



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Chief Financial Officer and**  
**Assistant Secretary for Administration**  
Washington, D.C. 20230

April 26, 2018

Ms. Sara Creighton  
American Oversight  
1030 15<sup>th</sup> Street NW  
Suite B255  
Washington, DC 20003

RE: FOIA request DOC-OS-2017-001080 – Final Determination Letter

Dear Ms. Creighton:

This letter is in response to your request for information submitted to the U.S. Department of Commerce's (Department's) Freedom of Information Act (FOIA) Office via FOIAonline. According to our records, we received your request on April 26, 2017, and assigned to it tracking number DOC-OS-2017-001080. We are responding under the FOIA to your request for access to:

“Any memoranda, policies, rules, protocols, restrictions, directives, guidance, or other guidelines addressing the provision of information to:

1. Representatives of the press or media by employees of Commerce (including but not limited to responses to requests for information or other communication).
2. Congress, including members or staff, by employees of Commerce (including but not limited to responses to requests for information or other communication).

This request includes any such directives or guidance issued internally by Commerce or issued to Commerce by the White House or any other office.”

After a search of agency records, we located 96 pages of responsive documents which we have determined to be partially releasable to you under the FOIA. We withheld portions of these documents pursuant to FOIA Exemptions 5 and 6, 5 U.S.C. §552 (b)(5) and (b)(6).

FOIA Exemption 5 protects, “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” The three primarily invoked privileges that have been held to be incorporated into Exemption 5 are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. Here, we are withholding information pursuant to the deliberative process privilege, as the withheld information consists of pre-decisional discussions in accordance with Exemption 5.

FOIA Exemption 6 exempts from disclosure (1) personnel, medical files and similar files, (2) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6). The phrase "similar files" has been broadly defined to include any

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Government records on an individual, which can be identified as applying to that individual. See Dep't of State v. Washington Post Co., 456 U.S. 595, 601-02 (1982). The records you requested contain some information, which can be identified as “similar files” within the meaning of Exemption 6. As such, we have redacted the following types of information: cellular phone numbers of Department employees, and personal e-mail addresses/phone numbers of persons who are not Department employees. We have determined that in this case, releasing the aforementioned personal privacy information would constitute an “unwarranted invasion of personal privacy” within the meaning of the Exemption 6, and the negligible public interest in learning this information is outweighed by the privacy interests.

We trust that this information fully satisfies your request. If you have any questions or concerns or would like to discuss any aspect of your request, you may contact me, the Department’s FOIA Public Liaison:

Dr. Michael Toland  
U.S. Department of Commerce  
Office of Privacy and Open Government  
1401 Constitution Ave. NW  
Room 52010  
Washington, DC 20230  
telephone at (202) 482-3842; email at [mtoland@doc.gov](mailto:mtoland@doc.gov)

Please refer to your FOIA request tracking number, DOC-OS-2017-001080, when contacting us.

In addition, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
e-mail at [ogis@nara.gov](mailto:ogis@nara.gov)  
telephone at 202741-5770; toll free at 1 877-684-6448; facsimile at 202-741-5769

You have the right to appeal this [denial/partial denial] of your FOIA request. An appeal must be received within 90 calendar days of the date of this response letter. Address your appeal to the following office:

Assistant General Counsel for Employment, Litigation and Information  
U.S. Department of Commerce

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Office of the General Counsel, Room 5896  
1401 Constitution Ave., NW  
Washington, D.C. 20230

An appeal may also be sent by e-mail to FOIAAppeals@doc.gov or by FOIAonline, if you have an account in FOIAonline, at <https://foiaonline.regulations.gov/foia/action/public/home#>. The appeal should include a copy of the original request and initial denial, if any. All appeals should include a statement of the reasons why the records requested should be made available and why the adverse determination was in error.

The appeal letter, the envelope, and the e-mail subject line should be clearly marked "Freedom of Information Act Appeal." The e-mail, FOIAonline, and office mail are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, FOIAonline, or the office after normal business hours will be deemed received on the next normal business day. If the 90th calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely.

Thank you for your cooperation and patience.

Sincerely,

Michael J. Toland, Ph.D.  
Deputy Chief FOIA Officer,  
Departmental Privacy Act Officer, and  
Deputy Director for FOIA/Privacy Act Operations  
Office of Privacy and Open Government

Enclosure:

1. FOIAonline Record Access Instructions
2. Release - 96 Pages (release electronically via FOIAonline)

## FOIAonline Record Access Instructions

1. Go to <https://foiaonline.regulations.gov/foia/action/public/home> and select the “Search FOIA Request” button located on the right side of the page; you may also click on the “Search” tab at the top of the page.
2. Enter the search term, in this case enter “DOC-OS-2017-001080” in the “Search for:” field located within the “Search Criteria” box.
  - a. Note – The “Type” checkboxes are self-populated. Uncheck the “Appeal”, “Record (Full-Text),” and “Referral” checkboxes.
  - b. Highlight “U.S. Department of Commerce” located in the “Agency” drop-down menu.
  - c. Select and click on the “Search” button.
3. The results of the search term will appear once the “Search” button is selected.
4. Click on the “Tracking Number” for example, DOC-OS-2017-001080 located in the first column of the search results. This will take you to the next screen titled “Record Details.”
5. On the “Record Details” screen:
  - a. Click on the “**DOWNLOAD ALL**” button to save the file(s) to save the file(s) to a location of your choice, or
  - b. Select the file(s) you wish to save and click on the “**DOWNLOAD SELECTED**” button to save the files to a location of your choice.

### **DS-021, “Policy on Providing Custom Tabulations and Custom Extracts Under 13 U.S.C. § 8(b)”**

#### **PURPOSE**

This policy establishes the Census Bureau’s procedures for filling requests for special statistical data products under 13 U.S.C. § 8(b) and for providing copies of these products to others. This policy supersedes the custom tabulation portion of DS-015, “Policy on Accepting Reimbursable Projects.” The policy also replaces the prior DS-021, “Policy on Providing Custom Tabulations Under 13 U.S.C. § 8(b),” signed October 20, 2005. The Census Bureau provides such products in keeping with its mission to collect, tabulate, and disseminate data about the nation’s people and economy while protecting the confidentiality of all respondents.

#### **BACKGROUND**

Fulfilling customer requests for custom tabulations and custom extracts enhances the Census Bureau’s reputation of being a leading source for current statistical data; however, the creation of such products must not interfere with delivery of core and legislatively mandated data products. The Census Bureau created the Custom Tabulations and Custom Extracts Policy to be transparent with the public on how it uses their confidential data in creating products of special benefit to individual customers. In addition, how much we charge for such custom tabulations and custom extracts must be communicated uniformly across the Census Bureau to maintain our reputation for fairness and transparency and our good relationships with census partners, stakeholders, and other data users. The policy clarifies the definition of custom tabulations to distinguish them from custom extracts and customer service. This policy updates guidelines for program areas to use to determine when to begin charging for work on a custom tabulation or custom extract. It also reaffirms that Census Bureau staff receiving a request from the media forward the request to the Public Information Office.

#### **SCOPE**

This policy provides guidance for producing and charging for data products produced outside of the Census Bureau’s regular publication activities and at the request of a particular customer. We produce these data products on a reimbursable basis, and refer to them as “custom tabulations” and “custom extracts”.

- “Custom Tabulation” is defined as: “A statistical aggregation of confidential microdata collected by the Census Bureau under the authority of Title 13 of the United States Code, that is produced by the Census Bureau at the request of a particular customer.” Custom tabulations are developed from internal Census Bureau files that are not accessible by the public.

- “Custom Extract” is defined as: “A statistical aggregation or reorganization of non-confidential Census Bureau data, that is produced at the request of a particular customer.” Custom extracts are developed from published and previously published tables or from unpublished data that has been cleared for disclosure avoidance.

The “particular customer” in these definitions may include other government agencies, private organizations, and individual members of the public.

### **Products and Services Out of Scope**

Tables created with data that are confidential under 13 U.S.C. Section 301(g) are subject to additional protections and have a separate procedure by which the Census Bureau must determine whether it can create and release the data product.

The Census Bureau does not charge for customer service nor publish a list of such routine responses to customers. “Customer Service” is defined as “the assistance a Census Bureau employee provides a customer to identify what information the customer needs.” Customer service may involve one or more of the following:

- a. oral or written instructions to the customer to help him/her understand what statistics are available and how to find, retrieve or download such information;
- b. assisting customers with accessing and manipulating publicly-available files — when such manipulations are limited in scope, yet may be difficult for a novice or casual data user to perform;
- c. providing the customer a link to the data, a document, or spreadsheet of the publicly-available data; and
- d. providing assistance to customers of Census Bureau subscription-based services, when such assistance is limited in scope and is necessary to demonstrate the utility of the subscription.

The cost recovery guidance in this policy ensures the Census Bureau meets its legal obligations to obtain full cost recovery for any work we do at the request of a particular customer.

The following products do not fit under the definition of custom tabulations or custom extracts:

1. Age Search requests. This service involves an individual requesting her/his own census record. The service is by a set fee, and the records are released only to that individual or her/his representative.
2. Products previously created for Census Bureau use that are readily available internally and available to the public upon request.
3. Interim and final tabulations and extracts produced with data collected under a reimbursable survey, reimbursable statistical study, or a joint statistical project. The terms of the agreement for that survey, study, or project and other laws and policies govern the use of the data produced.
4. Tabulations and extracts created by the Census Bureau for its own use with administrative records obtained under 13 U.S.C. Section 6 or as part of a joint statistical project conducted under 13 U.S.C. Section 8(b). The agreement with the agency or government body that provided the records may govern whether the Census Bureau can

release those tables to other customers. Other laws and policies also apply to the release of products from that data.

The Census Bureau may create custom products free of charge in response to Information Requests, and the Census Bureau publishes information about the Information Request along with information about custom tabulations. An “Information Request” is defined as “A request for Census Bureau data made:

- a. by a member of the White House staff on behalf of the White House, or
- b. made by the chairperson/head of a House or Senate committee or subcommittee on behalf of that committee or subcommittee.”

NOTE: requests from members of the media or media organizations do not qualify as Information Requests.

## **POLICY**

The Census Bureau may accept custom tabulation and custom extract requests made by the general public, organizations, and government agencies as long as the request does not violate the confidentiality of our respondents’ data, and does not interfere with the Census Bureau’s goals, objectives, and mission.

### **Sensitive Topics/Sensitive Populations**

The program area will contact the Policy Coordination Office before beginning work on a custom tabulation or custom extract on sensitive topics or sensitive populations, topics that have policy implications, or topics that may negatively impact the Census Bureau's reputation. The Policy Coordination Office will involve the Data Stewardship Executive Policy Committee as appropriate. (See “Related Policies and Procedures” for instructions on how to retrieve the Census Bureau’s list of sensitive topics and sensitive populations.)

### **Transparency**

All fulfilled custom tabulation requests are reported to the Policy Coordination Office (PCO) to be incorporated into the custom tabulation and custom extract list. All fulfilled requests for custom extracts on sensitive topics and sensitive populations also are incorporated on that list.

The list of all resulting products will be made available to the public, consistent with the White House Open Government policy initiative. Requests for a copy of previously produced custom tabulations or custom extracts that are on the list are **not** reported again on the custom tabulation/custom extract list.

The Census Bureau publishes the list of custom tabulations and custom extracts, including a description of the tabulation or extract, and who requested the tabulation on the Internet as part of the Freedom of Information Act (FOIA) Electronic FOIA Library. The Census Bureau will furnish any available custom tabulation or custom extract to anyone who requests it, for the cost of reproduction.

Prior to agreeing to produce a custom tabulation or custom extract, the Census Bureau, to the best extent possible, will encourage and help requesters use other available resources, such as data products the Census Bureau makes available on the Internet, or will direct the requester to

the Census Bureau's State Data Center partners. Contact information for state data centers is available at this webpage: <http://www.census.gov/sdc/network.html>.

### **Public Disclosure of Information about Requests**

It is the responsibility of the program directorate producing the custom tabulation to inform the requester, prior to fulfilling the custom tabulation request, that their request will be included on the custom tabulation/custom extract list on the Internet. This requirement also applies to a custom extract on a sensitive topic or involving a sensitive population.

Documentation provided to requesters establishing the agreement to produce custom tabulations will contain language informing them that the identity of the requester, the data product, and a description thereof is subject to public disclosure. This requirement also applies to a custom extract on a sensitive topic.

### **Quality Standards and Prohibition of Disclosing Confidential Information**

Custom tabulations and custom extracts must comply with Census Bureau Standards and ensure that work can be accomplished within the mission priorities of the directorate.

In those cases when a requested custom tabulation or custom extract will not meet quality standards, the Census Bureau may still agree to produce the custom tabulation or custom extract, but the program directorate must inform the requestor in writing, in advance, and include a disclaimer on the custom tabulation once completed stating that the custom tabulation or custom extract does not meet Census Bureau quality standards (Statistical Quality Standard F1 Releasing Information Products Sub Requirement F1-6.2.2.c).

A custom tabulation involving confidential data will follow the Standard Disclosure Review process.

### **Pricing and Agreements**

The Census Bureau, as authorized under 13 U.S.C. § 8(b) may produce custom tabulations derived from data protected under 13 U.S.C. § 9(a) upon payment of the actual or estimated cost of the work.

- When customers contact the Census Bureau requesting data, the Census Bureau does not charge for the customer services portion of the work required to answer that request. *See* definition of “customer service” in Section titled “Scope” above. However, the Census Bureau must charge for all work on a custom extract and custom tabulation above and beyond customer service.
- Custom tabulation and custom extract pricing will vary by each program area within the Census Bureau depending on the staff involved, complexity, disclosure avoidance, quality assurance, level of expertise needed for the tabulation or extract, and any work done by the program area to create an agreement. The Census Bureau may charge the customer for work with the customer refining the scope of what the customer wants if that work involves significant effort.
- The price charged for tabulation of non-public Census Bureau data includes work done to avoid disclosure of confidential information.



- For custom tabulations and extracts produced for other federal agencies, as well as for state and local governments, and non-profit or other private organizations, the Census Bureau must execute an agreement with the other party. Agreements must fully describe the scope and cost of the work to be done. Instructions for completing agreements, and agreement templates, are available on the Policy Coordination Office’s Intranet page.
- For custom tabulations produced for individual members of the public, agreements may be executed or the program office may instead use an “invoice” to process a credit card transaction.

When requested, the Census Bureau will provide copies of any available previously produced custom tabulation or custom extract to the public (including government agencies or private sector organizations) upon the payment of the cost to reproduce, or free of charge if the cost to reproduce is less than the expense to process cost recovery.

### **Communication**

All requests from members of the media will be coordinated through the Public Information Office (PIO). All requests from Members of Congress or their staffs will be coordinated through the Office of Congressional and Intergovernmental Affairs (OCIA). Program areas receiving requests directly from Congress or the media must forward the request to PIO or OCIA immediately and prior to beginning work on a custom tabulation/extract request.

Each program area that produces custom tabulations or custom extracts may designate a person(s) who will be responsible for (1) maintaining and filing communication information from the requester, (2) ensuring requesters are aware of disclosure disclaimers and guidelines, and (3) furnishing the Policy Coordination Office with monthly custom tabulation/custom extract updates.

Program areas should identify and inform the Policy Coordination Office of custom tabulations/custom extracts prepared that would be considered “hot topics” in the media or if a custom tabulation or custom extract is requested by members of the media.

Program areas that offer custom tabulation/custom extract websites as a means of information to the public should include (1) up-to-date contact information (phone and email), (2) instructions on how to request a custom tabulation (either through an electronic form or other method), (3) language that informs requesters that pricing is determined by the complexity of the tabulation and can vary for each tabulation, and lists the factors included above. (Sample language can be found in the Custom Tabulation and Custom Extract Policy Implementation Plan).

### **Divisions Seeking Exemptions**

Proposed deviations from this policy must be approved by the division chief of the division handling the request and the decision made in coordination with the Policy Coordination Office and approved by the Data Stewardship Executive Policy Committee.

## **RELATED POLICIES AND PROCEDURES**

- Policies and Procedures Manual Chapter D-5: Interagency or Other Special Agreements
- Census Bureau Standard: Disclosure Review

- Data Stewardship Policy DS-015: Policy on Accepting Reimbursable Projects
- Definitions of Sensitive Topics and Sensitive Populations from the Data Stewardship Glossary.

NOTE: Census Bureau policies are available on the Policy Portal on the Census Bureau's Intranet site. The glossary is available on the DSEP Intranet page. <https://collab.ecm.census.gov/div/pco/PDSIntranet/Pages/Data-Stewardship-Glossary.aspx>

## **EFFECTIVE DATE**

This policy is effective upon signature.

## **LEGAL AUTHORITIES**

13 U.S.C. § 8(b) states that the Secretary of Commerce may “*furnish copies of tabulations and other statistical materials which do not disclose the information reported by, or on behalf, any particular respondents...for department, agencies, and establishments of Federal Government...state or local agencies, or other public and private persons and agencies upon payment of the actual or estimated cost of such work.*” The Secretary has delegated this authority to the Director of the Census Bureau.

13 U.S.C. § 9(a) provides that the Census Bureau may not “*...make any publication whereby the data furnished by any particular establishment or individual under this title can be identified.*” Section 214 of Title 13, as amended by Sections 3559 and 3571 of Title 18, United States Code, provides for a fine up to \$250,000 or imprisonment of up to five years, or both for violating the Section 9 prohibition on disclosure of individually identifiable information.

## **IMPLEMENTATION**

The Policy Coordination Office has overall responsibility for implementing this policy. The DS-021 Policy Implementation Guidance Plan for Developing and Disclosing Custom Tabulations and Custom Extracts will contain details of tasks, procedures, responsibilities, and any Census standards that may apply for full implementation. The DS-021 Implementation Guidance plan includes specific language to be used by division staffs responsible for filling requests to ensure that requesters understand the public nature of custom tabulations.

Divisions producing custom tabulations will submit information, discussed above in the section titled “Communication,” about custom tabulations and custom extracts to the Policy Coordination Office. The Policy Coordination Office has responsibility for keeping the custom tabulation and custom extract procedures up to date and also producing a regular, comprehensive report of custom tabulations and custom extracts produced by the Census Bureau. This report will be available to the general public on the Census Bureau's FOIA website.

## **RELATED DOCUMENTS**

DS-021 Policy Implementation Guidelines for Developing and Disclosing Custom Tabulations and Custom Extracts.

**POLICY OWNER**

The Policy Coordination Office

**SIGNATURE**

By Direction:

 (b) (6)  
Nancy A. Pojok  
Deputy Director and Chief Operating Officer  
U.S. Census Bureau

Date: 8/20/15

Summary Information	
Policy Title:	DS-021, "Policy on Providing Custom Tabulations and Custom Extracts Under 13 U.S.C. § 8(b)"
Date Signed:	August 20, 2015
Policy Owner:	Policy Coordination Office
Office Responsible for Implementation:	Policy Coordination Office
Office Responsible for Dissemination:	Policy Coordination Office
Stakeholder Vetting:	POP, SEHSD, ACSO, ADEP, the Legal Office, PIO, CLMSO, FLD, DMD

## Atwood, John (Federal)

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**From:** Guevara, Thomas (Federal)  
**Sent:** Tuesday, January 24, 2017 5:08 PM  
**To:** Borlik, Bryan (Federal); Brown, Greg (Federal); Paradice, H. Philip (Federal); Contratto, Andrea (Federal); Atwood, John (Federal)  
**Subject:** RE: WP Query (External Communications)

Thanks for handling this the right way.

Thomas Guevara  
Deputy Assistant Secretary  
Office of Regional Affairs  
Economic Development Administration  
U.S. Department of Commerce  
1401 Constitution Avenue, NW  
Washington DC 20230

Direct: 202.482.6132  
Cell: (b) (6)

**From:** Borlik, Bryan (Federal)  
**Sent:** Tuesday, January 24, 2017 4:58 PM  
**To:** Guevara, Thomas (Federal) <TGuevara@eda.gov>; Brown, Greg (Federal) <gbrown@eda.gov>; Paradice, H. Philip (Federal) <HParadice@eda.gov>; Contratto, Andrea (Federal) <AContratto@eda.gov>  
**Subject:** FW: WP Query (External Communications)

In the spirit of "no surprises," just FYI that the Washington Post is trying to get several DOC bureaus to comment on WH directives related to press inquiries. 5<sup>th</sup> floor Public Affairs is responding on behalf of all of DOC.

**From:** Atwood, John (Federal)  
**Sent:** Tuesday, January 24, 2017 3:17 PM  
**To:** Foye-McFadden, Areaka (Federal) <AFoye-McFadden@doc.gov>; Moore, Rhongelyn (Federal) <RMoore2@doc.gov>  
**Cc:** Borlik, Bryan (Federal) <bborlik@eda.gov>; Fox, AnneMarie(Federal) <AFox1@eda.gov>; Betton, Kim (Federal) <KBetton@eda.gov>  
**Subject:** WP Query (External Communications)

Areaka:

Forwarding this information per our conversation. I understand the reporter is reaching out to numerous DOC bureaus and that you are coordinating the response. Please let us know if you need anything from us.

Best, John

**From:** Fox, AnneMarie(Federal)  
**Sent:** Tuesday, January 24, 2017 3:14 PM

**To:** Atwood, John (Federal) <[JAtwood@eda.gov](mailto:JAtwood@eda.gov)>  
**Subject:** FW: Question

Her email is:

[danielle.paquette@washpost.com](mailto:danielle.paquette@washpost.com)

Annemarie Fox  
Public Affairs Specialist  
U.S. Department of Commerce  
Economic Development Administration  
Office of Public Affairs  
[afox1@eda.gov](mailto:afox1@eda.gov)  
Office: 202-482-3792  
Mobile: (b) (6)

*Connect with EDA on [eda.gov](http://eda.gov), [Facebook](#) and [Twitter](#)!*

**From:** Paquette, Danielle [<mailto:Danielle.Paquette@washpost.com>]  
**Sent:** Tuesday, January 24, 2017 3:12 PM  
**To:** Fox, AnneMarie(Federal) <[AFox1@eda.gov](mailto:AFox1@eda.gov)>  
**Subject:** Question

Hi Ann Marie,

Hearing the White House told Commerce today not to pub anything without White House approval.  
Is this true? Let me know.

Best,  
Danielle

## Atwood, John (Federal)

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**From:** Atwood, John (Federal)  
**Sent:** Thursday, January 26, 2017 4:23 PM  
**To:** Borlik, Bryan (Federal)  
**Subject:** Friendly Reminder About How to Handle Media Inquiries

Bryan:

Mara Campbell suggested we send a message to staff to remind them to refer media inquiries to PAD (she requested this after Tom spoke about it at the ALL Hands today). Any problem with this or edits? I guess we would also have to get this OK'd by Tom and 5<sup>th</sup> floor before it went out.

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Dear Colleagues:

This is a friendly reminder to refer members of the media to the Office of Public Affairs for coordination and response.

Per the EDA Policy and Operations Manual (POM): EDA's Office of External Affairs will handle all inquiries from the media, including phone calls and emails from reporters. Any EDA staff person who receives a press request should refer the inquiry to the Director of Public Affairs by providing the name and phone number of the person to be contacted, along with a brief overview of the request, so that he/she is prepared to effectively respond to the inquiry.

During the transition period, media requests should be sent to John Atwood at: [JAtwood@eda.gov](mailto:JAtwood@eda.gov) or phone: 202-482-4085.

Thank you!

**Atwood, John (Federal)**

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**From:** Atwood, John (Federal)  
**Sent:** Friday, January 27, 2017 3:28 PM  
**To:** Foye-McFadden, Areaka (Federal); Moore, Rhongelyn (Federal)  
**Cc:** Borlik, Bryan (Federal)  
**Subject:** RE: EDA Internal Communication Clearance: Media Reminder

Thanks.

**From:** Foye-McFadden, Areaka (Federal)  
**Sent:** Friday, January 27, 2017 3:28 PM  
**To:** Atwood, John (Federal) <JAtwood@eda.gov>; Moore, Rhongelyn (Federal) <RMoore2@doc.gov>  
**Cc:** Borlik, Bryan (Federal) <bborlik@eda.gov>  
**Subject:** RE: EDA Internal Communication Clearance: Media Reminder

Good to go.

**From:** Atwood, John (Federal)  
**Sent:** Friday, January 27, 2017 3:26 PM  
**To:** Moore, Rhongelyn (Federal) <RMoore2@doc.gov>  
**Cc:** Foye-McFadden, Areaka (Federal) <AFoye-McFadden@doc.gov>; Borlik, Bryan (Federal) <bborlik@eda.gov>  
**Subject:** EDA Internal Communication Clearance: Media Reminder

Hi Rhongy:

Requesting clearance for EDA to send this message internally to EDA staff:

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Dear EDA Colleagues:

This is a friendly reminder that, per the EDA Policy and Operations Manual (POM), all media inquiries, including phone calls and emails from reporters, should be referred to EDA's Director of Public Affairs by providing the name and phone number of the person to be contacted, along with a brief overview of the request, so that he/she is prepared to effectively respond to the inquiry.

During the transition period, media inquiries should be sent to Interim Director of Public Affairs John Atwood at: [JAtwood@eda.gov](mailto:JAtwood@eda.gov) or 202-482-4085.

Thank you!

## Atwood, John (Federal)

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**From:** Atwood, John (Federal)  
**Sent:** Wednesday, February 01, 2017 1:14 PM  
**To:** Betton, Kim (Federal)  
**Subject:** RE: Media Inquiry - Backup

Whoever answers the phone, really.

In yesterday's case, the regional office sent me the message via email, but must have seen my out of office message and then called and sent it to all of you. Because I had started working on it, I let you know that I would respond.

Kind of an inexact science, but if I'm on an email about a media inquiry, I will direct the response. If it's a call or if you are the only one to get the message via email, please follow this procedure:

- **Reporters:** Gather as much information as possible (name, phone number, e-mail, outlet, details about what they are calling about, deadline). Let them know that you will work on their request and get back to them. Start an email chain (me, Bryan Borlik, Annemarie, Kim) containing all the information so that we can begin to examine the issue and strategize on the response. Do not offer any specific response until the team has the opportunity to review the request.

**From:** Betton, Kim (Federal)  
**Sent:** Wednesday, February 01, 2017 1:06 PM  
**To:** Atwood, John (Federal) <JAtwood@eda.gov>  
**Subject:** RE: Media Inquiry - Backup

Hi John,  
If you're out of the office and a media inquiry comes in who do you want to handle?  
Just in case it happens again.  
Thank you!  
Kim

**From:** Stone, Laura (Federal)  
**Sent:** Wednesday, February 01, 2017 12:56 PM  
**To:** BC-EDA-ALL <BC-EDA-ALL@doc.gov>  
**Subject:** Media Inquiry Reminder

Dear EDA Colleagues:

This is a friendly reminder that, per the EDA Policy and Operations Manual (POM), all media inquiries, including phone calls and emails from reporters, should be referred to EDA's Director of Public Affairs by providing the name and phone number of the person to be contacted, along with a brief overview of the request, so that he/she is prepared to effectively respond to the inquiry.

During the transition period, media inquiries should be sent to Interim Director of Public Affairs John Atwood at: [JAtwood@eda.gov](mailto:JAtwood@eda.gov) or 202-482-4085.

Thank you!



**Atwood, John (Federal)**

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**From:** Atwood, John (Federal)  
**Sent:** Tuesday, February 07, 2017 3:34 PM  
**To:** Moore, Rhongelyn (Federal)  
**Subject:** RE: Mekoryuk  
**Attachments:** Alaska AP Request 2 7 17.docx

Hi Rhongy:

Please find the requested summary/points attached.

Please let me know asap if we can get our rep on the phone with this AP reporter.

Thank you!

John

**From:** Moore, Rhongelyn (Federal)  
**Sent:** Tuesday, February 07, 2017 9:15 AM  
**To:** Atwood, John (Federal) <JAtwood@eda.gov>  
**Subject:** RE: Mekoryuk

Hey John,

Can you provide the proposed talkers for the interview?

Thanks,

*Rhongey*

**From:** Atwood, John (Federal)  
**Sent:** Tuesday, February 07, 2017 7:29 AM  
**To:** Moore, Rhongelyn (Federal) <RMoore2@doc.gov>  
**Cc:** Foye-McFadden, Areaka (Federal) <AFoye-McFadden@doc.gov>  
**Subject:** Fwd: Mekoryuk

Hi Rhongy:

Please see request below from a reporter for an EDA rep to speak about a local project. It's a positive story about how an EDA investment is helping rural Alaska. Usually in cases like these we would have the local expert talk with the reporter with a PAD staffer on the line with them.

Please let me know how I can proceed.

Best, John

----- Original message -----

From: "Millius, Kerstin (Federal)" <KMillius@eda.gov>  
Date: 2/6/17 10:16 PM (GMT-05:00)  
To: "Kelly, Shirley (Federal)" <SKelly2@eda.gov>  
Cc: "Atwood, John (Federal)" <JAtwood@eda.gov>  
Subject: RE: Mekoryuk

Hi Shirley,

We just need to loop in John Atwood before talking to the press - same policy as always. Copied him here so he's aware of the request and can let us know how he would like us to handle.

Kerstin

----- Original message -----

From: "Kelly, Shirley (Federal)" <SKelly2@eda.gov>  
Date: 2/6/17 4:20 PM (GMT-08:00)  
To: "Millius, Kerstin (Federal)" <KMillius@eda.gov>  
Subject: FW: Mekoryuk

Hi Kerstin,

Here is a request from the Press to talk to an EDA person regarding the Mekoryuk project. I did talk to her and let her know that before I can talk about the project I would need permission. Since my understanding we are not to be talking with the press.

I don't know how you want to handle the request; should it be passed onto Brian?

Shirley

Shirley Kelly, Alaska EDR

Economic Development Administration

**T - (907) 271 2272**

C - (b) (6)

**Atwood, John (Federal)**

---

**From:** Atwood, John (Federal)  
**Sent:** Tuesday, January 31, 2017 4:57 PM  
**To:** Fox, AnneMarie(Federal)  
**Subject:** RE: KRGV-TV building inquiry

Ok.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Fox, AnneMarie(Federal)" <AFox1@eda.gov>  
**Date:** 1/31/17 4:53 PM (GMT-05:00)  
**To:** "Atwood, John (Federal)" <JAtwood@eda.gov>  
**Subject:** RE: KRGV-TV building inquiry

Yes! And I need to take leave from noon-on.

Have to get emissions and new registration. Had a trip this weekend and wasn't able to go.

Apologies, should have mentioned it sooner but I knew you were sick.

Annemarie Fox  
Public Affairs Specialist  
U.S. Department of Commerce  
Economic Development Administration  
Office of Public Affairs  
[afox1@eda.gov](mailto:afox1@eda.gov)  
Office: 202-482-3792  
Mobile: (b) (6)

*Connect with EDA on [eda.gov](http://eda.gov), [Facebook](#) and [Twitter](#)!*

**From:** Atwood, John (Federal)  
**Sent:** Tuesday, January 31, 2017 4:52 PM  
**To:** Fox, AnneMarie(Federal) <AFox1@eda.gov>  
**Subject:** RE: KRGV-TV building inquiry

Actually, I guess I won't see you tomorrow since your teleworking!

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Fox, AnneMarie(Federal)" <AFox1@eda.gov>  
Date: 1/31/17 4:45 PM (GMT-05:00)  
To: "Atwood, John (Federal)" <JAtwood@eda.gov>  
Subject: RE: KRGV-TV building inquiry

Perfect. Just wanted to make sure you didn't need anything else.

Annemarie Fox  
Public Affairs Specialist  
U.S. Department of Commerce  
Economic Development Administration  
Office of Public Affairs  
[afox1@eda.gov](mailto:afox1@eda.gov)  
Office: 202-482-3792  
Mobile: (b) (6)

*Connect with EDA on [eda.gov](http://eda.gov), [Facebook](#) and [Twitter](#)!*

**From:** Atwood, John (Federal)  
**Sent:** Tuesday, January 31, 2017 4:44 PM  
**To:** Fox, AnneMarie(Federal) <AFox1@eda.gov>  
**Subject:** RE: KRGV-TV building inquiry

That's what I was thinking.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Fox, AnneMarie(Federal)" <AFox1@eda.gov>  
Date: 1/31/17 4:37 PM (GMT-05:00)  
To: "Atwood, John (Federal)" <JAtwood@eda.gov>  
Subject: RE: KRGV-TV building inquiry

No. She can contact them directly (the contractor).

Annemarie Fox  
Public Affairs Specialist  
U.S. Department of Commerce  
Economic Development Administration  
Office of Public Affairs  
[afox1@eda.gov](mailto:afox1@eda.gov)  
Office: 202-482-3792  
Mobile: (b) (6)

*Connect with EDA on [eda.gov](http://eda.gov), [Facebook](#) and [Twitter](#)!*

**From:** Atwood, John (Federal)  
**Sent:** Tuesday, January 31, 2017 4:36 PM  
**To:** Fox, AnneMarie(Federal) <[AFox1@eda.gov](mailto:AFox1@eda.gov)>  
**Subject:** RE: KRGV-TV building inquiry

Yes. I'll see what he says and I will get back to her. I don't think we'd have anything to say about the local permitting process.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Fox, AnneMarie(Federal)" <[AFox1@eda.gov](mailto:AFox1@eda.gov)>  
**Date:** 1/31/17 4:33 PM (GMT-05:00)  
**To:** "Atwood, John (Federal)" <[JAtwood@eda.gov](mailto:JAtwood@eda.gov)>  
**Subject:** RE: KRGV-TV building inquiry

All good? I sent Jorge an email asking for a statement/comment, he hasn't replied yet.

Annemarie Fox  
Public Affairs Specialist  
U.S. Department of Commerce  
Economic Development Administration  
Office of Public Affairs  
[afox1@eda.gov](mailto:afox1@eda.gov)  
Office: 202-482-3792  
Mobile: (b) (6)

*Connect with EDA on [eda.gov](http://eda.gov), [Facebook](#) and [Twitter](#)!*

**From:** Atwood, John (Federal)  
**Sent:** Tuesday, January 31, 2017 4:10 PM  
**To:** Betton, Kim (Federal) <[KBetton@eda.gov](mailto:KBetton@eda.gov)>; Fox, AnneMarie(Federal) <[AFox1@eda.gov](mailto:AFox1@eda.gov)>  
**Subject:** RE: KRGV-TV building inquiry

I will contact her. Thank you.

**From:** Betton, Kim (Federal)  
**Sent:** Tuesday, January 31, 2017 4:07 PM  
**To:** Fox, AnneMarie(Federal) <[AFox1@eda.gov](mailto:AFox1@eda.gov)>; Atwood, John (Federal) <[JAtwood@eda.gov](mailto:JAtwood@eda.gov)>  
**Subject:** RE: KRGV-TV building inquiry

John,  
I suggested to AnnMarie that we find a contact for the reporter to speak with via telephone....since there are some sensitivities with media outreach right now...  
And everything needs to be cleared through the WH. Looks like the reporter needs someone from EDA today. She'll use whatever we give her I am sure..even  
If it's a quote .. or a phoner with someone in the region.

- Kim

**From:** Betton, Kim (Federal)  
**Sent:** Tuesday, January 31, 2017 3:51 PM  
**To:** Fox, AnneMarie(Federal) <AFox1@eda.gov>  
**Cc:** Atwood, John (Federal) <JAtwood@eda.gov>  
**Subject:** RE: KRGV-TV building inquiry

AnneMarie,

If you want, I can facilitate this. I am thinking this is her story for today since she's local television. Do you want to call her or me to call to find out for sure and to get further info?

**From:** Peche, Robert (Federal)  
**Sent:** Tuesday, January 31, 2017 3:46 PM  
**To:** Fox, AnneMarie(Federal) <AFox1@eda.gov>  
**Cc:** Betton, Kim (Federal) <KBetton@eda.gov>; Atwood, John (Federal) <JAtwood@eda.gov>; Giannini, Matthew (Federal) <MGIannini@eda.gov>  
**Subject:** FW: KRGV-TV building inquiry

Kim,

Per our conversation, the following is the email I received from the reporter in Weslaco, Tx.

Thanks,  
Robert

Robert Peche  
Economic Development Representative (EDR)  
Southern Texas  
EDA Austin Regional Office  
(b) (6) (mobile)  
[Rpeche1@eda.gov](mailto:Rpeche1@eda.gov)

**From:** Gabriella Garza [<mailto:gabriella@krgv.com>]  
**Sent:** Tuesday, January 31, 2017 1:57 PM  
**To:** Peche, Robert (Federal) <[rpeche1@eda.gov](mailto:rpeche1@eda.gov)>  
**Subject:** KRGV-TV building inquiry

Hello Mr. Peche,

My name is Gabriella Garza, I'm a reporter with Channel Five News in Weslaco, Texas. I'm reaching out because we are working on a story near Boca Chica Village along Highway 4 or Boca Chica Highway. There is currently a building being built along the road there by the U.S EDA in partnership with the University of Texas Rio Grande Valley. We were hoping to talk to someone about this new building and how it came about and who is the contractor who obtained the correct permits to start construction.

I hope I am contacting the right person, if you could be of help please let me know. We are working on a short deadline so please contact me at your earliest convenience. Thank you. Feel free to call me on my cell (b) (6)

(b)

Best,  
Gabriella Garza

**Atwood, John (Federal)**

---

**From:** Moore, Rhongelyn (Federal)  
**Sent:** Wednesday, February 01, 2017 12:10 PM  
**To:** Atwood, John (Federal)  
**Subject:** UPDATE: The Path

John,

(b) (5)

With regards to the routine meeting requests, we do not need to clear those, but would like you to alert us if they have a press component to them via your week ahead reports unless they require more urgent attention.

Finally, the grants have cleared the first hurdle and are now pending with team who coordinates all releases with the WH so it is hard to say when they will be cleared. If the grants have deadlines for issuance, please let me know and I will pass that along to Areaka in hopes of shaking them loose. Let me know if you have any questions.

Thanks,

*Rhongey*

**From:** Atwood, John (Federal)  
**Sent:** Wednesday, February 01, 2017 7:30 AM  
**To:** Moore, Rhongelyn (Federal) <RMoore2@doc.gov>  
**Cc:** Foye-McFadden, Areaka (Federal) <AFoye-McFadden@doc.gov>  
**Subject:** Fwd: The Path

We would like to send an internal message letting staff know (b) (5)

with this?

Ok to proceed

Thank you, John

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Ives, David (Federal)" <DIves@eda.gov>  
**Date:** 1/31/17 6:04 PM (GMT-05:00)  
**To:** "Atwood, John (Federal)" <JAtwood@eda.gov>  
**Cc:** "Borlik, Bryan (Federal)" <bborlik@eda.gov>, "Todd, Alec (Federal)" <ATodd@eda.gov>, "Stone, Laura (Federal)" <lstone1@eda.gov>  
**Subject:** The Path

John:

I've reviewed the Commerce Connection intranet page established by the Alec for the podcast, and it looks good to me (b) (5) [REDACTED] Alec has kindly drafted some quick info on accessing the podcast for staff that could be included with Laura's outreach.

Let me know.

Thanks,

Dave

David R. Ives, AICP  
Planning Coordinator  
Economic Development Administration  
US Department of Commerce  
Washington, DC 20230  
P: 202.482.0529  
[www.eda.gov](http://www.eda.gov)



## Atwood, John (Federal)

---

**From:** Atwood, John (Federal)  
**Sent:** Wednesday, February 08, 2017 9:27 AM  
**To:** 'Gabriella Garza'  
**Subject:** RE: U.S. EDA Inquiry

Thanks, Gabriella. I am looking into this and I will let you know asap if we have any information we can share on these issues.

**From:** Gabriella Garza [mailto:gabriella@krgv.com]  
**Sent:** Wednesday, February 08, 2017 8:37 AM  
**To:** Atwood, John (Federal) <JAtwood@eda.gov>  
**Subject:** Re: U.S. EDA Inquiry

Good morning John,

Thank you for getting back to me, I'm looking for information regarding the building that is being built near Boca Chica Village in south Texas. This building is for The University of Texas Rio Grande Valley's Stargazing program. I saw a billboard out there with the U.S EDA stating a partnership with the university for this project. What I'm looking for or better yet what I hope to find, is what standards is this building held to? During our search we found out that this building, because it is part of the university does not have to follow any local ordinances or laws due to the fact that it is regulated by the state. Various individuals tell us this but no one has yet to point out where it states that in the law and that's all we want to find out exactly. If you want to give me a call this morning, I will be more than willing to further explain, I know this is probably confusing reading, I apologize. Thank you for your time, look forward to hearing from you.

I am a morning reporter so I am available anytime this morning, I work until about 1:30 p.m.

Best,  
Gabriella Garza  
News Reporter, KRGV-TV  
Cell [REDACTED]  
Phone: 956-968-5555

**From:** "Atwood, John (Federal)" <JAtwood@eda.gov>  
**To:** "gabriella@krgv.com" <gabriella@krgv.com>  
**Sent:** 1/31/2017 6:11 PM  
**Subject:** U.S. EDA Inquiry

HI Gabriella:

Our Austin regional office passed along that you had contacted them regarding a story you are working on. Please let me know what information you are looking for and what your deadline is. Thank you, John Atwood, EDA Public Affairs

Sent from my Verizon Wireless 4G LTE smartphone

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**Atwood, John (Federal)**

---

**From:** Moore, Rhongelyn (Federal)  
**Sent:** Thursday, February 09, 2017 8:53 AM  
**To:** Atwood, John (Federal)  
**Subject:** Re: UPDATE

Good Morning John,

The interview request from the Alaska AP reporter is cleared. Thank you for your patience.

Rhongey

---

**From:** Atwood, John (Federal)  
**Sent:** Wednesday, February 8, 2017 10:47:01 AM  
**To:** Moore, Rhongelyn (Federal)  
**Subject:** RE: UPDATE

Thank you.

**From:** Moore, Rhongelyn (Federal)  
**Sent:** Wednesday, February 08, 2017 10:46 AM  
**To:** Atwood, John (Federal) <JAtwood@eda.gov>  
**Subject:** UPDATE

John,

Wanted to update you that the grant releases are with the Policy shop so I have no word on when those will be returned. The AP reporter story seems more likely but is being flagged for others for awareness so I hope to have movement on that soon. I will keep you posted.

Thanks,

*Rhongey*

**From:** Atwood, John (Federal)  
**Sent:** Wednesday, February 08, 2017 8:08 AM  
**To:** Moore, Rhongelyn (Federal) <RMoore2@doc.gov>  
**Subject:** RE: Trying to reach you

Thanks.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Moore, Rhongelyn (Federal)" <RMoore2@doc.gov>

Date: 2/8/17 8:07 AM (GMT-05:00)  
To: "Atwood, John (Federal)" <[JAtwood@eda.gov](mailto:JAtwood@eda.gov)>  
Subject: RE: Trying to reach you

Hi John,

Let me see where this is and circle back.

Thanks,

*Rhongey*

**From:** Atwood, John (Federal)  
**Sent:** Wednesday, February 08, 2017 8:05 AM  
**To:** Moore, Rhongelyn (Federal) <[RMoore2@doc.gov](mailto:RMoore2@doc.gov)>  
**Cc:** Foye-McFadden, Areaka (Federal) <[AFoye-McFadden@doc.gov](mailto:AFoye-McFadden@doc.gov)>  
**Subject:** Fwd: Trying to reach you

FYI - the Alaska AP reporter I flagged yesterday is following up with her request to speak with someone at EDA about the project I provided points on. This seems to me like an easy way for us to explain how EDA funds are helping thus rural village. It would be great if we could get our Alaska person on the phone with her to provide some background. If you could raise this I'd appreciate it. Best, John

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Portell, John (Federal)" <[JPortell@eda.gov](mailto:JPortell@eda.gov)>  
**Date:** 2/8/17 7:30 AM (GMT-05:00)  
**To:** "Atwood, John (Federal)" <[JAtwood@eda.gov](mailto:JAtwood@eda.gov)>  
**Cc:** "Brown, Greg (Federal)" <[gbrown@eda.gov](mailto:gbrown@eda.gov)>  
**Subject:** FW: Trying to reach you

John,

**From:** Foye-McFadden, Areaka (Federal)  
**To:** BureausOPA  
**Cc:** Cisneros, Raul (Federal); Vaccaro, Christopher (Federal)  
**Subject:** Budget questions  
**Date:** Monday, February 27, 2017 5:44:44 PM

---

We anticipate there will be an increase in press calls very soon regarding the FY 18 budget. Like always, please forward all budget inquiries from reporters to our office at [publicaffairs@doc.gov](mailto:publicaffairs@doc.gov) or 202-482-4883.

Thanks,

-Areaka

**Atwood, John (Federal)**

---

**From:** Atwood, John (Federal)  
**Sent:** Friday, March 03, 2017 9:18 AM  
**To:** Ayala, Jorge (Federal)  
**Subject:** RE: Media Inquiry - Was The Trans-Pacific Partnership Bad For The U.S.?

Thanks, Jorge. Someone in HQ got this too. I told them to ignore. Good on you! Have a good day!

**From:** Ayala, Jorge (Federal)  
**Sent:** Friday, March 03, 2017 9:01 AM  
**To:** Atwood, John (Federal) <JAtwood@eda.gov>  
**Subject:** FW: Media Inquiry - Was The Trans-Pacific Partnership Bad For The U.S.?

Not going to respond...but this is a first and I thought you might find it interesting.

Jorge D. Ayala  
Regional Director  
Economic Development Administration  
903 San Jacinto Blvd., Suite 206  
Austin, Texas 78701-2450  
[www.eda.gov](http://www.eda.gov)  
(512) 381-8150 Office  
(b) (6) Cell

**From:** John Kiernan [mailto:[john.kiernan@wallethub.com](mailto:john.kiernan@wallethub.com)]  
**Sent:** Friday, March 03, 2017 7:58 AM  
**To:** Ayala, Jorge (Federal) <JAYala@eda.gov>  
**Subject:** Media Inquiry - Was The Trans-Pacific Partnership Bad For The U.S.?

Hi Jorge,

My name is John Kiernan, and I'm the Senior Editor at WalletHub.com (one of the leading outlets covering the personal finance industry). I wanted to invite you to take part in a little debate we're hosting on the topic "was the trans-pacific partnership bad for the U.S?". Basically, you just choose a side and provide a short (300 - 500 words) explanation. Here's a link to a similar piece: <https://wallethub.com/blog/how-is-the-economy-doing/21997/>

In addition to this piece, your comments may also be used in an article for one of the major national news outlets that we contribute to (e.g., The Washington Post, CNBC, Forbes). Finally, it would be great if you could send a high-resolution picture of yourself to accompany your comments. Let me know if you have any questions.

Thanks so much in advance!  
John

--  
John Kiernan  
Senior Editor

818 18th Street NW, Suite 1020  
Washington, DC 20006



Hi John,

Thanks so much for reaching out to EDA. Via this email, I am connecting you to John Atwood and Annemarie Fox in our press office for a response.

Respectfully,

Jeannette

Jeannette P. Tamayo – Regional Director – Economic Development Administration – Chicago Regional Office

US Department of Commerce -- 230 South Dearborn Street -- Suite 3280 – Chicago, IL – 60604

Direct: 312-789-9760 or "0" for Receptionist — Main: 312-353-8143 — Fax: 312-353-8575 — Mobile & Text: (b) (6)

*EDA's mission is to lead the Federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the global economy.*

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**From:** John Kiernan [<mailto:john.kiernan@wallethub.com>]  
**Sent:** Monday, March 06, 2017 12:15 PM  
**To:** Tamayo, Jeannette (Federal) <[JTamayo@eda.gov](mailto:JTamayo@eda.gov)>  
**Subject:** Re: Media Inquiry - Was The Trans-Pacific Partnership Bad For The U.S.?

Hi Jeannette,

I just wanted to follow-up on my previous email (see below). Please let me know if you'll be able to weigh in. Don't hesitate to ask if you have any questions either!

Best,  
John

On Fri, Mar 3, 2017 at 8:57 AM, John Kiernan <[john.kiernan@wallethub.com](mailto:john.kiernan@wallethub.com)> wrote:



Hi Jeannette,

My name is John Kiernan, and I'm the Senior Editor at WalletHub.com (one of the leading outlets covering the personal finance industry). I wanted to invite you to take part in a little debate we're hosting on the topic "was the trans-pacific partnership bad for the U.S?". Basically, you just choose a side and provide a short (300 - 500 words) explanation. Here's a link to a similar piece: <https://wallethub.com/blog/how-is-the-economy-doing/21997/>

In addition to this piece, your comments may also be used in an article for one of the major national news outlets that we contribute to (e.g., The Washington Post, CNBC, Forbes). Finally, it would be great if you could send a high-resolution picture of yourself to accompany your comments. Let me know if you have any questions.

Thanks so much in advance!

John

--

**John Kiernan**

Senior Editor

---

818 18th Street NW, Suite 1020  
Washington, DC 20006



--

**John Kiernan**

Senior Editor

---

818 18th Street NW, Suite 1020  
Washington, DC 20006



## Atwood, John (Federal)

---

**From:** Borlik, Bryan (Federal)  
**Sent:** Monday, February 13, 2017 8:47 AM  
**To:** Atwood, John (Federal)  
**Subject:** Fwd: URGENT: Journalist Query on Keystone XL and Evraz-Produced Steel

FYI. EDA shouldn't be involved in this response .

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** Steve Horn <[steve@desmogblog.com](mailto:steve@desmogblog.com)>  
**Date:** 2/12/17 8:11 PM (GMT-05:00)  
**To:** "Borlik, Bryan (Federal)" <[bborlik@eda.gov](mailto:bborlik@eda.gov)>, "Truman, Tim" <[Tim.Truman@trade.gov](mailto:Tim.Truman@trade.gov)>  
**Subject:** Fwd: URGENT: Journalist Query on Keystone XL and Evraz-Produced Steel

Tim and Bryan,

Forwarding this to your attention. Thank you.

Best,  
Steve

----- Forwarded message -----

**From:** **Steve Horn** <[steve@desmogblog.com](mailto:steve@desmogblog.com)>  
**Date:** Sun, Feb 12, 2017 at 8:09 PM  
**Subject:** URGENT: Journalist Query on Keystone XL and Evraz-Produced Steel  
**To:** Eugene Cottilli <[eugene.cottilli@bis.doc.gov](mailto:eugene.cottilli@bis.doc.gov)>, [BPete@eda.gov](mailto:BPete@eda.gov), [mary.trupo@trade.gov](mailto:mary.trupo@trade.gov),  
[jeannine.aversa@bea.gov](mailto:jeannine.aversa@bea.gov)  
**Cc:** [publicaffairs@doc.gov](mailto:publicaffairs@doc.gov)

Hi Eugene, JBreelyn, Mary and Jeannine:

Steve Horn here, writer for *DeSmogBlog.com*. I am writing because I am working on a story on TransCanada's Keystone XL Pipeline and President Donald Trump's recent executive orders regarding that pipeline and steel production for pipelines more generally.

In that vein, I was wondering if you are you able to explain how the steel-making executive order will apply to Keystone XL, given much of the steel for that particular pipeline already awaits being put to use and is sitting in the Gascoyne pipe yard in North Dakota? Will TransCanada have to have new steel made at U.S. plants, or does the "to the maximum extent possible" language found in the order mean that there is wiggle room in so far as that is concerned?

Thanks so much for your time and help on this query. My deadline is early tomorrow afternoon.

Best,  
Steve

(b) (6)

## Atwood, John (Federal)

---

**From:** Atwood, John (Federal)  
**Sent:** Wednesday, March 01, 2017 3:17 PM  
**To:** Ewell-Madison, Angela (Federal); Borlik, Bryan (Federal)  
**Subject:** RE: Media Inquiry - Is Bitcoin Safe?

Something to ignore.

**From:** Ewell-Madison, Angela (Federal)  
**Sent:** Wednesday, March 01, 2017 3:16 PM  
**To:** Atwood, John (Federal) <JAtwood@eda.gov>; Borlik, Bryan (Federal) <bborlik@eda.gov>  
**Subject:** FW: Media Inquiry - Is Bitcoin Safe?

What the heck is this?

**From:** John Kiernan [<mailto:john.kiernan@wallethub.com>]  
**Sent:** Tuesday, February 28, 2017 6:29 PM  
**To:** Ewell-Madison, Angela (Federal) <[AEwell-Madison@eda.gov](mailto:AEwell-Madison@eda.gov)>  
**Subject:** Media Inquiry - Is Bitcoin Safe?

Hi Angela,

My name is John Kiernan, and I'm the Senior Editor at WalletHub.com (one of the leading outlets covering the personal finance industry). I wanted to invite you to take part in a little debate we hosted on the topic "is bitcoin safe?". Basically, you just choose a side and provide a short (300 - 500 words) explanation. Here's a [link](#) to the piece.

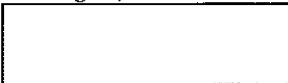
In addition to this piece, your comments may also be used in an article for one of the major national news outlets that we contribute to (e.g., The Washington Post, CNBC, Forbes). Finally, it would be great if you could send a high-resolution picture of yourself to accompany your comments. Let me know if you have any questions.

Thanks so much in advance!  
John

--

**John Kiernan**  
Senior Editor

818 18th Street NW, Suite 1020  
Washington, DC 20006



## Atwood, John (Federal)

---

**From:** Atwood, John (Federal) <jatwood@eda.gov>  
**Sent:** Monday, March 06, 2017 2:50 PM  
**To:** Fox, AnneMarie(Federal); Foye-McFadden, Areaka (Federal); Moore, Rhongelyn (Federal)  
**Subject:** RE: Media Inquiry - Was The Trans-Pacific Partnership Bad For The U.S.?

A bunch of people have gotten this and I told them to ignore or decline. No one in EDA will respond.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Fox, AnneMarie(Federal)" <AFox1@eda.gov>  
**Date:** 3/6/17 2:38 PM (GMT-05:00)  
**To:** "Foye-McFadden, Areaka (Federal)" <AFoye-McFadden@doc.gov>, "Moore, Rhongelyn (Federal)" <RMoore2@doc.gov>  
**Cc:** "Atwood, John (Federal)" <JAtwood@eda.gov>  
**Subject:** FW: Media Inquiry - Was The Trans-Pacific Partnership Bad For The U.S.?

Hi Areaka/Rhongelyn,

John is out on leave today.

Please see below media query we received. From what I understand, federal government civilians cannot give subjective opinions about policy matters. We provide facts and execute existing policy.

Below is a draft response I recommend we send to the reporter:

---

Hi John,

(b) (5)



(b) (5)

Very respectfully,

Annemarie

---

Please let me know if you approve or would like to take this since it involves TPP?

Annemarie Fox

Public Affairs Specialist

U.S. Department of Commerce

Economic Development Administration

Office of Public Affairs

[afox1@eda.gov](mailto:afox1@eda.gov)

Office: 202-482-3792

Mobile: (b) (6)

*Connect with EDA on [eda.gov](http://eda.gov), [Facebook](#), [Twitter](#) and [LinkedIn](#)!*

**From:** Tamayo, Jeannette (Federal)

**Sent:** Monday, March 06, 2017 1:20 PM

**To:** John Kiernan <[john.kiernan@wallethub.com](mailto:john.kiernan@wallethub.com)>; Atwood, John (Federal) <[JAtwood@eda.gov](mailto:JAtwood@eda.gov)>; Fox, AnneMarie(Federal) <[AFox1@eda.gov](mailto:AFox1@eda.gov)>

**Subject:** RE: Media Inquiry - Was The Trans-Pacific Partnership Bad For The U.S.?

## **Atwood, John (Federal)**

---

**From:** Borlik, Bryan (Federal)  
**Sent:** Monday, March 06, 2017 6:06 PM  
**To:** Atwood, John (Federal); Fox, AnneMarie(Federal)  
**Subject:** RE: Media Inquiry - Was The Trans-Pacific Partnership Bad For The U.S.?

I would normally ignore it too. But since he keeps following up, I would simply reply that we are unable to engage in public policy discussions like this at this time. Nothing more than that.

Thanks

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Atwood, John (Federal)" <JAtwood@eda.gov>  
**Date:** 3/6/17 2:59 PM (GMT-05:00)  
**To:** "Fox, AnneMarie(Federal)" <AFox1@eda.gov>, "Borlik, Bryan (Federal)" <bborlik@eda.gov>  
**Subject:** RE: Media Inquiry - Was The Trans-Pacific Partnership Bad For The U.S.?

I've been telling everyone who writes me about this to ignore it. This guy has sent this email to thousands of people in the fed. gov.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Fox, AnneMarie(Federal)" <AFox1@eda.gov>  
**Date:** 3/6/17 2:22 PM (GMT-05:00)  
**To:** "Borlik, Bryan (Federal)" <bborlik@eda.gov>  
**Cc:** "Atwood, John (Federal)" <JAtwood@eda.gov>  
**Subject:** FW: Media Inquiry - Was The Trans-Pacific Partnership Bad For The U.S.?

Hi Bryan,

As you know, John is out today.

Please see below media query we received. From what I understand, federal government civilians cannot give a subjective opinion about pending or existing policy. We just execute the policy and TPP was never signed into law.

Recommend the following response to the reporter:

---

(b) (5)



Very respectfully,

Annemarie

---

Also – should coordinate this with the SF?

Annemarie Fox

Public Affairs Specialist

U.S. Department of Commerce

Economic Development Administration

Office of Public Affairs

[afox1@eda.gov](mailto:afox1@eda.gov)

Office: 202-482-3792

Mobile: (b) (6)



*Connect with EDA on [eda.gov](http://eda.gov), [Facebook](#), [Twitter](#) and [LinkedIn](#)!*

**From:** Tamayo, Jeannette (Federal)  
**Sent:** Monday, March 06, 2017 1:20 PM  
**To:** John Kiernan <[john.kiernan@wallethub.com](mailto:john.kiernan@wallethub.com)>; Atwood, John (Federal) <[JAtwood@eda.gov](mailto:JAtwood@eda.gov)>; Fox, AnneMarie(Federal) <[AFox1@eda.gov](mailto:AFox1@eda.gov)>  
**Subject:** RE: Media Inquiry - Was The Trans-Pacific Partnership Bad For The U.S.?

Hi John,

Thanks so much for reaching out to EDA. Via this email, I am connecting you to John Atwood and Annemarie Fox in our press office for a response.

Respectfully,

Jeannette

Jeannette P. Tamayo – Regional Director – Economic Development Administration – Chicago Regional Office

US Department of Commerce – 230 South Dearborn Street – Suite 3280 – Chicago, IL – 60604

Direct: 312-789-9760 or "0" for Receptionist — Main: 312-353-8143 — Fax: 312-353-8575 — Mobile & Text (b) (6)

*EDA's mission is to lead the Federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the global economy.*

**NOTICE:** This e-mail message is intended only for the named recipient(s) and contains information that may be confidential, privileged or otherwise exempt from disclosure under applicable law. If you have received this message in error.

**From:** John Kiernan [<mailto:john.kiernan@wallethub.com>]  
**Sent:** Monday, March 06, 2017 12:15 PM  
**To:** Tamayo, Jeannette (Federal) <[JTamayo@eda.gov](mailto:JTamayo@eda.gov)>  
**Subject:** Re: Media Inquiry - Was The Trans-Pacific Partnership Bad For The U.S.?



Hi Jeannette,

I just wanted to follow-up on my previous email (see below). Please let me know if you'll be able to weigh in. Don't hesitate to ask if you have any questions either!

Best,  
John

On Fri, Mar 3, 2017 at 8:57 AM, John Kiernan <[john.kiernan@wallethub.com](mailto:john.kiernan@wallethub.com)> wrote:

Hi Jeannette,

My name is John Kiernan, and I'm the Senior Editor at WalletHub.com (one of the leading outlets covering the personal finance industry). I wanted to invite you to take part in a little debate we're hosting on the topic "was the trans-pacific partnership bad for the U.S?". Basically, you just choose a side and provide a short (300 - 500 words) explanation. Here's a link to a similar piece: <https://wallethub.com/blog/how-is-the-economy-doing/21997/>

In addition to this piece, your comments may also be used in an article for one of the major national news outlets that we contribute to (e.g., The Washington Post, CNBC, Forbes). Finally, it would be great if you could send a high-resolution picture of yourself to accompany your comments. Let me know if you have any questions.

Thanks so much in advance!  
John

--  
**John Kiernan**

Senior Editor

818 18th Street NW, Suite 1020  
Washington, DC 20006

--  
John Kiernan

Senior Editor

818 18th Street NW, Suite 1020  
Washington, DC 20006

**From:** [Moore, Rhongelyn \(Federal\)](#)  
**To:** [Atwood, John \(Federal\)](#)  
**Cc:** [Foye-McFadden, Areaka \(Federal\)](#); [Fox, AnneMarie\(Federal\)](#); [Betton, Kim \(Federal\)](#)  
**Subject:** RE: EDA Grant Press Release - Wilbur Ross for Ones Over \$1 Million  
**Date:** Thursday, March 09, 2017 12:02:58 PM

---

Hi John,

Yes, please start sending down press releases for \$1 million or more with a quote from the Secretary.

Thanks,

*Rhongey*

**From:** Atwood, John (Federal)  
**Sent:** Thursday, March 09, 2017 11:09 AM  
**To:** Moore, Rhongelyn (Federal) <RMoore2@doc.gov>  
**Cc:** Foye-McFadden, Areaka (Federal) <AFoye-McFadden@doc.gov>; Fox, AnneMarie(Federal) <AFox1@eda.gov>; Betton, Kim (Federal) <KBetton@eda.gov>  
**Subject:** EDA Grant Press Release - Wilbur Ross for Ones Over \$1 Million

Hi Rhongy:

Now that the Secretary is on board, should we start to send down press releases for projects that are \$1 million or more with him announcing and with a quote from him (like we've been doing for years)?

John Atwood  
Lead Public Affairs Specialist  
U.S. Department of Commerce  
Economic Development Administration  
Office of Public Affairs  
[jatwood@eda.gov](mailto:jatwood@eda.gov)  
202-482-4085

**From:** Phelps, Michael (Federal)  
**To:** OFM-Bureau CFOs; Budget Officers-OB; OFM-CFOASA Directors; OFM-CFOASA Deputy Directors; BC-OB; Turk, Rod (Federal); Ware, Terri (Federal); Sharma, Rajeev (Federal); Cavanaugh, Erin (Federal); Rovinsky, Bob (Federal); McClelland, Michelle (Federal); Konegav, Nick (Federal); Grossman, Beth (Federal); VanHanswyk, Beth (Federal); Schufreider, Jim (Federal); Mason, Jacque (Federal); Heflin, Christine (Federal); Davidson, Glenn (Federal); Bersani, Kurt (Federal); Krauk, Jamie (Federal); Bero, Robin; Brockett, Del; Drew, Daniel; Lee, Harry A; Paiva, Joe; Ruggieri, Rand; Schiller, Susannah B.; Sinner, Keith; Smith, Kevin B; Perry, Douglas (Federal); Callahan, Brian; Goldstein, Zachary (Federal); Gwinn, Jim; Macklin, Renee (Federal); Clark, Roger; Owens II, John; Hardy, Karen (Federal); House, Michael; Jenkins, George; Journet, Tammy (Federal); Coppolino, Teresa (Federal); Crane, Joanne; Royall, Bonita; Patterson, Gerald (Federal); Pelter, Jeremy; Boards, Fernandez; Predmore, Thomas (Federal); Marin, Ronald (Federal); Casias, Lisa (Federal); Krieger, Mark; Tatter, Bill (Federal); Kunze, Stephen (Federal); Monroe, Justin (Federal); Adkins, Byron (Federal); Rose, Carol; Blyden, Traci (Federal); Herbst, Ellen (Federal); Carpentier, Kimball Allan; Cherny, H. Paul; Hunter, Donnell (Federal); Siegel, Matthew (Federal); Mahoney, Kevin (Federal); Rahn, Michelle; Richter, Jennifer; Memmott-Kern, Kendra; Vernon, Nancy; Eilers, Ann; Avers, Jennifer (Federal); BureausOIA; BureausOPA; Loraoui, Mohammed (Federal); Comstock, Earl (Federal); Rockas, James (Federal); Kiefaber, Clay (Federal); Branstad, Eric (Federal); Sigmon, Andrew; Haqa, Barrett (Federal); Vaccaro, Christopher (Federal); Cisneros, Raul (Federal); Aversa, Jeannine; Bonner, Alissa A; Yusko, Stephen; Ewalt, Scott; Nagle, Drew (Federal); Cottilli, Eugene; Keefe Singer, Jenilee (Federal); Mills, Natasha (Federal); Trossbach, Megan (Contractor); Grow, Michelle (Federal); Woods, Velicia (Federal); Crowley, Lorri; Lang, Alan; Thompson, Sally; Hill, Daniel; Guevara, Thomas (Federal); Burke, Brad (Federal); McCloud, Edith (Federal); Capella, Gregory; Hirshfeld, Andrew; Didiuk, Lauren (Federal); Reynolds, Gienn; Kemp, Sarah; Bechtel, Leonard; Hyatt, Ken; Friedman, Benjamin (Federal); Alvord, Dennis (Federal); Brown, Greg (Federal); Bender, Avi; Furgione, Laura; Thompson, John H; Moyer, Brian; Rochford, Kent; Lee, Michelle; Scardino, Tony; Gustafson, Peg; Smith, David; Teramoto, Wendy (Federal); Reinert, William (Federal); Foye-McFadden, Areaka (Federal); Cook, Michael C; Belton, Linda (Federal); James-Marshall, Alicia; Dail, Thomas; Colarulli, Dana; Atkisson, Eric; Ewell-Madison, Angela (Federal); Holland, Diane M.; Velez, Daniel D; Larrimore, Laura; Acierto, Linda D.; Pineda, Jennifer (Federal); Weldon, Mary L; House, Michael; Jenkins, George; Crane, Joanne; Royall, Bonita; Boards, Fernandez; Krieger, Mark; Rose, Carol; Carpentier, Kimball Allan; Cherny, H. Paul; Rahn, Michelle; Richter, Jennifer; Memmott-Kern, Kendra; Vernon, Nancy; Eilers, Ann; Sigmon, Andrew; Aversa, Jeannine; Bonner, Alissa A; Yusko, Stephen; Ewalt, Scott; Crowley, Lorri; Lang, Alan; Cook, Michael C; James-Marshall, Alicia; Dail, Thomas; Colarulli, Dana; Atkisson, Eric; Holland, Diane M.; Velez, Daniel D; Acierto, Linda D.; Wilds, Troy (Federal); Huero, Jennifer; Montano, Cynthia; Footman, Aaron; Celestin, Candice; Murphy, Frank; Anderson, Michael (Federal); Jack, Timothy (Federal); Porter, Gail; Durst, Stuart P Jr  
**Cc:** Rockas, James (Federal); Schufreider, Jim (Federal); Comstock, Earl (Federal); Branstad, Eric (Federal); Teramoto, Wendy (Federal); Kiefaber, Clay (Federal); Reinert, William (Federal); Foye-McFadden, Areaka (Federal); Phelps, Michael (Federal)  
**Subject:** Today's Budget Update at 4pm  
**Date:** Wednesday, March 15, 2017 3:04:39 PM

---

**I'm resending Ellen's note to the Departmental Management Council for everyone's situational awareness regarding today's 4pm meeting—Mike**

Team,

As a reminder, the Administration will release the FY18 Budget Blueprint tomorrow. We are hosting a teleconference at 4 pm today and inviting all of you, plus your communications, legislative affairs and CFO contacts. During the call we will go over more detail on timing and communications related to the FY18 Budget. Please look for the meeting invite in your e-mail soon.

Any inquiries regarding the FY18 budget should be referred to DOC HQ for response.

If you receive any inquiries from the press at any time regarding the budget, please refer them to Will Reinert (cc'd on this note).

If you receive any inquiries from the Hill or intergovernmental sources at any time regarding the budget, please refer them to Jim Schufreider and Mike Phelps (also both cc'd on this note).

We look forward to speaking to you at 4:00 today. Please try to gather the relevant staff with you for the call, to the extent that is practical.

Thanks,

Ellen

## Atwood, John (Federal)

---

**From:** Foye-McFadden, Areaka (Federal)  
**Sent:** Wednesday, March 15, 2017 12:43 PM  
**To:** BureausOPA  
**Cc:** Aversa, Jeannine; Cisneros, Raul E; Vaccaro, Christopher (Federal)  
**Subject:** Press inquiries on the budget

As you all know, the President will release the 2018 Budget Blueprint tomorrow. If you receive press calls regarding the broader budget please refer them to Coalter Baker at [John.C.Baker@omb.eop.gov](mailto:John.C.Baker@omb.eop.gov) and cc me, James and William Reinert. Please continue to forward all calls related to the DOC budget to our office at x4883 or [publicaffairs@doc.gov](mailto:publicaffairs@doc.gov).

Thanks,

Areaka

## Atwood, John (Federal)

---

**From:** Foye-McFadden, Areaka (Federal)  
**Sent:** Thursday, March 16, 2017 11:30 AM  
**To:** BureausOPA  
**Subject:** External talking points for the FY 18 Blueprint

Below are the external talking points on the FY 18 Blueprint. The internal talkers will be sent to you all shortly.

### THE PRESIDENT'S BUDGET BLUEPRINT:

- This is an America First budget – Plain and simple.
- The budget cuts were designed to go after waste and inefficiencies, to reduce the deficit, and most importantly to promote the dual priorities of national security and job growth.
- First, it meets the president's promise to restore our neglected military.
  - Readiness and lethality increased, prioritizes defeating ISIS with one of the largest defense increases in history (\$54B).
  - Reverses Defense sequestration.
  - Shifts dollars from foreign aid to putting Americans first.
- Next, it keeps President Trump's word to make veterans' health care, school choice, and border security key priorities.
  - This includes \$1.4 Billion to public and private school choice.
- It also takes on the long overdue task of *draining the swamp*.
  - Eliminates hundreds of redundant, overlapping, or ineffective programs as we pay for defense priorities w/ targeted reductions.
  - We looked at a program's effectiveness, not just its intentions.
  - With every American's share of national debt at \$60K, we cannot afford to waste one penny on programs that have been around a long time but can't show effectiveness, aren't a core mission of federal gov.

### COMMERCE:

- The blueprint prioritizes and protects investments that place America first.
- Commerce will continue its important role in promoting job growth and economic security.
- The Budget prioritizes and protects investments in core functions such as:
  - preparing for the 2020 Decennial Census;
    - Increases funding for the U.S. Census Bureau to continue preparations for the 2020 Decennial Census.
  - providing the observational infrastructure and staff necessary to produce timely and accurate weather forecasts;
  - supporting the Government's role in managing marine resources and ocean and coastal navigation; and
  - enforcing laws that promote fair and secure trade.
- The Budget also reduces or eliminates grant programs that have limited impact and reflect an expansion beyond core missions of the bureaus.

- Strengthens the International Trade Administration's (ITA) trade enforcement and compliance functions, including the Anti-Dumping and Countervailing Duty investigations, while rescaling the agency's export promotion and trade analysis activities.



**Atwood, John (Federal)**

---

**From:** Rockas, James (Federal)  
**Sent:** Thursday, March 16, 2017 11:31 AM  
**To:** Fox, AnneMarie(Federal); John.C.Baker@omb.eop.gov  
**Cc:** Foye-McFadden, Areaka (Federal); Reinert, William (Federal); Atwood, John (Federal); DOC Public Affairs  
**Subject:** Re: NBC News story

I'll respond.

James G. Rockas  
Special Assistant to the Secretary  
Department of Commerce | Office of Public Affairs  
(b) (6) (c) | [jrockas@doc.gov](mailto:jrockas@doc.gov) | (202)482-5035 (o)



---

**From:** "Fox, AnneMarie(Federal)" <AFox1@eda.gov>  
**Date:** Thursday, March 16, 2017 at 11:24 AM  
**To:** "John.C.Baker@omb.eop.gov" <John.C.Baker@omb.eop.gov>  
**Cc:** "Foye-McFadden, Areaka (Federal)" <AFoye-McFadden@doc.gov>, Rockas <JRockas@doc.gov>, William Reinert <WReinert@doc.gov>, "Atwood, John (Federal)" <JAtwood@eda.gov>, DOC Public Affairs <PublicAffairs@doc.gov>  
**Subject:** FW: NBC News story

All,

Please see below media inquiry EDA just received from NBCNews.com. Her deadline is in one hour.

Per guidance on budget inquiries, forwarding to you for coordination/response.

Please let me know if you have any questions.

Thank you,  
Annemarie

Annemarie Fox  
Public Affairs Specialist  
U.S. Department of Commerce  
Economic Development Administration  
Office of Public Affairs

[afox1@eda.gov](mailto:afox1@eda.gov)

Office: 202-482-3792

Mobile: (b) (6)

*Connect with EDA on [eda.gov](http://eda.gov), [Facebook](#), [Twitter](#) and [LinkedIn](#)!*

**From:** Martha White [mailto:(b) (6)@gmail.com]

**Sent:** Thursday, March 16, 2017 11:17 AM

**To:** Fox, AnneMarie(Federal) <AFox1@eda.gov>

**Subject:** NBC News story

Hi Annemarie,

I'm writing a story for NBCNews.com taking a look at how the proposed budget would impact job creation. I see (as per the AP) that the EDA is at risk. I'd like to know the following from someone there:

What role do you play in job creation? How many jobs can you attribute to your agency — either yearly or over a period of 5 or 10 years?

Specifically, I see some of your programs address jobs in former mining/manufacturing towns. How would they be impacted if these programs ceased to exist?

My office # is 845 562 6269.

Thanks very much,  
Martha

Martha C. White

o: (845) 562-6269

m: (b) (6)

(b) (6)@gmail.com

**From:** Foye-McFadden, Areaka (Federal)  
**To:** Borlik, Bryan (Federal); Atwood, John (Federal); Fox, AnneMarie(Federal)  
**Subject:** EDA talking point  
**Date:** Thursday, March 16, 2017 12:08:51 PM

---

Below is a talking point for EDA.

**EDA:**

- o The blueprint eliminates the Economic Development Administration, because of duplicative sister efforts at USDA and DoT and limited return on investment.
  - o EDA duplicates other Federal programs such as Rural Utilities Service grants at the United States Department of Agriculture and formula grants to states from the Department of Transportation

**From:** [Atwood, John \(Federal\)](#)  
**To:** [Betton, Kim \(Federal\)](#); [Fox, AnneMarie\(Federal\)](#)  
**Subject:** Calls on Budget Issues  
**Date:** Thursday, March 16, 2017 9:27:54 AM

---

If we get any calls on budget issues, please forward them to 5<sup>th</sup> floor Public Affairs at x2-4883.

John Atwood  
Lead Public Affairs Specialist  
U.S. Department of Commerce  
Economic Development Administration  
Office of Public Affairs  
[jatwood@eda.gov](mailto:jatwood@eda.gov)  
202-482-4085

To: [JAtwood@eda.gov](mailto:JAtwood@eda.gov), [Bborlik@eda.gov](mailto:Bborlik@eda.gov)  
From: [KBetton@eda.gov](mailto:KBetton@eda.gov)

To: [JAtwood@eda.gov](mailto:JAtwood@eda.gov), [BBorlik@eda.gov](mailto:BBorlik@eda.gov)  
From: [KBetton@eda.gov](mailto:KBetton@eda.gov)  
3/7/2017

RE: Boulder Daily Camera: Women in economic development ON DEADLINE

Sent from my Verizon 4G LTE smartphone  
Glad it worked out!

----- Original message -----

From: "Atwood, John (Federal)" <[JAtwood@eda.gov](mailto:JAtwood@eda.gov)>  
Date: 3/7/17 5:11 PM (GMT-05:00)  
To: "Betton, Kim (Federal)" <[KBetton@eda.gov](mailto:KBetton@eda.gov)>, "Borlik, Bryan (Federal)" <[bborlik@eda.gov](mailto:bborlik@eda.gov)>  
Subject: RE: Boulder Daily Camera: Women in economic development ON DEADLINE

Thank you. I sent the request to our liaisons on the 5th floor for review and approval. John

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Betton, Kim (Federal)" <[KBetton@eda.gov](mailto:KBetton@eda.gov)>  
Date: 3/7/17 4:39 PM (GMT-05:00)  
To: "Borlik, Bryan (Federal)" <[bborlik@eda.gov](mailto:bborlik@eda.gov)>, "Atwood, John (Federal)" <[JAtwood@eda.gov](mailto:JAtwood@eda.gov)>  
Subject: RE: Boulder Daily Camera: Women in economic development ON DEADLINE

Bryan/John,

I notified her that I forwarded her request and that we'll be in touch with her asap....or at the latest – tomorrow.

She reached out to the region – and the regional rep. also told her that she has to get it cleared through public affairs in HQ.

As soon as I hear from you – I can reach back out to her if you'd like. Her deadline is 6pm tonight.

Thanks a lot,  
Kim

**From:** Betton, Kim (Federal)  
**Sent:** Tuesday, March 07, 2017 4:21 PM

**To:** Borlik, Bryan (Federal) <[bborlik@eda.gov](mailto:bborlik@eda.gov)>; Atwood, John (Federal) <[JAtwood@eda.gov](mailto:JAtwood@eda.gov)>  
**Subject:** FW: Boulder Daily Camera: Women in economic development ON DEADLINE

Hello Bryan,

A Business Reporter is on a tight deadline (6pm EST today) – she has a media request below. Who would you recommend me to speak with her? See below:

**From:** Shay Castle [<mailto:castles@dailycamera.com>]  
**Sent:** Tuesday, March 07, 2017 4:13 PM  
**To:** Betton, Kim (Federal) <[KBetton@eda.gov](mailto:KBetton@eda.gov)>  
**Subject:** Boulder Daily Camera: Women in economic development ON DEADLINE

Hi, Kim,

Thanks again for chatting. My quick questions, for whomever. Deadline is 4 p.m. MST (so 6 p.m. EST)

Has the economic development industry achieved gender parity? If so, is that a recent development or has it always been equal? If not, what are some efforts ongoing to reach that even gender split?

Are you aware of any all-female economic development teams in the U.S.?

Please and thank you!

--

Shay Castle  
Business reporter  
Boulder Daily Camera, Longmont Times-Call  
(b) (6)

From: [KBetton@eda.gov](mailto:KBetton@eda.gov)  
To: [JAtwood@eda.gov](mailto:JAtwood@eda.gov), [BBorlik@eda.gov](mailto:BBorlik@eda.gov)  
Subject: RE: Boulder Daily Camera: Women in economic development ON DEADLINE  
Date: March 7, 2017

---

Sent from my Verizon 4G LTE smartphone  
Glad it worked out!

----- Original message -----

From: "Atwood, John (Federal)" <[JAtwood@eda.gov](mailto:JAtwood@eda.gov)>  
Date: 3/7/17 5:11 PM (GMT-05:00)  
To: "Betton, Kim (Federal)" <[KBetton@eda.gov](mailto:KBetton@eda.gov)>, "Borlik, Bryan (Federal)" <[bborlik@eda.gov](mailto:bborlik@eda.gov)>  
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Date: 3/7/17 4:39 PM (GMT-05:00)  
To: "Borlik, Bryan (Federal)" <[bborlik@eda.gov](mailto:bborlik@eda.gov)>, "Atwood, John (Federal)" <[JAtwood@eda.gov](mailto:JAtwood@eda.gov)>  
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She reached out to the region – and the regional rep. also told her that she has to get it cleared through public affairs in HQ.

As soon as I hear from you – I can reach back out to her if you'd like. Her deadline is 6pm tonight.

Thanks a lot,

Kim

**From:** Betton, Kim (Federal)  
**Sent:** Tuesday, March 07, 2017 4:21 PM  
**To:** Borlik, Bryan (Federal) <[bborlik@eda.gov](mailto:bborlik@eda.gov)>; Atwood, John (Federal) <[JAtwood@eda.gov](mailto:JAtwood@eda.gov)>  
**Subject:** FW: Boulder Daily Camera: Women in economic development ON DEADLINE

Hello Bryan,

A Business Reporter is on a tight deadline (6pm EST today) – she has a media request below.

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**From:** Shay Castle [mailto:castles@dailycamera.com]  
**Sent:** Tuesday, March 07, 2017 4:13 PM  
**To:** Betton, Kim (Federal) <KBetton@eda.gov>  
**Subject:** Boulder Daily Camera: Women in economic development ON DEADLINE

Hi, Kim.

Thanks again for chatting. My quick questions, for whomever. Deadline is 4 p.m. MST (so 6 p.m. EST)

Has the economic development industry achieved gender parity? If so, is that a recent development or has it always been equal? If not, what are some efforts ongoing to reach that even gender split?

Are you aware of any all-female economic development teams in the U.S.?

Please and thank you!

--

Shay Castle  
Business reporter  
Boulder Daily Camera, Longmont Times-Call  
(b) (6)



# *The Data Stewardship Program*

---

## DS-021 Policy Implementation Guidelines For Developing and Disclosing Custom Tabulations and Custom Extracts

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Topic	Policy Procedure
Requests Must Not Interfere with the Census Bureau's Mission	The U.S. Census Bureau will accept custom tabulation and custom extract requests made by the general public, organizations, and government agencies as long as the request does not interfere with Census Bureau goals, objectives, or mission.
Full Cost Recovery Required	Generally, whenever a customer requests a data product or service for which they would derive a special benefit not conferred on the rest of the public, the Census Bureau has to charge them.
The Definition of a Custom Tabulation	For the purposes of the policy, a custom tabulation is: a statistical aggregation of confidential Census Bureau microdata, collected under the authority of Title 13 United States Code (13 U.S.C.), that is produced by the Census Bureau at the request of a particular customer. Custom tabulations are developed from internal Census Bureau files that are not accessible by the public. This is also known as a "special tabulation."
The Definition of Custom Extracts	For the purposes of the policy, a custom extract is: a statistical aggregation, or reorganization of non-confidential Census Bureau data, that is produced at the request of a particular customer. Custom extracts are developed from published or previously published tables or disclosure-avoidance proofed unpublished data.
Products and Activities Out of Scope Entirely	For the purposes of this policy, the following products and activities do not fall within the definitions of custom tabulations and custom extracts, and are therefore, outside the scope of this policy: <ol style="list-style-type: none"> <li>1. Age Search requests. This service involves an individual requesting her/his own census record. The service is by a set fee, and the records are released only to that individual or her/his representative.</li> <li>2. Tables created with data that are confidential under 13 U.S.C. Section 301(g) are subject to additional protections and have a separate procedure by which the Census Bureau must determine whether it can create and release the data product.</li> <li>3. The Census Bureau does not charge for customer service nor publish a list of such routine responses to customers. (See definition.)</li> <li>4. Products previously created for Census Bureau use that are readily available internally and available to the public upon request. These may be made available at no charge and, in the interest of fairness, the program area's website should mention their availability.</li> <li>5. Interim and final tabulations and extracts produced with data</li> </ol>

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Topic	Policy Procedure
	<p>collected under a reimbursable survey, reimbursable statistical study, or a joint statistical project. The terms of the agreement for that survey, study, or project and other laws and policies govern the use of the data produced.</p> <p>6. Tabulations and extracts created by the Census Bureau for its own use with administrative records obtained under 13 U.S.C. Section 6 or as part of a joint statistical project conducted under 13 U.S.C. Section 8(b). The agreement with that agency or government body may govern whether the Census Bureau can release those tables to other customers. Other laws and policies also apply to the release of products from that data.</p>
Products and Activities Out of Scope in Terms of Pricing But Not Reporting	The Census Bureau may create custom products free of charge in response to Information Requests, and the Census Bureau publishes information about the Information Request along with information about custom tabulations. (See definition.)
The Definition of Customer Service	<p>For the purposes of the policy, customer service is assistance a Census Bureau employee provides a customer to identify what data the customer needs. Customer service may involve one or more of the following:</p> <ol style="list-style-type: none"> <li>a. oral or written instructions to the customer helping her/him understand how to find, retrieve, or download data;</li> <li>b. assisting customers with accessing and manipulating publicly-available files — when such manipulations are limited in scope, yet may be difficult for a novice or casual data user to perform;</li> <li>c. providing the customer a link to the data or a document or spreadsheet of the publicly-available data; and</li> <li>d. providing assistance to customers of Census Bureau subscription-based services, when such assistance is limited in scope and is necessary to demonstrate the utility of the subscription.</li> </ol>
The Definition of Information Request	<p>For the purposes of this policy: an Information Request is a request for Census Bureau data made:</p> <ol style="list-style-type: none"> <li>a. by a member of the White House staff on behalf of the White House, or</li> <li>b. made by the chairperson/head of a House or Senate committee or subcommittee on behalf of that committee or subcommittee.</li> </ol> <p>NOTE: while the Census Bureau does not charge for products made in response to Information Requests, it does report resulting products as it does Custom Tabulations.</p> <p>Program areas should work with the requestor to narrow the scope of any Information Request that would impose a significant burden on the program area.</p>

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Topic	Policy Procedure
	NOTE: requests from members of the media or media organizations do not qualify as Information Requests.
Requests on Sensitive Topics/Sensitive Populations	If a requested custom tabulation or custom extract involves sensitive topics or sensitive populations, topics that have policy implications, or topics that may negatively impact the Census Bureau's reputation, the program area will coordinate with the Policy Coordination Office on notifying the Data Stewardship Executive Policy Committee (DSEP). DSEP decided that the Disclosure Review Board will confine its review to avoiding disclosure of individual's records not to avoiding publication of tables on sensitive topics and sensitive populations.
Data Dissemination Specialists and Customer Service Center operators	Most of the work of data dissemination specialists and Customer Service Center operators will fall under the category of customer service. If, however, the work crosses over into being a request for a custom extract or a custom tabulation, they will forward the request to State Data Centers or to program areas at headquarters who will handle the request and its pricing.
Pricing  Pricing of New Custom Tabulations and Extracts	All work <b>beyond customer service</b> must be charged according to the grades of the employees doing the work, the overhead rate for their division, and Federal laws and Office of Management and Budget (OMB) Circulars governing "full cost recovery." Program areas will estimate the cost for that custom tabulation or extract based on the amount of time that will be spent on the work, the staff involved, and the overhead rates for the divisions in which those staff work. (See the Cost Estimation Worksheets on the Budget Division's Intranet page. See in particular this fiscal year's Cost Estimate Worksheet at this address <a href="https://collab.ecm.census.gov/div/bud/intranet/Pages/Reimbursable%20Work.aspx">https://collab.ecm.census.gov/div/bud/intranet/Pages/Reimbursable%20Work.aspx</a> )  For the purposes of calculating when work on an tabulation or extract began, staff should not include the initial amount of time they spent with a customer instructing how to use publicly available Census Bureau data products or identifying in general terms what data the customer needs. The cost of extracts should include time extracting the data, reformatting the data, reviewing the product, obtaining Division/Office Chief approval to release the

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Topic	Policy Procedure
	<p>data (see Quality Standard E3-3.1).</p> <p><b>Pricing for custom tabulations will include additional charges for disclosure avoidance review and the program area's time spent drawing up the agreement to produce the custom tabulation.</b></p>
Charging for Extensive Scoping Work	<p>As a general rule, Census Bureau program areas do not need to charge for the time spent with a customer figuring out what the customer wants in a data product. However, the program area should charge the customer if the requirements gathering/negotiations require significant time and effort. The agreement with the customer should include provisions and cost estimates for such requirements gathering.</p>
Pricing on Existing Available Custom Tabulations and Extracts	<p>Copies of existing custom extracts and existing special tabs from confidential data will be made available at the cost of reproduction. If readily available, these frequently will be available at no charge since there is no cost of reproduction when sending electronically.</p> <p>For very large custom tabulations or custom extracts, the Census Bureau may charge the customer for computer resources and staff effort involved in allotting server space necessary to decompress extremely large files and processing them into a product deliverable to the customer.</p>
Agreement Form to Use for a Customer – Non-Federal	<p>Templates for agreements with both Federal and non-Federal customers are available on PCO's Interagency or Other Special Agreements (IOSA) webpage (<a href="https://collab.ecm.census.gov/div/pco/intranet/Pages/Interagency-Agreements.aspx">https://collab.ecm.census.gov/div/pco/intranet/Pages/Interagency-Agreements.aspx</a>) and on the links here in the Implementation Plan.</p> <p>Until Policies and Procedures Manual Chapter D-5, "Interagency or Other Special Agreements" is revised starting in April 2015, the most definitive enterprise wide statement of those requirements will be the IOSA webpage and the Custom Tabs/Custom Extract Policy Implementation Plan.</p> <p><b>Individuals</b> Agreements must be created with customers, but they can be simple for <b>individuals</b> not affiliated with other Federal agencies. (See instructions below for Federal agency requests.)</p> <p>Program Areas can use something as simple as an invoice so long as it records the description of work that is being performed.</p>

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Topic	Policy Procedure
	<p><b>Companies and Other Non-Federal Organizations</b> The template for agreements with non-Federal organizations is provided on the Policy Coordination Office webpage under the heading</p> <p>Reimbursable Agreements Under 13 U.S.C. Section 8(b) (non-Federal customers):</p> <p>See the templates on this webpage <a href="https://collab.ecm.census.gov/div/pco/intranet/Pages/Interagency-Agreements.aspx">https://collab.ecm.census.gov/div/pco/intranet/Pages/Interagency-Agreements.aspx</a></p>
<p>Agreement Form to Use for a – Federal Agency</p> <p>Before Starting Work</p>	<p>Before starting work on a request from a Federal agency, the program area must contact PCO about creating an agreement.</p> <p>Templates for agreements with both Federal and non-Federal customers are available on PCO's Interagency or Other Special Agreements (IOSA) webpage (<a href="https://collab.ecm.census.gov/div/pco/intranet/Pages/Interagency-Agreements.aspx">https://collab.ecm.census.gov/div/pco/intranet/Pages/Interagency-Agreements.aspx</a>) and on the links here in the Implementation Plan.</p> <p>Until Policies and Procedures Manual Chapter D-5, "Interagency or Other Special Agreements" is revised starting in April 2015, the most definitive enterprise wide statement of those requirements to follow for this policy will be the IOSA webpage and the Custom Tabs/Custom Extract Policy Implementation Plan.</p> <p>An IOSA must be created to fulfill custom tabulations and custom extracts for Federal agencies. The template is provided on the Policy Coordination Office's webpage. <a href="http://cww.census.gov/dir/pco/docs/ModelAgreementSection8b_notforwaiver_federal.docx">http://cww.census.gov/dir/pco/docs/ModelAgreementSection8b_notforwaiver_federal.docx</a></p> <p>Agreements with Federal agencies must be reviewed by PCO, Budget, the Legal Office, and Commerce Department's Office of General Counsel.</p> <p>OMB and Treasury require that the agreements contain account numbers, cancellation provisions, and other items specified by the Dept. of Commerce. <a href="https://collab.ecm.census.gov/div/pco/intranet/Documents/ModelAgreementSection8b_notforwaiver_federal.docx">https://collab.ecm.census.gov/div/pco/intranet/Documents/ModelAgreementSection8b_notforwaiver_federal.docx</a></p>

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Topic	Policy Procedure
	Program areas producing custom tabulations and custom extracts can use existing approved templates for custom tabulations and extracts produced for emergency management situations or set up umbrella agreements for such data products.
All Orders Must Be Paid in Full in Advance.	All orders must be paid in full in advance. For other federal agencies, this provision amounts to initiating transfer of funds before the delivery of the final data product.



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Topic	Policy Procedure
Accepting Payment	<p>Contact the Finance Division Reimbursables &amp; Receipts Management Branch with questions on accepting payments.</p> <p><b>Payment Methods: Non-Federal Customers</b></p> <p><i>Individuals</i> Credit cards (Visa, MasterCard, American Express, or Discover) or On-Line Bill Payment (OLBP) are the preferred payment methods.</p> <p><i>Non-Federal organizations</i> Credit cards (Visa, MasterCard, American Express, or Discover) or Electronic Funds Transfer (EFT) are the preferred payment methods.</p> <p>NOTE: There is a daily limit the Census Bureau may accept from an individual customer via credit card. Contact the Finance Division Reimbursables &amp; Receipts Management Branch to find out what the limit currently is.</p> <p>If EFT payments are not possible, checks or money orders made payable to the U.S. Census Bureau are acceptable forms. By presenting a check, the remitter authorizes the conversion of the check into an EFT. The check is voided and destroyed by the Census Bureau, and the remitter will not receive the original check back from their institution.</p> <p><i>International customers</i> International customers may wire transfer their payment.</p> <p>Note For further details on payment methods, please see PPM Chapter F-4, "Cash Receipts."</p> <p><b>Payment Methods: Federal customers</b> Federal customers will pay the Census Bureau through the Intragovernmental Payment and Collection System (IPAC). The Census Bureau can begin work for another federal agency once the funds are obligated by the signatures on the Interagency Agreement. Since 13 U.S.C. section 8b requires payment in advance of a deliverable, the Census Bureau cannot deliver the final data product until funds transfer has been initiated in IPAC.</p>

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Topic	Policy Procedure
<p>Full Cost Recovery and Reporting Provisions Apply to All Federal Agencies.</p>	<p>Requests for custom tabulation and custom extracts from other Commerce Department agencies are handled the same as are requests from other Federal agencies.</p> <p>To the extent that the Economics and Statistics Administration (ESA) is providing the Census Bureau with policy direction, the Census Bureau would not charge ESA for the costs associated with implementing a policy.</p> <p>For example, if the Under Secretary directed the Census Bureau to conduct a certain program in order to fulfill Census Bureau’s mission, and the Census Bureau determined that certain tabulations were required in order to successfully execute the program, the Census Bureau would not charge ESA for the tabulations because they were required in order to meet the Census Bureau’s mission (as directed by ESA).</p> <p>However, to the extent that ESA, in the course of doing <u>its own work</u>, identifies a need for certain data in a certain format from the Census Bureau, and the Census Bureau does not otherwise have that data in that format to provide, the Census Bureau’s appropriation could not legally bear the cost of that tabulation.<sup>1</sup></p> <p>For example, if ESA requested a custom tabulation on fisheries on behalf of the National Oceanic and Atmospheric Administration (NOAA) for a NOAA project, the Census Bureau would have to charge for that request.</p>
<p>Transparency</p> <p>About Custom Tabulations Produced.</p> <p>About Custom Extracts Produced on Sensitive Topics and Sensitive Populations</p>	<p>In the interests of transparency, the Census Bureau will report to the public about all custom tabulations it produces and custom extracts it produces on sensitive topics or sensitive populations.</p>

<sup>1</sup> The Purpose Statute, 31 U.S.C. § 1301, provides that appropriated funds may only be used for the purpose for which they were appropriated. In this instance, Census does not receive funds to conduct ESA’s work. Moreover, 13 U.S.C. § 8(b) states that Census may only make such special or custom tabulations available to the requesting entity upon payment of the actual or estimated cost of such work. Should Census provide the tabulation without obtaining payment, it would be in violation of both the Purpose Statute and 13 U.S.C. § 8(b).

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Topic	Policy Procedure
<p>Informing Requestors Their Information Will Be Made Public</p>	<p>Documentation provided to the requestors must inform them that the identity of the requester, the tabulation, and the description of the product is subject to public disclosure. This information will be available to the public through the Freedom of Electronic Freedom of Information Act (FOIA) Library .</p> <p>Upon receiving a request for a custom tabulation or custom extract, offices should inform the requesters of the public nature of the work to be performed. Documentation initiating the data product must include the following language:</p> <p><i>“The Census Bureau maintains a publicly available list of all custom tabulations that includes the names of the requesters and a brief description of the products. Once produced, custom tabulations also will be available upon request for the cost of reproduction. The Census Bureau also on that list will publish that same information for custom extracts on sensitive topics or sensitive populations, and such custom extracts will be available to other requestors.”</i></p> <p>This language can appear on a form signed by the requester, or it can appear on documentation sent or emailed to the requester describing the work to be conducted. Whatever form it takes, a record documenting that the requester is aware of the policy must be maintained in the office producing the tabulation. This record of interaction with the customer should be maintained for two years (NC1-64-77-9, item 2a, Related Records General Records Schedule 12 Communication Records) or other specific General Records Schedule. Please be aware that, if this record has been requested under the FOIA, it must be maintained according to General Records Schedule 14, Information Services Records (contact the FOIA and Open Government Branch at 301-763-2127, if you have questions about records requested under the FOIA).</p>
<p>The Policy Coordination Office’s Responsibility for Reporting</p>	<p>The Policy Coordination Office is responsible for compiling a record of all custom tabulations and custom extracts into one report. This will be uploaded onto the Census Bureau’s electronic Freedom of Information Act (FOIA) FOIA Library. <a href="http://www.census.gov/about/policies/foia/foia_library/policies.htm">http://www.census.gov/about/policies/foia/foia_library/policies.htm</a></p>

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Topic	Policy Procedure
Program Areas' Responsibility for Reporting	<p>All fulfilled initial custom tabulations/custom extract requests must be reported to the Policy Coordination Office to be incorporated in the customs tabulation list.</p> <p>Offices that produce custom tabulations/custom extracts have the option of contacting the Policy Coordination Office by (1) email whenever such products are forwarded to the recipient or (2) on a monthly basis. Program areas should still continue to report to the PCO whether or not they had a custom tabulation for the month. This will allow for consistent reporting for auditing purposes. There is no specific language that needs to be incorporated for these reports.</p>

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Topic	Policy Procedure																								
Monthly Reporting on Custom Tabs to the FOIA and Open Government Branch	<p>Monthly each program area will send information to the FOIA and Open Government Branch.</p> <p>Program areas will report to the PCO whether or not they had a custom tabulation for the month or a custom extract on a sensitive topic/sensitive population. This will allow for consistent reporting for auditing purposes. There is no specific language that needs to be incorporated for these reports if no such custom tabs or custom extracts were fulfilled.</p>																								
Format for Monthly Reporting	<p>Monthly each program area will send information to the FOIA and Open Government Branch.</p> <p>Program areas must complete an Excel spreadsheet with the following fields and send to the FOIA and Open Government Branch at <a href="mailto:census.foia@census.gov">census.foia@census.gov</a> :</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Field</th> <th style="text-align: right;">Maximum width (# of Characters)</th> </tr> </thead> <tbody> <tr> <td>Division Name</td> <td style="text-align: right;">10</td> </tr> <tr> <td>Requester (organization)</td> <td style="text-align: right;">50</td> </tr> <tr> <td>Requester (first name)</td> <td style="text-align: right;">50</td> </tr> <tr> <td>Requester (last name)</td> <td style="text-align: right;">50</td> </tr> <tr> <td>Name of Product</td> <td style="text-align: right;">100</td> </tr> <tr> <td>Description</td> <td style="text-align: right;">2000</td> </tr> <tr> <td>Delivery Date (month/year)</td> <td style="text-align: right;">7</td> </tr> <tr> <td>Data Source (e.g. census/survey name)</td> <td style="text-align: right;">250</td> </tr> <tr> <td>ID Number (generated by division)</td> <td style="text-align: right;">15</td> </tr> <tr> <td>Census Contact (first name)</td> <td style="text-align: right;">50</td> </tr> <tr> <td>Census Contact (last name)</td> <td style="text-align: right;">50</td> </tr> </tbody> </table> <p><b>See Appendix A attachment for Excel format example.</b></p> <p>Reports with the program areas' list of custom tabulations and extracts should be submitted to the Policy Coordination Office as near as possible to the last working day of each month.</p>	Field	Maximum width (# of Characters)	Division Name	10	Requester (organization)	50	Requester (first name)	50	Requester (last name)	50	Name of Product	100	Description	2000	Delivery Date (month/year)	7	Data Source (e.g. census/survey name)	250	ID Number (generated by division)	15	Census Contact (first name)	50	Census Contact (last name)	50
Field	Maximum width (# of Characters)																								
Division Name	10																								
Requester (organization)	50																								
Requester (first name)	50																								
Requester (last name)	50																								
Name of Product	100																								
Description	2000																								
Delivery Date (month/year)	7																								
Data Source (e.g. census/survey name)	250																								
ID Number (generated by division)	15																								
Census Contact (first name)	50																								
Census Contact (last name)	50																								
Copies of any Available Previously Produced Custom Tabulations	<p>The Census Bureau will provide to the public (including government agencies or private sector organizations) copies of any available previously produced custom tabulations.</p>																								

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Topic	Policy Procedure
<p>Disclaimers for Custom Tabulations that Do Not Meet Census Bureau Statistical Quality Standards</p>	<p>Program areas must add disclaimers to custom tabulations that do not meet Census Bureau Statistical Quality Standards</p> <p>Refer to the Statistical Quality Standard F1 Releasing Information Products Sub-Requirement F1-6.2.2.c .</p> <p><i>The information product may be released only on request. If released on request, the information product must include this disclaimer: “These data are being released on request, despite concerns about their quality. The Census Bureau’s policy is not to withhold data that are available, unless releasing such data would violate confidentiality requirements. The Census Bureau recommends using these data only for research or evaluation purposes, and not to make statements about characteristics of the population or economy because they do not meet the criteria outlined in the Census Bureau’s Statistical Quality Standard: Releasing Information Product.”</i></p>
<p>Program Directorates Will Retain a Record of What Was Requested and Produced.</p>	<p>For custom tabulations and custom extracts produced, the program area will maintain a file listing the requester’s name, the date of the request and the necessary information establishing what was agreed to be produced. This record should be available up on request from the Policy Coordination Office. Program areas should maintain this documentation for each custom tabulation or custom extract for a minimum of two years. This documentation should include the interaction with the requester (presumably either an email transaction or a form) that includes the acknowledgement language. It also should include either a description of the data product, or the product itself, so that it can be reproduced up on request. This record should be maintained for two years (NC1-64-77-9, item 2a) Related Records General Records Schedule 12 Communication Records, or according to other specific General Records Schedule(s). Please be aware that if this record has been requested under the FOIA, it must be maintained according to General Records Schedule 14, Information Services Records (contact the FOIA and Open Government Branch at 301-763-2127, if you have questions about records requested under the FOIA).</p>
<p>Coordinating All Requests from the Media</p>	<p>All custom tabulation/custom extract requests involving the media should be coordinated through the Public Information Office (PIO).</p> <p>All requests received from the media should be forwarded to PIO upon receipt of the request. You can forward notification electronically to <a href="mailto:pio@census.gov">pio@census.gov</a></p>

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Topic	Policy Procedure
	Data products created for members of the media are priced the same as they are for other customers.
Coordinating All Requests from Congress or the White House	<p>All custom tabulation/custom extract requests from Congress or the White House must be coordinated through the Office of Congressional and Intergovernmental Affairs (OCIA).</p> <p>Program areas must forward to the Office of Congressional and Intergovernmental Affairs (OCIA) any request from Congress or the White House.</p> <p>To be considered an Information Request, the request must be from the chair/head of a Congressional committee or subcommittee. or a member of the White House staff.</p> <p>Census Bureau program areas should treat all White House data requests that further official White House business as Information Requests (whether from an office head or a staffer; whether from the Executive Office of the President or OMB; whether to further a policy initiative, White House business, or for budget/performance matters).</p> <p>Program areas must consider requests from an individual member of Congress the same as it does requests for custom tabulations and custom extracts produced for other members of the public.</p> <p>Requests from a member of Congress or a White House staff member on behalf of a constituent are handled the same as are custom tabulations and custom extracts produced for other members of the public.</p>
Specific Custom Tabulation/Extract Information to Display on Webpages	<p>All program areas that generate custom tabulations and custom extracts should display specific information on their program area webpages.</p> <p>Public facing webpages on custom tabulations should contain the language emphasizing the cost of a special tabulation or custom extract.</p> <p>Program areas' webpages must be consistent with one another in terms of what they say on costs. <b>See Appendix B for sample language.</b></p> <p>Because custom extracts might be created much more quickly and cheaply than custom tabulations, public facing webpages should</p>

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Topic	Policy Procedure
	<p>not contain figures for minimum costs.</p> <p>Such webpages must also direct people to the Custom Tabulations and Custom Extracts Policy  <a href="http://www.census.gov/about/policies/foia/foia_library/policies.html">http://www.census.gov/about/policies/foia/foia_library/policies.html</a>)</p>
Requests Received under the Freedom of Information Act (FOIA)	<p>Any custom tabulation/custom extract request received under the Freedom of Information Act (FOIA) will be processed under the FOIA.</p> <p>Incoming requests that cite FOIA, but would require the Bureau to create a custom tabulation or request, must be forwarded to the FOIA and Open Government Branch for handling. The FOIA, as well as the Departmental FOIA regulations, 15 CFR Section 4.3 do not require an agency to create documents that do not already exist to satisfy a request. The FOIA and Open Government Branch will respond to the requester, under FOIA, that they have the option to have a custom tabulation created for them, that the data they request is subject to a separate fee schedule, and that the FOIA is not applicable to their request.</p>
Retention Schedule and Referring Customers to the National Archives and Records Administration	<p>If custom tabulations or custom extracts were sent to the National Archives and Records Administration (NARA), the program area can refer the customer to NARA.</p> <p>Program areas should contact the Administrative and Customer Services Division's (ACSD's) Records Management Office for guidance how long to retain custom tabulations and custom extracts. The ACSD webpage has the latest records retention schedules for each directorate.  <a href="https://collab.ecm.census.gov/div/acsd/intranet/Pages/Census-Bureau-Record-Schedules.aspx">https://collab.ecm.census.gov/div/acsd/intranet/Pages/Census-Bureau-Record-Schedules.aspx</a></p> <p>The Records Management Office can help program areas find where information on custom tabulations and custom extracts are in a particular records retention schedule.</p> <p>NOTE: As of April 2015, every program area is reviewing and revising its records retention schedules in negotiation with the National Archives and Records Administration. This document will be revised as those negotiations and public comment periods conclude.</p>



Appendix A: Sample Custom Tabulation Excel Spreadsheet

Census Division	Requester Organization	Requester First Name	Requester Last Name	Tabulation Title	Tabulation Description	Delivery Date	Tabulation Source	Tabulation ID	Census First Name	Census Last Name
POP	Dept. Of Education	Jane	Doe	Homeschool	on sample	mm/yy		XX-XXXX	XX	XXX
						yy			X	X

## Appendix B: Sample Custom Tabulation/Custom Extract Language for Program Area Webpages

### Request a Custom Tabulation or Custom Extract

If your data needs cannot be met with the data sources already provided, you can request a custom tabulation or a custom extract.

Please keep in mind:

- There are costs associated with your custom tabulation/custom extract. Speak with a Census Bureau representative handling your custom tabulation or custom extract about pricing before any work on a custom tabulation or custom extract is done.
- The Census Bureau's policy on Custom Tabulations and Custom Extracts is available at this link: [http://www.census.gov/about/policies/foia/foia\\_library/policies.html](http://www.census.gov/about/policies/foia/foia_library/policies.html)
- Each program area reviews custom tabulation/custom extract requests on an individual basis to determine what expertise, resources, and technology are needed to complete each request. Since each custom tabulation and custom extract is reviewed individually, pricing can vary for each custom tabulation or custom extract.
- Some custom tabulations and custom extracts, depending on the complexity of the tabulation and the current demands of the program area, can take from several weeks to months to complete.
- The Census Bureau's Disclosure Review process must review and approve all requests for custom tabulations of confidential data before work is started.

You may send the details of your request to [\[Program area\]@census.gov](mailto:[Program area]@census.gov). A member of our staff will then contact you by email or phone. You may also contact us by phone at 1 - [xxx-xxx-xxxx], or at [xxx-xxx-xxxx].

**REQUEST FORM** (Optional)

### Confidentiality safeguards

Since the Census Bureau is legally bound to protect the confidentiality of respondents' information, the Census Bureau's Disclosure Review Board must approve certain requests for custom tabulations. The board may recommend changes or reject some requests.

DS-021 Policy Implementation Guidelines  
For Developing and Disclosing Custom Tabulations and Custom Extracts

Please note, no information is available by company or individual since Federal law prohibits such disclosure.

### **Costs**

You must reimburse the Census Bureau for all costs of custom tabulations or custom extracts. Each custom tabulation or custom extract is priced individually based on the complexity of the request and the program area generating the tabulation.

### **Determination of Costs**

Pricing will be determined based on the complexity of the work involved. An example of several factors that may affect pricing variances are: (1) quality assurance methods, (2) number of staffing resources needed, (3) disclosure review (4) level of resource expertise needed, (5) time commitment, and (6) salary rates of the staff involved.

### **Schedule**

Before we begin a custom tabulation or custom extract, we evaluate your request based on three main criteria.

- We have to ensure we do not disclose individual identities or any information protected by Title 13.
- Your request does not interfere with Census Bureau production work.
- We have staff available to provide this service.

All schedules for work with unpublished confidential data include enough time for your request to be approved by the Census Bureau Disclosure Review Board.

### **Public Disclosure**

The Census Bureau's response to a custom tabulation/custom extract request will provide a disclosure clause that contains language informing each requester that the identity of the requester, the data product, and a description is subject to public disclosure.

## Porter, Gail (Fed)

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**From:** Porter, Gail (Fed)  
**Sent:** Thursday, January 26, 2017 3:46 PM  
**To:** Huergo, Jennifer (Fed)  
**Subject:** RE: DOC call

I think we should offer to talk with people on the phone if they have complicated questions. Otherwise looks good to me. See edits below.

Thanks,  
Gail

**From:** Huergo, Jennifer (Fed)  
**Sent:** Thursday, January 26, 2017 12:26 PM  
**To:** Porter, Gail (Fed) <gail.porter@nist.gov>  
**Subject:** DOC call

Hi Gail,  
So there was no news in the Thursday call. They introduced James Rockas as the WH liaison and person who will be leading the effort to get the office set up. No title was given.

How's this for a note to our staff and the comms staff around the labs?

Good morning all,  
I've just completed our first weekly call with the Department of Commerce Public Affairs Office since the transition and wanted to provide a status update. The first representative of the new administration was introduced (James Rockas) and we expect staffing up to continue for several weeks.

We've been told to continue our communications as usual, making sure to run through DOC any issues concerning policy, management, and budget as we always have. Our communications should continue to focus on NIST's work. If you have any questions about a particular topic, please contact Gail or Jennifer.

If you have receive any questions from researchers regarding communications, please refer them to us and/or you can remind about the DOC Public Communications Directive, which has been in place since 2008:

[http://www.osec.doc.gov/opog/dmp/daos/dao219\\_1.html](http://www.osec.doc.gov/opog/dmp/daos/dao219_1.html).

Staff may also have concerns about using social media. Again they can contact Gail or I and/or consult the [DOC social media policy](#) (on the DOC intranet).

Best wishes,  
Jennifer

\*\*\*\*\*

Jennifer Huergo  
Director of Media Relations  
Public Affairs Office  
National Institute of Standards and Technology

## Porter, Gail (Fed)

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**From:** Porter, Gail (Fed)  
**Sent:** Wednesday, April 05, 2017 1:42 PM  
**To:** Press, Rich (Fed)  
**Subject:** RE: Communications policy

Here's the NIST policy link: <https://inet.nist.gov/pao/directives/publiccomm>

Here's the DOC policy link: [http://www.osec.doc.gov/opog/dmp/daos/dao219\\_1.html](http://www.osec.doc.gov/opog/dmp/daos/dao219_1.html) (we have basically the same policy, NIST's former director was a key author of this policy)

See especially Section 6.02 Fundamental Research Communication. And Section 7. Fundamental Research Communications

Actually in re-reading this it says clearly that fundamental research communications are not official communications and therefore not subject to Public Affairs review. (b) (5)

(b) (5)

Gail

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**From:** Press, Rich (Fed)  
**Sent:** Wednesday, April 05, 2017 1:33 PM  
**To:** Porter, Gail (Fed) <gail.porter@nist.gov>  
**Subject:** Communications policy

Gail, thanks for meeting with me today.

I had read the DOC comms policy while at NOAA, but I'd like to refresh my memory. Where can I find it (and the NIST policy if different)? Wasn't able to find it with a google search.

I'm speaking specifically about the part where it says that scientists can speak their mind, excluding policy, mgt, budget.

Thanks!

—  
Rich Press  
Science Writer/Public Affairs Specialist  
National Institute of Standards and Technology  
[www.NIST.gov](http://www.NIST.gov)  
301.975.0501

# NIST Intranet

## Procedures for Transmittal of Advisory Committee Reports to Congress

**Directive Number:** PR 1030.01

**Directive Type:** Procedure

**Effective Date:** 12/23/2014

**Directive Owner:**

[Congressional and Legislative Affairs Office \(CLAO\) \(https://www.nist.gov/nist-organization/congressional-legislative-affairs-office-clao\)](https://www.nist.gov/nist-organization/congressional-legislative-affairs-office-clao)

### Purpose

This directive contains the procedures for transmittal of an Advisory Committee Report to Congress which is produced by a federally chartered Advisory Committee associated with the National Institute of Standards and Technology (NIST) and required by Public Law.

### Applicability

The directive is applicable to all reports required under a Public Law produced by a federally chartered Advisory Committee associated with NIST.

### References

- [Office of Management and Budget Circular No. A-19 \(http://www.whitehouse.gov/omb/circulars\\_a019\)](http://www.whitehouse.gov/omb/circulars_a019)
- [Department of Commerce Organization Order \(DOO\) 10-6 \(http://www.osec.doc.gov/opog/dmp/doos/doo10\\_6.html\)](http://www.osec.doc.gov/opog/dmp/doos/doo10_6.html)

## Background

All reports written by a federally chartered Advisory Committee required by Congress within a Public Law need to be sent to the NIST Congressional and Legislative Affairs Office (CLAO) to manage the required delivery process prior to being released.

Please note that federally chartered Advisory Committee reports DO NOT require clearance from NIST, the Department of Commerce (DOC), or the Office of Management and Budget prior to delivery to either the Director of NIST or the Secretary of Commerce. NIST CLAO will prepare the proper transmittal package to be delivered to either the NIST Executive Secretariat for the NIST Director's signature or to the DOC Executive Secretariat for the Secretary's signature before the report can be publicly released. This transmittal package includes the letters to Congress as required by law.

## Responsibilities

<https://www.nist.gov>The Director (or designee) of the Congressional and Legislative Affairs Office (CLAO)

- Ensure the report produced by the federally chartered Advisory Committee is transmitted to the NIST CLAO to prepare the appropriate transmittal package for the signature of the Director of NIST or the Secretary of Commerce depending upon the legislative direction.
- Notifies the designated author and the Director of the OU of the official delivery of the report to Congress and its ability to be made publicly available.

## Procedures

The general flow of the process is captured in [Appendix A](https://www.nist.gov/clao/directives/upload/Flowchart-Reports-to-Congress-Advisory-Committee.pptx) (<https://www.nist.gov/clao/directives/upload/Flowchart-Reports-to-Congress-Advisory-Committee.pptx>).

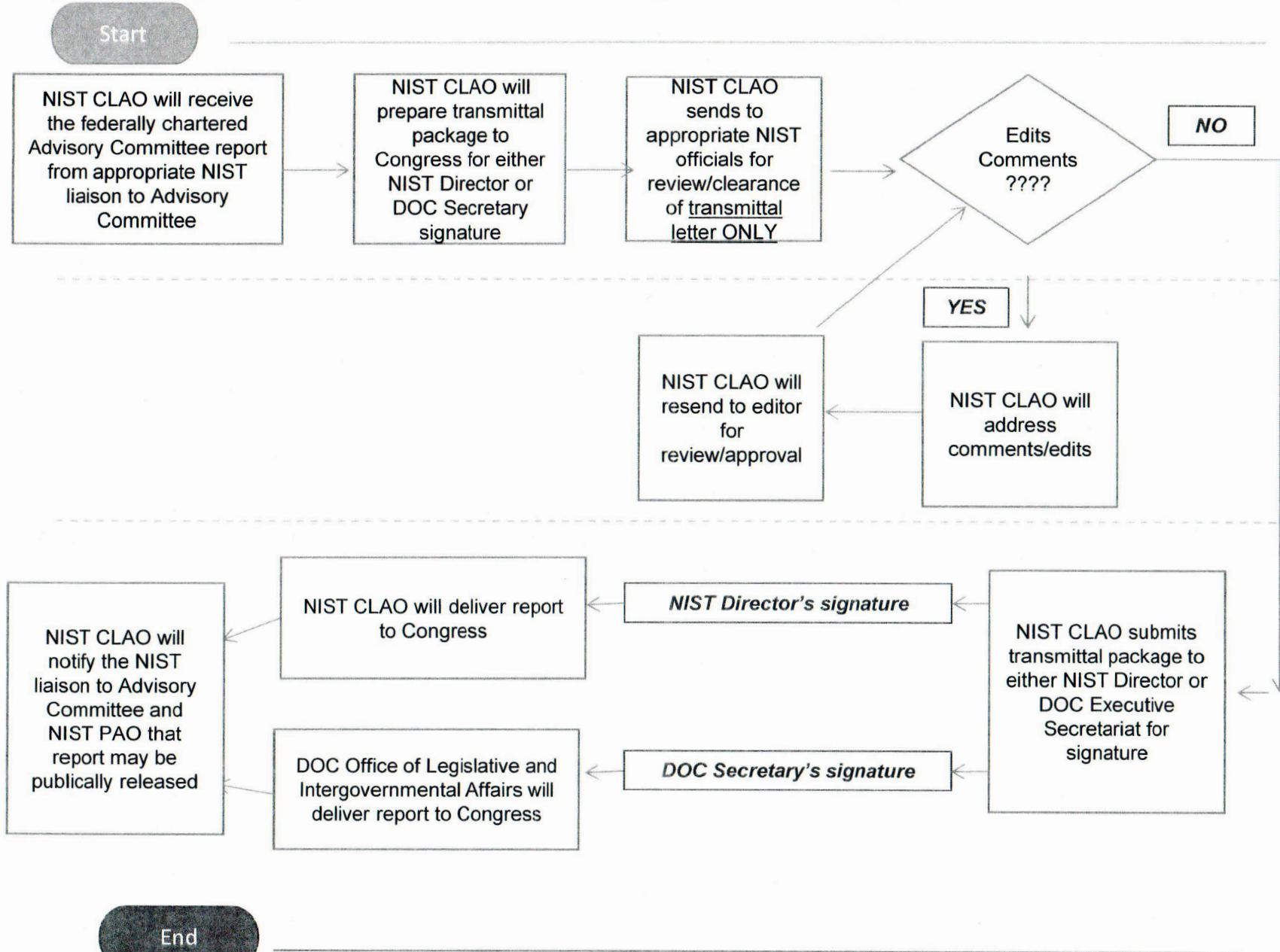
1. NIST CLAO will receive the federally chartered Advisory Committee report from the appropriate NIST liaison to the Advisory Committee.
2. NIST CLAO will prepare the appropriate transmittal package to Congress for the signature of either the Director of NIST or the Secretary of Commerce, which is defined in the Public Law that mandates the report.
3. NIST CLAO will obtain the clearances of the appropriate NIST officials on the transmittal letter ONLY (NIST is NOT authorized to edit Advisory Committee's report); this may include the NIST Chief Counsel, Director of Program Coordination Office, Director of Budget Office, Chief of Staff, and

- the respective Associate Director and Director of NIST. NIST CLAO will adjudicate any edits and/or comments received and revise appropriately.
4. After NIST clearance and signature of the transmittal letter,
    - a. The NIST CLAO will transmit the report to Congress, if signed by the NIST Director, or
    - b. NIST CLAO will send transmittal package to the DOC Executive Secretariat for the Secretary of Commerce's signature. After the Secretary of Commerce signature is obtained, the package will be delivered to the DOC Office of Legislative and Intergovernmental Affairs for delivery to Congress.
  5. After the report has been delivered to Congress, it may be publically released. NIST CLAO coordinates with NIST Public Affairs Office (PAO) and will confirm with the author that the report has been delivered to Congress prior to public release.

*Created 12-30-2014, Updated 10-22-2015*



Reports to Congress required under a law by a Federally Chartered Advisory Committee



End

# NIST Intranet

## Contacts with Congress and others

**Directive Number:** O 1030.00

**Directive Type:** Order

**Version:** 2

**Effective Date:** 06/25/2014

**Directive Owner:**

Congressional and Legislative Affairs Office (CLAO) (<https://www.nist.gov/nist-organization/congressional-legislative-affairs-office-clao>)

### Purpose

To define NIST requirements and responsibilities regarding contacts on official business with Members of Congress, Congressional Committees, their respective staffs or the Congressional Research Service (CRS), and Intergovernmental entities including State, county, municipal governments and their associations (local governments) (referred hereafter as “the group”). This directive replaces Administrative Manual Subchapter 4.06.

### Applicability

This directive applies to NIST employees that contact or receive contact from “the group” related to any official NIST work/business issues. This directive does NOT apply to communications to/from “the group” that fall under the whistleblower protection laws.

### Legal Authorities and References

- 18 U.S.C. 1913 - Lobbying with Appropriated Moneys (<http://www.law.cornell.edu/uscode/text/18/1913>)
- Department Administrative Order 218-1, Legislative Activities ([http://www.osec.doc.gov/opog/dmp/daos/dao218\\_1.html](http://www.osec.doc.gov/opog/dmp/daos/dao218_1.html))
- Department Administrative Order 218-2, Legislative and Intergovernmental Affairs ([http://www.osec.doc.gov/opog/dmp/daos/dao218\\_2.html](http://www.osec.doc.gov/opog/dmp/daos/dao218_2.html))
- Department Organization Orders 20-3, Director for Budget ([http://www.osec.doc.gov/opog/dmp/doos/doo20\\_3.html](http://www.osec.doc.gov/opog/dmp/doos/doo20_3.html))

- [5 U.S.C. § 7211](http://www.law.cornell.edu/uscode/text/5/7211) (<http://www.law.cornell.edu/uscode/text/5/7211>), Employees' right to petition Congress (governing disclosures to Congress)
- [5 U.S.C. § 2302\(b\)\(8\)](http://www.law.cornell.edu/uscode/text/5/2302) (<http://www.law.cornell.edu/uscode/text/5/2302>), as amended by the Whistleblower Protection Act of 1989 and Whistleblower Protection Enhancement Act of 2012 (governing disclosures of violations of any law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety) (<https://www.nist.gov>) (<https://www.nist.gov>) (<https://www.nist.gov>) (<https://www.nist.gov>) (<https://www.nist.gov>) (<https://www.nist.gov>) (<https://www.nist.gov>) (<https://www.nist.gov>) (<https://www.nist.gov>) (<https://www.nist.gov>)

## Requirements

### NIST Congressional and Legislative Affairs Office

- The NIST Congressional and Legislative Affairs (CLAO) Office will provide a prompt response to contacts by “the group”.
- All incoming mail from “the group” shall be forwarded to the NIST CLAO and shall be answered either:
  - Within seven (7) business days after the date it is received or
  - On the date assigned by the Department Executive Secretariat (Exec Sec) or NIST Exec Sec.

### Employees

- Employees must immediately inform the NIST CLAO Director (or a representative) of all contacts from “the group”.
- Employees shall NOT contact any individual of “the group” regarding NIST official work/business related issues until NIST CLAO is formally notified and a determination regarding the appropriate response is defined.

## Delegation of Authority

- The NIST Chief Facilities Management Officer (FMO) is delegated authority to sign responses to inquiries regarding all matters within the Office of Facilities and Property Management's (OFPR) purview including, but not limited to, facility matters.
- The NIST Chief Financial Officer (CFO) is delegated authority to sign responses to inquiries regarding all matters within the Office of Financial Resource Management's (OFRM) purview including, but not limited to, budget and finance.
- The NIST Chief Information Officer (CIO) is delegated authority to sign responses to inquiries regarding all matters within the Office of Information

Systems Management's (OISM) purview including, but not limited to, NIST information security policies.

- The NIST Chief Safety Officer (CSO) is delegated authority to sign responses to inquiries regarding all matters within the Office of Safety, Health, and Environment's (OSHE) purview including, but not limited to, safety, health, and environmental matters.
- The NIST Office of Acquisition and Agreements Management (OAAM) Director is delegated authority to sign responses to inquiries regarding all matters within the Acquisition and Grants Management Divisions' and the Reimbursable Agreements Coordination Office's purview including, but not limited to, financial assistance awards (grants/cooperative agreements), procurement matters, and reimbursable agreements.
- The NIST Office of Human Resources Management (OHRM) Director is delegated authority to sign responses to inquiries regarding all matters within the OHRM, including, but not limited to, employment and personnel matters.

### **Receipt and Distribution of Mail from “the group”**

Upon receipt of correspondence from “the group,” addressee shall immediately contact the NIST CLAO and provide a copy. If a response is required, the NIST Exec Sec will enter the correspondence into the official NIST Control process, and a control ticket will be assigned to the appropriate office to prepare a response.

### **Signature Authorities**

#### Official Inquiries

- Responses to legal, legislative, and politically sensitive matters are signed by the NIST Director/Under Secretary of Commerce for Standards and Technology. After the reply has been drafted by the assignee and received the concurrence of the Organizational Unit (OU) Director, the undated response shall be routed through the Chief Counsel (CC) for NIST, the NIST CLAO Director, the NIST Chief of Staff (CoS), and the appropriate Associate Director (AD) as it relates to the subject matter (AD for Laboratory Programs (LP), AD for Innovation and Industry Services (IIS), or AD for Management Resources (MR)) then to the Office of the Director for signature. The NIST CLAO will be responsible for dispatch.
- Responses to specialized/specific inquiries are signed by the NIST CLAO Director. After concurrence by the OU Director, the undated response shall be routed through the CC for NIST, the NIST CLAO Director, the NIST CoS for concurrence, and the appropriate AD as it relates to the subject matter (AD for LP, AD for IIS, or AD for MR) then back to the NIST CLAO for signature, dating and dispatch.

- Responses to employment and personnel matters related to NIST are signed by the Director, NIST OHRM. The signed, undated response shall be routed through the CC for NIST, the NIST CLAO Director, the NIST CoS, and the appropriate AD as it relates to the subject matter (AD for LP, AD for IIS, or AD for MR) for concurrence, then back to the NIST CLAO for dating and dispatch. Responses to administrative matters (for example, facilities, budget, procurement, information security policies, safety) are signed by the respective Office Director or Chief Officer (Director, Office of Acquisition and Agreements Managements, Director, OHRM, CFO, CIO, CSO, or CFM Officer). The signed, undated response shall be routed through the CC for NIST, the NIST CLAO Director, the NIST CoS, and the appropriate AD as it relates to the subject matter (AD for LP, AD for IIS, or AD for MR) for concurrence, then back to the NIST CLAO for dating and dispatch.

### **Exempt Inquiries**

- Communications from a member of “the group” addressed to a staff member by name, which is found by the addressee to be personal and not related to official NIST or Department of Commerce (DoC) business, is exempt from the requirements of this directive.
- Communications to/from the group that fall under laws permitting specified disclosures are exempt from this directive:
- Under 5 U.S.C. § 7211, titled “Employees’ right to petition Congress,” “The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.”
- 5 U.S.C. 2302(b)(8), as amended by the Whistleblower Protection Act of 1989 and Whistleblower Protection Enhancement Act of 2012, protects any disclosure of information by an employee or applicant that an employee or applicant reasonably believes evidences (<https://www.nist.gov>) any violation of any law, rule, or regulation, (<https://www.nist.gov>) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

### **Correspondence Procedures**

If the subject of the individually addressed correspondence is official business, the reply shall be handled as follows:

- If the response involves a programmatic matter within the field of competence of the addressee, they shall advise the NIST CLAO and provide a copy of the incoming letter to the NIST CLAO. The NIST CLAO will review and provide instructions to the NIST Exec Sec, who will log in and prepare a control ticket for correspondence package. The control ticket will provide the

due date, name of individual signing correspondence, and clearing routing instructions. Clearances shall include their respective OU Office, CC for NIST, the NIST CLAO Director, the NIST CoS, and the appropriate AD as it relates to the subject matter (AD for LP, AD for IIS, or AD for MR) for concurrence, and then back to the NIST CLAO for dating and dispatch.

- If the response involves a programmatic matter not within the field of competence of the addressee, the addressee shall immediately advise the NIST CLAO. The NIST CLAO will advise the NIST Exec Sec. The NIST Exec Sec will assign the correspondence to the appropriate OU for reply. An information copy of the reply shall be prepared for the NIST staff member who received the personally addressed inquiry. Clearances shall include the OU Office assigned, CC for NIST, the NIST CLAO Director, the NIST CoS, and the appropriate AD as it relates to the subject matter (AD for LP, AD for IIS, or AD for MR) for concurrence, and then back to the NIST CLAO for dating and dispatch.

### **Reporting Inquiries To/From “the group” to the DoC**

- Mail/Email Inquiries - The NIST CLAO Director, or designee, reviews the information copies of all correspondence addressed to “the group” and reports contacts to the Department Office of Legislative and Intergovernmental Affairs. NIST CLAO Director, or designee, shall be notified within 1 day after receipt of mail/email inquiry.
- Telephone Contacts - Each staff member who talks to “the group” on NIST official business must report the details of the conversation to the NIST CLAO Director, or designee within 24 hours of the contact.

### **Copy Requirements for Mail from “the group”**

In addition to the Official File Copy, the following copies are required for correspondence: A copy of the signed original incoming letter and a copy of the signed original outgoing response are prepared for each letter addressee, for the NIST Director of CLAO, and for the NIST Exe Sec. The copies are distributed by the NIST Exec Sec.

## **Responsibilities**

### **NIST CLAO Director**

- Coordinates all NIST contacts with “the group” and is responsible for reporting inquiries and requests from “the group” to the NIST Director/Under Secretary of Commerce for Standards and Technology and to the Assistant Secretary of Commerce for Legislative and Intergovernmental Affairs.
- Designates a CLAO representative or accompanies all NIST officials on any visits, unless it is mutually agreed, in advance, that such accompaniment is unnecessary.

- Reports and coordinates responses to inquiries on legislation with the appropriate NIST officials and the DoC (Department)'s General Counsel, who ensures that the response is coordinated within the Department.
- Works with senior NIST leaders to develop and execute responses to appropriation and related funding inquiries. CLAO will coordinate with the NIST Budget Division, which will coordinate the response with the DOC Director of the Office of the Budget in accordance with DOO 20-3, Director for Budget, section 3.a.

#### OU Directors

- Seek the advice of the NIST CLAO when an inquiry is received from “the group”.
- Inform and consult with the NIST CLAO, who will advise NIST management prior to any scheduled visits with or calls to “the group”, whether requested by the outside organization or initiated by NIST officials.

#### NIST Exec Sec

- Maintains a log system for mail and distributes information copies to appropriate NIST officials.

#### NIST Employees

- Follow the procedures in this directive concerning contact with “the group” on official matters.
- Inform and consult with the NIST CLAO prior to any scheduled visits with or calls to “the group”, whether requested by the outside organization or initiated by NIST officials

*Created 06-26-2014, Updated 08-10-2016*

# NIST Intranet

## Clearance for Reports to Congress - Authorization

**Directive Number:** PR 1030.02

**Directive Type:** Procedure

**Effective Date:** 12/23/2014

**Directive Owner:**

[Congressional and Legislative Affairs Office \(CLAO\) \(https://www.nist.gov/nist-organization/congressional-legislative-affairs-office-clao\)](https://www.nist.gov/nist-organization/congressional-legislative-affairs-office-clao)

### Purpose

This directive contains Reports clearance procedures for reports required under an Authorization Law applicable to the National Institute of Standards and Technology (NIST).

### Applicability

The directive is applicable to all reports produced by NIST and required under an Authorization Law to be sent to Congress.

### References

- [Office of Management and Budget Circular No. A-19 \(http://www.whitehouse.gov/omb/circulars\\_a019\)](http://www.whitehouse.gov/omb/circulars_a019)
- [Department of Commerce Organization Order \(DOO\) 10-6 \(http://www.osec.doc.gov/opog/dmp/doos/doo10\\_6.html\)](http://www.osec.doc.gov/opog/dmp/doos/doo10_6.html)

### Background



All reports required by Congress within a Public Law, specifically an Authorization Law, need to be sent to the NIST Congressional and Legislative Affairs Office (CLAO) to manage the required clearance process prior to being released. An Authorizations act is a law that establishes or continues one or more Federal agencies or programs, establishes the terms and conditions under which they operate, authorizes the enactment of appropriations, and specifies how appropriated funds are to be used.

Please note that all reports to Congress must be officially cleared through the various officials at NIST, and then the Department of Commerce (DOC) and the Office of Management and Budget (OMB), and "transmitted" to the legislatively required Congressional Committees/Subcommittees before the report can be publicly released.

## Responsibilities

(<https://www.nist.gov>)The Director (or designee) of the Congressional and Legislative Affairs Office (CLAO)

- Manages the clearance process prior to the document being released.
- Notifies the appropriate the Organizational Unit (OU) of the responsibility of the report and the required due date.

## Procedures

The general flow of the clearance process is listed below and in [Appendix A \(https://www.nist.gov/clao/directives/upload/Flowchart-Reports-to-Congress-Authorization.pptx\)](https://www.nist.gov/clao/directives/upload/Flowchart-Reports-to-Congress-Authorization.pptx).

1. NIST CLAO will reach out to the OU Director or appropriate NIST manager to advise of the report requirements and determine appropriate person to be designated to author the report and advise them of the responsibility of the report, the scope, and date due to the NIST CLAO.
2. Final Draft of required report to Congress is prepared by the designated person and cleared through the respective OU prior to being sent to the NIST CLAO (due 30 days prior to date due to Congress unless instructed otherwise).
3. After NIST CLAO receives the Final Draft report, NIST CLAO will develop a clearance plan and route to the appropriate NIST officials for clearance; this may include the NIST Chief Counsel, Director of Program Coordination Office, Director of Budget Office, Chief of Staff, and the respective Associate Director and Director of NIST. NIST CLAO will adjudicate any edits and/or comments received and revise appropriately.
4. After NIST clearance is completed, the NIST CLAO will send the report to the DOC Office of General Counsel (OGC). The OGC will send the report to

COMM-17-0110-A-000085

the appropriate DOC officials for clearance; this may include the Office of Budget, Office of Policy and Strategic Planning, Office of Legislative and Intergovernmental Affairs, and the Office of Public Affairs and other DOC agencies. If comments/edits are received, the NIST CLAO will coordinate the response with the author of the report and work to resolve the issues. When DOC approves report, the report will be sent by DOC OGC to OMB for clearance.

5. OMB will send the report out to the Departments within the Federal Government for review. If comments/edits are received, the comments/edits are returned to the DOC OGC which in turn will contact the NIST CLAO to coordinate the response. At that time the NIST CLAO will contact the author of the report to discuss the edits/comments received. After edits/revisions are made and the report clears, DOC OGC will in turn send to OMB for final review and clearance. When OMB approves report, the NIST CLAO will notify the author of the clearance of the report and will prepare the transmittal package to Congress.
6. After the report has been delivered to Congress, it may be publicly released. NIST CLAO coordinates with NIST Public Affairs Office (PAO) and will confirm with the author and OU Director or appropriate NIST manager that the report has been delivered to Congress prior to public release.

*Created 12-30-2014, Updated 10-22-2015*

# NIST

## Intranet

# Drafting and Clearance Procedures for Reports to Congress - Appropriations

**Directive Number:** PR 1031.01

**Directive Type:** Procedure

**Version:** 2

**Effective Date:** 07/30/2015

**Directive Owner:**

[Budget Division \(https://www.nist.gov/nist-organization/budget-division\)](https://www.nist.gov/nist-organization/budget-division)

## Purpose

This directive contains the National Institute of Standards and Technology's (NIST's) drafting and clearance procedures for reports to Congress that are required under an appropriations statute.

## Applicability

The directive is applicable to all reports to Congress produced by NIST as required under an appropriations statute.

## References

- [Office of Management and Budget Circular No A-19 \(https://www.whitehouse.gov/omb/circulars\\_a019/\)](https://www.whitehouse.gov/omb/circulars_a019/)
- [Department of Commerce Organization Order DOO-10-6 \(http://www.osec.doc.gov/opog/dmp/doos/doo10\\_6.html\)](http://www.osec.doc.gov/opog/dmp/doos/doo10_6.html)
- [O 1030.00 Contacts with Congress and others \(https://www.nist.gov/clao/directives/contacts-with-congress\)](https://www.nist.gov/clao/directives/contacts-with-congress)

## Background

Appropriations statutes sometimes require NIST to submit reports to Congress to address specific issues. The NIST Budget Division (BD) in concert with Congressional and Legislative Affairs Office (CLAO) manages the required

clearance process at NIST, the Department of Commerce (DoC), and the Office of Management and Budget (OMB) prior to any report being submitted to Congress.

All reports to Congress must be cleared by appropriate NIST officials, the DoC Office of Budget, OMB, and other agencies (if applicable). Once cleared, the DoC Office of Budget transmits the final report to the appropriate Congressional committees/subcommittees.

## Responsibilities

(<https://www.nist.gov>) The Director of CLAO (or designee)

- Initially distributes congressional reporting requirements to the appropriate Organizational Unit (OU) Director and program within NIST containing the responsibilities related to the report, including due dates for completion and submission of the report to CLAO.

The Director of the NIST Budget Division (or designee)

- Notifies the appropriate Budget Analyst within the BD to begin formal clearance process after receipt of the initial draft from CLAO.
- Manages the clearance process for sign-off of the final draft reports to Congress within NIST once the report has been initially vetted in draft by CLAO and forwarded to the BD.

Organizational Unit (OU) Director

- Assigns the appropriate OU Program Director (or designee) to draft the report and provides an OU internal due date.
- Reviews, edits, approves and sends the draft report to the CLAO.

## Procedures

1. The Director of CLAO (or designee) will send by email the specific congressional reporting requirement to the appropriate OU Director (or designee) notifying that person of his/her responsibilities which include: drafting the report, understanding its scope and providing the date the draft report is due back to CLAO.
2. The OU Director (or designee) assigns drafting of the report to the appropriate OU employee.
3. The OU-designated employee drafts the report and clears it through the OU before sending it back to CLAO within the established timeframe. The report must be forwarded to CLAO and received by the BD no less than 60 calendar days before the report is due to the requesting congressional committee. See item number four below.
4. The timeline is as follows: after the CLAO receives the initial draft report from the OU, the BD is sent the final draft *no less than 10 calendar days before the report is due to the congressional committee*. The responsible BD Analyst then routes the final draft report to the appropriate NIST officials using the official clearance sheet. Under no circumstances is there to be a

waiver of NIST clearances and formal transmittal memos unless the BD is notified in writing of such a change by DoC. The deadline for the circulating clearance document to be returned to the BD is a maximum of 10 calendar days. This will allow the report to be forwarded to DoC in a manner that accommodates DoC's need for 10 calendar days to clear the document through DoC and OMB. Clearances of the following NIST officials are generally required: the Budget Officer, the Director of CLAO, the Chief Financial Officer, the appropriate Associate Director, the Chief of Staff, the Chief Counsel for NIST, and the Director of NIST.

5. After all appropriate NIST officials clear the initial draft report, the BD sends the draft report to the DoC Office of Budget for final routing clearance. If comments/edits are received, the BD coordinates the response with the author of the report and works to resolve any issues. After adjudicating all comments received, the BD submits the report to the DoC Office of Budget. After approving the report, the DoC Office of Budget sends it to OMB for the next level of required clearance.
6. OMB sends any comments/edits to the DoC Office of Budget, which in turn contacts the BD to coordinate a response. The BD contacts the author of the report to discuss the edits/comments received. After edits/revisions are made, and depending on the significance of such edits/revisions, the BD determines whether the revised sections of the report need to be re-cleared within NIST. The BD then resubmits the report back to the DoC Office of Budget. After the revised report is re-cleared by the DoC Office of Budget, that office sends the report to OMB for final review and clearance. When OMB approves the report, the DoC Office of Budget prepares the final transmittal package and sends it to the appropriate committees/subcommittees.
7. Once the DoC Office of Budget confirms that it has transmitted the report to Congress, the NIST BD will inform CLAO and the appropriate NIST OU of the completion of the congressionally mandated requirement.

*Created 07-31-2015, Updated 08-28-2017*



## Press & Media Contact Policy

### Blog Guidelines and Procedures

### USPTO Subscription Center

### USPTO Weekly

### USPTO.gov

### USPTO.gov News & Notices

### Press Release Archive

### NIHF Museum

### USPTO Writing Style Guide

#### Press and Interview Requests

Direct all Press requests for interviews or information to the Office of the Chief Communications Officer at  
571-272-8400

#### USPTO Seal



## USPTO Media, Press and Social Media Policy

(Revised Feb. 14, 2012)

### Contacts with Media

The USPTO has a long-standing policy regarding employee contact with the media and the use of news media outlets, including social media, which has been updated as set forth below.

All USPTO employees, with the exception of the USPTO Director and Deputy Director, are not permitted to be interviewed by any news media outlet in your capacity as a USPTO employee about USPTO-related subject matter without the express prior approval of the Chief Communications Officer. As a general rule, the USPTO Director, the Deputy Director and the Chief Communications Officer (CCO) are the officials authorized to provide on-the-record interviews (where an individual can be quoted and identified by name) and any exceptions require the prior approval of the CCO. This policy does not apply to, and shall not be interpreted to conflict with, the rights of an employee under the law, including a union official when communicating as a union representative.

Notwithstanding the prohibition against interviews in your employee capacity on USPTO matters, all employees should always be mindful of the fact that any conversation with a member of the news media may be treated as an on-the-record interview. So please assume that any conversation you have with a member of the news media may be quoted and your comments may be attributed to you as a USPTO employee, so please take care to avoid placing yourselves in that position.

In those circumstances where the CCO deems it appropriate, Business Unit Heads and other senior officials may speak to the press whether on the record or on background, as the situation warrants as determined by the OCCO. Where appropriate based on subject matter expertise, an employee may be authorized by OCCO to speak to the press, but only on a not-for-attribution basis (meaning that the information provided can be used as background but IS NOT TO BE ATTRIBUTED in any way to an employee of the USPTO). A member of OCCO staff should approve any such interview and participate in it.

It is permissible to provide comments to the media—or to use social media to comment about—USPTO-related subject matter in your “personal” capacity during non-business hours or, in limited circumstances, when using Government equipment or services consistent with the Agency’s Intranet/Internet Communications Policy No. OHR-202-04-3. Employees must bear in mind, however, that your personal views are likely to be perceived as reflecting the views of the Agency by virtue of your affiliation with the Agency. Therefore, while it is your right to provide comment to the media or use social media in your “personal” capacity, you must conduct yourself in a manner that is respectful and maintains public confidence in the USPTO, and you must be sure to make clear that your views and opinions have not been reviewed or endorsed by the agency, and do not reflect the official position of the USPTO.

### Public Speaking

If you are speaking on behalf of the Agency, please be sure to ascertain whether the event will be open or closed to the press, and if it is open to the press, you must obtain prior approval from OCCO and your Business Unit head before participating in the event.

If the event is not open to the press, you must nonetheless assume that anything you say can potentially be reported and attributed to you. Therefore, it is imperative that you clear the substance of your remarks with your supervisor and ensure that you limit your remarks and responses to questions to pre-approved material. It is also incumbent upon you to decline to comment in response to questions on subject matter that is beyond the scope of your presentation and about which you have not been specifically authorized to comment.

All requests, including via telephone and e-mail, from members of the media for interviews or appearances concerning matters of official USPTO business should be directed to CCO or DCCO (ext. 2-8400). OCCO will then determine the appropriate Office response for such requests and arrange for all interviews and any other meetings with the media. An OCCO staff member will attend all interviews. Any questions about this policy should be directed to the DCCO at 571-272-8400.

### Media and “Rules of the Road”

COMM-17-0110-A-000090

In addition, under the USPTO's "Rules of the Road" for using government equipment, employees should also refrain from sending or forwarding emails originating from outside media outlets or other sources that contain or may be deemed to contain "obscene, profane, defamatory, discriminatory or otherwise offensive material."

[USPTO Intranet Home](#) | [Index](#) | [Resources](#) | [Contacts](#) | [Internet](#) | [Search](#) | [Web Services](#)

*Last modified 09/15/2017 16:34:07*

same information regarding eligibility and compensation.

The Fund may require an eligible claimant to supplement his or her application by submitting additional forms. These additional supplementary forms include information related to: (1) An acknowledgment and certification by applicants and their attorneys regarding the statutory provision on the amount of attorneys' fees; (2) an authorization for the Fund to communicate with individuals identified by an applicant regarding his or her claim; (3) a proposed distribution plan and corresponding consent to the proposed distribution plan in claims filed by a personal representative of a deceased individual; (4) a Notice of Filing Claim for use by those applicants filing claims on behalf of deceased individuals; (5) a claimant's decision to change an attorney or representative; (6) a hearing request upon receipt of a decision denying the claim in whole or in part; and (7) electronic payment information.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 700 respondents may complete the Application Form. It is estimated that respondents will complete the paper form in an average of 2 hours, and the electronic form in an average of 1.5 hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 1,400 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E-405B, Washington, DC 20530.

Dated: October 12, 2016.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2016-25011 Filed 10-14-16; 8:45 am]

**BILLING CODE 4410-14-P**

## OFFICE OF MANAGEMENT AND BUDGET

### Statistical Policy Directive No. 4 Addendum: Release and Dissemination of Statistical Products Produced by Federal Statistical Agencies and Recognized Statistical Units

**AGENCY:** Executive Office of the President, Office of Management and Budget.

**ACTION:** Notice of Solicitation of Comments.

**SUMMARY:** Under the *Budget and Accounting Procedures Act* of 1950 (31 U.S.C. 1104 (d)) and the *Paperwork Reduction Act* of 1995 (44 U.S.C. 3504 (e)), the Office of Management and Budget (OMB) issues for comment a proposed Addendum to *Statistical Policy Directive No. 4: Release and Dissemination of Statistical Products Produced by Federal Statistical Agencies* (73 FR 12622, Mar. 7, 2008). This Addendum reflects the ongoing commitment of the Federal statistical system to ensure relevant, accurate, objective, and accessible Federal statistics to the Nation.

In its role as coordinator of the Federal statistical system under the *Paperwork Reduction Act*, OMB, among other responsibilities, is required to ensure the efficiency and effectiveness of the system. A key method used by OMB to achieve this responsibility is the promulgation and oversight of Government-wide principles, policies, standards, and guidelines concerning the development, presentation, and dissemination of statistical products. Accordingly, OMB proposes an Addendum to strengthen provisions in its *Statistical Policy Directive No. 4*. The Addendum would ensure systematic review of the production and dissemination of key statistical products of Federal statistical agencies and recognized statistical units and of how these products conform to the responsibilities identified in *Statistical Policy Directive No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units* (79 FR 71610, Dec. 2, 2014). Additional discussion of the proposed Addendum may be found in the **SUPPLEMENTARY INFORMATION** section below.

**DATES:** Comments and recommendations on the proposed Addendum detailed in this notice must be in writing. To ensure consideration of comments, they must be received no later than 45 days from the publication date of this notice. Because of delays in

the receipt of regular mail related to security screening, respondents are encouraged to send comments electronically via email, or [www.regulations.gov](http://www.regulations.gov) (discussed in **ADDRESSES** below).

**ADDRESSES:** Please send any comments or questions about this directive to: Katherine K. Wallman, Chief Statistician, Office of Management and Budget, 1800 G St., 9th Floor, Washington, DC 20503. You may also send comments or questions via email to [Directive\\_No.\\_4@omb.eop.gov](mailto:Directive_No._4@omb.eop.gov) or to [www.regulations.gov](http://www.regulations.gov)—a Federal E-Government Web site that allows the public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and that are open for comment. Simply type "OMB-2016-0003" (in quotes) in the Comment or Submission search box, click Go, and follow the instructions for submitting comments.

Comments submitted in response to this notice may be made available to the public through relevant Web sites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

This document is available on the Internet on the OMB Web site at [www.whitehouse.gov/sites/default/files/omb/inforeg/directive4/frn\\_comment\\_stat\\_policy\\_dir\\_4\\_addendum.pdf](http://www.whitehouse.gov/sites/default/files/omb/inforeg/directive4/frn_comment_stat_policy_dir_4_addendum.pdf).

**FOR FURTHER INFORMATION CONTACT:** Jennifer Park, 1800 G St., 9th Floor, Washington, DC 20503, *email address:* [Directive\\_No.\\_4@omb.eop.gov](mailto:Directive_No._4@omb.eop.gov).

#### **SUPPLEMENTARY INFORMATION:**

*Background:* The Nation relies on the flow of accurate, reliable, and independent statistics to support the decisions of governments, businesses, individuals, households, and other organizations. Federal statistical agencies release many of the statistics available about the United States' economy, population, natural resources, environment, and public and private institutions.

Consistent with the *Information Quality Act* (Pub. L. 106-554, Division C, title V, Sec. 515, Dec. 21, 2000; 114 Stat. 2763A-153 to 2763A-154) and in



accordance with *Statistical Policy Directive No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units* (79 FR 71610, Dec. 2, 2014), it is the responsibility of Federal agencies engaging in statistical work to support the quality and accessibility of the Federal statistical information our Nation uses to monitor and assess performance, progress, and needs. It is therefore essential that Federal statistical agencies and recognized statistical units systematically evaluate and continuously improve the quality and accessibility of their statistical products.

Systematic review with the aim of continuous improvement is recognized in Federal guidelines provided in *Statistical Policy Directive No. 3: Compilation, Release, and Evaluation of Principal Federal Economic Indicators* (50 FR 38932, Sep. 25, 1985). *Statistical Policy Directive No. 3* requires agencies that issue Principal Federal Economic Indicators (PFEIs) to submit performance evaluations of each PFEI to the Statistical Policy Office every three years. This review ensures that certain key statistical products are prepared and published in conformity with Federal information quality standards as framed in *Statistical Policy Directive No. 1*.

The requirements set forth in *Statistical Policy Directive No. 3* pertain to PFEIs. However, several other Federal statistical products are also foundational to the interests of the public and the needs of the government. These span, for example, the measurement of educational attainment to the measurement of disability. Recognizing this need, OMB issued *Statistical Policy Directive No. 4: Release and Dissemination of Statistical Products Produced by Federal Statistical Agencies* (73 FR 12622, Mar. 7, 2008) to provide detailed guidance to Federal statistical agencies and recognized statistical units regarding the production and dissemination of statistical products other than PFEIs.

*Development and Review: Statistical Policy Directive No. 4* remains a robust and comprehensive source of guidance. However, periodic updates and addenda ensure that this Directive remains most useful to Federal agencies.

In November 2014, OMB requested agency and department heads for selected Executive Branch agencies and departments to provide feedback on *Statistical Policy Directive No. 1* through *M-15-03 Department Support for Implementation of Statistical Policy Directive No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical*

*Units*. Responses identified best practices, new challenges, and areas in need of future support. Among the challenges noted was the desire for continuous self-improvement in the timeliness and accessibility of Federal statistical products in an era of modern data needs and information technology. Communicating these findings would support the Federal statistical system broadly in an effort to leverage efficiencies.

In response to this feedback, OMB examined its current guidance. Although similar in many respects to *Statistical Policy Directive No. 3* (pertaining to PFEIs), one provision of *Statistical Policy Directive No. 3* is not currently found in *Statistical Policy Directive No. 4*. Specifically, there is currently no provision in *Statistical Policy Directive No. 4* for systematic agency self-review and reporting of its key statistical products for conformance with OMB information quality and statistical policy requirements. Systematic agency self-review is recognized in *Statistical Policy Directive No. 1* as the cornerstone for continuous improvement of Federal statistical agencies' products and services. Additionally, these self-reviews would allow users to better evaluate the quality of the statistics produced by Federal statistical agencies and recognized statistical units.

*Proposed Addendum:* For ease of review, this Notice publishes the entirety of *Statistical Policy Directive No. 4*; the proposed Addendum appears here at the end of *Statistical Policy Directive No. 4* in bold font as *Section 10 Performance Review*. This Addendum does not remove nor replace any of the standards and guidelines currently identified in *Statistical Policy Directive No. 4*. Instead, this Addendum is intended to expand on the guidelines as part of the continuing efforts of the Federal statistical system to ensure the relevance, accuracy, and objectivity of Federal statistics. The Addendum would apply to Federal statistical agencies and recognized statistical units as described in *Section 3 Statistical Agencies or Units of Statistical Policy Directive No. 4*. Agencies would identify specific, key statistical products to be reviewed, in consultation with OMB.

*Issues for Comment:* With this Notice, OMB seeks comments from all interested parties on the purpose, scope, and periodicity of the proposed agency reviews and reports on the production and dissemination procedures for key statistical products. In addition, OMB seeks comment from affected agencies

on the expected benefits and burdens of the proposed Addendum.

**Howard A. Shelanski,**  
*Administrator, Office of Information and Regulatory Affairs.*

**Statistical Policy Directive No. 4:  
Release and Dissemination of Statistical  
Products Produced by Federal  
Statistical Agencies**

**Authority and Purpose**

This Directive provides guidance to Federal statistical agencies on the release and dissemination of statistical products. The Directive is issued under the authority of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 1104(d)), the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3504(e)), and Office of Management and Budget (OMB) policies including the Information Quality Act guidelines (67 FR 8451-8460) and OMB Circular No. A-130. Under the Information Quality Act (Pub. L. 106-554, Division C, title V, Sec. 515, Dec. 21, 2000; 114 Stat. 2763A-153 to 2763A-154; 44 U.S.C. Section 3516 note) and associated guidelines, agencies are to maximize the quality, objectivity, utility, and integrity of information, including statistical information, provided to the public. This includes making information available on an equitable and timely basis. The procedures in this Directive are intended to ensure that statistical data releases adhere to data quality standards through equitable, policy-neutral, transparent, and timely release of information to the general public.

**Introduction**

Statistics produced by the Federal Government are used to shape policies, manage and monitor programs, identify problems and opportunities for improvement, track progress, and measure change. These statistics must meet high standards of reliability, accuracy, timeliness, and objectivity in order to provide a sound and efficient basis for decisions and actions by governments, businesses, households, and other organizations. These data must be objective and free of bias in their presentation and available to all in forms that are readily accessible and understandable.

To be collected and used efficiently, statistical products must gain and preserve the trust of the respondent and user communities; data must be collected and distributed free of any perceived or actual partisan intervention. Widespread recognition of the Federal statistical system's policy-neutral data collection and dissemination fosters such trust. This

trust, in turn, engenders greater cooperation from respondents and higher quality statistics for data users.

1. **Scope.** This Statistical Policy Directive applies to the full range of statistical products disseminated by Federal statistical agencies or units. However, the Directive excludes coverage of the Principal Federal Economic Indicators addressed in Statistical Policy Directive No. 3, Compilation, Release, and Evaluation of Principal Federal Economic Indicators, which have their own established release and evaluation procedures. Unless otherwise specified in statute, statistical agencies or units are directly and solely responsible for the content, quality, and dissemination of their products. When implementing this Directive, statistical agencies must follow all relevant Statistical Policy Directives and guidance including the principles and practices presented in OMB's Information Quality Guidelines and Statistical Policy Directives providing standards and guidelines for statistical surveys.

2. **Statistical Products.** Statistical products are, generally, information dissemination products that are published or otherwise made available for public use that describe, estimate, forecast, or analyze the characteristics of groups, customarily without identifying the persons, organizations, or individual data observations that comprise such groups. Statistical products include general-purpose tabulations, analyses, projections, forecasts, or other statistical reports. For purposes of this Directive, a "statistical press release" is an announcement to media of a statistical product release that contains the title, subject matter, release date, and Internet address of, and other available information about the statistical product, as well as the name of the statistical agency issuing the product, and may include any executive summary information or key findings section as shown in the statistical product. A statistical press release announcing or presenting statistical data is defined as a statistical product and is covered by the provisions of this Directive. Federal statistical agencies or units may issue their statistical products in printed and/or electronic form, but must provide access to them on their Internet sites. Agencies should assess the needs of data users and provide a range of products to address those needs by whatever means practicable. Information to help users interpret data accurately, including transparent descriptions of the sources and methodologies used to produce the data, must be equitably available for Federal

statistical products. With the exception of compilations of statistical information collected and assembled from other statistical products, these products shall contain or reference appropriate information on the strengths and limitations of the methodologies, data sources, and data used to produce them as well as other information such as explanations of other related measures to assist users in the appropriate treatment and interpretation of the data.

3. **Statistical Agencies or Units.** As identified under OMB's implementation guidance (72 FR 33362, 33368, June 15, 2007) for the Confidential Information Protection and Statistical Efficiency Act of 2002 (Pub. L. 107-347, Title V; 116 Stat. 2962; 44 U.S.C. Section 3501 note), a Federal statistical agency is an organizational unit of the executive branch whose activities are predominantly the collection, compilation, processing, or analysis of information for statistical purposes. Statistical purpose means the description, estimation, or analysis of the characteristics of groups, customarily without identifying the persons, organizations, or individual data observations that comprise such groups, as well as researching, developing, implementing, maintaining, or evaluating methods, administrative or technical procedures, or information resources that support such purposes. A statistical agency or unit may be labeled an administration, bureau, center, division, office, service, or similar title, so long as it is recognized as a distinct entity. When a statistical agency provides services for a separate sponsoring agency on a reimbursable basis, the provisions of this Directive normally shall apply to the sponsoring agency.

4. **Timing of Release.** The timing of the release of statistical products, including statistical press releases, regardless of physical form or characteristic, shall be the sole responsibility of the statistical agency or unit that is directly responsible for the content, quality, and dissemination of the data. Agencies should minimize the interval between the period to which the data refer and the date when the product is released to the public.

5. **Notification of Release.** Prior to the beginning of the calendar year, the releasing statistical agency shall annually provide the public with a schedule of when each regular or recurring statistical product is expected to be released during the upcoming calendar year by publishing it on its Web site. Agencies must issue any

revisions to the release schedule in a timely manner on their Web sites.

6. **Dissemination.** Statistical agencies must ensure that all users have equitable and timely access to data that are disseminated to the public. If there are revisions to the data after an initial release, notification must also be given to the public about these changes in an equitable and timely manner. A statistical agency should strive for the widest, most accessible, and appropriate dissemination of its statistical products and ensure transparency in its dissemination practices by providing complete documentation of its dissemination policies on its Web site. The statistical agency is responsible for ensuring that this documentation remains accurate by reviewing and updating it regularly so that it reflects the agency's current dissemination practices. In unusual circumstances, the requirement that all users initially have equitable and timely access to statistical products may be waived by the releasing statistical agency if the head of the agency determines that the value of a particular type of statistical product, such as health or safety information, is so time-sensitive to specific stakeholders that normal procedures to ensure equitable and timely access to all users would unduly delay the release of urgent findings to those to whom the information is critical. All such instances must be reported to OMB within 30 calendar days of the agency's waiver determination.

Agencies should use a variety of vehicles to attain a data dissemination program designed to reach data users in an equitable and timely manner. Federal statistical agencies or units may issue their statistical products in printed and/or electronic form, but must provide access to them on their Internet sites. In undertaking any dissemination of statistical products, agencies must continue to ensure that they have fulfilled their responsibilities to preserve the confidentiality and security of respondent data. When appropriate to facilitate in-depth research, and feasible in the presence of resource constraints, statistical agencies should provide public access to microdata files with secure safeguards to protect the confidentiality of individually-identifiable responses and with readily accessible documentation, metadata, or other means to facilitate user access to and manipulation of the data.

Statistical agencies are encouraged to use a variety of forums and strategies to release their statistical products. These include conferences, exhibits, presentations, workshops, list serves, the Government Printing Office, public

libraries, and outreach to the media including news conferences and statistical press releases as well as media briefings to improve the media's understanding of the data and the quality and extent of media coverage of the statistics.

#### *a. Outreach to the Media*

To accelerate and/or expand the dissemination of data to the public, statistical agencies are encouraged to issue a statistical press release when releasing their products. To maintain a clear distinction between statistical data and policy interpretations of such data, the statistical press release must be produced and issued by the statistical agency and must provide a policy-neutral description of the data; it must not include policy pronouncements. To the extent that any policy pronouncements are to be made regarding the data, those pronouncements are to be made by Federal executive policy officials, not by the statistical agency. Accordingly, these policy officials may issue separate independent statements on the data being released by the statistical agency, and policy officials of the issuing department may review the draft statistical press release to ensure that it does not include policy pronouncements.

In cases in which the statistical unit currently relies on its parent agency for the public affairs function, the statistical agency should coordinate with public affairs officials from the parent organization on the dissemination aspects of the statistical press release process, including planning and scheduling of annual release dates.

#### *b. Pre-Release Access to Final Statistical Products*

The purpose of pre-release access is to foster improved public understanding of the data when they are first released and the accuracy of any initial commentary about the information contained in the product. To support the goal of maximizing the public's access to informed discussions of the data when they are first released, statistical agencies may provide pre-release access to their final statistical products. A statistical product is final when the releasing statistical agency determines that the product fully meets the agency's data quality standards based on all presently available information and requires no further changes. Pre-release access to final statistical products may be provided under embargo or through secure pre-release access. The releasing statistical agency determines which final statistical products will be made

available under these pre-release provisions and which method of pre-release will be employed.

#### *c. Embargo*

Embargo means that pre-release access is provided with the explicit acknowledgement of the receiving party that the information cannot be further disseminated or used in any unauthorized manner before a specific date and time.

The statistical agency may grant pre-release access via an embargo under the following conditions:

1. The agency shall establish arrangements and impose conditions on the granting of an embargo that are necessary to ensure that there is no unauthorized dissemination or use.
2. The agency shall ensure that any person or organization granted access under an embargo has been fully informed of, and has acknowledged acceptance of, these conditions.
3. In all cases, pre-release access via an embargo shall precede the official release time only to the extent necessary for an orderly release of the data.
4. If an embargo is broken, the agency must release the data to the public immediately.

#### *d. Secure Pre-Release Access*

For some data that are particularly sensitive or move markets, statistical agency heads may choose to provide secure pre-release access. Secure pre-release access means that pre-release access is provided only within the confines of secure physical facilities with no external communications capability. When the head of a releasing statistical agency determines that secure pre-release access is required, the agency shall provide pre-release access to final statistical products only when it uses secure pre-release procedures.

7. **Announcement of Changes in Data Series.** Statistical agencies shall announce, in an appropriate and accessible manner as far in advance of the change as possible, significant planned changes in data collection, analysis, or estimation methods that may affect the interpretation of their data series. In the first report affected by the change, the agency must include a complete description of the change and its effects and place the description on its Internet site, if the report is not otherwise available there.

8. **Revisions and Corrections of Data.** For some statistical products, statistical agencies produce preliminary estimates or initial releases that will subsequently be updated and finalized. Whenever preliminary data are released, they must be identified as preliminary and the

release must indicate that an updated or final revision is expected. In applicable cases, the expected date of such revisions must be included. Reference to the preliminary release and appropriate explanations of the methodology and reasons for the revisions must be provided or referenced in any updated or final releases.

Consistent with each agency's information quality guidelines, statistical agencies must also establish and implement policies for handling unscheduled corrections due to previously unrecognized errors. Agencies have an obligation to alert users as quickly as possible to any such changes, to explain corrections or revisions that result from any unscheduled corrections, and to make appropriate changes in all product formats—including statistical press releases.

9. **Granting of Exceptions.** Prior to any action being taken that may be inconsistent with the provisions of this Directive, the head of a releasing statistical agency shall consult with OMB's Administrator for Information and Regulatory Affairs. If the Administrator determines that the action is inconsistent with the provisions of this Directive, the head of the releasing statistical agency may apply for an exception. The Administrator may authorize exceptions to the provisions in sections 4, 5, 6, 7, and 8 of this Directive. Any agency requesting an exception must demonstrate to the satisfaction of the Administrator that the proposed exception is necessary and is consistent with the purposes of this Directive.

#### **Proposed Addendum**

10. **Performance Review.** Each Federal statistical agency shall submit an annual performance review of the production and dissemination of its key statistical products to the Office of Information and Regulatory Affairs. Each agency will identify its key statistical products for review purposes, in consultation with OMB.

The review shall address the following issues:

(a) The accuracy and reliability of the series, *e.g.*, the magnitude and direction of all revisions, the performance of the series relative to established benchmarks, and the proportion and effect of nonresponses or responses received after the publication of preliminary estimates;

(b) the accuracy, completeness, and accessibility of documentation describing the methods used in compiling and revising the product;

(c) the agency's performance in meeting its established release schedule and the prompt release objective of this Directive;

(d) the agency's ability to avoid disclosure prior to the scheduled release time;

(e) any additional issues (such as periodicity, electronic access, etc.) that the Administrator for Information and Regulatory Affairs specifies in writing to the agency at least 6 months in advance of the scheduled submission date.

The evaluation will be reviewed by the Administrator to determine whether the statistical products are prepared and published in conformity with OMB statistical policies, standards, and guidelines. A summary of the year's evaluations and their reviews will be included in the annual report to Congress required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3504(e)).

[FR Doc. 2016-25049 Filed 10-14-16; 8:45 am]

BILLING CODE P

## NATIONAL CREDIT UNION ADMINISTRATION

### Agency Information Collection Activities: Proposed Collection; Comment Request; Member Inspection of Credit Union Books, Records, and Minutes

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Notice and request for comment.

**SUMMARY:** NCUA, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on an extension of a previously approved collection, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments should be received on or before December 16, 2016 to be assured consideration.

**ADDRESSES:** Interested persons are invited to submit written comments on the information collection to Troy Hillier, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314; Fax No. 703-519-8579; or Email at [PRAComments@NCUA.gov](mailto:PRAComments@NCUA.gov)

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to the address above.

#### SUPPLEMENTARY INFORMATION:

*OMB Number:* 3133-0176.

*Title:* Member Inspection of Credit Union Books, Records, and Minutes.

*Abstract* 12 CFR 701.3 establishes the circumstances and conditions under

which Federal credit union (FCU) members may inspect and copy the FCU's books, records, and minutes of meetings. The collection of information requirements apply to FCU members seeking inspection and copying of the FCU's records and FCUs that receive such member requests. To obtain access to records, members are required to submit a petition to the FCU, stating a proper purpose for inspection and signed by at least one percent of the members, with a minimum of 20 and a maximum of 500 members. The FCU must permit inspection of relevant records if it receives such a petition.

Because most of the information exchanged under this regulation is between credit unions and their members, NCUA is not made aware of the requests covered under this regulation unless there is a dispute. We assume that instances of formal petitions being filed to request inspection of records is a fairly rare event. For purposes of estimating burden, we assume no more than five such petitions are filed each year.

*Type of Review:* Extension of a previously approved collection.

*Affected Public:* Individuals and Households and Private Sector: Not-for-profit institutions.

*Estimated Number of Respondents/Recordkeepers:* 10.

*Estimated Annual Frequency:* 5.

*Estimated Annual Number of Responses:* 12.

*Estimated Total Annual Burden Hours:* 380.

This is an extension without changes of a previously approved collection. The adjustments in burden estimates are attributable to the inclusion of FCU members as respondents and the inclusion of costs associated with potential dispute resolution.

*Request for Comments:* Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) Whether the collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated

collection techniques or other forms of information technology.

**Authority:** Public Law 104-13, 44 U.S.C. Chapter 35

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on October 12, 2016.

Dated: October 12, 2016.

**Troy S. Hillier,**

*NCUA PRA Clearance Officer.*

[FR Doc. 2016-25035 Filed 10-14-16; 8:45 am]

BILLING CODE 7535-01-P

## NATIONAL CREDIT UNION ADMINISTRATION

### Submission for OMB Review; Comment Request

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Notice.

**SUMMARY:** The National Credit Union Administration (NCUA) will be submitting the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, on or after the date of publication of this notice.

**DATES:** Comments should be received on or before November 16, 2016 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for NCUA, New Executive Office Building, Room 10235, Washington, DC 20503, or email at [OIRA\\_Submission@OMB.EOP.gov](mailto:OIRA_Submission@OMB.EOP.gov) and (2) NCUA PRA Clearance Officer, 1775 Duke Street, Alexandria, VA 22314, Suite 5067, or email at [PRAComments@ncua.gov](mailto:PRAComments@ncua.gov).

#### FOR FURTHER INFORMATION CONTACT:

Copies of the submission may be obtained by emailing [PRAComments@ncua.gov](mailto:PRAComments@ncua.gov) or viewing the entire information collection request at [www.reginfo.gov](http://www.reginfo.gov).

#### SUPPLEMENTARY INFORMATION:

*OMB Number:* 3133-0098.

*Type of Review:* Reinstatement of a previously approved collection.

*Title:* Advertising of Excess Insurance, 12 CFR 740.3.

*Abstract:* Requirements of 12 CFR 740.3, Advertising of excess insurance, prescribes that federally insured credit unions must disclose in advertising the share or savings account insurance provided by a party other than NCUA.