



**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. **Advisory Committee's Official Designation.** 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 (the Committee) has been established by the Secretary of Commerce and the United States Trade Representative (Trade Representative) pursuant to the authority of section 135(c)(2) of the Trade Act of 1974, as amended (19 U.S.C. § 2155(c)(2)) (the Trade Act), as delegated by Executive Order 11846, as amended. In establishing the Committee, the Secretary of Commerce and the Trade Representative consulted with interested private organizations and took into account the factors set forth in section 135(c)(2)(B) of the Trade Act. This charter is being renewed in accordance with the provisions of the Federal Advisory Committee Act, as amended (FACA) (5 U.S.C. § 1001 *et seq.*).
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 (ITACs). The Committee advises the Secretary of Commerce and the Trade Representative 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 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 of Commerce and the Trade Representative 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 of Commerce and the Trade Representative or their designees.

5. **Agency or Federal Officer Receiving the Advisory Committee's Advice/Recommendations.** The Committee advises the Secretary of Commerce and the Trade Representative, 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.** The Office of Industry Engagement (OIE) in the International Trade

Administration (ITA) administers the fifteen ITACs on behalf of the Department of Commerce (Commerce) and the Office of the U.S. Trade Representative (USTR). OIE's ITAC Program Director jointly manages the ITACs with the AUSTR on behalf of the Secretary of Commerce, the Trade Representative, and their designees. 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 \$54,205.00, which includes 0.35 person-years of staff support, 10 security investigations, and hospitality.
 - a. The cost for the Committee will include the following internal Federal costs:
 - (1) Federal personnel to manage the Committee, consisting of .35 full-time equivalent (FTE), at an approximate annual cost of \$50,000.00;
 - (2) Committee member security investigations, at a cost of \$370.50 per investigation, at an approximate annual cost of \$3705.00 for 10 security investigations (estimated number of investigations is subject to change depending on the final number of Committee members); and
 - (3) Hospitality for Committee members at full or half day closed meetings, at an approximate annual cost of \$500.00.
 - b. The Committee will include up to 50 members who will serve without payment.
 - c. There are no reimbursements of expenses for Committee members.
 - d. No grants are expected to be recommended during the fiscal year.
8. **Designated Federal Officer (DFO).** The Assistant Secretary provides staff support and services for the Committee through the OIE's ITAC Program and through the Designated Federal Officer (DFO) and Secondary DFO (or Secondary DFOs when applicable). The ITAC Program Director, in collaboration with the AUSTR, coordinates the Committee's activities through the DFO and Secondary DFO(s). The Assistant Secretary designates the DFO and Secondary DFO(s) from among the full-time and permanent part-time employees of the ITA. The DFO and/or Secondary DFO(s) must:
 - a. Work with the Committee members, the ITAC Program Director, and other Government officials on facilitating the development of the Committee's recommendations and insights for the Secretary of Commerce and the Trade Representative;
 - b. Ensure the Committee's activities comply with FACA and its implementing regulations, the Trade Act, and any other applicable laws, regulations, and policies;
 - c. Approve or call all meetings of the Committee or subcommittees;
 - d. Prepare and approve in advance all meeting agendas;
 - e. Attend all Committee and subcommittee meetings for their duration;
 - f. Adjourn any meeting when the DFO determines it to be in the public interest;
 - g. Chair any meeting when so directed by the Secretary of Commerce, the Trade Representative, or their designees;
 - h. Maintain information on Committee activities and provide such information to the public, as applicable, to the extent required by law; and
 - i. Ensure Committee members receive the appropriate training (*e.g.*, FACA overview) for efficient operation and compliance with FACA and other applicable legal requirements.

Pursuant to 19 U.S.C. § 2155(f)(2)(A), whenever Commerce determines that Committee meetings will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of trade policy, priorities, negotiating objectives, or bargaining positions with respect to matters referred to in Section 135(a) of the Trade Act, the meetings will be exempt from the requirements of subsections (a) and (b) of 5 U.S.C. §§ 1009-1010 (relating to open meetings, public notice, public participation, and public availability of documents), and the DFO or Secondary DFO(s) will administer the Committee consistent with this determination.

- 9. Estimated Number and Frequency of Meetings.** The Committee meets at irregular intervals at the call of the Secretary of Commerce and the Trade Representative, or their designees, acting jointly.
- 10. Duration.** The duration of the Committee is continuing, subject to the Termination section below.
- 11. Termination.** Pursuant to section 135(f)(2)(B) 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 and appropriate action.
- 12. Membership 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 of Commerce and the Trade Representative and shall be selected on a clear, standardized basis, in accordance with applicable Commerce guidance. Committee members are to serve without regard to political affiliation. Race or sex shall not be considered in selection of the Committee membership. 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. Members cannot be a full-time employee of a Federal agency or entity. Members must be able to obtain and maintain suitability for moderate risk public trust and must be willing to sign and abide by the terms of a non-disclosure agreement to protect non-public information, including confidential international trade information.

Members serve at the discretion of the Secretary of Commerce and the Trade Representative. The Secretary of Commerce and the Trade Representative 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 any vice chair(s), 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.

Committee 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.

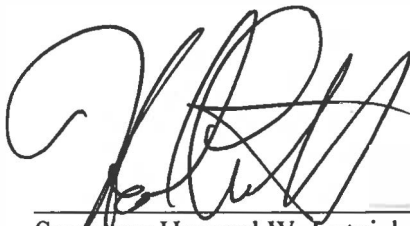
The members shall not reference or otherwise utilize their membership on the Committee in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of the Committee, Commerce, USTR, or the U.S. Government.

Members may be allowed to be a member of more than one ITAC if they can clearly demonstrate that their membership on an additional committee will substantially forward the work of that committee.

13. Subcommittees. Commerce and USTR may create 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 Committee and must report their recommendations and advice to the Committee for further deliberation and discussion. Subcommittees and working groups have no authority to make decisions on behalf of the Committee, nor can they report directly to the Secretary of Commerce, the Trade Representative, their designees, or any other Federal officer or agency.

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 relevant exceptions in the Freedom of Information Act, 5 U.S.C. § 552, and the Trade Act, records presented to or prepared for or by the Committee are available for public inspection. OIE will maintain all files required by the FACA and other applicable laws, regulations, and policies.

15. Filing Date. The charter is filed on the date indicated below.



Secretary Howard W. Lutnick
United States Department of Commerce

July 15, 2026

Signature Date

July 16, 2026

Filing Date



Ambassador Jamieson L. Greer
United States Trade Representative

July 13, 2026

Signature Date