at least if she does not offer a sufficient explanation. For that reason, we hold that an ADA plaintiff cannot simply ignore the apparent contradiction that arises out of the earlier SSDI total disability claim. Rather, she must proffer a sufficient explanation.

The lower courts, in somewhat comparable circumstances, have found a similar need for explanation. They have held with virtual unanimity that a party cannot create a genuine issue of fact sufficient to survive summary judgment simply by contradicting his or her own previous sworn statement (by, say, filing a later affidavit that flatly contradicts that party's earlier sworn deposition) without explaining the contradiction or attempting to resolve the disparity. See, e.g., *Colantuoni* v. *Alfred Calcagni & Sons, Inc.,* 44 F.3d 1, 5 (C.A.1 1994); *Rule* v. *Brine, Inc.,* 85 F.3d 1002, 1011 (C.A.2 1996); *Hackman* v. *Valley Fair,* 932 F.2d 239, 241 (C.A.3 1991); *Barwick* v. *Celotex Corp.,* 736 F.2d 946, 960 (C.A.4 1984); *Albertson* v. *T.J. Stevenson & Co.,* 749 F.2d 223, 228 (C.A.5 1984); *Davidson & Jones Development Co.* v. *Elmore Development Co.,* 921 F.2d 1343, 1352 (C.A.6 1991); *Slowiak* v. *Land O'Lakes, Inc.,* 987 F.2d 1293, 1297 (C.A.7 1993); *Camfield Tires, Inc.* v. *Michelin Tire Corp.,* 719 F.2d 1361, 1365–1366 (C.A.8 1983); *Kennedy* v. *Allied Mutual Ins. Co.,* 952 F.2d 262, 266 (C.A.9 1991); *Franks* v. *Nimmo,* 796 F.2d 1230, 1237 (C.A.10 1986); *Tippens* v. *Celotex Corp.,* 805 F.2d 949, 953–954 (C.A.11 1986); *Pyramid Securities Ltd.* v. *IB Resolution, Inc.,* 924 F.2d 1114, 1123 (C.A.D.C.), cert. denied, 502 U.S. 822, 112 S.Ct. 85, 116 L.Ed.2d 57 (1991); *Sinskey* v. *Pharmacia Ophthalmics, Inc.,* 982 F.2d 494, 498 (C.A.Fed. 1992), cert. denied, 508 U.S. 912, 113 S.Ct. 2346, 124 L.Ed.2d 256 (1993). Although these cases for the most part involve purely factual contradictions (as to which we do not necessarily endorse these cases, but leave the law as we found it), we believe that a similar insistence upon explanation is warranted here, where the conflict involves a legal conclusion. When faced with a plaintiff's previous sworn statement asserting ''total disability'' or the like, the court should require an explanation of any apparent inconsistency with the necessary elements of an ADA claim. To defeat summary judgment, that explanation must be sufficient to warrant a reasonable juror's concluding that, assuming the truth of, or the plaintiff's good faith belief in, the earlier statement, the plaintiff could nonetheless ''perform the essential functions'' of her job, with or without ''reasonable accommodation.''

III

In her brief in this Court, Cleveland explains the discrepancy between her SSDI statements that she was ''totally disabled'' and her ADA claim that she could ''perform the essential functions'' of her job. The first statements, she says, ''were made in a forum which does not consider the effect that reasonable workplace accommodations would have on the ability to work.'' Brief for Petitioner 43. Moreover, she claims the SSDI statements were ''accurate statements'' if examined ''in the time period in which they were made.'' *Ibid.* The parties should have the opportunity in the trial court to present, or to contest, these explanations, in sworn form where appropriate. Accordingly, we vacate the judgment of the Court of Appeals and remand the case for further proceedings consistent with this opinion.

It is so ordered.

Justice Breyer delivered the opinion for a unanimous Court.

[FR Doc. 00–411 Filed 1–6–00; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 3196]

Culturally Significant Objects Imported for Exhibition; Determinations: ''Ancient Faces: Mummy Portraits from Roman Egypt''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority of October 19, 1999, I hereby determine that the objects to be included in the exhibition ''Ancient Faces: Mummy Portraits from Roman Egypt'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with foreign lenders. I also determine that the exhibition or display of the exhibit objects 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, S.W., Room 700, Washington, D.C. 20547–0001.

Dated: December 22, 1999.

William B. Bader,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 00–406 Filed 1–6–00; 8:45 am]

BILLING CODE 4710–08–U

DEPARTMENT OF STATE

[Public Notice 3197]

Culturally Significant Objects Imported for Exhibition; Determinations: ''Masterpieces of Korean Ceramics from the Museum of Oriental Ceramics, Osaka''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority of October 19, 1999, I hereby determine that the objects to be included in the exhibition ''Masterpieces of Korean Ceramics from the Museum of Oriental Ceramics, Osaka'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with foreign lenders. I also determine that the exhibition or display of the exhibit objects at the Metropolitan Museum of Art, New York City, from on or about January 25, to on or about June 4, 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, D.C. 20547–0001.

Dated: December 22, 1999.

William B. Bader,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 00–407 Filed 1–6–00; 8:45 am]

BILLING CODE 4710–08–U

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments Concerning Compliance with Telecommunications Trade Agreements

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of request for public comment.

SUMMARY: Pursuant to Section 1377 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3106) (Section 1377), the Office of the United States Trade Representative (USTR) is reviewing, and requests comments on: the operation and effectiveness of—including implementation of and compliance with—the World Trade Organization (WTO) Basic Telecommunications Agreement; other WTO agreements affecting market opportunities for telecommunications products and services of the United States; the North American Free Trade Agreement (NAFTA); and, other telecommunications trade agreements with the Asia Pacific Economic Cooperation (APEC) members, the European Union (EU), Japan, Korea, Mexico and Taiwan. The USTR will conclude the review on March 31, 2000.

DATES: Comments are due by noon on Tuesday, February 1, 2000.

ADDRESSES: Comments must be submitted to Gloria Blue, Executive Secretary, Trade Policy Staff Committee, ATTN: Section 1377 Comments, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: William Corbett, Office of Industry (202) 395–9586; or Demetrios Marantis, Office of the General Counsel (202) 395–3581.

SUPPLEMENTARY INFORMATION: Section 1377 requires the USTR to review annually the operation and effectiveness of all U.S. trade agreements regarding telecommunications products and services of the United States that are in force with respect to the United States. The purpose of the review is to determine whether any act, policy, or practice of a country that has entered into a telecommunications trade agreement with the United States is inconsistent with the terms of such agreement, or otherwise denies to U.S. firms, within the context of the terms of such agreements, mutually advantageous market opportunities. For the current review, the USTR seeks comments on:

(1) Whether any WTO member is acting in a manner that is inconsistent with its specific commitments under the WTO Basic Telecommunications Agreement or with other WTO obligations, *e.g.,* the WTO General Agreement on Trade in Services (GATS), including the Annex on Telecommunications, that affect market opportunities for U.S. telecommunications products and services;

(2) What steps to take regarding out-of-cycle reviews initiated in 1999 under Section 1377 regarding compliance by Germany and Mexico with telecommunications trade agreements;

(3) Whether Canada or Mexico has failed to comply with their commitments under NAFTA;

(4) Whether APEC members, the EU, Japan, Korea, Mexico or Taiwan have failed to comply with their commitments under bilateral telecommunications agreements with the United States.

See 63 FR 1140 (January 8, 1998) for further information concerning the agreements listed below and USTR Press Release 99–29 (available at www.ustr.gov) for the results of the 1998–99 section 1377 review concerning these agreements.

WTO Agreements

The GATS contains general obligations that apply to all WTO members and services and specific obligations that apply only to services listed in a member's schedule of commitments. As part of the GATS, WTO members have made both basic and value-added telecommunications commitments. Specifically, the Fourth Protocol to the GATS—generally referred to as the WTO Basic Telecommunications Agreement—is the legal instrument embodying seventy WTO members' basic telecommunications services commitments under the GATS. The agreement entered into force on February 6, 1998, and since that time, an additional eight WTO members have made telecommunications services commitments, some upon their accession to the WTO. Many members also took separate commitments in the area of value-added telecommunications services as part of the GATS, which entered into force on January 1, 1995. A description of each member's specific commitments is available on the Internet at www.wto.org.

Under the WTO Basic Telecommunications Agreement, members have made full or qualified commitments in three specific areas: market access, national treatment (including investment), and pro-competitive regulatory principles. Countries that have made full market access commitments have agreed to local, long-distance and international service through any means of network technology, either on a facilities basis or through resale of existing network capacity. Countries making full national treatment commitments have agreed to ensure treatment no less favorable to U.S. services or service suppliers than to services or service suppliers of the WTO member making the commitment (*e.g.,* U.S. companies can acquire, establish or hold a significant stake in foreign telecommunications companies to the same extent as companies of the WTO member making the commitment). And finally, countries have also adopted pro-competitive regulatory principles—set forth in a Reference Paper and incorporated in the members' schedules—which commit members to establish independent regulatory bodies, guarantee that U.S. companies will be able to interconnect with networks in foreign countries at fair prices, maintain appropriate measures to prevent anti-competitive practices such as cross-subsidization, and mandate transparency of government regulations and licensing.

The USTR seeks comment on whether any WTO member that has undertaken telecommunications services commitments under the GATS has failed to make the necessary legislative or regulatory changes to implement its commitments, or permits acts, policies, or practices in its markets that run counter to that country's commitments. In addition, the USTR seeks comments on whether any WTO member permits acts, policies, or practices that are inconsistent with other WTO obligations and that affect market opportunities for telecommunications products and services of the United States.

Out of Cycle Reviews Regarding Germany and Mexico

The USTR seeks comments on what steps to take regarding out-of-cycle reviews initiated under Section 1377 in 1999 regarding compliance by Germany and Mexico with telecommunications trade.

Germany—1999 out-of-cycle review: On August 11, 1999, USTR announced the extension of an out-of-cycle review