

## 2019 Current Fiscal Year Report: Industry Trade Advisory Committee on Energy and Energy Services

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### 1. Department or Agency

Department of Commerce

### 2. Fiscal Year

2019

### 3. Committee or Subcommittee

Industry Trade Advisory Committee on Energy and Energy Services

### 3b. GSA Committee No.

21409

### 4. Is this New During Fiscal Year?

No

### 5. Current Charter

02/14/2018

### 6. Expected Renewal Date

02/14/2022

### 7. Expected Term Date

### 8a. Was Terminated During Fiscal Year?

No

### 8b. Specific Termination Authority

### 8c. Actual Term Date

### 9. Agency Recommendation for Next Fiscal Year

Continue

### 10a. Legislation Req to Terminate?

No

### 10b. Legislation Pending?

Not Applicable

### 11. Establishment Authority

Statutory (Congress Created)

### 12. Specific Establishment Authority

P.L. 93-618

### 13. Effective Date

03/27/1975

### 14. Committee Type

Continuing

### 14c. Presidential?

No

### 15. Description of Committee

Other Committee

### 16a. Total Number of Reports

5

### 16b. Report Date

#### Report Title

10/28/2018 Addendum to the Statutory Advisory Report on the United States-Mexico-Canada Agreement

11/30/2018 Letter of Recommendation on Negotiating Objectives and Priorities for the U.S.-European Union Trade Agreement

11/30/2018 Letter of Recommendation on Negotiating Objectives and Priorities for the U.S.-Japan Trade Agreement

01/17/2019 Letter of Recommendation on Negotiating Objectives and Priorities for the U.S.-United Kingdom Trade Agreement

06/21/2019 Letter of Recommendation on USTR's Proposed Modification of Action Pursuant to Section 301 on the #300 Billion List of Products

### Number of Committee Reports Listed: 5

17a. Open 0 17b. Closed 9 17c. Partially Closed 0 Other Activities 0 17d. Total 9

**Meetings and Dates**

<b>Purpose</b>	<b>Start</b>	<b>End</b>
The Committee members met to begin deliberations on a pre-decisional draft addendum to the Committee's statutory Advisory Report on the United States Trade Agreement with Mexico now that Canada had entered into the Agreement to become the United States-Mexico-Canada Agreement. The Committee members decided to hold another closed conference call meeting to deliberate on and finalize the addendum.	10/23/2018	10/23/2018
The Committee members met to deliberate on and finalize an addendum to their statutory Advisory Report on the U.S.-Mexico Trade Agreement now that Canada had entered into the Agreement to become the United States-Mexico-Canada Agreement (USMC). The addendum was finalized and adopted out of Committee and sent to the U.S. Trade Representative with a copy to the Secretary of Commerce.	10/25/2018	10/25/2018
The Committee members met to be briefed on the launch of the U.S.-Japan Trade Agreement. It was decided that the members would do additional research and provide input to the Chair to begin drafting a pre-decisional draft letter of recommendation on the negotiating priorities and objectives on the Agreement to be deliberated on at the next closed conference call meeting.	11/19/2018	11/19/2018
The Committee members met to deliberate on two pre-decisional draft letters of for recommendation on the negotiating objectives and priorities for the U.S.-Japan and the U.S.-European Union Trade Agreements. It was decided that the Chair would collect the additional edits and circulate the revised pre-decisional draft letters to deliberate and try to finalize for the next closed conference call meeting.	11/28/2018	11/28/2018
The Committee members to deliberate on two pre-decisional draft letters of recommendation on the negotiating objectives and priorities for the U.S.-Japan and the U.S.-European Union Trade Agreements. both letters were finalized and adopted out of Committee and sent forward to the Secretary of Commerce and the United States Trade Representative.	11/30/2018	11/30/2018
The Committee met to be briefed and provide advice on the launch of the trade negotiations with the United Kingdom (UK) so the Committee could begin drafting its pre-decisional letter of recommendation on the negotiating objectives and priorities for the U.S.-UK Trade Agreement. It was decided that the Chair would collect input and circulate a draft pre-decisional letter of recommendation to be deliberated on at the next conference call meeting.	12/19/2018	12/19/2018
The Committee members met to deliberate on and finalize a pre-decisional draft letter of recommendation on the negotiating objectives and priorities for the U.S.-United Kingdom Trade Agreement. The letter was adopted out of Committee and sent forward to the Secretary of Commerce and the United States Trade Representative.	01/17/2019	01/17/2019
The Committee members met to review USTR's request for written advice regarding the China 301 proposed modified actions on \$300 billion list of products imported from China that could be subject to additional ad valorem duty of up to 25 percent. It was decided that the Chair would collect input on a draft pre-decisional letter of recommendation, to be discussed at the next conference call.	06/17/2019	06/17/2019
The Committee members met to deliberate on a pre-decisional draft letter of recommendation regarding the China 301 proposed modified actions on \$300 billion list of products imported from China that could be subject to additional ad valorem duty of up to 25 percent. The letter was adopted out of Committee and sent forward to the Secretary of Commerce and the United States Trade Representative.	06/20/2019	06/20/2019

**Number of Committee Meetings Listed: 9**

	<b>Current FY</b>	<b>Next FY</b>
<b>18a(1). Personnel Pmts to Non-Federal Members</b>	\$0.00	\$0.00
<b>18a(2). Personnel Pmts to Federal Members</b>	\$0.00	\$0.00
<b>18a(3). Personnel Pmts to Federal Staff</b>	\$41,167.00	\$41,200.00
<b>18a(4). Personnel Pmts to Non-Member Consultants</b>	\$0.00	\$0.00
<b>18b(1). Travel and Per Diem to Non-Federal Members</b>	\$0.00	\$0.00
<b>18b(2). Travel and Per Diem to Federal Members</b>	\$0.00	\$0.00
<b>18b(3). Travel and Per Diem to Federal Staff</b>	\$0.00	\$0.00
<b>18b(4). Travel and Per Diem to Non-member Consultants</b>	\$0.00	\$0.00
<b>18c. Other(rents,user charges, graphics, printing, mail, etc.)</b>	\$0.00	\$0.00

<b>18d. Total</b>	\$41,167.00	\$41,200.00
<b>19. Federal Staff Support Years (FTE)</b>	0.20	0.20

**20a. How does the Committee accomplish its purpose?**

The Committee is performing such functions and duties and prepare such reports, as may be required by Section 135 of the Trade Act, with respect to the industry trade advisory committees. The Committee advises the Secretary and USTR on trade matters referred to in section 135(a)(1) of the Act, and is consulted regarding the matters referred to in section 135(a)(2) of the Act. The Committee provides detailed policy and technical advice, information, and recommendations to the Secretary and USTR regarding trade barriers, negotiation of trade agreements under section 2103 of the Bipartisan Trade Promotion Authority Act of 2002, and implementation of existing trade agreements affecting its sector.

**20b. How does the Committee balance its membership?**

Members shall be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance, the principal criterion for selection being ability to carry out the objectives of this Committee as set forth in Section 3 of the Charter. Secondary selection criteria are ensuring that the Committee is balanced in terms of points of view, demographics, geography, and company size.

**20c. How frequent and relevant are the Committee Meetings?**

The Committee meets approximately 4-6 times a year.

**20d. Why can't the advice or information this committee provides be obtained elsewhere?**

This Committee is essential to carry out the Secretary and USTR's responsibilities under section 135(c)(2) of the 1974 Trade Act, as delegated by E.O. 11846 of March 27, 1975. There is no other Committee that can perform the duties of this Committee.

**20e. Why is it necessary to close and/or partially closed committee meetings?**

The Industry Trade Advisory Committees were established by the Trade Act of 1974 and in accordance with the Federal Advisory Committee Act (FACA). Subsection 135(f) of the Trade Act provides that the ITACs shall be exempt from the provisions of the FACA relating to open meetings, public notice, public participation, and public availability of documents when it is determined that the proceedings would, if disclosed, seriously compromise the Government's negotiating objectives or bargaining positions regarding trade policy matters. ITAC meetings routinely involve these kinds of discussions. The United States Trade Representative evaluates each meeting agenda and issues a Notice

of Determination when it is necessary to close meetings.

**21. Remarks**

Subcommittees, or their equivalents, are authorized to be formed under the terms of the Committees' charters, which were issued pursuant to Subsection 135 (f) of the Trade Act of 1974 (Public Law 93-618) as amended, and the Federal Advisory Committee Act (Public Law 92-463). Because subcommittees, or their equivalents, do not report out independently but through the parent Committee, the costs are included under the parent Committee.

**Designated Federal Officer**

Cora Dickson Designated Federal Officer

Committee Members	Start	End	Occupation	Member Designation
Coleman, Leslie	02/28/2018	02/14/2022	National Mining Association	Representative Member
Dankowski, James	02/28/2018	02/14/2022	Eaton Corporation	Representative Member
Herzfeld, Shannon	02/28/2018	02/14/2022	Archer Daniels Midland Corporation	Representative Member
Padilla, Aaron	02/28/2018	02/14/2022	American Petroleum Institute	Representative Member
Sabin, Dixon	02/28/2018	02/14/2022	Halliburton Energy Services, Inc.	Representative Member
Sarnecki, Steven	02/28/2018	02/14/2022	OSIsoft, LLC	Representative Member
Thompson, James	02/28/2018	02/14/2022	Chevron Corporation	Representative Member
Tyran, Barbara	02/28/2018	02/14/2022	Electric Power Research Institute	Representative Member

**Number of Committee Members Listed: 8**

**Narrative Description**

Most feedback is rendered orally during meetings. When written advice is sent to the Secretary of Commerce and the USTR, or their designees, it is reviewed by the Secretary's policy staff and tasked to the appropriate ITA unit to prepare a draft response. Commerce internal procedures require that all responses for Secretarial signature (and/or joint signature with USTR) go through a concurrence process which ensures that the appropriate level Commerce officials are seeing the advice and have a chance to comment. All formal responses must be cleared by the Under Secretary of Commerce for International Trade prior to the Secretary's signature. This ensures that ITAC advice is weighed and considered.

**What are the most significant program outcomes associated with this committee?**

Checked if Applies

- Improvements to health or safety
- Trust in government
- Major policy changes
- Advance in scientific research
- Effective grant making

- Improved service delivery
- Increased customer satisfaction
- Implementation of laws or regulatory requirements
- Other

**Outcome Comments**

N/A

**What are the cost savings associated with this committee?**

Checked if Applies

- None
- Unable to Determine
- Under \$100,000
- \$100,000 - \$500,000
- \$500,001 - \$1,000,000
- \$1,000,001 - \$5,000,000
- \$5,000,001 - \$10,000,000
- Over \$10,000,000
- Cost Savings Other

**Cost Savings Comments**

N/A

**What is the approximate Number of recommendations produced by this committee for the life of the committee?**

9

**Number of Recommendations Comments**

On average 2-3 recommendations are made annually. The total number of recommendations is for the 2018-2022 charter term to date.

**What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?**

0%

**% of Recommendations Fully Implemented Comments**

No measureable calculation. Committee members that give advice to U.S. trade negotiators, typically do not receive feedback from negotiators regarding how their advice has been applied or utilized within the various bi-lateral and multi-lateral trade

negotiations.

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

0%

**% of Recommendations Partially Implemented Comments**

No measurable calculation. Committee members that give advice to U.S. trade negotiators, typically do not receive feedback from negotiators regarding how their advice has been applied or utilized within the various bi-lateral and multi-lateral trade negotiations.

**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes  No  Not Applicable

**Agency Feedback Comments**

Most feedback is rendered orally during meetings; when written advice is sent to the Secretary of Commerce and the USTR, or their designees, it is reviewed by Secretary's policy staff and tasked to appropriate ITA unit to prepare draft response. Commerce internal procedures require that all responses for Secretarial signature (and/or joint signature with USTR) go through a formal concurrence process which ensures that the appropriate level Commerce officials are seeing the advice and have a chance for comment. The Under Secretary of Commerce for International Trade reviews and clears prior to the Secretary's review and signature, which ensures that ITAC advice is weighed and considered.

**What other actions has the agency taken as a result of the committee's advice or recommendation?**

Checked if Applies

Reorganized Priorities	<input checked="" type="checkbox"/>
Reallocated resources	<input checked="" type="checkbox"/>
Issued new regulation	<input checked="" type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Action Comments**

N/A

**Is the Committee engaged in the review of applications for grants?**

No

**Grant Review Comments**

N/A

**How is access provided to the information for the Committee's documentation?**

Checked if Applies

Contact DFO



Online Agency Web Site



Online Committee Web Site



Online GSA FACA Web Site



Publications



Other



**Access Comments**

N/A