

**U.S. DEPARTMENT OF COMMERCE
AND THE
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**CHARTER OF THE
INDUSTRY TRADE ADVISORY COMMITTEE ON
CRITICAL MINERALS AND NONFERROUS METALS**

- 1. Committee's Official Designation (Title).**
The Industry Trade Advisory Committee on Critical Minerals and Nonferrous Metals (ITAC 5).
- 2. Authority.** The Industry Trade Advisory Committee on Critical Minerals and Nonferrous Metals, has been established by the Secretary of Commerce (the Secretary) and the United States Trade Representative (the USTR) pursuant to the authority of section 135(c)(2) of the Trade Act of 1974, as amended (19 U.S.C. § 2155) (the Trade Act), as delegated by Executive Order 11846, as amended. In establishing the Committee, the Secretary and the USTR consulted with interested private organizations and took into account the factors set forth in section 135(c)(2)(B) of the Trade Act. This Committee has been established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.
- 3. Objectives and Scope of Activities.** The Committee shall perform 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 the USTR concerning the trade matters referred to in section 135(a)(1) of the Trade Act, and is consulted regarding the matters referred to in section 135(a)(2) of the Trade Act.
- 4. Description of Duties.** The Committee functions solely as an advisory committee in accordance with the provisions of the FACA, as amended, 5 U.S.C. App., with the exceptions set forth in the Trade Act.

In particular, the Committee provides detailed policy and technical advice, information, and recommendations to the Secretary and the USTR regarding trade barriers, negotiation of trade agreements, and implementation of existing trade agreements affecting its sectors; and performs such other advisory functions relevant to U.S. trade policy as may be requested by the Secretary and the USTR or their designees.
- 5. Agency or Official to Whom the Committee Reports.** The Committee reports to the Secretary and the USTR, or their designees, through the Under Secretary of Commerce for International Trade and the Assistant Secretary for Industry and Analysis (the Assistant Secretary), and the Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement (the AUSTR).
- 6. Support.** Commerce and the Office of the USTR established the Industry Trade Advisory Center to jointly administer the fifteen Industry Trade Advisory Committees (ITACs) and the Committee of Chairs. The AUSTR and the Director of the Industry Trade Advisory Center

jointly manage the work of the ITACs on behalf of the Secretary, the USTR, and their designees. The Assistant Secretary provides staff support and services for the Committee through the Industry Trade Advisory Center. Except as otherwise provided in this charter, Commerce is responsible for filings and other applicable statutory requirements of the FACA.

7. **Estimated Annual Operating Costs and Staff Years.** The estimated annual operating cost of the Committee is \$50,000.00, which includes 0.5 person-years of staff support. Members of the Committee will not be compensated for their services or reimbursed for travel expenses.
8. **Designated Federal Officer.** The Assistant Secretary designates the Designated Federal Officer (DFO) and Secondary DFO from among full-time and permanent part-time employees of the International Trade Administration. The DFO will approve or call all of the Committee's and subcommittees' meetings, prepare and approve in advance all agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the advisory committee reports. The DFO has the responsibility for ensuring that the meetings of the Committee, any subgroups, subcommittees, working groups, or task forces are conducted in accordance with the requirements of the FACA and its implementing regulations, the Trade Act, and other applicable laws, regulations, and policies.

The DFO is assigned to work with the Committee members, the Director of the Industry Trade Advisory Center, and other Government officials on the Committee's work program and meeting agendas, and to ensure that the substantive aspects of the Committee's work are moving forward.

9. **Estimated Number and Frequency of Meetings.** The Committee meets at irregular intervals at the call of the Secretary and the USTR, or their designees, acting jointly.
10. **Duration.** Continuing.
11. **Termination.** Pursuant to section 135(f)(2) of the Trade Act, this charter shall expire four years from the date indicated below unless it is earlier revoked or extended by proper authority by appropriate action.
12. **Members and Designations.** The Committee consists of not more than 50 members with experience relevant to the critical minerals and nonferrous metals industry sectors. Members shall be appointed by the Secretary and the USTR and shall be selected on a clear, standardized basis, in accordance with applicable Commerce guidance. The core criteria used in selecting members are: representation of a sponsoring U.S. entity's or U.S. organization's and its subsector's (if applicable) interests on trade matters, ability to carry out the objectives of the Committee as set forth in Section 3 (including knowledge and expertise of the industry and of trade matters relevant to the work of the Committee), and ensuring that the Committee is balanced in terms of points of view, geography, and entity or organization size. In addition, the Secretary and the Trade Representative are committed to achieving diversity in the membership of the Committees to the maximum extent practicable consistent with the need for balanced industry representation and expertise. The Secretary and the Trade Representative may seek additional nominations as necessary to ensure balanced representation, to meet a need for special

representation, or to achieve diversity and demographic balance.

Members serve at the discretion of the Secretary and the USTR. The Secretary and the USTR may, at their discretion, reappoint an individual member upon renewing this charter provided that the member proves to work effectively in the Committee and the represented entity's or organization's viewpoint is still needed.

The Committee chair and vice chair or vice chairs, as appropriate, are elected from the membership by the members for a period not to exceed the duration of this charter and may be reelected for one or more additional periods should the charter of the Committee be renewed.

The members will serve in a representative capacity presenting the views and interests of a U.S. entity or U.S. organization and its subsector (if applicable) in the critical minerals and nonferrous metals industry sectors; they are, therefore, not Special Government Employees.

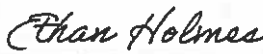
The members shall not reference or otherwise utilize their membership on the Committee in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of the Committee, the Department of Commerce, or the Office of the USTR.

The Chair of the Committee may select one member (in exceptional instances, not more than two members) to serve as a non-voting representative, representing the views and interests of the Committee, to each of the following ITACs: Customs Matters and Trade Facilitation, Intellectual Property Rights, and Standards and Technical Trade Barriers. The selected member(s) will serve for a period not to exceed the duration of the ITAC charter and may be re-selected for one or more additional periods should the charter be renewed.

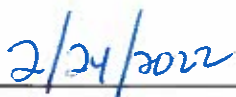
- 13. Subcommittees.** Commerce and the Office of the USTR may establish subcommittees or working groups as may be necessary, and consistent with the FACA and other applicable laws, regulations, and policies. Such subcommittees or working groups may not work independently of the chartered committee and must report their recommendations and advice to the Committee for full deliberation and discussion. Subcommittees or working groups have no authority to make decisions on behalf of the Committee nor can they report directly to the Secretary, the USTR, or their designees.
- 14. Recordkeeping.** The records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee, shall be handled in accordance with General Records Schedule 6.2, or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. § 552, records presented to or prepared for or by the Committee are available for public inspection. The Industry Trade Advisory Center at Commerce will maintain all files required by the FACA and other applicable laws, regulations, and policies.
- 15. Filing Date.**



Acting Chief Financial Officer and
Assistant Secretary for Administration
U.S. Department of Commerce



Director of Private Sector Engagement
Office of Intergovernmental Affairs and
Public Engagement
Office of the U.S. Trade Representative



Date