



The United States Extractive Industries Transparency Initiative

Name (Speaker/Presenter)

Sector

- Government
- Industry
- Civil Society

Date (When did the outreach occur?)

Month Day 2017

Time

Hr : Min AM

Audience (provide sign-in sheet(s) if available)

Agenda

Presentation (provide a document(s) if available)

"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Tue Feb 14 2017 11:00:35 GMT-0700 (MST)
To: Treci Johnson <treci.johnson@onrr.gov>, Betsy Taylor <(b) (6)@gmail.com>, Judith Wilson <judith.wilson@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>, Lynda Farrell <lynda@pscoalition.org>, Johanna Nesseth <johanna.nesseth@chevron.com>, "sginsberg@ipaa.org" <sginsberg@ipaa.org>
Subject: RE: MSG Outreach Tracking

I just submitted my first entry. Very easy. Great job!

From: Treci Johnson [mailto:treci.johnson@onrr.gov]
Sent: Tuesday, February 14, 2017 8:59 AM
To: Kohler, Veronika <VKohler@nma.org>; Betsy Taylor <(b) (6)@gmail.com>; Judith Wilson <judith.wilson@onrr.gov>; Chris Mentasti <chris.mentasti@onrr.gov>; Lynda Farrell <lynda@pscoalition.org>; Johanna Nesseth <johanna.nesseth@chevron.com>; sginsberg@ipaa.org
Subject: Re: MSG Outreach Tracking

Here is the form and procedures.

Treci Johnson
 Public Affairs Specialist
 Office of Natural Resources Revenue

202-469-2258 (Mobile)
202-513-0611 (Office)
Treci.Johnson@onrr.gov



On Jan 25, 2017, at 1:19 PM, Johnson, Treci <treci.johnson@onrr.gov> wrote:

DRAFT EMAIL BELOW.....

Dear MSG Members,

[Submit](#)

The EITI Standard 7 requires the multi-stakeholder group to ensure that the EITI Report is comprehensible, actively promoted, publicly accessible and contributes to public debate. Per this requirement, the MSG must document that outreach events, whether organized by government, civil society or companies, are undertaken to spread awareness of and facilitate dialogue about the EITI Report across the country.

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MSG Communications and Outreach Subcommittee

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[MSG Outreach Tracking](#)

In accordance with EITI REQUIREMENT 7 - Outcomes and Impact (7.1 e), the Communication and Outreach Subcommittee will utilize the form below to "ensure that outreach events, via dialogue about the EITI Report across the country."



The United States Extraordinary Transparency Initiative

Name (Speaker/Presenter)

Sector

- Government
- Industry
- Civil Society

Date (When did the outreach occur?)

[Month ▼] [Day ▼] [2017 ▼]

Time

[Hr V] : [Min V] [AM V]

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Summary of Event

Lessons Learned/Feedback

[Submit]

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Betsy Taylor <(b) (6) @gmail.com>

From: Betsy Taylor (b) (6) @gmail.com>
Sent: Tue Feb 21 2017 06:58:46 GMT-0700 (MST)
To: "Johnson, Treci" <treci.johnson@onrr.gov>
CC: "Kohler, Veronika" <VKohler@nma.org>, Judith Wilson <judith.wilson@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>, Lynda Farrell <lynda@pscoalition.org>, Johanna Nesseseth Tuttle <Johanna.Nesseseth@chevron.com>, Susan Ginsberg <sginsberg@ipaa.org>
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Summary of Event

Truth isn't always beauty, but the hunger for it is...
Nadine Gordimer, novelist, Nobel laureate

Betsy Taylor
Executive Director
Livelihoods Knowledge Exchange Network (LiKEN) www.likenknowledge.org

<http://vt.academia.edu/BetsyTaylor>

<http://www.huffingtonpost.com/betsy-m-taylor/>

CELL: (b) (6) **Lessons Learned/Feedback**

EMAIL: director@likenknowledge.org
[@BetsyTaylor](https://twitter.com/BetsyTaylor)

"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Tue Feb 21 2017 07:37:28 GMT-0700 (MST)
To: Betsy Taylor (b) (6) @gmail.com
CC: "Johnson, Treci" <treci.johnson@onrr.gov>, Judith Wilson <judith.wilson@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>, Lynda Farrell <lynda@pscoalition.org>, Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>, Susan Ginsberg <sginsberg@ipaa.org>
Subject: Re: MSG Outreach Tracking

[No worries, as discussed last week we do not have a call this week but are on for next week](#)

[Veronika Kohler](#)
[Vice President, International Policy](#)
[Ph. 202.463.2626](#)
[Fax. 202.463.2648](#)

On Feb 21, 2017, at 8:58 AM, Betsy Taylor <(b) (6) @gmail.com> wrote:

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CELL: (b) (6)
EMAIL: director@likenknowledge.org
@BetsyTaylor

Lessons Learned/Feedback

Treci Johnson <treci.johnson@onrr.gov>

From: Treci Johnson <treci.johnson@onrr.gov>
Sent: Tue Feb 28 2017 08:57:55 GMT-0700 (MST)
To: "Kohler, Veronika" <VKohler@nma.org>
Betsy Taylor <(b) (6)@gmail.com>, Judith Wilson <judith.wilson@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>, Lynda Farrell <lynda@pscoalition.org>, Johanna Nesseth Tuttle <Johanna.Nesseth@chevron.com>, Susan Ginsberg <sginsberg@ipaa.org>
CC:
Subject: Powered by Google Forms
Re: MSG Outreach Tracking

Hi Veronika,

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Since I did not receive any ideas from the group regarding the 5 priorities for communication, I suggest canceling today's meeting.

Thanks,

Treci Johnson [Create your own Google Form](#)
Public Affairs Specialist
Office of Natural Resources Revenue
202-469-2258 (Mobile)
202-513-0611 (Office)
Treci.Johnson@onrr.gov

On Feb 21, 2017, at 9:43 AM, Kohler, Veronika <VKohler@nma.org> wrote:

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Lessons Learned/Feedback

"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Tue Feb 28 2017 09:03:21 GMT-0700 (MST)
To: Treci Johnson <treci.johnson@onrr.gov>
Betsy Taylor <(b) (6)@gmail.com>, Judith Wilson <judith.wilson@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>, Lynda Farrell <lynda@pscoalition.org>, Johanna Nesseth Tuttle <Johanna.Nesseth@chevron.com>, Susan Ginsberg <sginsberg@ipaa.org>
CC: [submit](#)
Subject: RE: MSG Outreach Tracking through Google Forms.

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Next steps action items – sent to Treci (Feb 21st)
Example toolkit – Treci
Fact Sheet updates? [Create your own Google Form](#)

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Office of Natural Resources Revenue
202-469-2258 (Mobile)
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The United States Ex- Transparency Initiative

Name (Speaker/Presenter)

Sector

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- Industry
- Civil Society

Date (When did the outreach occur?)

[Month ▼] [Day ▼] [2017 ▼]

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"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Tue Feb 28 2017 09:47:32 GMT-0700 (MST)
To: "Kohler, Veronika" <VKohler@nma.org>
CC: Treci Johnson <treci.johnson@onrr.gov>, Betsy Taylor <(b) (6)@gmail.com>, Chris Mentasti <chris.mentasti@onrr.gov>, Lynda Farrell <lynda@pscoalition.org>, Johanna Nesseth Tuttle <Johanna.Nesseth@chevron.com>, Susan Ginsberg <sginsberg@ipaa.org>
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CELL: (b) (6)
EMAIL: director@likenkexchange.org
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--
Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

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202-513-0611 (Office)
Treci.Johnson@onrr.gov

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Veronika Kohler
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Ph. 202.463.2626
Fax. 202.463.2648

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US



The United States E Transparency Initiative

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Sector

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- () Industry
- () Civil Society

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Sent: Tue Feb 28 2017 10:56:10 GMT-0700 (MST)
To: "Kohler, Veronika" <VKohler@nma.org>
CC: "Wilson, Judith" <judith.wilson@onrr.gov>, Betsy Taylor <(b) (6)@gmail.com>, Chris Mentasti <chris.mentasti@onrr.gov>, Lynda Farrell <lynda@pscoalition.org>, Johanna Nesseseth Tuttle <Johanna.Nesseseth@chevron.com>, Susan Ginsberg <sginsberg@ipaa.org>
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From: Betsy Taylor <(b) (6)@gmail.com>
Sent: Tue Feb 28 2017 11:00:23 GMT-0700 (MST)
To: Treci Johnson <treci.johnson@onrr.gov>
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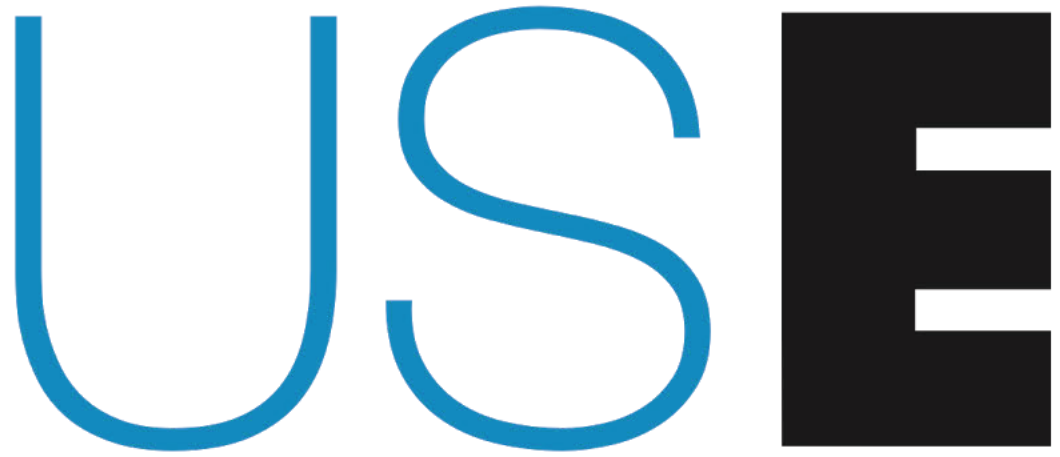
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Lynda Farrell <lynda@pscoalition.org>

From: Lynda Farrell <lynda@pscoalition.org>
Sent: Wed Mar 01 2017 05:49:55 GMT-0700 (MST)
To: Betsy Taylor <(b) (6)@gmail.com>
CC: Treci Johnson <treci.johnson@onrr.gov>, Veronika Kohler <VKohler@nma.org>, "Wilson, Judith" <judith.wilson@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>, Johanna Nesseth Tuttle <Johanna.Nesseth@chevron.com>, Susan Ginsberg <sginsberg@ipaa.org>
Subject: Re: MSG Outreach Tracking

thought call was cancelled yesterday
did not realize we had assignment.
perhaps circle round in a meeting or an email from chairs to get us on track
think no one is quite sure what is happening and where we're going

[Lynda K. Farrell](mailto:Lynda.K.Farrell)
[Executive Director](mailto:Lynda.K.Farrell)
[Pipeline Safety Coalition](http://www.pscoalition.org)
www.pscoalition.org
Email @ lynda@pscoalition.org
[Mayors' Council on Pipeline Safety](http://www.mayorspipeline.org)
www.mayorspipeline.org
Email @ mcpsdirector1@gmail.com
Cell: 484.340.0648
[Facebook](https://www.facebook.com/USEITI)
Member Civil Society [USEITI MSG](https://www.facebook.com/USEITI)
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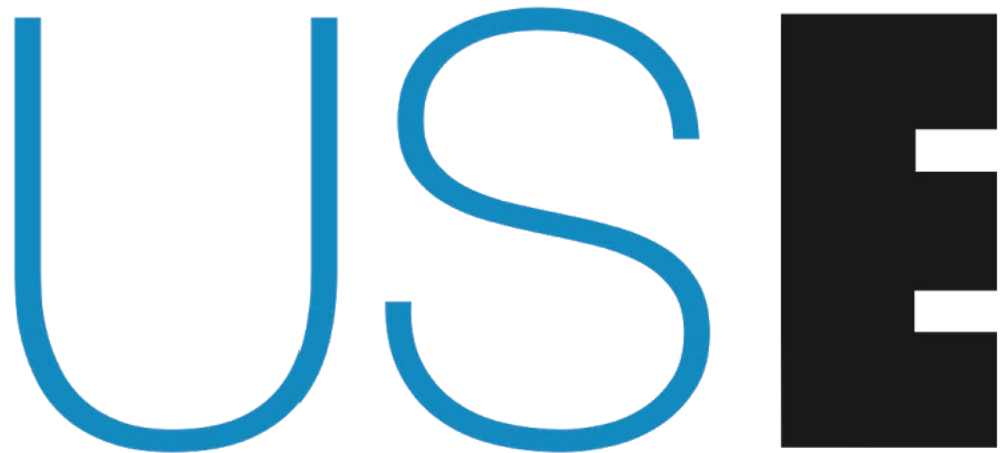
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**Label: "ONRR/FOIA Request EITI
lobbyists/OS-2018-00280"**

Created by:judith.wilson@onrr.gov

Total Messages in label:303 (27 conversations)

Created: 12-05-2017 at 12:07 PM

Conversation Contents

Meeting with Sam Bartlett

"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Mon Feb 13 2017 09:41:24 GMT-0700 (MST)
To: Greg Gould <Greg.Gould@onrr.gov>, "vkohler@nma.org" <vkohler@nma.org>, Danielle Brian <dbrian@pogo.org>
CC: "Watson, Micah L" <watsonml@state.gov>
BCC: Pat Field <pfield@cbuilding.org>
Subject: Meeting with Sam Bartlett

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"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Mon Feb 13 2017 09:47:29 GMT-0700 (MST)
To: "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: RE: Meeting with Sam Bartlett

Does that mean Jonas isn't coming either??

From: Wilson, Judith [mailto:judith.wilson@onrr.gov]
Sent: Monday, February 13, 2017 11:41 AM
To: Greg Gould <Greg.Gould@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>
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"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Mon Feb 13 2017 09:50:09 GMT-0700 (MST)
To: "Kohler, Veronika" <VKohler@nma.org>
Subject: Re: Meeting with Sam Bartlett

If they were on the Sam flight, I would assume so. They were stopping in the U.S. on their way to Ottawa for Validation Committee meeting on Wednesday.

On Mon, Feb 13, 2017 at 11:47 AM, Kohler, Veronika <VKohler@nma.org> wrote:
Does that mean Jonas isn't coming either??

From: Wilson, Judith [mailto:judith.wilson@onrr.gov]
Sent: Monday, February 13, 2017 11:41 AM
To: Greg Gould <Greg.Gould@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>
Cc: Watson, Micah L <watsonml@state.gov>
Subject: Meeting with Sam Bartlett

Sam has been delayed in Norway because of weather and will not be travelling to the U.S. or meeting with us on Tuesday. As this meeting was at Sam's request, I think it would be best to reschedule when Sam has availability.

--

Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

--

Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Mon Feb 13 2017 12:43:19 GMT-0700 (MST)
To: "Wilson, Judith" <judith.wilson@onrr.gov>, Greg Gould <Greg.Gould@onrr.gov>

CC: "Watson, Micah L" <watsonml@state.gov>
Subject: RE: Meeting with Sam Bartlett

Thanks Judy, but I am not sure this should be cancelled. Jonas and his colleague are already on their way to DC. Wasn't Jonas going to participate as well?

From: Wilson, Judith [mailto:judith.wilson@onrr.gov]
Sent: Monday, February 13, 2017 11:41 AM
To: Greg Gould <Greg.Gould@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>
Cc: Watson, Micah L <watsonml@state.gov>
Subject: Meeting with Sam Bartlett

Sam has been delayed in Norway because of weather and will not be travelling to the U.S. or meeting with us on Tuesday. As this meeting was at Sam's request, I think it would be best to reschedule when Sam has availability.

--

Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Mon Feb 13 2017 12:46:50 GMT-0700 (MST)
To: "Kohler, Veronika" <VKohler@nma.org>
CC: Greg Gould <Greg.Gould@onrr.gov>, "Watson, Micah L" <watsonml@state.gov>
Subject: Re: Meeting with Sam Bartlett

I am not clear on Jonas' participation. If he is still available I am willing to still meet.

On Mon, Feb 13, 2017 at 2:43 PM, Kohler, Veronika <VKohler@nma.org> wrote:

Thanks Judy, but I am not sure this should be cancelled. Jonas and his colleague are already on their way to DC. Wasn't Jonas going to participate as well?

From: Wilson, Judith [mailto:judith.wilson@onrr.gov]
Sent: Monday, February 13, 2017 11:41 AM
To: Greg Gould <Greg.Gould@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>
Cc: Watson, Micah L <watsonml@state.gov>
Subject: Meeting with Sam Bartlett

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**Label: "ONRR/FOIA Request EITI
lobbyists/OS-2018-00280"**

Created by:judith.wilson@onrr.gov

Total Messages in label:303 (27 conversations)

Created: 12-05-2017 at 12:07 PM

Conversation Contents

Formal Complaint from USEITI Civil Society

Attachments:

/19. Formal Complaint from USEITI Civil Society/1.1 USEITI Civil Society Letter 020917.pdf

Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Thu Feb 09 2017 13:08:00 GMT-0700 (MST)
To: Judith Wilson <judith.wilson@onrr.gov>, Greg Gould <Greg.Gould@onrr.gov>, Veronika Kohler <VKohler@nma.org>
CC: Pat Field <pfield@cbuilding.org>
Subject: Formal Complaint from USEITI Civil Society
Attachments: USEITI Civil Society Letter 020917.pdf

Judy, Greg, and Veronika,

Please see the attached formal letter of complaint from USEITI civil society.

Regards,
Danielle

--

Danielle Brian

Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Thu Feb 09 2017 13:25:14 GMT-0700 (MST)
To: Danielle Brian <dbrian@pogo.org>
CC: Greg Gould <Greg.Gould@onrr.gov>, Veronika Kohler <VKohler@nma.org>, Pat Field <pfield@cbuilding.org>
Subject: Re: Formal Complaint from USEITI Civil Society

Thank you Danielle, received.

On Thu, Feb 9, 2017 at 3:08 PM, Danielle Brian <dbrian@pogo.org> wrote:

Judy, Greg, and Veronika,

Please see the attached formal letter of complaint from USEITI civil society.

Regards,
Danielle

--

Danielle Brian

Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

--

Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Thu Feb 09 2017 13:34:26 GMT-0700 (MST)
To: Danielle Brian <dbrian@pogo.org>, Judith Wilson <judith.wilson@onrr.gov>, Greg Gould <Greg.Gould@onrr.gov>
CC: Pat Field <pfield@cbuilding.org>
Subject: RE: Formal Complaint from USEITI Civil Society

Bullet # 2 is just totally inaccurate and an in appropriate description.

CSO had already been given the floor at the beginning of the meeting to read a prepared statement and even to have individual CSO members speak out after (which I thought was going to far off of what we had discussed and agreed to) Then after all of the effort we put in and decsions by cochairs of all sectors to be able for the meeting to go forward CSOs want to disregard?!?!? A CSO member was shut down after repeatedly asked to stay on the agenda by the facilitator. He disregarded and read the statement anyway. That is not acceptable. The cochairs agreed that no more "statements" would be read/made regarding 1504 or other topics off agenda to try and salvage the meeting. CSO did not adhere.

Public comment period was not shut down! It was offered as written rather than verbal as allowed for by procedures and agreed to by you the CSO chair.

Access to the building denied? No idea where that even came from but is just instigatory and fiction.

DFO closed the meeting as per her duty at the end of the agenda. CSO shouldn't be upset that

they could not disregard our process anymore and have more chaos.

As I requested after that last CSO procedure snub, we need to have the rules sent out again and the meeting run more strictly. We have been lenient and that requires individual discipline and respect. Being too lenient has resulted in CSO lashing out in the past and think we should strictly adhere to procedure from now on.

From: Danielle Brian [mailto:dbrian@pogo.org]
Sent: Thursday, February 09, 2017 3:08 PM
To: Judith Wilson <judith.wilson@onrr.gov>; Greg Gould <Greg.Gould@onrr.gov>; Kohler, Veronika <VKohler@nma.org>
Cc: Pat Field <pfield@cbuilding.org>
Subject: Formal Complaint from USEITI Civil Society

Judy, Greg, and Veronika,

Please see the attached formal letter of complaint from USEITI civil society.

Regards,
Danielle

--

Danielle Brian

Executive Director

Project On Government Oversight | pogo.org

1100 G Street NW, Washington DC 20005

202.347.1122

"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Thu Feb 09 2017 13:47:08 GMT-0700 (MST)
To: Danielle Brian <dbrian@pogo.org>, Judith Wilson <judith.wilson@onrr.gov>, Greg Gould <Greg.Gould@onrr.gov>
CC: Pat Field <pfield@cbuilding.org>
Subject: RE: Formal Complaint from USEITI Civil Society

I didn't even know the letter continued after page 1 but will have to wait to enjoy the next pages later.

From: Kohler, Veronika
Sent: Thursday, February 09, 2017 3:34 PM
To: 'Danielle Brian' <dbrian@pogo.org>; Judith Wilson <judith.wilson@onrr.gov>; Greg Gould <Greg.Gould@onrr.gov>
Cc: Pat Field <pfield@cbuilding.org>
Subject: RE: Formal Complaint from USEITI Civil Society

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From: Danielle Brian [<mailto:dbrian@pogo.org>]
Sent: Thursday, February 09, 2017 3:08 PM
To: Judith Wilson <judith.wilson@onrr.gov>; Greg Gould <Greg.Gould@onrr.gov>; Kohler, Veronika <VKohler@nma.org>
Cc: Pat Field <pfield@cbuilding.org>
Subject: Formal Complaint from USEITI Civil Society

Judy, Greg, and Veronika,

Please see the attached formal letter of complaint from USEITI civil society.

Regards,
Danielle

--

Danielle Brian

Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Thu Feb 09 2017 13:54:04 GMT-0700 (MST)
To: "Kohler, Veronika" <VKohler@nma.org>
CC: Judith Wilson <judith.wilson@onrr.gov>, Greg Gould <Greg.Gould@onrr.gov>, Pat Field <pfield@cbuilding.org>
Subject: Re: Formal Complaint from USEITI Civil Society

I think you need to read it more calmly. We never said the public comment period was shut down. We never said access to the building was denied. We said the DFO "shut down public access to the meeting" which she did by instructing the operator to end the call.

On Thu, Feb 9, 2017 at 3:47 PM, Kohler, Veronika <VKohler@nma.org> wrote:

I didn't even know the letter continued after page 1 but will have to wait to enjoy the next pages later.

From: Kohler, Veronika
Sent: Thursday, February 09, 2017 3:34 PM
To: 'Danielle Brian' <dbrian@pogo.org>; Judith Wilson <judith.wilson@onrr.gov>; Greg Gould <Greg.Gould@onrr.gov>
Cc: Pat Field <pfield@cbuilding.org>
Subject: RE: Formal Complaint from USEITI Civil Society

Bullet # 2 is just totally inaccurate and an in appropriate description.

CSO had already been given the floor at the beginning of the meeting to read a prepared statement and even to have individual CSO members speak out after (which I thought was going to far off of what we had discussed and agreed to) Then after all of the effort we put in and decisions by cochairs of all sectors to be able for the meeting to go forward CSOs want to disregard?!?!? A CSO member was shut down after repeatedly asked to stay on the agenda by the facilitator. He disregarded and read the statement anyway. That is not acceptable. The cochairs agreed that no more "statements" would be read/made regarding 1504 or other topics off agenda to try and salvage the meeting. CSO did not adhere.

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From: Danielle Brian [<mailto:dbrian@pogo.org>]
Sent: Thursday, February 09, 2017 3:08 PM
To: Judith Wilson <judith.wilson@onrr.gov>; Greg Gould <Greg.Gould@onrr.gov>; Kohler, Veronika <VKohler@nma.org>
Cc: Pat Field <pfield@cbuilding.org>
Subject: Formal Complaint from USEITI Civil Society

Judy, Greg, and Veronika,

Please see the attached formal letter of complaint from USEITI civil society.

Regards,
Danielle

--

Danielle Brian

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Executive Director

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202.347.1122

"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Thu Feb 09 2017 14:36:10 GMT-0700 (MST)
To: Danielle Brian <dbrian@pogo.org>
CC: Judith Wilson <judith.wilson@onrr.gov>, Greg Gould <Greg.Gould@onrr.gov>, Pat Field <pfield@cbuilding.org>
Subject: RE: Formal Complaint from USEITI Civil Society

I will.

From: Danielle Brian [<mailto:dbrian@pogo.org>]
Sent: Thursday, February 09, 2017 3:54 PM
To: Kohler, Veronika <VKohler@nma.org>
Cc: Judith Wilson <judith.wilson@onrr.gov>; Greg Gould <Greg.Gould@onrr.gov>; Pat Field <pfield@cbuilding.org>
Subject: Re: Formal Complaint from USEITI Civil Society

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On Thu, Feb 9, 2017 at 3:47 PM, Kohler, Veronika <VKohler@nma.org> wrote:

I didn't even know the letter continued after page 1 but will have to wait to enjoy the next pages later.

From: Kohler, Veronika
Sent: Thursday, February 09, 2017 3:34 PM
To: 'Danielle Brian' <dbrian@pogo.org>; Judith Wilson <judith.wilson@onrr.gov>; Greg Gould <Greg.Gould@onrr.gov>
Cc: Pat Field <pfield@cbuilding.org>
Subject: RE: Formal Complaint from USEITI Civil Society

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From: Danielle Brian [<mailto:dbrian@pogo.org>]

Sent: Thursday, February 09, 2017 3:08 PM

To: Judith Wilson <judith.wilson@onrr.gov>; Greg Gould <Greg.Gould@onrr.gov>; Kohler, Veronika <VKohler@nma.org>

Cc: Pat Field <pfield@cbuilding.org>

Subject: Formal Complaint from USEITI Civil Society

Judy, Greg, and Veronika,

Please see the attached formal letter of complaint from USEITI civil society.

Regards,
Danielle

--

Danielle Brian

Executive Director

Project On Government Oversight | pogo.org

1100 G Street NW, Washington DC 20005

202.347.1122

--

Danielle Brian

Executive Director

Project On Government Oversight | pogo.org

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**Label: "ONRR/FOIA Request EITI
lobbyists/OS-2018-00280"**

Created by:judith.wilson@onrr.gov

Total Messages in label:303 (27 conversations)

Created: 12-05-2017 at 12:07 PM

Conversation Contents

Meeting with Sam Bartlett

"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Thu Jan 26 2017 14:00:34 GMT-0700 (MST)
To: Danielle Brian <dbrian@pogo.org>, "vkohler@nma.org" <vkohler@nma.org>
Subject: Meeting with Sam Bartlett

Danielle and Veronika,
Sam will be in the U.S. and has proposed a meeting on Valentine's Day. Mary Warlick at State will be hosting the meeting. Can you be available to meet on the 14th? I am attending, Greg is on vacation then and cannot attend. I am trying to get this on everyone's calendar. Is there a preferred time?

--

Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Thu Jan 26 2017 14:40:55 GMT-0700 (MST)
To: "Wilson, Judith" <judith.wilson@onrr.gov>, Danielle Brian <dbrian@pogo.org>
Subject: RE: Meeting with Sam Bartlett

Thank you. I defer to Mary's schedule.

From: Wilson, Judith [mailto:judith.wilson@onrr.gov]
Sent: Thursday, January 26, 2017 4:01 PM
To: Danielle Brian <dbrian@pogo.org>; Kohler, Veronika <VKohler@nma.org>
Subject: Meeting with Sam Bartlett

Danielle and Veronika,
Sam will be in the U.S. and has proposed a meeting on Valentine's Day. Mary Warlick at State will be hosting the meeting. Can you be available to meet on the 14th? I am attending, Greg is on vacation then and cannot attend. I am trying to get this on everyone's calendar. Is there a preferred time?

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Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Fri Jan 27 2017 05:23:00 GMT-0700 (MST)
To: "Kohler, Veronika" <VKohler@nma.org>
CC: Danielle Brian <dbrian@pogo.org>
Subject: Re: Meeting with Sam Bartlett

Thank you.

On Thu, Jan 26, 2017 at 4:40 PM, Kohler, Veronika <VKohler@nma.org> wrote:

Thank you. I defer to Mary's schedule.

From: Wilson, Judith [mailto:judith.wilson@onrr.gov]
Sent: Thursday, January 26, 2017 4:01 PM
To: Danielle Brian <dbrian@pogo.org>; Kohler, Veronika <VKohler@nma.org>
Subject: Meeting with Sam Bartlett

Danielle and Veronika,
Sam will be in the U.S. and has proposed a meeting on Valentine's Day. Mary Warlick at State will be hosting the meeting. Can you be available to meet on the 14th? I am attending, Greg is on vacation then and cannot attend. I am trying to get this on everyone's calendar. Is there a preferred time?

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--

Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Mon Feb 06 2017 21:01:16 GMT-0700 (MST)
"Wilson, Judith" <judith.wilson@onrr.gov>, Greg Gould

To: <Greg.Gould@onrr.gov>
CC: "Kohler, Veronika" <VKohler@nma.org>
Subject: Re: Meeting with Sam Bartlett

I'm assuming this meeting is no longer necessary? But please let me know if it is being scheduled.

Danielle

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

On Jan 27, 2017, at 7:23 AM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

Thank you.

On Thu, Jan 26, 2017 at 4:40 PM, Kohler, Veronika <VKohler@nma.org> wrote:
Thank you. I defer to Mary's schedule.

From: Wilson, Judith [mailto:judith.wilson@onrr.gov]
Sent: Thursday, January 26, 2017 4:01 PM
To: Danielle Brian <dbrian@pogo.org>; Kohler, Veronika <VKohler@nma.org>
Subject: Meeting with Sam Bartlett

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Sam will be in the U.S. and has proposed a meeting on Valentine's Day. Mary Warlick at State will be hosting the meeting. Can you be available to meet on the 14th? I am attending, Greg is on vacation then and cannot attend. I am trying to get this on everyone's calendar. Is there a preferred time?

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202-208-4410

--

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Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>

Sent: Tue Feb 07 2017 05:30:02 GMT-0700 (MST)
To: Danielle Brian <dbrian@pogo.org>
CC: Greg Gould <Greg.Gould@onrr.gov>, "Kohler, Veronika" <VKohler@nma.org>
Subject: Re: Meeting with Sam Bartlett

I am still waiting for Sam to confirm his visit on the 14th. If he is still going to be here and make himself available, I think we should take advantage of the opportunity.

Ever optimistically yours,

Judy

On Mon, Feb 6, 2017 at 11:01 PM, Danielle Brian <dbrian@pogo.org> wrote:

I'm assuming this meeting is no longer necessary? But please let me know if it is being scheduled.

Danielle

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

On Jan 27, 2017, at 7:23 AM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

Thank you.

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To: Danielle Brian <dbrian@pogo.org>; Kohler, Veronika <VKohler@nma.org>
Subject: Meeting with Sam Bartlett

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Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Tue Feb 07 2017 05:32:28 GMT-0700 (MST)
To: "Wilson, Judith" <judith.wilson@onrr.gov>
CC: Greg Gould <Greg.Gould@onrr.gov>, "Kohler, Veronika" <VKohler@nma.org>
Subject: Re: Meeting with Sam Bartlett

Yes he is coming because I'm having breakfast with him and Jonas.

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

On Feb 7, 2017, at 7:30 AM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

I am still waiting for Sam to confirm his visit on the 14th. If he is still going to be here and make himself available, I think we should take advantage of the opportunity.

Ever optimistically yours,

Judy

On Mon, Feb 6, 2017 at 11:01 PM, Danielle Brian <dbrian@pogo.org> wrote:

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Executive Director
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202-347-1122

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On Thu, Jan 26, 2017 at 4:40 PM, Kohler, Veronika
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From: Wilson, Judith [mailto:judith.wilson@onrr.gov]
Sent: Thursday, January 26, 2017 4:01 PM
To: Danielle Brian <dbrian@pogo.org>; Kohler, Veronika
<VKohler@nma.org>
Subject: Meeting with Sam Bartlett

Danielle and Veronika,
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Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

--

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"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Tue Feb 07 2017 05:43:32 GMT-0700 (MST)
To: Danielle Brian <dbrian@pogo.org>

CC: Greg Gould <Greg.Gould@onrr.gov>, "Kohler, Veronika" <VKohler@nma.org>
Subject: Re: Meeting with Sam Bartlett

Good, maybe you can ask him what his schedule allows for meeting that day. State Department still wants to host.

On Tue, Feb 7, 2017 at 7:32 AM, Danielle Brian <dbrian@pogo.org> wrote:
Yes he is coming because I'm having breakfast with him and Jonas.

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

On Feb 7, 2017, at 7:30 AM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

I am still waiting for Sam to confirm his visit on the 14th. If he is still going to be here and make himself available, I think we should take advantage of the opportunity.

Ever optimistically yours,

Judy

On Mon, Feb 6, 2017 at 11:01 PM, Danielle Brian <dbrian@pogo.org> wrote:
I'm assuming this meeting is no longer necessary? But please let me know if it is being scheduled.
Danielle

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

On Jan 27, 2017, at 7:23 AM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

Thank you.

On Thu, Jan 26, 2017 at 4:40 PM, Kohler, Veronika <VKohler@nma.org> wrote:

Thank you. I defer to Mary's schedule.

From: Wilson, Judith [mailto:judith.wilson@onrr.gov]
Sent: Thursday, January 26, 2017 4:01 PM
To: Danielle Brian <dbrian@pogo.org>; Kohler, Veronika <VKohler@nma.org>
Subject: Meeting with Sam Bartlett

Danielle and Veronika,
Sam will be in the U.S. and has proposed a meeting on Valentine's Day. Mary Warlick at State will be hosting the meeting. Can you be available to meet on the 14th? I am attending, Greg is on vacation then and cannot

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"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Tue Feb 07 2017 06:39:42 GMT-0700 (MST)
To: Danielle Brian <dbrian@pogo.org>
CC: "Wilson, Judith" <judith.wilson@onrr.gov>, Greg Gould <Greg.Gould@onrr.gov>
Subject: Re: Meeting with Sam Bartlett

How did it come about that you are having breakfast with them?

Veronika Kohler
Vice President, International Policy

Ph. 202.463.2626
Fax. 202.463.2648

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Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Tue Feb 07 2017 06:53:16 GMT-0700 (MST)
To: "Wilson, Judith" <judith.wilson@onrr.gov>
CC: "Kohler, Veronika" <VKohler@nma.org>
Subject: Re: Meeting with Sam Bartlett

They invited CSOs to a breakfast yesterday.

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

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Label: "ONRR/FOIA Request EITI lobbyists/OS-2018-00280"

Created by:judith.wilson@onrr.gov

Total Messages in label:303 (27 conversations)

Created: 12-05-2017 at 12:07 PM

Conversation Contents

EITI Newsletter: February 2017

EITI International Secretariat <secretariat@eiti.org>

From: EITI International Secretariat <secretariat@eiti.org>
Sent: Tue Feb 07 2017 02:04:13 GMT-0700 (MST)
To: Judy <judith.wilson@onrr.gov>
Subject: EITI Newsletter: February 2017

Four new Validation results, 44 beneficial ownership roadmaps, 25 open data policies and 16 EITI Reports.

[View this email in your browser](#)

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February 2017 Newsletter



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Kind regards,
Jonas Moberg

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The EITI’s earlier statement on the SEC’s regulation on mandatory company disclosure on 1504 is available [here](#). Our aim is to ensure responsible and transparent resource governance and this requires multiple efforts. The SEC took great care in drafting these rules to ensure that they complement the EITI’s efforts and avoid duplication. Since the legislation was passed in the United States, similar rules have entered into force in a number of jurisdictions including in Canada, the European Union and Norway. On the eve of the decision last week, the EITI Chair urged Congress to ensure that any action does not undermine these hard-won gains

(see statement [here](#)).

Validations: four countries have made ‘meaningful progress’

New batch of Validations shows impressive and tangible improvements in the running of the extractive sector in all four countries.

EITI Requirements		Level of progress				
Nigeria 2017 Validation scorecard		No progress	Inadequate	Meaningful	Satisfactory	Beyond
Categories	Requirements					
MSG oversight	Government engagement (R1.1)					
	Industry engagement (R1.2)					
	Civil society engagement (R1.3)					
	MSG governance (R1.4)					
Licenses and contracts	Work plan (R2.1)					
	Legal framework (R2.2)					
	License allocations (R2.3)					
	Policy review (R2.4)					
Monitoring production	Reporting (R3.1)					
	Production data (R3.2)					
	Production (R3.3)					
	Production (R3.4)					
Revenue collection	Revenue management and expenditures (R4.1)					
	Revenue management and expenditures (R4.2)					
	Revenue management and expenditures (R4.3)					
	Revenue management and expenditures (R4.4)					
Revenue allocation	Revenue management and expenditures (R5.1)					
	Revenue management and expenditures (R5.2)					
	Revenue management and expenditures (R5.3)					
	Revenue management and expenditures (R5.4)					
Socio-economic contribution	Mandatory social expenditures (R6.1.a)					
	Discretionary social expenditures (R6.1.b)					
	SOE quasi-fiscal expenditures (R6.2)					
	Economic contribution (R6.3)					
Outcomes and impact	Public debate (R7.1)					
	Data accessibility (R7.2)					
	Follow up on recommendations (R7.3)					
	Outcomes and impact of implementation (R7.4)					
Overall assessment	Meaningful progress					



Assessing progress in extractive resource governance

Let's begin by refreshing our knowledge on the topic. What is EITI Validation about and what does it seek to measure? Read our introduction page on [Validation](#).

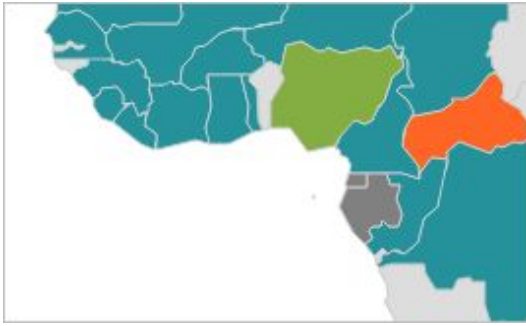
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Increased activities at the district and province levels, including through EITI sub-councils, has contributed to public debate and increased transparency in Mongolia. Validation results emphasise improved access to extractive information to local residents, trust building, among other factors. [Find out more.](#)

Nigeria Validation: recognises progress in addressing natural resource governance

The first country in Africa to implement the EITI, Nigeria has

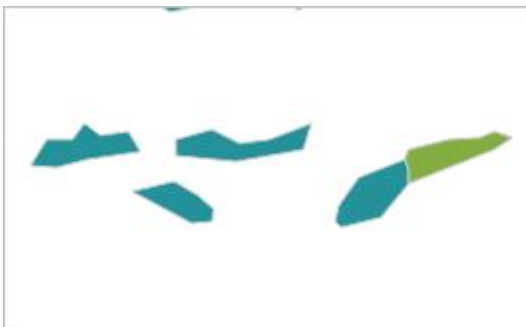


developed one of the most extensive EITI reporting processes globally. Validation spotlights Nigeria's efforts leading to the recovery of more than USD 2.4 billion. [Find out more.](#)



Peru Validation: Peru leads the way in EITI implementation in Latin America

As one of the pioneer countries in implementing the EITI, Validation result shows that Peru has used the EITI to strengthen transparency and improve the management of revenues from the oil, gas and mining sectors. [Find out more.](#)



Timor-Leste Validation: highlights the potential of embedding transparency

In Timor-Leste, a key finding from Validation is the extent to which transparency is already embedded into government institutions and practices overseeing the oil sector. [Find out more.](#)

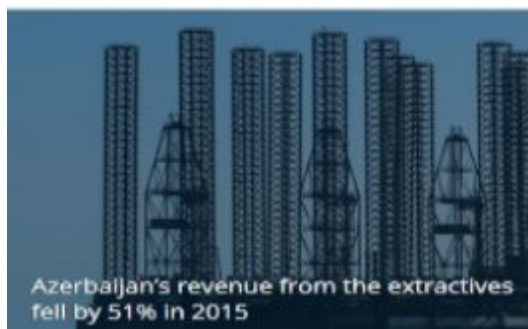
Beneficial ownership



Over the past months, 44 EITI countries have published their plans of how to disclose the real owners of companies in their extractive sector by January 2020. Find out [what some countries are planning to do](#) and which countries have [published beneficial ownership roadmaps](#) so far.

Country focus

We begin this year's country focus with analyses of EITI Reports that came in at the end of 2016. We look into Azerbaijan for new report and visit of the Chair, Ghana, Lebanon, Mongolia, Philippines and Zambia.



Azerbaijan: Revenue from the extractives declines in 2015

Azerbaijan received USD 8.9 bn from the extractive sector in 2015, which is equivalent to 50.7% of the total government budget in that year. However, this is a decline compared to 2014. [Read more>](#)



Azerbaijan: EITI Chair meets Azerbaijan's President Ilham Aliyev

EITI Chair Fredrik Reinfeldt meets with President Ilyam Aliyev and civil society during his visit to Baku. [Read more.](#)

Ghana's new government: new



impetus to curb corruption?

Ghana has made significant strides in extractive industry governance. As the new government assumes office, unmasking the real owners of extractive companies will remain key in the government's quest to curb corruption. [Read more >](#)



Lebanon commits to implement EITI

Lebanon announced its intention to join the EITI with the aim of establishing good governance before significant production. What are the next steps? [Read more >](#)



Mongolia: managing mining leases

Amongst most tangible improvements in Mongolia's oil, gas and mining governance during the ten years of EITI implementation has been in the management of mining licenses. Yet there is still room for fine-tuning the system, the country's tenth EITI Report highlights. [Read more >](#)



Philippines: mining information for local government

In line with the Philippine government's agenda for responsible mining, the new administration launched an extensive audit of financial, environmental and social obligations of mining companies examining, says the 2014 EITI Report. [Find out more >](#)

Zambia: Fighting corporate tax evasion with data

Despite shrinking revenues, Zambia



is tightening its tax systems. The 2015 EITI Report indicates, among other things, some reforms underway to strengthen the legal and fiscal framework. [Find out more.](#)

Global perspective

A blog on the link between EITI and the United Nations Sustainable Development Goals and new research analyses EITI effectiveness perspective.



Shifting focus from the what to the how

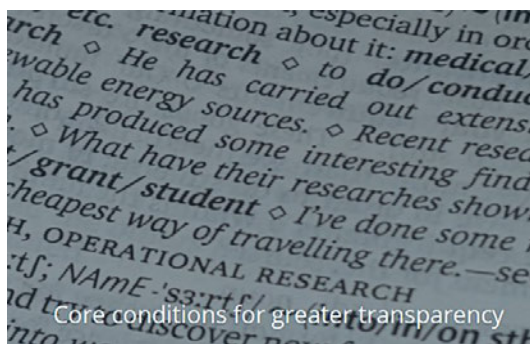
How the EITI will contribute to the Sustainable Development Goals.

Country Manager Emine

Isciel explains the link between the EITI and the targets set out in the SDGs. [Read more >](#)

New research: core conditions for greater transparency

Newly released research suggests that the EITI helps to improve government transparency when two core conditions are in place. [Find out these two conditions>](#)



What's happening at the EITI

Overview of Board decisions, consultation on governance review and the next Board meeting.

EITI Board to meet in Bogota.

The next Board meeting will take place from 8-9 March 2017 in Bogota, Colombia. [Find out more >](#)



New on eiti.org: Board decision overview

Do you want to know what Board decision has been taken and when? The International Secretariat has put together an overview of all Board decisions for easy access. [Find out more.](#)



Now open: consultation on EITI constituency governance

The EITI is interested in learning from the public about how the EITI's relationship with its constituencies can be improved. Comments and submissions welcome by 20 February 2017 to secretariat@eiti.org. [Read more.](#)



Top 3 stories

Every week the EITI highlights stories and trends from across the web on the extractive sector, governance and transparency. [Our latest picks >](#)

The Extractive Industries Transparency Initiative (EITI) is a **global standard** to promote the open and accountable management of oil gas and mineral resources. Visit us at eiti.org.



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Oslo, Oslo 0251
Norway

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"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Tue Feb 07 2017 05:34:52 GMT-0700 (MST)
To: "vkohler@nma.org" <vkohler@nma.org>, Danielle Brian <dbrian@pogo.org>, Greg Gould <greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>
CC: Chris Mentasti <chris.mentasti@onrr.gov>, "Oliver, Kimiko" <kimiko.oliver@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>
Subject: Fwd: EITI Newsletter: February 2017

FYI

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

From: EITI International Secretariat <secretariat@eiti.org>
Date: Tue, Feb 7, 2017 at 4:04 AM
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To: Judy <judith.wilson@onrr.gov>

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[View this email in your browser](#)



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February 2017 Newsletter



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"Oliver, Kimiko" <kimiko.oliver@onrr.gov>

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Subject: Re: EITI Newsletter: February 2017

Update on US Disclosure Rules

Hola Judy!

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(see [e](#))

EITI Extractive Industries Transparency Initiative
Validations have made 'meaningful progress'

February 2017 Newsletter

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Kim Oliver
 Program Analyst
 USEITI Secretariat
 202/513-6370 office phone
Kimiko.Oliver@ONRR.gov

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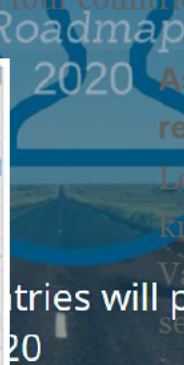
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	MSG governance (K1.4)					
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	SOE quasi-fiscal expenditures (K6.2)					
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	Public debate (K7.1)					
	Data accessibility (K7.2)					
Overall assessment		Meaningful progress				

Country focus



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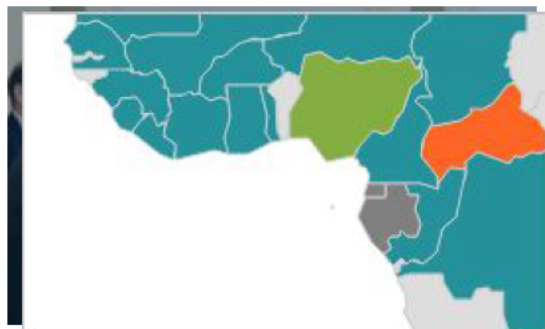
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Mongolia Validation: highlights



analyses of **governance impacts** came in at the or new reports raised at the **Catalina District** and province levels, including

through EITI sub-councils, has **Azerbaijan: Revenue from the extractives declines in 2015** contributed to public debate and increased transparency in Mongolia. Azerbaijan received USD 8.9 bn from the extractive sector in 2015, which is equivalent to 50.7% of the total government budget in that year. However, this is a decline compared to 2014. [Read more](#)



Azerbaijan EITI Chair meets Azerbaijan's President Aliyev on resource governance

EITI Chair, Fredrik Reinfeldt meets with President Ilham Aliyev and civil society during his visit to Baku. [Read more](#)



Validation spotlights Nigeria's efforts **Ghana's new government: new impetus to curb corruption?** leading to the recovery of more than USD 2.4 billion. [Find out more](#)

Ghana has made significant strides in **Peru Validation: Peru leads the way in EITI implementation in Latin America** As one of the pioneer countries in implementing the EITI, Validation result shows that Peru has used the

EITI to strengthen transparency and **Lebanon commits to implement EITI** improve the management of revenues from the oil, gas and Lebanon announced its intention to join the EITI with the aim

of **Timor-Leste validation highlights the potential of embedding transparency** What are the next steps? [Read more >](#)

In Timor-Leste, a key finding from **Mongolia: managing mining leases** Validation is the extent to which transparency is already embedded amongst most tangible improvements in Mongolia's oil, gas and mining governance during the



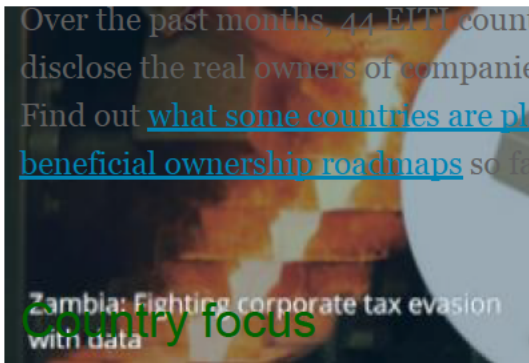
Beneficial ownership

Five years of EITI implementation has been in the management of mining licenses. Yet there is still room for fine-tuning the system, the country's tenth EITI Report



How EITI countries will publish real owners by 2020

Report. [Find out more >](#)



Country focus

Over the past months, 44 EITI countries have disclosed the real owners of companies in their extractive sector by January 2020. Find out [what some countries are planning to do](#) and which countries have [published beneficial ownership roadmaps](#) so far.

Zambia: Fighting corporate tax evasion with data
Despite shrinking revenues, Zambia is tightening its tax systems. The 2015 EITI Report indicates, among other things, some reforms underway to strengthen the legal and fiscal framework. [Find out more.](#)

We begin this year's country focus with analyses of EITI Reports that came in at the end of 2016. We look into Azerbaijan for new report and visit of the Chair, Ghana, Lebanon, Mongolia, Philippines and Zambia.

Global perspective



Azerbaijan's revenue from the extractives fell by 51% in 2015

Azerbaijan: Revenue from the extractives declines in 2015

The United Nations Sustainable Development Effectiveness perspective.

Azerbaijan received USD 8.9 bn from the extractive sector in 2015, which is a decline of 51% from the 2014 government budget in that year. However, EITI will contribute to the Sustainable Development Goals.

Country Manager Emine Isajal explains the link between the EITI and the targets set out in the SDGs. [Read more >](#)



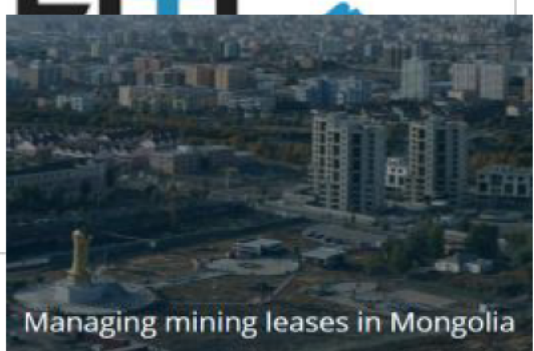
EITI Chair meets Azerbaijan's President Ilham Aliyev



EITI Board to meet in Bogota



Lebanon commits to implement EITI



Managing mining leases in Mongolia



EITI Chair Fredrik Reinfeldt meets with President Ilham Aliyev and civil society during his visit to Baku. [Read more](#)
Newly Released research suggests that the EITI helps to improve government transparency when two core conditions are in place. [Find out these two conditions>](#)

Ghana's new government: new impetus to curb corruption?
Ghana has made significant strides in extractive industry governance. As the new government assumes office, [announcing the realignment of Board](#) extractive companies will remain key in the government's quest to curb corruption. [Read more >](#)

EITI Board to meet in Bogota.
The next Board meeting will take place in Bogota, Colombia. [Find out more >](#)
Lebanon commits to implement EITI.
Lebanon announced its intention to join the EITI with the aim of establishing good governance before significant production. What [New on eiti.org: Board decision overview](#)

Mongolia: managing mining leases
Do you want to know what Board decision has been taken and when? The International Secretariat has put together an overview of all Board decisions for easy access. [Find out more](#)
has been in the management of mining licenses. Yet there is still [New open consultation on EITI](#)

Philippines: mining information for local government
In line with the Philippine government's agenda for responsible mining, the new administration [constituency governance report](#)
The EITI is interested in learning from the public about how the EITI's relationship with its constituencies can be improved. Comments and submissions welcome by 20 February 2017 to secretariat@eiti.org. [Read more](#)



Top stories extensive audit of EITI data, the EITI legal and social obligations of mining across the world in the sector. EITI Report on [EITI transparency](#). [Our latest picks >](#)



Zambia: Fighting corporate tax evasion with data

Despite shrinking revenues, Zambia is tightening its tax systems. The 2015 EITI Report indicates, among other things, some reforms underway to strengthen the legal and fiscal framework. [Find out more.](#)



Global perspective

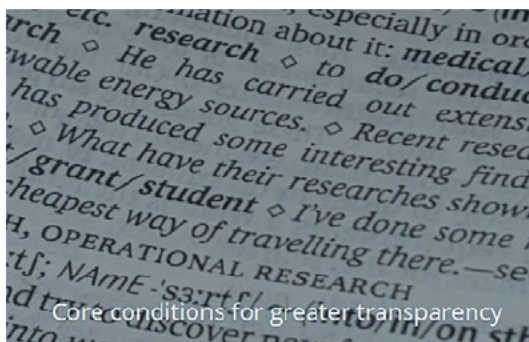
A blog on the link between EITI and the United Naations Sustainable Development Goals and new research analyses EITI effectiveness perspective.



Shifting focus from the what to the how

How the EITI will contribute to the Sustainable Development Goals. Country Manager Emine Isciel explains the link between the EITI and the targets set out in the SDGs. [Read more >](#)

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New research: core conditions for greater transparency

Newly released research suggests that the EITI helps to improve government transparency when two core conditions are in place. [Find out these two conditions>](#)

What's happening at the EITI

Overview of Board decisions, consultation on governance review and the next Board meeting.



EITI Board to meet in Bogota.

The next Board meeting will take place from 8-9 March 2017 in Bogota, Colombia. [Find out more >](#)



New on eiti.org: Board decision overview

Do you want to know what Board decision has been taken and when? The International Secretariat has put together an overview of all Board decisions for easy access. [Find out more.](#)



Now open: consultation on EITI constituency governance

The EITI is interested in learning from the public about how the EITI's relationship with its constituencies can be improved. Comments and submissions welcome by 20 February 2017 to secretariat@eiti.org. [Read more.](#)



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**Label: "ONRR/FOIA Request EITI
lobbyists/OS-2018-00280"**

Created by:judith.wilson@onrr.gov

Total Messages in label:303 (27 conversations)

Created: 12-05-2017 at 12:10 PM

Conversation Contents

1504 section mentioning USEITI equivalence

Attachments:

/24. 1504 section mentioning USEITI equivalence/1.1 image001.png
/24. 1504 section mentioning USEITI equivalence/2.1 image001.png
/24. 1504 section mentioning USEITI equivalence/2.2 SEC Order Dodd Frank and USEITI.pdf
/24. 1504 section mentioning USEITI equivalence/3.1 image001.png

"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Thu Jan 26 2017 09:48:06 GMT-0700 (MST)
To: Greg Gould <greg.gould@onrr.gov>, "Judith Wilson (judith.wilson@onrr.gov)" <judith.wilson@onrr.gov>, Danielle Brian <dbrian@pogo.org>
Subject: 1504 section mentioning USEITI equivalence
Attachments: image001.png

Can anyone urgently send me this section in the final rule?

cid:image001.png@01E

Veronika Kohler
Vice President, International Policy
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: (202) 463-2626
vkohler@nma.org

"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Thu Jan 26 2017 09:56:20 GMT-0700 (MST)
To: "Kohler, Veronika" <VKohler@nma.org>
CC: Greg Gould <greg.gould@onrr.gov>, Danielle Brian <dbrian@pogo.org>
Subject: Re: 1504 section mentioning USEITI equivalence
Attachments: image001.png SEC Order Dodd Frank and USEITI.pdf

b. Recognition of EU Directives, Canada's ESTMA, and the USEITI as Alternative Reporting Regimes

"In conjunction with our adoption of the final rules, we are issuing an order recognizing the EU Directives, Canada's ESTMA, and the USEITI in their current forms as substantially similar disclosure regimes for purposes of alternative reporting under the final rules, subject to 448 See note 80-81 above and accompanying text. 449 Although Canada uses the same 150 day deadline as the final rules, the EU Directives leave the annual deadline to the discretion of the member states. See note 56 above and accompanying text. 450 See Item 2.01(c) (6) of Form SD. 451 See Item 2.01(c) of Form SD. 452 Id. 132 certain conditions. We have determined that these three disclosure regimes are substantially similar to the final rules."

On Thu, Jan 26, 2017 at 11:48 AM, Kohler, Veronika <VKohler@nma.org> wrote:

Can anyone urgently send me this section in the final rule?

cid:image001.png@01E

Veronika Kohler
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Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Thu Jan 26 2017 10:26:59 GMT-0700 (MST)
To: "Wilson, Judith" <judith.wilson@onrr.gov>
CC: Greg Gould <greg.gould@onrr.gov>, Danielle Brian <dbrian@pogo.org>
Subject: RE: 1504 section mentioning USEITI equivalence
Attachments: image001.png

Thank you!!!

From: Wilson, Judith [<mailto:judith.wilson@onrr.gov>]
Sent: Thursday, January 26, 2017 11:56 AM
To: Kohler, Veronika <VKohler@nma.org>
Cc: Greg Gould <greg.gould@onrr.gov>; Danielle Brian <dbrian@pogo.org>
Subject: Re: 1504 section mentioning USEITI equivalence

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Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

**Label: "ONRR/FOIA Request EITI
lobbyists/OS-2018-00280"**

Created by:judith.wilson@onrr.gov

Total Messages in label:303 (27 conversations)

Created: 12-05-2017 at 12:11 PM

Conversation Contents

FW: Reminder - International Committee 2017 Prioritization Meeting

Attachments:

/26. FW: Reminder - International Committee 2017 Prioritization Meeting/1.1 IC prioritization meeting Agenda 2017 updated.docx

/26. FW: Reminder - International Committee 2017 Prioritization Meeting/1.2 International Committee - 2017 Prioritization Meeting .ics

"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Tue Jan 24 2017 13:17:25 GMT-0700 (MST)
To: Corey Mahoney - XFDB <corey.mahoney@gsa.gov>, "Michelle Hertzfeld (michelle.hertzfeld@gsa.gov)" <michelle.hertzfeld@gsa.gov>
CC: "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: FW: Reminder - International Committee 2017 Prioritization Meeting
Attachments: IC prioritization meeting Agenda 2017 updated.docx International Committee - 2017 Prioritization Meeting .ics

Please let me know your and Corey's titles so that I can introduce you. thank you!!!

And tell me anything else you would like me to say

From: NMA, Legal
Sent: Monday, January 23, 2017 4:42 PM
To: zNMA-All <NMA-ALL@nma.org>
Subject: Reminder - International Committee 2017 Prioritization Meeting



Memorandum

TO: International Committee
FROM: Veronika Kohler, Vice President, International Policy
DATE: January 23, 2017
SUBJECT: Reminder - International Committee 2017 Prioritization Meeting

As we previously informed you, the International Committee 2017 Prioritization Meeting is scheduled for Wednesday, Jan. 25 from 1:15 to 3:15 p.m. (Eastern) at the National Mining Association's (NMA) offices. At this meeting, we will identify priorities and objectives for the year. This process assists us to: (1) better understand member company priorities; and (2)

develop strategies to achieve the agreed upon priorities.

If you plan to attend the meeting in person, please contact Esther Ocheni at eocheni@nma.org. To participate by webinar, please click on the attached calendar reminder to (1) add the call to your calendar; (2) access the dial-in information and (3) RSVP for the call click "send response now".

Please note that the Deeper Dive topic will begin at 1:15pm this meeting and will focus what data is easily accessible to the public on the USEITI website. Come and review in depth the information and materials made available online about your company with the architects of the USEITI website. Explore the maps and charts of revenue from our industry to federal, state and local governments, as well as revenue and economic data for prioritized states, to gain a better understanding of how this data is viewed in the public eye.

Enclosures

National Mining Association 101 Constitution Avenue, NW • Suite 500 East • Washington, DC 20001 • (202) 463-2600

**UNITED STATES EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE
MULTI-STAKEHOLDER GROUP ADVISORY COMMITTEE MEETING
FEBRUARY 1, 2017**

SUMMARY OF PROCEEDINGS

**U.S. DEPARTMENT OF THE INTERIOR
PREPARED: MARCH 2017**

I. Introduction

The U.S. Department of the Interior (DOI), with Judy Wilson presiding as acting Designated Federal Official (DFO), convened the nineteenth meeting of the U.S. Extractive Industries Transparency Initiative (USEITI) Multi-Stakeholder Group Advisory Committee (MSG) on February 1, 2017, in Washington, DC.

The purpose of the meeting was to receive updates from the Independent Administrator on various aspects of developing the online report and executive summary for the 2017 USEITI Report and how to move forward with these; receive updates on the work of the Implementation, Communications, and State and Tribal Opt-in Subcommittees; and discuss the prospects for proceeding with mainstreaming of USEITI reporting into US government processes and the inclusion of project-level reporting in USEITI Reports. The MSG opted not to cover all of these items after the Co-Chairs agreed to accelerate the MSG's work and adjourn the meeting after one day rather than hold a two-day meeting, as originally planned. Please see the "Adjustment of Meeting Schedule and Agenda" section on page 6 for additional information.

Please note that, throughout this meeting summary, comments made by presenters, Independent Administrator team members, other non-MSG members, and those directly pertaining to an MSG decision are attributed to specific speakers. Other comments are provided without attribution in order to foster open discussion among MSG members excepting final deliberations prior to specific MSG decisions.

Interested parties are asked to contact USEITI at useiti@ios.doi.gov or 202-208-0272 with any questions, comments, or concerns regarding the content of this meeting summary.

The following items are included in this meeting summary:

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II. Summary of Endorsements, Decisions, Approvals, and Action Items

A. Endorsements

- No endorsements were made by the MSG at the February 2017 MSG meeting.

B. Decisions

- The MSG decided to move forward with the Implementing Subcommittee’s recommendation to forego independent reconciliation of revenues by the Independent Administrator for the 2017 USEITI Report. *(see page 9)*
- The MSG decided to use and move forward with the proposed reporting template for 2017. *(see page 10)*
- The MSG decided to have the USEITI Secretariat work to add material for the 2017 USEITI Report about US audit and assurance procedures and for the USEITI Secretariat to make a “good faith effort” to include information about “the life of a lease” in the 2017 USEITI Report. *(see page 13)*

C. Approvals

- The MSG approved the November 2016 MSG meeting summary. *(see page 5)*
- The MSG approved the motion to have the Implementation Committee decide on which dataset source (Bureau of Labor Statistics or Census Bureau) to use to provide information for employment by commodity. *(see page 12)*
- The MSG approved the motion to have the Implementation Committee decide on which two additional visualizations (between additional metals, forestry, and renewable energy) to include in the 2017 USEITI Report, along with a visualization about employment by commodity *(see page 13)*.

D. Confirmations

- No confirmations were made by the MSG at the February 2017 MSG meeting.

E. Action Items

➤ Co-Chairs:

- Review and distribute meeting summary from the February 2017 MSG meeting to MSG members.
- Develop agenda for the June 2017 MSG meeting.

➤ Implementation Subcommittee

- Decide on which dataset source (Bureau of Labor Statistics or Census Bureau) to use to provide information for employment by commodity. *(see page 12)*
- Decide on which two additional visualizations (between additional metals, forestry, and renewable energy) to include in the 2017 USEITI Report, along with a visualization about employment by commodity *(see page 13)*
- **USEITI Secretariat:**
 - Work to create supplemental material for the 2017 USEITI Report about US audit and assurance procedures. *(see page 13)*
 - Make a “good faith effort” to include information about “the life of a lease” in the 2017 USEITI Report. *(see page 13)*
 - MSG decisions will be recorded in an updated MSG Decision Matrix by the Secretariat. *(see page 15)*
- **Independent Administrator (Deloitte)**
 - Integrate the beneficial ownership reporting template into the main reporting form. *(see page 10)*
 - Flesh out the contours of the following topics: additional metals, forestry, and renewable energy, and present these to the Implementation Subcommittee for decision-making regarding which visualizations to include in the 2017 USEITI Report. *(see page 13)*
- **Acting Designated Federal Office**
 - Review the MSG terms of reference and consider how to ensure adherence to those in future MSG meetings. *(see page 15)*
- **USEITI Process Facilitator (Consensus Building Institute)**
 - Create a meeting summary for the February 2017 MSG meeting.

III. Presentations and Key Discussions

Judy Wilson, U.S. Department of the Interior (DOI), presiding as acting Designated Federal Official for the USEITI MSG, opened the meeting and welcomed participants. All individuals in attendance introduced themselves. A full attendance list can be found in Section VI – Meeting Participants, page 16.

A. Opening Remarks

Ms. Wilson provided opening remarks by noting that the transition to the new presidential administration had begun. Congressional consideration of the nomination for the new Secretary of the Interior, Ryan Zinke, is underway. She also noted that, although there has been discussion and media coverage about possible Congressional action on regulations under Section 1504 of the Dodd-Frank Act, at the time of the MSG meeting, the regulations are still in effect.

Danielle Brian, Project on Government Oversight and civil society organization (CSO) sector co-chair, also read out an opening statement on behalf of the CSO sector. In that

statement, Ms. Brian called on the industry and government sector representatives on the MSG to speak out publicly in favor of the Section 1504 rule in order to help persuade Congress to retain the rule. The CSO statement also formally requested that the DFO remove the American Petroleum Institute from holding a seat on the USEITI MSG. The full text of Ms. Brian's comments is provided in Appendix A, available on page 19 of this meeting summary.

B. USEITI MSG Business

The MSG conducted the following items of business during the course of the MSG meeting.

1. Terminology and USEITI December 2015 Meeting Summary

Judy Wilson, USEITI Secretariat, reminded meeting participants that the MSG has agreed to employ three terms to differentiate between different types of actions that the MSG takes:

- "Decisions" will indicate significant actions and agreements by the MSG key to meeting EITI international standards.
- "Approvals" will indicate lower-level decisions by the MSG, such as approving work plans, meeting summaries, process changes or additions, etc.
- "Confirmations" will confirm decisions that the MSG has previously made.

The MSG approved the meeting summary of the November 2016 MSG meeting, with some corrections provided by MSG members. A copy of the final, approved meeting summary is available online at: https://www.doi.gov/sites/doi.gov/files/uploads/useiti_msg_-_nov_2016_mtg_summary_0.pdf

- **Approval: The MSG approved the meeting summary from the November 2016 USEITI MSG meeting.**

2. Preview of March 2017 International EITI Board Meeting

Greg Gould, government sector co-chair, explained that the March 8-9 meeting of the EITI Board would cover a number of topics important for USEITI, including mainstreaming, the beneficial ownership roadmap that USEITI submitted in December 2016, and an open data policy for EITI. Mr. Gould invited Micah Watson of Department of State to provide additional comments about the upcoming EITI board meeting.

A MSG member from the civil society sector inquired of Mr. Gould about how mainstreaming would work without regulations in place under Section 1504 of the Dodd-Frank Act, by which companies would be required to disclose their corporate income tax payments.

Micah Watson, US Department of State, introduced himself and noted that he works under Ambassador Mary Warlick, a member of the EITI International Board. He explained that the EITI Board has spent much of the past year focusing on internal

governance and finances and that it would shift its focus to validation of EITI countries in 2017. Almost half of the implementing countries will be undergoing validation during the next 18 months. He added that a number of new countries would also be submitting their applications to join EITI during coming months.

A MSG member from the civil society sector inquired of Mr. Watson about the implications of the resource curse for US foreign policy as well as the reaction in other countries when the United States opts not to follow international norms. In response, Mr. Watson offered that the State Department does believe in the efficacy of EITI and other transparency initiatives in combating the resource curse in many countries. He also noted that there was broad support internationally for the regulations promulgated under Section 1504 and that there appears to be much concern globally about the direction that the US may be taking in the possible rescission of those regulations.

3. Adjustment of Meeting Schedule and Agenda

During the lunch break on February 1, the Co-Chairs and acting DFO conferred and agreed that the deliberations in Congress around the Section 1504 regulations and the prospect that these would be disapproved had introduced significant uncertainty and upheaval into the MSG meeting. Following lunch, Ms. Wilson, the acting DFO, announced that the remainder of the meeting on February 1 would focus on critical-path decisions that are required by the MSG for production of the 2017 USEITI Report. Additional agenda items, such as updates from the Communications and State and Tribal Opt-in Subcommittees, would be postponed and the second day of the MSG meeting would not be needed given the truncated agenda per unanimous decision of the Co-Chairs.

In response to a request from MSG members representing the CSO sector that MSG members from their sector who had called into the meeting be allowed to participate in MSG discussions, Ms. Wilson, acting DFO, clarified that the Federal Advisory Committee Act (FACA) requires that MSG members be physically present at the MSG meeting in order to be considered MSG members. Members of the MSG who call into the meeting over the phone are considered members of the public.

Ms. Wilson also announced that public comments would be accepted in writing in lieu of holding an open, verbal public comment period, as is permissible under the Federal Advisory Committee Act. She requested that commenters send their comments to the following email address: useiti@ios.doi.gov. The reason behind this decision was the agenda for the two day meeting was compressed to one day and because MSG discussion and decision making in the second half of the day would occur after the previously scheduled mid-day public comment period.

C. MSG Discussions Regarding Congressional Recission of Regulations under Section 1504 of the Dodd-Frank Act

MSG members discussed a variety of issues related to the Section 1504 regulations, their role in USEITI, and the implications for USEITI if Congress disapproves the regulations.

1. Relevance of Section 1504 Regulations for USEITI

CSO representatives stated that the rules promulgated by the Securities and Exchange Commission (SEC) under Section 1504 are fundamental to the future of the USEITI. Without this rule, there will be no possibility of corporate tax reporting and therefore no possibility for validation under the international EITI Standard. The MSG needs to address this issue head on.

An industry sector representative stated that the industry sector has worked very hard to help implement USEITI, resulting in the creation of a very useful website [the USEITI report]. The MSG's role is to provide information to the American public, not to litigate policy questions over which its members have no control. If the CSO sector feels that there is no value to USEITI beyond corporate tax reporting, then the MSG should discuss that.

Members of the CSO sector agreed that the USEITI website is an advancement and success, and that USEITI has important work together, but that USEITI will be far short of meeting the purpose of EITI, which is revenue transparency, without inclusion of information about corporate income tax payments and project-level reporting.

2. The Role of USEITI MSG Members in Decision-Making Around Section 1504 Regulations

CSO representatives suggested that there are serious questions and concerns about whether members of the industry sector are participating in USEITI in good faith around this particular issue of tax reporting. CSO members asked that members of the industry sector on the MSG need to speak up about whether they support Congressional efforts to repeal rulemaking under Section 1504. CSO members noted that they are frustrated that there are members of the industry sector who have been taking credit for corporate social responsibility and transparency efforts by virtue of their participation in USEITI while, in the CSO's view, behind the scenes they have been lobbying and litigating to undermine the Section 1504 rules.

Both industry and government sector representative voiced that USEITI MSG members could not influence Congressional decision-making around the Section 1504 regulations and that the USEITI MSG should focus on implementing USEITI. CSO representatives pushed back against this assertion. The CSO representatives noted that many of the largest oil and gas companies in the US and the world have representatives on the MSG and that these companies hold significant influence in Congress.

A member of the industry sector noted that his company has supported the implementation of the Dodd-Frank Act, including Section 1504, but that the current regulations under that section are overly burdensome. This member's company supports fixing those regulations to make them easier for companies to comply with. Additional representatives of the industry sector also articulated support for transparency as long as it does not place undue burden on companies.

Civil society members urged their colleagues in the industry and government sectors to join them in speaking in a united voice, as the USEITI MSG, in support of retaining the current Section 1504 rules. The united voice of the MSG could persuade Congress to retain the rules. The Government sector reminded members that the executive branch and its functions, like FACAs, are prohibited from lobbying Congress.

Industry sector representatives articulated their understanding that the Congressional Review Act (CRA, through which Congress is considering rescinding the Section 1504 regulations) would not eliminate the Dodd-Frank Act, including Section 1504. Rather, the SEC would have to come up with new regulations under Section 1504. An industry sector representative suggested that it would have been beneficial if the SEC had taken industry comments and suggestions more fully into account during the rule-making process.

In response to the industry sector representatives, a civil society representative explained that the CRA prohibits the introduction of another rule that is "substantially similar" to the disapproved regulation. She also noted that President Trump has released an executive order mandating that each agency eliminate two regulations for each new regulation they put in place. She suggested that, as a result, there will not be meaningful regulations enacted under Section 1504 if the CRA action is signed by the President.

3. Implications for USEITI of Congressional Disapproval of Section 1504 Regulations

CSO representatives requested that the government sector speak about whether the government sees a future for USEITI without the Section 1504 rules.

A government sector representative explained that the US Department of the Interior (DOI) works with other federal departments and agencies to implement laws and regulations that are in place. At the present moment, the rules under Section 1504 are still in place. The speaker also noted that USEITI began its efforts well before the Section 1504 regulations were put in place and that there would continue to be policy and regulatory uncertainty as part of the larger context in which USEITI exists. As such, USEITI's role is to continue to try to enhance transparency, regardless of the larger policy context.

Government sector representatives noted that there have been significant changes in the EITI Standard in the years since the United States decided to join EITI and that the EITI Board continues to examine whether the requirements are reasonable and feasible for countries to comply with. The EITI International Board increasingly seems to be moving towards a model of “meaningful improvement,” rather than a strict pass-fail metric, for countries seeking validation of their EITI reports. Considering this, USEITI has an excellent case for “mainstreaming” of its reporting under the EITI framework and also has good prospects for validation.

A CSO representative responded that USEITI will not have a path to “meaningful improvement” on corporate income tax reporting without the Section 1504 regulations.

D. Implementation Subcommittee Updates and Discussion

The MSG considered a proposed approach for company revenue reporting and reconciliation for the 2017 report brought forward by the Implementation Subcommittee.

1. Reporting and Reconciliation of Company Revenues

Judy Wilson and Bob Kronebusch of ONRR presented information about the work of the Reporting Improvement Workgroup. Ms. Wilson focused her comments on a day-long workshop that the workgroup held on January 11 in Denver, Colorado. Ms. Wilson reviewed the workshop participants, objectives, and agenda, and presented the workgroup’s recommendations to the MSG about how to proceed with company revenue reporting and reconciliation in 2017 and beyond. Additional detail about the workshop is available at:

https://www.doi.gov/sites/doi.gov/files/uploads/improving_reporting_workshop_1_11_2017_final.pdf.

Additionally, Bob Kronebusch, ONRR, provided an update on the workgroup’s analysis of the gaps between existing controls and verification of extractives industries revenue payments to the US federal government and EITI requirements for reconciliation. Mr. Kronebusch reviewed the approach taken by the workgroup, the gaps identified, and the ways in which federal and company audit and assurance standards surpass EITI standards. Additional detail about the workgroup’s work is available at:

https://www.doi.gov/sites/doi.gov/files/uploads/rptg_imp_wg_presentation_final_1-30-17.pdf.

Following the presentations, Dan Dudis, Public Citizen, thanked Ms. Wilson and expressed support for the workgroup’s proposed approach of conducting reconciliation via “mainstreaming of EITI reporting” rather than performing an independent reconciliation of revenues for USEITI by the Independent Administrator as this would avoid duplication of work. Mike Matthews, State of Wyoming, noted that states and

tribes also conduct compliance reviews in addition to the federal and company audits and reviews surveyed by the workgroup.

In response to a question from Aaron Padilla, American Petroleum Institute, Mr. Kronebusch suggested that the gaps identified by the workgroup are likely a combination of procedural gaps and more substantive gaps in the controls.

David Romig, Freeport-McMoRan Oil & Gas, and Paul Bugala, George Washington University, noted that Section 4.9 of the EITI Standard specifies that auditing and reconciliation must either be performed by the independent administrator or the independent administrator must be convinced that the process is sufficiently robust. They suggested that the trustworthiness of the auditing processes undertaken by governments and companies will need to be demonstrated to the EITI Board for these to meet the EITI Standard.

Mr. Padilla suggested that USEITI also compare US auditing processes to emerging standards from the International Monetary Fund (IMF) and other similar standards.

The MSG decided to move forward with the Reporting Improvement Workgroup's and Implementation Subcommittee's recommendation to forego independent reconciliation of revenues by the Independent Administrator for the 2017 USEITI Report.

- **Decisions: The MSG decided to forego independent reconciliation of revenues by the Independent Administrator for the 2017 USEITI Report to avoid duplication and increase efficiency.**

E. Independent Administrator's Updates

Members of the Independent Administrator (IA) team from Deloitte provided updates on the reporting template for the 2017 USEITI Report and on the topics that could be included as visualizations in the 2017 report.

These updates and accompanying MSG discussions are summarized below.

1. Reporting Template for 2017 USEITI Report

Alex Klepacz, Independent Administrator team member from Deloitte, presented a proposed reporting template for company revenue reporting for the 2017 USEITI Report. The proposed reporting template is available at:

https://www.doi.gov/sites/doi.gov/files/uploads/useiti_reporting_template_-_20170117_-_draft.xlsx and draft reporting guidelines are available at: https://www.doi.gov/sites/doi.gov/files/uploads/useiti_reporting_template_guidelines_-_20170117_-_draft_1.pdf. A draft template for declaring beneficial ownership information is available at: https://www.doi.gov/sites/doi.gov/files/uploads/draft-model-beneficial-ownership-declaration-form_1.xlsx.

Veronika Kohler, National Mining Association and Industry Sector Co-Chair, noted that the MSG has already approved a roadmap for disclosing information about beneficial ownership of publicly traded companies and inquired as to how this would be reported by companies. Mr. Gould suggested that the reporting template around beneficial ownership be included in the main reporting form even though it would only apply to publicly traded companies.

In response to a question from Mr. Matthews, Mr. Klepacz clarified that the reporting template would also ask companies to report payor codes, as they have in previous years of USEITI.

Mr. Padilla commented that the industry sector anticipates that there may be a high degree of variability in companies' approach to reporting for the 2017 report in terms of the degree to which companies aggregate or break out information and classify revenue streams. Some companies may provide very detailed information due to having compiled it for other reporting requirements, such as the EU directive.

The MSG approved the proposed reporting template for 2017.

- **Decisions: The MSG approved the proposed reporting template for 2017.**

2. 2017 Topics and Visualizations

Luke Hawbaker, Independent Administrator team member from Deloitte, presented about possible additions that the MSG could choose to make to the contextual narrative portion of the 2017 USEITI Report. Mr. Hawbaker's slides are available at: https://www.doi.gov/sites/doi.gov/files/uploads/2017_useiti_contextual_narrative_topics_msg_presentation_updated_1.pdf.

Responding to questions from MSG members, Ms. Wilson explained that USEITI has included three additional visualizations in its scope of work with the Independent Administrator for 2017. Based on the MSG's prior discussions, the Independent Administrator is anticipating that one visualization will focus on employment by commodity, a second on US audit and assurance procedures, and a third topic is to be determined by the MSG. These additional visualizations would be included in the report in 2017 and in future years. Ms. Kohler added that the Co-Chairs had proposed adding a "special highlight," either on forestry or on renewable energy, based on past MSG discussions.

MSG members discussed the criteria by which to make a decision about which topics and visualizations to add to the 2017 report. John Cassidy, IA team member from Deloitte, noted that the two criteria that the IA has been considering are: 1) increasing public engagement and interest in USEITI and 2) strengthening the case for USEITI validation with the International EITI Board. Ms. Kohler cautioned that the MSG does

not have a strong sense of what would interest the public since there has been limited public engagement with USEITI.

Following Mr. Hawbaker's presentation, the MSG discussed a variety of different options for additional content to include in the 2017 Report. The MSG's discussion is summarized below and organized by the different options considered with a final section focusing on the decisions made by the MSG to move forward.

a) Employment by Commodity

In response to requests by Mr. Hawbaker and Sarah Platts, Independent Administrator team member from Deloitte, to decide on whether to use data sets from the Bureau of Labor Statistics or from the US Census Bureau to present information about employment by commodity, Ms. Brian thanked Deloitte for their work and requested that CSO sector member Betsy Taylor be given more time to examine both data sets. Mr. Padilla requested that a note be included in the report indicating that the employment data only includes salaried and hourly employees not pass-through entities, sole proprietorships, and others.

The MSG opted to move forward with Mr. Gould's suggestion that the Implementation Committee consider and decide on which dataset to use to provide information for employment by commodity.

- **Approval: The MSG approved the motion to have the Implementation Committee decide on which dataset to use to provide information for employment by commodity.**

b) Audit & Assurances

Mr. Hawbaker provided an overview of existing content about the US audit and assurance process and of potential new content that could be added with the intention of strengthening USEITI's case for mainstreaming and foregoing independent reconciliation by the Independent Administrator. Mr. Bugala suggested that USEITI use an alternate term for "foregoing reconciliation," such as "not reconciling twice."

Ms. Brian raised the possibility of including the information that Mr. Kronebusch has developed about US audit and assurance processes in lieu of having the Independent Administrator create new content about this topic. Mr. Cassidy asked whether Mr. Kronebusch's material may be too complex for many members of the public to understand. In response, Ms. Brian suggested that information about audit and assurance procedures would likely be difficult for many members of the public to understand in any format.

Ms. Kohler suggested that including clear information about the US audit and assurance process in the USEITI report would also help to give the public more confidence in the audit process. Ms. Brian and Mr. Gould raised a concern that a visualization about the

audit and assurance process would not prove to be useful to the general public while also not providing the detailed information that well-informed parties would need to develop that additional confidence in the audit process.

Mr. Gould suggested that the USEITI Secretariat could put together information explaining US audit and assurance procedures for making the case to the EITI Board that USEITI does not need to reconcile revenues separately and redundantly through a Independent Administrator. Pursuing this path, the IA would not need to create additional content about this topic for the USEITI report nor a separate visualization from the one that was created last year.

c) Additional Metals

Keith Romig, United Steelworkers, suggested adding a “special highlight on additional metals” (such as silver, aluminum, lead, and zinc) because some MSG members are already knowledgeable about these commodities, in contrast to two other proposed “special highlights” – on forestry and on renewable energy. He also suggested that USEITI would likely need to expand its scope over time to include these additional metals, and possibly non-metal minerals.

Mr. Matthews suggested adding other commodities, such as trona, that are subject to federal royalty payments.

d) The Life of a Lease

Mr. Bugala suggested that additional information about the “life of a lease” be added to the contextual narrative, either in the form of a new visualization created by the Independent Administrator or by including material created by Mr. Kronebusch about federal leasing.

Ms. Wilson stated that the USEITI Secretariat and GSA 18F can try to include information about leasing in the 2017 Report but that this may be a challenge given limited time and resources. Mr. Bugala responded that if the Secretariat could make a good faith effort to include information about leasing in the 2017 Report then he does not need this topic to be considered for inclusion as an IA-produced visualization.

e) Forestry

Mr. Gould observed that USEITI has been discussing forestry for some time and has had challenges adding forestry representatives to the MSG. He suggested that adding a special highlight on forestry could provide information about forestry for relatively little effort while also stoking interest in including forestry in the scope of USEITI in a fuller way in the future.

f) Renewable Energy

Ms. Brian suggested that there exists much interest in the general public about renewable energy and the jobs being created in that industry, and so it may be beneficial to add a special highlight on renewable energy to the 2017 USEITI Report.

g) The MSG's Decision-Making About Topics and Visualizations to Include

Given the wide range of discussion and many topics under consideration for inclusion in the 2017 report, Ms. Kohler emphasized that rational criteria should be used to determine which topics would be included and that, if topics such as “additional metals” or the “life of a lease” are included, then the MSG would need to understand better what these topics would entail, as they have not been discussed much by the MSG in the past.

Mr. Bugala noted that having the Implementation Subcommittee consider issues of this nature before they come to the full MSG could streamline discussions during MSG meetings.

The MSG agreed to have the USEITI Secretariat work with GSA 18F to add material for the 2017 USEITI Report about the US audit and assurance procedures and for the USEITI Secretariat to make a “good faith effort” to include information about “the life of a lease” in the 2017 USEITI Report.

Mr. Cassidy suggested that the IA could further flesh out the contours of the following topics: additional metals, forestry, and renewable energy, and present these to the Implementation Subcommittee for decision-making.

- **Decision: The MSG decided to have the USEITI Secretariat work with GSA 18F to add material for the 2017 USEITI Report about US audit and assurance procedures and for the USEITI Secretariat to make a “good faith effort” to include information about “the life of a lease” in the 2017 USEITI Report.**
- **Approval: The MSG approved the motion to have the Implementation Committee decide on which two additional visualizations (between additional metals, forestry, and renewable energy) to include in the 2017 USEITI Report, along with a visualization about employment by commodity.**

F. Project Level Reporting

Mr. Kronebusch and Nathan Brannberg, DOI, presented information about project-level data disclosure and the process of requesting project-level data from the US Office of Natural Resources Revenue (ONRR). They also presented about the types of data requested received by ONRR during FY2016. Additional information is available in Mr. Kronebusch's and Mr. Brannberg's presentation, available at: https://www.doi.gov/sites/doi.gov/files/uploads/obtaining_project_level_info_from_onrr_final_1-30-17.pdf.

In response to their presentation, an MSG member from the CSO sector pushed back on the assertion from Mr. Kronebusch and Mr. Brannberg that not many members of the public are interested in detailed data. She suggested, instead, that the public has lost

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faith in the Freedom of Information Act (FOIA) process and the difficulty in obtaining information.

IV. Public Comments

Public comments were accepted in written form for this MSG meeting, as described in the “Adjustment of Meeting Schedule and Agenda” section, on page 6 of this summary. Written public comments received are provided below.

Nancy Harkins

West Chester, PA

nancyharkins651@gmail.com

The resource extraction transparency rule is critical to ensuring an informed and empowered electorate that is what President Trump has pledged to deliver. This cannot happen if we do not have this rule and we do not have a transparent government that does not marginalize individual voters in favor of the oil and gas industry.

If Trump is serious about giving power back to the people, then he must stop doing the bidding of the Chamber I oppose Republican efforts to undo critical rules protecting the environment and public welfare. In his inaugural address, Trump famously declared that alleged “American carnage stops right here and right now.” The resource extraction transparency rule would be of significant aid in stopping the all too real carnage taking place in countries afflicted by the resource curse, countries like Nigeria, the Democratic Republic of the Congo and Afghanistan. It’s time that Trump gets serious about putting people – all people – first, and corporate special interests like the Chamber, API and Big Oil companies second.

Thank you for making my comment part of the record.

Jennifer Krill, Earthworks

Extractive Industries Transparency should mean what it says. Unfortunately, by supporting the elimination of section 1504 of the Dodd Frank Act, even as it is being discussed over in the House of Representatives today, it is clear the MSG does not universally share the value of using financial transparency to eliminate corruption and promote best practices.

API's lobbying in support of 1504's repeal is a clear violation of our Terms of Reference. I want to express support for the statement made by CSO co-chair this morning calling for the removal of API from USEITI, a view we would hold with regard to any MSG members who oppose Section 1504. Any member company of API that has not publicly broken with API's position on 1504 should also not be part of USEITI.

Finally, it is inappropriate and disappointing to cancel public comments and unhealthy to limit public debate at today's MSG meeting.

V. Wrap Up / Closing

Mr. Patrick Field, facilitator from the Consensus Building Institute, reviewed the action items and the decisions coming out of the MSG meeting. Decisions will be recorded in an updated MSG Decision Matrix by the USEITI Secretariat.

Keith Romig asked to read out a statement on behalf of the CSO sector. The facilitator noted that the co-chairs had determined to move forward beyond the 1504 discussion the late morning. Mr. Romig read the note expressing disappointment about the MSG eliminating the verbal public comment period during the MSG meeting and also about the inappropriateness of the American Petroleum Institute's participation on the USEITI MSG. The text of Romig's comments are provided in Appendix B, available on page 20 of this meeting summary.

Following Mr. Romig's comments, Ms. Kohler stated that the public comment period was not eliminated and requested that the DFO adhere strictly to FACA protocols in the future. She suggested that the MSG had been too easy going in allowing people to speak on behalf of MSG members, allowing for interruptions, and the like, but that this approach was being abused by certain sectors. In response, the Acting DFO offered to review the MSG terms of reference and adhere to those.

Several members of the CSO sector raised their placards and requested to respond to Ms. Kohler's comments. The Acting DFO adjourned the meeting at this time.

VI. Meeting Participants

The following is a list of attendees from the February 1, 2017 USEITI MSG meeting.

Chaired by Judy Wilson, Acting Designated Federal Officer, for the USEITI Advisory Committee, US Department of the Interior.

A. Participating Primary Committee Members

Civil Society

Danielle Brian, Project on Government Oversight, USEITI MSG Advisory Committee Co-Chair

Paul Bugala, American University

Lynda Farrell, Pipeline Safety Coalition

Keith Romig Jr., United Steelworkers

Veronica Slajer, North Star Group

Government

Curtis Carlson, Department of the Treasury

Greg Gould, Department of the Interior, USEITI MSG Advisory Committee Co-Chair

Mike Matthews, State of Wyoming - Department of Audit/Mineral Audit Division

Mike Smith, Interstate Oil and Gas Compact Commission

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Industry

Stella Alvarado, Anadarko Petroleum

Michael Blank, Peabody Energy

Susan Ginsberg, Independent Petroleum Association of America

Veronika Kohler, National Mining Association, USEITI MSG Advisory Committee Co-Chair

Johanna Nesseth, Chevron

B. Committee Alternates in Attendance

Civil Society

Daniel Dudis, Public Citizen

Zorka Milin, Global Witness

Government

Jim Steward, Department of the Interior

Industry

Aaron Padilla, American Petroleum Institute

David Romig, Freeport-McMoRan Oil & Gas

Nick Welch, Noble Energy Inc.

C. Members of the Independent Administrator Team in Attendance

John Cassidy, Deloitte

Luke Hawbaker, Deloitte

Alex Klepacz, Deloitte

Sarah Platts, Deloitte

D. Government, MSG Members or Alternates via Phone, and Members of the Public in Attendance

Rebecca Adamson, First Peoples Worldwide

Avery, Concerned Citizen

Joyce Aober, USGS

Sam Bartlett, EITI

Neil Brown, Lugar Center

David Chambers, Center for Science in Public Participation

Spencer King

Jennifer Krill, Earthworks

Mike LeVine, Oceana

Nicole Levine, Oceana

Laura Logan

Julie Maldonado, Livelihoods Knowledge Exchange Networks

Waseem Mardini, Publish What You Pay US

Aaron Mintzes, Earthworks

Sara Porter, Private Citizen

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P. Rucker

Rosalie Satta, University of CA Santa Barbara

Mia Steinle, Project on Government Oversight

Betsy Taylor, Virginia Polytechnic Institute and State University

Catherine Traywick, Bloomberg News

Micah Watson, Department of State

Claire Ware, Eastern Shoshone & Northern Arapaho Tribes

Joseph Williams, Metro Resource Governance Institute

E. Facilitation Team

Patrick Field, Consensus Building Institute

Tushar Kansal, Consensus Building Institute

F. DOI MSG Support Team

Nathan Brannberg, Office of Natural Resources Revenue

A. Evans, Office of Natural Resources Revenue

Jerry Gidner, Office of Natural Resources Revenue

Jennifer Goldblatt, Office of Natural Resources Revenue

Robert Kronebusch, Office of Natural Resources Revenue

Darrel Redford, Office of Natural Resources Revenue

Judy Wilson, Office of Natural Resources Revenue

VII. Documents Distributed

Agenda ([PDF](#))

November MSG Meeting Summary ([PDF](#))

Meeting Notes from January 11th Improving Reporting Workshop ([PDF](#))

Draft Reporting Template ([XLS](#))

Draft Reporting Guidelines ([PDF](#))

Template EITI Beneficial Ownership Declaration Form ([XLS](#))

Communications Plan ([PDF](#))

VIII. Appendix A

Opening comments provided by Daniel Brian on behalf of the CSO sector:

Today the House and possibly the Senate are preparing to vote on whether to disapprove the Cardin-Lugar 1504 rule. As all of you who have been working on USEITI know, we have been waiting for months, years, for that rule to be finalized so that we could move forward with our work. 1504 is the cornerstone of USEITI and civil society vociferously objects to its gutting.

During these past years we have been told repeatedly that industry will not voluntarily disclose more than what is required of them by law. To be fair, despite that, several companies have honored the spirit of EITI and have gone beyond what was already legally required and disclosed their tax payments even before 1504 was implemented. And we thanked those companies by name in the last report. And we have been punting on the basic EITI requirements of tax disclosure and project level reporting because we were told we had to wait for the rule before we could do more.

I now ask our government and industry colleagues to please join me in expressing our opposition to the misguided effort to disapprove the rule. If any of the companies who have already supported the disclosure of taxes and project level reporting are willing to make their voices heard now, before the House and Senate vote, we might be able to prevent the loss of this anti-corruption measure.

We in civil society believe that the lobbying effort by the American Petroleum Institute to kill the 1504 rule is particularly galling, in that in their fact sheets, API uses their participation in USEITI as evidence that they believe in transparency. In those same documents API claims the disclosures required by 1504- which are complementary to EITI standards - are anti-competitive- even though their competitors are held to the same standards through the EU and Canadian rules. In other words, they never intended to support disclosure of taxes by company or project level reporting of other revenue streams.

We know that Aaron has been working hard on USEITI and he is not personally responsible for the positions of his employer, but it is simply unacceptable for API to continue to benefit from the goodwill generated from their boasting of their participation in USEITI while at the same time actively working to directly undermine our success. As a result, civil society is formally requesting that the DFO remove API from the MSG.

IX. Appendix B

Comment made by Keith Romig:

Just before I do [make a comment on behalf of the CSO sector] I'm going to make a statement on my own behalf as it's a shame that we ended up eliminating the verbal public comment period and the irony of that is that quite often when we open up the microphones for public comment there's a dead silence for ten minutes. This is one of the very few when we might've had fairly extensive public comment and it's a shame we didn't get to hear it. But that's just my statement, my personal statement. The formal statement follows.

Written statements are being submitted by CSOs and by this I mean, among others, members of this committee not able to be present including Neil Brown, Michael Levine, Betsy Taylor, Jennifer Krill and several others expressing concern, frustration and protest about the elimination of public comment at today's meeting. Many of CSOs are sending separate written messages expressing the inappropriateness of the American Petroleum Institute's participation in EITI while lobbying against 1504.

**UNITED STATES EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE
MULTI-STAKEHOLDER GROUP ADVISORY COMMITTEE MEETING
JUNE 27-28, 2016**

SUMMARY OF PROCEEDINGS

**U.S. DEPARTMENT OF THE INTERIOR
PREPARED: JULY 2016**

I. Introduction

The U.S. Department of the Interior (DOI), with Kris Sarri presiding as Designated Federal Official (DFO) and Paul Mussenden and Judy Wilson presiding as acting DFO, convened the eighteenth meeting of the U.S. Extractive Industries Transparency Initiative (USEITI) Multi-Stakeholder Group Advisory Committee (MSG) on June 27-28, 2016, in Washington, DC. The purpose of the meeting was to receive updates from the Independent Administrator on various aspects of developing the online report and executive summary for the 2016 USEITI Report and how to move forward with these; discuss communications and state and tribal opt-in efforts; and discuss the prospects for proceeding with mainstreaming of USEITI reporting into US government processes, the inclusion of beneficial ownership information, and validation of US EITI Reports.

Please note that, throughout this meeting summary, comments made by presenters, Independent Administrator team members, other non-MSG members, and those directly pertaining to an MSG decision are attributed to specific speakers. Other comments are provided without attribution in order to foster open discussion among MSG members excepting final deliberations prior to specific MSG decisions.

Interested parties are asked to contact USEITI at useiti@ios.doi.gov or 202-208-0272 with any questions, comments, or concerns regarding the content of this meeting summary.

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II. Summary of Endorsements, Decisions, Approvals, and Action Items

A. Endorsements

- No endorsements were made by the MSG at the June 2016 MSG meeting.

B. Decisions

- The MSG forwarded the content created by the IA about the Abandoned Mine Land (AML) Reclamation Program to 18F. *(see page 8)*
- The MSG approved the Montana template as a general template for state and tribal reporting, subject to tailoring by each entity participating. *(see page 9)*
- The MSG forwarded the US budget, audit, and assurance processes content created by the IA to 18F while the IA works with the Online Advisory Work Group and MSG subject matter experts to further revise any content that needs further work. *(see page 13)*
- The MSG forwarded the coal excise tax contextual information to 18F for inclusion in the 2016 USEITI Report, with additional review and comment to be provided by industry sector coal industry representatives, as needed. *(see page 14)*
- The MSG approved the Executive Summary Outline with revisions suggested by MSG members: inclusion of background on USEITI, guidance about how to navigate the online report, and year-to-year comparative information. *(see page 15)*

C. Approvals

- The MSG approved the March 2016 MSG meeting summary. *(see page 5)*
- The MSG approved the updated Terms of Reference. *(see page 5)*
- The MSG approved the 2015 USEITI Annual Activity Report for submission to the International EITI Secretariat. *(see page 6)*
- The MSG approved the renaming and reconstitution of the Reporting and Reconciliation Work Group as the “Beneficial Ownership Work Group.” *(see page 21)*
- The MSG approved the undertaking of a pre-feasibility exercise for mainstreaming of USEITI. *(see page 23)*

D. Confirmations

- No confirmations were made by the MSG at the June 2016 MSG meeting.

E. Action Items

- **Co-Chairs:**
 - Review and distribute meeting summary from June 2016 MSG meeting to MSG members.
 - Develop agenda for November 2016 MSG meeting.
- **USEITI Secretariat:**

- Find usage information about non-service government websites to compare to usage of the USEITI site. *(see page 6)*
- Work with the International EITI Secretariat and the IA to conduct a pre-feasibility exercise for mainstreaming of USEITI. Report on results at November MSG meeting. *(see page 23)*
- Consider the role and participation of the US State Department in the USEITI process. *(see page 26)*
- Work with the International Secretariat and the IA to explore the prospects and risks for USEITI validation and provide a recommendation to the MSG at the November 2016 MSG meeting. *(see page 27)*
- MSG decisions will be recorded in an updated MSG Decision Matrix by the Secretariat. *(see page 28)*
- **State and Tribal Opt-in Subcommittee**
 - Consider how the North Slope Borough case study should be revised to reflect Alaska’s unique circumstances. *(see page 8)*
 - State and Tribal Opt-in Subcommittee and the IA ask state-level contacts about additional data sources for county write-ups. *(see page 14)*
 - Prepare an amendment/extension application for adapted implementation. *(see page 26)*
- **CSO Sector**
 - Search for additional County-level data sources and provide them to the IA for consideration to be included in future years of USEITI reporting. *(see page 14)*
- **Beneficial Ownership Work Group**
 - Meet with technical experts, as needed, and provide a report and proposal of a draft roadmap for compliance with the EITI beneficial ownership disclosure requirement to the MSG at the November 2016 MSG meeting. *(see page 21)*
- **Independent Administrator (Deloitte)**
 - Articulate a formal process for the development and final approval of content for USEITI reports. *(see page 7)*
 - Clearly articulate the distinction between reconciled federal data and un-reconciled state and tribal data in the report. *(see page 8)*
 - State and Tribal Opt-in Subcommittee and the IA ask state-level contacts about additional data sources for county write-ups. *(see page 14)*
 - Include year-to-year comparison information between the 2015 and 2016 USEITI reports in the 2016 Report. *(see page 15)*
- **USEITI Process Facilitator (Consensus Building Institute)**
 - Create a meeting summary for the June 2016 MSG meeting.

III. Presentations and Key Discussions

Kris Sarri, Principle Deputy Assistant Secretary, Policy Management and Budget at the U.S. Department of the Interior (DOI) and Designated Federal Officer (DFO) for the

USEITI MSG, opened the meeting and welcomed participants. All individuals in attendance introduced themselves. A full attendance list can be found in Section VI – Meeting Participants, page 28.

A. Opening Remarks

Ms. Sarri provided opening remarks by stating that USEITI will be working towards launching the 2016 USEITI Report. She recognized the hard work of the subcommittees and work groups between MSG meetings and the importance of open dialogue and discussion between the sectors.

B. USEITI MSG Business

The MSG conducted the following items of business during the course of the MSG meeting.

1. Terminology and USEITI December 2015 Meeting Summary

Judy Wilson, USEITI Secretariat, reminded meeting participants that the MSG has agreed to employ three terms to differentiate between different types of actions that the MSG takes:

- “Decisions” will indicate significant actions and agreements by the MSG key to meeting EITI international standards.
- “Approvals” will indicate lower-level decisions by the MSG, such as approving work plans, meeting summaries, process changes or additions, etc.
- “Confirmations” will confirm decisions that the MSG has previously made.

The MSG approved the meeting summary of the March 2016 MSG Meeting. A copy of the final, approved meeting summary is available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/useiti_msg_mar_2016_mtg_summary_v5_160426.pdf.

- **Approval: The MSG approved the meeting summary from the March 2016 USEITI MSG meeting.**

2. MSG Terms of Reference

Judy Wilson noted that she had provided an overview of updated Terms of Reference (TOR) at the March 2016 MSG meeting and that a final draft version of the TOR was posted to the USEITI website two weeks before the June MSG meeting.

Danielle Brian, Project on Government Oversight and CSO sector co-chair, suggested that some language be included in the TOR articulating the prerogative of each sector to put forward members for inclusion on the MSG, i.e., the principle of self-selection of sector representatives without interference. With the inclusion of language to this effect, the MSG approved the updated Terms of Reference. The final, approved version of the TOR is available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/msg_updated_useiti_terms_of_reference_06282016.pdf

- **Approval: The MSG approved the updated Terms of Reference.**

3. Update on USEITI Website User Analytics

Judy Wilson gave a brief presentation to the MSG about the nature of user visits to the USEITI Report website (available online at: <https://useiti.doi.gov/>). Ms. Wilson described the trends in user visits, the length of time that visitors spent on the website, and the breakdown between new and repeat users. More information is available in Ms. Wilson's presentation slides, available online at: https://www.doi.gov/sites/doi.gov/files/uploads/google_analytics_2016.pdf.

In response to Ms. Wilson's comments, MSG members asked the following questions; *responses from Ms. Wilson are provided in italics:*

- Is 4,000 users during the first half of 2016 a lot of users? How does this compare to other popular government websites? *Ms. Wilson: The most visited government websites tend to be service-oriented websites that users visit to access a specific service that the government provides to people. So it does not make much sense to compare the usage of an informational website like the USEITI site to service websites.*
- Would it be possible to find usage information about non-service government websites so that we can make an appropriate comparison? *Ms. Wilson: Yes, the Secretariat will find that information.*

4. 2015 Annual Activity Report

Chris Mentasti, USEITI Secretariat, introduced the 2015 USEITI Annual Activity Report as a product created by the USEITI facilitator, the Consensus Building Institute. Tushar Kansal, Consensus Building Institute, added that the Annual Activity Report summarized activities undertaken by USEITI during 2015 and also speaks to concepts included in the 2016 EITI Standard, such as mainstreaming.

- **Approval: The MSG approved the 2015 USEITI Annual Activity Report for submission to the International EITI Secretariat.**

5. Subcommittee and Work Group Organization

The Reporting and Reconciliation Work Group was renamed and reconstituted as the "Beneficial Ownership Work Group."

C. Independent Administrator's Updates

Members of the Independent Administrator (IA) team from Deloitte provided updates on their progress towards preparation of the 2016 USEITI Report. IA team members provided updates on components of the online component of the 2016 report, the executive summary, and the reporting and reconciliation process. These updates and accompanying MSG discussions are summarized below.

1. Updates to Online Report Revisions/Additions

Sarah Platts, Independent Administrator team member from Deloitte, presented an overview of the IA's project plan for creating the USEITI 2016 Report. She explained that, among other work to update online report contents for 2016, the IA team is creating the content for three new visualizations: 1) Abandoned Mine Lands (AML) Fund; 2) State & Tribal Additions; and Budget; and, 3) Audit, and Assurance Process. The IA is also updating information in the twelve county case studies from the 2015 report and updating contextual information about the coal excise tax. Ms. Platts clarified that, although the IA team creates the content for visualizations, 18F designs the visualizations that will appear in the online report. She also noted that the pdf/printed report for 2016 is intended to be an Executive Summary that will be significantly shorter than the 2015 pdf/printed report, as discussed at the completion of the lengthy 2015 report. Additional information is available in Ms. Platt's presentation slides, available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/20160717_ia_project_plan_v_send.pdf.

MSG members made the following comments and asked the following questions following Ms. Platts' presentation; *direct responses to questions and comments are indicated in italics, with the speaker indicated, as relevant:*

- What will the process be moving forward with decision-making and finalization of the content that the IA is creating? *Members of the IA team: The IA has already worked with the relevant work groups, subcommittees, and with the Online Advisory Work Group to vet the content that is being presented to the MSG at this meeting. Once the MSG approves these items, the IA will send the content that it has created to 18F, which will then turn the content into visualizations and other material that will be incorporated into the online report website. 18F will also continue to work with the Online Advisory Work Group to make sure that the final formatting and presentation that 18F is creating remains true to the MSG's intent. Last year, having a full-day session with the Co-Chairs to make final decisions on outstanding sector comments worked well and it could be productive to have a similar process this year. Additional information about the content and visualization development process is available online in the following slide:*
https://www.doi.gov/sites/doi.gov/files/uploads/20160628_18f_visualization_process.pdf.
- Is it correct that the USEITI contract with 18F only runs until September? *Director of ONRR: Yes, that is correct. However, ONRR will be bringing "in-house" the 18F process by hiring three Innovation Fellows to join the USEITI Secretariat team. This will give us more flexibility in the future about how to build out the report website without having the constraints of a contracted approach.*
- Which states and tribes are being included in the "State and Tribal Additions" visualization material? *Chair of the State and Tribal Opt-In Subcommittee: The*

visualization will be focused on those states and tribes that have expressed an interest in opting into USEITI.

- When I do a Google search for “USEITI,” the online report website does not come up within the first five search results. Could this be fixed? *Representative from the USEITI Secretariat: The online report website is being revamped such that it should better catch the Google crawlers and fix this issue.*
- The content that is being shown to the MSG at this meeting has not been previously reviewed by the sectors as a whole. Should another work group be tasked with working with the IA on new content? Will the sectors still be able to provide additional comments and edits before this material is finalized?
 - *Ms. Platts: Minor edits and suggestions are welcome.*
 - *Chair of the Implementation Subcommittee: Although the content has not been reviewed by all of the MSG members or the sectors as a whole prior to this meeting, the three additional visualization topics were approved by the MSG towards the end of 2015 and the IA has been vetting the content with MSG work groups and subcommittees.*
- There is a distinction between including Federal data, which has been reconciled, and state data, which USEITI will be including in its report without vetting or verification. This distinction should be clearly stated in the report.
- It is the MSG’s responsibility to approve all of the content that is included in the USEITI report but the industry sector has been very resource-constrained this year and has had little opportunity to review the new content. The industry sector has been very clear this year that the MSG should remain focused on its top priorities, which the MSG previously identified as income tax reporting, reconciliation, and state and tribal opt-in.
- Similarly to the industry sector, I am also resource constrained since I work without an organization supporting me. I provided extensive edits to the North Slope Borough case study and, while many of my edits were incorporated, I also provided context and background around governance in Alaska that was not included. Why was this material not included?
 - *Member of the IA team: The IA cannot automatically incorporate all of the edits provided by a representative of one sector. The IA must work with all three sectors to secure consensus around revisions.*
 - *The Chair of the State and Tribal Opt-in Subcommittee recognized that the context for Alaska is substantively different from other states (and county case studies) and suggested that the State and Tribal Opt-in Subcommittee consider how the North Slope Borough case study should be revised to reflect these circumstances.*

a) Abandoned Mine Lands (AML) Reclamation Program Addition

Luke Hawbaker, IA team member, presented an overview of the content that the IA created about the Abandoned Mine Land (AML) Reclamation Program. He explained that the IA organized the material into three sections: Abandoned Mine Land Overview, AML Revenue & Disbursements, and The AML Fund. Once the MSG approves the

content created by the IA, the IA will send the content to 18F for design and finalization of presentation. The content presented by Mr. Hawbaker is available online at: https://www.doi.gov/sites/doi.gov/files/uploads/useiti_aml_visualization_20160607_vs_end.pdf.

MSG members made the following comments and asked the following questions following Mr. Hawbaker's presentation; *direct responses to questions and comments are indicated in italics*:

- Veronika Kohler, National Mining Association and industry sector co-chair, thanked the IA for accommodating the industry sector's capacity gap between the departure of coal company representatives from the MSG and awaiting the seating of a new representative. She added that she has heard widespread praise of the AML material prepared by the IA.
 - Dan Dudis, Public Citizen, inquired whether the maps of coal mines would be interactive and would allow users to identify which mines have been reclaimed. *Mr. Hawbaker indicated that the maps would not be interactive in the 2016 Report but that this functionality could be considered for incorporation in future years.*
 - Paul Mussenden and Ms. Kohler inquired about the process for finalizing the presentation of content once the MSG approves it.
 - *Greg Gould, ONRR and government sector co-chair, responded that the Online Advisory Work Group would work closely with 18F and MSG members to make sure that 18F's final presentation of content aligns with the MSG's intentions.*
 - *John Mennel, IA team member, noted that 18F may make some revisions in formatting and verbiage based on its design work and user-testing process.*
 - *In response to suggestions from Ms. Kohler and Ms. Brian, Ms. Platts agreed to provide a process schema for tracking work products through the review and finalization process. John Cassidy, IA team member, requested that the MSG try to abide by the process laid out by the IA.*
 - The MSG approved the content created by the IA about the Abandoned Mine Land (AML) Reclamation Program.
- **Decision: The MSG decided to send the content created by the IA about the Abandoned Mine Land (AML) Reclamation Program to 18F.**

b) State and Tribal Addition

Mr. Hawbaker presented an overview of the content that the IA created about Montana, one of the states and tribes exploring USEITI opt-in. He explained that the process of creating the Montana content included collecting input from the State of Montana and from MSG members and working with the State and Tribal Opt-In Subcommittee to review and revise the content. The IA is putting forward the Montana content as a template for approval by the MSG; if the MSG approves the Montana

content, the IA will create similar content for other states and tribes. The Montana content is available online at:

[https://www.doi.gov/sites/doi.gov/files/uploads/state_opt-](https://www.doi.gov/sites/doi.gov/files/uploads/state_opt-in_visualization_montana_6_10_2016_vmsg.pdf)

[in_visualization_montana_6_10_2016_vmsg.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/state_opt-in_visualization_montana_6_10_2016_vmsg.pdf) with enlarged mock-ups of components of the Montana content available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/2016june10_montana_enlarged_mock_ups_vmsg.pdf.

Editor's Note: For purposes of continuity, MSG discussion that was conducted during the "State and Tribal Opt-in Subcommittee Update" session (see page 17) is included in this section of the meeting summary.

MSG members made the following comments and asked the following questions following Mr. Hawbaker's presentation; *direct responses to questions and comments are indicated in italics:*

- Johanna Nesseth, Chevron, noted that whereas the MSG took the approach of informing the counties that were profiled in the county case studies that narratives based on publicly available information would be included in the USEITI report, the process has been more interactive with the opting-in states and tribes. *Mr. Hawbaker explained that the IA is sending draft versions of write-ups to states for multiple rounds of review and comment. Tribes have an exclusive right of final approval and sign-off on their write-ups. Danielle Brian added that the tribes are accorded this higher level of editorial authority due to the Federal government's trust responsibility with them.*
- Michael Gardner, Rio Tinto, inquired about whom the IA is speaking with at the state level. *Sarah Platts explained that the State and Tribal Opt-in Subcommittee provides the IA with a state point of contact who then also provides contact information for other state officials. Ms. Brian added that the State and Tribal Opt-in Subcommittee and the IA are also working to consult with state-level representatives from the industry and CSO sectors in addition to state government representatives.*
- Ms. Nesseth also suggested that Federal and state data would need to be very clearly differentiated and that revenue information be presented before regulatory information.
 - *Mr. Hawbaker responded that it should be relatively easy for 18F to identify data sources.*
 - *Paul Mussenden noted that both Federal and state data are forms of public data and that state regulatory agencies are accorded the same weight as Federal agencies. Kris Sarri suggested that it may be helpful to readers to make it very easy to find information about data sources so that readers can themselves explore the data sources.*
 - *John Mennel stated that both Federal and state/tribal data should come from credible public sector resources and should be well-cited. He added that a difference between Federal and state/tribal data is that, while the*

MSG has decided what data should be included, the states and tribes are largely defining what data to include in the USEITI report through the opt-in process.

- John Harrington suggested that it could be helpful to provide the states and tribes opting into USEITI with a summary of the factors and criteria that the MSG considered when deciding which revenue streams to include at the Federal level. If states or tribes define a revenue stream as material, then the MSG should defer to their decision. Paul Bugala, George Washington University, expressed agreement.
- David Romig, Freeport-McMoRan Oil & Gas, added that, while the MSG should defer to states and tribes, the included revenue streams should relate to the extractive industries.
- Mike Matthews, State of Wyoming, suggested that, if a state or tribe wants to include revenue streams that are not included at the Federal level, that the jurisdiction in question be asked to provide the relevant data.
- Ms. Nessith suggested that the MSG create a mechanism to vet revenue streams such that, for example, the State and Tribal Opt-in Subcommittee consider the revenue streams proposed by states and tribes that maybe or are beyond the scope of the Federal report.
- Dan Dudis suggested that a materiality threshold could be established for including revenue streams and that resources that are not included at the Federal level, such as forestry and fisheries.
- Veronica Slajer, North Star Group, noted that the Red Dog Mine in Alaska would not meet the USEITI materiality threshold but is a very significant mine in Alaska. She suggested creating a template for state and tribal opt-in that is based on the standards defined by the MSG for Federal reporting but also providing a space in the template for states and tribes to propose inclusion of other extractive commodities and revenue streams that are significant for them.
 - *John Cassidy noted that the state and tribal sections may end up looking somewhat different in content and format. In 2015, the MSG sought a uniform format and presentation for the country write-ups.*
- Patrick Field, USEITI facilitator from the Consensus Building Institute, synthesized the discussion and suggested the following process: a template based on the Montana model will be distributed to states and tribes opting into USEITI that would provide them with guidance about revenue reporting for participation in USEITI while also allowing them the opportunity to suggest additional commodities and revenue streams that are locally significant. Those proposed additions that are relatively straightforward would be handled by the IA while those that are further outside Federal scope would be considered by the State and Tribal Opt-in Subcommittee. In addition, the Co-Chairs will circulate drafts of content from the states and tribes that are opting into USEITI to MSG members via email for prompt review and comment.

- David Romig suggested that the acronyms for government agencies used in the report be hyperlinked to the names of the agencies. Lynda Farrell, Pipeline Safety Coalition, inquired about how decisions about hyperlinking are made. *Mr. Hawbaker explained that hyperlinks are generally used the first time that a term is used but that 18F would make final decisions about hyperlinking through design and usability testing.*
 - Keith Romig, United Steelworkers, suggested that the content more clearly differentiate between extractive commodities and primary products.
 - Dan Dudis noted that revenue information seems to be presented more prominently than cost information, in some cases.
 - Mike Matthews noted that many of the larger mine sites are pretty self-contained in terms of equipment and resources and therefore impose minimal costs on the local government. There are also some cases, such as Gillette, Wyoming, where the local mine is significantly supporting the town. This can make it difficult to determine what “fiscal costs” should be included.
 - *Ms. Brian agreed and noted that the IA is only including those costs that states and tribes have themselves directly attributed to extractive industry activity.*
 - Veronika Kohler suggested that, if cost information is going to be included, that contributions from industry be included next to the costs.
 - Ms. Brian added that she would be in favor of that as long as revenue and cost information are presented side-by-side.
 - Mr. Dudis expressed discomfort with presenting revenue and cost information side-by-side because cost information is often under-documented.
 - *Mr. Mennel explained that the IA is using the same criteria for including revenue and cost information that the MSG agreed on for the 2015 report: that the data source be a credible government data source and that the revenue or cost be directly attributed to extractive industry activity by a government entity. He added that, if any sector has concerns about a specific item, it can flag that item for the IA, and if a sector would like to see content presented differently, the IA can communicate that to 18F.*
 - Mr. Dudis inquired whether Montana is particularly rich in available data about the extractive industries. *Ms. Platts responded that Montana, Wyoming, and Alaska are all notably rich in available data among the states, which may be why they are the first three states to be opting into USEITI.*
- **Decision: The MSG decided to approve the Montana template for state and tribal reporting. The template based on the Montana model will be distributed to states and tribes opting into USEITI that would provide them with guidance about revenue reporting for participation in USEITI while also allowing them the opportunity to suggest additional commodities and revenue streams that are locally significant. Those proposed additions that are relatively**

straightforward would be handled by the IA while those that are further outside Federal scope would be considered by the State and Tribal Opt-in Subcommittee. In addition, the Co-Chairs will circulate drafts of content from the states and tribes that are opting into USEITI to MSG members via email for prompt review and comment.

c) Budget, Audit, and Assurance Process Addition

Andrew Varnum, IA team member, presented an overview of the content that the IA created about US budget, audit, and assurance processes. Once the MSG approves the content created by the IA, the IA will send the content to 18F for design and finalization of presentation. The content presented by Mr. Varnum is available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/budget_and_audit_visualization_160610_junemsg.pdf.

MSG members made the following comments and asked the following questions following Mr. Varnum's presentation; *direct responses to questions and comments are indicated in italics*. A number of commenters identified gaps in the information presented:

- John Harrington, ExxonMobil, noted that the large number of linkages to other data and information sources makes it hard to understand exactly what information will be presented but that he could identify some gaps at present, such as that IRS auditors are continuously present onsite at companies, not just when audits are taking place.
- Aaron Padilla, American Petroleum Institute, suggested that more information could be included about non-tax revenues and that steps 2 and 3 presently have some redundancy that could be eliminated.
- Mike Matthews noted that companies are audited at the state level in addition to being audited by the Federal IRS.
- Danielle Brian identified a few linguistic concerns, such as the use of "such as" before "accounting principles" in the Data Validation introduction.

Given the need for further review and revision of portions of the Budget, Audit, and Assurance Process Addition, the MSG agreed to send the content created by the IA to 18F to begin creating the visualization while the IA works with the Online Advisory Work Group and the following subject matter experts to further revise any content that needs further work: Paul Bugala (George Washington University), Aaron Padilla (American Petroleum Institute), Phil Denning (Shell Oil Company), and Curtis Carlson (US Department of the Treasury).

- Sam Bartlett, International EITI Secretariat, commended USEITI on the high quality and clarity of the content created about US budget, audit, and assurance processes.

➤ **Decision: The MSG decided to send the US budget, audit, and assurance processes content created by the IA to 18F while the IA works with the Online**

Advisory Work Group and MSG subject matter experts to further revise any content that needs further work.

d) *Twelve County Case Studies*

Sarah Platts explained that the IA is updating the twelve county case studies included in the 2015 USEITI Report and is adding some minor content in some cases. Drafts of the case studies are available online at: <https://www.doi.gov/eiti/june-27-28-2016-meeting>.

MSG members made the following comments and asked the following questions following Ms. Platts' comments; *direct responses to questions and comments are indicated in italics*:

- Dan Dudis stated that the draft write-up for the State of Montana is at the scale and depth that he had been anticipating for the county write-ups in 2015. He inquired as to the possibility of trying to find additional data sources for the counties.
- Danielle Brian suggested that the sectors could search for additional data sources and provide them to the IA for consideration to be included in future years of USEITI reporting.
- In response to a question from Mr. Dudis about the possibility of including additional data in the county case studies for the 2016 USEITI Report, Ms. Brian and Greg Gould explained that expanding the county case studies is not included in the work plan for 2016. Mr. Gould added that the budget for contracts with the IA and 18F would need to be considered when deciding whether expanded county write-ups could be included in the 2017 work plan.
- Johanna Nesseth suggested that the State and Tribal Opt-in Subcommittee and the IA could ask state-level contacts about additional data sources.
- Veronika Kohler recommended that decisions about how to expand the report be based on input and requests received from the public.

e) *Coal Excise Tax Contextual Information*

A draft of the information prepared by the IA about the coal excise tax is available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/coal_excise_msg_20160607_vf.pdf.

While suggesting that the MSG move forward with deciding that the coal excise tax contextual information be sent to 18F for inclusion in the 2016 USEITI Report, Veronika Kohler noted that coal mining company representatives have recently left the MSG due to cut backs in the coal industry and thereby requested that the representative from Peabody Energy that is awaiting confirmation to join the MSG be allowed to review the coal excise tax information and provide input.

Greg Gould agreed with Ms. Kohler's request and suggested that the industry sector put forward the Peabody Energy representative as a "technical expert" now so that he can provide input even before being confirmed to join the MSG.

- **Decision: The MSG decided to send the coal excise tax contextual information to 18F for inclusion in the 2016 USEITI Report, with additional review and comment to be provided by industry sector coal industry representatives, as needed.**

2. 2016 USEITI Report (PDF) Executive Summary

Sarah Platts presented the outline for the executive summary to the 2016 USEITI Report to the MSG. She explained that the intention for the executive summary was to make it significantly shorter than the executive summary of the 2015 Report. Ms. Platts also mentioned that the 2015 Report would be archived online so that it would always be publicly available. The outline for the executive summary to the 2016 USEITI Report is available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/20160617_executive_summary_presentation_v_send_0.pdf.

MSG members made the following comments and asked the following questions following Ms. Platts' comments; *direct responses to questions and comments are indicated in italics*:

- John Harrington suggested that a description of USEITI be added to the executive summary outline.
- Keith Romig suggested that guidance about how to navigate the online report be added to the executive summary outline.
- In response to a question from Dan Dudis about whether infographics similar to those included in the 2015 executive summary would be included, Ms. Platts indicated that they would.
- Mr. Dudis inquired as to whether information comparing the 2015 and 2016 reports, such as the number of companies included and the types of quantities of revenues reported, would be provided anywhere. He noted that this is a standard element of reports that are issued annually.
- Mr. Harrington and David Romig questioned the utility of including such a comparison.
- Greg Gould agreed that it could be helpful to include year-to-year comparisons but explained that this is not included in the IA's 2016 scope of work. He suggested that the Secretariat would explore whether it could take this on internally and that, since the data and reports are provided online, readers can draw their own inferences comparing the 2015 and 2016 reports.
- Ms. Kohler suggested that the MSG discuss how the year-to-year comparison would be framed and reported so that, for example, the appropriate emphasis is placed on the level of company participation in reporting and reconciliation given that all revenue data is also provided through unilateral disclosure. Mr. Gould agreed that this would be important to discuss at a future MSG meeting.
 - *John Mennel expressed agreement about the importance of providing year-to-year comparison information and said that the IA would include*

this type of information. The framing and outline could be discussed by the Implementation Subcommittee.

- In response to a question from David Romig about disclosing the use of 2013 data for reconciliation in the 2015 Report and 2015 data in the 2016 Report (and thereby skipping 2014 data), Mr. Gould agreed that it would be important to clearly state that information in the 2016 Report as well as to provide the 2014 revenue data through unilateral disclosure.
- **Decision: The MSG decided to approve the Executive Summary outline for the 2016 Report with revisions suggested by MSG members: inclusion of background on USEITI, guidance about how to navigate the online report, and year-to-year comparative information.**

3. Update on Company Reporting and Reconciliation Process

Alex Klepacz and Kent Schultz, IA team members from Deloitte, provided an update on the company revenue reporting and reconciliation process. They reported on the materials that the IA has distributed to companies, the IA's communication process with companies, and the current status of company participation in reporting and reconciliation. Additional information is available in Mr. Klepacz's and Mr. Schultz's slides, available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/20160617_rr_msg_v_send.pdf.

In response to Mr. Klepacz's and Mr. Schultz's comments, Danielle Brian inquired as to whether it could be helpful to encourage additional companies to participate in reporting and reconciliation if MSG members were to supplement the IA's outreach efforts. Mr. Klepacz responded by explaining that the five companies that have informed the IA that they will not participate in reporting provided somewhat generic reasons for not doing so, such as having time and resource constraints. As such, it may not make much difference if MSG members were to do additional outreach.

D. Communications Subcommittee Update

Veronika Kohler, Chair of the Communications Subcommittee, provided an update on the Subcommittee's activities. She reported that the Subcommittee is revising the USEITI communications plan to focus on outreach around the 2016 USEITI Report with a particular focus on social media to engage the general public. She also reported that 84 people participated in a recent webinar held for the general public and that the Subcommittee is reaching out to Congressional offices. In addition, the IA held two sets of webinars for reporting companies, in Houston and Denver, with one set focused on non-tax revenue reporting and the other focused on tax reporting. Ms. Kohler also reported that the Department of the Interior sent a letter to reporting companies signed by Kris Sarri, Principle Deputy Assistant Secretary, Policy Management and Budget. Ms. Sarri added that a letter from the Secretary of the Interior, Sally Jewel, would go out to reporting companies on the day of the MSG meeting, June 27.

Finally, Ms. Kohler also reported that two public outreach sessions are planned for Montana (one public in Helena and one near or on the Blackfeet Nation) and one for New Orleans, Louisiana. These locations were chosen jointly by the Communications and State and Tribal Opt-in Subcommittees because Montana has both the state and the Blackfeet Nation opting into USEITI and New Orleans was the only location in the earlier round of public outreach at which members of the public attended.

In response to Ms. Kohler's comments, members of the MSG asked the following questions and made the following comments; *responses are indicated in italics*:

- Was the public webinar recorded and, if so, is it accessible for MSG members to view? *Ms. Kohler: yes, the webinar was recorded and is available for viewing. DOI is also exploring how to turn it into a learning module for companies.*
- How receptive do companies seem this year to participating in income tax reporting? *Mr. Klepacz and Mr. Mennel: Although we are seeing more participation by company tax representatives in our outreach events, there was only one question asked across the four webinars. The IA will also be making a presentation at the American Petroleum Institute Tax Conference.*

E. State and Tribal Opt-in Subcommittee Update

Ms. Danielle Brian, Chair of the State and Tribal Opt-in Subcommittee, provided an update on the Subcommittee's work. She reported that three states and one tribe have opted in, with discussions about opt-in progressing with a second tribe. Once approved by the MSG, the IA and 18F will use the same template for state-level reporting that has been created for Montana for other states opting into USEITI. She added that the Alaska state government wants to explore including revenue streams, such as pipelines, that the USEITI MSG has defined as out-of-scope for Federal reporting. Additional information is available in the presentation slides available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/2016june23_state_and_tribal_msg_slides_v4_1.pdf.

Editor's Note: For purposes of continuity, MSG discussion that was conducted during this portion of the meeting is included in the "State and Tribal Addition" section of the meeting summary (see page 9).

F. Implementation Subcommittee Updates

Greg Gould, Chair of the Implementation Subcommittee, introduced the key topics of discussion for the MSG from the Implementation Subcommittee: a revision of the EITI Standard has raised "beneficial ownership" and "mainstreaming" on the agenda for USEITI consideration. Presentations made on these topics and accompanying MSG discussions are summarized below.

1. Update on 2016 EITI Standard Revisions

Judy Wilson provided an overview of key elements of the revised EITI Standard. Her comments focused on seven requirements of the EITI Standard, updated requirements

around disclosure of beneficial ownership, updated requirements around data quality and assurance and the possibility of “mainstreaming” EITI reporting, and updated procedures for validation of country reports. Additional information is available in Ms. Wilson’s presentation slides, available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/eiti_2016_standard.pdf.

2. Beneficial Ownership Roadmap

Members of the Reporting and Reconciliation Work Group of the Implementation Subcommittee presented information of their work group’s due diligence and discussions around the new EITI beneficial ownership requirement and the context for meeting the requirement in the United States. Work group members Paul Bugala (George Washington University), John Harrington (ExxonMobil), Jim Steward (US Department of the Interior), and Curtis Carlson (US Department of the Treasury) reviewed the following information and made the following points:

- The revised requirements around beneficial ownership disclosure are in the 2016 Standard;
- The considerations that would need to be taken into account would be explored in a required “roadmap” for disclosure, due this year, to address beneficial ownership by 2020;
- The beneficial ownership would very likely not apply to publicly held companies that are registered with the Securities and Exchange Commission (SEC). Instead, the requirement would apply to privately held companies that are registered under state laws.
- State laws do not compel disclosure by privately held companies of beneficial ownership.
- Federal laws governing extractive activity do not require disclosure of beneficial ownership.
- There are thousands of extractives companies operating on Federal lands, of which only about 10 percent are publicly traded. There are many other companies that operate on non-Federal lands.
- Various bills have been introduced in Congress to require the identification of beneficial owners over the past ten years. None of these bills would compel the public disclosure of beneficial ownership and none have been enacted into law.
- Compelling disclosure of beneficial ownership will likely be a very difficult undertaking in the United States given existing laws and regulations. The 2016 EITI Standard does allow countries to prioritize disclosure, for example by the largest companies first, with an intention to include all companies in disclosure by 2020.

Additional information is available in the presentation slides available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/beneficial_ownership_overview_presentation_drft_06_17_2016_v9.pdf.

Following the presentation, MSG members asked the following questions and made the following comments:

Rationale of beneficial ownership disclosure

- The MSG should consider how disclosure of beneficial ownership could be most useful in the US context.
- Disclosure of beneficial ownership can help to fight illegal activity, such as money laundering and fraud. Recent disclosures about shell companies incorporated in the US and about the Panama Papers indicate the importance of this.
- Shell companies and the Panama Papers disclosures likely have little relevance to the extractive industries because these types of companies are unlikely to be engaged in extractive industry activities.
- From a global perspective, the EITI requirements around beneficial ownership could be very beneficial. US companies need to consider how to comply with the Corrupt Foreign Practices Act. However, implementation of beneficial ownership disclosure in the US just seems very logistically challenging.
- There is both a domestic rationale and an international rationale for disclosure of beneficial ownership. The former is to prevent someone with a political connection to come into ownership of a mineral resource in less than competitive ways and then benefit financially from that ownership. US law has various mechanisms, such as protections against conflict of interest, to guard against companies and individuals from illicitly coming into ownership of mineral interests. The international rationale for beneficial ownership disclosure is to mitigate the risk of international money laundering and financing of terrorist activities and the like. Various laws are being proposed in the US to address these international threats. So, in terms of the rationale for beneficial ownership disclosure as part of USEITI, the domestic rationale is largely addressed by existing US laws and the latter seems to be outside of what USEITI can meaningfully contribute to.
- It would be more accurate to say that the US has anti-corruption laws but that corruption still can and does take place here despite those laws.
- From the perspective of the International EITI Secretariat, is there any aspect of the international rationale for disclosure of beneficial ownership that is part of the mandate of EITI? *Response from Sam Bartlett, International EITI Secretariat: Some countries have had some success in addressing these trans-border issues by asking questions of the companies operating in their country. Although this is somewhat tricky, there is some potential for individual countries to have an impact on these trans-boundary issues through EITI.*
- States and tribes may not have the same level of control and transparency to combat corruption as those that exist at the Federal level.
- There may be corruption occurring that we are currently unaware of. For example, BLM officials and employees may hold ownership stakes in mineral

resources or in extractives companies. *ONRR Response: There are regulations that prohibit BLM employees from having these sorts of ownership stakes.*

- Without disclosure of beneficial ownership, we do not know whether these regulations are being violated.
- The Federal legislation that has been proposed and was reviewed by the Reporting and Reconciliation Work Group presenters would make ownership information available to law enforcement authorities but would not make it publicly available.
- Unfortunately, those bills have been tabled for the past ten years and have not been enacted, and so prospects for that sort of legislation being enacted soon do not seem likely.

Companies to be included in beneficial ownership disclosure

- Instead of thinking about disclosure of beneficial ownership for tens of thousands of extractives companies in the US, the MSG may want to focus on a manageable subset, such as the companies included in USEITI reporting and reconciliation.
- The following criteria could be used to select a subset of companies included in beneficial ownership disclosure: companies operating on Federal lands, by revenue, by production, by number of leases.

Options that USEITI could consider around beneficial ownership disclosure:

- This could be an opportunity for USEITI to take an element of the EITI Standard and adapt it to be useful for US purposes. For example, USEITI could propose an approach to the International Board that would disclose beneficial ownership information to law enforcement officials to address corruption concerns but would not disclose beneficial ownership publicly.
- Particularly given that privately held companies are incorporated at the state level and that USEITI has neither the power to compel disclosure of beneficial ownership from these firms nor influence with state legislatures to change their laws, USEITI may need to explore adapted implementation around this issue.
- From the perspective of the International EITI Secretariat, would a description of the legal safeguards that the US has enacted to guard against conflict of interest and corruption satisfy the EITI beneficial ownership question? *Response from Mr. Bartlett: After conducting an assessment and creating a roadmap, the USEITI MSG can seek to make that case to the International Board. Each country is expected to present its assessment to the Board and make the case for what it can feasibly do to meet the beneficial ownership requirement.*

Other comments:

- Is there a prospect of the Department of the Interior promulgating new regulations around disclosure of beneficial ownership for companies operating on Federal lands?

- *Response from Greg Gould, Director of ONRR: The charge for USEITI this year is to develop a roadmap around achieving compliance with the beneficial ownership requirement by 2020. That roadmap could include the prospect of Federal rule-making. Generally, the roadmap requires USEITI to identify the potential hurdles to achieving compliance with the beneficial ownership requirement and possible strategies for surmounting those hurdles. The roadmap allows USEITI to help the International EITI Board understand USEITI's prospects for meeting this element of the Standard and, if needed, begin thinking about adapted implementation.*

Next steps around beneficial ownership disclosure:

- Greg Gould, Chair of the Implementation Subcommittee, proposed renaming the Reporting and Reconciliation Work Group as the “Beneficial Ownership Work Group.” The MSG approved this renaming and reconstitution of the work group.
 - The newly-named Beneficial Ownership Work Group will meet with technical experts, as needed, and will provide a report and proposal of a draft roadmap for compliance with the EITI beneficial ownership disclosure requirement to the MSG at the November 2016 MSG meeting.
 - Given the timeframe and lack of budget allocated for engaging technical experts by work groups, the Beneficial Ownership Work Group will likely consult with voluntary experts from the US Department of the Treasury and civil society organizations.
- **Approval: The MSG approved the renaming and reconstitution of the Reporting and Reconciliation Work Group as the “Beneficial Ownership Work Group.”**

3. Mainstreaming

John Harrington presented information about the Reporting and Reconciliation Work Group’s due diligence and discussions around the new EITI option to pursue mainstreaming of reporting. He explained that an increasing number of legal mandates coming into place in the United States, European Union, and other jurisdictions replicate some of the EITI requirements. So, the revised EITI Standard introduces the option for countries to include the reporting of EITI-related information through regular government channels as opposed to a stand-alone EITI report. Mainstreaming could also mean that some core elements of EITI, such as reconciliation of reported revenue, would no longer be required.

Mr. Harrington reviewed the principles underpinning mainstreaming, the procedures for mainstreamed disclosures, and the uncertainties for USEITI around participating in mainstreaming. Mr. Harrington noted that the EITI Board Chair indicated that the Board is intending to initiate mainstreaming with countries that can more fully meet all of the requirements in the EITI Standard, meaning that the US likely would not be considered in the first batch. Additional information is available in Mr. Harrington’s presentation

slides, available online at:

www.doi.gov/sites/doi.gov/files/uploads/mainstreaming_msg_mtg_slides_2.pdf.

Following the presentation, MSG members asked the following questions and made the following comments:

- What are the advantages and disadvantages of mainstreaming?
 - It would allow USEITI to avoid the cost of reconciliation and instead dedicate those resources to making the contextual narrative and overall reporting more robust. It could also provide an incentive for other countries to pursue strengthening their controls to a similar level as the US so that they can also forgo reconciliation.
 - *John Mennel, IA team member, added: Mainstreaming would also make the EITI process more sustainable in the sense that integrating reporting into normal government functioning is more likely to persist than a stand-alone EITI reporting process. Additionally, the US likely saw some benefits from the reconciliation process in 2015 in terms of cleaning up data, but the costs of reconciliation likely outweigh those benefits over time.*
 - *Sam Bartlett, International EITI Secretariat, also suggested that mainstreaming could have a public benefit in that it makes up-to-date information more readily and easily publicly accessible. For example, an internet search for royalty payments in their state should yield accurate data.*
- The concept of mainstreaming has been part of the thinking for USEITI from the beginning since EITI implementation was intended to spur greater transparency across the Department of the Interior. The inclusion of mainstreaming in the 2016 EITI Standard allows the US to formalize that greater transparency.
- The Office of Natural Resources Revenue (ONRR) already undertakes significant effort to verify data with payers. The EITI reconciliation process could be seen as duplicative of this ONRR verification process.
- What is the mainstreaming feasibility study intended to address? In addition to working with the US Independent Administrator to conduct a feasibility study, would USEITI be able to work with the International EITI Secretariat? *Response from Sam Bartlett: Although the International Secretariat cannot commit to too much, it is assisting some countries with pre-feasibility scoping. In the US, the International Secretariat would like to see disclosure of tax payments. The US will need to examine what disclosure already exists and what further needs to be done.*
- Given that Australia joined EITI only in May 2016, what is their approach to mainstreaming? *Response from Mr. Bartlett: Australia is still a candidate country but previously ran a pilot EITI program for a few years. That pilot exercise was to test the hypothesis that EITI reconciliation would be redundant with the robust auditing processes that Australia already has in place.*

- What would the difference be between performing a pre-feasibility exercise and conducting the full feasibility study? *Response from Mr. Bartlett: The full feasibility study would be much more extensive. The pre-feasibility exercise could likely focus on scoping and likely hurdles and be prepared by the next MSG meeting in November. Another consideration for USEITI is that, with adapted implementation approved for the first two reports, a mainstreaming feasibility study could choose to focus only on Federal revenues or it could include state and tribal revenues given the need to report these beginning with the third USEITI report.*

Greg Gould, the Chair of the Implementation Subcommittee and head of the USEITI Secretariat, proposed that that USEITI Secretariat work with the International EITI Secretariat and the IA to conduct a pre-feasibility exercise for mainstreaming of USEITI.

- **Approval: The MSG approved the undertaking of a mainstreaming pre-feasibility exercise.**

G. Dodd-Frank Act Section 1504 Update

Greg Gould provided a high-level summary of the just released final rule for Section 1504 of the Dodd-Frank Act that released by the US Securities and Exchange Commission (SEC) on June 27, 2016. Mr. Gould’s general and initial summary covered reporting requirements, the definition of “project,” the types of payments included, relationship to USEITI, and the effective date of the draft final rule. Additional information is available in Mr. Gould’s presentation slides, available online at: https://www.doi.gov/sites/doi.gov/files/uploads/dodd_frank_sec_presentation.pdf.

In response to Mr. Gould’s comments, MSG members made the following comments:

- The definition of “project” in the SEC rule appears to have been drafted to align closely with EU and Canadian regulations.
- Throughout the rule, the SEC references the EU and Canadian regulations, as well as EITI and USEITI, in an apparent effort to align with these other entities.
- It seems that USEITI would be working at cross-purposes of this emerging consensus if it were to define “project” distinctly from these precedents.

H. Validation Discussion

John Mennel, IA team member from Deloitte, presented information about the EITI validation process and its implications for USEITI. He reviewed the EITI International Board’s validation process, the indicators that the Board considers, the countries that are currently compliant with EITI and those that are attempting validation in 2016 and 2017, case studies from the validation process of select countries, notable changes to the validation process that were implemented with the 2016 EITI Standard, and the outlook for validation of the USEITI reports. Additional information is available in Mr. Mennel’s presentation slides, available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/20160620_validation_case_studies_v_send_updated_1.pdf.

In response to Mr. Mennel's presentation, MSG members made the following comments and asked the following questions:

- Does the USEITI adapted implementation dispensation have a strict time limit? Does the USEITI plan for sub-national voluntary opt-in to USEITI potentially fulfill the requirement for sub-national participation? *Response from Sam Bartlett: The USEITI year 2 report (in 2016) will cover only 2016 and will thereby be covered by the adapted implementation dispensation. After the two-year dispensation, however, USEITI will need to have sub-national participation or apply for additional relief of some sort.*
- The USEITI adapted implementation request may have had two phases, with the first phase for sub-national opt-in and the second phase for reporting and reconciliation of sub-national revenues. The adapted implementation dispensation may not have been strictly time-limited, so this would need confirmation.
- If it is true that countries are waiting several years for validation due to delays from EITI International, is it possible that USEITI could be well on the way to mainstreaming by the time a US report is considered for validation? *Response from Sam Bartlett: There are fifteen validation requests overdue and they have been given priority by the International Board. That backlog will be cleared quickly. The Board will also take stock of the EITI financial situation in October 2016 and will thereby determine how many validations to undertake in 2017.*
- If the USEITI MSG decides to pursue validation of its 2016 report, could the International EITI Board meet that request? *Response from Sam Bartlett: To the extent possible, the International Board will strive to meet requests for expedited validation.*
- In terms of the likelihood for USEITI validation, in the past countries have been validated without fully meeting all EITI requirements and the presentation from John Mennel indicated that the EITI Board considers a scorecard holistically. However, Sam Bartlett has also indicated that a country needs to be "satisfactory" on all requirements in order to be validated. In order for USEITI to achieve validation, is "satisfactory" progress on each requirement needed or can is "meaningful" progress on some requirements sufficient? What are the requirements for validation? *Response from Sam Bartlett: All requirements have to be met. The EITI Board will make a final decision about a country's scorecard. The 2016 EITI Standard is quite clear that countries are required to have "satisfactory" progress on all requirements to achieve validation.*
- Prior to the 2016 Standard, the Board had more discretion to consider countries' reports holistically and validate them even if they had not met all of the requirements. The likelihood for the US report to be validated under the 2016 Standard is lower than it was under the 2013 Standard. *Response from John*

Mennel: Although there were countries that achieved validation without full compliance with company and revenue stream reporting, the gap that the US had in 2015 in terms of income tax reporting was quite significant. And the 2016 Standard sets a higher bar for validation.

- The International EITI Board ultimately decides whether a country is “EITI compliant,” correct? How is “compliance” with the EITI Standard different from “validation?” *Response from Mr. Bartlett: There are three stages to determine compliance: review by the International EITI Secretariat, review by an independent validator appointed by the EITI Board, and a final determination by the EITI Board.*
- The MSG is trying to guess at the intentions of the Board’s Validation Committee. The USEITI MSG has not been able to reach consensus about the disaggregation level of reporting and this may be a reason to be cautious about pursuing validation.
- There seem to be the following possibilities for USEITI pursuing validation: 1) submit the 2016 USEITI report for expedited validation; 2) submit for validation under the normal process, in which case the most recent report at the time of validation will be reviewed; or 3) request delayed validation.
- One additional consideration is that the 2016 Report would be considered for validation under the 2013 Standard whereas the 2017 report and later reports would be considered under the 2016 Standard.
- The USEITI MSG will have a better sense of the Board’s timeframe for validation after getting more information about the progress of the EITI fundraising campaign.
- Another validation risk is that the Board may not accept the USEITI definition of materiality. For next year, USEITI should expand the definition of materiality beyond only DOI revenues.
 - USEITI submitted its candidacy application under a definition of materiality that includes only DOI revenues.
 - *Response from Sam Bartlett: The Board is not limited to considering only the definition that was included in a country’s candidacy application. Doing so would discount any discussion or decisions that a country’s MSG makes after submitting its initial application.*
 - There are a number of companies in the mining sector that are not currently included in USEITI reporting because their payments to DOI do not meet the materiality threshold but that are voluntarily reporting their income tax payments. The Implementation Subcommittee should explore including these companies next year in order to help address the income tax reporting issue.
- The MSG needs to make a decision about how to handle state and tribal opt-in and, consequently, whether to submit another application for adapted implementation.

- The State and Tribal Opt-in Subcommittee should prepare a second request for adapted implementation. This application should state that USEITI is unlikely to ever undertake revenue reconciliation of state and tribal revenues.
- Mainstreaming could obviate the need for reconciliation.
 - *Comment from Pat Field, facilitator: We will need to clarify whether mainstreaming applies to all aspects of reporting or only to some aspects.*
- Given that the SEC has now released a rule for Section 1504 of the Dodd-Frank Act and that the 2016 Standard creates a pathway for mainstreaming, the real hurdle for validation facing USEITI is the level of participation in corporate income tax reporting. USEITI clearly meets or exceeds every other aspect of the Standard. USEITI needs to test what arguments it can make such that it can be successful even without the tax reporting. Could the case be made that USEITI is on a glide path towards validation given the release of rules under Section 1504? If the MSG decides that the US report is unlikely to be validated, the MSG should then consider whether it makes sense to continue expending the resources to meet the Standard. Instead, USEITI could consider pursuing the spirit of the EITI without strictly striving for validation.
- The rulemaking under Section 1504 is not a given. The SEC previously released final draft rules and those rules were blocked by a lawsuit. Given the political dynamics around these issues, that could happen again. Furthermore, even if the rules are implemented, tax reporting would not come into effect until 2019, which is three years away. The MSG should be very cognizant of the message that it would be sending about American exceptionalism in that they would have to undertake reconciliation while the US chooses not to do so. Other countries have enacted laws mandating reporting from companies and what the US does around this will have an impact in other countries.
 - The MSG needs to choose between focusing on domestic priorities and foreign policy goals. It cannot accommodate both simultaneously.
 - Another important precedent to consider is the robust level of CSO participation in the US process and the very strong and proactive involvement, particularly around unilateral disclosure, from the government sector.
- I am dismayed about the comments that the USEITI report would not achieve validation. We have a report that all sectors should be very proud of, particularly given the factors on the ground. It could be helpful to have our other EITI International Board member, Ambassador Warlick, participate in and help inform these discussions. USEITI needs people at the Board level who understand the discussions that the MSG has had and who can advocate on behalf of USEITI with the Board. I would like to reiterate the request that Ambassador Warlick attend USEITI MSG meetings in order to understand the USEITI process.

- *Sam Bartlett has communicated very clearly that countries are required to meet all of the requirements in order to achieve validation. He also said he is impressed about the work that USEITI has done.*
- Reconciliation is still very important for the US process. There are safeguards in place in the US system, and yet the impetus for this work in the US was the revelation about corruption at the former Minerals Management Service (MMS). *Response from a representative from the State of Wyoming: After the MMS scandal, Wyoming audited its revenue-sharing program with MMS and did not find any revenue misallocation. While there were cultural and behavioral problems at MMS, it does not seem that there were problems with revenue allocation and distribution.*
- There is still a chance that the US could achieve validation if more companies participate in income tax reporting in 2016.
- More so that income tax reporting, for which regulations will be implemented at some point, state and tribal reporting and reconciliation will continue to be a challenge and hurdle for implementation because the MSG ultimately has no control over subnational participation.
- An additional validation risk facing USEITI is the low level of public participation in the US process. *DOI Response: The US put forward resources for public engagement but unfortunately was not able to achieve robust engagement.*
- Patrick Field, facilitator, summarized the following potential validation risks raised by MSG members:
 - Sub-national reporting and reconciliation
 - Project level reporting
 - Definition of materiality
 - Tax reporting and reconciliation
 - Number of companies that participated in reporting
 - Community engagement

Greg Gould, Chair of the Implementation Subcommittee, proposed that the USEITI Secretariat work with the International Secretariat and the IA to explore the prospects and risks for USEITI validation and provide a recommendation to the MSG at the November 2016 MSG meeting. Mia Steinle, Project on Government Oversight, and Emily Hague, American Petroleum Institute, would serve as liaisons between the Secretariat and their sectors. The Secretariat will also maintain open communication with MSG members throughout the process.

IV. Public Comments

No public comments were offered at the June 2016 MSG meeting.

V. Wrap Up / Closing

Mr. Patrick Field, facilitator from the Consensus Building Institute, reviewed the action items and the decisions coming out of the MSG meeting. Decisions will be recorded in an updated MSG Decision Matrix by the Secretariat.

Mr. Gould, Ms. Kohler, Ms. Brian, and Mr. Mussenden, in their roles as Co-Chairs and the acting DFO, made closing comments to the MSG, thanking the MSG, associated staff, the USEITI Secretariat, and the IA for their hard work. Mr. Mussenden, Acting DFO, adjourned the meeting at 4:00 pm.

VI. Meeting Participants

The following is a list of attendees from the June 27-28, 2016 USEITI MSG meeting.

Chaired by Kris Sarri, Designated Federal Officer, and Paul Mussenden, Acting Designated Federal Officer, for the USEITI Advisory Committee, US Department of the Interior.

A. Participating Committee Members

Civil Society

Danielle Brian, Project on Government Oversight, USEITI MSG Advisory Committee Co-Chair
Paul Bugala, George Washington University
Lynda Farrell, Pipeline Safety Coalition
Keith Romig, Jr., United Steelworkers
Michael Ross, Natural Resources Governance Institute
Veronica Slajer, North Star Group

Government

Curtis Carlson, Department of the Treasury
Greg Gould, Department of the Interior, USEITI MSG Advisory Committee Co-Chair
Mike Matthews, State of Wyoming - Department of Audit/Mineral Audit Division

Industry

Stella Alvarado, Anadarko Petroleum
Phillip Denning, Shell Oil Company
Michael Gardner, Rio Tinto
John Harrington, ExxonMobil
Veronika Kohler, National Mining Association, USEITI MSG Advisory Committee Co-Chair
Johanna Nesseth, Chevron

B. Committee Alternates in Attendance

Civil Society

David Chambers, Center for Science in Public Participation

Daniel Dudis, Public Citizen

Government

Jim Steward, Department of the Interior

Industry

Chris Chambers, Freeport-McMoRan Copper & Gold Inc.

Aaron Padilla, American Petroleum Institute

C. Members of the Independent Administrator Team in Attendance

John Cassidy, Deloitte

Luke Hawbaker, Deloitte

Alex Klepacz, Deloitte

John Mennel, Deloitte

Sarah Platts, Deloitte

Kurt Schultz, Deloitte

Jen Smith, Deloitte

Andrew Varnum, Deloitte

D. Government and Members of the Public in Attendance

Michael Blank, Peabody Energy

Troy Dopke, Department of Interior Office of Inspector General

Nicole Gibson, Department of State

Emily Hague, American Petroleum Institute

Jeannette Angel Mendoza, Office of Natural Resources Revenue

Mary McCullough, Chevron

Charles Norfleet, Bureau of Ocean Energy Management

Kathleen Richland, Department of Interior Office of Inspector General

Yvette Smith, Office of Natural Resources Revenue

Mia Steinle, Project on Government Oversight

Suzanne Swink, BP

Micah Watson, Department of State

Greg Weissman, Chevron

Lance Wenger, Department of the Interior Office of the Solicitor

E. Facilitation Team

Patrick Field, Consensus Building Institute

Tushar Kansal, Consensus Building Institute

F. DOI MSG Support Team

Nathan Brannenber, Office of Natural Resources Revenue

Jerry Gidner, Office of Natural Resources Revenue

Jennifer Goldblatt, Office of Natural Resources Revenue

Judith Wilson, Office of Natural Resources Revenue

VII. Documents Distributed

- MSG Meeting Agenda ([PDF](#))
- March 2016 MSG Meeting Summary ([PDF](#))
- 2015 Signed Annual Activity Report ([PDF](#))
- Updated USEITI Terms of Reference ([PDF](#))
- Coal Excise Tax Infographic ([PDF](#))
- AML Visualization ([PDF](#))
- Budget and Audit Visualization ([PDF](#))
- Montana State Opt-In Visualization ([PDF](#))
- Montana Enlarged Mock-Ups ([PDF](#))
- Data Portal Analytics ([PDF](#))
- 18f Development Process ([PDF](#))
- County Case Studies:
 - Boone, Logan, and Mingo Counties, West Virginia ([PDF](#))
 - Campbell County, Wyoming ([PDF](#))
 - Desoto Parish, Louisiana ([PDF](#))
 - Elko and Eureka Counties, Nevada ([PDF](#))
 - Humbolt and Lander Counties, Nevada ([PDF](#))
 - Marquette County, Michigan ([PDF](#))
 - Pima County, Arizona ([PDF](#))
 - St, Louis County, Minnesota ([PDF](#))
 - Tarrant and Johnson Counties, Texas ([PDF](#))
 - Greenlee County, Arizona ([PDF](#))
 - Kern County, California ([PDF](#))
 - North Slope Borough, Alaska ([PDF](#))
- Executive Summary Outline ([PDF](#))

**UNITED STATES EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE
MULTI-STAKEHOLDER GROUP ADVISORY COMMITTEE MEETING
MARCH 8-9, 2016**

SUMMARY OF PROCEEDINGS

**U.S. DEPARTMENT OF THE INTERIOR
PREPARED: MARCH 2016**

I. Introduction

The U.S. Department of the Interior (DOI), with Kris Sarri presiding as Designated Federal Official (DFO) and Paul Mussenden presiding as acting DFO, convened the seventeenth meeting of the U.S. Extractive Industries Transparency Initiative (USEITI) Multi-Stakeholder Group Advisory Committee (MSG) on March 8-9, 2016 in Washington, DC. The purpose of the meeting was to make decisions on various recommendations for the 2016 USEITI Report from the Implementation Subcommittee; begin consideration of the future inclusion of additional commodities, namely forestry and other minerals; consider outreach efforts to the public around the 2015 Report and to companies around the 2016 Report; discuss both state and tribal opt-in efforts and updating the contextual narrative portions of the 2016 report around states and tribes.

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II. Summary of Endorsements, Decisions, Approvals, and Action Items

A. Endorsements

- No endorsements were made by the MSG at the March 2016 MSG meeting.

B. Decisions

- The MSG adopted the Implementation Subcommittee's recommendation on project-level reporting. *(see page 8)*
- The MSG adopted the Implementation Subcommittee's recommendation on revenue streams. *(see page 10)*
- The MSG adopted the Implementation Subcommittee's recommendation on reporting template and guidelines. *(see page 11)*
- The MSG adopted the Implementation Subcommittee's recommendation on company materiality. *(see page 11)*
- The MSG adopted the Implementation Subcommittee's recommendation on sampling. *(see page 13)*
- The MSG adopted the Implementation Subcommittee's recommendation on margin of variance. *(see page 15)*
- The MSG adopted the Implementation Subcommittee's recommendation on holding webinars for companies' tax staff. *(see page 16)*
- The MSG adopted the Implementation Subcommittee's recommendation on industry peer discussions. *(see page 17)*
- The MSG adopted the Implementation Subcommittee's recommendation on opt-in to USEITI reporting for out-of-scope companies. *(see page 17)*

C. Approvals

- The MSG approved the December 2015 MSG meeting summary. *(see page 5)*

D. Confirmations

- No confirmations were made by the MSG at the March 2016 MSG meeting.

E. Action Items

➤ Co-Chairs:

- Review and distribute meeting summary from March 2016 MSG meeting to MSG members.
- Develop agenda for June 2016 MSG meeting.
- Provide guidance to the Subcommittees around consultation with external stakeholders. *(see page 28)*

➤ USEITI Secretariat:

- Explore means to enhance the transparency of the contracting process, including federal best practices around contracting. *(see page 7)*
- Request participation from highest-level DOI officials in outreach efforts to companies. *(see page 23)*
- Send out letters to companies that are tailored to the level of reporting and reconciliation that companies elected to participate in for 2015. *(see page 24)*

➤ Implementation Subcommittee:

- Consider the proposal for forming a work group focusing on defining materiality. *(see page 13)*

- Provide updates on progress and key themes raised in industry peer discussions during weekly conference calls. *(see page 17)*
- **Reconciliation and Reporting Work Group**
 - Explore how the EITI International Board’s recently announced “mainstreaming” policy could be applied in the US context. *(see page 8)*
- **Independent Administrator (Deloitte)**
 - Based on analysis conducted during 2016 reporting and reconciliation process, report to the MSG on how much time and money a sampling approach would save on the part of the IA, companies, and the government. *(see page 14)*
 - Provide ongoing updates to the MSG about the number of companies likely to participate in different aspects of reporting and reconciliation. *(see page 17)*
 - Draft a proposal detailing an outreach strategy to companies around voluntary opt-in for out-of-scope companies. *(see page 18)*
 - Coordinate with USEITI Secretariat around communication with companies. *(see page 24)*
 - Present additional information about the content and intended direction of the state and tribal and budget, audit, and assurance visualizations to MSG members and continue working with the Online Report Work Group on an ongoing basis to confirm the direction of the online report. *(see page 27)*
- **USEITI Process Facilitator (Consensus Building Institute)**
 - Create a meeting summary for the March 2016 MSG meeting.

III. Presentations and Key Discussions

Kris Sarri, Principle Deputy Assistant Secretary, Policy Management and Budget at the U.S. Department of the Interior (DOI) and Designated Federal Officer (DFO) for the USEITI MSG, opened the meeting and welcomed participants. All individuals in attendance introduced themselves. A full attendance list can be found in Section VI – Meeting Participants, page 32.

A. Opening Remarks

Ms. Sarri provided opening remarks by stating that USEITI will be working towards initiating validation and ultimately becoming an EITI compliant country in 2016. She recognized the hard work of the subcommittees and work groups between MSG meetings and the importance of coordination and collaboration across sectors, with the IA team, and among the other bureaus and offices within the Department of Interior and other agencies outside DOI.

B. USEITI MSG Business

The MSG conducted the following items of business during the course of the MSG meeting.

1. Terminology and USEITI December 2015 Meeting Summary

Judy Wilson, USEITI Secretariat, reminded meeting participants that the MSG has agreed to employ three terms to differentiate between different types of actions that the MSG takes:

- “Decisions” will indicate significant actions and agreements by the MSG key to meeting EITI international standards.
- “Approvals” will indicate lower-level decisions by the MSG, such as approving work plans, meeting summaries, process changes or additions, etc.
- “Confirmations” will confirm decisions that the MSG has previously made.

The MSG approved the meeting summary of the December 2015 MSG Meeting with one minor edit. A copy of the final, approved meeting summary is available at:

<https://www.doi.gov/sites/doi.gov/files/uploads/USEITI%20MSG%20-%20Dec%202015%20Mtg%20Summary%20vFINAL%20APPROVED%20%28160323%29.pdf>.

- **Approval: The MSG approved the meeting summary from the December 2015 USEITI MSG meeting.**

2. Update on EITI Global Conference, Lima Peru

Two members of the EITI International Secretariat, Jonas Moberg and Sam Bartlett, joined the USEITI MSG meeting via teleconference. They provided a summary of proceedings at the Lima conference, including updates to the EITI Standard.

Mr. Moberg characterized the conversations at the Lima conference as deep and insightful. He noted that the Dominican Republic and Germany are joining EITI and observed that many Latin American countries are moving towards participating in EITI. Mr. Moberg stated that there is a growing recognition that EITI reporting in some countries has become overly dissociated from the functioning of their governments and so there is now a movement towards “mainstreaming” EITI into government’s other functions. He also mentioned the tension between the civil society sector and EITI leadership that arose in the Lima meeting around self-selection of board members and expressed confidence that the dynamic would improve under the leadership of the new Chair of the EITI Board, Fredrik Reinfeldt. He suggested that EITI needs to be “light touch” and not create unnecessary bureaucracy while also becoming more robust.

Mr. Bartlett focused his comments on updates to the EITI Standard that were agreed-to at the Lima conference. Key updates include:

- Option to “mainstream” EITI reporting through existing government systems.
- Provisions on beneficial ownership such that each country will need to agree on a roadmap for disclosing beneficial ownership by January 1, 2017 such that such disclosure is in place by January 1, 2020.
- Changes to validation procedures that include more disaggregated assessments and that encourage and reward continuous improvement.

- Provisions to encourage countries to undertake recommendations articulated in their EITI reports.
- Strengthened data accessibility requirements.
- Refinements to address inconsistencies and ambiguities in the Standard.
- A new requirement that MSGs publish their per diem policies.
- Restructuring of the EITI Standard to better align with the extractive industry value chain.

In response to Mr. Moberg's and Mr. Bartlett's comments, MSG members asked the following questions and made the following comments; *responses from Mr. Moberg and Mr. Bartlett are indicated in italics*:

- A CSO sector member inquired about the role of the civil society organization (CSO) sector at the Lima meeting and about the tension between the CSO sector and EITI leadership.
 - Mr. Bartlett recounted that there were four key meetings in Lima, with the meeting of the outgoing EITI Board looking at a number of key governance issues. He noted that, with more civil society organizations participating in EITI, there was contention about how CSO organizations would be nominated for seats on the EITI Board. Subsequently, some CSO organizations declined to participate in the members meeting. Later, the meeting of the incoming EITI Board addressed and resolved the issues raised in the outgoing board meeting.
 - A CSO sector member added that the outgoing board chair, Claire Short, asserted that she could overrule the self-selection process of the CSO sector. The incoming board chair has a different approach than the outgoing chair and he acknowledged the process "foul" that had taken place. The commenter also noted that the US Government representative to the Board, Mary Warlick, was very supportive of the CSO position.
- CSO sector members inquired about the significance of the changes to the standard around a country making "meaningful progress" towards meeting the requirements articulated in the Standard.
 - Mr. Bartlett explained that the EITI Board will look at a given country's progress towards meeting the requirements of the EITI Standard and will make a judgment call about whether the country has made "satisfactory progress," "meaningful progress," or "limited progress" towards meeting the Standard's requirements. Achieving "compliance" with the EITI Standard will continue to require that a country meet all elements of the Standard. The new framework gives the board greater discretion to decide what consequences should be meted out to countries that are not in compliance. For example, for a country like Afghanistan that has been participating in EITI but that has very weak governance, the board can look at what steps the country is taking to move towards compliance.

- An industry sector member recounted that he attended the Lima conference as well and highlighted the final day of the conference that featured over 25 ministers attesting to the importance of EITI in their countries. He stated that, although the organization is having some growing pains, the underlying work remains robust and important.
- An industry sector member commended the work of the members of the USEITI Secretariat who set up the US booth and represented USEITI. She also noted that John Harrington has been appointed to the EITI International Board as an alternate member.
- A CSO sector member added that the US Co-Chairs met with their counterparts from Iraq who were very interested to learn that the platform for the USEITI online report is open source and can be used by other countries. She also noted that the Iraqi MSG has rules requiring minimum representation and leadership by women.
- Government sector members Greg thanked the USEITI Secretariat as well as Kris Sarri for engaging the USEITI team. They added that the USEITI online report is a strong example of how EITI can improve governance in implementing countries and that other countries are now looking at the US example.

3. MSG Terms of Reference

Ms. Wilson walked through a draft version of updated Terms of Reference (TOR) for the USEITI MSG. She remarked that the updated draft is intended to be more forward-looking than the existing TOR, which was drafted and agreed-upon at the inception of the MSG. Ms. Wilson requested that the sectors review the draft updated TOR and be prepared to comment and decide on whether to endorse the document at the June MSG meeting. The draft TOR is available at:

https://www.doi.gov/sites/doi.gov/files/uploads/Updated%20USEITI%20Terms%20of%20Reference%20compared%203_16%201.pdf.

A CSO sector member commented that the federal contracting process to select the Independent Administrator was opaque and did not allow for input or guidance from the MSG. He noted that this opacity is particularly incongruent for a transparency initiative. The commenter suggested that the USEITI Secretariat explore other federal contracting processes, such as one used by the US Department of Energy in the nuclear fuel sector, and other best practices around federal contracting that are more transparent. Greg Gould, DOI ONRR, agreed to continue exploring means to enhance the transparency of the contracting process, including the federal best practices that the commenter referenced. The USEITI facilitator noted that the last bullet under the section of the draft TORs titled “X. Communications between the IA and the MSG” is intended to help address the commenter’s expressed concerns, at least in part.

An industry sector member inquired as to the consequences of an MSG member violating the TOR. The USEITI facilitator noted that, informally, this can be addressed through conversations, while formal decision making as to the severity of the violation

and attendant consequences rests with the Designated Federal Official to recommend to the Secretary for action. This is covered in Section IX, subsection I of the draft TOR.

4. Subcommittee and Work Group Planning

Mr. Gould asked the Reconciliation and Reporting Work Group to explore how the EITI International Board's recently announced "mainstreaming" policy could be applied in the US context.

C. Implementation Subcommittee Recommendations

The USEITI MSG received and discussed presentations and recommendations from two work groups of the Implementation Subcommittee: the Reconciliation and Reporting Work Group and the Tax Work Group. Each of these sets of work group recommendations and accompanying MSG discussions and decisions are summarized below. *Please note that where deliberation is in service of a MSG decision, comments are attributed by individual names and affiliation.*

1. Reconciliation and Reporting Work Group Recommendations

Jim Steward, Department of the Interior, provided an overview of the six areas in which the Reconciliation and Reporting Work Group made recommendations to the Implementation Subcommittee – with the Implementation Subcommittee now making those same recommendations to the full USEITI MSG. These recommendations were intended to set the stage for validation of the USEITI 2016 Report at the end of the year. The work group made recommendations in the following six areas:

- Project-level reporting
- Revenue streams
- Reporting template and guidelines
- Company materiality
- Sampling
- Margin of variance

The slides with Mr. Steward's overview and with recommendations from the Reconciliation and Reporting Work Group are available at:

https://www.doi.gov/sites/doi.gov/files/uploads/2016Mar04_Reporting%20and%20Reconciliation%20Work%20Group_MSG.pdf.

a) Project-level Reporting

Paul Bugala, member of the Reconciliation and Reporting Work Group, summarized the work group's process and recommendation about project-level reporting for 2016. He explained that, given that extensive discussions about this topic had already been held in the Implementation Subcommittee, the work group concluded that the positions of the industry and CSO sectors are presently irreconcilable. As such, the work group reverted to a previous agreement and made the following recommendation to the Implementation Subcommittee – with the Implementation Subcommittee now making those same recommendations to the full USEITI MSG:

The recommendation of the Reporting and Reconciliation Workgroup is that the reconciled payment reporting of the 2016 USEITI should follow the first part of Section 5.2e of the EITI Standard that states: "It is required that EITI data is presented by individual company, government entity and revenue stream." We were unable to reach a consensus on a project-level reporting definition consistent with Section 5.2e in the necessary timeframe.

Please see pages 1-2 of the following document for the complete recommendation on project-level reporting from the work group:

<https://www.doi.gov/sites/doi.gov/files/uploads/Reporting%20and%20Reconciliation%20Workgroup%20Recommendations.pdf>.

In response to Mr. Bugala's comments, MSG members asked the following questions and made the following comments.

- Zorka Milin inquired whether the strong opposition to project-level reporting in the United States among many companies takes into account the fact that many of these companies that have operations in Europe will have to report at the project level in coming months under EU law.
 - John Harrington responded by explaining that, while there are differences of opinion among industry sector members, many companies are concerned about the prospect for competitive harm from revealing information at the project level and are also not convinced that this reporting will effectively further EITI's goals for greater transparency and fighting corruption in the United States. As such, the industry sector is in favor of waiting until the Securities and Exchange Commission (SEC) releases rules concerning project-level reporting under §1504 of the Dodd-Frank Act.
- Danielle Brian asked whether work group members anticipate that their recommended approach could risk validation of the USEITI 2016 Report.
 - Mr. Harrington suggested that the EITI Board is likely to be sympathetic to the fact that USEITI is trying to act consistently with SEC and EU rules and that, on this issue, SEC rules are in process and have not been put in place.
 - Mr. Bugala cautioned against assuming that the Board would be okay with the US approach because it is the Board's Validation Committee that ultimately makes the decision about validating the US report. He added that, even with this caution, he stands behind the work group's recommendation.
 - Mike LeVine, Oceana, suggested that, while this may be the right decision for the time-being, the MSG ultimately does not know what the implications for validation will be.
 - Greg Gould stated that the recommendation clarifies that company-level reporting can serve as a surrogate for project-level reporting until the SEC rule-making process is finalized. As such, the work group's recommendation should not present a validation risk.

- Ms. Milin responded that company-level reporting and project-level reporting are separate processes and are not substitutable.
 - Michael Gardner, Rio Tinto, opined that USEITI risks erring if it defines project-level reporting itself based on the disparate rules that have been released from the EU and Canada instead of waiting for the SEC. He provided the example of Quebec adopting a different definition than the rest of Canada.
 - Ms. Milin noted that her organization, Global Witness, has participated in discussions at the level of the EITI International Board about this issue and that the International Board has also agreed to disagree.
 - In response to questions from Chris Chambers, Freeport-McMoRan Copper & Gold, and from Ms. Brian, Mr. Gould confirmed that the federal government's unilateral disclosure of revenue data would remain at the company level until the SEC rule is finalized, at which point it will move to project-level reporting to the extent allowable by US law.
- **Decision: The MSG adopts the Implementation Subcommittee's recommendation on project-level reporting.**

b) Revenue Streams

Jim Steward recounted that the work group discussed the revenue streams to include in the 2016 USEITI Report. The discussion covered the revenue streams currently included in the 2015 USEITI Report, revenue streams that were intentionally excluded from the 2015 USEITI Report, as well as potential new revenue streams (e.g. forestry revenue).

Based on this discussion, the work group and the Implementation Subcommittee recommended to the MSG that no change be made as to the revenue streams included in the 2016 Report. The Implementation Subcommittee's complete recommendation can be found on pages 3-4 of the following document:

<https://www.doi.gov/sites/doi.gov/files/uploads/Reporting%20and%20Reconciliation%20Workgroup%20Recommendations.pdf>.

Mr. Harrington added that, while BLM helium revenue would be excluded from the report as last year, a description of the government's helium policy will be included in the contextual narrative portion of the report, as it was in the 2015 report.

Keith Romig noted that, if additional commodities are included in the scope of USEITI over time, additional revenue streams pertaining to these commodities would need to be added.

- **Decision: The MSG adopts the Implementation Subcommittee's recommendation on revenue streams.**

c) Reporting Template and Guidelines

Mr. Steward explained that the work group discussed possible paths to streamline the burden associated with reporting and reconciling revenue streams, particularly the “ONRR Other Revenues” revenue stream. Mr. Harrington added that the work group ultimately could not determine whether any changes that it would recommend would lower the reporting and reconciling burden without reducing the quality of these activities. The work group hopes that the lessons that both the Independent Administrator and reporting companies learned from participating in reporting and reconciliation in 2015 will smooth the process for 2016.

The work group and the Implementation Subcommittee made the following recommendation to the MSG:

For the 2016 USEITI Report, no content changes will be made to reporting template and guidelines that were submitted in the 2015 USEITI Report.

Please see page 5 of the following document for the complete recommendation on project-level reporting from the work group and the Implementation Subcommittee: <https://www.doi.gov/sites/doi.gov/files/uploads/Reporting%20and%20Reconciliation%20Workgroup%20Recommendations.pdf>.

- **Decision: The MSG adopts the Implementation Subcommittee’s recommendation on reporting template and guidelines.**

d) Company Materiality

Mr. Steward recounted that the work group discussed the relevant year of data for reconciliation purposes, CY 2014 or CY 2015, and considered the advantages and disadvantages to both. The work group and Implementation Subcommittee recommended that USEITI use CY 2015 data in the 2016 report because it could increase company data availability and diminish the effect of company mergers, acquisitions, and divestures (e.g., which company is responsible for reporting the revenue for reconciliation). This would mean CY2014 data would not be required to be reported (but ONRR can unilaterally disclose this data for purposes of continuity and the on-line report).

In addition, following discussion, the work group and Implementation Subcommittee recommended that USEITI continue to use the same method of company determination, specifically by using only ONRR reported revenues, as was used for the 2015 report.

Finally, the group work group and Implementation Subcommittee decided maintaining the 2015 reporting and reconciliation threshold is an important step to achieve for the 2016 USEITI Report. An 80% threshold was used for the 2015 USEITI report; the workgroup decided that based on the company composition of 2015, the decisions of the MSG, and the outcomes of the 2015 report, that an 80% revenue threshold would

be appropriate for the 2016 USEITI report, given that in any year the actual dollar threshold in absolute dollars will vary based on market conditions and other factors.

Please see pages 6-8 of the following document for the complete recommendation on company materiality from the work group and the Implementation Subcommittee:
<https://www.doi.gov/sites/doi.gov/files/uploads/Reporting%20and%20Reconciliation%20Workgroup%20Recommendations.pdf>.

In response to Mr. Steward's comments, MSG members asked the following questions and made the following comments.

- Dan Dudis of Public Citizen questioned why company materiality should be defined using only ONRR revenues when there are companies, particularly in the hard rock mining sector, that do not pay significant revenues to ONRR but that do pay significant revenues to the US Internal Revenue Service (IRS) in corporate income taxes. He suggested that, even though corporate income taxes are confidential, proxy information, such as production volumes, could be used to determine which companies pay significant quantities in corporate income taxes to the IRS. Including these companies would provide a fuller picture of the extractives sector in the United States.
 - Ms. Milin responded that there does not exist a good proxy indicator for corporate income tax payments.
 - Mr. Dudis replied that there should be some statistical correlation between a company's level of revenues and the amount that it pays in taxes. If, in fact, there is not a strong correlation between these two variables, that itself is an interesting story for USEITI to share.
 - Ms. Brian supported Mr. Dudis' call for an exploration of avenues to include companies in USEITI reporting that make significant tax payments but are not considered material according to ONRR revenue collections.
 - Mr. Mussenden reminded the group that the MSG's focus for 2016 is on achieving validation of its report. He agreed that it may be worth exploring other avenues for including other companies but suggested that the MSG focus on making decisions that facilitate validation of the 2016 report.

Mr. LeVine and Ms. Brian inquired about the change in the composition of companies that would be included in the 2016 materiality threshold as compared to 2015. Per the IA, it was noted that seven companies dropped off from the 2015 to the expected 2016 report. Of those seven companies, five companies reconciled CY2013 revenues. Three (3) new companies will be added from 2015 to the 2016 report

- Mr. LeVine also inquired about the future implications work group's recommendation that USEITI stay at an 80% revenue threshold for 2016 as opposed to moving to the 90% threshold that had previously been envisaged.
 - Mr. Harrington explained that moving to the 90% threshold would draw in 74 companies, many of them smaller, and the work group has concerns that some of these additional companies may not participate in USEITI reporting.

The work group's recommendation only applies to the 2016 report and does not bear on future years.

- Ms. Kohler added that not all of the companies that were included in the materiality threshold in 2015 elected to participate in revenue reconciliation and that it may be harder to convince companies to participate in 2016 given the ongoing low price environment for commodities and given that some of the in-threshold companies have filed for bankruptcy protection.
- Mr. Gould noted that the July 2013 MSG meeting summary contains a statement indicating that the USEITI MSG would decide about the 2016 company materiality threshold based on the results of 2015 reporting.
- Mike Matthews, State of Wyoming, suggested that the MSG decide to focus on percentage thresholds (e.g. 80% or 90%) going forward, as opposed to dollar revenue levels (e.g. \$50 million) so as to better account for fluctuating commodity prices.
- Mr. LeVine expressed his support for the Implementation Subcommittee's proposal to keep the company materiality threshold at 80% for 2016 but noted that this is a change from the MSG's previous planning and suggested that the MSG include a statement clarifying its intention.
 - Aaron Padilla, American Petroleum Institute, cautioned against including a statement of this sort as a caution against confusing USEITI's standard for validation.
- Ms. Brian and Mr. LeVine posited the importance of having the MSG affirmatively confirm that the decision to stay at an 80% materiality threshold for 2016 based on the results of 2015 reporting and other circumstances is not reflected in the USEITI candidacy application. They also pressed for the formation of a work group to focus on defining materiality for 2017 in order to separate out and rationalize two separate considerations: the level of revenue payments that USEITI considers to be "material" and the number of companies that are included in reporting.
 - Ms. Kohler responded to the proposal to create a working group focused on materiality by expressing concern about the MSG taking on additional priorities, beyond focusing on validation, in 2016.
 - Mr. Gould suggested that the International Board's focus on "mainstreaming" may allow for some efficiencies in reporting that could allow for consideration of other issues, such as defining materiality.
 - Mr. Harrington suggested that the Implementation Subcommittee consider the proposal for forming a work group focusing on defining materiality.

➤ **Decision: The MSG adopts the Implementation Subcommittee's recommendation on company materiality.**

e) Sampling

Mr. Harrington opened by reviewing the discussion about the use of statistical sampling as a way to streamline the reconciliation process from the December 2015 MSG meeting. He recounted that sampling may provide an opportunity to reduce some

amount of effort from the reconciliation process without diminishing the reporting of data from in-scope companies. He also noted that the United States has very high accounting standards and that the 2015 USEITI Report reconciliation results yielded no unexplained discrepancies.

Based on its exploration of the issue, the work group and the Implementation Subcommittee recommended that sampling not be used as the basis for reconciliation in the 2016 report but that the Independent Administrator use 2016 data to explore the benefits and methodology of sampling that may be used in subsequent USEITI Reports and share those results with the working group and implementation subcommittee.

Please see page 9 of the following document for the complete recommendation on company materiality from the work group and the Implementation Subcommittee: <https://www.doi.gov/sites/doi.gov/files/uploads/Reporting%20and%20Reconciliation%20Workgroup%20Recommendations.pdf>.

In response to Mr. Harrington's comments, MSG members asked the following questions and made the following comments.

- Mr. Gardner and Mr. Bugala requested that the Independent Administrator (IA) report back to the MSG on how much time and money a sampling approach would save on the part of the IA, companies, and the government.
- Mr. Gardner suggested that adopting a sampling-based approach could conserve USEITI resources around the reconciliation process and thereby free up resources to use in other areas of MSG interest, such as expanding scope to include additional commodities.
 - Ms. Milin suggested that the “mainstreaming” approach suggested by the International Board could be a more effective approach to conserving resources than trying to create a new, different sampling approach that may pose validation issues.
- Various MSG members raised questions about the implications of adopting a sampling-based approach for the prospects of achieving validation of USEITI reports.
 - Ms. Kohler suggested that adopting a sampling-based approach could actually enhance the prospects for USEITI being successfully validated since it would take the pressure off of needing to have all companies within the materiality threshold participate in reconciliation.
 - Mr. Bugala suggested that, with 69% of DOI revenue reconciled in the 2015 Report given the number of companies within the materiality threshold who participated in validation, hopefully USEITI can have 80% of revenues reconciled in 2016. The MSG has previously decided on the 80% threshold.
 - Mr. Matthews pointed out that sampling is a very widely-used and respected accounting and auditing approach that is widely used in the United States and Europe in the extractives industries and in other industries, including

when investigating suspected fraud. Sampling is not a “lesser” approach in any way.

- Mr. Harrington suggested that the IA should develop a detailed proposal for how sampling would work for the MSG’s consideration and that the MSG would then engage in a conversation with the International EITI Board about implementing sampling. Sampling would not be implemented unilaterally by USEITI.
- Ms. Kohler cautioned that the reporting and reconciliation process for 2016 will likely be smoother only for those companies that participated in USEITI in 2015, not for those companies that chose not to participate in reconciliation or those that newly-meet the materiality threshold. Several new companies are included in the 2016 report that were not included in the 2015 report. Furthermore, due to the industry’s financial downturn, some of those that opted to participate last year may not do so again in 2016.
 - John Mennel, Independent Administrator team member from Deloitte, stated that there three new companies that meet the materiality threshold in 2016 that did not do so in 2015. He also noted that Mongolia’s EITI has started using a sampling-based approach and that there are some EITI countries that are not reporting or reconciling 100% of company revenues and that are still achieving validation. He suggested that the MSG should discuss what approach would work for the US context.

- **Decision: The MSG adopts the Implementation Subcommittee’s recommendation on sampling.**

f) Margin of Variance

Mr. Steward explained that the work group’s discussions explored raising the margin of variance percentage or floor thresholds. Through evaluation of actual 2015 USEITI Report reporting and reconciliation data, however, the work group concluded that reconciliation volume is not very sensitive to changes in the margin of variance percentage or floor thresholds and that order of magnitude adjustments would need to be imposed to have a material effect. As a result, the work group and Implementation Subcommittee recommended that no changes be made to margin of variance percentage or floor thresholds for the 2016 USEITI Report.

- **Decision: The MSG adopts the Implementation Subcommittee’s recommendation on margin of variance percentage and floor thresholds.**

2. Tax Work Group Recommendations

Curtis Carlson, Department of the Treasury, provided an overview of the Tax Work Group’s discussions and recommendations to the Implementation Subcommittee – with the Implementation Subcommittee now making those same recommendations to the full USEITI MSG. These recommendations were intended to set the stage for validation

of the USEITI 2016 Report at the end of the year. The work group made recommendations in the following six areas:

- Webinars for companies' tax staff
- Industry peer discussions
- Opt in for companies not in scope

The slides with Mr. Carlson's overview and with recommendations from the Tax Work Group are available at:

https://www.doi.gov/sites/doi.gov/files/uploads/2016Mar04_Tax%20Work%20Group_MSG.pdf. In addition, a more detailed version of the Tax Work Group's discussion and recommendations is available at:

<https://www.doi.gov/sites/doi.gov/files/uploads/Tax%20Work%20Group%20Recommendations.pdf>.

By way of background, Mr. Carlson also explained that per the current SEC timeline for finalizing its 1504 draft rule, calendar-year corporate income tax filers are expected to report for the first time on their 2017 taxes by the end of May 2018. Out of the 41 in-scope companies for USEITI reporting in 2016, 32 use a calendar year for filing, two use a June fiscal year, and seven have no filing information available.

In response to a question from a government sector member about the seven companies that do not have tax filing information available, Mr. Carlson explained that these companies are privately held.

a) Webinars for Companies' Tax Staff

Mr. Carlson recounted that the Tax Work Group is recommending that the Treasury Department and the Independent Administrator (IA) lead meeting/webinars with in-scope firm's tax staff (in Houston and Denver, spring 2016), similar to last year's meetings with firms' royalty payment accounting staff. The goal of these meetings is to ensure greater understanding, encourage companies' tax staff to participate in USEITI tax reporting/reconciliation, and reduce burden on IA and industry by answering as many questions as possible before reporting and reconciliation begins.

In response to Mr. Carlson's comments, MSG members asked the following questions and made the following comments:

- Ms. Milin requested that the invitation for the webinars be shared with MSG members who would like to listen in. In response, Mr. Mennel explained that the 2015 company webinars were only for reporting companies in order to allow for candid discussions.
- In response to a question from Mr. Mussenden about whether an industry sector representatives would be reaching out to companies to encourage them to participate in webinars, Mr. Mennel responded to say that the IA would be inviting companies to the webinars.

- Mr. Gardner inquired about the aspect of the Tax Work Group’s recommendation that the IA ask member MSG companies (or reporting companies) to explain their experience with tax reporting and/or reconciliation.
 - Mr. Mennel explained that the IA would reach out to the point of contact in companies that participated in tax reporting in 2015 to inquire if they would be willing to share about their experience with the other companies participating on the webinar.
 - Mr. Gardner suggested that placing phone calls to these individuals could be helpful.
- **Decision: The MSG adopts the Implementation Subcommittee’s recommendation on holding webinars for companies’ tax staff.**

b) Industry Peer Discussions

Mr. Carlson explained that the Implementation Subcommittee is recommending that efforts be made to continue discussions between industry members and within trade associations following the EITI Conference in Lima. Specifically, trade associations and companies will discuss the benefits of participating in USEITI with other in-scope companies, with a focus on participating in income tax reporting.

In response to Mr. Carlson’s comments, Ms. Milin requested that industry sector members participating in this peer-to-peer effort provide updates to other MSG members. Mr. Padilla agreed to provide these updates and Mr. Gould offered to add this as an agenda item to the weekly Implementation Subcommittee conference calls. Ms. Taylor suggested that the lessons from these peer discussions could help shape the IA’s and the MSG’s communications with companies. Mr. Mennel also offered to provide ongoing updates to the MSG about the number of companies likely to participate in different aspects of reporting and reconciliation.

- **Decision: The MSG adopts the Implementation Subcommittee’s recommendation on encouraging industry peer discussions.**

c) Opt-in for Companies Not in Scope

Mr. Carlson stated that there may be companies not in-scope for 2016 reporting that wish to report and/or reconcile federal corporate income taxes and DOI revenue as part of their corporate citizenship and transparency efforts. The Implementation Subcommittee is recommending that these companies be allowed to opt into tax (and DOI revenue) reporting and/or reconciliation. This would not be an alternative to reporting requirements now or in the future.

In response to questions from MSG members about how opt-in reporting for out-of-scope companies would work, Mr. Mennel explained that the IA would conduct outreach to companies in the extractives sector that are already publicly disclosing their non-tax and tax payments to the government and give them the option to participate in

USEITI reporting. This reporting could take the form of completing the same form as in-scope companies are asked to complete, providing their already-publicly disclosed information to the IA, or simply affirmatively confirming numbers that the IA has gleaned from publicly available documents. MSG members offered the following comments.

- Mr. Gould added that it is important to have some sort of active participation in reporting from the companies, even if it is simply confirming the accuracy of publicly available data that the IA provides to them, in order for it to count as “reporting” under the EITI Standard.
- Mr. Padilla and Ms. Milin additionally suggested that, while the Tax Work Group has in mind a relatively small number of companies, especially in the mining industry, that are already voluntarily disclosing corporate income tax payments, the voluntary opt-in option can be offered to any company that would like to participate. Mr. Mennel added that, if the MSG decides to accept the Implementation Subcommittee’s proposal around opt-in for out-of-scope companies, the IA can draft a proposal detailing an outreach strategy to companies.
- Mr. Gardner suggested that companies are more likely to participate if the opt-in process is easier and less prescriptive. For example, filling in the same reporting form as in-scope companies would be more onerous and may discourage companies from participating. Ms. Kohler reiterated that the proposal from the IA should focus on making the participation by companies as easy as possible.
- Mr. Gould suggested that the USEITI report could have a separate table featuring data from out-of-scope companies that chose to participate in reporting.
- Ms. Brian questioned whether there should be more of a methodology, such as the size of companies, in terms of which companies are invited to opt into reporting. In response, Mr. Carlson and Ms. Milin explained that, since this is a purely voluntary offer to allow companies to participate in USEITI reporting, the methodology is not as relevant. Companies that the IA approaches but that choose not to participate in this supplementary opt-in process would not be named in any way. Mr. Gould added that ONRR has a list of larger companies in the extractives sector that it could provide to the IA in order to see which of those companies have already publicly disclosed revenue payments to the government.
- Phillip Denning, Shell Oil Company, and Mr. Padilla cautioned that, despite the MSG’s and the IA’s various efforts, companies may not choose to participate in corporate income tax reporting. In response, Mr. Carlson and Ms. Milin clarified that the voluntary opt-in process for out-of-scope companies would have no bearing on validation since the participating companies are out of scope. Ms. Milin added that the expectation for corporate income tax reporting and reconciliation from in-scope companies is clearly stated in the EITI Standard.

➤ **Decision: The MSG adopts the Implementation Subcommittee’s recommendation on opt-in to USEITI reporting for out-of-scope companies.**

D. Potential Other Commodities

The USEITI MSG received presentations and discussed considerations around introducing additional commodities to the scope of USEITI. The classes of commodities discussed were forestry and various other commodities (including additional metals, representative industrial minerals, and hydropower). Presentations by Michael Bechdolt, US Bureau of Land Management (BLM) on forestry, and Keith Romig, on the inclusion of various other commodities, along with accompanying MSG discussions are summarized below.

1. Forestry

Michael Bechdolt, BLM, joined the MSG meeting and made a presentation about the BLM's forest and woodland public land management program. Mr. Bechdolt provided background information such as the location of BLM public lands, the nature of forest ownership in the United States, and the nature of the forest and woodlands that BLM manages. He proceeded to review the statutory laws governing BLM's management of forests and woodlands and provided an overview of the timber harvest from BLM-managed lands including its volume, the timber sale process, revenues generated, and the distribution of timber sale receipts. Mr. Bechdolt also explained BLM's "stewardship contracting" approach to managing its forestry lands and touched on the harvest of special forest products that BLM also manages. Mr. Bechdolt's presentation slides are available at:

<https://www.doi.gov/sites/doi.gov/files/uploads/BLM%20Forestry%20%20Presentation%20%20Updated.pdf>.

In response to Mr. Bechdolt's presentation, MSG members asked the following questions and made the following comments *with responses by Mr. Bechdolt indicated in italics*.

- A CSO sector member inquired about BLM's role in managing mineral rights on non-BLM lands. A government sector member explained that BLM manages mineral rights on various non-BLM lands, including US Forest Service lands and some tribal lands.
- In response to a question from a CSO sector member, *Mr. Bechdolt stated that BLM's and the Forest Service's timber sales processes are very similar, with both taking about six to seven years to complete, with the possibility of expediting in case of forest fire.*
- CSO sector members asked about the BLM's management of its land to accommodate multiple uses and to account for protected areas. *In response, Mr. Bechdolt explained that one of the first step's in BLM's planning process is to allocate land for various uses, including cultural sites and riparian reserves. In addition, lands designated for timber production still contain constraints such as leaving a buffer of trees adjacent to streams.*

- In response to a question from a CSO sector member, a government sector member indicated that ONRR does not collect revenues resulting from timber production on US Forest Service lands.
- In response to a question from a CSO sector member, *Mr. Bechdolt stated that the downturn in lumber production in the late 2000s was due to the 2008 economic recession and collapse of the US housing market. (see slide #15)*
- A CSO sector member confirmed with Mr. Bechdolt that the US Forest Service manages approximately 90% of forest land while BLM manages the remaining 10%.
- A CSO sector member observed that, in contrast to minerals, timber and forest lands need to be managed. Landowners, including the federal government, pay for that management and both BLM and the Forest Service have come up with a mechanism by which timber companies contribute to forest land management through stewardship contracting. *(see slide #22)*
 - In response to a question from a CSO sector member, *Mr. Bechdolt explained that forest lands require management because the government's fire suppression policy over the past 80 years has resulted in much denser forests that require management to protect against forest fires. In addition, BLM manages forests for the benefit of rural, local communities under the 1937 Oregon & California Act.*
 - In response to a question from a CSO sector member about the differing mandates for BLM management under the 1937 Oregon & California Act and on Forest Service lands, *Mr. Bechdolt clarified that BLM interprets its mandate under the Oregon & California Act to manage for multiple uses although the act does speak to the sustainable production of timber specifically.*
- In response to a question from a government sector member about the mechanics of stewardship contracting, *Mr. Bechdolt explained that BLM values a stand of timber at a given amount and sells the right to harvest that stand to a company. In addition, BLM pays that same company an amount under stewardship contracting for habitat or other improvements. The company then takes the timber that it harvests from the timber stand, conducts stewardship work, and sells the harvested timber for the market price on the open market.*
- In response to a question from a CSO sector member about safety net and Secure Rural School payments to counties covered by the 1937 Oregon & California Act, *Mr. Bechdolt explained that 50% of receipts from timber sales in those counties continue to go to the counties with the balance of federal payments to those counties comprised of contributions from the general fund. (see slides #18-19)*
- In response to a question from a CSO sector member about data accessibility, *Mr. Bechdolt indicated that BLM's public lands statistics webpages (see: http://www.blm.gov/public_land_statistics/) provide useful data to the public but may not have data at the county level. In addition, secure rural schools payments are posted by county (see: <http://www.blm.gov/or/rac/ctypaypayments.php>).*

- In response to a question from a CSO sector member about special forest products revenues, *Mr. Bechdolt clarified that the revenue amounts shown on slides #25-26 indicate BLM collections for permits, not the value of the products harvested.*
- In response to a question from a CSO sector member about service contracts for building roads, *Mr. Bechdolt stated that both BLM and the Forest Service do let contracts for road construction.*
- The USEITI facilitator inquired about the total value of receipts to the federal government from timber production, observing that the federal government collects approximately \$12 billion from minerals production. *Mr. Bechdolt indicated that total federal receipts from timber likely totaled less than \$1 billion.*

Mr. Gould thanked Mr. Bechdolt for his presentation and responses to MSG members' questions. He also indicated that the USEITI Secretariat would try to line up a presentation from a representative of the US Forest Service at a future MSG meeting.

2. Other Commodities

Keith Romig made a presentation about expanding the scope of USEITI. He made the case that the current scope is limited and to only a subset of commodities extracted in the United States and that the MSG should consider expanding its scope to include additional commodities in the future. Mr. Romig proposed a four-stage program to expand USEITI's scope:

1. Additional metal commodities
2. Inclusion of representative industrial minerals
3. Inclusion of forestry
4. Evaluation of whether or not to include hydropower

Mr. Romig closed his presentation by noting that the inclusion of additional metals would not necessarily change the functioning of USEITI. However, adding industrial minerals, forestry, and hydropower would require changes in the form of added representation on the MSG related to these commodities, additional resources, and possibly changes in government data collection. Mr. Romig's presentation slides are available at:

<https://www.doi.gov/sites/doi.gov/files/uploads/Expanding%20the%20Scope%20of%20USEITI.pdf>.

In response to Mr. Romig's presentation, MSG members asked the following questions and made the following comments:

- In response to a question from an industry sector member, Mr. Romig stated that there is significant production of industrial minerals on both federal lands and on other, non-federal, lands.
- In response to a question from a government sector member about whether these new commodities would be included in the revenue reporting and reconciliation process, Mr. Romig suggested that an enhanced scope for USEITI

in future years could be reflected both in the contextual narrative and in the reporting and reconciliation aspects of the report.

- A representative of the IA team reported that adding limited contextual information about the proposed additional commodities would be covered under the IA's existing contract but that work beyond this, such as creating additional county case studies focusing on these commodities, would be beyond the scope of the IA's contract.
- A CSO sector member suggested that, since some of the proposed commodities are extracted primarily in one or two states, inclusion of the commodities could be linked to those states opting into USEITI.
- A government sector member noted that, although USEITI is focused on achieving validation for 2016, the presented information about including additional commodities is very helpful to consider for future years.
- An industry sector member observed that there are at least two paths to including additional commodities: through states including them via the state opt-in process and as a result of the MSG deciding to expand the scope of USEITI. She added that, if the MSG decides to expand scope, additional representatives to the MSG pertaining to the added commodities should be given additional seats on the MSG, not supplant the seats allocated to existing commodities.

E. Communications Subcommittee Update

Members of the Communications Subcommittee provided updates on efforts to outreach to companies around the 2016 report as well as general outreach efforts around the 2015 report. These updates and accompanying MSG discussions are summarized below.

1. Outreach to Companies for 2016 Reporting

Isabelle Brantley, Independent Administrator team member from Deloitte, made a presentation about communicating with companies for the 2016 USEITI Report. She provided an overview and timeline of outreach activities including letters, webinars, emails, and conversations at the EITI Conference in Peru. She also provided additional detail about the planned webinars focused on non-tax revenue reporting and corporate income tax reporting. Ms. Brantley's presentation slides are available at: https://www.doi.gov/sites/doi.gov/files/uploads/2016Mar04_Communications%20Subcommittee_MSG.pdf.

In response to Ms. Brantley's comments, MSG members asked the following questions and made the following comments.

- A CSO sector member asked about the prospect of having more senior DOI officials, such as the Deputy Secretary of the Interior, involved in communications efforts with companies in order to more effectively encourage companies to participate in USEITI.

- Mr. Gould noted that Kris Sarri, as the Principle Deputy Assistant Secretary, Policy Management and Budget, is one of the most senior officials at DOI and will be signing the thank you letters to companies that participated in USEITI in 2015.
- Mr. Mussenden said that, although the USEITI Secretariat has previously made requests to secure participation from even more senior DOI officials, it would try again. He also suggested that outreach from senior officials at organizations in other sectors, such as the American Petroleum Institute, could also encourage company participation.
 - An industry sector member responded that, since the government initiated the implementation of USEITI, participation from senior government officials is critical so that companies perceive some benefit from their participation.
- A CSO sector member inquired whether DOI sent different “thank you for participating in USEITI in 2015” letters to companies based on whether they elected to participate in revenue reconciliation or income tax reporting.
 - An industry sector member responded that Communications Subcommittee opted to send the same letter to all participating companies on the theory that positive feedback would be more likely to elicit continued future participation.
 - An industry sector member added that it was very important that the thank you letters be sent to companies before they started receiving communication from the IA requesting participation for 2016. The Communications Subcommittee would be happy to work further in advance to develop the 2016 thank you letters and receive the MSG’s input on those.
- In response to a questions from an industry sector member inquiring as to how the IA would approach those companies that declined to participate in USEITI reporting in 2015, Ms. Brantley explained that the IA would approach them as if they are new to USEITI and would articulate why participating in 2016 is particularly important due to the validation process.
- An industry sector member noting that many companies needed longer than the allotted 90 days for reporting in 2015, asked how long companies would be given in 2016.
 - Ms. Brantley responded that companies would be given 90 days for reporting and 30 days for reconciliation. The IA hopes that the process will be easier in 2016 for the many companies that participated in 2015.
- An industry sector member requested that MSG members have an opportunity to review the letter that the IA is sending to companies to invite them to participate in the informational webinars and to participate in USEITI reporting.¹

¹ *Editor’s note:* The Independent Administrator provided a draft of the letter to MSG members at the end of the first day of the MSG meeting in order to provide MSG members a chance to

- In response to a question from a CSO sector member about the recipients of the IA's letter to companies, Ms. Brantley said that the letter would mostly go to the same points of contacts that the IA had in 2015, with some updates.
- A government sector member suggested that the USEITI Secretariat send out letters to companies that are tailored to the level of reporting and reconciliation that companies elected to participate in for 2015.
- An industry sector member noted that any letters to companies newly in scope for 2016 would likely need more background and explanation about USEITI.
- An industry sector member requested that the IA and the USEITI Secretariat coordinate their communications with companies.

2. Outreach Following Release of 2015 USEITI Report

Ms. Kohler reported that the Communications Subcommittee has been working on putting together outreach efforts around the 2015 USEITI Report including webinars to solicit feedback about the 2015 report and guidance for the 2016 report as well as outreach to Congress. The first webinar could be held in early April and, while it will be hosted in Washington DC, it will be available remotely online. It will likely be held after 2:00 pm (EDT) in order to facilitate participation from people in western time zones as well as the general public. Future webinars could also be tailored with issue- or location-specific information. Ms. Kohler also noted that USEITI has not received much public input or feedback from its existing public engagement channels.

Ms. Betsy Taylor, Virginia Tech University, as a member of the subcommittee, added that the intention is to record the webinar and post it online for public access. She also suggested that the webinar focus on asking participants what questions they would like to have answered by USEITI in order to more proactively engage participants.

A CSO sector member noted that Kern County, California has expressed interest in engaging with USEITI and that the State and Tribal Opt-in Subcommittee hopes to have more information about holding a subcommittee meeting in a target community at the next MSG meeting.

F. Independent Administrator's Updates

Members of the Independent Administrator team from Deloitte provided updates on plans around quarterly updates to the online report as well as the overall timeline for 2016. These updates and accompanying MSG discussions are summarized below.

1. Quarterly Updates to Online Report

Sarah Platts, Independent Administrator team member from Deloitte, presented an overview of the IA's project plan for creating the USEITI 2016 Report with a focus on the

review the letter and provide advisory comments. The IA took these comments and suggested edits under consideration and finalized the letter on the second day of the MSG meeting.

plan for updating the contextual narrative portion of the report. These updates will be quarterly and are proposed to include three new visualizations:

- Abandoned Mine Lands (AML) Fund & Coal Excise Tax Contextual Information
- Concept for State & Tribal Additions
- Budget, Audit, and Assurance Process Visualization

In addition, Ms. Platts explained that the IA will support the addition of state and tribal information in the 2016 report, including contextual narrative content and available data; will update data and revise content for the 12 County Case Studies; and will write and design a short Executive Summary pdf report, and provide 18F with remaining data and content updates for the Online Report. Additional information is available in Ms. Platt's presentation slides, available at:

https://www.doi.gov/sites/doi.gov/files/uploads/2016Mar03_Contextual%20Narrative_MSG.pdf.

a) *MSG Discussion About Updates to Online Report*

In response to Ms. Platts' presentation about the IA's plans for updating and developing new content for the contextual narrative in 2016, MSG members made the following comments and asked the following questions.

- The USEITI facilitator inquired about the MSG's process for review and sign-off on the 2016 report materials. In response, Mr. Gould said that the Online Report Work Group of the Implementation Subcommittee is primarily responsible for working with the IA. The Online Report Work Group can also elevate concerns to the Co-Chairs, as needed. The Co-Chairs can choose to bring issues to the full MSG, to a Subcommittee, or to select MSG members for review and discussion. The executive summary portion of the 2016 report will undergo review by the full MSG.
 - A CSO sector member articulated the importance of allowing for the full MSG to review the content that will be included in the online report because MSG members are involved in outreach and have information and insight from users of the USEITI website about what types of content are of interest to them.
- A CSO sector member requested that the MSG discuss what new content and visualizations the IA should include in 2016. She also inquired about the relationship between the visualizations for state and tribal opt-in that the IA is developing and the work of the State and Tribal Opt-In Subcommittee.
 - IA team members explained that the IA will create up to five case studies that will be synthesized with the visualization on state and tribal additions.
 - A CSO sector member expressed concern about whether the IA may be double-counting its work around state and tribal opt-in because the final product would be a visualization that incorporates the case studies. In response, Ms. Brantley acknowledged that there is some synthesis of effort.
- A CSO sector member questioned whether the IA is being pushed to unnecessarily rush its process of developing the visualizations and other content for the report due

to an MSG-imposed deadline of November 2016 for completing the report (whereas the 2016 USEITI Report is due to the International Secretariat in March 2017). MSG members clarified that, since EITI requires that countries produce a report each year, USEITI will need to submit its report during 2016.

- An industry sector member inquired as to how the IA decided on the three visualizations that it is proposing to create.
 - An IA team member explained that the IA presented a work plan for rolling out the three visualizations at the December MSG meeting and proposed that the IA would work with the Implementation Subcommittee to develop these. The IA discussed the visualizations with the Online Report Work Group in January. At this MSG meeting, the IA would like to have input from the MSG about the proposed topics for the visualizations (although the IA has already begun developing the Abandoned Mine Lands (AML) Fund visualizations) and, going forward, the IA will continue working with the work group and with the Implementation Subcommittee to guide the development of the visualizations.
 - *Abandoned Mine Lands (AML) Fund & Coal Excise Tax Contextual Information:*
 - Ms. Platts described the AML visualization as going into a lot more detail than was included in text form in the 2015 report. The coal excise tax is a separate visualization that would more briefly focus on what the excise tax is, the tax rates, and what is done with the revenues.
 - A CSO sector member suggested that, since the MSG discussed the AML issue extensively at the end of 2015, it may make sense for the IA to proceed with creating a visualization on that topic.
 - An industry sector member added that, while AML has been extensively discussed by the MSG, but that the inclusion of coal excise tax should be discussed by the MSG.
 - *Concept for State & Tribal Additions:*
 - Ms. Platts explained that the state and tribal additions component is intended to encompass many of the areas of the interest raised by CSO sector members, such as employment information. The section is not intended to duplicate the work of the State and Tribal Opt-In Subcommittee. The content of this section would be focused on synthesizing and presenting revenue data for states and tribes but would also include some explanation of the state and tribal opt-in process.
 - In response to a question from a CSO sector member, Ms. Platts stated that the section would likely initially focus on presenting information, including case studies, about states that are opting into USEITI but would also include more general data about other states.
 - *Budget, Audit, and Assurance Process Visualization:*

- Ms. Platts added that the IA is proposing a budget, audit, and assurance process visualization to help audiences both domestically and internationally understand the robust nature of these processes in the US.
 - Members of the industry and government sectors expressed support for including a visualization about the US budget, audit, and assurance processes in order to support USEITI’s case for future mainstreaming of reporting.
 - CSO sector members countered that there are a number of important topics that could be included in the contextual narrative and the MSG should discuss how it would like to allocate limited resources since the IA is under contract to create only three visualizations in 2016.
- A CSO sector member requested that the IA provide more information about the content and datasets that would be used for the state and tribal and budget, audit, and assurance visualizations. She added that the Co-Chairs are proposing that the IA present the state and tribal additions material directly to the State and Tribal Opt-In Subcommittee.
 - An IA team member agreed to have the IA present additional information to MSG members but requested that the IA be given direction to proceed in coming weeks rather than waiting for the next MSG meeting, in June.
 - A government sector member suggested that the IA and 18F continue working with the Online Report Work Group on an ongoing basis to confirm the direction of the online report. The work group can consult with the Co-Chairs as needed.
 - An industry sector member added that the Co-Chairs can consult with experts from the MSG, as needed, on different elements of the report. She also noted that the Online Report Work Group should confirm the intended direction of the IA’s work before the IA and 18F build out the online report in order to confirm that intended direction.
 - A CSO sector member also pushed for participation by MSG members in reviewing the content and design of the online report. This thread of the MSG’s discussion is summarized in the next section.

b) MSG Discussion About Soliciting Non-MSG Input on Draft Materials

Building on the call for MSG members to participate in review of the online report, the MSG discussed the procedure by which MSG members could consult with informed stakeholders outside of the MSG and get feedback on draft versions of USEITI material.

- A government sector member differentiated between the Co-Chairs bringing in individual expert members of the MSG for consultation on specific topics and areas of the report that are under development, on one hand, and sending draft material to external stakeholders before it is finalized and made public, on the other hand. The Co-Chairs would do the former but MSG members would refrain from the latter.

- An industry sector member agreed with the previous commenter and noted that USEITI did not send out any material to external stakeholders for consultation during 2015. Doing so could raise expectations about what content will or should be included before materials are finalized by the MSG. She added that there are times when materials may not be accurate, as occurred with slides presented on the first day of the MSG meeting.
- A government sector member asked whether there should be any ability to solicit input from specific external stakeholders.
 - A CSO sector member noted that the CSO sector’s constituency is much broader than that of the other two sectors. She requested agreement that the CSO sector would not be accused of violating the MSG’s trust if it solicits input from specific individuals outside of USEITI.
- An industry sector member suggested that materials could be solicited as topical materials (e.g. “mining materials” or “oil and gas materials”) rather than as “draft USEITI materials.”
- An industry sector member expressed wariness about sharing any documents outside of the MSG.
- The USEITI facilitator noted that each sector works differently and that the CSO sector tends to be more diffuse than the government or industry sectors. He suggested that the MSG create guidelines for consultation with external stakeholders.
- A CSO sector member noted that 18F has requested help from the MSG on getting public feedback since very little public feedback has been received via the USEITI website. She added that 18F already shows draft material to outsiders.
 - Members of the government sector and the IA team clarified that 18F conducts both user research and usability testing. The latter is the only area in which 18F shows draft materials to members of the public and, when doing so, the agency is only asking for input about the usability of the website, not about specific content.
- A CSO sector member proposed that an area such as abandoned mine lands (AML), around which the MSG has already had extensive discussions, could provide a test case for consultation with outside stakeholders. She proposed to share draft AML material with the six top experts on AML.
- The USEITI facilitator requested that the Co-Chairs discuss this issue further and provide guidance to the Subcommittees around consultation with external stakeholders.

2. Timeline for the Year

Mr. Mennel, Independent Administrator team member, reviewed the IA’s project plan for creating the USEITI 2016 Report. He highlighted key process points and milestones that will need to be met in order to successfully release the USEITI report by December. Additional detail about the 2016 project plan is available at:

<https://www.doi.gov/sites/doi.gov/files/uploads/Updated%20IA%20Project%20Plan%20as%20of%20030416.pdf>.

An industry sector member noted that, with the deadline for USEITI to submit its report for validation being March 2017, USEITI could consider releasing its 2016 report in the first quarter of 2017. He explained that, although EITI countries are generally required to produce reports every year, USEITI had 24 months after joining to publish its first report and published that report in just one year and so could argue for some flexibility with regards to its second report. All of that said, the commenter suggested that USEITI nevertheless aim to complete the 2016 report by the end of the year and thereby give itself some time in early 2017 to strategize about communicating with the EITI International Board. A CSO sector member responded by noting that the MSG's ability to frame the report in January 2017 may be constrained by decisions that the MSG is making at present.

G. State and Tribal Opt-in Subcommittee Update

Members of the State and Tribal Opt-in Subcommittee provided updates on efforts to develop a methodology for inclusion of tribal information in the USEITI report as well as state opt-in to USEITI. These updates and accompanying MSG discussions are summarized below.

1. Tribal Opt-in and Inclusion of Tribal Data

Mia Steinle, Project on Government Oversight, presented a proposed methodology for selecting tribes to opt into USEITI. The methodology consists of the following four questions:

- Does the tribe overlap with an MSG-prioritized state?
- Is the tribe represented on the MSG or in STRAC?
- Does the tribe make extractive data publicly available?
- Has the tribe shown a willingness to be transparent?

Additional information about the Subcommittee's methodology, including the number of tribes that meet each of these four criteria, is available in Ms. Steinle's presentation slides:

<https://www.doi.gov/sites/doi.gov/files/uploads/State%20%26%20Tribal%20Subcommittee%20Presentation.pdf>.

Ms. Steinle also noted that the Subcommittee opted against including any Alaskan tribes in its analysis due to the complicated legal framework for these tribes, Alaska native corporations, and their involvement in the production of extractive commodities. She asked Veronica Slajer, North Star Group, to speak to this issue. Ms. Slajer explained that, for the most part, Alaskan tribes are not land-based tribes in the same way that most tribes in the contiguous 48 states are. The few land-based tribes that do exist are classified as Alaska Native Corporations and some of these, as well as some village corporations, are engaged in the extractive economy. There are three Alaska Native Corporations, in particular, that are actively involved with the extractive industries in

Alaska (one in oil and gas and two in mining) and the MSG will need to consider carefully how to describe the hybrid setup that exists in Alaska.

Jerry Gidner, Department of the Interior, added that the federally recognized tribes in Alaska do not have a land base and therefore do not receive revenues from the extractive industries. Instead, some of the Alaska Native Corporations are involved with the extractive industries and USEITI will need to decide how to classify these. Mr. LeVine added that, if USEITI expands to include forestry as an in-scope commodity, many more Alaska Native Corporations would be included. In addition, some of the Alaska Native Corporations work on non-native lands. Mr. Gidner noted that this latter consideration is not limited to Alaska; for example, the Southern Ute tribe in Colorado has an oil and gas development corporation that operates on non-native lands.

A government sector member suggested that the USEITI report with regard to tribes involved in the extractive industries be limited to naming the tribes, their number of members, and providing links to tribal websites. It would be up to the tribes themselves to decide whether to publicly share information regarding their revenue collections and payments. The commenter emphasized that the release of tribal revenue information can be very risky.

A CSO sector member suggested that USEITI will need to distinguish between tribal business entities and tribal government entities. Ms. Brian, subcommittee chair, concluded the discussion about tribes by noting that inclusion of tribal data would be limited to those data that are already publicly available and that the Subcommittee would need to indicate to the IA which tribes to focus on by April.

2. State Opt-in

Ms. Platts gave a presentation the MSG about state additions to USEITI. She began by reminding the MSG that the intention of state opt-in to USEITI is to focus on including state-level data in the contextual narrative portion of the report, not on reconciling state-level revenue data. She reported that the IA is working with the State & Tribal Opt-In Subcommittee to pilot the state opt-in process, including: integrating new participants, assessing currently available data, testing contextual narrative templates with stakeholders, and developing the state and tribal additions. Montana has chosen to opt-in to USEITI and is serving as the pilot for how to collect and organize the vast amounts of state data and will likely inform future opt-in efforts by states and tribes. Additional information about the opt-in process for Montana is available in Ms. Platts' presentation slides:

https://www.doi.gov/sites/doi.gov/files/uploads/2016Mar04_State%20Additions_MSG.pdf.

In response to Ms. Platts' presentation, MSG members asked the following questions and made the following comments.

- A government sector member inquired as to which Montana state agency is leading USEITI opt-in. A CSO sector member said that it is the Montana Department of Revenue and that the agency is recognizing that the types of information relevant for USEITI also implicates other agencies.
- A government sector member highlighted that each state has a different legal and revenue framework and so, while it is helpful for USEITI to have a template, it will not be possible to take a cookie-cutter approach to state opt-in. He also noted that the eighteen identified priority states are all hurting financially due to the fall in commodity prices and so USEITI will be more successful in soliciting state participation with easy asks that require minimal effort from the states. The focus should be on using public data.
 - A government sector member added that Wyoming is likely publishing all of the same data that Montana is publishing. He expressed agreement that each state would require a tailored approach and suggested that COPAS has information about the different fiscal regimes in each state.
 - A CSO sector member noted that the IA has been very careful not to ask Montana officials for too much of their time.
- An industry sector member reminded the MSG that progress on state and tribal opt-in has been notably slow and suggested that USEITI should proceed cautiously and deliberately with expanding and accept that the pace will be slow.
 - A CSO sector member expressed hope that, after the first couple of states opt into USEITI, progress for following states will be smoother. She also recognized the hard work from all three sectors on the opt-in effort.
- A CSO sector member suggested that state opt-in is relevant for “mainstreaming” efforts because it involves enhancing collaboration between agencies and sharing data in cost-efficient ways. She suggested that setting up forums for peer-to-peer learning could be useful to state opt-in. Another CSO sector member posited that universities may be able to set up those sorts of forums.

IV. Public Comments

No public comments were offered at the December 2015 MSG meeting.

V. Wrap Up / Closing

Mr. Patrick Field, facilitator from the Consensus Building Institute, reviewed the action items and the decisions coming out of the MSG meeting.

Mr. Gould, Ms. Kohler, Ms. Brian, and Mr. Mussenden, in their roles as Co-Chairs and the acting DFO, made closing comments to the MSG, thanking the MSG, associated staff, the USEITI Secretariat, and the IA for their hard work. Mr. Paul Mussenden, Acting DFO, adjourned the meeting at 4:00 pm.

VI. Meeting Participants

The following is a list of attendees from the March 8-9, 2016 USEITI MSG meeting.

Chaired by Kris Sarri, Designated Federal Officer, and Paul Mussenden, Acting Designated Federal Officer, for the USEITI Advisory Committee, US Department of the Interior.

A. Participating Committee Members

Civil Society

Danielle Brian, Project on Government Oversight, USEITI MSG Advisory Committee Co-Chair

Paul Bugala, George Washington University

Michael LeVine, Oceana

Keith Romig, Jr., United Steelworkers

Veronica Slajer, North Star Group

Betsy Taylor, Virginia Polytechnic Institute and State University

Government

Curtis Carlson, Department of the Treasury

Greg Gould, Department of the Interior, USEITI MSG Advisory Committee Co-Chair

Mike Matthews, State of Wyoming - Department of Audit/Mineral Audit Division

C. Michael Smith, Interstate Oil and Gas Compact Commission

Claire Ware, Eastern Shoshone & Northern Arapaho Tribes

Industry

Phillip Denning, Shell Oil Company

Michael Gardner, Rio Tinto

John Harrington, ExxonMobil

Susan Ginsberg, Independent Petroleum Association of America

Veronika Kohler, National Mining Association, USEITI MSG Advisory Committee Co-Chair

Johanna Nesseth Chevron

B. Committee Alternates in Attendance

Civil Society

Neil Brown, The Lugar Center

Daniel Dudis, Public Citizen

Zorka Milin, Global Witness

Government

Jim Steward, Department of the Interior

Industry

Stella Alvarado, Anadarko Petroleum

Chris Chambers, Freeport-McMoRan Copper & Gold Inc.

Nick Cotts, Newmont Mining
Aaron Padilla, American Petroleum Institute
Nicholas Welch, Noble Energy Inc.

C. Members of the Independent Administrator Team in Attendance

Isabelle Brantley, Deloitte
John Cassidy, Deloitte
Luke Hawbaker, Deloitte
Alex Klepacz, Deloitte
Sarah Platts, Deloitte
Kurt Schultz, Deloitte

D. Government and Members of the Public in Attendance

Michael Bechdolt, Bureau of Land Management
Nicole Gibson, Department of State
Jennifer Heindl, Office of the Solicitor
Marc Humpries, Congressional Research Service
Charles Norfleet, Bureau of Ocean Energy Management
Mia Steinle, Project on Government Oversight

E. Facilitation Team

Patrick Field, Consensus Building Institute
Tushar Kansal, Consensus Building Institute

F. DOI MSG Support Team

Nathan Brannenber, Office of Natural Resources Revenue
Jerry Gidner, Office of Natural Resources Revenue
Jennifer Goldblatt, Office of Natural Resources Revenue
Robert Kronebusch, Office of Natural Resources Revenue
Chris Mentasti, Office of Natural Resources Revenue
Kim Oliver, Office of Natural Resources Revenue
Judith Wilson, Office of Natural Resources Revenue

VII. Documents Distributed

- MSG Meeting Agenda ([PDF](#))
- December 2015 MSG Meeting Summary ([PDF](#))
- Report and Reconciliation Workgroup Recommendations ([PDF](#))
- Tax Workgroup Recommendations ([PDF](#))
- Draft State Additions Template ([PDF](#))
- USEITI Updated Fact Sheet ([PDF](#))
- Data Collection Cover Letter to Companies ([PDF](#))
- Reporting Template Guidelines ([PDF](#))
- Reporting Template ([PDF](#))

- IRS Form 8821 ([PDF](#))
- Updated MSG Member Contact List ([PDF](#))
- Decision Matrix ([PDF](#))
- Terms of Reference ([PDF](#))
- EITI Procedure for Mainstreaming ([PDF](#))
- Updated EITI Standard ([PDF](#))
- IA Project Plan ([PDF](#))
- BLM: A Sound Investment for America ([PDF](#))
- O&C Lands Act Overview ([PDF](#))

VIII. Certification

Interested parties are asked to contact USEITI at useiti@ios.doi.gov or 202-208-0272 with any questions, comments, or concerns regarding the content of this meeting summary.

**UNITED STATES EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE
MULTI-STAKEHOLDER GROUP ADVISORY COMMITTEE MEETING
NOVEMBER 16-17, 2016**

SUMMARY OF PROCEEDINGS

**U.S. DEPARTMENT OF THE INTERIOR
PREPARED: DECEMBER 2016**

I. Introduction

The U.S. Department of the Interior (DOI), with Paul Mussenden presiding as Acting Designated Federal Official (DFO), convened the nineteenth meeting of the U.S. Extractive Industries Transparency Initiative (USEITI) Multi-Stakeholder Group Advisory Committee (MSG) on November 16-17, 2016, in Washington, DC. The purpose of the meeting was to review and endorse the 2016 USEITI Report and Executive Summary; make decisions regarding the request for extending Adapted Implementation and the USEITI Beneficial Ownership Roadmap; approve the June 2016 MSG meeting summary, the USEITI MSG Endorsement of Open Data, and the 2017 USEITI Workplan; receive updates on the work of MSG subcommittees including the Implementation Subcommittee, Communications Subcommittee and the State and Tribal Opt-in Subcommittee; and discuss miscellaneous issues including Independent Administrator recommendations for 2017, lease-level unilateral disclosure, mainstreaming, and U.S. validation.

Please note that, throughout this meeting summary, comments made by presenters, Independent Administrator (IA) team members, other non-MSG members, and those directly pertaining to an MSG decision are attributed to specific speakers. Other comments are provided without attribution in order to foster open discussion among MSG members excepting final deliberations prior to specific MSG decisions.

Interested parties are asked to contact USEITI at useiti@ios.doi.gov or 202-208-0272 with any questions, comments, or concerns regarding the content of this meeting summary.

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II. Summary of Endorsements, Decisions, Approvals, Confirmations, and Action Items

A. Endorsements

- The MSG endorsed the 2016 USEITI Report, Executive Summary, and Appendix. *(see page 17)*

B. Decisions

- The MSG decided to submit the request for extending Adapted Implementation to the EITI International Board. The USEITI Secretariat shall transmit the document to the EITI International Board on or before January 1, 2017. *(see page 23)*
- The MSG decided to submit the USEITI Beneficial Ownership Roadmap to the EITI International Board. The USEITI Secretariat shall transmit the document to the EITI International Secretariat on or before January 1, 2017. *(see page 37)*

C. Approvals

- The MSG approved the June 2016 MSG meeting summary. *(see page 6)*
- The MSG approved the policy statement titled “USEITI MSG Endorsement of Open Data.” *(see page 17)*
- The MSG provisionally approved the 2017 USEITI Workplan, with final approval pending from the MSG Co-chairs. The USEITI Secretariat shall transmit the document to the EITI International Secretariat on or before January 1, 2017. *(see page 10)*

D. Confirmations

- No confirmations were made by the MSG at the November 2016 MSG meeting.

E. Action Items

➤ Co-Chairs:

- Review and distribute meeting summary from November 2016 MSG meeting to MSG members.
- Develop agenda for February 2017 MSG meeting.
- Invite auditors, ONRR staff, and company experts to explain and explore standard audit and assurance processes already in place by February 2017. *(see page 24)*

➤ Implementation Subcommittee

- Consider discussion of jobs data, multi-year metrics of progress, conversion to common energy units, and production data for some minerals like gold for 2017 report. *(see section beginning on page 12)*
- Discuss DOI audit procedures and their applicability to the reconciliation process at November 30, 2016 meeting, as well as timing and next steps; prepare presentation on these issues for February 1-2, 2017 MSG meeting. *(see page 24)*
- Review reporting of various streams of revenue, thresholds, and level of effort required for such reporting given past two year's experience by December 2016 or January 2017. *(see section beginning on page 27)*
- Consider including scope and margin of variance issues in the 2017 USEITI Report. *(see page 27)*
- Consider IA recommendations on improving efficiency of the reconciliation process. *(see page 28)*
- In preparation for the February 2017 MSG meeting, consider whether to add additional commodities by December 2016, consider and vet any new country case studies, and submit required materials to ONRR by January 2017. *(see sections beginning page 12 and page 28)*
- Begin implementing activities from the Beneficial Ownership Roadmap for 2017. *(see page 35)*
- Work on developing documentation to support USEITI validation, especially in more challenging areas. *(see page 42)*
- Implementation Subcommittee workgroups explore possible areas of agreement on which requirements could be classified as "green" versus "yellow." *(see page 42)*
- **Communications Subcommittee**
 - Prepare 2017 Communications Plan considering both 2016 outreach experiences and MSG input by February 2017. *(see section beginning on page 19)*
- **State and Tribal Opt-in Subcommittee**
 - Engage Colorado, North Dakota, and Pennsylvania as well as interested tribes. *(see page 21)*
 - Obtain final list of states and tribal opt-ins by April 2017, and advise ONRR on whether to exercise IA contract option. *(see page 28)*
- **Independent Administrator (Deloitte)**
 - Review whether DOI audit procedures would satisfy EITI reconciliation requirements, the relative cost-effectiveness of these audit procedures as compared to the current USEITI reconciliation process, and the timeline for implementing any revisions to the USEITI reconciliation process. *(see page 24)*
 - Consider whether careful review and description of DOI audit procedures might help demonstrate the potential for mainstreaming of USEITI reporting. *(see section beginning on page 24)*

- Prepare proposal for additional visualizations/topics for the 2017 Report to be decided by the MSG at the February 2017 meeting by December 2016 or January 2017. *(see section beginning on page 30)*
- Conduct mainstreaming feasibility assessment by February 2017. *(see page 37)*
- Explore whether there adjustments to scope and margin of variance could reduce the level of effort required of companies and the government. *(see page 27)*
- **General Services Administration (GSA) 18F**
 - Provide information to the MSG on where to find detailed implementation notes on the USEITI website. *(see section beginning on page 12)*
- **USEITI Secretariat**
 - Conduct initial desk audit regarding validation pre-assessment and discuss with the MSG. *(see section beginning on page 38)*
- **USEITI Process Facilitator (Consensus Building Institute)**
 - Distribute action items from the November 2016 MSG meeting.
 - Create a meeting summary for the November 2016 MSG meeting by December 2016.

III. Presentations and Key Discussions

Greg Gould, Co-Chair of the USEITI MSG Government Sector and Director of the Office of Natural Resources Revenue (ONRR) at DOI, opened the meeting and welcomed participants. All individuals in attendance introduced themselves. A full attendance list can be found in Section VI – Meeting Participants, page 43.

A. Welcome, Introductions, and Agenda Review

Paul Mussenden, Deputy Assistant Secretary, Natural Resources Revenue Management, DOI, provided opening remarks. He noted several key milestones that would occur in the meeting, including approving the second annual EITI Report. He also suggested that the upcoming political transition was likely on the minds of many MSG members, and that those in government were focused on making sure it will be smooth and orderly. He reminded MSG members that this would be the last USEITI MSG meeting of the current administration; for this reason Secretary of the Interior Sally Jewell and National Security Council Member Mary Beth Griffin would both be speaking to the group to thank members for their efforts.

Pat Field, facilitator from the Consensus Building Institute, then provided a broad overview of the agenda for the upcoming two days.

B. USEITI MSG Business

The MSG conducted the following items of business during the course of the MSG meeting.

1. Terminology and USEITI June 2016 Meeting Summary

Judy Wilson, USEITI Secretariat, reminded meeting participants that the MSG has agreed to employ three terms to differentiate between different types of actions that the MSG takes:

- “Decisions” will indicate significant actions and agreements by the MSG key to meeting EITI international standards.
- “Approvals” will indicate lower-level decisions by the MSG, such as approving work plans, meeting summaries, process changes or additions, etc.
- “Confirmations” will confirm decisions that the MSG has previously made.

The MSG approved the meeting summary of the June 2016 MSG Meeting. A copy of the final, approved meeting summary is available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/useiti_msg_-_june_2016_mtg_summary_v4_160913.pdf.

- **Approval: The MSG approved the meeting summary from the June 2016 USEITI MSG meeting.**

2. Update from EITI Board Meeting

Mary Warlick, Principal Deputy Assistant Secretary of State, Bureau of Energy Resources, U.S. Department of State and member of the EITI International Board Finance Committee, provided an update on the EITI Board meeting held in Kazakhstan in October 2016. She reported that it was a productive meeting that tackled a variety of issues, including internal governance, decision-making procedures, financial sustainability, and Candidate Status safeguard requirements.

Regarding internal governance issues, Ms. Warlick noted that the Governance and Oversight Committee, which she chairs, had been working to advance a series of reforms designed to help the organization function more effectively, including issues related to nominations for the next Chair of the EITI International Board, annual performance reviews for the Executive Director and Head of the Secretariat, and term limits for the Head of the Secretariat. The board conducted a performance review for the Head of the Secretariat in advance of the board meeting, and agreed to extend the term of the Head of the Secretariat for an additional two years until the end of 2018.

With respect to board decision-making procedures, Ms. Warlick noted that the board is a consensus-based organization but that there have been instances where members have not been comfortable with the nature of the consensus achieved. The Governance and Oversight Committee developed suggestions for providing greater clarity around how decisions are made. Most of the committee’s resolutions on the issue were approved. The Oversight Committee is now working to clarify language in the board manual and drafting amendments to the relevant articles.

With respect to financial sustainability, Ms. Warlick noted that identifying sustainable funding sources for the EITI Secretariat represents a key challenge. While supporting countries have dedicated substantial funds to supporting EITI efforts, much of this has been distributed through a World Bank trust and through bilateral aid programs. The U.S. has not put money into funding the Secretariat even as there is a feeling that the Secretariat is taking on an increasing amount of work, in particular related to validation. The Board discussed how to obtain agreement on a minimum or mandatory funding level. Companies agreed to provide a range of \$20,000-\$60,000 in support depending on the size of the company, but the country constituencies were more divided. The U.S. would not commit to mandatory country contributions absent an expenditure review mechanism being put in place, even though the U.S. wants to support the EITI Secretariat and recognizes that the Secretariat's work is important and impactful. The U.S. hopes to make annual contributions for one to two years going forward. The U.S. also expressed a desire for the Secretariat to seek additional funding from foundations.

The board meeting also included a number of discussions on candidate status safeguard requirements. In advance of the meeting, Azerbaijan had taken a number of positive actions, for example dropping criminal charges against members of civil society. But the board still determined that Azerbaijan had not met EITI's civil society standards. John Harrington from Exxon Mobile, who also attended the board meeting, added that validation for Azerbaijan was not a close issue because the country had taken key actions only days before the board meeting. Ms. Warlick noted that the board was requiring Azerbaijan to take additional actions prior to the next board meeting to maintain its candidate status.

Ms. Warlick added that board members expressed concern about whether countries that have recently been validated — such as Mongolia, Indonesia, Peru, and Timor Leste — would be able to meet Candidate Status safeguard requirements moving forward. Similar concerns were expressed regarding the fourteen additional countries that will be ready for review in February 2017, and the seventeen country validations that will be initiated in 2017. There are concerns that a number of countries may eventually face suspension. Some board members suggested that it will be important to look to successful countries for lessons learned.

MSG members made the following comments and asked the following questions following Ms. Warlick's presentation; *Ms. Warlick's responses to questions and comments are indicated in italics:*

- Countries are facing the application of new safeguards and are wondering what they mean. Countries must make satisfactory progress on all four key components of the safeguard requirements in order to avoid triggering a decision on whether they will be de-listed. Countries are facing significant challenges on the civil society engagement component, even though the meaning of this component is not fully defined. Eventually, the board will need to consider the criteria for this component more fully. However, with respect to

- Azerbaijan, this was not a close issue. *The EITI Board will have to reassess this situation in a few months.*
- Civil society safeguards are very important and are also a significant cause of challenges to validation. Are there lots of examples of other countries where the civil society situation is as extreme as in Azerbaijan, or is the issue generally less significant elsewhere? *Everyone agrees that civil society engagement is central to EITI. Requirement 8.3(c) is the new standard; it was altered last year and gets revised every three years. While it is important to set high standards and Azerbaijan clearly had more work to do on this issue, the jury is out regarding the rest of the validations. If nine out of every ten countries end up not meeting the standard, then it might be necessary to reevaluate the grading.*
 - Countries are concerned about what happens if a government does all it can to open up space for civil society, but civil society groups still do not participate in the EITI process. While some countries have definitely closed civil society space, in others it is not clear how to evaluate the lack of civil society engagement.
 - What are other Board members asking about or commenting about regarding the candidacy of the U.S.? *There is interest in how the candidacy of the U.S. is progressing, and concerns about how the U.S. will meet some requirements. However, there is a broad cross section of countries that have expressed appreciation at the assistance the U.S. has provided and that have suggested USEITI is a model.*

3. Workplan

Chris Mentasti, ONRR, reviewed the 2017 USEITI Workplan. He noted that the MSG is required to update and approve its workplan every year. The workplan must be linked to EITI principles, reflect the results of consultations with stakeholders, involve measurable and time bound activities, identify funding, be available to the public, be reviewed and updated annually, and include a timetable for implementation that is aligned with reporting and validation deadlines. Mr. Mentasti then proceeded to review the various sections of the workplan narrative.

Mr. Field suggested that participants pay special attention to the list of goals for 2017 appearing on page 7 of the draft workplan. Participants offered the following comments and asked the following questions; *responses from Mr. Mentasti are in italics:*

- Veronica Slajer, North Star Group, suggested it would be helpful to institutionalize some of the language in the workplan, so it is not connected to any particular administration.
- Lynda Farrell, Pipeline Safety Coalition, suggested adding clarity to the first sentence in the background section, to avoid suggesting the initiative began in 2011.
- Dan Dudis, Public Citizen, suggested adding a goal around redefining the universe of companies that are considered “in scope” through some other means besides the 80% of revenues approach. He suggested the current list of companies is heavy on oil and gas, and light on mining.

- Mr. Harrington concurred with this request. He added that the goal should be to reevaluate the basis for selecting companies for inclusion in reporting.
- Danielle Brian, Project on Government Oversight, suggested this approach could involve reviewing the materiality threshold, which is based on payments to ONRR. *Mr. Mentasti commented that he believed that is how this issue is currently phrased in the document.*
- David Romig, Freeport-McMoRan Oil & Gas, requested that the third bullet on page 8 be changed from “pre-feasibility” to “feasibility.”
- Paul Bugala, American University, asked whether there might be additional detail about the beneficial ownership process in the more detailed work plan. *Mr. Mentasti replied that all of the action items at the end of the beneficial ownership section were included in the narrative draft.*
- Mr. Mussenden suggested adding a bullet under national priorities stating “Leadership by example.”
- Ms. Slajer commented that it might be helpful to mention work that has been done with other countries, for example the bilateral work with Mexico, and note that this work is continuing into 2017. *Mr. Mentasti replied that this work is mentioned in the document in general terms.*
- Mr. Mussenden suggested adding a bullet under “funding and resource constraints” to request “any funding required to support validation,” generally, in order to reflect a small, \$10,000 contribution for validation. Mr. Gould noted that the desire is for this funding to be an annual payment.
- Mr. Romig asked whether, given that the MSG had discussed new work streams related to reviewing margin of variance, adding information to data portal, and other issues, it might be necessary to add those items into the workplan.
 - *Mr. Mentasti replied that it is possible to tentatively approve the document and then add these items after the fact.*
 - *Mr. Field clarified that the MSG can provisionally approve the workplan and then the Co-chairs can approve it with these additions.*
 - *Mr. Harrington added that it is a living document that is frequently changing.*

The 2017 USEITI Workplan was provisionally approved, pending the Co-chairs’ final approval.

- **Provisional approval: The MSG provisionally approved the 2017 USEITI Workplan, with final approval pending from the MSG Co-chairs. The USEITI Secretariat shall transmit the document to the EITI International Secretariat on or before January 1, 2017.**

4. Committee Member Retirement

Mr. Gould announced that Mr. Harrington would be retiring and leaving the MSG. Mr. Gould and other committee members thanked Mr. Harrington for his service and wished him the best.

C. Comments from Senior US Government Officials

Two government officials — Sally Jewell, Secretary of the Interior, and Mary Beth Goodman, Special Assistant to the President and Senior Director for Development and Democracy, National Security Council — offered comments to the MSG on the value of its work.

1. Remarks by Secretary Sally Jewell

Secretary Jewell offered remarks thanking the MSG for its work, praising the USEITI website, and noting the importance of the accomplishments and mission of the MSG. A full transcript of Secretary Jewell's remarks can be found in the appendix beginning on page 45.

2. Remarks by Mary Beth Goodman

Ms. Goodman provided additional words of thanks to the MSG. She noted that as a Senator, President Obama was inspired by EITI and its potential to transform economies in developing countries. There has been a huge amount of progress in the intervening years. When the Administration entered office there were 30 countries implementing EITI, mostly in the developing world. Now there are 51. The U.S. was the first of the world's major economies to announce its participation, and the results have been transformative.

Members of the MSG have been trailblazers in this effort, and have helped both to transform how we convey information in the U.S., and to expand and broaden EITI internationally. Internationally, President Obama has announced that this effort is part of an open government partnership, which involves seven heads of state. Within this partnership, there is a significant body of work involving private sector, civil society, and governments in anti-corruption efforts related to extractives. The USEITI online portal will be displayed at the next open government partnership meeting in December.

Ms. Goodman concluded by noting that she looks forward to hearing more about the MSG's work in the future.

D. Review and Approval of 2016 EITI Report and Executive Summary

Members of the Independent Administrator (IA) team from Deloitte and the team from GSA 18F provided updates on the reporting and reconciliation process and the 2016 EITI Report and Executive Summary. These updates and accompanying MSG discussions are summarized below.

1. Review of 2016 Reporting and Reconciliation

Alex Klepacz, IA team member from Deloitte, presented on the 2016 Reporting and Reconciliation Results. He noted that 25 companies reported and reconciled revenues out of 41 that were eligible, 12 companies reported taxes out of 38 eligible, and 7 out of 38 reconciled taxes. There were 21 explained variances, no unexplained variances, and 10 companies with variances. Compared to 2015, fewer companies reported and reconciled revenues, the same number reported taxes, and a greater number reconciled taxes. In 2016, 79% of total government non-tax revenue for in-scope companies was reconciled, versus 81% in 2015. Additional information is available in Mr. Klepacz's presentation slides, available online at: [XXXX].

MSG members made the following comment and asked the following question following Mr. Klepacz's presentation; *Mr. Klepacz's response is indicated in italics:*

- Are the types of variances recurring, such as the timing issues that have occurred in the past, or are there signs that companies are learning to avoid them? *There was a new issue this year with pay.gov. BP corrected it and others will do so as well. However, the other variances are not new issues. They include timing issues and accounting issues such as royalties being placed in the bucket of bonuses.*
- In terms of the degree of eligible reporting by companies, the data look fairly consistent from 2015 to 2016. Given market conditions and the number of companies in bankruptcy, keeping these numbers fairly even should be considered an accomplishment.

2. Review of Executive Summary

Sarah Platts, IA team member from Deloitte, reviewed updates to the 2016 Report and Executive Summary. She noted that the 2016 Executive Summary is significantly abbreviated as compared to the Executive Summary in the 2015 USEITI Report. New sections in this year's summary include state and tribal opt-in information and three new additions approved by the MSG: abandoned mine lands (AML) visualization, coal excise additions, and audit controls processes in the U.S. At the start of each section there is a callout box that explains how to find more information in the full report online. The review process for the Executive Summary involved distributing multiple iterations to the Implementation Subcommittee, the Co-chairs, and the Online Advisory Workgroup for their review and feedback.

Mr. Gould expressed thanks to Ms. Platts, and reminded MSG members that the majority of the information from last year's report is still available online. He suggested that the combination of the brief Executive Summary and the larger online report represents an excellent way to provide information to the public.

Mr. Mussenden asked the group for feedback or suggestions on the 2016 Executive Summary, and MSG members offered the following comments:

- Moving forward, more should be done to make sure MSG members all agree that the Executive Summary and the online portal accurately reflect their

thinking. For example, in the Contextual Narrative Subcommittee, there was a decision to break out jobs in extractives by commodity at the state and national levels, but this is not reflected in the Report. Jobs are the first issue that comes up in public outreach sessions.

- The Executive Summary is very strong. Moving forward, USEITI should develop a page where readers can see how many companies were eligible each year, how many reported, and what their revenues and taxes were. This would help readers identify overall trends and see whether participation is increasing.

3. USEITI Report/Data Portal

Michelle Hertzfeld and Corey Mahoney, GSA 18F, reported on progress and updates to the full 2016 USEITI Report and Data Portal. Ms. Hertzfeld noted that the website had benefitted from significant improvements over the past year, including process improvements that allowed the design team to get new usable information up on the site. She noted that because the MSG only meets two to four times a year, the Online Advisory Workgroup served a critical role in providing quick feedback, allowing the 18F development team to continuously test and add new information and develop new features.

Ms. Mahoney, a content designer with 18F, demonstrated various portions of the website. She noted that she and the other members of the team at 18F are very proud of the site and excited about what it can do. She explained that in a previous iteration, the website was organized by dataset. This confused users, who for the most part did not understand the datasets. Now, the site's "Explore Data" function is organized by location. The team discovered that users are interested in exploring data about the region in which they live. Currently, there is a national profile page and a series of regional profile pages.

Ms. Mahoney showed the page for Texas to the MSG, demonstrating how the page includes all location based datasets, walks users through these datasets in a logical way, and pulls in relevant contextual information. There is also improved mobile navigation and display, and connections between the state profiles and nearby offshore areas and case studies.

Ms. Mahoney suggested that the state profile pages are well set up to manage information coming from opt-in states. For Wyoming, Montana and Alaska the state-level data is incorporated seamlessly. There is also deep contextual information in a state governance section at the bottom of the page, and new color schemes and glossary items. Users can click on maps, expand them, see what numbers correspond to the maps, and see full tables of relevant information. The maps update by year.

There is also a "How It Works" section, which now has more of a Q&A format. This section contains all information that is non-location based, such as the AML reclamation program, company excise tax information, and audit and controls information.

Lastly, there is a “What’s New” section, which summarizes what is new on the website.

Ms. Mahoney offered an explanation of the data on revenue, economic impact, and jobs. She noted that the revenue data has lots of contextual information, which was confusing users, so there is now a chart that organizes revenue according to process. The chart includes pre-production revenue, during-production revenue, and actual rates. For revenue from production on federal land, there is data down to the county level. There is a state revenue section, but in most cases contains no information, except for the three opt-in state pages. There are data on ONRR disbursements back to the state and, if relevant, the data are out by offshore and onshore disbursements. There are economic impact data mostly down to state level, covering the full state, not just federal lands. There are two types of jobs data: data on wage and salary jobs down to county level, and self-employment data at the state level only.

In the discussion following Ms. Hertzfeld and Ms. Mahoney’s presentation, MSG members made the following comments and asked the following questions, organized by theme; *direct responses to questions and comments are in italics, with the speaker indicated, as relevant.*

Clarifying questions

- Mr. Mussenden asked for clarification on the source of the underlying data activity at the state and county level. *Luke Hawbaker, IA team member, replied that they come from state and county level governments.*
- Mr. Mussenden next asked where production-level data is located on the website. *Robert Kronebusch, ONRR, answered that it is located in Explore Data → Production. It comes from ten years of data from ONRR Form 2014, reported to ONRR in its production and royalty reports. Royalty reports by county are also available in the USEITI Report.*
- Mr. Mussenden asked whether production on state land is included.
 - *Mr. Kronebusch replied that it is not included, at least not from federal ONRR sources.*
 - *Ms. Mahoney added that there are a number of different production data sets that feed into the USEITI Report. They have production on all lands, US Energy Information Administration (EIA) datasets, and federal lands production. In each section, they have a data and documentation link to detailed notes on where data comes from, data sources, and how they used the data.*
- Mr. Mussenden asked whether this information can be accessed both through the location-based portion of the site and through “Explore Data”; *Ms. Mahoney replied in the affirmative.*

Overall impressions

- Mike Matthews, State of Wyoming, noted that the website has exceeded expectations, in particular through its very usable and accessible use of rolled up data, and policymakers have begun referring to it already.
- Stella Alvarado, Anadarko Petroleum, added that the website is excellent and that it is especially helpful to put so much information on one page. She suggested it will benefit research, analysis, and policymaking.
- Betsy Taylor, Virginia Polytechnic Institute and State University, suggested it is important to let the public know about the limits of the data, and whether it is confusing or potentially inaccurate. She added that it would be helpful to have more of an indication of the category of the state level information, such as whether it is from the coal or natural gas sector, and that the state level data should also include renewables. Next year, she said, USEITI should give some more careful consideration on how to present this data. Ms. Taylor also suggested it would be helpful to obtain notes from 18F on how decisions were made on what datasets to include on the website. *Ms. Hertzfeld promised to direct the MSG to the portions of the website that contain this information.*

Jobs and revenue data

- Danielle Brian, Project on Government Oversight, asked whether jobs are identified. *Ms. Mahoney answered that jobs appear under “Economic Impact.” If extractive industry jobs comprise more than 2% of state employment, that number is noted on the state page and there is a link to that data for the state. State pages will also note any significant “all lands” production information, and make note of the profile of landownership in the state. If a state ranks in the top five among states in production of any resource, that resource is listed on the state page. There is information on energy production across the state regardless of land ownership, and ten-year trend lines that update automatically. The state pages also include federal land production, for which there is county level data.*
- In response to a question from Mr. Mussenden on whether it is true that data from the state and county come from production on federal lands, *Ms. Mahoney answered yes, and Mr. Kronebusch added that the state data come from EIA. Ms. Mahoney further added that the EIA data generally do not include county level data.* Ms. Brian asked whether the economic impact data are for all extractives, not separated by commodity.
 - *Ms. Hertzfeld replied yes, and noted that they were uncomfortable using the commodity categorizations because they were different from what appears on the site elsewhere.*
 - *Mr. Hawbaker added that the datasets used for the “Economic Impact” section are very rarely broken out by commodity.*

Unit conversions

- Mr. Matthews suggested it would be helpful to add a feature allowing users to convert MBTUs to megawatt hours generated, which would make it possible to

compare the cost of production of coal versus natural gas using the same units. *Ms. Mahoney replied that the website does not currently offer unit conversion, although it does have definitions of units. She suggested this is an area where they could improve usability going forward.*

- Mr. Dudis added that convertibility is important, but comparisons among energy types should not just be about price. There are other things that are important to the U.S.'s energy mix beyond just cost.
- Ms. Farrell suggested that for civil society, until USEITI takes into account the full spectrum of what "cost" means, the website needs to be clear about the limits of what it presents. Any cost analysis on the site should be clearly defined.
- Mr. Romig suggested that USEITI's focus should be on transparency of revenues as it relates to payments to the government, not other issues like cost.

Transition from 18F to the Department of Interior

- Paul Bugala, American University, asked about what challenges are expected in light of the upcoming transition of creation of the USEITI Report from 18F to the Department of Interior, and what is being done to make sure the data remain as useful in the future as they are today.
 - *Mr. Gould commented that there should not be any changes. They do not intend to change the data gathering process or the technical expertise of the staff.*
 - *Ms. Hertzfeld added 18F will be working closely with the Department of Interior over the next fiscal year to help ensure a smooth transition.*

Usability

- Betsy Taylor, Virginia Polytechnic Institute and State University, commented that the portion of the site that helps users navigate other websites is very helpful, and suggested a chat room would be another helpful addition. She also suggested they should consider the reusability of the info-graphics and the site overall. Currently, screen capture is the only way to capture some of the charts for use in Powerpoint. They should make it easier to reproduce the charts and print them out. *Ms. Hertzfeld replied that they are working on this last issue and that there are a few upcoming improvements but that these suggestions will need to be discussed further.*
- Ms. Brian asked whether it might possible to provide production data at less aggregated levels, as aggregated data is less useful.
 - *Ms. Hertzfeld replied that the ability to provide something less aggregated depends on the type of production data.*
 - *Ms. Mahoney added that there are two datasets. First, there are EIA data, which were available previously, and are nationwide for energy commodities only. Second, with EITI, they now have data on production on federal land down to the commodity. They have data on a lot of*

commodities, but on each state page they only show the commodities available in that particular state.

Non-royalty bearing commodities and USGS data

- Mr. Gould asked whether the production data include only royalty bearing commodities, and Ms. Brian added that there is a concern that they may be inaccurately representing that production is not occurring just because there is no revenue data. *Ms. Mahoney replied that they have been as careful as possible about the phrasing on this issue. For example, they have said, "There are no data about production of gold and silver on federal lands."*
- Ms. Brian noted that USGS collects some data on non-royalty bearing commodities, and asked whether they could include that data in some form.
 - *Mr. Gould noted that the USGS data are accurate but not complete.*
 - *Ms. Mahoney added that they have discussed linking to the USGS pages.*
 - *Ms. Hertzfeld noted that the USGS data are released in the form of research reports in pdf form and with each commodity structured differently. She suggested it would be extremely labor intensive to integrate these data into the USEITI report without obtaining the data in a machine-readable format.*
- Ms. Brian asked whether it would be possible to speak with USGS to see if it has a dataset they could use. *Mr. Gould responded that the USGS data are typically compiled for research reports, and they may be many years out of date. The USGS reports provide useful historical data, but they are less useful as a source of yearly summary data.*
- Mr. Mussenden commented that considering the value of the USGS data, it might be helpful to better understand the data's shortcomings and how they could be enhanced. *Ms. Mahoney responded by noting that they link to the USGS data when possible and when they're available, for example in the contextual information for some opt-in states in contextual information. They have not found a way to do this programmatically for every state.*
- Mr. Dudis suggested that instead of saying there are no data for commodities like gold and silver, it might be more accurate for the site to say "N/A." He also asked why there are data on the site about obscure minerals, but not gold and silver. *Mr. Gould noted in response that they have information for royalty-bearing minerals on federal land, not minerals governed by statutes that do not require royalty payments to mine. The Mining Act does not require them to collect royalties, but all of those other obscure minerals are royalty bearing. And there is a lot of state production for which they do not receive revenue.*
- Ms. Taylor suggested that going forward they should conduct a systematic evaluation of the quality of the data, and bring key decisions to the MSG. She noted her concern that the pressure to get data up on the portal has led to quiet decisions on data quality, which has meant some data are not considered publicly available. If data that do not rise to the standards do not appear on the

website, it makes it look like that data do not exist. She suggested they need a more systematic and thorough conversation on how to grade quality of data.

- *Mr. Field commented that the MSG had long conversations in previous years on USGS data, as well as the jobs data. Those were transparent decisions made by the MSG.*
- Ms. Taylor responded that when there is in fact production and they are simply not using a data source, they need to be careful not to represent that there is no production.

Final comments

Mr. Mussenden thanked the design team for reviewing the online report and the data with the MSG. He expressed excitement at how the website has been continuously improved and allows the MSG to respond in real time to user needs, and suggested that the report is less a final product than an evolving model for how to enhance public access to information. Even though the hard rock minerals data are incomplete, they can still generate important debate among users. Other countries, like Germany and Mexico, as well as EITI International, are already using the USEITI site as a model. The value of what the MSG and the design team have accomplished is being validated. The MSG then endorsed 2016 USEITI Report, Executive Summary, and Appendix.

- **Endorsement: The MSG endorsed the 2016 USEITI Report, including the online report, the executive summary, and the appendix.**

E. Meeting the EITI 7.1B Open-Data Requirement

Judy Wilson discussed and presented a draft USEITI MSG Endorsement of Open Data policy document. Under Requirement 7.1.b, which will come into force on December 31, 2016, the EITI International Board will require MSGs to “Agree on a clear policy on the access, release and re-use of EITI data.” Ms. Wilson noted the key components of the USEITI approach to open data, including a January 2009 memorandum on rapid and accessible disclosure, a May 2013 Executive Order on open and machine readable government information, a December 2013 national action plan on open government, and a February 2015 discussion on open government data principles as the standard for contextual data in the USEITI Reports. Additional information can be found in Ms. Wilson’s presentation slides, available online at: https://www.doi.gov/sites/doi.gov/files/uploads/eiti_open_data_requirement.pdf.

Ms. Wilson suggested one minor revision to the language in the draft USEITI MSG Endorsement of Open Data, and requested the MSG endorse the policy with this revision. Ms. Johanna Nesseth, Chevron, suggested adding a sentence on documentation of which datasets are being used and why. With these two changes, the MSG approved the Endorsement of Open Data.

- **Approval: The MSG approved the policy statement titled “USEITI MSG Endorsement of Open Data.”**

F. Communications Subcommittee Update

1. Results of October Montana and Louisiana Outreach

Veronika Kohler, National Mining Association (NMA) and Chair of the Communications Subcommittee, reported on the outreach and listening sessions the subcommittee has implemented. She noted that the MSG is now conducting what it terms “listening sessions.” On September 15, 2016, it conducted a session with Congress to showcase the USEITI report. The overall reaction was positive, and participants asked thoughtful questions on a variety of topics from USEITI’s relationship to Dodd-Frank to the selection of the materiality threshold.

There were two listening sessions in Montana from October 5-6, 2016, and another listening session in Louisiana on October 19, 2016. The sessions were used to highlight the case studies that the subcommittee believed would attract greater participation. The Communications Subcommittee publicized the events through flyers, email lists, local media contacts, and social media blasts, and worked with the State and Tribal Opt-in Subcommittee. The Communication Subcommittee’s email list alone now has over 600 personal and organizational recipients. The Communication Subcommittee also distributed information to roughly 20 local organizations.

Although there were good discussions in these meetings, the level of participation is still lower than they want. Ms. Kohler suggested it is possible they may not be doing a good enough job disseminating information, but noted that they engaged in substantial additional effort and it did not result in additional participation.

2. Status of 2016-17 Communications Strategy

Ms. Kohler suggested that the MSG might rethink its strategy for outreach and the listening sessions. She noted that the Communications Subcommittee tried to be strategic in its outreach and planning for the Montana and Louisiana listening sessions, for example by making them easy for participants to attend, holding them at convenient times, and engaging with local leaders or conveners, but these approaches did not increase the level of public participation as compared to the previous round of outreach sessions. The subcommittee might need to consider overhauling its approach. For example, it might opt not to send representatives from all sectors, it might utilize the MSG more, or it might rethink which stakeholders to target. Additional information can be found in Ms. Kohler’s presentation slides, available online at: https://www.doi.gov/sites/doi.gov/files/uploads/outreach_communication_presentation_nov2016_msg.pdf.

Ms. Kohler highlighted three main questions for future consideration:

- How can the Communications Subcommittee address limited turnout? Should it use forums with built in audiences?
- What kind of focused advertising works best on the local level?

- Which stakeholder groups is USEITI trying to attract, people from the county, students, members of Congress, or others?

During the facilitated discussion following Ms. Kohler’s presentation, Mr. Field suggested participants think about successful meetings where lots of people have shown up, and the factors that made these meetings successful. MSG members made the following comments, organized by theme; *direct responses from Ms. Kohler are indicated in italics.*

Messaging

- People show up when they are angry about something, when there is a decision about to be made, when there is controversy surrounding an issue like corruption, or when the meeting involves something very local and directly connected to them. It is hard to get people to come out to “good news” events. Unless there is interest in both the subject matter and the people involved, meetings are unlikely to succeed. For these reasons, USEITI should try to directly link its information to a local policy issue or ongoing policy conflict, in which the data could help create a platform for debate. However, it should avoid being locked into any one controversy. In addition, it should message by geography and demographic, and not publicize using a one size fits all model.
- Targeting people through organizations can be effective. People may be open to new ideas or points of view endorsed by organizations with which they are affiliated. In addition, in the current political climate, communities likely will be paying a lot more attention to how development is conducted. This may present an opportunity for USEITI to foster increased interest in its work.

Advice for more effective meetings

- USEITI should explore engaging in preexisting events, conferences or public meetings, and working with partner institutions such as a local university, local representatives at a high school, or a rotary meeting. However, it should be aware that partnering and joining other events involves a longer planning timeline. In addition, industry representatives may have greater difficulty reaching out to people and getting on a meeting agenda as an EITI member, and it may be easier using a different rationale.
- The best events on complicated policy issues are held in Washington, because people in Washington understand what you are talking about and they know how to translate it back to their constituents back in the states. It is difficult, and more resource intensive, to do events outside Washington even if you use a local partner.
- The Communications Subcommittee should market its meetings by highlighting data of local concern, like the number of jobs created in your county, or the money being brought into your county. *For these most recent sessions, the*

Communications Subcommittee created one-pagers with this kind of information, and it was not effective in increasing participation.

- How does the Communications Subcommittee currently work to keep those people who do show up engaged? *The subcommittee uses sign up sheets at all events and if someone calls in it gets their information and puts them on its email list. Except for in Louisiana and with Congressional outreach, for the most part there have not been repeat attendees.* An MSG member suggested that instead of providing a flier that provides answers, the Communications Subcommittee could ask provocative questions like, “How many jobs have been created?” or “How much money is being generated and how much is coming back?”
- The Communications Subcommittee should do more to document the discussions at the listening sessions, so it can share the key messages that come out or the controversies that interest people with the MSG.

Representation at USEITI meetings

- The MSG may want to revisit the Terms of Reference stating that individuals should not represent the EITI process, so that all subsectors do not need to be represented at every outreach event. Historically, civil society and industry come from different perspectives, with industry trying to justify the value of its work to local communities, and civil society groups being somewhat hostile to industry interests. Over the past few years, members have built a lot of trust within the MSG, and at this point USEITI may be able to have representatives speak across constituencies, for example civil society could speak to the role of industry. *The subcommittee has not proposed this yet, and if it did so it would come back to the MSG first for input. The subcommittee may have a proposal on this issue in February.*

Targeting stakeholders

- USEITI should consider whether it is engaged in a “wholesale” or “retail” activity in collecting and disseminating information, and target more specific sets of stakeholders. It might try to speak more directly to undergraduates, graduate students and others in the communities and states it is working in who may have the time to actually use the data and but do not know it exists. USEITI could also ask university professors to integrate it into their work. Graduate school professors are always looking for datasets for their students to mine and analyze. Other potential target stakeholder groups include policymakers in Washington, DC or state capitals, legislative staff, state civil society, auditors, and landowners interested in pricing data.
- USEITI should explore developing partnerships with schools and universities. However, there is a question as to whether USEITI can go directly on campuses. USEITI cannot go on private campuses, but it may be able to go on public university campuses. The issue is about receiving gifts. However, USEITI has engaged in some outreach to universities. It has developed a list of deans at

particular schools, focusing on 18 priority states, and sent out emails. There may be a need to reach out in a more personal way, such as by phone.

- As USEITI moves forward with this work, it will be critical for MSG members to use their existing networks. For example, with Alaska and Wyoming in 2017, USEITI should put MSG people in the lead who are from those states.

G. State and Tribal Opt-in Subcommittee Update

1. Report Out and Update on Engagement with States and Tribes

Danielle Brian, Project on Government Oversight (POGO), Co-Chair, provided an update on engagement with states and tribes. Ms. Brian thanked MSG members for helping get Alaska, Wyoming, and Montana to agree to opt in to USEITI. She asked MSG members to reflect on which states it should be targeting in the future. For example, last year they connected with a representative from North Dakota who was enthusiastic about further engagement, and North Dakota already has a lot of information online.

Ms. Brian provided an update on tribal opt in. She noted that the Subcommittee recently had a meeting with the Blackfoot Tribe, which invited them to come back for a day-long meeting to talk about what opt-in would mean. They are also planning to try to reengage with the Osage tribe in 2017, which has expressed interest. They are hopeful there will be at least one tribe opt-in in 2017.

MSG members made the following comments and asked the following questions; *direct responses to questions and comments are indicated in italics, with the speaker indicated, as appropriate:*

- USEITI should target specific contacts. Dennis Roller, state auditor for contracting in North Dakota, should be its next target for engagement in North Dakota. Rinn Peterson from Colorado is another potential contact.
- The MSG should continue to use the process that Deloitte has developed for state and tribal outreach. How many states are in the Deloitte contract? *Deloitte representative: The current contract has three states and five total if tribes are included.*
- The USEITI should consider counties that stood out when MSG members were conducting calls to states about counties that were going to be featured, and use the information and contacts it gained from those calls. However, it is hard to say definitively which stood out without documentation. *Ms. Brian: In addition, there is a goal to target more East Coast states because currently USEITI is concentrated in the West.*
- USEITI should think about using a regional approach, since pipelines cross state lines.
- If there is interest from states outside the list of 18 states, could those be brought to the subcommittee? For example, in Virginia parts of the state would be very interested. *Yes, the subcommittee would not turn people away.*

2. Presentation of Request for Extending Adapted Implementation

Mia Steinle, Project on Government Oversight, summarized a draft document being developed to request an extension of Adapted Implementation for USEITI's subnational and tribal opt-in. She noted that the MSG is requesting an extension for subnational reporting to the EITI International Board in light of the barriers to getting all states involved in USEITI. The document also notes that tribes are not subnational governments in the U.S. and USEITI does not believe they fall under the scope of EITI. Because the international audience might not understand the structure of tribal governance and sovereignty in the U.S., and why tribes should not be part of EITI unless they agree to it voluntarily, the document tries to lay this case out carefully.

The document also attempts to show how and why the MSG's view of what opt-in entails has evolved. Before, they had outlined three steps to the process: first they establish a point of contact, second they get a state member on the MSG, and third they move forward with enhanced opt in. Now, they no longer believe they can have members of subnational governments on the MSG because it would not be possible for the MSG to function with an additional 50 members. They have worked and will continue to work to ensure that subnational governments are involved even if they are not on the MSG, and the document describes the various degrees of engagement by Alaska, Wyoming, and Montana.

Jerry Gidner, Office of Natural Resources Revenue, provided further detail as to why tribes cannot be considered "subnational entities" under EITI standards. Tribes are sovereign entities and own their mineral resources. When the federal government collects revenue on these lands, it does so as a trustee and directs all of it back to the tribes. This trust responsibility prohibits the federal government from releasing data or compelling the tribes to release it. The document also notes important progress that has been made on these issues, such as the fact that three tribal governments have representatives on the MSG, and reports that they are in continued discussions with tribes.

MSG members made the following comments and asked the following questions; *direct responses to questions and comments are indicated in italics*:

- Mr. Mussenden commented that initially they referred to this as a request for partial adapted implementation because they can satisfy the requirement for disclosure of payments from the federal government to states. He noted that, in the document, he did not see much discussion of this fact.
 - *Ms. Steinle replied that they took the relevant language from the USEITI candidacy application and bolded the relevant portions of the requirement.*
 - Mr. Mussenden added that USEITI can satisfy the language in Requirement 5.2(a) because USEITI fully discloses transfers from the federal government to the states. He suggested noting this in the request for adapted implementation.

- Mr. Romig suggested that they should include in this request more about voluntary reporting and the government's move towards unilateral disclosure. Unilateral disclosure is a strong pillar of their application process, he suggested, and they have built most of the website around it.
- Mr. Harrington noted that since the U.S.' validation has been deferred until 2018, USEITI may want to look at this issue more closely next year and see if it can make the argument persuasively. *Ms. Steinle responded that this is a renewed request for an extension and it doesn't include a specific date.*
- Mr. Mussenden asked whether there was a decision to separate out the unilateral disclosure argument from this request.
 - *Ms. Brian responded that no such decision had been made to her knowledge, and noted that they can look to add more information on unilateral disclosure into this request.*
 - *Ms. Steinle suggested that this would be a good idea as long as they are clear that it is a Department of the Interior disclosure and not an MSG disclosure.*
- Mr. Romig commented that this document has been developed and vetted, and he did not want to delay it. However, given that they have talked a lot about this topic over the last 1.5 years, and emphasized that their data is reliable, he suggested they should include language about the strength of their unilateral disclosure.

The MSG agreed to add language to the document explaining that federal transfers to states have been unilaterally disclosed. Subsequently, the document was amended and the MSG decided to submit the Application for Extension of Adapted Implementation to the EITI International Board.

- **Decision: The MSG decided to submit the Application for Extension of Adapted Implementation to the EITI International Board. The USEITI Secretariat shall transmit the document to the EITI International Board on or before January 1, 2017.**

H. IA Recommendations for 2017

There were a series of presentations and discussions on IA recommendations for 2017.

1. Improving the Efficiency of the Reconciliation Process

John Mennel and Alex Klepacz, IA team members from Deloitte, presented ideas on how to make the reconciliation process more efficient over time without losing the value of transparency or disclosure. Mr. Klepacz noted that EITI Requirement 4 asks for reconciliation of data, taxes, and revenue. The question is how to meet that requirement more efficiently. The U.S. has now gone through the process for two years, and 19 of the 21 issues that came up in year two were also seen in year one. The IA team had considered three ideas to improve efficiency: sampling, review of the Department of Interior (DOI) audit process, or addressing margins of variance.

a) Sampling

With respect to sampling, the IA recommended a sample size of 27 companies, including all 10 of the companies in the largest size strata, 9 of 13 companies in the middle size strata, and 8 of 18 companies in the bottom size strata. They then looked at the data they received for the full reconciliation process and compared it to what they would have received through sampling. Under the sampling procedure, total government non-tax revenues for in-scope companies went down, as did the total number of companies reconciled.

Mr. Mennel noted that IA was recommending not to go forward with sampling for at least another year for two reasons: 1) EITI countries are required to have a representative sample but because of the voluntary nature of reporting, USEITI might not have enough companies to create such a sample; and 2) right now USEITI has 80% of revenue accounted for, and that percentage would go down under sampling. This could result in bad optics before the EITI Board.

An MSG member asked the following question on sampling; *the response from Mr. Mennel is indicated in italics:*

- Is sampling intended as a one-time exercise to demonstrate whether it can meet the letter and spirit of the requirement, or would USEITI switch to it as means of reporting each year? *The idea was to assess whether USEITI should switch to it on an ongoing basis, and the IA team believes that this would not be advisable at this time.*

b) Review of DOI Audit Procedures

Mr. Klepacz reported on the IA's review of DOI audit procedures. As part of the annual DOI audit process, an independent auditor performs set of procedures, including sampling and testing, to make sure financial statements meet a certain standard. In October 2016, the IA was asked whether USEITI could repurpose this audit process and see if it might satisfy EITI requirements, potentially with some modifications. The IA is set to begin looking at this question, and whether it might be more cost-effective than the current reconciliation process.

Mr. Gould noted that the Implementation Subcommittee would address this issue at its November 30, 2016 meeting, and have a conversation on timing and next steps. There will be a presentation on it at the February 1-2, 2017 MSG meeting. Mr. Gould also reminded the MSG of its intention to include a broader discussion of these issues as part of the contextual narrative, so it can be well documented in the 2017 Report if the MSG decides the new approach workable. An IA representative cautioned that it is unlikely these issues could be resolved in time for reconciliation in 2017. Given that EITI Requirement 4 specifies that governments and companies must provide data, and those data must be reconciled, the approach would likely need Board approval.

Mr. Mussenden suggested that if the IA's analysis supports the view that the current processes are equivalent to reconciliation, then the MSG would promote these processes. He suggested that this analysis may not be completed in time for companies to utilize it in 2017, but if so then the MSG would aggressively pursue it.

MSG members made the following comments and asked the following questions on DOI's audit procedures, organized by theme; *direct responses are indicated in italics, with the speaker's identity noted as appropriate.*

Clarifications and overall reactions

- What does reconciliation actually involve and how deep is the review? *Mr. Klepac: It involves looking at the payments made and reported by companies, and the information provided by government on revenues reported by companies. The IA reconciles the two numbers and both governments and companies confirm their information is correct. If the company and government both report the same numbers, it is considered reconciled. But if the numbers are different, and outside a margin of variance, then the IA works with both to determine the source of the discrepancy. For example, it could be an issue related to timing, to pay.gov, or to classification.*
- This new approach might not just be more efficient, but also more meaningful and thorough. Currently you get companies' data and DOI's data. But DOI's data has come from those same companies. This new approach would use Treasury Department data on money received, and match it with companies' reporting to DOI. *Mr. Mennel: That characterization of the current approach is not entirely correct. USEITI is not just reconciling company data with company data. It is reconciling what ONRR shows it is owed with what companies say they're providing.*

Safeguards in the current system

- ONRR has a well-developed system and might already be doing what has been suggested.
 - *ONRR Representative: ONRR has a process involving thorough up front edits and data mining to make sure reported figures are reconciled.*
 - *Mr. Mennel: The IA will take a look at this issue. It's a fairly complicated topic so the IA should look at it carefully. The IA is looking at transaction level detail and finding opportunities to clean things up. It's possible the audit procedures will involve a broader set of transactions and be more comprehensive.*
 - *Industry representative: ONRR receives reporting from Oil and Gas Operations Reports (OGORs). Companies are required to submit volumetric information with meter statements, and they get audited on those meters. The auditor considers meters to be similar to cash registers, and they must match the money companies are reporting. The meters*

must have all the required technical specifications and controls, and the volumetric data are evaluated carefully.

- *State Representative: Sometimes, states audit the federal system. In our state, for example, we initiated an audit and arrived at our own conclusions to make sure the state was getting its distributions as appropriate. The U.S. audit process exceeds anything EITI could ever hope to achieve. Reconciliation adds no value in the U.S., and the issue is simply whether to meet the EITI standard.*
- The initial reporting USEITI makes each year is from information reported by industry. It is not audited information. *Industry representative: The information has multiple safeguards to ensure it is accurate. Companies are required to notify the Bureau of Land Management (BLM) and the Bureau of Safety and Environmental Enforcement (BSEE) prior to any meter calibration on a transfer meter, and there are representatives from multiple institutions present witnessing the meter reading. BLM and BSEE get the meter statements and compare them against the reported data that companies file. They are looking monthly at the volume information on key company assets to ensure it matches both the company and the pipeline. Companies also need to show a pipeline statement and deliver it to BLM and BSEE for review. And when companies get audited, this information is turned over again.*
- USEITI needs to explicitly and carefully express where the data is being reported so that there are no questions about USEITI's process when the U.S. is validated. *Mr. Mennel: That is a good point. USEITI already does a fair amount of describing of the validation and controls process in the U.S. This process will help USEITI dig into details even more.*

Industry perspectives

- Industry has new evaluation rules and regulations coming into place in 2017. They will be costly and require realignment of resources. Industry is paying more attention to these requirements, which are mandatory, than to EITI, which is voluntary. In addition, companies are currently going through divestitures, which makes things even more complicated. With commodity prices at their current level, my company has 30% less staff than the first time it did this. Moving forward it will be difficult to maintain the same level of participation.
- The reconciliation process is labor intensive. It takes three or four man-weeks for big companies to do this. Just completing the report takes a lot of time, and then reconciliation takes even more time. The last few years that my company did it, it found nothing of substance. If USEITI were to make it easier it would find a lot more companies willing to participate.
- Companies have to be so careful that there are no inadvertent mistakes made with respect to their mandatory reporting requirements. They are working with fewer resources, managing new requirements, and trying to fulfill requirements that have stiff penalties for any inadvertent errors. They are unlikely to spend additional resources on something voluntary like EITI. *ONRR Representative:*

ONRR constantly tries to make changes and improvements to its process. ONRR tries not to penalize routine mistakes.

Timing

- Although the IA recommendation was to look at the audit process next and make any changes to the reconciliation process in 2018, the MSG should consider whether USEITI can implement recommendations on the DOI audit process and reconciliation in time for the 2017 Report.
 - This is unlikely to be possible in 2017. Unlike the recommendation on margin of variance, which is entirely within the control of the MSG, the recommendation on the audit process involves other parties and will take longer. The MSG needs to ask the Board if it can do what the IA is suggesting.

Concluding thoughts

- Initially, the review of DOI audit procedures was also for purposes of determining the potential for mainstreaming. USEITI should include some linkages to that issue in the report.
- It is clear there is a lot of interesting work at many levels to ensure this data is accurate. However, that is not clear to the public. More information on DOI's audit procedures would help build trust in USEITI's processes. It is critical to document these procedures comprehensively.
- Despite the rigor of the ONRR process and industry data, it might not be sufficient to meet the international standard.

c) Scope and margin of variance

Mr. Klepacz next discussed potential changes to the scope and margin of variance of reporting as part of the MSG's annual agreement on the reconciliation process. The IA found examples of variances where the low dollar values of particular transactions resulted in high variance percentages. In one example, a 64.62% variance resulted from a \$2,000 difference in reporting by the government and the company. Given that there are now two years of variances that have all been explained, the IA has suggested that it should study whether there may be ways to adjust the scope and margin of variances that could reduce the level of effort by companies and the government. USEITI now has 40 documented variances, all of which have been explained, and may be able to make some helpful changes.

MSG members made the following comments and asked the following questions on scope and margin of variance; *responses are indicated in italics, with the speaker's identity noted as appropriate:*

- One company had to investigate a \$25,000 variance after generating millions of dollars in offshore extraction, instead of focusing on doing their jobs and perfecting safety and performance. *Industry representative: That variance resulted from a field problem.*

- Should these ideas be included in the Report?
 - *Mr. Mennel: They are amplifications of Recommendations 2 and 5. They're not in the Report because those are supposed to be broader recommendations, and because the MSG's thinking has progressed in the few months since the Report was drafted. In addition, this presentation is giving us the details behind the recommendations in the Executive Summary, and the MSG can add it to the Report next year.*
 - *Mr. Field: CBI will make sure to report on these ideas in the meeting summary.*
- Timing issues are very common. Companies and the government spend a huge amount of time reconciling the differences between their fiscal years. USEITI needs clear ways to spot timing issues that lead to variances and fast track them. How can USEITI address the calendar year reporting issue systematically to eliminate wasted time and effort when this issue comes up unexpectedly? *Mr. Klepacz: Now that the government and the company know of this particular issue, they can predict it moving forward and be able to address it very quickly. However, there is no way to look immediately at a variance and see that it is a timing issue. Unless you dig into it you can't know the cause.*
- The Executive Summary does not quite reflect what the MSG is hearing today. It states that USEITI should "include greater disclosure of transaction-level detail." That sounds like the exact opposite of what MSG members are now suggesting. This discussion should be documented, and the website should be supplemented when USEITI goes to the International Board.
- The MSG should be cautious about how it talks about margin of variance. The margin of variance exists because USEITI decided variances below a certain threshold are not material.

Mr. Mennel summarized the IA's recommendations on these options moving forward. Of the three options identified, the IA recommended that sampling not go forward for next year, but sampling could be revisited in the future. The IA also suggested that they review the DOI audit procedures to see if it is possible to supplement or replicate the reconciliation process, to implement in 2018. The IA also suggested the MSG take forward the recommendation to review the reconciliation scope for 2017 in light of the history of transactions they have developed. Additional information can be found in Mr. Klepacz and Mr. Mennel's presentation slides, available online at: https://www.doi.gov/sites/doi.gov/files/uploads/rr_efficiencies_msg_presentation_20161109_vfinal.pdf.

Mr. Gould suggested that the subcommittee would consider the recommendations in the coming year.

2. Key 2017 Decisions and Decision Dates

Sarah Platts reviewed the decisions that the MSG will need to make in February 2017. These include deciding which if any new commodities will be added to the scope of

reconciliation. Adding a new commodity would impact reporting and reconciliation, which requires MSG approval. Per Federal Advisory Committee Act (FACA) requirements, materials on this issue would need to be submitted to ONRR by January 17. Adding a new commodity would also mean generating two new county case studies. For these reasons, if there are any new commodities people want to add, this needs to be brought up to the subcommittee so they can be vetted.

In addition, the State and Tribal Subcommittee will need a final list of states and tribal opt-ins by April. Currently, the IA contract does not include state and tribal opt-ins or new commodities. They can be included if ONRR exercises an option, but ONRR needs to know to do this in time.

The February 2017 meeting will also involve deciding on new contextual narrative additions. In the meeting, the group will need to approve the topics, but not the actual work products. Ms. Platts noted that potential contextual narrative additions for 2017 include the following topics:

- A special highlight on renewable resources
- A special highlight on forestry
- An interactive way to sort through and navigate the laws, statues, and regulations based on relevant lands and natural resources

Mr. John Cassidy, IA team member from Deloitte, added that the February meeting could include more than these three topics, and members were free to suggest additional ideas.

Ms. Platts concluded her presentation by reviewing the reporting and reconciliation timeline for 2017 and the 2017 timeframes and deliverables. Additional information can be found in Ms. Platts's presentation slides, available online at: https://www.doi.gov/sites/doi.gov/files/uploads/20161108_2017_key_dates_and_decisions_vfinal.pdf.

MSG members made the following comments and asked the following questions on Ms. Platts's presentation; *responses from Ms. Platts and Mr. Cassidy are indicated in italics, with the speaker indicated:*

- Where did the three contextual narrative ideas come from?
 - *Mr. Cassidy: The IA collected them throughout the year. The IA tries to keep track of ideas people discuss in MSG or Subcommittee meetings.*
 - *Ms. Platts: They reflect what the IA has heard from members about spaces where there may be opportunities to tell more of the story from the U.S. perspective.*
- It would be helpful to talk about different types of technologies.

- Before the MSG decided on the content for the first report, there were some good materials developed regarding USEITI’s thinking on renewables and forestry. The MSG should review those materials.

I. Lease-level Unilateral Disclosure

Robert Kronebusch presented on the potential for DOI to move forward with lease-level unilateral disclosure, a step beyond the current unilateral disclosures. He noted that DOI currently unilaterally discloses calendar year 2013-2015 revenues at the company, revenue stream, and commodity levels on the USEITI Data Portal. There is a \$100,000 per company (and its affiliates) reporting threshold. He then reviewed the ONRR definitions of “lease,” “right-of-way” (ROW), and “right-of-use and easement” (RUE) as they would relate to the SEC Dodd-Frank Section 1504 definition of a “project”. He noted that the current lowest level of reporting that comes to DOI and ONRR is in the form of a lease. ONRR gets paid on the basis of leases, ROWs, and RUEs.

Mr. Kronebusch reviewed the number of leases, ROWs, and RUEs reported to ONRR in CY2015 (~47,000), which were disclosed on the data portal, and provided data on lease sizes. He noted that the Section 1504 project definition references agreements and that DOI has “communitization agreements” and “unitization agreements,” and offered definitions for each. He suggested that unitization agreements can be very large, up to 1 million acres. He then presented figures on the number of agreements reported to ONRR in CY2015. The total number of leases, ROWs, RUEs, mines, and agreements for CY2015 was over 57,000, or roughly 10,000 more than the total number of leases. This is because, even though agreements aggregate leases, a single lease can be associated with many different agreements. The relationship between leases and agreements is complicated, and roughly a third of all leases are involved in communitization or unit agreements.

Mr. Kronebusch further noted that BLM and ONRR have different lease naming conventions and OSM collects at the mine level not the lease level. Additional information can be found in Mr. Kronebusch’s presentation slides, available online at: https://www.doi.gov/sites/doi.gov/files/uploads/lease-level_udr_presentation_final_11-09-16.pdf.

MSG members made the following comments and asked the following questions on Mr. Kronebusch’s presentation, organized by theme; *direct responses from Mr. Kronebusch, his colleague at ONRR, Nathan Brannberg, and others are indicated in italics, with the speaker identified as appropriate.*

Overall reactions and clarifications:

- Has ONRR looked at geographic interconnections? For example, in the Gulf of Mexico, there is one facility measurement point for oil and one for gas and they cover a dozen leases. Industry would call that one project and it could create a reconciliation problem. Does ONRR have all that information in its system? *Mr.*

Kronebusch: Yes, ONRR has all the information. Production is reported to ONRR at the facility measurement point, to a level of detail of every lease or agreement and well. That's where ONRR does some of its up front editing.

- It creates a reconciliation problem if ONRR reports at the lease level and industry reports at the project level. *Mr. Kronebusch: For reporting at the facility measurement point (FMP) level, there would need to be agreement on what the project is or how many FMPs come together. Some projects have multiple FMPs.*
- Is ONRR looking at both offshore and onshore production? *Mr. Kronebusch: Yes.*
- A ROW is in perpetuity, but the situation is not so clear with leases. USEITI should clarify this issue in the definitions, and not presume everyone knows these details.
 - *Mr. Kronebusch: With a lease, normally you have 10 years to produce and if you do, then it is in perpetuity, but if you don't it's not.*
 - *Industry representative: There is a primary term specified in the lease, and as production is maintained the lease will continue until production ceases.*
 - *Mr. Field: If USEITI goes to this level it sounds like there's a definitional issue of making sure people understand the details.*
- Could you clarify the sources of the data?
 - *Mr. Kronebusch: The source of the ONRR payments data is Form ONRR-2014, which covers oil and gas, NGLs, helium, and some others. For coal and solids it's Form ONRR-4053, the production and royalty report. For the items that cannot be paid on those two forms, ONRR used direct billing activities. Direct billing represents 1-2% of the total revenue.*
 - *Mr. Brannberg: For direct billing, also known as accounts receivables billing, there are a lot of rental payments, meaning that it involves a lot of contracts even if the total amount of revenue is relatively small. The rental payments are shown by lease.*
- What are the sources of revenues in the charts you showed? *Mr. Kronebusch: An estimated 80 is royalties. Bonuses and Rents are also a big source of revenue.*

Understanding unitization and communitization agreements:

- How much do unitization agreements affect accounting and how much are they a response to geology? It would be helpful to understand more about how unitization agreements relate to existing leases, and how many of them there are compared to unique leases. *Mr. Kronebusch: One difference is the complexity regarding reporting royalties. As far as ONRR is concerned, it doesn't matter whether it's a lease, an agreement, or anything else. For companies, it might be tougher because if it's an agreement they have to aggregate all their wells. Roughly half of what is reported to ONRR is from standalone leases and roughly half is from agreements. For auditors, it is important with agreements to make sure every lease is getting the correct allocation, because they have different*

royalty rates and you want to make sure the government gets every dollar it is due.

- What does it look like in practice for industry to report on communitization agreements versus unitization agreements? *Industry representative: With communitization agreements, they want to isolate well by well, so they can see the meter statement on the well head and know it is being reported for that communitization agreement. With a unit, companies take all the wells in that unit and accumulate them, typically designated to an FMP. Each lease will be given an allocation percentage of the unit, and companies will ignore the individual wells. It is easier to track the volume as they're commingled at the FMP.*
- For unitization agreements, the idea is that everyone agrees to an allocation for extraction that they agree is fair for a common reservoir, after a lot of analysis. They agree on an overall allocation but do not measure every well, and measure at the custody transfer point for the entire reservoir. For communitization agreements, they agree on every well. *Mr. Kronebusch: When royalties are reported for agreements, ONRR gets both the lease number and the agreement number. You need the lease number because that is how money gets distributed to the states, counties, or tribes.*

The Trade Secrets Act

- How do you determine if there is a Trade Secrets Act (TSA) problem and how is it handled in the reports?
 - *Mr. Kronebusch: The experts in the government determine what they feel could potentially cause competitive harm. If the government discloses numbers four or five months after the end of the year, and look at yearly not monthly revenues, some might conclude that there is minimal potential for competitive harm.*
 - *ONRR representative: When a request for information comes in, staff look into it to see if it might reach a threshold for causing competitive harm. It is easier for us to respond to these types of requests on a case-by-case basis than to report everything annually. The latter requires tremendous resources and time, although technically it is not difficult. The MSG should discuss this resource issue now and next year.*
- If you determine there's a Trade Secrets Act (TSA) problem, how is that reflected in the reports?
 - *Mr. Kronebusch: Currently in the data portal, there is a "W" for withheld, reported by the company. For oil and gas, if you go to the state website for a lease's production and have the lease number, you could theoretically figure out the price per barrel or mcf. For solid minerals it is stricter.*
 - *Industry representative: As long as there is a delay in the release of the information and it is broken down annually, not by month, there is less risk for companies in oil and gas. For hard rock it is different.*

- USEITI should be sure to explain to and educate the public about why there may be TSA issues with coal and other minerals, to avoid suspicion. USEITI should explain how unitization and communitization agreements work, and potentially even provide visualizations. It should look into creating an animated training module for the data portal.
 - *Mr. Kronebusch: ONRR already has reporter training two to three times a year and has many presentations on what these agreements are, and the life of a lease from cradle to grave. There are many kinds of educational materials like this that USEITI could put on the data portal.*
 - *ONRR representative: The MSG could add this as a special topic to next year's report. Linking the data portal to some of ONRR's training is a great idea. For example, ONRR has a new training system where it uses videos that the MSG could link into the data portal.*

Steps towards ONRR setting up a lease-level disclosures system:

- If ONRR decided to perform lease-level unilateral disclosure, would it just be a matter of feeding data into a spreadsheet once it is set up? *Mr. Kronebusch: ONRR has the information and could do it. ONRR had to do it for this presentation.*
- Based on information on bonuses and rents by lease, should USEITI present the revenues by lease? Would this be more meaningful than doing it by agreement?
 - *Mr. Kronebusch: Doing it by the lease only makes sense. Everyone can agree on what that number means, and it's simpler to track. With agreements it is difficult to keep track of all the layers.*
 - *ONRR representative: ONRR is committed to reporting out the leases at some point. ONRR wants to make it automated, so it does not need to create a spreadsheet each time. Otherwise, the data is out of date very quickly. ONRR has a system where you can send in a FOIA request and the staff will get back to you with the information. This works fairly well and if ONRR changes it, it wants to do it right.*
- From an industry perspective, if this is just unilateral disclosure of lease level data, then this could be a wonderful approach. But if USEITI tries to reconcile projects to the leases it could get messy, and industry likely will not report everything at the lease level under SEC 1504.
- From a stakeholder perspective, it would help to see what the leases look like without having to do a FOIA request, so you can know more about who the industry players are in your community. These developments are part of a wonderful story about something emerging from USEITI that is creating searchable, usable data that is making government more efficient.
- BOEM is already providing lease-level disclosure in the Outer Continental Shelf, so there is the beginning of a precedent for this in DOI.
- What is the source of the wait for ONRR to implement this? *ONRR representative: It is a matter of getting ONRR's technology to the point where it*

- can do this in an automated fashion. It is a capacity challenge with respect to implementing a business intelligence unit.*
- Does ONRR intend to unilaterally disclose lease level information where it can, except for when there is a TSA issue? *ONRR representative: Yes, ONRR is committed to doing that when it can do it in an automated fashion. If the MSG feels strongly it needs to do it in the interim using a spreadsheet to meet its mandate, then ONRR could do that but it may not make a lot of sense.*
 - State and county level reporting seems of more interest to communities than lease level reporting, since leases cross several counties and likely will not mean a lot to people. Currently, the U.S. has reporting by state and county and should at least continue it at that level. However, both are useful and there are also reasons for the lease level data.

The EU system and EITI requirements:

- How does the EU manage this reporting issue? *Industry representative: The EU has a definition that is similar to the SEC definition. In the EU, projects are defined at the lease contractor agreement level, although there's a different term of art. There is the ability for some aggregation above the contract level, but the principle is close to a contract level.*
- What does the EITI require? *Industry representative: EITI says that once you start reporting at the project level though the SEC, you need to do that for EITI as well.*
- Does the EITI standard require reporting or reconciliation? *Industry representative: It requires reporting, but that's because project level reporting hasn't really started. Industry does not think it's practical to reconcile on a lease or project level. The government receipts aren't gathered on a project level. It would be difficult to package and report them.*
- USEITI should clarify that the EU rule is already in effect. Companies registered in the EU need to report revenue with respect to worldwide production including in the U.S. So companies there have already reported at the project level. And now SEC 1504 is being implemented.
- Is the expectation that industry will only release this data on an annual basis and USEITI would never go to real-time reporting, to avoid competitive harm? *ONRR representative: ONRR will be studying that issue as it implements this. ONRR sees some opportunities for real-time disclosure as information comes in, but it is not near to implementing that and it would need to consider how to put in appropriate protections.*
- Anything USEITI does that is common between the EU and the U.S. with respect to reporting will be helpful. Under EU Directive 10, it looks like the project is defined at the state level. Does anyone know how that will be implemented?
 - *Industry representative: It's subnational and project disclosure, but current reports may just have state level disclosures.*

- *Civil society representative: We have begun analyzing this issue and reaching out to industry colleagues to ask for the rationale for reporting at the state level. It is pending further analysis. In the EU Accounting and Transparency Directives "Project" is defined as "the operational activities that are governed by a single contract, license, lease, concession or similar legal agreements and form the basis for payment liabilities with a government". There is no reference made to a definition based on a political boundary, such as a state.*

J. Beneficial Ownership Roadmap

Jim Steward, Department of the Interior, Paul Bugala, American University, and Mr. Harrington presented on work by the Beneficial Ownership Workgroup and sought approval from the MSG of a Beneficial Ownership Roadmap. They noted that guidance from the International EITI Secretariat requires that implementing countries agree and publish roadmaps for their beneficial ownership disclosures by January 1, 2017. In addition, implementing countries must request, and companies must disclose, beneficial ownership information for inclusion in their EITI reports as of January 1, 2020.

The presenters commented on areas in which the U.S. addresses beneficial ownership issues currently, such as the U.S. government's efforts within the G8's Financial Action Task Force (FATF), and a new rule and proposed legislation coming from the U.S. Department of the Treasury. They also reviewed existing avenues for disclosure of information on beneficial ownership in the U.S., including information collected by states, the IRS, and the SEC. They suggested, however, that DOI does not collect beneficial ownership information, and noted that the Workgroup would benefit from developing a more effective understanding of DOI authority. Additional information can be found in Mr. Steward, Mr. Bugala, and Mr. Harrington's presentation slides, available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/beneficial_ownership_presentation_draft_10-17-16.pdf.

MSG members made the following comments and asked the following questions on the presentation; *direct responses are indicated in italics, with the speaker identified as appropriate:*

- Zorka Milin, Global Witness, suggested that the U.S. efforts are welcome but insufficient. She asked whether DOI would have authority to request information on beneficial ownership pursuant to its statutory requirement to determine interest in a lease, and suggested DOI might base its authority more broadly on issues related to conflict of interest or breaking the law. *Lance Wenger, DOI Office of the Solicitor, responded that DOI doesn't have a specific statute mandating it can gather this information. It does have a variety of different standards allowing it to get certain information, but the information it can gather under relevant statutes is limited by type of information and purpose. DOI is not authorized to gather more granular beneficial ownership information. DOI*

could, however, look into using the prohibitions on members of government owning leases in order to gather some additional information.

- Aaron Padilla, American Petroleum Institute, suggested that as the MSG considers next steps, a helpful frame could be to think of the problems that can arise from beneficial ownership, and which if any might be concerning in the U.S. He noted that, in the U.S., there are strong instruments preventing conflicts of interest in government, but there may be concerns about whether the public will get a good deal from the extraction of public lands and waters, or whether public policy will be used to enrich individuals.
- Isabel Munilla, Oxfam America, commented that regardless of the specific concerns in the U.S., the U.S. will need to meet the EITI requirement. The draft roadmap should map the existing system in the U.S. and how specifically it fits with the EITI requirements. This exercise might expose problems on coverage of companies, systems for collecting the data, and what governs public access.
- Mr. Dudis suggested that the group should look beyond just the federal context because the majority of all mineral extraction does not take place on federal land and because conflict of interest legislation in states and municipalities has important impacts. He also suggested that the MSG should look at how other countries have tried to define this issue, and be guided by a consideration of past scandals in the extractive industry that could have been prevented or exposed if additional beneficial ownership information had been available.
- Mr. Harrington noted that industry, and in particular large publicly held companies, are sympathetic to the beneficial ownership agenda. These companies face a big challenge with respect to due diligence in developing countries. The question is just mechanically how to implement it.
- Veronika Kohler, National Mining Association, expressed support for the idea of looking towards where the problem is and where the U.S. might still be vulnerable.
- Curtis Carlson, U.S. Department of the Treasury, noted that the beneficial ownership roadmap is focused on federally owned resources and there is no central database for privately owned resources and that in the U.S. there are a lot of privately owned resources.
- Mr. Bugala commented that there are examples in the U.S. where the creation of shell companies and the inability to identify beneficial owners has had detrimental effects. There are also examples of incorporated companies operating anonymously overseas.
- Mike Smith, Interstate Oil and Gas Compact Commission, commented that the U.S. is the only country in world that has private ownership of minerals, and that the judicial system is the most appropriate remedy to problems between private owners.

Mr. Field concluded the discussion by asking members if there were any objections to approving the draft roadmap and forwarding it to the EITI International Secretariat.

There were no objections and the MSG decided to submit the USEITI Beneficial Ownership Roadmap to the EITI International Secretariat.

- **Decision: The MSG decided to submit the USEITI Beneficial Ownership Roadmap to the EITI International Secretariat. The USEITI Secretariat shall transmit the document to the EITI International Secretariat on or before January 1, 2017.**

K. Mainstreaming

John Cassidy, IA team member from Deloitte, presented the IA's assessment of the feasibility of mainstreaming. He commented that mainstreaming is based on an idea that drafting an annual EITI report may not be the best use of time for every country; it might be preferable to automate the process and make it part of the everyday business of the government and companies. He clarified that mainstreaming does not change what the EITI standard requires; rather, it is another way of meeting the requirement.

Mr. Cassidy reviewed the various steps for mainstreaming, noted that from now into next year the MSG is focused on studying the feasibility of mainstreaming, reviewed next steps in the IA's feasibility study, reviewed current processes and procedures related to mainstreaming in the U.S., and suggested a number of potential areas for the U.S. to improve its EITI performance and potential for success with mainstreaming. Potential areas for improvement include doing more to showcase unilateral disclosure already occurring in the U.S., filling the gap on tax and project-level reporting through SEC 1504, and better explaining the audit requirements that currently exist. He concluded by noting that a decision on mainstreaming did not need to be made at the present MSG meeting. Additional information can be found in Mr. Steward and Mr. Cassidy's presentation slides, available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/mainstreaming_msg_vfinal.pdf.

MSG members made the following comments and asked the following questions on the presentation; *direct responses are indicated in italics, with the speaker identified as appropriate:*

- I thought the MSG had agreed to conduct a pre-feasibility study, not a feasibility study.
 - *Mr. Gould: The MSG did discuss a pre-feasibility study. ONRR opted to have the IA start on a full feasibility study in order to keep moving forward if USEITI is to pursue mainstreaming. If there are concerns about this, the MSG can discuss this further.*
 - *IA team member: Upon review, the IA determined that the differences between a pre-feasibility study and a full feasibility study were minimal.*
- You mentioned the politics have changed on Dodd Frank. How so? *IA team member: There is now increased uncertainty on what might happen. Dodd Frank would play an important role if mainstreaming goes forward. The IA's view is*

mainstreaming would be a multi-year process, and in many ways would follow a parallel path with SEC 1504.

- What EITI documents authorize the criteria that the data must be comprehensive, up-to-date, and reliable, and are they really an adequate scoping for whether government data is helpful? *IA team member: The comprehensive, reliable and up-to-date standard is from the validation guidelines document. Two additional criteria might be data quality and transparency.*
- Commenters expressed diverse opinions on the significance of corporate income tax reporting and reconciliation. One suggested that what matters is that the USEITI numbers are adding up in reconciliation, and the taxes would therefore add up as well. Another commented that even if the Treasury Department has excellent systems, the U.S. is still falling short on making tax information publicly available. Another noted that it would be helpful for civil society to indicate if its priority right now is EITI compliance or tax reporting, so that USEITI can prioritize its efforts. *Mr. Cassidy noted that the IA will set up stakeholder interviews on the tax issue, which will likely happen between now and February. Mr. Mennel suggested there is an argument that what is required by 1504 is sufficient for mainstreaming.*
- There were various perspectives on how much of a “deal breaker” the tax issue will be for the U.S. One suggested it would definitely be a problem with the EITI International Board. Another noted that ONRR worked closely with the SEC to use USEITI as a means for compliance with the 1504 standard and suggested that will bode very well for mainstreaming. *An IA team member commented that it is impossible to know whether tax reporting is a deal breaker at this time. No other feasibility study has been conducted and the only other country going forward on mainstreaming is Norway. The language in the standard says “all transactions,” which implies all companies. However, it is reasonable to assume that the board will draw the line somewhere short of “all transactions” for the sake of practicality but USEITI will need to make a case for where the line should be.*
- USEITI might be able to look at mainstreaming as an opportunity help maintain momentum on government efficiency.

L. Validation Discussion

Mr. Gould initiated the conversation on validation by noting that the current date for the U.S. for validation is April 2018. He suggested the MSG enter the conversation on validation believing that the U.S. will be found compliant but also recognizing that the U.S. probably cannot be found compliant within the existing standard. There will be a global discussion on the standard that the U.S. can influence.

After these initial comments, Ms. Wilson presented an overview of validation. She reviewed the purposes of validation, steps in the validation process, key areas of validation requirements, and the core requirements any country must meet to avoid suspension. She also reviewed a draft pre-assessment for USEITI, estimating the level of progress by the U.S. on various EITI requirements. The draft pre-assessment included

the following suggested findings, using the color scheme of the International Secretariat to indicate the degree of progress:

- Satisfactory progress (marked green) on relevant requirements related to MSG oversight, licenses and contracts, monitoring production, revenue allocation, and socioeconomic contribution.
- Meaningful progress but still not satisfactory (marked yellow) on some revenue collection requirements.
- Progress beyond what is required (marked blue) on public debate and data accessibility.

Additional information and the detailed suggested findings can be found in Ms. Wilson's presentation slides, available online at:

https://www.doi.gov/sites/doi.gov/files/uploads/validation_overview.pdf.

MSG members made the following comments and asked the following questions on the presentation, organized by issue; *direct responses are indicated in italics, with the speaker identified as appropriate.*

General comments:

- Under the current validation system most countries will fail, so there will need to be a conversation about flexibility for countries that are doing good things but cannot fully comply with the standard. The compliance challenges the U.S. is facing are not unique.
- There are opportunities within the standard, such as mainstreaming and adapted implementation, that the U.S. should take advantage of to maximize its chances. The U.S. does not have risks in areas like civic space, and it is making many disclosures that are exceeding the standard, which it can highlight. It can also be specific about areas where it has risks, like participation level of reporting and corporate income tax reporting.
- USEITI should not try to define down the standard in order to make it easier to comply. EITI was created to give people insight into where money was coming from in the extractive sector. The fact that USEITI not been able to do so speaks to some of the governance difficulties and corruption in the U.S.

Direct subnational payments:

- Direct subnational payments is yellow but if the USEITI Secretariat were to make it green the board would likely agree. *Ms. Wilson: It indicates USEITI has pursued adapted implementation.*

Data timeliness:

- Data timeliness should be blue because the requirement is no more than two years, and in the current USEITI report it is one year. *Ms. Wilson: That is a good point. The MSG should consider changing it.*

Data comprehensiveness

- Some commenters suggested that data comprehensiveness should be green instead of yellow because it is USEITI's fundamental program. Others suggested yellow is appropriate because many companies have not participated in revenue reporting. These commenters noted that the U.S. has gone above and beyond in some areas of data comprehensiveness (like unilateral disclosures) but is behind in others (like tax reporting), so it evens out to yellow. *Ms. Wilson explained that draft pre-assessment coded this issue as yellow because the government is prohibited from full disclosure of tax revenue and company reporting is voluntary. While Dodd-Frank Section 1504 may improve things, it is not yet implemented so USEITI cannot take credit for it. In addition, government reporting specifically is marked blue, but the overall requirement is marked yellow.*
- Some of the mining companies that are not in USEITI's current universe have shown greater willingness to disclose their taxes. If USEITI expands the universe of its companies, a side effect might be an improvement in USEITI performance on tax reporting.

Data quality

- The data quality requirement looks at the U.S.' audit and assurance practices and how USEITI ensures the quality of the government's unilateral data reporting. USEITI has done a great job of this in the 2016 Report and it should be green.

Disaggregation

- MSG members expressed various opinions on disaggregation. One highlighted the impact of the fact that the U.S. decided not to disclose project level revenues, while another noted that a U.S. regulator has made a commitment to project level reporting using a definition consistent with the global standard. One suggested that disaggregation should be marked "N/A" instead of yellow, because project-level data is not relevant to implementation of the standard, while another suggested it should be green because USEITI has disaggregated by company and commodity and that is the definition of disaggregation until SEC 1504 comes into effect. Another suggested that, regardless of the coding, the MSG should note that it does not think it will be a material issue for validation because the board is waiting until the EU and SEC rules are in place before enforcing the standard.
- In response to a question about whether USEITI needs company level and lease level data for the 2017 Report to say that it has met the disaggregation standard, *an IA representative noted that the main requirement is consistency with the SEC rule when it comes into effect. An ONRR representative further commented that Dodd Frank and the SEC rulemaking allow the U.S. to publish data at company levels but that the MSG can still continue discussions on project-level reporting.*

The EITI International Board will decide if the USEITI MSG's definition of success complies with the guidelines.

- Some comments focused on strategies for meeting the requirement even before SEC 1504 comes into effect, for example by ONRR reporting lease level data. One commenter noted that the Section 1504 law is in place and in effect, which means companies are required to be implementing the law even though first reports won't be out until 2018-19.

Documentation

- The MSG has been good about documenting recommendations from the IA and the associated MSG discussions. The requirement is that the MSG must discuss these issues and document how and why it has decided to address them, and the MSG in fact does that in its meetings.

Nature of the assessment

- Procedurally, what does the MSG need to do? *DOI and ONRR representatives and Mr. Field: The USEITI Secretariat will conduct an initial desk audit and MSG representatives can discuss it with them before the MSG submits it to EITI International. For the International Board to accept the application, the USEITI MSG must reach consensus, but there may be ways to finesse the issue of consensus. Then the International Board will make the final decision.*
- It is in the MSG's best interests to be in full agreement on the scoring for each requirement. It would a powerful statement to send to the Board to say that the U.S. is in complete compliance with the standard and that the full MSG agrees with this self-assessment.
- Can the U.S. still be validated if it fails on one issue? *ONRR and DOI representatives: Overall it is a broad grading system, except for the four requirements that EITI countries cannot fail: government engagement, company engagement, civil society engagement, and timely EITI reporting. The Board will make a determination on every individual requirement then look at all of those assessments cumulatively. They will look at USEITI's implementation in the context of the U.S. and the challenges USEITI has before it.*

Next, Ms. Wilson discussed the validation timeline and consequences of various validation scenarios, depending on the board's assessment of overall progress. She noted that after the first validation, countries have only one additional chance to achieve compliance 3 to 18 months later. If a country is found compliant, it will be reevaluated in three years. Details can be found on Ms. Wilson's presentation slides, as noted above. Participants offered the following comments and questions:

- The U.S. should be light green overall, but the EITI Board seems to believe that the U.S. is orange, indicating inadequate progress, primarily due to the tax issue. The USEITI Secretariat does not think this is a fair assessment. There are other countries considered green that have just as many issues as the U.S. To address

this issue the MSG should come to consensus that the U.S. is light green, and present that to the Board as a unified MSG on April 1, 2018.

- Participants differed in their predictions for how the Board is likely to react to the U.S. candidacy. Some suggested the Board may change how it thinks about validation issues after considering other countries because it will want to avoid suspending a large number of its members. Others suggested that the most essential part of EITI is transparency to citizens on revenues from the extractive sector, and if USEITI cannot provide that through tax information the Board will likely see it as a big problem. One participant suggested that in light of this potential outcome, MSG members should do everything they can to influence the regulatory process in the U.S. in a positive direction. One other participant questioned whether the U.S. will be compared to other wealthy countries or to poor countries that have severe capacity problems.
- Regarding the timing, the Board is currently way behind its validation schedule. It is unlikely that 18 months will actually be the maximum amount of time countries will receive until their second validation. For the U.S., the second validation will be at the end of 2020 at the earliest. It is likely that the regulatory situation in the U.S. will be more settled in time for the U.S. to survive the validation process.
- One participant suggested that USEITI could overcome challenges to validation if companies represented in the MSG agreed to disclose their taxes. Other participants noted that this issue is outside the control of MSG industry representatives, who have tried hard to educate their industry colleagues and leaders. Because corporate decisions on whether to disclose taxes are often made at the Board of Directors level, it is very difficult to get them to pay attention to EITI.

Mr. Gould outlined next steps on validation for USEITI, noting that the Implementation Subcommittee will be working on developing strong documentation to support USEITI's application, especially in the more challenging areas. Mr. Mussenden suggested it might be helpful for Implementation Subcommittee workgroups to explore possible areas of agreement on which requirements could be classified as "green" versus "yellow." Ms. Wilson suggested the MSG should be prepared well before the April 1, 2018 deadline with its validation pre-assessment.

IV. Public Comments

There was one public comment on Day 1 and a second on Day 2. On Day 1, Henry Salisman from the Navajo Nation commented that the data portal looks beautiful and thanked the MSG for its work. On Day 2, Henry Salisman, from a Navajo Nation thanked the MSG for its work. He noted he is a Native American citizen interested in the policy. In listening to the conversation, he heard lots of issues related to transparency, beneficial ownership, and the subnational status of Native American tribes, and he appreciated seeing Native American representatives on the MSG.

V. Wrap Up / Closing

Chris Mentasti, USEITI Secretariat, reviewed the decisions made during the meeting. Mr. Field reviewed the action items and noted that they would be distributed to the group.

Mr. Mussenden, DOI and Acting DFO, closed the meeting with some final words. He noted that he had an incredible experience working with the MSG, and it had been wonderful to observe the evolution of the USEITI project. He suggested that USEITI cannot move forward unless there is consensus, and he was heartened and encouraged by the group's ability to work together. He praised the MSG members, wished them well, and thanked them for the opportunity to collaborate with them. Mr. Mussenden adjourned the meeting at 4:00 pm.

VI. Meeting Participants

A. Participating Primary Committee Members

Civil Society

Danielle Brian, Project on Government Oversight, USEITI MSG Advisory Committee Co-Chair

Paul Bugala, American University

Lynda Farrell, Pipeline Safety Coalition

Mike Levine, Oceana

Veronica Slajer, North Star Group

Betsy Taylor, Virginia Polytechnic Institute and State University

Government

Curtis Carlson, Department of the Treasury

Greg Gould, Department of the Interior, USEITI MSG Advisory Committee Co-Chair

Mike Matthews, State of Wyoming - Department of Audit/Mineral Audit Division

Mike Smith, Interstate Oil and Gas Compact Commission

Industry

Stella Alvarado, Anadarko Petroleum

Phillip Denning, Shell Oil Company

Susan Ginsberg, Independent Petroleum Association of America

John Harrington, ExxonMobil

Veronika Kohler, National Mining Association, USEITI MSG Advisory Committee Co-Chair

Johanna Nesseth, Chevron

Michael Blank, Peabody Energy

B. Committee Alternates in Attendance

Civil Society

Daniel Dudis, Public Citizen

Zorka Milin, Global Witness

Jana Morgan, Publish What You Pay
Isabel Munilla, Oxfam America

Government

Jim Steward, Department of the Interior

Industry

Aaron Padilla, American Petroleum Institute
David Romig, Freeport-McMoRan Oil & Gas
Edwin Mongan, BHP Billiton Petroleum

C. Members of the Independent Administrator Team in Attendance

John Cassidy, Deloitte & Touche
Luke Hawbaker, Deloitte & Touche
Alex Klepacz, Deloitte & Touche
John Mennel, Deloitte & Touche
Sarah Platts, Deloitte & Touche
Kent Schultz, Deloitte & Touche

D. Government and Members of the Public in Attendance

Kimbra Davis, Office of Natural Resources Revenue
Troy Dopke, Department of Interior Office of Inspector General
Jerry Gidner, Office of Natural Resources Revenue
Jennifer Goldblatt, Office of Natural Resources Revenue
Mary Beth Goodman, National Security Council
Emily Hague, American Petroleum Institute
Michele Hertzfeld, GSA 18F
Sally Jewell, Secretary of the Interior
Corey Mahoney, GSA 18F
Tim Musal, Department of Interior Office of Inspector General
Paul Mussenden, Department of Interior
Charles Norfleet, Bureau of Ocean Energy Management
Jodie Peterson, Office of Natural Resources Revenue
Kathleen Richardson, Department of Interior Office of Inspector General
Henry Salisman, Navajo Nation
Mia Steinle, Project on Government Oversight
Alexandria Turner, Office of Natural Resources Revenue
Mary Warlick, Bureau of Energy Resources, U.S. Department of State
Lance Wenger, Department of the Interior Office of the Solicitor
Brenda Young, Office of Natural Resources Revenue

E. Facilitation Team

Patrick Field, Consensus Building Institute
Toby Berkman, Consensus Building Institute

F. DOI MSG Support Team

Chris Mentasti, USEITI Secretariat
Judith Wilson, USEITI Secretariat
Kim Oliver, USEITI Secretariat
Nathan Brannberg, Office of Natural Resources Revenue
Robert Kronebusch, Office of Natural Resources Revenue
Treci Johnson, Office of Natural Resources Revenue

VII. Documents Distributed

- MSG Agenda ([PDF](#))
- June MSG Meeting Summary ([PDF](#))
- Executive Summary and Reconciliation Report ([PDF](#))
- MSG Endorsement of Open Data ([PDF](#))
- Beneficial Ownership Roadmap ([PDF](#))
 - Guidance Note 22 ([PDF](#))
- Request for Extension of Adapted Implementation ([PDF](#))
- USEITI Work Plan Narrative ([PDF](#))
- USEITI Work Plan Spreadsheet ([PDF](#))
- USEITI Reporting Decision Matrix ([PDF](#))

VIII. Transcript of Remarks by Secretary Jewell, November 16, 2016

Thank you all and thanks to all of you in the multi-stakeholder group for your hard work on this. It makes me very proud of our country and what we're able to do when we work together. I'm very proud of the work you do. And a special shout out to the Co-chairs, Veronika Kohler and Danielle Brian. Thank you very much. And of course our team at Interior. Paul [Mussenden] has been the champion for this and enlightened me on the whole process when I first got here, and Greg Gould. I'm really proud of the work that they've done and the work that all of you have done, bringing the perspectives of industry, the broad society, and government together.

I had an opportunity to talk with the governor of Alaska, and I appreciate their efforts joining this, and the governor of Wyoming. I was in Mexico not too long ago and urged Mexico to step up as an EITI country. They lose somewhere on the order 30% of their nation's resources between when it is produced and when it's sold and accounted for. There are a whole variety of reasons for that. But the purpose is to address the challenges of resource rich countries where it doesn't benefit all people.

I've played on the website and it's terrific. It's not something I might do for recreation, but it's great and it's making it easier to use. That's really important. I want to thank you

for the work you do and how proud you make me. Few people understand how resource extraction on public lands works in the country.

We just did an event earlier today with Blackfeet tribal leadership — we had them all in my office — and Devon Energy. Devon was voluntarily relinquishing its leases in the Badger-Two Medicine area in Montana. This is a sacred site to the Blackfeet Nation. It's an area bordering Glacier National Park.

There's growing awareness that places are appropriate for development and some places are too special for development. EITI helps shine a spotlight on where development is happening, how important it is to the economy and our country to power our future, and also that it needs to be done in the right ways in the right places. You're helping shine a spotlight and put the data in a much more usable format than it would be available otherwise. I think that's really helpful

The other thing I'd say is it was really chatty when I walked in here. I think that's terrific. Because we might be considered in some cases to be at opposite sides of issues, but when we come together as human beings with a common interest and love of our country, a common interest in economic development, and environmental protection. And if you're a company extracting resources, you want people to know how much you're contributing to the Treasury of the United States. This is exactly what you're doing. We shouldn't be sneaking around and we are not sneaking around.

From the first iteration of the website to where we are now it keeps getting easier to use, and more fun for recreational use. What you're also doing is providing a template, open source, that other people will use. The richest country in the world should be doing that. As the only G7 nation involved in this we are really putting ourselves out there. Open government data is really important.

I was in California for other business. I spent time visiting Google. Google has taken landsat data provided by USGS — what our nation's lands looked like since the satellite functions of 1970s. It's taken all of those magnetic tapes and put them in petabytes of machine-readable format. You can now go to Google Earth and look at a time lapse since the 70s, and see the changes in the landscape, see what's happened to reservoirs, see what's happened to development, see the impact that we have had, see what happened from Superstorm Sandy — it's very obvious when that came through. Open data, machine-readable data, accessible data, in a way that puts it in the hands of ordinary people, helps ordinary people make extraordinary decisions about not just the here but about future generations. That's what you've done with EITI. I want to congratulate you. Now we need to just get certified as an EITI country and then we can take what we've done to the rest of the world as we're already encouraging countries to do. I'm very proud of the work you do. Thank you.

To my colleagues in the Department of Interior who are going to be looking at a transition in political leadership but not a transition of career staff, the importance of staying the course on something like this I can't overstate enough. Those of you in civil society and the industry sectors, and other stakeholders, put yourself in the seat of our career staff right now who have no idea who they're going to be working for. It has got to be really difficult. Things like this help move our nation forward and there's no reason we should go backwards, and they won't because of the work you're doing in this multi-stakeholder group.

A profound thank you to all of you. This is will be my last meeting with all of you, I can guarantee that — unless I become a stakeholder, but I'll take a long break before I do that.

It has been a privilege and a pleasure to get to know your work, to meet with you in a setting like this, and see the contributions you've made that will make a difference not just now but for many generations to come. Thank you and congratulations.

Label: "FOIA EITI"

Created by:greg.gould@onrr.gov

Total Messages in label:370 (41 conversations)

Created: 11-30-2017 at 14:40 PM

Conversation Contents

Closing Note

Pat Field <pfield@cbuilding.org>

From: Pat Field <pfield@cbuilding.org>
Sent: Sat Nov 04 2017 10:32:50 GMT-0600 (MDT)
To: "Gould, Greg" <Greg.Gould@onrr.gov>, "Kohler, Veronika" <VKohler@nma.org>, Danielle Brian <dbrian@pogo.org>
CC: Tushar Kansal <tkansal@cbuilding.org>
Subject: Closing Note

Veronika, Danielle, and Greg

With US EITI officially coming to a close last week, I just wanted to send out one last note to you all. It was a pleasure and good fortune for me and Tushar to be able to work with all three of you and your sectors on US EITI. We greatly appreciated all three of your's problem solving skills, passion, dedication, and effort. The on-line presence remains very impressive. We sorted through many issues to take reporting to where it is today. I greatly appreciated the dedication of staff from Mia to Emily and Chris, the expertise of numerous financial folks at ONRR, within the industry, and among CSOs. Tushar and I learned a great deal and value the relationships and work we did together.

Thank you all three for the opportunity to work together. We really appreciate it and wish you all the very best in future endeavors.

Patrick Field
Managing Director
Consensus Building Institute
617-844-1118
pfield@cbuilding.org

Greg Gould <greg.gould@onrr.gov>

From: Greg Gould <greg.gould@onrr.gov>
Sent: Mon Nov 06 2017 09:53:27 GMT-0700 (MST)
To: Pat Field <pfield@cbuilding.org>
CC: "Kohler, Veronika" <VKohler@nma.org>, Danielle Brian <dbrian@pogo.org>, Tushar Kansal <tkansal@cbuilding.org>
Subject: Re: Closing Note

Thanks Pat!

It was an adventure, one I will never forget. It was great to get to know you, and thanks again for all of the support both you and Tushar provided along the way!

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Nov 4, 2017, at 10:35 AM, Pat Field <pfield@cbuilding.org> wrote:

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pfield@cbuilding.org

"Shime, Veronika" <vshime@nma.org>

From: "Shime, Veronika" <vshime@nma.org>
Sent: Mon Nov 06 2017 15:18:09 GMT-0700 (MST)

To: Greg Gould <greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>
CC: Danielle Brian <dbrian@pogo.org>, Tushar Kansal <tkansal@cbuilding.org>
Subject: RE: Closing Note

Ditto...I am just glad that the gov has committed to continuing the transparency website and think it is a great vehicle to include more disclosures as they become available in the future. After removing the emotion of continuing our work together.....i think it probably a very good decision..... especially since EITI was so expensive for government and can actually maintain the transparency within the systems we helped develop.

From: Greg Gould [mailto:greg.gould@onrr.gov]
Sent: Monday, November 6, 2017 11:53 AM
To: Pat Field <pfield@cbuilding.org>
Cc: Shime, Veronika <vshime@nma.org>; Danielle Brian <dbrian@pogo.org>; Tushar Kansal <tkansal@cbuilding.org>
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pfield@cbuilding.org

Greg Gould <greg.gould@onrr.gov>

From: Greg Gould <greg.gould@onrr.gov>
Sent: Mon Nov 06 2017 15:20:34 GMT-0700 (MST)
To: "Shime, Veronika" <vshime@nma.org>
Subject: Re: Closing Note

How are you feeling?

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Nov 6, 2017, at 5:18 PM, Shime, Veronika <vshime@nma.org> wrote:

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"Shime, Veronika" <vshime@nma.org>

From: "Shime, Veronika" <vshime@nma.org>
Sent: Mon Nov 06 2017 15:32:08 GMT-0700 (MST)
To: Greg Gould <greg.gould@onrr.gov>

Subject: RE: Closing Note

I think I feel as well as can be expected!!! (b) (6)

I have given it too comfortable of a home!! Damn my overachieving perfectionist nature!!! ;)

From: Greg Gould [mailto:greg.gould@onrr.gov]
Sent: Monday, November 6, 2017 5:21 PM
To: Shime, Veronika <vshime@nma.org>
Subject: Re: Closing Note

How are you feeling?

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Greg Gould <greg.gould@onrr.gov>

From: Greg Gould <greg.gould@onrr.gov>
Sent: Mon Nov 06 2017 15:33:23 GMT-0700 (MST)
To: "Shime, Veronika" <vshime@nma.org>
Subject: Re: Closing Note

Truly, a very happy and comfortable angle!

Gregory J. Gould

*Director
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Sent: Monday, November 6, 2017 5:21 PM
To: Shime, Veronika <vshime@nma.org>
Subject: Re: Closing Note

How are you feeling?

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Nov 6, 2017, at 5:18 PM, Shime, Veronika <vshime@nma.org> wrote:

Ditto....I am just glad that the gov has committed to continuing the transparency website and think it is a great vehicle to include more disclosures as they become available in the future. After removing the emotion of continuing our work together.....i think it probably a very good decision..... especially since EITI was so expensive for government and can actually maintain the transparency within the systems we helped develop.

From: Greg Gould [<mailto:greg.gould@onrr.gov>]

Sent: Monday, November 6, 2017 11:53 AM
To: Pat Field <pfield@cbuilding.org>
Cc: Shime, Veronika <vshime@nma.org>; Danielle Brian <dbrian@pogo.org>;
Tushar Kansal <tkansal@cbuilding.org>
Subject: Re: Closing Note

Thanks Pat!

It was an adventure, one I will never forget. It was great to get to know you, and thanks again for all of the support both you and Tushar provided along the way!

Greg

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*Director
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On Nov 4, 2017, at 10:35 AM, Pat Field <pfield@cbuilding.org> wrote:

Veronika, Danielle, and Greg

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Thank you all three for the opportunity to work together. We really appreciate it and wish you all the very best in future endeavors.

Patrick Field
Managing Director
Consensus Building Institute
617-844-1118
pfield@cbuilding.org

Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Mon Nov 06 2017 15:47:10 GMT-0700 (MST)
To: "Shime, Veronika" <vshime@nma.org>
CC: Greg Gould <greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>, Tushar Kansal <tkansal@cbuilding.org>
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pfield@cbuilding.org

--

Danielle Brian

Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

Pat Field <pfield@cbuilding.org>

From: Pat Field <pfield@cbuilding.org>
Sent: Mon Nov 06 2017 17:38:58 GMT-0700 (MST)
To: Danielle Brian <dbrian@pogo.org>
CC: "Shime, Veronika" <vslime@nma.org>, Greg Gould <greg.gould@onrr.gov>, Tushar Kansal <tkansal@cbuilding.org>
Subject: Re: Closing Note

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Patrick Field
Managing Director
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617-844-1118
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Danielle Brian

Executive Director

[Project On Government Oversight](http://ProjectOnGovernmentOversight.org) | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

Greg Gould <greg.gould@onrr.gov>

From: Greg Gould <greg.gould@onrr.gov>
Sent: Mon Nov 06 2017 18:23:25 GMT-0700 (MST)
To: Pat Field <pfield@cbuilding.org>
CC: Danielle Brian <dbrian@pogo.org>, "Shime, Veronika" <vshime@nma.org>, Tushar Kansal <tkansal@cbuilding.org>
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On Nov 6, 2017, at 7:39 PM, Pat Field <pfield@cbuilding.org> wrote:

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617-844-1118
pfield@cbuilding.org

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Danielle Brian
Executive Director

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1100 G Street NW, Washington DC 20005
202.347.1122

Label: "FOIA EITI"

Created by:greg.gould@onrr.gov

Total Messages in label:370 (41 conversations)

Created: 11-30-2017 at 14:41 PM

Conversation Contents

USEITI Colorado State Addition - Please Review

Attachments:

- /2. USEITI Colorado State Addition - Please Review/1.1 Colorado Addition Draft_7-27-2017.pdf
- /2. USEITI Colorado State Addition - Please Review/1.2 Colorado Revenue Stream Graphic_7-27-2017.pdf

"OS, USEITI" <useiti@ios.doi.gov>

From: "OS, USEITI" <useiti@ios.doi.gov>
Sent: Tue Aug 22 2017 13:56:48 GMT-0600 (MDT)
Bruce Barnett (b) (6) @choctawnation.com>, Claire Ware <(b) (6) @yahoo.com>, Curtis Carlson <curtis.carlson@treasury.gov>, Greg Gould <Greg.Gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Julie A Lenoir (b) (6) @blackfeetnation.com>, Marina Voskanian <Marina.Voskanian@slc.ca.gov>, Michael D Matthews <mike.matthews@wyo.gov>, Mike Smith <mike.smith@iogcc.state.ok.us>, "Aaron P. Padilla" <padillaa@api.org>, Christopher Chambers <christopher_chambers@fmi.com>, David Romig <david_romig@fmi.com>, Edwin Mongan <edwin.mongan@bhpbilliton.com>, Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>, "Michael Gardner (RTHQ)" <michael.gardner@riotinto.com>, Nicholas Cotts <Nicholas.Cotts@newmont.com>, Nicholas Welch <nick.welch@nblenergy.com>, Phillip Denning <phillip.denning@shell.com>, Stella Alvarado <Stella.Alvarado@anadarko.com>, Susan Ginsberg <sginsberg@ipaa.org>, Veronika Kohler <VKohler@nma.org>, Betsy Taylor (b) (6) @vt.edu>, Betsy Taylor (b) (6) @gmail.com>, Brian Sanson <bsanson@umwa.org>, Daniel Dudis <ddudis@citizen.org>, Danielle Brian <dbrian@pogo.org>, David Chambers <dchambers@csp2.org>, Isabel Munilla <imunilla@oxfamamerica.org>, Jana Morgan <jmorgan@pwwypusa.org>, Jennifer Krill <jkrill@earthworksaction.org>, Keith Romig <kromig@usw.org>, Lynda Farrell <lynda@pscoalition.org>, Michael Levine <mlevine@oceana.org>, Michael Ross <(b) (6) @polisci.ucla.edu>, Neil R Brown <(b) (6) @neilrobertbrown.com>, Paul Bugala <(b) (6) @gmail.com>, Rebecca Adamson <radamson@firstpeoples.org>, Zorka Milin <zmilin@globalwitness.org>
To: "Cassidy, John Kenneth (US - Arlington)" <jocassidy@deloitte.com>, "Mennel, John (US - Arlington)"

CC: <jmannel@deloitte.com>, "Hawbaker, Luke Malcolm (US - San Francisco)" <lhawbaker@deloitte.com>, Mia Steinle <msteinle@pogo.org>, Emily Hague <Hague@api.org>, "Norfleet, Charles" <charles.norfleet@boem.gov>, "Wong, Alexandra (US - Arlington)" <alexandwong@deloitte.com>, Judith Wilson <judith.wilson@onrr.gov>, Robert Kronebusch <robert.kronebusch@onrr.gov>, Nathan Brannberg <nathan.brannberg@onrr.gov>, Jennifer Malcolm <jennifer.malcolm@onrr.gov>, Treci Johnson <treci.johnson@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>, KSweeney@nma.org, Ryan Winzenburg <ryan.winzenburg@onrr.gov>

Subject: USEITI Colorado State Addition - Please Review

Attachments: Colorado Addition Draft_7-27-2017.pdf Colorado Revenue Stream Graphic_7-27-2017.pdf

Hello and good evening:

Deloitte has completed the State Addition for Colorado. We are asking that the MSG review this Addition for fatal flaws. An important item to note is that only a portion of the Addition needs to be reviewed. Deloitte marked it in the document as "New State Content for Review." The rest of the content mirrors the current USEITI Colorado page and is included so that people can understand how the additional content slots in.

Please reply with your comments for fatal flaws on or before COB, Friday, September 1st.

Thank you,
Kim

Kim Oliver
Program Analyst
Office of Natural Resources Revenue
202/513-0370 office phone
Kimiko.Oliver@ONRR.gov

--

Follow us on [Twitter](#) and [Facebook](#)

Regards,

USEITI Secretariat
202-208-0272 voicemail

Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Tue Aug 22 2017 18:07:36 GMT-0600 (MDT)
To: "OS, USEITI" <useiti@ios.doi.gov>, Veronika Kohler <VKohler@nma.org>, Greg Gould <Greg.Gould@onrr.gov>
Subject: Re: USEITI Colorado State Addition - Please Review

I'm just not sure how we should keep proceeding. We have no reason to believe we will meet again as an MSG to approve all these additions you are sending us. I think it's great that the govt keeps asking us for input, but i think it's important that I put on the record that silence is not consent and we can not reflect later that these documents have been deliberated and approved by the MSG. I really appreciate Greg that you are making the best of the Deloitte contract, but while we sit in this limbo, I'm not sure what to reasonably ask of my sector?

On Tue, Aug 22, 2017 at 3:56 PM, OS, USEITI <useiti@ios.doi.gov> wrote:

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Kim Oliver
Program Analyst
Office of Natural Resources Revenue
[202/513-0370](tel:2025130370) office phone
Kimiko.Oliver@ONRR.gov

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Regards,

USEITI Secretariat
[202-208-0272](tel:2022080272) voicemail

--

Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Wed Aug 23 2017 17:06:01 GMT-0600 (MDT)
To: Danielle Brian <dbrian@pogo.org>

CC: "OS, USEITI" <useiti@ios.doi.gov>, Veronika Kohler <VKohler@nma.org>
Subject: Re: USEITI Colorado State Addition - Please Review

We are seeking any input you and your sector would like to provide.

Thanks,

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*Director
Office of Natural Resources Revenue
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The United States Extractive Industries
Transparency Initiative

Colorado Addition

July 2017



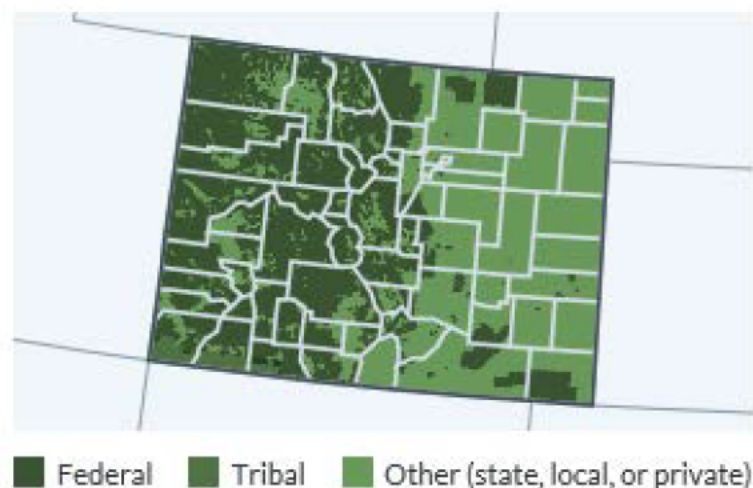
Colorado

Natural resource extraction varies from state to state. In Colorado, extractive industries accounted for [4.2% of gross domestic product](#) (GDP) in 2015.

Natural resource ownership in the U.S. is tied to land ownership. Land can be owned by citizens, corporations, Indian tribes or individuals, or governments (for instance, federal, state, or local governments). Many USEITI datasets only cover natural resource extraction on federal land, which represents 35.9% of all land in Colorado.

The state of Colorado chose to participate in an extended USEITI information sharing process, so this page includes additional [state revenue](#) and [disbursements](#) data, as well as contextual information about [state governance](#) of natural resources

Land ownership



Production

Energy Production: The U.S. Energy Information Administration publishes a profile of [energy production and usage in Colorado](#).

Nonenergy Minerals: The U.S. Geological Survey publishes nonenergy mineral extraction in the [USGS Minerals Yearbook for Colorado](#).

Energy production in the entire state of Colorado

The Energy Information Administration collects data about all energy-related natural resources produced on federal, state, and privately owned land.

2018

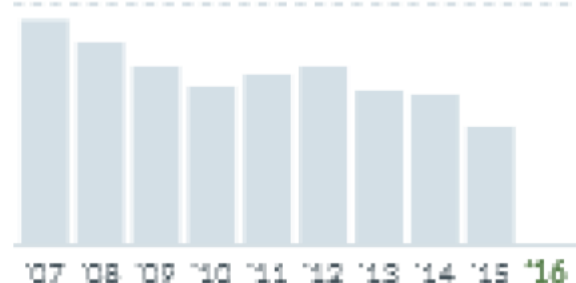
The Energy Information Administration collects data about all energy-related natural resources produced on federal, state, and privately owned land.

[Data and documentation](#)

These screenshots are representative not inclusive of all of the content on the USEITI data portal

COAL

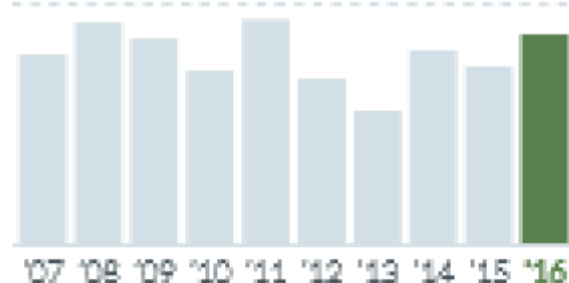
40m short tons



There is no data about production of coal in Colorado in 2016.

HYDROELECTRIC

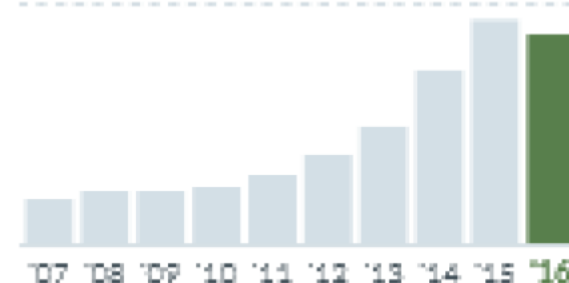
2.2m megawatt hours



1,918,115 megawatt hours of hydroelectric energy were produced in Colorado in 2016.

CRUDE OIL

130m barrels



115,359,000 barrels of crude oil were produced in Colorado in 2016.

Production on federal land in Colorado

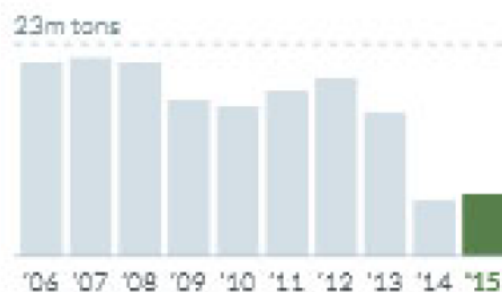
2015

The Office of Natural Resources Revenue collects detailed data about natural resource production on federal land in Colorado.

[Data and documentation](#)

These screenshots are representative not inclusive of all of the content on the USEITI data portal

COAL



6,591,181 tons of coal were produced on federal land in Colorado in 2015.

COUNTY PRODUCTION



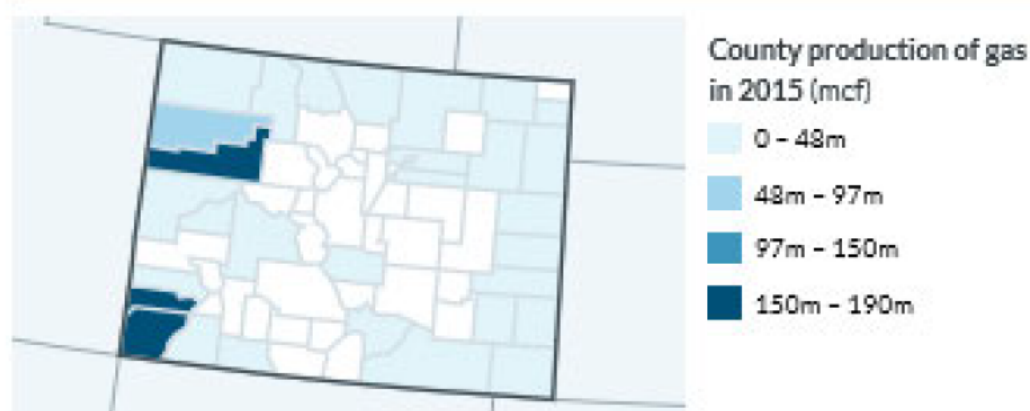
Show table

GAS



635,425,824 mcf of gas were produced on federal land in Colorado in 2015.

COUNTY PRODUCTION



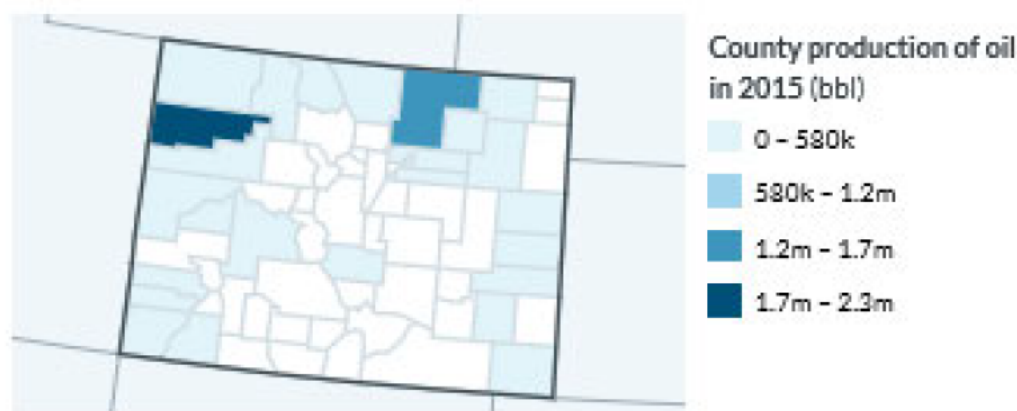
Show table

OIL



4,866,150 barrels of oil were produced on federal land in Colorado in 2015.

COUNTY PRODUCTION



Show table

New State Content for Review

Production on state land in Colorado

The state of Colorado covers over 66.5 million acres. The state owns and stewards 2.8 million acres of land and 4 million acres of mineral rights. In total, it owns 4% of Colorado, making it the state's second-largest landowner, just behind the federal government.¹ The state of Colorado does not publish production data for state lands. To obtain this data, contact the [Colorado State Land Board](#).

Revenue

Companies pay a range of fees, rates, and taxes to extract natural resources in the United States. What companies pay to federal, state, and local governments often depends on [who owns the natural resources](#).

Federal revenue

Natural resource extraction can lead to federal revenue in two ways: non-tax revenue and tax revenue. Most USEITI data covers non-tax revenue from extractive industry activity on federal land.

Revenue from production on federal land by resource

When companies extract natural resources on federal lands and waters, they pay royalties, rents, bonuses, and other fees, much like they would to any landowner. This non-tax revenue is collected and reported by the Office of Natural Resources Revenues (ONRR).

For details about the laws and policies that govern how rights are awarded to companies and what they pay to extract natural resources on federal land: [coal](#), [oil and gas](#), [renewable resources](#), and [hardrock minerals](#).

The federal government collects different kinds of fees at each phase of natural resource extraction. This chart shows how much federal revenue was collected in 2016 for production or potential production of natural resources on federal land in Colorado, broken down by phase of production.

Commodity	Federal revenue by phase (2016)			
	1. Securing rights	2. Before production	3. During production	Other revenue

OIL AND GAS

Oil & Gas	1. Securing rights	2. Before production	3. During production	Other revenue
\$115,802,622	\$10,251,733	\$2,256,112	Oil \$23,589,208 Gas \$63,008,750 NGL \$10,835,982	\$5,860,837

COAL

Coal	1. Securing rights	2. Before production	3. During production	Other revenue
\$36,827,806	\$319,296	\$149,554	\$36,299,727	\$59,229

GEOHERMAL

Geothermal	1. Securing rights	2. Before production	3. During production	Other revenue
\$27,462	\$0	\$27,462	\$0	\$0

OTHER PRODUCTS

Carbon dioxide	1. Securing rights	2. Before production	3. During production	Other revenue
\$44,342,735	\$0	\$0	\$44,342,735	\$0

Sodium	1. Securing rights	2. Before production	3. During production	Other revenue
\$2,109,750	\$0	\$13,326	\$2,056,107	\$40,317

Revenue from production on federal land by county

2016

Most non-tax revenue collected by ONRR comes from counties with significant natural resources on federal land.

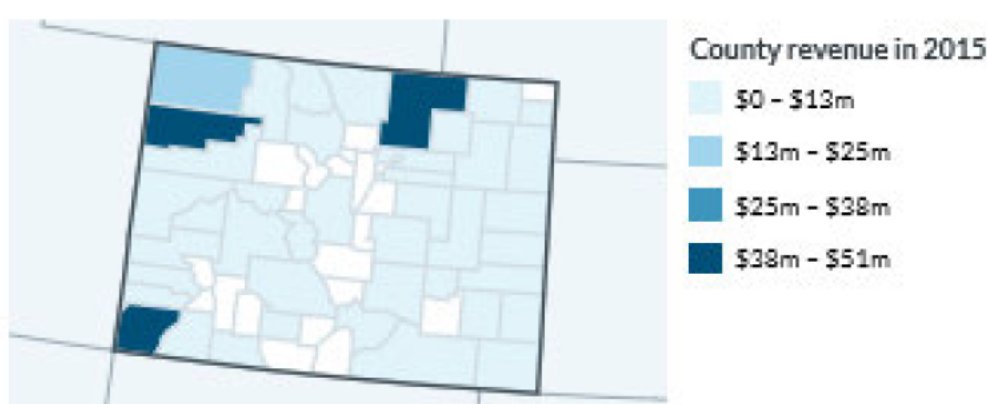
[Data and documentation](#)

ALL COMMODITIES



Companies paid **\$199,115,729** to produce natural resources on federal land in Colorado in 2016.

REVENUE COLLECTED BY COUNTY



[Show table](#)

Federal tax revenue

Individuals and corporations (specifically C-corporations, which are taxed separately from its owners) pay income taxes to the IRS. Depending on company income, federal corporate income tax rates can range from 15-35%. Public policy provisions, such as tax expenditures, can decrease corporate income tax and other revenue payments in order to promote other policy goals.

Learn more about [revenue](#) **New State Content for Review** [and waters](#).
State revenue¹

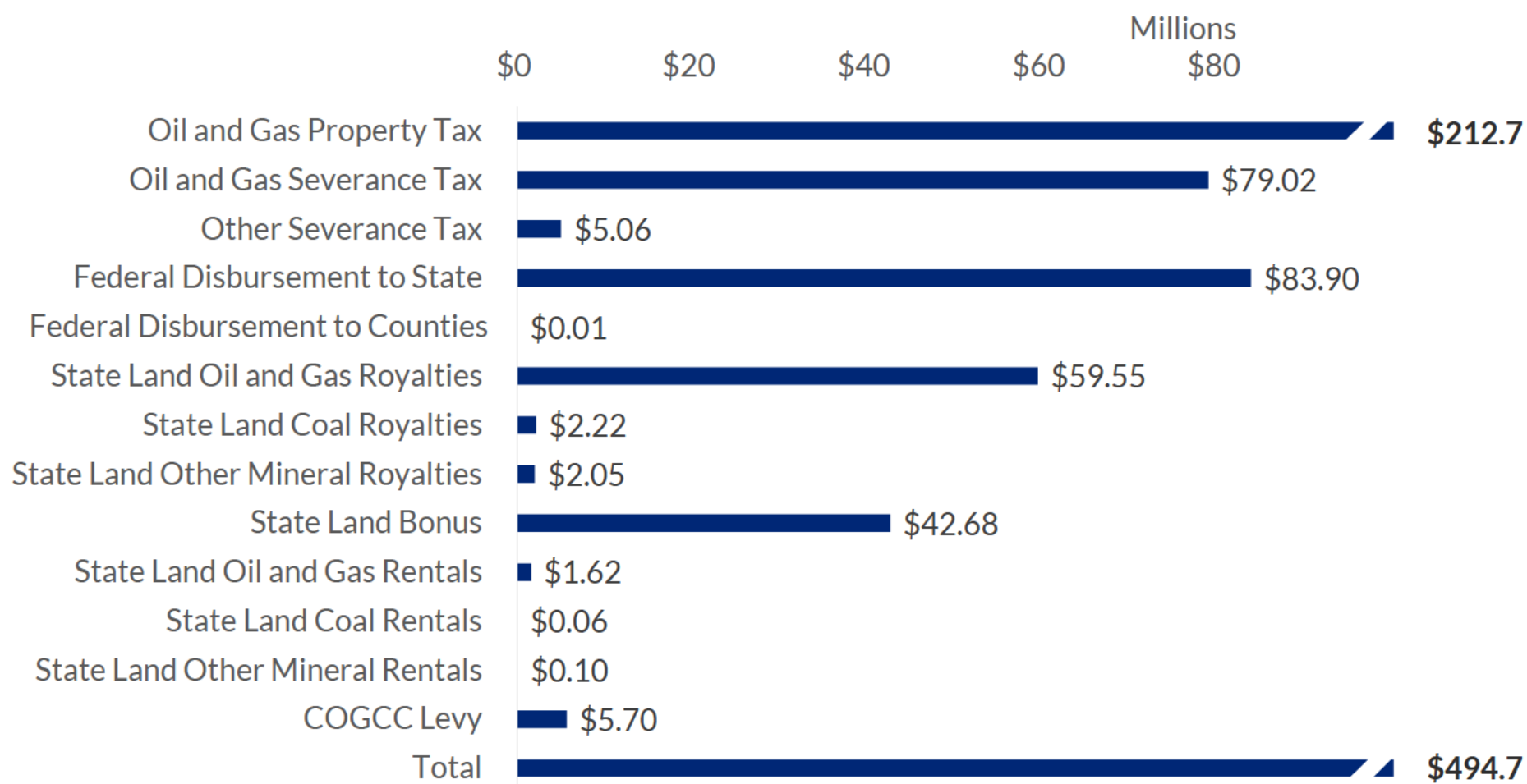
State and local governments in Colorado collect or receive revenue from natural resource extraction on federal, state, and private lands.

Download: Colorado revenue streams (PDF)

See attached PDF for revenue streams document

The major extraction-related revenue streams for the state government include: severance tax, federal disbursements, and state land revenue. In FY2016, the Colorado state government collected \$281,953,715 from natural resource extraction. County governments also collect and distribute their own revenue from the extractive industry primarily through local property taxes. 32 of 64 Colorado's counties collected extractive related property taxes in FY0216, totaling \$212,707,846. To read more about Colorado's revenues, see the state's [Comprehensive Financial Report for FY2016](#).

Colorado State Revenue from Extractive Industries

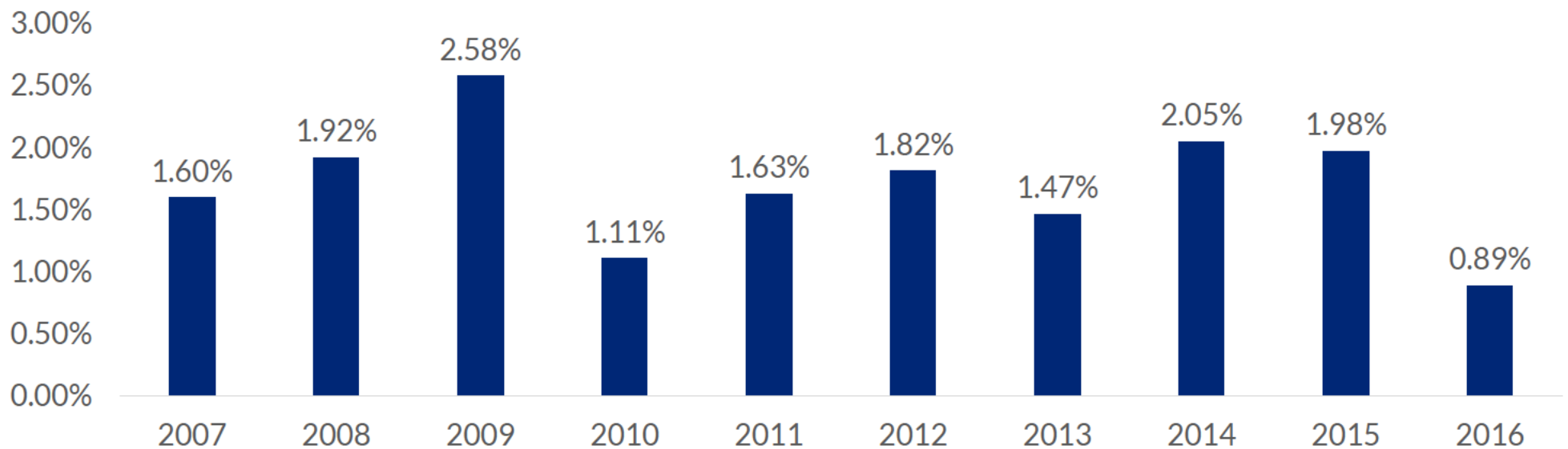


Revenue sustainability²

New State Content for Review

In FY2016, natural resource revenue accounted for 0.89% of total revenue collected by the Colorado Department of Revenue. Colorado has a diverse set of revenue streams; however, the downturn of oil and gas markets in 2016 did have a substantial impact on certain government funds. The State Land Board, for example, saw its total trust revenue decrease by 28% due to a 35% decrease in mineral revenues.

Extraction Revenue as a % of Total Revenue



Tax expenditures³

New State Content for Review

Tax expenditure programs are policy instruments that reduce state and local revenue through changes to the tax code (e.g., tax credits, exemptions, preferential tax rates, deferrals).

In FY2015, Colorado had 15 tax expenditures directly related to the extractive industries which reduced state and local revenue. Data on the exact revenue impact for all expenditures is largely unavailable due to confidentiality requirements or inability to collect that information, however, the Oil and Gas Ad Valorem Credit had an impact of \$134,915,000. The Colorado Department of Revenue outlines tax expenditures in its annual [Tax Profile and Expenditure Report](#).

Disbursements

Federal disbursements

After collecting revenue from natural resource extraction, the Office of Natural Resources Revenue distributes that money to different agencies, funds, and local governments for public use. This process is called “disbursement.”

Most federal revenue disbursements go into national funds. For detailed data about which expenditures and projects from those national funds are in Colorado, see [nationwide federal disbursements](#).

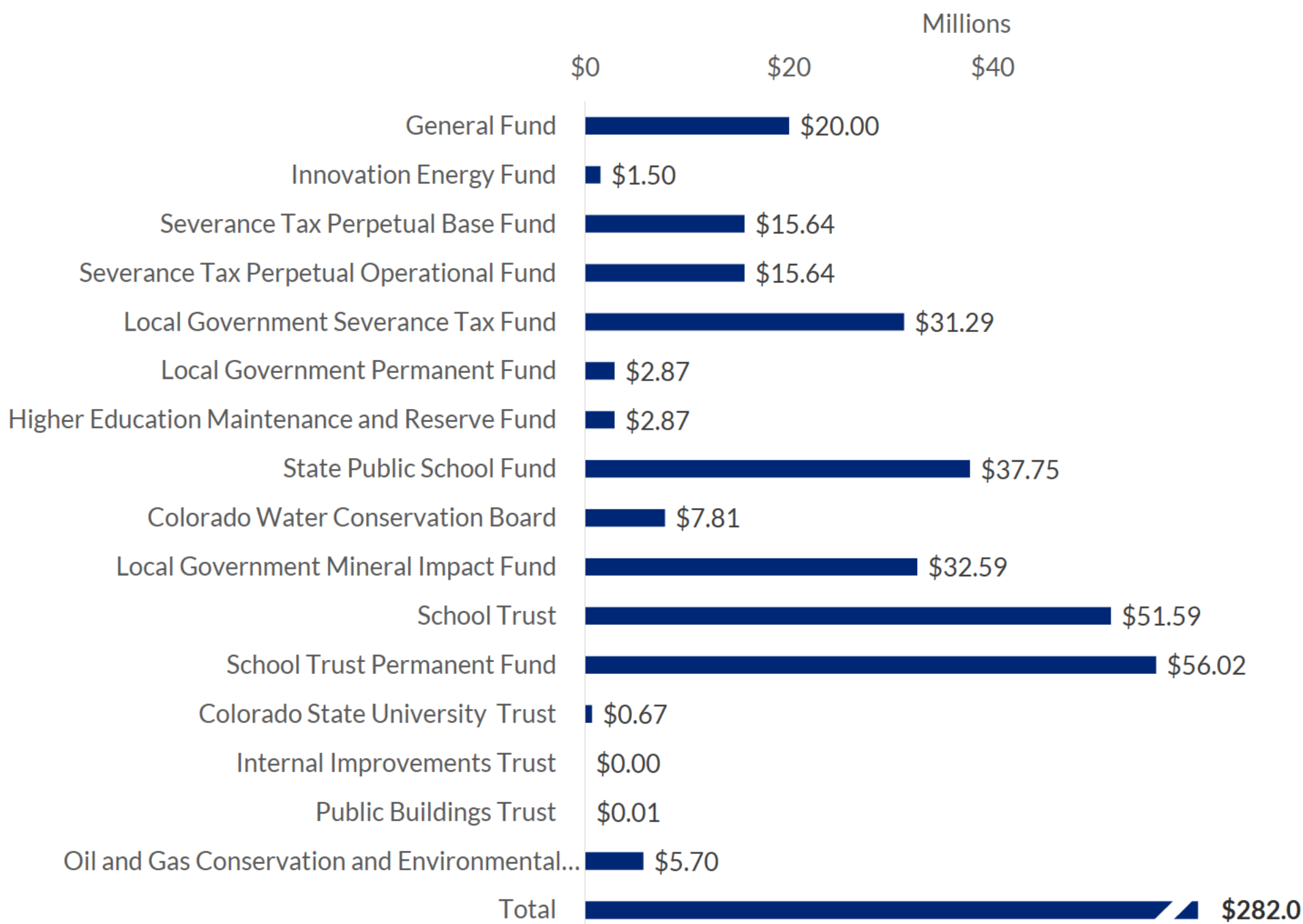
ONRR also disburses some revenue from natural resource extraction to state governments. **In FY2016, ONRR disbursed \$83,895,364 to Colorado and \$7,974 to various counties in Colorado.**¹

State disbursements

New State Content for Review

State agencies distribute revenue according to the [Colorado State Code](#). In addition to receiving distributions from the state, counties also collect and distribute revenue from local taxes, chiefly property taxes. Weld County, for example, produces the most oil and gas in the state, and generates a significant portion of its property tax revenue from oil and gas. It then disburses this revenue to help fund local schools, fire departments, libraries, towns, and water districts, among other items. For more details on how Weld County disburses property tax revenue see the county's [distribution statements and treasurer reports](#).

State Extractives Revenue Disbursements FY2016



New State Content for Review

Saving and spending revenue from extraction

Many states choose to establish permanent mineral trust funds, which can help governments smooth revenue and investments across boom and bust cycles.

In FY2016, Colorado saved 28.05% of total state revenue from extractive activities. In a given year, most of Colorado's saved extractive revenues goes to one of these funds:

Local Government Permanent Fund: Money in this fund cannot be used for any purpose except when the amount of Federal Mineral Lease revenue is 10% less than the amount received the previous year.

Higher Education Maintenance and Reserve Fund: The interest and income earned on this fund is used for maintenance projects controlled by the Colorado Commission on Higher Education's Capital Improvements Program. The principal in this fund must remain unused unless General Fund revenue is projected to dip below the required 4% reserve.

School Trust Permanent Fund: Colorado created this fund at statehood. Interest generated on the principal must support K-12 education. Interest earnings of the fund are credited to the Public School Income Fund and transferred to the Colorado Department of Education.

Economic Impact

USEITI economic impact data covers gross domestic product and two different types of jobs data.

To learn more about direct energy employment across all sectors of the U.S. economy, another useful resource is [2017 U.S. Energy and Employment Report](#) from the Department of Energy. This report has a separate [state-by-state analysis of energy employment](#).

In addition to generating economic activity, extractive industries can have fiscal costs for state and local communities.

These screenshots are representative not inclusive of all of the content on the USEITI data portal

Gross domestic product (GDP)

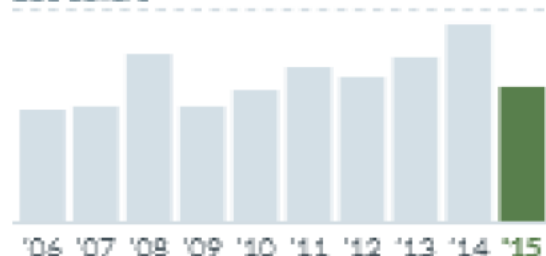
2015

Data about each state's gross domestic product comes from the Bureau of Economic Analysis.

[Data and documentation](#)

GDP (DOLLARS)

20b dollars



In **2015**, extractive industries accounted for 4.22% of Colorado's GDP, or **\$13,246,000,000**

Wage and salary jobs

2015

Wage and salary data, from the Bureau of Labor Statistics, describes the number of people employed in natural resource extraction that receive wages or salaries from companies.

[Data and documentation](#)

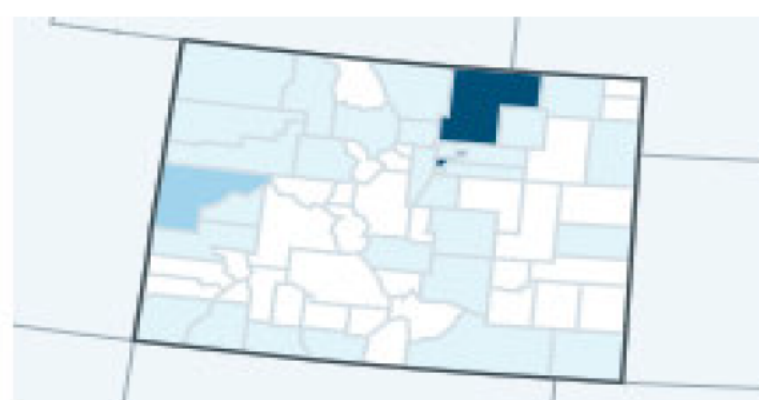
WAGE AND SALARY JOBS

40k jobs



In **2015**, there were **30,551** jobs in the extractive industries in Colorado, and they accounted for 1.22% of statewide employment.

COUNTY WAGE AND SALARY JOBS



County employment in extractive industries (jobs, 2015)

- 0 - 2.2k
- 2.2k - 4.4k
- 4.4k - 6.5k
- 6.5k - 8.7k

[Show table](#)

The state of Colorado participated in additional information sharing with USEITI. As part of the USEITI process, the Independent Administrator gathered information about state and local natural resource governance, revenues, and disbursements in Colorado.

State agencies

The state of Colorado regulates an array of activities related to natural resource extraction and interacts with the extractive industries, especially when the activity is occurring on state or private land.

The [Colorado Department of Revenue](#) collects, manages, and distributes revenue from companies engaged in extraction in Colorado. It publishes annual [summary](#), [expenditure](#), and [severance tax](#) reports. Additionally, county governments collect oil and gas related property taxes, with the [Colorado Department of Local Affairs' Division of Property Taxation](#) coordinating this process.

The [Colorado Department of Natural Resources](#) manages the state's natural resources, which includes administering [state trust lands](#).

- The [Colorado Oil and Gas Conservation Commission](#) ensures that oil and gas wells and operations comply with state law. It is involved in all stages of extraction—issuing exploration permits, auctioning leases, addressing incidents/complaints, enforcing rules and regulations, collecting levies, etc. The commission is governed by [rules and regulations](#), runs a [data portal](#), and publishes [reports](#).
- The [Division of Reclamation, Mining, and Safety](#) works to protect the public, miners, and the environment during current mining operations. It holds responsibility for restoring abandoned mines and ensuring that all mined land is reclaimed to beneficial use. It works to achieve these goals through [four major programs](#): coal regulatory program, minerals regulatory program, inactive mine reclamation program, and mine safety and training program. The commission is governed by [rules and regulations](#), runs a [data portal](#), and publishes [reports](#). Click here for more information about the costs of reclamation.

The [Colorado Department of Public Health and Environment](#) (CDPHE) plays a role in regulating oil and gas operations. CDPHE deals primarily with:

- [Air emission](#) requirements for the oil and gas industry
- [Water quality](#) and stormwater discharge permits for oil and gas facilities
- [Hazardous, radioactive, and solid waste](#) requirements affecting oil and gas facilities
- [Climate change](#) and greenhouse gases through mandatory reporting rules, reports, and presentations
- [Public health](#) effects from oil and gas operations through reporting, community investigations, and assessments

State laws and regulations

The [Colorado Constitution](#) includes Article XVI on Mining and Irrigation which outlines laws regulating the safety, and environmental implications of extraction as well as the organizational structure charged with overseeing extractive activities.

The [Code of Colorado Regulations](#) also has several sections that govern natural resource extraction, including:

- [Practice and Procedure](#) (2 CCR 404-1) outlines rules and regulations to prevent waste and conserve oil and gas in the state of Colorado, while protecting public health, safety, welfare, including the environment and wildlife resources
- [Hard Rock Metal Mining](#) (2 CCR 407-1) includes general provisions and requirements regarding the permit process
- [Regulations for Coal Mining](#) (2CCR 407-2) establishes the provision known as the Colorado Surface Coal Mining Reclamation Act
- [Control of Hazardous Air Pollutants](#) (5 CCR 1001-10) regulates all new sources of air pollution and all modified or reconstructed sources of air pollution, including those generated by the extraction industry
- [Storage Tank Regulations](#) (7 CCR 1101-14) outlines rules for the design, installation, registration, construction and operation of storage tanks used to store regulated substances (including petroleum)
- [Rules Regarding Electric Utilities](#) (4 CCR 723-3) describes the specific provisions applicable to public utilities, includes specific regulations related to renewable energy, and recognizes that it is in the best interest of the public to utilize and develop renewable energy resources

Fiscal Costs of Extractive Activities

New State Content for Review

In addition to generating revenue and economic activity, extractive industries can also bring certain costs to state and local communities. In Colorado, these are concentrated in a few areas due to the fact that nearly all production occurs in just six counties: Weld, Garfield, La Plata, Adams, Rio Blanco, and Jackson.¹ Attention to and analysis of costs is, therefore, focused on these areas.

The USEITI Multi-Stakeholder Group (MSG) prioritized four types of fiscal costs: transportation, water, emergency services, and reclamation.

Transportation²

Extractive activities have resulted in not only more traffic on Colorado roads and highways, but also greater loads on the state's transportation infrastructure. In certain areas, such as Highway 85C between Fort Lupton and Platteville, traffic has increased by 58.72% over a five year period due to oil and gas development. Additionally, according to a Colorado Department of Transportation (CDOT) study, the load impact of trucks used in extraction can be as much as 15,000 to 46,000 times that of a passenger car. Oil and gas loads are estimated to be 3-10% of the total loads on the Colorado highway system.

According to CDOT, the estimated cost to offset the impact of the oil and gas extraction on state roads and highways ranges from \$10 to \$30 million, which is up to 13% of the CDOT's annual surface treatment budget. To read more, see the CDOT's study, ["Oil and Gas Impacts on Transportation."](#)

Water

Increased extraction can put added demand on both water supplies and water infrastructure in communities. This can lead to increased rates and the need for infrastructure investments. Oil and gas extraction in Colorado reported using approximately 6.7 billion gallons of water from 2011-2013.³ Additionally, COGCC found that extractive activities produced 304,451,972 BBL of water in 2016, 0.006% of which was spilled.⁴

In addition to water use and production, the environmental and engineering staff of the COGCC also monitor and assess water quality in Colorado. Currently, they are investigating 22 instances of Thermogenic stray gas impacts in domestic water wells in the Denver-Julesberg basin.⁵ Additionally, the state, through the Department of Public Health and Environment, also has multiple large remediation obligations related to the extractive industry, including a total of: \$57 million at Summerville Mine operating a water treatment plant, \$64.8 at Clear Creek Basin cleaning up metal mine contaminated surface water, and \$5.5 million at Captain Jack Mill addressing mine waste piles and drainage.⁶ See [Colorado's Comprehensive Annual Report](#) to read more about the state's remediation obligations.

Emergency services

The increased population that often corresponds with increased extraction can place greater demands on the emergency medical, fire, and police services of the state, counties, and towns.

Notably, a [study conducted on the extractive industry](#) in Weld County found a 163% increase in large truck crashes and a 64% increase in fatal crashes between 2000 and 2014 (a time of major growth in active wells in the area).⁷

Additionally, increased extractive activity has also led to increased oil and gas fires and explosions. Though the exact number of such incidents is not published by the government, general incidents and complaints can be searched through the [Colorado Oil and Gas Information System](#). Additionally, a study conducted in 2005 found 32 incidents of active coal mine fires.⁸

(Continued)

Reclamation

Multiple organizations in the Colorado state government work on the reclamation and remediation of sites related to extraction.

The Colorado Oil and Gas Conservation Commission oversees spill incidents associated with oil and gas exploration and production related activities. The Colorado Department of Labor and Employment's Division of Oil and Public Safety oversees cleanup of petroleum released from regulated underground storage tanks. Finally, the Colorado Department of Transportation oversees spill incidents within Colorado highways and beyond.⁹

Colorado has not been "certified" by the federal [Abandoned Mine Land \(AML\) Reclamation program](#), meaning that it has remaining high-priority abandoned coal mine areas. Reclamation efforts in Colorado are led by the Colorado Division of Reclamation, Mining, and Safety (DRMS) which works to reclaim [abandoned](#) and [inactive](#) mines. DRMS has reclaimed 6,127 of the estimated 23,000 abandoned mines in Colorado.¹⁰ In 2017, Colorado received \$2,793,000 from the federal AML Program, sourced from fees paid by coal mine operators, in line with the historic annual average.¹¹ The average cost for closing a hazardous abandoned mine feature is \$5,000. An [overview of DRMS' history and work can be found here](#).

Colorado currently has \$75.3M in unfunded abandoned mine land areas in need of reclamation. Priority 1 abandoned mine land (AML) areas, the highest priority, account for \$41.5M (or 55.2%) of those unfunded costs. Priority 1 AML areas are those that are necessary to reclaim in order to protect public health, safety, and property from extreme danger of adverse effects of coal mining practices pre-1977.¹² This can include restoration of land, water, and/or the environment. For more information, [see the AML Reclamation section of this website](#).

As of June 2017, \$4.2M in reclamation work was underway and \$63.2M had been completed across the three priority types.¹¹

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Label: "FOIA EITI"

Created by: greg.gould@onrr.gov

Total Messages in label: 370 (41 conversations)

Created: 11-30-2017 at 14:41 PM

Conversation Contents

Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

Attachments:

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<jkrill@earthworksaction.org>, Keith Romig <kromig@usw.org>, Lynda
Farrell <lynda@pscoalition.org>, Michael Levine
<mlevine@oceana.org>, Michael Ross (b) (6) @polisci.ucla.edu, Neil
R Brown <(b) (6) @neilrobertbrown.com>, Paul Bugala
<(b) (6) @gmail.com>, Rebecca Adamson
<radamson@firstpeoples.org>, Zorka Milin <zmilin@globalwitness.org>
"Cassidy, John Kenneth (US - Arlington)" <jocassidy@deloitte.com>,
"Mennel, John (US - Arlington)" <jmennel@deloitte.com>, "Hawbaker,
Luke Malcolm (US - San Francisco)" <lhawbaker@deloitte.com>, Mia
Steinle <msteinle@pogo.org>, Emily Hague <Hague@api.org>,
"Norfleet, Charles" <charles.norfleet@boem.gov>, Jeannette Angel
Mendoza <jeannette.angel.mendoza@onrr.gov>, "Wong, Alexandra (US
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"tkansal@cbuilding.org" <tkansal@cbuilding.org>, Jennifer Malcolm
<jennifer.malcolm@onrr.gov>, Treci Johnson <treci.johnson@onrr.gov>,
Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>, Chris
Mentasti <chris.mentasti@onrr.gov>
Subject: Review | USEITI Mainstreaming Feasibility Report - comments by Tues,
June 27th
Attachments: image002.png Mainstreaming Feasibility Study_June22017_vF.docx

USEITI MSG Members –

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If you have any questions at all about the attached, please let me know.

Best,

Sarah

Sarah Platts

Manager | Strategy
Deloitte Consulting LLP
1919 N. Lynn St., Arlington, VA 22209
Tel Direct: +1 571 814 6255 | Mobile: +1 202 258 4417 (preferred)
splatts@deloitte.com | www.deloitte.com

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Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Fri Jun 09 2017 13:21:21 GMT-0600 (MDT)
To: Greg Gould <Greg.Gould@onrr.gov>, Veronika Kohler <VKohler@nma.org>
Subject: Fwd: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th
Attachments: image002.png Mainstreaming Feasibility Study_June22017_vF.docx

I'm assuming this is OBE or DOA, but in case you want to preserve some parts of this doc, should I submit back comments where we object to assertions they make?

d

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

From: **Platts, Sarah (US - Arlington)** <splatts@deloitte.com>
Date: Tue, Jun 6, 2017 at 10:55 AM
Subject: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th
To: "OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett <(b) (6) @choctawnation.com>, Claire Ware <(b) (6) @yahoo.com>, Curtis Carlson <curtis.carlson@treasury.gov>, Greg Gould <Greg.Gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Julie A Lenoir <(b) (6) @blackfeetnation.com>, Marina Voskanian <Marina.Voskanian@slc.ca.gov>, Michael D Matthews <mike.matthews@wyo.gov>, Mike Smith <mike.smith@iogcc.state.ok.us>, "Aaron P. Padilla" <padillaa@api.org>, Christopher Chambers <christopher_chambers@fmi.com>, David Romig <david_romig@fmi.com>, Edwin Mongan <edwin.mongan@bhpbilliton.com>, Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>, "Michael Gardner (RTHQ)" <michael.gardner@riotinto.com>, Nicholas Cotts <Nicholas.Cotts@newmont.com>, Nicholas Welch <nick.welch@nblenergy.com>, Phillip Denning <phillip.denning@shell.com>, Stella Alvarado <Stella.Alvarado@anadarko.com>, Susan Ginsberg <sginsberg@ipaa.org>, Veronika Kohler <VKohler@nma.org>, Betsy Taylor <(b) (6) @vt.edu>, Betsy Taylor <(b) (6) @gmail.com>, Brian Sanson <bsanson@umwa.org>, Daniel Dudis <ddudis@citizen.org>, Danielle Brian <dbrian@pogo.org>, David Chambers <dchambers@csp2.org>, Isabel Munilla <imunilla@oxfamamerica.org>, Jana Morgan <jmorgan@pwwpusa.org>, Jennifer Krill <jkrill@earthworksaction.org>, Keith Romig <kromig@usw.org>, Lynda Farrell <lynda@pscoalition.org>, Michael Levine <mlevine@oceana.org>, Michael Ross <(b) (6) @polisci.ucla.edu>, Neil R Brown <(b) (6) @neilrobertbrown.com>, Paul Bugala <(b) (6) @gmail.com>, Rebecca Adamson <radamson@firstpeoples.org>, Zorka Milin <zmilin@globalwitness.org>
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<lhawbaker@deloitte.com>, Mia Steinle <msteinle@pogo.org>, Emily Hague <Hague@api.org>, "Norfleet, Charles" <charles.norfleet@boem.gov>, Jeannette Angel Mendoza <jeannette.angel.mendoza@onrr.gov>, "Wong, Alexandra (US - Arlington)" <alexandwong@deloitte.com>, Judith Wilson <judith.wilson@onrr.gov>, Robert Kronebusch <robert.kronebusch@onrr.gov>, Nathan Brannberg <nathan.brannberg@onrr.gov>, Pat Field <pfield@cbuilding.org>, "tkansal@cbuilding.org" <tkansal@cbuilding.org>, Jennifer Malcolm <jennifer.malcolm@onrr.gov>, Treci Johnson <treci.johnson@onrr.gov>, Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>

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Danielle Brian

Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Fri Jun 09 2017 13:43:23 GMT-0600 (MDT)
To: Danielle Brian <dbrian@pogo.org>
CC: Veronika Kohler <VKohler@nma.org>

Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by
Tues, June 27th

Attachments: image002.png

Yes, we welcome all comments on this document, we want to make sure we complete all the work we have planned for this year.

Thanks,

Greg

Gregory J. Gould

Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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On Fri, Jun 9, 2017 at 1:21 PM, Danielle Brian <dbrian@pogo.org> wrote:

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d

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From: **Platts, Sarah (US - Arlington)** <splatts@deloitte.com>

Date: Tue, Jun 6, 2017 at 10:55 AM

Subject: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

To: "OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett <(b) (6) @choctawnation.com>, Claire Ware <(b) (6) @yahoo.com>, Curtis Carlson <curtis.carlson@treasury.gov>, Greg Gould <Greg.Gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Julie A Lenoir <(b) (6) @blackfeetnation.com>, Marina Voskanian <Marina.Voskanian@slc.ca.gov>, Michael D Matthews <mike.matthews@wyo.gov>, Mike Smith <mike.smith@iogcc.state.ok.us>, "Aaron P. Padilla" <padillaa@api.org>, Christopher Chambers <christopher_chambers@fmi.com>, David Romig <david_romig@fmi.com>, Edwin Mongan <edwin.mongan@bhpbilliton.com>, Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>, "Michael Gardner (RTHQ)" <michael.gardner@riotinto.com>, Nicholas Cotts <Nicholas.Cotts@newmont.com>, Nicholas Welch <nick.welch@nblenergy.com>, Phillip Denning <phillip.denning@shell.com>, Stella Alvarado <Stella.Alvarado@anadarko.com>, Susan Ginsberg <sginsberg@ipaa.org>, Veronika Kohler <VKohler@nma.org>, Betsy Taylor <(b) (6) @vt.edu>, Betsy Taylor <betsy.taylor@gmail.com>, Brian Sanson <bsanson@umwa.org>, Daniel Dudis <ddudis@citizen.org>, Danielle Brian <dbrian@pogo.org>, David Chambers <dchambers@csp2.org>, Isabel Munilla <imunilla@oxfamamerica.org>, Jana Morgan <jmorgan@pwypusa.org>, Jennifer Krill <jkrill@earthworksaction.org>, Keith Romig <kromig@usw.org>, Lynda Farrell <lynda@pscoalition.org>, Michael Levine <mlevine@oceana.org>, Michael Ross <(b) (6) @polisci.ucla.edu>, Neil R Brown <(b) (6) @neilrobertbrown.com>, Paul Bugala <(b) (6) @gmail.com>, Rebecca Adamson <radamson@firstpeoples.org>, Zorka Milin <zmilin@globalwitness.org>

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Best,
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Sarah Platts
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Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Mon Jun 12 2017 15:18:19 GMT-0600 (MDT)
To: "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>, Greg Gould <Greg.Gould@onrr.gov>, Veronika Kohler <VKohler@nma.org>
Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th
Attachments: image002.png

Hi Sarah - just a heads up that CSO's strongly object to the statements that the MSG made a decision to support mainstreaming. We were only told of your feasibility study, but we were never given your final findings or an opportunity to debate and support or object. We are working on line edits but since this was so significant I wanted to make sure you were aware. Thanks.
Danielle

On Tue, Jun 6, 2017 at 10:55 AM, Platts, Sarah (US - Arlington) <splatts@deloitte.com> wrote:
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Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Mon Jun 12 2017 15:38:11 GMT-0600 (MDT)
To: Judith Wilson <judith.wilson@onrr.gov>, "Malcolm, Jennifer" <jennifer.malcolm@onrr.gov>, Kimiko Oliver <kimiko.oliver@onrr.gov>
Subject: Fwd: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th
Attachments: image002.png

FYI - Greg

Gregory J. Gould

Director

Office of Natural Resources Revenue

U.S. Department of the Interior

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From: **Danielle Brian** <dbrian@pogo.org>

Date: Mon, Jun 12, 2017 at 3:18 PM

Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

To: "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>, Greg Gould <Greg.Gould@onrr.gov>, Veronika Kohler <VKohler@nma.org>

Hi Sarah - just a heads up that CSO's strongly object to the statements that the MSG made a decision to support mainstreaming. We were only told of your feasibility study, but we were never given your final findings or an opportunity to debate and support or object. We are working on line edits but since this was so significant I wanted to make sure you were aware. Thanks.

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Best,
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Sarah Platts

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202.347.1122

"Platts, Sarah (US - Arlington)" <splatts@deloitte.com>

From: "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>
Sent: Thu Jun 22 2017 05:58:05 GMT-0600 (MDT)
"OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett
<(b) (6) @choctawnation.com>, Claire Ware
(b) (6) @yahoo.com>, Curtis Carlson
<curtis.carlson@treasury.gov>, Greg Gould <Greg.Gould@onrr.gov>,
Jim Steward <jim.steward@onrr.gov>, Julie A Lenoir
(b) (6) @blackfeetnation.com>, Marina Voskanian
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Christopher Chambers <christopher_chambers@fmi.com>, David
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<nathan.brannberg@onrr.gov>, Pat Field <pfield@cbuilding.org>,
"tkansal@cbuilding.org" <tkansal@cbuilding.org>, Jennifer Malcolm

To:

CC:

<jennifer.malcolm@onrr.gov>, Treci Johnson <treci.johnson@onrr.gov>, Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>

Subject:

RE: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

Attachments:

image002.png image004.png

MSG Members –

I wanted to send a gentle reminder to you that comments on the Mainstreaming report are due next Tuesday, June 27th. Please let me know if you have any questions or concerns.

Thank you!
Sarah

Sarah Platts

Manager | Strategy
Deloitte Consulting LLP
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Tel Direct: +1 571 814 6255 | Mobile: +1 202 258 4417 (preferred)
splatts@deloitte.com | www.deloitte.com

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From: Platts, Sarah (US - Arlington)

Sent: Tuesday, June 6, 2017 10:55 AM

To: OS, USEITI <useiti@ios.doi.gov>; Bruce Barnett <(b) (6)@choctawnation.com>; Claire Ware <(b) (6)@yahoo.com>; Curtis Carlson <curtis.carlson@treasury.gov>; Greg Gould <Greg.Gould@onrr.gov>; Jim Steward <jim.steward@onrr.gov>; Julie A Lenoir <(b) (6)@blackfeetnation.com>; Marina Voskarian <Marina.Voskarian@slc.ca.gov>; Michael D Matthews <mike.matthews@wyo.gov>; Mike Smith <mike.smith@iogcc.state.ok.us>; Aaron P. Padilla <padillaa@api.org>; Christopher Chambers <christopher_chambers@fmi.com>; David Romig <david_romig@fmi.com>; Edwin Mongan <edwin.mongan@bhpbilliton.com>; Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>; Michael Gardner (RTHQ) <michael.gardner@riotinto.com>; Nicholas Cotts <Nicholas.Cotts@newmont.com>; Nicholas Welch <nick.welch@nblenergy.com>; Phillip Denning <phillip.denning@shell.com>; Stella Alvarado <Stella.Alvarado@anadarko.com>; Susan Ginsberg <sginsberg@ipaa.org>; Veronika Kohler <VKohler@nma.org>; Betsy Taylor <(b) (6)@vt.edu>; Betsy Taylor <(b) (6)@gmail.com>; Brian Sanson <bsanson@umwa.org>; Daniel Dudis <ddudis@citizen.org>; Danielle Brian <dbrian@pogo.org>; David Chambers <dchambers@csp2.org>; Isabel Munilla <imunilla@oxfamamerica.org>; Jana Morgan <jmorgan@pwypusa.org>; Jennifer Krill <jkrill@earthworksaction.org>; Keith Romig <kromig@usw.org>; Lynda Farrell <lynda@pscoalition.org>; Michael Levine <mlevine@oceana.org>; Michael Ross <(b) (6)@polisci.ucla.edu>; Neil R Brown <(b) (6)@neilrobertbrown.com>; Paul Bugala <(b) (6)@gmail.com>; Rebecca Adamson <radamson@firstpeoples.org>; Zorka Milin <zmilin@globalwitness.org>

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From: Danielle Brian <dbrian@pogo.org>
Sent: Thu Jun 22 2017 06:04:24 GMT-0600 (MDT)
To: "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>
"OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett
(b) (6) @choctawnation.com, Claire Ware
(b) (6) @yahoo.com, Curtis Carlson
<curtis.carlson@treasury.gov>, Greg Gould <Greg.Gould@onrr.gov>,
Jim Steward <jim.steward@onrr.gov>, Julie A Lenoir
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Project On Government Oversight (POGO)
202-347-1122

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Thank you!
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Manager | Strategy
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1919 N. Lynn St., Arlington, VA 22209
Tel Direct: +1 571 814 6255 | Mobile: +1 202 258 4417 (preferred)
splatts@deloitte.com | www.deloitte.com

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To: OS, USEITI <useiti@ios.doi.gov>; Bruce Barnett (b) (6) <[\(b\) \(6\)@choctawnation.com](mailto:(b) (6)@choctawnation.com)>; Claire Ware <(b) (6)@yahoo.com>; Curtis Carlson <curtis.carlson@treasury.gov>; Greg Gould <Greg.Gould@onrr.gov>; Jim Steward <jim.steward@onrr.gov>; Julie A Lenoir (b) (6) <[\(b\) \(6\)@blackfeetnation.com](mailto:(b) (6)@blackfeetnation.com)>; Marina Voskanian <Marina.Voskanian@slc.ca.gov>; Michael D Matthews <mike.matthews@wyo.gov>; Mike Smith <mike.smith@iogcc.state.ok.us>; Aaron P. Padilla <padillaa@api.org>; Christopher Chambers <christopher_chambers@fmi.com>; David Romig <david_romig@fmi.com>; Edwin Mongan <edwin.mongan@bhpbilliton.com>; Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>; Michael Gardner (RTHQ) <michael.gardner@riotinto.com>; Nicholas Cotts <Nicholas.Cotts@newmont.com>; Nicholas Welch <nick.welch@nblenergy.com>; Phillip Denning <phillip.denning@shell.com>; Stella Alvarado <Stella.Alvarado@anadarko.com>; Susan Ginsberg <sginsberg@ipaa.org>; Veronika Kohler <VKohler@nma.org>; Betsy Taylor <(b) (6)@vt.edu>; Betsy Taylor (b) (6) <(b) (6)@gmail.com>; Brian Sanson <bsanson@umwa.org>; Daniel Dudis <ddudis@citizen.org>; Danielle Brian <dbrian@pogo.org>; David Chambers <dchambers@csp2.org>; Isabel Munilla

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Greg Gould <greg.gould@onrr.gov>

From: Greg Gould <greg.gould@onrr.gov>
Sent: Thu Jun 22 2017 06:21:50 GMT-0600 (MDT)
To: Judith Wilson <judith.wilson@onrr.gov>
Subject: Fwd: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

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Gregory J. Gould

*Director
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U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Thu Jun 22 2017 06:39:18 GMT-0600 (MDT)
To: Greg Gould <greg.gould@onrr.gov>
Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

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Subject: Review | USEITI Mainstreaming Feasibility Report - comments by Tues,
June 27th

USEITI MSG Members –

I hope this note finds all of you well! Attached please find the USEITI Mainstreaming
Feasibility Report for your review. The IA completed this along with numerous
stakeholders throughout the past couple of months. We'd now like for you to review
this and **provide any feedback or comments directly to me (ideally via track
changes) by Tuesday, June 27th.**

If you have any questions at all about the attached, please let me know.

Best,
Sarah

Sarah Platts

Manager | Strategy
Deloitte Consulting LLP
1919 N. Lynn St., Arlington, VA 22209
Tel Direct: +1 571 814 6255 | Mobile: +1 202 258 4417 (preferred)
splatts@deloitte.com | www.deloitte.com

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—
Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

Greg Gould <greg.gould@onrr.gov>

From: Greg Gould <greg.gould@onrr.gov>
Sent: Thu Jun 22 2017 06:45:24 GMT-0600 (MDT)
To: "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by
Tues, June 27th

Thanks!

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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On Jun 22, 2017, at 8:39 AM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

On it

On Thu, Jun 22, 2017 at 8:21 AM, Greg Gould <greg.gould@onrr.gov> wrote:

Judy,

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Greg

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From: Danielle Brian <dbrian@pogo.org>
Date: June 22, 2017 at 8:04:24 AM EDT
To: "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>
Cc: "OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett < [\(b\) \(6\) @choctawnation.com](mailto:(b) (6) @choctawnation.com)>, Claire Ware < [\(b\) \(6\) @yahoo.com](mailto:(b) (6) @yahoo.com)>, Curtis Carlson <curtis.carlson@treasury.gov>, Greg Gould <Greg.Gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Julie A Lenoir < [\(b\) \(6\) @blackfeetnation.com](mailto:(b) (6) @blackfeetnation.com)>, Marina Voskanian <Marina.Voskanian@slc.ca.gov>, Michael D Matthews <mike.matthews@wyo.gov>, Mike Smith <mike.smith@iogcc.state.ok.us>, "Aaron P. Padilla" <padillaa@api.org>, Christopher Chambers <christopher_chambers@fmi.com>, David Romig <david_romig@fmi.com>, Edwin Mongan <edwin.mongan@bhpbilliton.com>, Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>, "Michael Gardner (RTHQ)" <michael.gardner@riotinto.com>, Nicholas Cotts <Nicholas.Cotts@newmont.com>, Nicholas Welch <nick.welch@nblenergy.com>, Phillip Denning <phillip.denning@shell.com>, Stella Alvarado <Stella.Alvarado@anadarko.com>, Susan Ginsberg <sginsberg@ipaa.org>, Veronika Kohler <VKohler@nma.org>, Betsy Taylor < [\(b\) \(6\) @vt.edu](mailto:(b) (6) @vt.edu)>, Betsy Taylor < [\(b\) \(6\) @gmail.com](mailto:(b) (6) @gmail.com)>, Brian Sanson <bsanson@umwa.org>, Daniel Dudis <ddudis@citizen.org>, David Chambers <dchambers@csp2.org>, Isabel Munilla <imunilla@oxfamamerica.org>, Jana Morgan <jmorgan@pwwypusa.org>, Jennifer Krill <jkrill@earthworksaction.org>, Keith Romig <kromig@usw.org>, Lynda Farrell <lynda@pscoalition.org>, Michael Levine <mlevine@oceana.org>, Michael Ross < [\(b\) \(6\) @polisci.ucla.edu](mailto:(b) (6) @polisci.ucla.edu)>, Neil R Brown < [\(b\) \(6\) @neilrobertbrown.com](mailto:(b) (6) @neilrobertbrown.com)>, Paul Bugala < [\(b\) \(6\) @gmail.com](mailto:(b) (6) @gmail.com)>, Rebecca Adamson <radamson@firstpeoples.org>, Zorka Milin <zmilin@globalwitness.org>, "Cassidy, John Kenneth (US - Arlington)" <jocassidy@deloitte.com>, "Mennel, John (US - Arlington)" <jmennel@deloitte.com>, "Hawbaker, Luke Malcolm (US - San Francisco)" <lhawbaker@deloitte.com>, Mia Steinle <msteinle@pogo.org>, Emily Hague <Hague@api.org>, "Norfleet, Charles" <charles.norfleet@boem.gov>, Jeannette Angel Mendoza <jeannette.angel.mendoza@onrr.gov>, "Wong, Alexandra (US - Arlington)" <alexandwong@deloitte.com>, Judith Wilson <judith.wilson@onrr.gov>, Robert Kronebusch <robert.kronebusch@onrr.gov>, Nathan Brannberg <nathan.brannberg@onrr.gov>, Pat Field <pfield@cbuilding.org>, "tkansal@cbuilding.org" <tkansal@cbuilding.org>, Jennifer Malcolm <jennifer.malcolm@onrr.gov>, Treci Johnson <treci.johnson@onrr.gov>, Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>

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Project On Government Oversight (POGO)
202-347-1122

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From: Platts, Sarah (US - Arlington)
Sent: Tuesday, June 6, 2017 10:55 AM
To: OS, USEITI <useiti@ios.doi.gov>; Bruce Barnett <(b) (6) @choctawnation.com>; Claire Ware <(b) (6) @yahoo.com>; Curtis Carlson <curtis.carlson@treasury.gov>; Greg Gould <Greg.Gould@onrr.gov>; Jim Steward <jim.steward@onrr.gov>; Julie A Lenoir <(b) (6) @blackfeetnation.com>; Marina Voskianian <Marina.Voskianian@slc.ca.gov>; Michael D Matthews <mike.matthews@wyo.gov>; Mike Smith <mike.smith@iogcc.state.ok.us>; Aaron P. Padilla <padillaa@api.org>; Christopher Chambers <christopher_chambers@fmi.com>; David Romig <david_romig@fmi.com>; Edwin Mongan <edwin.mongan@bhpbilliton.com>; Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>; Michael Gardner (RTHQ) <michael.gardner@riotinto.com>; Nicholas Cotts <Nicholas.Cotts@newmont.com>; Nicholas Welch <nick.welch@nblenergy.com>; Phillip Denning <phillip.denning@shell.com>; Stella Alvarado <Stella.Alvarado@anadarko.com>; Susan Ginsberg <sginsberg@ipaa.org>; Veronika Kohler <VKohler@nma.org>; Betsy Taylor <(b) (6) @vt.edu>; Betsy Taylor <(b) (6) @gmail.com>; Brian Sanson <bsanson@umwa.org>; Daniel Dudis <ddudis@citizen.org>; Danielle Brian <dbrian@pogo.org>; David Chambers <dchambers@csp2.org>; Isabel Munilla <imunilla@oxfamamerica.org>; Jana Morgan <jmorgan@pwypusa.org>; Jennifer Krill <jkrill@earthworksaction.org>; Keith Romig <kromig@usw.org>; Lynda Farrell <lynda@pscoalition.org>; Michael Levine <mlevine@oceana.org>; Michael Ross <(b) (6) @polisci.ucla.edu>; Neil R Brown <(b) (6) @neilrobertbrown.com>; Paul Bugala <(b) (6) @gmail.com>; Rebecca Adamson <radamson@firstpeoples.org>; Zorka Milin <zmilin@globalwitness.org>
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Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Thu Jun 22 2017 07:21:49 GMT-0600 (MDT)
To: Greg Gould <greg.gould@onrr.gov>

Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by
Tues, June 27th

Attachments: MSG meetings on Mainstreaming.docx

See attached word doc.

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To: "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>
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Sent: Thu Jun 22 2017 07:24:26 GMT-0600 (MDT)
To: "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by
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Rebecca Adamson <radamson@firstpeoples.org>, Zorka Milin <zmilin@globalwitness.org>, "Cassidy, John Kenneth (US - Arlington)" <jocassidy@deloitte.com>, "Mennel, John (US - Arlington)" <jmennel@deloitte.com>, "Hawbaker, Luke Malcolm (US - San Francisco)" <lhawbaker@deloitte.com>, Mia Steinle <msteinle@pogo.org>, Emily Hague <Hague@api.org>, "Norfleet, Charles" <charles.norfleet@boem.gov>, Jeannette Angel Mendoza <jeannette.angel.mendoza@onrr.gov>, "Wong, Alexandra (US - Arlington)" <alexandwong@deloitte.com>, Judith Wilson <judith.wilson@onrr.gov>, Robert Kronebusch <robert.kronebusch@onrr.gov>, Nathan Brannberg <nathan.brannberg@onrr.gov>, Pat Field <pfield@cbuilding.org>, "tkansal@cbuilding.org" <tkansal@cbuilding.org>, Jennifer Malcolm <jennifer.malcolm@onrr.gov>, Treci Johnson <treci.johnson@onrr.gov>, Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>

Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

Sarah, we are having a co-chair meeting this morning where we will discuss handling this document. As I told you earlier, civil society has significant problems with the suggestion that Deloitte's mainstreaming recommendation was presented and accepted by the MSG, since neither happened.
Danielle

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

On Jun 22, 2017, at 7:58 AM, Platts, Sarah (US - Arlington) <splatts@deloitte.com> wrote:

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I wanted to send a gentle reminder to you that comments on the Mainstreaming report are due next Tuesday, June 27th. Please let me know if you have any questions or concerns.

Thank you!
Sarah

Sarah Platts
Manager | Strategy
Deloitte Consulting LLP
1919 N. Lynn St., Arlington, VA 22209
Tel Direct: +1 571 814 6255 | Mobile: +1 202 258 4417 (preferred)
splatts@deloitte.com | www.deloitte.com

<image002.png>

Please consider the environment before printing.

From: Platts, Sarah (US - Arlington)
Sent: Tuesday, June 6, 2017 10:55 AM
To: OS, USEITI <useiti@ios.doi.gov>; Bruce Barnett <(b) (6) @choctawnation.com>; Claire Ware <(b) (6) @yahoo.com>; Curtis Carlson <curtis.carlson@treasury.gov>; Greg Gould <Greg.Gould@onrr.gov>; Jim Steward <jim.steward@onrr.gov>; Julie A Lenoir <(b) (6) @blackfeetnation.com>; Marina Voskian

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Danielle Brian <dbrian@pogo.org>; David Chambers
<dchambers@csp2.org>; Isabel Munilla <imunilla@oxfamamerica.org>;
Jana Morgan <jmorgan@pwypusa.org>; Jennifer Krill
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Norfleet, Charles <charles.norfleet@boem.gov>; Jeannette Angel
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Subject: Review | USEITI Mainstreaming Feasibility Report - comments
by Tues, June 27th

USEITI MSG Members –

I hope this note finds all of you well! Attached please find the USEITI Mainstreaming Feasibility Report for your review. The IA completed this along with numerous stakeholders throughout the past couple of months. We'd now like for you to review this and **provide any feedback or comments directly to me (ideally via track changes) by Tuesday, June 27th.**

If you have any questions at all about the attached, please let me know.

Best,
Sarah

Sarah Platts
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<image004.png>

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v.E.1

--

Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

<MSG meetings on Mainstreaming.docx>

Greg Gould <greg.gould@onrr.gov>

From: Greg Gould <greg.gould@onrr.gov>
Sent: Thu Jun 22 2017 07:25:37 GMT-0600 (MDT)
To: Danielle Brian <dbrian@pogo.org>, Veronika Kohler <vkohler@nma.org>
Subject: Fwd: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th
Attachments: MSG meetings on Mainstreaming.docx

See attached. We can talk more at 10.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:2025130600)*

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"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>

Sent: Thu Jun 22 2017 10:56:17 GMT-0600 (MDT)
To: Greg Gould <greg.gould@onrr.gov>
Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by
Tues, June 27th

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Greg

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See attached word doc.

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Begin forwarded message:

From: Danielle Brian <dbrian@pogo.org>
Date: June 22, 2017 at 8:04:24 AM EDT
To: "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>
Cc: "OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett <[\(b\)\(6\)@choctawnation.com](mailto:(b)(6)@choctawnation.com)>, Claire Ware <[\(b\)\(6\)@yahoo.com](mailto:(b)(6)@yahoo.com)>, Curtis Carlson <curtis.carlson@treasury.gov>, Greg Gould <Greg.Gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Julie A Lenoir <[\(b\)\(6\)@blackfeetnation.com](mailto:(b)(6)@blackfeetnation.com)>, Marina Voskianian <Marina.Voskianian@slc.ca.gov>, Michael D Matthews <mike.matthews@wyo.gov>, Mike Smith <mike.smith@iogcc.state.ok.us>, "Aaron P. Padilla" <padillaa@api.org>, Christopher Chambers <christopher_chambers@fmi.com>, David Romig <david_romig@fmi.com>, Edwin Mongan <edwin.mongan@bhpbilliton.com>, Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>, "Michael Gardner (RTHQ)" <michael.gardner@riotinto.com>, Nicholas Cotts <Nicholas.Cotts@newmont.com>, Nicholas Welch <nick.welch@nblenergy.com>, Phillip Denning <phillip.denning@shell.com>, Stella Alvarado <Stella.Alvarado@anadarko.com>, Susan Ginsberg <sginsberg@ipaa.org>, Veronika Kohler <VKohler@nma.org>, Betsy Taylor <[\(b\)\(6\)@vt.edu](mailto:(b)(6)@vt.edu)>, Betsy Taylor <[\(b\)\(6\)@gmail.com](mailto:(b)(6)@gmail.com)>, Brian Sanson <bsanson@umwa.org>, Daniel Dudis <ddudis@citizen.org>, David Chambers <dchambers@csp2.org>, Isabel Munilla <imunilla@oxfamamerica.org>, Jana Morgan <jmorgan@pwyypusa.org>, Jennifer Krill <jkrill@earthworksaction.org>, Keith Romig <kromig@usw.org>, Lynda Farrell <lynda@pscoalition.org>, Michael Levine <mlevine@oceana.org>, Michael Ross <[\(b\)\(6\)@polisci.ucla.edu](mailto:(b)(6)@polisci.ucla.edu)>, Neil R Brown <[\(b\)\(6\)@neilrobertbrown.com](mailto:(b)(6)@neilrobertbrown.com)>, Paul Bugala <[\(b\)\(6\)@gmail.com](mailto:(b)(6)@gmail.com)>, Rebecca Adamson <radamson@firstpeoples.org>, Zorka Milin <zmilin@globalwitness.org>, "Cassidy, John Kenneth (US - Arlington)" <jocassidy@deloitte.com>, "Mennel, John (US - Arlington)" <jmennel@deloitte.com>, "Hawbaker, Luke Malcolm (US - San Francisco)" <lhawbaker@deloitte.com>, Mia Steinle <msteinle@pogo.org>, Emily Hague <Hague@api.org>, "Norfleet, Charles" <charles.norfleet@boem.gov>, Jeannette Angel Mendoza <jeannette.angel.mendoza@onrr.gov>, "Wong, Alexandra (US - Arlington)" <alexandwong@deloitte.com>, Judith Wilson <judith.wilson@onrr.gov>, Robert Kronebusch <robert.kronebusch@onrr.gov>, Nathan Brannberg

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Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

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Executive Director
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202-347-1122

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Thank you!
Sarah

Sarah Platts
Manager | Strategy
Deloitte Consulting LLP
1919 N. Lynn St., Arlington, VA 22209
Tel Direct: +1 571 814 6255 | Mobile: +1 202 258 4417 (preferred)
splatts@deloitte.com | www.deloitte.com

<image002.png>

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Sent: Tuesday, June 6, 2017 10:55 AM
To: OS, USEITI <useiti@ios.doi.gov>; Bruce Barnett <(b) (6) @choctawnation.com>; Claire Ware <(b) (6) @yahoo.com>; Curtis Carlson <curtis.carlson@treasury.gov>; Greg Gould <Greg.Gould@onrr.gov>; Jim Steward <jim.steward@onrr.gov>; Julie A Lenoir <(b) (6) @blackfeetnation.com>; Marina Voskanian <Marina.Voskanian@slc.ca.gov>; Michael D Matthews <mike.matthews@wyo.gov>; Mike Smith <mike.smith@iogcc.state.ok.us>; Aaron P. Padilla <padillaa@api.org>; Christopher Chambers <christopher_chambers@fmi.com>; David Romig <david_romig@fmi.com>; Edwin Mongan <edwin.mongan@bhpbilliton.com>; Johanna Nesselth Tuttle <johanna.nesselth@chevron.com>; Michael Gardner (RTHQ) <michael.gardner@riotinto.com>; Nicholas Cotts <Nicholas.Cotts@newmont.com>; Nicholas Welch

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<MSG meetings on Mainstreaming.docx>

--
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judith.wilson@onrr.gov
202-208-4410

"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Thu Jun 22 2017 11:23:59 GMT-0600 (MDT)
To: "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by
Tues, June 27th

On the bus. She was able to go home with (b) (6) until she improves, so we are starting to look for (b) (6) tomorrow morning. My wife may be staying with her for a little longer than she had planned, so I may be back in the DC office next week.

Thank you for asking!

On a work related note, the co-chair meeting went pretty well. They both signed the annual report, so I have that with me, and they both agreed to delay the letter for a few months as we let things settle down. In terms of the mainstreaming report, I told Danielle to send in the CSO comments and we will work through them to have an IA completed product. We will then hold off on MSG approval until we figure out a process for that prior to the end of the year. Bottom line, neither of them want to do any approving since we will be withdrawing our application at some point prior to the end of the year. Have you heard that Mary Warlick was going to be reassigned and has decided to retire? I haven't talked to her in several weeks, so that was news to me. Have you heard anything from Micah?

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

Sarah, we are having a co-chair meeting this morning where we will discuss handling this document. As I told you earlier, civil society has significant problems with the suggestion that Deloitte's mainstreaming recommendation was presented and accepted by the MSG, since neither happened.
Danielle

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

On Jun 22, 2017, at 7:58 AM, Platts, Sarah (US - Arlington) <splatts@deloitte.com> wrote:

MSG Members –

I wanted to send a gentle reminder to you that comments on the Mainstreaming report are due next Tuesday, June 27th. Please let me know if you have any questions or concerns.

Thank you!
Sarah

Sarah Platts
Manager | Strategy
Deloitte Consulting LLP
1919 N. Lynn St., Arlington, VA 22209
Tel Direct: +1 571 814 6255 | Mobile: +1 202 258 4417 (preferred)
splatts@deloitte.com | www.deloitte.com

<image002.png>

Please consider the environment before printing.

From: Platts, Sarah (US - Arlington)
Sent: Tuesday, June 6, 2017 10:55 AM
To: OS. USEITI <useiti@ios.doi.gov>; Bruce Barnett <(b) (6) @choctawnation.com>; Claire Ware <(b) (6) @yahoo.com>; Curtis Carlson <curtis.carlson@treasury.gov>; Greg Gould <Greg.Gould@onrr.gov>; Jim Steward <jim.steward@onrr.gov>; Julie A Lenoir <(b) (6) @blackfeetnation.com>; Marina Voskanian <Marina.Voskanian@slc.ca.gov>; Michael D Matthews <mike.matthews@wyo.gov>; Mike Smith <mike.smith@iogcc.state.ok.us>; Aaron P. Padilla <padillaa@api.org>; Christopher Chambers <christopher_chambers@fmi.com>; David Romig

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Subject: Review | USEITI Mainstreaming Feasibility Report -
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Best,
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<image004.png>

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v.E.1

--
Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

<MSG meetings on Mainstreaming.docx>

--
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Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Thu Jun 22 2017 12:44:53 GMT-0600 (MDT)
To: "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>
"OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett
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Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

Attachments: image002.png image004.png Mainstreaming Feasibility Study_June22017_vF_CS0.docx

Sarah and all,
After our cochair meeting, I understand that we are not approving this document until the next MSG meeting, whenever that may be scheduled, right Greg? That right now we are simply reviewing a draft? I believe a much clearer description of this document would be that it is a report on feasibility of mainstreaming the reconciliation of DOI revenues. Please see attached additional edits/comments.

On Thu, Jun 22, 2017 at 7:58 AM, Platts, Sarah (US - Arlington) <splatts@deloitte.com> wrote:

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Thank you!
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Sarah Platts
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v.E.1

Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

Judith Wilson <judith.wilson@onrr.gov>

From: Judith Wilson <judith.wilson@onrr.gov>
Sent: Thu Jun 22 2017 12:55:56 GMT-0600 (MDT)
To: "Gould, Greg" <greg.gould@onrr.gov>
Subject: RE: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

I haven't heard from Michigan since last week.

Sent from my T-Mobile 4G LTE Device

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

From: "Gould, Greg" <greg.gould@onrr.gov>
Date: 6/22/17 1:24 PM (GMT-05:00)
To: "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

On the bus. She was able to go home with (b) (6) until she improves, so we are starting to look for (b) (6) tomorrow morning. My wife may be staying with her for a little longer than she had planned, so I may be back in the DC office next week.

Thank you for asking!

On a work related note, the co-chair meeting went pretty well. They both signed the annual report, so I have that with me, and they both agreed to delay the letter for a few months as we let things settle down. In terms of the mainstreaming report, I told Danielle to send in the CSO comments and we will work through them to have an IA completed product. We will then hold off on MSG approval until we figure out a process for that prior to the end of the year. Bottom line, neither of them want to do any approving since we will be withdrawing our application at some point prior to the end of the year. Have you heard that Mary Warlick was going to be reassigned and has decided to retire? I haven't talked to her in several weeks, so that was news to me. Have you heard anything from Micah?

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Thu, Jun 22, 2017 at 12:56 PM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

Are you on the Mega Bus? Any change in your mother-in-law?

How did the Co-Chair Meeting go? Did you get signatures for the Annual Activity Report? What was the response to the letter? What was the discussion on mainstreaming?

On Thu, Jun 22, 2017 at 9:24 AM, Greg Gould <greg.gould@onrr.gov> wrote:

Perfect!

I'll let you know how it goes.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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On Jun 22, 2017, at 9:22 AM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

See attached word doc.

Essentially we were all working on the premise that our audit and assurance practices along with DOI reporting of non-tax revenues/unilateral disclosure was the first step in mainstreaming for the U.S.

On Thu, Jun 22, 2017 at 8:21 AM, Greg Gould <greg.gould@onrr.gov> wrote:

Judy,

We discussed mainstreaming many times at our MSG meetings, correct. I believe we did approve the concept as well as to have the IA do the initial work. Can you check the mins?

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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Begin forwarded message:

From: Danielle Brian <dbrian@pogo.org>
Date: June 22, 2017 at 8:04:24 AM EDT
To: "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>
Cc: "OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett
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Danielle

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<(b) (6) @gmail.com>; Rebecca Adamson
<radamson@firstpeoples.org>; Zorka Milin
<zmilin@globalwitness.org>

Cc: Cassidy, John Kenneth (US - Arlington)
<jocassidy@deloitte.com>; Mennel, John (US - Arlington)
<jmennel@deloitte.com>; Hawbaker, Luke Malcolm (US - San
Francisco) <lhawbaker@deloitte.com>; Mia Steinle
<msteinle@pogo.org>; Emily Hague <Hague@api.org>; Norfleet,
Charles <charles.norfleet@boem.gov>; Jeannette Angel Mendoza
<jeannette.angel.mendoza@onrr.gov>; Wong, Alexandra (US -
Arlington) <alexandwong@deloitte.com>; Judith Wilson
<judith.wilson@onrr.gov>; Robert Kronebusch
<robert.kronebusch@onrr.gov>; Nathan Brannberg
<nathan.brannberg@onrr.gov>; Pat Field <pfield@cbuilding.org>;
tkansal@cbuilding.org; Jennifer Malcolm
<jennifer.malcolm@onrr.gov>; Treci Johnson
<treci.johnson@onrr.gov>; Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>; Chris Mentasti <chris.mentasti@onrr.gov>
Subject: Review | USEITI Mainstreaming Feasibility Report -
comments by Tues, June 27th

USEITI MSG Members –

I hope this note finds all of you well! Attached please find the USEITI Mainstreaming Feasibility Report for your review. The IA completed this along with numerous stakeholders throughout the past couple of months. We'd now like for you to review this and **provide any feedback or comments directly to me (ideally via track changes) by Tuesday, June 27th.**

If you have any questions at all about the attached, please let me know.

Best,
Sarah

Sarah Platts
Manager | Strategy
Deloitte Consulting LLP
1919 N. Lynn St., Arlington, VA 22209
Tel Direct: +1 571 814 6255 | Mobile: +1 202 258 4417 (preferred)
splatts@deloitte.com | www.deloitte.com

<image004.png>

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v.E.1

--
Judy Wilson

Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

<MSG meetings on Mainstreaming.docx>

--

Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Thu Jun 22 2017 13:01:12 GMT-0600 (MDT)
To: Danielle Brian <dbrian@pogo.org>
"Platts, Sarah (US - Arlington)" <splatts@deloitte.com>, "OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett <(b) (6)@choctawnation.com>, Claire Ware <(b) (6)@yahoo.com>, Curtis Carlson <curtis.carlson@treasury.gov>, Jim Steward <jim.steward@onrr.gov>, Julie A Lenoir <(b) (6)@blackfeetnation.com>, Marina Voskanian <Marina.Voskanian@slc.ca.gov>, Michael D Matthews <mike.matthews@wyo.gov>, Mike Smith <mike.smith@iogcc.state.ok.us>, "Aaron P. Padilla" <padillaa@api.org>, Christopher Chambers <christopher_chambers@fmi.com>, David Romig <david_romig@fmi.com>, Edwin Mongan <edwin.mongan@bhpbilliton.com>, Johanna Nesselth Tuttle <johanna.nesselth@chevron.com>, "Michael Gardner (RTHQ)" <michael.gardner@riotinto.com>, Nicholas Cotts <Nicholas.Cotts@newmont.com>, Nicholas Welch <nick.welch@nblenergy.com>, Phillip Denning <phillip.denning@shell.com>, Stella Alvarado <Stella.Alvarado@anadarko.com>, Susan Ginsberg <sginsberg@ipaa.org>, Veronika Kohler <VKohler@nma.org>, Betsy Taylor <(b) (6)@vt.edu>, Betsy Taylor <(b) (6)@gmail.com>, Brian Sanson <bsanson@umwa.org>, Daniel Dudis <ddudis@citizen.org>, David Chambers <dchambers@csp2.org>, Isabel Munilla <imunilla@oxfamamerica.org>, Jana Morgan <jmorgan@pwyppusa.org>, Jennifer Krill <jkrill@earthworksaction.org>, Keith Romig <kromig@usw.org>, Lynda Farrell <lynda@pscoalition.org>, Michael Levine <mlevine@oceana.org>, Michael Ross <(b) (6)@polisci.ucla.edu>, Neil R Brown <(b) (6)@neilrobertbrown.com>, Paul Bugala <(b) (6)@gmail.com>, Rebecca Adamson <radamson@firstpeoples.org>, Zorka Milin <zmilin@globalwitness.org>, "Cassidy, John Kenneth (US - Arlington)" <jocassidy@deloitte.com>, "Mennel, John (US - Arlington)" <jmennel@deloitte.com>, "Hawbaker, Luke Malcolm (US - San Francisco)" <lhawbaker@deloitte.com>, Mia Steinle <msteinle@pogo.org>, Emily Hague <Hague@api.org>, "Norfleet, Charles" <charles.norfleet@boem.gov>, Jeannette Angel Mendoza <jeannette.angel.mendoza@onrr.gov>, "Wong, Alexandra (US

CC:

- Arlington)" <alexandwong@deloitte.com>, Judith Wilson <judith.wilson@onrr.gov>, Robert Kronebusch <robert.kronebusch@onrr.gov>, Nathan Brannberg <nathan.brannberg@onrr.gov>, Pat Field <pfield@cbuilding.org>, "tkansal@cbuilding.org" <tkansal@cbuilding.org>, Jennifer Malcolm <jennifer.malcolm@onrr.gov>, Treci Johnson <treci.johnson@onrr.gov>, Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>

Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th
Attachments: image004.png image002.png

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Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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From: Platts, Sarah (US - Arlington)

Sent: Tuesday, June 6, 2017 10:55 AM

To: OS, USEITI <useiti@ios.doi.gov>; Bruce Barnett <(b) (6)@choctawnation.com>; Claire Ware <(b) (6)@yahoo.com>; Curtis Carlson <curtis.carlson@treasury.gov>; Greg Gould <Greg.Gould@onrr.gov>; Jim Steward <jim.steward@onrr.gov>; Julie A Lenoir <(b) (6)@blackfeetnation.com>; Marina Voskanian <Marina.Voskanian@slc.ca.gov>; Michael D Matthews <mike.matthews@wyo.gov>; Mike Smith <mike.smith@iogcc.state.ok.us>; Aaron P. Padilla <padillaa@api.org>; Christopher Chambers <christopher_chambers@fmi.com>; David Romig <david_romig@fmi.com>; Edwin Mongan <edwin.mongan@bhpbilliton.com>; Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>; Michael Gardner (RTHQ) <michael.gardner@riotinto.com>; Nicholas Cotts <Nicholas.Cotts@newmont.com>; Nicholas Welch <nick.welch@nblenergy.com>; Phillip Denning <phillip.denning@shell.com>; Stella Alvarado <Stella.Alvarado@anadarko.com>; Susan Ginsberg <sginsberg@ipaa.org>; Veronika Kohler <VKohler@nma.org>; Betsy Taylor <(b) (6)@vt.edu>; Betsy Taylor <(b) (6)@gmail.com>; Brian Sanson <bsanson@umwa.org>; Daniel Dudis <ddudis@citizen.org>; Danielle Brian <dbrian@pogo.org>; David Chambers <dchambers@csp2.org>; Isabel Munilla <imunilla@oxfamamerica.org>; Jana Morgan <jmorgan@pwypusa.org>; Jennifer Krill <jkrill@earthworksaction.org>; Keith Romig <kromig@usw.org>; Lynda Farrell <lynda@pscoalition.org>; Michael Levine <mlevine@oceana.org>; Michael Ross <(b) (6)@polisci.ucla.edu>; Neil R Brown <(b) (6)@neilrobertbrown.com>; Paul Bugala <(b) (6)@gmail.com>; Rebecca Adamson <radamson@firstpeoples.org>; Zorka Milin <zmilin@globalwitness.org>

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Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

Microsoft Outlook <postmaster@doi.gov>

From: Microsoft Outlook <postmaster@doi.gov>
Sent: Thu Jun 22 2017 13:02:55 GMT-0600 (MDT)
To: <greg.gould@onrr.gov>
Subject: Undeliverable: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th
Attachments: image004.png image002.png

server-7.tower-164.messagelabs.com rejected your message to the following e-mail addresses:

[Nicholas Cotts \(Nicholas.Cotts@newmont.com\)](mailto:Nicholas.Cotts@newmont.com)

server-7.tower-164.messagelabs.com gave this error:
Message filtered. Refer to the Troubleshooting page at <http://www.symanteccloud.com/troubleshooting> for more information. (#5.7.1)

A problem occurred during the delivery of this message to this e-mail address. Try sending this message again. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: smtp2.doi.gov

<p>Nicholas.Cotts@newmont.com
server-7.tower-164.messagelabs.com #553-Message filtered. Refer to the Troubleshooting page at 553-
<http://www.symanteccloud.com/troubleshooting> for more 553 information. (#5.7.1) ##

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by smtp4.smgd.doi.gov (Hello) with SMTP id 64.06.03766.8241C495; Thu, 22 Jun 2017 13:02:00 -0600 (MDT)
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References: <SN4PR85MB00939F6A44B459531B8A11AAC6CB0@SN4PR85MB0093.NAMPRD85.PROD.OUTLOOK.COM> <SN4PR85MB0093C1F069ADEED646DBC257C6DB0@SN4PR85MB0093.NAMPRD85.PROD.OUTLOOK.COM> <CALsB61YfYXJQtDq9XOoy2SB8NrabaoW75GcZk=_qo2BNpeMpPA@mail.gmail.com>
From: "Gould, Greg" <greg.gould@onrr.gov>
Date: Thu, 22 Jun 2017 15:01:12 -0400
Message-ID: <CAPAmr9_L-Csm7J4VuPuKk8s=1cnk6BBjXxfHJSdkNzqlOJ2aUw@mail.gmail.com>
Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th
To: Danielle Brian <dbrian@pogo.org>
CC: "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>, "OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett <(b) (6)@choctawnation.com>, Claire Ware <(b) (6)@yahoo.com>, Curtis Carlson <curtis.carlson@treasury.gov>, "Jim Steward" <jim.steward@onrr.gov>, Julie A Lenoir <(b) (6)@blackfeetnation.com>, Marina Voskanian <Voskanian@slc.ca.gov>, Michael D Matthews <mike.matthews@wyo.gov>, Mike Smith <mike.smith@iogcc.state.ok.us>, "Aaron P. Padilla" <padillaa@api.org>, Christopher Chambers <christopher_chambers@fmi.com>, David Romig <david_romig@fmi.com>, "Edwin Mongan" <edwin.mongan@bhpbilliton.com>, Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>, "Michael Gardner (RTHQ)" <michael.gardner@riotinto.com>, Nicholas Cotts <Nicholas.Cotts@newmont.com>, Nicholas Welch <nick.welch@nblenergy.com>, Phillip Denning <phillip.denning@shell.com>, Stella Alvarado <Stella.Alvarado@anadarko.com>, Susan Ginsberg <sginsberg@ipaa.org>, Veronika Kohler <VKohler@nma.org>, "Betsy Taylor" <(b) (6)@vt.edu>, Betsy Taylor <(b) (6)@gmail.com>, Brian Sanson <bsanson@umwa.org>, Niel Dudis <ddudis@citizenship.gov>, id Chambers <dchambers@csp2.org>, Isabel Munilla <imunilla@oxfamamerica.org>, Jana Morgan <jmorgan@pwwpusa.org>, Jennifer Krill <jkrill@earthworksaction.org>, "Keith Romig" <kromig@usw.org>, Lynda Farrell <lynda@pscoalition.org>, Michael Levine <mlevine@oceana.org>, Michael Ross <(b) (6)@polisci.ucla.edu>, Neil R Brown <(b) (6)@neilrobertbrown.com>, Paul Bug <(b) (6)@gmail.com>, Rebecca Adamson <adamson@firstpeoples.org>, Zorka Mili <(b) (6)@globalwitness.org>, "Cassidy, John Kenneth (US - Arlington)" <jocassidy@deloitte.com>, "Mennel, John (US - Arlington)" <jmennel@deloitte.com>, "Hawbaker, Luke Malcolm (US - San Francisco)" <lhawbaker@deloitte.com>, Mia Steinle <msteinle@pogo.org>, Emily Hague <Hague@api.org>, "Norfleet, Charles" <charles.norfleet@boem.gov>, Jeannette Angel Mendoza <jeannette.angel.mendoza@onrr.gov>, "Wong, Alexandra (US - Arlington)" <alexandwong@deloitte.com>, Judith Wilson <judith.wilson@onrr.gov>, Robert Kronebusch <robert.kronebusch@onrr.gov>, Nathan Brannberg <nathan.brannberg@onrr.gov>, Pat Field <pfield@cbuilding.org>, "tkansal@cbuilding.org" <tkansal@cbuilding.org>, Jennifer Malcolm <jennifer.malcolm@onrr.gov>, Treci Johnson

<trecei.johnson@onrr.gov>, Anita Gonzales-Evans
<anita.gonzales-evans@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>
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oqEwc1FxIgaI02QFXwMAAA==

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*Office of Natural Resources Revenue
U.S. Department of the Interior*

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From: Platts, Sarah (US - Arlington)
Sent: Tuesday, June 6, 2017 10:55 AM
To: OS, USEITI <useiti@ios.doi.gov>; Bruce Barnett <(b) (6)@choctawnation.com>; Claire Ware <(b) (6)@yahoo.com>; Curtis Carlson <curtis.carlson@treasury.gov>; Greg Gould <Greg.Gould@onrr.gov>; Jim Steward <jim.steward@onrr.gov>; Julie A Lenoir <(b) (6)@blackfeetnation.com>; Marina Voskianian <Marina.Voskianian@slc.ca.gov>; Michael D Matthews <mike.matthews@wyo.gov>; Mike Smith <mike.smith@iogcc.state.ok.us>; Aaron P. Padilla <padillaa@api.org>; Christopher Chambers <christopher_chambers@fmi.com>; David Romig <david_romig@fmi.com>; Edwin Mongan <edwin.mongan@bhpbilliton.com>; Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>; Michael Gardner (RTHQ) <michael.gardner@riotinto.com>; Nicholas Cotts <Nicholas.Cotts@newmont.com>; Nicholas Welch <nick.welch@nblenergy.com>; Phillip Denning <phillip.denning@shell.com>; Stella Alvarado <Stella.Alvarado@anadarko.com>; Susan Ginsberg <sginsberg@ipaa.org>; Veronika Kohler <VKohler@nma.org>; Betsy Taylor <(b) (6)@vt.edu>; Betsy Taylor <(b) (6)@gmail.com>; Brian Sanson <bsanson@umwa.org>; Daniel Dudis <ddudis@citizen.org>; Danielle Brian <dbrian@pogo.org>; David Chambers <dchambers@csp2.org>; Isabel Munilla <imunilla@oxfamamerica.org>; Jana Morgan <jmorgan@pwypusa.org>; Jennifer Krill <jkrill@earthworksaction.org>; Keith Romig <kromig@usw.org>; Lynda Farrell <lynda@pscoalition.org>; Michael Levine <mlevine@oceana.org>; Michael Ross <(b) (6)@polisci.ucla.edu>; Neil R Brown <(b) (6)@neilrobertbrown.com>; Paul Bugala <(b) (6)@gmail.com>; Rebecca Adamson <radamson@firstpeoples.org>; Zorka Miliin <zmiliin@globalwitness.org>
Cc: Cassidy, John Kenneth (US - Arlington) <jocassidy@deloitte.com>; Mennel, John (US - Arlington) <jmennel@deloitte.com>; Hawbaker, Luke Malcolm (US - San Francisco) <lhawbaker@deloitte.com>; Mia Steinle <msteinle@pogo.org>; Emily Hague <Hague@api.org>; Norfleet, Charles <charles.norfleet@boem.gov>; Jeannette Angel Mendoza <jeannette.angel.mendoza@onrr.gov>; Wong, Alexandra (US - Arlington) <alexandwong@deloitte.com>; Judith Wilson <judith.wilson@onrr.gov>; Robert Kronebusch <robert.kronebusch@onrr.gov>; Nathan Brannberg <nathan.brannberg@onrr.gov>; Pat Field <pfield@cbuilding.org>; tkansal@cbuilding.org; Jennifer Malcolm <jennifer.malcolm@onrr.gov>; Treci Johnson <treci.johnson@onrr.gov>; Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>; Chris Mentasti <chris.mentasti@onrr.gov>
Subject: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

USEITI MSG Members –

I hope this note finds all of you well! Attached please find the USEITI Mainstreaming Feasibility Report for your review. The IA completed this along with numerous stakeholders throughout the past couple of months. We'd now like for you to review this and **provide any feedback or comments directly to me (ideally via track changes) by Tuesday, June 27th.**

If you have any questions at all about the attached, please let me know.

Best,
Sarah

Sarah Platts
Manager | Strategy
Deloitte Consulting LLP
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--

Danielle Brian

Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

Tushar Kansal <tkansal@cbuilding.org>

From: Tushar Kansal <tkansal@cbuilding.org>
Sent: Thu Jun 22 2017 13:02:21 GMT-0600 (MDT)
To: <greg.gould@onrr.gov>
Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by
Tues, June 27th

Hello, I'm out of the office until Monday, June 26, 2017 and will respond to your email at that time. If you need assistance in the meantime, please contact Sofia Soto Reyes at ssotoreyes@cbuilding.org. Thanks, Tushar

Judith Wilson <judith.wilson@onrr.gov>

From: Judith Wilson <judith.wilson@onrr.gov>
Sent: Thu Jun 22 2017 13:02:27 GMT-0600 (MDT)
To: Danielle Brian <dbrian@pogo.org>, "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>
"OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett <(b) (6)@choctawnation.com>, Claire Ware <(b) (6)@yahoo.com>, Curtis Carlson <curtis.carlson@treasury.gov>, Greg Gould <Greg.Gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Julie A Lenoir <(b) (6)@blackfeetnation.com>, Marina Voskanian <Marina.Voskanian@slc.ca.gov>, Michael D Matthews <mike.matthews@wyo.gov>, Mike Smith <mike.smith@iogcc.state.ok.us>, "Aaron P. Padilla" <padillaa@api.org>, Christopher Chambers <christopher_chambers@fmi.com>, David Romig <david_romig@fmi.com>, Edwin Mongan <edwin.mongan@bhpbilliton.com>, Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>, "Michael Gardner (RTHQ)" <michael.gardner@riotinto.com>, Nicholas Cotts <Nicholas.Cotts@newmont.com>, Nicholas Welch <nick.welch@nblenergy.com>, Phillip Denning <phillip.denning@shell.com>, Stella Alvarado <Stella.Alvarado@anadarko.com>, Susan Ginsberg <sginsberg@ipaa.org>, Veronika Kohler <VKohler@nma.org>, Betsy Taylor <(b) (6)@vt.edu>, Betsy Taylor <(b) (6)@gmail.com>, Brian

CC: Sanson <bsanson@umwa.org>, Daniel Dudis <ddudis@citizen.org>, David Chambers <dchambers@csp2.org>, Isabel Munilla <imunilla@oxfamamerica.org>, Jana Morgan <jmorgan@pwypusa.org>, Jennifer Krill <jkrill@earthworksaction.org>, Keith Romig <kromig@usw.org>, Lynda Farrell <lynda@pscoalition.org>, Michael Levine <mlevine@oceana.org>, Michael Ross <(b) (6)@polisci.ucla.edu>, Neil R Brown <(b) (6)@neilrobertbrown.com>, Paul Bugala <(b) (6)@gmail.com>, Rebecca Adamson <radamson@firstpeoples.org>, Zorka Milin <zmilin@globalwitness.org>, "Cassidy, John Kenneth (US - Arlington)" <jocassidy@deloitte.com>, "Mennel, John (US - Arlington)" <jmennel@deloitte.com>, "Hawbaker, Luke Malcolm (US - San Francisco)" <lhawbaker@deloitte.com>, Mia Steinle <msteinle@pogo.org>, Emily Hague <Hague@api.org>, "Norfleet, Charles" <charles.norfleet@boem.gov>, Jeannette Angel Mendoza <jeannette.angel.mendoza@onrr.gov>, "Wong, Alexandra (US - Arlington)" <alexandwong@deloitte.com>, Robert Kronebusch <robert.kronebusch@onrr.gov>, Nathan Brannberg <nathan.brannberg@onrr.gov>, Pat Field <pfield@cbuilding.org>, "tkansal@cbuilding.org" <tkansal@cbuilding.org>, Jennifer Malcolm <jennifer.malcolm@onrr.gov>, Treci Johnson <treci.johnson@onrr.gov>, Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>

Subject: RE: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

Attachments: image004.png image002.png

Thank you Danielle

Sent from my T-Mobile 4G LTE Device

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

From: Danielle Brian <dbrian@pogo.org>
Date: 6/22/17 2:47 PM (GMT-05:00)
To: "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>
Cc: "OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett <(b) (6)@choctawnation.com>, Claire Ware <(b) (6)@yahoo.com>, Curtis Carlson <curtis.carlson@treasury.gov>, Greg Gould <Greg.Gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Julie A Lenoir <(b) (6)@blackfeetnation.com>, Marina Voskanian <Marina.Voskanian@slc.ca.gov>, Michael D Matthews <mike.matthews@wyo.gov>, Mike Smith <mike.smith@iogcc.state.ok.us>, "Aaron P. Padilla" <padillaa@api.org>, Christopher Chambers <christopher_chambers@fmi.com>, David Romig <david_romig@fmi.com>, Edwin Mongan <edwin.mongan@bhpbilliton.com>, Johanna Nesselth Tuttle <johanna.nesselth@chevron.com>, "Michael Gardner (RTHQ)" <michael.gardner@riotinto.com>, Nicholas Cotts <Nicholas.Cotts@newmont.com>, Nicholas Welch <nick.welch@nblenergy.com>, Phillip Denning <phillip.denning@shell.com>, Stella Alvarado <Stella.Alvarado@anadarko.com>, Susan Ginsberg <sginsberg@ipaa.org>, Veronika Kohler <VKohler@nma.org>, Betsy Taylor <(b) (6)@vt.edu>, Betsy Taylor <(b) (6)@gmail.com>, Brian Sanson <bsanson@umwa.org>, Daniel Dudis <ddudis@citizen.org>, David Chambers <dchambers@csp2.org>, Isabel Munilla <imunilla@oxfamamerica.org>, Jana Morgan <jmorgan@pwypusa.org>, Jennifer Krill <jkrill@earthworksaction.org>, Keith Romig <kromig@usw.org>, Lynda Farrell <lynda@pscoalition.org>, Michael Levine <mlevine@oceana.org>, Michael Ross <(b) (6)@polisci.ucla.edu>, Neil R Brown <(b) (6)@neilrobertbrown.com>, Paul Bugala <(b) (6)@gmail.com>, Rebecca Adamson <radamson@firstpeoples.org>, Zorka Milin <zmilin@globalwitness.org>, "Cassidy, John Kenneth (US - Arlington)" <jocassidy@deloitte.com>, "Mennel, John (US - Arlington)" <jmennel@deloitte.com>, "Hawbaker, Luke Malcolm (US - San Francisco)" <lhawbaker@deloitte.com>, Mia Steinle <msteinle@pogo.org>, Emily Hague <Hague@api.org>, "Norfleet, Charles" <charles.norfleet@boem.gov>, Jeannette Angel Mendoza <jeannette.angel.mendoza@onrr.gov>, "Wong, Alexandra (US - Arlington)"

<alexandwong@deloitte.com>, Judith Wilson <judith.wilson@onrr.gov>, Robert Kronebusch <robert.kronebusch@onrr.gov>, Nathan Brannberg <nathan.brannberg@onrr.gov>, Pat Field <pfield@cbuilding.org>, tkansal@cbuilding.org, Jennifer Malcolm <jennifer.malcolm@onrr.gov>, Treci Johnson <treci.johnson@onrr.gov>, Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>

Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

Sarah and all,

After our cochair meeting, I understand that we are not approving this document until the next MSG meeting, whenever that may be scheduled, right Greg? That right now we are simply reviewing a draft? I believe a much clearer description of this document would be that it is a report on feasibility of mainstreaming the reconciliation of DOI revenues. Please see attached additional edits/comments.

On Thu, Jun 22, 2017 at 7:58 AM, Platts, Sarah (US - Arlington) <splatts@deloitte.com> wrote:

MSG Members –

I wanted to send a gentle reminder to you that comments on the Mainstreaming report are due next Tuesday, June 27th. Please let me know if you have any questions or concerns.

Thank you!
Sarah

Sarah Platts

Manager | Strategy
Deloitte Consulting LLP
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splatts@deloitte.com | www.deloitte.com

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From: Platts, Sarah (US - Arlington)

Sent: Tuesday, June 6, 2017 10:55 AM

To: OS, USEITI <useiti@ios.doi.gov>; Bruce Barnett <(b) (6)@choctawnation.com>; Claire Ware <(b) (6)@yahoo.com>; Curtis Carlson <curtis.carlson@treasury.gov>; Greg Gould <Greg.Gould@onrr.gov>; Jim Steward <jim.steward@onrr.gov>; Julie A Lenoir <(b) (6)@blackfeetnation.com>; Marina Voskanian <Marina.Voskanian@slc.ca.gov>; Michael D Matthews <mike.matthews@wyo.gov>; Mike Smith <mike.smith@iogcc.state.ok.us>; Aaron P. Padilla <padillaa@api.org>; Christopher Chambers <christopher_chambers@fmi.com>; David Romig <david_romig@fmi.com>; Edwin Mongan <edwin.mongan@bhpbilliton.com>; Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>; Michael Gardner (RTHQ) <michael.gardner@riotinto.com>; Nicholas Cotts <Nicholas.Cotts@newmont.com>; Nicholas Welch <nick.welch@nblenergy.com>; Phillip Denning <phillip.denning@shell.com>; Stella Alvarado <Stella.Alvarado@anadarko.com>; Susan Ginsberg <sginsberg@ipaa.org>; Veronika Kohler <VKohler@nma.org>; Betsy Taylor <(b) (6)@vt.edu>; Betsy Taylor <(b) (6)@gmail.com>; Brian Sanson <bsanson@umwa.org>; Daniel Dudis <ddudis@citizen.org>; Danielle Brian <dbrian@pogo.org>; David Chambers <dchambers@csp2.org>; Isabel Munilla <imunilla@oxfamamerica.org>; Jana Morgan <jmorgan@pwypusa.org>; Jennifer Krill <jkrill@earthworksaction.org>; Keith Romig <kromig@usw.org>; Lynda Farrell <lynda@pscoalition.org>; Michael Levine <mlevine@oceana.org>; Michael Ross <(b) (6)@polisci.ucla.edu>; Neil R Brown <(b) (6)@neilrobertbrown.com>; Paul Bugala <(b) (6)@gmail.com>; Rebecca Adamson <radamson@firstpeoples.org>; Zorka Milin <zmilin@globalwitness.org>

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Subject: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

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If you have any questions at all about the attached, please let me know.

Best,
Sarah

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Manager | Strategy
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1919 N. Lynn St., Arlington, VA 22209
Tel Direct: [+1 571 814 6255](tel:+15718146255) | Mobile: [+1 202 258 4417](tel:+12022584417) (preferred)
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v.E.1

Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Thu Jun 22 2017 13:54:22 GMT-0600 (MDT)
To: "Gould, Greg" <greg.gould@onrr.gov>
Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

I know you have a lot going on right now. You always do but more so now. I don't think Boldly Go should be done with you remote. You also have the ELT offsite retreat next week. We would be better off rescheduling.

On Thu, Jun 22, 2017 at 1:23 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

On the bus. She was able to go home with (b) (6) until she improves, so we are starting to look for (b) (6) tomorrow morning. My wife may be staying with her for a little longer than she had planned, so I may be back in the DC office next

week.

Thank you for asking!

On a work related note, the co-chair meeting went pretty well. They both signed the annual report, so I have that with me, and they both agreed to delay the letter for a few months as we let things settle down. In terms of the mainstreaming report, I told Danielle to send in the CSO comments and we will work through them to have an IA completed product. We will then hold off on MSG approval until we figure out a process for that prior to the end of the year. Bottom line, neither of them want to do any approving since we will be withdrawing our application at some point prior to the end of the year. Have you heard that Mary Warlick was going to be reassigned and has decided to retire? I haven't talked to her in several weeks, so that was news to me. Have you heard anything from Micah?

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Thu, Jun 22, 2017 at 12:56 PM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

Are you on the Mega Bus? Any change in your mother-in-law?

How did the Co-Chair Meeting go? Did you get signatures for the Annual Activity Report? What was the response to the letter? What was the discussion on mainstreaming?

On Thu, Jun 22, 2017 at 9:24 AM, Greg Gould <greg.gould@onrr.gov> wrote:

Perfect!

I'll let you know how it goes.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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communication in error, please notify the sender immediately by return e-mail.

On Jun 22, 2017, at 9:22 AM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

See attached word doc.

Essentially we were all working on the premise that our audit and assurance practices along with DOI reporting of non-tax revenues/unilateral disclosure was the first step in mainstreaming for the U.S.

On Thu, Jun 22, 2017 at 8:21 AM, Greg Gould <greg.gould@onrr.gov> wrote:

Judy,

We discussed mainstreaming many times at our MSG meetings, correct. I believe we did approve the concept as well as to have the IA do the initial work. Can you check the mins?

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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Begin forwarded message:

From: Danielle Brian <dbrian@pogo.org>
Date: June 22, 2017 at 8:04:24 AM EDT
To: "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>
Cc: "OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett <(b) (6)@choctawnation.com>, Claire Ware <(b) (6)@yahoo.com>, Curtis Carlson <curtis.carlson@treasury.gov>, Greg Gould <Greg.Gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Julie A Lenoir <(b) (6)@blackfeetnation.com>, Marina Voskanian <Marina.Voskanian@slc.ca.gov>, Michael D Matthews <mike.matthews@wyo.gov>, Mike Smith <mike.smith@iogcc.state.ok.us>, "Aaron P. Padilla"

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Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

Sarah, we are having a co-chair meeting this morning where we will discuss handling this document. As I told you earlier, civil society has significant problems with the suggestion that Deloitte's mainstreaming recommendation was presented and accepted by the MSG, since neither happened.

Danielle

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

On Jun 22, 2017, at 7:58 AM, Platts, Sarah (US - Arlington) <splatts@deloitte.com> wrote:

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<image002.png>

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From: Platts, Sarah (US - Arlington)
Sent: Tuesday, June 6, 2017 10:55 AM
To: OS, USEITI <useiti@ios.doi.gov>; Bruce Barnett <[\(b\)\(6\)@choctawnation.com](mailto:(b)(6)@choctawnation.com)>; Claire Ware <[\(b\)\(6\)@yahoo.com](mailto:(b)(6)@yahoo.com)>; Curtis Carlson <curtis.carlson@treasury.gov>; Greg Gould <Greg.Gould@onrr.gov>; Jim Steward <jim.steward@onrr.gov>; Julie A Lenoir <[\(b\)\(6\)@blackfeetnation.com](mailto:(b)(6)@blackfeetnation.com)>; Marina Voskanian <Marina.Voskanian@slc.ca.gov>; Michael D Matthews <mike.matthews@wyo.gov>; Mike Smith <mike.smith@iogcc.state.ok.us>; Aaron P. Padilla <padillaa@api.org>; Christopher Chambers <christopher_chambers@fmi.com>; David Romig <david_romig@fmi.com>; Edwin Mongan <edwin.mongan@bhpbilliton.com>; Johanna Nesseseth Tuttle <johanna.nesseseth@chevron.com>; Michael Gardner (RTHQ) <michael.gardner@riotinto.com>; Nicholas Cotts <Nicholas.Cotts@newmont.com>; Nicholas Welch <nick.welch@nblenergy.com>; Phillip Denning <phillip.denning@shell.com>; Stella Alvarado <Stella.Alvarado@anadarko.com>; Susan Ginsberg <sginsberg@ipaa.org>; Veronika Kohler <VKohler@nma.org>; Betsy Taylor <[\(b\)\(6\)@vt.edu](mailto:(b)(6)@vt.edu)>; Betsy Taylor <[\(b\)\(6\)@gmail.com](mailto:(b)(6)@gmail.com)>; Brian Sanson <bsanson@umwa.org>; Daniel Dudis <ddudis@citizen.org>; Danielle Brian <dbrian@pogo.org>; David Chambers <dchambers@csp2.org>; Isabel Munilla <imunilla@oxfamamerica.org>; Jana Morgan <jmorgan@pwypusa.org>; Jennifer Krill <jkrill@earthworksaction.org>; Keith Romig <kromig@usw.org>; Lynda Farrell <lynda@pscoalition.org>; Michael Levine <mlevine@oceana.org>; Michael Ross <[\(b\)\(6\)@polisci.ucla.edu](mailto:(b)(6)@polisci.ucla.edu)>; Neil R Brown <[\(b\)\(6\)@neilrobertbrown.com](mailto:(b)(6)@neilrobertbrown.com)>; Paul Bugala <[\(b\)\(6\)@gmail.com](mailto:(b)(6)@gmail.com)>; Rebecca Adamson <radamson@firstpeoples.org>; Zorka Milin <zmilin@globalwitness.org>
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<chris.mentasti@onrr.gov>

Subject: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

USEITI MSG Members –

I hope this note finds all of you well! Attached please find the USEITI Mainstreaming Feasibility Report for your review. The IA completed this along with numerous stakeholders throughout the past couple of months. We'd now like for you to review this and **provide any feedback or comments directly to me (ideally via track changes) by Tuesday, June 27th.**

If you have any questions at all about the attached, please let me know.

Best,
Sarah

Sarah Platts

Manager | Strategy

Deloitte Consulting LLP

1919 N. Lynn St., Arlington, VA 22209

Tel Direct: +1 571 814 6255 | Mobile: +1 202 258 4417 (preferred)

splatts@deloitte.com | www.deloitte.com

<image004.png>

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v.E.1

--

Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

<MSG meetings on Mainstreaming.docx>

--

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--
Judy Wilson
Program Manager USEITI Secretariat
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"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Thu Jun 22 2017 13:59:29 GMT-0600 (MDT)
To: "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by
Tues, June 27th

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*Director
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U.S. Department of the Interior*

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U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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Begin forwarded message:

From: Danielle Brian <dbrian@pogo.org>
Date: June 22, 2017 at 8:04:24 AM EDT
To: "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>
Cc: "OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett
(b) (6) <[REDACTED]@choctawnation.com>, Claire Ware
(b) (6) <[REDACTED]@yahoo.com>, Curtis Carlson
<curtis.carlson@treasury.gov>, Greg Gould
<Greg.Gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>,
Julie A Lenoir <(b) (6)@blackfeetnation.com>, Marina Voskanian
<Marina.Voskanian@slc.ca.gov>, Michael D Matthews
<mike.matthews@wyo.gov>, Mike Smith
<mike.smith@iogcc.state.ok.us>, "Aaron P. Padilla"
<padillaa@api.org>, Christopher Chambers
<christopher_chambers@fmi.com>, David Romig
<david_romig@fmi.com>, Edwin Mongan
<edwin.mongan@bhpbilliton.com>, Johanna Nesseth Tuttle
<johanna.nesseth@chevron.com>, "Michael Gardner (RTHQ)"
<michael.gardner@riotinto.com>, Nicholas Cotts
<Nicholas.Cotts@newmont.com>, Nicholas Welch
<nick.welch@nblenergy.com>, Phillip Denning

<phillip.denning@shell.com>, Stella Alvarado
<Stella.Alvarado@anadarko.com>, Susan Ginsberg
<sginsberg@ipaa.org>, Veronika Kohler <VKohler@nma.org>,
Betsy Taylor <[\(b\) \(6\)@vt.edu](mailto:(b) (6)@vt.edu)>, Betsy Taylor
<[\(b\) \(6\)@gmail.com](mailto:(b) (6)@gmail.com)>, Brian Sanson <bsanson@umwa.org>,
Daniel Dudis <ddudis@citizen.org>, David Chambers
<dchambers@csp2.org>, Isabel Munilla
<imunilla@oxfamamerica.org>, Jana Morgan
<jmorgan@pwypusa.org>, Jennifer Krill
<jkrill@earthworksaction.org>, Keith Romig <kromig@usw.org>,
Lynda Farrell <lynda@pscoalition.org>, Michael Levine
<mlevine@oceana.org>, Michael Ross <[\(b\) \(6\)@polisci.ucla.edu](mailto:(b) (6)@polisci.ucla.edu)>,
Neil R Brown <[\(b\) \(6\)@neilrobertbrown.com](mailto:(b) (6)@neilrobertbrown.com)>, Paul Bugala
<[\(b\) \(6\)@gmail.com](mailto:(b) (6)@gmail.com)>, Rebecca Adamson
<radamson@firstpeoples.org>, Zorka Milin
<zmilin@globalwitness.org>, "Cassidy, John Kenneth (US -
Arlington)" <jocassidy@deloitte.com>, "Mennel, John (US -
Arlington)" <jmennel@deloitte.com>, "Hawbaker, Luke Malcolm (US
- San Francisco)" <lhawbaker@deloitte.com>, Mia Steinle
<msteinle@pogo.org>, Emily Hague <Hague@api.org>, "Norfleet,
Charles" <charles.norfleet@boem.gov>, Jeannette Angel Mendoza
<jeannette.angel.mendoza@onrr.gov>, "Wong, Alexandra (US -
Arlington)" <alexandwong@deloitte.com>, Judith Wilson
<judith.wilson@onrr.gov>, Robert Kronebusch
<robert.kronebusch@onrr.gov>, Nathan Brannberg
<nathan.brannberg@onrr.gov>, Pat Field <pfield@cbuilding.org>,
"tkansal@cbuilding.org" <tkansal@cbuilding.org>, Jennifer Malcolm
<jennifer.malcolm@onrr.gov>, Treci Johnson
<treci.johnson@onrr.gov>, Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>,
Chris Mentasti <chris.mentasti@onrr.gov>
**Subject: Re: Review | USEITI Mainstreaming Feasibility Report -
comments by Tues, June 27th**

Sarah, we are having a co-chair meeting this morning where we will discuss handling this document. As I told you earlier, civil society has significant problems with the suggestion that Deloitte's mainstreaming recommendation was presented and accepted by the MSG, since neither happened.
Danielle

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

On Jun 22, 2017, at 7:58 AM, Platts, Sarah (US - Arlington)
<splatts@deloitte.com> wrote:

MSG Members –

I wanted to send a gentle reminder to you that comments on the Mainstreaming report are due next Tuesday, June 27th. Please let me know if you have any questions or concerns.

Thank you!
Sarah

Sarah Platts
Manager | Strategy
Deloitte Consulting LLP

1919 N. Lynn St., Arlington, VA 22209
Tel Direct: +1 571 814 6255 | Mobile: +1 202 258 4417 (preferred)
splatts@deloitte.com | www.deloitte.com

<image002.png>

Please consider the environment before printing.

From: Platts, Sarah (US - Arlington)
Sent: Tuesday, June 6, 2017 10:55 AM
To: OS, USEITI <useiti@ios.doi.gov>; Bruce Barnett <[\(b\) \(6\) @choctawnation.com](mailto:(b) (6) @choctawnation.com)>; Claire Ware <[\(b\) \(6\) @yahoo.com](mailto:(b) (6) @yahoo.com)>; Curtis Carlson <curtis.carlson@treasury.gov>; Greg Gould <Greg.Gould@onrr.gov>; Jim Steward <ijim.steward@onrr.gov>; Julie A Lenoir <[\(b\) \(6\) @blackfeetnation.com](mailto:(b) (6) @blackfeetnation.com)>; Marina Voskianian <Marina.Voskianian@slc.ca.gov>; Michael D Matthews <mike.matthews@wyo.gov>; Mike Smith <mike.smith@iogcc.state.ok.us>; Aaron P. Padilla <padillaa@api.org>; Christopher Chambers <christopher_chambers@fmi.com>; David Romig <david_romig@fmi.com>; Edwin Mongan <edwin.mongan@bhpbilliton.com>; Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>; Michael Gardner (RTHQ) <michael.gardner@riotinto.com>; Nicholas Cotts <Nicholas.Cotts@newmont.com>; Nicholas Welch <nick.welch@nblenergy.com>; Phillip Denning <phillip.denning@shell.com>; Stella Alvarado <Stella.Alvarado@anadarko.com>; Susan Ginsberg <sginsberg@ipaa.org>; Veronika Kohler <VKohler@nma.org>; Betsy Taylor <[\(b\) \(6\) @vt.edu](mailto:(b) (6) @vt.edu)>; Betsy Taylor <[\(b\) \(6\) @gmail.com](mailto:(b) (6) @gmail.com)>; Brian Sanson <bsanson@umwa.org>; Daniel Dudis <ddudis@citizen.org>; Danielle Brian <dbrian@pogo.org>; David Chambers <dchambers@csp2.org>; Isabel Munilla <imunilla@oxfamamerica.org>; Jana Morgan <jmorgan@pwypusa.org>; Jennifer Krill <jkrill@earthworksaction.org>; Keith Romig <kromig@usw.org>; Lynda Farrell <lynda@pscoalition.org>; Michael Levine <mlevine@oceana.org>; Michael Ross <[\(b\) \(6\) @polisci.ucla.edu](mailto:(b) (6) @polisci.ucla.edu)>; Neil R Brown <[\(b\) \(6\) @neilrobertbrown.com](mailto:(b) (6) @neilrobertbrown.com)>; Paul Bugala <[\(b\) \(6\) @gmail.com](mailto:(b) (6) @gmail.com)>; Rebecca Adamson <radamson@firstpeoples.org>; Zorka Milin <zmilin@globalwitness.org>
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--
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Program Manager USEITI Secretariat
Office of Natural Resources Revenue
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202-208-4410

<MSG meetings on Mainstreaming.docx>

--
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--
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202-208-4410

"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Thu Jun 22 2017 14:04:06 GMT-0600 (MDT)
To: "Gould, Greg" <greg.gould@onrr.gov>
Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

Oh crap. When it rains it pours.

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Cc: "OS. USEITI" <useiti@ios.doi.gov>, Bruce Barnett <(b) (6) @choctawnation.com>, Claire Ware <(b) (6) @yahoo.com>, Curtis Carlson <curtis.carlson@treasury.gov>, Greg Gould <Greg.Gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Julie A Lenoir <(b) (6) @blackfeetnation.com>, Marina Voskanian <Marina.Voskanian@slc.ca.gov>, Michael D Matthews <mike.matthews@wyo.gov>, Mike Smith <mike.smith@iogcc.state.ok.us>, "Aaron P. Padilla" <padillaa@api.org>, Christopher Chambers <christopher_chambers@fmi.com>, David Romig <david_romig@fmi.com>, Edwin Mongan <edwin.mongan@bhpbilliton.com>, Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>, "Michael Gardner (RTHQ)" <michael.gardner@riotinto.com>, Nicholas Cotts <Nicholas.Cotts@newmont.com>, Nicholas Welch

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<(b) (6)@gmail.com>, Brian Sanson <bsanson@umwa.org>,
Daniel Dudis <ddudis@citizen.org>, David Chambers
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<imunilla@oxfamamerica.org>, Jana Morgan
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<zmilin@globalwitness.org>, "Cassidy, John Kenneth (US -
Arlington)" <jocassidy@deloitte.com>, "Mennel, John (US -
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<treci.johnson@onrr.gov>, Anita Gonzales-Evans
<anita.gonzales-evans@onrr.gov>, Chris Mentasti
<chris.mentasti@onrr.gov>

**Subject: Re: Review | USEITI Mainstreaming Feasibility
Report - comments by Tues, June 27th**

Sarah, we are having a co-chair meeting this morning where we will discuss handling this document. As I told you earlier, civil society has significant problems with the suggestion that Deloitte's mainstreaming recommendation was presented and accepted by the MSG, since neither happened.

Danielle

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

On Jun 22, 2017, at 7:58 AM, Platts, Sarah (US - Arlington)
<splatts@deloitte.com> wrote:

MSG Members –

I wanted to send a gentle reminder to you that comments on the Mainstreaming report are due next Tuesday, June 27th. Please let me know if you have any questions or concerns.

Thank you!

Sarah

Sarah Platts

Manager | Strategy
Deloitte Consulting LLP
1919 N. Lynn St., Arlington, VA 22209
Tel Direct: +1 571 814 6255 | Mobile: +1 202 258 4417 (preferred)
splatts@deloitte.com | www.deloitte.com

<image002.png>

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From: Platts, Sarah (US - Arlington)
Sent: Tuesday, June 6, 2017 10:55 AM
To: OS, USEITI <useiti@ios.doi.gov>; Bruce Barnett <[\(b\) \(6\)@choctawnation.com](mailto:(b) (6)@choctawnation.com)>; Claire Ware <[\(b\) \(6\)@yahoo.com](mailto:(b) (6)@yahoo.com)>; Curtis Carlson <curtis.carlson@treasury.gov>; Greg Gould <Greg.Gould@onrr.gov>; Jim Steward <jim.steward@onrr.gov>; Julie A Lenoir <[\(b\) \(6\)@blackfeetnation.com](mailto:(b) (6)@blackfeetnation.com)>; Marina Voskanian <Marina.Voskanian@slc.ca.gov>; Michael D Matthews <mike.matthews@wyo.gov>; Mike Smith <mike.smith@iogcc.state.ok.us>; Aaron P. Padilla <padillaa@api.org>; Christopher Chambers <christopher_chambers@fmi.com>; David Romig <david_romig@fmi.com>; Edwin Mongan <edwin.mongan@bhpbilliton.com>; Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>; Michael Gardner (RTHQ) <michael.gardner@riotinto.com>; Nicholas Cotts <Nicholas.Cotts@newmont.com>; Nicholas Welch <nick.welch@nblenergy.com>; Phillip Denning <phillip.denning@shell.com>; Stella Alvarado <Stella.Alvarado@anadarko.com>; Susan Ginsberg <sginsberg@ipaa.org>; Veronika Kohler <VKohler@nma.org>; Betsy Taylor <[\(b\) \(6\)@vt.edu](mailto:(b) (6)@vt.edu)>; Betsy Taylor <[\(b\) \(6\)@gmail.com](mailto:(b) (6)@gmail.com)>; Brian Sanson <bsanson@umwa.org>; Daniel Dudis <ddudis@citizen.org>; Danielle Brian <dbrian@pogo.org>; David Chambers <dchambers@csp2.org>; Isabel Munilla <imunilla@oxfamamerica.org>; Jana Morgan <jmorgan@pwyppusa.org>; Jennifer Krill <jkkrill@earthworksaction.org>; Keith Romig <kromig@usw.org>; Lynda Farrell <lynda@pscoalition.org>; Michael Levine <mlevine@oceana.org>; Michael Ross <[\(b\) \(6\)@polisci.ucla.edu](mailto:(b) (6)@polisci.ucla.edu)>; Neil R Brown <[\(b\) \(6\)@neilrobertbrown.com](mailto:(b) (6)@neilrobertbrown.com)>; Paul Bugala <[\(b\) \(6\)@gmail.com](mailto:(b) (6)@gmail.com)>; Rebecca Adamson <radamson@firstpeoples.org>; Zorka Milin <zmilin@globalwitness.org>
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Subject: Review | USEITI Mainstreaming Feasibility Report
- comments by Tues, June 27th

USEITI MSG Members –

I hope this note finds all of you well! Attached please find the USEITI Mainstreaming Feasibility Report for your review. The IA completed this along with numerous stakeholders throughout the past couple of months. We'd now like for you to review this and **provide any feedback or comments directly to me (ideally via track changes) by Tuesday, June 27th.**

If you have any questions at all about the attached, please let me know.

Best,
Sarah

Sarah Platts

Manager | Strategy

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Tel Direct: +1 571 814 6255 | Mobile: +1 202 258 4417 (preferred)

splatts@deloitte.com | www.deloitte.com

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Office of Natural Resources Revenue
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202-208-4410

<MSG meetings on Mainstreaming.docx>

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"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Thu Jun 22 2017 14:06:01 GMT-0600 (MDT)
To: "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by
Tues, June 27th

That's life! I think there's a song by that title!

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Thu, Jun 22, 2017 at 4:04 PM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

Oh crap. When it rains it pours.

On Thu, Jun 22, 2017 at 3:59 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

I talked with my wife and she wants me to head back on Monday. (b) (6)
[REDACTED] this morning, so she will be moving in with us next week, so she wants me there to help her move in, etc. As you know, there's always something, and it tends to all group together at times. So no worries, we will keep things on track.

Thanks,

Greg

Gregory J. Gould

Director

Office of Natural Resources Revenue

U.S. Department of the Interior

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On Thu, Jun 22, 2017 at 3:54 PM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

I know you have a lot going on right now. You always do but more so now. I don't think Boldly Go should be done with you remote. You also have the ELT offsite retreat next week. We would be better off rescheduling.

On Thu, Jun 22, 2017 at 1:23 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

On the bus. She was able to go home with (b) (6) until she improves, so we are starting to look for (b) (6) tomorrow morning. My wife may be staying with her for a little longer than she had planned, so I may be back in the DC office next week.

Thank you for asking!

On a work related note, the co-chair meeting went pretty well. They both signed the annual report, so I have that with me, and they both agreed to delay the letter for a few months as we let things settle down. In terms of the mainstreaming report, I told Danielle to send in the CSO comments and we will work through them to have an IA completed product. We will then hold off on MSG approval until we figure out a process for that prior to the end of the year. Bottom line, neither of them want to do any approving since we will be withdrawing our application at some point prior to the end of the year. Have you heard that Mary Warlick was going to be reassigned and has decided to retire? I haven't talked to her in several weeks, so that was news to me. Have you heard anything from Micah?

Greg

Gregory J. Gould

Director

Office of Natural Resources Revenue

U.S. Department of the Interior

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On Thu, Jun 22, 2017 at 12:56 PM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

Are you on the Mega Bus? Any change in your mother-in-law?

How did the Co-Chair Meeting go? Did you get signatures for the Annual Activity Report? What was the response to the letter? What was the discussion on mainstreaming?

On Thu, Jun 22, 2017 at 9:24 AM, Greg Gould <greg.gould@onrr.gov> wrote:
Perfect!

I'll let you know how it goes.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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On Jun 22, 2017, at 9:22 AM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

See attached word doc.

Essentially we were all working on the premise that our audit and assurance practices along with DOI reporting of non-tax revenues/unilateral disclosure was the first step in mainstreaming for the U.S.

On Thu, Jun 22, 2017 at 8:21 AM, Greg Gould <greg.gould@onrr.gov> wrote:

Judy,

We discussed mainstreaming many times at our MSG meetings, correct. I believe we did approve the concept as well as to have the IA do the initial work. Can you check the mins?

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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Begin forwarded message:

From: Danielle Brian <dbrian@pogo.org>
Date: June 22, 2017 at 8:04:24 AM EDT
To: "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>
Cc: "OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett <[\(b\) \(6\)@choctawnation.com](mailto:(b) (6)@choctawnation.com)>, Claire Ware <[\(b\) \(6\)@yahoo.com](mailto:(b) (6)@yahoo.com)>, Curtis Carlson <curtis.carlson@treasury.gov>, Greg Gould <Greg.Gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Julie A Lenoir <[\(b\) \(6\)@blackfeetnation.com](mailto:(b) (6)@blackfeetnation.com)>, Marina Voskanian <Marina.Voskanian@slc.ca.gov>, Michael D Matthews <mike.matthews@wyo.gov>, Mike Smith <mike.smith@iogcc.state.ok.us>, "Aaron P. Padilla" <padillaa@api.org>, Christopher Chambers <christopher_chambers@fmi.com>, David Romig <david_romig@fmi.com>, Edwin Mongan <edwin.mongan@bhpbilliton.com>, Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>, "Michael Gardner (RTHQ)" <michael.gardner@riotinto.com>, Nicholas Cotts <Nicholas.Cotts@newmont.com>, Nicholas Welch <nick.welch@nblenergy.com>, Phillip Denning <phillip.denning@shell.com>, Stella Alvarado <Stella.Alvarado@anadarko.com>, Susan Ginsberg <sginsberg@ipaa.org>, Veronika Kohler <VKohler@nma.org>, Betsy Taylor <[\(b\) \(6\)@vt.edu](mailto:(b) (6)@vt.edu)>, Betsy Taylor <[\(b\) \(6\)@gmail.com](mailto:(b) (6)@gmail.com)>, Brian Sanson <bsanson@umwa.org>, Daniel Dudis <ddudis@citizen.org>, David Chambers <dchambers@csp2.org>, Isabel Munilla <imunilla@oxfamamerica.org>, Jana Morgan <jmorgan@pwyputsa.org>, Jennifer Krill <jkrill@earthworksaction.org>, Keith Romig <kromig@usw.org>, Lynda Farrell <lynda@pscoalition.org>, Michael Levine <mlevine@oceana.org>, Michael Ross <[\(b\) \(6\)@polisci.ucla.edu](mailto:(b) (6)@polisci.ucla.edu)>, Neil R Brown <[\(b\) \(6\)@neilrobertbrown.com](mailto:(b) (6)@neilrobertbrown.com)>, Paul Bugala <[\(b\) \(6\)@gmail.com](mailto:(b) (6)@gmail.com)>, Rebecca Adamson <radamson@firstpeoples.org>, Zorka Milin <zmilin@globalwitness.org>, "Cassidy, John Kenneth (US - Arlington)" <jocassidy@deloitte.com>, "Mennel, John (US - Arlington)" <jmennel@deloitte.com>, "Hawbaker, Luke Malcolm (US - San Francisco)" <lhawbaker@deloitte.com>, Mia Steinle <msteinle@pogo.org>, Emily Hague <Hague@api.org>, "Norfleet, Charles" <charles.norfleet@boem.gov>, Jeannette Angel Mendoza <jeannette.angel.mendoza@onrr.gov>, "Wong, Alexandra (US - Arlington)" <alexandwong@deloitte.com>,

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Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

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Executive Director
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202-347-1122

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Manager | Strategy
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<image002.png>

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Sent: Tuesday, June 6, 2017 10:55 AM
To: OS, USEITI <useiti@ios.doi.gov>; Bruce Barnett <(b) (6) @choctawnation.com>; Claire Ware <(b) (6) @yahoo.com>; Curtis Carlson <curtis.carlson@treasury.gov>; Greg Gould <Greg.Gould@onrr.gov>; Jim Steward <jim.steward@onrr.gov>; Julie A Lenoir <(b) (6) @blackfeetnation.com>; Marina Voskanian <Marina.Voskanian@slc.ca.gov>; Michael D Matthews <mike.matthews@wyo.gov>; Mike Smith <mike.smith@iogcc.state.ok.us>; Aaron P. Padilla <padillaa@api.org>; Christopher Chambers

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Sarah

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judith.wilson@onrr.gov
202-208-4410

<MSG meetings on Mainstreaming.docx>

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Zorka Milin <zmilin@globalwitness.org>

From: Zorka Milin <zmilin@globalwitness.org>
Sent: Tue Jun 27 2017 15:01:59 GMT-0600 (MDT)
To: Danielle Brian <dbrian@pogo.org>, "Platts, Sarah (US - Arlington)" <splatts@deloitte.com>
"OS, USEITI" <useiti@ios.doi.gov>, Bruce Barnett <(b) (6)@choctawnation.com>, Claire Ware <(b) (6)@yahoo.com>, Curtis Carlson <curtis.carlson@treasury.gov>, Greg Gould <Greg.Gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Julie A Lenoir <(b) (6)@blackfeetnation.com>, Marina Voskanian <Marina.Voskanian@slc.ca.gov>, Michael D Matthews <mike.matthews@wyo.gov>, Mike Smith <mike.smith@iogcc.state.ok.us>, "Aaron P. Padilla" <padillaa@api.org>, Christopher Chambers <christopher_chambers@fmi.com>, David Romig <david_romig@fmi.com>, Edwin Mongan <edwin.mongan@bhpbilliton.com>, Johanna Nesselth Tuttle <johanna.nesselth@chevron.com>, "Michael Gardner (RTHQ)" <michael.gardner@riotinto.com>, Nicholas Cotts <Nicholas.Cotts@newmont.com>, Nicholas Welch <nick.welch@nblenergy.com>, Phillip Denning <phillip.denning@shell.com>, Stella Alvarado <Stella.Alvarado@anadarko.com>, Susan Ginsberg <sginsberg@ipaa.org>, Veronika Kohler <VKohler@nma.org>, Betsy Taylor <(b) (6)@vt.edu>, Betsy Taylor <(b) (6)@gmail.com>, Brian Sanson <bsanson@umwa.org>, Daniel Dudis <ddudis@citizen.org>, David Chambers <dchambers@csp2.org>, Isabel Munilla <imunilla@oxfamamerica.org>, Jana Morgan <jmorgan@pwypusa.org>, Jennifer Krill <jkrill@earthworksaction.org>, Keith Romig <kromig@usw.org>, Lynda Farrell <lynda@pscoalition.org>, Michael Levine <mlevine@oceana.org>, Michael Ross <(b) (6)@polisci.ucla.edu>, Neil R Brown <(b) (6)@neilrobertbrown.com>, Paul Bugala <(b) (6)@gmail.com>, Rebecca Adamson <radamson@firstpeoples.org>, "Cassidy, John Kenneth (US - Arlington)" <jocassidy@deloitte.com>, "Mennel, John (US - Arlington)" <jmennel@deloitte.com>, "Hawbaker, Luke Malcolm (US - San Francisco)" <lhawbaker@deloitte.com>, Mia Steinle <msteinle@pogo.org>, Emily Hague <Hague@api.org>, "Norfleet, Charles" <charles.norfleet@boem.gov>, Jeannette Angel Mendoza <jeannette.angel.mendoza@onrr.gov>, "Wong, Alexandra (US - Arlington)" <alexandwong@deloitte.com>, Judith Wilson <judith.wilson@onrr.gov>, Robert Kronebusch <robert.kronebusch@onrr.gov>, Nathan Brannberg <nathan.brannberg@onrr.gov>, Pat Field <pfield@cbuilding.org>, "tkansal@cbuilding.org" <tkansal@cbuilding.org>, Jennifer Malcolm <jennifer.malcolm@onrr.gov>, Treci Johnson <treci.johnson@onrr.gov>, Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>, Chris Mentasti <chris.mentasti@onrr.gov>
CC:
Subject: RE: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th
Attachments: image002.png image004.png Mainstreaming Feasibility Study_June22017_vF_CS0 pb zm.docx

Hi Sarah

I have serious reservation about this document as it stands and would not be able to support it or rely on it to inform any future decision, unless it is completely overhauled.

See attached for some comments from me.

A couple of points I wanted to highlight:

- Much of this discussion seems to completely miss the point of EITI as a **transparency** initiative: the question is whether data **that is disclosed** is sufficiently comprehensive and reliable etc. It makes no sense to argue that data that is withheld and kept secret (such as tax payments, beneficial owners) is sufficiently comprehensive, as to negate any need for transparency. That is simply not the spirit of EITI nor is it what is contemplated by mainstreaming.
- There's no mention of Section 1504 of Dodd-Frank, the one law that would make mainstreaming possible. While the SEC regulation was nullified earlier this year, the Congressional mandate remains in place and is still required to be implemented by the SEC. That needs to be prominently included here.
- The extensive detail on laws and standards that govern corporate reporting seems totally beside the point given that company reporting of EITI-relevant information is very minimal. So I would recommend leaving out that entire discussion because it is misleading to suggest that companies already report sufficient info – it's irrelevant that it's audited, if none of it is what EITI requires. At the very least, you need to point out that company reporting at present does not include any payment reporting on a cash basis.

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From: Danielle Brian [mailto:dbrian@pogo.org]

Sent: 22 June 2017 14:45

To: Platts, Sarah (US - Arlington)

Cc: OS, USEITI; Bruce Barnett; Claire Ware; Curtis Carlson; Greg Gould; Jim Steward; Julie A Lenoir; Marina Voskianian; Michael D Matthews; Mike Smith; Aaron P. Padilla; Christopher Chambers; David Romig; Edwin Mongan; Johanna Nesseth Tuttle; Michael Gardner (RTHQ); Nicholas Cotts; Nicholas Welch; Phillip Denning; Stella Alvarado; Susan Ginsberg; Veronika Kohler; Betsy Taylor; Betsy Taylor; Brian Sanson; Daniel Dudis; David Chambers; Isabel Munilla; Jana Morgan; Jennifer Krill; Keith Romig; Lynda Farrell; Michael Levine; Michael Ross; Neil R Brown; Paul Bugala; Rebecca Adamson; Zorka Milin; Cassidy, John Kenneth (US - Arlington); Mennel, John (US - Arlington); Hawbaker, Luke Malcolm (US - San Francisco); Mia Steinle; Emily Hague; Norfleet, Charles; Jeannette Angel Mendoza; Wong, Alexandra (US - Arlington); Judith Wilson; Robert Kronebusch; Nathan Brannberg; Pat Field; tkansal@cbuilding.org; Jennifer Malcolm; Treci Johnson; Anita Gonzales-Evans; Chris Mentasti

Subject: Re: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

Sarah and all,

After our cochair meeting, I understand that we are not approving this document until the next MSG meeting, whenever that may be scheduled, right Greg? That right now we are simply reviewing a draft? I believe a much clearer description of this document would be that it is a report on feasibility of mainstreaming the reconciliation of DOI revenues. Please see attached additional edits/comments.

On Thu, Jun 22, 2017 at 7:58 AM, Platts, Sarah (US - Arlington) <splatts@deloitte.com> wrote:
MSG Members –

I wanted to send a gentle reminder to you that comments on the Mainstreaming report are due next Tuesday, June 27th. Please let me know if you have any questions or concerns.

Thank you!
Sarah

Sarah Platts
Manager | Strategy

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From: Platts, Sarah (US - Arlington)
Sent: Tuesday, June 6, 2017 10:55 AM
To: OS. USEITI <useiti@ios.doi.gov>; Bruce Barnett <(b) (6)@choctawnation.com>; Claire Ware <(b) (6)@yahoo.com>; Curtis Carlson <curtis.carlson@treasury.gov>; Greg Gould <Greg.Gould@onrr.gov>; Jim Steward <jim.steward@onrr.gov>; Julie A Lenoir <(b) (6)@blackfeetnation.com>; Marina Voskanian <Marina.Voskanian@slc.ca.gov>; Michael D Matthews <mike.matthews@wyo.gov>; Mike Smith <mike.smith@iogcc.state.ok.us>; Aaron P. Padilla <padillaa@api.org>; Christopher Chambers <christopher_chambers@fmi.com>; David Romig <david_romig@fmi.com>; Edwin Mongan <edwin.mongan@bhpbilliton.com>; Johanna Nesseth Tuttle <johanna.nesseth@chevron.com>; Michael Gardner (RTHQ) <michael.gardner@riotinto.com>; Nicholas Cotts <Nicholas.Cotts@newmont.com>; Nicholas Welch <nick.welch@nblenergy.com>; Phillip Denning <phillip.denning@shell.com>; Stella Alvarado <Stella.Alvarado@anadarko.com>; Susan Ginsberg <sginsberg@ipaa.org>; Veronika Kohler <VKohler@nma.org>; Betsy Taylor <(b) (6)@vt.edu>; Betsy Taylor <(b) (6)@gmail.com>; Brian Sanson <bsanson@umwa.org>; Daniel Dudis <ddudis@citizen.org>; Danielle Brian <dbrian@pogo.org>; David Chambers <dchambers@csp2.org>; Isabel Munilla <imunilla@oxfamamerica.org>; Jana Morgan <jmorgan@pwypusa.org>; Jennifer Krill <jkrill@earthworksaction.org>; Keith Romig <kromig@usw.org>; Lynda Farrell <lynda@pscoalition.org>; Michael Levine <mlevine@oceana.org>; Michael Ross <(b) (6)@polisci.ucla.edu>; Neil R Brown <(b) (6)@neilrobertbrown.com>; Paul Bugala <(b) (6)@gmail.com>; Rebecca Adamson <radamson@firstpeoples.org>; Zorka Milin <zmilin@globalwitness.org>
Cc: Cassidy, John Kenneth (US - Arlington) <jocassidy@deloitte.com>; Mennel, John (US - Arlington) <jmennel@deloitte.com>; Hawbaker, Luke Malcolm (US - San Francisco) <lhawbaker@deloitte.com>; Mia Steinle <msteinle@pogo.org>; Emily Hague <Hague@api.org>; Norfleet, Charles <charles.norfleet@boem.gov>; Jeannette Angel Mendoza <jeannette.angel.mendoza@onrr.gov>; Wong, Alexandra (US - Arlington) <alexandwong@deloitte.com>; Judith Wilson <judith.wilson@onrr.gov>; Robert Kronebusch <robert.kronebusch@onrr.gov>; Nathan Brannberg <nathan.brannberg@onrr.gov>; Pat Field <pfield@cbuilding.org>; tkansal@cbuilding.org; Jennifer Malcolm <jennifer.malcolm@onrr.gov>; Treci Johnson <treci.johnson@onrr.gov>; Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>; Chris Mentasti <chris.mentasti@onrr.gov>
Subject: Review | USEITI Mainstreaming Feasibility Report - comments by Tues, June 27th

USEITI MSG Members –

I hope this note finds all of you well! Attached please find the USEITI Mainstreaming Feasibility Report for your review. The IA completed this along with numerous stakeholders throughout the past couple of months. We'd now like for you to review this and **provide any feedback or comments directly to me (ideally via track changes) by Tuesday, June 27th.**

If you have any questions at all about the attached, please let me know.

Best,
Sarah

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v.E.1

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Danielle Brian

Executive Director

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Transparency Initiative



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USEITI Mainstreaming Feasibility Study

June 2017



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Executive Summary

This mainstreaming feasibility study was prepared by the United States Extractive Industries Transparency Initiative (USEITI) International Administrator (IA) in consultation with the USEITI multi-stakeholder group (MSG) and other stakeholders from government, industry and civil society. The process for mainstreaming consists of seven phases: formal commitment, feasibility study, work plan, application, approval, implementation, and review. Based on the evidence available, the USEITI MSG recommends pursuing mainstreaming. The United States has made the formal commitment to mainstreaming, and with the submission of this feasibility study and the recommendation to pursue mainstreaming, USEITI will proceed to the preparation of a mainstreaming application for review by the EITI International Secretariat.

Mainstreaming Overview

What Is the Purpose and Process for Mainstreaming?

The objective of mainstreaming is to recognize implementing countries that make transparency integral to their systems. Requirement six of the EITI Standard states that “where legally and technically feasible, implementing countries should consider automated online disclosure of extractive revenue and payments by governments and companies on a continuous basis.” Mainstreaming is the formal process countries pursue to demonstrate integrated transparency. The process consists of seven phases: formal commitment, feasibility study, work plan, application, approval, implementation, and review.

What Does the USEITI Mainstreaming Feasibility Study Entail?

The USEITI Independent Administrator (IA) is preparing this study at the request of the USEITI MSG in anticipation of the submission of a formal application for mainstreaming by the United States. The IA completed this feasibility study in close consultation with the USEITI MSG, as well as government and company stakeholders, and the information in this report is a reflection of those consultations as well as an independent assessment of U.S. processes and controls.

The mainstreaming process consists of four main components—review of materials, stakeholder consultation, feasibility study, and plan of action. This study presents information on the U.S. track record of reconciliation, an explanation of how the United States will increase and embed disclosures, an evaluation of data quality, and options for data reconciliation. This study makes a statement about U.S. readiness on each of those components.

In order to prepare this study, the IA gathered and reviewed relevant documents and research around processes, systems, data, and controls of both the U.S. government and U.S. companies. In addition to this literature review, the IA also interviewed select stakeholders from three



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sectors: government, industry, and civil society. The IA used a standard interview guide to gain perspectives and insights on data timeliness, reliability, and comprehensiveness, as well as on U.S. progress toward mainstreaming to meet EITI international standards.

Lastly, the IA spoke to select stakeholders from government and industry in order to fill any data gaps or better understand processes and controls relevant to this study.

U.S. Track Record of Reconciliation

In order for countries to be considered for mainstreaming by the EITI International Board, they must show a track record of reconciliation without major errors. The EITI International Board does not define the length of time required, materiality threshold, or maximum number of discrepancies. As a result, this section contains a summary of the U.S. track record of reconciliation, thresholds, and unexplained variances.

Unilateral Disclosure of Revenue (UDR) in the United States

Each year, the Office of Natural Resources Revenue (ONRR), a division of the U.S. Department of the Interior (DOI), unilaterally discloses calendar year (CY) energy and mineral revenue paid to DOI. Only the revenue deemed to be in-scope is unilaterally disclosed. These disclosures are disaggregated at the company level and reported by natural resource and revenue type. The UDR showcases the United States’ commitment to the unilateral disclosure of federal natural resources revenue by company, natural resource, and revenue stream. The UDR uses data reported by federal lease holders on Forms ONRR-2014 and ONRR-4430¹, as well as ONRR direct billing. The UDR is available on both ONRR’s statistical information site and USEITI’s data portal.

Specifically, the UDR includes:

Topic	Disclosure Detail
Calendar Years Disclosed	2013–2016
Unique Identified Companies	1,635
Total \$ Amount Disclosed²	\$38,699,490,038
Natural Resource Categories	17
Government Agencies Included	Three (ONRR, the U.S. Bureau of Land Management (BLM), and the U.S. Office of Surface Mining Reclamation and Enforcement (OSMRE))
Revenue Streams	Nine (ONRR royalties, inspection fees, civil penalties, and other revenue; ONRR/BLM rents and bonuses;

¹ OSMRE and BLM revenue streams are not collected through Forms ONRR-2014 and ONRR-4430. Also, not all UDR AML fee revenue for OSMRE is from federal lease holders.

² This disclosure represents all revenue paid to DOI in CYs 2013–2016.



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	ONRR/BLM permit fees; and OSMRE abandoned mine land (AML) fees, including audit and civil penalties, as well as late charges)
--	---

These amounts will grow annually as production and/or prices increase, and ONRR will continue to unilaterally disclose revenue. The data set has been cleaned and organized for ease of use by the general public. It delineates aggregate payments by calendar year, corporate name, natural resource, and revenue.

Adapted Implementation for Subnational Payments in the United States

EITI Standard Requirement 4.2 (d) mandates reporting and reconciliation of material company payments to subnational government entities and the receipt of such payments. Separately, EITI Standard Requirement 4.2 (e) mandates reporting on mandatory revenue transfers from national governments to subnational governments. The EITI International Board approved USEITI’s request for adapted implementation of the EITI Standard for subnational reporting as part of USEITI’s candidacy application. The EITI Standard allows for adapted implementation “where the country faces exceptional circumstances that necessitate deviation from the implementation requirements” (EITI Standard Requirement 1.5). The approved adapted implementation considers that USEITI’s reporting will comply with EITI Standard Requirement 4.2 (e), which mandates reporting 100% of revenue specific to extractive industries collected by the U.S. federal government and transferred to U.S. state governments within the unilateral data disclosure. However, payments made by companies to state governments (4.2 (d)) and revenue collected by state governments are not directly be included in the reconciliation.

What Is the U.S. Record of Results for Reconciliation?

The United States conducted its first reconciliation in 2015. The MSG set the scope of reconciliation to include the top paying companies that, together, accounted for 80% of revenue paid to ONRR. The first period of reconciliation was CY 2013. Across 31 companies (out of 45 invited to reconcile) and 10 revenue streams, the overall variance for all DOI revenue came to \$93,976,582, or 1.1% of all revenue reported by the 45 companies. For five companies reconciling taxes, there was one variance that totaled \$6,297,360, or 3.3% of reconciled taxes. Seventeen discrepancies exceeded the allowable margin of variance determined by the USEITI MSG. The IA, in collaboration with in-scope companies and government entities, resolved or explained all discrepancies, which included differences regarding when payments were recorded and how they were classified.

In the following year, the United States conducted its second reconciliation covering CY 2015 revenue. Similar to the CY 2013 reconciliation, the USEITI MSG set the scope of reconciliation to include the top paying companies that, together, accounted for 80% of revenue paid to ONRR.

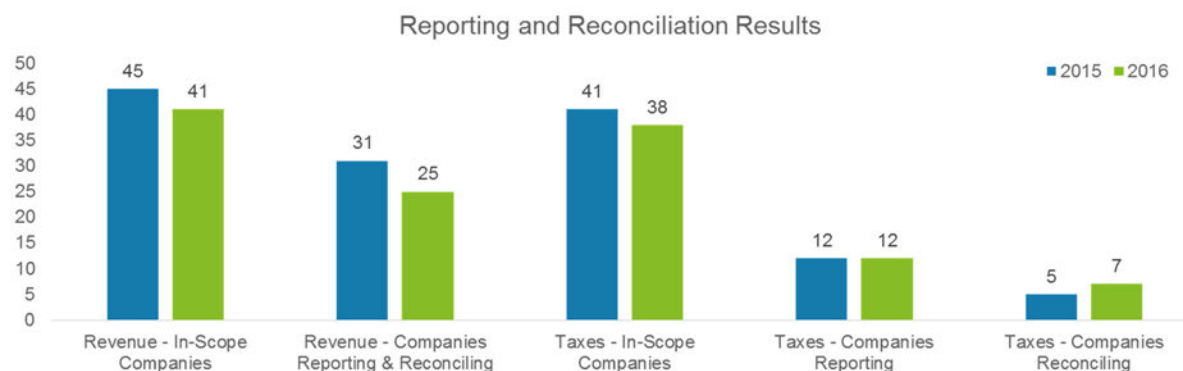


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Of the 25 companies reporting (out of 41 invited to reconcile), the overall variance for all DOI revenue came to \$156,387,357, or 3.24%. For seven companies reconciling taxes, the overall variance came to \$120,122,958, or 33.8% of the total value of taxes reconciled. Additionally, 21 discrepancies exceeded the allowable margin of variance determined by the USEITI MSG. The IA, in collaboration with in-scope companies and government entities, resolved or explained all 21 discrepancies, which included differences regarding when payments were recorded and how they were classified.

Each year, companies may choose to report and reconcile both taxes and DOI revenue; however, per the reconciliation history, more companies choose to report and reconcile DOI revenue than taxes.

Figure 1. USEITI Reporting and Reconciliation Results (2015 and 2016)



Result	2015	2016
DOI Revenues Unilaterally Disclosed	100% of 2013 revenues	100% of 2014 and 2015 revenues (only 2015 reconciled)
Companies Participating	31 of 45 companies	25 of 41 companies
DOI Revenues Reported & Reconciled	\$8.5B (81% of in-scope DOI revenues, 67% of all DOI revenues)	\$4.83B (79% of in-scope DOI revenues, 62% of all DOI revenues)
Companies Reporting Taxes	12 of 41 reported \$190M	12 of 38 reported -\$308M
Companies Reconciling Taxes	5 of 41 reconciled \$90M	7 of 38 reconciled -\$130M
Variances	17	21
Variances Resolved or Explained	100%	100%

What Are the Expected Results for 2017?

The USEITI MSG has decided not to conduct a reconciliation of extractive industries revenue reported by U.S. government and U.S. companies for 2017 due to its judgement that the reconciliation process is redundant with established audit and assurance procedures and controls in place in the United States³. Instead, the USEITI MSG has decided to use the UDR to document controls in place in the contextual narrative as it believes the UDR process will continue to be comprehensive, timely, and accurate. The USEITI MSG plans to make the UDR

³ Decision made by the USEITI MSG on February 2, 2017.



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publicly available via existing sources, except where current laws or regulations prohibit data disclosure.

The USEITI MSG plans to produce an annual report for 2017 and will continue to update USEITI's data portal with additional contextual narrative information and data from U.S. states.

Increasing and Embedding Disclosures

How Does the Government Embed and Increase Disclosures?

The 2016 EITI Standard encourages countries to make use of existing reporting for EITI rather than duplicate their findings in an EITI report. To this end, the EITI International Secretariat has hailed USEITI's data portal as a good example of mainstreaming data.

The U.S. government publicly discloses all data embedded in USEITI's data portal. This data is updated annually. Key information in USEITI's data portal includes:

- **Federal production data** for 55 products extracted from 2006 to 2015. This data can be filtered by product type, region (including state, county, and offshore region), and both calendar and fiscal years.
- **Federal revenue by region and company** for 2006 to 2015. This data can be filtered by natural resource category and/or region.
- **Company data** for 2013 to 2015, provided by ONRR in its unilateral disclosure. This data can be filtered by natural resource category and/or revenue type.
- **Economic impact data on the extractive industries** for 2006 to 2015, including gross domestic product, exports, and jobs. This data can be filtered by region, with results shown as dollar values or percentage values. The data can be further filtered by natural resource category for exports and by job type for jobs.
- Beyond disclosing DOI data, the portal **aggregates and makes accessible relevant data sets from other government organizations**, including the U.S. Energy Information Administration, the U.S. Bureau of Economic Analysis, and the U.S. Bureau of Labor Statistics, as well as select state and local government data.

In addition to USEITI's data portal, ONRR's statistical information site (<http://statistics.onrr.gov/>) provides data sets on disbursements (at the fund or state level and by fiscal year) and reported revenue data (i.e., sales volumes, sales values, and revenue by natural resource category), which is shared at the state, onshore, offshore, and Indian levels in the United States.



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USEITI's data portal also includes reconciliation data and Corporate Income Tax data for companies that have opted to report their tax data. Currently, the Tax Reform Act of 1976 (26 U.S. Code § 6103) prohibits disclosure of Federal Income Tax data without the consent of the taxpayer. However, the Internal Revenue Service (IRS) discloses aggregate tax liability by industry based on a stratified sample of individual company tax returns, and this aggregate information has been included in the 2015 and 2016 USEITI reports.

Furthermore, the collection of Corporate Income Taxes are subject to financial controls similar to other government revenue collections. The Bureau of the Fiscal Service, a division of the U.S. Department of the Treasury ("US Treasury"), collects Corporate Income Taxes.

In summary, the U.S. government discloses the majority of data required for mainstreaming on USEITI's data portal. Disclosures by the IRS provide information on taxes at an aggregate industry level, but not by company. Opportunities for the U.S. government to increase and embed disclosures include the expansion of the revenue streams disclosed, such as the Coal Excise Tax and in-scope natural resources.

How Does the Extractives Industry Increase and Embed Disclosures?

Companies in the extractive industries in the United States operate within a system of controls and audits that vary based on their ownership status and internal procedures.

Public Companies

In 2016, 34 of the 41 in-scope companies were public (i.e., stock traded on the open market). Public companies must annually disclose their financial statements and the result of their audits. Of the 34 companies, 29 follow accounting principles general accepted in the United States of America (GAAP). The remaining five companies follow International Financial Reporting Standards (IFRS). For each company, independent auditors review and attest to the company's internal controls, in addition to auditing the company's financial statements. Based on a review of company 10-Ks, these public companies arrange their internal controls according to the *Internal Control—Integrated Framework* (2013) established by the Committee of Sponsoring Organizations of the Treadway Commission's (COSO), which is a joint initiative of the American Accounting Association, the American Institute of Certified Public Accountants (AICPA), Financial Executives International, the Association of Accountants and Financial Professionals in Business, and the Institute of Internal Auditors. *Appendix 3* contains information on the disclosures, forms, and auditors of in-scope companies, as well as links to available annual reports or 10-Ks for 2015, the last year for which all companies created such reports.

Private Companies

Private companies have fewer requirements to make their information and financial statements public. In 2016, seven in-scope companies were private. These companies, while not subject to the same disclosure requirements as public companies, still operate within the system of



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controls and audits in which public companies operate. Importantly, private companies can be subject to audits by the IRS.

Voluntary Disclosures

In addition to these internal controls, external audits, and related disclosures, a number of in-scope companies report EITI-related data voluntarily or according to European regulations. (Rio Tinto, included below, is not an in-scope company, but is a USEITI MSG member and, therefore, is included.)

Company	Natural Resource	Reports Under	Disclosures
BP p.l.c. (BP)	Oil & Gas	U.K. law	BP reports payments to governments at the project level, and such payments are unaudited, but independently assured by Ernst & Young. BP does not include tax information. http://www.bp.com/content/dam/bp/pdf/sustainability/group-reports/bp-report-on-payments-to-governments-2015.pdf
Eni S.p.A. (ENI)	Oil & Gas	Voluntary	ENI reports payments to governments at the national level, as well as additional contextual information. The ENI report is unaudited. https://www.eni.com/en_IT/sustainability/integrity-human-rights/transparency-of-payments.page
Shell Oil Company ("Shell")	Oil & Gas	U.K. law	Shell voluntarily reported payments to governments prior to the implementation of British regulations and now reports according to those regulations. It reports all payments to governments at the project level. The Shell report is unaudited. http://www.shell.com/sustainability/transparency/revenues-for-governments.html
Statoil ASA ("Statoil")	Oil & Gas	Norwegian law	Statoil reports payments to governments at the project and country levels. It also includes contextual information in its annual report. The Statoil report is unaudited. https://www.statoil.com/en/investors.html#annual-reports
BHP Billiton (BHP)	Coal & Hardrock	Voluntary	BHP reports both tax and non-tax payments to governments, as well as contextual information and data on broader economic contributions (e.g., wages). BHP's non-tax data includes payments to governments at the project level. BHP's report is audited by an independent auditor according to Australian Auditing Standards. http://www.bhpbilliton.com/our-approach/operating-with-integrity/tax-and-transparency



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Company	Natural Resource	Reports Under	Disclosures
Rio Tinto	Coal & Hardrock	Voluntary	Rio Tinto reports both tax and non-tax payments to governments, as well as publishes an annual “Taxes Paid” report. Payments are reported at the government and project levels. The report includes economic contribution data and contextual information, including case studies. Rio Tinto’s report is independently audited. http://www.riotinto.com/ourcommitment/spotlight-18130_18998.aspx

These reports suggest best practices for encouraging further disclosure of payments by private companies.

In addition, publicly listed companies in the United States must comply with the reporting requirements under the Sarbanes-Oxley Act of 2002 (the “Act”) and the corresponding U.S. Securities and Exchange Commission (SEC) Final Rule, *Management’s Report on Internal Control Over Financial Reporting and Certification of Disclosure in Exchange Act Periodic Reports* (<https://www.sec.gov/rules/final/33-8238.htm>). The SEC Final Rule requires that a company’s board of directors “include in their annual reports a report of management on the company’s internal control over financial reporting.”⁴ Specifically, the SEC Final Rule states the annual report must include:

- 1) A statement of management’s responsibility for establishing and maintaining adequate internal control over financial reporting at the company.
- 2) Management’s assessment of the effectiveness of the company’s internal control over financial reporting as of the end of the company’s most recent fiscal year.
- 3) A statement identifying the framework used by management to evaluate the effectiveness of the company’s internal control over financial reporting (i.e., *Internal Control—Integrated Framework*, established by COSO, is the most commonly used).
- 4) A statement affirming that the registered public accounting firm that audited the company’s financial statements has issued an attestation report on management’s assessment of the company’s internal control over financial reporting. This review of controls by the company’s external auditors (monitored by the Public Company Accounting Oversight Board) follows a review by the company’s own internal auditors (reporting to the company’s audit committee).

⁴ U.S. Securities and Exchange Commission, *Final Rule: Management’s Report on Internal Control Over Financial Reporting and Certification of Disclosure in Exchange Act Periodic Reports*, 17 CFR PARTS 210, 228, 229, 240, 249, 270, and 274. <https://www.sec.gov/rules/final/33-8238.htm>. Accessed on May 2, 2017.



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A review of controls is part of the annual financial statement audit that every public company must complete with an independent public accounting firm. This audit provides investors and other interested parties with an assessment as to whether the company's financial results are fairly presented, in all material respects, in conformity with an established uniform body of accounting standards. Private companies typically are subject to financial statement audits when other parties, such as creditors and lenders, rely on and require the same level of assurance and attestation.

Evaluating Data Quality

The requirements for mainstreaming include determining whether data from both government and industry sources is up to date, comprehensive, and reliable outside of the EITI reporting structure. This section outlines the characteristics of U.S. data in these three categories.

Up-to-Date Data

The EITI Standard requires that information be reported on an annual basis and requires that the data disclosed be “no older than the second to last complete accounting period.” For government and industry entities that currently report, U.S. data is disclosed on an annual basis and within the second to last complete accounting period. DOI UDR data is reported for the previous accounting period (e.g., the 2016 report includes 2015 data).

Comprehensive Data

The U.S. government's UDR covers all in-scope, non-tax payments received by the U.S. government, including payments from companies not in scope for USEITI revenue reconciliation purposes. Unilateral disclosure in the United States covers royalties, rents, bonuses, and other revenue, both by revenue stream and by company.

Federal Income Tax disclosure is made by the U.S. Treasury on an aggregate basis by industry. Some companies voluntarily disclose Federal Income Tax data as part of EITI reporting, to fulfill regulatory requirements in other countries, or as part of their own transparency reporting.

USEITI provides contextual narrative information through USEITI's data portal, which provides a detailed overview of the extractive industry on federal government lands in the United States. The portal contains dozens of pages, tables, and graphics that allow users to dynamically explore data related to the extractive industries in the United States. It also explains USEITI and how the extractive industries function in the United States. Specifically, the portal includes:

- More than 15 in-depth contextual pages about the entities that own natural resources, the laws governing natural resource extraction, how natural resources result in federal revenue, details on revenue streams, and data accuracy and accountability measures.



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- Fifty-five dynamic regional profile pages with contextual data integrated throughout.
- Twelve county case study pages that examine major producers of in-scope natural resources and the socioeconomic impact extractives industries have on these counties.

Additionally, the data portal includes a glossary related to the extractive industries, downloadable data sets for further analysis, and data documentation and usage notes.

Reliable Data

Companies in the extractive industries are subject to laws and regulations related to payments to the U.S. government, including the process for submitting those payments to the federal government. The processes for how these payments and revenue are recorded and verified are detailed in USEITI's *Audit and Assurance Practices and Controls in the U.S. Factsheet*, which is available at https://useiti.doi.gov/downloads/USEITI_budget-audit-factsheet_2016-08-17.pdf. *Appendix 2* includes tables that outline the major laws establishing the fiscal regime, fees, and fines related to extractive industries revenue collection in the United States.

Standards for both the federal government and companies in the extractive industries are promulgated by regulatory and voluntary oversight bodies⁵. These standards define:

- How companies and the U.S. government report revenue and financial information.
- How internal and external audit procedures provide payment and collection assurance.
- How external auditors provide assurance on companies' financial statements, as well as disclose audit results and audited financial statements for public companies.

Appendix 2 provides a table of laws, regulations, professional standards, and regulatory organizations used by companies, governments, and auditors to guide the reporting of financial information in the United States, including the financial statement audit process.

Reconciliation and Mainstreaming

Once a country is approved for mainstreaming, it is no longer required to complete the reconciliation process. If EITI data is comprehensive and reliable, then the data is "audited in accordance with international standards, the procedure does not require a comprehensive reconciliation of government revenue and company payments." This section details the audit, reconciliation, and assurance processes in place at ONRR and other U.S. government agencies.

⁵ "Tracking and Verifying Company Payments to Government Agencies in the U.S. Extractive Industries," n.d., USEITI, https://useiti.doi.gov/downloads/USEITI_budget-audit-factsheet_2016-08-17.pdf.



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There are generally four levels of mainstreamed controls:

- Upfront reconciliation of transaction data between DOI, U.S. Treasury, and companies
- Internal audit and other assurance processes within DOI
- External audit of DOI
- Other ad hoc oversight from the Office of the Inspector General (OIG), Congress, and other bodies

As part of the pre-reconciliation process integral to ONRR’s receipt and processing of company payments and reporting, ONRR conducts 100% upfront reconciliation.

This report covers CY 2015 rents, royalties, and bonuses that, together, constitute 95% of DOI revenue streams, as well as Corporate Income Taxes. The following table provides additional details:

Revenue Stream	Percent of DOI Revenue	Upfront Reconciliation	Internal Controls	External Audits	Ad Hoc Oversight
ONRR Royalties	78.2%	✓	✓	✓	✓
ONRR & BLM Bonuses	14.6%	✓	✓	✓	✓
ONRR & BLM Rents	3.1%	✓	✓	✓	✓
OSMRE AML Fees	2.5%	✓	✓	✓	✓
BLM Permit Fees	1.3%	✓	✓	✓	✓
ONRR Offshore Inspection Fees	0.7%	✓	✓	✓	✓
ONRR Other Revenue	0.4% <i>(Negative Amount)</i>	✓	✓	✓	✓
ONRR Civil Penalties	0.1%	✓	✓	✓	✓
OSMRE Civil Penalties	0.03%	✓	✓	✓	✓
Corporate Income Taxes	N/A	N/A	✓	✓	✓

Note: Percentages total more than 100% due to rounding and negative ONRR other revenue.

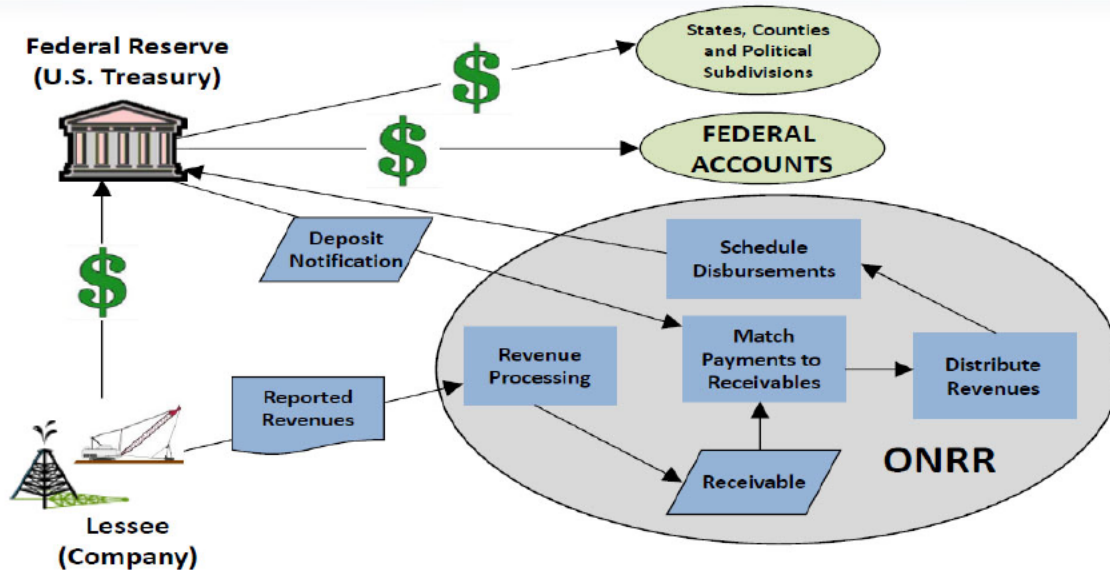
ONRR’s Upfront Reconciliation Process

ONRR’s mission is to collect, account for, and verify natural resources revenue due to U.S. states, American Indians, and the federal government. Each month, ONRR receives and processes 49,000 royalty and production reports. ONRR’s reconciliation process determines whether the U.S. government has been paid what it is owed, as well as whether companies made payments to the federal government in a timely manner. For ONRR’s reconciliation process, companies report data the month after the month of production. Comprehensive reporting by companies and payors occurs on a project or lease level⁶ basis.

⁶ A “project” is defined as the operational activities governed by a single contract, license, lease, concession, or similar legal agreements that forms the basis for payment liabilities to a government. If multiple agreements are interconnected, they should be considered a project.

The following graphic illustrates the 100% upfront reconciliation and matching of company payments to ONRR revenue, as well as the distribution of revenue to recipients.

Figure 2. Upfront Reconciliation and Matching of Company Payments to ONRR Revenue



In this process, companies make payments to the U.S. Treasury and report those payments to ONRR on a monthly basis.

DOI Mainstreamed Processes and Controls

ONRR's Internal Controls and Processes

The United States has a set of standards and internal controls that are aimed at achieving reliability and accuracy in payment collection, accounting, and reporting. In accordance with guidance from the U.S. Government Accountability Office (GAO) Green Book, These standards and internal controls are outlined as follows:

Components of Internal Control	Principles
Control Environment	<ol style="list-style-type: none"> 1. Demonstrate commitment to integrity and ethical values 2. Exercise oversight responsibility 3. Establish structure, responsibility, and authority 4. Demonstrate commitment to competence 5. Enforce accountability
Risk Assessment	<ol style="list-style-type: none"> 6. Define objectives and risk tolerances 7. Identify, analyze, and respond to risk 8. Assess fraud risk 9. Analyze and respond to change
Control Activities	<ol style="list-style-type: none"> 10. Design control activities 11. Design activities for information systems 12. Implement control activities



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Components of Internal Control	Principles
Information and Communication	13. Use quality information 14. Communicate internally 15. Communicate externally
Monitoring	16. Perform monitoring activities 17. Remediate deficiency

Source: OMB Circular A-123

Internal Controls

In addition to annual OIG audits, external third parties audit ONRR’s financial functions on an annual basis in accordance with generally accepted government auditing standards (GAGAS). Audits in the United States have a high standard of verification in the form of evidence for source documents and records, resulting in greater accuracy of payment and reporting information. Additionally, ONRR uses U.S. Standard Government Ledger (USSGL) accounts to prepare external reports for the Office of Management and Budget (OMB) and the U.S. Treasury, which includes this financial information in its annual consolidated DOI Agency Financial Report. Finally, the Chief Financial Officer (CFO) Act requires annual audits of DOI’s financial statements, which include a thorough review of ONRR.

OMB Circular A-123 is part of the DOI Agency Financial Report. Per this regulation, the secretary of the DOI must provide an assurance statement on the state of the DOI’s internal controls to the president and Congress. OMB, GAO, and Congress established the requirement for agencies to develop and maintain effective internal controls by issuing federal guidance, including OMB Circular A-123, *Management’s Responsibility for Internal Control*. Under this guidance, management is responsible for establishing and maintaining effective internal controls and financial management systems that meet the objectives of the Federal Managers’ Financial Integrity Act of 1982.

The A-123 process at ONRR begins with the director of ONRR issuing guidance to employees that outlines the compliance assurance activities that must be completed. ONRR’s Internal Review, Oversight, and Compliance (IROC) program provides leadership and technical support to ONRR employees as they complete the A-123 process. Program managers of each assessable unit (AU) in ONRR use DOI’s Integrated Risk Rating Tool (IRRT) to complete a risk assessment of their processes. With that information, IROC develops ONRR’s Three-Year Component Inventory and Annual Risk-Based Internal Control Review Plan (Three-Year Plan).

In order for ONRR to maintain compliance with OMB Circular A-123, it must complete the following activities:

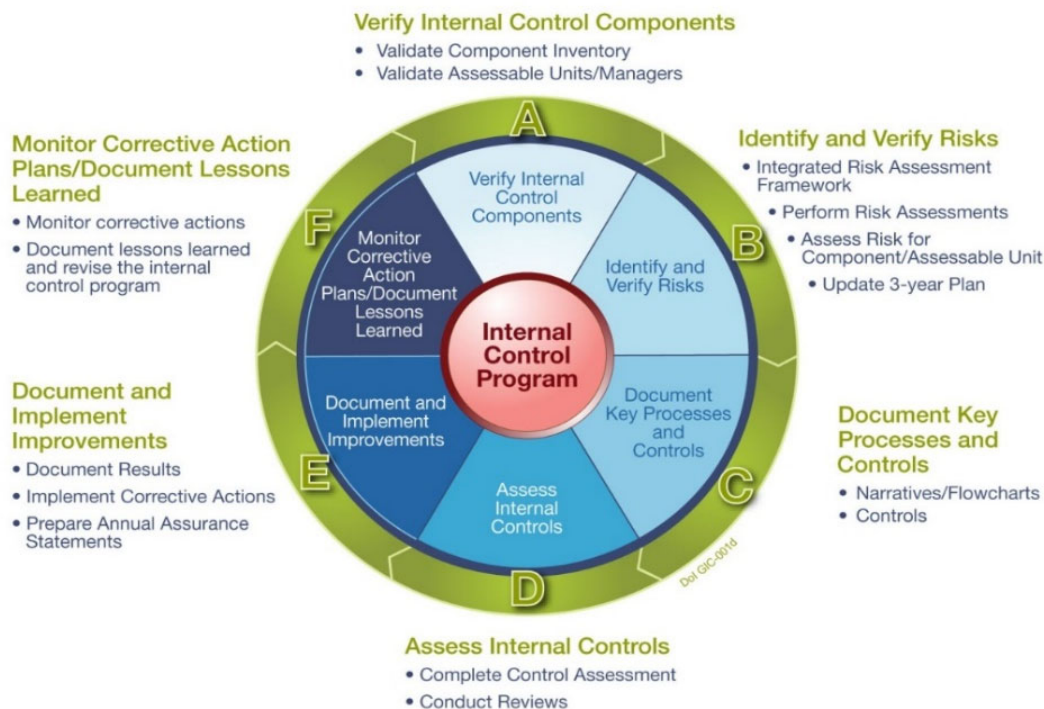
- Submit entry-level risk assessments for each of the program directorates: director, deputy director, and directorate support office; audit and compliance management;

coordination, enforcement, valuation, and appeals; and financial and program management

- Document or update AU key business processes, risks, and internal controls in both narrative and flow chart form
- Identify, document, and test key controls of all processes that are significant to a line item on DOI's financial statements
- Perform DOI-directed and ONRR-directed internal control reviews (ICRs)
- Develop DOI-required information technology (IT) and overall annual assurance statements

Additionally, DOI has designed an **Integrated Internal Control Program** comprising the plans, methods, and procedures used to support its mission, goals, and objectives. DOI has a six-step approach for its Integrated Internal Control Program that aims to enable performance-based management and supports DOI's mission, while addressing multiple legislative requirements.

Figure 3. DOI's Integrated Internal Control Program



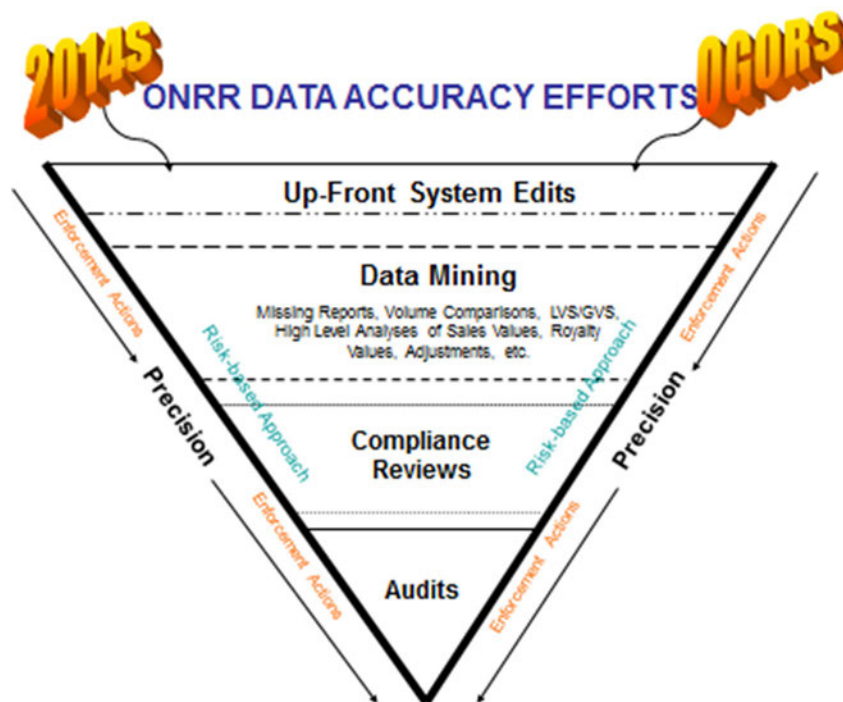
The goals of DOI's Integrated Internal Control Program are to:

- Ensure senior management oversight and coordination at the department and bureau level
- Follow a structured approach for assessing the risks facing the organization
- Implement a risk-based approach that weighs costs and benefits

- Improve consistency and comparability of bureau internal control programs by refining internal control guidance and using standardized tools, templates, and training
- Improve the maturity of DOI's risk management and internal control practices

Lastly, ONRR has controls in place to determine if data submitted by extractive industries companies is reliable and accurate. These controls occur at different points in the data collection and analysis process, as depicted in the following graphic, and provide the foundation for ONRR's compliance reviews and audits.

Figure 4. ONRR's Data Accuracy Process



Data control and verification starts at the submission stage of extractive industries reporting. Royalty reports (i.e., Forms ONRR-2014 and ONRR-4430) and production reports (i.e., oil and gas operations reports (OGORs)) go through hundreds of upfront system edits and checks for individual companies before they are submitted and accepted into ONRR's financial systems. These edits help prevent companies from submitting incorrect data, such as erroneous lease agreement amounts, incorrect prices, mathematical errors, or missing data elements.

Once the data is submitted by companies, ONRR's data mining office analyzes and works with individual companies to resolve various types of reporting errors and anomalies. The data mining phase helps identify specific issues with Form ONRR-2014 and OGOR submissions, as well as identifies errors that occur across multiple companies. When such errors are identified, ONRR works to provide specific guidance to companies and/or establish improved internal



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processes for data collection and review. Data mining focuses on resolving issues collaboratively with companies prior to any compliance review and/or potential audit by using a system-generated variance to identify the required workload.

Audit and Compliance Management Function

ONRR's audit and compliance management (ACM) function is a part of the U.S. process for data accuracy and assurance. The ACM function serves to verify the accuracy of data reported to ONRR and examines statements, records, and operations of companies to verify compliance with lease instruments and established regulations, laws, and guidelines. The subsequent information detailed in this section is based on interviews with federal officials. This information was not independently verified by the IA.

ONRR's ACM function uses a risk-based approach to conduct compliance reviews and audits. This approach uses a risk calculation tool to develop audit and compliance work plans and identify potential risks of noncompliance based on a number of proprietary indicators, including previous audits and compliance reviews and the significance of royalty dollars. The risk calculation tool stratifies the compliance of companies and properties into high-, medium-, and low-risk categories. ACM's work is performed by more than 240 ONRR staff in six regional offices and 125 auditors working for states and tribal nations that have significant activity in extractive industries. The auditors on the State and Tribal Royalty Audit Committee perform audit and compliance reviews under the 202/205 cooperative agreements between ONRR, states, and tribes.

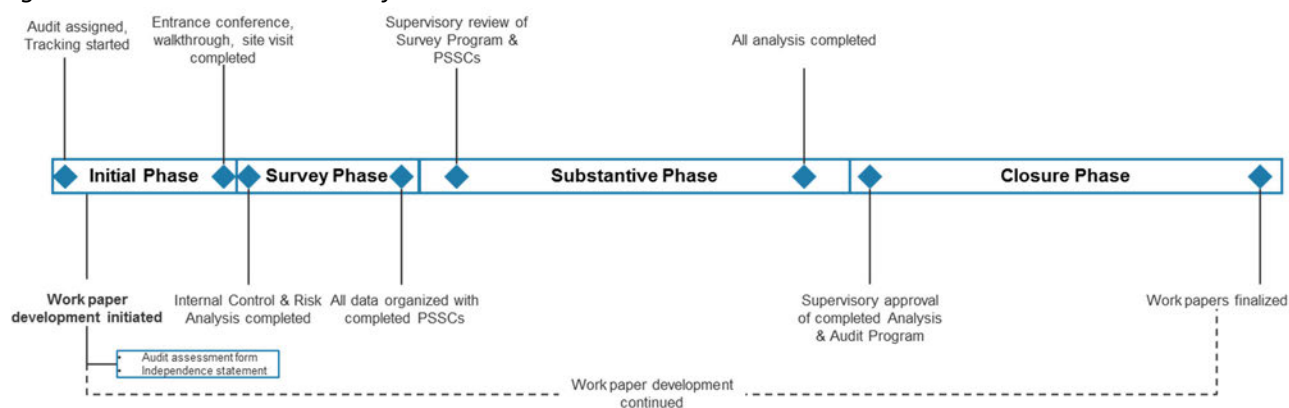
Through the ACM function, ONRR uses multiple evaluative techniques to determine if payments received from companies are for the appropriate amounts. These techniques include the following:

- One month after sales of production, a report and payment is due. At the time of the reporting, ONRR uses upfront system edits to verify royalty and production reports, including transportation and processing limits, multiple royalty rates, pricing edits, and agreement amounts.
- One to two years after a payment, ONRR uses data mining to increase the accuracy of company-reported data before the data is subjected to compliance reviews and audits. Missing reports, adjustment monitoring, adjustments to completed cases, and production volume comparisons are key components of data mining efforts to determine if company payments are accurate and verifiable.
- Two to three years after a payment, following the upfront-system edits and data mining, ONRR conducts compliance reviews and audits. Compliance reviews are used to examine issues and potential reporting errors after the upfront system checks and data mining. The compliance reviews are conducted two to three years after the original data

submissions to allow for adjustments and clarification of the data. In fiscal year (FY) 2016, ONRR completed more than 500 compliance reviews. Compliance reviews can come from a variety of sources, including a referral from another part of the agency, information obtained from the IRRT, or data anomalies found by the system.

Audits are performed based on source documentation or other verifying information obtained to analyze the completeness and accuracy of the production volumes, sales volumes, sales values, transportation and processing allowances, and royalty values reported by companies, in accordance with the reporting and valuation regulations. In FY 2016, the ACM function conducted 128 audits. ACM's audit process timeline is outlined in Figure 5.

Figure 5. Audit Process Timeline for ACM



Note: PSSC stands for Purpose, Source Scope and Conclusion

Initial Phase	Survey Phase	Substantive Phase	Closure Phase
<ul style="list-style-type: none"> o Audit assigned o Independence statement signed o Survey Program started o Engagement letter sent o Supervisory review started o Entrance conference, walkthrough, & site visit completed 	<ul style="list-style-type: none"> o Internal control & risk analysis completed o Audit Program proposal/approval o Audit Planning Memoir completed o All data organized with completed PSSCs 	<ul style="list-style-type: none"> o Supervisory review o PSSCs rewritten o Analysis started o Supervisory review o All analysis completed 	<ul style="list-style-type: none"> o Supervisory approval o Analysis revisited (if needed) o Issue Letter sent o Order Letter finalized o Order Letter sent o Audit Report drafted o Audit Report finalized o Work papers finalized

When ONRR discovers inaccurate payments or potential fraud, it has several enforcement mechanisms at its disposal, including alternative dispute resolution, litigation, and civil penalties.

Additional Audits by the State and Tribal Royalty Audit Committee (STRAC)

In addition to the ONRR's audits, state government agencies also audit companies' reported production and payments, and these state government agencies are in turn subject to controls and audits of their own. Likewise, tribes in the United States also complete audits and are subject to controls and audits of their own. This multilayered system of checks and balances strengthens the data's reliability. Furthermore, STRAC works with ONRR to audit leases within its respective jurisdictions. STRAC consists of representatives from nine states and six Indian tribes. STRAC's purpose is to help ensure proper royalty payments are made by oil, gas, and solid mineral companies. STRAC's agreements are authorized under Sections 202 and 205 of the Federal Oil and Gas Royalty Management Act of 1982(FOGRMA), as amended by the Federal Oil



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and Gas Royalty Simplification and Fairness Act of 1996 (FOGRSFA). STRAC helps further the accountability of money owed to its jurisdictions and improves the reliability of reported data.

[U.S. Bureau of Land Management \(BLM\) Controls](#)

BLM uses several methods and processes to ensure data accuracy and integrity when collecting rents, bonuses, and BLM permit fees.

First, the BLM Collections and Billings System (CBS) builds data integrity into the data collection system design. BLM uses CBS as a single point of entry for billings and collections data entry by field office personnel. CBS interfaces nightly with DOI's Financial and Business Management System to allow exchange and posting of collection information to the general ledger. CBS uses BLM's intranet to transmit collection information and includes several layers of security. In addition, CBS allows field personnel to enter any type of collection and organizes receipts into the correct accounts by natural resource category, subject, and action. BLM conducts continuous internal reviews and reports to ensure the timeliness, accuracy, and compliance of data entered into CBS.

Second, the Automated Fluid Minerals Support System (AFMSS) is a BLM-wide fluid mineral (i.e., oil and gas, geothermal, and helium) system with authorized use and inspection and enforcement support. AFMSS supports oil, gas, and geothermal lease operations on federal and Indian trust lands; post-lease operational approvals; well and facility data; inspection and enforcement data; and assessments and penalties for noncompliance and undesirable events (i.e., spills), as well as displays well production data (OGOR) collected by ONRR and data on customers (i.e., producers and operators). A number of reports supporting BLM business requirements are also included on a field office, state office, and national basis.

AFMSS contains oil, gas, and geothermal facility inspection and compliance data, including data related to preconstruction, drilling, production measurement and accountability, facility abandonment, undesirable events, enforcement actions (i.e., assessments and penalties), and inspection strategy information. AFMSS also contains the following: oil, gas, and geothermal leases; unit agreements; participating areas; communitization agreements; bond coverage; and drainage assessment data.

These assurance mechanisms and processes help BLM meet internal and external audit requirements and support accurate accounting and reporting.

[Office of Surface Mining Reclamation and Enforcement \(OSMRE\) Controls](#)

OSMRE uses the Internet-based Coal Fee Collection Management System (CFCMS) to report on 99% of U.S. coal production. The system is designed to prepopulate information about companies with coal-producing permits, thus reducing data entry error. The system contains numerous edits to ensure data accuracy, as well as automatically calculates fee amounts based



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on the production data entered by companies. OSMRE also completes paper-based reports for the remaining 1% of U.S. coal production.

Internally, OSMRE conducts continuous reviews of both automated and manual data entered into CFCMS to ensure the timeliness, accuracy, and compliance of data.

Externally, OSMRE conducts independent reviews of CFCMS data during audits of coal company records. During such audits, OSMRE auditors review data entered into CFCMS against coal company records of reported tonnage to determine whether there are any discrepancies in the CFCMS data.

OSMRE's Division of Compliance Management (DCM) performs audits of coal mining operations nationwide in accordance with GAGAS. These audits are performed using an internally developed automated audit program that is integrated with other OSMRE systems to increase efficiencies and reduce errors. DCM maintains an internal quality control system that is monitored on an ongoing basis to provide reasonable assurance that the policies and quality controls are appropriately designed and effectively applied. DCM's audit plan uses a risk-based approach, prioritizing audits based on identified risk factors. The audit program is designed to promote timely and accurate reporting of coal tonnage and ensures correct fee payments. In accordance with the requirements of GAGAS, DCM is subject to a peer review every three years performed by an independent certified public accounting firm.

The efficiencies of the audit program and its related activities have enabled OSMRE to achieve a compliance rate of more than 99% at a minimal cost to the Abandoned Mine Land (AML) Fund. OSMRE's process improvements and successful migration to electronic reporting has automated virtually all audit functions and eliminated 100% of data entry errors.

[OIG Oversight](#)

OIG provides independent oversight and promotes accountability within programs, operations, and management of the department. OIG performs the following functions:

- Oversees the contract with an independent certified public accounting firm to perform the annual DOI financial statement/CFO audit
- Conducts energy-focused reviews of DOI energy and mineral revenue programs
- Provides leadership and coordination and recommends policies for activities
- Identifies risks and vulnerabilities that directly affect DOI's mission
- Keeps interested parties informed about deficiencies related to the administration of programs and operations and the progress of necessary corrective actions
- Reviews the activities related to the EITI initiative



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Additional DOI Controls

Various entities within DOI support the accuracy, reliability, and timeliness of data collection and reporting, as detailed in the following table:

DOI Office	Responsibilities/Functions
Financial and Production Management	<ul style="list-style-type: none"> • Collects, verifies, and distributes all royalties, rents, and bonuses • Receives, processes, and verifies industry-submitted royalty reports • Performs data mining functions • Receives, processes, and verifies industry-submitted production reports and error corrections for all federal and Indian production • Oversees meter inspections for production verification
General Ledger (GL)	<ul style="list-style-type: none"> • Accounts for billions of dollars collected and disbursed by ONRR, in accordance with GAAP • Processes payments • Prepares reports and reconciliations for the U.S. Treasury • Processes revenue-sharing disbursements to states and counties through the U.S. Treasury, as well as transfers to other federal agencies • Processes refunds of overpayments to lease holders • Provides the initial trial balance used to develop departmental financial statements • GL is subject to an annual financial audit by OIG
Accounting Services	<ul style="list-style-type: none"> • Defines accounts payable (AP) functions as either federal or Indian • Ensures revenue is received with correct information and proper recipients • Prepares disbursement data for the U.S. Treasury and the Office of the Special Trustee • Provides distribution and mineral revenue reports to federal agencies, states, tribes, tribal allottees, and other requestors
Accounts Payable (AP) Federal	<ul style="list-style-type: none"> • Oversees system processing of all payor reporting and payments • Works closely with recipient agencies, states, and counties to resolve issues and ensure timely distribution of shared revenue • Ensures AP federal processes are in compliance with federal statutes regarding mineral extraction on federal lands
Accounts Payable (AP) Indian	<ul style="list-style-type: none"> • Collects daily rents and royalties on behalf of Indian tribes and allottees • Works extensively with the Bureau of Indian Affairs (BIA), the Office of the Special Trustee for American Indians (OST), and recipient Indian tribes • Prepares a daily report of deposits for OST and a twice-monthly distribution report on leases held by individual Indian allottees • Works with OST and Indian tribes to answer questions and reconcile accounts, as needed • Works with ONRR’s Indian outreach organization to resolve allottee issues
Financial Services	<ul style="list-style-type: none"> • Manages other related federal and Indian account reconciliations • Reconciles payments to receivables within customer accounts • Establishes receivables for mineral royalty reports • Identifies credit and refund actions and processes related paperwork



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U.S. Government Mainstreamed Processes and Controls

U.S. Treasury Single Source Cash Flow

The U.S. Treasury and Federal Reserve System (the “Treasury”) serves as the sole provider of financial services for all U.S. federal agencies, including ONRR. Treasury maintains a centralized system of accounts for all federal agencies. The core tenet of this centralized system of accounts is that no single federal agency controls the receipt and payment of public funds. All federal agencies that handle government financial transactions must properly perform their functions to support internal government controls and the system of central accounts.

Treasury performs variance analysis and other reconciliations on transactions and balances contained within its systems. Treasury contacts ONRR with any questions it may have and can request ONRR justify or make changes to transactions or balances. DOI’s external auditor also samples deposit and disbursement data from all Treasury systems and traces that data back to originating lease documents within ONRR’s systems or other agency accounting advice.

To accomplish these ends, there are several primary systems maintained by Treasury that ONRR utilizes for cash flows, including the Collections Information Repository (CIR) for revenue collections, the Intra-Governmental Payments and Collections System (IPAC) for intragovernmental transfers, the Secure Payment System (SPS) for disbursements, and the Central Accounting Reporting System (CARS) for Treasury fund reconciliation.

ONRR receives the majority of its oil and gas revenue, as well as geothermal and solid minerals revenue through the CIR, which serves as a transaction broker, data warehouse, and reporting solution. CIR provides a single touchpoint to exchange all financial transaction information for settled transactions across all collections systems. This enables the U.S. government to normalize financial transaction reporting and standardize the availability of financial information across all settlement mechanisms and collections systems. CIR greatly improves the way ONRR collects, analyzes, and redistributes financial transaction information, which in turn eliminates redundancies and disconnects across and between the numerous point-to-point connections. CIR is a self-contained system with various related external system interfaces. CIR provides ONRR with revenue related to payments from the public sent via Fedwire, Pay.gov, automated clearing house (ACH), and check. All payment method transaction information submitted to ONRR is summarized daily into vouchers by CIR. CIR does not allow ONRR to create or alter deposit information.

Whereas CIR is used for revenue collected by ONRR from extractive industries companies, IPAC is used for oil and gas revenue collected by other federal agencies and transferred to ONRR. ONRR also uses IPAC to disburse revenue to other federal agencies in accordance with applicable statutes. The IPAC system’s primary purpose is to provide a standardized interagency fund transfer mechanism for federal program agencies (FPAs). IPAC facilitates the



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intragovernmental transfer of funds, with descriptive data from one FPA to another. The IPAC system enables FPAs to exchange accounting and other pertinent information to assist in the reconciliation of funds transferred between FPAs for various interagency transactions (i.e., buy, sell, fiduciary, and other miscellaneous payment transactions). Sender and receiver Treasury account symbols/business event type codes (TAS/BETC) are validated in a shared accounting module (SAM) and transmitted to the CARS account statements at the time of IPAC origination. IPAC standardizes interagency payment, collection, and adjustment procedures through an Internet-based application.

The SPS is an application that allows government agencies to create payment schedules in a secure fashion, with strictly enforced separation of duties. Access to SPS is rigidly controlled by both Treasury and ONRR. SPS is ONRR's only avenue to disburse revenue from Treasury to state or local governments and to refund overpayments back to companies.

Lastly, ONRR uses the CARS to report and reconcile all collections and disbursement activity. CARS is a one-stop tool to:

- Provide and retrieve data and information from Treasury
- Capture and record TAS information for payments
- Deposit intragovernmental transactions
- Provide an account statement of the fund balance with Treasury
- Allow access to transaction details to support research and reconciliation
- Improve the usability and currency of government-wide financial information
- Minimize data redundancy and enhance data sharing between Treasury's central accounting system, financial service provider systems, and ONRR's core financial systems

ONRR reconciles the CARS fund balance with Treasury. ONRR's accounting system does this via reclassification of collection and disbursement transactions to identify the proper fund within Treasury. This reconciliation process is performed during the first three business days of each month. Any statements of difference between Treasury and ONRR are not permitted. All discrepancies and out of balances found must be corrected during the current accounting period, or a restatement is required for closed periods. CARS does not allow ONRR to create or delete transactions from the system.

[Third-Party Audit Procedures](#)

The annual agency financial report (AFR) provides important financial and performance information related to the stewardship, management, and leadership of the public funds and resources entrusted to DOI. Specifically, the report contains DOI's audited financial statements as required by the Chief Financial Officers Act of 1990. The audited financial statements include the custodial revenue managed by ONRR, OSMRE, and BLM. In FY 2016, DOI obtained an



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unmodified opinion from its independent certified public accounting firm—this was the 20th consecutive unmodified opinion for DOI.

DOI adheres to strict audit and assurance procedures in order to fulfill its fiduciary trust responsibilities to the nation’s taxpayers, states, tribal affiliates, and local municipalities. The procedures outlined below reflect the best efforts to compile, structure, and summarize processes generally employed across DOI’s bureaus and offices to achieve the department’s overarching mission.

- First is an examination of the external and independent audit requirements used to evaluate DOI’s compliance with audit and assurance protocols.
- Next is a review of the department’s internal audit controls, audit and compliance activities, and peer review processes.
- Last is an examination of the department’s data and IT assurance mechanisms.

In engaging a third party to conduct its audit, DOI entrusts this independent auditor to conduct audits of the department’s general-purpose financial statements and closing-package financial statements in accordance with GAAP. The purpose of such an audit is the expression of an opinion as to whether the general-purpose financial statements that have been prepared by management conform with GAAP.

In the United States, such a third-party audit involves the following types of high-level activities:

- Performing procedures to obtain audit evidence about the amounts and disclosures in the general-purpose financial statements and closing-package financial statements
- Performing tests of the accounting records and assessing the risks of material misstatements of the general-purpose financial statements and closing-package financial statements, whether due to error or fraud, to provide a reasonable basis for opinions
- Evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management
- Evaluating the overall general-purpose financial statement and closing-package financial statement presentation

KPMG, LLP, DOI’s independent auditor, noted in one of the Independent Auditor’s Report, “In our opinion, the consolidated financial statements referred to above present fairly, in all material respects, the financial position of the U.S. Department of the Interior ... and its net



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costs, changes in net position, budgetary resources, and custodial activity for the years then ended in accordance with U.S. generally accepted accounting principles.”⁷

The audit of ONRR and DOI was conducted in accordance with GAGAS. This framework is used for conducting high-quality audits with competence, integrity, objectivity, and independence. These standards are promulgated by the GAO.

Additional Oversight

In addition to external audits from third-party auditors, DOI and ONRR are subject to additional oversight related to the collection, distribution, and reporting of revenue. OIG provides oversight in a number of areas. OIG’s Office of Audits, Inspections, and Evaluations examines financial statements to determine if they are presented fairly and in accordance with GAAP. OIG’s Office of Investigations conducts, supervises, and coordinates investigations related to allegations of fraud, waste, abuse, or mismanagement of financial resources or that result in significant financial losses to DOI.

Ultimately, as members of the executive branch, DOI and ONRR are subject to congressional oversight. Congress has a constitutional responsibility and right to investigate the actions of the executive branch and can compel reports, witnesses, and testimony.

The U.S. Government Accountability Office (GAO)

GAO supports Congress in meeting its constitutional responsibilities and assists in improving the performance and accountability of the federal government. GAO’s work is done at the request of congressional committees or subcommittees or is mandated by public laws or committee reports, and includes the following activities:

- Audits agency operations to determine whether federal funds are spent efficiently and effectively
- Investigates allegations of illegal and improper activities
- Reports on how well government programs and policies are meeting their objectives
- Performs policy analyses and outlines options for congressional consideration
- Issues legal decisions and opinions
- Advises Congress and the heads of executive agencies on ways to make government more efficient, effective, ethical, and responsive
- Publishes a high-risk list (<http://www.gao.gov/highrisk/overview>)
- Its work leads to laws and acts that improve government operations

⁷ “DOI Agency Financial Report FY 2013,” <http://www.doi.gov/pfm/afr/2013/upload/DOI-FY-2013-AFR.pdf>; “DOI Agency Financial Report FY 2014,” <http://www.doi.gov/pfm/afr/2014/upload/DOI-FY-2014-AFR.pdf>.



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- Maintains and updates GAGAS

The GAO comptroller general issues GAGAS, which were first published in 1972 and are commonly referred to as the “Yellow Book.” GAGAS cover federal entities and those organizations receiving federal funds. The most recent 2011 revision of *Government Auditing Standards* takes into account recent changes in other auditing standards, including IFRS.

GAGAS incorporates, by reference, the AICPA *Statements on Auditing Standards (SAS)* and *Statements on Standards for Attestation Engagements (SSAE)*. Auditors may elect to use the International Auditing and Assurance Standards Board (IAASB) standards, the International Standards on Auditing (ISA), and International Standards on Assurance Engagements (ISAE) in conjunction with GAGAS.

The Auditing Standards Board (ASB) of the AICPA develops its SAS using the ISA as the base standard (ISAs are developed by the IAASB), and modifies the base standard only where modifications are deemed necessary to better serve the needs of the U.S. legal and regulatory environment. ASB field work and reporting standards for financial audit and attestation engagements are incorporated, by reference, into the “Yellow Book,” unless specifically excluded.

GAGAS, part 3.31 (2011), encourages internal auditors who work for management at audited entities to use the Institute of Internal Auditor’s (IIA) International Standards for the Professional Practice of Internal Auditing in conjunction with GAGAS.

GAO is a member of the professional standards committee of the International Organization of Supreme Audit Institutions (INTOSAI), which strives to establish an effective framework for professional standards that correspond to the needs of member SAIs. Only GAO, the IIA, and INTOSAI currently issue standards on performance and compliance audits. GAGAS incorporates compliance auditing in its performance auditing standards. INTOSAI has also issued a separate set of compliance audit standards.

[Overview of Beneficial Ownership Requirements in the 2016 EITI Standard](#)

The 2016 EITI Standard requires implementing countries to ensure companies disclose their beneficial owners, as well as politically-exposed persons holding ownership rights by 2020⁸. The Standard recommends that beneficial ownership information be made available through public registers, and that at a minimum the information be included in the country’s annual report. The Standard first requires implementing countries to publish a roadmap outlining activities and preparations that the MSG considers necessary to implement beneficial ownership requirements. The USEITI MSG published this roadmap in January 2017 and shared it with the

⁸ The Standard outlines that this applies to corporate entities that bid for, operate or invest in extractive assets and that this disclosure should include the identities of beneficial owners (including name, nationality, and country of residence), the level of ownership and details about how ownership or control is exerted.



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EITI International Board; the roadmap is available as part of the meeting materials for the November 16-17, 2016 MSG.

Current Status of Beneficial Ownership in the United States

There is currently no a single definition for beneficial ownership in the United States, nor is there an institutional framework for beneficial ownership disclosure, a specific framework for the level of detail of beneficial ownership information collected, or a single methodology for assessing the accuracy of the data. However, the U.S. does have a number of frameworks for the collection of beneficial ownership information, but data collection and requirements vary.

The first framework for collection is the corporate formation process. In the United States, individual states manage the corporate formation process. As such, information requirements for incorporation vary widely, but no states require persons forming corporations to name beneficial owners at the time of corporate formation. There are no mechanisms that capture, track, and manage beneficial owners at the state level. Some states do make certain data on incorporated companies public through online systems. There are no federal laws regulating incorporation.

At the federal level, three requirements provide an institutional framework for beneficial ownership information collection, but not disclosure. First, the [U.S. Treasury's Customer Due Diligence Rule](#)⁹ requires U.S. financial institutions to know the real people who own, control, and profit from companies (beneficial owners) and to verify their identities. Whenever companies open a new account at a covered financial institution, the customer must disclose the identity of 1) each individual who owns 25% or more of the company and 2) any individual who controls the company. Second, legal entities that file federal taxes must obtain and have an Employer Identification Number (EIN). To do so, they must name a "responsible party." A responsible party is generally defined as "the person who has a level of control over, or entitlement to, the funds or assets in the entity that, as a practical matter, enables the individual, directly or indirectly, to control, manage, or direct the entity and the disposition of its funds or assets."¹⁰ Finally, the Securities Exchange Act of 1934 requires any person or group that acquires more than 5% beneficial ownership of public company equity securities must disclose its position within 10 days of crossing the threshold.

For extraction on federal lands, the Mineral Leasing Act of 1920 (MLA) and the Outer Continental Shelf Leasing Act (OCSLA) require companies to meet certain requirements pertaining to ownership. The MLA requires companies holding onshore federal mineral leases to meet citizenship and acreage requirements. For coal and leasable solid minerals, a 10% ownership in a partnership or association must be disclosed to ensure this compliance. For oil and gas, publicly traded partnerships and associations must certify that their constituent

⁹ <https://www.federalregister.gov/documents/2016/05/11/2016-10567/customer-due-diligence-requirements-for-financial-institutions>

¹⁰ USEITI Beneficial Ownership Work Group meeting minutes, 2016



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members who own more than 10% are in compliance with the MLA. There are no comparable requirements for geothermal. The OCSLA governs oil, gas, sulfur, other minerals, and renewables leased on the Outer Continental Shelf of the United States. It requires that bidders prove they are qualified to bid by demonstrating: 1) if an individual, that they are a citizen or national of the U.S. or an alien lawfully admitted for permanent residence, 2) if a corporation, that they are organized under the laws of a state or territory, or 3) if an association, that the association’s members must be qualified individuals or corporations. They don’t need to disclose underlying owners. Furthermore, to obtain a mining claim for locatable minerals (such as gold or copper) on federal lands one must prove that one is either a U.S. citizen, legal immigrant who has filed for citizen, business entity organized under the laws of the state, or an agent or person falling into those categories.

There is no authoritative source for beneficial ownership information of legal entities, given that there is no requirement for U.S. states to collect this information when a company is formed. For the information that is collected, there are a number of restrictions to its disclosure. Safeguarding personally identifiable information in possession of the government and preventing its breach are essential to ensure that the government retains the American public’s trust. This applies to CDD and EIN information collected, among others. All information collected on an EIN application is confidential and cannot be disclosed or used for any purpose other than U.S. Federal tax administration. SEC filings are public, given their intent to safeguard investors.

The United States does have significant statutes and regulations restricting U.S. government employee ownership of certain financial interests, requiring employee reporting on certain financial interests, and restricting employee participation in certain official government matters that would affect an employee’s personal or imputed financial interests or that might affect an employee’s personal or business relationships. These laws are outlined in the USEITI MSG’s beneficial ownership roadmap and are detailed in Appendix 3.

[USEITI MSG’s Proposed Activities from Beneficial Ownership Roadmap](#)

The USEITI MSG outlined these considerations and more in detail in its beneficial ownership roadmap. It also outlined a proposed timeline and objectives for meeting the beneficial ownership requirement. Details of these timelines and activities is outlined below:

Timeframe	Activity
Calendar Year 2017	The MSG agrees to working definition of beneficial owner and conducts a legal review of the legal barriers and enablers to public disclosure of beneficial ownership information under U.S. law



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2017 USEITI Reporting Season (March – August)	The MSG explores the possibility of requesting beneficial ownership information through the USEITI reporting template and collection of data for disclosure in the 2018 report (public companies may have the opportunity to indicate that beneficial ownership is done through periodic filings with the SEC, where appropriate, and, if it is determined, this disclosure is sufficient)
2017 and 2018	DOI and other relevant parties explore possibilities to request beneficial ownership information from companies engaged in bidding processes or otherwise operating in lands under its jurisdiction consistent with MLA, OCSLA, and/or other regulatory action within the power of the agency
January 2018	Assuming that the preceding was successful, USEITI report with 2017 data including results of beneficial ownership query is released
2018 USEITI Reporting Season	Assuming that the preceding was successful, a request for beneficial ownership information is included in the USEITI reporting template, and results will be included in the 2019 USEITI report
2018	The USEITI MSG explores the possibility of regulatory/legislation action related to the “invest in” provision of the beneficial ownership requirement
2019 USEITI Reporting Season	Assuming that preceding efforts were successful, a request for beneficial ownership information is included in the USEITI reporting template, and results will be included in 2020 USEITI report
2019	Assuming that preceding efforts were successful, DOI and other relevant parties seek to request beneficial ownership information from companies engaged in bidding processes or otherwise operating in lands under its jurisdiction consistent with the MLA, the OCSLA, and/or other regulatory action within the power of the agency



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2019	The USEITI MSG explores the possibility of regulatory/legislation action related to the “invest in” provision of the beneficial ownership requirement
2020	Assuming that the preceding was successful, reporting by entities bidding for activities and operating on lands in the jurisdiction of the MLA, the OCSLA, and/or other regulatory action within the power of DOI commences
2020	Assuming that preceding efforts were successful, reporting related to the “invest in” provision commences

Conclusions of the Report and Recommendation on Mainstreaming

This feasibility study was prepared by the IA in consultation with the USEITI MSG and other stakeholders from government, industry and civil society. The following three primary conclusions reflect those consultations and a review of documents:

1. *The United States has **routine disclosures at the requisite level of detail for a significant amount of the data required by the EITI Standard and the terms of reference developed by the USEITI MSG.** The U.S. government’s UDR covers all in-scope, non-tax payments received by the U.S. government, including payments from companies not in scope for USEITI, and covers royalties, rents, bonuses, and other revenue by revenue stream and company. The disclosure is available to the public through a data portal (<https://useiti.doi.gov/downloads/federal-revenue-by-company/>). The USEITI MSG and EITI International Secretariat have made significant efforts toward the usability and public awareness of the data portal. The EITI document, “Toward Mainstreaming Action Plan,” approved by the EITI International Board on October 25, 2016, specifically highlights USEITI’s data portal as an example of “the trend toward mainstreamed EITI implementation.”*

That said, there are two areas in which there is not currently routine disclosure:

- *Corporate Income Tax, which is an in-scope revenue stream, is not currently disclosed at the company level. Federal law, including Section 6103 of the*

Internal Revenue Code (26 U.S.C.), which provides for the confidentiality of tax returns and return information, prohibits unilateral disclosure by the U.S. government of taxpayer information at the company level. However, the U.S. Treasury does publicly disclose Corporate Income Tax on an aggregate basis by industry, including for the oil and gas and mining industries. Also, the IRS, which is under the U.S. Treasury umbrella, has the right to audit individual taxpayer returns. In addition, some companies voluntarily disclose Corporate Income Tax data as part of EITI reporting, to fulfill regulatory requirements in other countries, or as part of their own transparency reporting. Fuller tax disclosure would require either new legislation and/or expanded voluntary company disclosure. Based on consultations conducted in preparation of this report, the USEITI MSG members and other stakeholders did not see a path to either at this time.

- *Beneficial ownership disclosures are required by Section 2.5 of the EITI Standard starting on January 1, 2020. There is an existing framework of Federal banking, securities, mineral extraction and other regulations which require routine disclosure of significant owners and “responsible persons” for U.S. companies in many situations. There are also existing ethics rules which require Federal employees to disclose financial interests in companies and limit conflicts of interest. (See page 30 for more detail). However, because companies can register in any of the 50 states, there is no single authoritative source for beneficial ownership information, and the level of disclosure at the state level varies widely. Based on consultations conducted in preparation of this report, the USEITI MSG members and other stakeholders did not see a legislative or regulatory path to create such a source at the present time.*

Considered together, the system of internal controls, the disclosure of non-tax revenue through the UDR, and the disclosure of industry aggregates for Corporate Income Tax, the United States has routine disclosure of a significant amount of the data required under the 2016 EITI Standard. In the areas of Corporate Income Tax and Beneficial ownership, the EITI Board would need to decide if current routine disclosures meet the substance of the “agreed-upon” procedures for mainstreaming.

2. ***In-scope financial data for the U.S. government and the majority of in-scope companies is subject to independent audit, applying international standards, as required by the EITI Standard and laid out in the “Mainstreaming Action Plan.”¹¹ The U.S. government and companies (both public and private) generally have controls and systems of internal and external audit consistent with international standards.***

¹¹ https://eiti.org/sites/default/files/documents/2016-10-towards_mainstreaming_action_plan.pdf



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With respect to the external audit of DOI, OIG engages an external auditor to conduct an annual audit of ONRR's financial functions. The external audit is conducted according to GAGAS, an internationally recognized standard. While the specific tests used in DOI's external audit have not been disclosed, interviews with OIG and other DOI personnel indicate that source documents and records are used to verify the accuracy of financial reports. In addition to the external audit, DOI and ONRR are subject to oversight related to the collection, distribution, and reporting of revenue, including oversight from DOI's Office of Audits, Inspections, and Evaluations and DOI's Office of Investigations.

In addition, all publicly traded in-scope companies undergo external audits in accordance with international standards, either GAAP or IFRS, and disclose their financial statements and the results of their audits to the SEC. Privately held U.S. companies also generally undergo audits in accordance with international standards and may be audited by the IRS, although they are not required to publicly disclose their results. See Appendix 3 for available data on audits for all in-scope companies—both public and private.

- 3. Internal controls exist to support the reliability and accuracy of payment collection, accounting, and reporting of in-scope data.** *Internal processes and controls between the U.S. Treasury, DOI, and company payors are in place, including an upfront reconciliation of a large percentage of transactions, which compares the amounts owed to the amounts collected. These processes and controls are designed to monitor the accuracy and timeliness of revenue collection and reporting between the company payor and the U.S. government. This system of controls is also intended to reduce the opportunities for fraud by the company payors or U.S. government officials. The OMB Circular A-123 program, DOI's Integrated Internal Control Program, and ONRR's data accuracy efforts for Form ONRR-2014 and OGOR submissions are examples of the additional controls in place in the United States to support the reliability and accuracy of data. The ACM function within DOI serves to verify the accuracy of data reported to ONRR and examines statements, records, and operations of companies to verify compliance with lease instruments and established regulations, laws, and guidelines. Additionally, states and tribes in the United States maintain internal audit committees.*

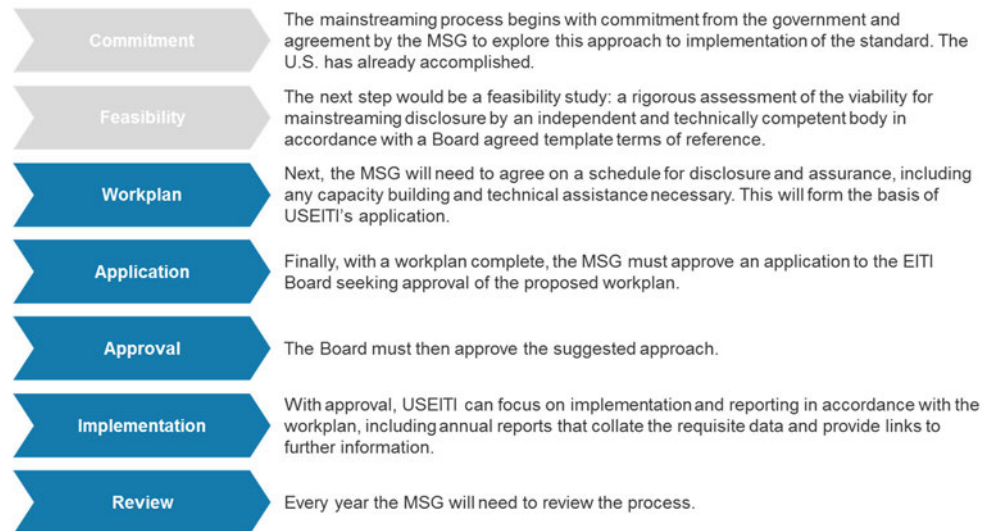
[Recommendation for Mainstreaming and Next Steps](#)

Based on available evidence, the USEITI MSG recommends that USEITI pursue mainstreaming.

The process for mainstreaming consists of seven phases: formal commitment, feasibility study, work plan, application, approval, implementation, and review. The United States has made the formal commitment to mainstreaming, and with the submission of this feasibility study, USEITI will proceed to the preparation of a mainstreaming application for review by the EITI International Secretariat. Prior to the submission of this application, the USEITI MSG will agree on a schedule for disclosure and assurance, including any capacity building and technical

assistance necessary; this will form the basis of USEITI's application. An overview of the process is outlined below.

Figure 6. USEITI Mainstreaming Process



Source: EITI International Secretariat. Board Paper. Annex A – Draft Agreed Upon Procedure for Mainstreaming Disclosures
https://eiti.org/files/board_paper_30-4-a_annex_a_draft_agreed_upon_procedure_for_mainstreamed_disclosures.pdf

As part of developing the mainstreaming work plan and application, the following steps will be necessary:

1. Documentation of commitment by the USEITI Secretariat to maintain the UDR and data portal to the current level of timeliness, comprehensiveness, and reliability for a reasonable period of time.
2. Agreement with the EITI International Board that the current disclosures of non-tax revenue and aggregate disclosure of Corporate Income Tax are sufficient for mainstreamed implementation for a reasonable period of time.
3. Agreement with the EITI International Board on continued adapted implementation with regards to subnational disclosures related to the federal nature of the United States.
4. Documentation of a process for periodic review of mainstreamed implementation by a multi-stakeholder group, either the current USEITI MSG or a new body that meets the requirements of Section 1.4 of the EITI Standard.



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Appendix 1 — Stakeholder Interview Notes

Interviewees

The IA invited 11 USEITI MSG members and alternates from across civil society, industry, and government to engage in stakeholder interviews, and the following nine people agreed to participate:

Sector	Name	Organization
Civil Society	Danielle Brian	Project on Government Oversight
Civil Society	Keith Romig, Jr.	United Steelworkers
Industry	Veronika Kohler	National Mining Association
Industry	Phil Denning	Shell Oil Company
Industry	Aaron Padilla	American Petroleum Institute
Government	Greg Gould	Department of the Interior
Government	Curtis Carlson	Department of the Treasury
Government	Mike Matthews	State of Wyoming—Department of Audit
Government	Jim Steward	Department of the Interior

Responses

The interviews covered each individual’s goals for USEITI and the U.S. track record of reconciliation, as well as evaluated the data quality of USEITI as it relates to mainstreaming. Key takeaways from these interviews follow:



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Topic	Sector	Takeaway
Goals for USEITI	Civil Society (CSO)	<p>CSO representatives spoke about a range of goals for USEITI, including consolidating already available public data in an easily accessible place, creating a meaningful contextual narrative, revealing data not previously available to the public, and representing specific constituents.</p> <p>CSO representatives were split on how reconciliation fits into their goals. One interviewee expressed the view that reconciliation inherently compares company data to company data (i.e., government data was just company data provided to the government by the company). Another interviewee found reporting and reconciliation to be positive, with the exception of tax reporting and reconciliation.</p> <p>Neither interviewee saw mainstreaming specifically fitting into their goals for USEITI.</p>
Goals for USEITI	Government	<p>The U.S. government expressed a range of goals, including educating the public, participating and leading on the international stage, creating useful data for the public and the government, improving government operations, achieving a workable solution within U.S. laws, and achieving validation.</p> <p>The U.S. government did not see reconciliation as part of its goals, a value-add for the U.S. public, a valuable use of taxpayer money, an achievable reality for taxes, or valuable to USEITI as a whole.</p> <p>Mainstreaming was seen as the only feasible way for the United States to achieve validation. Mainstreaming is viewed as easier than reconciliation and likely to increase participation. The government believes U.S. audits and controls already achieve the purpose of reconciliation laid out in USEITI.</p>



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Topic	Sector	Takeaway
Goals for USEITI	Industry	<p>Industry representatives stated their goals for USEITI are to increase transparency and data accessibility to the public, increase public understanding and confidence, articulate the current state of U.S. management as a model internationally, and build trust with other sectors.</p> <p>Industry representatives did not see reconciliation as fitting materially with these goals and noted it was a check-the-box exercise and a waste of time.</p> <p>Mainstreaming is seen as essential by industry representatives and merited based on the current systems in place. Mainstreaming would save taxpayer money, reduce the burden on companies, and free up time to undertake activities more useful to the American public.</p>
Track Record of Reconciliation	CSO	<p>CSO representatives saw the U.S. track record of reconciliation as strong with regards to non-tax revenue, but tax revenue reconciliation was seen as weak and lacked reporting.</p>
Track Record of Reconciliation	Government	<p>The U.S. government saw the track record of revenue as very strong given the U.S. system of audits, controls, checks, and balances. The government viewed tax reporting and reconciliation as the biggest weakness, given the legal prohibitions against disclosure and the lack of company involvement.</p> <p>The U.S. government viewed the decline in the number of companies as an effect of broader market forces (the decline in prices for natural resources, as well as company bankruptcies) not specifically reflective of USEITI.</p>

Topic	Sector	Takeaway
Track Record of Reconciliation	Industry	<p>Industry representatives saw the U.S. track record of reconciliation as strong, given the audits, controls, and systems in place. Reconciliation helped prove the numbers match and that the United States has already mainstreamed.</p> <p>Industry representative did not view the decline in the number of companies as important; instead they saw reconciliation as having achieved its purpose of showing that dollars match. They also did not view the net decline as decreasing the amount of information available given data disclosures.</p>
Evaluating U.S. Data Quality	CSO	<p>CSO representatives saw the strength of U.S. data in government disclosures and the promise of government project-level disclosures, even if those are completed upon request. CSO representatives also noted that U.S. data was up to date and reliable.</p> <p>CSO representatives viewed the lack of tax reporting and reconciliation and the rescinding of Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”) as fatal weaknesses in U.S. data quality.</p>
Evaluating U.S. Data Quality	Government	<p>The U.S. government found U.S. data to be up to date, reliable (due to the stringent system of audits and controls in the United States), and comprehensive for non-tax revenue. The U.S. government noted that USEITI has achieved an unprecedented level of disclosure and that contextual narrative information helps make data comprehensible.</p> <p>The U.S. government viewed the lack of tax disclosure, given U.S. laws, as the chief weakness in U.S. data comprehensiveness and the rescinding of Section 1504 of the Dodd-Frank Act as fatal to U.S. hopes of achieving that kind of disclosure, and with it mainstreaming.</p>



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Topic	Sector	Takeaway
Evaluating U.S. Data Quality	Industry	<p>Industry representatives articulated an extensive list of U.S. data quality strengths, including public accessibility, level of disaggregation, up-to-date nature, control- and audit-based reliability, contextual explanations of data, and the comprehensive release of appropriate data.</p> <p>Industry representatives generally saw less cause for concern with the rescinding of Section 1504 of the Dodd-Frank Act and articulated cases for how the United States could mainstream, given current controls and disclosures. They saw limited influence on U.S. companies due to EU directives related to disclosure.</p>

Appendix 2 — Relevant U.S. Laws and Regulations

Select Laws Establishing the Fiscal Regime for Extractive Industries in the United States.

Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
General Mining Act of 1872, as Amended ¹² (30 USC § 29 and 43 CFR 3860)	Provides the right to patent, meaning transfer to private ownership, federal land and natural resources for mining. Since October 1, 1994, Congress has imposed a budget moratorium on any new mineral patent applications.	Federal Onshore Lands (Public Domain)	Locatable hardrock minerals (e.g., gold, silver, and copper)
Leases of Allotted Lands for Mining Purposes ¹³ (25 USC § 396 and 25 CFR 212)	States that all lands allotted to Indians, except those made to members of the Five Civilized Tribes and Osage, may be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior.	Indian Lands (Allotted)	Not specified
Mineral Leasing Act of 1920, as Amended ¹⁴ (30 USC 181 et. seq.)	Creates a system of leasing mineral resources on federal lands for extraction, and grants BLM the authority to administer mineral leasing.	Federal Onshore Lands (Public Domain)	Coal, oil, gas, oil or gas shale, sodium, potassium, phosphate, sulfur, and gilsonite
Indian Mineral Leasing Act of 1938 ¹⁵ (25 USC § 396a et. seq.)	Opens unallotted lands within any Indian reservation for leasing for mining purposes by authority of the tribal council and approval from the Secretary of the Interior.	Indian Lands (Tribal)	Not specified

¹² http://apps2.eere.energy.gov/wind/windexchange/wind_installed_capacity.asp.

¹³ <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title25/pdf/USCODE-2011-title25-chap12-sec396.pdf>.

¹⁴ https://www.onrr.gov/Laws_R_D/PubLaws/PDFDocs/MineralLeasingAct1920.pdf.

¹⁵ <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title25/html/USCODE-2009-title25-chap12.htm>.



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Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
<u>Mineral Leasing Act for Acquired Lands of 1947</u> ¹⁶ (30 USC § 351 et seq. and 43 CFR 3420)	Extends the Mineral Leasing Act of 1920 and the authority of the Secretary of the Interior to govern mineral leasing on federal acquired lands.	Federal Onshore Lands (Acquired)	Coal, oil, gas, oil or gas shale, sodium, potassium, phosphate, sulfur, and gilsonite
<u>Materials Act of 1947</u> ¹⁷ (30 USC § 601 et. seq.)	<u>Also known as the Common Varieties Act, it regulates the sale and permitting of the most common hardrock minerals. It replaces the General Mining Law of 1872.</u>	Federal Onshore Lands	Common hardrock minerals (e.g., sand, gravel, stone, pumice, cinder)
<u>Submerged Lands Act of 1953</u> ¹⁸ (43 USC § 1301 et. seq.)	<u>Recognizes states' rights to the submerged navigable lands within their boundaries, as well as the marine waters within their boundaries often defined as three geographical miles from the coastline.</u>	State Offshore Lands	All natural resources
<u>Outer Continental Shelf Lands Act of 1953, as Amended</u> ¹⁹ (43 USC § 1331)	Gives the Secretary of the Interior responsibility for administering mineral exploration and development and other energy resources on the Outer Continental Shelf, subject to environmental safeguards. Mandates receipt of fair market value for mineral leasing.	Outer Continental Shelf	Oil, gas, and other minerals
<u>Geothermal Steam Act of 1970</u> ²⁰ (30 USC § 1001 et. seq.)	Allows the leasing of federal land under BLM's administration for geothermal resource development, excluding prohibited lands.	Federal Onshore Lands	Geothermal

¹⁶ <http://legcounsel.house.gov/Comps/mlaacq.pdf>

¹⁷ [http://legcounsel.house.gov/Comps/Act%20of%20July%2031%201937-\(Materials%20Act%20of%201947\).pdf](http://legcounsel.house.gov/Comps/Act%20of%20July%2031%201937-(Materials%20Act%20of%201947).pdf).

¹⁸ <http://www.boem.gov/uploadedFiles/submergedLA.pdf>.

¹⁹ <http://www.gpo.gov/fdsys/pkg/USCODE-2010-title43/html/USCODE-2010-title43-chap29-subchapIII.htm>.

²⁰ <http://www.gpo.gov/fdsys/pkg/STATUTE-84/pdf/STATUTE-84-Pg1566.pdf>.



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Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
Mining and Minerals Policy Act of 1970 ²¹ (30 USC § 21a)	Amends the Mining Act of 1920 to establish the national interest to develop a domestic private enterprise mining industry, while addressing adverse environmental impacts.	Federal Onshore Lands	All natural resources
Federal Coal Leasing Amendments Act of 1975 (FCLAA) ²² (90 STAT 1083)	Amends Section 2 of the Mineral Leasing Act of 1920 by requiring all public lands available for coal leasing to be leased competitively, with the government only accepting lease bids equal to or more than fair market value, as well as the consolidation of leasing into logical mining units, the continual operation by lease holders, and other measures.	Federal Onshore Lands	Coal
Surface Mining Control and Reclamation Act of 1977 (SMCRA) ²³ (30 USC § 1201 et. seq.)	Creates the Office of Surface Mining, Reclamation, and Enforcement (OSMRE) to establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations. OSMRE is charged with balancing the nation’s need for continued domestic coal production with protection of the environment. In this effort, OSMRE requires coal mine owners to post bonds as insurance for reclaiming the land after current mining operations are complete, as well as requires them to pay into the Abandoned Mine Reclamation Fund, which is intended to address mines abandoned prior to 1977.	Federal Onshore Lands	Coal

²¹ <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title30/pdf/USCODE-2011-title30-chap2-sec21a.pdf>.

²² <http://www.gpo.gov/fdsys/pkg/STATUTE-90/pdf/STATUTE-90-Pg1083.pdf>.

²³ <http://www.gpo.gov/fdsys/pkg/STATUTE-91/pdf/STATUTE-91-Pg445.pdf>.



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Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) ²⁴ (30 USC § 1701 et. seq.)	Grants the Secretary of the Interior authority for managing and collecting oil and gas royalties from leases on federal and Indian lands.	Federal Onshore and Indian Lands, and Outer Continental Shelf	Oil and gas
Indian Mineral Development Act of 1982 ²⁵ (25 USC §§ 2101–2108)	Provides Indian tribes with flexibility in the development and sale of mineral resources, including opportunities to enter into joint venture agreements with mineral developers.	Indian Lands (Tribal)	Oil and gas, coal, geothermal, and other mineral resources
Federal Onshore Oil and Gas Leasing Reform Act of 1987 (FOOGLRA) ²⁶ (30 USC § 181 et. seq.)	Amends the Mineral Leasing Act of 1920 to give the U.S. Forest Service the authority to proactively offer leases for oil and gas on National Forest System lands, provided environmental and other land-use regulations are met. BLM largely administers leasing on these lands.	Federal Onshore Lands	Oil and gas
Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (RSFA) ²⁷ (30 USC § 1701 et. seq.)	Improves royalty management from federal onshore and Outer Continental Shelf oil and gas leases.	Federal Onshore Lands and Outer Continental Shelf	Oil and gas

²⁴

[http://www.boem.gov/uploadedFiles/BOEM/Oil and Gas Energy Program/Leasing/Outer Continental Shelf/Lands Act History/federal%20o%20royalty%20mgmt.pdf](http://www.boem.gov/uploadedFiles/BOEM/Oil_and_Gas_Energy_Program/Leasing/Outer_Continental_Shelf/Lands_Act_History/federal%20o%20royalty%20mgmt.pdf).

²⁵ <http://www.gpo.gov/fdsys/pkg/STATUTE-96/pdf/STATUTE-96-Pg1938.pdf>.

²⁶ <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title30/pdf/USCODE-2011-title30.pdf>.

²⁷ http://www.onrr.gov/laws_r_d/PubLaws/PDFDocs/rsfa.pdf.

Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
Energy Policy Act of 2005 (EPA Act) ²⁸ (42 USC § 13201 et. seq.)	Addresses energy production in the United States, including the production, transportation, and transmission of energy, other than oil and gas (e.g., wind energy), in the waters of the Outer Continental Shelf; incentives for oil and gas development; and provisions to access oil and gas resources on federal lands.	Federal Onshore Lands and Outer Continental Shelf	Oil, gas, coal, wind, solar, hydropower, and geothermal
Gulf of Mexico Energy Security Act of 2006 (GOMESA) ²⁹ (120 Stat. 2922)	Opens 8.3 million acres in the Gulf of Mexico for oil and gas leasing; shares leasing revenue with oil-producing gulf states and the Land and Water Conservation Fund; and bans oil and gas leasing within 125 miles off the Florida coastline in the Eastern Planning Area and a portion of the Central Planning Area until 2022.	Outer Continental Shelf	Oil and gas

There are other laws governing natural resources and companies operating in the extractive industries. Some of these laws require companies to pay fees. Violating some of these laws can also result in the incursion of fines.

Select Laws Resulting in Fines or Fees for Extractive Industries Companies in the United States.

Law Name and Code	Description	Relevant Lands	Relevant Natural Resources
Federal Land Policy and Management Act of 1976 (FLPMA) ³⁰ (43 USC § 1701 et. seq.)	Requires BLM to administer federal lands using a land use planning framework that includes no unnecessary or undue degradation; multiple-use, sustained yield, considerations for present and future generations; and public planning. Requires receipt of fair market value for use of federal lands and resources.	Federal Onshore and Indian Lands	All natural resources

²⁸ <http://www.gpo.gov/fdsys/pkg/BILLS-109hr6enr/pdf/BILLS-109hr6enr.pdf>.

²⁹ <http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/econ/GOMESA-pdf.aspx>.

³⁰ <http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/econ/GOMESA-pdf.aspx>.

Law Name and Code	Description	Relevant Lands	Relevant Natural Resources
<u>Clean Air Act of 1970 (CAA)</u> ³¹ (42 USC § 7401 et. seq.)	Outlines steps that federal agencies, state and local governments, and industry must take to decrease air pollution. Oil and gas wells are exempt from legal aggregation, whereby the emissions from small sites that are connected in close proximity or under shared ownership are added together and regulated as “stationary sources” if they emit or could emit 100 tons per year of a pollutant.	All Lands	All natural resources, except when oil and gas are exempted
<u>Clean Water Act of 1977 (CWA)</u> ³² (33 USC § 1251 et. seq.)	Establishes a regulatory framework to protect water quality and monitor discharges of pollutants into waters in the United States. The U.S. Environmental Protection Agency (EPA) does not require National Pollutant Discharge Elimination System (NPDES) permits for uncontaminated storm water discharges from oil and gas exploration, production, processing, or treatment operations, or transmission or drill site preparation. ³³	All Lands	All natural resources, except when oil and gas are exempted
<u>Safe Drinking Water Act of 1974 (SDWA)</u> ³⁴ (42 USC 300f–300j)	Protects public health by regulating the nation’s public drinking water supply and its sources. As of the 2005 Energy Policy Act, hydraulic fracturing fluids are exempt from underground injection control permits, unless diesel fuel is used in the extraction process. ³⁵	All Lands	All natural resources, except when oil and gas are exempted

³¹ <http://www.gpo.gov/fdsys/pkg/USCODE-2008-title42/pdf/USCODE-2008-title42-chap85.pdf>.

³² <http://www.gpo.gov/fdsys/pkg/USCODE-2010-title33/pdf/USCODE-2010-title33-chap26.pdf>.

³³ U.S. Environmental Protection Agency, “Regulation of Oil and Gas Construction Activities,” March 9, 2009, <http://water.epa.gov/polwaste/npdes/stormwater/Regulation-of-Oil-and-Gas-Construction-Activities.cfm>

³⁴ <http://www.epw.senate.gov/sdwa.pdf>.

³⁵ U.S. Environmental Protection Agency, “Regulation of Hydraulic Fracturing Under the Safe Drinking Water Act,” http://water.epa.gov/type/groundwater/uic/class2/hydraulicfracturing/wells_hydroreg.cfm.

Law Name and Code	Description	Relevant Lands	Relevant Natural Resources
<u>Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)</u> ³⁶ (42 USC 9601–9675)	Provides a federal superfund to clean up uncontrolled or abandoned hazardous waste sites, as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment, and gives EPA the power to seek out those parties responsible for any release and ensure their cooperation in the cleanup.	All Lands	All natural resources, except when oil and gas are exempted
<u>Endangered Species Act of 1973 (ESA)</u> ³⁷ (16 USC § 1531 et. seq.)	Protects and recovers imperiled species and the ecosystems upon which they depend.	All Lands	All natural resources
<u>Marine Mammal Protection Act of 1972, as Amended</u> ³⁸ (16 USC 1361 et. seq.)	Prohibits, with certain exceptions, the taking of marine mammals in U.S. waters and by U.S. citizens on the high seas, and the importation of marine mammals and marine mammal products into the United States.	All Lands	All natural resources, except when oil and gas are exempted

Extractive industries companies must comply with many other laws. The websites for DOI, EPA, the National Oceanic and Atmospheric Administration (NOAA), and other federal agencies contain more comprehensive lists of related laws that they enforce:

- DOI Bureau of Ocean Energy Management (BOEM):
<http://www.boem.gov/Regulations/BOEM-Governing-Statutes.aspx>
- DOI Bureau of Safety and Environmental Enforcement (BSEE):
<http://www.bsee.gov/Regulations-and-Guidance/BSEE-Governing-Statutes/>
- DOI BLM: <https://www.blm.gov/about/laws-and-regulations>
- EPA: <http://www2.epa.gov/laws-regulations/laws-and-executive-orders#majorlaws>
- NOAA: http://www.nmfs.noaa.gov/ole/about/what_we_do/laws.html

³⁶ <http://www.epw.senate.gov/cercla.pdf>.

³⁷ <http://www.nmfs.noaa.gov/pr/pdfs/laws/esa.pdf>.

³⁸ <http://www.nmfs.noaa.gov/pr/pdfs/laws/mmpa.pdf>.



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Laws, Regulations, Professional Standards, and Regulatory Organizations

Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
Accounting Principles Generally Accepted in the United States of America	GAAP	GAAP is the standardized accounting rule set for federal government entities and publicly traded or private companies domiciled in the United States or other international jurisdictions in which GAAP is required. GAAP enables company stakeholders to compare accounting statements for different companies and industries using a standard methodology. Because of various accounting and financial reporting standards, the federal government tailors GAAP to meet its unique characteristics and circumstances.
Internal Revenue Service	IRS	The IRS is the revenue service of the U.S. government. The IRS is a bureau within the U.S. Treasury and is under the immediate direction of the Commissioner of Internal Revenue. The IRS is responsible for collecting taxes and the administration of the Internal Revenue Code.
Securities and Exchange Commission Act	SEC	The Securities Exchange Act of 1934 established the SEC to govern the securities industry. By regulation of the SEC, public companies must have their financial statements prepared in accordance with GAAP or IFRS, as issued by the International Accounting Standards Board (IASB), and audited each year by an independent registered public accounting firm. During an audit, the independent auditor examines, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The auditor provides a written opinion on whether the company’s financial statements are, in all material respects, fairly presented in accordance with GAAP or IFRS, whichever is applicable.



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Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
Sarbanes-Oxley Act of 2002	SOX	SOX requires all financial reports for large public companies (i.e., those with market capitalizations of \$75 million and referred to as “accelerated” filers and those subject to SEC reporting requirements) to include certification of internal control over financial reporting (ICFR) by company management and an ICFR opinion by an independent auditor as of the specified balance sheet date. Congress passed SOX in 2002, in part, to further protect investors from fraudulent accounting activities by public companies.
Public Company Accounting Oversight Board	PCAOB	PCAOB exists to confirm that registered public accounting firms are auditing the financial statements and ICFR of public companies in accordance with auditing standards established and adopted by the PCAOB. The PCAOB is a nonprofit corporation established by Congress to oversee the audits of public companies in order to protect the interests of investors and further the public interest in the preparation of informative, accurate, and independent audit reports.
American Institute of Certified Public Accountants	AICPA	AICPA requires independent auditors to comply with the audit standards issued by the AICPA for the audits of all companies that are not subject to SEC jurisdiction. The AICPA has released mandatory audit and attestation standards for conducting, planning, and reporting on audit and attestation engagements of private companies.
Financial Accounting Standards Board	FASB	The FASB is a private, nonprofit organization whose primary purpose is establishing and improving GAAP within the United States. The SEC designated the FASB as the organization responsible for setting accounting standards for public companies in the United States. The FASB created the Private Company Council (PCC), which works jointly with the FASB to mutually agree on a set of criteria to decide whether and when alternatives within GAAP are warranted for private companies.



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Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
International Financial Reporting Standards	IFRS	IFRS are accounting standards developed by the IASB that are intended to establish a consistent global standard for the preparation of public company financial statements for entities domiciled outside the United States. The IASB, based in London, is an independent accounting standard-setting body. It is funded by contributions from major accounting firms, private financial institutions, industrial companies, central and development banks, national funding regimes, and other international and professional organizations throughout the world. Approximately 120 nations and reporting jurisdictions permit or require IFRS for domestic-listed companies. The SEC is currently considering whether it will incorporate IFRS into the financial reporting system for U.S. issuers. There is currently no estimated date for when such a decision might be made.
Generally Accepted Auditing Standards	GAAS	GAAS are the minimum standards for auditing private companies and come in three categories: general standards, standards of fieldwork, and standards of reporting. PCAOB has adopted these standards for public (i.e., traded on the open market) companies. Each audit engagement may require audit work beyond what is specified in the GAAS in order to provide a written opinion on whether a set of financial statements is, in all material respects, fairly presented in accordance with GAAP.
Generally Accepted Government Auditing Standards	GAGAS	GAGAS provides a framework for conducting high-quality audits of government resources and programs with competence, integrity, objectivity, and independence. Government auditing allows legislators, oversight bodies, those charged with governance, and the public to hold government agencies accountable. GAGAS is used by auditors of government entities, entities that receive government awards, and other audit organizations performing audits. GAO, an independent, nonpartisan agency that works for Congress, is responsible for maintaining and updating GAGAS. GAO is often called the “congressional watchdog” and investigates the executive branch of the federal government.



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Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
Chief Financial Officers Act of 1990 (P.L. 101–576)	CFO Act	The CFO Act establishes a leadership structure, provides for long-range planning, requires audited financial statements, and strengthens accountability reporting in the federal government. The aim of the CFO Act is to improve financial management systems and information. The CFO Act also requires the development and maintenance of agency financial management systems that comply with the following: applicable accounting principles, standards, and requirements: internal control standards; OMB requirements; U.S. Treasury requirements, and requirements of other agencies. Reports of audits conducted under the CFO Act are done on an annual basis and must be completed by November 15 following the close of the fiscal year (September 30) for which the financial statements were prepared.
Government Management Reform Act of 1994 (P.L. 103–356)	GMRA	GMRA requires the independent, external audit of agency financial statements and the preparation and audit of a consolidated financial statement for the federal government on an annual basis.
OMB Circular A-136 (Financial Reporting Requirements)	A-136	A-136, which is updated annually by OMB, provides federal guidance for agency and government-wide financial reporting. This circular establishes a central point of reference for all federal financial reporting guidance for the departments, agencies, and entities in the executive branch that are required to submit an Agency Financial Report (AFR) under the CFO Act and the GMRA. In compliance with the CFO Act, the GMRA, and A-136, DOI publishes an AFR every fiscal year.
Federal Financial Management Improvement Act of 1996 (P.L. 104–208)	FFMIA	FFMIA requires federal agencies to implement and maintain financial management systems that substantially comply with federal financial management system requirements, applicable federal accounting standards, and the USGGL at the transactional level.



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Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
Federal Information Security Management Act of 2002 (P.L. 107-347)	FISMA	FISMA requires federal agencies to provide information security controls commensurate with the risk and potential harm of not having those controls in place. FISMA also requires the heads of agencies and OIG to conduct annual IT security reviews, perform annual independent evaluations of the effectiveness of the agency’s security programs and systems, and report their results to OMB and Congress.
Federal Accounting Standards Advisory Board	FASAB	FASAB was established in October 1990 by the secretary of the treasury, the director of OMB, and the U.S. comptroller general. This board possesses the legal authority, under various laws, to establish accounting and financial reporting standards for the federal government. In October 1999, the AICPA recognized FASAB as the board that promulgates GAAP for federal entities.
OMB Circular No. A-123	A-123	A-123 prescribes management’s responsibilities for establishing and maintaining effective internal controls and financial management systems that meet the objectives of the Federal Managers’ Financial Integrity Act of 1982.
OMB Bulletin 14-02 (Audit Requirements for Federal Financial Statements)		OMB Bulletin No. 14-02, issued on October 21, 2013, establishes minimum requirements for independent audits of federal financial statements. This bulletin implements the audit provisions of the CFO Act, as amended, the GMRA, and FFMIA.



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Appendix 3 – U.S. Statutes and Regulations Related to Beneficial Ownership

Below is a summary of relevant U.S. statutes and regulations that restrict employee ownership of certain financial interests, require employee reporting of certain financial interests, and restrict employee participation in certain official Government matters that would affect an employee's personal or imputed financial interests or that might affect an employee's personal or business relationships.

5 CFR § 3501.103(c) prohibits, with limited exceptions, all DOI employees, their spouses, and their minor children from acquiring or retaining any claim, permit, lease, small tract entries, or other rights that are granted by DOI in Federal lands. This prohibition does not restrict the recreational or other personal or non-commercial use of Federal lands by an employee, or the employee's spouse or minor children, on the same terms available to the general public.

5 CFR § 3501.103(b), with limited exceptions, prohibits the Secretary of the Interior and employees of the Office of the Secretary and other Departmental offices that report directly to a Secretarial officer who are in positions classified at GS-15 and above from acquiring or holding any direct or indirect financial interest in Federal lands or resources that the Department administers. This generally includes stock or bond interests in most oil, gas, and mining companies that hold leases on Federal lands to conduct their operations.

43 USC § 11, implemented by 43 CFR § 20.401, prohibits Bureau of Land Management (BLM) employees from voluntarily acquiring direct or indirect financial interests in Federal lands. Prohibited interests include stocks and bonds in oil, gas, geothermal, and mining companies that hold leases or other property rights on Federal lands, as well as companies that hold substantial rights-of-way on Federal lands. BLM employees may not be members or employees of a business that has interests in Federal lands. Additionally, BLM employees may not occupy or use Federal lands (other than for recreational or other personal and non-commercial use on the same terms as use of Federal lands is available to the general public), or take any benefits from Federal lands, based upon a contract, grant, lease, permit, easement, rental agreement, or application.

43 USC § 31(a), implemented by 43 CFR § 20.401(b), prohibits U.S. Geological Survey (USGS) employees from holding financial interests in Federal lands which DOI administers or controls. Prohibited interests include stocks and bonds in oil, gas, and other mining companies that hold significant leases on such lands. Additionally, 5 CFR § 3501.104 sets limits on investments in entities engaged in mining activities on private land in the U.S. The ability of USGS employees to



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own oil, gas, or other mineral leases or to receive royalties from those leases is extremely limited.

30 USC § 1211(f), implemented by 30 CFR Part 706 and 43 CFR § 20.402, prohibits all Office of Surface Mining Reclamation and Enforcement (OSMRE) employees and any other Federal employee who performs functions and duties under the Surface Mining Control and Reclamation Act of 1977 from having any direct or indirect financial interests in underground or surface coal mining operations. Prohibited financial interests under this law include interests in companies that are involved in developing, producing, preparing, or loading coal or reclaiming the areas upon which such activities occur. Additionally, 30 USC § 1267(g), as implemented by 30 CFR Part 705, provides that no employee of a State regulatory authority performing any function or duty under the Surface Mining Control and Reclamation Act of 1977 shall have a direct or indirect financial interest in any underground or surface coal mining operations.

The Ethics in Government Act of 1978, as amended (5 USC app. § 101), implemented by 5 CFR Part 2634, requires senior officials in the executive, legislative, and judicial branches to file public reports of their finances, as well as other interests outside the Government. Executive branch personnel file such reports using the OGE Forms 278e (previously the OGE Form 278) and 278-T. Unlike confidential financial statements that some mid-level employees file, the OGE Forms 278e and 278-T are available to the public. Ethics officials within each executive branch agency review, certify, and maintain these reports. Executive branch agencies also forward OGE Forms 278e and 278-T that Presidential appointees, which the Senate confirms, submit to the Office of Government Ethics (OGE) for additional review and certification. The primary purpose of the public disclosure program is to prevent conflicts of interest and to identify potential conflicts of interest of current and prospective employees. If a reviewing official identifies a potential conflict of interest, several remedies are available to avoid an actual or apparent violation of Federal ethics laws and regulations, which include recusal, reassignment, and divestiture of the financial interest(s). 28 USC § 535 requires executive branch agencies to report to the Attorney General any information, allegations, or complaints relating to violations of title 18 of the U.S. Code involving Government officers and employees.

5 USC app. § 107, implemented by Subpart I of 5 CFR Part 2634, also provides that certain executive branch employees who are not required to file a public financial disclosure report but whose duties involve the exercise of discretion in sensitive areas, such as contracting, procurement, administration of grants and licenses, and regulating or auditing non-Federal entities, are required to file confidential financial disclosure reports (OGE Form 450). This reporting system generally tracks the approach of the public financial disclosure system with some differences. For example, asset values and income amounts are not required to be reported, nor are interests in or income from bank accounts, money market mutual funds, U.S. obligations, and Government securities. The most notable difference between public and confidential reports, however, is that confidential financial disclosure reports are not available to the public.



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30 USC § 1211(f), implemented by 30 CFR Part 706, requires that each OSMRE employee and any other Federal employee who performs any function or duty under the Surface Mining Control and Reclamation Act of 1977 must file a statement of employment and financial interests upon entrance to duty and annually thereafter. 30 USC § 1267(g), as implemented by 30 CFR Part 705, also requires State regulatory authority employees performing any duties or functions under the Act to file a statement of employment and financial interest upon entrance to duty and annually thereafter.

A Federal criminal conflict of interest statute, 18 USC § 208, prohibits executive branch employees from participating personally and substantially, in an official capacity, in any “particular matter” that would have a direct and predictable effect on the employee’s own financial interests or on the financial interests of,

- The employee’s spouse or minor child
- A general partner of a partnership in which the employee is a limited or general partner
- An organization in which the employee serves as an officer, director, trustee, general partner, or employee
- A person with whom the employee is negotiating for or has an arrangement concerning prospective employment

A “particular matter” is virtually any Government matter to which an employee might be assigned, including policy matters and matters involving specific parties, such as contracts or grants. (A few matters in Government, however, may be so broad in scope that the conflict of interest law does not require an employee's disqualification even though the employee’s own or “imputed” financial interests are among those affected by the matter.) Disqualification (“recusal”) is mandatory in the circumstances specified in the statute. Moreover, disqualification is often the appropriate way to prevent a conflict of interest in the long term, unless an “exemption” applies or the circumstances warrant the use of other means of resolving the conflict of interest.

An executive branch-wide regulation, 5 CFR § 2635.502, recognizes that a reasonable person may believe that an employee’s impartiality can be influenced by interests other than the employee’s own or those that are imputed to the employee by the conflict of interest laws. Under 5 CFR § 2635.502, employees are required to consider whether their impartiality would be questioned whenever their involvement in a “particular matter involving specific parties” might affect certain personal or business relationships. The term “particular matter involving specific parties” refers to a subset of all “particular matters” and includes Government matters, such as a contract, grant, permit, license, or loan. If a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interests of a member of the employee's household, or if a person with whom the employee has a “covered relationship” is or represents a party to such matter, the employee must consider whether a reasonable person



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would question the employee's impartiality in the matter. An employee has a covered relationship with,

- A person with whom the employee has or seeks a business, contractual, or other financial relationship
- A person who is a member of the employee's household or is a relative with whom the employee has a close personal relationship
- A person for whom the employee's spouse, parent, or dependent child serves or seeks to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee
- Any person for whom the employee has, within the last year, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee
- Any organization (other than a political party) in which the employee is an active participant

If the employee concludes that participation in such a matter would cause a reasonable person to question the employee's impartiality, the employee should not work on the matter pending possible authorization from the appropriate agency official. Moreover, an employee should not work on any matter if the employee is concerned that circumstances other than those expressly described in the regulation would raise a question regarding the employee's impartiality. The employee should follow agency procedures so that the agency can determine whether participation is appropriate.



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Appendix 4 — In-Scope Company Audits

Company	Public / Private	Entity Type	Disclosure of Beneficial Owners	Applicable Accounting Standards	Form 10-K or Annual Report	Form 20-F	Form 40-F	Publicly Available Financial Statements	External Auditors
Alpha Natural Resources, Inc.	Public	Corporation	Yes	GAAP	✓	•	•	Yes	KPMG
Anadarko Petroleum Corporation	Public	Corporation	Yes	GAAP	✓	•	•	Yes	KPMG
Apache Corporation	Public	Corporation	Yes	GAAP	✓	•	•	Yes	E&Y
Arch Coal, Inc.	Public	Corporation	Yes	GAAP	✓	•	•	Yes	E&Y
Arena Energy, LLC	Private	Limited Partnership	Yes		•	•	•	No	Unavailable
BHP Billiton LTD	Public	Foreign Corporation (Australia)	Yes	IFRS	✓	✓	•	Yes - Annual Report	KPMG
BOPCO, LP	Private	Limited partnership	No		•	•	•	No	Unavailable
BP America Inc.	Public	Subsidiary of Foreign Corporation (England)	Yes	IFRS	✓	✓	•	Parent Only*	E&Y
Chevron U.S.A. Inc.	Public	Corporation	Yes	GAAP	✓	•	•	Yes - Annual Report	PWC
Cimarex Energy Co.	Public	Corporation	Yes	GAAP	✓	•	•	Yes	KPMG
Cloud Peak Energy Resources, LLC	Public	Corporation	Yes	GAAP	✓	•	•	Yes	PWC
Concho Resources, Inc.	Public	Corporation	Yes	GAAP	✓	•	•	Yes	Grant Thornton
ConocoPhillips	Public	Corporation	Yes	GAAP	✓	•	•	Yes	E&Y
Continental Resources, Inc.	Public	Corporation	Yes	GAAP	✓	•	•	Yes	Grant Thornton
Devon Energy Corporation	Public	Corporation	Yes	GAAP	✓	•	•	Yes	KPMG



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Company	Public / Private	Entity Type	Disclosure of Beneficial Owners	Applicable Accounting Standards	Form 10-K or Annual Report	Form 20-F	Form 40-F	Publicly Available Financial Statements	External Auditors
Encana Corporation	Public	Foreign Corporation (Canada)	Yes	GAAP	✓	•	✓	Yes - Annual Report	PWC
Energy XXI	N/A	Foreign Corporation (Bermuda)	Yes	GAAP	✓	•	•	Yes	BDO USA
ENI Petroleum	Public	Foreign corporation (Italy)	Yes	IFRS	✓	•	•	Yes	Unavailable
EOG Resources, Inc.	Public	Corporation	Yes	GAAP	✓	•	•	Yes	Deloitte & Touche LLP
EPL Oil & Gas, Inc.	Public	Subsidiary of Foreign Corporation (Italy)	Yes	GAAP	✓	•	•	Parent Only*	BDO USA
Exxon Mobil Corporation	Public	Corporation	Yes	GAAP	✓	•	•	Yes	PWC
Fieldwood Energy LLC	Private	Limited Liability Company	Yes		•	•	•	No	Unavailable
Freeport-McMoRan Inc.	Public	Corporation	Yes	GAAP	✓	•	•	Yes	E&Y
Hess Corporation	Public	Corporation	Yes	GAAP	✓	•	•	Yes	E&Y
Jonah Energy LLC	Private	Limited Liability Company	Yes		•	•	•	No	Unavailable
Linn Energy, LLC	Public	Limited Liability Company	Yes	GAAP	✓	•	•	Yes	KPMG
LLOG Exploration Company LLC	Private	Subsidiary of Limited Liability Company	Yes		•	•	•	No	Unavailable
Marathon Oil Company	Public	Corporation	Yes	GAAP	✓	•	•	Yes	PWC
Murphy Oil USA Inc.	Public	Corporation	Yes	GAAP	✓	•	•	Yes	KPMG
Noble Energy, Inc.	Public	Corporation	Yes	GAAP	✓	•	•	Yes	KPMG
Oxy USA, Inc.	Public	Corporation	Yes	GAAP	✓	•	•	Parent Only*	KPMG
Peabody Energy Corporation	Public	Corporation	Yes	GAAP	✓	•	•	Yes	E&Y
QEP Resources, Inc.	Public	Corporation	Yes	GAAP	✓	•	•	Yes	PWC
Red Willow Offshore, LLC	Private	Limited Liability Company, Southern UTE Indian Tribe	No		•	•	•	No	Unavailable



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Company	Public / Private	Entity Type	Disclosure of Beneficial Owners	Applicable Accounting Standards	Form 10-K or Annual Report	Form 20-F	Form 40-F	Publicly Available Financial Statements	External Auditors
Shell E&P Company	Public	Foreign Corporation (UK)	Yes	IFRS	✓	✓	•	Yes - Annual Report	PWC
Statoil Gulf of Mexico	Public	Foreign Corporation (Norway)	Yes	IFRS	✓	✓	•	Yes - Annual Report	Unavailable
Stone Energy Corporation	Public	Corporation	Yes	GAAP	✓	•	•	Yes	E&Y
Talos Energy LLC	Private	Limited Liability Company	Yes		•	•	•	No	Unavailable
Ultra Resources Inc.	Public	Foreign Corporation (Canada)	Yes	GAAP	✓	•	•	Yes	E&Y
W&T Offshore, Inc.	Public	Corporation	Yes	GAAP	✓	•	•	Yes	E&Y
WPX Energy, Inc.	Public	Corporation	Yes	GAAP	✓	•	•	Yes	E&Y

Note: Annual reports and 10-Ks are accessible as of April 6, 2017, and link to the 2015 reports, the most recent year for which all companies (or parent companies) have filed reports.

Acronyms of auditors are as follows: Ernst & Young (E&Y) and PricewaterhouseCoopers (PWC)

From the Approved March 2016 MSG meeting when the EITI document on Mainstreaming was distributed as a meeting material:

4. Subcommittee and Work Group Planning

Mr. Gould asked the Reconciliation and Reporting Work Group to explore how the EITI International Board's recently announced "mainstreaming" policy could be applied in the US context.

Mr. Gould suggested that the International Board's focus on "mainstreaming" may allow for some efficiencies in reporting that could allow for consideration of other issues, such as defining materiality.

Ms. Milin suggested that the "mainstreaming" approach suggested by the International Board could be a more effective approach to conserving resources than trying to create a new, different sampling approach that may pose validation issues.

Members of the industry and government sectors expressed support for including a visualization about the US budget, audit, and assurance processes in order to support USEITI's case for future mainstreaming of reporting.

A CSO sector member suggested that state opt-in is relevant for "mainstreaming" efforts because it involves enhancing collaboration between agencies and sharing data in cost-efficient ways. She suggested that setting up forums for peer-to-peer learning could be useful to state opt-in. Another CSO sector member posited that universities may be able to set up those sorts of forums.

From the June 2016 Approved Minutes:

The purpose of the meeting was to receive updates from the Independent Administrator on various aspects of developing the online report and executive summary for the 2016 USEITI Report and how to move forward with these; discuss communications and state and tribal opt-in efforts; and discuss the prospects for proceeding with mainstreaming of USEITI reporting into US government processes, the inclusion of beneficial ownership information, and validation of US EITI Reports.

The MSG approved the undertaking of a pre-feasibility exercise for mainstreaming of USEITI.

The Secretariat was charged with Working with the International EITI Secretariat and the IA to conduct a prefeasibility exercise for mainstreaming of USEITI. Report on results at November MSG meeting.

3. Mainstreaming

John Harrington presented information about the Reporting and Reconciliation Work Group's due diligence and discussions around the new EITI option to pursue mainstreaming of reporting. He explained that an increasing number of legal mandates coming into place in the United States, European Union, and other jurisdictions replicate some of the EITI requirements. So, the revised EITI Standard introduces the option for countries to include the reporting of EITI-related information through regular

government channels as opposed to a stand-alone EITI report. Mainstreaming could also mean that some core elements of EITI, such as reconciliation of reported revenue, would no longer be required. Mr. Harrington reviewed the principles underpinning mainstreaming, the procedures for mainstreamed disclosures, and the uncertainties for USEITI around participating in mainstreaming. Mr. Harrington noted that the EITI Board Chair indicated that the Board is intending to initiate mainstreaming with countries that can more fully meet all of the requirements in the EITI Standard, meaning that the US likely would not be considered in the first batch.

From Mr. Bartlett: The full feasibility study would be much more extensive. The pre-feasibility exercise could likely focus on scoping and likely hurdles and be prepared by the next MSG meeting in November. Another consideration for USEITI is that, with adapted implementation approved for the first two reports, a mainstreaming feasibility study could choose to focus only on Federal revenues or it could include state and tribal revenues given the need to report these beginning with the third USEITI report.

Following the presentation, MSG members asked the following questions and made the following comments:

- What are the advantages and disadvantages of mainstreaming?
 - o It would allow USEITI to avoid the cost of reconciliation and instead dedicate those resources to making the contextual narrative and overall reporting more robust. It could also provide an incentive for other countries to pursue strengthening their controls to a similar level as the US so that they can also forgo reconciliation.
 - o John Mennel, IA team member, added: Mainstreaming would also make the EITI process more sustainable in the sense that integrating reporting into normal government functioning is more likely to persist than a standalone EITI reporting process. Additionally, the US likely saw some benefits from the reconciliation process in 2015 in terms of cleaning up data, but the costs of reconciliation likely outweigh those benefits over time.
 - o Sam Bartlett, International EITI Secretariat, also suggested that mainstreaming could have a public benefit in that it makes up-to-date information more readily and easily publicly accessible. For example, an internet search for royalty payments in their state should yield accurate data.

The concept of mainstreaming has been part of the thinking for USEITI from the beginning since EITI implementation was intended to spur greater transparency across the Department of the Interior. The inclusion of mainstreaming in the 2016 EITI Standard allows the US to formalize that greater transparency.

- The Office of Natural Resources Revenue (ONRR) already undertakes significant effort to verify data with payers. The EITI reconciliation process could be seen as duplicative of this ONRR verification process.

o Mainstreaming could obviate the need for reconciliation. ¶ Comment from Pat Field, facilitator: We will need to clarify whether mainstreaming applies to all aspects of reporting or only to some aspects.

From the November 2016 Meeting:

Review of DOI Audit Procedures

¶ Initially, the review of DOI audit procedures was also for purposes of determining the potential for mainstreaming. USEITI should include some linkages to that issue in the report.

K. Mainstreaming

John Cassidy, IA team member from Deloitte, presented the IA's assessment of the feasibility of mainstreaming. He commented that mainstreaming is based on an idea that drafting an annual EITI report may not be the best use of time for every country; it might be preferable to automate the process and make it part of the everyday business of the government and companies. He clarified that mainstreaming does not change what the EITI standard requires; rather, it is another way of meeting the requirement.

Mr. Cassidy reviewed the various steps for mainstreaming, noted that from now into next year the MSG is focused on studying the feasibility of mainstreaming, reviewed next steps in the IA's feasibility study, reviewed current processes and procedures related to mainstreaming in the U.S., and suggested a number of potential areas for the U.S. to improve its EITI performance and potential for success with mainstreaming.

Potential areas for improvement include doing more to showcase unilateral disclosure already occurring in the U.S., filling the gap on tax and project-level reporting through SEC 1504, and better explaining the audit requirements that currently exist. He concluded by noting that a decision on mainstreaming did not need to be made at the present MSG meeting.

MSG members made the following comments and asked the following questions on the presentation; direct responses are indicated in italics, with the speaker identified as appropriate:

¶ I thought the MSG had agreed to conduct a pre-feasibility study, not a feasibility study.

o Mr. Gould: The MSG did discuss a pre-feasibility study. ONRR opted to have the IA start on a full feasibility study in order to keep moving forward if USEITI is to pursue mainstreaming. If there are concerns about this, the MSG can discuss this further.

o IA team member: Upon review, the IA determined that the differences between a pre-feasibility study and a full feasibility study were minimal.

¶ You mentioned the politics have changed on Dodd Frank. How so? IA team member: There is now increased uncertainty on what might happen. Dodd Frank would play an important role if mainstreaming goes forward. The IA's view is mainstreaming would be a multi-year process, and in many ways would follow a parallel path with SEC 1504.

☐ What EITI documents authorize the criteria that the data must be comprehensive, up-to-date, and reliable, and are they really an adequate scoping for whether government data is helpful? IA team member: The comprehensive, reliable and up-to-date standard is from the validation guidelines document. Two additional criteria might be data quality and transparency.

☐ Commenters expressed diverse opinions on the significance of corporate income tax reporting and reconciliation. One suggested that what matters is that the USEITI numbers are adding up in reconciliation, and the taxes would therefore add up as well. Another commented that even if the Treasury Department has excellent systems, the U.S. is still falling short on making tax information publicly available. Another noted that it would be helpful for civil society to indicate if its priority right now is EITI compliance or tax reporting, so that USEITI can prioritize its efforts. Mr. Cassidy noted that the IA will set up stakeholder interviews on the tax issue, which will likely happen between now and February. Mr. Mennel suggested there is an argument that what is required by 1504 is sufficient for mainstreaming.

☐ There were various perspectives on how much of a “deal breaker” the tax issue will be for the U.S. One suggested it would definitely be a problem with the EITI International Board. Another noted that ONRR worked closely with the SEC to use USEITI as a means for compliance with the 1504 standard and suggested that will bode very well for mainstreaming. An IA team member commented that it is impossible to know whether tax reporting is a deal breaker at this time. No other feasibility study has been conducted and the only other country going forward on mainstreaming is Norway. The language in the standard says “all transactions,” which implies all companies. However, it is reasonable to assume that the board will draw the line somewhere short of “all transactions” for the sake of practicality but USEITI will need to make a case for where the line should be.

☐ USEITI might be able to look at mainstreaming as an opportunity help maintain momentum on government efficiency

From February Draft Minutes

1. Reporting and Reconciliation of Company Revenues - Judy Wilson and Bob Kronebusch of ONRR presented information about the work of the Reporting Improvement Workgroup. Following the presentations, Dan Dudis, Public Citizen, thanked Ms. Wilson and expressed support for the workgroup’s proposed approach of conducting reconciliation via “mainstreaming of EITI reporting” rather than performing an independent reconciliation of revenues for USEITI by the Independent Administrator as this would avoid duplication of work. Mike Matthews, State of Wyoming, noted that states and tribes also conduct compliance reviews in addition to the federal and company audits and reviews surveyed by the workgroup.

b) Audit & Assurances

Mr. Hawbaker provided an overview of existing content about the US audit and assurance process and of potential new content that could be added with the intention of strengthening USEITI's case for mainstreaming and foregoing independent reconciliation by the Independent Administrator. Mr. Bugala suggested that USEITI use an alternate term for "foregoing reconciliation," such as "not reconciling twice."



USEITI Mainstreaming Feasibility Study

June 2017



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Executive Summary

This mainstreaming feasibility study was prepared by the United States Extractive Industries Transparency Initiative (USEITI) International Administrator (IA) in consultation with the USEITI multi-stakeholder group (MSG) and other stakeholders from government, industry and civil society. The process for mainstreaming consists of seven phases: formal commitment, feasibility study, work plan, application, approval, implementation, and review. Based on the evidence available, the USEITI MSG recommends pursuing mainstreaming. The United States has made the formal commitment to mainstreaming, and with the submission of this feasibility study and the recommendation to pursue mainstreaming, USEITI will proceed to the preparation of a mainstreaming application for review by the EITI International Secretariat.

Commented [DB1]: This was never presented as an option at the MSG. We agreed that Deloitte was going to do a feasibility study but their findings were not reported to us. In fact, the comments in this document show that Keith and I both opposed this move.

Mainstreaming Overview

What Is the Purpose and Process for Mainstreaming?

The objective of mainstreaming is to recognize implementing countries that make transparency integral to their systems. Requirement six of the EITI Standard states that “where legally and technically feasible, implementing countries should consider automated online disclosure of extractive revenue and payments by governments and companies on a continuous basis.” Mainstreaming is the formal process countries pursue to demonstrate integrated transparency. The process consists of seven phases: formal commitment, feasibility study, work plan, application, approval, implementation, and review.

Commented [MS2]: As things currently stand, this report is confusing because the USEITI will likely be disbanded soon. Any sort of mainstreaming efforts would be undertaken unilaterally by the US government, but would not be a product of the USEITI MSG.

What Does the USEITI Mainstreaming Feasibility Study Entail?

The USEITI Independent Administrator (IA) is preparing this study at the request of the USEITI MSG in anticipation of the submission of a formal application for mainstreaming by the United States. The IA completed this feasibility study in close consultation with the USEITI MSG, as well as government and company stakeholders, and the information in this report is a reflection of those consultations as well as an independent assessment of U.S. processes and controls.

The mainstreaming process consists of four main components—review of materials, stakeholder consultation, feasibility study, and plan of action. This study presents information on the U.S. track record of reconciliation, an explanation of how the United States will increase and embed disclosures, an evaluation of data quality, and options for data reconciliation. This study makes a statement about U.S. readiness on each of those components.

In order to prepare this study, the IA gathered and reviewed relevant documents and research around processes, systems, data, and controls of both the U.S. government and U.S. companies. In addition to this literature review, the IA also interviewed select stakeholders from three



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sectors: government, industry, and civil society. The IA used a standard interview guide to gain perspectives and insights on data timeliness, reliability, and comprehensiveness, as well as on U.S. progress toward mainstreaming to meet EITI international standards.

Lastly, the IA spoke to select stakeholders from government and industry in order to fill any data gaps or better understand processes and controls relevant to this study.

U.S. Track Record of Reconciliation

In order for countries to be considered for mainstreaming by the EITI International Board, they must show a track record of reconciliation without major errors. The EITI International Board does not define the length of time required, materiality threshold, or maximum number of discrepancies. As a result, this section contains a summary of the U.S. track record of reconciliation, thresholds, and unexplained variances.

Unilateral Disclosure of Revenue (UDR) in the United States

Each year, the Office of Natural Resources Revenue (ONRR), a division of the U.S. Department of the Interior (DOI), unilaterally discloses calendar year (CY) energy and mineral revenue paid to DOI. Only the revenue deemed to be in-scope is unilaterally disclosed. These disclosures are disaggregated at the company level and reported by natural resource and revenue type. The UDR showcases the United States' commitment to the unilateral disclosure of federal natural resources revenue by company, natural resource, and revenue stream. The UDR uses data reported by federal lease holders on Forms ONRR-2014 and ONRR-4430¹, as well as ONRR direct billing. The UDR is available on both ONRR's statistical information site and USEITI's data portal.

Specifically, the UDR includes:

Topic	Disclosure Detail
Calendar Years Disclosed	2013–2016
Unique Identified Companies	1,635
Total \$ Amount Disclosed²	\$38,699,490,038
Natural Resource Categories	17
Government Agencies Included	Three (ONRR, the U.S. Bureau of Land Management (BLM), and the U.S. Office of Surface Mining Reclamation and Enforcement (OSMRE))
Revenue Streams	Nine (ONRR royalties, inspection fees, civil penalties, and other revenue; ONRR/BLM rents and bonuses;

¹ OSMRE and BLM revenue streams are not collected through Forms ONRR-2014 and ONRR-4430. Also, not all UDR AML fee revenue for OSMRE is from federal lease holders.

² This disclosure represents all revenue paid to DOI in CYs 2013–2016.



	ONRR/BLM permit fees; and OSMRE abandoned mine land (AML) fees, including audit and civil penalties, as well as late charges)
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These amounts will grow annually as production and/or prices increase, and ONRR will continue to unilaterally disclose revenue. The data set has been cleaned and organized for ease of use by the general public. It delineates aggregate payments by calendar year, corporate name, natural resource, and revenue.

Adapted Implementation for Subnational Payments in the United States

EITI Standard Requirement 4.2 (d) mandates reporting and reconciliation of material company payments to subnational government entities and the receipt of such payments. Separately, EITI Standard Requirement 4.2 (e) mandates reporting on mandatory revenue transfers from national governments to subnational governments. The EITI International Board approved USEITI’s request for adapted implementation of the EITI Standard for subnational reporting as part of USEITI’s candidacy application. The EITI Standard allows for adapted implementation “where the country faces exceptional circumstances that necessitate deviation from the implementation requirements” (EITI Standard Requirement 1.5). The approved adapted implementation considers that USEITI’s reporting will comply with EITI Standard Requirement 4.2 (e), which mandates reporting 100% of revenue specific to extractive industries collected by the U.S. federal government and transferred to U.S. state governments within the unilateral data disclosure. However, payments made by companies to state governments (4.2 (d)) and revenue collected by state governments are not directly be included in the reconciliation.

What Is the U.S. Record of Results for Reconciliation?

The United States conducted its first reconciliation in 2015. The MSG set the scope of reconciliation to include the top paying companies that, together, accounted for 80% of revenue paid to ONRR. The first period of reconciliation was CY 2013. Across 31 companies (out of 45 invited to reconcile) and 10 revenue streams, the overall variance for all DOI revenue came to \$93,976,582, or 1.1% of all revenue reported by the 45 companies. For five companies reconciling taxes, there was one variance that totaled \$6,297,360, or 3.3% of reconciled taxes. Seventeen discrepancies exceeded the allowable margin of variance determined by the USEITI MSG. The IA, in collaboration with in-scope companies and government entities, resolved or explained all discrepancies, which included differences regarding when payments were recorded and how they were classified.

In the following year, the United States conducted its second reconciliation covering CY 2015 revenue. Similar to the CY 2013 reconciliation, the USEITI MSG set the scope of reconciliation to include the top paying companies that, together, accounted for 80% of revenue paid to ONRR.

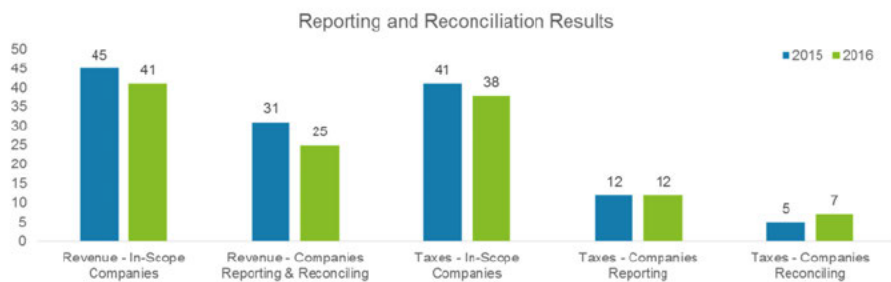
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Of the 25 companies reporting (out of 41 invited to reconcile), the overall variance for all DOI revenue came to \$156,387,357, or 3.24%. For seven companies reconciling taxes, the overall variance came to \$120,122,958, or 33.8% of the total value of taxes reconciled. Additionally, 21 discrepancies exceeded the allowable margin of variance determined by the USEITI MSG. The IA, in collaboration with in-scope companies and government entities, resolved or explained all 21 discrepancies, which included differences regarding when payments were recorded and how they were classified.

Each year, companies may choose to report and reconcile both taxes and DOI revenue; however, per the reconciliation history, more companies choose to report and reconcile DOI revenue than taxes.

Figure 1. USEITI Reporting and Reconciliation Results (2015 and 2016)



Result	2015	2016
DOI Revenues Unilaterally Disclosed	100% of 2013 revenues	100% of 2014 and 2015 revenues (only 2015 reconciled)
Companies Participating	31 of 45 companies	25 of 41 companies
DOI Revenues Reported & Reconciled	\$8.5B (81% of in-scope DOI revenues, 67% of all DOI revenues)	\$4.83B (79% of in-scope DOI revenues, 62% of all DOI revenues)
Companies Reporting Taxes	12 of 41 reported \$190M	12 of 38 reported -\$306M
Companies Reconciling Taxes	5 of 41 reconciled \$90M	7 of 38 reconciled -\$130M
Variations	17	21
Variations Resolved or Explained	100%	100%

What Are the Expected Results for 2017?

The USEITI MSG has decided not to conduct a reconciliation of extractive industries revenue reported by U.S. government and U.S. companies for 2017 due to its judgement that the reconciliation process is redundant with established audit and assurance procedures and controls in place in the United States³. Instead, the USEITI MSG has decided to use the UDR to document controls in place in the contextual narrative as it believes the UDR process will continue to be comprehensive, timely, and accurate. The USEITI MSG plans to make the UDR

Commented [DB3]: NO! The CSOs believe that the existing DOI process with its third party audit firm provides the level of reconciliation that is meaningful and that Deloitte's work was redundant, but we did NOT decide not to reconcile.

³ Decision made by the USEITI MSG on February 2, 2017.



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publicly available via existing sources, except where current laws or regulations prohibit data disclosure.

The USEITI MSG plans to produce an annual report for 2017 and will continue to update USEITI's data portal with additional contextual narrative information and data from U.S. states.

Increasing and Embedding Disclosures

How Does the Government Embed and Increase Disclosures?

The 2016 EITI Standard encourages countries to make use of existing reporting for EITI rather than duplicate their findings in an EITI report. To this end, the EITI International Secretariat has hailed USEITI's data portal as a good example of mainstreaming data.

The U.S. government publicly discloses all data embedded in USEITI's data portal. This data is updated annually. Key information in USEITI's data portal includes:

- **Federal production data** for 55 products extracted from 2006 to 2015. This data can be filtered by product type, region (including state, county, and offshore region), and both calendar and fiscal years.
- **Federal revenue by region and company** for 2006 to 2015. This data can be filtered by natural resource category and/or region.
- **Company data** for 2013 to 2015, provided by ONRR in its unilateral disclosure. This data can be filtered by natural resource category and/or revenue type.
- **Economic impact data on the extractive industries** for 2006 to 2015, including gross domestic product, exports, and jobs. This data can be filtered by region, with results shown as dollar values or percentage values. The data can be further filtered by natural resource category for exports and by job type for jobs.
- Beyond disclosing DOI data, the portal **aggregates and makes accessible relevant data sets from other government organizations**, including the U.S. Energy Information Administration, the U.S. Bureau of Economic Analysis, and the U.S. Bureau of Labor Statistics, as well as select state and local government data.

In addition to USEITI's data portal, ONRR's statistical information site (<http://statistics.onrr.gov/>) provides data sets on disbursements (at the fund or state level and by fiscal year) and reported revenue data (i.e., sales volumes, sales values, and revenue by natural resource category), which is shared at the state, onshore, offshore, and Indian levels in the United States.

Commented [MS4]: The USEITI MSG does not make any decisions in regards to unilateral disclosure. Those decisions are solely the US government's.

Commented [DB5]: This is not possible since the MSG will not be meeting to approve it.



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USEITI's data portal also includes reconciliation data and Corporate Income Tax data for companies that have opted to report their tax data. Currently, the Tax Reform Act of 1976 (26 U.S. Code § 6103) prohibits disclosure of Federal Income Tax data without the consent of the taxpayer. However, the Internal Revenue Service (IRS) discloses aggregate tax liability by industry based on a stratified sample of individual company tax returns, and this aggregate information has been included in the 2015 and 2016 USEITI reports.

Furthermore, the collection of Corporate Income Taxes are subject to financial controls similar to other government revenue collections. The Bureau of the Fiscal Service, a division of the U.S. Department of the Treasury ("US Treasury"), collects Corporate Income Taxes.

In summary, the U.S. government discloses the majority of data required for mainstreaming on USEITI's data portal. Disclosures by the IRS provide information on taxes at an aggregate industry level, but not by company. Opportunities for the U.S. government to increase and embed disclosures include the expansion of the revenue streams disclosed, such as the Coal Excise Tax and in-scope natural resources.

How Does the Extractives Industry Increase and Embed Disclosures?

Companies in the extractive industries in the United States operate within a system of controls and audits that vary based on their ownership status and internal procedures.

Public Companies

In 2016, 34 of the 41 in-scope companies were public (i.e., stock traded on the open market). Public companies must annually disclose their financial statements and the result of their audits. Of the 34 companies, 29 follow accounting principles general accepted in the United States of America (GAAP). The remaining five companies follow International Financial Reporting Standards (IFRS). For each company, independent auditors review and attest to the company's internal controls, in addition to auditing the company's financial statements. Based on a review of company 10-Ks, these public companies arrange their internal controls according to the *Internal Control—Integrated Framework* (2013) established by the Committee of Sponsoring Organizations of the Treadway Commission's (COSO), which is a joint initiative of the American Accounting Association, the American Institute of Certified Public Accountants (AICPA), Financial Executives International, the Association of Accountants and Financial Professionals in Business, and the Institute of Internal Auditors. *Appendix 3* contains information on the disclosures, forms, and auditors of in-scope companies, as well as links to available annual reports or 10-Ks for 2015, the last year for which all companies created such reports.

Private Companies

Private companies have fewer requirements to make their information and financial statements public. In 2016, seven in-scope companies were private. These companies, while not subject to the same disclosure requirements as public companies, still operate within the system of

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controls and audits in which public companies operate. Importantly, private companies can be subject to audits by the IRS.

Voluntary Disclosures

In addition to these internal controls, external audits, and related disclosures, a number of in-scope companies report EITI-related data voluntarily or according to European regulations. (Rio Tinto, included below, is not an in-scope company, but is a USEITI MSG member and, therefore, is included.)

Company	Natural Resource	Reports Under	Disclosures
BP p.l.c. (BP)	Oil & Gas	U.K. law	BP reports payments to governments at the project level and such payments are unaudited, but independently assured by Ernst & Young. BP does not include tax information. http://www.bp.com/content/dam/bp/pdf/sustainability/group-reports/bp-report-on-payments-to-governments-2015.pdf
Eni S.p.A. (ENI)	Oil & Gas	Voluntary	ENI reports payments to governments at the national level, as well as additional contextual information. The ENI report is unaudited. https://www.eni.com/en_IT/sustainability/integrity-human-rights/transparency-of-payments.page
Shell Oil Company ("Shell")	Oil & Gas	U.K. law	Shell voluntarily reported payments to governments prior to the implementation of British regulations and now reports according to those regulations. It reports all payments to governments at the project level. The Shell report is unaudited. http://www.shell.com/sustainability/transparency/revenues-for-governments.html
Statoil ASA ("Statoil")	Oil & Gas	Norwegian law	Statoil reports payments to governments at the project and country levels. It also includes contextual information in its annual report. The Statoil report is unaudited. https://www.statoil.com/en/investors.html#annual-reports
BHP Billiton (BHP)	Coal & Hardrock	Voluntary	BHP reports both tax and non-tax payments to governments, as well as contextual information and data on broader economic contributions (e.g., wages). BHP's non-tax data includes payments to governments at the project level. BHP's report is audited by an independent auditor according to Australian Auditing Standards. http://www.bhpbilliton.com/our-approach/operating-with-integrity/tax-and-transparency

Commented [MS6]: Section should be renamed to reflect the fact these disclosures are not necessarily voluntary but may be required by other jurisdictions.

Commented [MS7]: Should note that, in most of these reports, the companies define "project" in the US as state-level reporting.



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Company	Natural Resource	Reports Under	Disclosures
Rio Tinto	Coal & Hardrock	Voluntary	Rio Tinto reports both tax and non-tax payments to governments, as well as publishes an annual "Taxes Paid" report. Payments are reported at the government and project levels. The report includes economic contribution data and contextual information, including case studies. Rio Tinto's report is independently audited. http://www.riotinto.com/ourcommitment/spotlight-18130_18998.aspx

These reports suggest best practices for encouraging further disclosure of payments by private companies.

In addition, publicly listed companies in the United States must comply with the reporting requirements under the Sarbanes-Oxley Act of 2002 (the "Act") and the corresponding U.S. Securities and Exchange Commission (SEC) Final Rule, *Management's Report on Internal Control Over Financial Reporting and Certification of Disclosure in Exchange Act Periodic Reports* (<https://www.sec.gov/rules/final/33-8238.htm>). The SEC Final Rule requires that a company's board of directors "include in their annual reports a report of management on the company's internal control over financial reporting."⁴ Specifically, the SEC Final Rule states the annual report must include:

- 1) A statement of management's responsibility for establishing and maintaining adequate internal control over financial reporting at the company.
- 2) Management's assessment of the effectiveness of the company's internal control over financial reporting as of the end of the company's most recent fiscal year.
- 3) A statement identifying the framework used by management to evaluate the effectiveness of the company's internal control over financial reporting (i.e., *Internal Control—Integrated Framework*, established by COSO, is the most commonly used).
- 4) A statement affirming that the registered public accounting firm that audited the company's financial statements has issued an attestation report on management's assessment of the company's internal control over financial reporting. This review of controls by the company's external auditors (monitored by the Public Company Accounting Oversight Board) follows a review by the company's own internal auditors (reporting to the company's audit committee).

⁴ U.S. Securities and Exchange Commission, *Final Rule: Management's Report on Internal Control Over Financial Reporting and Certification of Disclosure in Exchange Act Periodic Reports*, 17 CFR PARTS 210, 228, 229, 240, 249, 270, and 274. <https://www.sec.gov/rules/final/33-8238.htm>. Accessed on May 2, 2017.



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A review of controls is part of the annual financial statement audit that every public company must complete with an independent public accounting firm. This audit provides investors and other interested parties with an assessment as to whether the company's financial results are fairly presented, in all material respects, in conformity with an established uniform body of accounting standards. Private companies typically are subject to financial statement audits when other parties, such as creditors and lenders, rely on and require the same level of assurance and attestation.

Evaluating Data Quality

The requirements for mainstreaming include determining whether data from both government and industry sources is up to date, comprehensive, and reliable outside of the EITI reporting structure. This section outlines the characteristics of U.S. data in these three categories.

Up-to-Date Data

The EITI Standard requires that information be reported on an annual basis and requires that the data disclosed be "no older than the second to last complete accounting period." For government and industry entities that currently report, U.S. data is disclosed on an annual basis and within the second to last complete accounting period. DOI UDR data is reported for the previous accounting period (e.g., the 2016 report includes 2015 data).

Comprehensive Data

The U.S. government's UDR covers all in-scope, non-tax payments received by the U.S. government, including payments from companies not in scope for USEITI revenue reconciliation purposes. Unilateral disclosure in the United States covers royalties, rents, bonuses, and other revenue, both by revenue stream and by company.

Federal Income Tax disclosure is made by the U.S. Treasury on an aggregate basis by industry. Some companies voluntarily disclose Federal Income Tax data as part of EITI reporting, to fulfill regulatory requirements in other countries, or as part of their own transparency reporting.

USEITI provides contextual narrative information through USEITI's data portal, which provides a detailed overview of the extractive industry on federal government lands in the United States. The portal contains dozens of pages, tables, and graphics that allow users to dynamically explore data related to the extractive industries in the United States. It also explains USEITI and how the extractive industries function in the United States. Specifically, the portal includes:

- More than 15 in-depth contextual pages about the entities that own natural resources, the laws governing natural resource extraction, how natural resources result in federal revenue, details on revenue streams, and data accuracy and accountability measures.



- Fifty-five dynamic regional profile pages with contextual data integrated throughout.
- Twelve county case study pages that examine major producers of in-scope natural resources and the socioeconomic impact extractives industries have on these counties.

Additionally, the data portal includes a glossary related to the extractive industries, downloadable data sets for further analysis, and data documentation and usage notes.

Reliable Data

Companies in the extractive industries are subject to laws and regulations related to payments to the U.S. government, including the process for submitting those payments to the federal government. The processes for how these payments and revenue are recorded and verified are detailed in USEITI's *Audit and Assurance Practices and Controls in the U.S. Factsheet*, which is available at https://useiti.doi.gov/downloads/USEITI_budget-audit-factsheet_2016-08-17.pdf. *Appendix 2* includes tables that outline the major laws establishing the fiscal regime, fees, and fines related to extractive industries revenue collection in the United States.

Standards for both the federal government and companies in the extractive industries are promulgated by regulatory and voluntary oversight bodies⁵. These standards define:

- How companies and the U.S. government report revenue and financial information.
- How internal and external audit procedures provide payment and collection assurance.
- How external auditors provide assurance on companies' financial statements, as well as disclose audit results and audited financial statements for public companies.

Appendix 2 provides a table of laws, regulations, professional standards, and regulatory organizations used by companies, governments, and auditors to guide the reporting of financial information in the United States, including the financial statement audit process.

Reconciliation and Mainstreaming

Once a country is approved for mainstreaming, it is no longer required to complete the reconciliation process. If EITI data is comprehensive and reliable, then the data is "audited in accordance with international standards, the procedure does not require a comprehensive reconciliation of government revenue and company payments." This section details the audit, reconciliation, and assurance processes in place at ONRR and other U.S. government agencies.

⁵ "Tracking and Verifying Company Payments to Government Agencies in the U.S. Extractive Industries," n.d., USEITI, https://useiti.doi.gov/downloads/USEITI_budget-audit-factsheet_2016-08-17.pdf.



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There are generally four levels of mainstreamed controls:

- Upfront reconciliation of transaction data between DOI, U.S. Treasury, and companies
- Internal audit and other assurance processes within DOI
- External audit of DOI
- Other ad hoc oversight from the Office of the Inspector General (OIG), Congress, and other bodies

As part of the pre-reconciliation process integral to ONRR’s receipt and processing of company payments and reporting, ONRR conducts 100% upfront reconciliation.

This report covers CY 2015 rents, royalties, and bonuses that, together, constitute 95% of DOI revenue streams, as well as Corporate Income Taxes. The following table provides additional details:

Revenue Stream	Percent of DOI Revenue	Upfront Reconciliation	Internal Controls	External Audits	Ad Hoc Oversight
ONRR Royalties	78.2%	✓	✓	✓	✓
ONRR & BLM Bonuses	14.6%	✓	✓	✓	✓
ONRR & BLM Rents	3.1%	✓	✓	✓	✓
OSMRE AML Fees	2.5%	✓	✓	✓	✓
BLM Permit Fees	1.3%	✓	✓	✓	✓
ONRR Offshore Inspection Fees	0.7%	✓	✓	✓	✓
ONRR Other Revenue	0.4% <i>(Negative Amount)</i>	✓	✓	✓	✓
ONRR Civil Penalties	0.1%	✓	✓	✓	✓
OSMRE Civil Penalties	0.03%	✓	✓	✓	✓
Corporate Income Taxes	N/A	N/A	✓	✓	✓

Note: Percentages total more than 100% due to rounding and negative ONRR other revenue.

ONRR’s Upfront Reconciliation Process

ONRR’s mission is to collect, account for, and verify natural resources revenue due to U.S. states, American Indians, and the federal government. Each month, ONRR receives and processes 49,000 royalty and production reports. ONRR’s reconciliation process determines whether the U.S. government has been paid what it is owed, as well as whether companies made payments to the federal government in a timely manner. For ONRR’s reconciliation process, companies report data the month after the month of production. Comprehensive reporting by companies and payors occurs on a project or lease level⁶ basis.

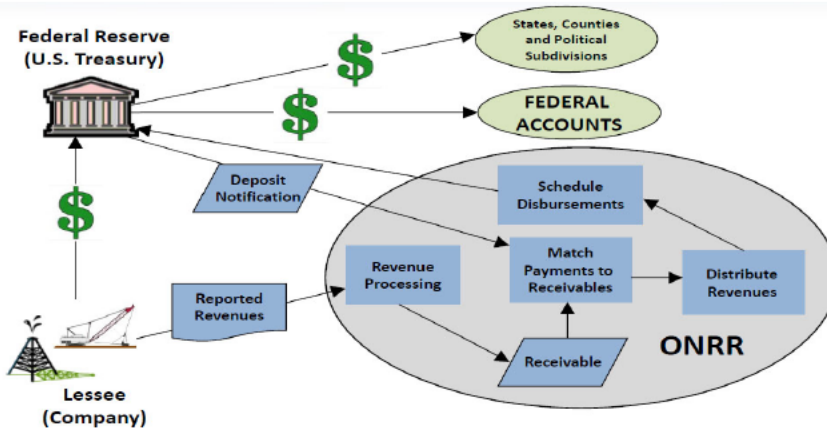
⁶ A “project” is defined as the operational activities governed by a single contract, license, lease, concession, or similar legal agreements that forms the basis for payment liabilities to a government. If multiple agreements are interconnected, they should be considered a project.

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The following graphic illustrates the 100% upfront reconciliation and matching of company payments to ONRR revenue, as well as the distribution of revenue to recipients.

Figure 2. Upfront Reconciliation and Matching of Company Payments to ONRR Revenue



In this process, companies make payments to the U.S. Treasury and report those payments to ONRR on a monthly basis.

DOI Mainstreamed Processes and Controls

ONRR's Internal Controls and Processes

The United States has a set of standards and internal controls that are aimed at achieving reliability and accuracy in payment collection, accounting, and reporting. In accordance with guidance from the U.S. Government Accountability Office (GAO) Green Book, These standards and internal controls are outlined as follows:

Components of Internal Control	Principles
Control Environment	<ol style="list-style-type: none"> 1. Demonstrate commitment to integrity and ethical values 2. Exercise oversight responsibility 3. Establish structure, responsibility, and authority 4. Demonstrate commitment to competence 5. Enforce accountability
Risk Assessment	<ol style="list-style-type: none"> 6. Define objectives and risk tolerances 7. Identify, analyze, and respond to risk 8. Assess fraud risk 9. Analyze and respond to change
Control Activities	<ol style="list-style-type: none"> 10. Design control activities 11. Design activities for information systems 12. Implement control activities



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Components of Internal Control	Principles
Information and Communication	13. Use quality information 14. Communicate internally 15. Communicate externally
Monitoring	16. Perform monitoring activities 17. Remediate deficiency

Source: OMB Circular A-123

Internal Controls

In addition to annual OIG audits, external third parties audit ONRR’s financial functions on an annual basis in accordance with generally accepted government auditing standards (GAGAS). Audits in the United States have a high standard of verification in the form of evidence for source documents and records, resulting in greater accuracy of payment and reporting information. Additionally, ONRR uses U.S. Standard Government Ledger (USSGL) accounts to prepare external reports for the Office of Management and Budget (OMB) and the U.S. Treasury, which includes this financial information in its annual consolidated DOI Agency Financial Report. Finally, the Chief Financial Officer (CFO) Act requires annual audits of DOI’s financial statements, which include a thorough review of ONRR.

OMB Circular A-123 is part of the DOI Agency Financial Report. Per this regulation, the secretary of the DOI must provide an assurance statement on the state of the DOI’s internal controls to the president and Congress. OMB, GAO, and Congress established the requirement for agencies to develop and maintain effective internal controls by issuing federal guidance, including OMB Circular A-123, *Management’s Responsibility for Internal Control*. Under this guidance, management is responsible for establishing and maintaining effective internal controls and financial management systems that meet the objectives of the Federal Managers’ Financial Integrity Act of 1982.

The A-123 process at ONRR begins with the director of ONRR issuing guidance to employees that outlines the compliance assurance activities that must be completed. ONRR’s Internal Review, Oversight, and Compliance (IROC) program provides leadership and technical support to ONRR employees as they complete the A-123 process. Program managers of each assessable unit (AU) in ONRR use DOI’s Integrated Risk Rating Tool (IRRT) to complete a risk assessment of their processes. With that information, IROC develops ONRR’s Three-Year Component Inventory and Annual Risk-Based Internal Control Review Plan (Three-Year Plan).

In order for ONRR to maintain compliance with OMB Circular A-123, it must complete the following activities:

- Submit entry-level risk assessments for each of the program directorates: director, deputy director, and directorate support office; audit and compliance management;

coordination, enforcement, valuation, and appeals; and financial and program management

- Document or update AU key business processes, risks, and internal controls in both narrative and flow chart form
- Identify, document, and test key controls of all processes that are significant to a line item on DOI’s financial statements
- Perform DOI-directed and ONRR-directed internal control reviews (ICRs)
- Develop DOI-required information technology (IT) and overall annual assurance statements

Additionally, DOI has designed an **Integrated Internal Control Program** comprising the plans, methods, and procedures used to support its mission, goals, and objectives. DOI has a six-step approach for its Integrated Internal Control Program that aims to enable performance-based management and supports DOI’s mission, while addressing multiple legislative requirements.

Figure 3. DOI’s Integrated Internal Control Program



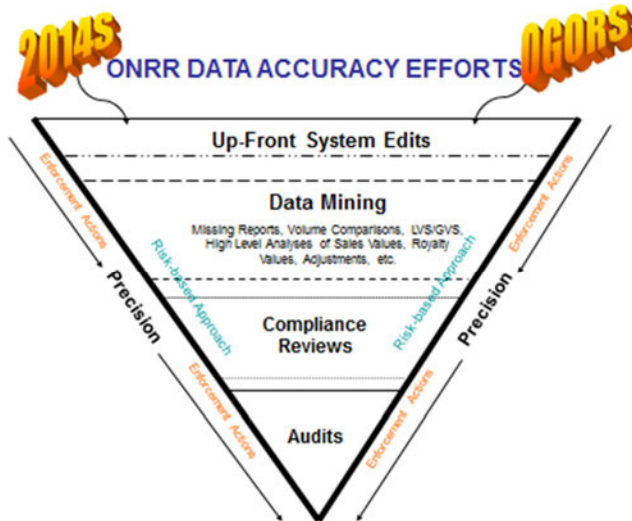
The goals of DOI’s Integrated Internal Control Program are to:

- Ensure senior management oversight and coordination at the department and bureau level
- Follow a structured approach for assessing the risks facing the organization
- Implement a risk-based approach that weighs costs and benefits

- Improve consistency and comparability of bureau internal control programs by refining internal control guidance and using standardized tools, templates, and training
- Improve the maturity of DOI’s risk management and internal control practices

Lastly, ONRR has controls in place to determine if data submitted by extractive industries companies is reliable and accurate. These controls occur at different points in the data collection and analysis process, as depicted in the following graphic, and provide the foundation for ONRR’s compliance reviews and audits.

Figure 4. ONRR’s Data Accuracy Process



Data control and verification starts at the submission stage of extractive industries reporting. Royalty reports (i.e., Forms ONRR-2014 and ONRR-4430) and production reports (i.e., oil and gas operations reports (OGORs)) go through hundreds of upfront system edits and checks for individual companies before they are submitted and accepted into ONRR’s financial systems. These edits help prevent companies from submitting incorrect data, such as erroneous lease agreement amounts, incorrect prices, mathematical errors, or missing data elements.

Once the data is submitted by companies, ONRR’s data mining office analyzes and works with individual companies to resolve various types of reporting errors and anomalies. The data mining phase helps identify specific issues with Form ONRR-2014 and OGOR submissions, as well as identifies errors that occur across multiple companies. When such errors are identified, ONRR works to provide specific guidance to companies and/or establish improved internal



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processes for data collection and review. Data mining focuses on resolving issues collaboratively with companies prior to any compliance review and/or potential audit by using a system-generated variance to identify the required workload.

Audit and Compliance Management Function

ONRR's audit and compliance management (ACM) function is a part of the U.S. process for data accuracy and assurance. The ACM function serves to verify the accuracy of data reported to ONRR and examines statements, records, and operations of companies to verify compliance with lease instruments and established regulations, laws, and guidelines. The subsequent information detailed in this section is based on interviews with federal officials. This information was not independently verified by the IA.

ONRR's ACM function uses a risk-based approach to conduct compliance reviews and audits. This approach uses a risk calculation tool to develop audit and compliance work plans and identify potential risks of noncompliance based on a number of proprietary indicators, including previous audits and compliance reviews and the significance of royalty dollars. The risk calculation tool stratifies the compliance of companies and properties into high-, medium-, and low-risk categories. ACM's work is performed by more than 240 ONRR staff in six regional offices and 125 auditors working for states and tribal nations that have significant activity in extractive industries. The auditors on the State and Tribal Royalty Audit Committee perform audit and compliance reviews under the 202/205 cooperative agreements between ONRR, states, and tribes.

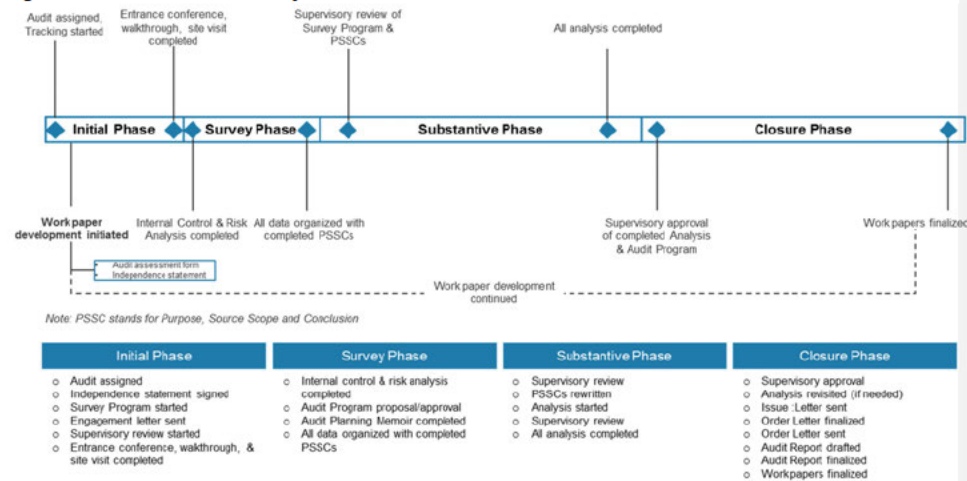
Through the ACM function, ONRR uses multiple evaluative techniques to determine if payments received from companies are for the appropriate amounts. These techniques include the following:

- One month after sales of production, a report and payment is due. At the time of the reporting, ONRR uses upfront system edits to verify royalty and production reports, including transportation and processing limits, multiple royalty rates, pricing edits, and agreement amounts.
- One to two years after a payment, ONRR uses data mining to increase the accuracy of company-reported data before the data is subjected to compliance reviews and audits. Missing reports, adjustment monitoring, adjustments to completed cases, and production volume comparisons are key components of data mining efforts to determine if company payments are accurate and verifiable.
- Two to three years after a payment, following the upfront-system edits and data mining, ONRR conducts compliance reviews and audits. Compliance reviews are used to examine issues and potential reporting errors after the upfront system checks and data mining. The compliance reviews are conducted two to three years after the original data

submissions to allow for adjustments and clarification of the data. In fiscal year (FY) 2016, ONRR completed more than 500 compliance reviews. Compliance reviews can come from a variety of sources, including a referral from another part of the agency, information obtained from the IRRT, or data anomalies found by the system.

Audits are performed based on source documentation or other verifying information obtained to analyze the completeness and accuracy of the production volumes, sales volumes, sales values, transportation and processing allowances, and royalty values reported by companies, in accordance with the reporting and valuation regulations. In FY 2016, the ACM function conducted 128 audits. ACM's audit process timeline is outlined in Figure 5.

Figure 5. Audit Process Timeline for ACM



When ONRR discovers inaccurate payments or potential fraud, it has several enforcement mechanisms at its disposal, including alternative dispute resolution, litigation, and civil penalties.

Additional Audits by the State and Tribal Royalty Audit Committee (STRAC)

In addition to the ONRR's audits, state government agencies also audit companies' reported production and payments, and these state government agencies are in turn subject to controls and audits of their own. Likewise, tribes in the United States also complete audits and are subject to controls and audits of their own. This multilayered system of checks and balances strengthens the data's reliability. Furthermore, STRAC works with ONRR to audit leases within its respective jurisdictions. STRAC consists of representatives from nine states and six Indian tribes. STRAC's purpose is to help ensure proper royalty payments are made by oil, gas, and solid mineral companies. STRAC's agreements are authorized under Sections 202 and 205 of the Federal Oil and Gas Royalty Management Act of 1982(FOGRMA), as amended by the Federal Oil



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and Gas Royalty Simplification and Fairness Act of 1996 (FOGRSFA). STRAC helps further the accountability of money owed to its jurisdictions and improves the reliability of reported data.

[U.S. Bureau of Land Management \(BLM\) Controls](#)

BLM uses several methods and processes to ensure data accuracy and integrity when collecting rents, bonuses, and BLM permit fees.

First, the BLM Collections and Billings System (CBS) builds data integrity into the data collection system design. BLM uses CBS as a single point of entry for billings and collections data entry by field office personnel. CBS interfaces nightly with DOI's Financial and Business Management System to allow exchange and posting of collection information to the general ledger. CBS uses BLM's intranet to transmit collection information and includes several layers of security. In addition, CBS allows field personnel to enter any type of collection and organizes receipts into the correct accounts by natural resource category, subject, and action. BLM conducts continuous internal reviews and reports to ensure the timeliness, accuracy, and compliance of data entered into CBS.

Second, the Automated Fluid Minerals Support System (AFMSS) is a BLM-wide fluid mineral (i.e., oil and gas, geothermal, and helium) system with authorized use and inspection and enforcement support. AFMSS supports oil, gas, and geothermal lease operations on federal and Indian trust lands; post-lease operational approvals; well and facility data; inspection and enforcement data; and assessments and penalties for noncompliance and undesirable events (i.e., spills), as well as displays well production data (OGOR) collected by ONRR and data on customers (i.e., producers and operators). A number of reports supporting BLM business requirements are also included on a field office, state office, and national basis.

AFMSS contains oil, gas, and geothermal facility inspection and compliance data, including data related to preconstruction, drilling, production measurement and accountability, facility abandonment, undesirable events, enforcement actions (i.e., assessments and penalties), and inspection strategy information. AFMSS also contains the following: oil, gas, and geothermal leases; unit agreements; participating areas; communitization agreements; bond coverage; and drainage assessment data.

These assurance mechanisms and processes help BLM meet internal and external audit requirements and support accurate accounting and reporting.

[Office of Surface Mining Reclamation and Enforcement \(OSMRE\) Controls](#)

OSMRE uses the Internet-based Coal Fee Collection Management System (CFCMS) to report on 99% of U.S. coal production. The system is designed to prepopulate information about companies with coal-producing permits, thus reducing data entry error. The system contains numerous edits to ensure data accuracy, as well as automatically calculates fee amounts based



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on the production data entered by companies. OSMRE also completes paper-based reports for the remaining 1% of U.S. coal production.

Internally, OSMRE conducts continuous reviews of both automated and manual data entered into CFCMS to ensure the timeliness, accuracy, and compliance of data.

Externally, OSMRE conducts independent reviews of CFCMS data during audits of coal company records. During such audits, OSMRE auditors review data entered into CFCMS against coal company records of reported tonnage to determine whether there are any discrepancies in the CFCMS data.

OSMRE's Division of Compliance Management (DCM) performs audits of coal mining operations nationwide in accordance with GAGAS. These audits are performed using an internally developed automated audit program that is integrated with other OSMRE systems to increase efficiencies and reduce errors. DCM maintains an internal quality control system that is monitored on an ongoing basis to provide reasonable assurance that the policies and quality controls are appropriately designed and effectively applied. DCM's audit plan uses a risk-based approach, prioritizing audits based on identified risk factors. The audit program is designed to promote timely and accurate reporting of coal tonnage and ensures correct fee payments. In accordance with the requirements of GAGAS, DCM is subject to a peer review every three years performed by an independent certified public accounting firm.

The efficiencies of the audit program and its related activities have enabled OSMRE to achieve a compliance rate of more than 99% at a minimal cost to the Abandoned Mine Land (AML) Fund. OSMRE's process improvements and successful migration to electronic reporting has automated virtually all audit functions and eliminated 100% of data entry errors.

OIG Oversight

OIG provides independent oversight and promotes accountability within programs, operations, and management of the department. OIG performs the following functions:

- Oversees the contract with an independent certified public accounting firm to perform the annual DOI financial statement/CFO audit
- Conducts energy-focused reviews of DOI energy and mineral revenue programs
- Provides leadership and coordination and recommends policies for activities
- Identifies risks and vulnerabilities that directly affect DOI's mission
- Keeps interested parties informed about deficiencies related to the administration of programs and operations and the progress of necessary corrective actions
- Reviews the activities related to the EITI initiative



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Additional DOI Controls

Various entities within DOI support the accuracy, reliability, and timeliness of data collection and reporting, as detailed in the following table:

DOI Office	Responsibilities/Functions
Financial and Production Management	<ul style="list-style-type: none"> • Collects, verifies, and distributes all royalties, rents, and bonuses • Receives, processes, and verifies industry-submitted royalty reports • Performs data mining functions • Receives, processes, and verifies industry-submitted production reports and error corrections for all federal and Indian production • Oversees meter inspections for production verification
General Ledger (GL)	<ul style="list-style-type: none"> • Accounts for billions of dollars collected and disbursed by ONRR, in accordance with GAAP • Processes payments • Prepares reports and reconciliations for the U.S. Treasury • Processes revenue-sharing disbursements to states and counties through the U.S. Treasury, as well as transfers to other federal agencies • Processes refunds of overpayments to lease holders • Provides the initial trial balance used to develop departmental financial statements • GL is subject to an annual financial audit by OIG
Accounting Services	<ul style="list-style-type: none"> • Defines accounts payable (AP) functions as either federal or Indian • Ensures revenue is received with correct information and proper recipients • Prepares disbursement data for the U.S. Treasury and the Office of the Special Trustee • Provides distribution and mineral revenue reports to federal agencies, states, tribes, tribal allottees, and other requestors
Accounts Payable (AP) Federal	<ul style="list-style-type: none"> • Oversees system processing of all payor reporting and payments • Works closely with recipient agencies, states, and counties to resolve issues and ensure timely distribution of shared revenue • Ensures AP federal processes are in compliance with federal statutes regarding mineral extraction on federal lands
Accounts Payable (AP) Indian	<ul style="list-style-type: none"> • Collects daily rents and royalties on behalf of Indian tribes and allottees • Works extensively with the Bureau of Indian Affairs (BIA), the Office of the Special Trustee for American Indians (OST), and recipient Indian tribes • Prepares a daily report of deposits for OST and a twice-monthly distribution report on leases held by individual Indian allottees • Works with OST and Indian tribes to answer questions and reconcile accounts, as needed • Works with ONRR's Indian outreach organization to resolve allottee issues
Financial Services	<ul style="list-style-type: none"> • Manages other related federal and Indian account reconciliations • Reconciles payments to receivables within customer accounts • Establishes receivables for mineral royalty reports • Identifies credit and refund actions and processes related paperwork



U.S. Government Mainstreamed Processes and Controls

U.S. Treasury Single Source Cash Flow

The U.S. Treasury and Federal Reserve System (the “Treasury”) serves as the sole provider of financial services for all U.S. federal agencies, including ONRR. Treasury maintains a centralized system of accounts for all federal agencies. The core tenet of this centralized system of accounts is that no single federal agency controls the receipt and payment of public funds. All federal agencies that handle government financial transactions must properly perform their functions to support internal government controls and the system of central accounts.

Treasury performs variance analysis and other reconciliations on transactions and balances contained within its systems. Treasury contacts ONRR with any questions it may have and can request ONRR justify or make changes to transactions or balances. DOI’s external auditor also samples deposit and disbursement data from all Treasury systems and traces that data back to originating lease documents within ONRR’s systems or other agency accounting advice.

To accomplish these ends, there are several primary systems maintained by Treasury that ONRR utilizes for cash flows, including the Collections Information Repository (CIR) for revenue collections, the Intra-Governmental Payments and Collections System (IPAC) for intragovernmental transfers, the Secure Payment System (SPS) for disbursements, and the Central Accounting Reporting System (CARS) for Treasury fund reconciliation.

ONRR receives the majority of its oil and gas revenue, as well as geothermal and solid minerals revenue through the CIR, which serves as a transaction broker, data warehouse, and reporting solution. CIR provides a single touchpoint to exchange all financial transaction information for settled transactions across all collections systems. This enables the U.S. government to normalize financial transaction reporting and standardize the availability of financial information across all settlement mechanisms and collections systems. CIR greatly improves the way ONRR collects, analyzes, and redistributes financial transaction information, which in turn eliminates redundancies and disconnects across and between the numerous point-to-point connections. CIR is a self-contained system with various related external system interfaces. CIR provides ONRR with revenue related to payments from the public sent via Fedwire, Pay.gov, automated clearing house (ACH), and check. All payment method transaction information submitted to ONRR is summarized daily into vouchers by CIR. CIR does not allow ONRR to create or alter deposit information.

Whereas CIR is used for revenue collected by ONRR from extractive industries companies, IPAC is used for oil and gas revenue collected by other federal agencies and transferred to ONRR. ONRR also uses IPAC to disburse revenue to other federal agencies in accordance with applicable statutes. The IPAC system’s primary purpose is to provide a standardized interagency fund transfer mechanism for federal program agencies (FPAs). IPAC facilitates the



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intragovernmental transfer of funds, with descriptive data from one FPA to another. The IPAC system enables FPAs to exchange accounting and other pertinent information to assist in the reconciliation of funds transferred between FPAs for various interagency transactions (i.e., buy, sell, fiduciary, and other miscellaneous payment transactions). Sender and receiver Treasury account symbols/business event type codes (TAS/BETC) are validated in a shared accounting module (SAM) and transmitted to the CARS account statements at the time of IPAC origination. IPAC standardizes interagency payment, collection, and adjustment procedures through an Internet-based application.

The SPS is an application that allows government agencies to create payment schedules in a secure fashion, with strictly enforced separation of duties. Access to SPS is rigidly controlled by both Treasury and ONRR. SPS is ONRR's only avenue to disburse revenue from Treasury to state or local governments and to refund overpayments back to companies.

Lastly, ONRR uses the CARS to report and reconcile all collections and disbursement activity. CARS is a one-stop tool to:

- Provide and retrieve data and information from Treasury
- Capture and record TAS information for payments
- Deposit intragovernmental transactions
- Provide an account statement of the fund balance with Treasury
- Allow access to transaction details to support research and reconciliation
- Improve the usability and currency of government-wide financial information
- Minimize data redundancy and enhance data sharing between Treasury's central accounting system, financial service provider systems, and ONRR's core financial systems

ONRR reconciles the CARS fund balance with Treasury. ONRR's accounting system does this via reclassification of collection and disbursement transactions to identify the proper fund within Treasury. This reconciliation process is performed during the first three business days of each month. Any statements of difference between Treasury and ONRR are not permitted. All discrepancies and out of balances found must be corrected during the current accounting period, or a restatement is required for closed periods. CARS does not allow ONRR to create or delete transactions from the system.

[Third-Party Audit Procedures](#)

The annual agency financial report (AFR) provides important financial and performance information related to the stewardship, management, and leadership of the public funds and resources entrusted to DOI. Specifically, the report contains DOI's audited financial statements as required by the Chief Financial Officers Act of 1990. The audited financial statements include the custodial revenue managed by ONRR, OSMRE, and BLM. In FY 2016, DOI obtained an



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unmodified opinion from its independent certified public accounting firm—this was the 20th consecutive unmodified opinion for DOI.

DOI adheres to strict audit and assurance procedures in order to fulfill its fiduciary trust responsibilities to the nation’s taxpayers, states, tribal affiliates, and local municipalities. The procedures outlined below reflect the best efforts to compile, structure, and summarize processes generally employed across DOI’s bureaus and offices to achieve the department’s overarching mission.

- First is an examination of the external and independent audit requirements used to evaluate DOI’s compliance with audit and assurance protocols.
- Next is a review of the department’s internal audit controls, audit and compliance activities, and peer review processes.
- Last is an examination of the department’s data and IT assurance mechanisms.

In engaging a third party to conduct its audit, DOI entrusts this independent auditor to conduct audits of the department’s general-purpose financial statements and closing-package financial statements in accordance with GAAP. The purpose of such an audit is the expression of an opinion as to whether the general-purpose financial statements that have been prepared by management conform with GAAP.

In the United States, such a third-party audit involves the following types of high-level activities:

- Performing procedures to obtain audit evidence about the amounts and disclosures in the general-purpose financial statements and closing-package financial statements
- Performing tests of the accounting records and assessing the risks of material misstatements of the general-purpose financial statements and closing-package financial statements, whether due to error or fraud, to provide a reasonable basis for opinions
- Evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management
- Evaluating the overall general-purpose financial statement and closing-package financial statement presentation

KPMG, LLP, DOI’s independent auditor, noted in one of the Independent Auditor’s Report, “In our opinion, the consolidated financial statements referred to above present fairly, in all material respects, the financial position of the U.S. Department of the Interior ... and its net



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costs, changes in net position, budgetary resources, and custodial activity for the years then ended in accordance with U.S. generally accepted accounting principles.”⁷

The audit of ONRR and DOI was conducted in accordance with GAGAS. This framework is used for conducting high-quality audits with competence, integrity, objectivity, and independence. These standards are promulgated by the GAO.

Additional Oversight

In addition to external audits from third-party auditors, DOI and ONRR are subject to additional oversight related to the collection, distribution, and reporting of revenue. OIG provides oversight in a number of areas. OIG’s Office of Audits, Inspections, and Evaluations examines financial statements to determine if they are presented fairly and in accordance with GAAP. OIG’s Office of Investigations conducts, supervises, and coordinates investigations related to allegations of fraud, waste, abuse, or mismanagement of financial resources or that result in significant financial losses to DOI.

Ultimately, as members of the executive branch, DOI and ONRR are subject to congressional oversight. Congress has a constitutional responsibility and right to investigate the actions of the executive branch and can compel reports, witnesses, and testimony.

The U.S. Government Accountability Office (GAO)

GAO supports Congress in meeting its constitutional responsibilities and assists in improving the performance and accountability of the federal government. GAO’s work is done at the request of congressional committees or subcommittees or is mandated by public laws or committee reports, and includes the following activities:

- Audits agency operations to determine whether federal funds are spent efficiently and effectively
- Investigates allegations of illegal and improper activities
- Reports on how well government programs and policies are meeting their objectives
- Performs policy analyses and outlines options for congressional consideration
- Issues legal decisions and opinions
- Advises Congress and the heads of executive agencies on ways to make government more efficient, effective, ethical, and responsive
- Publishes a high-risk list (<http://www.gao.gov/highrisk/overview>)
- Its work leads to laws and acts that improve government operations

Commented [MS8]: It would be an oversight not to mention that the GAO considers Interior’s management of its oil and gas resources to be a “high risk” area. http://www.gao.gov/highrisk/management_federal_oil_gas/why_did_study

⁷ “DOI Agency Financial Report FY 2013,” <http://www.doi.gov/pfm/afr/2013/upload/DOI-FY-2013-AFR.pdf>; “DOI Agency Financial Report FY 2014,” <http://www.doi.gov/pfm/afr/2014/upload/DOI-FY-2014-AFR.pdf>.



- Maintains and updates GAGAS

The GAO comptroller general issues GAGAS, which were first published in 1972 and are commonly referred to as the “Yellow Book.” GAGAS cover federal entities and those organizations receiving federal funds. The most recent 2011 revision of *Government Auditing Standards* takes into account recent changes in other auditing standards, including IFRS.

GAGAS incorporates, by reference, the AICPA *Statements on Auditing Standards (SAS)* and *Statements on Standards for Attestation Engagements (SSAE)*. Auditors may elect to use the International Auditing and Assurance Standards Board (IAASB) standards, the International Standards on Auditing (ISA), and International Standards on Assurance Engagements (ISAE) in conjunction with GAGAS.

The Auditing Standards Board (ASB) of the AICPA develops its SAS using the ISA as the base standard (ISAs are developed by the IAASB), and modifies the base standard only where modifications are deemed necessary to better serve the needs of the U.S. legal and regulatory environment. ASB field work and reporting standards for financial audit and attestation engagements are incorporated, by reference, into the “Yellow Book,” unless specifically excluded.

GAGAS, part 3.31 (2011), encourages internal auditors who work for management at audited entities to use the Institute of Internal Auditor’s (IIA) International Standards for the Professional Practice of Internal Auditing in conjunction with GAGAS.

GAO is a member of the professional standards committee of the International Organization of Supreme Audit Institutions (INTOSAI), which strives to establish an effective framework for professional standards that correspond to the needs of member SAIs. Only GAO, the IIA, and INTOSAI currently issue standards on performance and compliance audits. GAGAS incorporates compliance auditing in its performance auditing standards. INTOSAI has also issued a separate set of compliance audit standards.

[Overview of Beneficial Ownership Requirements in the 2016 EITI Standard](#)

The 2016 EITI Standard requires implementing countries to ensure companies disclose their beneficial owners, as well as politically-exposed persons holding ownership rights by 2020⁸. The Standard recommends that beneficial ownership information be made available through public registers, and that at a minimum the information be included in the country’s annual report. The Standard first requires implementing countries to publish a roadmap outlining activities and preparations that the MSG considers necessary to implement beneficial ownership requirements. The USEITI MSG published this roadmap in January 2017 and shared it with the

⁸ The Standard outlines that this applies to corporate entities that bid for, operate or invest in extractive assets and that this disclosure should include the identities of beneficial owners (including name, nationality, and country of residence), the level of ownership and details about how ownership or control is exerted.



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EITI International Board; the roadmap is available as part of the meeting materials for the November 16-17, 2016 MSG.

Current Status of Beneficial Ownership in the United States

There is currently no a single definition for beneficial ownership in the United States, nor is there an institutional framework for beneficial ownership disclosure, a specific framework for the level of detail of beneficial ownership information collected, or a single methodology for assessing the accuracy of the data. However, the U.S. does have a number of frameworks for the collection of beneficial ownership information, but data collection and requirements vary.

The first framework for collection is the corporate formation process. In the United States, individual states manage the corporate formation process. As such, information requirements for incorporation vary widely, but no states require persons forming corporations to name beneficial owners at the time of corporate formation. There are no mechanisms that capture, track, and manage beneficial owners at the state level. Some states do make certain data on incorporated companies public through online systems. There are no federal laws regulating incorporation.

At the federal level, three requirements provide an institutional framework for beneficial ownership information collection, but not disclosure. First, the [U.S. Treasury's Customer Due Diligence Rule](#)⁹ requires U.S. financial institutions to know the real people who own, control, and profit from companies (beneficial owners) and to verify their identities. Whenever companies open a new account at a covered financial institution, the customer must disclose the identity of 1) each individual who owns 25% or more of the company and 2) any individual who controls the company. Second, legal entities that file federal taxes must obtain and have an Employer Identification Number (EIN). To do so, they must name a "responsible party." A responsible party is generally defined as "the person who has a level of control over, or entitlement to, the funds or assets in the entity that, as a practical matter, enables the individual, directly or indirectly, to control, manage, or direct the entity and the disposition of its funds or assets."¹⁰ Finally, the Securities Exchange Act of 1934 requires any person or group that acquires more than 5% beneficial ownership of public company equity securities must disclose its position within 10 days of crossing the threshold.

For extraction on federal lands, the Mineral Leasing Act of 1920 (MLA) and the Outer Continental Shelf Leasing Act (OCSLA) require companies to meet certain requirements pertaining to ownership. The MLA requires companies holding onshore federal mineral leases to meet citizenship and acreage requirements. For coal and leasable solid minerals, a 10% ownership in a partnership or association must be disclosed to ensure this compliance. For oil and gas, publicly traded partnerships and associations must certify that their constituent

⁹ <https://www.federalregister.gov/documents/2016/05/11/2016-10567/customer-due-diligence-requirements-for-financial-institutions>

¹⁰ USEITI Beneficial Ownership Work Group meeting minutes, 2016



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members who own more than 10% are in compliance with the MLA. There are no comparable requirements for geothermal. The OCSLA governs oil, gas, sulfur, other minerals, and renewables leased on the Outer Continental Shelf of the United States. It requires that bidders prove they are qualified to bid by demonstrating: 1) if an individual, that they are a citizen or national of the U.S. or an alien lawfully admitted for permanent residence, 2) if a corporation, that they are organized under the laws of a state or territory, or 3) if an association, that the association’s members must be qualified individuals or corporations. They don’t need to disclose underlying owners. Furthermore, to obtain a mining claim for locatable minerals (such as gold or copper) on federal lands one must prove that one is either a U.S. citizen, legal immigrant who has filed for citizen, business entity organized under the laws of the state, or an agent or person falling into those categories.

There is no authoritative source for beneficial ownership information of legal entities, given that there is no requirement for U.S. states to collect this information when a company is formed. For the information that is collected, there are a number of restrictions to its disclosure. Safeguarding personally identifiable information in possession of the government and preventing its breach are essential to ensure that the government retains the American public’s trust. This applies to CDD and EIN information collected, among others. All information collected on an EIN application is confidential and cannot be disclosed or used for any purpose other than U.S. Federal tax administration. SEC filings are public, given their intent to safeguard investors.

The United States does have significant statutes and regulations restricting U.S. government employee ownership of certain financial interests, requiring employee reporting on certain financial interests, and restricting employee participation in certain official government matters that would affect an employee’s personal or imputed financial interests or that might affect an employee’s personal or business relationships. These laws are outlined in the USEITI MSG’s beneficial ownership roadmap and are detailed in Appendix 3.

[USEITI MSG’s Proposed Activities from Beneficial Ownership Roadmap](#)

The USEITI MSG outlined these considerations and more in detail in its beneficial ownership roadmap. It also outlined a proposed timeline and objectives for meeting the beneficial ownership requirement. Details of these timelines and activities is outlined below:

Timeframe	Activity
Calendar Year 2017	The MSG agrees to working definition of beneficial owner and conducts a legal review of the legal barriers and enablers to public disclosure of beneficial ownership information under U.S. law



2017 USEITI Reporting Season (March – August)	The MSG explores the possibility of requesting beneficial ownership information through the USEITI reporting template and collection of data for disclosure in the 2018 report (public companies may have the opportunity to indicate that beneficial ownership is done through periodic filings with the SEC, where appropriate, and, if it is determined, this disclosure is sufficient)
2017 and 2018	DOI and other relevant parties explore possibilities to request beneficial ownership information from companies engaged in bidding processes or otherwise operating in lands under its jurisdiction consistent with MLA, OCSLA, and/or other regulatory action within the power of the agency
January 2018	Assuming that the preceding was successful, USEITI report with 2017 data including results of beneficial ownership query is released
2018 USEITI Reporting Season	Assuming that the preceding was successful, a request for beneficial ownership information is included in the USEITI reporting template, and results will be included in the 2019 USEITI report
2018	The USEITI MSG explores the possibility of regulatory/legislation action related to the “invest in” provision of the beneficial ownership requirement
2019 USEITI Reporting Season	Assuming that preceding efforts were successful, a request for beneficial ownership information is included in the USEITI reporting template, and results will be included in 2020 USEITI report
2019	Assuming that preceding efforts were successful, DOI and other relevant parties seek to request beneficial ownership information from companies engaged in bidding processes or otherwise operating in lands under its jurisdiction consistent with the MLA, the OCSLA, and/or other regulatory action within the power of the agency

2019	The USEITI MSG explores the possibility of regulatory/legislation action related to the “invest in” provision of the beneficial ownership requirement
2020	Assuming that the preceding was successful, reporting by entities bidding for activities and operating on lands in the jurisdiction of the MLA, the OCSLA, and/or other regulatory action within the power of DOI commences
2020	Assuming that preceding efforts were successful, reporting related to the “invest in” provision commences

Conclusions of the Report and Recommendation on Mainstreaming

This feasibility study was prepared by the IA in consultation with the USEITI MSG and other stakeholders from government, industry and civil society. The following three primary conclusions reflect those consultations and a review of documents:

1. *The United States has **routine disclosures at the requisite level of detail for a significant amount of the data required by the EITI Standard and the terms of reference developed by the USEITI MSG.** The U.S. government’s UDR covers all in-scope, non-tax payments received by the U.S. government, including payments from companies not in scope for USEITI, and covers royalties, rents, bonuses, and other revenue by revenue stream and company. The disclosure is available to the public through a data portal (<https://useiti.doi.gov/downloads/federal-revenue-by-company/>). The USEITI MSG and EITI International Secretariat have made significant efforts toward the usability and public awareness of the data portal. The EITI document, “Toward Mainstreaming Action Plan,” approved by the EITI International Board on October 25, 2016, specifically highlights USEITI’s data portal as an example of “the trend toward mainstreamed EITI implementation.”*

That said, there are two areas in which there is not currently routine disclosure:

- *Corporate Income Tax, which is an in-scope revenue stream, is not currently disclosed at the company level. Federal law, including Section 6103 of the*



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Internal Revenue Code (26 U.S.C.), which provides for the confidentiality of tax returns and return information, prohibits unilateral disclosure by the U.S. government of taxpayer information at the company level. However, the U.S. Treasury does publicly disclose Corporate Income Tax on an aggregate basis by industry, including for the oil and gas and mining industries. Also, the IRS, which is under the U.S. Treasury umbrella, has the right to audit individual taxpayer returns. In addition, some companies voluntarily disclose Corporate Income Tax data as part of EITI reporting, to fulfill regulatory requirements in other countries, or as part of their own transparency reporting. Fuller tax disclosure would require either new legislation and/or expanded voluntary company disclosure. Based on consultations conducted in preparation of this report, the USEITI MSG members and other stakeholders did not see a path to either at this time.

- *Beneficial ownership disclosures are required by Section 2.5 of the EITI Standard starting on January 1, 2020. There is an existing framework of Federal banking, securities, mineral extraction and other regulations which require routine disclosure of significant owners and “responsible persons” for U.S. companies in many situations. There are also existing ethics rules which require Federal employees to disclose financial interests in companies and limit conflicts of interest. (See page 30 for more detail). However, because companies can register in any of the 50 states, there is no single authoritative source for beneficial ownership information, and the level of disclosure at the state level varies widely. Based on consultations conducted in preparation of this report, the USEITI MSG members and other stakeholders did not see a legislative or regulatory path to create such a source at the present time.*

Considered together, the system of internal controls, the disclosure of non-tax revenue through the UDR, and the disclosure of industry aggregates for Corporate Income Tax, the United States has routine disclosure of a significant amount of the data required under the 2016 EITI Standard. In the areas of Corporate Income Tax and Beneficial ownership, the EITI Board would need to decide if current routine disclosures meet the substance of the “agreed-upon” procedures for mainstreaming.

2. ***In-scope financial data for the U.S. ~~government-Department of Interior~~ and the majority of in-scope companies is subject to independent audit, applying international standards, as required by the EITI Standard and laid out in the “Mainstreaming Action Plan.”¹¹ The U.S. government and companies (both public and private) generally have***

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¹¹ https://eiti.org/sites/default/files/documents/2016-10-towards_mainstreaming_action_plan.pdf



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controls and systems of internal and external audit consistent with international standards.

With respect to the external audit of DOI, OIG engages an external auditor to conduct an annual audit of ONRR's financial functions. The external audit is conducted according to GAGAS, an internationally recognized standard. While the specific tests used in DOI's external audit have not been disclosed, interviews with OIG and other DOI personnel indicate that source documents and records are used to verify the accuracy of financial reports. In addition to the external audit, DOI and ONRR are subject to oversight related to the collection, distribution, and reporting of revenue, including oversight from DOI's Office of Audits, Inspections, and Evaluations and DOI's Office of Investigations.

In addition, all publicly traded in-scope companies undergo external audits in accordance with international standards, either GAAP or IFRS, and disclose their financial statements and the results of their audits to the SEC. Privately held U.S. companies also generally undergo audits in accordance with international standards and may be audited by the IRS, although they are not required to publicly disclose their results. See Appendix 3 for available data on audits for all in-scope companies—both public and private.

- 3. Internal controls exist to support the reliability and accuracy of payment collection, accounting, and reporting of in-scope data.** *Internal processes and controls between the U.S. Treasury, DOI, and company payors are in place, including an upfront reconciliation of a large percentage of transactions, which compares the amounts owed to the amounts collected. These processes and controls are designed to monitor the accuracy and timeliness of revenue collection and reporting between the company payor and the U.S. government. This system of controls is also intended to reduce the opportunities for fraud by the company payors or U.S. government officials. The OMB Circular A-123 program, DOI's Integrated Internal Control Program, and ONRR's data accuracy efforts for Form ONRR-2014 and OGOR submissions are examples of the additional controls in place in the United States to support the reliability and accuracy of data. The ACM function within DOI serves to verify the accuracy of data reported to ONRR and examines statements, records, and operations of companies to verify compliance with lease instruments and established regulations, laws, and guidelines. Additionally, states and tribes in the United States maintain internal audit committees.*

Recommendation for Mainstreaming and Next Steps

Based on available evidence, the USEITI MSG recommends that USEITI pursue mainstreaming.

The process for mainstreaming consists of seven phases: formal commitment, feasibility study, work plan, application, approval, implementation, and review. The United States has made the formal commitment to mainstreaming, and with the submission of this feasibility study, USEITI

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will proceed to the preparation of a mainstreaming application for review by the EITI International Secretariat. Prior to the submission of this application, the USEITI MSG will agree on a schedule for disclosure and assurance, including any capacity building and technical assistance necessary; this will form the basis of USEITI's application. An overview of the process is outlined below.

Figure 6. USEITI Mainstreaming Process



Source: EITI International Secretariat Board Paper Annex A – Draft Agreed Upon Procedure for Mainstreamed Disclosures
https://eiti.org/files/board_paper_30-4-a-annex_a_draft_agreed_upon_procedure_for_mainstreamed_disclosures.pdf

As part of developing the mainstreaming work plan and application, the following steps will be necessary:

1. Documentation of commitment by the USEITI Secretariat to maintain the UDR and data portal to the current level of timeliness, comprehensiveness, and reliability for a reasonable period of time.
2. Agreement with the EITI International Board that the current disclosures of non-tax revenue and aggregate disclosure of Corporate Income Tax are sufficient for mainstreamed implementation for a reasonable period of time.
3. Agreement with the EITI International Board on continued adapted implementation with regards to subnational disclosures related to the federal nature of the United States.
4. Documentation of a process for periodic review of mainstreamed implementation by a multi-stakeholder group, either the current USEITI MSG or a new body that meets the requirements of Section 1.4 of the EITI Standard.



Appendix 1 — Stakeholder Interview Notes

Interviewees

The IA invited 11 USEITI MSG members and alternates from across civil society, industry, and government to engage in stakeholder interviews, and the following nine people agreed to participate:

Sector	Name	Organization
Civil Society	Danielle Brian	Project on Government Oversight
Civil Society	Keith Romig, Jr.	United Steelworkers
Industry	Veronika Kohler	National Mining Association
Industry	Phil Denning	Shell Oil Company
Industry	Aaron Padilla	American Petroleum Institute
Government	Greg Gould	Department of the Interior
Government	Curtis Carlson	Department of the Treasury
Government	Mike Matthews	State of Wyoming—Department of Audit
Government	Jim Steward	Department of the Interior

Responses

The interviews covered each individual’s goals for USEITI and the U.S. track record of reconciliation, as well as evaluated the data quality of USEITI as it relates to mainstreaming. Key takeaways from these interviews follow:

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Topic	Sector	Takeaway
Goals for USEITI	Civil Society (CSO)	<p>CSO representatives spoke about a range of goals for USEITI, including consolidating already available public data in an easily accessible place, creating a meaningful contextual narrative, revealing data not previously available to the public, and representing specific constituents.</p> <p>CSO representatives were split on how reconciliation fits into their goals. One interviewee expressed the view that reconciliation inherently compares company data to company data (i.e., government data was just company data provided to the government by the company). Another interviewee found reporting and reconciliation to be positive, with the exception of tax reporting and reconciliation.</p> <p>Neither interviewee saw mainstreaming specifically fitting into their goals for USEITI.</p>
Goals for USEITI	Government	<p>The U.S. government expressed a range of goals, including educating the public, participating and leading on the international stage, creating useful data for the public and the government, improving government operations, achieving a workable solution within U.S. laws, and achieving validation.</p> <p>The U.S. government did not see reconciliation as part of its goals, a value-add for the U.S. public, a valuable use of taxpayer money, an achievable reality for taxes, or valuable to USEITI as a whole.</p> <p>Mainstreaming was seen as the only feasible way for the United States to achieve validation. Mainstreaming is viewed as easier than reconciliation and likely to increase participation. The government believes U.S. audits and controls already achieve the purpose of reconciliation laid out in USEITI.</p>



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Topic	Sector	Takeaway
Goals for USEITI	Industry	Industry representatives stated their goals for USEITI are to increase transparency and data accessibility to the public, increase public understanding and confidence, articulate the current state of U.S. management as a model internationally, and build trust with other sectors.
		Industry representatives did not see reconciliation as fitting materially with these goals and noted it was a check-the-box exercise and a waste of time.
		Mainstreaming is seen as essential by industry representatives and merited based on the current systems in place. Mainstreaming would save taxpayer money, reduce the burden on companies, and free up time to undertake activities more useful to the American public.
Track Record of Reconciliation	CSO	CSO representatives saw the U.S. track record of reconciliation as strong with regards to non-tax revenue, but tax revenue reconciliation was seen as weak and lacked reporting.
Track Record of Reconciliation	Government	The U.S. government saw the track record of revenue as very strong given the U.S. system of audits, controls, checks, and balances. The government viewed tax reporting and reconciliation as the biggest weakness, given the legal prohibitions against disclosure and the lack of company involvement.
		The U.S. government viewed the decline in the number of companies as an effect of broader market forces (the decline in prices for natural resources, as well as company bankruptcies) not specifically reflective of USEITI.



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Topic	Sector	Takeaway
Track Record of Reconciliation	Industry	Industry representatives saw the U.S. track record of reconciliation as strong, given the audits, controls, and systems in place. Reconciliation helped prove the numbers match and that the United States has already mainstreamed.
		Industry representative did not view the decline in the number of companies as important; instead they saw reconciliation as having achieved its purpose of showing that dollars match. They also did not view the net decline as decreasing the amount of information available given data disclosures.
Evaluating U.S. Data Quality	CSO	CSO representatives saw the strength of U.S. data in government disclosures and the promise of government project-level disclosures, even if those are completed upon request. CSO representatives also noted that U.S. data was up to date and reliable.
		CSO representatives viewed the lack of tax reporting and reconciliation and the rescinding of Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank Act") as fatal weaknesses in U.S. data quality.
Evaluating U.S. Data Quality	Government	The U.S. government found U.S. data to be up to date, reliable (due to the stringent system of audits and controls in the United States), and comprehensive for non-tax revenue. The U.S. government noted that USEITI has achieved an unprecedented level of disclosure and that contextual narrative information helps make data comprehensible.
		The U.S. government viewed the lack of tax disclosure, given U.S. laws, as the chief weakness in U.S. data comprehensiveness and the rescinding of Section 1504 of the Dodd-Frank Act as fatal to U.S. hopes of achieving that kind of disclosure, and with it mainstreaming.



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Topic	Sector	Takeaway
Evaluating U.S. Data Quality	Industry	<p>Industry representatives articulated an extensive list of U.S. data quality strengths, including public accessibility, level of disaggregation, up-to-date nature, control- and audit-based reliability, contextual explanations of data, and the comprehensive release of appropriate data.</p> <p>Industry representatives generally saw less cause for concern with the rescinding of Section 1504 of the Dodd-Frank Act and articulated cases for how the United States could mainstream, given current controls and disclosures. They saw limited influence on U.S. companies due to EU directives related to disclosure.</p>



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Appendix 2 — Relevant U.S. Laws and Regulations

Select Laws Establishing the Fiscal Regime for Extractive Industries in the United States.

Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
General Mining Act of 1872, as Amended ¹² (30 USC § 29 and 43 CFR 3860)	Provides the right to patent, meaning transfer to private ownership, federal land and natural resources for mining. Since October 1, 1994, Congress has imposed a budget moratorium on any new mineral patent applications.	Federal Onshore Lands (Public Domain)	Locatable hardrock minerals (e.g., gold, silver, and copper)
Leases of Allotted Lands for Mining Purposes ¹³ (25 USC § 396 and 25 CFR 212)	States that all lands allotted to Indians, except those made to members of the Five Civilized Tribes and Osage, may be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior.	Indian Lands (Allotted)	Not specified
Mineral Leasing Act of 1920, as Amended ¹⁴ (30 USC 181 et. seq.)	Creates a system of leasing mineral resources on federal lands for extraction, and grants BLM the authority to administer mineral leasing.	Federal Onshore Lands (Public Domain)	Coal, oil, gas, oil or gas shale, sodium, potassium, phosphate, sulfur, and gilsonite
Indian Mineral Leasing Act of 1938 ¹⁵ (25 USC § 396a et. seq.)	Opens unallotted lands within any Indian reservation for leasing for mining purposes by authority of the tribal council and approval from the Secretary of the Interior.	Indian Lands (Tribal)	Not specified

¹² http://apps2.eere.energy.gov/wind/windexchange/wind_installed_capacity.asp.

¹³ <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title25/pdf/USCODE-2011-title25-chap12-sec396.pdf>.

¹⁴ https://www.onrr.gov/Laws_R_D/PubLaws/PDFDocs/MineralLeasingAct1920.pdf.

¹⁵ <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title25/html/USCODE-2009-title25-chap12.htm>.



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Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
Mineral Leasing Act for Acquired Lands of 1947 ¹⁶ (30 USC § 351 et seq. and 43 CFR 3420)	Extends the Mineral Leasing Act of 1920 and the authority of the Secretary of the Interior to govern mineral leasing on federal acquired lands.	Federal Onshore Lands (Acquired)	Coal, oil, gas, oil or gas shale, sodium, potassium, phosphate, sulfur, and gilsonite
Materials Act of 1947 ¹⁷ (30 USC § 601 et. seq.)	Also known as the <u>Common Varieties Act</u> , it regulates the sale and permitting of the <u>most common hardrock minerals</u> . It replaces the <u>General Mining Law of 1872</u> .	Federal Onshore Lands	Common hardrock minerals (e.g., sand, gravel, stone, pumice, cinder)
Submerged Lands Act of 1953 ¹⁸ (43 USC § 1301 et. seq.)	Recognizes states' rights to the <u>submerged navigable lands within their boundaries, as well as the marine waters within their boundaries often defined as three geographical miles from the coastline</u> .	State Offshore Lands	All natural resources
Outer Continental Shelf Lands Act of 1953, as Amended ¹⁹ (43 USC § 1331)	Gives the Secretary of the Interior responsibility for administering mineral exploration and development and other energy resources on the Outer Continental Shelf, subject to environmental safeguards. Mandates receipt of fair market value for mineral leasing.	Outer Continental Shelf	Oil, gas, and other minerals
Geothermal Steam Act of 1970 ²⁰ (30 USC § 1001 et. seq.)	Allows the leasing of federal land under BLM's administration for geothermal resource development, excluding prohibited lands.	Federal Onshore Lands	Geothermal

¹⁶ <http://legcounsel.house.gov/Comps/mlaacq.pdf>

¹⁷ [http://legcounsel.house.gov/Comps/Act%20Of%20July%2031%201937-\(Materials%20Act%20Of%201947\).pdf](http://legcounsel.house.gov/Comps/Act%20Of%20July%2031%201937-(Materials%20Act%20Of%201947).pdf)

¹⁸ <http://www.boem.gov/uploadedFiles/submergedLA.pdf>

¹⁹ <http://www.gpo.gov/fdsys/pkg/USCODE-2010-title43/html/USCODE-2010-title43-chap29-subchapIII.htm>

²⁰ <http://www.gpo.gov/fdsys/pkg/STATUTE-84/pdf/STATUTE-84-Pg1566.pdf>



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Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
Mining and Minerals Policy Act of 1970 ²¹ (30 USC § 21a)	Amends the Mining Act of 1920 to establish the national interest to develop a domestic private enterprise mining industry, while addressing adverse environmental impacts.	Federal Onshore Lands	All natural resources
Federal Coal Leasing Amendments Act of 1975 (FCLAA) ²² (90 STAT 1083)	Amends Section 2 of the Mineral Leasing Act of 1920 by requiring all public lands available for coal leasing to be leased competitively, with the government only accepting lease bids equal to or more than fair market value, as well as the consolidation of leasing into logical mining units, the continual operation by lease holders, and other measures.	Federal Onshore Lands	Coal
Surface Mining Control and Reclamation Act of 1977 (SMCRA) ²³ (30 USC § 1201 et. seq.)	Creates the Office of Surface Mining, Reclamation, and Enforcement (OSMRE) to establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations. OSMRE is charged with balancing the nation's need for continued domestic coal production with protection of the environment. In this effort, OSMRE requires coal mine owners to post bonds as insurance for reclaiming the land after current mining operations are complete, as well as requires them to pay into the Abandoned Mine Reclamation Fund, which is intended to address mines abandoned prior to 1977.	Federal Onshore Lands	Coal

²¹ <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title30/pdf/USCODE-2011-title30-chap2-sec21a.pdf>.

²² <http://www.gpo.gov/fdsys/pkg/STATUTE-90/pdf/STATUTE-90-Pg1083.pdf>.

²³ <http://www.gpo.gov/fdsys/pkg/STATUTE-91/pdf/STATUTE-91-Pg445.pdf>.



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Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) ²⁴ (30 USC § 1701 et. seq.)	Grants the Secretary of the Interior authority for managing and collecting oil and gas royalties from leases on federal and Indian lands.	Federal Onshore and Indian Lands, and Outer Continental Shelf	Oil and gas
Indian Mineral Development Act of 1982 ²⁵ (25 USC §§ 2101–2108)	Provides Indian tribes with flexibility in the development and sale of mineral resources, including opportunities to enter into joint venture agreements with mineral developers.	Indian Lands (Tribal)	Oil and gas, coal, geothermal, and other mineral resources
Federal Onshore Oil and Gas Leasing Reform Act of 1987 (FOOGLRA) ²⁶ (30 USC § 181 et. seq.)	Amends the Mineral Leasing Act of 1920 to give the U.S. Forest Service the authority to proactively offer leases for oil and gas on National Forest System lands, provided environmental and other land-use regulations are met. BLM largely administers leasing on these lands.	Federal Onshore Lands	Oil and gas
Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (RSFA) ²⁷ (30 USC § 1701 et. seq.)	Improves royalty management from federal onshore and Outer Continental Shelf oil and gas leases.	Federal Onshore Lands and Outer Continental Shelf	Oil and gas

²⁴ http://www.boem.gov/uploadedFiles/BOEM/Oil_and_Gas_Energy_Program/Leasing/Outer_Continental_Shelf/Lands_Act_History/federal%20o%20royalty%20mgmt.pdf

²⁵ <http://www.gpo.gov/fdsys/pkg/STATUTE-96/pdf/STATUTE-96-Pg1938.pdf>

²⁶ <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title30/pdf/USCODE-2011-title30.pdf>

²⁷ http://www.onrr.gov/laws_r_d/PubLaws/PDFDocs/rsfa.pdf



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Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
Energy Policy Act of 2005 (EPA Act) ²⁸ (42 USC § 13201 et. seq.)	Addresses energy production in the United States, including the production, transportation, and transmission of energy, other than oil and gas (e.g., wind energy), in the waters of the Outer Continental Shelf; incentives for oil and gas development; and provisions to access oil and gas resources on federal lands.	Federal Onshore Lands and Outer Continental Shelf	Oil, gas, coal, wind, solar, hydropower, and geothermal
Gulf of Mexico Energy Security Act of 2006 (GOMESA) ²⁹ (120 Stat. 2922)	Opens 8.3 million acres in the Gulf of Mexico for oil and gas leasing; shares leasing revenue with oil-producing gulf states and the Land and Water Conservation Fund; and bans oil and gas leasing within 125 miles off the Florida coastline in the Eastern Planning Area and a portion of the Central Planning Area until 2022.	Outer Continental Shelf	Oil and gas

There are other laws governing natural resources and companies operating in the extractive industries. Some of these laws require companies to pay fees. Violating some of these laws can also result in the incursion of fines.

Select Laws Resulting in Fines or Fees for Extractive Industries Companies in the United States.

Law Name and Code	Description	Relevant Lands	Relevant Natural Resources
Federal Land Policy and Management Act of 1976 (FLPMA) ³⁰ (43 USC § 1701 et. seq.)	Requires BLM to administer federal lands using a land use planning framework that includes no unnecessary or undue degradation; multiple-use, sustained yield, considerations for present and future generations; and public planning. Requires receipt of fair market value for use of federal lands and resources.	Federal Onshore and Indian Lands	All natural resources

²⁸ <http://www.gpo.gov/fdsys/pkg/BILLS-109hr6enr/pdf/BILLS-109hr6enr.pdf>.

²⁹ <http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/econ/GOMESA-pdf.aspx>.

³⁰ <http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/econ/GOMESA-pdf.aspx>.



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Law Name and Code	Description	Relevant Lands	Relevant Natural Resources
Clean Air Act of 1970 (CAA) ³¹ (42 USC § 7401 et. seq.)	Outlines steps that federal agencies, state and local governments, and industry must take to decrease air pollution. Oil and gas wells are exempt from legal aggregation, whereby the emissions from small sites that are connected in close proximity or under shared ownership are added together and regulated as “stationary sources” if they emit or could emit 100 tons per year of a pollutant.	All Lands	All natural resources, except when oil and gas are exempted
Clean Water Act of 1977 (CWA) ³² (33 USC § 1251 et. seq.)	Establishes a regulatory framework to protect water quality and monitor discharges of pollutants into waters in the United States. The U.S. Environmental Protection Agency (EPA) does not require National Pollutant Discharge Elimination System (NPDES) permits for uncontaminated storm water discharges from oil and gas exploration, production, processing, or treatment operations, or transmission or drill site preparation. ³³	All Lands	All natural resources, except when oil and gas are exempted
Safe Drinking Water Act of 1974 (SDWA) ³⁴ (42 USC 300f–300j)	Protects public health by regulating the nation’s public drinking water supply and its sources. As of the 2005 Energy Policy Act, hydraulic fracturing fluids are exempt from underground injection control permits, unless diesel fuel is used in the extraction process. ³⁵	All Lands	All natural resources, except when oil and gas are exempted

³¹ <http://www.gpo.gov/fdsys/pkg/USCODE-2008-title42/pdf/USCODE-2008-title42-chap85.pdf>.

³² <http://www.gpo.gov/fdsys/pkg/USCODE-2010-title33/pdf/USCODE-2010-title33-chap26.pdf>.

³³ U.S. Environmental Protection Agency, “Regulation of Oil and Gas Construction Activities,” March 9, 2009,

<http://water.epa.gov/polwaste/npdes/stormwater/Regulation-of-Oil-and-Gas-Construction-Activities.cfm>

³⁴ <http://www.epw.senate.gov/sdwa.pdf>.

³⁵ U.S. Environmental Protection Agency, “Regulation of Hydraulic Fracturing Under the Safe Drinking Water Act,”

http://water.epa.gov/type/groundwater/uic/class2/hydraulicfracturing/wells_hydroreg.cfm.



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Law Name and Code	Description	Relevant Lands	Relevant Natural Resources
<u>Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)</u> ³⁶ (42 USC 9601–9675)	Provides a federal superfund to clean up uncontrolled or abandoned hazardous waste sites, as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment, and gives EPA the power to seek out those parties responsible for any release and ensure their cooperation in the cleanup.	All Lands	All natural resources, except when oil and gas are exempted
<u>Endangered Species Act of 1973 (ESA)</u> ³⁷ (16 USC § 1531 et. seq.)	Protects and recovers imperiled species and the ecosystems upon which they depend.	All Lands	All natural resources
<u>Marine Mammal Protection Act of 1972, as Amended</u> ³⁸ (16 USC 1361 et. seq.)	Prohibits, with certain exceptions, the taking of marine mammals in U.S. waters and by U.S. citizens on the high seas, and the importation of marine mammals and marine mammal products into the United States.	All Lands	All natural resources, except when oil and gas are exempted

Extractive industries companies must comply with many other laws. The websites for DOI, EPA, the National Oceanic and Atmospheric Administration (NOAA), and other federal agencies contain more comprehensive lists of related laws that they enforce:

- DOI Bureau of Ocean Energy Management (BOEM): <http://www.boem.gov/Regulations/BOEM-Governing-Statutes.aspx>
- DOI Bureau of Safety and Environmental Enforcement (BSEE): <http://www.bsee.gov/Regulations-and-Guidance/BSEE-Governing-Statutes/>
- DOI BLM: <https://www.blm.gov/about/laws-and-regulations>
- EPA: <http://www2.epa.gov/laws-regulations/laws-and-executive-orders#majorlaws>
- NOAA: http://www.nmfs.noaa.gov/ole/about/what_we_do/laws.html

³⁶ <http://www.epw.senate.gov/cercla.pdf>

³⁷ <http://www.nmfs.noaa.gov/pr/pdfs/laws/esa.pdf>

³⁸ <http://www.nmfs.noaa.gov/pr/pdfs/laws/mmpa.pdf>



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Laws, Regulations, Professional Standards, and Regulatory Organizations

Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
Accounting Principles Generally Accepted in the United States of America	GAAP	GAAP is the standardized accounting rule set for federal government entities and publicly traded or private companies domiciled in the United States or other international jurisdictions in which GAAP is required. GAAP enables company stakeholders to compare accounting statements for different companies and industries using a standard methodology. Because of various accounting and financial reporting standards, the federal government tailors GAAP to meet its unique characteristics and circumstances.
Internal Revenue Service	IRS	The IRS is the revenue service of the U.S. government. The IRS is a bureau within the U.S. Treasury and is under the immediate direction of the Commissioner of Internal Revenue. The IRS is responsible for collecting taxes and the administration of the Internal Revenue Code.
Securities and Exchange Commission Act	SEC	The Securities Exchange Act of 1934 established the SEC to govern the securities industry. By regulation of the SEC, public companies must have their financial statements prepared in accordance with GAAP or IFRS, as issued by the International Accounting Standards Board (IASB), and audited each year by an independent registered public accounting firm. During an audit, the independent auditor examines, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The auditor provides a written opinion on whether the company's financial statements are, in all material respects, fairly presented in accordance with GAAP or IFRS, whichever is applicable.



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Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
Sarbanes-Oxley Act of 2002	SOX	SOX requires all financial reports for large public companies (i.e., those with market capitalizations of \$75 million and referred to as “accelerated” filers and those subject to SEC reporting requirements) to include certification of internal control over financial reporting (ICFR) by company management and an ICFR opinion by an independent auditor as of the specified balance sheet date. Congress passed SOX in 2002, in part, to further protect investors from fraudulent accounting activities by public companies.
Public Company Accounting Oversight Board	PCAOB	PCAOB exists to confirm that registered public accounting firms are auditing the financial statements and ICFR of public companies in accordance with auditing standards established and adopted by the PCAOB. The PCAOB is a nonprofit corporation established by Congress to oversee the audits of public companies in order to protect the interests of investors and further the public interest in the preparation of informative, accurate, and independent audit reports.
American Institute of Certified Public Accountants	AICPA	AICPA requires independent auditors to comply with the audit standards issued by the AICPA for the audits of all companies that are not subject to SEC jurisdiction. The AICPA has released mandatory audit and attestation standards for conducting, planning, and reporting on audit and attestation engagements of private companies.
Financial Accounting Standards Board	FASB	The FASB is a private, nonprofit organization whose primary purpose is establishing and improving GAAP within the United States. The SEC designated the FASB as the organization responsible for setting accounting standards for public companies in the United States. The FASB created the Private Company Council (PCC), which works jointly with the FASB to mutually agree on a set of criteria to decide whether and when alternatives within GAAP are warranted for private companies.



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Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
International Financial Reporting Standards	IFRS	IFRS are accounting standards developed by the IASB that are intended to establish a consistent global standard for the preparation of public company financial statements for entities domiciled outside the United States. The IASB, based in London, is an independent accounting standard-setting body. It is funded by contributions from major accounting firms, private financial institutions, industrial companies, central and development banks, national funding regimes, and other international and professional organizations throughout the world. Approximately 120 nations and reporting jurisdictions permit or require IFRS for domestic-listed companies. The SEC is currently considering whether it will incorporate IFRS into the financial reporting system for U.S. issuers. There is currently no estimated date for when such a decision might be made.
Generally Accepted Auditing Standards	GAAS	GAAS are the minimum standards for auditing private companies and come in three categories: general standards, standards of fieldwork, and standards of reporting. PCAOB has adopted these standards for public (i.e., traded on the open market) companies. Each audit engagement may require audit work beyond what is specified in the GAAS in order to provide a written opinion on whether a set of financial statements is, in all material respects, fairly presented in accordance with GAAP.
Generally Accepted Government Auditing Standards	GAGAS	GAGAS provides a framework for conducting high-quality audits of government resources and programs with competence, integrity, objectivity, and independence. Government auditing allows legislators, oversight bodies, those charged with governance, and the public to hold government agencies accountable. GAGAS is used by auditors of government entities, entities that receive government awards, and other audit organizations performing audits. GAO, an independent, nonpartisan agency that works for Congress, is responsible for maintaining and updating GAGAS. GAO is often called the “congressional watchdog” and investigates the executive branch of the federal government.



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Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
Chief Financial Officers Act of 1990 (P.L. 101–576)	CFO Act	The CFO Act establishes a leadership structure, provides for long-range planning, requires audited financial statements, and strengthens accountability reporting in the federal government. The aim of the CFO Act is to improve financial management systems and information. The CFO Act also requires the development and maintenance of agency financial management systems that comply with the following: applicable accounting principles, standards, and requirements: internal control standards; OMB requirements; U.S. Treasury requirements, and requirements of other agencies. Reports of audits conducted under the CFO Act are done on an annual basis and must be completed by November 15 following the close of the fiscal year (September 30) for which the financial statements were prepared.
Government Management Reform Act of 1994 (P.L. 103–356)	GMRA	GMRA requires the independent, external audit of agency financial statements and the preparation and audit of a consolidated financial statement for the federal government on an annual basis.
OMB Circular A-136 (Financial Reporting Requirements)	A-136	A-136, which is updated annually by OMB, provides federal guidance for agency and government-wide financial reporting. This circular establishes a central point of reference for all federal financial reporting guidance for the departments, agencies, and entities in the executive branch that are required to submit an Agency Financial Report (AFR) under the CFO Act and the GMRA. In compliance with the CFO Act, the GMRA, and A-136, DOI publishes an AFR every fiscal year.
Federal Financial Management Improvement Act of 1996 (P.L. 104–208)	FFMIA	FFMIA requires federal agencies to implement and maintain financial management systems that substantially comply with federal financial management system requirements, applicable federal accounting standards, and the USGGL at the transactional level.



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Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
Federal Information Security Management Act of 2002 (P.L. 107-347)	FISMA	FISMA requires federal agencies to provide information security controls commensurate with the risk and potential harm of not having those controls in place. FISMA also requires the heads of agencies and OIG to conduct annual IT security reviews, perform annual independent evaluations of the effectiveness of the agency's security programs and systems, and report their results to OMB and Congress.
Federal Accounting Standards Advisory Board	FASAB	FASAB was established in October 1990 by the secretary of the treasury, the director of OMB, and the U.S. comptroller general. This board possesses the legal authority, under various laws, to establish accounting and financial reporting standards for the federal government. In October 1999, the AICPA recognized FASAB as the board that promulgates GAAP for federal entities.
OMB Circular No. A-123	A-123	A-123 prescribes management's responsibilities for establishing and maintaining effective internal controls and financial management systems that meet the objectives of the Federal Managers' Financial Integrity Act of 1982.
OMB Bulletin 14-02 (Audit Requirements for Federal Financial Statements)		OMB Bulletin No. 14-02, issued on October 21, 2013, establishes minimum requirements for independent audits of federal financial statements. This bulletin implements the audit provisions of the CFO Act, as amended, the GMRA, and FFMIA.



Appendix 3 – U.S. Statutes and Regulations Related to Beneficial Ownership

Below is a summary of relevant U.S. statutes and regulations that restrict employee ownership of certain financial interests, require employee reporting of certain financial interests, and restrict employee participation in certain official Government matters that would affect an employee's personal or imputed financial interests or that might affect an employee's personal or business relationships.

5 CFR § 3501.103(c) prohibits, with limited exceptions, all DOI employees, their spouses, and their minor children from acquiring or retaining any claim, permit, lease, small tract entries, or other rights that are granted by DOI in Federal lands. This prohibition does not restrict the recreational or other personal or non-commercial use of Federal lands by an employee, or the employee's spouse or minor children, on the same terms available to the general public.

5 CFR § 3501.103(b), with limited exceptions, prohibits the Secretary of the Interior and employees of the Office of the Secretary and other Departmental offices that report directly to a Secretarial officer who are in positions classified at GS-15 and above from acquiring or holding any direct or indirect financial interest in Federal lands or resources that the Department administers. This generally includes stock or bond interests in most oil, gas, and mining companies that hold leases on Federal lands to conduct their operations.

43 USC § 11, implemented by 43 CFR § 20.401, prohibits Bureau of Land Management (BLM) employees from voluntarily acquiring direct or indirect financial interests in Federal lands. Prohibited interests include stocks and bonds in oil, gas, geothermal, and mining companies that hold leases or other property rights on Federal lands, as well as companies that hold substantial rights-of-way on Federal lands. BLM employees may not be members or employees of a business that has interests in Federal lands. Additionally, BLM employees may not occupy or use Federal lands (other than for recreational or other personal and non-commercial use on the same terms as use of Federal lands is available to the general public), or take any benefits from Federal lands, based upon a contract, grant, lease, permit, easement, rental agreement, or application.

43 USC § 31(a), implemented by 43 CFR § 20.401(b), prohibits U.S. Geological Survey (USGS) employees from holding financial interests in Federal lands which DOI administers or controls. Prohibited interests include stocks and bonds in oil, gas, and other mining companies that hold significant leases on such lands. Additionally, 5 CFR § 3501.104 sets limits on investments in entities engaged in mining activities on private land in the U.S. The ability of USGS employees to



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own oil, gas, or other mineral leases or to receive royalties from those leases is extremely limited.

30 USC § 1211(f), implemented by 30 CFR Part 706 and 43 CFR § 20.402, prohibits all Office of Surface Mining Reclamation and Enforcement (OSMRE) employees and any other Federal employee who performs functions and duties under the Surface Mining Control and Reclamation Act of 1977 from having any direct or indirect financial interests in underground or surface coal mining operations. Prohibited financial interests under this law include interests in companies that are involved in developing, producing, preparing, or loading coal or reclaiming the areas upon which such activities occur. Additionally, 30 USC § 1267(g), as implemented by 30 CFR Part 705, provides that no employee of a State regulatory authority performing any function or duty under the Surface Mining Control and Reclamation Act of 1977 shall have a direct or indirect financial interest in any underground or surface coal mining operations.

The Ethics in Government Act of 1978, as amended (5 USC app. § 101), implemented by 5 CFR Part 2634, requires senior officials in the executive, legislative, and judicial branches to file public reports of their finances, as well as other interests outside the Government. Executive branch personnel file such reports using the OGE Forms 278e (previously the OGE Form 278) and 278-T. Unlike confidential financial statements that some mid-level employees file, the OGE Forms 278e and 278-T are available to the public. Ethics officials within each executive branch agency review, certify, and maintain these reports. Executive branch agencies also forward OGE Forms 278e and 278-T that Presidential appointees, which the Senate confirms, submit to the Office of Government Ethics (OGE) for additional review and certification. The primary purpose of the public disclosure program is to prevent conflicts of interest and to identify potential conflicts of interest of current and prospective employees. If a reviewing official identifies a potential conflict of interest, several remedies are available to avoid an actual or apparent violation of Federal ethics laws and regulations, which include recusal, reassignment, and divestiture of the financial interest(s). 28 USC § 535 requires executive branch agencies to report to the Attorney General any information, allegations, or complaints relating to violations of title 18 of the U.S. Code involving Government officers and employees.

5 USC app. § 107, implemented by Subpart I of 5 CFR Part 2634, also provides that certain executive branch employees who are not required to file a public financial disclosure report but whose duties involve the exercise of discretion in sensitive areas, such as contracting, procurement, administration of grants and licenses, and regulating or auditing non-Federal entities, are required to file confidential financial disclosure reports (OGE Form 450). This reporting system generally tracks the approach of the public financial disclosure system with some differences. For example, asset values and income amounts are not required to be reported, nor are interests in or income from bank accounts, money market mutual funds, U.S. obligations, and Government securities. The most notable difference between public and confidential reports, however, is that confidential financial disclosure reports are not available to the public.



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30 USC § 1211(f), implemented by 30 CFR Part 706, requires that each OSMRE employee and any other Federal employee who performs any function or duty under the Surface Mining Control and Reclamation Act of 1977 must file a statement of employment and financial interests upon entrance to duty and annually thereafter. 30 USC § 1267(g), as implemented by 30 CFR Part 705, also requires State regulatory authority employees performing any duties or functions under the Act to file a statement of employment and financial interest upon entrance to duty and annually thereafter.

A Federal criminal conflict of interest statute, 18 USC § 208, prohibits executive branch employees from participating personally and substantially, in an official capacity, in any “particular matter” that would have a direct and predictable effect on the employee’s own financial interests or on the financial interests of,

- The employee’s spouse or minor child
- A general partner of a partnership in which the employee is a limited or general partner
- An organization in which the employee serves as an officer, director, trustee, general partner, or employee
- A person with whom the employee is negotiating for or has an arrangement concerning prospective employment

A “particular matter” is virtually any Government matter to which an employee might be assigned, including policy matters and matters involving specific parties, such as contracts or grants. (A few matters in Government, however, may be so broad in scope that the conflict of interest law does not require an employee’s disqualification even though the employee’s own or “imputed” financial interests are among those affected by the matter.) Disqualification (“recusal”) is mandatory in the circumstances specified in the statute. Moreover, disqualification is often the appropriate way to prevent a conflict of interest in the long term, unless an “exemption” applies or the circumstances warrant the use of other means of resolving the conflict of interest.

An executive branch-wide regulation, 5 CFR § 2635.502, recognizes that a reasonable person may believe that an employee’s impartiality can be influenced by interests other than the employee’s own or those that are imputed to the employee by the conflict of interest laws. Under 5 CFR § 2635.502, employees are required to consider whether their impartiality would be questioned whenever their involvement in a “particular matter involving specific parties” might affect certain personal or business relationships. The term “particular matter involving specific parties” refers to a subset of all “particular matters” and includes Government matters, such as a contract, grant, permit, license, or loan. If a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interests of a member of the employee’s household, or if a person with whom the employee has a “covered relationship” is or represents a party to such matter, the employee must consider whether a reasonable person



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would question the employee's impartiality in the matter. An employee has a covered relationship with,

- A person with whom the employee has or seeks a business, contractual, or other financial relationship
- A person who is a member of the employee's household or is a relative with whom the employee has a close personal relationship
- A person for whom the employee's spouse, parent, or dependent child serves or seeks to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee
- Any person for whom the employee has, within the last year, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee
- Any organization (other than a political party) in which the employee is an active participant

If the employee concludes that participation in such a matter would cause a reasonable person to question the employee's impartiality, the employee should not work on the matter pending possible authorization from the appropriate agency official. Moreover, an employee should not work on any matter if the employee is concerned that circumstances other than those expressly described in the regulation would raise a question regarding the employee's impartiality. The employee should follow agency procedures so that the agency can determine whether participation is appropriate.

Appendix 4 — In-Scope Company Audits

Company	Public / Private	Entity Type	Disclosure of Beneficial Owners	Applicable Accounting Standards	Form 10-K or Annual Report	Form 20-F	Form 40-F	Publicly Available Financial Statements	External Auditors
Alpha Natural Resources, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	KPMG
Anadarko Petroleum Corporation	Public	Corporation	Yes	GAAP	✓	-	-	Yes	KPMG
Apache Corporation	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
Arch Coal, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
Arena Energy, LLC	Private	Limited Partnership	Yes		-	-	-	No	Unavailable
BHP Billiton LTD	Public	Foreign Corporation (Australia)	Yes	IFRS	✓	✓	-	Yes - Annual Report	KPMG
BOPCO, LP	Private	Limited partnership	No		-	-	-	No	Unavailable
BP America Inc.	Public	Subsidiary of Foreign Corporation (England)	Yes	IFRS	✓	✓	-	Parent Only*	E&Y
Chevron U.S.A. Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes - Annual Report	PWC
Cimarex Energy Co.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	KPMG
Cloud Peak Energy Resources, LLC	Public	Corporation	Yes	GAAP	✓	-	-	Yes	PWC
Concho Resources, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	Grant Thornton
ConocoPhillips	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
Continental Resources, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	Grant Thornton
Devon Energy Corporation	Public	Corporation	Yes	GAAP	✓	-	-	Yes	KPMG



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Company	Public / Private	Entity Type	Disclosure of Beneficial Owners	Applicable Accounting Standards	Form 10-K or Annual Report	Form 20-F	Form 40-F	Publicly Available Financial Statements	External Auditors
Encana Corporation	Public	Foreign Corporation (Canada)	Yes	GAAP	✓	-	✓	Yes - Annual Report	PWC
Energy XXI	N/A	Foreign Corporation (Bermuda)	Yes	GAAP	✓	-	-	Yes	BDO USA
ENI Petroleum	Public	Foreign corporation (Italy)	Yes	IFRS	✓	-	-	Yes	Unavailable
EOG Resources, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	Deloitte & Touche LLP
EPL Oil & Gas, Inc.	Public	Subsidiary of Foreign Corporation (Italy)	Yes	GAAP	✓	-	-	Parent Only*	BDO USA
Exxon Mobil Corporation	Public	Corporation	Yes	GAAP	✓	-	-	Yes	PWC
Fieldwood Energy LLC	Private	Limited Liability Company	Yes		-	-	-	No	Unavailable
Freeport-McMoRan Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
Hess Corporation	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
Jonah Energy LLC	Private	Limited Liability Company	Yes		-	-	-	No	Unavailable
Linn Energy, LLC	Public	Limited Liability Company	Yes	GAAP	✓	-	-	Yes	KPMG
LLOG Exploration Company LLC	Private	Subsidiary of Limited Liability Company	Yes		-	-	-	No	Unavailable
Marathon Oil Company	Public	Corporation	Yes	GAAP	✓	-	-	Yes	PWC
Murphy Oil USA Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	KPMG
Noble Energy, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	KPMG
Oxy USA, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Parent Only*	KPMG
Peabody Energy Corporation	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
QEP Resources, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	PWC
Red Willow Offshore, LLC	Private	Limited Liability Company, Southern UTE Indian Tribe	No		-	-	-	No	Unavailable

Company	Public / Private	Entity Type	Disclosure of Beneficial Owners	Applicable Accounting Standards	Form 10-K or Annual Report	Form 20-F	Form 40-F	Publicly Available Financial Statements	External Auditors
Shell E&P Company	Public	Foreign Corporation (UK)	Yes	IFRS	✓	✓	-	Yes - Annual Report	PWC
Statoil Gulf of Mexico	Public	Foreign Corporation (Norway)	Yes	IFRS	✓	✓	-	Yes - Annual Report	Unavailable
Stone Energy Corporation	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
Talos Energy LLC	Private	Limited Liability Company	Yes		-	-	-	No	Unavailable
Ultra Resources Inc.	Public	Foreign Corporation (Canada)	Yes	GAAP	✓	-	-	Yes	E&Y
W&T Offshore, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
WPX Energy, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y

Note: Annual reports and 10-Ks are accessible as of April 6, 2017, and link to the 2015 reports, the most recent year for which all companies (or parent companies) have filed reports.

Acronyms of auditors are as follows: Ernst & Young (E&Y) and PricewaterhouseCoopers (PWC)



USEITI Mainstreaming Feasibility Study

June 2017



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Executive Summary

This mainstreaming feasibility study was prepared by the United States Extractive Industries Transparency Initiative (USEITI) International Administrator (IA) in consultation with the USEITI multi-stakeholder group (MSG) and other stakeholders from government, industry and civil society. The process for mainstreaming consists of seven phases: formal commitment, feasibility study, work plan, application, approval, implementation, and review. Based on the evidence available, the USEITI MSG recommends pursuing mainstreaming. The United States has made the formal commitment to mainstreaming, and with the submission of this feasibility study and the recommendation to pursue mainstreaming, USEITI will proceed to the preparation of a mainstreaming application for review by the EITI International Secretariat.

Commented [DB1]: This was never presented as an option at the MSG. We agreed that Deloitte was going to do a feasibility study but their findings were not reported to us. In fact, the comments in this document show that Keith and I both opposed this move.

Mainstreaming Overview

What Is the Purpose and Process for Mainstreaming?

The objective of mainstreaming is to recognize implementing countries that make transparency integral to their systems. Requirement six of the EITI Standard states that “where legally and technically feasible, implementing countries should consider automated online disclosure of extractive revenue and payments by governments and companies on a continuous basis.” Mainstreaming is the formal process countries pursue to demonstrate integrated transparency. The process consists of seven phases: formal commitment, feasibility study, work plan, application, approval, implementation, and review.

Commented [MS2]: As things currently stand, this report is confusing because the USEITI will likely be disbanded soon. Any sort of mainstreaming efforts would be undertaken unilaterally by the US government, but would not be a product of the USEITI MSG.

What Does the USEITI Mainstreaming Feasibility Study Entail?

The USEITI Independent Administrator (IA) is preparing this study at the request of the USEITI MSG in anticipation of the submission of a formal application for mainstreaming by the United States. The IA completed this feasibility study in close consultation with the USEITI MSG, as well as government and company stakeholders, and the information in this report is a reflection of those consultations as well as an independent assessment of U.S. processes and controls.

Commented [U3]: This false. The MSG approved a process for reviewing mainstreaming to determine whether it met the requirements of the EITI Standard, particularly Section 4. During the February 2017 USEITI MSG meeting, Deloitte made a presentation titled “Mainstreaming Feasibility In-Progress Update.” The presentation indicates that at the time Deloitte was in the progress of “completing a feasibility study” of mainstreaming. The same slide indicates that MSG approval of the feasibility study would lead to the need for MSG agreement on a schedule for disclosure and assurance, which would form the basis for a mainstreaming application. The same slide states, “MSG must approve an application to the EITI Board seeking approval of the proposed workplan,” which must in turn be approved by the International Board. Until all of this is completed and approved on a consensus basis, this statement is false and invalidates this entire document, because it ignores Deloitte’s own outline of MSG approval for mainstreaming and appears to be shared for comment in bad faith.

The mainstreaming process consists of four main components—review of materials, stakeholder consultation, feasibility study, and plan of action. This study presents information on the U.S. track record of reconciliation, an explanation of how the United States will increase and embed disclosures, an evaluation of data quality, and options for data reconciliation. This study makes a statement about U.S. readiness on each of those components.

Further, without a functioning MSG and its public meetings this document cannot be approved and the subsequent mainstreaming steps cannot be taken.

I hereby withhold my approval of this document. Paul Bugala

In order to prepare this study, the IA gathered and reviewed relevant documents and research around processes, systems, data, and controls of both the U.S. government and U.S. companies. In addition to this literature review, the IA also interviewed select stakeholders from three

Commented [U4]: Not possible. The MSG has not met since February and has no scheduled meetings.



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sectors: government, industry, and civil society. The IA used a standard interview guide to gain perspectives and insights on data timeliness, reliability, and comprehensiveness, as well as on U.S. progress toward mainstreaming to meet EITI international standards.

Lastly, the IA spoke to select stakeholders from government and industry in order to fill any data gaps or better understand processes and controls relevant to this study.

U.S. Track Record of Reconciliation

In order for countries to be considered for mainstreaming by the EITI International Board, they must show a track record of reconciliation without major errors. The EITI International Board does not define the length of time required, materiality threshold, or maximum number of discrepancies. As a result, this section contains a summary of the U.S. track record of reconciliation, thresholds, and unexplained variances.

Unilateral Disclosure of Revenue (UDR) in the United States

Each year, the Office of Natural Resources Revenue (ONRR), a division of the U.S. Department of the Interior (DOI), unilaterally discloses calendar year (CY) energy and mineral revenue paid to DOI. Only the revenue material payments deemed to be in-scope, isare unilaterally disclosed. These disclosures are disaggregated at the company level and reported by natural resource and revenue type. The UDR showcases the United States' commitment to the unilateral disclosure of federal natural resources revenue by company, natural resource, and revenue stream. The UDR uses data reported by federal lease holders on Forms ONRR-2014 and ONRR-4430¹, as well as ONRR direct billing. The UDR is available on both ONRR's statistical information site and USEITI's data portal.

Commented [ZM5]: Suggest clarifying what is "in scope" and roughly what percentage of ONRR revenues are disclosed in this way

Specifically, the UDR includes:

Topic	Disclosure Detail
Calendar Years Disclosed	2013–2016
Unique Identified Companies	1,635
Total \$ Amount Disclosed²	\$38,699,490,038
Natural Resource Categories	17
Government Agencies Included	Three (ONRR, the U.S. Bureau of Land Management (BLM), and the U.S. Office of Surface Mining Reclamation and Enforcement (OSMRE))
Revenue Streams	Nine (ONRR royalties, inspection fees, civil penalties, and other revenue; ONRR/BLM rents and bonuses;

¹ OSMRE and BLM revenue streams are not collected through Forms ONRR-2014 and ONRR-4430. Also, not all UDR AML fee revenue for OSMRE is from federal lease holders.

² This disclosure represents all revenue paid to DOI in CYs 2013–2016.

	ONRR/BLM permit fees; and OSMRE abandoned mine land (AML) fees, including audit and civil penalties, as well as late charges)
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These amounts will grow annually as production and/or prices increase, and ONRR will continue to unilaterally disclose revenue. The data set has been cleaned and organized for ease of use by the general public. It delineates aggregate payments by calendar year, corporate name, natural resource, and revenue type.

Adapted Implementation for Subnational Payments in the United States

EITI Standard Requirement 4.2 (d) mandates reporting and reconciliation of material company payments to subnational government entities and the receipt of such payments. Separately, EITI Standard Requirement 4.2 (e) mandates reporting on mandatory revenue transfers from national governments to subnational governments. The EITI International Board approved USEITI's request for adapted implementation of the EITI Standard for subnational reporting as part of USEITI's candidacy application. The EITI Standard allows for adapted implementation "where the country faces exceptional circumstances that necessitate deviation from the implementation requirements" (EITI Standard Requirement 1.5). The approved adapted implementation considers that USEITI's reporting will comply with EITI Standard Requirement 4.2 (e), which mandates reporting 100% of revenue specific to extractive industries collected by the U.S. federal government and transferred to U.S. state governments within the unilateral data disclosure. However, payments made by companies to state governments (4.2 (d)) and revenue collected by state governments are not directly be included in the reconciliation.

What Is the U.S. Record of Results for Reconciliation?

The United States conducted its first reconciliation in 2015. The MSG set the scope of reconciliation to include the top paying companies that, together, accounted for 80% of revenue paid to ONRR. The first period of reconciliation was CY 2013. Across 31 companies (out of 45 invited to reconcile) and 10 revenue streams, the overall variance for all DOI revenue came to \$93,976,582, or 1.1% of all revenue reported by the 45 companies. For five companies reconciling taxes, there was one variance that totaled \$6,297,360, or 3.3% of reconciled taxes. Seventeen discrepancies exceeded the allowable margin of variance determined by the USEITI MSG. The IA, in collaboration with in-scope companies and government entities, resolved or explained all discrepancies, which included differences regarding when payments were recorded and how they were classified.

In the following year, the United States conducted its second reconciliation covering CY 2015 revenue. Similar to the CY 2013 reconciliation, the USEITI MSG set the scope of reconciliation to include the top paying companies that, together, accounted for 79.80% of revenue paid to

Commented [ZM6]: This doesn't seem right: the issue here is not just reconciliation but also reporting, so shouldn't it say something like: "reported, unless a state opts in"?



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ONRR³. [The 79% reconciliation rate was below the materiality threshold of 80% set by the MSG.](#)

Of the 25 companies reporting (out of 41 invited ~~to reconcile~~), the overall variance for all DOI revenue came to \$156,387,357, or 3.24%. For seven companies reconciling taxes, the overall variance came to \$120,122,958, or 33.8% of the total value of taxes reconciled. Additionally, 21 discrepancies exceeded the allowable margin of variance determined by the USEITI MSG. The IA, in collaboration with in-scope companies and government entities, resolved or explained all 21 discrepancies, which included differences regarding when payments were recorded and how they were classified.

Each year, companies may choose to report and reconcile both taxes and DOI revenue; however, per the reconciliation history, more companies choose to report and reconcile DOI revenue than taxes. [Nevertheless, once a countries choses to implement EITI "all companies and government agencies making or receiving payments must participate⁴." So, it is not for in-scope companies to choose whether to report taxes or DOI revenue. The necessity of in-scope company reporting is also emphasized in a 2010 blog post by the EITI International Secretariat's Deputy Head⁵.](#)

³ https://www.doi.gov/sites/doi.gov/files/uploads/rr_results_msg_presentation_vfinal_1.pdf

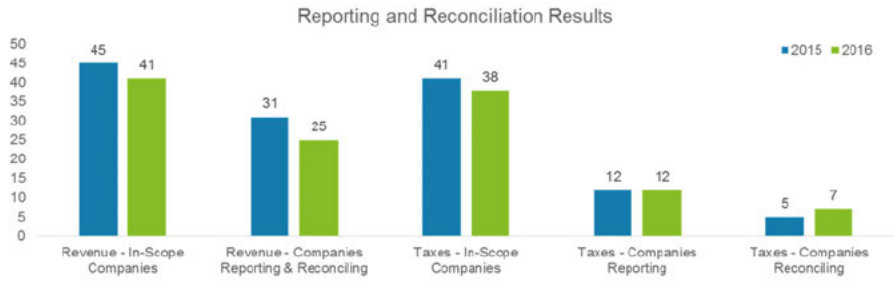
⁴ EITI Secretariat. "Frequently Asked Questions. ' Is the EITI voluntary?'" EITI Web Site. <https://eiti.org/FAQ#voluntary>

⁵ Rich, Eddie. "The voluntary dimension of the EITI." EITI Web Site. September 16, 2010. <https://eiti.org/blog/voluntary-dimension-of-eiti>

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Figure 1. USEITI Reporting and Reconciliation Results (2015 and 2016)



Result	2015	2016
DOI Revenues Unilaterally Disclosed	100% of 2013 revenues	100% of 2014 and 2015 revenues (only 2015 reconciled)
Companies Participating	31 of 45 companies	25 of 41 companies
DOI Revenues Reported & Reconciled	\$8.5B (81% of in-scope DOI revenues, 67% of all DOI revenues)	\$4.83B (79% of in-scope DOI revenues, 62% of all DOI revenues)
Companies Reporting Taxes	12 of 41 reported \$190M	12 of 38 reported -\$306M
Companies Reconciling Taxes	5 of 41 reconciled \$90M	7 of 38 reconciled -\$130M
Variances	17	21
Variances Resolved or Explained	100%	100%

What Are the Expected Results for 2017?

The USEITI MSG has decided not to conduct a reconciliation of extractive industries revenue reported by U.S. government and U.S. companies for 2017 due to its judgement that the reconciliation process is redundant with established audit and assurance procedures and controls in place in the United States⁶. Instead, the USEITI MSG has decided to use the UDR to document controls in place in the contextual narrative as it believes the UDR process will continue to be comprehensive, timely, and accurate. The USEITI MSG plans to make the UDR publicly available via existing sources, except where current laws or regulations prohibit data disclosure.

The USEITI MSG plans to produce an annual report for 2017 and will continue to update USEITI's data portal with additional contextual narrative information and data from U.S. states.

Commented [DB7]: NO! The CSOs believe that the existing DOI process with its third party audit firm provides the level of reconciliation that is meaningful and that Deloitte's work was redundant, but we did NOT decide not to reconcile.

Commented [U8]: This is a lie. Show us where this happened in the MSG minutes.

Commented [MS9]: The USEITI MSG does not make any decisions in regards to unilateral disclosure. Those decisions are solely the US government's.

Commented [U10]: This decision was not made and I contradict it whenever and wherever I can.

Commented [DB11]: This is not possible since the MSG will not be meeting to approve it.

Commented [U12]: This is contradicted by the letters the MSG members were sent on March 9, which state the following, "Building on your direction in December 2017, ONRR will complete a third online report." This is also impossible with MSG meeting, involvement, and consensus approval.

⁶ Decision made by the USEITI MSG on February 2, 2017.

Increasing and Embedding Disclosures

How Does the Government Embed and Increase Disclosures?

The 2016 EITI Standard encourages countries to make use of existing reporting for EITI rather than duplicate their findings in an EITI report. To this end, the EITI International Secretariat has hailed USEITI's data portal as a good example of mainstreaming data.

The U.S. government publicly discloses all data embedded in USEITI's data portal. This data is updated annually. Key information in USEITI's data portal includes:

- **Federal production data** for 55 products extracted from 2006 to 2015. This data can be filtered by product type, region (including state, county, and offshore region), and both calendar and fiscal years.
- **Federal revenue by region and company** for 2006 to 2015. This data can be filtered by natural resource category and/or region.
- **Company data** for 2013 to 2015, provided by ONRR in its unilateral disclosure. This data can be filtered by natural resource category and/or revenue type.
- **Economic impact data on the extractive industries** for 2006 to 2015, including gross domestic product, exports, and jobs. This data can be filtered by region, with results shown as dollar values or percentage values. The data can be further filtered by natural resource category for exports and by job type for jobs.
- Beyond disclosing DOI data, the portal **aggregates and makes accessible relevant data sets from other government organizations**, including the U.S. Energy Information Administration, the U.S. Bureau of Economic Analysis, and the U.S. Bureau of Labor Statistics, as well as select state and local government data.

In addition to USEITI's data portal, ONRR's statistical information site (<http://statistics.onrr.gov/>) provides data sets on disbursements (at the fund or state level and by fiscal year) and reported revenue data (i.e., sales volumes, sales values, and revenue by natural resource category), which is shared at the state, onshore, offshore, and Indian levels in the United States.

USEITI's data portal also includes reconciliation data and Corporate Income Tax data for companies that have opted to report their tax data. Companies can also authorize government's disclosure of their tax payments pursuant to Currently, the Tax Reform Act of 1976 (26 U.S. Code § 6103), but few companies have chosen to provide this authorization prohibits disclosure of Federal Income Tax data without the consent of the taxpayer. However, The Internal Revenue Service (IRS) discloses aggregate tax liability by industry based on a

Commented [U13]: A statement like this surely deserves a reference.

Commented [U14]: I'm sure other commenters have pointed this out, but there's nothing keeping in-scope companies from giving permission for these disclosures. For example, Exxon and Chevron make tax disclosure per Canadian and EU law. Chevron Canada Limited. "Extractive Sector Transparency Measures Act - Annual Report." May 29, 2017. <http://www.chevron.ca/documents/ESTMA-Reporting-Template-Chevron-Canada.pdf>; ExxonMobil Canada Investments Company. "Extractive Sector Transparency Measures Act - Annual Report." April 24, 2017. <http://cdn.exxonmobil.com/~media/global/files/other/2017/exxonmobil-canada-investments-company-estma-report-30nov2016.pdf>

¹ Chevron North Sea Limited. "Annual Extractive Report." U.K. Companies House Extractives Service. November 15, 2016. <https://extractives.companieshouse.gov.uk/company/01546623>

¹ EITI International Secretariat. "EITI Board Members 2016-2019." May 31, 2017. p. 2. https://eiti.org/sites/default/files/documents/eiti_board_members_2016-2019_as_of_31_may_2017.pdf



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stratified sample of individual company tax returns, and this aggregate information has been included in the 2015 and 2016 USEITI reports.

Furthermore, the collection of Corporate Income Taxes are subject to financial controls similar to other government revenue collections. The Bureau of the Fiscal Service, a division of the U.S. Department of the Treasury (“US Treasury”), collects Corporate Income Taxes.

In summary, the U.S. government discloses the majority of data required for mainstreaming on USEITI’s data portal. Disclosures by the IRS provide information on taxes at an aggregate industry level, but not by company. Opportunities for the U.S. government to increase and embed disclosures include the expansion of the revenue streams disclosed, such as the Coal Excise Tax and in-scope natural resources.

How Does the Extractives Industry Increase and Embed Disclosures?

Companies in the extractive industries in the United States operate within a system of controls and audits that vary based on their ownership status and internal procedures.

Public Companies

In 2016, 34 of the 41 in-scope companies were public (i.e., stock traded on the open market). Public companies must annually disclose their financial statements and the result of their audits. Of the 34 companies, 29 follow accounting principles general accepted in the United States of America (GAAP). The remaining five companies follow International Financial Reporting Standards (IFRS). For each company, independent auditors review and attest to the company’s internal controls, in addition to auditing the company’s financial statements. Based on a review of company 10-Ks, these public companies arrange their internal controls according to the *Internal Control—Integrated Framework* (2013) established by the Committee of Sponsoring Organizations of the Treadway Commission’s (COSO), which is a joint initiative of the American Accounting Association, the American Institute of Certified Public Accountants (AICPA), Financial Executives International, the Association of Accountants and Financial Professionals in Business, and the Institute of Internal Auditors. Appendix 3 contains information on the disclosures, forms, and auditors of in-scope companies, as well as links to available annual reports or 10-Ks for 2015, the last year for which all companies created such reports.

None of these disclosures are comparable to information required to be reported under the EITI Standard. The US does have a law that requires such disclosures, known as Section 1504 of the Dodd-Frank Act, which is required to be implemented by the SEC.

Private Companies

Private companies have fewer requirements to make their information and financial statements public. In 2016, seven in-scope companies were private. These companies, while not subject to the same disclosure requirements as public companies, still operate within the system of

Commented [ZM15]: This requires a lot more detail

Commented [U16]: The whole of the U.S. Government should be engaged in the USEITI process. This is not an excuse.

Commented [U17]: I don't think you've made this case.

Commented [U18]: Perhaps by not fighting to overturn the law and SEC rule that required these disclosures?

Commented [ZM19]: Yes but the real question is, what about actual disclosure? AN honest assessment would point out that we have almost no disclosure of EITI-relevant information from companies

Commented [ZM20]: Why go on about this at such detail since none of these disclosures have any relevance to EITI? Suggest abbreviating to make the point that although there are extensive disclosure requirements, none of them really fit with the EITI Standard

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controls and audits in which public companies operate. Importantly, private companies can be subject to audits by the IRS.

Voluntary-Related Disclosures

In addition to these internal controls, external audits, and related disclosures, a number of in-scope companies report their payments in other EITI countries, and/or related data voluntarily or according to European regulations. (Rio Tinto, included below, is not an in-scope company, but is a USEITI MSG member and, therefore, is included.)

Company	Natural Resource	Reports Under	Disclosures
BP p.l.c. (BP)	Oil & Gas	U.K. law	BP reports payments to governments at the project level and such payments are unaudited, but independently assured by Ernst & Young. BP does not include tax information. http://www.bp.com/content/dam/bp/pdf/sustainability/group-reports/bp-report-on-payments-to-governments-2015.pdf
Eni S.p.A. (ENI)	Oil & Gas	Voluntary	ENI reports payments to governments at the national level, as well as additional contextual information. The ENI report is unaudited. https://www.eni.com/en_IT/sustainability/integrity-human-rights/transparency-of-payments.page
Shell Oil Company ("Shell")	Oil & Gas	U.K. law	Shell voluntarily reported payments to governments prior to the implementation of British regulations and now reports according to those regulations. It reports all payments to governments at the project level. The Shell report is unaudited. http://www.shell.com/sustainability/transparency/revenues-for-governments.html
Statoil ASA ("Statoil")	Oil & Gas	Norwegian law	Statoil reports payments to governments at the project and country levels. It also includes contextual information in its annual report. The Statoil report is unaudited. https://www.statoil.com/en/investors.html#annual-reports
BHP Billiton (BHP)	Coal & Hardrock	Voluntary	BHP reports both tax and non-tax payments to governments, as well as contextual information and data on broader economic contributions (e.g., wages). BHP's non-tax data includes payments to governments at the project level. BHP's report is audited by an independent auditor according to Australian Auditing Standards. http://www.bhpbilliton.com/our-approach/operating-with-integrity/tax-and-transparency

Commented [MS21]: Section should be renamed to reflect the fact these disclosures are not necessarily voluntary but may be required by other jurisdictions.

Commented [U22]: Further, this should note that members of the MSG lobbied to have legal disclosure requirements in the U.S. overturned and revoked. Letter from Jack N. Gerard, President and CEO of the American Petroleum Institute, to the Honorable Paul D. Ryan, Speaker of the U.S. House of Representatives, and the Honorable Nancy Pelosi, Democratic Leader of the U.S. House of Representatives, about H.J. Res. 41, January 31, 2017.
[http://www.api.org/~media/Files/News/Letters-Comments/2017/1-1-31-17 Letter to House Leadership-CRA Sec 1504.pdf](http://www.api.org/~media/Files/News/Letters-Comments/2017/1-1-31-17%20Letter%20to%20House%20Leadership-CRA%20Sec%201504.pdf)

Commented [ZM23]: What about those in-scope companies that do not provide this information? That should also be noted for completeness

Commented [MS24]: Should note that, in most of these reports, the companies define "project" in the US as state-level reporting.

Commented [ZM25]: Not true! They do include taxes, see p6, e.g. \$138m in US taxes

Company	Natural Resource	Reports Under	Disclosures
Rio Tinto	Coal & Hardrock	Voluntary	Rio Tinto reports both tax and non-tax payments to governments, as well as publishes an annual "Taxes Paid" report. Payments are reported at the government and project levels. The report includes economic contribution data and contextual information, including case studies. Rio Tinto's report is independently audited. http://www.riotinto.com/ourcommitment/spotlight-18130_18998.aspx

These reports suggest best practices for encouraging further disclosure of payments by private companies.

In addition, publicly listed companies in the United States must comply with the reporting requirements under the Sarbanes-Oxley Act of 2002 (the "Act") and the corresponding U.S. Securities and Exchange Commission (SEC) Final Rule, *Management's Report on Internal Control Over Financial Reporting and Certification of Disclosure in Exchange Act Periodic Reports* (<https://www.sec.gov/rules/final/33-8238.htm>). The SEC Final Rule requires that a company's board of directors "include in their annual reports a report of management on the company's internal control over financial reporting."⁷ Specifically, the SEC Final Rule states the annual report must include:

- 1) A statement of management's responsibility for establishing and maintaining adequate internal control over financial reporting at the company.
- 2) Management's assessment of the effectiveness of the company's internal control over financial reporting as of the end of the company's most recent fiscal year.
- 3) A statement identifying the framework used by management to evaluate the effectiveness of the company's internal control over financial reporting (i.e., *Internal Control—Integrated Framework*, established by COSO, is the most commonly used).
- 4) A statement affirming that the registered public accounting firm that audited the company's financial statements has issued an attestation report on management's assessment of the company's internal control over financial reporting. This review of controls by the company's external auditors (monitored by the Public Company Accounting Oversight Board) follows a review by the company's own internal auditors (reporting to the company's audit committee).

⁷ U.S. Securities and Exchange Commission, *Final Rule: Management's Report on Internal Control Over Financial Reporting and Certification of Disclosure in Exchange Act Periodic Reports*, 17 CFR PARTS 210, 228, 229, 240, 249, 270, and 274. <https://www.sec.gov/rules/final/33-8238.htm>. Accessed on May 2, 2017.

Commented [ZM26]: Unclear how this is relevant to EITI reporting given there are no comparable SEC disclosures unless & until 1504 is implemented. Therefore this whole discussion of SOX should be deleted, unless you can explain how it's relevant in the EITI context



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A review of controls is part of the annual financial statement audit that every public company must complete with an independent public accounting firm. This audit provides investors and other interested parties with an assessment as to whether the company's financial results are fairly presented, in all material respects, in conformity with an established uniform body of accounting standards. Private companies typically are subject to financial statement audits when other parties, such as creditors and lenders, rely on and require the same level of assurance and attestation.

Evaluating Data Quality

The requirements for mainstreaming include determining whether data from both government and industry sources is up to date, comprehensive, and reliable outside of the EITI reporting structure. This section outlines the characteristics of U.S. data in these three categories.

Up-to-Date Data

The EITI Standard requires that information be reported on an annual basis and requires that the data disclosed be "no older than the second to last complete accounting period." For government and industry entities that currently report, U.S. data is disclosed on an annual basis and within the second to last complete accounting period. DOI UDR data is reported for the previous accounting period (e.g., the 2016 report includes 2015 data). There is, however, not sufficient payment data from companies until Section 1504 is implemented, which will require up-to-date payment disclosures from public companies.

Comprehensive Data

The U.S. government's UDR covers all in-scope, non-tax payments received by the U.S. government, including payments from companies not in scope for USEITI revenue reconciliation purposes. Unilateral disclosure in the United States covers royalties, rents, bonuses, and other revenue, both by revenue stream and by company.

Federal Income Tax disclosure is made by the U.S. Treasury on an aggregate basis by industry. Some companies voluntarily disclose Federal Income Tax data as part of EITI reporting, to fulfill regulatory requirements in other countries, or as part of their own transparency reporting.

USEITI provides contextual narrative information through USEITI's data portal, which provides a detailed overview of the extractive industry on federal government lands in the United States. The portal contains dozens of pages, tables, and graphics that allow users to dynamically explore data related to the extractive industries in the United States. It also explains USEITI and how the extractive industries function in the United States. Specifically, the portal includes:

Commented [ZM27]: How many? Nowhere near enough to be fairly described as "comprehensive"

Commented [U28]: As noted above, once a countries choses to implement EITI "all companies and government agencies making or receiving payments must participate." The necessity of in-scope company reporting is also emphasized in a 2010 blog post by the EITI International Secretariat's Deputy Head¹.



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- More than 15 in-depth contextual pages about the entities that own natural resources, the laws governing natural resource extraction, how natural resources result in federal revenue, details on revenue streams, and data accuracy and accountability measures.
- Fifty-five dynamic regional profile pages with contextual data integrated throughout.
- Twelve county case study pages that examine major producers of in-scope natural resources and the socioeconomic impact extractives industries have on these counties.

Additionally, the data portal includes a glossary related to the extractive industries, downloadable data sets for further analysis, and data documentation and usage notes.

Reliable Data

Companies in the extractive industries are subject to laws and regulations related to payments to the U.S. government, including the process for submitting those payments to the federal government. The processes for how these payments and revenue are recorded and verified are detailed in USEITI's *Audit and Assurance Practices and Controls in the U.S. Factsheet*, which is available at https://useiti.doi.gov/downloads/USEITI_budget-audit-factsheet_2016-08-17.pdf. Appendix 2 includes tables that outline the major laws establishing the fiscal regime, fees, and fines related to extractive industries revenue collection in the United States.

Standards for both the federal government and companies in the extractive industries are promulgated by regulatory and voluntary oversight bodies⁸. These standards define:

- How companies and the U.S. government report revenue and financial information.
- How internal and external audit procedures provide payment and collection assurance.
- How external auditors provide assurance on companies' financial statements, as well as disclose audit results and audited financial statements for public companies.

Appendix 2 provides a table of laws, regulations, professional standards, and regulatory organizations used by companies, governments, and auditors to guide the reporting of financial information in the United States, including the financial statement audit process.

Reconciliation and Mainstreaming

Once a country is approved for mainstreaming, it is no longer required to complete the reconciliation process. If EITI data is comprehensive and reliable, then the data is "audited in accordance with international standards, the procedure does not require a comprehensive

Commented [U29]: The following section includes a lot of very useful regarding reconciliation and government audit systems. It seems this information that should be shared with the public regardless of mainstreaming efforts.

⁸ "Tracking and Verifying Company Payments to Government Agencies in the U.S. Extractive Industries," n.d., USEITI, https://useiti.doi.gov/downloads/USEITI_budget-audit-factsheet_2016-08-17.pdf.



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reconciliation of government revenue and company payments.” This section details the audit, reconciliation, and assurance processes in place at ONRR and other U.S. government agencies.

There are generally four levels of mainstreamed controls:

- Upfront reconciliation of transaction data between DOI, U.S. Treasury, and companies
- Internal audit and other assurance processes within DOI
- External audit of DOI
- Other ad hoc oversight from the Office of the Inspector General (OIG), Congress, and other bodies

As part of the pre-reconciliation process integral to ONRR’s receipt and processing of company payments and reporting, ONRR conducts 100% upfront reconciliation.

This report covers CY 2015 rents, royalties, and bonuses that, together, constitute 95% of DOI revenue streams, as well as Corporate Income Taxes. The following table provides additional details:

Revenue Stream	Percent of DOI Revenue	Upfront Reconciliation	Internal Controls	External Audits	Ad Hoc Oversight
ONRR Royalties	78.2%	✓	✓	✓	✓
ONRR & BLM Bonuses	14.6%	✓	✓	✓	✓
ONRR & BLM Rents	3.1%	✓	✓	✓	✓
OSMRE AML Fees	2.5%	✓	✓	✓	✓
BLM Permit Fees	1.3%	✓	✓	✓	✓
ONRR Offshore Inspection Fees	0.7%	✓	✓	✓	✓
ONRR Other Revenue	0.4% <i>(Negative Amount)</i>	✓	✓	✓	✓
ONRR Civil Penalties	0.1%	✓	✓	✓	✓
OSMRE Civil Penalties	0.03%	✓	✓	✓	✓
Corporate Income Taxes	N/A	N/A	✓	✓	✓

Note: Percentages total more than 100% due to rounding and negative ONRR other revenue.

ONRR’s Upfront Reconciliation Process

ONRR’s mission is to collect, account for, and verify natural resources revenue due to U.S. states, American Indians, and the federal government. Each month, ONRR receives and processes 49,000 royalty and production reports. ONRR’s reconciliation process determines whether the U.S. government has been paid what it is owed, as well as whether companies made payments to the federal government in a timely manner. For ONRR’s reconciliation

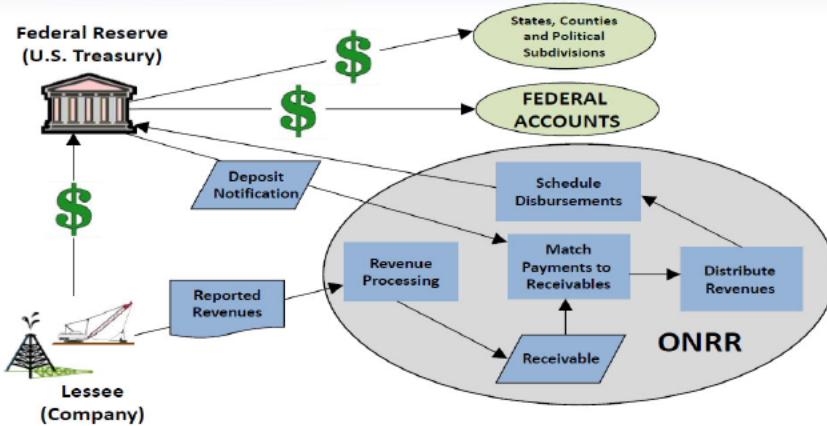
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process, companies report data the month after the month of production. Comprehensive reporting by companies and payors occurs on a project or lease level⁹ basis.

The following graphic illustrates the 100% upfront reconciliation and matching of company payments to ONRR revenue, as well as the distribution of revenue to recipients.

Figure 2. Upfront Reconciliation and Matching of Company Payments to ONRR Revenue



In this process, companies make payments to the U.S. Treasury and report those payments to ONRR on a monthly basis.

DOI Mainstreamed Processes and Controls

ONRR's Internal Controls and Processes

The United States has a set of standards and internal controls that are aimed at achieving reliability and accuracy in payment collection, accounting, and reporting. In accordance with guidance from the U.S. Government Accountability Office (GAO) Green Book, These standards and internal controls are outlined as follows:

Components of Internal Control	Principles
Control Environment	<ol style="list-style-type: none"> 1. Demonstrate commitment to integrity and ethical values 2. Exercise oversight responsibility 3. Establish structure, responsibility, and authority 4. Demonstrate commitment to competence 5. Enforce accountability

⁹ A "project" is defined as the operational activities governed by a single contract, license, lease, concession, or similar legal agreements that forms the basis for payment liabilities to a government. If multiple agreements are interconnected, they should be considered a project.



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Components of Internal Control	Principles
Risk Assessment	6. Define objectives and risk tolerances 7. Identify, analyze, and respond to risk 8. Assess fraud risk 9. Analyze and respond to change
Control Activities	10. Design control activities 11. Design activities for information systems 12. Implement control activities
Information and Communication	13. Use quality information 14. Communicate internally 15. Communicate externally
Monitoring	16. Perform monitoring activities 17. Remediate deficiency

Source: OMB Circular A-123

Internal Controls

In addition to annual OIG audits, external third parties audit ONRR’s financial functions on an annual basis in accordance with generally accepted government auditing standards (GAGAS). Audits in the United States have a high standard of verification in the form of evidence for source documents and records, resulting in greater accuracy of payment and reporting information. Additionally, ONRR uses U.S. Standard Government Ledger (USSGL) accounts to prepare external reports for the Office of Management and Budget (OMB) and the U.S. Treasury, which includes this financial information in its annual consolidated DOI Agency Financial Report. Finally, the Chief Financial Officer (CFO) Act requires annual audits of DOI’s financial statements, which include a thorough review of ONRR.

OMB Circular A-123 is part of the DOI Agency Financial Report. Per this regulation, the secretary of the DOI must provide an assurance statement on the state of the DOI’s internal controls to the president and Congress. OMB, GAO, and Congress established the requirement for agencies to develop and maintain effective internal controls by issuing federal guidance, including OMB Circular A-123, *Management’s Responsibility for Internal Control*. Under this guidance, management is responsible for establishing and maintaining effective internal controls and financial management systems that meet the objectives of the Federal Managers’ Financial Integrity Act of 1982.

The A-123 process at ONRR begins with the director of ONRR issuing guidance to employees that outlines the compliance assurance activities that must be completed. ONRR’s Internal Review, Oversight, and Compliance (IROC) program provides leadership and technical support to ONRR employees as they complete the A-123 process. Program managers of each assessable unit (AU) in ONRR use DOI’s Integrated Risk Rating Tool (IRRT) to complete a risk assessment of



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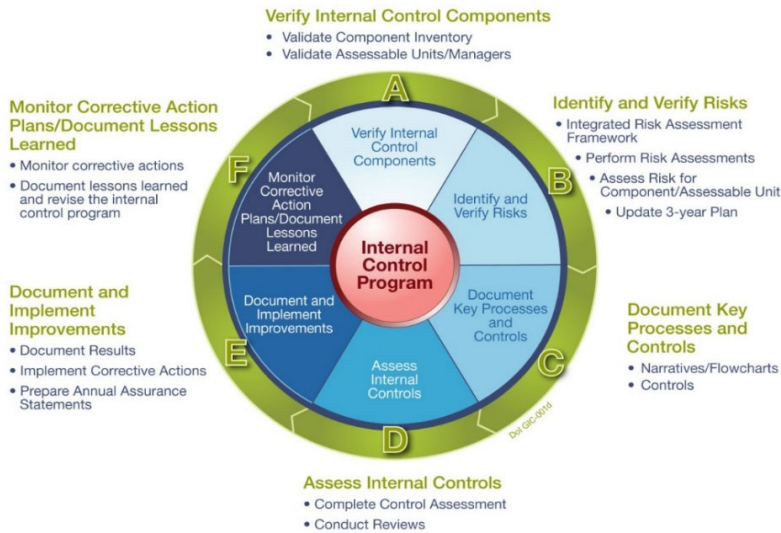
their processes. With that information, IROC develops ONRR's Three-Year Component Inventory and Annual Risk-Based Internal Control Review Plan (Three-Year Plan).

In order for ONRR to maintain compliance with OMB Circular A-123, it must complete the following activities:

- Submit entry-level risk assessments for each of the program directorates: director, deputy director, and directorate support office; audit and compliance management; coordination, enforcement, valuation, and appeals; and financial and program management
- Document or update AU key business processes, risks, and internal controls in both narrative and flow chart form
- Identify, document, and test key controls of all processes that are significant to a line item on DOI's financial statements
- Perform DOI-directed and ONRR-directed internal control reviews (ICRs)
- Develop DOI-required information technology (IT) and overall annual assurance statements

Additionally, DOI has designed an **Integrated Internal Control Program** comprising the plans, methods, and procedures used to support its mission, goals, and objectives. DOI has a six-step approach for its Integrated Internal Control Program that aims to enable performance-based management and supports DOI's mission, while addressing multiple legislative requirements.

Figure 3. DOI's Integrated Internal Control Program

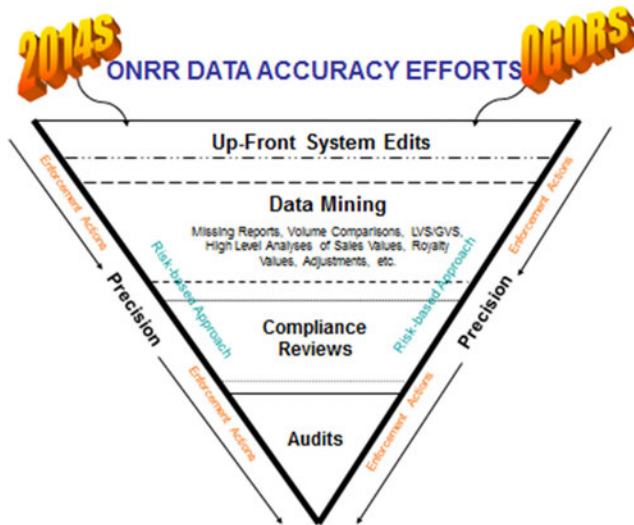


The goals of DOI's Integrated Internal Control Program are to:

- Ensure senior management oversight and coordination at the department and bureau level
- Follow a structured approach for assessing the risks facing the organization
- Implement a risk-based approach that weighs costs and benefits
- Improve consistency and comparability of bureau internal control programs by refining internal control guidance and using standardized tools, templates, and training
- Improve the maturity of DOI's risk management and internal control practices

Lastly, ONRR has controls in place to determine if data submitted by extractive industries companies is reliable and accurate. These controls occur at different points in the data collection and analysis process, as depicted in the following graphic, and provide the foundation for ONRR's compliance reviews and audits.

Figure 4. ONRR's Data Accuracy Process



Data control and verification starts at the submission stage of extractive industries reporting. Royalty reports (i.e., Forms ONRR-2014 and ONRR-4430) and production reports (i.e., oil and gas operations reports (OGORs)) go through hundreds of upfront system edits and checks for individual companies before they are submitted and accepted into ONRR's financial systems. These edits help prevent companies from submitting incorrect data, such as erroneous lease agreement amounts, incorrect prices, mathematical errors, or missing data elements.

Once the data is submitted by companies, ONRR's data mining office analyzes and works with individual companies to resolve various types of reporting errors and anomalies. The data mining phase helps identify specific issues with Form ONRR-2014 and OGOR submissions, as well as identifies errors that occur across multiple companies. When such errors are identified, ONRR works to provide specific guidance to companies and/or establish improved internal processes for data collection and review. Data mining focuses on resolving issues collaboratively with companies prior to any compliance review and/or potential audit by using a system-generated variance to identify the required workload.

Audit and Compliance Management Function

ONRR's audit and compliance management (ACM) function is a part of the U.S. process for data accuracy and assurance. The ACM function serves to verify the accuracy of data reported to ONRR and examines statements, records, and operations of companies to verify compliance with lease instruments and established regulations, laws, and guidelines. The subsequent



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information detailed in this section is based on interviews with federal officials. This information was not independently verified by the IA.

ONRR's ACM function uses a risk-based approach to conduct compliance reviews and audits. This approach uses a risk calculation tool to develop audit and compliance work plans and identify potential risks of noncompliance based on a number of proprietary indicators, including previous audits and compliance reviews and the significance of royalty dollars. The risk calculation tool stratifies the compliance of companies and properties into high-, medium-, and low-risk categories. ACM's work is performed by more than 240 ONRR staff in six regional offices and 125 auditors working for states and tribal nations that have significant activity in extractive industries. The auditors on the State and Tribal Royalty Audit Committee perform audit and compliance reviews under the 202/205 cooperative agreements between ONRR, states, and tribes.

Through the ACM function, ONRR uses multiple evaluative techniques to determine if payments received from companies are for the appropriate amounts. These techniques include the following:

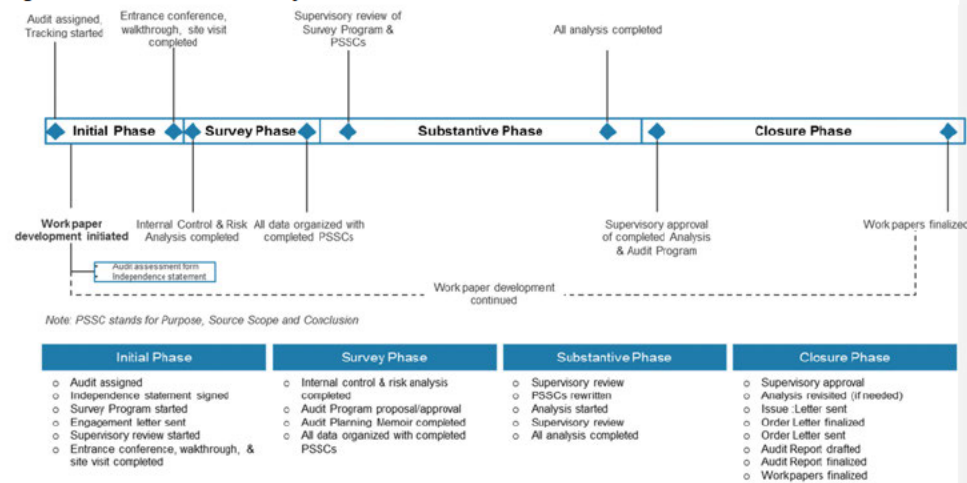
- One month after sales of production, a report and payment is due. At the time of the reporting, ONRR uses upfront system edits to verify royalty and production reports, including transportation and processing limits, multiple royalty rates, pricing edits, and agreement amounts.
- One to two years after a payment, ONRR uses data mining to increase the accuracy of company-reported data before the data is subjected to compliance reviews and audits. Missing reports, adjustment monitoring, adjustments to completed cases, and production volume comparisons are key components of data mining efforts to determine if company payments are accurate and verifiable.
- Two to three years after a payment, following the upfront-system edits and data mining, ONRR conducts compliance reviews and audits. Compliance reviews are used to examine issues and potential reporting errors after the upfront system checks and data mining. The compliance reviews are conducted two to three years after the original data submissions to allow for adjustments and clarification of the data. In fiscal year (FY) 2016, ONRR completed more than 500 compliance reviews. Compliance reviews can come from a variety of sources, including a referral from another part of the agency, information obtained from the IRRT, or data anomalies found by the system.

Audits are performed based on source documentation or other verifying information obtained to analyze the completeness and accuracy of the production volumes, sales volumes, sales values, transportation and processing allowances, and royalty values reported by companies, in accordance with the reporting and valuation regulations. In FY 2016, the ACM function conducted 128 audits. ACM's audit process timeline is outlined in Figure 5.



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Figure 5. Audit Process Timeline for ACM



When ONRR discovers inaccurate payments or potential fraud, it has several enforcement mechanisms at its disposal, including alternative dispute resolution, litigation, and civil penalties.

Additional Audits by the State and Tribal Royalty Audit Committee (STRAC)

In addition to the ONRR’s audits, state government agencies also audit companies’ reported production and payments, and these state government agencies are in turn subject to controls and audits of their own. Likewise, tribes in the United States also complete audits and are subject to controls and audits of their own. This multilayered system of checks and balances strengthens the data’s reliability. Furthermore, STRAC works with ONRR to audit leases within its respective jurisdictions. STRAC consists of representatives from nine states and six Indian tribes. STRAC’s purpose is to help ensure proper royalty payments are made by oil, gas, and solid mineral companies. STRAC’s agreements are authorized under Sections 202 and 205 of the Federal Oil and Gas Royalty Management Act of 1982(FOGRMA), as amended by the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (FOGRSFA). STRAC helps further the accountability of money owed to its jurisdictions and improves the reliability of reported data.

U.S. Bureau of Land Management (BLM) Controls

BLM uses several methods and processes to ensure data accuracy and integrity when collecting rents, bonuses, and BLM permit fees.

First, the BLM Collections and Billings System (CBS) builds data integrity into the data collection system design. BLM uses CBS as a single point of entry for billings and collections data entry by field office personnel. CBS interfaces nightly with DOI’s Financial and Business Management System to allow exchange and posting of collection information to the general ledger. CBS uses



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BLM's intranet to transmit collection information and includes several layers of security. In addition, CBS allows field personnel to enter any type of collection and organizes receipts into the correct accounts by natural resource category, subject, and action. BLM conducts continuous internal reviews and reports to ensure the timeliness, accuracy, and compliance of data entered into CBS.

Second, the Automated Fluid Minerals Support System (AFMSS) is a BLM-wide fluid mineral (i.e., oil and gas, geothermal, and helium) system with authorized use and inspection and enforcement support. AFMSS supports oil, gas, and geothermal lease operations on federal and Indian trust lands; post-lease operational approvals; well and facility data; inspection and enforcement data; and assessments and penalties for noncompliance and undesirable events (i.e., spills), as well as displays well production data (OGOR) collected by ONRR and data on customers (i.e., producers and operators). A number of reports supporting BLM business requirements are also included on a field office, state office, and national basis.

AFMSS contains oil, gas, and geothermal facility inspection and compliance data, including data related to preconstruction, drilling, production measurement and accountability, facility abandonment, undesirable events, enforcement actions (i.e., assessments and penalties), and inspection strategy information. AFMSS also contains the following: oil, gas, and geothermal leases; unit agreements; participating areas; communitization agreements; bond coverage; and drainage assessment data.

These assurance mechanisms and processes help BLM meet internal and external audit requirements and support accurate accounting and reporting.

[Office of Surface Mining Reclamation and Enforcement \(OSMRE\) Controls](#)

OSMRE uses the Internet-based Coal Fee Collection Management System (CFCMS) to report on 99% of U.S. coal production. The system is designed to prepopulate information about companies with coal-producing permits, thus reducing data entry error. The system contains numerous edits to ensure data accuracy, as well as automatically calculates fee amounts based on the production data entered by companies. OSMRE also completes paper-based reports for the remaining 1% of U.S. coal production.

Internally, OSMRE conducts continuous reviews of both automated and manual data entered into CFCMS to ensure the timeliness, accuracy, and compliance of data.

Externally, OSMRE conducts independent reviews of CFCMS data during audits of coal company records. During such audits, OSMRE auditors review data entered into CFCMS against coal company records of reported tonnage to determine whether there are any discrepancies in the CFCMS data.



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OSMRE's Division of Compliance Management (DCM) performs audits of coal mining operations nationwide in accordance with GAGAS. These audits are performed using an internally developed automated audit program that is integrated with other OSMRE systems to increase efficiencies and reduce errors. DCM maintains an internal quality control system that is monitored on an ongoing basis to provide reasonable assurance that the policies and quality controls are appropriately designed and effectively applied. DCM's audit plan uses a risk-based approach, prioritizing audits based on identified risk factors. The audit program is designed to promote timely and accurate reporting of coal tonnage and ensures correct fee payments. In accordance with the requirements of GAGAS, DCM is subject to a peer review every three years performed by an independent certified public accounting firm.

The efficiencies of the audit program and its related activities have enabled OSMRE to achieve a compliance rate of more than 99% at a minimal cost to the Abandoned Mine Land (AML) Fund. OSMRE's process improvements and successful migration to electronic reporting has automated virtually all audit functions and eliminated 100% of data entry errors.

OIG Oversight

OIG provides independent oversight and promotes accountability within programs, operations, and management of the department. OIG performs the following functions:

- Oversees the contract with an independent certified public accounting firm to perform the annual DOI financial statement/CFO audit
- Conducts energy-focused reviews of DOI energy and mineral revenue programs
- Provides leadership and coordination and recommends policies for activities
- Identifies risks and vulnerabilities that directly affect DOI's mission
- Keeps interested parties informed about deficiencies related to the administration of programs and operations and the progress of necessary corrective actions
- Reviews the activities related to the EITI initiative

Additional DOI Controls

Various entities within DOI support the accuracy, reliability, and timeliness of data collection and reporting, as detailed in the following table:

DOI Office	Responsibilities/Functions
Financial and Production Management	<ul style="list-style-type: none"> • Collects, verifies, and distributes all royalties, rents, and bonuses • Receives, processes, and verifies industry-submitted royalty reports • Performs data mining functions • Receives, processes, and verifies industry-submitted production reports and error corrections for all federal and Indian production • Oversees meter inspections for production verification



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DOI Office	Responsibilities/Functions
General Ledger (GL)	<ul style="list-style-type: none"> • Accounts for billions of dollars collected and disbursed by ONRR, in accordance with GAAP • Processes payments • Prepares reports and reconciliations for the U.S. Treasury • Processes revenue-sharing disbursements to states and counties through the U.S. Treasury, as well as transfers to other federal agencies • Processes refunds of overpayments to lease holders • Provides the initial trial balance used to develop departmental financial statements • GL is subject to an annual financial audit by OIG
Accounting Services	<ul style="list-style-type: none"> • Defines accounts payable (AP) functions as either federal or Indian • Ensures revenue is received with correct information and proper recipients • Prepares disbursement data for the U.S. Treasury and the Office of the Special Trustee • Provides distribution and mineral revenue reports to federal agencies, states, tribes, tribal allottees, and other requestors
Accounts Payable (AP) Federal	<ul style="list-style-type: none"> • Oversees system processing of all payor reporting and payments • Works closely with recipient agencies, states, and counties to resolve issues and ensure timely distribution of shared revenue • Ensures AP federal processes are in compliance with federal statutes regarding mineral extraction on federal lands
Accounts Payable (AP) Indian	<ul style="list-style-type: none"> • Collects daily rents and royalties on behalf of Indian tribes and allottees • Works extensively with the Bureau of Indian Affairs (BIA), the Office of the Special Trustee for American Indians (OST), and recipient Indian tribes • Prepares a daily report of deposits for OST and a twice-monthly distribution report on leases held by individual Indian allottees • Works with OST and Indian tribes to answer questions and reconcile accounts, as needed • Works with ONRR's Indian outreach organization to resolve allottee issues
Financial Services	<ul style="list-style-type: none"> • Manages other related federal and Indian account reconciliations • Reconciles payments to receivables within customer accounts • Establishes receivables for mineral royalty reports • Identifies credit and refund actions and processes related paperwork

U.S. Government Mainstreamed Processes and Controls

U.S. Treasury Single Source Cash Flow

The U.S. Treasury and Federal Reserve System (the "Treasury") serves as the sole provider of financial services for all U.S. federal agencies, including ONRR. Treasury maintains a centralized system of accounts for all federal agencies. The core tenet of this centralized system of accounts is that no single federal agency controls the receipt and payment of public funds. All



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federal agencies that handle government financial transactions must properly perform their functions to support internal government controls and the system of central accounts.

Treasury performs variance analysis and other reconciliations on transactions and balances contained within its systems. Treasury contacts ONRR with any questions it may have and can request ONRR justify or make changes to transactions or balances. DOI's external auditor also samples deposit and disbursement data from all Treasury systems and traces that data back to originating lease documents within ONRR's systems or other agency accounting advice.

To accomplish these ends, there are several primary systems maintained by Treasury that ONRR utilizes for cash flows, including the Collections Information Repository (CIR) for revenue collections, the Intra-Governmental Payments and Collections System (IPAC) for intragovernmental transfers, the Secure Payment System (SPS) for disbursements, and the Central Accounting Reporting System (CARS) for Treasury fund reconciliation.

ONRR receives the majority of its oil and gas revenue, as well as geothermal and solid minerals revenue through the CIR, which serves as a transaction broker, data warehouse, and reporting solution. CIR provides a single touchpoint to exchange all financial transaction information for settled transactions across all collections systems. This enables the U.S. government to normalize financial transaction reporting and standardize the availability of financial information across all settlement mechanisms and collections systems. CIR greatly improves the way ONRR collects, analyzes, and redistributes financial transaction information, which in turn eliminates redundancies and disconnects across and between the numerous point-to-point connections. CIR is a self-contained system with various related external system interfaces. CIR provides ONRR with revenue related to payments from the public sent via Fedwire, Pay.gov, automated clearing house (ACH), and check. All payment method transaction information submitted to ONRR is summarized daily into vouchers by CIR. CIR does not allow ONRR to create or alter deposit information.

Whereas CIR is used for revenue collected by ONRR from extractive industries companies, IPAC is used for oil and gas revenue collected by other federal agencies and transferred to ONRR. ONRR also uses IPAC to disburse revenue to other federal agencies in accordance with applicable statutes. The IPAC system's primary purpose is to provide a standardized interagency fund transfer mechanism for federal program agencies (FPAs). IPAC facilitates the intragovernmental transfer of funds, with descriptive data from one FPA to another. The IPAC system enables FPAs to exchange accounting and other pertinent information to assist in the reconciliation of funds transferred between FPAs for various interagency transactions (i.e., buy, sell, fiduciary, and other miscellaneous payment transactions). Sender and receiver Treasury account symbols/business event type codes (TAS/BETC) are validated in a shared accounting module (SAM) and transmitted to the CARS account statements at the time of IPAC origination.



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IPAC standardizes interagency payment, collection, and adjustment procedures through an Internet-based application.

The SPS is an application that allows government agencies to create payment schedules in a secure fashion, with strictly enforced separation of duties. Access to SPS is rigidly controlled by both Treasury and ONRR. SPS is ONRR's only avenue to disburse revenue from Treasury to state or local governments and to refund overpayments back to companies.

Lastly, ONRR uses the CARS to report and reconcile all collections and disbursement activity. CARS is a one-stop tool to:

- Provide and retrieve data and information from Treasury
- Capture and record TAS information for payments
- Deposit intragovernmental transactions
- Provide an account statement of the fund balance with Treasury
- Allow access to transaction details to support research and reconciliation
- Improve the usability and currency of government-wide financial information
- Minimize data redundancy and enhance data sharing between Treasury's central accounting system, financial service provider systems, and ONRR's core financial systems

ONRR reconciles the CARS fund balance with Treasury. ONRR's accounting system does this via reclassification of collection and disbursement transactions to identify the proper fund within Treasury. This reconciliation process is performed during the first three business days of each month. Any statements of difference between Treasury and ONRR are not permitted. All discrepancies and out of balances found must be corrected during the current accounting period, or a restatement is required for closed periods. CARS does not allow ONRR to create or delete transactions from the system.

[Third-Party Audit Procedures](#)

The annual agency financial report (AFR) provides important financial and performance information related to the stewardship, management, and leadership of the public funds and resources entrusted to DOI. Specifically, the report contains DOI's audited financial statements as required by the Chief Financial Officers Act of 1990. The audited financial statements include the custodial revenue managed by ONRR, OSMRE, and BLM. In FY 2016, DOI obtained an unmodified opinion from its independent certified public accounting firm—this was the 20th consecutive unmodified opinion for DOI.

DOI adheres to strict audit and assurance procedures in order to fulfill its fiduciary trust responsibilities to the nation's taxpayers, states, tribal affiliates, and local municipalities. The procedures outlined below reflect the best efforts to compile, structure, and summarize



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processes generally employed across DOI's bureaus and offices to achieve the department's overarching mission.

- First is an examination of the external and independent audit requirements used to evaluate DOI's compliance with audit and assurance protocols.
- Next is a review of the department's internal audit controls, audit and compliance activities, and peer review processes.
- Last is an examination of the department's data and IT assurance mechanisms.

In engaging a third party to conduct its audit, DOI entrusts this independent auditor to conduct audits of the department's general-purpose financial statements and closing-package financial statements in accordance with GAAP. The purpose of such an audit is the expression of an opinion as to whether the general-purpose financial statements that have been prepared by management conform with GAAP.

In the United States, such a third-party audit involves the following types of high-level activities:

- Performing procedures to obtain audit evidence about the amounts and disclosures in the general-purpose financial statements and closing-package financial statements
- Performing tests of the accounting records and assessing the risks of material misstatements of the general-purpose financial statements and closing-package financial statements, whether due to error or fraud, to provide a reasonable basis for opinions
- Evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management
- Evaluating the overall general-purpose financial statement and closing-package financial statement presentation

KPMG, LLP, DOI's independent auditor, noted in one of the Independent Auditor's Report, "In our opinion, the consolidated financial statements referred to above present fairly, in all material respects, the financial position of the U.S. Department of the Interior ... and its net costs, changes in net position, budgetary resources, and custodial activity for the years then ended in accordance with U.S. generally accepted accounting principles."¹⁰

¹⁰ "DOI Agency Financial Report FY 2013," <http://www.doi.gov/pfm/afr/2013/upload/DOI-FY-2013-AFR.pdf> "DOI Agency Financial Report FY 2014," <http://www.doi.gov/pfm/afr/2014/upload/DOI-FY-2014-AFR.pdf>.



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The audit of ONRR and DOI was conducted in accordance with GAGAS. This framework is used for conducting high-quality audits with competence, integrity, objectivity, and independence. These standards are promulgated by the GAO.

Additional Oversight

In addition to external audits from third-party auditors, DOI and ONRR are subject to additional oversight related to the collection, distribution, and reporting of revenue. OIG provides oversight in a number of areas. OIG's Office of Audits, Inspections, and Evaluations examines financial statements to determine if they are presented fairly and in accordance with GAAP. OIG's Office of Investigations conducts, supervises, and coordinates investigations related to allegations of fraud, waste, abuse, or mismanagement of financial resources or that result in significant financial losses to DOI.

Ultimately, as members of the executive branch, DOI and ONRR are subject to congressional oversight. Congress has a constitutional responsibility and right to investigate the actions of the executive branch and can compel reports, witnesses, and testimony.

The U.S. Government Accountability Office (GAO)

GAO supports Congress in meeting its constitutional responsibilities and assists in improving the performance and accountability of the federal government. GAO's work is done at the request of congressional committees or subcommittees or is mandated by public laws or committee reports, and includes the following activities:

- Audits agency operations to determine whether federal funds are spent efficiently and effectively
- Investigates allegations of illegal and improper activities
- Reports on how well government programs and policies are meeting their objectives
- Performs policy analyses and outlines options for congressional consideration
- Issues legal decisions and opinions
- Advises Congress and the heads of executive agencies on ways to make government more efficient, effective, ethical, and responsive
- Publishes a high-risk list (<http://www.gao.gov/highrisk/overview>)
- Its work leads to laws and acts that improve government operations
- Maintains and updates GAGAS

The GAO comptroller general issues GAGAS, which were first published in 1972 and are commonly referred to as the "Yellow Book." GAGAS cover federal entities and those organizations receiving federal funds. The most recent 2011 revision of *Government Auditing Standards* takes into account recent changes in other auditing standards, including IFRS.

GAGAS incorporates, by reference, the AICPA *Statements on Auditing Standards (SAS)* and *Statements on Standards for Attestation Engagements (SSAE)*. Auditors may elect to use the

Commented [MS30]: It would be an oversight not to mention that the GAO considers Interior's management of its oil and gas resources to be a "high risk" area. http://www.gao.gov/highrisk/management_federal_oil_gas/why_did_study



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International Auditing and Assurance Standards Board (IAASB) standards, the International Standards on Auditing (ISA), and International Standards on Assurance Engagements (ISAE) in conjunction with GAGAS.

The Auditing Standards Board (ASB) of the AICPA develops its SAS using the ISA as the base standard (ISAs are developed by the IAASB), and modifies the base standard only where modifications are deemed necessary to better serve the needs of the U.S. legal and regulatory environment. ASB field work and reporting standards for financial audit and attestation engagements are incorporated, by reference, into the “Yellow Book,” unless specifically excluded.

GAGAS, part 3.31 (2011), encourages internal auditors who work for management at audited entities to use the Institute of Internal Auditor’s (IIA) International Standards for the Professional Practice of Internal Auditing in conjunction with GAGAS.

GAO is a member of the professional standards committee of the International Organization of Supreme Audit Institutions (INTOSAI), which strives to establish an effective framework for professional standards that correspond to the needs of member SAIs. Only GAO, the IIA, and INTOSAI currently issue standards on performance and compliance audits. GAGAS incorporates compliance auditing in its performance auditing standards. INTOSAI has also issued a separate set of compliance audit standards.

[Overview of Beneficial Ownership Requirements in the 2016 EITI Standard](#)

The 2016 EITI Standard requires implementing countries to ensure companies disclose their beneficial owners, as well as politically-exposed persons holding ownership rights by 2020¹¹. The Standard recommends that beneficial ownership information be made available through public registers, and that at a minimum the information be included in the country’s annual report. The Standard first requires implementing countries to publish a roadmap outlining activities and preparations that the MSG considers necessary to implement beneficial ownership requirements. The USEITI MSG published this roadmap in January 2017 and shared it with the EITI International Board; the roadmap is available as part of the meeting materials for the November 16-17, 2016 MSG.

[Current Status of Beneficial Ownership in the United States](#)

There is currently no a single definition for beneficial ownership in the United States, nor is there an institutional framework for beneficial ownership disclosure, a specific framework for the level of detail of beneficial ownership information collected, or a single methodology for

¹¹ The Standard outlines that this applies to corporate entities that bid for, operate or invest in extractive assets and that this disclosure should include the identities of beneficial owners (including name, nationality, and country of residence), the level of ownership and details about how ownership or control is exerted.



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assessing the accuracy of the data. However, the U.S. does have a number of frameworks for the collection of beneficial ownership information, but data collection and requirements vary.

The first framework for collection is the corporate formation process. In the United States, individual states manage the corporate formation process. As such, information requirements for incorporation vary widely, but no states require persons forming corporations to name beneficial owners at the time of corporate formation. There are no mechanisms that capture, track, and manage beneficial owners at the state level. Some states do make certain data on incorporated companies public through online systems. While no State registries consistent with the EITI Standard exist, there is an existing framework at the State level (the incorporation system), which collects much of this data and, in some cases, makes it public upon request. Examples of States that make certain data on incorporated companies accessible to the public through online systems include Alabama¹², Connecticut¹³, Massachusetts¹⁴, Nebraska¹⁵, North Carolina¹⁶, Texas¹⁷, and Virginia¹⁸. There are no federal laws regulating incorporation.

At the federal level, three requirements provide an institutional framework for beneficial ownership information collection, but not disclosure. First, the [U.S. Treasury's Customer Due Diligence Rule](#)¹⁹ requires U.S. financial institutions to know the real people who own, control, and profit from companies (beneficial owners) and to verify their identities. Whenever companies open a new account at a covered financial institution, the customer must disclose the identity of 1) each individual who owns 25% or more of the company and 2) any individual who controls the company. Second, legal entities that file federal taxes must obtain and have an Employer Identification Number (EIN). To do so, they must name a "responsible party." A responsible party is generally defined as "the person who has a level of control over, or entitlement to, the funds or assets in the entity that, as a practical matter, enables the individual, directly or indirectly, to control, manage, or direct the entity and the disposition of its funds or assets."²⁰ Finally, the Securities Exchange Act of 1934 requires any person or group that acquires more than 5% beneficial ownership of public company equity securities must disclose its position within 10 days of crossing the threshold.

For extraction on federal lands, the Mineral Leasing Act of 1920 (MLA) and the Outer Continental Shelf Leasing Act (OCSLA) require companies to meet certain requirements pertaining to ownership. The MLA requires companies holding onshore federal mineral leases

¹² <http://www.sos.alabama.gov/government-records/business-entity-records>

¹³ <http://www.ct.gov/sots/site/default.asp>

¹⁴ <https://www.sec.state.ma.us/cor/>

¹⁵ <https://www.nebraska.gov/sos/corp/corpsearch.cgi>

¹⁶ <https://www.sosnc.gov/corporations/>

¹⁷ <http://www.sos.state.tx.us/Corp/sosda/index.shtml>

¹⁸ <https://www.scc.virginia.gov/clk/bussrch.aspx>

¹⁹ <https://www.federalregister.gov/documents/2016/05/11/2016-10567/customer-due-diligence-requirements-for-financial-institutions>

²⁰ USEITI Beneficial Ownership Work Group meeting minutes, 2016

Commented [U31]: Per the request of the co-chairs, the following beneficial ownership definition was developed for include in the 2017 reporting template.

**USEITI Proposed Beneficial Ownership Definition
March 7, 2017**

In accordance with requirement 2.5.f ii "The definition should be aligned with (f)(i)¹ above and take international norms and relevant national laws into account, and should include ownership threshold(s). The definition should also specify reporting obligations for politically exposed persons".

Proposed Definition:

A beneficial owner in respect of a company means the natural person(s) who directly or indirectly ultimately owns or controls the corporate entity. For purposes of this definition: "Owns" means holding 5% or more of the shares and/or voting rights in the corporate entity, disregarding any shares or voting rights held by the entity itself. "Controls" includes but is not limited to influencing the company via controlling ownership interests, voting rights, agreement or otherwise. Those whose control over a corporate entity arises solely from their position as a paid employee of the entity are not beneficial owners for the purposes of this definition. Those with legal agency to control interests held by minor children are the beneficial owners for the purpose of this definition. For the avoidance of doubt, nominees, agents or other forms of proxy cannot be identified in the place of the actual beneficial owner(s).

The term 'politically exposed person' means a natural person who is or who has been entrusted with prominent public functions and includes the following:

- (a) heads of State, heads of government, secretaries and deputy or assistant secretaries;
- (b) members of Congress or of similar legislative bodies;
- (c) members of the governing bodies of political parties;
- (d) members of supreme courts, of constitutional courts or of other high-level judicial bodies, the decisions of which are not subject to further appeal, except in exceptional circumstances;

... [1]

Commented [ZM32]: Suggest deleting this, irrelevant here because none of these are with respect to beneficial owners (they all deal with legal owners, i.e. name-only)

Commented [ZM33]: Need to make the point here that the EITI requirement on BO cannot be mainstreamed unless US also has adequate public disclosure of BO data; data collection alone is not enough

Commented [ZM34]: Not quite the same as BO



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to meet citizenship and acreage requirements. For coal and leasable solid minerals, a 10% ownership in a partnership or association must be disclosed to ensure this compliance. For oil and gas, publicly traded partnerships and associations must certify that their constituent members who own more than 10% are in compliance with the MLA. There are no comparable requirements for geothermal. The OCSLA governs oil, gas, sulfur, other minerals, and renewables leased on the Outer Continental Shelf of the United States. It requires that bidders prove they are qualified to bid by demonstrating: 1) if an individual, that they are a citizen or national of the U.S. or an alien lawfully admitted for permanent residence, 2) if a corporation, that they are organized under the laws of a state or territory, or 3) if an association, that the association's members must be qualified individuals or corporations. They don't need to disclose underlying owners. Furthermore, to obtain a mining claim for locatable minerals (such as gold or copper) on federal lands one must prove that one is either a U.S. citizen, legal immigrant who has filed for citizen, business entity organized under the laws of the state, or an agent or person falling into those categories.

There is no authoritative source for beneficial ownership information of legal entities, given that there is no requirement for U.S. states to collect this information when a company is formed. For the information that is collected, there are a number of restrictions to its disclosure. Safeguarding personally identifiable information in possession of the government and preventing its breach are essential to ensure that the government retains the American public's trust. This applies to CDD and EIN information collected, among others. All information collected on an EIN application is confidential and cannot be disclosed or used for any purpose other than U.S. Federal tax administration. SEC filings are public, given their intent to safeguard investors.

Commented [ZM35]: This is an opinion not a statement of fact, or a conclusion supported by any facts

Commented [ZM36]: Not relevant as it does not deal with BO but with responsible parties

The United States does have significant statutes and regulations restricting U.S. government employee ownership of certain financial interests, requiring employee reporting on certain financial interests, and restricting employee participation in certain official government matters that would affect an employee's personal or imputed financial interests or that might affect an employee's personal or business relationships. These laws are outlined in the USEITI MSG's beneficial ownership roadmap and are detailed in Appendix 3.

USEITI MSG's Proposed Activities from Beneficial Ownership Roadmap

The USEITI MSG outlined these considerations and more in detail in its beneficial ownership roadmap. It also outlined a proposed timeline and objectives for meeting the beneficial ownership requirement. Details of these timelines and activities is outlined below:

Timeframe	Activity
Calendar Year 2017	The MSG agrees to working definition of beneficial owner and conducts a legal review of the legal barriers and enablers to public

	disclosure of beneficial ownership information under U.S. law
2017 USEITI Reporting Season (March – August)	The MSG explores the possibility of requesting beneficial ownership information through the USEITI reporting template and collection of data for disclosure in the 2018 report (public companies may have the opportunity to indicate that beneficial ownership is done through periodic filings with the SEC, where appropriate, and, if it is determined, this disclosure is sufficient)
2017 and 2018	DOI and other relevant parties explore possibilities to request beneficial ownership information from companies engaged in bidding processes or otherwise operating in lands under its jurisdiction consistent with MLA, OCSLA, and/or other regulatory action within the power of the agency
January 2018	Assuming that the preceding was successful, USEITI report with 2017 data including results of beneficial ownership query is released
2018 USEITI Reporting Season	Assuming that the preceding was successful, a request for beneficial ownership information is included in the USEITI reporting template, and results will be included in the 2019 USEITI report
2018	The USEITI MSG explores the possibility of regulatory/legislation action related to the “invest in” provision of the beneficial ownership requirement
2019 USEITI Reporting Season	Assuming that preceding efforts were successful, a request for beneficial ownership information is included in the USEITI reporting template, and results will be included in 2020 USEITI report
2019	Assuming that preceding efforts were successful, DOI and other relevant parties seek to request beneficial ownership information from companies engaged in bidding processes or otherwise operating in lands under its jurisdiction consistent with

Commented [U37]: Much of the preceding three steps will be very difficult to achieve given the cancellation of MSG meetings and halt of working group activities. An honest assessment of the situation would note that.

	the MLA, the OCSLA, and/or other regulatory action within the power of the agency
2019	The USEITI MSG explores the possibility of regulatory/legislation action related to the “invest in” provision of the beneficial ownership requirement
2020	Assuming that the preceding was successful, reporting by entities bidding for activities and operating on lands in the jurisdiction of the MLA, the OCSLA, and/or other regulatory action within the power of DOI commences
2020	Assuming that preceding efforts were successful, reporting related to the “invest in” provision commences

Conclusions of the Report and Recommendation on Mainstreaming

This feasibility study was prepared by the IA in consultation with the USEITI MSG and other stakeholders from government, industry and civil society. The following three primary conclusions reflect those consultations and a review of documents:

1. *The United States has **routine disclosures at the requisite level of detail for a significant amount (though not all) of the data required by the EITI Standard and the terms of reference developed by the USEITI MSG.** The U.S. government’s UDR covers all in-scope, non-tax payments received by the U.S. government, including payments from companies not in scope for USEITI, and covers royalties, rents, bonuses, and other revenue by revenue stream and company. The disclosure is available to the public through a data portal (<https://useiti.doi.gov/downloads/federal-revenue-by-company/>). The USEITI MSG and EITI International Secretariat have made significant efforts toward the usability and public awareness of the data portal. The EITI document, “Toward Mainstreaming Action Plan,” approved by the EITI International Board on October 25, 2016, specifically highlights USEITI’s data portal as an example of “the trend toward mainstreamed EITI implementation.”*

That said, there are two areas in which there is not currently routine disclosure:

Commented [U38]: The MSG has not been in operation since March. This should be noted and no claims of consultation beyond that point should be made. Further, it should be clear that these are the recommendations of Deloitte on its own. My further comments reflect this understanding of our circumstances.

- Corporate Income Tax, which is an in-scope revenue stream, is not currently disclosed at the company level. Federal law, including Section 6103 of the Internal Revenue Code (26 U.S.C.), which provides for the confidentiality of tax returns and return information, ~~authorizes prohibits unilateral~~ disclosure by the U.S. government of taxpayer information at the company level provided the taxpayer explicitly authorizes such disclosure; but most in-scope companies have chosen not to authorize tax disclosure. However, the U.S. Treasury does publicly disclose Corporate Income Tax on an aggregate basis by industry, including for the oil and gas and mining industries. Also, the IRS, which is under the U.S. Treasury umbrella, has the right to audit ~~individual~~ taxpayer returns. In addition, some companies ~~voluntarily~~ disclose Corporate Income Tax data as part of EITI reporting, to fulfill regulatory requirements in other countries, or as part of their ~~voluntary own~~ transparency reporting. Fuller tax disclosure would require ~~either implementation of Dodd-Frank Section 1504 new legislation and/or expanded voluntary company disclosure~~. ~~Based on consultations conducted in preparation of this report, the USEITI MSG members and other stakeholders did not see a path to either at this time.~~*
- Beneficial ownership disclosures are required by Section 2.5 of the EITI Standard starting on January 1, 2020. There is an existing framework of Federal banking, securities, mineral extraction and other regulations which require routine disclosure of significant owners and "responsible persons" for U.S. companies in many situations. There are also existing ethics rules which require Federal employees to disclose financial interests in companies and limit conflicts of interest. (See page 30 for more detail). However, ~~because~~ companies can register in any of the 50 states, and no state requires tracking or disclosure of there is no single authoritative source for beneficial ownership information, and the level of disclosure at the state level varies widely. ~~Based on consultations conducted in preparation of this report, the USEITI MSG members and other stakeholders did not see a legislative or regulatory path to create such a source at the present time.~~*

Considered together, the system of internal controls, the disclosure of non-tax revenue through the UDR, and the disclosure of industry aggregates for Corporate Income Tax, the United States has routine disclosure of a significant amount of the data required under the 2016 EITI Standard. In the areas of Corporate Income Tax and Beneficial ownership, the EITI Board would need to decide if current routine disclosures meet the substance of the "agreed-upon" procedures for mainstreaming.

Commented [ZM39]: No, we already have the legislation, what is needed is for it to be implemented

Commented [MS40]: Tax disclosure is not voluntary under EITI. Would be more accurate to state that most in-scope US companies did not comply with this requirement of the standard.

Commented [U41]: As noted above, once a countries choses to implement EITI "all companies and government agencies making or receiving payments must participate." (EITI Secretariat. "Frequently Asked Questions. 'Is the EITI voluntary?'" EITI Web Site. <https://eiti.org/FAQ#voluntary>) The necessity of in-scope company reporting is also emphasized in a 2010 blog post by the EITI International Secretariat's Deputy Head¹.

Commented [ZM42]: This does not appear to be justified given lack of tax and BO information. The following sentence misrepresents disclosure of tax and BO as routine, when it is closer to non-existent

Commented [DB43]: This makes no sense to me and I would just strike



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- 2. In-scope financial data for the U.S. government-Department of Interior and the majority of in-scope companies is subject to independent audit, applying international standards, as required by the EITI Standard and laid out in the “Mainstreaming Action Plan.”²¹ The U.S. government and companies (both public and private) generally have controls and systems of internal and external audit consistent with international standards.***

With respect to the external audit of DOI, OIG engages an external auditor to conduct an annual audit of ONRR’s financial functions. The external audit is conducted according to GAGAS, an internationally recognized standard. While the specific tests used in DOI’s external audit have not been disclosed, interviews with OIG and other DOI personnel indicate that source documents and records are used to verify the accuracy of financial reports. In addition to the external audit, DOI and ONRR are subject to oversight related to the collection, distribution, and reporting of revenue, including oversight from DOI’s Office of Audits, Inspections, and Evaluations and DOI’s Office of Investigations.

In addition, all publicly traded in-scope companies undergo external audits in accordance with international standards, either GAAP or IFRS, and disclose their financial statements and the results of their audits to the SEC. Privately held U.S. companies also generally undergo audits in accordance with international standards and may be audited by the IRS, although they are not required to publicly disclose their results. See Appendix 3 for available data on audits for all in-scope companies—both public and private.

- 3. Internal controls exist to support the reliability and accuracy of payment collection, accounting, and reporting of in-scope data.*** *Internal processes and controls between the U.S. Treasury, DOI, and company payors are in place, including an upfront reconciliation of a large percentage of transactions, which compares the amounts owed to the amounts collected. These processes and controls are designed to monitor the accuracy and timeliness of revenue collection and reporting between the company payor and the U.S. government. This system of controls is also intended to reduce the opportunities for fraud by the company payors or U.S. government officials. The OMB Circular A-123 program, DOI’s Integrated Internal Control Program, and ONRR’s data accuracy efforts for Form ONRR-2014 and OGOR submissions are examples of the additional controls in place in the United States to support the reliability and accuracy of data. The ACM function within DOI serves to verify the accuracy of data reported to ONRR and examines statements, records, and operations of companies to verify compliance with lease instruments and established regulations, laws, and guidelines. Additionally, states and tribes in the United States maintain internal audit committees.*

²¹ https://eiti.org/sites/default/files/documents/2016-10-towards_mainstreaming_action_plan.pdf



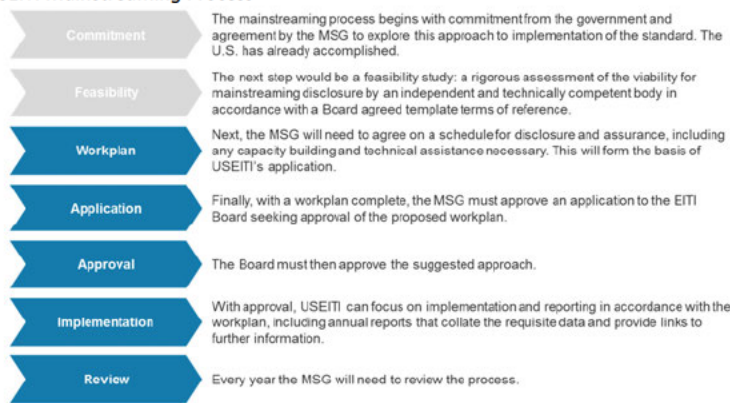
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Recommendation for Mainstreaming and Next Steps

Based on available evidence, the USEITI MSG recommends that USEITI pursue mainstreaming.

The process for mainstreaming consists of seven phases: formal commitment, feasibility study, work plan, application, approval, implementation, and review. The United States has made the formal commitment to mainstreaming, and with the submission of this feasibility study, USEITI will proceed to the preparation of a mainstreaming application for review by the EITI International Secretariat. Prior to the submission of this application, the USEITI MSG will agree on a schedule for disclosure and assurance, including any capacity building and technical assistance necessary; this will form the basis of USEITI's application. An overview of the process is outlined below.

Figure 6. USEITI Mainstreaming Process



Source: EITI International Secretariat Board Paper Annex A - Draft Agreed Upon Procedure for Mainstreaming Disclosures
https://eiti.org/files/board_paper_30-4-a-annex_a-draft_agreed_upon_procedure_for_mainstreamed_disclosures.pdf

As part of developing the mainstreaming work plan and application, the following steps will be necessary:

1. Documentation of commitment by the USEITI Secretariat to maintain the UDR and data portal to the current level of timeliness, comprehensiveness, and reliability for a reasonable period of time.
2. Agreement with the EITI International Board that the current disclosures of non-tax revenue and aggregate disclosure of Corporate Income Tax are sufficient for mainstreamed implementation for a reasonable period of time.

Commented [DB44]: You can say the USG recommends this but not the MSG

Commented [U45]: What evidence? Show a reference to the MSG meeting minutes? Anything. This is not a truthful statement. Again, I withhold my consent to approve this document and of mainstreaming in general at this time.
Paul Bugala

Commented [ZM46]: We cannot make this argument with a straight face



3. Agreement with the EITI International Board on continued adapted implementation with regards to subnational disclosures related to the federal nature of the United States.
4. Documentation of a process for periodic review of mainstreamed implementation by a multi-stakeholder group, either the current USEITI MSG or a new body that meets the requirements of Section 1.4 of the EITI Standard.



Appendix 1 — Stakeholder Interview Notes

Interviewees

The IA invited 11 USEITI MSG members and alternates from across civil society, industry, and government to engage in stakeholder interviews, and the following nine people agreed to participate:

Sector	Name	Organization
Civil Society	Danielle Brian	Project on Government Oversight
Civil Society	Keith Romig, Jr.	United Steelworkers
Industry	Veronika Kohler	National Mining Association
Industry	Phil Denning	Shell Oil Company
Industry	Aaron Padilla	American Petroleum Institute
Government	Greg Gould	Department of the Interior
Government	Curtis Carlson	Department of the Treasury
Government	Mike Matthews	State of Wyoming—Department of Audit
Government	Jim Steward	Department of the Interior

Responses

The interviews covered each individual’s goals for USEITI and the U.S. track record of reconciliation, as well as evaluated the data quality of USEITI as it relates to mainstreaming. Key takeaways from these interviews follow:

Topic	Sector	Takeaway
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Topic	Sector	Takeaway
Goals for USEITI	Civil Society (CSO)	CSO representatives spoke about a range of goals for USEITI, including consolidating already available public data in an easily accessible place, creating a meaningful contextual narrative, revealing data not previously available to the public, and representing specific constituents.
		<p>CSO representatives were split on how reconciliation fits into their goals. One interviewee expressed the view that reconciliation inherently compares company data to company data (i.e., government data was just company data provided to the government by the company). Another interviewee found reporting and reconciliation to be positive, with the exception of tax reporting and reconciliation.</p> <p>Neither interviewee saw mainstreaming specifically fitting into their goals for USEITI.</p>
Goals for USEITI	Government	The U.S. government expressed a range of goals, including educating the public, participating and leading on the international stage, creating useful data for the public and the government, improving government operations, achieving a workable solution within U.S. laws, and achieving validation.
		<p>The U.S. government did not see reconciliation as part of its goals, a value-add for the U.S. public, a valuable use of taxpayer money, an achievable reality for taxes, or valuable to USEITI as a whole.</p> <p>Mainstreaming was seen as the only feasible way for the United States to achieve validation. Mainstreaming is viewed as easier than reconciliation and likely to increase participation. The government believes U.S. audits and controls already achieve the purpose of reconciliation laid out in USEITI.</p>

Commented [U47]: It's not possible for this CSO statement to be true and for this unreferenced assertion to be true at the same time. "Based on available evidence, the USEITI MSG recommends that USEITI pursue mainstreaming." Paul Bugala

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Topic	Sector	Takeaway
Goals for USEITI	Industry	Industry representatives stated their goals for USEITI are to increase transparency and data accessibility to the public, increase public understanding and confidence, articulate the current state of U.S. management as a model internationally, and build trust with other sectors.
		<p>Industry representatives did not see reconciliation as fitting materially with these goals and noted it was a check-the-box exercise and a waste of time.</p> <p>Mainstreaming is seen as essential by industry representatives and merited based on the current systems in place. Mainstreaming would save taxpayer money, reduce the burden on companies, and free up time to undertake activities more useful to the American public.</p>
Track Record of Reconciliation	CSO	CSO representatives saw the U.S. track record of reconciliation as strong with regards to non-tax revenue, but tax revenue reconciliation was seen as weak and lacked reporting.
Track Record of Reconciliation	Government	<p>The U.S. government saw the track record of revenue as very strong given the U.S. system of audits, controls, checks, and balances. The government viewed tax reporting and reconciliation as the biggest weakness, given the legal prohibitions against disclosure and the lack of company involvement.</p> <p>The U.S. government viewed the decline in the number of companies as an effect of broader market forces (the decline in prices for natural resources, as well as company bankruptcies) not specifically reflective of USEITI.</p>

Topic	Sector	Takeaway
Track Record of Reconciliation	Industry	<p>Industry representatives saw the U.S. track record of reconciliation as strong, given the audits, controls, and systems in place. Reconciliation helped prove the numbers match and that the United States has already mainstreamed.</p> <p>Industry representative did not view the decline in the number of companies as important; instead they saw reconciliation as having achieved its purpose of showing that dollars match. They also did not view the net decline as decreasing the amount of information available given data disclosures.</p>
Evaluating U.S. Data Quality	CSO	<p>CSO representatives saw the strength of U.S. data in government disclosures and the promise of government project-level disclosures, even if those are completed upon request. CSO representatives also noted that U.S. data was up to date and reliable.</p> <p>CSO representatives viewed the lack of tax reporting and reconciliation and the rescinding of Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”) as fatal weaknesses in U.S. data quality.</p>
Evaluating U.S. Data Quality	Government	<p>The U.S. government found U.S. data to be up to date, reliable (due to the stringent system of audits and controls in the United States), and comprehensive for non-tax revenue. The U.S. government noted that USEITI has achieved an unprecedented level of disclosure and that contextual narrative information helps make data comprehensible.</p> <p>The U.S. government viewed the lack of tax disclosure, given U.S. laws, as the chief weakness in U.S. data comprehensiveness and the rescinding of Section 1504 of the Dodd-Frank Act as fatal to U.S. hopes of achieving that kind of disclosure, and with it mainstreaming.</p>



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Topic	Sector	Takeaway
Evaluating U.S. Data Quality	Industry	<p>Industry representatives articulated an extensive list of U.S. data quality strengths, including public accessibility, level of disaggregation, up-to-date nature, control- and audit-based reliability, contextual explanations of data, and the comprehensive release of appropriate data.</p> <p>Industry representatives generally saw less cause for concern with the rescinding of Section 1504 of the Dodd-Frank Act and articulated cases for how the United States could mainstream, given current controls and disclosures. They saw limited influence on U.S. companies due to EU directives related to disclosure.</p>

Appendix 2 — Relevant U.S. Laws and Regulations

Select Laws Establishing the Fiscal Regime for Extractive Industries in the United States.

Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
General Mining Act of 1872, as Amended ²² (30 USC § 29 and 43 CFR 3860)	Provides the right to patent, meaning transfer to private ownership, federal land and natural resources for mining. Since October 1, 1994, Congress has imposed a budget moratorium on any new mineral patent applications.	Federal Onshore Lands (Public Domain)	Locatable hardrock minerals (e.g., gold, silver, and copper)
Leases of Allotted Lands for Mining Purposes ²³ (25 USC § 396 and 25 CFR 212)	States that all lands allotted to Indians, except those made to members of the Five Civilized Tribes and Osage, may be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior.	Indian Lands (Allotted)	Not specified
Mineral Leasing Act of 1920, as Amended ²⁴ (30 USC 181 et. seq.)	Creates a system of leasing mineral resources on federal lands for extraction, and grants BLM the authority to administer mineral leasing.	Federal Onshore Lands (Public Domain)	Coal, oil, gas, oil or gas shale, sodium, potassium, phosphate, sulfur, and gilsonite
Indian Mineral Leasing Act of 1938 ²⁵ (25 USC § 396a et. seq.)	Opens unallotted lands within any Indian reservation for leasing for mining purposes by authority of the tribal council and approval from the Secretary of the Interior.	Indian Lands (Tribal)	Not specified

²² http://apps2.eere.energy.gov/wind/windexchange/wind_installed_capacity.asp.

²³ <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title25/pdf/USCODE-2011-title25-chap12-sec396.pdf>.

²⁴ https://www.onrr.gov/Laws_R_D/PubLaws/PDFDocs/MineralLeasingAct1920.pdf.

²⁵ <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title25/html/USCODE-2009-title25-chap12.htm>.

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Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
Mineral Leasing Act for Acquired Lands of 1947 ²⁶ (30 USC § 351 et seq. and 43 CFR 3420)	Extends the Mineral Leasing Act of 1920 and the authority of the Secretary of the Interior to govern mineral leasing on federal acquired lands.	Federal Onshore Lands (Acquired)	Coal, oil, gas, oil or gas shale, sodium, potassium, phosphate, sulfur, and gilsonite
Materials Act of 1947 ²⁷ (30 USC § 601 et. seq.)	<u>Also known as the Common Varieties Act, it regulates the sale and permitting of the most common hardrock minerals. It replaces the General Mining Law of 1872.</u>	Federal Onshore Lands	Common hardrock minerals (e.g., sand, gravel, stone, pumice, cinder)
Submerged Lands Act of 1953 ²⁸ (43 USC § 1301 et. seq.)	<u>Recognizes states' rights to the submerged navigable lands within their boundaries, as well as the marine waters within their boundaries often defined as three geographical miles from the coastline.</u>	State Offshore Lands	All natural resources
Outer Continental Shelf Lands Act of 1953, as Amended ²⁹ (43 USC § 1331)	Gives the Secretary of the Interior responsibility for administering mineral exploration and development and other energy resources on the Outer Continental Shelf, subject to environmental safeguards. Mandates receipt of fair market value for mineral leasing.	Outer Continental Shelf	Oil, gas, and other minerals
Geothermal Steam Act of 1970 ³⁰ (30 USC § 1001 et. seq.)	Allows the leasing of federal land under BLM's administration for geothermal resource development, excluding prohibited lands.	Federal Onshore Lands	Geothermal

²⁶ <http://legcounsel.house.gov/Comps/mlaacq.pdf>

²⁷ [http://legcounsel.house.gov/Comps/Act%20OP%20July%2031%201937-\(Materials%20Act%20OP%201947\).pdf](http://legcounsel.house.gov/Comps/Act%20OP%20July%2031%201937-(Materials%20Act%20OP%201947).pdf)

²⁸ <http://www.boem.gov/uploadedFiles/submergedLA.pdf>

²⁹ <http://www.gpo.gov/fdsys/pkg/USCODE-2010-title43/html/USCODE-2010-title43-chap29-subchapIII.htm>

³⁰ <http://www.gpo.gov/fdsys/pkg/STATUTE-84/pdf/STATUTE-84-Pg1566.pdf>



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Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
Mining and Minerals Policy Act of 1970 ³¹ (30 USC § 21a)	Amends the Mining Act of 1920 to establish the national interest to develop a domestic private enterprise mining industry, while addressing adverse environmental impacts.	Federal Onshore Lands	All natural resources
Federal Coal Leasing Amendments Act of 1975 (FCLAA) ³² (90 STAT 1083)	Amends Section 2 of the Mineral Leasing Act of 1920 by requiring all public lands available for coal leasing to be leased competitively, with the government only accepting lease bids equal to or more than fair market value, as well as the consolidation of leasing into logical mining units, the continual operation by lease holders, and other measures.	Federal Onshore Lands	Coal
Surface Mining Control and Reclamation Act of 1977 (SMCRA) ³³ (30 USC § 1201 et. seq.)	Creates the Office of Surface Mining, Reclamation, and Enforcement (OSMRE) to establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations. OSMRE is charged with balancing the nation's need for continued domestic coal production with protection of the environment. In this effort, OSMRE requires coal mine owners to post bonds as insurance for reclaiming the land after current mining operations are complete, as well as requires them to pay into the Abandoned Mine Reclamation Fund, which is intended to address mines abandoned prior to 1977.	Federal Onshore Lands	Coal

³¹ <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title30/pdf/USCODE-2011-title30-chap2-sec21a.pdf>.

³² <http://www.gpo.gov/fdsys/pkg/STATUTE-90/pdf/STATUTE-90-Pg1083.pdf>.

³³ <http://www.gpo.gov/fdsys/pkg/STATUTE-91/pdf/STATUTE-91-Pg445.pdf>.

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Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) ³⁴ (30 USC § 1701 et. seq.)	Grants the Secretary of the Interior authority for managing and collecting oil and gas royalties from leases on federal and Indian lands.	Federal Onshore and Indian Lands, and Outer Continental Shelf	Oil and gas
Indian Mineral Development Act of 1982 ³⁵ (25 USC §§ 2101–2108)	Provides Indian tribes with flexibility in the development and sale of mineral resources, including opportunities to enter into joint venture agreements with mineral developers.	Indian Lands (Tribal)	Oil and gas, coal, geothermal, and other mineral resources
Federal Onshore Oil and Gas Leasing Reform Act of 1987 (FOOGLRA) ³⁶ (30 USC § 181 et. seq.)	Amends the Mineral Leasing Act of 1920 to give the U.S. Forest Service the authority to proactively offer leases for oil and gas on National Forest System lands, provided environmental and other land-use regulations are met. BLM largely administers leasing on these lands.	Federal Onshore Lands	Oil and gas
Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (RSFA) ³⁷ (30 USC § 1701 et. seq.)	Improves royalty management from federal onshore and Outer Continental Shelf oil and gas leases.	Federal Onshore Lands and Outer Continental Shelf	Oil and gas

³⁴

http://www.boem.gov/uploadedFiles/BOEM/Oil_and_Gas_Energy_Program/Leasing/Outer_Continental_Shelf/Lands_Act_History/federal%20o%20royalty%20gmt.pdf

³⁵ <http://www.gpo.gov/fdsys/pkg/STATUTE-96/pdf/STATUTE-96-Pg1938.pdf>

³⁶ <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title30/pdf/USCODE-2011-title30.pdf>

³⁷ http://www.onrr.gov/laws_r_d/PubLaws/PDFDocs/rsfa.pdf



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Law Name and Code	Description	Relevant Lands or Waters	Relevant Natural Resources
Energy Policy Act of 2005 (EPA Act) ³⁸ (42 USC § 13201 et. seq.)	Addresses energy production in the United States, including the production, transportation, and transmission of energy, other than oil and gas (e.g., wind energy), in the waters of the Outer Continental Shelf; incentives for oil and gas development; and provisions to access oil and gas resources on federal lands.	Federal Onshore Lands and Outer Continental Shelf	Oil, gas, coal, wind, solar, hydropower, and geothermal
Gulf of Mexico Energy Security Act of 2006 (GOMESA) ³⁹ (120 Stat. 2922)	Opens 8.3 million acres in the Gulf of Mexico for oil and gas leasing; shares leasing revenue with oil-producing gulf states and the Land and Water Conservation Fund; and bans oil and gas leasing within 125 miles off the Florida coastline in the Eastern Planning Area and a portion of the Central Planning Area until 2022.	Outer Continental Shelf	Oil and gas

There are other laws governing natural resources and companies operating in the extractive industries. Some of these laws require companies to pay fees. Violating some of these laws can also result in the incursion of fines.

Select Laws Resulting in Fines or Fees for Extractive Industries Companies in the United States.

Law Name and Code	Description	Relevant Lands	Relevant Natural Resources
Federal Land Policy and Management Act of 1976 (FLPMA) ⁴⁰ (43 USC § 1701 et. seq.)	Requires BLM to administer federal lands using a land use planning framework that includes no unnecessary or undue degradation; multiple-use, sustained yield, considerations for present and future generations; and public planning. Requires receipt of fair market value for use of federal lands and resources.	Federal Onshore and Indian Lands	All natural resources

³⁸ <http://www.gpo.gov/fdsys/pkg/BILLS-109hr6enr/pdf/BILLS-109hr6enr.pdf>.

³⁹ <http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/econ/GOMESA-pdf.aspx>.

⁴⁰ <http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/econ/GOMESA-pdf.aspx>.

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Law Name and Code	Description	Relevant Lands	Relevant Natural Resources
Clean Air Act of 1970 (CAA) ⁴¹ (42 USC § 7401 et. seq.)	Outlines steps that federal agencies, state and local governments, and industry must take to decrease air pollution. Oil and gas wells are exempt from legal aggregation, whereby the emissions from small sites that are connected in close proximity or under shared ownership are added together and regulated as “stationary sources” if they emit or could emit 100 tons per year of a pollutant.	All Lands	All natural resources, except when oil and gas are exempted
Clean Water Act of 1977 (CWA) ⁴² (33 USC § 1251 et. seq.)	Establishes a regulatory framework to protect water quality and monitor discharges of pollutants into waters in the United States. The U.S. Environmental Protection Agency (EPA) does not require National Pollutant Discharge Elimination System (NPDES) permits for uncontaminated storm water discharges from oil and gas exploration, production, processing, or treatment operations, or transmission or drill site preparation. ⁴³	All Lands	All natural resources, except when oil and gas are exempted
Safe Drinking Water Act of 1974 (SDWA) ⁴⁴ (42 USC 300f–300j)	Protects public health by regulating the nation’s public drinking water supply and its sources. As of the 2005 Energy Policy Act, hydraulic fracturing fluids are exempt from underground injection control permits, unless diesel fuel is used in the extraction process. ⁴⁵	All Lands	All natural resources, except when oil and gas are exempted

⁴¹ <http://www.gpo.gov/fdsys/pkg/USCODE-2008-title42/pdf/USCODE-2008-title42-chap85.pdf>.

⁴² <http://www.gpo.gov/fdsys/pkg/USCODE-2010-title33/pdf/USCODE-2010-title33-chap26.pdf>.

⁴³ U.S. Environmental Protection Agency, “Regulation of Oil and Gas Construction Activities,” March 9, 2009, <http://water.epa.gov/polwaste/npdes/stormwater/Regulation-of-Oil-and-Gas-Construction-Activities.cfm>

⁴⁴ <http://www.epw.senate.gov/sdwa.pdf>.

⁴⁵ U.S. Environmental Protection Agency, “Regulation of Hydraulic Fracturing Under the Safe Drinking Water Act,” http://water.epa.gov/type/groundwater/uic/class2/hydraulicfracturing/wells_hydroreg.cfm.



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Law Name and Code	Description	Relevant Lands	Relevant Natural Resources
<u>Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)</u> ⁴⁶ (42 USC 9601–9675)	Provides a federal superfund to clean up uncontrolled or abandoned hazardous waste sites, as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment, and gives EPA the power to seek out those parties responsible for any release and ensure their cooperation in the cleanup.	All Lands	All natural resources, except when oil and gas are exempted
<u>Endangered Species Act of 1973 (ESA)</u> ⁴⁷ (16 USC § 1531 et. seq.)	Protects and recovers imperiled species and the ecosystems upon which they depend.	All Lands	All natural resources
<u>Marine Mammal Protection Act of 1972, as Amended</u> ⁴⁸ (16 USC 1361 et. seq.)	Prohibits, with certain exceptions, the taking of marine mammals in U.S. waters and by U.S. citizens on the high seas, and the importation of marine mammals and marine mammal products into the United States.	All Lands	All natural resources, except when oil and gas are exempted

Extractive industries companies must comply with many other laws. The websites for DOI, EPA, the National Oceanic and Atmospheric Administration (NOAA), and other federal agencies contain more comprehensive lists of related laws that they enforce:

- DOI Bureau of Ocean Energy Management (BOEM): <http://www.boem.gov/Regulations/BOEM-Governing-Statutes.aspx>
- DOI Bureau of Safety and Environmental Enforcement (BSEE): <http://www.bsee.gov/Regulations-and-Guidance/BSEE-Governing-Statutes/>
- DOI BLM: <https://www.blm.gov/about/laws-and-regulations>
- EPA: <http://www2.epa.gov/laws-regulations/laws-and-executive-orders#majorlaws>
- NOAA: http://www.nmfs.noaa.gov/ole/about/what_we_do/laws.html

⁴⁶ <http://www.epw.senate.gov/cercla.pdf>

⁴⁷ <http://www.nmfs.noaa.gov/pr/pdfs/laws/esa.pdf>

⁴⁸ <http://www.nmfs.noaa.gov/pr/pdfs/laws/mmpa.pdf>



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Laws, Regulations, Professional Standards, and Regulatory Organizations

Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
Accounting Principles Generally Accepted in the United States of America	GAAP	GAAP is the standardized accounting rule set for federal government entities and publicly traded or private companies domiciled in the United States or other international jurisdictions in which GAAP is required. GAAP enables company stakeholders to compare accounting statements for different companies and industries using a standard methodology. Because of various accounting and financial reporting standards, the federal government tailors GAAP to meet its unique characteristics and circumstances.
Internal Revenue Service	IRS	The IRS is the revenue service of the U.S. government. The IRS is a bureau within the U.S. Treasury and is under the immediate direction of the Commissioner of Internal Revenue. The IRS is responsible for collecting taxes and the administration of the Internal Revenue Code.
Securities and Exchange Commission Act	SEC	<p>The Securities Exchange Act of 1934 established the SEC to govern the securities industry. By regulation of the SEC, public companies must have their financial statements prepared in accordance with GAAP or IFRS, as issued by the International Accounting Standards Board (IASB), and audited each year by an independent registered public accounting firm. During an audit, the independent auditor examines, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The auditor provides a written opinion on whether the company’s financial statements are, in all material respects, fairly presented in accordance with GAAP or IFRS, whichever is applicable.</p> <p><u>The SEC is required by law to implement payment reporting rules comparable to the EITI Standard with respect to extractive issuers. The SEC’s two previous attempts to implement this law have been vacated in court and in Congress due to opposition from certain oil industry members.</u></p>



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Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
Sarbanes-Oxley Act of 2002	SOX	SOX requires all financial reports for large public companies (i.e., those with market capitalizations of \$75 million and referred to as “accelerated” filers and those subject to SEC reporting requirements) to include certification of internal control over financial reporting (ICFR) by company management and an ICFR opinion by an independent auditor as of the specified balance sheet date. Congress passed SOX in 2002, in part, to further protect investors from fraudulent accounting activities by public companies.
Public Company Accounting Oversight Board	PCAOB	PCAOB exists to confirm that registered public accounting firms are auditing the financial statements and ICFR of public companies in accordance with auditing standards established and adopted by the PCAOB. The PCAOB is a nonprofit corporation established by Congress to oversee the audits of public companies in order to protect the interests of investors and further the public interest in the preparation of informative, accurate, and independent audit reports.
American Institute of Certified Public Accountants	AICPA	AICPA requires independent auditors to comply with the audit standards issued by the AICPA for the audits of all companies that are not subject to SEC jurisdiction. The AICPA has released mandatory audit and attestation standards for conducting, planning, and reporting on audit and attestation engagements of private companies.
Financial Accounting Standards Board	FASB	The FASB is a private, nonprofit organization whose primary purpose is establishing and improving GAAP within the United States. The SEC designated the FASB as the organization responsible for setting accounting standards for public companies in the United States. The FASB created the Private Company Council (PCC), which works jointly with the FASB to mutually agree on a set of criteria to decide whether and when alternatives within GAAP are warranted for private companies.



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Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
International Financial Reporting Standards	IFRS	IFRS are accounting standards developed by the IASB that are intended to establish a consistent global standard for the preparation of public company financial statements for entities domiciled outside the United States. The IASB, based in London, is an independent accounting standard-setting body. It is funded by contributions from major accounting firms, private financial institutions, industrial companies, central and development banks, national funding regimes, and other international and professional organizations throughout the world. Approximately 120 nations and reporting jurisdictions permit or require IFRS for domestic-listed companies. The SEC is currently considering whether it will incorporate IFRS into the financial reporting system for U.S. issuers. There is currently no estimated date for when such a decision might be made.
Generally Accepted Auditing Standards	GAAS	GAAS are the minimum standards for auditing private companies and come in three categories: general standards, standards of fieldwork, and standards of reporting. PCAOB has adopted these standards for public (i.e., traded on the open market) companies. Each audit engagement may require audit work beyond what is specified in the GAAS in order to provide a written opinion on whether a set of financial statements is, in all material respects, fairly presented in accordance with GAAP.
Generally Accepted Government Auditing Standards	GAGAS	GAGAS provides a framework for conducting high-quality audits of government resources and programs with competence, integrity, objectivity, and independence. Government auditing allows legislators, oversight bodies, those charged with governance, and the public to hold government agencies accountable. GAGAS is used by auditors of government entities, entities that receive government awards, and other audit organizations performing audits. GAO, an independent, nonpartisan agency that works for Congress, is responsible for maintaining and updating GAGAS. GAO is often called the “congressional watchdog” and investigates the executive branch of the federal government.



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Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
Chief Financial Officers Act of 1990 (P.L. 101–576)	CFO Act	The CFO Act establishes a leadership structure, provides for long-range planning, requires audited financial statements, and strengthens accountability reporting in the federal government. The aim of the CFO Act is to improve financial management systems and information. The CFO Act also requires the development and maintenance of agency financial management systems that comply with the following: applicable accounting principles, standards, and requirements: internal control standards; OMB requirements; U.S. Treasury requirements, and requirements of other agencies. Reports of audits conducted under the CFO Act are done on an annual basis and must be completed by November 15 following the close of the fiscal year (September 30) for which the financial statements were prepared.
Government Management Reform Act of 1994 (P.L. 103–356)	GMRA	GMRA requires the independent, external audit of agency financial statements and the preparation and audit of a consolidated financial statement for the federal government on an annual basis.
OMB Circular A-136 (Financial Reporting Requirements)	A-136	A-136, which is updated annually by OMB, provides federal guidance for agency and government-wide financial reporting. This circular establishes a central point of reference for all federal financial reporting guidance for the departments, agencies, and entities in the executive branch that are required to submit an Agency Financial Report (AFR) under the CFO Act and the GMRA. In compliance with the CFO Act, the GMRA, and A-136, DOI publishes an AFR every fiscal year.
Federal Financial Management Improvement Act of 1996 (P.L. 104–208)	FFMIA	FFMIA requires federal agencies to implement and maintain financial management systems that substantially comply with federal financial management system requirements, applicable federal accounting standards, and the USGGL at the transactional level.



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Law, Regulation, Professional Standard, or Regulatory Organization	Acronym	Description
Federal Information Security Management Act of 2002 (P.L. 107-347)	FISMA	FISMA requires federal agencies to provide information security controls commensurate with the risk and potential harm of not having those controls in place. FISMA also requires the heads of agencies and OIG to conduct annual IT security reviews, perform annual independent evaluations of the effectiveness of the agency's security programs and systems, and report their results to OMB and Congress.
Federal Accounting Standards Advisory Board	FASAB	FASAB was established in October 1990 by the secretary of the treasury, the director of OMB, and the U.S. comptroller general. This board possesses the legal authority, under various laws, to establish accounting and financial reporting standards for the federal government. In October 1999, the AICPA recognized FASAB as the board that promulgates GAAP for federal entities.
OMB Circular No. A-123	A-123	A-123 prescribes management's responsibilities for establishing and maintaining effective internal controls and financial management systems that meet the objectives of the Federal Managers' Financial Integrity Act of 1982.
OMB Bulletin 14-02 (Audit Requirements for Federal Financial Statements)		OMB Bulletin No. 14-02, issued on October 21, 2013, establishes minimum requirements for independent audits of federal financial statements. This bulletin implements the audit provisions of the CFO Act, as amended, the GMRA, and FFMIA.

Appendix 3 – U.S. Statutes and Regulations Related to Conflicts of Interest ~~Beneficial Ownership~~

Below is a summary of relevant U.S. statutes and regulations that restrict employee ownership of certain financial interests, require employee reporting of certain financial interests, and restrict employee participation in certain official Government matters that would affect an employee's personal or imputed financial interests or that might affect an employee's personal or business relationships.

5 CFR § 3501.103(c) prohibits, with limited exceptions, all DOI employees, their spouses, and their minor children from acquiring or retaining any claim, permit, lease, small tract entries, or other rights that are granted by DOI in Federal lands. This prohibition does not restrict the recreational or other personal or non-commercial use of Federal lands by an employee, or the employee's spouse or minor children, on the same terms available to the general public.

5 CFR § 3501.103(b), with limited exceptions, prohibits the Secretary of the Interior and employees of the Office of the Secretary and other Departmental offices that report directly to a Secretarial officer who are in positions classified at GS-15 and above from acquiring or holding any direct or indirect financial interest in Federal lands or resources that the Department administers. This generally includes stock or bond interests in most oil, gas, and mining companies that hold leases on Federal lands to conduct their operations.

43 USC § 11, implemented by 43 CFR § 20.401, prohibits Bureau of Land Management (BLM) employees from voluntarily acquiring direct or indirect financial interests in Federal lands. Prohibited interests include stocks and bonds in oil, gas, geothermal, and mining companies that hold leases or other property rights on Federal lands, as well as companies that hold substantial rights-of-way on Federal lands. BLM employees may not be members or employees of a business that has interests in Federal lands. Additionally, BLM employees may not occupy or use Federal lands (other than for recreational or other personal and non-commercial use on the same terms as use of Federal lands is available to the general public), or take any benefits from Federal lands, based upon a contract, grant, lease, permit, easement, rental agreement, or application.

43 USC § 31(a), implemented by 43 CFR § 20.401(b), prohibits U.S. Geological Survey (USGS) employees from holding financial interests in Federal lands which DOI administers or controls. Prohibited interests include stocks and bonds in oil, gas, and other mining companies that hold significant leases on such lands. Additionally, 5 CFR § 3501.104 sets limits on investments in entities engaged in mining activities on private land in the U.S. The ability of USGS employees to

Commented [ZM48]: None of the laws discussed here deal with BO per se, but with preventing conflicts of interest



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own oil, gas, or other mineral leases or to receive royalties from those leases is extremely limited.

30 USC § 1211(f), implemented by 30 CFR Part 706 and 43 CFR § 20.402, prohibits all Office of Surface Mining Reclamation and Enforcement (OSMRE) employees and any other Federal employee who performs functions and duties under the Surface Mining Control and Reclamation Act of 1977 from having any direct or indirect financial interests in underground or surface coal mining operations. Prohibited financial interests under this law include interests in companies that are involved in developing, producing, preparing, or loading coal or reclaiming the areas upon which such activities occur. Additionally, 30 USC § 1267(g), as implemented by 30 CFR Part 705, provides that no employee of a State regulatory authority performing any function or duty under the Surface Mining Control and Reclamation Act of 1977 shall have a direct or indirect financial interest in any underground or surface coal mining operations.

The Ethics in Government Act of 1978, as amended (5 USC app. § 101), implemented by 5 CFR Part 2634, requires senior officials in the executive, legislative, and judicial branches to file public reports of their finances, as well as other interests outside the Government. Executive branch personnel file such reports using the OGE Forms 278e (previously the OGE Form 278) and 278-T. Unlike confidential financial statements that some mid-level employees file, the OGE Forms 278e and 278-T are available to the public. Ethics officials within each executive branch agency review, certify, and maintain these reports. Executive branch agencies also forward OGE Forms 278e and 278-T that Presidential appointees, which the Senate confirms, submit to the Office of Government Ethics (OGE) for additional review and certification. The primary purpose of the public disclosure program is to prevent conflicts of interest and to identify potential conflicts of interest of current and prospective employees. If a reviewing official identifies a potential conflict of interest, several remedies are available to avoid an actual or apparent violation of Federal ethics laws and regulations, which include recusal, reassignment, and divestiture of the financial interest(s). 28 USC § 535 requires executive branch agencies to report to the Attorney General any information, allegations, or complaints relating to violations of title 18 of the U.S. Code involving Government officers and employees.

5 USC app. § 107, implemented by Subpart I of 5 CFR Part 2634, also provides that certain executive branch employees who are not required to file a public financial disclosure report but whose duties involve the exercise of discretion in sensitive areas, such as contracting, procurement, administration of grants and licenses, and regulating or auditing non-Federal entities, are required to file confidential financial disclosure reports (OGE Form 450). This reporting system generally tracks the approach of the public financial disclosure system with some differences. For example, asset values and income amounts are not required to be reported, nor are interests in or income from bank accounts, money market mutual funds, U.S. obligations, and Government securities. The most notable difference between public and confidential reports, however, is that confidential financial disclosure reports are not available to the public.



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30 USC § 1211(f), implemented by 30 CFR Part 706, requires that each OSMRE employee and any other Federal employee who performs any function or duty under the Surface Mining Control and Reclamation Act of 1977 must file a statement of employment and financial interests upon entrance to duty and annually thereafter. 30 USC § 1267(g), as implemented by 30 CFR Part 705, also requires State regulatory authority employees performing any duties or functions under the Act to file a statement of employment and financial interest upon entrance to duty and annually thereafter.

A Federal criminal conflict of interest statute, 18 USC § 208, prohibits executive branch employees from participating personally and substantially, in an official capacity, in any “particular matter” that would have a direct and predictable effect on the employee’s own financial interests or on the financial interests of,

- The employee’s spouse or minor child
- A general partner of a partnership in which the employee is a limited or general partner
- An organization in which the employee serves as an officer, director, trustee, general partner, or employee
- A person with whom the employee is negotiating for or has an arrangement concerning prospective employment

A “particular matter” is virtually any Government matter to which an employee might be assigned, including policy matters and matters involving specific parties, such as contracts or grants. (A few matters in Government, however, may be so broad in scope that the conflict of interest law does not require an employee’s disqualification even though the employee’s own or “imputed” financial interests are among those affected by the matter.) Disqualification (“recusal”) is mandatory in the circumstances specified in the statute. Moreover, disqualification is often the appropriate way to prevent a conflict of interest in the long term, unless an “exemption” applies or the circumstances warrant the use of other means of resolving the conflict of interest.

An executive branch-wide regulation, 5 CFR § 2635.502, recognizes that a reasonable person may believe that an employee’s impartiality can be influenced by interests other than the employee’s own or those that are imputed to the employee by the conflict of interest laws. Under 5 CFR § 2635.502, employees are required to consider whether their impartiality would be questioned whenever their involvement in a “particular matter involving specific parties” might affect certain personal or business relationships. The term “particular matter involving specific parties” refers to a subset of all “particular matters” and includes Government matters, such as a contract, grant, permit, license, or loan. If a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interests of a member of the employee’s household, or if a person with whom the employee has a “covered relationship” is or represents a party to such matter, the employee must consider whether a reasonable person



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would question the employee's impartiality in the matter. An employee has a covered relationship with,

- A person with whom the employee has or seeks a business, contractual, or other financial relationship
- A person who is a member of the employee's household or is a relative with whom the employee has a close personal relationship
- A person for whom the employee's spouse, parent, or dependent child serves or seeks to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee
- Any person for whom the employee has, within the last year, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee
- Any organization (other than a political party) in which the employee is an active participant

If the employee concludes that participation in such a matter would cause a reasonable person to question the employee's impartiality, the employee should not work on the matter pending possible authorization from the appropriate agency official. Moreover, an employee should not work on any matter if the employee is concerned that circumstances other than those expressly described in the regulation would raise a question regarding the employee's impartiality. The employee should follow agency procedures so that the agency can determine whether participation is appropriate.

Appendix 4 — In-Scope Company Audits

Company	Public / Private	Entity Type	Disclosure of Beneficial Owners	Applicable Accounting Standards	Form 10-K or Annual Report	Form 20-F	Form 40-F	Publicly Available Financial Statements	External Auditors
Alpha Natural Resources, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	KPMG
Anadarko Petroleum Corporation	Public	Corporation	Yes	GAAP	✓	-	-	Yes	KPMG
Apache Corporation	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
Arch Coal, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
Arena Energy, LLC	Private	Limited Partnership	Yes		-	-	-	No	Unavailable
BHP Billiton LTD	Public	Foreign Corporation (Australia)	Yes	IFRS	✓	✓	-	Yes - Annual Report	KPMG
BOPCO, LP	Private	Limited partnership	No		-	-	-	No	Unavailable
BP America Inc.	Public	Subsidiary of Foreign Corporation (England)	Yes	IFRS	✓	✓	-	Parent Only*	E&Y
Chevron U.S.A. Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes - Annual Report	PWC
Cimarex Energy Co.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	KPMG
Cloud Peak Energy Resources, LLC	Public	Corporation	Yes	GAAP	✓	-	-	Yes	PWC
Concho Resources, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	Grant Thornton
ConocoPhillips	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
Continental Resources, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	Grant Thornton
Devon Energy Corporation	Public	Corporation	Yes	GAAP	✓	-	-	Yes	KPMG

Company	Public / Private	Entity Type	Disclosure of Beneficial Owners	Applicable Accounting Standards	Form 10-K or Annual Report	Form 20-F	Form 40-F	Publicly Available Financial Statements	External Auditors
Encana Corporation	Public	Foreign Corporation (Canada)	Yes	GAAP	✓	-	✓	Yes - Annual Report	PWC
Energy XXI	N/A	Foreign Corporation (Bermuda)	Yes	GAAP	✓	-	-	Yes	BDO USA
ENI Petroleum	Public	Foreign corporation (Italy)	Yes	IFRS	✓	-	-	Yes	Unavailable
EOG Resources, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	Deloitte & Touche LLP
EPL Oil & Gas, Inc.	Public	Subsidiary of Foreign Corporation (Italy)	Yes	GAAP	✓	-	-	Parent Only*	BDO USA
Exxon Mobil Corporation	Public	Corporation	Yes	GAAP	✓	-	-	Yes	PWC
Fieldwood Energy LLC	Private	Limited Liability Company	Yes		-	-	-	No	Unavailable
Freeport-McMoRan Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
Hess Corporation	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
Jonah Energy LLC	Private	Limited Liability Company	Yes		-	-	-	No	Unavailable
Linn Energy, LLC	Public	Limited Liability Company	Yes	GAAP	✓	-	-	Yes	KPMG
LLOG Exploration Company LLC	Private	Subsidiary of Limited Liability Company	Yes		-	-	-	No	Unavailable
Marathon Oil Company	Public	Corporation	Yes	GAAP	✓	-	-	Yes	PWC
Murphy Oil USA Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	KPMG
Noble Energy, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	KPMG
Oxy USA, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Parent Only*	KPMG
Peabody Energy Corporation	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
QEP Resources, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	PWC
Red Willow Offshore, LLC	Private	Limited Liability Company, Southern UTE Indian Tribe	No		-	-	-	No	Unavailable
Shell E&P Company	Public	Foreign Corporation (UK)	Yes	IFRS	✓	✓	-	Yes - Annual	PWC



Company	Public / Private	Entity Type	Disclosure of Beneficial Owners	Applicable Accounting Standards	Form 10-K or Annual Report	Form 20-F	Form 40-F	Publicly Available Financial Statements	External Auditors
								Report	
Statoil Gulf of Mexico	Public	Foreign Corporation (Norway)	Yes	IFRS	✓	✓	-	Yes - Annual Report	Unavailable
Stone Energy Corporation	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
Talos Energy LLC	Private	Limited Liability Company	Yes		-	-	-	No	Unavailable
Ultra Resources Inc.	Public	Foreign Corporation (Canada)	Yes	GAAP	✓	-	-	Yes	E&Y
W&T Offshore, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y
WPX Energy, Inc.	Public	Corporation	Yes	GAAP	✓	-	-	Yes	E&Y

Note: Annual reports and 10-Ks are accessible as of April 6, 2017, and link to the 2015 reports, the most recent year for which all companies (or parent companies) have filed reports.

Acronyms of auditors are as follows: Ernst & Young (E&Y) and PricewaterhouseCoopers (PWC)

Per the request of the co-chairs, the following beneficial ownership definition was developed for include in the 2017 reporting template.

USEITI Proposed Beneficial Ownership Definition

March 7, 2017

In accordance with requirement 2.5.f.ii “The definition should be aligned with (f)(i)¹ above and take international norms and relevant national laws into account, and should include ownership threshold(s). The definition should also specify reporting obligations for politically exposed persons”.

Proposed Definition:

A beneficial owner in respect of a company means the natural person(s) who directly or indirectly ultimately owns or controls the corporate entity. For purposes of this definition: “Owns” means holding 5% or more of the shares and/or voting rights in the corporate entity, disregarding any shares or voting rights held by the entity itself. “Controls” includes but is not limited to influencing the company via controlling ownership interests, voting rights, agreement or otherwise. Those whose control over a corporate entity arises solely from their position as a paid employee of the entity are not beneficial owners for the purposes of this definition. Those with legal agency to control interests held by minor children are the beneficial owners for the purpose of this definition. For the avoidance of doubt, nominees, agents or other forms of proxy cannot be identified in the place of the actual beneficial owner(s).

The term ‘politically exposed person’ means a natural person who is or who has been entrusted with prominent public functions and includes the following:

- (a) heads of State, heads of government, secretaries and deputy or assistant secretaries;
- (b) members of Congress or of similar legislative bodies;
- (c) members of the governing bodies of political parties;
- (d) members of supreme courts, of constitutional courts or of other high-level judicial bodies, the decisions of which are not subject to further appeal, except in exceptional circumstances;
- (e) members of courts of auditors or of the boards of central banks;
- (f) ambassadors, chargés d’affaires and high-ranking officers in the armed forces;

(g) members of the administrative, management or supervisory bodies of State-owned enterprises;

(h) directors, deputy directors and members of the board or equivalent function of an international organization.

(i) family members of politically exposed persons as determined by this definition.

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Label: "FOIA EITI"

Created by:greg.gould@onrr.gov

Total Messages in label:370 (41 conversations)

Created: 11-30-2017 at 14:41 PM

Conversation Contents

Quick check in

Pat Field <pfield@cbuilding.org>

From: Pat Field <pfield@cbuilding.org>
Sent: Fri Jun 23 2017 15:22:18 GMT-0600 (MDT)
To: Danielle Brian <dbrian@pogo.org>, "Kohler, Veronika" <VKohler@nma.org>, "Gould, Greg" <Greg.Gould@onrr.gov>
CC: Tushar Kansal <tkansal@cbuilding.org>
Subject: Quick check in

Co-Chairs

Just wanted to do a quick check-in. Wanted to know next steps, if any, for transitioning US EITI and the like. Mostly wanted to know for our own interest and better understanding any final process details that need to be implemented.

Hope everyone is well.

Patrick Field
Managing Director
Consensus Building Institute
617-844-1118
pfield@cbuilding.org

"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Sat Jun 24 2017 13:16:39 GMT-0600 (MDT)
To: Pat Field <pfield@cbuilding.org>
CC: Danielle Brian <dbrian@pogo.org>, "Kohler, Veronika" <VKohler@nma.org>, Tushar Kansal <tkansal@cbuilding.org>
Subject: Re: Quick check in

Pat,

Thanks for checking in. At this point we are still finishing up the work for 2017, which Tushar continues to do a great job on, thanks Tushar! We are all working on next steps within our sectors. Within the Government Sector, we are waiting on the administration to bring its senior leadership on board, and for Secretary Zinke to complete his review of the 100+ FACA Committee's at Interior.

Bottom line, for now we are all set.

Greg

Gregory J. Gould

Director

Office of Natural Resources Revenue

U.S. Department of the Interior

Warning: This message is intended only for use of the individual or entity to which it is addressed and may contain information that is privileged or confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail.

On Fri, Jun 23, 2017 at 5:22 PM, Pat Field <pfield@cbuilding.org> wrote:

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Consensus Building Institute
617-844-1118
pfield@cbuilding.org

Pat Field <pfield@cbuilding.org>

From: Pat Field <pfield@cbuilding.org>
Sent: Sun Jun 25 2017 05:49:15 GMT-0600 (MDT)
To: "Gould, Greg" <Greg.Gould@onrr.gov>
CC: Danielle Brian <dbrian@pogo.org>, "Kohler, Veronika" <VKohler@nma.org>, Tushar Kansal <tkansal@cbuilding.org>
Subject: Re: Quick check in

Greg

Thanks much for the update. Appreciate it.

Patrick Field
Managing Director
Consensus Building Institute

617-844-1118
pfield@cbuilding.org

On Jun 24, 2017, at 3:16 pm, Gould, Greg <Greg.Gould@onrr.gov> wrote:

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Label: "FOIA EITI"

Created by:greg.gould@onrr.gov

Total Messages in label:370 (41 conversations)

Created: 11-30-2017 at 14:42 PM

Conversation Contents

USEITI co-chairs meeting summary

Attachments:

- /5. USEITI co-chairs meeting summary/1.1 USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v1 (170516).docx
- /5. USEITI co-chairs meeting summary/3.1 USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v2 (170516).docx
- /5. USEITI co-chairs meeting summary/18.1 USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v2 (170519).docx
- /5. USEITI co-chairs meeting summary/38.1 USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v3 (170523).docx
- /5. USEITI co-chairs meeting summary/41.1 USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v4 (170526).docx
- /5. USEITI co-chairs meeting summary/46.1 image001.png
- /5. USEITI co-chairs meeting summary/46.2 image002.png
- /5. USEITI co-chairs meeting summary/47.1 USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v5 (170530).docx
- /5. USEITI co-chairs meeting summary/63.1 USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v6 (170612).docx

Tushar Kansal <tkansal@cbuilding.org>

From: Tushar Kansal <tkansal@cbuilding.org>
Sent: Thu May 18 2017 11:37:20 GMT-0600 (MDT)
To: Danielle Brian <dbrian@pogo.org>, "Gould, Greg" <greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>, Veronika Kohler <VKohler@nma.org>, "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: USEITI co-chairs meeting summary
Attachments: USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v1 (170516).docx

All,
I've attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

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tkansal@cbuilding.org

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"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Thu May 18 2017 11:44:36 GMT-0600 (MDT)
To: Tushar Kansal <tkansal@cbuilding.org>
Danielle Brian <dbrian@pogo.org>, "Gould, Greg"
CC: <greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>, Veronika Kohler <VKohler@nma.org>
Subject: Re: USEITI co-chairs meeting summary

Thank you Tushar!

On Thu, May 18, 2017 at 1:37 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

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Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Thu May 18 2017 12:07:54 GMT-0600 (MDT)
Tushar Kansal <tkansal@cbuilding.org>, Danielle Brian
<dbrian@pogo.org>, "Gould, Greg" <greg.gould@onrr.gov>, Pat
To: Field <pfield@cbuilding.org>, "Wilson, Judith"

<judith.wilson@onrr.gov>

Subject: RE: USEITI co-chairs meeting summary

Attachments: USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v2 (170516).docx

What do you think about the attached 3 changes. I also don't see a major option that I thought had been discussed which was continue with additional validation request.

These were the options I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

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5. Withdrawal letter from USG highlighting success, progress made and what will continue.

From: Tushar Kansal [mailto:tkansal@cbuilding.org]

Sent: Thursday, May 18, 2017 1:37 PM

To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: USEITI co-chairs meeting summary

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"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Thu May 18 2017 12:32:42 GMT-0600 (MDT)
To: "Kohler, Veronika" <VKohler@nma.org>
Tushar Kansal <tkansal@cbuilding.org>, Danielle Brian <dbrian@pogo.org>, "Gould, Greg" <greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>
CC:

Subject: Re: USEITI co-chairs meeting summary

I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

On Thu, May 18, 2017 at 2:07 PM, Kohler, Veronika <VKohler@nma.org> wrote:

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Sent: Thursday, May 18, 2017 1:37 PM

To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>

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Tushar Kansal <tkansal@cbuilding.org>

From: Tushar Kansal <tkansal@cbuilding.org>
Sent: Thu May 18 2017 15:59:13 GMT-0600 (MDT)
To: "Wilson, Judith" <judith.wilson@onrr.gov>
"Kohler, Veronika" <VKohler@nma.org>, Danielle Brian
<dbrian@pogo.org>, "Gould, Greg" <greg.gould@onrr.gov>, Pat
CC: Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

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On Thu, May 18, 2017 at 2:32 PM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

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Sent: Thursday, May 18, 2017 1:37 PM

To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>

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"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Thu May 18 2017 17:24:28 GMT-0600 (MDT)
To: Tushar Kansal <tkansal@cbuilding.org>
CC: "Wilson, Judith" <judith.wilson@onrr.gov>, Danielle Brian <dbrian@pogo.org>, "Gould, Greg" <greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

Yea, i totally meant adapted implementation request for 4. So if that was not your recollection, please help me remember in what context we were talking about asking for adapted implementation request for income taxes.

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Thank you!

Veronika Kohler Shime
Vice President, International Policy
Ph. 202.463.2626
Fax. 202.463.2648

On May 18, 2017, at 5:59 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

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From: Tushar Kansal [mailto:tkansal@cbuilding.org]

Sent: Thursday, May 18, 2017 1:37 PM

To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>

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Judy Wilson
Program Manager USEITI Secretariat
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judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

Pat Field <pfield@cbuilding.org>

From: Pat Field <pfield@cbuilding.org>
Sent: Thu May 18 2017 19:17:11 GMT-0600 (MDT)
To: "Kohler, Veronika" <VKohler@nma.org>
Tushar Kansal <tkansal@cbuilding.org>, "Wilson, Judith"
CC: <judith.wilson@onrr.gov>, Danielle Brian <dbrian@pogo.org>, "Gould, Greg" <greg.gould@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

All

Just to add in on Veronika's last point where I concur, we did have several conversations that mainstreaming reconciliation was not to forego reconciliation, but to recognize, perhaps with some minor adjustments, the combination of processes and procedures at ONRR plus the independent auditor of ONRR's work, add up to the same or better. We haven't reviewed the final mainstreaming report, but it maybe the independent auditor that already exists for ONRR functions in general could or would be the IA for this function.

Patrick Field
Managing Director
Consensus Building Institute
617-844-1118
pfield@cbuilding.org

On May 18, 2017, at 7:24 pm, Kohler, Veronika <VKohler@nma.org> wrote:

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Vice President, International Policy
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From: Tushar Kansal [mailto:tkansal@cbuilding.org]

Sent: Thursday, May 18, 2017 1:37 PM

To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: USEITI co-chairs meeting summary

All,

Ive attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

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tkansal@cbuilding.org

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Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Fri May 19 2017 05:25:07 GMT-0600 (MDT)
To: Tushar Kansal <tkansal@cbuilding.org>
CC: "Gould, Greg" <greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>, Veronika Kohler <VKohler@nma.org>, "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

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Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

On May 18, 2017, at 1:37 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

<USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v1 (170516).docx>

"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Fri May 19 2017 05:35:12 GMT-0600 (MDT)
To: "Kohler, Veronika" <VKohler@nma.org>
Tushar Kansal <tkansal@cbuilding.org>, Danielle Brian <dbrian@pogo.org>
CC: "Gould, Greg" <greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

Thank you VK that clears it up. I agree the point of the IA not doing a reconciliation is that it is redundant of the audit/assurances and external audit reconciliation processes the government has already in place. It is an important point to include.

On Thu, May 18, 2017 at 7:24 PM, Kohler, Veronika <VKohler@nma.org> wrote:

Yea, i totally meant adapted implementation request for 4. So if that was not your recollection, please help me remember in what context we were talking about asking for adapted implementation request for income taxes.

Also regarding the deletion, I just feel like it leads the reader to think that what the gov is doing, isn't a reconciliation by "an" independent entity ("administrator"). The msg decided that what the gov is doing is more meaningful and is actually a reconciliation by an independent "what ever". Perhaps it needs rewording.

Thank you!

Veronika Kohler Shime
Vice President, International Policy
Ph. 202.463.2626
Fax. 202.463.2648

On May 18, 2017, at 5:59 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

Thanks for your comments, Veronika and Judy.

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"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Fri May 19 2017 05:39:22 GMT-0600 (MDT)
To: Danielle Brian <dbrian@pogo.org>
CC: Tushar Kansal <tkansal@cbuilding.org>, "Gould, Greg" <greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>, "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

Danielle, please let me know if there is anything I can do for you and the family!

Regarding the last point, I think Tushar is accurate. I heard, the secretariat had the exact opposite opinion of the cso. Jonas made it very clear that he thought details about why we were withdrawing would be very bad and that we should focus on the positive and progress. Yes, cso felt strongly that bullets of why we were withdrawing should be included but I think the secretariat made it clear they advised differently.

Veronika Kohler Shime
Vice President, International Policy
Ph. 202.463.2626
Fax. 202.463.2648

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Subject: Re: USEITI co-chairs meeting summary

Danielle,

I'm sorry to hear your (b) (6) is not well. Thank you for the e-mail. Focus on your (b) (6)

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Office of Natural Resources Revenue

"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Fri May 19 2017 08:51:20 GMT-0600 (MDT)
To: Tushar Kansal <tkansal@cbuilding.org>
CC: "Wilson, Judith" <judith.wilson@onrr.gov>, "Kohler, Veronika" <VKohler@nma.org>, Danielle Brian <dbrian@pogo.org>, Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

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I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

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Option 3 was discussed as the preferred option.

Thanks,

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Gregory J. Gould

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"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Fri May 19 2017 09:13:33 GMT-0600 (MDT)
To: "Gould, Greg" <greg.gould@onrr.gov>, Tushar Kansal <tkansal@cbuilding.org>
CC: "Wilson, Judith" <judith.wilson@onrr.gov>, Danielle Brian <dbrian@pogo.org>, Pat Field <pfield@cbuilding.org>
Subject: RE: USEITI co-chairs meeting summary

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Sent: Friday, May 19, 2017 10:51 AM

To: Tushar Kansal <tkansal@cbuilding.org>

Cc: Wilson, Judith <judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>

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"Wilson, Judith" <judith.wilson@onrr.gov>

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CC: "Gould, Greg" <greg.gould@onrr.gov>, Danielle Brian <dbrian@pogo.org>, "Kohler, Veronika" <VKohler@nma.org>
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When might we be able to get your Co-Chair revised summary?

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Sent: Thursday, May 18, 2017 1:37 PM

To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: USEITI co-chairs meeting summary

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Sent: Fri May 19 2017 09:33:14 GMT-0600 (MDT)
To: "Kohler, Veronika" <VKohler@nma.org>
CC: Tushar Kansal <tkansal@cbuilding.org>, "Wilson, Judith" <judith.wilson@onrr.gov>, Danielle Brian <dbrian@pogo.org>, Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

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CC: <VKohler@nma.org>, "Wilson, Judith" <judith.wilson@onrr.gov>,
Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary
Attachments: USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v2
(170519).docx

All,

I have attached a revised version of the meeting summary that incorporates Veronika's edits and also makes the following slight change to language to acknowledge Danielle's concern about the content of a withdrawal letter: *"The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision."*

With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

- 1) *Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))*
- 2) *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*
- 3) *Mainstreaming of USEITI reporting into US government reporting*
- 4) *Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is particularly around Option #2: *The International*

EITI Board could create a new path for USEITI to continue under different requirements / protocols. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

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Cc: Wilson, Judith <judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

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Subject: Re: USEITI co-chairs meeting summary

Hi All,

Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have

discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.

- Option #2 was framed by Sam as something specifically for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was a key part of what made this option unattractive (at least as I understood the discussion).

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Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Thu, May 18, 2017 at 2:32 PM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

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From: Tushar Kansal [mailto:tkansal@cbuilding.org]

Sent: Thursday, May 18, 2017 1:37 PM

To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: USEITI co-chairs meeting summary

All,

I've attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

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tkansal@cbuilding.org

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Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

"Wilson, Judith" <judith.wilson@onrr.gov>

From: "Wilson, Judith" <judith.wilson@onrr.gov>
Sent: Fri May 19 2017 13:51:54 GMT-0600 (MDT)
To: Tushar Kansal <tkansal@cbuilding.org>
"Kohler, Veronika" <VKohler@nma.org>, "Gould, Greg"
<greg.gould@onrr.gov>, Danielle Brian <dbrian@pogo.org>,
CC: Isabel Munilla <IMunilla@oxfamamerica.org>, Pat Field
<pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

My recollection is consistent with Tushar's.

On Fri, May 19, 2017 at 3:38 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

Hi All,

Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.
- Option #2 was framed by Sam as something specifically for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was a key part of what made this option unattractive (at least as I understood the discussion).

Best,
Tushar

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From: Gould, Greg [mailto:greg.gould@onrr.gov]

Sent: Friday, May 19, 2017 2:56 PM

To: Tushar Kansal <tkansal@cbuilding.org>

Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

Director

Office of Natural Resources Revenue

U.S. Department of the Interior

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With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

- 1) Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))*
- 2) The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*
- 3) Mainstreaming of USEITI reporting into US government reporting*
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The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional

revisions that you would like to see made.

Tushar

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tkansal@cbuilding.org

On Fri, May 19, 2017 at 11:42 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on (b) (6)

Isabel, see below.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian <dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at 11:33 AM, Gould, Greg <Greg.Gould@onrr.gov> wrote:

I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

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On Fri, May 19, 2017 at 11:13 AM, Kohler, Veronika <VKohler@nma.org> wrote:

Thank you! So should we send Tushar's updated summary (T, could you resend?) to our people but tell them that the 3 below are what they should decide on? Should Tushar include these three at the top of the summary as the options the cochairs have advised we select from? I just want to make sure we are all on the same page before sending anything out in writing.

From: Gould, Greg [mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 10:51 AM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Wilson, Judith <judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

Danielle, so sorry to hear about your (b) (6) my thoughts and prayers are with you and your family.

I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

1. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up).
2. USEITI moves forward with mainstreaming highlighting current successes, and applying for adapted implementation related to tax reporting, subnational, and beneficial ownership.
3. Withdrawal letter from USG, possibly highlighting success, progress made, and that we will continue to publish non-tax revenue data at the lowest level allowed by law and regulation on the US Data Portal, which has become an international best practice for data dissemination.

Option 3 was discussed as the preferred option.

Thanks,

Greg

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"Kohler, Veronika" <VKohler@nma.org>

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Sent: Fri May 19 2017 13:57:31 GMT-0600 (MDT)
To: Tushar Kansal <tkansal@cbuilding.org>
"Gould, Greg" <greg.gould@onrr.gov>, Danielle Brian
<dbrian@pogo.org>, Isabel Munilla
CC: <IMunilla@oxfamamerica.org>, "Wilson, Judith"
<judith.wilson@onrr.gov>, Pat Field <pfield@cbuilding.org>
Subject: RE: USEITI co-chairs meeting summary

I think my point is addressed/clarified in your second bullet and we should somehow find a way for this info to be included in the summary. Perhaps stating somewhere that all of these options were identified by the secretariat for the cochairs and then we discussed....the point being that the secretariat identified these options for us, we did not come up with them but then just discussed.

My recollection about the adapted implementation request is different, as per my original bullets 2 and 3 out of the 5 I sent below. If no one sees that these are separate options that then I can agree to move forward with just the one. I liked Greg's suggestions below about combining them, but leave it up to all of you

- USEITI moves forward with mainstreaming highlighting current successes, and applying for adapted implementation related to tax reporting, subnational, and beneficial ownership.

From: Tushar Kansal [mailto:tkansal@cbuilding.org]
Sent: Friday, May 19, 2017 3:39 PM
To: Kohler, Veronika <VKohler@nma.org>
Cc: Gould, Greg <greg.gould@onrr.gov>; Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>
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Subject: Re: USEITI co-chairs meeting summary

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Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Wilson, Judith <judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
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From: Tushar Kansal [mailto:tkansal@cbuilding.org]

Sent: Thursday, May 18, 2017 1:37 PM

To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>
Subject: USEITI co-chairs meeting summary

All,
I've attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

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tkansal@cbuilding.org

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Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Fri May 19 2017 15:10:27 GMT-0600 (MDT)
To: "Wilson, Judith" <judith.wilson@onrr.gov>
CC: Tushar Kansal <tkansal@cbuilding.org>, "Kohler, Veronika" <VKohler@nma.org>, Danielle Brian <dbrian@pogo.org>, Isabel Munilla <IMunilla@oxfamamerica.org>, Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

That's my recollection as well.

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 3:51 PM, Wilson, Judith <judith.wilson@onrr.gov> wrote:
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Hi All,
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- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.
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From: Gould, Greg [mailto:greg.gould@onrr.gov]

Sent: Friday, May 19, 2017 2:56 PM

To: Tushar Kansal <tkansal@cbuilding.org>

Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

Director

Office of Natural Resources Revenue

U.S. Department of the Interior

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- 2) The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*
- 3) Mainstreaming of USEITI reporting into US government reporting*
- 4) Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

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On Fri, May 19, 2017 at 11:42 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on (b) (6)

Isabel, see below.

Greg

Gregory J. Gould

*Director
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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian <dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at 11:33 AM, Gould, Greg <Greg.Gould@onrr.gov> wrote:

I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

Greg

Gregory J. Gould

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On Fri, May 19, 2017 at 11:13 AM, Kohler, Veronika <VKohler@nma.org> wrote:

Thank you! So should we send Tushar's updated summary (T, could you resend?) to our people but tell them that the 3 below are what they should decide on? Should Tushar include these three at the top of the summary as the options the cochairs have advised we select from? I just want to make sure we are all on the same page before sending anything out in writing.

From: Gould, Greg [mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 10:51 AM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Wilson, Judith <judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

Danielle, so sorry to hear about your (b) (6) my thoughts and prayers are with you and your family.

I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

1. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up).
2. USEITI moves forward with mainstreaming highlighting current successes, and applying for adapted implementation related to tax reporting, subnational, and beneficial ownership.
3. Withdrawal letter from USG, possibly highlighting success, progress made, and that we will continue to publish non-tax revenue data at the lowest level allowed by law and regulation on the US Data Portal, which has become an international best practice for data dissemination.

Option 3 was discussed as the preferred option.

Thanks,

Greg

Gregory J. Gould

Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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On Thu, May 18, 2017 at 5:59 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

Thanks for your comments, Veronika and Judy.

I too don't recall an "additional validation request" being discussed, Veronika, but based I also don't see that same language of "additional validation request" in the five options that you sent. Did you perhaps mean to type "additional adapted implementation request" (your option #4)?

With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

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On Thu, May 18, 2017 at 2:32 PM, Wilson, Judith <judith.wilson@onrr.gov> wrote:

I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

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These were the options I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

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Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Mon May 22 2017 08:24:55 GMT-0600 (MDT)
To: "Gould, Greg" <greg.gould@onrr.gov>
"Wilson, Judith" <judith.wilson@onrr.gov>, Tushar Kansal
<tkansal@cbuilding.org>, "Kohler, Veronika"
CC: <VKohler@nma.org>, Isabel Munilla
<IMunilla@oxfamamerica.org>, Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

hello all - Thank you for your patience with me. I'm back in the office. My (b) (6) is home now with (b) (6). Has this been resolved? I didn't see Isabel weighing in, but I realize this may have been taken off-line.

On Fri, May 19, 2017 at 5:10 PM, Gould, Greg <greg.gould@onrr.gov> wrote:
That's my recollection as well.

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Project On Government Oversight | pogo.org
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"Kohler, Veronika" <VKohler@nma.org>

From: "Kohler, Veronika" <VKohler@nma.org>
Sent: Mon May 22 2017 09:30:47 GMT-0600 (MDT)
To: Danielle Brian <dbrian@pogo.org>, "Gould, Greg" <greg.gould@onrr.gov>
CC: "Wilson, Judith" <judith.wilson@onrr.gov>, Tushar Kansal <tkansal@cbuilding.org>, Isabel Munilla <IMunilla@oxfamamerica.org>, Pat Field <pfield@cbuilding.org>
Subject: RE: USEITI co-chairs meeting summary

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To: Gould, Greg <greg.gould@onrr.gov>
Cc: Wilson, Judith <judith.wilson@onrr.gov>; Tushar Kansal <tkansal@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

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*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.

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Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

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With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

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I've attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

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Danielle Brian

Executive Director

[Project On Government Oversight | pogo.org](http://pogo.org)
1100 G Street NW, Washington DC 20005
202.347.1122

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Subject: Re: USEITI co-chairs meeting summary

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Can you let folks know where the summary stands?

Patrick Field
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Consensus Building Institute
617-844-1118
pfield@cbuilding.org

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tkansal@cbuilding.org

--

Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

--

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--

Danielle Brian
Executive Director

[Project On Government Oversight | pogo.org](http://pogo.org)
1100 G Street NW, Washington DC 20005
202.347.1122

Pat Field <pfield@cbuilding.org>

From: Pat Field <pfield@cbuilding.org>
Sent: Mon May 22 2017 09:40:23 GMT-0600 (MDT)
To: "Kohler, Veronika" <VKohler@nma.org>
Danielle Brian <dbrian@pogo.org>, "Gould, Greg"
<greg.gould@onrr.gov>, "Wilson, Judith"
CC: <judith.wilson@onrr.gov>, Tushar Kansal
<tkansal@cbuilding.org>, Isabel Munilla
<IMunilla@oxfamamerica.org>
Subject: Re: USEITI co-chairs meeting summary

All

Tushar's on vacation but should be available by cell on Tuesday. I'll reach out to check in on status.

Patrick Field
Managing Director
Consensus Building Institute
617-844-1118
pfield@cbuilding.org

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Subject: Re: USEITI co-chairs meeting summary

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That's my recollection as well.

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*Director
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Hi All,
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Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

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Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

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Isabel, see below.

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Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

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I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

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3. Withdrawal letter from USG, possibly highlighting success, progress made, and that we will continue to publish non-tax revenue data at the lowest level allowed by law and regulation on the US Data Portal, which has become an international best practice for data dissemination.

Option 3 was discussed as the preferred option.

Thanks,

Greg

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On Thu, May 18, 2017 at 5:59 PM, Tushar Kansal
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I too don't recall an "additional validation request" being discussed, Veronika, but based I also don't see that same language of "additional validation request" in the five options that you sent. Did you perhaps mean to type "additional adapted implementation request" (your option #4)?

With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

Tushar

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I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

On Thu, May 18, 2017 at 2:07 PM, Kohler, Veronika <VKohler@nma.org> wrote:

What do you think about the attached 3 changes. I also don't see a major option that I thought had been discussed which was continue with additional validation request.

These were the options I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

1. Voluntary suspension- letter approved by MSG asking for voluntary suspension and identifying how we will continue to be transparent during the suspension. (historically used due to political instability)
2. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up)
3. USEITI moves forward with mainstreaming highlighting current successes
4. USEITI moves forward with an additional adapted implementation request (taxes and subnational)
5. Withdrawal letter from USG highlighting success, progress made and what will continue.

From: Tushar Kansal [mailto:tkansal@cbuilding.org]

Sent: Thursday, May 18, 2017 1:37 PM

To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: USEITI co-chairs meeting summary

All,

I've attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

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Subject: Re: USEITI co-chairs meeting summary

Thank you Pat. I'm not aware of any offline conversations regarding the summary and I also have no e-mails from Isabelle weighing in after VKs e-mail.

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From: Tushar Kansal
[mailto:tkansal@cbuilding.org]
Sent: Thursday, May 18, 2017 1:37 PM
To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>
Subject: USEITI co-chairs meeting summary

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Tushar

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Judy Wilson
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--
Danielle Brian
Executive Director

[Project On Government Oversight | pogo.org](http://pogo.org)
1100 G Street NW, Washington DC 20005
202.347.1122

--
Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
202-208-4410

Pat Field <pfield@cbuilding.org>

From: Pat Field <pfield@cbuilding.org>
Sent: Mon May 22 2017 09:46:45 GMT-0600 (MDT)
To: Tushar Kansal <tkansal@cbuilding.org>
"Gould, Greg" <greg.gould@onrr.gov>, Danielle Brian
<dbrian@pogo.org>, Isabel Munilla
CC: <IMunilla@oxfamamerica.org>, "Kohler, Veronika"
<VKohler@nma.org>, "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

All

For what it is worth, the last correspondence I have from Tushar, looking for comments for his revision to see if ok to proceed to include and then to send on to the Sectors.

Patrick Field
Managing Director
Consensus Building Institute
617-844-1118
pfield@cbuilding.org

On May 19, 2017, at 2:44 pm, Tushar Kansal <tkansal@cbuilding.org> wrote:

All,

I have attached a revised version of the meeting summary that incorporates Veronika's edits and also makes the following slight change to language to acknowledge Danielle's concern about the content of a withdrawal letter: *"The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision."*

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The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

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On Fri, May 19, 2017 at 11:42 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on (b) (6)

Isabel, see below.

Greg

Gregory J. Gould

*Director
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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian <dbrian@pogo.org> wrote:
Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at 11:33 AM, Gould, Greg
<Greg.Gould@onrr.gov> wrote:

I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

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On Fri, May 19, 2017 at 11:13 AM, Kohler, Veronika
<VKohler@nma.org> wrote:

Thank you! So should we send Tushar's updated summary (T, could you resend?) to our people but tell them that the 3 below are what they should decide on? Should Tushar include these three at the top of the summary as the options the cochairs have

advised we select from? I just want to make sure we are all on the same page before sending anything out in writing.

From: Gould, Greg [mailto:greg.gould@onrr.gov]

Sent: Friday, May 19, 2017 10:51 AM

To: Tushar Kansal <tkansal@cbuilding.org>

Cc: Wilson, Judith <judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Danielle, so sorry to hear about your (b) (6) my thoughts and prayers are with you and your family.

I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

1. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up).
2. USEITI moves forward with mainstreaming highlighting current successes, and applying for adapted implementation related to tax reporting, subnational, and beneficial ownership.
3. Withdrawal letter from USG, possibly highlighting success, progress made, and that we will continue to publish non-tax revenue data at the lowest level allowed by law and regulation on the US Data Portal, which has become an international best practice for data dissemination.

Option 3 was discussed as the preferred option.

Thanks,

Greg

Gregory J. Gould

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On Thu, May 18, 2017 at 5:59 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

Thanks for your comments, Veronika and Judy.

I too don't recall an "additional validation request" being discussed, Veronika, but based I also don't see that same language of "additional validation request" in the five options that you sent. Did you perhaps mean to type "additional adapted implementation request" (your option #4)?

With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

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[716-907-2868](tel:716-907-2868)
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On Thu, May 18, 2017 at 2:32 PM, Wilson, Judith
<judith.wilson@onrr.gov> wrote:

I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

On Thu, May 18, 2017 at 2:07 PM, Kohler, Veronika
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<USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v2 (170519).docx>

Pat Field <pfield@cbuilding.org>

From: Pat Field <pfield@cbuilding.org>
Sent: Mon May 22 2017 09:48:05 GMT-0600 (MDT)

To: Tushar Kansal <tkansal@cbuilding.org>
"Kohler, Veronika" <VKohler@nma.org>, "Gould, Greg"
<greg.gould@onrr.gov>, Danielle Brian <dbrian@pogo.org>,
CC: Isabel Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith"
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Subject: Re: USEITI co-chairs meeting summary

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One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
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On May 19, 2017, at 3:38 pm, Tushar Kansal <tkansal@cbuilding.org> wrote:

Hi All,

Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.
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Sent: Friday, May 19, 2017 2:56 PM

To: Tushar Kansal <tkansal@cbuilding.org>

Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

Director

Office of Natural Resources Revenue

U.S. Department of the Interior

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tkansal@cbuilding.org

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Sent: Thursday, May 18, 2017 1:37 PM

To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>

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Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Mon May 22 2017 12:41:42 GMT-0600 (MDT)
To: Pat Field <pfield@cbuilding.org>
Tushar Kansal <tkansal@cbuilding.org>, "Kohler, Veronika" <VKohler@nma.org>, "Gould, Greg" <greg.gould@onrr.gov>, Isabel Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith" <judith.wilson@onrr.gov>
CC:
Subject: Re: USEITI co-chairs meeting summary

My only hesitation is that I thought Greg that in addition to highlighting the accomplishments of USEITI that you were open to considering whether to in the briefest way possible acknowledge the reasons the US is withdrawing? Is that wrong? It seems odd to me that the option is to say we are withdrawing but not saying why. I understand that is the purview of the government to decide, just want clarity for these minutes.

On Mon, May 22, 2017 at 11:48 AM, Pat Field <pfield@cbuilding.org> wrote:

All

One more after the one I just sent. If we need a call, let me know and we'll schedule it.

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Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

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Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

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Of course, adding her now, please focus on (b) (6)

Isabel, see below.

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Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

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From: Gould, Greg [mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 10:51 AM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Wilson, Judith <judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

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I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

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Option 3 was discussed as the preferred option.

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Judy Wilson
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[202-208-4410](tel:202-208-4410)

--

Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Mon May 22 2017 13:15:04 GMT-0600 (MDT)
To: Danielle Brian <dbrian@pogo.org>
Pat Field <pfield@cbuilding.org>, Tushar Kansal
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CC: <VKohler@nma.org>, Isabel Munilla
<IMunilla@oxfamamerica.org>, "Wilson, Judith"
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Subject: Re: USEITI co-chairs meeting summary

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

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On Fri, May 19, 2017 at 3:25 PM, Kohler, Veronika <VKohler@nma.org> wrote:
Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what would be necessary. I also think that the phrasing of 2 should not sound so US centric but make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

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Sent: Friday, May 19, 2017 2:56 PM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

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Project On Government Oversight | pogo.org
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Tushar Kansal <tkansal@cbuilding.org>

From: Tushar Kansal <tkansal@cbuilding.org>
Sent: Mon May 22 2017 13:16:09 GMT-0600 (MDT)
To: <greg.gould@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

Hello, I'm out of the office until Tuesday, May 30, 2017 and will respond to your email at that time. If you need assistance in the meantime, please contact Sofia Soto Reyes at ssotoreyes@cbuilding.org. Thanks, Tushar

Tushar Kansal <tkansal@cbuilding.org>

From: Tushar Kansal <tkansal@cbuilding.org>
Sent: Mon May 22 2017 21:26:28 GMT-0600 (MDT)
To: "Gould, Greg" <greg.gould@onrr.gov>
Danielle Brian <dbrian@pogo.org>, Pat Field
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CC: Isabel Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith"
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All,
I'll take care of this tomorrow (Tuesday) morning.

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From: Gould, Greg [mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 2:56 PM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

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Of course, adding her now, please focus on (b) (6)

Isabel, see below.

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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian <dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at 11:33 AM, Gould, Greg
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I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

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From: Gould, Greg [mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 10:51 AM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Wilson, Judith <judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

Danielle, so sorry to hear about your (b) (6), my thoughts and prayers are with you and your family.

I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

1. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up).
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which has become an international best practice for data dissemination.

Option 3 was discussed as the preferred option.

Thanks,

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On Thu, May 18, 2017 at 5:59 PM, Tushar Kansal
<tkansal@cbuilding.org> wrote:

Thanks for your comments, Veronika and Judy.

I too don't recall an "additional validation request" being discussed, Veronika, but based I also don't see that same language of "additional validation request" in the five options that you sent. Did you perhaps mean to type "additional adapted implementation request" (your option #4)?

With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

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Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

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<judith.wilson@onrr.gov> wrote:

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I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

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From: Tushar Kansal [mailto:tkansal@cbuilding.org]

Sent: Thursday, May 18, 2017 1:37 PM

To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: USEITI co-chairs meeting summary

All,
I've attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

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--

Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

--

Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

Tushar Kansal <tkansal@cbuilding.org>

From: Tushar Kansal <tkansal@cbuilding.org>
Sent: Tue May 23 2017 12:20:14 GMT-0600 (MDT)
To: "Gould, Greg" <greg.gould@onrr.gov>
CC: Danielle Brian <dbrian@pogo.org>, Pat Field <pfield@cbuilding.org>, "Kohler, Veronika" <VKohler@nma.org>, Isabel Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary
Attachments: USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v3 (170523).docx

All,
I've attempted to respond to both Veronika's concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6). I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
716-907-2868
tkansal@cbuilding.org

On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 3:15 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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On Mon, May 22, 2017 at 12:41 PM, Danielle Brian <dbrian@pogo.org> wrote:

My only hesitation is that I thought Greg that in addition to highlighting the accomplishments of USEITI that you were open to considering whether to in the briefest way possible acknowledge the reasons the US is withdrawing? Is that wrong? It seems odd to me that the option is to say we are withdrawing but not saying why. I understand that is the purview of the government to decide, just want clarity for these minutes.

On Mon, May 22, 2017 at 11:48 AM, Pat Field <pfield@cbuilding.org> wrote:

All

One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
pfield@cbuilding.org

On May 19, 2017, at 3:38 pm, Tushar Kansal <tkansal@cbuilding.org> wrote:

Hi All,

Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.
- Option #2 was framed by Sam as something specifically for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was

a key part of what made this option unattractive (at least as I understood the discussion).

Best,
Tushar

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Subject: Re: USEITI co-chairs meeting summary

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Cc: Wilson, Judith <judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

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Judy Wilson
Program Manager USEITI Secretariat
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judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

--

Danielle Brian
Executive Director

Judith Wilson <judith.wilson@onrr.gov>

From: Judith Wilson <judith.wilson@onrr.gov>
Sent: Tue May 23 2017 12:29:43 GMT-0600 (MDT)
To: Tushar Kansal <tkansal@cbuilding.org>, "Gould, Greg" <greg.gould@onrr.gov>
CC: Danielle Brian <dbrian@pogo.org>, Pat Field <pfield@cbuilding.org>, "Kohler, Veronika" <VKohler@nma.org>, Isabel Munilla <IMunilla@oxfamamerica.org>
Subject: RE: USEITI co-chairs meeting summary

Thank you so much Tushar.

Sent from my T-Mobile 4G LTE Device

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

From: Tushar Kansal <tkansal@cbuilding.org>
Date: 5/23/17 12:23 PM (GMT-07:00)
To: "Gould, Greg" <greg.gould@onrr.gov>
Cc: Danielle Brian <dbrian@pogo.org>, Pat Field <pfield@cbuilding.org>, "Kohler, Veronika" <VKohler@nma.org>, Isabel Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

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Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Mon, May 22, 2017 at 12:41 PM, Danielle Brian <dbrian@pogo.org> wrote:

My only hesitation is that I thought Greg that in addition to highlighting the accomplishments of USEITI that you were open to considering whether to in the briefest way possible acknowledge the reasons the US is withdrawing? Is that wrong? It seems odd to me that the option is to say we are withdrawing but not saying why. I understand that is the purview of the government to decide, just want clarity for these minutes.

On Mon, May 22, 2017 at 11:48 AM, Pat Field <pfield@cbuilding.org> wrote:

All

One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
pfield@cbuilding.org

On May 19, 2017, at 3:38 pm, Tushar Kansal <tkansal@cbuilding.org>

wrote:

Hi All,

Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.
- Option #2 was framed by Sam as something specifically for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was a key part of what made this option unattractive (at least as I understood the discussion).

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 3:25 PM, Kohler, Veronika <VKohler@nma.org> wrote:

Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what would be necessary. I also think that the phrasing of 2 should not sound so US centric but make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

From: Gould, Greg [mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 2:56 PM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

- 1) Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))
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- 4) Withdrawal of the United States from EITI

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols.* This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 11:42 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on (b) (6).

Isabel, see below.

Greg

Gregory J. Gould

Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian <dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at 11:33 AM, Gould, Greg
<Greg.Gould@onrr.gov> wrote:

I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

Greg

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On Fri, May 19, 2017 at 11:13 AM, Kohler, Veronika
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Thank you! So should we send Tushar's updated summary (T, could you resend?) to our people but tell them that the 3 below are what they should decide on? Should Tushar include these three at the top of the summary as the options the cochairs have advised we select from? I just want to make sure we are all on the same page before sending anything out

in writing.

From: Gould, Greg [mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 10:51 AM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Wilson, Judith <judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

Danielle, so sorry to hear about your (b) (6), my thoughts and prayers are with you and your family.

I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

1. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up).
2. USEITI moves forward with mainstreaming highlighting current successes, and applying for adapted implementation related to tax reporting, subnational, and beneficial ownership.
3. Withdrawal letter from USG, possibly highlighting success, progress made, and that we will continue to publish non-tax revenue data at the lowest level allowed by law and regulation on the US Data Portal, which has become an international best practice for data dissemination.

Option 3 was discussed as the preferred option.

Thanks,

Greg

Gregory J. Gould

*Director
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On Thu, May 18, 2017 at 5:59 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

Thanks for your comments, Veronika and Judy.

I too don't recall an "additional validation request" being discussed, Veronika, but based I also don't see that same language of "additional validation request" in the

five options that you sent. Did you perhaps mean to type "additional adapted implementation request" (your option #4)?

With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Thu, May 18, 2017 at 2:32 PM, Wilson, Judith
<judith.wilson@onrr.gov> wrote:

I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

On Thu, May 18, 2017 at 2:07 PM, Kohler, Veronika
<VKohler@nma.org> wrote:

What do you think about the attached 3 changes. I also don't see a major option that I thought had been discussed which was continue with additional validation request.

These were the options I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

1. Voluntary suspension- letter approved by MSG asking for voluntary suspension and identifying how we will continue to be transparent during the suspension. (historically used due to political instability)
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4. USEITI moves forward with an additional adapted implementation request (taxes and subnational)
5. Withdrawal letter from USG highlighting success, progress made and what will continue.

From: Tushar Kansal
[mailto:tkansal@cbuilding.org]
Sent: Thursday, May 18, 2017 1:37 PM
To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>
Subject: USEITI co-chairs meeting summary

All,
Ive attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--

Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue

judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

--

Danielle Brian

Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

"Shime, Veronika" <vshime@nma.org>

From: "Shime, Veronika" <vshime@nma.org>
Sent: Wed May 24 2017 09:07:47 GMT-0600 (MDT)
To: Tushar Kansal <tkansal@cbuilding.org>, "Gould, Greg" <greg.gould@onrr.gov>
Danielle Brian <dbrian@pogo.org>, Pat Field <pfield@cbuilding.org>, Isabel Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith" <judith.wilson@onrr.gov>
CC:
Subject: RE: USEITI co-chairs meeting summary

I think this is unbalanced. My suggestions were by no means sector driven. I was not asking for something to be included that the industry sector is going to push for or not. My suggestions were caring about this process and ensuring the language does not come off differently as intended thereby hurting USEITI. Danielle's comment was purely CSO sector driven . CSO want GOV to put an explanation in the letter and don't feel that the inclusion is quite appropriate but definitely not as written. If you are going to include what one sector wants and is going to push for then at lease be more clear that the EITI Secretariat strongly advised against it. They did not just say that we don't need to include a reason why, but strongly opposed it for many reasons.

I am ok with keeping Danielle's request in, but then two things should be clarified. 1 - that it was

the CSO sector.....not "some participants" and 2 - that upon hearing that the International Secretariat strong advised against it. The International Secretariat said many times that the letter should not include the bullets about why US is withdrawing but remain high level and positive.

From: Tushar Kansal [mailto:tkansal@cbuilding.org]
Sent: Tuesday, May 23, 2017 2:20 PM
To: Gould, Greg <greg.gould@onrr.gov>
Cc: Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Shime, Veronika <vshime@nma.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

All,
I've attempted to respond to both Veronika's concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6) I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
716-907-2868
tkansal@cbuilding.org

On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 3:15 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Subject: Re: USEITI co-chairs meeting summary

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tkansal@cbuilding.org

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Isabel, see below.

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Gregory J. Gould

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To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Wilson, Judith <judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
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Option 3 was discussed as the preferred option.

Thanks,

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One thing to clarify also is as I

understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

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[mailto:tkansal@cbuilding.org]
Sent: Thursday, May 18, 2017 1:37 PM
To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>
Subject: USEITI co-chairs meeting summary

All,
I've attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--

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[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--

Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

--

Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

Tushar Kansal <tkansal@cbuilding.org>

From: Tushar Kansal <tkansal@cbuilding.org>
Sent: Fri May 26 2017 12:31:05 GMT-0600 (MDT)
To: "Shime, Veronika" <vshime@nma.org>

CC: "Gould, Greg" <greg.gould@onrr.gov>, Danielle Brian <dbrian@pogo.org>, Pat Field <pfield@cbuilding.org>, Isabel Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith" <judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

Attachments: USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v4 (170526).docx

Hi All,
Revised version attached. Please let me know if any additional concerns.

Tushar

Tushar Kansal
Consensus Building Institute
716-907-2868
tkansal@cbuilding.org

On Wed, May 24, 2017 at 11:07 AM, Shime, Veronika <vshime@nma.org> wrote:

I think this is unbalanced. My suggestions were by no means sector driven. I was not asking for something to be included that the industry sector is going to push for or not. My suggestions were caring about this process and ensuring the language does not come off differently as intended thereby hurting USEITI. Danielle's comment was purely CSO sector driven. CSO want GOV to put an explanation in the letter and don't feel that the inclusion is quite appropriate but definitely not as written. If you are going to include what one sector wants and is going to push for then at least be more clear that the EITI Secretariat strongly advised against it. They did not just say that we don't need to include a reason why, but strongly opposed it for many reasons.

I am ok with keeping Danielle's request in, but then two things should be clarified. 1 - that it was the CSO sector.....not "some participants" and 2 - that upon hearing that the International Secretariat strongly advised against it. The International Secretariat said many times that the letter should not include the bullets about why US is withdrawing but remain high level and positive.

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Subject: Re: USEITI co-chairs meeting summary

All,
I've attempted to respond to both Veronika's concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6). I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,
Tushar

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[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

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tkansal@cbuilding.org

On Mon, May 22, 2017 at 3:15 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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My only hesitation is that I thought Greg that in addition to highlighting the accomplishments of USEITI that you were open to considering whether to in the briefest way possible acknowledge the reasons the US is withdrawing? Is that wrong? It seems odd to me that the option is to say we are withdrawing but not saying why. I understand that is the purview of the government to decide, just want clarity for these minutes.

On Mon, May 22, 2017 at 11:48 AM, Pat Field <pfield@cbuilding.org> wrote:

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One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
pfield@cbuilding.org

On May 19, 2017, at 3:38 pm, Tushar Kansal <tkansal@cbuilding.org> wrote:

Hi All,

Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.
- Option #2 was framed by Sam as something specifically for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was a key part of what made this option unattractive (at least as I understood the discussion).

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Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what would be necessary. I also think that the phrasing of 2 should not sound so US centric but make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

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Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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On Fri, May 19, 2017 at 2:44 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

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I have attached a revised version of the meeting summary that incorporates Veronika's edits and also makes the following slight change to language to acknowledge Danielle's concern about the content of a withdrawal letter:
"The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision."

With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

- 1) *Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))*
- 2) *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*
- 3) *Mainstreaming of USEITI reporting into US government reporting*
- 4) *Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 11:42 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on (b) (5)

Isabel, see below.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian <dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at 11:33 AM, Gould, Greg <Greg.Gould@onrr.gov> wrote:

I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 11:13 AM, Kohler, Veronika <VKohler@nma.org> wrote:

Thank you! So should we send Tushar's updated summary (T, could you resend?) to our people but tell them that the 3 below are what they should decide on? Should Tushar include these three at the top of the summary as the options the cochairs have advised we select from? I just want to make sure we are all on the same page before sending anything out in writing.

From: Gould, Greg [mailto:greg.gould@onrr.gov]

Sent: Friday, May 19, 2017 10:51 AM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Wilson, Judith <judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

Danielle, so sorry to hear about your (b) (6) my thoughts and prayers are with you and your family.

I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

1. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up).
2. USEITI moves forward with mainstreaming highlighting current successes, and applying for adapted implementation related to tax reporting, subnational, and beneficial ownership.
3. Withdrawal letter from USG, possibly highlighting success, progress made, and that we will continue to publish non-tax revenue data at the lowest level allowed by law and regulation on the US Data Portal, which has become an international best practice for data dissemination.

Option 3 was discussed as the preferred option.

Thanks,

Greg

Gregory J. Gould

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On Thu, May 18, 2017 at 5:59 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

Thanks for your comments, Veronika and Judy.

I too don't recall an "additional validation request" being discussed, Veronika, but based I also don't see that same language of "additional validation request"

in the five options that you sent. Did you perhaps mean to type "additional adapted implementation request" (your option #4)?

With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

Tushar

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[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Thu, May 18, 2017 at 2:32 PM, Wilson, Judith
<judith.wilson@onrr.gov> wrote:

I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

On Thu, May 18, 2017 at 2:07 PM, Kohler, Veronika <VKohler@nma.org> wrote:

What do you think about the attached 3 changes. I also don't see a major option that I thought had been discussed which was continue with additional validation request.

These were the options I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

1. Voluntary suspension- letter approved by MSG asking for voluntary suspension and identifying how we will continue to be transparent during the suspension. (historically used due to political instability)
2. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up)
3. USEITI moves forward with mainstreaming highlighting current successes
4. USEITI moves forward with an additional adapted implementation request (taxes and subnational)
5. Withdrawal letter from USG highlighting success, progress made and what will continue.

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Danielle Brian
Executive Director

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1100 G Street NW, Washington DC 20005
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"Shime, Veronika" <vshime@nma.org>

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Subject: RE: USEITI co-chairs meeting summary

Hi,

I am not sure what to say because this is turning out to be much more difficult that I thought it should be. I have not read the entire summary but jumped to the option 4 hoping it would just reflect what happened. I do not believe however we are there. To simplify I have made some suggestions below. By the way, industry never commented on this. We never said anything on if we thought it was a good idea or bad. The most vocal were the secretariat strongly advising against the bulleted explanation and CSO feeling strongly to include it and offering to supply GOV with suggestions.

The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision and actually strongly advised that the letter not include a reasoning for withdrawal but focus on our accomplishments and what will continue. CSO sector representatives felt that including some indication as to *why* the US is withdrawing from EITI could reduce some of the criticism that may be leveled against USEITI and against the US government for a decision to withdraw the EITI secretariat disagreed. ~~Other meeting participants, including representatives from the EITI International Secretariat, the government sector, and the industry sector cautioned against including explanatory language about the decision to withdraw, suggesting that it would likely be very difficult to craft language that all three USEITI sectors could agree on. Instead, these participants suggested keeping the letter relatively brief and focused on citing the DOI Inspector General's report and highlighting USEITI's record of accomplishments.~~

Happy to read the rest later, but need to run to a meeting now and may not get to it until this weekend. If nothing else in the summary has changed then I am fine with approving it with the changes above.

veronika

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Danielle, thanks for the update about your (b) (6). I hope that he is comfortable, and my thoughts are with you during this difficult time.

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Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

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Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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- 3) Mainstreaming of USEITI reporting into US government reporting*
- 4) Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)

tkansal@cbuilding.org

On Fri, May 19, 2017 at 11:42 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on (b) (5)

Isabel, see below.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian <dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at 11:33 AM, Gould, Greg <Greg.Gould@onrr.gov> wrote:

I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

Greg

Gregory J. Gould

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On Fri, May 19, 2017 at 11:13 AM, Kohler, Veronika <VKohler@nma.org> wrote:

Thank you! So should we send Tushar's updated summary (T, could you resend?) to our people but tell them that the 3 below are what they should decide on? Should Tushar include these three at the top of the summary as the options the cochairs have advised we select from? I just want to make sure we are all on the same page before sending anything out in writing.

From: Gould, Greg [mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 10:51 AM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Wilson, Judith <judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

Danielle, so sorry to hear about your (b) my thoughts and prayers are with you and your family.

I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

1. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up).
2. USEITI moves forward with mainstreaming highlighting current successes, and applying for adapted implementation related to tax reporting, subnational, and beneficial ownership.
3. Withdrawal letter from USG, possibly highlighting success, progress made, and that we will continue to publish non-tax revenue data at the lowest level allowed by law and regulation on the US Data Portal, which has become an international best practice for data dissemination.

Option 3 was discussed as the preferred option.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
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On Thu, May 18, 2017 at 5:59 PM, Tushar Kansal
<tkansal@cbuilding.org> wrote:

Thanks for your comments, Veronika and Judy.

I too don't recall an "additional validation request" being discussed, Veronika, but based I also don't see that same language of "additional validation request" in the five options that you sent. Did you perhaps mean to type "additional adapted implementation request" (your option #4)?

With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Thu, May 18, 2017 at 2:32 PM, Wilson, Judith
<judith.wilson@onrr.gov> wrote:

I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

On Thu, May 18, 2017 at 2:07 PM, Kohler,

Veronika <VKohler@nma.org> wrote:

What do you think about the attached 3 changes. I also don't see a major option that I thought had been discussed which was continue with additional validation request.

These were the options I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

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[mailto:tkansal@cbuilding.org]
Sent: Thursday, May 18, 2017 1:37 PM
To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>
Subject: USEITI co-chairs meeting summary

All,
Ive attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

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Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--
Judy Wilson
Program Manager USEITI Secretariat
Office of Natural Resources Revenue
judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

--

Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Fri May 26 2017 13:03:44 GMT-0600 (MDT)
To: "Shime, Veronika" <vshime@nma.org>
Tushar Kansal <tkansal@cbuilding.org>, "Gould, Greg"
<greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>, Isabel
CC: Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith"
<judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

My memory is that Jonas said the opposite: that in fact it was important to have very short

bullets explaining why the US is choosing to withdraw but that the language should not be extensive.

On Fri, May 26, 2017 at 2:56 PM, Shime, Veronika <vshime@nma.org> wrote:

Hi,

I am not sure what to say because this is turning out to be much more difficult than I thought it should be. I have not read the entire summary but jumped to the option 4 hoping it would just reflect what happened. I do not believe however we are there. To simplify I have made some suggestions below. By the way, industry never commented on this. We never said anything on if we thought it was a good idea or bad. The most vocal were the secretariat strongly advising against the bulleted explanation and CSO feeling strongly to include it and offering to supply GOV with suggestions.

The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision and actually strongly advised that the letter not include a reasoning for withdrawal but focus on our accomplishments and what will continue. CSO sector representatives felt that including some indication as to *why* the US is withdrawing from EITI could reduce some of the criticism that may be leveled against USEITI and against the US government for a decision to withdraw. The EITI secretariat disagreed. ~~Other meeting participants, including representatives from the EITI International Secretariat, the government sector, and the industry sector cautioned against including explanatory language about the decision to withdraw, suggesting that it would likely be very difficult to craft language that all three USEITI sectors could agree on. Instead, these participants suggested keeping the letter relatively brief and focused on citing the DOI Inspector General's report and highlighting USEITI's record of accomplishments.~~

Happy to read the rest later, but need to run to a meeting now and may not get to it until this weekend. If nothing else in the summary has changed then I am fine with approving it with the changes above.

veronika

From: Tushar Kansal [mailto:tkansal@cbuilding.org]

Sent: Friday, May 26, 2017 2:31 PM

To: Shime, Veronika <vshime@nma.org>

Cc: Gould, Greg <greg.gould@onrr.gov>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

Hi All,

Revised version attached. Please let me know if any additional concerns.

Tushar

Tushar Kansal

Consensus Building Institute

[716-907-2868](tel:716-907-2868)

tkansal@cbuilding.org

On Wed, May 24, 2017 at 11:07 AM, Shime, Veronika <vshime@nma.org> wrote:

I think this is unbalanced. My suggestions were by no means sector driven. I was not asking for something to be included that the industry sector is going to push for or not. My suggestions were caring about this process and ensuring the language does not come off differently as intended thereby hurting USEITI. Danielle's comment was purely CSO sector driven. CSO want GOV to put an explanation in the letter and don't feel that the inclusion is

quite appropriate but definitely not as written. If you are going to include what one sector wants and is going to push for then at least be more clear that the EITI Secretariat strongly advised against it. They did not just say that we don't need to include a reason why, but strongly opposed it for many reasons.

I am ok with keeping Danielle's request in, but then two things should be clarified. 1 - that it was the CSO sector.....not "some participants" and 2 - that upon hearing that the International Secretariat strongly advised against it. The International Secretariat said many times that the letter should not include the bullets about why US is withdrawing but remain high level and positive.

From: Tushar Kansal [mailto:tkansal@cbuilding.org]

Sent: Tuesday, May 23, 2017 2:20 PM

To: Gould, Greg <greg.gould@onrr.gov>

Cc: Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Shime, Veronika <vshime@nma.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

All,

I've attempted to respond to both Veronika's concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6). I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 3:15 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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On Mon, May 22, 2017 at 12:41 PM, Danielle Brian <dbrian@pogo.org> wrote:

My only hesitation is that I thought Greg that in addition to highlighting the accomplishments of USEITI that you were open to considering whether to in the briefest way possible acknowledge the reasons the US is withdrawing? Is that wrong? It seems odd to me that the option is to say we are withdrawing but not saying why. I understand that is the purview of the government to decide, just want clarity for these minutes.

On Mon, May 22, 2017 at 11:48 AM, Pat Field <pfield@cbuilding.org> wrote:

All

One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
pfield@cbuilding.org

On May 19, 2017, at 3:38 pm, Tushar Kansal <tkansal@cbuilding.org> wrote:

Hi All,

Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.
- Option #2 was framed by Sam as something specifically for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was a key part of what made this option unattractive (at least as I understood the discussion).

Best,
Tushar

Tushar Kansal

Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 3:25 PM, Kohler, Veronika <VKohler@nma.org> wrote:

Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what would be necessary. I also think that the phrasing of 2 should not sound so US centric but make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

From: Gould, Greg [mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 2:56 PM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 2:44 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

All,
I have attached a revised version of the meeting summary that incorporates Veronika's edits and also makes the following slight change to language to acknowledge Danielle's concern about the content of a withdrawal letter: *"The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision."*

With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

- 1) Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))*
- 2) The International EITI Board could create a new path for USEITI to*

continue under different requirements / protocols
3) *Mainstreaming of USEITI reporting into US government reporting*
4) *Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols.* This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

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Of course, adding her now, please focus on (b) (5) (C)

Isabel, see below.

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Judy Wilson
Program Manager USEITI Secretariat
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judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

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Danielle Brian
Executive Director

[Project On Government Oversight](http://ProjectOnGovernmentOversight.org) | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

--

Danielle Brian

Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

Greg Gould <greg.gould@onrr.gov>

From: Greg Gould <greg.gould@onrr.gov>
Sent: Fri May 26 2017 13:09:41 GMT-0600 (MDT)
To: Danielle Brian <dbrian@pogo.org>
CC: "Shime, Veronika" <vshime@nma.org>, Tushar Kansal <tkansal@cbuilding.org>, Pat Field <pfield@cbuilding.org>, Isabel Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

As I remember it, Jonas said a short brief letter would be best. If CSO's wanted to recommend some txt, then keep it to some short bullets, but best to not say much.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:2025130600)*

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On May 26, 2017, at 1:04 PM, Danielle Brian <dbrian@pogo.org> wrote:

My memory is that Jonas said the opposite: that in fact it was important to have very short bullets explaining why the US is choosing to withdraw but that the language should not be extensive.

On Fri, May 26, 2017 at 2:56 PM, Shime, Veronika <vshime@nma.org> wrote:

Hi,

I am not sure what to say because this is turning out to be much more difficult than I thought it should be. I have not read the entire summary but jumped to the option 4 hoping it would just reflect what happened. I do not believe however we are there. To simplify I have made some suggestions below. By the way, industry never commented on this. We never said anything on if we thought it was a good idea or bad. The most vocal were the secretariat strongly advising against the bulleted explanation and CSO feeling strongly to include it and offering to supply GOV with suggestions.

The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision and actually strongly advised that the letter not include a reasoning for withdrawal but focus on our accomplishments and what will continue. CSO sector representatives felt that including some indication as to *why* the US is withdrawing from EITI could reduce some of the criticism that may be leveled against USEITI and against the US government for a decision to withdraw the EITI secretariat disagreed. ~~Other meeting participants, including representatives from the EITI International Secretariat, the government sector, and the industry sector cautioned against including explanatory language about the decision to withdraw, suggesting that it would likely be very difficult to craft language that all three USEITI sectors could agree on. Instead, these participants suggested keeping the letter relatively brief and focused on citing the DOI Inspector General's report and highlighting USEITI's record of accomplishments.~~

Happy to read the rest later, but need to run to a meeting now and may not get to it until this weekend. If nothing else in the summary has changed then I am fine with approving it with the changes above.

veronika

From: Tushar Kansal [mailto:tkansal@cbuilding.org]

Sent: Friday, May 26, 2017 2:31 PM

To: Shime, Veronika <vshime@nma.org>

Cc: Gould, Greg <greg.gould@onrr.gov>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

Hi All,

Revised version attached. Please let me know if any additional concerns.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Wed, May 24, 2017 at 11:07 AM, Shime, Veronika <vshime@nma.org> wrote:

I think this is unbalanced. My suggestions were by no means sector driven. I was not asking for something to be included that the industry sector is going to push for or not. My suggestions were caring about this process and ensuring the language does not come off differently as intended thereby hurting USEITI. Danielle's comment was purely CSO sector driven . CSO want GOV to put an explanation in the letter and don't feel that the inclusion is quite appropriate but definitely not as written. If you are going to include what one sector wants and is going to push for then at lease be more clear that the EITI Secretariat strongly advised against it. They did not just say that we don't need to include a reason why, but strongly opposed it for many reasons.

I am ok with keeping Danielle's request in, but then two things should be clarified. 1 - that it was the CSO sector.....not "some participants" and 2 - that upon hearing that the International Secretariat strong advised against it. The International Secretariat said many times that the letter should not include the bullets about why US is withdrawing but remain high level and positive.

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All,

I've attempted to respond to both Veronika's concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6) I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,
Tushar

Tushar Kansal
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[716-907-2868](tel:716-907-2868)
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On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

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On Mon, May 22, 2017 at 3:15 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Mon, May 22, 2017 at 11:48 AM, Pat Field <pfield@cbuilding.org> wrote:

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One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
pfield@cbuilding.org

On May 19, 2017, at 3:38 pm, Tushar Kansal <tkansal@cbuilding.org> wrote:

Hi All,

Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move

towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.

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tkansal@cbuilding.org

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Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what would be necessary. I also think that the phrasing of 2 should not sound so US centric but make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

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Sent: Friday, May 19, 2017 2:56 PM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 2:44 PM, Tushar Kansal
<tkansal@cbuilding.org> wrote:

All,
I have attached a revised version of the meeting summary that incorporates Veronika's edits and also makes the following slight change to language to acknowledge Danielle's concern about the content of a withdrawal letter: *"The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision."*

With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

- 1) *Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))*
- 2) *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*
- 3) *Mainstreaming of USEITI reporting into US government reporting*
- 4) *Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 11:42 AM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on (b) (5)

Isabel, see below.

Greg

Gregory J. Gould

Director

*Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian
<dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at 11:33 AM, Gould,
Greg <Greg.Gould@onrr.gov> wrote:

I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 11:13 AM, Kohler,
Veronika <VKohler@nma.org> wrote:

Thank you! So should we send Tushar's updated summary (T, could you resend?) to our people but tell them that the 3 below are what they should decide on? Should Tushar include these three at the top of the summary as the options the cochairs have advised we select from? I just want to make sure we are all on the

same page before sending anything out in writing.

From: Gould, Greg
[mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 10:51 AM
To: Tushar Kansal
<tkansal@cbuilding.org>
Cc: Wilson, Judith
<judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

Danielle, so sorry to hear about your (b) (6) my thoughts and prayers are with you and your family.

I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

1. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up).
2. USEITI moves forward with mainstreaming highlighting current successes, and applying for adapted implementation related to tax reporting, subnational, and beneficial ownership.
3. Withdrawal letter from USG, possibly highlighting success, progress made, and that we will continue to publish non-tax revenue data at the lowest level allowed by law and regulation on the US Data Portal, which has become an international best practice for data dissemination.

Option 3 was discussed as the preferred option.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Thu, May 18, 2017 at 5:59 PM,
Tushar Kansal <tkansal@cbuilding.org>
wrote:

Thanks for your comments, Veronika and Judy.

I too don't recall an "additional validation request" being discussed, Veronika, but based I also don't see that same language of "additional validation request" in the five options that you sent. Did you perhaps mean to type "additional adapted implementation request" (your option #4)?

With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Thu, May 18, 2017 at 2:32 PM,
Wilson, Judith

<judith.wilson@onrr.gov> wrote:

I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

On Thu, May 18, 2017 at 2:07 PM, Kohler, Veronika

<VKohler@nma.org> wrote:

What do you think about the attached 3 changes. I also don't see a major option that I thought had been discussed which was continue with additional validation request.

These were the options I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

1. Voluntary suspension-letter approved by MSG asking for voluntary suspension and identifying how we will continue to be transparent during the suspension. (historically used due to political instability)
2. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up)

3. USEITI moves forward with mainstreaming highlighting current successes
4. USEITI moves forward with an additional adapted implementation request (taxes and subnational)
5. Withdrawal letter from USG highlighting success, progress made and what will continue.

From: Tushar Kansal
[mailto:tkansal@cbuilding.org]
Sent: Thursday, May 18, 2017
1:37 PM
To: Danielle Brian
<dbrian@pogo.org>; Gould, Greg
<greg.gould@onrr.gov>; Pat Field
<pfield@cbuilding.org>; Kohler,
Veronika <VKohler@nma.org>;
Wilson, Judith
<judith.wilson@onrr.gov>
Subject: USEITI co-chairs
meeting summary

All,
Ive attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--

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Consensus Building Institute
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--
Judy Wilson
Program Manager USEITI
Secretariat
Office of Natural Resources
Revenue

judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

--
Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

--
Danielle Brian
Executive Director

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202.347.1122

"Shime, Veronika" <vshime@nma.org>

From: "Shime, Veronika" <vshime@nma.org>
Sent: Fri May 26 2017 16:14:54 GMT-0600 (MDT)
To: Jonas Moberg <JMoberg@eiti.org>
Tushar Kansal <tkansal@cbuilding.org>, "Gould, Greg"
<greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>, Isabel
CC: Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith"
<judith.wilson@onrr.gov>, Danielle Brian <dbrian@pogo.org>
Subject: Re: USEITI co-chairs meeting summary

Dear Jonas,

I hope this email finds you well. We seem to have some differing memories about your advice on the withdrawal letter. Would you mind clarifying what your advice for the withdrawal letter was?

Veronika Kohler Shime
Vice President, International Policy
Ph. 202.463.2626
Fax. 202.463.2648

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Happy to read the rest later, but need to run to a meeting now and may not get to it until this weekend. If nothing else in the summary has changed then I am fine with approving it with the changes above.

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Danielle, thanks for the update about your (b) (6) I hope that he is comfortable, and my thoughts are with you during this difficult time.

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Sent: Friday, May 19, 2017 2:56 PM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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On Fri, May 19, 2017 at 2:44 PM, Tushar Kansal
<tkansal@cbuilding.org> wrote:

All,
I have attached a revised version of the meeting summary that incorporates Veronika's edits and also makes the following slight change to language to acknowledge Danielle's concern about the content of a withdrawal letter: *"The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision."*

With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

- 1) *Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))*
- 2) *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*
- 3) *Mainstreaming of USEITI reporting into US government reporting*
- 4) *Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 11:42 AM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on (b) (6)

Isabel, see below.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian
<dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at 11:33 AM, Gould,
Greg <Greg.Gould@onrr.gov> wrote:

I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

Greg

Gregory J. Gould

*Director
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On Fri, May 19, 2017 at 11:13 AM, Kohler,
Veronika <VKohler@nma.org> wrote:

Thank you! So should we send Tushar's updated summary (T, could you resend?) to our people but tell them that the 3 below are what they should decide on? Should Tushar include these three at the top of the summary as the options the cochairs have advised we select from? I just want to make sure we are all on the same page before sending anything out in writing.

From: Gould, Greg
[mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 10:51 AM
To: Tushar Kansal
<tkansal@cbuilding.org>
Cc: Wilson, Judith
<judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

Danielle, so sorry to hear about your (b) my thoughts and prayers are with you and your family.

I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

1. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up).
2. USEITI moves forward with mainstreaming highlighting current successes, and applying for adapted implementation related to tax reporting, subnational, and beneficial ownership.
3. Withdrawal letter from USG, possibly highlighting success, progress made, and that we will continue to publish non-tax revenue data at the lowest level allowed by law and regulation on the US Data Portal, which has become an international best practice for data dissemination.

Option 3 was discussed as the preferred option.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
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On Thu, May 18, 2017 at 5:59 PM,
Tushar Kansal <tkansal@cbuilding.org>
wrote:

Thanks for your comments, Veronika and Judy.

I too don't recall an "additional validation request" being discussed, Veronika, but based I also don't see that same language of "additional validation request" in the five options that you sent. Did you perhaps mean to type "additional adapted implementation request" (your option #4)?

With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Thu, May 18, 2017 at 2:32 PM,
Wilson, Judith
<judith.wilson@onrr.gov> wrote:

I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

On Thu, May 18, 2017 at 2:07 PM,
Kohler, Veronika
<VKohler@nma.org> wrote:

What do you think about the attached 3 changes. I also don't see a major option that I thought had been discussed which was continue with additional validation request.

These were the options I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

1. Voluntary suspension-letter approved by MSG asking for voluntary suspension and identifying how we will continue to be transparent during the suspension. (historically used due to political instability)

2. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up)
3. USEITI moves forward with mainstreaming highlighting current successes
4. USEITI moves forward with an additional adapted implementation request (taxes and subnational)
5. Withdrawal letter from USG highlighting success, progress made and what will continue.

From: Tushar Kansal

[mailto:tkansal@cbuilding.org]

Sent: Thursday, May 18, 2017
1:37 PM

To: Danielle Brian

<dbrian@pogo.org>; Gould, Greg

<greg.gould@onrr.gov>; Pat Field

<pfield@cbuilding.org>; Kohler,

Veronika <VKohler@nma.org>;

Wilson, Judith

<judith.wilson@onrr.gov>

Subject: USEITI co-chairs
meeting summary

All,

I've attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

Tushar Kansal

Consensus Building Institute

[716-907-2868](tel:716-907-2868)

tkansal@cbuilding.org

--

Tushar Kansal

Consensus Building Institute

[716-907-2868](tel:716-907-2868)

tkansal@cbuilding.org

--
Judy Wilson
Program Manager USEITI
Secretariat
Office of Natural Resources
Revenue
judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

--
Danielle Brian
Executive Director

[Project On Government Oversight](http://pogo.org) | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

--
Danielle Brian
Executive Director

[Project On Government Oversight](http://pogo.org) | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

Jonas Moberg <JMoberg@eiti.org>

From: Jonas Moberg <JMoberg@eiti.org>

Sent: Tue May 30 2017 13:10:33 GMT-0600 (MDT)
To: "Shime, Veronika" <vshime@nma.org>
Tushar Kansal <tkansal@cbuilding.org>, "Gould, Greg" <greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>, Isabel Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith" <judith.wilson@onrr.gov>, Danielle Brian <dbrian@pogo.org>, Sam Bartlett <SBartlett@eiti.org>, Eddie Rich <ERich@eiti.org>, Dyveke Rogan <DRogan@eiti.org>
CC:
Subject: RE: USEITI co-chairs meeting summary
Attachments: image001.png image002.png

Dear Veronika, all,

I am sorry for the delay in responding. Thanks again for taking the time to participate in the meeting.

My advice was and continues to be to keep it simple and short. The reason for this is that what one stakeholder is likely to find positive another stakeholder may find provocative or negative. It is surely inevitable that some blaming will be portioned out after the announcement and the more the letter comments on various aspects the more inviting it will be to comment back.

That is all.

Best wishes,

Jonas

Jonas Moberg
Head of the Secretariat
EITI International Secretariat
Extractive Industries Transparency Initiative

+47 95 81 77 62

jmoberg@eiti.org

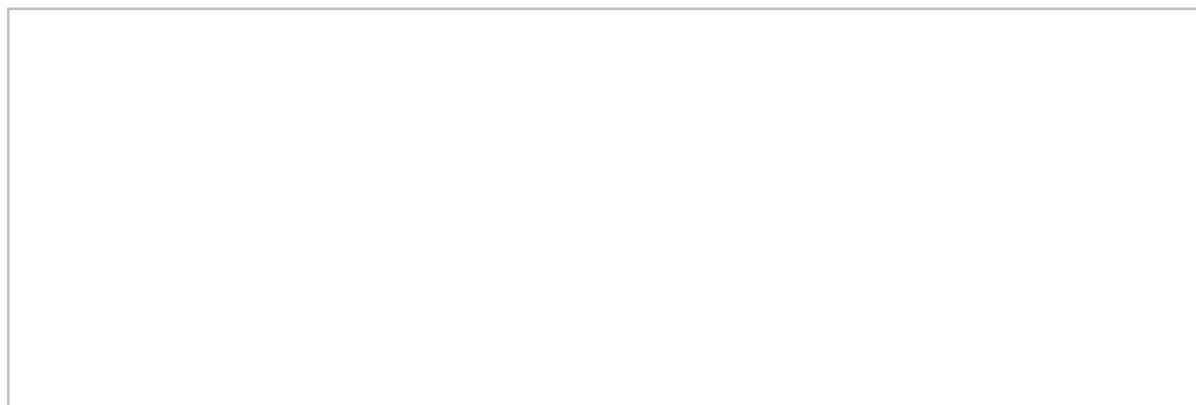
www.eiti.org

Twitter: [@ionasMoberg1](https://twitter.com/ionasMoberg1) and [@EITlora](https://twitter.com/EITlora)

Address: Ruseløkkveien 26, 0251 Oslo, Norway

READ ABOUT THE IMPACT OF THE EITI IN ITS 51 IMPLEMENTING COUNTRIES

EITI 2016 Progress Report: <https://eiti.org/files/progressreport.pdf>.



From: Shime, Veronika [mailto:vshime@nma.org]
Sent: lørdag 27. mai 2017 00.15
To: Jonas Moberg <JMoberg@eiti.org>
Cc: Tushar Kansal <tkansal@cbuilding.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@cbuilding.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>; Danielle Brian <dbrian@pogo.org>
Subject: Re: USEITI co-chairs meeting summary

Dear Jonas,

I hope this email finds you well. We seem to have some differing memories about your advice on the withdrawal letter. Would you mind clarifying what your advice for the withdrawal letter was?

Veronika Kohler Shime
Vice President, International Policy
Ph. 202.463.2626
Fax. 202.463.2648

On May 26, 2017, at 3:04 PM, Danielle Brian <dbrian@pogo.org> wrote:

My memory is that Jonas said the opposite: that in fact it was important to have very short bullets explaining why the US is choosing to withdraw but that the language should not be extensive.

On Fri, May 26, 2017 at 2:56 PM, Shime, Veronika <vshime@nma.org> wrote:

Hi,

I am not sure what to say because this is turning out to be much more difficult than I thought it should be. I have not read the entire summary but jumped to the option 4 hoping it would just reflect what happened. I do not believe however we are there. To simplify I have made some suggestions below. By the way, industry never commented on this. We never said anything on if we thought it was a good idea or bad. The most vocal were the secretariat strongly advising against the bulleted explanation and CSO feeling strongly to include it and offering to supply GOV with suggestions.

The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision and actually strongly advised that the letter not include a reasoning for withdrawal but focus on our accomplishments and what will continue. CSO sector representatives felt that including some indication as to *why* the US is withdrawing from EITI could reduce some of the criticism that may be leveled against USEITI and against the US government for a decision to withdraw the EITI secretariat disagreed. ~~Other meeting participants, including representatives from the EITI International Secretariat, the government sector, and the industry sector cautioned against including explanatory language about the decision to withdraw, suggesting that it would likely be very difficult to craft language that all three USEITI sectors could agree on.~~

~~Instead, these participants suggested keeping the letter relatively brief and focused on citing the DOI Inspector General's report and highlighting USEITI's record of accomplishments.~~

Happy to read the rest later, but need to run to a meeting now and may not get to it until this weekend. If nothing else in the summary has changed then I am fine with approving it with the changes above.

veronika

From: Tushar Kansal [mailto:tkansal@cbuilding.org]
Sent: Friday, May 26, 2017 2:31 PM
To: Shime, Veronika <vshime@nma.org>
Cc: Gould, Greg <greg.gould@onrr.gov>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

Hi All,
Revised version attached. Please let me know if any additional concerns.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Wed, May 24, 2017 at 11:07 AM, Shime, Veronika <vshime@nma.org> wrote:

I think this is unbalanced. My suggestions were by no means sector driven. I was not asking for something to be included that the industry sector is going to push for or not. My suggestions were caring about this process and ensuring the language does not come off differently as intended thereby hurting USEITI. Danielle's comment was purely CSO sector driven . CSO want GOV to put an explanation in the letter and don't feel that the inclusion is quite appropriate but definitely not as written. If you are going to include what one sector wants and is going to push for then at lease be more clear that the EITI Secretariat strongly advised against it. They did not just say that we don't need to include a reason why, but strongly opposed it for many reasons.

I am ok with keeping Danielle's request in, but then two things should be clarified. 1 - that it was the CSO sector.....not "some participants" and 2 - that upon hearing that the International Secretariat strong advised against it. The International Secretariat said many times that the letter should not include the bullets about why US is withdrawing but remain high level and positive.

From: Tushar Kansal [mailto:tkansal@cbuilding.org]
Sent: Tuesday, May 23, 2017 2:20 PM
To: Gould, Greg <greg.gould@onrr.gov>
Cc: Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Shime, Veronika <vshime@nma.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

All,
I've attempted to respond to both Veronika's concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6). I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 3:15 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Mon, May 22, 2017 at 12:41 PM, Danielle Brian <dbrian@pogo.org> wrote:

My only hesitation is that I thought Greg that in addition to highlighting the accomplishments of USEITI that you were open to considering whether to in the briefest way possible acknowledge the reasons the US is withdrawing? Is that wrong? It seems odd to me that the option is to say we are withdrawing but not saying why. I understand that is the purview of the government to decide, just want clarity for these minutes.

On Mon, May 22, 2017 at 11:48 AM, Pat Field <pfield@cbuilding.org> wrote:

All

One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
pfield@cbuilding.org

On May 19, 2017, at 3:38 pm, Tushar Kansal
<tkansal@cbuilding.org> wrote:

Hi All,

Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.
- Option #2 was framed by Sam as something specifically for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was a key part of what made this option unattractive (at least as I understood the discussion).

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 3:25 PM, Kohler, Veronika
<VKohler@nma.org> wrote:

Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what would be necessary. I also think that the phrasing of 2 should not sound so US centric but make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

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Sent: Friday, May 19, 2017 2:56 PM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla

<IMunilla@oxfamamerica.org>; Kohler, Veronika
<VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>;
Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

*Director
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U.S. Department of the Interior*

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"The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision."

With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

- 1) Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))*
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The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

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<greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on (b) [REDACTED]

Isabel, see below.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

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I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue*

U.S. Department of the Interior

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From: Gould, Greg
[mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 10:51 AM
To: Tushar Kansal
<tkansal@cbuilding.org>
Cc: Wilson, Judith
<judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

Danielle, so sorry to hear about your (b)
my thoughts and prayers are with you (c)
and your family.

I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

1. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up).
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progress made, and that we will continue to publish non-tax revenue data at the lowest level allowed by law and regulation on the US Data Portal, which has become an international best practice for data dissemination.

Option 3 was discussed as the preferred option.

Thanks,

Greg

Gregory J. Gould

*Director
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Thanks for your comments, Veronika and Judy.

I too don't recall an "additional validation request" being discussed, Veronika, but based I also don't see that same language of "additional validation request" in the five options that you sent. Did you perhaps mean to type "additional adapted implementation request" (your option #4)?

With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look

good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Thu, May 18, 2017 at 2:32 PM,
Wilson, Judith
<judith.wilson@onrr.gov> wrote:

I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

On Thu, May 18, 2017 at 2:07 PM,
Kohler, Veronika
<VKohler@nma.org> wrote:

What do you think about the attached 3 changes. I also don't see a major option that I thought had been discussed which was continue with additional validation request.

These were the options I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

1. Voluntary suspension- letter approved by MSG asking for voluntary suspension and identifying how we will continue to be transparent during the suspension. (historically used due to political instability)
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3. USEITI moves forward with mainstreaming highlighting current successes
4. USEITI moves forward with an additional adapted implementation request (taxes and subnational)
5. Withdrawal letter from USG highlighting success, progress made and what will continue.

From: Tushar Kansal

[mailto:tkansal@cbuilding.org]

Sent: Thursday, May 18, 2017
1:37 PM

To: Danielle Brian

<dbrian@pogo.org>; Gould, Greg

<greg.gould@onrr.gov>; Pat Field

<pfield@cbuilding.org>; Kohler,

Veronika <VKohler@nma.org>;

Wilson, Judith

<judith.wilson@onrr.gov>

Subject: USEITI co-chairs
meeting summary

All,

I've attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

Tushar Kansal

Consensus Building Institute

[716-907-2868](tel:716-907-2868)

tkansal@cbuilding.org

--

Tushar Kansal

Consensus Building Institute

[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--
Judy Wilson
Program Manager USEITI
Secretariat
Office of Natural Resources
Revenue
judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

--
Danielle Brian
Executive Director

[Project On Government Oversight](https://pogo.org) | pogo.org
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202.347.1122

--
Danielle Brian
Executive Director

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1100 G Street NW, Washington DC 20005
202.347.1122

Tushar Kansal <tkansal@cbuilding.org>

From: Tushar Kansal <tkansal@cbuilding.org>
Sent: Tue May 30 2017 13:24:44 GMT-0600 (MDT)
To: Greg Gould <greg.gould@onrr.gov>
CC: Danielle Brian <dbrian@pogo.org>, "Shime, Veronika" <vshime@nma.org>, Pat Field <pfield@cbuilding.org>, Isabel Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary
Attachments: USEITI - May 2017 Co-Chairs Mtg - Mtg Summary v5 (170530).docx

Hi All,
I've attached a revised version of the meeting summary in accordance with Jonas' comments. Please let me know if you have any additional concerns.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
716-907-2868
tkansal@cbuilding.org

On Fri, May 26, 2017 at 3:09 PM, Greg Gould <greg.gould@onrr.gov> wrote:

As I remember it, Jonas said a short brief letter would be best. If CSO's wanted to recommend some txt, then keep it to some short bullets, but best to not say much.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
(202) 513-0600*

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On May 26, 2017, at 1:04 PM, Danielle Brian <dbrian@pogo.org> wrote:

My memory is that Jonas said the opposite: that in fact it was important to have very short bullets explaining why the US is choosing to withdraw but that the language should not be extensive.

On Fri, May 26, 2017 at 2:56 PM, Shime, Veronika <vshime@nma.org> wrote:
Hi,

I am not sure what to say because this is turning out to be much more difficult than I thought it should be. I have not read the entire summary but jumped to the option 4 hoping it would just reflect what happened. I do not believe however we are there. To simplify I have made some suggestions below. By the way, industry never commented on this. We never said anything on if we thought it was a good idea or bad. The most vocal were the secretariat strongly advising against the bulleted explanation and CSO feeling strongly to include it and offering to supply GOV with suggestions.

The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision and actually strongly advised that the letter not include a reasoning for withdrawal but focus on our accomplishments and what will continue. CSO sector representatives felt that including some indication as to *why* the US is withdrawing from EITI could reduce some of the criticism that may be leveled against USEITI and against the US government for a decision to withdraw the EITI secretariat disagreed. ~~Other meeting participants, including representatives from the EITI International Secretariat, the government sector, and the industry sector cautioned against including explanatory language about the decision to withdraw, suggesting that it would likely be very difficult to craft language that all three USEITI sectors could agree on. Instead, these participants suggested keeping the letter relatively brief and focused on citing the DOI Inspector General's report and highlighting USEITI's record of accomplishments.~~

Happy to read the rest later, but need to run to a meeting now and may not get to it until this weekend. If nothing else in the summary has changed then I am fine with approving it with the changes above.

veronika

From: Tushar Kansal [mailto:tkansal@cbuilding.org]
Sent: Friday, May 26, 2017 2:31 PM
To: Shime, Veronika <vshime@nma.org>
Cc: Gould, Greg <greg.gould@onrr.gov>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

Hi All,
Revised version attached. Please let me know if any additional concerns.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Wed, May 24, 2017 at 11:07 AM, Shime, Veronika <vshime@nma.org> wrote:

I think this is unbalanced. My suggestions were by no means sector driven. I was not asking for something to be included that the industry sector is going to push for or not. My suggestions were caring about this process and ensuring the language does not come off differently as intended thereby hurting USEITI. Danielle's comment was purely CSO sector driven . CSO

want GOV to put an explanation in the letter and don't feel that the inclusion is quite appropriate but definitely not as written. If you are going to include what one sector wants and is going to push for then at least be more clear that the EITI Secretariat strongly advised against it. They did not just say that we don't need to include a reason why, but strongly opposed it for many reasons.

I am ok with keeping Danielle's request in, but then two things should be clarified. 1 - that it was the CSO sector.....not "some participants" and 2 - that upon hearing that the International Secretariat strongly advised against it. The International Secretariat said many times that the letter should not include the bullets about why US is withdrawing but remain high level and positive.

From: Tushar Kansal [mailto:tkansal@cbuilding.org]

Sent: Tuesday, May 23, 2017 2:20 PM

To: Gould, Greg <greg.gould@onrr.gov>

Cc: Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Shime, Veronika <vshime@nma.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

All,

I've attempted to respond to both Veronika's concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6). I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 3:15 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

Director

Office of Natural Resources Revenue

U.S. Department of the Interior

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On Mon, May 22, 2017 at 12:41 PM, Danielle Brian <dbrian@pogo.org> wrote:

My only hesitation is that I thought Greg that in addition to highlighting the accomplishments of USEITI that you were open to considering whether to in the briefest way possible acknowledge the reasons the US is withdrawing? Is that wrong? It seems odd to me that the option is to say we are withdrawing but not saying why. I understand that is the purview of the government to decide, just want clarity for these minutes.

On Mon, May 22, 2017 at 11:48 AM, Pat Field <pfield@cbuilding.org> wrote:

All

One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
pfield@cbuilding.org

On May 19, 2017, at 3:38 pm, Tushar Kansal
<tkansal@cbuilding.org> wrote:

Hi All,

Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.
- Option #2 was framed by Sam as something specifically for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other

OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was a key part of what made this option unattractive (at least as I understood the discussion).

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 3:25 PM, Kohler, Veronika
<VKohler@nma.org> wrote:

Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what would be necessary. I also think that the phrasing of 2 should not sound so US centric but make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

From: Gould, Greg [mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 2:56 PM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 2:44 PM, Tushar Kansal
<tkansal@cbuilding.org> wrote:

All,

I have attached a revised version of the meeting summary that incorporates Veronika's edits and also makes the following slight change to language to acknowledge Danielle's concern about the content of a withdrawal letter: *"The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision."*

With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

- 1) *Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))*
- 2) *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*
- 3) *Mainstreaming of USEITI reporting into US government reporting*
- 4) *Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 11:42 AM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on (b) (5) DPP

Isabel, see below.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian <dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at 11:33 AM, Gould, Greg <Greg.Gould@onrr.gov> wrote:

I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 11:13 AM, Kohler, Veronika <VKohler@nma.org> wrote:

Thank you! So should we send Tushar's updated summary (T, could you resend?) to our people but tell them that the 3 below are what they should decide on? Should Tushar include these three at the top of the summary as the options the cochairs have advised we select from? I just want to make sure we are all on the same page before sending anything out in

writing.

From: Gould, Greg
[mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 10:51 AM
To: Tushar Kansal
<tkansal@cbuilding.org>
Cc: Wilson, Judith
<judith.wilson@onrr.gov>; Kohler,
Veronika <VKohler@nma.org>;
Danielle Brian <dbrian@pogo.org>;
Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs
meeting summary

Danielle, so sorry to hear about your
(b) my thoughts and prayers are with
(c) you and your family.

I want to thank all of you for your
continued attention to making sure we
are all in agreement when we make a
final decision on June 22. With that
said, I think we all pretty much agreed
to 3 options:

1. USEITI moves forward with
Letter to the board to reaffirming
government commitment and
identifying new MSG structure
necessary for success
(presidential or congressional
MSG set up).
2. USEITI moves forward with
mainstreaming highlighting
current successes, and applying
for adapted implementation
related to tax reporting,
subnational, and beneficial
ownership.
3. Withdrawal letter from USG,
possibly highlighting success,
progress made, and that we will
continue to publish non-tax
revenue data at the lowest level
allowed by law and regulation on
the US Data Portal, which has
become an international best
practice for data dissemination.

Option 3 was discussed as the
preferred option.

Thanks,

Greg

Gregory J. Gould

Director

*Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Thu, May 18, 2017 at 5:59 PM,
Tushar Kansal
<tkansal@cbuilding.org> wrote:

Thanks for your comments, Veronika and Judy.

I too don't recall an "additional validation request" being discussed, Veronika, but based I also don't see that same language of "additional validation request" in the five options that you sent. Did you perhaps mean to type "additional adapted implementation request" (your option #4)?

With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

Tushar

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Consensus Building Institute

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tkansal@cbuilding.org

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One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

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These were the options I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

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(historically used due to political instability)
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[mailto:tkansal@cbuilding.org]
Sent: Thursday, May 18, 2017
1:37 PM
To: Danielle Brian
<dbrian@pogo.org>; Gould,
Greg <greg.gould@onrr.gov>;
Pat Field
<pfield@cbuilding.org>; Kohler,
Veronika <VKohler@nma.org>;
Wilson, Judith
<judith.wilson@onrr.gov>
Subject: USEITI co-chairs
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Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

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Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

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Judy Wilson
Program Manager USEITI
Secretariat
Office of Natural Resources
Revenue
judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

--
Danielle Brian
Executive Director

[Project On Government Oversight](http://pogo.org) | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

--
Danielle Brian
Executive Director

[Project On Government Oversight](http://pogo.org) | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

"Shime, Veronika" <vshime@nma.org>

From: "Shime, Veronika" <vshime@nma.org>

Sent: Thu Jun 01 2017 11:36:48 GMT-0600 (MDT)
To: Greg Gould <greg.gould@onrr.gov>, Danielle Brian <dbrian@pogo.org>
CC: Pat Field <pfield@cbuilding.org>, Isabel Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith" <judith.wilson@onrr.gov>, Tushar Kansal <tkansal@cbuilding.org>
Subject: RE: USEITI co-chairs meeting summary

Are we sending this out now? My sector is eagerly waiting to see the summary of our meeting. Do the cochairs agree with the this version?

From: Tushar Kansal [mailto:tkansal@cbuilding.org]
Sent: Tuesday, May 30, 2017 3:25 PM
To: Greg Gould <greg.gould@onrr.gov>
Cc: Danielle Brian <dbrian@pogo.org>; Shime, Veronika <vshime@nma.org>; Pat Field <pfield@cbuilding.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

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Best,
Tushar

Tushar Kansal
Consensus Building Institute
716-907-2868
tkansal@cbuilding.org

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Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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On May 26, 2017, at 1:04 PM, Danielle Brian <dbrian@pogo.org> wrote:

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On Fri, May 26, 2017 at 2:56 PM, Shime, Veronika <vshime@nma.org> wrote:

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I am not sure what to say because this is turning out to be much more difficult than I thought it should be. I have not read the entire summary but jumped to the option 4 hoping it would just reflect what happened. I do not believe however we are there. To simplify I have made some suggestions below. By the way, industry never commented on this. We never said anything on if we thought it was a good idea or bad. The most vocal were the secretariat strongly advising against the bulleted explanation and CSO feeling strongly to include it and offering to supply GOV with suggestions.

The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision and actually strongly advised that the letter not include a reasoning for withdrawal but focus on our accomplishments and what will continue. CSO sector representatives felt that including some indication as to *why* the US is withdrawing from EITI could reduce some of the criticism that may be leveled against USEITI and against the US government for a decision to withdraw the EITI secretariat disagreed. ~~Other meeting participants, including representatives from the EITI International Secretariat, the government sector, and the industry sector cautioned against including explanatory language about the decision to withdraw, suggesting that it would likely be very difficult to craft language that all three USEITI sectors could agree on. Instead, these participants suggested keeping the letter relatively brief and focused on citing the DOI Inspector General's report and highlighting USEITI's record of accomplishments.~~

Happy to read the rest later, but need to run to a meeting now and may not get to it until this weekend. If nothing else in the summary has changed then I am fine with approving it with the changes above.

veronika

From: Tushar Kansal [mailto:tkansal@cbuilding.org]

Sent: Friday, May 26, 2017 2:31 PM

To: Shime, Veronika <vshime@nma.org>

Cc: Gould, Greg <greg.gould@onrr.gov>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

Hi All,

Revised version attached. Please let me know if any additional concerns.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Wed, May 24, 2017 at 11:07 AM, Shime, Veronika <vshime@nma.org> wrote:

I think this is unbalanced. My suggestions were by no means sector driven. I was not asking for something to be included that the industry sector is going to push for or not. My suggestions were caring about this process and

ensuring the language does not come off differently as intended thereby hurting USEITI. Danielle's comment was purely CSO sector driven . CSO want GOV to put an explanation in the letter and don't feel that the inclusion is quite appropriate but definitely not as written. If you are going to include what one sector wants and is going to push for then at least be more clear that the EITI Secretariat strongly advised against it. They did not just say that we don't need to include a reason why, but strongly opposed it for many reasons.

I am ok with keeping Danielle's request in, but then two things should be clarified. 1 - that it was the CSO sector.....not "some participants" and 2 - that upon hearing that the International Secretariat strong advised against it. The International Secretariat said many times that the letter should not include the bullets about why US is withdrawing but remain high level and positive.

From: Tushar Kansal [mailto:tkansal@cbuilding.org]
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Cc: Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Shime, Veronika <vshime@nma.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

All,

I've attempted to respond to both Veronika's concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6) I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 3:15 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

Director

Office of Natural Resources Revenue

U.S. Department of the Interior

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On Mon, May 22, 2017 at 12:41 PM, Danielle Brian <dbrian@pogo.org> wrote:

My only hesitation is that I thought Greg that in addition to highlighting the accomplishments of USEITI that you were open to considering whether to in the briefest way possible acknowledge the reasons the US is withdrawing? Is that wrong? It seems odd to me that the option is to say we are withdrawing but not saying why. I understand that is the purview of the government to decide, just want clarity for these minutes.

On Mon, May 22, 2017 at 11:48 AM, Pat Field <pfield@cbuilding.org> wrote:

All

One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
pfield@cbuilding.org

On May 19, 2017, at 3:38 pm, Tushar Kansal
<tkansal@cbuilding.org> wrote:

Hi All,
Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.
- Option #2 was framed by Sam as something specifically

for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was a key part of what made this option unattractive (at least as I understood the discussion).

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 3:25 PM, Kohler, Veronika
<VKohler@nma.org> wrote:

Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what would be necessary. I also think that the phrasing of 2 should not sound so US centric but make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

From: Gould, Greg [mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 2:56 PM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 2:44 PM, Tushar Kansal
<tkansal@cbuilding.org> wrote:

All,
I have attached a revised version of the meeting summary that incorporates Veronika's edits and also makes the following slight change to language to acknowledge Danielle's concern about the content of a withdrawal letter: *"The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision."*

With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

- 1) *Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))*
- 2) *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*
- 3) *Mainstreaming of USEITI reporting into US government reporting*
- 4) *Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 11:42 AM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on (b) (5)

Isabel, see below.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian <dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at 11:33 AM, Gould, Greg <Greg.Gould@onrr.gov> wrote:

I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 11:13 AM, Kohler, Veronika <VKohler@nma.org> wrote:

Thank you! So should we send Tushar's updated summary (T, could you resend?) to our people but tell them that the 3 below are what they should decide on? Should Tushar include these three at the top of the summary as the options the cochairs have advised we select from? I just want to make sure we are all on the same page before sending anything out in

writing.

From: Gould, Greg
[mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 10:51 AM
To: Tushar Kansal
<tkansal@cbuilding.org>
Cc: Wilson, Judith
<judith.wilson@onrr.gov>; Kohler,
Veronika <VKohler@nma.org>;
Danielle Brian <dbrian@pogo.org>; Pat
Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting
summary

Danielle, so sorry to hear about your
(b) my thoughts and prayers are with
you and your family.

I want to thank all of you for your
continued attention to making sure we
are all in agreement when we make a
final decision on June 22. With that
said, I think we all pretty much agreed
to 3 options:

1. USEITI moves forward with
Letter to the board to reaffirming
government commitment and
identifying new MSG structure
necessary for success
(presidential or congressional
MSG set up).
2. USEITI moves forward with
mainstreaming highlighting
current successes, and applying
for adapted implementation
related to tax reporting,
subnational, and beneficial
ownership.
3. Withdrawal letter from USG,
possibly highlighting success,
progress made, and that we will
continue to publish non-tax
revenue data at the lowest level
allowed by law and regulation on
the US Data Portal, which has
become an international best
practice for data dissemination.

Option 3 was discussed as the
preferred option.

Thanks,

Greg

Gregory J. Gould

—
Director

*Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Thu, May 18, 2017 at 5:59 PM,
Tushar Kansal
<tkansal@cbuilding.org> wrote:

Thanks for your comments, Veronika and Judy.

I too don't recall an "additional validation request" being discussed, Veronika, but based I also don't see that same language of "additional validation request" in the five options that you sent. Did you perhaps mean to type "additional adapted implementation request" (your option #4)?

With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

Tushar

Tushar Kansal
Consensus Building Institute

[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Thu, May 18, 2017 at 2:32 PM,
Wilson, Judith
<judith.wilson@onrr.gov> wrote:

I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

On Thu, May 18, 2017 at 2:07 PM,
Kohler, Veronika
<VKohler@nma.org> wrote:

What do you think about the attached 3 changes. I also don't see a major option that I thought had been discussed which was continue with additional validation request.

These were the options I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

1. Voluntary suspension-letter approved by MSG asking for voluntary suspension and identifying how we will continue to be transparent during the suspension. (historically used due to political instability)
2. USEITI moves forward with Letter to the board to reaffirming government commitment and

identifying new MSG structure necessary for success (presidential or congressional MSG set up)

3. USEITI moves forward with mainstreaming highlighting current successes
4. USEITI moves forward with an additional adapted implementation request (taxes and subnational)
5. Withdrawal letter from USG highlighting success, progress made and what will continue.

From: Tushar Kansal
[mailto:tkansal@cbuilding.org]
Sent: Thursday, May 18, 2017
1:37 PM
To: Danielle Brian
<dbrian@pogo.org>; Gould,
Greg <greg.gould@onrr.gov>;
Pat Field
<pfield@cbuilding.org>; Kohler,
Veronika <VKohler@nma.org>;
Wilson, Judith
<judith.wilson@onrr.gov>
Subject: USEITI co-chairs
meeting summary

All,
I've attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--
Judy Wilson
Program Manager USEITI
Secretariat
Office of Natural Resources
Revenue
judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

--
Danielle Brian
Executive Director

[Project On Government Oversight](http://pogo.org) | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

--
Danielle Brian
Executive Director

[Project On Government Oversight](http://pogo.org) | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>

Sent: Fri Jun 02 2017 06:16:24 GMT-0600 (MDT)
To: "Shime, Veronika" <vshime@nma.org>
Greg Gould <greg.gould@onrr.gov>, Pat Field
<pfield@cbuilding.org>, Isabel Munilla
CC: <IMunilla@oxfamamerica.org>, "Wilson, Judith"
<judith.wilson@onrr.gov>, Tushar Kansal
<tkansal@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

Sure.

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

On Jun 1, 2017, at 1:36 PM, Shime, Veronika <vshime@nma.org> wrote:

Are we sending this out now? My sector is eagerly waiting to see the summary of our meeting. Do the cochairs agree with the this version?

From: Tushar Kansal [<mailto:tkansal@cbuilding.org>]
Sent: Tuesday, May 30, 2017 3:25 PM
To: Greg Gould <greg.gould@onrr.gov>
Cc: Danielle Brian <dbrian@pogo.org>; Shime, Veronika <vshime@nma.org>; Pat Field <pfield@cbuilding.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

Hi All,
I've attached a revised version of the meeting summary in accordance with Jonas' comments. Please let me know if you have any additional concerns.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
716-907-2868
tkansal@cbuilding.org

On Fri, May 26, 2017 at 3:09 PM, Greg Gould <greg.gould@onrr.gov> wrote:

As I remember it, Jonas said a short brief letter would be best. If CSO's wanted to recommend some txt, then keep it to some short bullets, but best to not say much.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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On May 26, 2017, at 1:04 PM, Danielle Brian <dbrian@pogo.org> wrote:

My memory is that Jonas said the opposite: that in fact it was important to have very short bullets explaining why the US is choosing to withdraw but that the language should not be extensive.

On Fri, May 26, 2017 at 2:56 PM, Shime, Veronika <vshime@nma.org> wrote:

Hi,

I am not sure what to say because this is turning out to be much more difficult than I thought it should be. I have not read the entire summary but jumped to the option 4 hoping it would just reflect what happened. I do not believe however we are there. To simplify I have made some suggestions below. By the way, industry never commented on this. We never said anything on if we thought it was a good idea or bad. The most vocal were the secretariat strongly advising against the bulleted explanation and CSO feeling strongly to include it and offering to supply GOV with suggestions.

The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision and actually strongly advised that the letter not include a reasoning for withdrawal but focus on our accomplishments and what will continue. CSO sector representatives felt that including some indication as to why the US is withdrawing from EITI could reduce some of the criticism that may be leveled against USEITI and against the US government for a decision to withdraw the EITI secretariat disagreed. ~~Other meeting participants, including representatives from the EITI International Secretariat, the government sector, and the industry sector cautioned against including explanatory language about the decision to withdraw, suggesting that it would likely be very difficult to craft language that all three USEITI sectors could agree on. Instead, these participants suggested keeping the letter relatively brief and focused on citing the DOI Inspector General's report and highlighting USEITI's record of accomplishments.~~

Happy to read the rest later, but need to run to a meeting now and may not get to it until this weekend. If nothing else in the summary has changed then I am fine with approving it with the changes above.

veronika

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Sent: Friday, May 26, 2017 2:31 PM

To: Shime, Veronika <vshime@nma.org>

Cc: Gould, Greg <greg.gould@onrr.gov>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

Hi All,
Revised version attached. Please let me know if any additional concerns.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

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I am ok with keeping Danielle's request in, but then two things should be clarified. 1 - that it was the CSO sector.....not "some participants" and 2 - that upon hearing that the International Secretariat strong advised against it. The International Secretariat said many times that the letter should not include the bullets about why US is withdrawing but remain high level and positive.

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Subject: Re: USEITI co-chairs meeting summary

All,
I've attempted to respond to both Veronika's concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6) I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal
<tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 3:15 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Mon, May 22, 2017 at 11:48 AM, Pat Field
<pfield@cbuilding.org> wrote:

All

One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
pfield@cbuilding.org

On May 19, 2017, at 3:38 pm, Tushar Kansal
<tkansal@cbuilding.org> wrote:

Hi All,
Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.
- Option #2 was framed by Sam as something specifically for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was a key part of what made this option unattractive (at least as I understood the discussion).

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 3:25 PM, Kohler, Veronika
<VKohler@nma.org> wrote:

Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what

would be necessary. I also think that the phrasing of 2 should not sound so US centric but make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

From: Gould, Greg
[mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 2:56 PM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 2:44 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

All,
I have attached a revised version of the meeting summary that incorporates Veronika's edits and also makes the following slight change to language to acknowledge Danielle's concern about the content of a withdrawal letter: "The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision."

With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

1) *Request a temporary, voluntary suspension*

from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))

2) The International EITI Board could create a new path for USEITI to continue under different requirements / protocols

3) Mainstreaming of USEITI reporting into US government reporting

4) Withdrawal of the United States from EITI

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 11:42 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on

(b)
(c)

Isabel, see below.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian <dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at 11:33 AM, Gould, Greg <Greg.Gould@onrr.gov> wrote:

I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

Greg

Gregory J. Gould

*Director
Office of Natural Resources
Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 11:13 AM, Kohler, Veronika <VKohler@nma.org> wrote:

Thank you! So should we send Tushar's updated summary (T, could you resend?) to our people but tell them that the 3 below are what they should decide on? Should Tushar include these three at

the top of the summary as the options the cochairs have advised we select from? I just want to make sure we are all on the same page before sending anything out in writing.

From: Gould, Greg
[mailto:greg.gould@onrr.gov]

Sent: Friday, May 19, 2017 10:51 AM

To: Tushar Kansal
<tkansal@cbuilding.org>

Cc: Wilson, Judith
<judith.wilson@onrr.gov>;

Kohler, Veronika
<VKohler@nma.org>;

Danielle Brian
<dbrian@pogo.org>; Pat

Field
<pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Danielle, so sorry to hear about your (b) my thoughts and prayers are with you and your family.

I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

1. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up).
2. USEITI moves forward with mainstreaming highlighting current successes, and applying for adapted implementation related to tax reporting,

subnational, and
beneficial
ownership.

3. Withdrawal letter from USG, possibly highlighting success, progress made, and that we will continue to publish non-tax revenue data at the lowest level allowed by law and regulation on the US Data Portal, which has become an international best practice for data dissemination.

Option 3 was discussed as the preferred option.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources
Revenue
U.S. Department of the
Interior*

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On Thu, May 18, 2017 at 5:59 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

Thanks for your comments, Veronika and Judy.

I too don't recall an "additional validation request" being

discussed, Veronika, but based I also don't see that same language of "additional validation request" in the five options that you sent. Did you perhaps mean to type "additional adapted implementation request" (your option #4)?

With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

Tushar

Tushar Kansal
Consensus Building
Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Thu, May 18, 2017
at 2:32 PM, Wilson,
Judith
<judith.wilson@onrr.gov>

> wrote:

I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

On Thu, May 18, 2017 at 2:07 PM, Kohler, Veronika <VKohler@nma.org> wrote:

What do you think about the attached 3 changes. I also don't see a major option that I thought had been discussed which was continue with additional validation request.

These were the options I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

1. Voluntary suspension-letter approved by MSG asking for voluntary suspension and identifying how we will continue to be transparent during the suspension. (historically used due to political instability)
2. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up)
3. USEITI moves forward with mainstreaming highlighting current successes
4. USEITI moves forward with an additional adapted implementation request (taxes and subnational)
5. Withdrawal

letter from
USG
highlighting
success,
progress
made and
what will
continue.

From: Tushar
Kansal
[mailto:tkansal@cbuilding.org]
Sent: Thursday,
May 18, 2017 1:37
PM
To: Danielle Brian
<dbrian@pogo.org
>; Gould, Greg
<greg.gould@onrr.gov
>; Pat Field
<pfield@cbuilding.org
>; Kohler,
Veronika
<VKohler@nma.org
>; Wilson, Judith
<judith.wilson@onrr.gov
>
Subject: USEITI
co-chairs meeting
summary

All,
Ive attached a
summary of key
discussions from
last week's co-
chairs meeting. As
you'll see, the focus
of the summary is
on options and next
steps. Please let
me know if I've
missed or
misrepresented
anything crucial for
our path forward
that was
discussed.

Tushar

Tushar Kansal
Consensus Building
Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--

Tushar Kansal

Consensus Building
Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org
[org](http://cbuilding.org)

--
Judy Wilson
Program Manager
USEITI Secretariat
Office of Natural
Resources Revenue
judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

--

Danielle Brian
Executive Director

[Project On Government Oversight | pogo.org](http://pogo.org)
1100 G Street NW, Washington DC 20005
202.347.1122

--

Danielle Brian
Executive Director

[Project On Government Oversight | pogo.org](http://pogo.org)
1100 G Street NW, Washington DC 20005
202.347.1122

Tushar Kansal <tkansal@cbuilding.org>

From: Tushar Kansal <tkansal@cbuilding.org>
Sent: Fri Jun 02 2017 22:06:46 GMT-0600 (MDT)
To: Danielle Brian <dbrian@pogo.org>
CC: "Shime, Veronika" <vshime@nma.org>, Greg Gould <greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>, Isabel Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith" <judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

I believe that we've gotten sign-offs from Danielle and Veronika. Greg, could you please let us know if you have any concerns with this version of the meeting summary?

On Friday, June 2, 2017, Danielle Brian <dbrian@pogo.org> wrote:

Sure.

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

On Jun 1, 2017, at 1:36 PM, Shime, Veronika <vshime@nma.org> wrote:

Are we sending this out now? My sector is eagerly waiting to see the summary of our meeting. Do the cochairs agree with the this version?

From: Tushar Kansal [<mailto:tkansal@cbuilding.org>]
Sent: Tuesday, May 30, 2017 3:25 PM
To: Greg Gould <greg.gould@onrr.gov>
Cc: Danielle Brian <dbrian@pogo.org>; Shime, Veronika <vshime@nma.org>; Pat Field <pfield@cbuilding.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

Hi All,
I've attached a revised version of the meeting summary in accordance with Jonas' comments. Please let me know if you have any additional concerns.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
716-907-2868
tkansal@cbuilding.org

On Fri, May 26, 2017 at 3:09 PM, Greg Gould <greg.gould@onrr.gov> wrote:

As I remember it, Jonas said a short brief letter would be best. If CSO's wanted to recommend some txt, then keep it to some short bullets, but best to not say much.

Greg

Gregory J. Gould

Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)

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On May 26, 2017, at 1:04 PM, Danielle Brian <dbrian@pogo.org> wrote:

My memory is that Jonas said the opposite: that in fact it was important to have very short bullets explaining why the US is choosing to withdraw but that the language should not be extensive.

On Fri, May 26, 2017 at 2:56 PM, Shime, Veronika <vshime@nma.org> wrote:

Hi,

I am not sure what to say because this is turning out to be much more difficult than I thought it should be. I have not read the entire summary but jumped to the option 4 hoping it would just reflect what happened. I do not believe however we are there. To simplify I have made some suggestions below. By the way, industry never commented on this. We never said anything on if we thought it was a good idea or bad. The most vocal were the secretariat strongly advising against the bulleted explanation and CSO feeling strongly to include it and offering to supply GOV with suggestions.

The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision and actually strongly advised that the letter not include a reasoning for withdrawal but focus on our accomplishments and what will continue. CSO sector representatives felt that including some indication as to *why* the US is withdrawing from EITI could reduce some of the criticism that may be leveled against USEITI and against the US government for a decision to withdraw the EITI secretariat disagreed. ~~Other meeting participants, including representatives from the EITI International Secretariat, the government sector, and the industry sector cautioned against including explanatory language about the decision to withdraw, suggesting that it would likely be very difficult to craft language that all three USEITI sectors could agree on. Instead, these participants suggested keeping the letter relatively brief and focused on citing the DOI Inspector General's report and highlighting USEITI's record of accomplishments.~~

Happy to read the rest later, but need to run to a meeting now and may not get to it until this weekend. If nothing else in the summary has changed then I am fine with approving it with the changes above.

veronika

From: Tushar Kansal [mailto:tkansal@cbuilding.org]
Sent: Friday, May 26, 2017 2:31 PM
To: Shime, Veronika <vshime@nma.org>
Cc: Gould, Greg <greg.gould@onrr.gov>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

Hi All,
Revised version attached. Please let me know if any additional concerns.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Wed, May 24, 2017 at 11:07 AM, Shime, Veronika <vshime@nma.org> wrote:

I think this is unbalanced. My suggestions were by no means sector driven. I was not asking for something to be included that the industry sector is going to push for or not. My suggestions were caring about this process and ensuring the language does not come off differently as intended thereby hurting USEITI. Danielle's comment was purely CSO sector driven . CSO want GOV to put an explanation in the letter and don't feel that the inclusion is quite appropriate but definitely not as written. If you are going to include what one sector wants and is going to push for then at lease be more clear that the EITI Secretariat strongly advised against it. They did not just say that we don't need to include a reason why, but strongly opposed it for many reasons.

I am ok with keeping Danielle's request in, but then two things should be clarified. 1 - that it was the CSO sector.....not "some participants" and 2 - that upon hearing that the International Secretariat strong advised against it. The International Secretariat said many times that the letter should not include the bullets about why US is withdrawing but remain high level and positive.

From: Tushar Kansal [mailto:tkansal@cbuilding.org]
Sent: Tuesday, May 23, 2017 2:20 PM
To: Gould, Greg <greg.gould@onrr.gov>
Cc: Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Shime, Veronika <vshime@nma.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

All,
I've attempted to respond to both Veronika's concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the

decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6). I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal
<tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 3:15 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Mon, May 22, 2017 at 12:41 PM, Danielle Brian
<dbrian@pogo.org> wrote:

My only hesitation is that I thought Greg that in addition to highlighting the accomplishments of USEITI that you were open to considering whether to in the briefest way possible acknowledge the reasons the US is withdrawing? Is that wrong? It seems odd to me that the option is to say we are withdrawing but not saying why. I understand that is the

purview of the government to decide, just want clarity for these minutes.

On Mon, May 22, 2017 at 11:48 AM, Pat Field <pfield@cbuilding.org> wrote:

All

One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
pfield@cbuilding.org

On May 19, 2017, at 3:38 pm, Tushar Kansal <tkansal@cbuilding.org> wrote:

Hi All,
Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.
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Best,
Tushar

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Consensus Building Institute
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tkansal@cbuilding.org

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Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what would be necessary. I also think that the phrasing of 2 should not sound so US centric but make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

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Cc: Danielle Brian <dbrian@pogo.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>; Pat Field <pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Veronika's edits and also makes the following slight change to language to acknowledge Danielle's concern about the content of a withdrawal letter: "*The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision.*"

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- 1) *Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))*
- 2) *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*
- 3) *Mainstreaming of USEITI reporting into US government reporting*
- 4) *Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

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Of course, adding her now, please focus on (b) [REDACTED]

Isabel, see below.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Danielle Brian <dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at 11:33 AM, Gould, Greg <Greg.Gould@onrr.gov> wrote:

I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Sent: Friday, May 19, 2017 10:51 AM
To: Tushar Kansal <tkansal@cbuilding.org>
Cc: Wilson, Judith <judith.wilson@onrr.gov>; Kohler, Veronika <VKohler@nma.org>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>
Subject: Re: USEITI co-chairs meeting summary

Danielle, so sorry to hear about your (b) (6) my thoughts and prayers are with you and your family.

I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final

decision on June 22.
With that said, I think we
all pretty much agreed
to 3 options:

1. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congressional MSG set up).
2. USEITI moves forward with mainstreaming highlighting current successes, and applying for adapted implementation related to tax reporting, subnational, and beneficial ownership.
3. Withdrawal letter from USG, possibly highlighting success, progress made, and that we will continue to publish non-tax revenue data at the lowest level allowed by law and regulation on the US Data Portal, which has become an international best practice for data dissemination.

Option 3 was discussed
as the preferred option.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural
Resources Revenue
U.S. Department of the
Interior*

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On Thu, May 18, 2017
at 5:59 PM, Tushar
Kansal
<tkansal@cbuilding.org
> wrote:

Thanks for your
comments, Veronika
and Judy.

I too don't recall an
"additional validation
request" being
discussed, Veronika,
but based I also don't
see that same
language of
"additional validation
request" in the five
options that you sent.
Did you perhaps
mean to type
"additional adapted
implementation
request" (your option
#4)?

With regards to #4, I
agree that was
discussed, but my
memory is similar to
Judy's: I don't
remember that being
discussed as a stand-
along option. If I
understand correctly
what you've written,
your option #4 would
involve USEITI
continuing in the
same way that we did
in 2016, with the MSG

continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

Tushar

Tushar Kansal
Consensus Building
Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Thu, May 18,
2017 at 2:32 PM,
Wilson, Judith
<judith.wilson@onrr.gov> wrote:

I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/remember, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

On Thu, May 18, 2017 at 2:07 PM, Kohler, Veronika <VKohler@nma.org> wrote:

What do you think about the attached 3 changes. I also don't see a major option that I thought had been discussed which was continue with additional validation request.

These were the options I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

1. Voluntary suspension letter approved by MSG asking for voluntary suspension and

identifying
how we
will
continue
to be
transparent
during
the
suspension.

(historically used
due to
political
instability)

2. USEITI
moves
forward
with Letter
to the
board to
reaffirming
government
commitment and
identifying
new MSG
structure
necessary
for
success
(presidential or
congressional MSG
set up)
3. USEITI
moves
forward
with
mainstreaming
highlighting
current
successes
4. USEITI
moves
forward
with an
additional
adapted
implementation
request

(taxes
and
subnational)

5. Withdrawal letter from USG highlighting success, progress made and what will continue.

From: Tushar Kansal
[mailto:tkansal@cbuilding.org]
Sent: Thursday, May 18, 2017 1:37 PM
To: Danielle Brian
<dbrian@pogo.org>; Gould, Greg
<greg.gould@onrr.gov>; Pat Field
<pfield@cbuilding.org>; Kohler, Veronika
<VKohler@nma.org>; Wilson, Judith
<judith.wilson@onrr.gov>
Subject: USEITI co-chairs meeting summary

All,
I've attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

Tushar Kansal
Consensus
Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--

Tushar Kansal
Consensus
Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--

Judy Wilson
Program Manager
USEITI
Secretariat
Office of Natural
Resources
Revenue
judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

--

Danielle Brian
Executive Director

[Project On Government Oversight](http://pogo.org) | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

--

Danielle Brian

Executive Director

[Project On Government Oversight | pogo.org](http://pogo.org)
1100 G Street NW, Washington DC 20005
202.347.1122

--

Tushar Kansal
Consensus Building Institute
716-907-2868
tkansal@cbuilding.org

Danielle Brian <dbrian@pogo.org>

From: Danielle Brian <dbrian@pogo.org>
Sent: Tue Jun 06 2017 05:31:14 GMT-0600 (MDT)
To: Tushar Kansal <tkansal@cbuilding.org>
"Shime, Veronika" <vshime@nma.org>, Greg Gould
<greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>, Isabel
CC: Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith"
<judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

Also I see Greg tried to move the co-chair mtg to the 20th which I cannot make as I will be out of town. Could we make it on the 22nd or 23rd?

On Sat, Jun 3, 2017 at 12:06 AM, Tushar Kansal <tkansal@cbuilding.org> wrote:
I believe that we've gotten sign-offs from Danielle and Veronika. Greg, could you please let us know if you have any concerns with this version of the meeting summary?

On Friday, June 2, 2017, Danielle Brian <dbrian@pogo.org> wrote:
Sure.

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On Jun 1, 2017, at 1:36 PM, Shime, Veronika <<a>vshime@nma.org> wrote:

Are we sending this out now? My sector is eagerly waiting to see the summary of our meeting. Do the cochairs agree with the this version?

From: Tushar Kansal [<mailto:tkansal@cbuilding.org>]
Sent: Tuesday, May 30, 2017 3:25 PM
To: Greg Gould <<a>greg.gould@onrr.gov>
Cc: Danielle Brian <<a>dbrian@pogo.org>; Shime, Veronika <<a>vshime@nma.org>; Pat Field <<a>pfield@cbuilding.org>; Isabel Munilla <<a>IMunilla@oxfamamerica.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

Hi All,
I've attached a revised version of the meeting summary in accordance with Jonas' comments. Please let me know if you have any additional concerns.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 26, 2017 at 3:09 PM, Greg Gould <<a>greg.gould@onrr.gov> wrote:

As I remember it, Jonas said a short brief letter would be best. If CSO's wanted to recommend some txt, then keep it to some short bullets, but best to not say much.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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On May 26, 2017, at 1:04 PM, Danielle Brian <<a>dbrian@pogo.org> wrote:

My memory is that Jonas said the opposite: that in fact it was important to have very short bullets explaining why the US is choosing to withdraw but that the language should not be extensive.

On Fri, May 26, 2017 at 2:56 PM, Shime, Veronika <<a>vshime@nma.org> wrote:

Hi,

I am not sure what to say because this is turning out to be much

more difficult that I thought it should be. I have not read the entire summary but jumped to the option 4 hoping it would just reflect what happened. I do not believe however we are there. To simplify I have made some suggestions below. By the way, industry never commented on this. We never said anything on if we thought it was a good idea or bad. The most vocal were the secretariat strongly advising against the bulleted explanation and CSO feeling strongly to include it and offering to supply GOV with suggestions.

The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision and actually strongly advised that the letter not include a reasoning for withdrawal but focus on our accomplishments and what will continue. CSO sector representatives felt that including some indication as to *why* the US is withdrawing from EITI could reduce some of the criticism that may be leveled against USEITI and against the US government for a decision to withdraw the EITI secretariat disagreed. ~~Other meeting participants, including representatives from the EITI International Secretariat, the government sector, and the industry sector cautioned against including explanatory language about the decision to withdraw, suggesting that it would likely be very difficult to craft language that all three USEITI sectors could agree on. Instead, these participants suggested keeping the letter relatively brief and focused on citing the DOI Inspector General's report and highlighting USEITI's record of accomplishments.~~

Happy to read the rest later, but need to run to a meeting now and may not get to it until this weekend. If nothing else in the summary has changed then I am fine with approving it with the changes above.

veronika

From: Tushar Kansal [mailto:<a>tkansal@cbuilding.org]
Sent: Friday, May 26, 2017 2:31 PM
To: Shime, Veronika <<a>vshime@nma.org>
Cc: Gould, Greg <<a>greg.gould@onrr.gov>; Danielle Brian <<a>dbrian@pogo.org>; Pat Field <<a>pfield@cbuilding.org>; Isabel Munilla <<a>IMunilla@oxfamamerica.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

Hi All,
Revised version attached. Please let me know if any additional concerns.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Wed, May 24, 2017 at 11:07 AM, Shime, Veronika <<a>vshime@nma.org> wrote:

I think this is unbalanced. My suggestions were by no means sector driven. I was not asking for something to be included that the industry sector is going to push for or not. My

suggestions were caring about this process and ensuring the language does not come off differently as intended thereby hurting USEITI. Danielle's comment was purely CSO sector driven . CSO want GOV to put an explanation in the letter and don't feel that the inclusion is quite appropriate but definitely not as written. If you are going to include what one sector wants and is going to push for then at least be more clear that the EITI Secretariat strongly advised against it. They did not just say that we don't need to include a reason why, but strongly opposed it for many reasons.

I am ok with keeping Danielle's request in, but then two things should be clarified. 1 - that it was the CSO sector.....not "some participants" and 2 - that upon hearing that the International Secretariat strong advised against it. The International Secretariat said many times that the letter should not include the bullets about why US is withdrawing but remain high level and positive.

From: Tushar Kansal [mailto:<a>tkansal@cbuilding.org]

Sent: Tuesday, May 23, 2017 2:20 PM

To: Gould, Greg <<a>greg.gould@onrr.gov>

Cc: Danielle Brian <<a>dbrian@pogo.org>; Pat Field <<a>pfield@cbuilding.org>; Shime, Veronika <<a>vshime@nma.org>; Isabel Munilla <<a>IMunilla@oxfamamerica.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

All,

I've attempted to respond to both Veronika's concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6) I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal <<a>tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Mon, May 22, 2017 at 3:15 PM, Gould, Greg
<<a>greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Mon, May 22, 2017 at 12:41 PM, Danielle Brian
<<a>dbrian@pogo.org> wrote:

My only hesitation is that I thought Greg that in addition to highlighting the accomplishments of USEITI that you were open to considering whether to in the briefest way possible acknowledge the reasons the US is withdrawing? Is that wrong? It seems odd to me that the option is to say we are withdrawing but not saying why. I understand that is the purview of the government to decide, just want clarity for these minutes.

On Mon, May 22, 2017 at 11:48 AM, Pat Field
<<a>pfield@cbuilding.org> wrote:

All

One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
<a>pfield@cbuilding.org

On May 19, 2017, at 3:38 pm, Tushar Kansal
<<a>tkansal@cbuilding.org> wrote:

Hi All,
Here's my take on Veronika's questions.
Please let me know if you see it differently and we might want to have a quick phone call to

hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.
- Option #2 was framed by Sam as something specifically for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was a key part of what made this option unattractive (at least as I understood the discussion).

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Fri, May 19, 2017 at 3:25 PM, Kohler, Veronika <<a>VKohler@nma.org> wrote:

Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what would be necessary. I also think that the phrasing of 2 should not sound so US centric but make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

From: Gould, Greg [mailto:

<a>greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 2:56 PM
To: Tushar Kansal
<<a>tkansal@cbuilding.org>
Cc: Danielle Brian <<a>dbrian@pogo.org>;
Isabel Munilla
<<a>IMunilla@oxfamamerica.org>; Kohler,
Veronika <<a>VKohler@nma.org>; Wilson,
Judith <<a>judith.wilson@onrr.gov>; Pat
Field <<a>pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting
summary

Thanks Tushar, well done, I'm all set with
this write-up, no additional comments.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 2:44 PM, Tushar
Kansal <<a>tkansal@cbuilding.org> wrote:

All,
I have attached a revised version of the
meeting summary that incorporates
Veronika's edits and also makes the
following slight change to language to
acknowledge Danielle's concern about
the content of a withdrawal letter: "*The
EITI Secretariat indicated that EITI would
not need the letter to articulate why the
US Government is making this decision.*"

With regards to the options discussed at
the meeting, I recall the options on the
table as being somewhat different than
what Greg summarized. My meeting
noted document the options as follows:

*1) Request a temporary, voluntary
suspension from EITI (this letter would
also reaffirm government commitment to
EITI and to identifying new MSG
structure necessary for success
(presidential or congressional MSG set*

up))

- 2) *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*
- 3) *Mainstreaming of USEITI reporting into US government reporting*
- 4) *Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols.* This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Fri, May 19, 2017 at 11:42 AM,
Gould, Greg <<a>greg.gould@onrr.gov>
wrote:

Of course, adding her now, please focus on (b) [REDACTED]

Isabel, see below.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 11:40 AM,
Danielle Brian <<a>dbrian@pogo.org>
> wrote:

Can I request including Isabel in this
conversation to handle this on behalf
of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at
11:33 AM, Gould, Greg
<<a>Greg.Gould@onrr.
gov> wrote:

I like the option of
Tushar including the 3
options at the top, for us
to discuss with our
sectors for a final
decision on June 22.
Do you all agree that
option 3 is our preferred
option at this point?

Greg

Gregory J. Gould

*Director
Office of Natural
Resources Revenue
U.S. Department of the
Interior*

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immediately by return e-mail.

On Fri, May 19, 2017 at
11:13 AM, Kohler,
Veronika
<<a>VKohler@nma.org
> wrote:

Thank you! So
should we send

Tushar's updated summary (T, could you resend?) to our people but tell them that the 3 below are what they should decide on? Should Tushar include these three at the top of the summary as the options the cochairs have advised we select from? I just want to make sure we are all on the same page before sending anything out in writing.

From: Gould, Greg
[mailto:greg.gould@onrr.gov]

Sent: Friday, May 19, 2017 10:51 AM

To: Tushar Kansal
<tkansal@cbuilding.org>

Cc: Wilson, Judith
<judith.wilson@onrr.gov>; Kohler, Veronika
<VKohler@nma.org>; Danielle Brian
<dbrian@pogo.org>; Pat Field
<pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Danielle, so sorry to hear about your (b) my thoughts and prayers are with you and your family.

I want to thank all of you for your continued attention to making sure we are all in agreement when we make a final decision on June 22. With that said, I think we all pretty much agreed to 3 options:

1. USEITI moves

forward with
Letter to the
board to
reaffirming
government
commitment
and identifying
new MSG
structure
necessary for
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(presidential or
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MSG set up).

2. USEITI moves forward with mainstreaming highlighting current successes, and applying for adapted implementation related to tax reporting, subnational, and beneficial ownership.
3. Withdrawal letter from USG, possibly highlighting success, progress made, and that we will continue to publish non-tax revenue data at the lowest level allowed by law and regulation on the US Data Portal, which has become an international best practice for data dissemination.

Option 3 was discussed as the preferred option.

Thanks,

Greg

Gregory J. Gould

Director

*Office of Natural
Resources Revenue
U.S. Department of the
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On Thu, May 18,
2017 at 5:59 PM,
Tushar Kansal
<<a>tkansal@cbuildi
ng.org> wrote:

Thanks for your
comments,
Veronika and Judy.

I too don't recall an
"additional
validation request"
being discussed,
Veronika, but
based I also don't
see that same
language of
"additional
validation request"
in the five options
that you sent. Did
you perhaps mean
to type "additional
adapted
implementation
request" (your
option #4)?

With regards to #4,
I agree that was
discussed, but my
memory is similar
to Judy's: I don't
remember that
being discussed as
a stand-alone
option. If I
understand
correctly what
you've written, your

option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

Tushar

Tushar Kansal
Consensus
Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuildi
ng.org

On Thu, May 18,
2017 at 2:32 PM,
Wilson, Judith
<<a>judith.wilson@
onrr.gov> wrote:

I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to clarify also is as I understand/re member, options 1-3 would require MSG consensus and the Board is the ultimate decider. Option 5 above does not require the Board to render a decision. It is a notification to the Board by the Government (Gov. Co-Chair).

On Thu, May 18, 2017 at 2:07 PM, Kohler, Veronika <<a>VKohler@nma.org> wrote:

What do you think about the attached 3 changes. I also don't see a major option that I thought had been discussed which was continue with additional validation request.

These were

the options I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

1. Voluntary suspension-letter approved by MSG asking for voluntary suspension and identifying how we will continue to be transparent during the suspension. (historically used due to political instability)
2. USEITI moves forward with Letter to the board to reaffirming government commitment and

identifying new
MSG
structure
necessary for
success
(presidential or
congressional
MSG
set up)

3. USEITI
moves forward
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mainstreaming
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current
successes

4. USEITI
moves forward
with an
additional
adapted
implementation
request
(taxes
and
subnational)

5. Withdrawal
letter
from
USG
highlighting
success
,
progress made
and
what
will
continue.

From: Tushar Kansal [mailto:tkansal@building.org]

Sent: Thursday, May 18, 2017 1:37 PM

To: Danielle Brian <dbrian@pogo.org>; Gould, Greg <greg.gould@onrr.gov>; Pat Field <pfield@building.org>; Kohler, Veronika <VKohler@nma.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: USEITI co-chairs meeting summary

All,
I've attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@building.org

--

Tushar Kansal
Consensus
Building
Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@c
building.org

--
Judy Wilson
Program
Manager USEITI
Secretariat
Office of
Natural
Resources
Revenue
<a>judith.wilso
n@onrr.gov
[202-208-4410](tel:202-208-4410)

--
Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

--
Danielle Brian
Executive Director

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--

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--

Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

"Shime, Veronika" <vshime@nma.org>

From: "Shime, Veronika" <vshime@nma.org>
Sent: Tue Jun 06 2017 06:30:31 GMT-0600 (MDT)
To: Danielle Brian <dbrian@pogo.org>
Tushar Kansal <tkansal@cbuilding.org>, Greg Gould
<greg.gould@onrr.gov>, Pat Field <pfield@cbuilding.org>,
CC: "Wilson, Judith" <judith.wilson@onrr.gov>, Isabel Munilla
<IMunilla@oxfamamerica.org>
Subject: Re: USEITI co-chairs meeting summary

I can make the 22 and 23 also am available the next week.

Veronika Kohler Shime
Vice President, International Policy
Ph. 202.463.2626
Fax. 202.463.2648

On Jun 6, 2017, at 7:31 AM, Danielle Brian <dbrian@pogo.org> wrote:

Also I see Greg tried to move the co-chair mtg to the 20th which I cannot make as I will be out of town. Could we make it on the 22nd or 23rd?

On Sat, Jun 3, 2017 at 12:06 AM, Tushar Kansal <tkansal@cbuilding.org> wrote:

I believe that we've gotten sign-offs from Danielle and Veronika. Greg, could you please let us know if you have any concerns with this version of the meeting summary?

On Friday, June 2, 2017, Danielle Brian <dbrian@pogo.org> wrote:
Sure.

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On Jun 1, 2017, at 1:36 PM, Shime, Veronika <<a>vshime@nma.org> wrote:

Are we sending this out now? My sector is eagerly waiting to see the summary of our meeting. Do the cochairs agree with the this version?

From: Tushar Kansal [<mailto:tkansal@cbuilding.org>]
Sent: Tuesday, May 30, 2017 3:25 PM
To: Greg Gould <<a>greg.gould@onrr.gov>
Cc: Danielle Brian <<a>dbrian@pogo.org>; Shime, Veronika <<a>vshime@nma.org>; Pat Field <<a>pfield@cbuilding.org>; Isabel Munilla <<a>IMunilla@oxfamamerica.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

Hi All,
I've attached a revised version of the meeting summary in accordance with Jonas' comments. Please let me know if you have any additional concerns.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Fri, May 26, 2017 at 3:09 PM, Greg Gould <<a>greg.gould@onrr.gov> wrote:

As I remember it, Jonas said a short brief letter would be best. If CSO's wanted to recommend some txt, then keep it to some short bullets, but best to not say much.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:202-513-0600)*

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On May 26, 2017, at 1:04 PM, Danielle Brian <<a>dbrian@pogo.org> wrote:

My memory is that Jonas said the opposite: that in fact it was important to have very short bullets explaining why the US is choosing to withdraw but that the language should not be extensive.

On Fri, May 26, 2017 at 2:56 PM, Shime, Veronika <<a>vshime@nma.org> wrote:

Hi,

I am not sure what to say because this is turning out to be much more difficult than I thought it should be. I have not read the entire summary but jumped to the option 4 hoping it would just reflect what happened. I do not believe however we are there. To simplify I have made some suggestions below. By the way, industry never commented on this. We never said anything on if we thought it was a good idea or bad. The most vocal were the secretariat strongly advising against the bulleted explanation and CSO feeling strongly to include it and offering to supply GOV with suggestions.

The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision and actually strongly advised that the letter not include a reasoning for withdrawal but focus on our accomplishments and what will continue. CSO sector representatives felt that including some indication as to *why* the US is withdrawing from EITI could reduce some of the criticism that may be leveled against USEITI and against the US government for a decision to withdraw the EITI secretariat disagreed. ~~Other meeting participants, including representatives from the EITI International Secretariat, the government sector, and the industry sector cautioned against including explanatory language about the decision to withdraw, suggesting that it would likely be very difficult to craft language that all three USEITI sectors could agree on. Instead, these participants suggested keeping the letter relatively brief and focused on citing the DOI Inspector General's report and highlighting USEITI's record of accomplishments.~~

Happy to read the rest later, but need to run to a meeting now and may not get to it until this weekend.

If nothing else in the summary has changed then I am fine with approving it with the changes above.

veronika

From: Tushar Kansal [mailto:<a>tkansal@cbuilding.org]
Sent: Friday, May 26, 2017 2:31 PM
To: Shime, Veronika <<a>vshime@nma.org>
Cc: Gould, Greg <<a>greg.gould@onrr.gov>; Danielle Brian <<a>dbrian@pogo.org>; Pat Field <<a>pfield@cbuilding.org>; Isabel Munilla <<a>IMunilla@oxfamamerica.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

Hi All,
Revised version attached. Please let me know if any additional concerns.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Wed, May 24, 2017 at 11:07 AM, Shime, Veronika <<a>vshime@nma.org> wrote:

I think this is unbalanced. My suggestions were by no means sector driven. I was not asking for something to be included that the industry sector is going to push for or not. My suggestions were caring about this process and ensuring the language does not come off differently as intended thereby hurting USEITI. Danielle's comment was purely CSO sector driven . CSO want GOV to put an explanation in the letter and don't feel that the inclusion is quite appropriate but definitely not as written. If you are going to include what one sector wants and is going to push for then at lease be more clear that the EITI Secretariat strongly advised against it. They did not just say that we don't need to include a reason why, but strongly opposed it for many reasons.

I am ok with keeping Danielle's request in, but then two things should be clarified. 1 - that it was the CSO sector.....not "some participants" and 2 - that upon hearing that the International Secretariat strong advised against it. The International Secretariat said many times that the letter should not include the bullets about why US is withdrawing but remain high level and positive.

From: Tushar Kansal [mailto:<a>tkansal@cbuilding.org]
Sent: Tuesday, May 23, 2017 2:20 PM

To: Gould, Greg <<a>greg.gould@onrr.gov>
Cc: Danielle Brian <<a>dbrian@pogo.org>; Pat Field <<a>pfield@cbuilding.org>; Shime, Veronika <<a>vshime@nma.org>; Isabel Munilla <<a>IMunilla@oxfamamerica.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

All,
I've attempted to respond to both Veronika's concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6) I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal <<a>tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Mon, May 22, 2017 at 3:15 PM, Gould, Greg <<a>greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue*

U.S. Department of the Interior

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On Mon, May 22, 2017 at 12:41 PM, Danielle Brian <<a>dbrian@pogo.org> wrote:

My only hesitation is that I thought Greg that in addition to highlighting the accomplishments of USEITI that you were open to considering whether to in the briefest way possible acknowledge the reasons the US is withdrawing? Is that wrong? It seems odd to me that the option is to say we are withdrawing but not saying why. I understand that is the purview of the government to decide, just want clarity for these minutes.

On Mon, May 22, 2017 at 11:48 AM, Pat Field <<a>pfield@cbuilding.org> wrote:

All

One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
<<a>pfield@cbuilding.org

On May 19, 2017, at 3:38 pm,
Tushar Kansal
<<a>tkansal@cbuilding.org>
wrote:

Hi All,
Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that

the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.

- Option #2 was framed by Sam as something specifically for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was a key part of what made this option unattractive (at least as I understood the discussion).

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Fri, May 19, 2017 at 3:25 PM,
Kohler, Veronika
<<a>VKohler@nma.org> wrote:

Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what would be necessary. I also think that

the phrasing of 2 should not sound so US centric but make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

From: Gould, Greg [mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 2:56 PM
To: Tushar Kansal <<a>tkansal@cbuilding.org>
Cc: Danielle Brian <<a>dbrian@pogo.org>; Isabel Munilla <<a>IMunilla@oxfamamerica.org>; Kohler, Veronika <<a>VKohler@nma.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>; Pat Field <<a>pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

*Director
Office of Natural Resources
Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 2:44 PM, Tushar Kansal <<a>tkansal@cbuilding.org>

wrote:

All,
I have attached a revised version of the meeting summary that incorporates Veronika's edits and also makes the following slight change to language to acknowledge Danielle's concern about the content of a withdrawal letter: *"The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision."*

With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

- 1) *Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))*
- 2) *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*
- 3) *Mainstreaming of USEITI reporting into US government reporting*
- 4) *Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Fri, May 19, 2017 at 11:42 AM, Gould, Greg <<a>greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on (b) (5) DPP

Isabel, see below.

Greg

Gregory J. Gould

*Director
Office of Natural Resources
Revenue
U.S. Department of the
Interior*

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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian <<a>dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director

On May 19,
2017, at
11:33 AM,
Gould, Greg
<<a>Greg.
Gould@onr
r.gov>
wrote:

I like the
option of
Tushar
including
the 3
options at
the top, for
us to
discuss with
our sectors
for a final
decision on
June 22.
Do you all
agree that
option 3 is
our
preferred
option at
this point?

Greg

*Gregory
J. Gould*

*Director
Office of
Natural
Resources
Revenue
U.S.
Department
of the Interior*

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return e-mail.

On Fri, May
19, 2017 at
11:13 AM,
Kohler,
Veronika
<<a>VKohl
er@nma.or
g> wrote:

Thank
you! So
should
we send
Tushar's
updated
summary (T,
could
you
resend?)
to our
people
but tell
them
that the
3 below
are what
they
should
decide
on?
Should
Tushar
include
these
three at
the top
of the
summary
as the
options
the

cochairs
have
advised
we
select
from? I
just want
to make
sure we
are all
on the
same
page
before
sending
anything
out in
writing.

From:
Gould,
Greg
[mailto:
<a>greg.
gould@o
nrr.gov]

Sent:
Friday,
May 19,
2017
10:51 AM

To:
Tushar
Kansal
<<a>tkan
sal@cbuil
ding.org>

Cc:
Wilson,
Judith
<<a>judit
h.wilson
@onrr.go
v>;

Kohler,
Veronika
<<a>VKo
hler@nm
a.org>;

Danielle
Brian
<<a>dbri
an@pogo
.org>; Pat
Field

<<a>pfiel
d@cbuild
ing.org>

Subject:
Re:
USEITI

co-chairs
meeting
summary

Danielle,
so sorry
to hear
about
your (b)
my
thoughts
and
prayers
are with
you and
your
family.

I want to
thank all
of you for
your
continued
attention
to making
sure we
are all in
agreement
when
we make
a final
decision
on June
22. With
that said,
I think we
all pretty
much
agreed to
3 options:

1. US
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Letter
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ses
, and applying for adapted implementation related to tax reporting, subnational, and beneficial ownership.

3. Withdrawal letter from USG, possibly highlighting successes, progress made, and that we will con

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Option 3
was
discusse
d as the
preferred
option.

Thanks,

Greg

*Gregory
J. Gould*

*Director
Office of
Natural
Resources
Revenue
U.S.
Departme
nt of the
Interior*

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On Thu,
May 18,

2017 at
5:59 PM,
Tushar
Kansal
<<a>tkan
sal@cbuild
ing.org>
wrote:

Thanks
for
your
comme
nts,
Veroni
ka and
Judy.

I too
don't
recall
an
"additio
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request

" (your option #4)?

With regards to #4, I agree that that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand and correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being

discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree

that the phrase is too sensitive, however, I am happy to take it out.

Tushar

Tushar Kansal
Consensus Building
Institute

[716-907-2868](tel:716-907-2868)

tkaansal@consensusbuilding.org

On Thu, May 18, 2017 at 2:32 PM, Wilson, Judith <<a>judith.wilson@onrr.gov>

> wrote:

I don't recall any discussion or option regarding

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On
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May
18,
2017
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a major option that I thought had been discussed with which was continue with additional national validation request.

These were the op

tions I heard but realize that my 2 is your 2 but I just forgot what the letter was going to say.

1. V
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p e n s i o n - l e t t e r a p p r o v e d b y M S G a s k i n g f o r v o l u n t a r y s u s p e n s i o n a n

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2. U.S. EIT (historically used due to political instability)

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@cbuilding.org>; Kohler, Veronika <<a>V Kohler@nma.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>
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is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

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Danielle Brian

Executive Director

[Project On Government Oversight](http://pogo.org) | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

--

Danielle Brian

Executive Director

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1100 G Street NW, Washington DC 20005
202.347.1122

--

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--

Danielle Brian

Executive Director

[Project On Government Oversight](http://pogo.org) | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Tue Jun 06 2017 07:52:56 GMT-0600 (MDT)

To: Tushar Kansal <tkansal@cbuilding.org>
Danielle Brian <dbrian@pogo.org>, "Shime, Veronika" <vshime@nma.org>, Pat Field <pfield@cbuilding.org>, Isabel Munilla <IMunilla@oxfamamerica.org>, "Wilson, Judith" <judith.wilson@onrr.gov>
CC:
Subject: Re: USEITI co-chairs meeting summary

Sorry for the delay, I'm all set with the meeting summary.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, Jun 2, 2017 at 10:06 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

I believe that we've gotten sign-offs from Danielle and Veronika. Greg, could you please let us know if you have any concerns with this version of the meeting summary?

On Friday, June 2, 2017, Danielle Brian <dbrian@pogo.org> wrote:

Sure.

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
202-347-1122

On Jun 1, 2017, at 1:36 PM, Shime, Veronika <<a>vshime@nma.org>> wrote:

Are we sending this out now? My sector is eagerly waiting to see the summary of our meeting. Do the cochairs agree with the this version?

From: Tushar Kansal [<mailto:tkansal@cbuilding.org>]
Sent: Tuesday, May 30, 2017 3:25 PM
To: Greg Gould <<a>greg.gould@onrr.gov>
Cc: Danielle Brian <<a>dbrian@pogo.org>; Shime, Veronika <<a>vshime@nma.org>; Pat Field <<a>pfield@cbuilding.org>; Isabel Munilla <<a>IMunilla@oxfamamerica.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

Hi All,
I've attached a revised version of the meeting summary in accordance with Jonas' comments. Please let me know if you have any additional concerns.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
716-907-2868
<a>tkansal@cbuilding.org

On Fri, May 26, 2017 at 3:09 PM, Greg Gould <<a>greg.gould@onrr.gov> wrote:

As I remember it, Jonas said a short brief letter would be best. If CSO's wanted to recommend some txt, then keep it to some short bullets, but best to not say much.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
(202) 513-0600*

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On May 26, 2017, at 1:04 PM, Danielle Brian <<a>dbrian@pogo.org> wrote:

My memory is that Jonas said the opposite: that in fact it was important to have very short bullets explaining why the US is choosing to withdraw but that the language should not be extensive.

On Fri, May 26, 2017 at 2:56 PM, Shime, Veronika <<a>vshime@nma.org> wrote:

Hi,

I am not sure what to say because this is turning out to be much more difficult that I thought it should be. I have not read the entire summary but jumped to the option 4 hoping it would just reflect what happened. I do not believe however we are there. To simplify I have made some suggestions below. By the way, industry never commented on this. We never said anything on if we thought it was a good idea or bad. The most vocal were the secretariat strongly advising against the bulleted explanation and CSO feeling strongly to include it and offering to supply GOV with suggestions.

The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision and actually

strongly advised that the letter not include a reasoning for withdrawal but focus on our accomplishments and what will continue. CSO sector representatives felt that including some indication as to *why* the US is withdrawing from EITI could reduce some of the criticism that may be leveled against USEITI and against the US government for a decision to withdraw the EITI secretariat disagreed. ~~Other meeting participants, including representatives from the EITI International Secretariat, the government sector, and the industry sector cautioned against including explanatory language about the decision to withdraw, suggesting that it would likely be very difficult to craft language that all three USEITI sectors could agree on. Instead, these participants suggested keeping the letter relatively brief and focused on citing the DOI Inspector General's report and highlighting USEITI's record of accomplishments.~~

Happy to read the rest later, but need to run to a meeting now and may not get to it until this weekend. If nothing else in the summary has changed then I am fine with approving it with the changes above.

veronika

From: Tushar Kansal [mailto:<a>tkansal@cbuilding.org]
Sent: Friday, May 26, 2017 2:31 PM
To: Shime, Veronika <<a>vshime@nma.org>
Cc: Gould, Greg <<a>greg.gould@onrr.gov>; Danielle Brian <<a>dbrian@pogo.org>; Pat Field <<a>pfield@cbuilding.org>; Isabel Munilla <<a>IMunilla@oxfamamerica.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

Hi All,
Revised version attached. Please let me know if any additional concerns.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Wed, May 24, 2017 at 11:07 AM, Shime, Veronika <<a>vshime@nma.org> wrote:

I think this is unbalanced. My suggestions were by no means sector driven. I was not asking for something to be included that the industry sector is going to push for or not. My suggestions were caring about this process and ensuring the language does not come off differently as intended thereby hurting USEITI. Danielle's comment was purely CSO sector driven . CSO want GOV to put an explanation in the letter and don't feel that the inclusion is quite appropriate but definitely not as written. If you are going to include what one sector wants and is going to push for then at lease be more clear that the EITI Secretariat strongly advised against it. They did not just say that we don't need to include a reason why, but strongly opposed it for many reasons.

I am ok with keeping Danielle's request in, but then two things should be clarified. 1 - that it was the CSO sector.....not "some participants" and 2 - that upon hearing that the International Secretariat strong advised against it. The International Secretariat said many times that the letter should not include the bullets about why US is withdrawing but remain high level and positive.

From: Tushar Kansal [mailto:<a>tkansal@cbuilding.org]

Sent: Tuesday, May 23, 2017 2:20 PM

To: Gould, Greg <<a>greg.gould@onrr.gov>

Cc: Danielle Brian <<a>dbrian@pogo.org>; Pat Field <<a>pfield@cbuilding.org>; Shime, Veronika <<a>vshime@nma.org>; Isabel Munilla <<a>IMunilla@oxfamamerica.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

All,

I've attempted to respond to both Veronika's concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6). I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal <<a>tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Mon, May 22, 2017 at 3:15 PM, Gould, Greg <<a>greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

Director

Office of Natural Resources Revenue

U.S. Department of the Interior

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On Mon, May 22, 2017 at 12:41 PM, Danielle Brian
<<a>dbrian@pogo.org> wrote:

My only hesitation is that I thought Greg that in addition to highlighting the accomplishments of USEITI that you were open to considering whether to in the briefest way possible acknowledge the reasons the US is withdrawing? Is that wrong? It seems odd to me that the option is to say we are withdrawing but not saying why. I understand that is the purview of the government to decide, just want clarity for these minutes.

On Mon, May 22, 2017 at 11:48 AM, Pat Field
<<a>pfield@cbuilding.org> wrote:

All

One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
<<a>pfield@cbuilding.org

On May 19, 2017, at 3:38 pm, Tushar Kansal
<<a>tkansal@cbuilding.org> wrote:

Hi All,
Here's my take on Veronika's questions.
Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3 (*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that

"mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.

- Option #2 was framed by Sam as something specifically for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was a key part of what made this option unattractive (at least as I understood the discussion).

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Fri, May 19, 2017 at 3:25 PM, Kohler, Veronika <<a>VKohler@nma.org> wrote:

Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what would be necessary. I also think that the phrasing of 2 should not sound so US centric but make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

From: Gould, Greg [mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 2:56 PM
To: Tushar Kansal
<<a>tkansal@cbuilding.org>
Cc: Danielle Brian <<a>dbrian@pogo.org>; Isabel Munilla <<a>IMunilla@oxfamamerica.org>; Kohler, Veronika <<a>VKohler@nma.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>; Pat Field <<a>pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting

summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

Director

Office of Natural Resources Revenue

U.S. Department of the Interior

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On Fri, May 19, 2017 at 2:44 PM, Tushar Kansal <<a>tkansal@cbuilding.org> wrote:

All,

I have attached a revised version of the meeting summary that incorporates Veronika's edits and also makes the following slight change to language to acknowledge Danielle's concern about the content of a withdrawal letter: "*The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision.*"

With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

- 1) *Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))*
- 2) *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*
- 3) *Mainstreaming of USEITI reporting into US government reporting*
- 4) *Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could*

create a new path for USEITI to continue under different requirements / protocols. This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Fri, May 19, 2017 at 11:42 AM, Gould, Greg <<a>greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on (b) (5)

Isabel, see below.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian <<a>dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)

202-347-1122

On May 19, 2017, at 11:33 AM, Gould, Greg <<a>Greg.Gould@onrr.gov> wrote:

I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

Greg

Gregory J. Gould

*Director
Office of Natural
Resources Revenue
U.S. Department of the
Interior*

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On Fri, May 19, 2017 at 11:13 AM, Kohler, Veronika <<a>VKohler@nma.org> wrote:

Thank you! So should we send Tushar's updated summary (T, could you resend?) to our people but tell them that the 3 below are what they should decide on? Should Tushar include these three at the top of the summary

as the options the
cochairs have
advised we select
from? I just want to
make sure we are
all on the same
page before
sending anything
out in writing.

From: Gould, Greg
[mailto:
<a>greg.gould@onrr.
gov]
Sent: Friday, May 19,
2017 10:51 AM
To: Tushar Kansal
<<a>tkansal@cbuildi
ng.org>
Cc: Wilson, Judith
<<a>judith.wilson@o
nrr.gov>; Kohler,
Veronika
<<a>VKohler@nma.o
rg>; Danielle Brian
<<a>dbrian@pogo.or
g>; Pat Field
<<a>pfield@cbuilding
.org>
Subject: Re: USEITI
co-chairs meeting
summary

Danielle, so sorry to
hear about your (b)
my thoughts and
prayers are with you
and your family.

I want to thank all of
you for your
continued attention to
making sure we are
all in agreement when
we make a final
decision on June 22.
With that said, I think
we all pretty much
agreed to 3 options:

1. USEITI moves
forward with
Letter to the
board to
reaffirming
government
commitment
and identifying
new MSG
structure
necessary for
success

(presidential or congressional MSG set up).

2. USEITI moves forward with mainstreaming highlighting current successes, and applying for adapted implementation related to tax reporting, subnational, and beneficial ownership.
3. Withdrawal letter from USG, possibly highlighting success, progress made, and that we will continue to publish non-tax revenue data at the lowest level allowed by law and regulation on the US Data Portal, which has become an international best practice for data dissemination.

Option 3 was discussed as the preferred option.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural
Resources Revenue
U.S. Department of the
Interior*

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On Thu, May 18, 2017 at 5:59 PM, Tushar Kansal <<a>tkansal@cbuilding.org> wrote:

Thanks for your comments, Veronika and Judy.

I too don't recall an "additional validation request" being discussed, Veronika, but based I also don't see that same language of "additional validation request" in the five options that you sent. Did you perhaps mean to type "additional adapted implementation request" (your option #4)?

With regards to #4, I agree that was discussed, but my memory is similar to Judy's: I don't remember that being discussed as a stand-alone option. If I understand correctly what you've written, your option #4 would involve USEITI continuing in the same way that we did in 2016, with the MSG continuing to meet 3-4 times per year, etc. I don't recall this being discussed as an option.

Finally, your line edits mostly look good. I only wonder about your suggested deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MSG's decision is a departure from the EITI Standard. If all of you agree that the phrase is too sensitive, however, I am happy to take it out.

Tushar

Tushar Kansal
Consensus
Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuildi
ng.org

On Thu, May 18,
2017 at 2:32 PM,
Wilson, Judith
<<a>judith.wilson@
onrr.gov> wrote:

I don't recall any discussion or option regarding an additional validation request, neither does Greg.

I'm not sure your option 4 was a stand alone option, it was discussed though, maybe as part of option 1.

One thing to

clarify also is
as I
understand/re
member,
options 1-3
would require
MSG
consensus and
the Board is
the ultimate
decider.
Option 5 above
does not
require the
Board to
render a
decision. It is
a notification
to the Board
by the
Government
(Gov. Co-
Chair).

On Thu, May 18,
2017 at 2:07 PM,
Kohler, Veronika
<<a>VKohler@n
ma.org> wrote:

What do you
think about
the attached
3 changes. I
also don't
see a major
option that I
thought had
been
discussed
which was
continue with
additional
validation
request.

These were
the options I
heard but
realize that
my 2 is your
2 but I just
forgot what
the letter was
going to say.

1. Volunta
ry

suspension-letter approved by MSG asking for voluntary suspension and identifying how we will continue to be transparent during the suspension. (historically used due to political instability)

2. USEITI moves forward with Letter to the board to reaffirming government commitment and identifying new MSG structure necessary for success (presidential or congress

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set up)

3. USEITI
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From: Tushar
Kansal [mailto:
<a>tkansal@c
building.org]

Sent:
Thursday, May
18, 2017 1:37
PM

To: Danielle
Brian
<<a>dbrian@p
ogo.org>;

Gould, Greg
<<a>greg.gould@onrr.gov>;
Pat Field
<<a>pfield@building.org>;
Kohler,
Veronika
<<a>VKohler@nma.org>;
Wilson, Judith
<<a>judith.wilson@onrr.gov>
Subject:
USEITI co-chairs meeting
summary

All,
I've attached a summary of key discussions from last week's co-chairs meeting. As you'll see, the focus of the summary is on options and next steps. Please let me know if I've missed or misrepresented anything crucial for our path forward that was discussed.

Tushar

Tushar Kansal
Consensus
Building
Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@building.org

--

Tushar Kansal
Consensus
Building
Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@building.org

--
Judy Wilson
Program
Manager USEITI
Secretariat
Office of
Natural
Resources
Revenue
<a>judith.wilson@onrr.gov
[202-208-4410](tel:202-208-4410)

--
Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

--
Danielle Brian
Executive Director

Project On Government Oversight | pogo.org
1100 G Street NW, Washington DC 20005
202.347.1122

Tushar Kansal
Consensus Building Institute
716-907-2868
tkansal@cbuilding.org

"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Tue Jun 06 2017 10:02:26 GMT-0600 (MDT)
To: "Shime, Veronika" <vshime@nma.org>, Danielle Brian <dbrian@pogo.org>
Subject: Re: USEITI co-chairs meeting summary

I moved the meeting to 2:00 on the 22nd. Do you want the meeting to be just the 3 of us, or do you want to include others?

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Jun 6, 2017 at 6:30 AM, Shime, Veronika <vshime@nma.org> wrote:

I can make the 22 and 23 also am available the next week.

Veronika Kohler Shime
Vice President, International Policy
Ph. 202.463.2626
Fax. 202.463.2648

On Jun 6, 2017, at 7:31 AM, Danielle Brian <dbrian@pogo.org> wrote:

Also I see Greg tried to move the co-chair mtg to the 20th which I cannot make as I will be out of town. Could we make it on the 22nd or 23rd?

On Sat, Jun 3, 2017 at 12:06 AM, Tushar Kansal <tkansal@cbuilding.org> wrote:

I believe that we've gotten sign-offs from Danielle and Veronika. Greg, could you please let us know if you have any concerns with this version of the meeting

summary?

On Friday, June 2, 2017, Danielle Brian <dbrian@pogo.org> wrote:
Sure.

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On Jun 1, 2017, at 1:36 PM, Shime, Veronika <<a>vshime@nma.org>> wrote:

Are we sending this out now? My sector is eagerly waiting to see the summary of our meeting. Do the cochairs agree with the this version?

From: Tushar Kansal [<mailto:tkansal@cbuilding.org>]
Sent: Tuesday, May 30, 2017 3:25 PM
To: Greg Gould <<a>greg.gould@onrr.gov>
Cc: Danielle Brian <<a>dbrian@pogo.org>; Shime, Veronika <<a>vshime@nma.org>; Pat Field <<a>pfield@cbuilding.org>; Isabel Munilla <<a>IMunilla@oxfamamerica.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

Hi All,
I've attached a revised version of the meeting summary in accordance with Jonas' comments. Please let me know if you have any additional concerns.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Fri, May 26, 2017 at 3:09 PM, Greg Gould
<<a>greg.gould@onrr.gov>> wrote:

As I remember it, Jonas said a short brief letter would be best. If CSO's wanted to recommend some txt, then keep it to some short bullets, but best to not say much.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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On May 26, 2017, at 1:04 PM, Danielle Brian <<a>dbrian@pogo.org> wrote:

My memory is that Jonas said the opposite: that in fact it was important to have very short bullets explaining why the US is choosing to withdraw but that the language should not be extensive.

On Fri, May 26, 2017 at 2:56 PM, Shime, Veronika <<a>vshime@nma.org> wrote:

Hi,

I am not sure what to say because this is turning out to be much more difficult than I thought it should be. I have not read the entire summary but jumped to the option 4 hoping it would just reflect what happened. I do not believe however we are there. To simplify I have made some suggestions below. By the way, industry never commented on this. We never said anything on if we thought it was a good idea or bad. The most vocal were the secretariat strongly advising against the bulleted explanation and CSO feeling strongly to include it and offering to supply GOV with suggestions.

The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision and actually strongly advised that the letter not include a reasoning for withdrawal but focus on our accomplishments and what will continue. CSO sector representatives felt that including some indication as to *why* the US is withdrawing from EITI could reduce some of the criticism that may be leveled against USEITI and against the US government for a decision to withdraw the EITI secretariat disagreed. ~~Other meeting participants, including representatives from the EITI International Secretariat, the government sector, and the industry sector cautioned against including explanatory language about the decision to withdraw, suggesting that it would likely be very difficult to craft language that all three USEITI sectors could agree on. Instead, these participants suggested keeping the letter relatively brief and focused on citing the DOI Inspector General's report and highlighting USEITI's record of accomplishments.~~

Happy to read the rest later, but need to run to a meeting now and may not get to it until this weekend. If nothing else in the summary has

changed then I am fine with approving it with the changes above.

veronika

From: Tushar Kansal [mailto:tkansal@cbuilding.org]
Sent: Friday, May 26, 2017 2:31 PM
To: Shime, Veronika <<a>vshime@nma.org>
Cc: Gould, Greg <<a>greg.gould@onrr.gov>; Danielle Brian <<a>dbrian@pogo.org>; Pat Field <<a>pfield@cbuilding.org>; Isabel Munilla <<a>IMunilla@oxfamamerica.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

Hi All,
Revised version attached. Please let me know if any additional concerns.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Wed, May 24, 2017 at 11:07 AM, Shime, Veronika <<a>vshime@nma.org> wrote:

I think this is unbalanced. My suggestions were by no means sector driven. I was not asking for something to be included that the industry sector is going to push for or not. My suggestions were caring about this process and ensuring the language does not come off differently as intended thereby hurting USEITI. Danielle's comment was purely CSO sector driven . CSO want GOV to put an explanation in the letter and don't feel that the inclusion is quite appropriate but definitely not as written. If you are going to include what one sector wants and is going to push for then at lease be more clear that the EITI Secretariat strongly advised against it. They did not just say that we don't need to include a reason why, but strongly opposed it for many reasons.

I am ok with keeping Danielle's request in, but then two things should be clarified. 1 - that it was the CSO sector.....not "some participants" and 2 - that upon hearing that the International Secretariat strong advised against it. The International Secretariat said many times that the letter should not include the bullets about why US is withdrawing but remain high level and positive.

From: Tushar Kansal [mailto:tkansal@cbuilding.org]
Sent: Tuesday, May 23, 2017 2:20 PM
To: Gould, Greg <<a>greg.gould@onrr.gov>
Cc: Danielle Brian <<a>dbrian@pogo.org>; Pat Field <<a>pfield@cbuilding.org>; Shime, Veronika <<a>vshime@nma.org>; Isabel Munilla <<a>IMunilla@oxfamamerica.org>; Wilson, Judith <<a>judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

All,
I've attempted to respond to both Veronika's concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6). I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal <<a>tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Mon, May 22, 2017 at 3:15 PM, Gould, Greg <<a>greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Mon, May 22, 2017 at 12:41 PM, Danielle Brian <<a>dbrian@pogo.org> wrote:

My only hesitation is that I thought Greg that in addition to highlighting the accomplishments of USEITI that you were open to considering whether to in the briefest way possible acknowledge the reasons the US is withdrawing? Is that wrong? It seems odd to me that the option is to say we are withdrawing but not saying why. I understand that is the purview of the government to decide, just want clarity for these minutes.

On Mon, May 22, 2017 at 11:48 AM, Pat Field <<a>pfield@cbuilding.org> wrote:

All

One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
<<a>pfield@cbuilding.org

On May 19, 2017, at 3:38 pm,
Tushar Kansal
<<a>tkansal@cbuilding.org>
wrote:

Hi All,
Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3
(*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short

term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.

- Option #2 was framed by Sam as something specifically for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was a key part of what made this option unattractive (at least as I understood the discussion).

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Fri, May 19, 2017 at 3:25

PM, Kohler, Veronika
<<a>VKohler@nma.org>
wrote:

Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what would be necessary. I also think that the phrasing of 2 should not sound so US centric but make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

From: Gould, Greg [mailto:<a>greg.gould@onrr.gov]
Sent: Friday, May 19, 2017 2:56 PM
To: Tushar Kansal <<a>tkansal@cbuilding.org>
Cc: Danielle Brian <<a>dbrian@pogo.org>; Isabel Munilla <<a>IMunilla@oxfamameric a.org>; Kohler, Veronika <<a>VKohler@nma.org>; Wilson, Judith <<a>judith.wilson@onrr.gov >; Pat Field <<a>pfield@cbuilding.org>

Subject: Re: USEITI co-chairs meeting summary

Thanks Tushar, well done, I'm all set with this write-up, no additional comments.

Greg

Gregory J. Gould

*Director
Office of Natural Resources
Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 2:44 PM, Tushar Kansal <<a>tkansal@cbuilding.org> wrote:

All,
I have attached a revised version of the meeting summary that incorporates Veronika's edits and also makes the following slight change to language to acknowledge Danielle's concern about the content of a withdrawal letter: *"The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision."*

With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

- 1) Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))*
- 2) The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*
- 3) Mainstreaming of USEITI reporting into US government reporting*
- 4) Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is

particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols.* This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building
Institute
[716-907-2868](tel:716-907-2868)
<a>tkansal@cbuilding.org

On Fri, May 19, 2017 at 11:42 AM, Gould, Greg <<a>greg.gould@onrr.gov > wrote:

Of course, adding her now, please focus on

(b) (6)

Isabel, see below.

Greg

Gregory J. Gould

*Director
Office of Natural
Resources Revenue
U.S. Department of the
Interior*

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dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail.

On Fri, May 19, 2017 at 11:40 AM, Danielle Brian <<a>dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to handle this on behalf of CSO's?

Danielle Brian
Executive Director
Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May 19, 2017, at 11:33 AM, Gould, Greg <<a>Greg.Gould@onrr.gov> wrote:

I like the option of Tushar including the 3 options at the top, for us to discuss with our sectors for a final decision on June 22. Do you all agree that option 3 is our preferred option at this point?

Greg

*Gregory
J. Gould*

*Director
Office of
Natural
Resources
Revenue
U.S.
Departme
nt of the
Interior*

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immediately
by return e-
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On Fri,
May 19,
2017 at
11:13
AM,
Kohler,
Veronika
<<a>VKo
hler@nm

a.org>
wrote:

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From:
Gould,
Greg
[mailto:
<a>gre
g.gould
@onrr.
gov]

Sent:
Friday,
May
19,
2017
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AM

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Thanks
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Greg

*Gregory
J. Goul
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*Director
Office
of
Natural
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Depart
ment of
the
Interior*

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On
Thu,
May
18,
2017
at 5:59
PM,
Tushar
Kansal
<<a>tk
ansal
@cbuil
ding.or
g>
wrote:

Tha
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for
your

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Vero
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and
Judy
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deletion of the phrase "and forego independent reconciliation of revenue data by the Independent Administrator." I think that it could be useful to keep this language in the text as it helps to make clear how the MS G's decision is a departure from the EITI Standard. If all of

you agree that the phrase is too sensitive, however, I am happy to take it out.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
<a>t
kansal@cbuilding.org

On Thu, May 18, 2017 at 2:32 PM, Wilson, Judith <<a>judith.wilson@onrr.gov>

wrote:
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nt:Thursday, May 18, 2017 1:37 PM To: Danielle Berrill <adv@earthrights.org>

[Redacted content]

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EarthRights International v. U.S. Department of the Interior, 22-cv-01503-CKK_00000748

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Danielle Brian

Executive Director

Project On Government Oversight | pogo.org

1100 G Street NW, Washington DC 20005
202.347.1122

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Danielle Brian

Executive Director

Project On Government Oversight | pogo.org

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202.347.1122

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Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

--

Danielle Brian

Executive Director

Project On Government Oversight | pogo.org

1100 G Street NW, Washington DC 20005
202.347.1122

"Shime, Veronika" <vshime@nma.org>

From: "Shime, Veronika" <vshime@nma.org>
Sent: Tue Jun 06 2017 10:20:48 GMT-0600 (MDT)
To: "Gould, Greg" <greg.gould@onrr.gov>, Danielle Brian <dbrian@pogo.org>
Subject: RE: USEITI co-chairs meeting summary

Which others were you thinking of? Isn't it usually just us?

From: Gould, Greg [mailto:greg.gould@onrr.gov]
Sent: Tuesday, June 06, 2017 12:02 PM
To: Shime, Veronika <vshime@nma.org>; Danielle Brian <dbrian@pogo.org>
Subject: Re: USEITI co-chairs meeting summary

I moved the meeting to 2:00 on the 22nd. Do you want the meeting to be just the 3 of us, or do you want to include others?

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Jun 6, 2017 at 6:30 AM, Shime, Veronika <vshime@nma.org> wrote:

I can make the 22 and 23 also am available the next week.

Veronika Kohler Shime
Vice President, International Policy
Ph. 202.463.2626
Fax. 202.463.2648

On Jun 6, 2017, at 7:31 AM, Danielle Brian <dbrian@pogo.org> wrote:

Also I see Greg tried to move the co-chair mtg to the 20th which I cannot make as I will be out of town. Could we make it on the 22nd or 23rd?

On Sat, Jun 3, 2017 at 12:06 AM, Tushar Kansal <tkansal@cbuilding.org> wrote:

I believe that we've gotten sign-offs from Danielle and Veronika. Greg, could you please let us know if you have any concerns with this version of the meeting summary?

On Friday, June 2, 2017, Danielle Brian <dbrian@pogo.org> wrote:

Sure.

Danielle Brian
Executive Director

Project On Government Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On Jun 1, 2017, at 1:36 PM, Shime, Veronika <vshime@nma.org> wrote:

Are we sending this out now? My sector is eagerly waiting to see the summary of our meeting. Do the cochairs agree with the this version?

From: Tushar Kansal [<mailto:tkansal@cbuilding.org>]
Sent: Tuesday, May 30, 2017 3:25 PM
To: Greg Gould <greg.gould@onrr.gov>
Cc: Danielle Brian <dbrian@pogo.org>; Shime, Veronika <vshime@nma.org>; Pat Field <pfield@cbuilding.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>
Subject: Re: USEITI co-chairs meeting summary

Hi All,
I've attached a revised version of the meeting summary in accordance with Jonas' comments. Please let me know if you have any additional concerns.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 26, 2017 at 3:09 PM, Greg Gould <greg.gould@onrr.gov> wrote:

As I remember it, Jonas said a short brief letter would be best. If CSO's wanted to recommend some txt, then keep it to some short bullets, but best to not say much.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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On May 26, 2017, at 1:04 PM, Danielle Brian <dbrian@pogo.org> wrote:

My memory is that Jonas said the opposite: that in fact it was important to have very short bullets explaining why the US is choosing to withdraw but that the language should not be extensive.

On Fri, May 26, 2017 at 2:56 PM, Shime, Veronika <vshime@nma.org> wrote:

Hi,

I am not sure what to say because this is turning out to be much more difficult than I thought it should be. I have not read the entire summary but jumped to the option 4 hoping it would just reflect what happened. I do not believe however we are there. To simplify I have made some suggestions below. By the way, industry never commented on this. We never said anything on if we thought it was a good idea or bad. The most vocal were the secretariat strongly advising against the bulleted explanation and CSO feeling strongly to include it and offering to supply GOV with suggestions.

The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision and actually strongly advised that the letter not include a reasoning for withdrawal but focus on our accomplishments and what will continue. CSO sector representatives felt that including some indication as to *why* the US is withdrawing from EITI could reduce some of the criticism that may be leveled against USEITI and against the US government for a decision to withdraw the EITI secretariat disagreed. ~~Other meeting participants, including representatives from the EITI International Secretariat, the government sector, and the industry sector cautioned against including explanatory language about the decision to withdraw, suggesting that it would likely be very difficult to craft language that all three USEITI sectors could agree on. Instead, these participants suggested keeping the letter relatively brief and focused on citing the DOI Inspector General's report and highlighting USEITI's record of accomplishments.~~

Happy to read the rest later, but need to run to a meeting now and may not get to it until this weekend. If nothing else in the summary has changed then I am fine with approving it with the changes above.

veronika

From: Tushar Kansal [<mailto:tkansal@cbuilding.org>]
Sent: Friday, May 26, 2017 2:31 PM
To: Shime, Veronika <vshime@nma.org>
Cc: Gould, Greg <greg.gould@onrr.gov>; Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Isabel Munilla

<IMunilla@oxfamamerica.org>; Wilson, Judith
<judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

Hi All,
Revised version attached. Please let me know if any additional concerns.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Wed, May 24, 2017 at 11:07 AM, Shime, Veronika
<vshime@nma.org> wrote:

I think this is unbalanced. My suggestions were by no means sector driven. I was not asking for something to be included that the industry sector is going to push for or not. My suggestions were caring about this process and ensuring the language does not come off differently as intended thereby hurting USEITI. Danielle's comment was purely CSO sector driven . CSO want GOV to put an explanation in the letter and don't feel that the inclusion is quite appropriate but definitely not as written. If you are going to include what one sector wants and is going to push for then at lease be more clear that the EITI Secretariat strongly advised against it. They did not just say that we don't need to include a reason why, but strongly opposed it for many reasons.

I am ok with keeping Danielle's request in, but then two things should be clarified. 1 - that it was the CSO sector.....not "some participants" and 2 - that upon hearing that the International Secretariat strong advised against it. The International Secretariat said many times that the letter should not include the bullets about why US is withdrawing but remain high level and positive.

From: Tushar Kansal [<mailto:tkansal@cbuilding.org>]
Sent: Tuesday, May 23, 2017 2:20 PM
To: Gould, Greg <greg.gould@onrr.gov>
Cc: Danielle Brian <dbrian@pogo.org>; Pat Field <pfield@cbuilding.org>; Shime, Veronika <vshime@nma.org>; Isabel Munilla <IMunilla@oxfamamerica.org>; Wilson, Judith <judith.wilson@onrr.gov>

Subject: Re: USEITI co-chairs meeting summary

All,
I've attempted to respond to both Veronika's

concerns (indicating who raised which options and explicitly incorporating language around "mainstreaming" as part of Option #3) and Danielle's concerns (incorporating language around suggestions that were made that the withdrawal letter provide some explanation and rationale for the decision).

Please let me know if you have any additional questions or concerns. If so, I would be happy to schedule a call to discuss further.

Danielle, thanks for the update about your (b) (6) I hope that he is comfortable, and my thoughts are with you during this difficult time.

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 11:26 PM, Tushar Kansal <tkansal@cbuilding.org> wrote:

All,
I'll take care of this tomorrow (Tuesday) morning.

Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Mon, May 22, 2017 at 3:15 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks Danielle. I'm not sure how productive it would be to state why we are withdrawing. I feel best to say we have done our best and it is now time to move on.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Mon, May 22, 2017 at 12:41 PM, Danielle Brian <dbrian@pogo.org> wrote:

My only hesitation is that I thought Greg that in addition to highlighting the accomplishments of USEITI that you were open to considering whether to in the briefest way possible acknowledge the reasons the US is withdrawing? Is that wrong? It seems odd to me that the option is to say we are withdrawing but not saying why. I understand that is the purview of the government to decide, just want clarity for these minutes.

On Mon, May 22, 2017 at 11:48 AM, Pat Field <pfield@cbuilding.org> wrote:

All

One more after the one I just sent. If we need a call, let me know and we'll schedule it.

Patrick Field
Managing Director
Consensus Building Institute
[617-844-1118](tel:617-844-1118)
pfield@cbuilding.org

On May 19, 2017, at 3:38 pm,
Tushar Kansal
<tkansal@cbuilding.org> wrote:

Hi All,
Here's my take on Veronika's questions. Please let me know if you see it differently and we might want to have a quick phone call to hash this out:

- Option #3
(*Mainstreaming of USEITI reporting into US government reporting*), as the only option in which USEITI effectively continues in the short term under current rules, would conceivably require adapted implementation. The way that Sam phrased this, however, is not that the US would need to apply for adapted implementation, but that "mainstreaming is intended to preserve the same comprehensiveness and granularity of reporting as is done under standard

EITI reporting." He indicated that the Board would be unlikely to look favorably upon a USEITI move towards mainstreaming while we continue to have discrepancies from the standard (e.g. around corporate income tax reporting). The meeting summary reflects this discussion.

- Option #2 was framed by Sam as something specifically for the US. While it may be true that EITI may have to approach this as a broader issue at some point for other OECD countries, the concern that was expressed during the meeting is that the Board would be discussing Option #2 (a "new path" / deviation from the protocol) specifically in the context of USEITI and that this would open us up to additional criticism at the board level and in the media. The focus on the US was a key part of what made this option unattractive (at least as I understood the discussion).

Best,
Tushar

Tushar Kansal
Consensus Building Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 3:25 PM, Kohler, Veronika <VKohler@nma.org> wrote:

Wait, Which is the option that we discussed would require us seeking additional adapted implementation? I think that needs to be included so that sectors understand what would be necessary. I also think that the phrasing of 2 should not sound so US centric but

make it apparent that the board needs to make these decisions not just for the US but this is a broader issue they are going to have to face.

From: Gould, Greg
[mailto:greg.gould@onrr.gov]
Sent: Friday, May 19, 2017
2:56 PM
To: Tushar Kansal
<tkansal@cbuilding.org>
Cc: Danielle Brian
<dbrian@pogo.org>; Isabel
Munilla
<IMunilla@oxfamamerica.org
>; Kohler, Veronika
<VKohler@nma.org>;
Wilson, Judith
<judith.wilson@onrr.gov>;
Pat Field
<pfield@cbuilding.org>

Subject: Re: USEITI co-
chairs meeting summary

Thanks Tushar, well done,
I'm all set with this write-up,
no additional comments.

Greg

Gregory J. Gould

*Director
Office of Natural Resources
Revenue
U.S. Department of the Interior*

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On Fri, May 19, 2017 at 2:44
PM, Tushar Kansal
<tkansal@cbuilding.org>
wrote:

All,

I have attached a revised version of the meeting summary that incorporates Veronika's edits and also makes the following slight change to language to acknowledge Danielle's concern about the content of a withdrawal letter: "*The EITI Secretariat indicated that EITI would not need the letter to articulate why the US Government is making this decision.*"

With regards to the options discussed at the meeting, I recall the options on the table as being somewhat different than what Greg summarized. My meeting noted document the options as follows:

- 1) *Request a temporary, voluntary suspension from EITI (this letter would also reaffirm government commitment to EITI and to identifying new MSG structure necessary for success (presidential or congressional MSG set up))*
- 2) *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols*
- 3) *Mainstreaming of USEITI reporting into US government reporting*
- 4) *Withdrawal of the United States from EITI*

The distinction between my list and Greg's list is particularly around Option #2: *The International EITI Board could create a new path for USEITI to continue under different requirements / protocols.* This was an option that Sam Bartlett presented to us and that we discussed briefly.

Ultimately, of course, the withdrawal option seemed to be the "preferred" one, so the rest of this might be academic.

Please take a look at the attached meeting summary and let me know if there are any additional revisions that you would like to see made.

Tushar

Tushar Kansal
Consensus Building
Institute
[716-907-2868](tel:716-907-2868)
tkansal@cbuilding.org

On Fri, May 19, 2017 at 11:42 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

Of course, adding her now, please focus on

(b) (6)

Isabel, see below.

Greg

Gregory J. Gould

*Director
Office of Natural
Resources Revenue
U.S. Department of the
Interior*

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On Fri, May 19, 2017 at 11:40 AM, Danielle Brian <dbrian@pogo.org> wrote:

Can I request including Isabel in this conversation to

handle this on behalf
of CSO's?

Danielle Brian
Executive Director
Project On Government
Oversight (POGO)
[202-347-1122](tel:202-347-1122)

On May
19, 2017,
at 11:33
AM,
Gould,
Greg
<Greg.Gould@onrr.gov>
wrote:

I like the
option of
Tushar
including
the 3
options at
the top,
for us to
discuss
with our
sectors
for a final
decision
on June
22. Do
you all
agree
that
option 3
is our
preferred
option at
this
point?

Greg

*Gregory
J. Gould*

*Director
Office of
Natural
Resources
Revenue
U.S.
Departme
nt of the
Interior*

Warning: This message is intended only for use of the individual or entity to which it is addressed and may contain information that is privileged or confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail.

On Fri,
May 19,
2017 at
11:13
AM,
Kohler,
Veronika
<VKohler@nma.org>
wrote:

Thank
you!
So
should
we
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Tushar
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we are
all on
the
same
page
before
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anythi
ng out
in
writing
.

From:

Gould,
Greg
[\[mailto:
greg.gould@onrr.gov\]](mailto:greg.gould@onrr.gov)

Sent:
Friday,
May
19,
2017
10:51
AM

To:
Tushar
Kansal
<tkansal@cbuilding.org>

Cc:
Wilson,
Judith
<judith.wilson@onrr.gov>;

Kohler,
Veronika
<VKohler@nma.org>;

Danielle
Brian
<dbrian@pogo.org>;

Pat
Field
<pfield@cbuilding.org>

Subject: Re:
USEITI
co-
chairs
meeting
summary

Danielle,
so
sorry to
hear
about
your
(b) (6)
my
thoughts
and

prayers
are
with
you
and
your
family.

I want
to
thank
all of
you for
your
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STRUCTURE NECESSARY FOR SUCCESS (PRESIDENTIAL OR CONGRESSIONAL) MESSAGE SETUP

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Option
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Thanks
,
Greg

*Gregory
J. Gould*

*Director
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the
Interior*

Warning:
This
message
is intended
only for
use of the
individual
or entity to
which it is
addressed
and may
contain
information
that is
privileged
or
confidentia
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from
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under
applicable
law. If the
reader of
this
message
is not the
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this
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strictly
prohibited.
If you have
received
this
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ation in
error,
please
notify the
sender

immediately by return e-mail.

On
Thu,
May
18,
2017 at
5:59
PM,
Tushar
Kansal
<tkansal@building.org>
wrote:

Thanks
for
your
comments,
Veronika
and
Judy
.

I too
don't
recall
an
"additional
validation
request"
being
discussed

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Veronika,
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[716-
907-
2868](tel:716-907-2868)
[tkan
sal@
cbuil
ding.
org](mailto:tkan@cbuilding.org)

On
Thu,

May
18,
2017
at
2:32
PM,
Wilson,
Judith
<judith.wilson@onrr.gov>
wrote:

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r. Option 5 above does not require the Board to render a decision.

It is a notification to the Board by the Government (Gov

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