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper and electronic records.

**RETRIEVABILITY:**

Records are retrievable by unique identifiers assigned to the records for purposes of longitudinal updating or for connecting data points across data sources, or by a variety of fields including, without limitation, the individual's name and contact information, identifying file number, or other information collected in response to surveys or other research.

**SAFEGUARDS:**

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

**RETENTION AND DISPOSAL:**

The CFPB will maintain electronic and paper records indefinitely until the National Archives and Records Administration (NARA) approves the CFPB's records disposition schedule.

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

Consumer Financial Protection Bureau, Associate Director, Consumer Education and Engagement, 1700 G Street NW., Washington, DC 20552.

**NOTIFICATION PROCEDURE:**

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing in Title 12, Chapter 10 of the CFR, "Disclosure of Records and Information." Address such requests to: Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

**RECORD ACCESS PROCEDURES:**

See "Notification Procedures" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification Procedures" above.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained directly from the individual who is the subject of these records, and/or from third parties, including depository or non-depository institutions, credit reporting agencies, counseling agencies or other businesses or organizations or governmental entities involved in the markets for consumer financial products or services or that provide financial education services.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 2012-24311 Filed 10-2-12; 8:45 am]

**BILLING CODE 4810-AM-P**

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**DEPARTMENT OF DEFENSE****Office of the Secretary**

[Transmittal Nos. 12-54]

**36(b)(1) Arms Sales Notification**

**AGENCY:** Defense Security Cooperation Agency, DoD.

**ACTION:** Notice.

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**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. B. English, DSCA/DBO/CFM, (703) 601-3740.

**SUPPLEMENTARY INFORMATION:** The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 12-54 with attached transmittal and policy justification.

Dated: September 26, 2012.

**Morgan F. Park,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**BILLING CODE 5001-06-P**