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February 5, 2009

**DEPARTMENT OF COMMERCE
For the Week of February 9, 2009**

SECRETARY DESIGNEE JUDD GREGG

Nothing to report.

JOB CREATION

- **Census Bureau:** If the Census Bureau receives the full \$1 billion as outlined in the Senate version of the stimulus bill, approximately 250,000 to 350,000 jobs could be created in 2010. Operationally, hiring 250,000 temporary employees in 2010 would be more manageable by the Census Bureau. This lower number would put an additional 500 people to work in each of the 500 local census offices located throughout the country, and provide longer periods of employment—approximately 11 weeks. Under the Census plan, approximately 2000 jobs would last from 12-18 months beginning as soon as funds would be available.
- **EDA investment of \$300,000 to Boonslick Regional Planning Commission:** This EDA investment will recapitalize a Revolving Loan Fund (RLF) that serves east central Missouri. The recapitalized funds will assist businesses that were severely impacted by the Midwest Floods of 2008. EDA anticipates this investment will create 75 jobs, retain 75 jobs, and generate \$2.4 million in private investment.
- **EDA investment of \$375,000 to Southern Iowa Council of Governments:** This EDA investment will recapitalize a Revolving Loan Fund (RLF) that serves south central Iowa. The recapitalized funds will assist businesses that were severely impacted by the Midwest Floods of 2008. EDA anticipates this investment will create 240 jobs, retain 240 jobs, and generate \$2.5 million in private investment.
- **EDA investment of \$750,000 to Iowa Northland Regional Economic Development Commission:** This EDA investment establishes a Revolving Loan Fund (RLF) that will serve northeastern Iowa. The funds will assist businesses that were severely impacted by the Midwest Flooding of 2008. EDA anticipates this investment will create 233 jobs, retain 232 jobs, and generate \$4.7 million in private investment.

LEGISLATIVE POLICY ISSUES

- *Congressional Testimony*

Date	Agency	Subject	Committee/Subcommittee/Chair
2/11	NOAA/NWS ¹	Devil's Lake (ND) Flood Forecast	Senate Appropriations Energy and Water Development Dorgan, D-ND

¹ The National Oceanic and Atmospheric Administration's National Weather Service.

- ***Major Congressional Activity on Department-Related Legislation***

Senate

H.R. 1: The Senate is slated to pass the American Recovery and Reinvestment Act, which contains funding for the Bureau of the Census, the National Oceanic and Atmospheric Administration (NOAA), the National Institute of Standards and Technology (NIST), the National Telecommunications and Information Administration (NTIA), and the Economic Development Administration (EDA). The legislation would then need to be conferenced with the House version.

- ***Signing Ceremony for MOU:*** On February 9, Senator Orrin Hatch (R-UT) will host the Assistant Administrator of NOAA's National Environmental Satellite, Data, and Information Service (NESDIS), Mary Kicza, and the President of Utah State University for a signing ceremony for a Memorandum of Understanding (MOU). NESDIS and Utah State University have been developing an agreement to enable greater coordination and cooperation between the scientists at NOAA's Center for Satellite Applications and Research (STAR) and Utah State's Space Dynamics Laboratory. This MOU will enable greater scientific cooperation between the two entities in operational remote sensing, calibration and validation of satellite environmental sensors, and the development of enhanced products for environmental prediction from NOAA's operational satellites.

House

S. 352: The House passed legislation to postpone the DTV Delay Act until June 12, thereby sending the bill to the President for his signature.

- ***Digital Television (DTV) Transition:*** Full-power broadcast television stations will transition from analog to digital at midnight June 12, 2009, (S. 352) "DTV Delay Act", which would change the switchover date from its current statutory deadline of February 17, 2009. This bill also amends provisions governing NTIA's TV Converter Box Coupon Program. The Coupon Program provides requesting households a maximum of two \$40 coupons, each redeemable with the purchase of a coupon-eligible digital-to-analog converter box. As of January 28, 2009, the Coupon Program has issued nearly 51 million coupons, and nearly 22 million coupons have been redeemed. As of January 4, 2009, when the Program reached its full budget authority of \$1.34 billion for redeemed and active coupons, eligible households requesting coupons have been placed on a waiting list. S. 352 would extend the Coupon Program beyond its current end date of March 31, 2009, for four additional months and would enable the Program to issue one replacement coupon for each coupon issued to a household that expired without being redeemed. These changes take effect upon the enactment of additional budget authority that is provided in the amount of \$650 million in both House-passed and Senate versions of the American Recovery and Reinvestment Act of 2009 (H.R. 1, S. 1).
- ***Broadband Grants:*** In both the House and Senate versions of the "American Recovery and Reinvestment Act of 2009" (H.R. 1, S. 1), NTIA is directed to establish a broadband grants program to fund the development of broadband communications services in unserved and underserved areas of the country. Key provisions of the bills differ, including the level of funding for the program (\$2.85 billion in H.R. 1 and \$9 billion in S. 1), the entities eligible

for grants, and the timeframe for awarding grants. Alike in the two bills are provisions directing NTIA to develop and maintain a comprehensive nationwide inventory map of broadband service capability and availability in the United States.

- ***Patent Public Advisory Committee (PPAC) meeting:*** On February 13, key Hill staffers have been invited to brief the Advisory Committee on expected matters of oversight and the prospects of new legislation relating to the USPTO and information policy in general. These briefings will create an opportunity for Hill staffers who participate to hear directly from the Advisory Committee as well.

LEGAL ISSUES

- On February 4, 2009, the World Trade Organization Appellate Body issued a report finding that the United States continues to calculate antidumping duties inconsistently with its Antidumping Agreement obligations. At issue is a calculation methodology applied by Commerce in which the Department does not treat fairly priced imports as offsetting imports that are sold at dumped prices (referred to as “zeroing”). The United States’ position is that its methodology is consistent with its obligations. *United States – Continued Existence and Application of Zeroing Methodology, AB-2008-11.*

SPEECHES AND EVENTS BY PRESIDENTIAL APPOINTEES

- **Acting Director Thomas L. Mesenbourg to Attend Census Bureau’s Regional Directors Conference and the Interagency Council on Statistical Policy (ICSP) meeting.**
On February 10, Acting Director Thomas L. Mesenbourg plans to attend the Census Bureau’s Regional Directors Conference at the National Processing Center in Jefferson, IN. On February 11, he also plans to attend the monthly ICSP meeting in Washington, DC.
- **BEA Director Steve Landefeld to represent BEA at the Monthly Interagency Council on Statistical Policy (ICSP).**
On February 11, BEA Director Steve Landefeld will represent BEA at the monthly ICSP meeting. These meetings, held under the auspices of the Office of Management and Budget, promote communication and cooperation among federal statistical agencies. The meeting will be held at the Bureau of Labor Statistics in Washington, DC.
- **NOAA Assistant Administrator for Ocean Services and Coastal Zone Management John H. Dunnigan to Open the West Coast Regional Harmful Algal Bloom (HAB) Summit.**
On February 10, Assistant Administrator for Ocean Services and Coastal Zone Management John H. Dunnigan, will open the West Coast Regional Harmful Algal Bloom (HAB) Summit, followed by NOAA Northwest Fisheries Science Center Director Usha Varanasi as the keynote speaker, in Portland, Ore. The meeting will look at ways to mitigate West Coast harmful algal bloom events. (open press)
- **NIST Physics Laboratory Director Katharine Gebbie, Deputy Chief of Staff Kevin Kimball, and NOAA representatives will meet with Senate Committee on Commerce, Science, and Transportation.**
On February 9, NIST Physics Laboratory Director Katharine Gebbie, Deputy Chief of Staff Kevin Kimball, and NOAA representatives will meet with Chan Lieu, Elizabeth Bacon and

Kris Sarri of the Senate Committee on Commerce, Science, and Transportation to discuss their respective activities with Climate Change.

- **NIST Manufacturing Extension Partnership Program Director Roger Kilmer to meet with the Senate Committee on Energy and Natural Resources.**
On February 12, NIST Manufacturing Extension Partnership Program Director Roger Kilmer will meet with Alicia Jackson of the Senate Committee on Energy and Natural Resources to discuss MEP sustainability.

UPCOMING ECONOMIC RELEASES

02/10 Monthly Wholesale Trade: December 2008 (Census)
02/11 U.S. International Trade in Goods and Services: December 2008 (Joint Release w/ Census/BEA)
02/12 Advance Monthly Sales for Retail and Food Services: January 2009 (Census)
02/12 Manufacturing and Trade: Inventories and Sales: December 2008 (Census)

ANTI-DUMPING/COUNTERVAILING DUTY CASES (AD/CVD)

- **Initiation Decisions Due on Ni-Resist Piston Inserts From Argentina and South Korea.**
On February 18, Commerce will announce its decisions whether to initiate countervailing duty investigations on imports of Ni-resist piston inserts from Argentina and South Korea. Ni-resist piston inserts are alloyed cast iron rings designed for use in diesel engines.
- **Final Determination Due in the Antidumping Duty Investigation on Imports of Steel Threaded Rod from China.**
On February 23, Commerce will announce its final determination in the antidumping duty investigation on imports of steel threaded rod from China. Steel threaded rod is primarily used in commercial construction where the threaded rods are cut to required lengths and used to suspend electrical conduit, pipes for plumbing, HVAC ductwork, and sprinkler pipes for fire protection.

PRESS ACTIVITY

Tuesday, Feb. 10

Economic Indicator (Census) – Monthly Wholesale Trade: Sales and Inventories for December 2008 will be released at 10:00 a.m.

NOAA – Assistant Administrator for Ocean Services and Coastal Zone Management John H. Dunnigan will open the West Coast Regional Harmful Algal Bloom (HAB) Summit, followed by NOAA Northwest Fisheries Science Center Director Usha Varanasi as the keynote speaker, in Portland, Ore. The meeting will look at ways to mitigate West Coast harmful algal bloom events. (open press)

Wednesday, Feb. 11

Economic Indicator (BEA/Census) – BEA, in conjunction with Census, will release U.S. International Trade in Goods and Services for December 2008 at 8:30 a.m.

NIST – NIST plans to issue a news release on a Nature paper demonstrating the world's most advanced "quantum images," information-rich light patterns that can deliver data to future "quantum computers," devices that could potentially perform certain tasks much faster than the best computers available today. (Embargoed until 1 PM ET)

Thursday, Feb. 12

Economic Indicator (Census) – Advance Monthly Sales for Retail and Food Services for January 2009 will be released at 8:30 a.m.

Economic Indicator (Census) – Manufacturing Trade Inventories and Sales for December 2008 will be released at 10:00 a.m.

USPTO – The USPTO will host a roundtable discussion on the topic of deferred examination at the USPTO in Alexandria, Va. The goal of the roundtable is to obtain public input on deferred examination from diverse sources and differing viewpoints. (open press)

GRANT AWARDS

- An additional 46 grant awards were made by NTIA to a low-power television (LPTV) station through its LPTV Digital-to-Analog Conversion Program, bringing the total to 1,061 grant awards (as of January 30, 2009). The program provides \$1,000 in grant funds to each eligible LPTV station to purchase a digital-to-analog conversion device that will convert incoming digital signals of full-power stations to analog for transmission on the LPTV station's analog channel. Low-power stations are not required to switch to digital-only broadcasts as part of the DTV transition.
- **EDA investment of \$139,000 to Upper Explorerland Regional Planning Commission:** This investment supports development of an economic recovery strategy focusing on damage assessment and speeding economic recovery efforts to the northeast Iowa communities severely impacted by the recent Midwest floods. Success in this effort will minimize economic dislocations resulting from natural and other disasters, improving responsiveness and effectiveness in the recovery process.

WHITE HOUSE INTEREST

Under Legislative Policy Issues, see the item "Digital Television (DTV) Transition."

PERSONNEL UPDATE

- On February 10, we will bring on-board, Joel Secundy, Deputy White House Liaison; Julie Walden, Deputy Business Liaison; and Amrit Mehra, Confidential Assistant in NOAA.
- Moving forward, meetings are scheduled with White House Liaison and Secretary-Elect Gregg to finalize structure and management of key offices in the Office of the Secretary, which includes Public Affairs, Legislative Affairs, Scheduling and Advance, and the Executive Secretariat. Personnel should come on-board in the coming weeks.

February 26, 2009

DEPARTMENT OF COMMERCE
For the Week of March 2–6, 2009

SECRETARY

- Nothing to report.

ACTIVITIES OF OTHER DEPARTMENT OFFICIALS

- **National Telecommunications and Information Administration (NTIA) Associate Administrator to Attend Internet Corporation for Assigned Names and Numbers (ICANN) Meeting in Mexico City.**

From March 1 through March 6, Fiona Alexander, NTIA Associate Administrator for International Affairs, will attend the 34th ICANN meeting in Mexico City. Among the issues to be discussed at the meeting is the ICANN initiative “Improving Institutional Confidence,” which concerns the Joint Project Agreement (JPA) between ICANN and the U.S. Department of Commerce regarding the technical coordination and management of the Internet’s domain name and numbering system (DNS). The initiative is intended to assess and instill confidence throughout the ICANN community to facilitate the transition of DNS management to the private sector upon the expiration of the current JPA on September 30, 2009. Other topics to be discussed include the adoption of security technology within the Internet’s DNS root zone (known as Domain Name and Addressing System Security Extensions, or DNSSEC) and processes to introduce new general top-level domains (gTLDs) into the DNS.

- **Acting Assistant Secretary for Manufacturing and Services to Speak at U.S.-India Standards and Conformance Cooperation Program.**

On March 2, Mary Saunders, Acting Assistant Secretary for Manufacturing and Services, will deliver remarks at the formal U.S. launch of the U.S.-India Standards and Conformance Cooperation Program (SCCP) in her capacity as the chair of the International Policy Committee of the American National Standards Institute. The U.S.-India SCCP will be carried out with funding from the U.S. Trade and Development Agency (USTDA), in cooperation with the Confederation of Indian Industry, and includes several components that will advance the standards and conformity assessment dialogue between the United States and India.

- **Bureau of Economic Analysis (BEA) Director and Deputy Director to Represent BEA at 2009 National Association for Business Economics (NABE) Conference.**

On March 2 and March 3, BEA Director Steve Landefeld and Deputy Director Rosemary Marcuss will represent the bureau at the 2009 NABE Washington Economic Policy Conference in Arlington, VA.

- **Acting Deputy Assistant Secretary for Economic Development to Speak at National Association of Development Organizations (NADO) Conference.**

On March 3, Dennis Alvord, Acting Deputy Assistant Secretary for Economic Development, will discuss the Economic Development Administration’s priorities as a

speaker for the session “The Future of EDA’s Program and Funding” at the 2009 NADO Policy Conference in Arlington, VA.

- **NTIA Associate Administrator for the Office of Spectrum Management to Speak at Department of Energy Conference.**

On March 3, Karl Nebbia, NTIA’s Associate Administrator for Spectrum Management, will give a keynote speech at the Radio and Spectrum Technology Workshop component of the Department of Energy’s Information Management Conference in New Orleans, LA.

- **Acting Under Secretary for International Trade to Meet with Lebanese Business Delegation.**

On March 4, Michelle O’Neill, Acting Under Secretary for International Trade, will meet with a business delegation from Lebanon to discuss U.S.-Lebanese commercial ties and how to enhance bilateral trade. Led by U.S. Ambassador to Lebanon Michele J. Sison and Regional Senior Commercial Service Officer Amer Kayani, the delegation will be in the United States from March 1-10. In Washington, DC—in addition to meetings at the Department of Commerce with the Acting Under Secretary and officials from the Market Access and Compliance unit and the U.S. Commercial Service—the delegation will meet with officials from the Department of State, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and the U.S. Trade and Development Agency (USTDA).

- **Acting Under Secretary for International Trade to Meet with International Organization for Standardization (ISO) Secretary-General.**

On March 5, Michelle O’Neill, Acting Under Secretary for International Trade, will meet with the new Secretary-General of the ISO, Rob Steele. This introductory meeting will focus on the International Trade Administration’s concerns with ISO’s work on social responsibility, the overlap of ISO standards with public policy, and the role of the ISO’s Consumer Policy Committee, especially in areas that affect public policy.

- **Acting Assistant Secretary for Manufacturing and Services to Meet with American Society for Mechanical Engineers (ASME) Industry Advisory Board.**

On March 6, Mary Saunders, Acting Assistant Secretary for Manufacturing and Services, will meet with key members of ASME’s Industry Advisory Board (IAB) to discuss the International Trade Administration’s Manufacturing and Services (MAS) unit and its programs. The IAB includes executives at or near the CEO level.

- **National Marine Fisheries Service Acting Assistant Administrator to Attend Maine Fishermen’s Forum.**

On March 6 and March 7, Dr. James W. Balsiger, Acting Assistant Administrator for the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS), will attend the Maine Fishermen’s Forum. A three-day event with seminars and activities for New England fishermen, industry members, and decision-makers, the Forum provides an opportunity to learn about the fishing industry and marine resource issues and serves as a neutral platform for constructive discussion and decision-making. The entire Maine congressional delegation is confirmed to attend the Forum.

REFORM-BASED ACTIONS

- **Bureau of Industry and Security (BIS) and Office of the Chief Counsel for Industry and Security (OCC-IS) Collaborating on National Interest Determination (NID).**
BIS and OCC-IS are collaborating on an NID allowing BIS to release aggregate data derived from licensing information protected from disclosure under Section 12(c) of the Export Administration Act. The information will be released to the interagency Committee on Foreign Investment in the United States (CFIUS) for the Committee to convey to Congress, pursuant to the Foreign Investment and National Security Act of 2007's (FINSA) requirement that CFIUS make annual reports to Congress regarding the foreign acquisitions of U.S. persons. BIS has determined that data regarding such acquisitions could be better derived if information being acquired about the types of items exported by the U.S. persons could be gleaned from BIS licensing information.
- **NTIA Program Offices Adopting New Mechanisms to Report on Reforms.**
At the direction of Anna Gomez, Acting Assistant Secretary for Communications and Information and Acting Administrator of NTIA, the agency's program offices are adopting new mechanisms to report on the reforms they are undertaking to make NTIA more efficient and effective in the fulfillment of their mission and the agency's goals.

JOB CREATION

- Nothing to report.

LEGISLATIVE/REGULATORY/POLICY ISSUES

- ***Congressional Testimony/Hearings***
 - **March 3** - National Institute of Standards and Technology (NIST) Deputy Director Patrick D. Gallagher will testify before the Senate Committee on Energy and Natural Resources (Chairman, Senator Jeff Bingaman, D-NM) on NIST's role of enabling interoperability of Smart Grid devices and systems.
 - **March 3** – The House Committee on Oversight and Government Reform (Chairman, Representative Edolphus Towns, D-NY) will hold a hearing on 2010 Census operations. Thomas L. Mesenbourg, Acting Director of the U.S. Census Bureau, is scheduled to testify.
 - **March 5** - The Subcommittee on Information Policy, Census, and National Archives (Chairman, Representative Wm. Lacy Clay, D-MO) of the House Committee on Oversight and Government Reform will hold a hearing to examine critical operations of the 2010 Census, the communications campaign, the partnership program, and the U.S. Census Bureau's progress toward implementing the Government Accountability Office's recent recommendations. Acting Census Bureau Director Thomas L. Mesenbourg will testify.
- ***Meetings***
 - **March 3-5** – The National Marine Sanctuary System's Regional Directors will brief more than 20 Members of Congress and/or their staff regarding the National Marine Sanctuary System.

- **March 5** - NIST Deputy Director Patrick D. Gallagher will have courtesy meetings with Representatives Harry Mitchell (D-AZ) and Donna Edwards (D-MD)
- **Other**
 - **NTIA Implementing Broadband Technology Opportunities Program.**
NTIA has begun implementing provisions in the American Recovery and Reinvestment Act (ARRA) to establish a Broadband Technology Opportunities Program (BTOP) that will fund broadband service related infrastructure construction and deployment and other purposes. Efforts are currently in process to develop a *Federal Register* Notice of Funds Availability; devise and implement a grants management system for processing BTOP grants; and identify and pursue necessary personnel and contracting to meet program needs. In coordination with the U.S. Department of Agriculture's (USDA) Rural Utilities Service (RUS) and the Federal Communications Commission (FCC), NTIA will convene a public meeting on the various broadband initiatives in ARRA
 - **NTIA Prepares Changes for Rules Related to Converter Box Coupon Program.**
With the enactment of both the DTV Delay Act and the American Recovery and Reinvestment Act, NTIA has prepared changes to the rules governing its TV Converter Box Coupon Program. Changes included in the draft final rule would change the closing date for coupon applications from March 31, 2009, to July 31, 2009, and would permit a household to request one replacement coupon for each coupon issued to such household that expired without being redeemed. The draft final rule waives for good cause the notice and comment procedures of the Administrative Procedures Act (APA) and delayed effective dates required by the APA and the Congressional Review Act. The draft final rule will receive expedited clearance within the Department of Commerce and the Office of Management and Budget (OMB).
 - **Economic Development Administration (EDA) Working to Implement Stimulus Funding.**
EDA is working on the Federal Funding Opportunity Notice for the \$150 million the agency received through ARRA. EDA has engaged in a number of Department of Commerce working groups focused on implementing the Recovery Act and OMB Implementation Guidance.
 - **Maine Congressional Delegation to Join Head of NMFS at Maine Fishermen's Forum.**
On March 6, the Maine congressional delegation—Senators Olympia Snowe and Susan Collins (both R-ME) and Representatives Chellie Pingree and Mike Michaud (both D-ME)—will attend the Maine Fishermen's Forum. Dr. James W. Balsiger, Acting Assistant Administrator for NOAA's National Marine Fisheries Service, will join the Members in Rockport, ME, for the Forum. (See full description under "Activities of Other Department Officials.")

PRESS ACTIVITY

- ***Continuing Press Interest in Proposal for Census Bureau Director to Report to White House.***

The Department of Commerce continues to receive a significant amount of press attention—including news stories and opinion pieces—related to the White House proposal to have the Census Bureau Director report to the White House. A recent editorial in the *Washington Times* titled “Count on the Constitution” expressed dismay that the White House would consider overseeing the 2010 census in response to political pressure.

- ***Upcoming Economic Releases***

03/02 Personal Income and Outlays, January 2009 (BEA)

03/02 Construction Put in Place, January 2009 (Census)

03/05 Manufacturers’ Shipments, Inventories, and Orders, January 2009 (Census)

ANTI-DUMPING/COUNTERVAILING DUTY CASES (AD/CVD)

- **Final Determinations in the Antidumping Duty Investigations on Imports of 1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP) from India and China.**

On March 6, Commerce will announce its final determinations in the antidumping duty investigations on imports of HEDP from India and China. HEDP is used in water treatment, detergents and cleaners, peroxide bleach stabilization, and personal-care products.

LEGAL ISSUES

- ***FOIA Requests***

- **Received February 11, 2009, from Jeff Ruch, Public Employees for Environmental Responsibility (PEER),** a request for specific records including all documents relating to the development and disposition of the letter dated July 11, 2008, from two NOAA NMFS Office of Protected Species employees concerning recommended revisions to aerial surveys related to oil and gas development in the Beaufort Sea.
- **Received February 11, 2009, from Audrey M. Huang, Nossaman LLP,** request for records relating to the appeal by the Foothill/Eastern Transportation Corridor Agency and the Board of Directors of the Foothill/Eastern Transportation Corridor Agency under the Coastal Zone Management Act from an objection by the California Coastal Commission.
- **Received February 17, 2009, from Edward Lucas, *The Economist*,** a request for information on Gennady Timchenko (a leading member of the inner circle around Vladimir Putin) and/or the company Gunvor, an oil trading company. The requestor is asking for all records from 1991 to the present. (This request clarifies a similar request by the same individual from February 12, 2009.)

PERSONNEL UPDATE BY WHITE HOUSE LIAISON (WHL)

- During the past week, WHL brought on board Anne Olaimy, Director of Business Liaison.
- WHL has also entered into hiring agreements with Kevin Griffis for Director of Public Affairs and Roger Fisk for Director of Scheduling and Advance in the Office of the Secretary. With the exception of the Executive Secretariat, all Secretarial Office directors are in place, and will begin aggressively interviewing and hiring their teams this week. April Boyd was also announced as the President's choice for Assistant Secretary for Legislative and Intergovernmental Affairs, and her confirmation team will begin meeting early next week.
- Finally, WHL expects that Dr. Jane Lubchenco, NOAA Administrator-designate, will be confirmed by the full Senate by the end of the week of February 23. Otto Wolff, the current Acting Secretary and Chief Financial Officer, will remain Acting Secretary until March 31 or Secretary-designate Locke is confirmed, whichever occurs first.

OTHER

- **Minority Business Development Agency (MBDA) to Host Town Hall Meeting with Funded Centers to Discuss American Recovery and Reinvestment Act.**
On March 2, 2009, MBDA will host a town hall meeting with the centers it funds to discuss the American Recovery and Reinvestment Act. As part of the MBDA's effort to foster the growth and competitiveness of minority firms, the town hall meeting will equip the centers with information about tax, bonding, and contracting provisions of interest to minority business owners.
- **National Oceanic and Atmospheric Administration (NOAA) to Participate in Interdepartmental Hurricane Conference.**
From March 2-5, the NOAA Office of the Federal Coordinator for Meteorological Services and Supporting Research will host the Interdepartmental Hurricane Conference (IHC) in St. Petersburg, FL. The IHC will educate attendees on the status and future plans of the Nation's hurricane forecast and warning program. In addition, the IHC provides a forum for responsible Federal agencies and emergency managers to review the Nation's hurricane forecast and warning program and to make recommendations for improvements. The major objective is to plan and prepare for the upcoming hurricane season. Fifteen Federal departments and agencies are currently engaged in meteorological activities and will participate in the conference. Dr. Jack Hayes, Assistant Administrator for Weather Services, will represent NOAA's National Weather Service.
- **National Technical Information Service (NTIS) to Hold Spring Symposium on "Meeting the 21st Century Human Capital Challenges."**
On March 5, the Department of Commerce's NTIS—an authorized Office of Personnel Management (OPM) eTraining Service Provider—will host a Government-wide symposium for Federal Chief Human Capital Officers, Chief Learning Officers, and Chief Training Officers on at the Department of Commerce's Herbert C. Hoover Building. Keynote speakers and presentations will provide insights and the latest information and solutions on addressing challenges.

March 12, 2009

**DEPARTMENT OF COMMERCE
For the Week of March 16-20, 2009**

SECRETARY

- Nothing to report.

ACTIVITIES OF OTHER DEPARTMENT OFFICIALS

- **Acting Under Secretary for Industry and Security to Speak at Export Control Forum.**

On March 16, Acting Under Secretary for Industry and Security Daniel O. Hill will deliver the keynote address at the Bureau of Industry and Security's (BIS) fourth annual Export Control Forum. Held in Newport Beach, CA, the Forum provides high-level professionals with updates on recent developments in export controls. During his trip to the area, Acting Under Secretary Hill will also visit several of BIS' regional Export Enforcement field offices.

- **Acting Census Bureau Director to Participate in Media Outreach Event to Promote Release of Economic Census Advance Report.**

On March 17, Acting Census Bureau Director Thomas L. Mesenbourg will participate in a media outreach event promoting the release of the Economic Census Advance Report. The Advance Report presents preliminary national industry totals from the 2007 Economic Census. These data will be superseded by subsequent reports after additional review and analysis.

- **Acting Assistant Secretary for Manufacturing and Services to Meet with American Society of Mechanical Engineers (ASME) Industry Advisory Board.**

On March 17, Acting Assistant Secretary for Manufacturing and Services Mary Saunders will meet with the executive leadership of the ASME Industry Advisory Board to discuss areas of mutual interest. The IAB includes executives at or near the CEO level. (This meeting was rescheduled from March 6.)

- **Acting Assistant Secretary for Export Administration to Attend Counterproliferation Task Force (CTF) Meeting in United Arab Emirates.**

On March 18 and 19, Acting Assistant Secretary for Export Administration Matthew S. Borman will attend the CTF meeting in the United Arab Emirates (UAE) as part of a Department of State delegation. The United States is working to strengthen the UAE Government's implementation of its export control law. BIS recently updated its Entity List to include additional UAE end-users involved in diverting sensitive items to Iran.

- **Acting Census Bureau Director to Speak at U.S. Hispanic Leadership Institute (USHLI) National Conference and Visit Chicago Regional Office.**

On March 19, Acting Census Bureau Director Thomas L. Mesenbourg will be the Community Leadership Breakfast keynote speaker at the USHLI's 27th Annual National

Conference in Chicago, IL. Later that day, he will visit the Census Bureau's Chicago Regional Office as well as other local Census Bureau offices.

- **Acting Under Secretary for International Trade to Meet with U.S. Trade and Development Agency (USTDA) Officials.**

On March 20, Acting Under Secretary for International Trade Michelle O'Neill will meet with USTDA Acting Director Leocadia I. Zak and USTDA Chief of Staff Thomas R. Hardy to discuss cooperation on agendas and program priorities in the new Administration.

- **Officials from the National Telecommunications and Information Administration's (NTIA) Office of Spectrum Management (OSM) to Speak at Roundtable Discussion.**

On March 20, Karl Nebbia, Associate Administrator of NTIA's OSM, and Edward Davison, Deputy Chief, OSM, will speak at a roundtable discussion along with their counterparts from the technical offices of the Federal Communications Commission. The speakers will address how they make decisions and coordinate government and private-sector matters between their offices. The discussion, which will take place in Washington, DC, is sponsored by the Federal Communications Bar Association.

REFORM-BASED ACTIONS

- Nothing to report.

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

- **National Telecommunications and Information Administration (NTIA) Begins Processing TV Converter Box Coupons from Waiting List.**

During the week of March 2, NTIA began processing coupons from the waiting list for the TV Converter Box Coupon Program, using ARRA funding. Almost 800,000 households were removed from the waiting list.

- **National Oceanic and Atmospheric Administration (NOAA) Publishes Notice of Funding Availability for Coastal and Marine Habitat Restoration Project Grants.**

On March 6, NOAA published in the *Federal Register* a solicitation (Docket No. 090219207-9212-01) seeking to openly compete funding available for habitat restoration under ARRA. Competition will ensure that the most beneficial restoration projects are selected to fuel America's near-term economy, realize significant ecological gains, and ensure that projects are truly "shovel-ready." Projects funded through NOAA have strong on-the-ground habitat restoration components that provide social and economic benefits for people and their communities in addition to long-term ecological habitat improvements.

- **Economic Development Administration (EDA) Publishes Notice on Stimulus Funds.**

On March 10, EDA published a notice and request for applications (Docket No. 090227253-9254-01) in the *Federal Register*, announcing that \$150 million in EDA funds are now available via the ARRA to create jobs and boost development in areas hard-hit by recession.

- **Department of Commerce Summarizing Alternatives to Grants.gov Web Site.**
The Department of Commerce is summarizing alternatives to Grants.gov for applications for grants under ARRA. The Department will respond to the Office of Management and Budget and the Grants Executive Board per their requests for information.
- **Additional Public Meetings and Public Field Hearings to Take Place Regarding Broadband Stimulus Initiatives.**
On March 16 and 19, NTIA, the U.S. Department of Agriculture's (USDA) Office of Rural Development, and the Federal Communications Commission (FCC) will convene public meetings on the broadband stimulus initiatives in the ARRA. These meetings—which follow a March 10 meeting in Washington, DC, that included Agriculture Secretary Tom Vilsack and FCC Acting Chairman Michael Copps as speakers—will provide stakeholders with an opportunity to comment on the broadband programs. Public meetings will be held on March 16 and 19 at the Department of Commerce in Washington, DC. Public field hearings will be held March 17 and 18 in Las Vegas, NV, and Flagstaff, AZ, respectively.
- **Department of Commerce's Senior Official for ARRA to Testify Before House Subcommittee.**
On March 19, the House Committee on Science and Technology, Subcommittee on Investigations and Oversight (Chair, Representative Brad Miller, D-NC) will hold a hearing titled "Follow the Money: Accountability and Transparency in Recovery Act Science Funding." Ellen Herbst, the Department of Commerce's senior official for ARRA, will testify. The purpose of the hearing is to obtain information on agency plans for allocating funds under the ARRA.

JOB CREATION

- **Economic Development Administration (EDA) Investments to Create 1,620 Jobs**
During the period March 4-10, 2009, EDA announced 11 grant investments greater than \$100,000, totaling more than \$4.3 million. Grant recipients estimate that these investments will create 1,620 jobs, save 250 jobs, and generate more than \$187.9 million in private investment.

LEGISLATIVE/REGULATORY/POLICY ISSUES

- ***Congressional Testimony/Hearings***
 - **March 17** – Michelle O'Neill, Acting Under Secretary for International Trade Administration, will testify before the House Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection (Chair, Representative Bobby L. Rush, D-IL) on export promotion and how it relates to stimulating the economy through trade.
 - **March 17** – The House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies (Chair, Representative Alan Mollohan, D-WV) will hold a hearing on climate science. Dr. Susan Solomon, Senior Scientist for the National Oceanic and Atmospheric Administration's (NOAA) Office of Oceanic and Atmospheric Research, is scheduled to testify.

- **March 18** –The House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies (Chair, Representative Alan Mollohan, D-WV) will hold a hearing on satellites and climate data. Tom Karl, Director of NOAA’s National Climatic Data Center, is scheduled to testify.
- **March 19** – The House Committee on Natural Resources, Subcommittee on Insular Affairs, Oceans, and Wildlife (Chair, Delegate Madeleine Bordallo, D-Guam) will hold a hearing on H.R. 1080, the *Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009*. Dr. Rebecca Lent, Director of the Office of International Affairs within NOAA’s National Marine Fisheries Service, is scheduled to testify.
- **March 19** - The House Committee on Science and Technology, Subcommittee on Investigations and Oversight (Chair, Representative Brad Miller, D-NC) will hold a hearing on ARRA science funding. Ellen Herbst, the Department of Commerce’s senior official for ARRA, will testify. (*See additional details in the item in the “American Recovery and Reinvestment Act” section.*)
- **Congressional Activity on Major Department-Related Legislation**
 - Senate
 - Nothing to report.
 - House
 - Nothing to report.
- **Policy Issues**

Nothing to report.
- **Meetings**
 - **March 16** - Mary Kicza, the Assistant Administrator of NOAA’s National Environmental Satellite, Data, and Information Service, and other NOAA officials will brief all interested Senate staff on NOAA’s efforts in collecting and utilizing ocean, atmospheric, and satellite observations.
 - **March 18** – National Institute of Standards and Technology (NIST) Deputy Director Pat Gallagher and Acting Assistant Secretary for Legislative and Intergovernmental Affairs Jim Schufreider will make courtesy visits to Representatives Bill Foster (D-IL) and Donna Edwards (D-MD).
 - **March 19** – Dr. Gerald FitzPatrick of the NIST Electronics and Electrical Engineering Laboratory and Linda Acierto, NIST Senior Legislative Analyst, will brief the staff of the Senate Committee on Commerce, Science, and Transportation on NIST’s Smart Grid activities.
- **Other**
 - **March 16** – Senator Barbara Mikulski (D-MD) will join NOAA’s Deputy Under Secretary of Commerce for Oceans and Atmosphere, Mary M. Glackin, at the Maryland Space Business Roundtable luncheon in Greenbelt, Maryland.

PRESS ACTIVITY

- ***EDA Issues Press Release on Availability of Funds Via ARRA.***

On March 11, EDA issued a press release regarding the publication of the Federal Funding Opportunity (FFO) notice announcing that \$150 million in EDA funds are now available via the ARRA. *(See further details in the item in the "American Recovery and Reinvestment Act" section.)*

- ***Acting Census Bureau Director to Participate in Media Outreach Event to Promote Release of Economic Census Advance Report.***

On March 17, Acting Census Bureau Director Thomas L. Mesenbourg will participate in a media outreach event—specifically, an audio news conference—to promote the release of the Economic Census Advance Report. *(See further details in the item in the "Activities of Other Department Officials" section.)*

- ***NOAA's National Weather Service Plans Teleconference to Announce Spring Outlook.***

On March 19, NOAA's National Weather Service will host a media teleconference to announce the anticipated Spring Weather Outlook.

- ***News Outlets Mention U.S. Patent and Trademark Office (USPTO) in Stories on Patent Reform Bills.***

USPTO was referenced in a number of news stories regarding the introduction of new patent reform bills introduced in both the Senate and the House of Representatives. Publications, Web sites, and wire services covering the story included *Congress Daily*, Reuters, *CNET News*, *Law.com*, *IP Watch*, *EE Times*, *Legal Times*, *Law360*, and the blogs *IP Watch*, *Patently-O*, and *Patent Baristas*.

- ***NIST Deputy Director to Meet with Producer of "NOVA."***

On March 20, NIST Deputy Director Patrick Gallagher will meet in Gaithersburg, MD, with Paula Apsell, Senior Executive Producer of the Public Broadcasting System's NOVA television program. As part of NIST's Women's History Month activities, Ms. Apsell will also speak that day at a NIST colloquium on the art of science television.

- ***IG Reports***

Nothing to report.

- ***Grant Announcements***

Nothing to report.

- ***Upcoming Economic Releases***

03/17 New Residential Construction, February 2009 (Census)

Housing Starts and Building Permits, January 2009 (Census)

03/18 U.S. International Transactions, 4th quarter 2008 (Bureau of Economic Analysis (BEA))

03/19 Travel and Tourism Satellite Accounts, 4th quarter and annual 2008 (BEA)

ANTI-DUMPING/COUNTERVAILING DUTY CASES (AD/CVD)

- Nothing to report.

LEGAL ISSUES

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[REDACTED]

- **USPTO and Department of Commerce Recommend Against Certiorari in Remote-Storage DVR Case.**

In the case *Cable News Network, Inc., et al. v. CSC Holdings, et al.* ("Cablevision"), No. 08-448 (S. Ct.), Cable News Network and other content providers have asked the Supreme Court to review the Second Circuit's decision in this case. The decision held that Cablevision's remote-storage DVR system—which created copies of television programs selected for copying by users, stored them on remote servers, and played them back to the users on request—did not implicate direct copyright liability under the performance or reproduction rights. The Supreme Court issued a "CVSG," asking for the Solicitor General's views as to whether to grant certiorari. In turn, the Department of Justice requested the views of USPTO and the Department of Commerce. On March 5, 2009, USPTO submitted a letter to the Department of Justice recommending against certiorari. While agreeing with the petitioners that certain aspects of the decision were incorrect, the Office took the view that (1) there was little actual harm to the petitioners in this case, (2) this case was not a good vehicle for Supreme Court review, and (3) it would be preferable to allow the law to percolate in the lower courts prior to asking the Supreme Court to step in, and then preferably in a case that more directly threatened the interests and incentives of creators and copyright holders. The Department of Commerce is likewise recommending against certiorari.

- ***FOIA Requests***

- **Received February 19, 2009, from Michael Forsythe of Bloomberg News (Washington, DC), forwarded by the U.S. Department of State, a request for any correspondence to or from Congress or other branches of the Federal Government that mentions the Hanwha Corporation of South Korea.**
- **Received February 19, 2009, from Meredith Fuchs, National Security Archive (Washington, DC), a request for copies of any guidance or direction issued at the Departmental level relating to Department of Commerce preparations for the 2008-2009 Presidential transition. [The National Security Archive is an independent non-**

governmental research institute and library that collects and publishes—in the form of electronic briefing books—declassified documents obtained through the Freedom of Information Act.]

- **Received February 26, 2009, from Barbara Elias, National Security Archive (Washington, DC), forwarded by the U.S. Department of State**, a request for documents from October 19, 1996, to November 1, 1996, concerning:
 - an October 19, 1996, meeting between Uzbek President Islam Karimov and Pakistani President Farooq Leghari,
 - an October 26, 1996, agreement between Turkmen President Saparmurat Niyazov and the Unocal Corporation, and
 - an October 1996 meeting of Unocal Corporation's Afghan Advisory Committee.*[See above note regarding the National Security Archive.]*
- **Received March 2, 2009, from Jerry Zremski, *The Buffalo News***, request for any communications and/or information that the National Weather Service shared with air traffic controllers at the Buffalo Niagara International Airport between the hours of 9:00 p.m. and 12:00 p.m. on February 12, 2009.
- **Received March 3, 2009, from Stanley Tromp (freelance reporter, Vancouver, British Columbia)**, a request for copies of briefing papers provided to President Obama and his staff in preparation for his visit to Canada in February 2009, and minutes or summaries of meetings or telephone calls that have taken place between the U.S. Secretary of Commerce and the Canadian Minister for International Trade during 2009. *[Stanley Tromp is an independent freedom of information specialist and coordinator of the Canadian Association of Journalists' freedom of information caucus. He has been quoted in such publications as the (Toronto) Globe and Mail.]*

PERSONNEL UPDATE BY WHITE HOUSE LIAISON (WHL)

- During the past week, WHL brought on board three candidates:
 - Jennifer Gerst, Office of the Executive Secretariat
 - Elizabeth Jaff, Office of White House Liaison
 - Edward Smith, National Telecommunications and Information Administration (NTIA)
- WHL continues to aggressively interview teams for the Secretary's Office this week, specifically in Public Affairs, where Governor Locke will be personally involved. April Boyd, the designee for Assistant Secretary for Legislative and Intergovernmental Affairs, has also begun evaluating candidates for her office, should she be confirmed. WHL's goal is to have the Office of the Secretary staffed as close to fully as possible for the Secretary-designate's arrival.
- Slates for the following positions are also in the final review process, and will be presented to Governor Locke in the coming days:
 - Deputy Secretary
 - Under Secretary for Intellectual Property and Director, U.S. Patent and Trademark Office

- Under Secretary for Industry and Security
 - Assistant Secretary for Economic Development
 - Under Secretary for Economic Affairs
 - Director, Bureau of the Census
- WHL expects that Dr. Jane Lubchenco, NOAA Administrator-designate, will be confirmed soon.

OTHER

- **NIST Representatives to Attend Meetings at the International Bureau of Weights and Measures in Sèvres, France.**

From March 12-20, NIST representatives will visit the International Bureau of Weights and Measures (BIPM) in Sèvres, France. Electronics and Electrical Engineering Laboratory Deputy Director James Olthoff, Special Assistant for International Metrology William Anderson, and Claire Saundry, Director of the Office of International and Academic Affairs, will participate in various meetings. The BIPM works with national metrology laboratories from 52 nations to ensure worldwide uniformity of measurements and their traceability to the International System of Units (SI).

- **NOAA Promotes Flood Safety Awareness Week, March 16-20.**

From March 16-20, NOAA's National Weather Service forecast offices across the Nation will team with the Federal Emergency Management Agency to raise public attention to the dangers of flooding during the annual Flood Safety Awareness Week campaign. Each year floods, on average, kill more than 100 people and are responsible for \$4.6 billion in damage in the United States.

- **EDA Acting Director of Public Affairs to Speak at Federal Economic Development Forum.**

On March 17, EDA Acting Director of Public Affairs Bryan Borlik will discuss EDA priorities as a speaker on the "Dialogue with Federal Agencies" panel at the International Economic Development Council's 2009 Federal Economic Development Forum in Alexandria, VA. The roundtable discussion enables participants to discuss what programs are working and how to access them, listen to the officials explain their objectives and future changes in their programs, and provide feedback to these officials.

- **NIST to Host Technology Translation Workshop for Small Businesses.**

On March 20, NIST's Manufacturing Extension Partnership (MEP), Technology Services, and MEP contractor Eureka Ranch will host a technology translation workshop in Gaithersburg, MD. The purpose of the workshop is to help small companies who have participated in NIST's Small Business Innovation Research program to communicate better with potential business partners about their proprietary technologies and to enhance the prospects that technologies being developed with NIST funds will be successfully commercialized.

- **National Institute of Standards and Technology (NIST) Continues Interagency Coordination Talks.**

NIST has continued its discussions with the Department of Energy and the Federal Energy Regulatory Commission to coordinate Smart Grid efforts. *(See also the March 19 Smart Grid-related meeting item in the "Legislative/Regulatory/Policy Issues" section.)*

NIST also continued discussions with the Department of Health and Human Services on health information technology grants to establish centers in the area of health information enterprise integration.

March 26, 2009

DEPARTMENT OF COMMERCE
For the Week of March 30 – April 3, 2009

SECRETARY

- Nothing to report.

ACTIVITIES OF OTHER DEPARTMENT OFFICIALS

- **Acting Census Bureau Director to Attend 2010 Census Kick-Off Conference.**
On March 30, Acting Director Thomas L. Mesenbourg will attend the 2010 Census Kick-Off Conference for the Census Bureau's governmental and non-governmental partners. The conference will take place in Washington, DC.
- **Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration to Speak on Climate Issues.**
On March 30, Under Secretary and Administrator Dr. Jane Lubchenco will give a speech at the National Academy of Sciences Summit on America's Climate Choices. (Open Press)
- **Acting Under Secretary for International Trade to Speak at Climate and Sustainability Conference.**
On April 1, Acting Under Secretary Michelle O'Neill will speak at the seminar "Climate and Sustainability: U.S. Department of Commerce Services for the Business Community." Co-sponsored by the National Oceanic and Atmospheric Administration (NOAA) and the International Trade Administration, the event will present climate data, services, and programs available from the Department for U.S. companies taking steps to factor climate change and sustainability into their business planning. (Closed Press)
- **Acting Under Secretary for Intellectual Property and Acting Director of the U.S. Patent and Trademark Office (USPTO) to Attend Intellectual Property (IP) Law Conference.**
On April 2, Acting Under Secretary and Acting Director John J. Doll will attend the 24th Annual IP Law Conference of the American Bar Association Section on Intellectual Property Law. Recognized for its national and international scope and preeminent programming, the conference—which will be held in Crystal City, VA—attracts IP practitioners from across the Nation and around the world.
- **Acting Assistant Secretary for Manufacturing and Services to Speak at American National Standards Institute (ANSI) Caucus Lunch.**
On April 3, Acting Assistant Secretary Mary Saunders will be the featured speaker at the ANSI caucus lunch. Her remarks will focus on public-private partnerships. Lunch attendees are solicited from ANSI policy and member interest committees and typically include ANSI members representing trade associations, individual companies, and standards-developing organizations.

- **Acting Director General of the U.S. and Foreign Commercial Service to Speak at Asia/Pacific Business Outlook Conference.**

On April 6, Acting Director General Rochelle Lipsitz will speak at the Asia/Pacific Business Outlook Conference. Organized in association with the University of Southern California, this annual event attracts more than 200 participants. Senior Commercial Officers (SCOs) from the region and Asia and Pacific team members will participate in the conference and conduct country workshops and one-on-one counseling sessions with interested U.S. companies. The Acting Director General will also participate in the one-day regional SCO strategy session on April 3.

REFORM-BASED ACTIONS

- Nothing to report.

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

- **National Telecommunications and Information Administration (NTIA) Clears Waiting List for TV Converter Box Coupons.**

The NTIA Digital TV Converter Box Coupon Program has funded more than \$126.3 million in coupons (cumulative) with ARRA funds, clearing the program's waiting list for coupons. (On March 24, NTIA published a press release regarding the clearing of the waiting list.) To assist more Americans with the transition to digital television, the program is now accepting requests to replace expired coupons.

- **National Institute of Standards and Technology (NIST) Announces Availability of ARRA-Funded Grants and Cooperative Agreements.**

NIST has announced the availability of:

- up to \$35 million to award approximately 20 to 60 grants and cooperative agreements in support of measurement science and engineering research funded by ARRA, and
- up to \$20 million to award from one to five cooperative agreements for a fellowship program(s) to bring scientists and engineers at all stages of their careers to participate in research training or collaboration at NIST programs in Gaithersburg, MD; Boulder, CO; and Charleston, SC.

- **NTIA Holds Public Meetings on ARRA Broadband Stimulus Initiatives.**

On March 23 and 24, NTIA conducted joint public meetings with the U.S. Department of Agriculture's Rural Utilities Service (USDA-RUS) in Washington, DC, to help shape broadband stimulus initiatives in the ARRA. For transparency and to ensure maximum public participation, both meetings were webcast.

- **NTIA Officials to Brief Congressional Rural Caucus on Broadband Initiatives**

On March 30, officials from NTIA and USDA-RUS will brief the Congressional Rural Caucus (sponsored by Representative Bart Stupak, D-MI) on their respective ARRA broadband initiatives.

- **Commerce Agencies/Bureaus' Spending Plans Approved.**

The Department of Commerce and the Office of Management and Budget (OMB) have approved the National Oceanic and Atmospheric Administration's (NOAA) ARRA spending plan. The National Institute of Standards and Technology's (NIST) ARRA spending plan was expected to be approved by both the Department and OMB during the week ending March 27. The Economic Development Administration (EDA) has sent its ARRA spending plan sent to OMB for approval.

- **Department Completes Assessment to Alternatives to Grants.gov Website.**

The Department has completed its assessment was completed of alternatives for grant applications in the event that the grants.gov website's application function is not available. All bureaus are making plans to accept and process paper applications.

- **ARRA-Related Programs to be Reviewed by Investment and Acquisition Review Board (IRB).**

As part of the department-level risk management plan, ARRA-related programs and acquisitions will be reviewed by the Department's combined IRB, which will issue updated schedules and guidance to the affected programs.

JOB CREATION

- **Economic Development Administration (EDA) Investments to Create 518 Jobs.**

During the period March 17-24, EDA announced two investments greater than \$100,000, totaling \$3 million. These investments are part of projects totaling \$5 million. According to grantee estimates at the time of application, these projects will create 518 jobs and generate more than \$6 million in private investment.

- **U.S. Census Bureau Continues Hiring Enumerators for Address Canvassing Activities.**

In March 2009, the Census Bureau has hired approximately 71,000 of the 143,000 enumerators needed to conduct the Address Canvassing operation that will begin in early April. The remainder will be hired by late April. These jobs will last about four months and will be followed by successive waves of hiring for other operations leading up to the Decennial Census in 2010.

- **Minority Business Enterprise Centers (MBECs) Assist Clients in Obtaining Contracts and Awards; 157 Jobs to be Created.**

- The Los Angeles Metro MBEC assisted its client, Santa Barbara Applied Research, Inc., in procuring a contract for \$4.3 million from Jet Propulsion Laboratories. As a result of this contract, 75 full-time jobs will be created in Pasadena, CA.
- The Louisiana MBEC assisted its clients with procurement and contracting awards leading to the creation of 82 jobs in the financial, trucking, food and beverage, and medical industries:

LEGISLATIVE/REGULATORY/POLICY ISSUES

- ***Congressional Testimony/Hearings***

- **March 31** - The House Committee on Natural Resources (Chair, Representative Nick Rahall, D-WV-3) will hold a hearing on the drought in California and actions taken by Federal and State agencies to address the affects on natural resources and resource users. Mary M. Glackin, the Deputy Under Secretary of Commerce for Oceans and Atmosphere, is scheduled to testify. (Drought has severe consequences for the State of California's salmon fish populations, many of which are listed as threatened or endangered under the Endangered Species Act, making already-challenging recovery actions more difficult.)
- **April 2 (expected)** - The House Committee on Science and Technology's Subcommittee on Communications, Technology, and the Internet is expected to hold a hearing on the ARRA broadband stimulus provisions. NTIA is expected to be invited to testify on the implementation of Broadband Technology Opportunities Program (BTOP).

- ***Meetings***

- **March 30** - Officials from NTIA and USDA-RUS will brief the Congressional Rural Caucus (sponsored by Representative Bart Stupak, D-MI) on their respective ARRA broadband initiatives.
- **April 2** – NIST Deputy Director Pat Gallagher and Acting Assistant Secretary for Legislative and Intergovernmental Affairs Jim Schufreider will make courtesy visits to Representative Donna Edwards (D-MD) and Senator Thomas Udall (D-NM).

- ***Other***

- **NTIA Spectrum Relocation Report to be Delivered to Congress.**
NTIA's second annual "Progress Report on the 1710-1755 MHz Spectrum Band Relocation" is in clearance for delivery to Congress by March 31, 2009, as required by the Commerce Spectrum Enhancement Act of 2004. The report details progress made by Federal agencies during the last year in relocating certain mobile systems in order to facilitate the reallocation of this spectrum band for commercial advanced wireless services pursuant to the Act.
- **Notice to be Published on Low-Power TV and Translator Upgrade Program.**
A Notice with guidelines to establish the Upgrade Program for low-power television and translator stations is expected to be published in the *Federal Register* by the end of March 2009. Authorized by the Digital Television Transition and Public Safety Act of 2005 (Pub. L. No. 109-171), the Upgrade Program provides grant awards to reimburse low-power television and translator stations for the cost of upgrading their facilities from analog to digital.
- **Commerce Spectrum Management Advisory Committee Charter to be Renewed.**
NTIA will be renewing for two years the charter of the Commerce Spectrum Management Advisory Committee (CSMAC). (Currently, the charter is set to expire

on March 29, 2009.) The committee advises the Assistant Secretary of Commerce for Communications and Information on a broad range of issues regarding spectrum policy and needed reforms in domestic spectrum policies and management to enable timely implementation of evolving spectrum-dependent technologies and services to benefit the public. Originally established in 2005, the committee charter was first renewed in 2007. This second renewal of the charter will appear in the *Federal Register* upon final approval.

PRESS ACTIVITY

- ***Articles Published Regarding Effects of EDA Investments, Availability of ARRA Funds, EDA Impact Assessment***
 - On March 13, *Commercial Property News* (national) published an article about how—thanks in part to investments by EDA—the ports along the Gulf Coast of Texas continue to rank among the top ports in the United States and the world despite suffering the ravages of Hurricane Ike last September.
 - On March 15, *The State Journal* (West Virginia) published an article on the availability of EDA funds through ARRA to assist areas that are facing sudden and severe job loss and economic distress due to corporate restructurings.
 - On March 16, the *North Bay Business Journal* (California) published an article referencing EDA's "Construction Grants Program Impact Assessment." The article reports findings that business incubators provide communities with significantly more jobs at far less cost than do any other public-works infrastructure projects.
 - On March 18, the *Plattsburgh Press Republican* (New York) published an article about how Senators Charles Schumer, Kirsten Gillibrand, Olympia Snowe and Jeanne Shaheen are urging EDA to provide funding through ARRA to the Northern Border Regional Commission to help economically distressed areas of New York, Maine, New Hampshire and Vermont.
- ***Inspector General (IG) Reports***
 - **Office of Inspector General (OIG) to Issue Report on NTIA Management of Broadband-Related Grants Program.**

As part of the Office of Inspector General (OIG)'s initial oversight of ARRA, OIG will issue a briefing report on lessons learned from its first annual assessment of NTIA's management of the Public Safety Interoperable Communications (PSIC) Grant Program. The Grant Program will promote sound management and timely execution of NTIA's \$4.7 billion Broadband Technology Opportunities Program (BTOP). NTIA received the stimulus funding to operate a competitive grant program to expand broadband services to unserved and underserved areas and to improve broadband access for public safety agencies.
- ***Grant Announcements***
 - **EDA Awards Investments for Construction of Research Laboratories, Hospital Clinical Space.**

EDA has announced the following investments:

 - \$1.5 million to West Texas A&M University to construct four research laboratories at the university's Palo Duro Research Center in Canyon, TX. The

laboratories will support agricultural, business, and wind/alternative-energy research. The associated office space will house two economic development organizations. The research will assist local manufacturers with product development, as well as increase and diversify the region's agricultural productivity. This investment is part of a \$3 million project.

- \$1.5 million to the White River Health System to construct new clinical space for the Stone County Medical Center in Mountain View, AR. In 2008, the hospital was devastated by an F4 tornado, and the region suffered two major floods. This project will both create jobs and restore critical health services. This investment is part of a \$2,000,000 project.
- **NIST Awards Research Grants.**
 - On March 11, NIST notified the Congressional delegation and governor of California about a grant to San Jose State University Research Foundation in San Jose, CA, for \$25,000 to provide proof-of-concept implementations for computer support of the design and maintenance of manufacturing processes.
 - On March 13, NIST notified the Congressional delegation and governor of Colorado about a grant to the University of Colorado-Denver in Aurora, CO, for \$244,204 as part of a cooperative research proposal to direct, carry out, and analyze protein and DNA degradation studies.
 - On March 18, NIST notified the Congressional delegation and governor of Maryland about a grant to the University of Maryland in College Park, MD, for \$124,638 to develop a methodology for quantitative determination of atomic structures using combined inputs from multiple experimental techniques and theory.
- ***Upcoming Economic Releases***
 - 03/30 Quarterly Financial Report: Manufacturing, Mining, and Wholesale Trade, 4th Quarter 2008 (Census)
 - 03/30 Quarterly Financial Report: Retail Trade, 4th Quarter 2008 (Census)
 - 03/30 New Residential Sales, February 2009 (Census)
 - 04/01 Construction Put in Place, February 2009 (Census)
 - 04/02 Manufacturers' Shipments, Inventories, and Orders, February 2009 (Census)

ANTI-DUMPING/COUNTERVAILING DUTY CASES (AD/CVD)

- **Preliminary Determination in Countervailing Duty Investigation on Imports of Commodity Matchbooks from India.**

On March 31, Commerce will announce its preliminary determination in the countervailing duty investigation on imports of commodity matchbooks from India. Commodity matchbooks are also commonly known as commodity book matches, paper matches, or booklet matches.

LEGAL ISSUES

- **U.S. Citizen Pleads Guilty to Export Violation Regarding U.S.-Origin Aircraft Components Transshipped to Iran.**

On March 13, 2009, Laura Wang Woodford—a U.S. citizen and owner and operator of Monarch Aviation, Ltd., located in Singapore—pleaded guilty to conspiracy in U.S.

District Court in the Eastern District of New York. In May 2008, a superseding indictment had been returned May 22, 2008 charging both Ms. Woodford and her husband, Brian Woodford, with 21 counts of violations of the Export Administration Regulations, Iranian Transaction Regulations, Conspiracy and Money Laundering. The charges related to the export of U.S.-origin aircraft components to Iran by Monarch Aviation. These transshipments were completed by ordering parts from U.S. suppliers and having the parts shipped to Singapore or Malaysia for transshipment to Iran.

- **Judge to Hold In-Chambers Discussion Regarding Litigation Challenging Columbia River Biological Opinions.**

This issue has been a source of longstanding public, press, and congressional interest in the region. Environmental groups, the State of Oregon, and the Nez Perce Indian tribe assert that the National Oceanic and Atmospheric Administration's (NOAA) plan for the Federal Columbia River Power System (System) does not provide sufficient protections for salmon and whales as required by the Endangered Species Act. The dams making up the System supply 40 percent of the electricity consumed in the Pacific Northwest. At a hearing on March 6, Judge James A. Redden stated that while the current plan was "very close," there were serious flaws in the program to provide offsetting habitat restoration in the Columbia River estuary and upper tributaries. At the Federal agencies' request, Judge Redden agreed to hold an in-chambers discussion on April 2 to discuss clarifications and other potential options to address the Judge's concerns.

- ***FOIA Requests***

- **Received March 16, 2009, from Jason Miller of Federal News Radio (Washington, DC),** a request for requesting a copy of any communication between the Department of Commerce and the Office of Management and Budget regarding the Trusted Internet Connection Initiative's user requirements, user banner language, or automated interface between the Internet and the user.

PERSONNEL UPDATE BY WHITE HOUSE LIAISON (WHL)

- On March 19, Dr. Jane Lubchenco was confirmed as Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.
- On March 24, Governor Gary Locke was confirmed as Secretary of Commerce.
- During the week of March 16-20, WHL brought on board four people:
 - Shannon Gilson, Deputy Director of Public Affairs
 - Shira Kramer, Office of Public Affairs
 - Charmion Kinder, Office of Public Affairs
 - Nick Kimball, Deputy Press Secretary
- WHL continues to work toward a decision on a final Scheduling and Advance slate for Secretary Locke's consideration, and will finalize a slate for the Legislative and Intergovernmental Affairs shop this week.

- Slates for the following positions are also in the final review process, and will be presented to Secretary Locke in the coming days:
 - Deputy Secretary
 - Under Secretary for Intellectual Property and Director, U.S. Patent and Trademark Office
 - Under Secretary for Industry and Security
 - Assistant Secretary for Economic Development
- Decisions were made for the following positions:
 - Under Secretary for Economic Affairs
 - Director, Bureau of the Census

OTHER

- **National Oceanic and Atmospheric Administration (NOAA) to Promote Michigan's Severe Weather Awareness Week.**
 From March 29 to April 4, personnel at five NOAA National Weather Service (NWS) forecast offices serving Michigan will participate in public education exercises and events during the statewide Severe Weather Awareness Week. The goal of this campaign is to promote severe weather awareness and preparedness. NOAA personnel will emphasize the use of NOAA Weather Radio All Hazards, which protects lives and property by broadcasting NWS warnings, watches, forecasts, and other hazard information 24 hours a day. Last year, Michigan experienced 14 tornadoes and many thunderstorms which damaged or destroyed property worth approximately \$300 million.
- **National Oceanic and Atmospheric Administration (NOAA) and Partners Host International Marine Mammal Protected Areas Conference.**
 From March 30 to April 3, the Hawaiian Islands Humpback Whale National Marine Sanctuary will host the International Conference on Marine Mammal Protected Areas (ICMMPA) in Maui, Hawaii. The Sanctuary is leading the effort to organize this first of its kind conference with other NOAA offices, partner organizations, and non-governmental organizations from several countries. The conference's audience is marine protected area (MPA) managers, policymakers, educators, and scientists who work at the over 500 existing or proposed MPAs with significant marine mammal populations around the world. The event's goal is to share common challenges and solutions and to foster networking among marine mammal MPAs that share populations and issues.
- **Minority Business Development Agency (MBDA) to Host Second Public Meeting on 2009 National Minority Enterprise Development (MED) Week Conference**
 On April 1, MBDA will host a meeting in Washington, DC, to discuss the 2009 National MED Week Conference, related activities and what role the public and private sectors can play in improving the Conference. The meeting is open to the public and private sectors.
- **NOAA to Test Atlantic Tsunami Warning and Response System.**
 On April 2, officials along the Atlantic coasts of the United States and Canada, the Gulf of Mexico, in Puerto Rico, and the Virgin Islands will test the region's communication and response plans to help communities prepare for a tsunami. Co-sponsored by NOAA

and the U.S. National Tsunami Hazard Mitigation Program, this is the first region-wide tsunami warning test to include the Atlantic and Gulf of Mexico coasts of the United States, the Canadian Atlantic Provinces, and the U.S. Caribbean Territories and Commonwealths. The exercise will increase tsunami preparedness and improve coordination throughout the region. Upon completion, participants will evaluate the effectiveness of their preparedness plans and make adjustments as necessary.

April 9, 2009

DEPARTMENT OF COMMERCE
For the Week of April 13–17, 2009

SECRETARY

- Secretary Locke continues briefings and employee town halls with bureaus across the Department of Commerce.
- NBC Nightly News and Tavis Smiley aired segments re: Census featuring Secretary Locke.
- Secretary Locke hosted Chinese Ambassador Zhou Wenzhong as well as Ivailo Kalfin, Bulgarian Deputy Prime Minister & Minister of Foreign Affairs and Latchezar Petkov, Bulgarian Ambassador to the United States. On Friday, April 10, Secretary Locke will meet Japanese Ambassador Ichiro Fujisaki.
- Secretary Locke participated in a Satellite Media Tour with four Denver television stations and one radio station to discuss the digital television transition.
- During next week, Secretary Locke will:
 - Continue to make calls to various international counterparts;
 - Host a roundtable with Asian Press; address the Business Council for International Understanding;
 - Participate in reception with Washington Business Representatives
 - Participate in reception with staff of the House and Senate Sub Committee on Appropriations;
 - Join Secretary Chu for an announcement re: Smart Grids; and,
 - Participate in announcement of Major EDA grants in the state of Arkansas.
(Members of Congress will be notified and invited.)
- April Boyd, Assistant Secretary for Legislative and Intergovernmental Affairs, will serve as appointee to Workgroup on Women and Girls.
- Rick Siger, White House Liaison, will serve as appointee to Workgroup on Service/Volunteerism.
- Victoria Tung, Legislative and Intergovernmental Affairs Specialists, will serve as appointee to Workgroup on Asian and Pacific Islanders.

ACTIVITIES OF OTHER DEPARTMENT OFFICIALS

- **Under Secretary for Oceans and Atmosphere to Attend Dedication for National Marine Sanctuaries Building.**
On April 13, Dr. Jane Lubchenco, Under Secretary for Oceans and Atmosphere, will join Senator Daniel Inouye (D-HI) as he is honored by the National Oceanic and Atmospheric Administration (NOAA) at the grand opening of the Hawaiian Islands Humpback Whale National Marine Sanctuary Learning Center in Kilhei, Maui, HI. The new Learning Center will provide a venue for education programs and facilities supporting research and resource protection activities. *(See additional details in the "Legislative/Regulatory/Policy Issues" section.)*

- **Bureau of Economic Analysis (BEA) Deputy Director to Represent BEA at National Association for Business Economics (NABE) Seminar.**

From April 13-15, BEA Deputy Director Rosemary Marcuss will represent BEA at the 2009 NABE Professional Development Seminar in Washington, DC. NABE is an association of professionals who use latest economic data and trends to enhance their ability to make sound business decisions.

- **Deputy Under Secretary for Oceans and Atmosphere to Speak at NOAA Workshop on Integrated Ocean Observing System's (IOOS®) Benefits to Industry.**

On April 14, Deputy Under Secretary for Oceans and Atmosphere Mary M. Glackin will speak to participants at this workshop, which is intended to foster collaboration between IOOS® and the private sector. Sponsored by the Interagency Working Group on Ocean Observations, the workshop will include discussions exploring how enhanced understanding of the ocean improves weather and climate prediction, and will highlight ways that IOOS® can be utilized for business decision-making. John H. Dunnigan, NOAA's Assistant Administrator for the National Ocean Services and Coastal Zone Management, co-chairs the working group.

- **Acting Census Bureau Director to Speak at the Census Advisory Committee of Professional Associations (CACPA) Meeting.**

On April 16, Acting Census Bureau Director Thomas L. Mesenbourg will speak at the CACPA meeting, to be held at Census headquarters in Suitland, MD. Composed of the American Economic Association, the American Marketing Association, the American Statistical Association, and the Population Association of America, CACPA provides the Census Bureau with recommendations on major programs.

- **Acting Census Bureau Director and Census Staff to Brief Subcommittee of House Appropriations Committee.**

On April 16, Thomas L. Mesenbourg, Acting Director of the Census Bureau, and two other high-level Census officials will brief staff from the House Appropriations Committee's Subcommittee on Commerce, Justice, Science, and Related Agencies. *(See further details in the "Legislative/Regulatory/Policy Issues" section.)*

- **Acting Assistant Secretary for Communications and Information to Meet with Members of Digital Dialogue Forum (DDF).**

On April 17, Anna Gomez, Acting Assistant Secretary of Commerce for Communications and Information, will meet with members of the DDF to discuss issues of mutual concern. The DDF is composed of technology companies; hardware and software producers; and Internet, telecommunications, and electronic commerce firms. It sponsors a monthly roundtable to share the high-tech industry's priorities and interests with national policymakers. (Closed press)

REFORM-BASED ACTIONS

- Nothing to report.

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

- **Digital TV Converter Box Coupon Program Continues to Distribute Coupons and Reimburse Retailers.**

For the week ending April 3, the National Telecommunications and Information Administration's (NTIA) Digital TV Converter Box Coupon Program:

- accepted requests for 667,232 coupons with a value of over \$26.7 million, to be provided using ARRA funds; and
- reimbursed retailers for 92,511 coupons with a value of \$3.7 million, using ARRA funds.

- **NTIA to Transfer Some ARRA Funding to Federal Communications Commission (FCC) for Digital Television (DTV) Education/Outreach.**

NTIA and the FCC have informed the House and Senate Appropriations Committees that NTIA will transfer \$65.7 million in ARRA funds to the FCC for DTV consumer education and outreach.

- **Department of Commerce Participates in Cable-Related Convention.**

The Department participated in Cable Show 2009, a cable-industry convention held from April 1-3 in Washington, DC. Secretary of Commerce Gary Locke opened the convention and spoke on the importance of broadband. Anna Gomez, Acting Assistant Secretary of Commerce for Communications and Information, participated in a panel discussion related to the digital television transition and the Broadband Technology Opportunities Program (BTOP). NTIA Senior Advisor Larry Atlas participated in a panel discussion on BTOP.

- **ARRA Draft Spending Plans Approved for NOAA, Census Bureau.**

On April 3, the Department of Commerce, the Office of Management and Budget (OMB), and the White House approved the draft ARRA spending plans for NOAA and Census. The White House forwarded the NOAA spending plan to Congress on April 3, and forwarded the Census plan to Congress on April 8.

- **ARRA Draft Spending Plans for Economic Development Administration, National Institute of Standards and Technology (NIST), and NTIA Await OMB Approval.**

The EDA, NIST and NTIA draft spending plans are currently at OMB for approval. All Department of Commerce ARRA spending plans must be submitted to Congress no later than April 17.

- **Application Period for Habitat Restoration Grants Closes.**

On April 6, the application period closed for the NOAA Coastal and Marine Habitat Restoration Project Grants under ARRA. The Federal Funding Opportunity for these grants was published on March 6. As of April 3, 160 grant applications had been received.

- **Department Participates in ARRA Information Forum.**

On April 9, the Department of Commerce is participating in a White House-sponsored ARRA information forum for groups including various Chambers of Commerce.

- **Department to Participate in ARRA Briefings during Congressional Recess.**
During the congressional recess (April 6-17), the Department will be participating in a number of Recovery Act briefings requested by the Alaska congressional delegation, Senator Sherrod Brown (D-OH), Representative Alan Mollohan (D-WV), Representative Rick Boucher (D-VA), Senator Harry Reid (D-NV), and Representative Frank R. Wolf (R-VA). All requests were discussed with White House Legislative Affairs.
- **Comment Period to Close on BTOP Request for Information.**
On April 13, the public comment period on aspects of NTIA's BTOP and the USDA's Rural Utilities Service (RUS) broadband stimulus program will close. Along with views expressed throughout the six public meetings convened by NTIA and RUS in March 2009, public comments will help to inform NTIA and RUS on development and coordination of grant guidelines and rules for the respective broadband stimulus programs.

JOB CREATION

- **Minority Business Development Agency (MBDA) Assists Client in Obtaining Financing; 61 Jobs Created.**
Between January 1 and April 2, 2009, MBDA's Dallas-Fort Worth Minority Business Enterprise Center MBEC assisted MDA Enterprises, Inc.—owned by Majid Faradineh, an Asian-American—in obtaining \$2.2 million in financing from Zion Bank and the Texas Mezzanine Fund. As a result of this funding, 61 full-time jobs in Arlington, TX, were created.

LEGISLATIVE/REGULATORY/POLICY ISSUES

- ***Congressional Testimony/Hearings***
 - **April 22** – NIST and NOAA expect to be invited to testify on climate change issues before the House Committee on Science and Technology's Subcommittee on Technology and Innovation (Chair, Representative David Wu, D-OR).
 - **April 22** - Dr. Alexander MacDonald, Director of NOAA's Earth System Research Laboratory, will testify before the House Committee on Science and Technology (Chair, Representative Bart Gordon, D-TN) on NOAA's activities monitoring greenhouse gases and aerosols.
- ***Congressional Activity on Major Department-Related Legislation***
 - **Senate**
 - **Defense-Related Bill Could Affect NOAA Satellite Programs.**
On April 2, the Senate Committee on Armed Services held a markup (meeting to review a bill's text before reporting it out) on S. 454, a bill introduced by Senator Carl Levin (D-MI) to improve the organization and procedures of the Department of Defense for the acquisition of major weapons systems, and for other purposes. If passed, this bill has the potential to affect the procedures surrounding the acquisition and management of the National Polar-orbiting Operational Environmental Satellite System (NPOESS) satellite program managed by NOAA in conjunction with the Air Force.

- **Judiciary Committee Accepts Amendments to Patent Reform Act of 2009**

On April 2, the Senate Judiciary Committee completed markup and ordered reported—on a 15-4 vote—an amended version of S. 515, the Patent Reform Act of 2009. The Committee unanimously accepted a telework amendment that would allow for a United States Patent and Trademark Office (USPTO) travel-expense test program through October 2018. Other amendments adopted include provisions to: revise statutory language on assessing damages in patent infringement cases; adjust venue transfer considerations; remove the best mode requirement as a basis for invalidating a patent; and establish a pilot program for training judges in patent law. Amendments regarding the standard for post-grant review and the prevention of USPTO fee diversion were defeated or tabled.

- **House**

- Nothing to report.

- ***Policy Issues***

- Nothing to report.

- ***Meetings***

- During the week of April 6-10, the Department's Office of Legislative and Intergovernmental Affairs continued to carry out courtesy meetings with members of the Senate Committee on Commerce, Science, and Transportation and the members' staff. On April 7, Cameron Kerry, the nominee for General Counsel, met with staffers from the offices of Senators Mark Warner (D-VA) and Daniel K. Inouye (D-HI). On April 8, Lawrence Strickling, the nominee for Assistant Secretary for Communications and Information, met with Senators Kay Bailey Hutchison (R-TX), Mike Johanns (R-NE), and Frank Lautenberg (D-NJ).
- **April 8** – Representatives from NOAA's National Marine Fisheries Service briefed Representative Ileana Ros-Lehtinen (R-FL) during a conference call on the pending emergency rule requested by the Gulf of Mexico Fishery Management Council to address excess takes of listed loggerhead sea turtles by the bottom longline fleet.
- **April 8-15** – Representatives from the Minority Business Development Agency (MBDA) are meeting with the offices of the following Members of Congress who have MBDA-funded centers in their districts: Senators Maria Cantwell (D-WA), Saxby Chambliss (R-GA), Robert Menendez (D-NJ), Patty Murray (D-WA), and Tom Udall (D-NM); and Representatives Zoe Lofgren (D-CA), James P. Moran (D-VA), Lucille Roybal-Allard (D-CA), and Peter Visclosky (D-IN). At these meetings, the MBDA representatives are discussing the agency's fiscal year 2008 performance results and MBDA's efforts to promote the participation of minority business enterprises in ARRA.
- **April 9** – Three NIST officials—Cita Furlani, Information Technology Laboratory Director; William Barker, Computer Security Division Chief; and Dr. George Arnold, National Coordinator for Smart Grid Interoperability—are meeting with a senior

staffer from the office of Senator Maria Cantwell (D-WA) to discuss computer security issues (Furlani and Barker) and Smart Grid (Arnold).

- **April 15** – Two officials from NIST’s Manufacturing Extension Partnership (MEP) program—Roger Kilmer, Director; and Mark Troppe, Manager of Strategic Partnerships—and a NIST legislative analyst will brief Representative Rubén Hinojosa (D-TX) and his staff on MEP program.
- **April 16** - Thomas L. Mesenbourg, Acting Director of the Census Bureau; Arnold Jackson, Associate Director for Decennial Census; and Jay Tyler, Budget Division Chief, will brief staff from the House Appropriations Committee’s Subcommittee on Commerce, Justice, Science, and Related Agencies (Chair, Representative Alan Mollohan, D-WV). They will provide an update on Census 2010 preparations, particularly with regard to the Field Data Collection Automation (FDCA) program and other major contracts.
- **April 16** - Acting Under Secretary for International Trade Michelle O’Neill will provide an overview of the International Trade Administration’s programs and operations to new professional majority staff of the Senate Committee on Appropriations’ Subcommittee on Commerce, Justice, Science, and Related Agencies.
- **Other**
 - **Senate Appropriations Chairman to Dedicate New NOAA Building in Hawaii.** On April 13, NOAA will honor Senator Daniel Inouye (D-HI)—Chairman of the Senate Appropriations Committee—at the grand opening of the Hawaiian Islands Humpback Whale National Marine Sanctuary Learning Center in Kilhei, HI. Dr. Jane Lubchenco, Under Secretary for Oceans and Atmosphere, will join the senator. The new Learning Center will provide a venue for education programs and facilities supporting research and resource protection activities. The ceremony will recognize Senator Inouye’s support for this facility, as well as the support of others who helped establish this Sanctuary’s programs.
 - **Senate Committee Staffers’ Agenda for Charleston Trip Includes NOAA Items.** From April 14-16, staff from the Senate Committee on Commerce, Science, and Transportation will visit Charleston, SC. Items on the agenda include a tour of the NOAA’s Coastal Services Center, the NOAA ship *Ron Brown*, NOAA facilities at Fort Johnson, the North Inlet Winyah Bay National Estuarine Research Reserve, and the South Carolina Port Authority.
 - **Representative Wittman to Visit Monitor National Marine Sanctuary** On April 15, Representative Robert J. Wittman (R-VA)—a member of the House Committee on Natural Resources’ Subcommittee on Insular Affairs, Oceans, and Wildlife—will visit the office of NOAA’s Monitor National Marine Sanctuary in Newport News, VA. This sanctuary protects the wreck of the famed Civil War ironclad USS *Monitor*.

PRESS ACTIVITY

- ***Items of Anticipated Press Interest***

- **NTIA to Issue Press Release Regarding Online Safety and Technology Working Group.**

NTIA will issue a press release at the appropriate time announcing the members, co-chairs, and first meeting of the Online Safety and Technology Working Group. The Working Group will evaluate industry efforts to promote online safety for children and develop technologies to help parents shield children from inappropriate online content. Required by the “Protecting Children in the 21st Century Act” (Pub. L. No. 110-385, Title II), the Working Group must report its findings and recommendations to NTIA, the House Committee on Energy and Commerce, and the Senate Committee on Commerce, Science, and Transportation, within one year after its first meeting. The Working Group will consist of up to 30 members representing the business community, public interest groups, and other appropriate groups, including departments and agencies of the Federal government.

- **NTIA to Issue Press Release on Domain Name System (DNS)-Related Testing.**

NTIA—in coordination with NIST—will issue a press release to accompany publication of the Notice of Intent to begin testing and implementation of Domain Name and Addressing System Security Extensions (DNSSEC) at the root zone level of the Internet’s DNS. The Internet Engineering Task Force—a large open international community of people concerned with the evolution of the Internet architecture and the Internet’s smooth operation—developed DNSSEC to mitigate long-recognized vulnerabilities in the DNS. In coordination with NIST and other Federal agencies participating in the Internet DNS working group, NTIA issued a Notice of Inquiry on October 9, 2008, and accepted public comments through November 11, 2008.

- ***Reporters Working on Stories***

- **Reporters Working on Stories on Converter Box Coupon Program and BTOP.**
Reporters are working on stories on these two NTIA programs.

- **MBDA Regional Director Interviewed Regarding Recession’s Effect on Black Community.**

MBDA’s Regional Director for the Chicago National Enterprise Center, Eric Dobyne, spoke last week with *The Network Journal*—an African-American business magazine oriented toward professionals and small business owners—on how the recession is affecting black-owned businesses, specifically manufacturers and suppliers. Mr. Dobyne highlighted access to capital, building strategic alliances and what minority businesses should do during this economic crisis to make sure their businesses are able to take full advantage of opportunities. This trend story, which will be published in May, provides an overview of recession disproportionately affecting the black community.

- **Acting Under Secretary for Intellectual Property and USPTO Director Interviewed Regarding Challenges Facing USPTO.**

On April 1, John J. Doll, Acting Under Secretary for Intellectual Property and USPTO Director, was interviewed by a freelance reporter for an article to appear in *IP Law & Business*, a business magazine oriented toward the intellectual property community. The interview covered the challenges facing USPTO, including downturns in filings and fee collections, employee morale and attrition, and the agency's relationship with the patent bar. The article is anticipated to be published in May 2009.

- ***Inspector General (IG) Reports***

- Nothing to report.

- ***Grant Announcements***

- **NIST Awards Research Grants**

On April 1, NIST notified the congressional delegations and governors of Maryland, North Carolina, and Texas regarding the following awards:

- \$2,661,553 to the University of Maryland in College, Park, MD, to fund the Joint Quantum Institute, which is a collaboration between NIST and the university;
- \$175,000 to the University of Colorado in Boulder, CO, to authorize increased funding for undergraduate students in the Professional Research Experience Program;
- \$30,000 to Iredell-Statesville School in Statesville, NC, to provide funds for the Malcolm Baldrige National Quality Award recipient to attend various conferences, workshops, and meetings where the organization is required to share successful performance and quality strategies; and
- \$166,221 to the University of Texas in Austin, TX, to develop an Indoor Intelligent and Automated Construction Job Site Testbed to evaluate automation and integration technologies in construction and enable monitoring and control of construction processes.

- **NIST Awards Summer Research Fellowship Grants for Students**

On April 6, NIST notified the congressional delegations and governors of California, Florida, Kentucky, Massachusetts, Maryland, Missouri, Oklahoma, Pennsylvania, Virginia, and Washington about the awarding of grants for students majoring in science, mathematics, and engineering to participate in the fiscal year 2009 Summer Undergraduate Research Fellowship (SURF) Program at NIST. SURF students spend part of their summer working alongside NIST researchers on cutting-edge technology. The following institutions received grants in the amounts listed:

- California Institute of Technology (CA) - \$4,000
- California State University, Fresno Foundation (CA) - \$7,815
- University of South Florida (FL) - \$7,715
- University of the Cumberlands (KY) - \$7,615
- Centre College (KY) - \$7,565
- Franklin W. Olin College of Engineering (MA) - \$7,315
- Towson University (MD) - \$7,315
- Washington University (MO) - \$7,615
- Oklahoma State University (OK) - \$7,715

- University of the Sciences in Philadelphia (PA) - \$7,615
 - Lehigh University (PA) - \$4,000
 - George Mason University (VA) - \$7,315
 - Whitman College (WA) - \$7,665
- **NIST Renews Manufacturing Extension Partnership (MEP) Grants.**
 On April 6, the National Institute of Standards and Technology (NIST) notified the congressional delegations and governors of California, Illinois, Maine, New York, South Carolina, and Tennessee regarding these grant renewals:
- California Manufacturing Technology Consulting (CMTTC) - \$4,159,126
 - Illinois Manufacturing Extension Center - \$878,619
 - Maine MEP - \$745,801
 - New York MEP - \$2,278,372
 - South Carolina MEP - \$945,001.00
 - University of Tennessee, Center for Industrial Services/Tennessee MEP - \$521,762
- **EDA Announces Investments in New Orleans, Gustav/Ike-Devastated Regions.**
 During the period March 30-April 3, EDA announced two investments greater than \$100,000. These investments, which total \$1.05 million, are part of projects totaling \$1.2 million.
- \$750,000 to the Downtown Development District of New Orleans, Louisiana, to fund the development of an economic development strategy to increase the competitiveness of downtown New Orleans. (The Second Supplemental Appropriations Disaster Relief Opportunity funds this investment for New Orleans to address the impact of Hurricanes Katrina and Gustav.) This investment is part of a \$938,130 project.
 - \$300,000 to the South East Texas Economic Development District, Beaumont, TX, to support development of an economic recovery strategy focusing on damage assessment and speeding economic recovery efforts to the Golden Triangle Region—the counties of Hardin, Jefferson, and Orange—severely impacted by Hurricanes Gustav and Ike.
- ***Upcoming Economic Releases***
- 04/14 Advance Monthly Sales for Retail and Food Services, March 2009 (Census)
 - 04/14 Manufacturing and Trade: Inventories and Sales, February 2009 (Census)
 - 04/16 New Residential Construction, March 2009 (Census)
 - 04/17 Summary Estimates for Multinational Companies, 2007 (BEA)

ANTI-DUMPING/COUNTERVAILING DUTY CASES (AD/CVD)

- Nothing to report.

LEGAL ISSUES

- **Iraq Embargo Violator Sentenced.**
 On March 25, Dawn Hanna was sentenced in U.S. District Court in the Eastern District of Michigan to six years in prison for her role in exporting mobile telecommunications

equipment containing encryption properties to Iraq, in violation of the U.S. embargo on Iraq. The court also entered a money judgment against Hanna for over \$1.1 million, which represents the profits from the illegal transactions. Hanna was employed by Technical Integration Group (TIGS), located in Rochester, MI. She was found guilty on four counts on October 2, 2008, by a federal jury in the Eastern District of Michigan. The case was investigated by special agents from U.S. Immigration and Customs Enforcement, the Internal Revenue Service, the Federal Bureau of Investigation, and the Bureau of Industry and Security's Export Enforcement Chicago Field Office.

- **Federal Circuit Affirms USPTO Decision in Touring-Band Game Case (*In re Bryan*, No. 08-1461).**

On March 31, in a nonprecedential opinion, the U.S. Court of Appeals for the Federal Circuit affirmed the decision by USPTO Board of Patent Appeals and Interferences, holding unpatentable claims directed to a game having a touring band theme. The USPTO had rejected the claims for obviousness under 35 U.S.C. § 103 applying the patent law printed matter doctrine and earlier U.S. patents directed to board games. The Federal Circuit agreed with the reasoning of the Board.

- **U.S. District Court Rules Against USPTO in Drug Patent Term Extension Case (*Photocure v. Dudas*, No. 08-718).**

On March 31, 2009, the U.S. District Court for the Eastern District of Virginia ruled against USPTO in a patent term extension case under 35 U.S.C. § 156 involving Photocure's drug Metvixia. The case concerned whether Metvixia met the statutory requirement for an extension of the patent term that the drug be the first commercial marketing or use of the product under the provision of law under which pre-marketing regulatory review occurred. The District Court found that two prior Federal Circuit cases addressed the meaning of certain disputed terms in the statutory requirement in a contradictory way. Although USPTO argued that the cases could be reconciled, the District Court found the cases in direct conflict and, consistent with a Federal Circuit rule, followed the earlier-in-time case. The Court therefore found the patent protecting Metvixia eligible for a patent term extension. USPTO is considering whether to recommend appeal.

- **Federal Circuit Affirms USPTO's Decision in Diaper Case (*In re Byerly*, No. 08-1408).**

On April 2, the U.S. Court of Appeals for the Federal Circuit affirmed, without opinion, the USPTO Board of Patent Appeals and Interferences' decision that all of the claims were not patentable because Byerly's invention was obvious. Byerly filed an application containing dozens of claims directed to diapers that include a super-absorbent material selected from a long list of polymers and absorbents having certain properties defined as "Absorbency Under Load" (AUL) and "Wicking Index." The Board found Byerly's claims obvious over a prior art reference that disclosed selecting super-absorbents based on their ability to absorb significant amounts of fluid under an applied load (AUL). The Board further found that the remaining claimed properties, including Wicking Index, although not specifically discussed by the prior art, were nevertheless inherent.

- **FOIA Requests**

- **Received March 24, 2009, from Tegan Millspaw of Judicial Watch (Washington, DC),** a request for records from the Bureau of the Census, Office of Legislative and Intergovernmental Affairs, and Office of Policy and Strategic Planning regarding possible involvement by the Association of Community Organizations for Reform Now (ACORN) in the 2010 Census, including any communications between Commerce and ACORN or third parties from January 1, 2008 to the present. (*Note: Judicial Watch is a conservative watchdog group.*)
- **Received March 24, 2009, from Michael Reed of the National Republican Senatorial Committee (Washington, DC),** a request for schedules, correspondence, and travel records relating to former Secretary of Commerce William Daley for the period January 30, 1997, through July 14, 2000.
- **Received March 24, 2009, from Joe Goldberg of the American Federation of Government Employees (AFGE) (Washington, DC),** a request for information regarding positions included in the AFGE collective bargaining unit that were considered exempt under the Fair Labor Standards Act from March 16, 2006, to the present.
- **Received April 1, 2009 from Judicial Watch (Washington, DC),** a request for information on the Security and Prosperity Partnership of North America. (The FOIA request was addressed to the Department of Transportation, which forwarded International Trade Administration documents to the Department of Commerce for disclosure determination.)
- **Received April 3, 2009, from Paul W. Virtue of Hogan & Hartson (Washington, DC),** a request for records from 1999 to 2002 relating to: Kipyator Nicholas Kiprono arap Biwott, the Kenyan minister for issues involving tourism, commerce, trade, and/or industry; any meetings Mr. Biwott had with the U.S. Government; his participation in conferences/seminars aimed at attracting investment to Kenya; and Mr. Biwott's attendance at World Trade Organization meetings in Geneva.

PERSONNEL UPDATE BY WHITE HOUSE LIAISON (WHL)

- During the week of April 6-10, WHL brought on board four people:
 - Quinn Staudt, Confidential Assistant, Office of Scheduling and Advance
 - Parita Shah, Press Secretary
 - Caroline Gonzalez, Director of Scheduling
 - Jordan Kaplan, Special Assistant, International Trade Administration
- WHL is vetting and making offers to the Legislative and Intergovernmental Affairs shop this week, and is continuing aggressively to fill the 50 positions in the Office of the Secretary. Interviews for Under Secretary for Intellectual Property are complete, and WHL is nearing a decision point. The slates for Under Secretary for Industry and Security, Chief Financial Officer, and Assistant Secretary for Economic Development are in the final review process and will be presented to Secretary Locke in the coming days.

Finally, the budget office is now fully apprised of WHL's Department staffing plan, and will advise on its feasibility this week.

OTHER

- **NOAA's National Weather Service (NWS) to Host Climate Change Workshop.**
From April 14-16, NOAA's NWS Western Region Headquarters in Salt Lake City, UT, will host the first workshop by NWS to specifically target climate change information for NWS field offices. The workshop will educate and train NWS field personnel on the latest climate change science and will share best practices for providing climate change outreach to decision makers. Presenters and participants include staff from other NOAA Line Offices, Cooperative Institutes, other federal agencies, and universities. Dr. Susan Solomon, the NOAA atmospheric scientist who made some of the first measurements that pointed towards chlorofluorocarbons as the cause of the ozone hole, will speak.
- **NOAA Cooperates with U.S. Army Corps of Engineers in Hawaii Harbor Surveys.**
From April 13 to May 2, NOAA's Office of Coast Survey will provide field support in a cooperative project between NOAA and the U.S. Army Corps of Engineers (Corps) to acquire contemporary hydrographic data of Honolulu Harbor and its approaches. The project began in response to reports from the Hawaiian Pilots Association that containerized cargo ships were "touching bottom" while docking due to uncharted, dangerous shoaling (e.g., sandbanks, sandbars) around certain pier faces in the harbor. After collecting and processing the data, NOAA will share it with the Corps, which in return will share data with NOAA when it surveys Maui's Kahului Harbor next month. This effort will satisfy multiple end-user requirements and will foster technology and data transfer in the Federal sector.
- **EDA Co-Sponsors Summit on Automotive Industry.**
On April 14-15, the Economic Development Administration will co-sponsor—with the University of Michigan and the Center for Automotive Research in Chicago, Illinois—a conference entitled "Roads to Renewal: A Summit on the Changing Automotive Industry—How Communities Can Thrive."

DEPARTMENT OF COMMERCE
For the Week of April 20–24, 2009

SECRETARY

- **April 15:** The Secretary hosted (at the Department of Commerce) the staff of the House and Senate Appropriations Committees' respective Subcommittees on Commerce, Justice, Science, and Related Agencies.
- **April 16:** The Secretary is traveling to Jefferson City, MO, with Vice President Joe Biden for a Smart Grid-related event. *(For additional details, please see the item listed in the ARRA section.)*
- **April 17:** The Secretary will make an announcement in Little Rock, AR, awarding three Economic Development Administration grants.
- **April 23:** The Secretary will testify before the Senate Appropriations Committee's Subcommittee on Commerce, Justice, Science, and Related Agencies (Chair, Barbara Mikulski, D-MD) regarding major Department management challenges. *(This item is also listed in the Legislative/Regulatory/Policy Issues section.)*

ACTIVITIES OF OTHER DEPARTMENT OFFICIALS

- **Acting Director General of U.S. and Foreign Commercial Service to Participate in Trade Winds Forum in Poland.**
On April 19-23, Acting Director General Rochelle Lipsitz will speak at the Trade Winds Forum in Warsaw, Poland. Over 100 participants representing more than 70 U.S. companies from over 20 States will attend the event, which offers U.S. companies the chance to make or increase sales in the region. Acting Director General Lipsitz will meet with U.S. Ambassador to Poland Victor Ashe and Under Secretary Marcin Korolec of the Polish Ministry of Economy.
- **Acting Under Secretary for Intellectual Property and Acting Director for U.S. Patent and Trademark Office (USPTO) to Attend International Judges Conference on Intellectual Property Law.**
From April 20-21, Acting Under Secretary and Acting Director John J. Doll will attend the fifth International Judges Conference on Intellectual Property Law. The conference will bring together more than 85 internationally recognized judges who decide patent cases and patent attorneys in corporate and private practice to discuss new issues in intellectual property law.
- **Acting Census Bureau Director to Speak at Meetings of Race and Ethnic Advisory Committee.**
On April 23, Acting Census Bureau Director Thomas L. Mesenbourg will speak at the meetings of the Race and Ethnic Advisory Committee at Census Bureau headquarters in Suitland, MD.

- **Acting Under Secretary for International Trade to Meet with U.S. Ambassador to Asia-Pacific Economic Cooperation (APEC) Forum.**

On April 23, Acting Under Secretary for International Trade Michelle O'Neill will meet with the U.S. Ambassador to APEC, Patricia M. Haslach. They will discuss Singapore—the host economy for the APEC meetings in 2009—and U.S. objectives for this year's remaining APEC meetings, including the Small and Medium Enterprise Ministerial meeting on October 8-9. This discussion will preview priority work that Secretary Locke can address if he meets with Singaporean Foreign Minister George Yeo.

- **Deputy Director of National Institute of Standards and Technology (NIST) to Conduct Town Hall Meeting at NIST-Boulder.**

From April 23-24, NIST Deputy Director Patrick Gallagher will be in Boulder, CO, to conduct a town hall meeting for NIST Boulder staff. In addition, Dr. Gallagher will meet with Philip DeStefano, interim chancellor of the University of Colorado (UC), to discuss issues related to the research program at JILA, a joint institute of UC and NIST.

- **Acting Assistant Secretary for Import Administration to Participate in Roundtable for General Counsel in the Chemical Industry.**

On April 24, Acting Assistant Secretary for Import Administration Ronald K. Lorentzen will participate in a panel discussing trade policy issues as part of the Roundtable for General Counsel in the Chemical Industry, an event hosted by Squire Sanders & Dempsey, L.L.P. in Washington, DC.

REFORM-BASED ACTIONS

- Nothing to report.

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

- **Digital TV Converter Box Coupon Program Continues to Distribute Coupons and Reimburse Retailers.**

During the week ending April 10, the National Telecommunications and Information Administration's (NTIA) Digital TV Converter Box Coupon Program:

- accepted requests for 503,050 coupons with a value of over \$20,122,000, to be provided using ARRA funds; and
- reimbursed retailers for 286,059 coupons with a value of \$11,441,091, using ARRA funds.

- **Application Period for Habitat Restoration Grants Closes; 650 Applications Received.**

On April 6, the application period closed for the NOAA Coastal and Marine Habitat Restoration Project Grants under ARRA. Over 650 applications requesting a total of approximately \$2 billion were received. The program has approximately \$167 million to award.

- **Public Comment Period on ARRA Broadband Initiatives Closes.**
On April 13, the comment period closed for the Joint Request for Information issued by NTIA and the Department of Agriculture's Rural Utility Service regarding ARRA broadband initiatives closed. These public comments will be taken into account for the rulemaking and grant funding notice that NTIA will issue in late June.
- **National Oceanic and Atmospheric Administration (NOAA) and Census Bureau Issue Press Releases on Draft ARRA Spending Plans.**
Following congressional notification, NOAA and the Census Bureau have issued press releases on their draft ARRA spending plans.
- **Economic Development Administration (EDA), National Institute of Standards and Technology (NIST), and NTIA Spending Plans Approved.**
The EDA, NIST and NTIA proposed spending plans were approved by the Office of Management and Budget (OMB) and the White House. All are expected to be delivered to Congress prior to the due date of Friday, April 17.
- **Secretary Locke Joins Vice President Biden at Smart Grid Event in Missouri.**
On April 16, Secretary Locke is participating with Vice President Biden in a Smart Grid-themed event in Jefferson City, MO, where the Vice President will announce a \$3 million Department of Energy grant.

JOB CREATION

- Nothing to report.

LEGISLATIVE/REGULATORY/POLICY ISSUES

- ***Congressional Testimony/Hearing***
 - **April 22** - The House Committee on Science and Technology (Chair, Representative Bart Gordon, D-TN-6) will hold a hearing on the greenhouse gas and aerosol monitoring activities of agencies within the Committee's jurisdiction. The Director of NOAA's Earth System Research Lab, Dr. Alexander MacDonald, and NIST Deputy Director Dr. Patrick Gallagher are scheduled to testify. Representatives of NASA, the National Science Foundation, and the Department of Energy's Office of Science are also scheduled to testify.
 - **April 23** - The House Committee on Science and Technology's Subcommittee on Energy and Environment (Chair, Representative Brian Baird, D-WA-3) will hold a hearing on the Government Accountability Office report on the Geostationary Operational Environmental Satellite "R" Series (GOES-R). Mary Kicza, Assistant Administrator of NOAA's National Environmental Satellite, Data, and Information Service, is scheduled to testify.
 - **April 23** - The Secretary will testify before the Senate Appropriations Committee's Subcommittee on Commerce, Justice, Science, and Related Agencies (Chair, Barbara

Mikulski, D-MD) regarding major Department management challenges. *(This item is also listed in the Secretary section.)*

- ***Congressional Activity on Major Department-Related Legislation***

- ***Senate***

- Nothing to report.

- ***House***

- Nothing to report.

- ***Policy Issues***

- Nothing to report.

- ***Meetings***

- **April 20** - Larry Strickling—announced by President Obama on March 27 as the President's intended nominee for Assistant Secretary for Communications and Information—will meet with Senator John D. Rockefeller IV (D-WV). This meeting is in advance of a possible confirmation hearing for Mr. Strickling in early May.
 - **April 22** - John H. Dunnigan, Assistant Administrator of NOAA's National Ocean Service (NOS), will brief staff from the office of Representative Frank Kratovil (D-MD-1) on NOAA's and NOS' overall programs and activities.
 - **April 23** - Representatives of NOAA's National Marine Sanctuary Program will brief Delegate Eni Faleomavaega (D-AS) on the Fagatele Bay National Marine Sanctuary Management Plan Review. This Sanctuary is composed of a coral reef ecosystem inside an eroded volcanic crater on the island of Tutuila, American Samoa.

- ***Other***

- **Marine Protected Areas Federal Advisory Committee to Meet in Annapolis.** From April 21-23, the Marine Protected Areas (MPAs) Federal Advisory Committee (FAC), which advises the Department of Commerce and the Department of the Interior (DOI), will meet in Annapolis, MD. The meeting will focus on draft reports and recommendations by the FAC's Scientific and Technical Subcommittee and Review and Evaluation Subcommittee. A presentation on NOAA's Next Generation Strategic Plan will be given, and an expert panel will discuss the evaluation of the National System of MPAs. On April 22, NOAA and DOI leadership will discuss their respective agencies' perspectives on ocean conservation and management.
 - **NOAA and Interior to Announce Charter Sites of National System of Marine Protected Areas (MPAs).** On April 22, NOAA's National Marine Protected Areas Center, together with the Department of the Interior, will announce more than 200 Federal, State, and territorial protected areas to be chartered into the National System of MPAs. Called for in Executive Order 13158, the National System of MPAs is the group of MPA sites, networks, and systems established and managed by Federal, State, tribal, and/or local

governments that collectively enhance conservation of the Nation's natural and cultural marine heritage. The charter group includes both no-take and multiple-use MPAs, and represents all eight of NOAA's regional ecosystems. The second round of nominations to the national system will begin later this year.

- **NOAA to Release Outlook for Red Tide in Gulf of Maine.**

On April 22, NOAA-funded scientists will announce that this year's harmful algal bloom—known as “red tide”—in the Gulf of Maine is expected to be smaller than last year's, but still significant. Gulf of Maine red tides produce potent neurotoxins that can accumulate in shellfish and cause illness—and even death—in people who have eaten tainted seafood. The NOAA-funded scientists at Woods Hole Oceanographic Institution and North Carolina State University will also produce weekly forecasts to provide resource managers with updates on probable bloom locations and magnitudes. Such forecasts, along with annual advisories, assist resource and public health managers and the seafood industry in protecting human health and minimizing economic impacts.

PRESS ACTIVITY

- ***Items of Anticipated Press Interest***

- **NIST's Manufacturing Extension Partnership (MEP) to Announce U.S.A. National Innovation Marketplace.**

On April 20, NIST will issue a news item on the launch of the U.S.A. National Innovation Marketplace, a service of NIST's Manufacturing Extension Partnership (MEP) network. To be launched officially at the MEP National Conference in Orlando, FL, on April 18-22, the Marketplace will bring together inventors and investors in a collaborative online environment encouraging new partnerships and business opportunities. The Marketplace's website—www.planeteureka.com—offers two-way publishing of both innovation offerings and business requests.

- ***Articles Published Regarding Availability of EDA Investments Through ARRA Funds***

- On April 3, *The Times-News* (Kingsport, TN) published an article on a seminar sponsored by Representative Rick Boucher (D-VA-9) to inform constituents of the availability of ARRA funds, including the \$150 million EDA appropriation. EDA regional staff attended the seminar.
- On April 5, *The News-Star* (Monroe, LA) published an article on efforts by North Delta Regional Planning and Development to secure EDA grants to create jobs under the American Recovery and Reinvestment Act.
- On April 5, *The Zanesville Herald-Star* (OH) and *The State Journal* (Charleston, WV) published articles on seminars sponsored by the office of Senator Sherrod Brown (D-OH) to inform constituents of the availability of ARRA funds, including the \$150 million EDA appropriation. EDA regional staff attended the seminars. On April 8, *The Springfield News-Sun* (OH) published a similar article.

- On April 7, *Crain's Cleveland Business* (OH) published an article on efforts by the Cleveland-Cuyahoga County Port Authority to secure EDA grants to create jobs under ARRA.
- On April 8, *The Kilgore News-Journal* (TX) published an article on efforts by the Kilgore Economic Development Corporation to secure EDA grants to create jobs under ARRA.
- On April 10, *The Columbia Missourian* (MO) and *The University of Missouri Maneater* (MO) articles on a seminar sponsored by the office of Senator Claire McCaskill (D-MO) to inform constituents of the availability of ARRA funds, including the \$150 million EDA appropriation. EDA regional staff attended the seminar.
- ***Reporters Working on Stories***
 - Nothing to report.
- ***Inspector General (IG) Reports***
 - Nothing to report.
- ***Grant Announcements***
 - Nothing to report.
- ***Upcoming Economic Releases***
 - 04/23 Local Area Personal Income, 2007 (Bureau of Economic Analysis)
 - 04/24 Advance Report on Durable Goods Manufacturers' Shipments, Inventories, and Orders, March 2009 (Census Bureau)
 - 04/24 New Residential Sales, March 2009 (Census Bureau)

ANTI-DUMPING/COUNTERVAILING DUTY CASES (AD/CVD)

- **Initiation Decisions Due on Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and Vietnam.**

On April 21, the Department of Commerce will announce its decisions whether to initiate antidumping (AD) and countervailing duty (CVD) investigations on imports of polyethylene retail carrier bags from Indonesia (AD), Taiwan (AD), and Vietnam (AD/CVD). Polyethylene retail carrier bags are plastic bags with handles made from polyethylene film; typically, they are used to package and carry purchased goods from retail establishments.

LEGAL ISSUES

- **Indictment and Arrest in Case Concerning Unlawful Export.**

On April 1, a grand jury in the Northern District of California returned a four-count indictment against Fu Tain Lu for conspiracy to violate the International Emergency Economic Powers Act; unlawful export; and false statements to a government agent. Lu, who resides in China but has a pattern of regular visits to the United States, was arrested April 7 upon his arrival at San Francisco International Airport.

- **Verdicts Issued in Mexican Gun-Trafficking Case.**

On April 2, a federal trial jury in San Antonio, TX, issued split verdicts in a gun-trafficking case involving more than 200 firearms, most of which were smuggled into Mexico from Texas. Although the jury acquitted Herminio Hernandez, it found his brother Uriel Hernandez guilty of operating without a federal firearms license and smuggling (exporting firearms without a license). A third brother, Benito Hernandez, pleaded guilty to buying 166 guns through straw purchases (i.e., purchases involving U.S. citizens with no criminal backgrounds who can buy guns without raising suspicion). Information obtained during this investigation indicates that some of these firearms were intended for the Sinaloa Cartel. This matter was a joint case with the Bureau of Industry and Security (BIS); the Bureau of Alcohol, Tobacco, and Firearms; and U.S. Immigration and Customs Enforcement (ICE).

- **Individual Sentenced for Violating Arms Export Control Act with Regard to China.**

On April 7, Shu Quan-Sheng, President of AMAC International, Inc., was sentenced in U.S. District Court in the Eastern District of Virginia to 51 months in prison for illegally exporting space launch technical data and defense services to China and offering bribes to Chinese government officials. Shu pleaded guilty to violating the Arms Export Control Act and already forfeited \$386,740 as part of the plea agreement. This was a joint matter including BIS, the Federal Bureau of Investigation, and ICE.

- **FOIA Requests**

- **Received on 04/08/2009, from Matt Kelley, *USA Today*,** a request for correspondence since January 21, 2009, from members of Congress or their staff, regarding the use of the funds provided under the American Recovery and Reinvestment Act, Public Law 111-5, commonly known as the “economic stimulus.”

PERSONNEL UPDATE BY WHITE HOUSE LIAISON (WHL)

- During the week of April 13-17, WHL brought on board four people:
 - Julia Moseley, Director of Advance
 - Paula Tufro, Advance Specialist
 - Elizabeth Vale, Senior Advisor for Business Liaison
 - Amanda Hallberg, Legislative Affairs Specialist, NOAA
- WHL is making offers to the Legislative and Intergovernmental Affairs shop this week, and continues to work aggressively to fill the 50 positions in the Office of the Secretary. Interviews for Under Secretary for Intellectual Property are complete, and WHL is nearing a decision point. The five political positions in the Office of General Counsel are also nearing a final decision point. The slates for Deputy Secretary, Under Secretary for Industry and Chief Financial Officer, and Assistant Secretary for Economic Development are also in the final review process, and will be presented to Secretary Locke in the coming days.

OTHER

- **USPTO to Host Green Fair.**

On April 21, USPTO will host its first-ever Green Fair. Representatives from a broad range of local and Federal organizations will be on hand to provide tips on how everyone can achieve a greener, more cost-efficient lifestyle. Organizations participating in the fair include Dominion Virginia Power; the Energy Star program (a joint effort of the Environmental Protection Agency and the Department of Energy); the Washington Metropolitan Area Transit Authority; the Transit Services division of the City of Alexandria, VA; Commuter Connections (a regional network of transportation organizations coordinated by the Metropolitan Washington Council of Governments); the Woodrow Wilson Bridge; the public-private partnership Telework Exchange; and the General Services Administration. The fair will be held at USPTO headquarters in Alexandria, VA.

DEPARTMENT OF COMMERCE
For the Week of April 27–May 1, 2009

SECRETARY

- **Secretary Locke to Meet with China's Minister of Commerce.**

On April 27, Secretary Gary Locke will host a bilateral meeting and lunch with China's Minister of Commerce, Chen Deming, to discuss trade and economic issues. Minister Chen is Secretary Locke's counterpart on U.S.-China commercial and trade issues and is a key player in the U.S.-China Joint Commission on Commerce and Trade (JCCT).

- **Secretary Locke to Testify Before the House Appropriations Committee's Subcommittee on Commerce.**

During the week of April 27, Secretary Locke will testify before the House Appropriations Committee's Subcommittee on Commerce, Justice, Science, and Related Agencies regarding the President's fiscal year 2010 budget

- **Secretary Locke's Meetings During the Week of April 27.**

During the week of April 27 Secretary Gary Locke will meet with the following individuals:

- Singapore's Minister of Foreign Affairs
- Tom Donohue, U.S. Chamber of Commerce
- Robert Dobson, T-Mobile USA President and CEO
- James Quigley, CEO of Deloitte Touche and Tohmatsu
- Representatives Jay Inslee (D-WA-1), Bart Gordon (D-TN-6), and Charles Rangel (D-NY-15)

- **Secretary Locke's Speaking Engagements During the Week of April 27.**

During the week of April 27, Secretary Gary Locke will speak at the following events:

- Meeting of the New England Council
- Motor Equipment Manufacturers Association Legislative Summit
- Committee of 100 Conference

- **Pacific Northwest Salmon Issue**

During the week of April 27, Secretary Locke will participate in calls regarding the Pacific Northwest salmon issue.

ACTIVITIES OF OTHER DEPARTMENT OFFICIALS

- **Acting Under Secretary for International Trade to Meet with Finnish Trade and Development Minister.**

On April 27, Acting Under Secretary Michelle O'Neill will meet with Finnish Trade and Development Minister Paavo Väyrynen to discuss U.S.-European Union relations, a development focus for the Transatlantic Economic Council, and Finland's concerns with U.S. retaliatory tariffs affecting pork ribs. Acting Under Secretary O'Neill will also raise U.S. industry concerns with intellectual property rights protection in the pharmaceutical sector.

- **Acting Under Secretary for International Trade to Meet with Leaders from American National Standards Institute (ANSI).**
 On April 28, Acting Under Secretary Michelle O'Neill will meet with ANSI President and CEO Joe Bhatia and staff to discuss standards-related issues affecting U.S. competitiveness and trade. The meeting will include discussions on ensuring U.S. Government development and technical assistance strategies for standards are consistent with our trade and competitiveness priorities; developing input on the International Organization for Standardization's 2011-2015 strategic plan; and reporting out on ongoing ANSI-Commerce cooperation.
- **Acting Assistant Secretary for Manufacturing and Services to Meet with Leaders of Standards-Related Organization.**
 On April 28, Acting Assistant Secretary Mary Saunders will meet with ASTM President Jim Thomas and other senior ASTM officials to discuss the regulatory and commercial use of ASTM standards in the United States, Europe, and Brazil, and their impact on global trade and competitiveness. Originally the American Society for Testing and Materials, ASTM is one of the largest voluntary standards development organizations in the world.
- **Acting Under Secretary for International Trade to Meet with Better Hong Kong Foundation.**
 On April 29, Acting Under Secretary for International Trade Michelle O'Neill will meet with representatives of the Better Hong Kong Foundation to discuss U.S.-Hong Kong bilateral trade and investment issues. The meeting will also include discussions on the global economic crisis and the U.S. response to it, as well as an update on economic developments in Hong Kong and China.
- **Acting Census Bureau Director to Attend Annual Meeting of Population Association of America (PAA).**
 On April 30 and May 1, Acting Census Bureau Director Thomas L. Mesenbourg will attend the 2009 Annual Meeting of the PAA in Detroit, MI. On May 1, he will speak to the organization's Committee on Applied Demography. The PAA is a nonprofit organization promoting research and education in the population field.
- **Bureau of Economic Analysis (BEA) Director to Host Meeting of Bureau's Advisory Committee.**
 On May 1, BEA Director Steve Landefeld will host the semiannual meeting of the BEA Advisory Committee. The Committee advises the Director on matters related to the development and improvement of BEA's national, regional, industry, and international economic accounts and provides recommendations from the perspectives of the economics profession, business, and government. This meeting will be held at the BEA in Washington, DC.
- **Acting Assistant Secretary of Commerce for Communications and Information to Speak at Federal Communications Bar Association (FBCA) Annual Seminar.**

On May 1, Acting Assistant Secretary Anna Gomez will speak at the opening session of the FBCA Annual Seminar in Williamsburg, VA. The seminar's theme is "The Economy, Regulation and the Public Interest." The FCBA is a volunteer organization of individuals involved in the study, development, interpretation, and practice of communications and information technology law and policy.

REFORM-BASED ACTIONS

- Nothing to report.

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

- **Spending Plans Delivered to Congress.**

On April 13, the National Institute of Standards and Technology (NIST) ARRA spending plan was delivered to Congress. On April 21, the Economic Development Administration (EDA) and National Telecommunications and Information Administration (NTIA) spending plans were delivered to Congress.

- **Public Comment Period on ARRA Broadband Initiatives Closes; 1,600 Comments Received and Posted.**

On April 13, the comment period closed for the Joint Request for Information issued by NTIA and the Department of Agriculture's Rural Utility Service (RUS) regarding ARRA broadband initiatives. A total of 1,600 comments were received and posted on NTIA's website. The summarized comments will be taken into account for the rulemaking and initial Notice of Funds Availability (NOFA). NTIA will coordinate with RUS and Federal Communications Commission (FCC) staff to develop and present a joint staff policy recommendation to Secretary Locke, Agriculture Secretary Vilsack, and FCC Acting Chairman Copps on May 1. NTIA expects to issue the first broadband-related NOFA no later than June 22.

- **Digital TV Converter Box Coupon Program Continues to Distribute Coupons and Reimburse Retailers.**

During the week ending April 17, NTIA's Digital TV Converter Box Coupon Program:

- accepted requests for 483,975 coupons with a value of over \$19,359,000, to be provided using ARRA funds; and
- reimbursed retailers for 243,207 coupons with a value of \$9,726,871, using ARRA funds.

- **Smart Grid Standards Workshop to Take Place April 28-29.**

On April 28 and 29, a Smart Grid standards workshop will take place in Reston, VA. To be attended by stakeholders from industry, consumer groups, and other interested entities, the workshop will focus on a review of an overall architecture for Smart Grid standards and an assessment of the suitability of existing standards and those currently under development. Stakeholders will use the results of this workshop to develop a roadmap for additional standards at a second workshop (location TBA) to be held May 19-20. Both workshops are open to the public and free of charge. *(See additional details in the item in the "Press Activity" section.)*

- **Recovery Act Program Plans to be Prepared and Transmitted.**

The Department of Commerce's bureaus have submitted their draft program plans to the Department for review prior to sending to the Office of Management and Budget (OMB). These plans are in the OMB-required format for submission to OMB no later than May 1. In accordance with OMB guidance for the Recovery Act, NTIA will prepare and transmit to OMB on May 1 a formal documented Recovery Program Plan for each of its programs receiving Recovery Act funds, i.e., the Broadband Technology Opportunities Program (BTOP) and the Digital TV Converter Box Coupon Program. The plans will provide a summary of the specific Recovery Act projects and activities planned and a summary table.

- **Investment Review Board (IRB) Reviewing Program Plans.**

The Department held its first IRB oversight meeting of ARRA-related programs and related procurements with a review of several NOAA programs: Fisheries Survey Vessel, Pacific Regional Center, and La Jolla replacement facility. On April 29, the IRB will review the following program plans and related procurements: NTIA Broadband, NOAA High Performance Computing Program, and NIST Construction.

- **ARRA-Related Items Being Published in FedBizOpps.**

- NOAA will release a synopsis of solicitation via FedBizOpps, the database of federal government contracting opportunities, for its Fisheries Survey Vessel 6. This release will be two weeks prior to releasing the Request for Proposals, as required by the Federal Acquisition Regulations.
- NTIA awarded a \$39 million Task Order Modification to the Digital TV Converter Box Coupon Program vendor (IBM). The modification appeared in FedBizOpps on April 20.

JOB CREATION

- **U.S. Census Bureau Continues Hiring Enumerators for Address Canvassing Activities.**

As of April 20, the U.S. Census Bureau has hired 121,000 of the 143,000 enumerators needed to conduct the Address Canvassing operations that began in early April 2009. The rest of them are being hired during the remainder of April, with all 143,000 enumerators in the field by April 30. These jobs will last about four months and will be followed by successive waves of hiring for other operations leading up to the 2010 Decennial Census.

LEGISLATIVE/REGULATORY/POLICY ISSUES

- ***Congressional Testimony/Hearings***

- **April 27** – The International Trade Administration's Deputy Assistant Secretary for Western Hemisphere Walter Bastain, along with Bureau of Industry and Security Acting Assistant Secretary for Export Administration Matthew Borman, will testify before the House Committee on Energy and Commerce's Subcommittee on Commerce, Trade, and Consumer Protection (Chair, Representative Bobby L. Rush, D-IL-1) on U.S.-Cuba trade policy.

- **April 28** - The Secretary is scheduled to testify before the House Appropriations Committee's Subcommittee on Commerce, Justice, Science, and Related Agencies (Chair, Representative Alan Mollohan, D-WV-1) regarding the President's fiscal year 2010 budget.
- **April 29** - Acting Deputy Assistant Secretary of Commerce for Economic Development and Acting Deputy Assistant Secretary for External Affairs and Communications Dennis Alvord will testify before the House Transportation and Infrastructure Committee (Chair, Representative James L. Oberstar, D-MN-8) on the status of the implementation of EDA's funding under ARRA.
- ***Congressional Activity on Major Department-Related Legislation***
 - **Senate**
 - Nothing to report.
 - **House**
 - Nothing to report.
- ***Policy Issues***
 - Nothing to report.
- ***Meetings***
 - **April 29** - Two officials from NIST's Manufacturing Extension Partnership (MEP) program—Roger Kilmer, Director; and Mark Troppe, Manager of Strategic Partnerships—and a NIST legislative analyst will brief Representative Rubén Hinojosa (D-TX-15) and his staff on the MEP program.
- ***Other***
 - Nothing to report.

PRESS ACTIVITY

- ***Topics/Events of Anticipated Press Interest***
 - **NIST to Hold First in Series of Smart Grid Workshops.**
On April 28 and 29, NIST will hold a workshop in Reston, VA, on the topic of an electric power "Smart Grid," a nationwide network that uses information technology to deliver electricity efficiently, reliably, and securely. This will be the first in a series of workshops and meetings as part of NIST's recently announced three-phase plan for developing Smart Grid standards. The April workshop will review high-level principles for a roadmap on developing the Smart Grid's architecture and the initial standards for ensuring interoperability, or the ability of Smart Grid devices and systems to work seamlessly with one another. The workshop will be of particular interest to utilities executives and technical staff, regulators, vendors, builders, State and Federal government personnel, consumer advocates, engineers, planners, and integrators. The workshop is open to the public and free of charge. Media interest is expected.
- ***Articles Published Regarding Availability of EDA Investments Through ARRA Funds***

- On April 10, *The Vicksburg Post* (MS) published an article mentioning the availability of ARRA funds for construction projects, including the \$150 million EDA appropriation.
- On April 15, *The Thomasville Times-Enterprise* (GA) published an article on an upcoming seminar sponsored by Representative Sanford Bishop (D-GA-2) to inform constituents of the availability of ARRA Act funds, including the \$150 million EDA appropriation. EDA regional staff are attending the seminar.
- On these dates, these publications published articles on efforts by these entities to secure EDA grants to create jobs under the ARRA:
 - April 15 - *The Grant County Chronicle Tribune* (IN) - Grant County
 - April 16 - *The Juniata Sentinel* (PA) - city of Lewistown
 - April 16 - *The Gastonia Gazette* (NC) - city of Gastonia
 - April 16 - *The Rockford Register-Star* (IL) - city of Loves Park
- On April 18, a number of media outlets published articles regarding Secretary Locke's visit to Arkansas to present \$5.25 million in EDA investments to the State to create jobs in the wake of storm damage incurred in 2008:
 - article by the Associated Press wire service
 - articles published on the Web sites of the following TV stations: *KUAR-TV* (U. of Arkansas), *KARK-TV* (AR), and *WREG-TV* (AR)
 - articles in the following print publications: *The Arkansas Democrat Gazette* (AR), *The Fort Smith Times-Record* (AR) (two articles), *The City Wire* (AR), and *The Arkansas State News* (AR)
 - article in the online business journal *ArkansasBusiness.com*
- **Reporters Working on Stories**
 - Reporters are working on stories on NTIA's TV Converter Box Coupon Program and on the Broadband Technology Opportunities Program.
- **Inspector General (IG) Reports**
 - Nothing to report.
- **Grant Announcements**
 - **NIST Awards Summer Undergraduate Fellowships.**
On April 14 and 15, notified the governors and Congressional delegations of Connecticut, Indiana, Iowa, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Texas, and Wisconsin about the awarding of grants for students majoring in science, mathematics, and engineering to participate in the fiscal year 2009 Summer Undergraduate Research Fellowship (SURF) Program at NIST. SURF students spend part of their summer working alongside NIST researchers on cutting-edge technology. The following institutions received grants in the amounts listed:
 - New Jersey Institute of Technology, Newark, NJ - \$15,030
 - William Marsh Rice University, Houston, TX - \$7,715

- University of Connecticut, Storrs, CT - \$7,715
 - Valparaiso University, Valparaiso, IN - \$17,445
 - University of Southern Mississippi, Hattiesburg, MS - \$15,230
 - Research Foundation of the City University of New York (CUNY) on behalf of Hunter College of CUNY, New York, NY - \$7,665
 - University of Massachusetts, Amherst, MA - \$15,430
 - Montgomery College, Rockville, MD - \$4,000
 - College of New Jersey, Ewing, NJ - \$14,880
 - Bucknell University, Lewisburg, PA - \$7,815
 - Worcester Polytechnic Institute, Worcester, MA - \$7,715
 - Cornell University, Ithaca, NY - \$11,815
 - Millersville University of Pennsylvania, Millersville, PA - \$7,415
 - University of Iowa, Iowa City, IA - \$7,815
 - University of Wisconsin-Madison, Madison, WI - \$7,665
 - Trustees of Boston University, Boston, MA - \$4,000
 - Wellesley College, Wellesley, MA - \$7,815
 - North Carolina State University, Raleigh, NC - \$15,230
- **EDA Announces Investments in Arkansas, Texas, and Iowa.**
 During the period April 13-17, EDA announced five investments greater than \$100,000 totaling \$5.8 million. These investments are part of projects totaling \$7.64 million. The recipients estimate that the projects will create 250 jobs, save 150 jobs, and generate more than \$1.8 million in private investment.
- \$2 million to the University of Arkansas at Fort Smith, AR, to fund construction of the Regional Entrepreneurial and Innovation Resource Center at the University of Arkansas at Fort Smith. The Center will provide research and support services for small businesses and entrepreneurs in western Arkansas and eastern Oklahoma, an area severely impacted by storms in 2008. The project will transform the regional economy and help businesses become disaster-resilient. This investment is part of a \$2.75 million project.
 - \$1.75 million to Arkansas State University, Jonesboro, AR, to fund the Commercial Innovation Center, the completion of the Arkansas State University technology and business incubator, in the Biosciences Institute. The Center will research disaster resistant crops and transfer the technology to northeast Arkansas, which had suffered from lack of new technologies even before the 2008 floods and tornadoes. This investment is part of a \$2.33 million project.
 - \$1.5 million to Conway County, AR, to construct infrastructure for the May Hope Moose and North Industrial Parks that will allow new tenants to locate. Expansion of the two industrial parks will create new jobs and attract private investment. This investment is part of a \$1.91 million project that the recipient estimates will help create 100 jobs, and generate more than \$100,000 in private investment.
 - \$300,000 to the Lower Rio Grande Valley Development Council, McAllen, TX, to support development of an economic recovery strategy focusing on damage assessment and speeding economic recovery efforts to the Lower Rio Grande Valley counties of Cameron, Hidalgo, and Willacy, which were severely impacted in 2008 by Hurricane Dolly. This investment is part of a \$375,000 project.

- \$250,000 to the Mid-Iowa Development Association Council of Governments, Fort Dodge, IA, to recapitalize a Revolving Loan Fund that serves central Iowa. The recapitalized funds will assist businesses in Hamilton, Humboldt, Pocahontas, Webster, and Wright counties that were severely impacted by the Midwest floods of 2008. This investment is part of a \$280,000 project that the recipient estimates will help create 150 jobs, save 150 jobs, and generate more than \$1.7 million in private investment.
- ***Upcoming Economic Releases***
 - 04/27 Housing Vacancies, 1st Quarter 2009 (Census)
 - 04/28 Advance Gross Domestic Product by Industry for 2008 (BEA)
 - 04/29 Gross Domestic Product, 1st Quarter 2009 (advance) (BEA)
 - 04/30 Personal Income and Outlays, March 2009 (BEA)
 - 05/01 Manufacturers' Shipments, Inventories, and Orders, March 2009 (Census)

ANTI-DUMPING/COUNTERVAILING DUTY CASES (AD/CVD)

- **Initiation Decisions Due on Oil Country Tubular Goods from the People's Republic of China.**
On April 29, Commerce will announce its decisions whether to initiate antidumping (AD) and countervailing duty (CVD) investigations on imports of oil country tubular goods (OCTG) from China. OCTG are either carbon or alloy tubular steel products used in oil and gas wells and include both casing and tubing.

LEGAL ISSUES

- ***FOIA Requests***
 - **Received April 6, 2009, from Matt Kelley, *USA Today*,** a request for correspondence to or from members of Congress since January 2009 discussing the use of funds provided under the American Recovery and Reinvestment Act.
 - **Received April 15, 2009, from Jaclyn Lopez, Center for Biological Diversity,** a request for information regarding the Security and Prosperity Partnership (SPP).
(*Note: The Center for Biological Diversity is a nonprofit organization that works to protect endangered species.*)
 - **Received April 16, 2009, from Adam G. Lichtenheld and Joseph Trento of the Public Education Center (Washington, DC),** requesting copies of any communications relating to activities in Iraq that were sent between the Department of Commerce and the following:
 - G&H Enterprises, LLC; Colonel Richard Naab (retired); Groundstar Resources, Ltd.; Eurocontrol Technics, Inc.; Blastguard International, Inc.; and Forbes & Manhattan, Inc. since January 2003;
 - Sigmatech, Inc.; SYColeman Corporation; and Joe R. Reeder since January 2002;
 - Athlone Global Security Group since January 2001; and
 - the Washington Kurdish Institute since September 1997.
 (*Note: The Public Education Center is part of the U.S. Institute for Peace.*)

PERSONNEL UPDATE BY WHITE HOUSE LIAISON (WHL)

- No candidates were brought on board this week.
- Offers have been made and accepted in the Office of Legislative and Intergovernmental Affairs, and WHL continues to work aggressively to fill the few remaining positions in the Office of the Secretary, including positions in the areas of speechwriting, new media, and protocol. Interviews for Under Secretary for Intellectual Property are complete, and WHL has reached a decision point. NOAA has begun staffing in earnest, and has completed its plan for a reorganization. The five political positions in the Office of General Counsel are also nearing a final decision point. The slates for Deputy Secretary, Under Secretary for Industry, Chief Financial Officer, Minority Business Development Agency (MBDA) National Director, and Assistant Secretary for Economic Development are also in the final review process and will be presented to Secretary Locke in the coming days.

OTHER

- **Acting Under Secretary for Industry and Security Transmits Additional Protocol Declaration to State Department.**
On April 17, Acting Under Secretary for Industry and Security Daniel O. Hill transmitted the initial declaration of the Additional Protocol (AP) to the U.S.-International Atomic Energy Agency Safeguards Agreement to the Department of State. The AP treaty, which entered into force on January 6, 2009, requires signatories to declare and open to inspection nuclear fuel cycle-related activities (e.g., uranium mines, equipment manufacturers, research and development). The Department of Commerce regulates facilities not owned by or leased to the Department of Energy, or licensed by the Nuclear Regulatory Commission, and is responsible for compiling all three agencies' activities into the U.S. declaration. On April 29, the White House, via the State Department, will submit the initial declaration to the Senate for a 60-day review, after which it will be forwarded to the International Atomic Energy Agency (IAEA) by July 5, thus meeting U.S. entry-into-force obligations under the AP. Subsequently, the United States will submit annual updated declarations and quarterly reports on relevant exports to and receive inspections by the IAEA.
- **National Oceanic and Atmospheric Administration (NOAA) and Environmental Protection Agency (EPA) Cooperate on Air Quality Awareness Week Campaign.**
From April 27 to May 1, NOAA and the EPA will conduct their annual national campaign to raise awareness of air quality. NOAA's National Weather Service (NWS), in conjunction with the EPA, produces forecast guidance out to 48 hours for predicted surface ozone concentrations and smoke throughout the lower 48 states. NWS air quality forecast guidance is expanding its coverage to include all 50 states, and to provide quantitative particulate matter predictions. The NWS Air Quality Program goal is to provide the United States with ozone, particulate matter, and other pollutant forecasts with enough accuracy and advance notice to allow people to take action to prevent or reduce adverse effects.
- **NOAA to Complete Gulf Coast Data Survey Pilot Project.**

During the first week of May, NOAA's National Geodetic Survey (NGS) plans to complete an aerial gravity survey along portions of the Gulf Coast. NGS collected gravity data via the NOAA Citation aircraft from the Alabama/Georgia state line to the Mexican border in partnership with the U.S. Army Corps of Engineers. Among several applications, the data will enhance VDatum, a free software tool developed by NOAA that integrates vertical referencing data. High-accuracy vertical data has many applications including planning, inundation modeling (e.g., storm surge, tsunamis, sea-level impacts), ecosystem modeling and coastal management, hydrographic depth surveys, and shoreline extraction from LIDAR (an optical remote-sensing technology).

- **NOAA to Host Annual Space Weather Workshop.**

From April 28-May 1, the NOAA NWS' Space Weather Prediction Center in Boulder, CO, will host the Space Weather Workshop, the Nation's leading conference on all issues relating to space weather. The conference addresses the remarkably diverse impacts of space weather on today's technology, including communications, navigation, spacecraft operations, aviation, and electric power. The event brings together participants from research centers, the commercial space weather services sector, international collaborators, and the Federal Government.

- **NOAA Marks 10th Anniversary of Oklahoma Tornado Outbreak.**

On May 1, NOAA will commemorate the 10th anniversary of the 1999 Oklahoma tornado outbreak by hosting a day-long conference at the National Weather Center in Norman, OK. The historic 1999 outbreak saw over 70 tornadoes affect Oklahoma and southern Kansas, killing 48 people and causing \$1.1 billion in damage. Weather experts and those affected by the 1999 outbreak—including emergency managers, first responders, and city officials—will speak in four sessions: Science and Technology, Emergency Preparedness and Recovery, Community and Societal Impacts, and Individual Impacts. Session speakers will discuss progress in weather warnings, community preparedness, and recovery operations over the past 10 years. The importance of tornado warnings and safety, then and now, will be highlighted.

DEPARTMENT OF COMMERCE
For the Week of May 4–8, 2009

SECRETARY

- **Secretary Locke to Meet with Japanese Minister of Economy, Trade, and Industry.**
On May 5, Secretary Gary Locke will meet with Toshihiro Nikai, the Japanese Minister of Economy, Trade, and Industry, to discuss bilateral and multilateral trade and investment issues, as well as opportunities for cooperation on standards and conformity assessment, intellectual property rights, clean development and climate change, and information technology.
- **Secretary Locke to Meet with British Ambassador to the United States.**
On May 6, Secretary Gary Locke will meet with Sir Nigel Sheinwald, British Ambassador to the United States, to discuss the importance of United Kingdom investment in the United States; UK economic recovery efforts and their impact on U.S. investment; and transatlantic issues such as the future of the Transatlantic Economic Council.
- **Secretary Locke to Meet with Afghan Commerce Minister.**
On May 8, Secretary Gary Locke will meet with Afghan Minister of Commerce and Industry Waheedullah Shahrani to discuss our commitment to furthering Afghanistan's economic development and enhancing U.S.-Afghan commercial relations. Secretary Locke will express support for Minister Shahrani's efforts to promote private-sector development through business-friendly policies and will highlight the Department's continuing efforts in promoting Afghanistan's three priority sectors: rugs, agribusiness, and mining.

ACTIVITIES OF OTHER DEPARTMENT OFFICIALS

- **National Institute of Standards and Technology (NIST) Deputy Director and Acting Director to Meet Japanese Counterpart, Sign Memorandum of Understanding.**
On May 4 and 5, NIST Deputy Director and Acting Director Patrick Gallagher will meet with his counterpart Tamotsu Nomakuchi, President of the Japanese National Institute of Advanced Industrial Science and Technology. They are expected to sign a memorandum of understanding (MOU) on behalf of their respective organizations during the visit of Toshihiro Nikai, Japan's Minister of Economy, Trade, and Industry, to Washington, DC. The MOU will promote cooperation in technical standards research and development between the United States and Japan.
- **Bureau of Economic Analysis (BEA) Director to Represent BEA at Statistics Canada National Accounts Advisory Committee Meeting.**
On May 4 and 5, Bureau of Economic Analysis Director Steve Landefeld will represent BEA at the spring meeting of the Statistics Canada National Accounts Advisory Committee. The meeting will be held in Ottawa, Canada.

- **Acting Assistant Secretary for Manufacturing and Services to Moderate Industry Briefing at Offshore Technology Conference (OTC).**

On May 5, Acting Assistant Secretary Mary Saunders will moderate the Brazil Industry Breakfast Briefing at the OTC. OTC industry breakfasts provide the U.S. energy industry with timely information and an opportunity to interact with key energy policy and decisionmaking officials from nations developing their offshore oil and gas resources.

- **Under Secretary and Deputy Under Secretary for Oceans and Atmosphere to Brief House and Senate Staff.**

On May 5 and 6, Dr. Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere, and Mary Glackin, Deputy Under Secretary for Oceans and Atmosphere, will brief House and Senate staff, respectively, regarding the National Oceanic and Atmospheric Administration's (NOAA) fiscal year 2010 budget request. *(Further details of these briefings are listed in the "Legislative/Regulatory/ Policy Issues" section of this report.)*

- **Acting Assistant Secretary for Communications and Information to Speak at Communications Forum of the Media Institute.**

On May 7, Acting Assistant Secretary Anna Gomez will speak at the Communications Forum of The Media Institute, a nonprofit research foundation focusing on First Amendment and communication policy issues, in Washington, D.C. Held eight times a year, the Communications Forum is an invitation-only luncheon program that gives government and communications officials an opportunity to address a select audience of media and corporate executives and journalists.

- **Acting Census Bureau Director to Speak at Meetings of 2010 Census Advisory Committee.**

On May 7, Acting Director Thomas L. Mesenbourg will provide opening remarks at the 2010 Census Advisory Committee Meetings at Census Bureau headquarters in Suitland, MD.

- **Acting Assistant Secretary for Manufacturing and Services to Attend National Standards Institute (ANSI) Board of Directors Meeting.**

On May 7, Acting Assistant Secretary Mary Saunders will attend the ANSI Board of Directors meeting. ANSI describes itself as "the voice of the U.S. standards and conformity assessment system," and its Board of Directors meets twice a year to discuss issues related to governance and oversight. Acting Assistant Secretary Saunders serves on the board in her role as chair of the ANSI International Policy Committee.

- **U.S. Patent and Trademark Office (USPTO) Commissioner for Trademarks to Speak at International Trademark Conference.**

On May 7-8, Commissioner Lynne G. Beresford will attend the 10th International Trademark Conference. On May 7, she will give a presentation regarding recent developments at USPTO. One hundred delegates from industry and private practice are expected to attend the conference, which will be held at the Office for Harmonization in the Internal Market in Alicante, Spain.

- **Acting Assistant Secretary for Import Administration to Host Meeting of North American Steel Trade Committee (NASTC).**

On May 7-8, Acting Assistant Secretary for Import Administration Ronald Lorentzen will host the NASTC meeting in Washington, DC. NASTC is an industry/government collaboration among the Canadian, Mexican, and U.S. governments and their respective steel industries.

- **Acting Census Bureau Director to Speak at the International Hispanic Network (IHN) Annual Conference.**

On May 8, Acting Director Thomas L. Mesenbourg will speak at the IHN Annual Conference in Miami Beach, FL. The IHN is an organization oriented toward Hispanic local government administrators.

- **BEA Director to Represent Bureau at the Meeting of Committee on National Statistics.**

On May 8, BEA Director Steve Landefeld will represent BEA at the 109th Meeting of the Committee on National Statistics. The meeting's title is "The Federal Statistical System: Recognizing Its Contributions; Moving It Forward." The Committee on National Statistics is part of the National Academies, and the meeting will take place at the National Academies Keck Center in Washington, D.C.

REFORM-BASED ACTIONS

- Nothing to report.

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

- **Spending Plans Delivered to Congress.**

All Department of Commerce ARRA spending plans were delivered to Congress by April 21. The Department is now awaiting an indication of approval from Congress prior to committing significant funds for the National Oceanic and Atmospheric Administration (NOAA), the National Institute of Standards and Technology (NIST), the Economic Development Administration (EDA), the Census Bureau, or the National Telecommunications and Information Administration's (NTIA) broadband program.

- **Economic Development Administration (EDA) Official Testifies Regarding ARRA Implementation.**

On Wednesday, April 29, the Acting Deputy Assistant Secretary for Economic Development testified before the House Transportation and Infrastructure Committee regarding the EDA's progress in implementing ARRA.

- **Digital TV Converter Box Coupon Program Continues to Distribute Coupons and Reimburse Retailers.**

During the week ending April 24, NTIA's Digital TV Converter Box Coupon Program:

- accepted requests for 445,256 coupons with a value of over \$17,810,240, to be provide using ARRA funds; and

- reimbursed retailers for 250,924 coupons with a value of \$10,036,097, using ARRA funds.
- **Census Bureau Hires for Partnership Positions.**
Using ARRA funding, the Census Bureau hired 53 partnership staff positions in its regional offices.
- **NTIA Participates in Meetings on Broadband.**
NTIA has recently participated in a number of informational meetings regarding its broadband program: a New York City community forum, a National Governors Association meeting for State recovery leads, and a National Association of State CIOs meeting.
- **NOAA Continues Work on Vessel Solicitation and Habitat Restoration Grant Program.**
NOAA's release of its Fisheries Survey Vessel 6 synopsis of solicitation is awaiting Congressional spending plan approval. NOAA also expects to hold a panel meeting to develop a list of recommended projects for the Habitat Restoration competitive grant program.
- **Department Holds Investment Review Board (IRB) Oversight Meeting.**
On April 29, the Department of Commerce held its IRB oversight meeting of ARRA-related programs and related procurements with a review of NTIA's Digital TV Converter Box Coupon Program, NOAA's High Performance Computing Program, and NIST construction efforts. In May, the IRB will review the NTIA broadband program.
- **Program Plans to be Submitted to Office of Management and Budget (OMB).**
The Department of Commerce's bureaus submitted their draft program plans to the Department for review. These program plans are being submitted to OMB no later than May 1.
- **House Appropriations Committee Surveys and Investigations Group Requests Information and Updates.**
The Department of Commerce continues to receive requests for information and updates from the House Appropriations Committee Surveys and Investigations group, which has been tasked with providing bi-weekly updates to the Committee on all ARRA-funded programs. A Department representative met with a Surveys and Investigations group staff member on April 28.

JOB CREATION

- **Recent EDA Investments Estimated to Create 1,838 Jobs and Save 186 Jobs.**
During the period of April 20-24, EDA announced nine investments greater than \$100,000, totaling \$8.64 million. These investments are part of projects totaling \$16.91 million. Grantees estimate these investments will create 1,838 jobs, save 186 jobs, and generate more than \$220.7 million in private investment. *(See further details in the "Grant Announcements" subsection of the "Press Activity" section.)*

- **Minority Business Development Agency (MBDA) Assists Client in Obtaining Subcontract; 15 New Jobs Created.**

MBDA's New Mexico Minority Business Enterprise Center helped Compa Industries, Inc., to secure a \$394M subcontract agreement from the Los Alamos National Laboratories.

LEGISLATIVE/REGULATORY/POLICY ISSUES

- ***Congressional Testimony/Hearing***
 - **May 5** – The House Committee on Science and Technology's Subcommittee on Energy and Environment (Chair, Representative Brian Baird, D-WA-3) will hold a hearing on the National Oceanic and Atmospheric Administration's (NOAA) efforts and plans for a National Climate Service. Dr. Jane Lubchenco, the Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator, is scheduled to testify.
 - **May 7** – The Senate is expected to host a confirmation hearing for Robert Groves, nominated for the position of Census Bureau Director.
- ***Congressional Activity on Major Department-Related Legislation***
 - **Senate**
 - Nothing to report.
 - **House**
 - Nothing to report.
- ***Policy Issues***
 - Nothing to report.
- ***Meetings***
 - **May 5 (Tentative)** - The Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator, Dr. Jane Lubchenco, and Mary Glackin, Deputy Under Secretary for Oceans and Atmosphere, will brief all interested Senate staff on NOAA's fiscal year (FY) 2010 budget request.
 - **May 5** - NOAA's Chief Administrative Officer, Bill Broglie, and other NOAA representatives will brief staff from the office of Representative Don Young (R-AK-At Large) and the House Committee on Transportation and Infrastructure's Subcommittee on Coast Guard and Maritime Transportation (Chair, Representative Elijah E. Cummings, D-MD-7) regarding the Pribilof Islands Land Transfer.
 - **May 6 (Tentative)** - The Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator, Dr. Jane Lubchenco, and Mary Glackin, Deputy Under Secretary for Oceans and Atmosphere, will brief all interested House staff on NOAA's FY 2010 budget request.
 - **May 8** - The Assistant Administrator of NOAA's National Ocean Service (NOS), John H. Dunnigan, will brief staff from the office of Representative Frank Kratovil (D-MD-1) on NOAA's and NOS' overall programs and activities.

- **Other**

- **Census Bureau Submits Comments on Data Breach Notification Act.**

The Census Bureau has submitted comments to the Department of Commerce regarding Senate bill S. 139, the *Data Breach Notification Act*. The bill would impose new requirements for reporting and notifying individuals whose Personally Identifiable Information (PII) was breached, and potentially has large negative implications for the Census Bureau. The PII reporting system for 2010 was developed to meet the existing statutory and OMB requirements, and it is too late to change this system. Additionally, the bill's broader definition of PII would have large consequences on the Census Bureau's non-decennial work, as loss of any telephone book-like information (address and phone number alone) may be considered a breach.

PRESS ACTIVITY

- ***Topics/Events of Anticipated Press Interest***

- **Department Experiences Continued Press Interest in Coupon Program and Broadband.**

The Department of Commerce expects to continue receiving routine media inquiries on the digital television transition and the Digital TV Converter Box Coupon Program, as well as on the Broadband Technologies Opportunity Program.

- **Confirmation Hearing for Census Bureau Director Nominee to Take Place.**

On May 7, the Senate is expected to hold a confirmation hearing for Robert Groves as Census Bureau Director.

- ***Articles Published Regarding Availability of EDA Investments Through ARRA Funds***

- On these dates, these publications published articles on efforts by these entities to secure EDA grants to create jobs under the ARRA:

- April 20 - *The Republican* (Springfield, MA) - the Western Massachusetts Enterprise Fund
 - April 21 - *The Daily News* (ME) - Washington County (Maine)
 - April 22 - *The Lima News* (OH) - city of Lima
 - April 23 - *The Reformer* (Brattleboro, VT) - the Brattleboro Selectboard

- On April 21, *The Standard-Speaker* (Hazleton, PA) published an article on an economic development roundtable hosted by Senator Bob Casey to inform constituents of the availability of ARRA funds, including the \$150 million EDA appropriation. EDA regional staff attended the seminar.

- On April 22, *The Blackshear Times* (GA) published an article on the award of a \$750,000 EDA grant to the city of Blackshear and efforts by the city to secure additional EDA grants to create jobs under ARRA.

- **Reporters Working on Stories**
 - Nothing to report.
- **Inspector General (IG) Reports**
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- **Grant Announcements**
 - **NIST Awards Summer Undergraduate Fellowships.**

On April 16, NIST notified the governor and Congressional delegation of Pennsylvania about a \$15,055 award to the Pennsylvania College of Technology in Williamsport, PA, to support two National Institute of Standards and Technology (NIST) Summer Undergraduate Research Fellowship (SURF) program students. The SURF program is for students majoring in science, mathematics, and engineering, and is a partnership supported by NIST, the National Science Foundation, and the participating colleges/universities.
 - **EDA Announces Investments Totaling \$8.64 Million.**

During the period of April 20-24, EDA announced nine investments greater than \$100,000, totaling \$8.64 million. These investments are part of projects totaling \$16.91 million. Grantees estimate that these investments will create 1,838 jobs, save 186 jobs, and generate more than \$220.7 million in private investment.

 - \$2 million joint investment to **Chambers County; the Industrial Development Authority of Chambers County; and the East Alabama Water, Sewer; and Fire Protection District, Lafayette, AL**, to fund construction of water and sewer infrastructure improvements to benefit new and existing businesses in and adjacent to the Cusseta Industrial Park. The investment supports the region's emerging automotive industry cluster and will help transform and diversify the economy from reliance on textile jobs to higher-wage, higher-skilled technology-related jobs. This investment is part of a \$5 million project. Grantees estimate the project will help create 884 jobs, save 64 jobs, and generate \$130.4 million in private investment.
 - \$1.8 million for a joint investment to the **Port Isabel and San Benito Navigation District of Cameron County, TX**, to fund reconstruction of the port's deepwater dock—essential infrastructure for the Port Isabel Offshore Logistical Terminal, which was ravaged in July 2008 by Hurricane Dolly. This investment is part of a

\$2.4 million project. Grantees estimate the project will help create 85 jobs and generate \$43 million in private investment.

- \$1.5 million to the **Adair County Water District, Columbia, KY**, to fund construction of water infrastructure for Adair County, which suffered greatly from storms in 2008. The new construction will immediately spur economic development in the project area and, in the long term, will create a more stable and diverse economy in the area. This investment is part of a \$4.1 million project. Grantees estimate the project will help create 487 jobs and generate \$15.2 million in private investment.
- \$902,500 to the **town of Brunswick, ME**, to construct road and utility infrastructure for Brunswick's Main Street Station. The site, near Bowdoin College in the heart of Brunswick, has been vacant since the 1980s because of coal ash contamination. The former brownfield site has been cleaned and prepared for reuse as a train station and bus/train intermodal facility, as well as for commercial and office space. This investment is part of a \$1.81 million project. Grantees estimate that the project will help create 250 jobs and generate \$24 million in private investment.
- \$750,000 for a joint investment to the **city of Blackshear and Pierce County Industrial Development Authority, Blackshear, GA**, to fund multiple water and sewer infrastructure improvements to serve new and existing businesses in and adjacent to Pierce County Industrial Park, located in the city of Blackshear. This investment is part of a \$1.56 million project. Grantees estimate the project will help create 42 jobs, save 32 jobs, and generate more than \$1.5 million in private investment.
- \$738,609 to the **city of Long Beach, MS**, to fund improvements to the Long Beach municipal water system, in addition to the water and sewer system work funded by a December 2006 EDA grant awarded after Hurricane Katrina. The new work will allow residential and commercial building in Harrison County. Funds for this project came from the Second Supplemental Appropriations Disaster Relief Opportunity of 2008. This investment is part of a \$923,261 project.
- \$500,000 to the **Southeast Missouri Regional Planning and Economic Development Commission, Perryville, MO**, to recapitalize a Revolving Loan Fund (RLF) that serves eastern Missouri. The recapitalized funds will provide lending capital to businesses that were severely impacted by the Midwest floods of 2008. This investment is part of a \$600,000 project. Grantees estimate the project will help save 90 jobs, save 90 jobs, and generate more than \$3.6 million in private investment.
- \$300,000 to the **Deep East Texas Council of Governments, Jasper, TX**, to support development of an economic recovery strategy focusing on damage assessment and speeding economic recovery efforts to eastern Texas communities severely impacted by Hurricanes Gustav and Ike. This investment is part of a \$375,000 project.
- \$150,000 to the **South Central Planning and Development Commission, Gray, LA**, to fund disaster recovery assistance and services to southern Louisiana

communities severely impacted by Hurricanes Gustav and Ike. This investment is part of a \$150,000 project.

- ***Upcoming Economic Releases***
 - **May 4** – Construction Spending, March 2009 (Census)
 - **May 8** –Monthly Wholesale Trade: Sales and Inventories, March 2009 (Census)

ANTI-DUMPING/COUNTERVAILING DUTY CASES (AD/CVD)

- Nothing to report.

LEGAL ISSUES

- Nothing to report.
- ***FOIA Requests***
 - Nothing to report.

PERSONNEL UPDATE BY WHITE HOUSE LIAISON (WHL)

- During the week of April 27-May 1, WHL brought on board eight candidates:
 - James Dinneen, Confidential Assistant, Office of General Counsel
 - Jonathan Wright, Confidential Assistant, Office of Legislative and Intergovernmental Affairs
 - Victoria Tung, Legislative and Intergovernmental Specialist, Office of Legislative and Intergovernmental Affairs
 - Nancy Biery, Special Advisor, Office of Policy and Strategic Planning
 - Travis Sullivan, Director, Office of Policy and Strategic Planning
 - Jean Toal Eisen, Senior Policy Advisor, Office of Policy and Strategic Planning
 - Justin Kenney, Director of Communications, NOAA
 - Tene Dolphin, Director, Executive Secretariat
- An additional two candidates are expected to be brought on board this week pending Senate confirmation:
 - Cameron “Cam” Kerry, General Counsel
 - April Boyd, Assistant Secretary for Legislative and Intergovernmental Affairs
- Offers have been made and accepted for New Media Director and Chief of Staff, and WHL continues to work aggressively to fill the few remaining positions in the Office of the Secretary, including positions in speechwriting, the Center for Faith-Based and Community Initiatives, and protocol. NOAA continues to hire staff, and has completed its plan for a reorganization. The five political positions in the Office of General Counsel are at a final decision point, pending the Secretary’s review. Interviews for Assistant Secretary for Economic Development, Under Secretary for Industry and Security, Deputy Secretary, and Minority Business Development Agency (MBDA) National Director are underway, and decisions are expected soon.

OTHER

- **EDA and Department of Labor to Present Conference in Atlanta.**

On May 4, EDA and the Department of Labor's Employment and Training Administration will present the Southeast Workforce and Economic Development Conference "Navigating Through the Storm" in Atlanta, GA. The conference is designed to present trends, strategies, and best practices in workforce and economic development; promote collaborations between public- and private-sector workforce and economic development leadership; and foster regional, cross-cutting engagements supporting economic recovery efforts in the aftermath of sudden and severe job losses due to natural disasters, corporate restructuring, and economic downturns.

- **NOAA to Conduct Gulf Coast Hurricane Awareness Tour,**

From May 4-8, NOAA hurricane experts will conduct a 5-day tour of the U.S. East Coast aboard a NOAA WP-3 Orion turboprop "Hurricane Hunter" aircraft to raise awareness of hurricanes that can threaten the region and to encourage advance preparation. Bill Read, Director of the NOAA National Weather Service (NWS) National Hurricane Center (NHC), and staff from local NOAA NWS forecast offices will be available for interviews when the aircraft visits Portsmouth, NH; Farmingdale, NY; Raleigh, NC; Wilmington, NC; and Key West, FL. The public and media will be invited to tour the aircraft and speak with the delegation. The Atlantic hurricane season begins June 1.

- **NOAA's National Weather Service to Declare San Francisco Airport "StormReady."**

On May 5, officials of NOAA's National Weather Service will declare the San Francisco Airport "StormReady" for having completed a set of rigorous warning criteria necessary to earn the distinction. San Francisco Airport is the largest airport in the United States to be declared StormReady.

- **NOAA's National Weather Service to Introduce Tornado Field Study.**

On May 8, researchers from NOAA's National Weather Service will hold a media day in Norman, OK, to introduce VORTEX2, the largest and most ambitious tornado field study.

- **USPTO to Host National Trademark Expo.**

On May 8 and 9, USPTO will present a National Trademark Expo featuring interactive exhibits that illustrate the important role trademarks play in our economy. Visitors will learn about the many different kinds of trademarks such as sound, design, and color, and will also learn about the history and evolution of trademarks—some of which are more than 100 years old. The Expo will also highlight anti-counterfeiting efforts and how counterfeit goods cause great harm to the economy. John J. Doll, Acting Under Secretary for Intellectual Property and Acting USPTO Director, will participate in the kickoff event on May 8.

- **National Technical Information Service Partners with Homeland Security on Information Clearinghouse Alternatives.**

The Department of Commerce's National Technical Information Service (NTIS) has partnered with the Department of Homeland Security (DHS) to study alternatives for the establishment of a Homeland Security Scientific and Technical Information (STI) Clearinghouse. The NTIS/DHS partnership will enable DHS to benefit from the experience of NTIS and 12 other Federal agencies that comprise CENDI (Commerce, Energy, NASA, Defense, and Interior), an interagency working group of senior scientific and technical information managers. NTIS is assisting DHS by conducting best-practices research and performing a study of clearinghouse alternatives. Currently, interviews are being conducted with CENDI representatives to determine relevant clearinghouse best practices and surveys are being completed with DHS and First Responder organization officials to best determine approaches to the sharing of DHS STI. The project team will then develop a recommended DHS clearinghouse model for improving internal and external access to DHS STI for delivery this summer.

February 12, 2009

**DEPARTMENT OF COMMERCE
For the Week of February 16, 2009**

SECRETARY

- Nothing to report.

ACTIVITIES OF OTHER DEPARTMENT OFFICIALS

- **Acting Under Secretary for International Trade to Meet with Minister-President of German State.**
On February 17, Acting Under Secretary for International Trade Michelle O'Neill will meet with the Honorable Jürgen Rüttgers, Minister-President of the State of North Rhine-Westphalia, Germany, to discuss German-American commercial relations.
- **Acting Census Bureau Director to Participate in United Nations (UN) Seminar on Innovations in Official Statistics.**
On February 20, U.S. Census Bureau Acting Director Thomas L. Mesenbourg will serve on the "Innovation in Data Dissemination" panel at the UN Statistical Commission's Seminar on Innovations in Official Statistics in New York, NY.
- **Bureau of Economic Analysis (BEA) Director and Staff to Meet with Statistics New Zealand Chief Executive.**
On February 18, BEA Director Steve Landefeld and other BEA staff will meet with Statistics New Zealand Chief Executive Geoff Bascand. The meeting—to be held at the BEA in Washington, D.C.—will focus on international efforts to examine the adequacy of economic statistics to support understanding of the current economic environment.

REFORM-BASED ACTIONS

- **Minority Business Development Agency (MBDA) Implementing Customer Relationship Management (CRM) Application.**
MBDA is implementing a CRM application to increase its efficiency and effectiveness with customer/client intake and performance management processes. The CRM application will also promote service transparency.
- **Team from National Research Council (NRC) to Assess National Institute of Standards and Technology (NIST) Laboratories.**
On February 12 and 13, the Thermophysical Properties Division Review Team of the NRC Panel on Chemical Science and Technology is meeting in Boulder, CO, to assess the technical merit, relevance, and quality of the scientific and technical work performed by the NIST Chemical Science and Technology Laboratory. On February 18 and 19, the Process Measurements Division Review Team of the panel will meet in Gaithersburg, MD, for a similar assessment. The panel will review reports and tour facilities. The Laboratory Assessments Board of the National Academies oversees the activities of the NRC.

JOB CREATION

- **Economic Development Administration (EDA) Investment to Create an Estimated 130 Jobs in South Dakota.**

On February 6, EDA awarded an investment of \$225,000 to the South Eastern Development Foundation in Sioux Falls, SD. This investment will recapitalize a Revolving Loan Fund that serves southeastern South Dakota. The recapitalized funds will assist businesses that were severely impacted by the Midwest floods of 2008. This investment is part of a \$300,000 project that is estimated to create 130 jobs and generate \$4 million in private investment.

- **Census Bureau to Hire Additional Staff and Enumerators for 2010 Census Activities.**

The Census Bureau is implementing its long-standing plan to hire additional staff to conduct the 2010 Address Canvassing operation, which will begin in early April 2009. This is followed by successive waves of hiring for other operations leading up to the hiring of 500,000 enumerators to conduct the Non-Response Follow-up in 2010.

- **MBDA Assists Client to Secure Veterans Administration Contract, Creating Four Jobs.**

MBDA's Minority Business Enterprise Center in New Mexico helped Supreme Contracting, Inc., to receive an IDIQ (indefinite delivery/indefinite quantity) sole-source contract for \$3 million to provide construction and maintenance services at multiple Veterans Administration Medical Centers in the Southwest. This contract created four jobs.

LEGISLATIVE/REGULATORY/POLICY ISSUES

- ***Congressional Activity on Major Department-Related Legislation***

- **Senate**

- **S. 352:** On February 4, 2009, Congress passed S. 352, the DTV Delay Act. President Obama signed the Act into law on February 11, 2009. The Act extends the deadline for the digital television (DTV) conversion—the date by which all full-power television broadcasters must broadcast only in digital—from February 18, 2009, until June 13, 2009. It also extends the date by which eligible households may apply for coupons through the National Telecommunications and Information Administration's (NTIA) TV Converter Box Coupon Program from March 31, 2009, until July 31, 2009.

The Act authorizes NTIA to issue replacement coupons to households whose coupons have otherwise expired without being redeemed. However, the Act makes the effective date of the changes to the Coupon Program conditional upon the subsequent enactment of new budget authority for the program, which is provided in both House and Senate versions of the American Recovery and Reinvestment Act (**H.R. 1**) in the amount of \$650 million.

The DTV Delay Act permits television broadcast licensees to cease analog operations prior to the new conversion deadline and permits public safety service licensees to begin

operation on frequencies made available by such voluntary cessation. The Act also requires NTIA and the Federal Communications Commission (FCC) to make necessary changes to their respective rules and regulations within 30 days of enactment and extends the FCC's spectrum auction authority by one year.

- **House**

- **H.R. 860:** On February 25, the House Committee on Natural Resources, Subcommittee on Insular Affairs, Oceans, and Wildlife (Chair, Delegate Madeleine Bordallo, D-Guam), will hold a hearing on H.R. 860, the *Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009*. The Director of the National Oceanic and Atmospheric Administration's (NOAA) Coral Reef Program, Kacky Andrews, is scheduled to testify.

- **Policy Issues**

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[REDACTED]

- **Other**

- **U.S. Patent and Trademark Office (USPTO) Leading Staff Delegation Trip to WTO and WHO in Geneva:** From February 15 to 19, USPTO will be leading a staff delegation trip to the World Trade Organization and World Health Organization in Geneva, Switzerland. Offices represented are those of Sen. Hatch (R-UT) and Reps. Conyers (D-MI-14), Coble (R-NC-6), Lofgren (D-CA-16), and Schiff (D-CA-29). The purpose of the trip is to discuss intellectual property rights (IPR), anti-counterfeiting and anti-piracy initiatives, and enforcement; to meet with industry members and U.S. business representatives in Geneva; to exchange views on legislative reform in patent, trademark, and copyright laws; and to discuss cooperative programs. The trip will provide Congressional staff with an opportunity to see the work and responsibilities of Geneva-based USPTO attachés.

- **Senator Inouye and Committee Staff to Meet with NOAA Officials:** On February 18, Senator Daniel Inouye (D-HI), Chair of the Senate Committee on Appropriations, will host a delegation of Committee staff in Hawaii. NOAA staff from the Pacific Regional Executive Board (PREB)—composed of the heads of each NOAA entity in the Pacific region—will brief the Senator and Committee staff on topics of regional interest, including NOAA's Pacific Regional Center on Ford Island, Hawaii.

• **NOAA to Brief Staff of Great Lakes-Area Senators and Representatives**

Regarding Great Lakes Environmental Research Laboratory: On February 18 and 19, representatives of NOAA's Office of Oceanic and Atmospheric Research will brief staff from the offices of Senators Debbie Stabenow (D-MI), Carl Levin (D-MI), Richard Durbin (D-IL), and Herb Kohl (D-WI) and staff from the offices of Representatives Vern Ehlers (D-MI-3), James Oberstar (D-MN-8), Marcy Kaptur (D-OH-9), John Dingell (D-MI-15), and Mark Kirk (R-IL-10) on the Great Lakes Environmental Research Laboratory and its programs and activities in the Great Lakes region.

PRESS ACTIVITY

• ***Press Interest in Proposal for Census Bureau Director to Report to White House***

The Department of Commerce has received an increasing amount of press attention—including news stories and opinion pieces—related to the White House proposal to have the Census Bureau Director report to the White House. Recent examples include an op-ed by Rep. Darrell Issa (R-CA-49) and Rep. Patrick McHenry (R-NC-10) in *Politico* titled "Census Should be Free from Politics" and an Associated Press story titled "Political Fight Brewing on Census." On February 12, a news conference was held and a letter—signed by all members of the House Republican leadership—was sent to President Obama asking him to "reconsider and reverse his intention to politicize the traditionally nonpartisan and independent census process."

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• ***Reporters Working on NOAA-Related Stories (Right Whales and Entanglements)***

• NBC is interested in an entangled right whale off the coast of Jacksonville, FL. NOAA's National Marine Fisheries Service is working with the NBC producer to set up interviews with right whale and disentanglement experts. On February 11, a tracking buoy expert was interviewed and the NBC crew met with the disentanglement team in Jacksonville. Laura Engleby, a NOAA media-trained marine stranding expert, is the spokesperson. NBC says their story will air sometime the week of February 16 and will focus on the plight of right whales, not just entanglements.

• Cornelia Dean of The New York Times is crafting a story about right whales. A record number of calves have been born this year, but there have also been a record number of entanglements in the Southeast. NOAA's Greg Silber will speak with her about ship strike, shipping lanes, etc., and NOAA's Barb Zoodsma will give her the bigger picture. There is no set publication date, but the story could run the weekend of February 14-15.

• ***Release of Report Assessing Effectiveness of EDA's Construction Grant Programs, Including Job Creation***

The EDA recently released a new report on the effectiveness of its construction grant programs, entitled *Construction Grants Program Impact Assessment Report*. EDA enlisted Grant Thornton LLP to perform an assessment of the economic impacts of its construction grant program investments. The study found that EDA investments in rural

areas have a statistically significant impact on employment levels in the communities in which they are made, generating between 2.2 and 5.0 jobs per \$10,000 in incremental EDA funding, at a cost per job of between \$2,001 and \$4,611. These results were generally consistent with the impacts observed in urban areas based on a limited number of site visits made to projects in urban areas. The study can be accessed on the EDA website at www.eda.gov.

- ***Grant Announcements***

- NTIA made an additional 20 grant awards to a low-power television (LPTV) station through its LPTV Digital-to-Analog Conversion Program, bringing the total to 1,081 grant awards (as of February 6, 2009). The program provides \$1,000 in grant funds to each eligible LPTV station to purchase a digital-to-analog conversion device that will convert incoming digital signals of full-power stations to analog for transmission on the LPTV station's analog channel. Low-power stations are not required to switch to digital-only broadcasts as part of the DTV transition. The deadline for grant applications for this program is February 17, 2009.

- ***Upcoming Economic Releases***

- 02/17 (8:30 a.m.) Quarterly Retail E-Commerce Sales, 4th Quarter 2008 (Census)
- 02/18 (10:00 a.m.) New Residential Construction, January 2009 (Census)

ANTI-DUMPING/COUNTERVAILING DUTY CASES (AD/CVD)

- **Initiation Decisions Due on Ni-Resist Piston Inserts from Argentina and South Korea.**

On February 18, Commerce will announce its decisions whether to initiate countervailing duty investigations on imports of Ni-resist piston inserts from Argentina and South Korea. Ni-resist piston inserts are alloyed cast iron rings designed for use in diesel engines.

LEGAL ISSUES

FOIA Requests

- **Received February 2, 2009, referred from Office of Management and Budget (OMB), relating to a request from Michael Kunzelman, Associated Press, for all records compiled by OMB to track Federal funding provided in response to Hurricanes Katrina and Rita.**
- **Received February 4, 2009, from Joseph Champagne, Canadian Embassy, requesting information about the North American Competitiveness Council. (The FOIA request was originally addressed to the State Department, which forwarded 38 Department of Commerce documents for review and disclosure determination.)**

PERSONNEL UPDATE BY WHITE HOUSE LIAISON

- Dr. Jane Lubchenco, NOAA Administrator-designate, has a confirmation hearing date of February 12.

- Senator Judd Gregg, Secretary-designate, has a potential hearing date of February 26.
- Senator Gregg has received a comprehensive packet of candidates and positions at the Department of Commerce, including a slate for all PAS (Presidential appointment with Senate confirmation) positions, and continues to review it with his senior staff in consultation with the Office of White House Liaison. We look forward to his decisions and to negotiating staffing for the Office of the Secretary in the very near future.
- Presidential Personnel has communicated final political position numbers for the Department of Commerce: 33 SES positions and 103 Schedule C positions.

OTHER

- **Department Designates Coordinator to Implement Stimulus Legislation Funding.**
Per OMB instruction, the Department of Commerce has designated Helen Hurcombe to coordinate implementation of stimulus legislation funding from H.R. 1, the American Recovery and Reinvestment Act. An internal workgroup has been established to address matters such as a timely distribution of funds, systems configuration, data collection, transparency, etc.
- **MBDA to Hold Stakeholders Meeting to Discuss Access to Capital.**
On February 19, MBDA will hold a stakeholders meeting—open to the public—at the Department of Commerce to discuss financing issues impacting minority firms, and to identify ways for public- and private-sector partners to increase the flow of capital to minority business enterprises. Discussions from the meetings will serve as the framework for MBDA's upcoming Capital Access Forum, to be held in May 11-12 in Washington, D.C. MBDA will also develop an issue paper and formal report around this important issue.

February 19, 2009

DEPARTMENT OF COMMERCE
For the Week of February 23-27

SECRETARY

- Nothing to report.

ACTIVITIES OF OTHER DEPARTMENT OFFICIALS

- **Bureau of Economic Analysis (BEA) Director to Represent BEA at United Nations Statistical Commission Events.**

On February 23, BEA Director Steve Landefeld will represent BEA at the United Nations Statistical Commission High Level Forum, where he will lead a panel discussion entitled "Globalization and Global Crises: The Role of Official Statistics." On February 24 and February 25, Director Landefeld will represent BEA at the 40th meeting of the United Nations Statistical Commission. The meetings are at the United Nations headquarters in New York.

- **U.S. Patent and Trademark Office (USPTO) Leaders to Meet with World Counterparts in Geneva.**

On February 23, three USPTO officials—John J. Doll, Acting Under Secretary for Intellectual Property and Acting USPTO Director; Lois E. Boland, Director of the Office of Intellectual Property Policy and Enforcement (OIPPE); and Charles R. Eloschway, Deputy Director of OIPPE—will attend a meeting of the Heads of Offices, hosted by the World Intellectual Property Organization, to discuss a process for further developing the Patent Cooperation Treaty. The meeting will be held in Geneva, Switzerland.

REFORM-BASED ACTIONS

- **BEA Reviewing Results of 2008 Organizational Assessment Survey (OAS).**

The Office of Personnel Management recently briefed BEA on the results of BEA's 2008 Organizational Assessment Survey (OAS). Of the 23 organizations that took the OAS in 2008, BEA received the highest overall ranking. Seventeen major areas were surveyed regarding employee satisfaction, and in six of these, BEA set new benchmark highs—i.e., the highest that BEA has achieved. Among the benchmark highs were leadership, innovation, use of resources, and communication. Although none of the survey dimensions revealed problems that need to be addressed at BEA, the bureau is forming a bureau-wide committee to review the results and determine areas for potential improvements.

- **National Research Council (NRC) Panel to Assess National Institute of Standards and Technology (NIST) Facilities.**

On February 23 and 24, the NRC's Panel on Electronics and Electrical Engineering, Division of Engineering and Physical Sciences, will meet in Boulder, CO, to assess the technical merit, relevance, and quality of the scientific and technical work performed by NIST's Optoelectronics Division, Electromagnetics Division, and Quantum Electrical

Metrology Division Boulder Groups. The panel will review reports and tour facilities. These assessments follow earlier assessments of other NIST facilities in Boulder and in Gaithersburg, MD. The Laboratory Assessments Board of the National Academies oversees the activities of the NRC.

JOB CREATION

- **Census Bureau to Hire Enumerators for 2010 Census Activities.**

Over the next month, the Census Bureau will be hiring approximately 143,000 enumerators to conduct the Address Canvassing operation that will begin in early April 2009. These jobs will last approximately five months and will be followed by successive waves of hiring for other operations leading up to the Decennial Census in 2010. Also during the next month, the Bureau will be hiring about 1,500 additional employees to staff its Local Census Offices.

LEGISLATIVE/REGULATORY/POLICY ISSUES

- ***Congressional Testimony/Hearings***

- **February 25** – The House Judiciary Committee (Chairman, Representative John Conyers (D-MI)) will hold a hearing titled “Copyright Licensing in a Digital Age: Competition, Compensation, and the Need to Update the Cable and Satellite TV Licenses.” The USPTO will not provide testimony. The witness list is expected to include representatives of cable and TV broadcasters and content owners, and possibly the Copyright Office.

- **February 25** – The House Committee on Natural Resources, Subcommittee on Insular Affairs, Oceans, and Wildlife (Chair, Delegate Madeleine Bordallo, D-Guam), will hold a hearing on **H.R. 860**, the *Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009*. The Director of the National Oceanic and Atmospheric Administration’s (NOAA) Coral Reef Program, Kacky Andrews, is scheduled to testify.

- **March 5** – The Information Policy, Census, and National Archives Subcommittee of the House Committee on Oversight and Government Reform has scheduled a hearing to examine critical operations of the 2010 Census and the Bureau’s progress toward implementing the Government Accountability Office’s recommendations. (We are noting this item early because of recent press activity regarding the Census Bureau.)

- ***Congressional Activity on Major Department-Related Legislation***

- **House**

- **H.R. 848**: On February 12, Representative Gene Green (D-TX), along with 112 cosponsors, **H. Con. Res. 49**. The resolution states that Congress should not impose any new performance fee, tax, royalty, or other charge relating to the public performance of sound recordings on a local radio station for broadcasting sound recordings over-the-air, or on any business for such public performance of sound recordings. The resolution reflects the opposition to recently-introduced legislation (**H.R. 848**) that would end a long-standing music royalty exemption granted to AM and FM broadcast stations.

- **Meetings**

- **February 24** – NIST Deputy Director Patrick D. Gallagher will have courtesy meetings with Representatives Gary Peters (D-MI), Adrian Smith (R-NE), Ben Lujan (D-NM), Paul Tonko (D-NY), and Harry Mitchell (D-AZ).
- **February 25** – Delegate Gregorio Sablan (I-NMI) will address the U.S. Coral Reef Task Force during its semiannual meeting, to be held in Washington, DC. NOAA's Deputy Under Secretary for Oceans and Atmosphere, Mary Glackin, serves as Acting Co-Chair of the Task Force. Composed of 12 Federal agencies, seven States and territories, and three Freely Associated States, the Task Force was established by Presidential Executive Order 13089 to coordinate government efforts to protect, restore, and sustain coral reef ecosystems. Co-chaired by a representative from NOAA and a representative from the Department of the Interior, the Task Force meets twice a year—once in Washington, DC, and once in one of the 10 coral reef jurisdictions.
- **February 26** – Mary Saunders, Acting Assistant Secretary for Manufacturing and Services, will meet with the State tourism directors (request forwarded by the White House).
- **February 28** – Rick Wade will speak at the winter meeting of The Executive Leadership Council, composed of the most senior African-American executives in corporate America (request forwarded by the White House).

- **Other**

- Senator Jim Inhofe (R-OK) introduced an EDA reauthorization bill (S. 430).

PRESS ACTIVITY

- ***Continuing Press Interest in Proposal for Census Bureau Director to Report to White House.***

The Department of Commerce continues to receive a significant amount of press attention—including news stories and opinion pieces—related to the White House proposal to have the Census Bureau Director report to the White House. Recent news coverage has reported the Census as one of the main reasons why Senator Gregg withdrew as the President's nominee for Commerce Secretary. This coverage including an editorial in *The Washington Post* titled "Statistical Sense—Keep the Census in Mind When Picking a Commerce Secretary," an editorial in *The Wall Street Journal* titled "A Census of One," and a *Dallas Morning News* editorial that stated: "When he withdrew as commerce secretary nominee last week, Republican Sen. Judd Gregg said differences with the Obama administration over how to handle the 2010 U.S. Census were among the deal-breakers." Commerce also continues to receive significant press attention regarding the President's pick for Commerce Secretary, including an editorial in the Nashua, NH, *Telegraph* titled "Plenty of theories for Gregg reversal." The Department of Commerce Office of Public Affairs is coordinating closely with the White House Office of the Press Secretary in responding to press inquiries related to this and other key issues.

- ***Press Interest in Stimulus Funding for Department of Commerce.***
The Department has received several press inquiries related to the American Recovery and Reinvestment Act of 2009 (stimulus act) and the programs within the Department that will be funded.
- ***Anticipated Increase in Press/Public Interest in Converter Box Coupon Program.***
Now that February 17, 2009—the date originally slated for the digital television transition—has passed, the Department of Commerce anticipates an increasing number of calls from the press and the public regarding the National Telecommunications and Information Administration’s TV Converter Box Coupon Program. Although the DTV Delay Act extended the transition date until June 13, 2009, some 600 TV stations were planning to switch to all-digital on the original transition date of February 17, 2009.
- ***Reporters Working on Stories on Converter Box Coupon Program.***
Reporters are writing stories on funding for NTIA’s TV Converter Box Coupon Program and on the Broadband Technology Opportunities Program included in the American Recovery and Reinvestment Act (stimulus act).
- ***NOAA’s National Weather Service Weather Forecast Offices to Promote “Severe Weather Awareness Week” in Texas and Tennessee.***
The governors of Texas and Tennessee have declared the week of February 22-28 as Severe Weather Awareness week for their respective States. To help promote the week, Weather Forecast Offices throughout Texas and Tennessee will work with State and local government agencies, providing awareness and safety information focused on severe thunderstorms, lightning, tornadoes, and flooding. The offices will also work with local media to help publicize the dangers of severe weather events and what citizens can do to prepare for them.
- ***Los Angeles Minority-Oriented Publication to Run Story Related to Stimulus Package.***
MBDA provided background information to *Our Weekly*—a Los Angeles publication that describes itself as “targeted at the affluent African American community”—for a story about the stimulus package and what minority business enterprises can do. Highlights will include information about registering in the Phoenix-Opportunity database; being prepared to bid on contracts by getting certifications at the Federal, State and local levels; and working with an MBDA-funded center to help navigate those processes.
- ***Grant Announcements***
 - **Manufacturing Extension Partnership (MEP) Renewals:** On February 13, NIST notified the Congressional delegations and governors of the respective States about the following NIST MEP award renewals:
 - \$93,896 to Arkansas Science and Technology Authority (Arkansas MEP) in Little Rock, AR;
 - \$109,200 to the Colorado Association for Manufacturing and Technology (Colorado MEP) in Denver, CO;

- \$97,888 to the Oklahoma Alliance for Manufacturing Excellence, Inc. (Oklahoma MEP), in Tulsa, OK;
 - \$192,000 to the Massachusetts MEP in Woburn, MA;
 - \$77,684 to the Oregon MEP in Beaverton, OR;
 - \$75,040 to Rhode Island Manufacturing Extension Services, Inc. (Rhode Island MEP), in Providence, RI;
 - \$66,081 to the Vermont MEP Center in Randolph Center, VT; and
 - \$80,456 to the Alaska MEP, Inc., in Anchorage, AK.
- ***Upcoming Economic Releases***
 - 2/24 Preliminary U.S. Imports for Consumption of Steel Products, January 2009 (Foreign Trade Division)
 - 2/26 Advance Report on Durable Goods Manufacturers' Shipments, Inventories, and Orders: January 2009 (Census)
 - 2/26 New Residential Sales, January 2009 (Census)
 - 2/27 Gross Domestic Product, 4th quarter 2008 (preliminary) (BEA)

ANTI-DUMPING/COUNTERVAILING DUTY CASES (AD/CVD)

- **Final Determination Due in the Antidumping Duty Investigation on Imports of Steel Threaded Rod from China.**
On February 23, Commerce will announce its final determination in the antidumping duty investigation on imports of steel threaded rod from China. Steel threaded rod is primarily used in commercial construction where the threaded rods are cut to required lengths and used to suspend electrical conduit, pipes for plumbing, HVAC ductwork, and sprinkler pipes for fire protection.
- **Preliminary Determination in the Antidumping Duty Investigation on Imports of Kitchen Appliance Shelving and Racks from China.**
On February 27, Commerce will announce its final determination in the antidumping duty investigation on imports of kitchen appliance shelving and racks from China. Kitchen appliance shelving and racks are used by original equipment manufacturers of residential and recreational vehicle refrigerators, freezers, refrigerators/freezers, and ovens.

LEGAL ISSUES

- **Endangered Species Act Litigation**
In December 2008, the Departments of Commerce and the Interior published joint regulations amending certain requirements for interagency consultation under the Endangered Species Act. Five lawsuits have been filed challenging the regulations—four by environmental interests, and one by the U. S. Chamber of Commerce. The U.S. Government's answers to the lawsuits are due on March 13, 2009, and April 9, 2009. NOAA, Interior, and the Department of Justice are developing options for responding to the lawsuits, but the decision on how to proceed will require significant policy input.

- **Litigation Challenging Biological Opinions Regarding Operation of Federal Columbia River Power System**

This issue has been a source of longstanding public, press, and congressional interest in the region because its outcome will likely affect the cost and availability of electricity in the Pacific Northwest this summer. Environmental groups, the State of Oregon, and the Nez Perce Indian tribe assert that NOAA's plan for the Federal Columbia River Power System does not provide sufficient protections for salmon and whales as required by the Endangered Species Act. The dams that make up the System supply 40 percent of the electricity consumed in the Pacific Northwest. NOAA's May 2008 biological opinion evaluating the effects of the operation of the hydropower system on protected Columbia River salmon as well as on certain killer whales that feed on Columbia River salmon has been challenged in Federal District Court in Oregon. On March 6, 2009, the court will hear argument on the parties' cross-motions for summary judgment, and will likely issue a decision shortly thereafter.

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- **FOIA Requests**

- Received February 9, 2009, from Alexander Cohen, Public Citizen (Washington, DC), a request for copies of ethics agreements for current Presidential nominees for positions that require Senate confirmation as well as documents that they have provided pertaining to past employment and salary compensation.
- Received February 12, 2009, from Edward Lucas, *The Economist*, a request for information regarding Gennady Timchenko (a leading member of the inner circle around Vladimir Putin) and/or the company Gunvor, an oil trading company.

PERSONNEL UPDATE BY WHITE HOUSE LIAISON (WHL)

- White House Liaison did not bring any individuals on board during the past week, but has begun the process for:
 - Anne Olaimy, Director, Office of Business Liaison, start date February 23
 - Steven Jost, Associate Director for Communications at the Census Bureau, start date March 2
 - Vikki Spruill, Senior Advisor to the NOAA Administrator, start date TBD

- Dr. Jane Lubchenco, NOAA Administrator-designate, had a successful Senate hearing on February 12, and WHL expects her confirmation by the full Senate as early as February 24. She is prepared to start immediately upon her being confirmed.
- WHL continues to interview priority placement candidates for Schedule C positions, and is aggressively assembling a slate of PA-S positions that remain unfilled. WHL is also awaiting guidance from PPO regarding hiring authority in the absence of a Secretary-designate.

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[REDACTED]

- **FOIA Requests**

- Received February 23, 2009, from R. Gaines, *Gloucester Daily Times* [Gloucester, MA], request for specific records including access to outstanding Notices of Violation and Assessment of Administrative Penalties (NOVAs), new NOVAs or the equivalent lesser-type charges brought already and in the future in conjunction with the fish auction NOVA, and access to all fishing-related NOVAs of the past four years.
- Received February 25, 2009, from Catherine Nielsen, National Security Archive, a request for briefing books, papers, cables, etc., regarding the 1991 debate in the Bush administration on the recognition of the Baltics (FOIA request was addressed to the State Department, which forwarded Department of Commerce (DOC) documents for disclosure determination).
- Received February 26, 2009, from Doris ^(p. 16) Duangboudda, Carnegie Endowment for Peace, a request for records relating to [REDACTED], an American citizen who lived in Thailand between the late 1940s until the early 1990s (FOIA request was addressed to the FBI, which forwarded DOC documents for disclosure determination).
- Received February 26, 2009, from Nancy Kegan Smith, National Archives and Records Administration, a request for a review of documents that were inadvertently placed in an "opened environment" without appropriate review (request was addressed to the State Department, which forwarded DOC documents for disclosure determination).
- Received February 26, 2009, from Brad Simpson, National Security Archive, a request for documents relating to corruption in Indonesia and the U.S. policy response thereto (FOIA request was addressed to the State Department, which forwarded DOC documents for disclosure determination).

PERSONNEL UPDATE BY WHITE HOUSE LIAISON (WHL)

- During the past week, WHL brought on board Kevin Griffis, Director of Public Affairs.

March 19, 2009

**DEPARTMENT OF COMMERCE
For the Week of March 23 – 27, 2009**

SECRETARY

- Nothing to report.

ACTIVITIES OF OTHER DEPARTMENT OFFICIALS

- **Acting Assistant Secretary for Manufacturing and Services to Speak at the Service Innovation Roundtable.**
On March 23, Acting Assistant Secretary for Manufacturing and Services Mary Saunders will speak on Government policy as a driver of service innovation at the Service Innovation Roundtable hosted by the Information Technology and Innovation Foundation (ITIF). ITIF is hosting the roundtable for a group of senior policymakers from the Dutch Ministry of Economic Affairs visiting the United States on a service innovation mission.
- **Acting Census Bureau Director to Speak at Census 2010 Leadership Summit Hosted by the Congressional Black Caucus.**
On March 23, Acting Director Thomas L. Mesenbourg will address the attendees of the Census 2010 Leadership Summit at the U.S. Capitol Visitor's Center Auditorium in Washington, DC.
- **Assistant Secretary for Export Administration to Meet with Chinese Industry Delegation.**
On March 23, Acting Assistant Secretary for Export Administration Matthew S. Borman will meet with a delegation of Chinese executives attending a two-week export control seminar hosted by the University of Georgia. The U.S. Government has worked extensively with many of the Chinese companies to comply with U.S. export control requirements.
- **Deputy Assistant Secretary for Office of International Operations to Lead a Solar Energy Trade Mission to India.**
On March 23 - 27, Deputy Assistant Secretary for Office of International Operations William Zarit will lead a solar energy trade mission comprised of 12 U.S. companies to India. The mission will visit New Delhi, Jaipur, and Ahmedabad. The mission offers U.S. firms a cost-effective way to meet potential business partners and government decision makers who are on the forward edge of shaping India's solar energy area. International Trade Administration's Commercial Service organized the mission with the U.S. Department of Energy and the U.S. Export/Import Bank and will provide access to a wide range of services. This includes Commercial Diplomacy, customized 1-2-1 matchmaking services with Indian trading partners, solar project development tools, and renewable energy financing mechanisms.

- **Acting Under Secretary for International Trade to Participate in the Swedish Embassy's One-Day Conference.**

On March 25, Acting Under Secretary for International Trade Michelle O'Neill will take part in the Swedish Embassy's one-day conference, "The Next Frontier: Rethinking the Global Trading System." Discussions will focus on eliciting fresh thinking on trade policy and global trading in advance of Sweden's presidency of the European Union in July 2009.

- **Deputy Director for National Institute of Standards and Technology to Participate in the Advisory Committee on Earthquake Hazards Reduction Meeting.**

On March 25, by telephone, National Institute of Standards and Technology (NIST) Deputy Director Patrick Gallagher will take part in a meeting of the Advisory Committee on Earthquake Hazards Reduction (ACEHR) of the National Earthquake Hazards Reduction Program (NEHRP). The primary purpose of this meeting is to review and complete the committee's draft NEHRP reauthorization letter to the Interagency Coordinating Committee (ICC). The meeting is also open to the public by telephone. The committee has 15 members appointed by the director of the National Institute of Standards and Technology (NIST).

- **Bureau of Economic Analysis (BEA) Associate Director for International Economics to represent BEA at Organisation for Economic Co-operation and Development (OECD) Meetings.**

On March 25-27, BEA Associate Director for International Economics Obie Whichard will represent BEA at two related OECD meetings in Paris, France. On March 25, at the Investment Committee's Working Group on International Investment Statistics (WGIIS) meeting, and on March 26-27, at the WGIIS and the Committee on Industry, Innovation and Entrepreneurship's Working Party on Globalisation of Industry joint meetings. The meetings will focus on initiatives related to statistics on foreign direct investment and statistics of the multinational companies, and include issues involved in settling the two types of statistics and applying recent updated statistical guidelines.

REFORM-BASED ACTIONS

- **National Institute of Standards and Technology to Meet with National Research Council on NIST Programs.**

On March 23, National Institute of Standards and Technology (NIST) Deputy Director Patrick Gallagher will meet with the National Research Council's (NRC) Committee on NIST Technical Programs. The committee, chaired by University of Colorado Civil Engineer Professor Ross Corotis, provides general oversight of NIST's lab evaluation, recommends changes and improvements, and serves as a liaison between NIST and the NRC.

AMERICAN RECOVERY AND REINVESTMENT ACT

- **Economic Development Administration Announces Solicitation of Applications for Stimulus Funds.**
EDA issued a press release requesting applications for funding under the \$150 million American Recovery and Reinvestment Act Program and published a Federal Register (74 FR 10232) notice and ask for applications for funding for the same.
- **NTIA issues joint press release with the Federal Communications Commission (FCC) and the United States Department of Agriculture USDA.**
NTIA jointly issued with the FCC and USDA a Press Release, "Vilsack, Copps and Wade Kick Off American Recovery and Reinvestment Act's Broadband Initiative".
- **NTIA Digital TV Converter Box Coupons Program Redeeming Coupons from Stimulus Funds.**
NTIA Digital TV Converter Box Coupon Program funded 4.48 million coupons (cumulative), representing \$179,200,000 of Recovery Act funds. \$48 million are obligated, another \$76 million is expected next week, and the remainder the following week. The Program also redeemed the first coupons issued from Recovery Act funds and processed payments to retailers using the Recovery Act funds
- **Department of Commerce's Senior Advisor for ARRA and Inspector General Testified Before House Subcommittee.**
On March 19, the House Committee on Science and Technology, Subcommittee on Investigation and Oversight held a hearing on the ARRA implementation oversight. Senior Advisor on Recovery Implementation and the Inspector General testified.
- **Public Meetings on Broadband Initiative to Take Place.**
NTIA and USDA will hold Broadband Initiative Public Meetings on March 16, 19, 23, and 24, 2009. The meetings will begin at 10:00 a.m. ET and will take place at the U.S. Department of Commerce in Washington, DC. Webcast and/or transcripts of all public meetings will be made available on NTIA's Web site. On March 17, there were Field Hearings in Las Vegas, NV and March 18, in Flagstaff, AZ. Webcast and/or transcripts of all public meetings will be made available on NTIA's Web site.
- **Public Involvement for the Broadband Initiative.**
NTIA and USDA are seeking public involvement on the Broadband Initiative through April 13. Specific topics of particular interest are at http://www.ntia.doc.gov/press/2009/BTOP_RFI_090310.pdf
- **NTIA Converter Box Coupon Distribution Begins.**
The NTIA Digital TV Converter Box Coupon Program forecasts distribution of 1.9 million coupons during the week of March 16, 2009.

JOB CREATION

- **EDA Investment of \$1.2 million to the City of Fairfield, IL for Water Treatment Plant.**

This EDA investment will fund construction of a new water treatment plant for the city of Fairfield. The enhanced facility will help meet the increasing water demand as existing businesses expand and allow businesses to locate in the city-owned Highway 45 South Industrial Park. This investment is part of a \$9.314 million project that will help create an estimated 235 jobs, save 40 jobs and generate \$172 million in private investment.

- **EDA Investment of \$900,000 to the Southeast Iowa Regional Planning Commission to Aid Businesses.**

This EDA investment will recapitalize a Revolving Loan Fund (RLF) that serves southeastern Iowa. The recapitalized funds will aid businesses that were severely impacted by the Midwest Floods of 2008. This investment is part of a \$1 million project that will help create an estimated 1,000 jobs and generate \$6 million in private investment.

- **EDA Investment of \$500,000 to the East Central Intergovernmental Association, Dubuque, Iowa to Aid Businesses.**

This EDA investment will recapitalize a Revolving Loan Fund (RLF) that serves eastern Iowa. The recapitalized funds will aid businesses that were ruined or destroyed by the Midwest Floods of 2008. This investment is part of a \$650,000 project that will help create an estimated 75 jobs, save 75 jobs and generate \$3.9 million in private investment.

- **EDA Investment of \$400,000 to the city of Williamston, Michigan to Fund Infrastructure Improvements.**

This EDA investment will include roadway and water and sewer lines, to expand the city of Williamston's industrial park and will support rapid industrial and commercial development along the Interstate 96 Lansing to Detroit corridor. This investment is part of an \$800,000 project that will help create an estimated 170 jobs and generate \$3.2 million in private investment.

- **EDA Investment of \$400,000 to the North Iowa Area Council of Governments to Aid Businesses.**

This EDA investment will establish a Revolving Loan Fund to serve northern Iowa. The funds will aid businesses that were severely impacted by the Midwest Floods of 2008. This investment is part of a \$460,000 project that will help create an estimated 140 jobs, save 135 jobs, and generate \$2.8 million in private investment.

LEGISLATIVE/REGULATORY/POLICY ISSUES

- ***Congressional Testimony/Hearing***

- **March 23** – Thomas L. Mesenbourg, Acting Census Bureau Director, will testify before the House Committee on Oversight and Government Reform, Subcommittee on Information Policy, Census, and National Archives on the Census Bureau's integrated communications campaign for the 2010 Census.

- **March 24** – Cita Furlani, Director of the NIST Information Technology Laboratory, will testify before the House Homeland Security Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology (Chair, Representative Yvette D. Clarke, D-NY) on “Securing the Smart Grid from Cyber Attack”.
- **March 25** – Tom Karl, Director of NOAA’s National Climatic Data Center, will testify before the House Select Committee on Energy Independence and Global Warming (Chair, Representative Ed Markey, D MA-7) on climate adaptation.
- **March 26** – Anna Gomez, Acting Assistant Secretary for NTIA, will testify before the House Energy and Commerce Subcommittee on Communications, Technology and the Internet (Chair, Representative Rick Boucher D-VA) on the status of the DTV transition and the TV Converter Box Coupon Program.
- **Other**
 - **Bills regarding the 2010 Census.**
Several bills were introduced to add more seats before the reapportionment that will occur after the 2010 Census results are released. The Census Bureau continues to monitor these bills as they work their way through Congress. The Senate passed a version of this legislation on February 26. The House plans consideration of related bills in the near future.
 - **Maryland Performance Excellence Awards Ceremony.**
On March 23, NIST Baldrige National Quality Program Director Harry Hertz will participate in the Maryland Performance Excellence Awards ceremony at the University of Maryland-College Park. Other attendees at the ceremony include U.S. Senators Barbara Mikulski and Benjamin Cardin. Based on the Baldrige Awards, the Maryland Performance Excellence Awards identify, recognize, and spotlight role model organizations whose performance is worthy of emulation.

PRESS ACTIVITY

- **Press Interest**
 - **National Oceanic and Atmospheric Administration (NOAA) Conducts Caribbean Hurricane Awareness Tour.**
On March 23, staff from the NOAA National Weather Service National Hurricane Center will begin a weeklong hurricane awareness tour of the Caribbean. Aircrew from the Air Force Reserve will fly a Hurricane Hunter aircraft to six cities in the Caribbean region to raise public awareness of the Atlantic hurricane threat. At each location, NOAA will brief local officials and the media on the general impacts of hurricanes in the region. Local meteorological and emergency management officials will assist in answering media and public questions. School groups, media, and the public are invited to tour the aircraft and speak with National Hurricane Center Director Bill Read and the Hurricane Hunter crew. This year's tour will include visits to Mexico, St. Croix, the U.S. Virgin Islands, Port of Spain, Trinidad and Tobago, and Puerto Rico.

- **National Oceanic and Atmospheric Administration (NOAA) to Participate in Tsunami Warning Test.**
On March 25, the Northern California counties of Del Norte, Humboldt and Mendocino will conduct a Tsunami Warning Test. This test is part of Tsunami Awareness Week in California, March 23-29, as proclaimed by California Governor Arnold Schwarzenegger. The NOAA National Weather Service (NWS) Weather Forecast Office in Eureka, California; the NWS West Coast/Alaska Tsunami Warning Center; and the NWS Western Region Headquarters will participate with the California Emergency Management Agency and county Emergency Services Offices. During the test, the Emergency Alert System will be activated and messages broadcast on radio and television stations in the participating counties.
- ***Reporter Working on Women's History Month.***
 - Minority Women Business Statistics Highlighted during Women's History Month. The Los Angeles Daily News requested statistics on minority women entrepreneurs for a story highlighting women for Women's History Month. The MBDA Associate Director for Management provided a quote about the increase in minority women entrepreneurs over the last 20 years. The story should run early next week.
- ***IG Reports***
 - **Public Safety Interoperable Communication Grant Program.**
OIG will issue its final audit report on the first annual assessment of NTIA's management of the Public Safety Interoperable Communications Grant Program, for the year ended September 30, 2008. Commerce OIG monitors the program annually beginning in 2008 through 2011.
- **Florida Manufacturing Extension Partnership (MEP).**
 - OIG will issue its final report on our audit of the Florida MEP. The NIST MEP is a nationwide network of nonprofit, university, and state-based organizations that provides services in business and improvements to assist small manufacturers in becoming more competitive. NIST provides one-third of the operational funding for the MEP centers, with the matching two-thirds provided by states, other regional partners, and revenue from fees paid by manufacturers for the services they receive.
- ***Grant Announcements***
 - **EDA Investment of \$529,171 to the Economic Development Catalyst Organization.**
EDA awarded \$529,171 to the Economic Development Catalyst Organization, Austin, Texas, to fund a high tech business incubator program. The Economic Development Catalyst Organization (EDCO) is a nonprofit organization that provides technical assistance to entrepreneurs to promote the creation of high-growth, high-potential enterprises in economically distressed areas. EDCO expects to launch three or more companies in the border region over the next two years.

- **EDA Investment of \$1.6 Million to the Hillsborough Community College.**
EDA awarded \$1.6 million to Hillsborough Community College in Tampa, Florida, to fund the renovation of a workforce training center to train students in auto collision repair and auto mechanics. Florida has a critical need for skilled auto mechanics and the new center will be one of only thirteen in the state offering this training. This investment is part of a \$3.3 million project that will help create an estimated 300 jobs and generate \$9 million in private investment.
- **Upcoming Economic Releases**
 - 03/24 State Quarterly Personal Income, 1st quarter 2005-4th quarter 2008; State Annual Personal Income, 2008 (preliminary) (BEA)
 - 03/24 U.S. Imports for consumption of Steel Products: February 2009 (Census)
 - 03/25 Advance Report on Durable Goods Manufacturers' Shipments, Inventories, and Orders: February 2009 (Census)
 - 03/25 New Residential Sales: February 2009 (Census)
 - 03/26 Gross Domestic Product, 4th quarter 2008 (final); Corporate Profits, 4th quarter 2008 (BEA)
 - 03/27 Personal Income and Outlays, February 2009 (BEA)

ANTI-DUMPING/COUNTERVAILING DUTY CASES (AD/CVD)

- **Final Determination in the Antidumping Duty Investigation on Imports of Circular Welded Carbon Quality Steel Line Pipe from China.**
On March 24, Commerce will announce its final determination in the antidumping duty investigation on imports of circular welded carbon quality steel line pipe (welded line pipe) from China. Welded line pipe is used for the transmission of gas or oil, generally in pipeline or utility distribution systems.

LEGAL ISSUES

- **Softwood Lumber from Canada (*Sensitive*)**
Canada met with U.S. officials last week to discuss settlement of last month's London Court of International Arbitration award. That decision requires Canada to start collecting an additional 10% export charge on certain lumber exports to the United States by March 30 until US \$54.8 million plus interest is collected. [REDACTED]
Under the Softwood Lumber Agreement, if Canada fails to take action to cure the breach by March 30, the United States may immediately exercise its discretion and impose duties on imports from Canada until recovery of the full amount owed. (Art. XIV para. 27 SLA). If, for some reason, there are questions about the compensatory amount, the United States may investigate under Sections 301-307 of the Trade Act of 1974 before imposing more duties. /
- **Mexico Requests Establishment of World Trade Organization (WTO) Dispute Panel in Mexico-U.S. Tuna-Dolphin Dispute**
In April 2007, the Ninth Circuit Court of Appeals upheld a federal district court's rejection of a NOAA determination to allow tuna caught using purse seine nets to be labeled as "dolphin-safe." In October 2008, Mexico initiated WTO dispute proceedings,

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claiming the resulting high standards under the U.S. dolphin-safe label requirements violate provisions of the WTO's General Agreement on Tariffs and Trade (GATT) and the Agreement on Technical Barriers to Trade. As a first step in the WTO dispute resolution process, the U.S. and Mexico participated in consultations in Washington, D.C. in December 2008. On March 9, 2009, Mexico submitted a request to the WTO Dispute Settlement Body (Panel) to establish a panel to hear the dispute. Mexico's request will be considered at the next meeting of the Panel on March 20, 2009. NOAA is working closely on this issue with USTR, DOS, ITA, OCCIC and other interested agencies. USTR has the lead on WTO dispute proceedings.

- **FOIA Requests**

- **Received March 9, 2009 from Michael Wall, Natural Resources Defense Council, Inc.**, requesting information on phthalates in children's products. *(FOIA request was addressed to the Consumer Products Safety Commission, which forwarded ITA documents here for disclosure determination).*
- **Received March 10, 2009 from Barbara Elias, National Security Archive**, requesting information on a 1996 agreement between Turkmen President Saparmurat Niyazov and the Unocal Oil Company *(FOIA request was addressed to the State Department, which forwarded an ITA document here for disclosure determination).*

PERSONNEL UPDATE BY WHITE HOUSE LIAISON

- During the past week, WHL brought on board two candidates:
 - Daniel Brundage, Office of the Secretary
 - Roger Fisk, Office of Scheduling and Advance
- WHL, with Governor Locke's approval, made hiring decisions on positions in the Secretary's Office, specifically in Public Affairs. April Boyd, nominee for Assistant Secretary for Legislative and Intergovernmental Affairs, is interviewing over 40 candidates to fill eight slots in her office. She will prepare a Decision Memorandum for Governor Locke within the next few weeks. WHL's goal is to have the Office of the Secretary staffed as close to fully as possible for the Secretary-designee's arrival
- Slates for the following positions are also in the final review process and will be presented to Governor Locke in the coming days.
 - Deputy Secretary
 - Undersecretary for U.S. Patent and Trademark Office
 - Undersecretary for Industry and Security
 - Secretary for Economic Development
 - Undersecretary for Economic Affairs
 - Director, Bureau of Census
- WHL expects that Dr. Jane Lubchenko, NOAA Administrator-designate, will be confirmed soon.

OTHER

- **NOAA Fisheries International Affairs Office To Chair a Four-Day Meeting.**

On March 23-March 27, NOAA's Fisheries International Affairs Office will chair a four-day meeting on fishing rules compliance at the International Commission for the Conservation of Atlantic Tunas Compliance meeting, in Marseilles, France. Bluefin tuna will continue to be the major issue in a nation-by-nation review of compliance with the ICCAT rules.

**DEPARTMENT OF COMMERCE
WHITE HOUSE WEEKLY REPORT
For the Week of April 6-10, 2009**

SECRETARY

- During his first week at the Department of Commerce (DOC), Secretary Gary Locke addressed employees of the DOC through a Town Hall type meeting and video message.
- He also addressed the National Census Partnership, National Association of Latino Elected Officials (NALEO), and the Broadband Nation Conference, sponsored by the National Cable and Telecommunications Association (NCTA).
- Throughout the week, Secretary Locke received internal briefings from DOC Bureau Heads and Senior Staff. During next week, he will visit bureau sites and conduct Town Hall meetings with bureau employees.
- Secretary Locke interviewed and discussed his vision for the DOC with the New York Times, NPR, and Wall Street Journal. He will tape NBC Nightly News on Friday morning.
- Secretary Locke initiated phone conversations with Miguel Jorge - Brazilian Minister of Development, Industry, and Foreign Trade; and Stockwell Day - Canadian Minister of International Trade and Minister for the Asia-Pacific Gateway.

ACTIVITIES OF OTHER DEPARTMENT OFFICIALS

- **Acting Under Secretary for International Trade to Participate in British Embassy Roundtable.**
On April 6, Acting Under Secretary for International Trade Michelle O'Neill will participate in a dinner and roundtable discussion hosted by Dominick Chilcott, the Deputy Chief of Mission of the British Embassy, to mark the visit of Richard Lambert, Director General of the Confederation of British Industry. Discussions with senior public- and private-sector representatives will focus primarily on the global financial crisis.
- **Bureau of Economic Analysis (BEA) Chief Economist to Make Presentation at Federal Reserve Seminar.**
On April 7, BEA Chief Economist Ana Aizcorbe will make a presentation, "The Importance of Pricing the Bundle of Medical Care Treatments," at a seminar at the Federal Reserve Bank of Philadelphia.
- **Under Secretary of Commerce for Oceans and Atmosphere to Participate in Groundbreaking for Gulf Maritime Museum.**
On April 9, Dr. Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere, will participate in the groundbreaking ceremony for the National Maritime Museum of the Gulf of Mexico in Mobile, AL. Senator Richard Shelby (R-AL),

Representative Jo Bonner (R-AL), and Governor Bob Riley (R) are also scheduled to attend.

- **Acting Census Bureau Director to Discuss 2010 Census Outreach with African-American, Caribbean, and other Black Populations.**

On April 9, Acting Census Bureau Director Thomas L. Mesenbourg will attend a meeting with black organizations to discuss 2010 Census outreach to African-American, Caribbean, and other black populations. The meeting will be held at the U.S. Census Bureau's headquarters in Suitland, MD, in conjunction with the National Conference of Black Mayors (NCBM), which is a member of the 2010 Census Advisory Committee. Vanessa Williams, the NCBM's Executive Director, will facilitate the session.

- **Acting Under Secretary for International Trade to Meet with Ambassador-Designate for Afghanistan.**

On April 9, Acting Under Secretary for International Trade Michelle O'Neill will meet with Lt. Gen. Karl W. Eikenberry, the U.S. Ambassador-designate to Afghanistan. Acting Under Secretary O'Neill will discuss the Department of Commerce's role in the Afghanistan Investment and Reconstruction Task Force (AIRTF)—promoting reconstruction and development of Afghanistan through capacity building, matchmaking, and trade promotion through trade events and commercial policy development. She will also address the need for expanding the Department's role in Afghanistan to further develop a market conducive to trade and investment. (Closed Press)

REFORM-BASED ACTIONS

- Nothing to report.

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

- **Digital TV Converter Box Coupon Program Continues to Distribute Coupons and Reimburse Retailers.**

For the week ending March 27, the National Telecommunications and Information Administration's (NTIA) Digital TV Converter Box Coupon Program:

- distributed 1.9 million coupons with a value of \$75.7 million, bringing the cumulative total value of ARRA-funded coupons to \$189.0 million; and
- reimbursed retailers for 59,027 coupons with a value of \$2.3 million, bringing the cumulative total of ARRA-funded retailer reimbursements to \$5.4 million.

- **National Institute of Standards and Technology's (NIST) Spending Plan Approved.**

The Department of Commerce and the Office of Management and Budget (OMB) have approved NIST's ARRA spending plan, including the construction grants allocation between the FY08 competition and a new FY09 competition.

- **Census Bureau Makes Offers for Partnership Positions.**

During the week ending March 27, the Census Bureau made offers for 31 partnership positions based on ARRA funding. The Census Bureau will continue to make offers for such positions.

- **Economic Development Administration (EDA) Streamlines Grant Process for ARRA Projects.**

EDA has streamlined the grant process for ARRA projects by delegating additional authority to EDA's six regional directors to make determinations relating to grant rates in order to address applicants' problems in finding resources to meet matching share requirements.

- **NIST Continues Work Related to ARRA-Funded Fellowships and Grants.**

NIST will be submitting for Departmental clearance:

- the Federal Funding Opportunity (FFO) and *Federal Register* Notice (FRN) for the recently announced competitive fellowships (\$20 million) and competitive research grants (\$35 million), and
- the FFO, FRN, and emergency Paperwork Reduction Act (PRA) item for competitive construction grants.

- **Decision on Broadband Technology Opportunities Program (BTOP) Support Approach Expected.**

A decision on NTIA BTOP grants support approach is expected during the week of March 30 to April 3. Given the large volume of grant applications and grants expected—grants to be awarded are currently estimated at between 1000 and 10,000—the ARRA Coordinator and Department of Commerce Chief Procurement Executive have been working with NTIA BTOP program management, as well as the NIST and National Oceanic and Atmospheric Administration (NOAA) grants organization, to develop a plan and risk mitigation strategies.

JOB CREATION

- Nothing to report.

LEGISLATIVE/REGULATORY/POLICY ISSUES

- ***Congressional Testimony/Hearing***
 - **April 2:** NTIA Senior Policy Advisor Mark Seifert is testifying before the House Committee on Energy and Commerce's Subcommittee on Communications, Technology, and the Internet at a hearing on ARRA's broadband stimulus provisions.
- ***Congressional Activity on Major Department-Related Legislation***
 - **Senate**
 - Nothing to report.
 - **House**
 - Nothing to report.
- ***Policy Issues***
 - Nothing to report.

- **Meetings**

- During the week of March 23 to April 3, April Boyd, the nominee for Assistant Secretary for Legislative and Intergovernmental Affairs, and Cameron Kerry, the nominee for General Counsel, met with members of the Senate Committee on Commerce, Science, and Transportation and the members' staff. The Department's Office of Legislative and Intergovernmental Affairs will continue conducting these courtesy meetings during the week of April 6-10.

- **April 8** - John H. Dunnigan, Assistant Administrator of the National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service (NOS), will brief staff from the offices of Senator Kay Hagan (D-NC) and Representative Frank Kratovil (D-MD) on NOAA's and NOS' overall programs and activities.

- **Other**

- **Senate Committee Staff to Tour NIST Laboratories.**

The staff of the Senate Committee on Commerce, Science, and Transportation has requested an April 6 tour of NIST's laboratories in Gaithersburg, MD, to focus on NIST's activities with energy and climate change issues. An agenda is being prepared.

- **Marine Sanctuaries Officials to Brief Florida Senator During Keys Visit.**

On April 6 and 7, Senator Mel Martinez (R-FL) will visit the Florida Keys, including the Dry Tortugas National Park and Ecological Reserve. While he is there, staff from the Regional Office of NOAA's National Marine Sanctuaries will brief him on the Florida Keys National Marine Sanctuary and issues affecting the Sanctuary, such as marine debris, pollution, and coral disease and bleaching, as well as on concepts of coral resilience.

PRESS ACTIVITY

- **Press Interest**

- **NOAA to Hold News Conference on Study of Sea Otters and Chemical Contaminants.**

On April 6, NOAA's National Ocean Service will hold a news conference in Silver Spring, MD, to announce the results of a study by the Olympic Coast National Marine Sanctuary that found Washington State sea otters may be threatened by chemical contaminants.

- **International Trade Administration Acting Deputy Assistant Secretary to Present Awards.**

On April 7, Patricia Sefcik, Acting Deputy Assistant Secretary of the International Trade Administration's Office of Domestic Operations, will present the following awards:

- an Export Achievement Award to Tram International in Bell Gardens, CA; and
- Commercial News USA awards to Matthews Studio Equipment, Meyer Industries, Sign-A-Rama, NOW International, and Industrial Motion at the Asia Pacific Business Outlook (APBO) Conference in Los Angeles.

- **Under Secretary for Oceans and Atmosphere to Speak on Climate Science.**
On April 7, Dr. Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere, will speak at the Intergovernmental Panel on Climate Change (IPCC) Assessment Meeting in Washington, DC. The IPCC theme is “Science to Support the Next IPCC Assessment.” Established in 1988 by the World Meteorological Organization and the United Nations Environment Programme, the IPCC assesses findings related to climate science and reports every five to seven years to the world’s political leaders. (Open Press)
- ***Articles Published Regarding Availability of EDA Investments Through ARRA Funds***
 - On March 26, *The Twinsburg Bulletin* (Ohio) published an article on the availability of EDA funds through ARRA to assist areas—like Twinsburg, Ohio—that are facing sudden and severe job loss and economic distress due to corporate restructurings.
 - On March 26, *The Mat-Su Valley Frontiersman* (Alaska) published an article on possible port improvements that could be undertaken using EDA’s \$150 million ARRA appropriation.
 - On March 27, *The River Falls Journal* (WI) published an article on possible shovel-ready projects that could be funded through EDA’s \$150 million ARRA appropriation.
- ***Reporters Working on Stories***
 - Nothing to report.
- ***Inspector General (IG) Reports***
 - **Reports Issues on Audits of Florida and Massachusetts Manufacturing Extension Partnerships (MEPs).**
The Office of Inspector General (OIG) has issued its final reports to NIST on its audits of the Florida Manufacturing Extension Partnership (MEP) and Massachusetts MEP. The NIST MEP is a nationwide network of nonprofit, university, and State-based organizations that provides services in business and process improvements to assist small manufacturers in becoming more competitive. NIST provides one-third of the operational funding for the MEP centers, with the remaining two-thirds provided by States, other regional partners, and revenue from fees paid by manufacturers for the services they receive. The audits sought to determine whether the recipients complied with award terms and conditions and NIST operating guidelines for MEP centers. The audit reports will identify questioned costs that the grantees will have the opportunity to adjudicate. OIG does not anticipate these reports generating national media attention.
- ***Grant Announcements***
 - Nothing to report.

- ***Upcoming Economic Releases***

NOTE: The Secretary may be expected to issue a statement—and possibly conduct press interviews—following the Census/BEA release of the U.S. International Trade in Goods and Services economic indicator at 8:30 a.m. on April 9.

- 4/08 Monthly Wholesale Trade, February 2009 (Census)
- 4/09 U.S. International Trade in Goods and Services, February 2009 (Joint Release from Census/BEA)

ANTI-DUMPING/COUNTERVAILING DUTY CASES (AD/CVD)

- **Final Determinations in the Antidumping and Countervailing Duty Investigations on Imports of Citric Acid and Citrate Salts from Canada (AD) and China (AD/CVD).**

On April 7, Commerce will announce its final determinations in the antidumping and countervailing duty investigations on imports of citric acid and citrate salts from Canada (AD) and China (AD/CVD). Citric acid and citrate salts are used in various food and beverage products including carbonated and non-carbonated drinks, frozen foods, as well as laundry detergents and household cleaning products.

LEGAL ISSUES

• [REDACTED]

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- **NOAA Obtains Extension of Deadline to File Administrative Record in Litigation Challenging Endangered Species Act (ESA) Regulatory Amendments.**

On March 23, the Federal Court in San Francisco held a case management conference in the four cases brought by non-governmental organizations and several States against NOAA and the Department of the Interior, challenging the ESA regulatory amendments that went into effect in January 2009. The court extended the deadline for filing an administrative record from April 15 to May 29, 2009—in effect, providing the Administration with an opportunity to consider whether to withdraw the rule as authorized in the omnibus appropriations act.

- ***FOIA Requests***

- Nothing to report.

PERSONNEL UPDATE BY WHITE HOUSE LIAISON (WHL)

- During the week of March 23 to April 3, WHL brought on board three people:
 - Jason McCall, Special Assistant, Minority Business Development Agency (MBDA)
 - Lance Williams, Special Assistant, Office of Business Liaison
 - Monica Medina, Senior Advisor, NOAA
- WHL has made offers to a full Scheduling and Advance shop, and is finalizing a slate for the Legislative and Intergovernmental Affairs shop. The policy shop is also shaping up, as WHL brings in seven people from Secretary Locke's Washington team over the coming weeks.
- Interviews have been taking place for the positions of Deputy Secretary and Under Secretary for Intellectual Property.
- The slates for Under Secretary for Industry and Security, Chief Financial Officer, and Assistant Secretary for Economic Development are in the final review process and will be presented to Secretary Locke in the coming days.

OTHER

- **U.S. Patent and Trademark Office (USPTO) to Host Design Day 2009**
On April 6, USPTO will host its third annual Design Day at USPTO Headquarters in Alexandria, VA. The event will be co-sponsored by the American Intellectual Property Law Association, the Intellectual Property Owners Association, and the American Bar Association, Section of Intellectual Property Law. Design Day is open to design patent practitioners and USPTO examiners. The Honorable Randall R. Rader, United States Court of Appeals for the Federal Circuit, will deliver the keynote address on the future of design patent law. The program will provide an opportunity for design managers, examiners, independent inventors, and the design patent bar to exchange ideas and to educate each other on important topics affecting design patent practice.
- **NOAA to Highlight Its Work at 2009 Antarctic Treaty Meeting.**
From April 6-17, the United States will host the 2009 Antarctic Treaty Meeting in Baltimore, MD. At this meeting, NOAA will highlight its work both in the polar regions and in general. The Antarctic Treaty and related agreements set aside Antarctica as a scientific preserve, established freedom of scientific investigation, and banned military activity on that continent. The 46 nations in the Antarctic Treaty System represent 90 percent of the world's population. The meeting marks the 50th anniversary of the signing of the Treaty, and falls shortly after the end of the International Polar Year.
- **NOAA to Address National Hurricane Conference.**
From April 6-10, leadership and staff of the NOAA National Hurricane Center will participate in the privately sponsored 2009 National Hurricane Conference in Austin, TX, and will provide the media with valuable preparedness messages. The conference serves as a national forum for Federal, State, and local officials to exchange ideas and recommend new policies to improve emergency management with regard to hurricanes. More than 2,000 attendees are expected from all sectors.

- **NOAA and Partners Launch Underwater Glider Expected to Cross Atlantic Ocean.**
During the week of April 6, NOAA and regional partners of the Integrated Ocean Observing System (IOOS®) plan to launch an underwater glider off the New Jersey coast. Expected to be the first such vehicle to cross the Atlantic Ocean, the glider is a seven-foot-long, airplane-shaped machine that repeatedly dives to collect ocean and coastal data including temperature, salinity, and density. The data are used to provide a bigger picture of the ocean so that decision makers can take action to improve safety, enhance the economy, and protect the environment. The mission is a partnership between the National Ocean Partnership Program and IOOS through Rutgers University, a leader in the Mid-Atlantic Regional Coastal Ocean Observing System (MARCOOS). Many European partners are also contributing.

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- **NIST's Technology Innovation Program (TIP) to Hold Public Meeting.**
On April 8, NIST's Technology Innovation Program (TIP) will hold a public meeting in Gaithersburg, MD, for prospective TIP proposers and other interested parties. This meeting will provide general information regarding TIP and the competition process, including TIP eligibility and cost-sharing requirements, evaluation and award criteria, the selection process, and the general characteristics of a competitive TIP proposal. The meeting also will be webcast. (Open Press)

March 5, 2009

**DEPARTMENT OF COMMERCE
For the Week of March 9–13, 2009**

SECRETARY

- Nothing to report.

ACTIVITIES OF OTHER DEPARTMENT OFFICIALS

- **Acting Under Secretary for International Trade to Meet with the Managing Director of Information Integrity Solutions (IIS).**

On March 9, Acting Under Secretary for International Trade Michelle O'Neill will meet with Malcolm Crompton, Managing Director of IIS and former Data Privacy Commissioner of Australia, to discuss recent data privacy activities, including the most recent developments in the Asia Pacific Economic Cooperation group and in the Philippines. IIS is a leading policy-centered data privacy consultancy firm based in Australia.

- **Acting Under Secretary for International Trade to Meet with Organization for Economic Cooperation and Development (OECD) Deputy Secretary General.**

On March 9, Acting Under Secretary for International Trade Michelle O'Neill will meet with Pier Padoan, OECD Deputy Secretary General, to discuss the OECD innovation initiative, trade committee activities, and the accession candidates.

- **Acting Under Secretary for International Trade to Meet with CEO of Travelport.**

On March 10, Acting Under Secretary for International Trade Michelle O'Neill will meet with Jeff Clarke, CEO of Travelport, to discuss the firm's overall priorities as well as the initiatives that the Department of Commerce and Travelport have been jointly pursuing. Travelport is a leading travel services and technology firm whose businesses include the Galileo and Worldspan global distribution systems and other technologies for the airline and travel industries.

- **Acting Under Secretary for International Trade to Meet with Business Association from Russia.**

On March 11, Acting Under Secretary for International Trade Michelle O'Neill will meet with Alexander Shokhin, President of the Russian Union of Industrialists and Entrepreneurs (RUIE), and RUIE members. The Russian executives are interested in the direction of U.S. trade policy, prospects for Russia's WTO accession, and future U.S. macroeconomic policy. The meeting comes as Russia's large businesses are under pressure from the global credit crunch and the weakening of the high commodity prices that had sustained Russia's recent economic boom. The RUIE is Russia's most influential business association and wants to position itself to have a lead role in providing business input into Russian Government talks with key trade partners.

- **Acting Census Bureau Director and Bureau of Economic Analysis (BEA) Director to Attend Interagency Council on Statistical Policy (ICSP) Meeting.**

On March 11, Acting Census Bureau Director Thomas L. Mesenbourg and BEA Director Steve Landefeld will attend the monthly ICSP meeting at the Bureau of Labor Statistics in Washington, DC.

- **Acting Under Secretary for International Trade to Attend Event in Honor of Czech Republic Ambassador.**

On March 11, Acting Under Secretary for International Trade Michelle O'Neill will attend a dinner in honor of Petr Kolar, Ambassador of the Czech Republic to the United States. The event is hosted by Jim Quigley, the CEO of Deloitte Touche Tohmatsu and the public-sector co-chair of the Transatlantic Business Dialogue (TABD). The government chairs of the TABD are the Department of Commerce and the European Commission's Directorate General for Enterprise and Industry.

- **National Marine Fisheries Service to Hold Bilateral Meeting with Norwegian Ministry of Fisheries and Coastal Affairs.**

On March 12 and 13, Dr. James W. Balsiger, Acting Assistant Administrator for the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS), will host a bilateral meeting in Silver Spring, MD, with high-level representatives of the Norwegian Ministry of Fisheries and Coastal Affairs. The meeting will kick off the new Memorandum of Understanding (MOU) on Cooperation on NMFS issues between NOAA and the Norwegian Ministry of Fisheries and Coastal Affairs, signed in September 2008. Although part of the meeting will focus on setting up a Joint Committee to oversee interactions pursuant to the MOU, a number of other topics will be discussed, including issues related to the United Nations Food and Agriculture Organization, Arctic fisheries, aquaculture, trade and marketing, and science.

REFORM-BASED ACTIONS

- Nothing to report.

AMERICAN RECOVERY AND REINVESTMENT ACT

- **Public Meeting on Broadband Technology Opportunities Program to Take Place.**

On March 10, NTIA, the U.S. Department of Agriculture's (USDA) Office of Rural Development, and the Federal Communications Commission (FCC) will convene a public meeting at the Department of Commerce on the various broadband initiatives included in the American Recovery and Reinvestment Act. Agriculture Secretary Tom Vilsack and FCC Acting Chairman Michael Copps are confirmed speakers. After the meeting, NTIA will also begin to hold meetings with interested parties, as described in a *Federal Register* notice of February 24, 2009.

- **Economic Development Administration (EDA) Continues Moving to Implement Stimulus Funding.**

EDA submitted its draft Recovery Act Federal Funding Opportunity and *Federal Register* notice to the Office of General Counsel for review and clearance on February 26, 2009. EDA has obtained all Departmental clearances and is currently working through the Office of Management and Budget's comments, and anticipates publishing during the week of March 9-13.

JOB CREATION

- **National Telecommunications and Information Administration (NTIA) to Measure Job Creation Related to Broadband Deployment and Digital Television (DTV) Transition.**

NTIA is in the process of developing metrics to measure the creation of jobs attributable to the Broadband Technology Opportunities Program (BTOP) as established by the American Recovery and Reinvestment Act (P.L. 111-5), and the TV Converter Box Coupon Program. In addition to providing access to broadband service in unserved and underserved areas of the country through the awarding of Federal grants, a chief objective of the BTOP is to stimulate economic growth and job creation. Metrics in development are intended to assess job creation through individual grant awards, as well as in aggregate across the program. NTIA is assisting consumers to prepare for the DTV transition through the Coupon Program and is exploring mechanisms to estimate the job creation that will occur through freeing up the airwaves for better communications among emergency first responders and the introduction of new wireless telecommunication services.

- **Census Bureau to Hire Enumerators for 2010 Census Activities.**

As of the end of March 2009, the Census Bureau will hire approximately 71,000 of the 143,000 enumerators needed to conduct the Address Canvassing operation that will begin in early April. The remainder will be hired by late April. These jobs will last about four months and will be followed by successive waves of hiring for other operations leading up to the Decennial Census in 2010. An additional 1,500 employees have also been hired to staff the Local Census Offices.

LEGISLATIVE/REGULATORY/POLICY ISSUES

- ***Congressional Testimony/Hearings***

- **March 10** - Sandra R. Walters, Acting Assistant Secretary of Commerce for Economic Development and Economic Development Administration (EDA) Chief Financial Officer/Chief Administrative Officer, will testify on EDA reauthorization before the House Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management. The hearing is titled "EDA Reauthorization: Rating Past Performance and Setting Goals During an Economic Crisis."
- **March 19** - Dr. Rebecca Lent, Director of the Office of International Affairs within NOAA's NMFS, is scheduled to testify before the House Committee on Natural Resources, Subcommittee on Insular Affairs, Oceans, and Wildlife, on **H.R. 1080**, the *Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009*.

- ***Other***

- **Public Meeting on Broadband Technology Opportunities Program to Take Place.**
(See item under "American Recovery and Reinvestment Act.")

- **NOAA Organizes Event to Observe 20th Anniversary of Exxon Valdez Spill.**
On March 13, staff of the Senate Committee on Commerce, Science, and Transportation are sponsoring an event for all interested congressional staff to observe the 20th anniversary of the Exxon Valdez oil spill. The event will include exhibits and a briefing by a series of speakers including Members of Congress (invited) and the Deputy Under Secretary of Commerce for Oceans and Atmosphere, Mary Glackin (invited). At the request of the Committee, NOAA organized this event to highlight the evolution of oil spill preparedness and response as affected by the largest spill in U.S. history. The event examines the role that NOAA's Office of Response and Restoration and other offices play in spill response, assessment, and restoration.
- **Assistant Administrator of NOAA's National Environmental Satellite, Data, and Information Service to Brief Senate Staff on Earth Observation Activities.**
On March 16, Mary Kicza, the Assistant Administrator of NOAA's National Environmental Satellite, Data, and Information Service, and other NOAA representatives will brief all interested Senate staff on NOAA's Earth observation activities. The briefing will highlight NOAA's efforts in collecting and utilizing ocean, atmospheric, and satellite observations. The NOAA officials will provide an overview on the regional and integrated ocean observing systems, the GOES and POES satellites, and the assortment of data NOAA collects for weather, climate, and water research and forecasting.

PRESS ACTIVITY

- ***Anticipated Press Interest in Joint Meeting on Broadband Technology Opportunities Program.***
The Department of Commerce's Office of Public Affairs (OPA) anticipates press interest in the joint meeting to be held by NTIA, the U.S. Department of Agriculture's (USDA) Office of Rural Development, and the Federal Communications Commission (FCC) on March 10. (See item on the joint meeting under "Legislative/Regulatory/Policy Issues.") OPA will be distributing a media alert the day before the meeting, and will post information about the meeting on the Department's Web site on the day afterward.
- ***Press Release to Be Distributed Regarding New Coupon Replacement Rules.***
During the week of March 9, 2009, OPA will distribute a press release announcing new coupon replacement rules for the TV Converter Box Coupon Program.
- ***Grant Announcements***
 - **Manufacturing Extension Partnership (MEP) Renewals**
 - On February 20, the National Institute of Standards and Technology (NIST) notified the Congressional delegations and governors of New Hampshire and Maine about NIST MEP award renewals of \$39,000 to the New Hampshire MEP in Concord, NH, and \$55,000 to the Maine MEP in Augusta, ME.
 - On February 27, the Congressional delegation and governor of West Virginia were notified about a NIST-MEP award renewal for \$29,917 to the West Virginia MEP in Morgantown, WV.

- **Research Awards**

- On February 26, NIST notified the Congressional delegation and governor of Colorado about a NIST Cooperative Research Program award for \$9,791,054 to the University of Colorado-Boulder for collaborative research with the NIST Quantum Physics Division. The award is a continuation of a multiyear award that began in 1998.
- On February 27, the National Academy of Sciences in Washington, DC, received a NIST award of \$15,600 to study and report on the development of a combustion cyberinfrastructure. The study will be undertaken by a blue-ribbon committee composed of a cross-section of experts together with input from invited speakers.

- ***Upcoming Economic Releases***

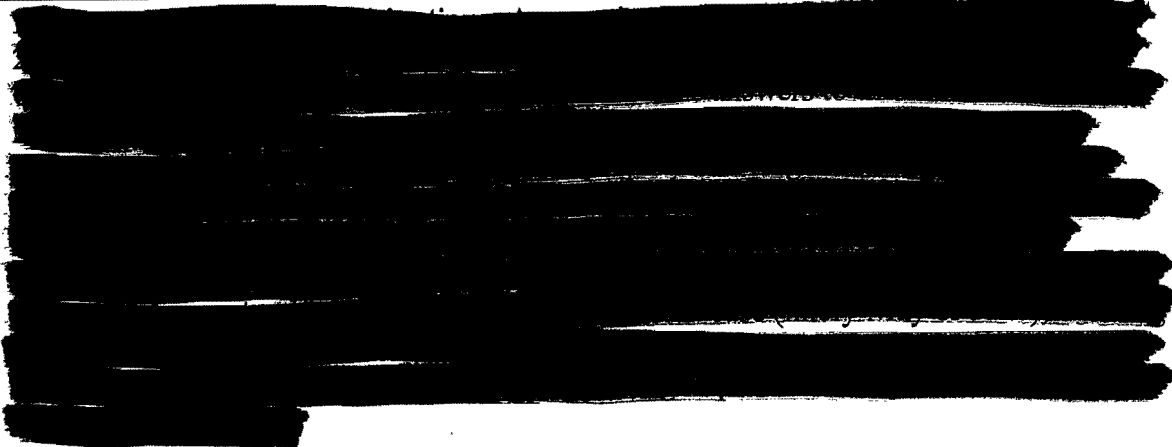
- 03/10 Monthly Wholesale Trade, January 2009 (Census)
- 03/11 Quarterly Services Survey, Fourth Quarter 2008 (Census)
- 03/12 Advance Monthly Sales for Retail and Food Services, February 2009 (Census)
- 03/12 Manufacturing and Trade: Inventories and Sales, January 2009 (Census)
- 03/13 U.S. International Trade in Goods and Services, January 2009 (Joint Release w/Census/BEA)

ANTI-DUMPING/COUNTERVAILING DUTY CASES (AD/CVD)

- **Final Determination in the Antidumping Duty Investigation on Imports of Frontseating Service Valves from China.**

On March 9, Commerce will announce its final determination in the antidumping duty investigation on imports of frontseating service valves from China. Frontseating service valves are used as service valves in split air-conditioning systems.

LEGAL ISSUES

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- **FOIA Requests**

- Received February 23, 2009, from R. Gaines, *Gloucester Daily Times* [Gloucester, MA], request for specific records including access to outstanding Notices of Violation and Assessment of Administrative Penalties (NOVAs), new NOVAs or the equivalent lesser-type charges brought already and in the future in conjunction with the fish auction NOVA, and access to all fishing-related NOVAs of the past four years.
- Received February 25, 2009, from Catherine Nielsen, National Security Archive, a request for briefing books, papers, cables, etc., regarding the 1991 debate in the Bush administration on the recognition of the Baltics (FOIA request was addressed to the State Department, which forwarded Department of Commerce (DOC) documents for disclosure determination).
- Received February 26, 2009, from Doris ^{(b)(6)}Duangbouda, Carnegie Endowment for Peace, a request for records relating to [REDACTED], an American citizen who lived in Thailand between the late 1940s until the early 1990s (FOIA request was addressed to the FBI, which forwarded DOC documents for disclosure determination).
- Received February 26, 2009, from Nancy Kegan Smith, National Archives and Records Administration, a request for a review of documents that were inadvertently placed in an "opened environment" without appropriate review (request was addressed to the State Department, which forwarded DOC documents for disclosure determination).
- Received February 26, 2009, from Brad Simpson, National Security Archive, a request for documents relating to corruption in Indonesia and the U.S. policy response thereto (FOIA request was addressed to the State Department, which forwarded DOC documents for disclosure determination).

PERSONNEL UPDATE BY WHITE HOUSE LIAISON (WHL)

- During the past week, WHL brought on board Kevin Griffis, Director of Public Affairs.

- WHL has also entered into hiring agreements with three other individuals in the Executive Secretariat Office, at NTIA, and in the White House Liaison Office. During the week of March 2-6, WHL has continued to aggressively interview teams for the Secretary's Office. On March 4, a detailed personnel meeting with Governor Locke took place, yielding additional guidance for the Office of the Secretary and other PA-S positions. WHL's goal is to have the Office of the Secretary as close to fully staffed as possible for the Secretary-designate's arrival.
- Finally, WHL expects that Dr. Jane Lubchenco, NOAA Administrator-designate, will be confirmed soon.

OTHER

- **NTIA Begins Issuing TV Converter Box Coupons from Waiting List.**
During the week of March 2-6, NTIA began issuing coupons from its waiting list.
- **NOAA to Host Industry Briefing on Integrated Ocean Observing System (IOOS®).**
On March 12, NOAA will conduct an open briefing for industry and other interested commercial and nonprofit organizations concerning Data Management and Communications (DMAC) as it relates to the national Integrated Ocean Observing System. DMAC encompasses the part of IOOS that includes data integration, making ocean and coastal data compatible and easily accessible to save users time and money. Representatives from the U.S. Navy, U.S. Geological Survey, U.S. Environmental Protection Agency, and U.S. Army Corps of Engineers will join NOAA for the briefing.
- **United States Patent and Trademark Office (USPTO) Seeks Nominees for National Medal of Technology and Innovation and for Evaluation Committee.**
The USPTO is seeking nominations for the Nation's highest honor for technological achievement, the National Medal of Technology and Innovation (NMTI). The award recognizes those who have made lasting contributions to America's competitiveness, standard of living, and quality of life through technological innovation, and recognizes those who have made substantial contributions to strengthening the Nation's technological workforce. The USPTO administers the NMTI on behalf of the Secretary of Commerce. The deadline for submitting nominations is May 29, 2009; nominations can be made for an individual, a team of up to four individuals, a company or a division of a company. The USPTO is also seeking nominations to fill the four vacancies on the NMTI Evaluation Committee, which reviews medal nominees. Committee members are drawn from the public and private sectors and are distinguished experts in the fields of science, technology, business and patent law. Appointed by the Secretary of Commerce for three-year terms, committee members are eligible for one reappointment.