United States Department of the Interior
Office of the Secretary

United States Extractive Industries Transparency Initiative Advisory Committee

Charter

1. **Committee's Official Designation.** United States Extractive Industries Transparency Initiative Advisory Committee (Committee).

2. **Authority.** The Committee is in the public interest in connection with the responsibilities of the Department of the Interior and other agencies of the Federal Government. The Department of the Interior is creating this committee and ensuring that the Federal Government's interests are considered and represented in the work of this Committee. Authority for this Committee is under the:

   - Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2;
   - U.S. National Action Plan for the Open Government Partnership;
   - Outer Continental Shelf Lands Act, as amended (43 U.S.C. § 1331-56a), including provisions of the Energy Policy Act of 2005 (42 U.S.C. § 15801);
   - Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (30 U.S.C. § 1701-02;
   - Geothermal Steam Act of 1970 (30 U.S.C. § 1001-28);
   - Mineral Leasing Act (30 U.S.C. § 181-96);
   - Mineral Leasing Act for Acquired Lands (30 U.S.C. § 351-60);
   - Mineral Leasing Laws for Indian Land (30 U.S.C. § 1791-2; and other related authorities.

3. **Objectives and Scope of Activities.** The Extractive Industries Transparency Initiative (EITI) is a global initiative that seeks to promote transparency concerning revenue from natural resources by monitoring and reconciling industry payments and government revenues at a national level. In order to achieve EITI status, countries must meet certain sign-up requirements, including the formation of a Multi-Stakeholder Group (MSG) comprised of representatives from government, industry, and civil society to oversee the implementation of USEITI and develop a fully-costed work plan. The Committee will fulfill the sign-up requirements by serving as the initial MSG, including providing collaborative and consensus-based oversight of USEITI implementation, and by acting as a forum for consultation among the stakeholders. The Committee's advice to the Secretary will be made available to all other interested parties and the public. The Committee will also consider and make recommendations concerning whether the current formulation of the MSG as a FACA committee will prove adequate to achieve and maintain EITI compliance, and, if not, determining what the optimal alternative organizational and administrative structure would be to accomplish that purpose.

4. **Description of Duties.** The Committee will serve as the initial MSG and its duties will include consideration and fulfillment of the tasks required to achieve candidate and compliant status in the EITI. In that capacity, the Committee will:

   - Develop and recommend to the Secretary a fully-costed work plan, containing measurable targets and a timetable for implementation, and incorporating an assessment of capacity constraints. This plan shall be developed in consultation with key EITI stakeholders and published upon completion.

   - Provide opportunities for collaboration and consultation among stakeholders.

   - Advise the Secretary and post for consideration by other stakeholders proposals for conducting long-term oversight and other activities necessary to achieve EITI candidate and compliant status.

5. **Agency or Official to Whom the Committee Reports.** The Committee will report to the Secretary through the Assistant Secretary for Policy, Management and Budget.

6. **Support.** Administrative support for activities of the Committee will be provided by Policy, Management and Budget, with funding provided through the Office of Natural Resources Revenue.

7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Committee's functions, including all direct and indirect expenses, are estimated to be $500,000 plus the support of two full-time employees.

8. **Designated Federal Officer.** The Designated Federal Officer (DFO) is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will approve or call all of the Committee and subcommittee meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary.

9. **Estimated Number and Frequency of Meetings.** The Committee will meet approximately four times annually, and at such other times as designated by the DFO.

10. **Duration.** Continuing.

11. **Termination.** The Committee will terminate 2 years from the date the charter is filed, unless prior to that date, the charter is renewed in accordance with Section 14 of the FACA. The Committee will not meet or take any action without a valid current charter.

12. **Membership and Designation.** The Committee will consist of approximately 24 members, but will not exceed 27 members.

The Secretary may appoint members selected from, but not limited to:

- Up to 9 members representing the extractive industry, including oil, gas, and mining companies and industry-related trade associations.

- Up to 9 members representing civil society organizations, including organizations with interest in the extractive industry, transparency, and government oversight and members of the public, as well as public and/or private investors.

- Up to 9 members representing the Federal, State, and/or local government interests, Tribal governments and individual Indian mineral owners.

The Secretary will appoint non-Federal members to the Committee to serve for 3-year terms.

Alternate members may be appointed to the Committee. Alternate members must be approved and appointed by the Secretary before attending meetings as representatives. Alternate members shall have experience and/or expertise similar to that of the primary member.

Non-Federal members of the Committee serve without compensation. However, while away from their homes or regular places of business, Committee or subcommittee members engaged in Committee or subcommittee business approved by the DFO may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Federal Government service under Section 5703 of Title 5 of the United States Code.

Any vacancy on the Committee will be filled in the same manner in which the original appointment was made. All members serve at the discretion of the Secretary.

The Secretary shall appoint the Committee Chair.

13. **Ethics Responsibility.** No Committee or subcommittee member will participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct financial interest.

14. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Committee for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Committee Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as

necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.

15. **Recordkeeping.** The records of the Committee, and formally and informally established subcommittees, shall be handled in accordance with the General Records Schedule 26, Item 2 or other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

Ken Salazar

Secretary of the Interior

JUL 24 2012

Date

AUG 13 2012

Date Filed