

DEPARTMENT OF ENERGY

CHARTER FOR THE NATIONAL COMMISSION ON THE BP DEEPWATER HORIZON OIL SPILL AND OFFSHORE DRILLING

- 1. Committee's Official Designation:** National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling (the Commission).
- 2. Authority:** This Commission is being established pursuant to Executive Order 13543 dated May 21, 2010 entitled "National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling" and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.
- 3. Objectives and Scope of Activities.** The objective of the Commission is to examine the relevant facts and circumstances concerning the root causes of the Deepwater Horizon explosion, fire and oil spill and develop options to guard against, and mitigate the impact of, any oil spills associated with offshore drilling in the future. In developing options, the Commission shall take into consideration the environmental, public health, and economic effects of such options, including those options that involve: improvements to Federal laws, regulations, and industry practices applicable to offshore drilling that would ensure effective oversight, monitoring, and response capabilities; protecting public health and safety, occupational health and safety, and the environment and natural resources; addressing affected communities; and organizational or other reforms of Federal agencies or processes necessary to ensure such improvements are implemented and maintained. The Commission shall ensure that it does not interfere with or disrupt any ongoing or anticipated civil or criminal investigations or law enforcement activities or any effort to recover response costs or damages arising out of the Deepwater Horizon explosion, fire and oil spill. The Commission shall consult with the Department of Justice concerning the Commission's activities to avoid any risk of such interference or disruption.
- 4. Description of Duties.** The functions of the Commission are advisory only and are as stated in Paragraph 3 above. The Commission will submit a final public report to the President with its findings and options for consideration within six months of the date of the Commission's first meeting.
- 5. Agency or Official to Whom the Committee Reports.** The Commission reports to the President.
- 6. Support.** The Department of Energy will be responsible for the financial and administrative support of the Commission. Within DOE, this support will be provided by the Office of the Assistant Secretary for Fossil Energy or other Departmental elements as required. The Commission will draw on the expertise of other Federal agencies, as appropriate.
- 7. Estimated Annual Operating Costs and Staff Years.** The estimated annual operating cost of direct support to, including travel of, the Commission and its subcommittees is \$15 Million and requires 35 full-time equivalent employees.
- 8. Designated Federal Officer.** The Secretary of Energy, or his designee, will designate a full-time or permanent part-time DOE employee to serve as the Designated Federal Officer (DFO). The DFO will approve or call all of the Commission and subcommittee meetings, approve all meeting agendas, attend all Commission and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest. Full-time or permanent part-time Department of Energy employees, as appointed by the DFO, may serve as DFOs for subcommittee meetings.

9. Estimated Number and Frequency of Meetings. The Commission is expected to meet as frequently as needed and approved by the DFO, but not less than once a month. The DFO shall ensure the meetings comply with the requirements of the FACA and its implementing regulations. The Commission shall hold open meetings unless the Secretary of Energy, or his designee, determines that a meeting or a portion of a meeting may be closed to the public as permitted by law. Interested persons may attend meetings of and file comments with the Commission and, within time constraints and Commission procedures, may appear before the Commission.

Members of the Commission serve without compensation. However, each appointed non-Federal member may be reimbursed for per diem and travel expenses incurred while attending Commission meetings in accordance with the Federal Travel Regulations.

10. Duration and Termination. Executive Order 13543 authorizes the Commission to operate until 60 days after it submits its final report. A vote on the approval of a final report is required not later than six months after the Commission's first meeting. The Commission shall terminate 60 days after submitting its final report.

11. Membership and Designation. The Commission shall be composed of not more than 7 members appointed by the President to serve as special Government employees. The members will be drawn from among distinguished individuals, including individuals with experience in or representing the scientific, legal, engineering, and environmental communities, as well as the oil and gas industry, or any other area determined by the President to be of value to the Commission in carrying out its duties.

From among his appointees, the President shall designate two members to serve as Co-Chairs of the Commission. The Co-Chairs shall convene and preside at the meetings of the Commission, and shall direct its work.

12. Subcommittees.

- a) To facilitate the functioning of the Commission, both standing and ad hoc subcommittees may be formed. Subcommittees must report back fully and substantially to the parent committee, and must not provide advice or work products directly to the agency.
- b) The objectives of the subcommittees are to undertake fact-finding and analysis on specific topics and to provide appropriate information and recommendations to the Commission.
- c) The Secretary of Energy or his designee, in consultation with the Co-Chairs, will establish subcommittees.
- d) The Secretary of Energy or his designee, in consultation with the Co-Chairs, will appoint members of subcommittees. Members from outside the Commission may be appointed to any subcommittee to assure the expertise necessary to conduct subcommittee business.
- e) The DOE Committee Management Officer (CMO) will be notified upon establishment of each subcommittee.

14. Recordkeeping. Records of the Commission and any subcommittee shall be handled in accordance with General Records Schedule 26, Item 2 and approved agency records disposition schedule. These records shall be available for public inspection and copying subject to the Freedom of Information Act, 5 U.S.C. 552.

15. Filing Date: June 15, 2010.



Carol A. Matthews
Committee Management Officer