







RWI Index Questionnaire: United States 2012

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Indicator	Score
4.1.1	Context N/A

4.1.1 Context

4.1.1.050: Has the government created a special fund or natural resource fund that concentrates revenue directly from oil, gas or mineral extraction?

Score: A (B) C

Comments:

There is no Sovereign Wealth Fund as such in the USA. Saving funds were created for development projects but not for stabilization ends. Comments on these funds are made in that section but answers are scored as N/A.

The following funds exist:

American Indian Tribes & Allottees
 Historic Preservation Fund
 Land & Water Conservation Fund
 Reclamation Fund

FY2011 Data available at ONRR website

American Indian Tribes & Allottees \$538,344,246.94
 Historic Preservation Fund \$150,000,000.00
 Land & Water Conservation Fund \$891,975,604.81
 Reclamation Fund \$1,532,623,172.17

To put things into comparative perspective, here is the rest of the picture:

State Share: Offshore \$41,862,457.14
 State Share: Onshore \$1,957,196,095.86
 U.S. Treasury \$ 6,050,240,881.20

References:

http://www.onrr.gov/ONRRWebStats/Disbursements_Royalties.aspx?report=TotalDisbursementsbyFund&yeartype=FY&year=2011&datetype=

and

FY2011 Budget Justification BOEM - pp. 13-15

Peer Review Comments:

The Gulf of Mexico Energy Security Act of 2006 requires the sharing of leasing revenues with Gulf producing states and the Land and Water Conservation Fund for coastal restoration projects.

The Gulf of Mexico Energy Security Act of 2006

<http://www.mms.gov/offshore/GOMESA/PDFs/GOMESA.pdf>

The National Parks Conservation Association, The Wilderness Society, and the Land Trust Alliance oversee the Land and Water Conservation Fund.

The Land and Water Conservation Act of 1965

<http://www.thecre.com/fedlaw/legal3/lwcfact.htm>

4.1.1.051: What authority is responsible for the natural resource fund?**Score:** A B C D **E****Comments:**

The responsibility falls on the Office of Natural Resources Revenue (ONRR), which was created after the reorganization of the Minerals Management Service (MMS). It is under the jurisdiction of the Department of the Interior.

The funds themselves are administered by various agencies, including the National Parks Service (an agency within the Department of the Interior) and the Forest Service (US Department of Agriculture).

References:

<http://www.onrr.gov/About/default.htm>

Peer Review Comments:

The funds are the responsibility of several agencies.

The Land and Water Conservation Fund is subsidized in part by oil and gas revenue proceeds from the Gulf of Mexico and is managed by the USDA Forest Service.

<http://www.fs.fed.us/land/staff/LWCF/about.shtml>

The Historic Preservation Fund is subsidized in part by oil and gas revenue proceeds from the Gulf of Mexico and is managed by the National Parks Service.

http://www.nps.gov/history/hps/hpg/downloads/2009_HPF_Annual_Report.pdf

<http://www.cr.nps.gov/hps/hpg/HPF/index.htm>

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Indicator		Score
4.2.1	Comprehensive reports	N/A
4.2.2.056	Audited reports	N/A

4.2.1 Comprehensive reports

4.2.1.052: Are the rules for the fund's deposits and withdrawals published, including the formula(s) for deposits and withdrawals?

Score: A B **C**

Comments:

"Mineral leasing and associated payments are governed by the Mineral Leasing Act (MLA), 30 U.S.C. 181 et seq... Additionally, 40 percent of onshore revenues are paid to the Reclamation Fund, which funds western water projects. The remaining ten percent is paid into the General Fund of the U.S. Treasury...Under 16 U.S.C. 499, states receive a Forest Fund payment equal to 25 percent of all revenue as a result of activities occurring in each of the national forests situated in that state...Flood Control payments to states are shared according to the Flood Control Act of 1936 (33 U.S.C. 701 et seq.), which provides that 75 percent of revenue collected from leasing on lands acquired for flood control in a particular state be shared with that state...According to the Gulf of Mexico Energy Security Act of 2006 (P.L. 109-432), 50 percent of revenues from these open areas (termed "qualified OCS revenues") be disbursed to Gulf producing states (Accounts 5535.1 and 5535.2) and to the Land and Water Conservation Fund (Accounts 5005.9 and 5005.9), with specific provisions for allocation during FY 2007 - 2016. "

References:

For the formulas, please refer to FY2011 Budget Justification BOEM, pp. 196-198.

For deposits and withdrawals, http://www.onrr.gov/ONRRWebStats/Disbursements_Royalties.aspx?report=TotalDisbursementsbyFund&yeartype=FY&year=2011&datatype=

Peer Review Comments:

The Land and Water Conservation Fund is subsidized in part by oil and gas revenue proceeds from the Gulf of Mexico and is disclosed by the USDA Forest Service.
<http://www.fs.fed.us/land/staff/LWCF/>

The Historic Preservation Fund is subsidized in part by oil and gas revenue proceeds from the Gulf of Mexico and is disclosed by the National Parks Service.
http://www.nps.gov/hps/hpg/downloads/2011_HPF_Report.pdf

4.2.1.053: Does the fund management or authority in charge of the fund publish comprehensive information on its assets, transactions and investments?

Score: A B C D **E**

Comments:

Every Fund has a separate reporting structure, but all of them are comprehensive, publish information on their assets, transactions and investments.

References:

Land and Water Conservation Fund website <http://www.nps.gov/lwcf/>

Reclamation Fund (Colorado case) <http://www.usbr.gov/uc/rm/crsp/bf.html>

Historic Preservation Fund annual report:
http://www.nps.gov/hps/hpg/downloads/2011_HPF_Report.pdf

4.2.1.054: Are the reports containing information on the fund's assets and transactions understandable?

Score: A B C D **(E)**

Comments:

Yes, reports for the funds are understandable and they provide explanations for technical terms and issues.

References:

Land and Water Conservation Fund website <http://www.nps.gov/lwcf/>

Reclamation Fund (Colorado case) <http://www.usbr.gov/uc/rm/crsp/bf.html>

4.2.1.055: How often are financial reports published by the fund management or authority in charge?

Score: A B C D **(E)**

Comments:

Reports of disbursements to the fund are produced annually by the ONRR. The funds also produce their own annual reports.

References:

http://www.onrr.gov/ONRRWebStats/Disbursements_Royalties.aspx?report=TotalDisbursementsbyCategory&yeartype=FY&year=2011&datatype=

4.2.2.056 Audited reports

4.2.2.056a: Are the fund s financial reports audited?

Score: A B C D **(E)**

Comments:

The Budget Justifications serve as financial audits. They do include information and audits for funds (see section 15-1 and quick overview of funds on page 3 of 40).

References:

Department of Agriculture, Forest Service - Budget Justification 2011
<http://www.fs.fed.us/publications/budget-2011/fy-2011-usfs-budget-justification-042110.pdf>

4.2.2.056b: Are the audited financial reports published?**Score:** A B **C****Comments:**

The Budget Justifications serve as financial audits. They do include information and audits for funds (see section 15-1 and quick overview of funds on page 3 of 40).

References:

Department of Agriculture, Forest Service - Budget Justification 2011

<http://www.fs.fed.us/publications/budget-2011/fy-2011-usfs-budget-justification-042110.pdf>

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Indicator	Score
4.3.1 Legal Framework and Practice	N/A

4.3.1 Legal Framework and Practice

4.3.1.057: Are the rules governing deposits into the fund defined by legislation?

Score: A B **C**

Comments:

- 1) Mineral Leasing Act (MLA), 30 U.S.C. 181 et seq...
- 2) Under 16 U.S.C. 499, states receive a Forest Fund payment equal to 25 percent of all revenue as a result of activities occurring in each of the national forests situated in that state...
- 3) Flood Control payments to states are shared according to the Flood Control Act of 1936 (33 U.S.C. 701 et seq.), which provides that 75 percent of revenue collected from leasing on lands acquired for flood control in a particular state be shared with that state
- 4) The Gulf of Mexico Energy Security Act of 2006 (P.L. 109-432), 50 percent of revenues from these open areas (termed "qualified OCS revenues") be disbursed to Gulf producing states (Accounts 5535.1 and 5535.2) and to the Land and Water Conservation Fund (Accounts 5005.9 and 5005.9), with specific provisions for allocation during FY 2007 – 2016. "

References:

FY2011 BOEM Budget Justification, pp. 196-98.

4.3.1.058: In practice, does the government follow the rules governing deposits to the natural resource fund?

Score: A B C D **E**

Comments:

There is a specific rule (based on legislation) about where the revenues from oil and mining activities go, including the natural resource funds. Refer to previous responses as well as the following ONRR quote " Based on legislation, 49 percent of the money is distributed directly to the state within which the specific lease is located; 40 percent is sent to the Reclamation Fund of the U.S. Treasury, which finances the Bureau of Reclamation's water projects in 17 western states; and the remaining 10 percent goes to the Treasury's General Fund. Per provisions of the Alaskan Statehood Act, Alaska gets a 90 percent share of the revenues from certain leases." There is no information leading me to believe that there are deviations from that distribution.

References:

The ONRR website - <http://www.onrr.gov/About/default.htm>

4.3.1.059: Are the rules governing withdrawal or disbursement from the fund defined by legislation?

Score: A B **C**

Comments:

Each fund is based on a piece of legislation, which clearly defines the rules of both financing and disbursements.

As previously noted, these are the most significant:

- 1) Mineral Leasing Act (MLA), 30 U.S.C. 181 et seq...
- 2) Under 16 U.S.C. 499, states receive a Forest Fund payment equal to 25 percent of all revenue as a result of activities occurring in each of the national forests situated in that state...
- 3) Flood Control payments to states are shared according to the Flood Control Act of 1936 (33 U.S.C. 701 et seq.), which provides that 75 percent of revenue collected from leasing on lands acquired for flood control in a particular state be shared with that state
- 4) The Gulf of Mexico Energy Security Act of 2006 (P.L. 109-432), 50 percent of revenues from these open areas (termed "qualified OCS revenues") be disbursed to Gulf producing states (Accounts 5535.1 and 5535.2) and to the Land and Water Conservation Fund (Accounts 5005.9 and 5005.9), with specific provisions for allocation during FY 2007 – 2016. "

References:

FY2011 BOEM Budget Justification

4.3.1.060: In practice, does the government follow the rules governing withdrawal or spending from natural resource fund?

Score: A B C D **E**

Comments:

There is no information in my research so far suggesting that there are deviations between what is prescribed by law and practice about withdrawals and/or spending from the funds.

References:

<http://www.fs.fed.us/publications/budget-2011/fy-2011-usfs-budget-justification-042110.pdf>

4.3.1.061: Are withdrawals or spending from the fund reserves approved by the legislature as part of the budget process?

Score: A B **C**

Comments:

Yes, all decisions on withdrawals or spending from funds need to be approved by the legislature as part of the budget process on an annual basis. Then, the management of each fund is a different story.

References:

Budget Justification for FY 2011

<http://www.fs.fed.us/publications/budget-2011/fy-2011-usfs-budget-justification-042110.pdf>

4.3.1.062: Are officials of the natural resource fund required to disclose information about their financial interest in any oil, gas or mining projects?

Score: A B **C**

Comments:

The federal government requires that all senior officials publicly disclose their financial interests. The Department of Interior (which oversees the National Park Service, the administrator of the Land and Water Conservation Fund, for example) requires that all employees publicly or privately (depending on their position) disclose their financial interests. See 2.3.028.

The US Department of Agriculture (the department in charge of the Forest Service, which also administers the Land and Water Conservation Fund) has similar requirements. (see <http://sig.nfc.usda.gov/ethics/financial-disclosure/financial-disclosure.htm>)

References:

See 2.3.028

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Indicator	Score
5.1.1	Context N/A

5.1.1 Context

5.1.1.063: Do central governments transfer resources to subnational authorities based on extraction of mineral resources?

Score: **A** B C D E

Comments:

"The permanent appropriations administered by MMS provide for the sharing of mineral leasing receipts collected from the sale, lease, or development of mineral resources located on onshore Federal lands and certain offshore areas. The revenues for these payments are derived from bonuses, rentals, and royalties collected from Federal mineral leases and late payment interest. The MMS distributes these funds in accordance with various laws that specify the basis for and timing of payments.

The MMS disburses all monthly mineral-leasing payments, including late disbursement interest, to the states, counties and parishes. Grants provided under the Coastal Impact Assistance Program (CIAP) are subject to MMS oversight and verification that the funds are being spent in a manner consistent with the authorizing legislation for these payments (Section 384 of the Energy Policy Act of 2005). FY 2010 is the last fiscal year to provide for a direct appropriation of \$250 million for CIAP grants."

(Note that MMS has been replaced by the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE).)

For revenues specifically from Gulf petroleum extraction, the Gulf of Mexico Energy Security Act of 2006 (GOMESA) applies. It gives coastal states (Alabama, Louisiana, Mississippi and Texas) a 37.5% share of revenues from new leases.

From BOEM page on GOMESA:

"On December 20, 2006, the President signed into law the Gulf of Mexico Energy Security Act of 2006 (Pub. Law 109-432). The Act significantly enhances OCS oil and gas leasing activities and revenue sharing in the Gulf of Mexico (GOM). The Act:

- shares leasing revenues with Gulf producing states and the Land & Water Conservation Fund for coastal restoration projects;
- 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; and,
- allows companies to exchange certain existing leases in moratorium areas for bonus and royalty credits to be used on other GOM leases.

Revenue Sharing: The Act created revenue sharing provisions for the four Gulf oil and gas producing States of Alabama, Louisiana, Mississippi and Texas, and their coastal political subdivisions (CPS's). GOMESA funds are to be used for coastal conservation, restoration and hurricane protection. There are two phases of GOMESA revenue sharing:

Phase I: Beginning in Fiscal Year 2007, 37.5 percent of all qualified OCS revenues, including bonus bids, rentals and production royalty, will be shared among the four States and their coastal political subdivisions from those new leases issued in the 181 Area in the Eastern planning area (also known as

the 224 Sale Area) and the 181 South Area. Additionally, 12.5 percent of revenues are allocated to the Land and Water Conservation Fund (LWCF). The final regulations for Phase I revenue sharing were issued on December 23, 2008 and specify that the Bureau intends to disburse funds on or before March 31st of the fiscal year following the fiscal year to which the qualified OCS revenues were attributed. GOMESA Revenue-Sharing Allocations

Phase II: The second phase of GOMESA revenue sharing begins in Fiscal Year 2017. It expands the definition of qualified OCS revenues to include receipts from GOM leases issued either after December 20, 2006, in the 181 Call Area, or, in 2002–2007 GOM Planning Areas subject to withdrawal or moratoria restrictions. A revenue sharing cap of \$500 million per year for the four Gulf producing States, their CPS's and the LWCF applies from fiscal years 2016 through 2055. The \$500 million cap does not apply to qualified revenues generated in those areas associated with Phase I of the GOMESA program. The Bureau will address the second phase of GOMESA revenue sharing in a subsequent rulemaking."

See also: <http://www.ogfj.com/articles/2012/09/gulf-states-could-see-more-offshore-drilling-royalties-as-senate-committee-seat-comes-open.html>

References:

FY 2011 BOEM Budget Justification, p. 195.

Gulf of Mexico Energy Security Act of 2006 (GOMESA), <http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/econ/GOMESA-pdf.aspx>

Description of GOMESA: <http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/Revenue-Sharing/Index.aspx>

5.1.1.064: Are conditions imposed on subnational government as part of revenue sharing regime?

Score: A B C

Comments:

For Gulf revenues: "GOMESA funds are to be used for coastal conservation, restoration and hurricane protection." (see previous question and <http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/Revenue-Sharing/Index.aspx>)

Also, from BOEM Budget Justification:

"For FY 2011, the President's Budget proposes to retain the current appropriations provision providing for a two percent deduction from state mineral revenue payments under the MLA. This ensures that states receiving significant payments from mineral revenue development on Federal lands also share in the costs of administering the Federal mineral leases from which this revenue is generated. In 2009, states received nearly \$2 billion in Federal mineral revenue payments from production occurring on Federal lands, and current projections indicate these figures will be even higher in 2011. Relative to the overall benefits these states receive from the Department's mineral leasing programs, the proposed deduction is a modest sum. A similar net receipts sharing process was common during the Clinton Administration, until it was repealed in 2000 during a time of Federal budget surpluses."

References:

Gulf of Mexico Energy Security Act of 2006 (Pub. Law 109-432)
<http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/econ/GOMESA-pdf.aspx>
 Sec. 105

(d) AUTHORIZED USES.—

(1) IN GENERAL.—Subject to paragraph (2), each Gulf producing State and coastal political subdivision shall use all amounts received under subsection (b) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

(A) Projects and activities for the purposes of coastal

protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

(B) Mitigation of damage to fish, wildlife, or natural resources.

(C) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

(D) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

See also:

Information on GOMESA: <http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/Revenue-Sharing/Index.aspx>

FY 2011 Budget Justification, p. 197.

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Indicator		Score
5.2.1	Disclosure	87 

5.2.1 Disclosure

5.2.1.065: Are the rules for revenue transfers from central to sub national governments published, including the formula(s) for revenue sharing?

Score: A B C

Comments:

For Gulf coast states:

"Beginning in Fiscal Year 2007, 37.5 percent of all qualified OCS revenues, including bonus bids, rentals and production royalty, will be shared among the four States and their coastal political subdivisions from those new leases issued in the 181 Area in the Eastern planning area (also known as the 224 Sale Area) and the 181 South Area. " (<http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/Revenue-Sharing/Index.aspx>)

The final regulations for Phase I revenue-sharing were issued on December 23, 2008 :

http://www.boem.gov/uploadedFiles/BOEM/Oil_and_Gas_Energy_Program/Energy_Economics/Revenue_Sharing/AD46_FR78622.pdf

"Mineral leasing and associated payments are governed by the Mineral Leasing Act (MLA), 30 U.S.C. 181 et seq., which provides that all states receive 50 percent of the revenues resulting from the leasing of mineral resources on federal public domain lands within their borders. Additionally, 40 percent of onshore revenues are paid to the Reclamation Fund, which funds western water projects. The remaining ten percent is paid into the General Fund of the U.S. Treasury. By law, Alaska receives no payments from the Reclamation Fund, but receives a 90 percent share of receipts from Federal mineral leasing in that state. Mineral leasing revenues are derived from royalties, rents, bonuses, and other revenues, including minimum royalties, late payment interest, settlement payments, gas storage fees, estimated royalty payments, and recoupments."

References:

Gulf of Mexico Energy Security Act of 2006 (Pub. Law 109-432)

<http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/econ/GOMESA-pdf.aspx>
Sec. 105 (b) ALLOCATION AMONG GULF PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.

See also:

<http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/Revenue-Sharing/Index.aspx>
http://www.boem.gov/uploadedFiles/BOEM/Oil_and_Gas_Energy_Program/Energy_Economics/Revenue_Sharing/AD46_FR78622.pdf

FY 2011 BOEM Budget Justification, p. 196.

5.2.1.066: Does the central government publish comprehensive information on transfers of resource related revenues to sub-national governments?

Score: A B C D E

Comments:

Page 200 of the BOEM 2011 Budget Justification provides the exact amounts transferred to each individual state in three years (2009-2011projection). Payments to Gulf states and counties on p. 206. See tables 43-50 for individual revenue streams.

The distribution of revenues associated with onshore federal lands is generally split between the states and the Federal Government. Based on legislation, 49 percent of the money is distributed directly to the state within which the specific lease is located; 40 percent is sent to the Reclamation Fund of the U.S. Treasury, which finances the Bureau of Reclamation's water projects in 17 western states; and the remaining 10 percent goes to the Treasury's General Fund. Per provisions of the Alaskan Statehood Act, Alaska gets a 90 percent share of the revenues from certain leases.

References:

GOMESA Revenue-Sharing Allocations for FY 2008-2011

<http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/Revenue-Sharing/Index.aspx>

FY2011 BOEM Budget Justification, Table 40, p. 200 - onwards.

<http://www.boem.gov/uploadedFiles/2011BudgetJustification.pdf>

5.2.1.067: Are the reports containing information on transfers of resource related revenues to sub-national governments understandable?

Score: A B C D E

Comments:

Yes, BOEM Budget Justifications are quite clear and they include charts and tables that allow for convenient comparative analysis.

Statements of GOMESA revenue allocations provide data tables, graphs, and some definition, but do not include detailed explanations.

References:

GOMESA Revenue-Sharing Allocations for FY 2008-2011

<http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/Revenue-Sharing/Index.aspx>

FY 2011 BOEM Budget Justification, p. 203 -205.

5.2.1.068: How often does the central government publish information on transfers of resource related revenues to sub-national governments?

Score: A B C D E

Comments:

The Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), as amended, requires monthly distribution and disbursement of payments to states and Indians for their share of mineral leasing revenues. However, these amounts are only reported annually.

GOMESA revenue allocations are reported annually by BOEM.

References:

GOMESA Revenue-Sharing Allocations for FY 2008-2011

<http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/Revenue-Sharing/Index.aspx>

FY 2011 BOEM Budget Justification, p. 165.

Annual disbursements: http://www.onrr.gov/ONRRWebStats/Disbursements_Royalties.aspx?report=TotalDisbursementsbyCategory&yeartype=FY&year=2011&datatype=

5.2.1.069: Do sub-national governments publish information on transfers received from central governments?

Score: A B C

Comments:

Every state publishes their revenue sources, including those coming from mineral and oil revenues, in their annual Budget. The Office of Management and Budget of each state's Governor office is the one responsible for producing this piece of information. For indicative purposes, I have included one such report for the state of Alaska.

References:

Budget proposal for FY 2013, including information on transfers from the federal level
http://omb.alaska.gov/ombfiles/13_budget/FY2013_Fiscal_Summary_12-15-11.pdf


There are even resources available that provide forecasts for such transfers
(<http://www.tax.alaska.gov/programs/sourcebook/index.aspx> AND
<http://www.tax.alaska.gov//programs/documentviewer/viewer.aspx?2524f>)

An example of GOMESA revenues reported in local government budget:
<http://www.co.galveston.tx.us/2013%20Budget/Adopted%20Budget%20-%20FY13.pdf>, p. 31

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Indicator	Score
5.3.1 Legal Framework and Practice	100 

5.3.1 Legal Framework and Practice

5.3.1.070: Are arrangements (including formulas and responsible institutions) for resource revenue sharing between central and sub-national governments defined by legislation?

Score: A B C

Comments:

See description of Mineral Leasing Act and other provisions, pp. 202-208 of the BOEM Budget Justification.

References:

Gulf of Mexico Energy Security Act of 2006 (GOMESA), Sec. 105, <http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/econ/GOMESA-pdf.aspx>

FY 2011 BOEM Budget Justification, pp. 202-208.

5.3.1.071: In practice, does the government follow the rules established by resource revenue sharing legislation?

Score: A B C D E

Comments:

The states are paid on a monthly basis and I have not come across any instance in which payments due to States and counties have not been made.

References:

FY 2011 BOEM Budget Justification.

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Indicator	Score
1.1	Context
1.1	Context

1.1.001: Does the country have a clear legal definition of ownership of mineral resources?

Score: A B C D E

References:

<http://www.blm.gov/es/st/en/prog/lands/00.html>

Background information:

From the US Energy Information Administration Gulf of Mexico Fact Sheet,
http://www.eia.gov/special/gulf_of_mexico/

"The Gulf of Mexico area, both onshore and offshore, is one of the most important regions for energy resources and infrastructure. Gulf of Mexico federal offshore oil production accounts for 23 percent of total U.S. crude oil production and federal offshore natural gas production in the Gulf accounts for 7 percent of total U.S. dry production. Over 40 percent of total U.S. petroleum refining capacity is located along the Gulf coast, as well as 30 percent of total U.S. natural gas processing plant capacity."

Peer Review Comments:

Section 209 of the Federal Land Policy and Management Act of 1976
(<http://www.blm.gov/flpma/FLPMA.pdf>)

Offshore oil and gas assets are owned by the federal or state government and leased to operators in terms defined by the Outer Continental Shelf Lands Act (<http://www.boemre.gov/aboutboemre/pdffiles/ocsla.pdf>). This practice differs significantly from the patent/claim system observed for onshore oil, gas and mineral assets. In this way, both Criteria A and Criteria B are correct.

1.1.002: Who has authority to grant hydrocarbon and mineral rights or licenses?

Score: A B C D E

Comments:

The Bureau of Ocean Energy Management (BOEM) has a twofold mission: (i) managing all Federal and Indian mineral revenues and (ii) managing all Federal offshore renewable and traditional energy and mineral resources.

The BOEM has start to finish oversight responsibility on oil and gas leasing activities within the Outer Continental Shelf (OCS)

References:

Leasing 101 document, page 1.

http://www.boem.gov/uploadedFiles/BOEM/Newsroom/Frequently_Asked_Questions/5BOEM_Leasing101.pdf

Peer Review Comments:

Onshore mineral rights are granted through the patent/claim system defined in the General Mining Law and the Federal Land Policy Management Act and administered by the BLM.

http://www.blm.gov/wo/st/en/info/regulations/mining_claims.html

<http://www.blm.gov/flpma/FLPMA.pdf>

1.1.003: What licensing practices does the government commonly follow?

Score: A B C D E

Comments:

The BOEMRE opens the sealed bids at the place, date, and hour specified in the notice of sale, as published in the Federal Register, for the purpose of publicly announcing and recording the bids. Bids are not accepted or rejected at that time. The BOEMRE accepts or rejects all bids within 90 days, although the time may be extended if necessary. The Department reserves the right to reject any and all bids, regardless of the amount offered, if the bid does not meet BOEMRE's fair market value criteria. If a bid is rejected, any money deposited with the bid will be refunded plus any interest accrued.

References:

3) "Oil and Gas Leasing on the Outer Continental Shelf - Leasing 101" Document of the Bureau of Ocean Energy Management (BOEM)

Publicly available at:

http://www.boem.gov/uploadedFiles/BOEM/Newsroom/Frequently_Asked_Questions/5BOEM_Leasing101.pdf

1.1.004: What is the fiscal system for mineral resources?

Score: A B C D E

Comments:

The Outer Continental Shelf Lands Act assigns the Secretary of the Interior the responsibility for the administration of mineral exploration and development of the OCS. The Act empowers the Secretary to grant leases to the highest qualified responsible bidder on the basis of sealed competitive bids and to formulate regulations as necessary to carry out the provisions of the Act. The Act, as amended, provides guidelines for implementing an OCS oil and gas exploration and development program.

References:

<http://www.boem.gov/BOEM-Newsroom/Frequently-Asked-Questions/Frequently-Asked-Questions.aspx> (see Question 3) and the Outer Continental Shelf Lands Act (available at: <http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Outer-Continental-Shelf/Lands-Act-History/OCSLA-History.aspx>).

Peer Review Comments:

A Criteria is true for resources located in the Outer Continental Shelf. However, D Criteria may also be true. The following describes the relevant laws and policies in other contexts under the federal mandate, which go beyond license/concession systems.

The General Mining Law of 1872

The General Mining Law of 1872 (30 USCS §§ 22 et seq.) and the Mineral Leasing Act

of 1920 (30 USCS § 181 et seq.) are the foundation of the United States mineral management regime. The Mining Law of 1872 gives free access to individuals and corporations to prospect for minerals on open public domain lands, with the exception of protected areas, and allows them to stake claims on the deposits they find at virtually no cost, and thus considerably below market value.

Under the Mining Law of 1872's claim-patent system, mineral production can take place without a patent, there is no limit on the number of claims a person can locate, claims can be held indefinitely, there is no requirement that mineral production ever take place, and no royalties are charged for hard rock mining.

The Mineral Leasing Act of 1920

The Mineral Leasing Act removed oil, gas, oil shale, phosphates, and other minerals from the Mining Law of 1872's claim-patent system. Instead, these minerals are subject to a leasing system in which the federal government retains ownership of leased lands, has greater control over development, and imposes royalties.

Current Federal and Native American Mineral Lease Management

Federal Land and Offshore Management

Federal onshore mineral leasing activities are managed by The Department of the Interior (DOI) through the Bureau of Land Management (BLM) and by the Department of Agriculture (DOA) through the United States Forest Service.

Under 43 Code of Federal Regulations (CFR) Subchapter C3, the BLM tends to mineral leasing on its public lands, those of other DOI agencies and all other federal landowners. In total, the BLM is responsible for managing the mineral activities on approximately 600 million acres.

The Forest Service responsibilities, under 36 CFR § 2284, are limited to requiring submission of plans of mineral-related operations and do not involve revenue or contract reporting. The Minerals Management Service (MMS), a bureau with the DOI, manages the revenue streams from mineral leases on Forest Service land.

Under 30 CFR Subchapter B, the MMS also manages all offshore mineral leasing within the Outer Continental Shelf, including signing leases, enforcement of lease provisions and revenue management. The offshore leasing program is pursuant to the Outer Continental Shelf Lands Act of 1953 (43 USCS §§ 1331 et seq.).

The DOI's Office of Surface Mining also regulates licensing, bonding, and reclamation of coal mining operations under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

Native American Land Management

Through the Bureau of Indian Affairs, the BLM manages approximately 4,300 Native American mineral leases. It distributed \$334.3 million to Native American Tribes and allottees in FY2004.5 Proceeds for Native American leases are to be turned over in their entirety to the appropriate Native American Tribes and allottees through the BLM Office of Trust Fund Management.

<http://www.oxfamamerica.org/files/transparency-begins-at-home.pdf>

1.1.005: What agency has authority to regulate the hydrocarbon and mineral sector?

Score: A B C D E

Comments:

Following the reorganization of the former Minerals Management Service (MMS), three separate entities were created to regulate different aspects of the hydrocarbon and mineral sector:

- (i) The Bureau of Ocean Energy Management (BOEM) is an agency in the U.S. Department of the Interior (DOI) responsible for managing development of the nation's offshore resources in an environmentally and economically responsible way. Functions include: Leasing, Plan Administration, Environmental Studies, National Environmental Policy Act (NEPA) Analysis, Resource Evaluation, Economic Analysis and the Renewable Energy Program. Established on October 1, 2011.
- (ii) The Bureau of Safety and Environmental Enforcement (BSEE) was created to enforce safety and environmental regulations. Functions include: All field operations including Permitting and Research, Inspections, Offshore Regulatory Programs, Oil Spill Response, and newly formed Training and Environmental Compliance functions. Established on October 1, 2011.
- (iii) The revenue collection function is conducted by the Office of Natural Resources Revenue, which now resides under the jurisdiction of DOI's Office of Policy, Management and Budget. Established October 1, 2010.

References:

The Bureau of Ocean Energy Management (BOEM) website:
<http://www.boem.gov/About-BOEM/Reorganization/Reorganization.aspx>

Peer Review Comments:

The answer appears to only be in reference to offshore leasing. The following describes the relevant federal agencies that regulate onshore mineral permitting. Other agencies, such as the EPA, also regulate the industry at the federal level and there are state regulators as well.

The General Mining Law of 1872

The General Mining Law of 1872 (30 USCS §§ 22 et seq.) and the Mineral Leasing Act of 1920 (30 USCS § 181 et seq.) are the foundation of the United States mineral management regime. The Mining Law of 1872 gives free access to individuals and corporations to prospect for minerals on open public domain lands, with the exception of protected areas, and allows them to stake claims on the deposits they find at virtually no cost, and thus considerably below market value.

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<http://www.oxfamamerica.org/files/transparency-begins-at-home.pdf>

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Disclosure

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Indicator		Score
1.2.006	Information on licensing process	100 
1.2	Contract transparency	100 
1.2.008	Environmental and social impact assessments	100 
1.2	Access to information and legislation	100 

1.2.006 Information on licensing process

1.2.006.a: What information does the government publish on the licensing process before negotiations?

Score: A B C D E

References:

Leasing 101 document, pages 1-5

http://www.boem.gov/uploadedFiles/BOEM/Newsroom/Frequently_Asked_Questions/5BOEM_Leasing101.pdf

Case study on lease sale information

"Western Planning Area Lease Sale 218 Information"

<http://www.gomr.boemre.gov/homepg/lseale/218/wgom218.html>

Peer Review Comments:

The information listed in (a) is supplied pursuant to 30 CFR 556.29(c), so that notice of the availability of the proposed Notice of Sale is published in the Federal Register. The PNOS, including the referenced information, is available per request from the relevant agency - e.g., the Bureau of Ocean Energy Management.

(c) Upon approval by the Secretary, the proposed Notice of Sale shall be sent to the Governor of any affected State and a notice of its availability shall be published in the Federal Register.

Considerations such as "duration" and "royalties" are not relevant under the U.S. patent/claim system for onshore minerals.

1.2.006.b: What information does the government publish on the licensing process after negotiations?

Score: A B C D E

Comments:

No less than 30 days after the Final Notice of Sale (NOS) is published in the Federal Register, sealed

bids submitted by qualified bidders are publicly opened and read. Lease sales are open to the public and are conducted by the appropriate Regional Director, usually in the city in which the OCS regional office is located. Qualified bidders may submit bids on each available tract listed in the Final NOS. Following that, leases are issued and the high bidder on each block is awarded a lease after BOEMRE determines the bid met fair market value criteria. The Federal government reserves the right to reject any or all bids and the right to withdraw any block from the sale. The Department reserves the right to reject any and all bids, regardless of the amount offered, if the bid does not meet BOEMRE's fair market value criteria. If a bid is rejected, any money deposited with the bid will be refunded plus any interest accrued. The lease is a contractual agreement and thus further spells out financial requirements for surety bonds, royalty payments, rental payments, and assignment or other transfers of the lease or any partial interest.

References:

Leasing 101 Document

http://www.boem.gov/uploadedFiles/BOEM/Oil_and_Gas_Energy_Program/Leasing/5BOEMRE_Leasing101.pdf

The following link provides information about the leasing process in a given state, Alaska:

<http://dog.dnr.alaska.gov/Leasing/SaleResults.htm>

Peer Review Comments:

Considerations such as "duration" and "royalties" are not relevant under the U.S. patent/claim system for onshore minerals.

1.2 Contract transparency

1.2.007: Are all contracts, agreements or negotiated terms for exploration and production, regardless of the way they are granted, disclosed to the public?

Score: **A** B C D E

Comments:

1) There is an easily accessible website portal to find such information - especially with regards to explorations. Before the search criteria, BOEM states "We strive to make all public data available as soon as it is releasable. If you do not find the data you are looking for, please check again the next business day since certain circumstances may delay the posting of data. We apologize for the inconvenience."

2) "The Senate gave final approval today to the Dodd-Frank Wall Street Reform and Consumer Protection Act with a landmark provision requiring energy and mining companies registered with the U.S. Securities and Exchange Commission to disclose how much they pay to foreign countries and the U.S. government for oil, gas, and minerals." Although this is not for contracts per se, it is quite relevant.

References:

This is the link to a searchable database of all available leases:

https://www.data.boem.gov/homepg/data_center/other/WebStore/pimaster.asp?appid=11

1) On Exploration contracts' disclosure-

http://www.data.boem.gov/homepg/data_center/plans/plans/master.asp

2) Publish What You Pay United States (July 15th 2010)

<http://www.pwypusa.org/sites/default/files/PWYP%20US%20PR%20Congress%20passes%20oil%20transparency%20provision%20July%2015.pdf>

3) Each of the four off-shore oil-producing regions (Alaska, Gulf of Mexico, Atlantic, Pacific) publishes

Combined Leasing Status Reports, although they are disaggregated (see <http://www.boemre.gov/ld/CombinedLeasingStatusReport.htm>). They also publish sale bid recaps, but recent ones are rare to find (see http://www.alaska.boemre.gov/lease/hlease/Bid_Recaps/BidRecaps1.htm).

Peer Review Comments:

The patent/claim system for onshore minerals creates a different context for this question, but A Criteria is still broadly true as mining claim records on public lands are available from BLM state offices, per below.

The Federal Government office with the complete set of land and mineral records for Federal lands in a particular State is the BLM State Office. The BLM State Office is the only office where the mining claim records are filed and available for public inspection. BLM also maintains its files in electronic format in a system known as LR 2000. This system may be accessed through terminals located in the BLM Public Information Centers. In Alaska, the Alaska Land Information System (ALIS) maintains the electronic record and is accessible via the Internet at <http://www.ak.blm.gov>. It is also available in the Public Information Centers in the Alaska State Office located in Anchorage and the Northern Field Office in Fairbanks. The Forest Service does not keep the official land and mineral records for the National Forests; they are deposited with the proper BLM State Office.

http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS__REALTY__AND__RESOURCE__PROTECTION__/_energy.Par.28664.File.dat/MiningClaims.pdf

1.2.008 Environmental and social impact assessments

1.2.008.a: Does legislation require that mining, gas and oil development projects prepare an environmental impact assessment prior to the award of any mineral rights or project implementation?

Score: A B C

Comments:

- 1) "The process to develop a 5-Year Program includes: three separate comment periods, two separate draft proposals, a final proposal, and development of an environmental impact statement (EIS). This statutorily mandated process usually takes about two and a half years."
- 2) "After adoption of a 5-year leasing program, the usual first step in the sale process for an individual area is to publish simultaneously in the Federal Register a Call for Information and Nominations (Call) and a Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS)."

References:

- 1) Leasing 101 Document of the Bureau of Ocean Energy Management (BOEM), page 2.
 - 2) <http://www.boemre.gov/ld/PDFs/GreenBook-LeasingDocument.pdf> pages 16-18
-

1.2.008.b: Are environmental impact assessments for oil, gas and mining projects published by the authority in charge of regulating the sector and is there a consultation process?

Score: A B C D E

Comments:

Both passages from page 3 of the Leasing 101 Document:

"The EIS includes: a description of the lease sale proposal, including the oil and natural gas resources

estimated to be found and a projection of the exploration and development activity that might occur...;and the records of consultation and coordination with others in preparation of the document."

"These are public meetings conducted in the vicinity of the area proposed for leasing consideration in order to receive public comments regarding issues related to developing an EIS."

References:

3) Leasing 101 Document of the BOEM:

http://www.boem.gov/uploadedFiles/BOEM/Newsroom/Frequently_Asked_Questions/5BOEM_Leasing101.pdf

LINK TO ENVIRONMENTAL IMPACT ASSESSMENTS:

<http://www.boem.gov/5-year/2012-2017/PEIS.aspx>

http://www.boem.gov/5-Year/2012-2017/PEIS/draft_download.aspx

AND INFORMATION ON PUBLIC HEARINGS/CONSULTATIONS:

http://www.boem.gov/5-Year/2012-2017/PEIS/draft_hearings.aspx

Peer Review Comments:

It's true that public meetings are held, but they are often publicized inadequately.

1.2.008.c: Does legislation require that mining, gas and oil development projects prepare a social impact assessment?

Score: (A) B C

Comments:

Social impact studies are part of the Environmental Impact Study.

1) "The EIS includes: a description of the lease sale proposal, including the oil and natural gas resources estimated to be found and a projection of the exploration and development activity that might occur... a detailed analysis of possible effects on the environment, including socioeconomic and cumulative effects." p. 2

2) There is a substantive social impact assessment area within the EIS. See pages 77-83, with such assessments for the (i) economy, (ii) subsistence-harvest patterns, (iii) sociocultural systems, (iv) archaeological resources, and (v) environmental justice.

There is no independent social impact assessment (stand-alone), but there is always a section in the Environmental Impact Assessment (EIS) for socioeconomic impacts. Every project needs to have an EIS, thus State websites (like the Alaskan one provided) have EIS for every oil and gas lease.

Onshore mining claims do not require a social impact assessment. However, this survey focuses on offshore extraction (specifically, areas of the Gulf of Mexico under management of the US federal authorities) and this question has been scored accordingly.

References:

1) Leasing 101 Document of the BOEM:

http://www.boem.gov/uploadedFiles/BOEM/Newsroom/Frequently_Asked_Questions/5BOEM_Leasing101.pdf

2) Case: Chukchi Sea Planning Area Oil and Gas Lease Sale 193 In the Chukchi Sea, Alaska. Published in August 2011.

http://www.alaska.boemre.gov/ref/EIS%20EA/2011_041_FSEIS/FSEISv1a.pdf

Peer Review Comments:

While EIS requirements for offshore leases may have social impact language, that is not the case for onshore mining claims.

<http://ceq.hss.doe.gov/NEPA/regs/ceq/1502.htm#1502.10>

1.2.008.d: Are social impact assessments for oil, gas and mining projects published and is there a consultation process?

Score: (A) B C D E

Comments:

1) "Public Hearings – BOEMRE holds public meetings inviting constituents to submit written or oral comments on the draft EIS; these meetings are held in localities near the proposed lease sale area." p. 3

Note: The EIS includes a social impact assessment (see previous answer's comments for details), as seen below in the case study for an Alaska OCS project.

2) See pages pp. ES11-12 and pp. 321-22 on National Historic Preservation Act – Section 106 Consultation

References:

1) Public Hearings – BOEMRE holds public meetings inviting constituents to submit written or oral comments on the draft EIS; these meetings are held in localities near the proposed lease sale area.

2) Case: Chukchi Sea Planning Area Oil and Gas Lease Sale 193 In the Chukchi Sea, Alaska. Published in August 201, pp. ES11-12 and pp. 321-22

http://www.alaska.boemre.gov/ref/EIS%20EA/2011_041_FSEIS/FSEISv1a.pdf

Peer Review Comments:

While EIS requirements for offshore leases may have social impact language, that is not the case for onshore mining claims.

<http://ceq.hss.doe.gov/NEPA/regs/ceq/1502.htm#1502.10>

1.2 Access to information and legislation

1.2.009: Does the government publish detailed mineral/hydrocarbon resource legislation?

Score: (A) B C D E

Comments:

See Appendix C: BOEMRE Authorizing Statutes for details on all pieces of legislation related to the extractive sector. In the FY2011 budget justification, see p. 231 onwards, for FY 2012 refer to p. 153 onwards.

Below are the most relevant pieces of legislation and their links to Congressional legislation.

The Gulf of Mexico Energy Security Act of 2006. (P.L. 109-432)

The Energy Policy Act of 2005. (P.L. 109-58)

The National Environmental Policy Act of 1969. (43 U.S.C. 4321, 4331-4335, 4341-4347)

The Coastal Zone Management Act of 1972. (16 U.S.C. 1451, et seq.)

The Endangered Species Act of 1973 (related because it lays out the procedures to ensure inter-agency cooperation and consultations to protect endangered and threatened species.) - 16 U.S.C. 1531-1543

The Mining and Minerals Policy Act of 1970. [30 U.S.C. 21(a)]

The Policy, Research and Development Act of 1970 (30 U.S.C. 1601)

The Marine Protection, Research, and Sanctuaries Act of 1972 (43 U.S.C. 1301)

The Deepwater Royalty Relief Act (P.L. 104-58)

References:

Budget Justification for Fiscal Years 2011 and 2012, available at: <http://www.boem.gov/About-BSEE/Budget.aspx>

1.2.010: This country has adopted a rule or legislation that provides for disclosure of information in the oil, gas and mineral sectors.

Score: (A) B C D E

Comments:

From the BOEM website (see link above):

"The FOIA provides the right to request access to the Bureau of Ocean Energy (BOEM) records. The Department of the Interior regulations are located at 43 CFR Part 2. It is the policy of the BOEM to make its records available to the public to the greatest extent possible in keeping with the spirit of the FOIA. BOEM makes many of its records publicly available and a FOIA request may not be necessary."

There is additional contact information for FOIA officers within the BOEM.

References:

[http://www.boem.gov/About-BOEM/FOIA/Freedom-of-Information-Act-\(FOIA\).aspx](http://www.boem.gov/About-BOEM/FOIA/Freedom-of-Information-Act-(FOIA).aspx)

Peer Review Comments:

FOIA generally holds that any citizen has a right to access federal agency records unless the records are protected by an exemption or exclusion.

Information Withheld by the MMS

According to the MRM Guide to Royalty Information, DOI representatives and FOIA officers, royalty, tax, and contract information that might be used to discern mineral pricing information, royalty revenue income of an individual Native American tribe, or otherwise be used to create a competitive corporate advantage can be withheld. In coming to this conclusion, the MRM Guide to Royalty Information cites FOIA Exemption 4, which excludes "trade secrets, commercial, or financial information (confidential business information)" from disclosure requirements.

Section 203 of FORGMA (30 U.S.C. § 1733) also stipulates that while "trade secrets, proprietary and other confidential information" can be made available to states and tribes, the recipient is thereby subject to liability for wrongful disclosure. Further, the section states that no state law may require the release of confidential information disclosed by the Secretary of the Interior to a state or tribe.


<http://www.oxfamamerica.org/files/transparency-begins-at-home.pdf>

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Legal Framework and Practices

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Indicator	Score
1.3 Legal Framework and Practices	93 

1.3 Legal Framework and Practices

1.3.011: The authority in charge of awarding licenses or contracts for mineral or hydrocarbon production is independent of the state owned company (SOC) or other operating companies.

Score: A B C

Comments:

Yes, The Bureau of Ocean Energy Management (BOEM) is an agency in the U.S. Department of the Interior (DOI) responsible for managing development of the nation's offshore resources in an environmentally and economically responsible way. Also, there is no SOC in the US.

References:

<http://www.boem.gov/uploadedFiles/BOEMRE%20Reorganization%20Fact%20Sheet.pdf>

1.3.012: Is the licensing process intended to be open and competitive to all qualified companies?

Score: A B C D E

Comments:

Leasing 101 Document, page 4:

"The lease sale is a transparent process. The BOEMRE opens the sealed bids at the place, date, and hour specified in the notice of sale, as published in the Federal Register, for the purpose of publicly announcing and recording the bids. Bids are not accepted or rejected at that time. The BOEMRE accepts or rejects all bids within 90 days, although the time may be extended if necessary. The Department reserves the right to reject any and all bids, regardless of the amount offered, if the bid does not meet BOEMRE's fair market value criteria. If a bid is rejected, any money deposited with the bid will be refunded plus any interest accrued."

References:

http://www.boem.gov/uploadedFiles/BOEM/Newsroom/Frequently_Asked_Questions/5BOEM_Leasing101.pdf

1.3.013: Does the licensing process or legislation impose limits to discretionary powers of the authority in charge of awarding licenses or contracts?

Score: A B C D E

Comments:

"The BOEMRE accepts or rejects all bids within 90 days, although the time may be extended if

necessary. The Department reserves the right to reject any and all bids, regardless of the amount offered, if the bid does not meet BOEMRE's fair market value criteria."

References:

Leasing Document 101 of the BOEM

http://www.boem.gov/uploadedFiles/BOEM/Newsroom/Frequently_Asked_Questions/5BOEM_Leasing101.pdf

1.3.014: Does the legislative branch have any oversight role regarding contracts and licenses in the oil, gas and mining sector?

Score: A B C D E

Comments:

1) From the planning stages, the Congress is involved in the potential production and exploration of natural resources. According to the Leasing 101 document, "after the Secretary of the Interior approves the Proposed Final Program, the BOEMRE sends it to Congress. If Congress does not pass legislation to modify the proposal within 60 days, the 5-Year Program becomes final." (p. 2).

2) There is a very active Natural Resources Committee, including a Sub-committee on energy and mineral resources which has frequent oversight hearings.

References:

1) Leasing 101 Document, p. 2

http://www.boem.gov/uploadedFiles/BOEM/Newsroom/Frequently_Asked_Questions/5BOEM_Leasing101.pdf

2) <http://naturalresources.house.gov/Subcommittees/Subcommittee/?SubcommitteeID=5062>

1.3.015: Is there a due process to appeal licensing decisions?

Score: A B C

Comments:

Appeals appear to be open to anyone "adversely affected by an OMM official's final decision or order."

References:

BOEM appeals: 30 CFR 590 subpart A (http://cfr.regstoday.com/30cfr590.aspx#30_CFR_SUBPART_A)

BSEE appeals: 30 CFR 290 subpart A (http://cfr.regstoday.com/30cfr290.aspx#30_CFR_SUBPART_A)

Peer Review Comments:

While appeals processes exists, their effectiveness and tendency "to follow due process and to protect third party rights" is difficult to establish.

The Offshore Minerals Management Appeal Procedures (30 CFR 590) outlines the process for appealing actions of the BOEM including those related to licensing (<http://cfr.regstoday.com/30cfr590.aspx>). However, the process is pretty clearly intended to provide remedy to applicants for licenses or other official sanction and not for other third parties.

The General Mining Law also places a very high priority on mineral development that has eliminated successful appeal of a mine patent since its introduction in 1872.

There are other instance, for example when a natural resource project crosses an international boundary, when an appeal may be made to the Department of State, as has been the case with the Keystone XL pipeline.

1.3.016: Is there a legal or regulatory requirement to disclose all beneficial ownership in oil, gas and mining companies or projects?**Score:** A B **C****Comments:**

The federal Securities Exchange Act requires publicly-traded companies to disclose beneficial ownership. However, for non-publicly traded companies, state laws apply, and some states do not currently require businesses incorporated in their state to disclose beneficial ownership.

The Incorporation Transparency and Law Enforcement Assistance Act would "Require the States directly or through licensed formation agents to obtain the names of beneficial owners of corporations or limited liability companies (LLCs) formed under a State's laws, ensure this information is updated, and provide the information to law enforcement upon receipt of a subpoena or summons." However, this bill has not been passed (see <http://www.govtrack.us/congress/bills/112/s1483>).

References:

Summary of the Incorporation Transparency and Law Enforcement Assistance Act:
<http://www.levin.senate.gov/newsroom/press/release/summary-of-the-incorporation-transparency-and-law-enforcement-assistance-act>

Financial Task Force blog post on issues of beneficial ownership, July 3, 2012:
<http://www.financialtaskforce.org/2012/07/03/the-new-york-times-begins-to-connect-the-shadow-financial-system-dots/>

Securities Exchange Act of 1934, section 13D, <http://www.sec.gov/about/laws/sea34.pdf>

Peer Review Comments:

No, disclosure of beneficial ownership is not required.

<http://www.financialtaskforce.org/issues/beneficial-ownership/>

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Context

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Indicator	Score
2.1	Context 67 

2.1 Context

2.1.017: Does the government receive in-kind payments instead of financial payments from resource companies?

Score: A B C

Comments:

No, the program was discontinued (Ken Salazar ended it in September 2009 - http://fossil.energy.gov/programs/reserves/spr/DOI_Release_-_Salazar_Ends_Controversial.pdf AND <http://www.nytimes.com/gwire/2009/09/16/16greenwire-interior-to-eliminate-royalty-in-kind-program-81731.html?pagewanted=all>). Preceding this (in August 2009) the US Government Accountability of Office had found that the Royalty-In-Kind program was not providing fair returns to DOI (<http://www.gao.gov/new.items/d09744.pdf>). This came after the Project on Government Oversight released an investigative report on the topic: <http://www.pogo.org/pogo-files/reports/natural-resources/drilling-the-taxpayer/nr-rik-20080918.html>

References:

See comments

2.1.018: If the government or state owned companies sell physical commodities (oil, gas or minerals) from in-kind payments or own production, is there information about how these commodities are marketed?

Score: A B C D E

Comments:

As noted above, the US government discontinued the royalty-in-kind program in September 2009.

References:

No such information was found.

2.1.019: What authority actually collects payments from resource companies?

Score: A B C D E

Comments:

The Office of Natural Resources Revenue (ONRR), an office within the Department of the Interior, collects revenues.

The federal lands are leased to individuals and companies for natural resources development. Lease

holders competitively bid, initially pay a bonus, and subsequently rent, for the right to develop the resources on these onshore and offshore lands. Within the Department of the Interior, the Bureau of Ocean Energy Management, Regulation and Enforcement is responsible for offshore federal leasing, the Bureau of Land Management is responsible for federal onshore leasing, and the Bureau of Indian Affairs coordinates leasing on Indian lands.

Using sophisticated, computerized accounting systems, ONRR processes, or collects, approximately \$1 billion each month. Bonuses, rents and royalties from more than 62,000 leases can amount to several billion dollars each year -- an amount that peaked to more than \$23 billion in Fiscal Year 2008 and has averaged \$13 billion annually during the past five years.

Based on legislation, 49 percent of the money is distributed directly to the state within which the specific lease is located; 40 percent is sent to the Reclamation Fund of the U.S. Treasury, which finances the Bureau of Reclamation's water projects in 17 western states; and the remaining 10 percent goes to the Treasury's General Fund. Per provisions of the Alaskan Statehood Act, Alaska gets a 90 percent share of the revenues from certain leases.

References:

The Office of Natural Resources Revenue (ONRR) website provides the collection framework (refer below).

<http://www.onrr.gov/About/default.htm>

They even have a section on their website that provides information about how companies can pay their royalties (<http://www.onrr.gov/FM/PayInfo.htm>).

Peer Review Comments:










A variety of payments are paid to entities other than ONRR including the IRS and state regulators.

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Disclosure

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Indicator		Score
2.2A.020	Does the Ministry of Finance publish periodical information on revenue generation?	N/A
2.2A.020.j	Does the Ministry of Finance publish information on disaggregated revenue streams?	N/A
2.2A	Quality of reports	N/A
2.2B.020	Does the Ministry of the extractive sector publish information on revenue generation?	75 
2.2B.020.j	Does the Ministry of the extractive sector publish information on disaggregated revenue streams?	100 
2.2B	Quality of reports	67 
2.2C.020	Does a Regulatory Agency publish information on revenue generation?	18 
2.2C.020.j	Does a Regulatory Agency publish information on disaggregated revenue streams?	75 
2.2C	Quality of reports	67 
2.2D.020	Does the Central Bank publish information on revenue generation?	N/A
2.2D.020.j	Does the Central Bank publish information on disaggregated revenue streams?	N/A
2.2D	Quality of reports	N/A
2.2E.020	Does any other government agency or entity publish information on revenue generation?	67 
2.2E.020.j	Does any other government agency or entity publish information on disaggregated revenue streams?	N/A
2.2E	Quality of reports	100 
2.2	Public sector balance	100 

2.2A.020 Does the Ministry of Finance publish periodical information on revenue generation?

2.2A.020.a: Reserves

Score: A B C D **E**

Comments:

Note that Gulf oil revenues are collected by the Office of Natural Resource Revenue (ONRR) and taxes

are collected by the Internal Revenue Service (IRS). A over half of the funds collected by the ONRR were deposited in the US Treasury, but large portions also went to states, tribes, and special funds (see excerpt from ONRR website below). For the purposes of this survey, ONRR reports are described in the "Other government agency" section (2.2E.020).

"Each year, ONRR achieves optimal value by ensuring that all natural resources revenues are efficiently and accurately collected and disbursed to recipients in a timely manner. The ONRR collects and disburses approximately \$10 billion in annual revenues to the U.S. Treasury, five Federal agencies, 38 states, 41 American Indian Tribes, and about 30,000 individual Indian mineral owners.

In FY 2011, ONRR's Financial Management program disbursed* more than \$11.16 billion to the following recipients:

- \$2.0 billion directly to states and eligible political subdivisions, such as counties and parishes
- \$6.05 billion to the U.S. Treasury
- \$538 million to 34 American Indian Tribes and 30,000 individual American Indian mineral owners
- \$1.53 billion to the Reclamation Fund for water projects
- \$892 million to the Land & Water Conservation Fund
- \$150 million to the Historic Preservation Fund"

(source: <http://www.onrr.gov/About/default.htm>)

References:

No such periodical information was found at the following two official Treasury websites:

- 1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1
- 2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

Peer Review Comments:

The US Geological Service of the Department of the Interior reports this type of information by mineral commodity type for a broad range of years. <http://minerals.usgs.gov/minerals/pubs/commodity/>

U.S. Department of Energy's Energy Information Administration reports this type of information for energy-related resources for a broad range of years in its country report on the United States <http://www.eia.gov/countries/country-data.cfm?fips=US&trk=m> and its Annual Energy Review [http://www.eia.gov/forecasts/archive/aeo11/pdf/0383\(2011\).pdf](http://www.eia.gov/forecasts/archive/aeo11/pdf/0383(2011).pdf).

2.2A.020.b: Production volumes

Score: A B C D **E**

Comments:

See above.

References:

No such periodical information was found at the following two official Treasury websites:

- 1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1
- 2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

Peer Review Comments:

The US Geological Service of the Department of the Interior reports this type of information by mineral commodity type for a broad range of years. <http://minerals.usgs.gov/minerals/pubs/commodity/>

U.S. Department of Energy's Energy Information Administration reports this type of information for

energy-related resources for a broad range of years in its country report on the United States <http://www.eia.gov/countries/country-data.cfm?fips=US&trk=m> and its Annual Energy Review [http://www.eia.gov/forecasts/archive/aeo11/pdf/0383\(2011\).pdf](http://www.eia.gov/forecasts/archive/aeo11/pdf/0383(2011).pdf).

The Office of Natural Resource Revenues reports resource production by mineral type, including data covering several years.

http://www.onrr.gov/ONRRWebStats/Disbursements_Royalties.aspx?report=TotalLeasesbyCommodity&yeartype=FY&year=2012&asOfDate=10-24-2011

2.2A.020.c: Information on prices

Score: A B C D **E**

Comments:

See above.

References:

No such periodical information was found at the following two official Treasury websites:

1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1

2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

Peer Review Comments:

The US Geological Service of the Department of the Interior reports this type of information by mineral commodity type for a broad range of years. <http://minerals.usgs.gov/minerals/pubs/commodity/>

U.S. Department of Energy's Energy Information Administration reports this type of information for energy-related resources for a broad range of years in its country report on the United States <http://www.eia.gov/countries/country-data.cfm?fips=US&trk=m> and its Annual Energy Review [http://www.eia.gov/forecasts/archive/aeo11/pdf/0383\(2011\).pdf](http://www.eia.gov/forecasts/archive/aeo11/pdf/0383(2011).pdf).

2.2A.020.d: Value of resource exports

Score: A B C D **E**

Comments:

See above.

References:

No such periodical information was found at the following two official Treasury websites:

1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1

2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

Peer Review Comments:

The Bureau of Economic Analysis of the Department of Commerce reports export revenues for petroleum for several years.

<http://www.bea.gov/iTable/iTable.cfm?ReqID=9&step=1>

The US Geological Service of the Department of the Interior reports this type of information by mineral commodity type of a broad range of years. <http://minerals.usgs.gov/minerals/pubs/commodity/>

U.S. Department of Energy's Energy Information Administration reports this type of information for energy-related resources for broad range of years in its country report on the United States <http://www.eia.gov/countries/country-data.cfm?fips=US&trk=m> and its Annual Energy Review [http://www.eia.gov/forecasts/archive/aeo11/pdf/0383\(2011\).pdf](http://www.eia.gov/forecasts/archive/aeo11/pdf/0383(2011).pdf).

2.2A.020.e: Estimates of investment in exploration and development

Score: A B C D **(E)**

Comments:

See above.

References:

No such periodical information was found at the following two official Treasury websites:

- 1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1
 - 2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>
-

2.2A.020.f: Production costs

Score: A B C D **(E)**

Comments:

See above.

References:

No such periodical information was found at the following two official Treasury websites:

- 1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1
 - 2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>
-

2.2A.020.g: Names of companies operating in country

Score: A B C D **(E)**

Comments:

See above.

References:

No such periodical information was found at the following two official Treasury websites:

- 1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1
- 2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

Peer Review Comments:

The US Geological Service of the Department of the Interior reports this type of information by mineral commodity type over a broad range of years. <http://minerals.usgs.gov/minerals/pubs/commodity/>

U.S. Department of Energy's Energy Information Administration reports this type of information for

energy-related resources for a broad range of years. <http://www.eia.gov/countries/country-data.cfm?fips=US&trk=m>.

2.2A.020.h: Production data by company and/or block

Score: A B C D **(E)**

Comments:

See above.

References:

No such periodical information was found at the following two official Treasury websites:

- 1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1
 - 2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>
-

2.2A.020.i: Cost of subsidies or social investments paid by mineral revenue

Score: A B C D **(E)**

Comments:

See above.

References:

No such periodical information was found at the following two official Treasury websites:

- 1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1
 - 2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>
-

2.2A.020.j Does the Ministry of Finance publish information on disaggregated revenue streams?

2.2A.020.j1: Production streams value

Score: A B C D **(E)**

Comments:

See the following presentation by the Tax Policy Center to understand the relative size of different sources of income for the US. Even if oil and gas royalties in the US are one of the main sources of non-tax income, averaging around \$13 billion in the past 5 years, this number pales in comparison to other sources of revenue (in 2010 the federal government collected \$2.2 trillion, an amount equal to 14.9 percent of GDP).

<http://www.taxpolicycenter.org/briefing-book/background/numbers/revenue.cfm>

References:

No such periodical information was found at the following two official Treasury websites:

- 1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1

2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

3) See also for information on budget and sources of revenue, Office of Management and Budget:
<http://www.whitehouse.gov/omb/budget>

Peer Review Comments:

The US Geological Service of the Department of the Interior reports this type of information by mineral commodity type of a broad range of years. <http://minerals.usgs.gov/minerals/pubs/commodity/>

U.S. Department of Energy's Energy Information Administration reports this type of information for energy-related resources for broad range of years in its country report on the United States <http://www.eia.gov/countries/country-data.cfm?fips=US&trk=m> and its Annual Energy Review [http://www.eia.gov/forecasts/archive/aeo11/pdf/0383\(2011\).pdf](http://www.eia.gov/forecasts/archive/aeo11/pdf/0383(2011).pdf).

2.2A.020.j2: Government s share in PSC

Score: A B C D **E**

Comments:

The US does not use PSCs.

References:

No such periodical information was found at the following two official Treasury websites:

1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1

2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

2.2A.020.j3: Royalties

Score: A B C D **E**

Comments:

See above.

References:

No such periodical information was found at the following two official Treasury websites:

1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1

2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

Peer Review Comments:

This information is published by ONRR, a division of the Department of Interior.

It depends on what you mean by disaggregated.

In 2005, MMS reinstated the practice of reporting state, national, and resource specific production, sales, and royalty revenue on its Web site (see, Confirmation Reports on the Internet in Figure 1). The MMS had been in the habit of posting similar data on its Web site until 2001, when the practice was suspended.

Mineral Lease Data Reported On MMS/MRM Web Site for FY2001 to 2011

Disbursement Leases Royalties*

Total disbursement by commodity and receipt fund (American Indian Tribes and Allottees; Historic Preservation Fund; Land & Water Conservation Fund; Reclamation Fund; State Share: Offshore 8(g); State Share: Onshore; U.S. Treasury)

Nationwide lease data by regulatory category (American Indian, Federal Off-shore [2categories], Federal On-shore, and Federal/Indian joint) commodity, number, acreage, and production status

Nationwide reported royalty revenue by commodity, sales volume, sales value, and lease category
Royalty-in-kind (up to discontinuation in 2010) is reported in an annual document separate from the MRM royalty database

State and off-shore region disbursement amounts by commodity and lease type

Total producing and nonproducing leases by state and off-shore region

State and off-shore region reported royalty revenue by commodity, sales volume and sales value

* Royalties, rents and bonuses are reported as separate line items.

<http://www.onrr.gov/ONRRWebStats/Home.aspx>

Specifically, offshore royalties:

<http://www.onrr.gov/ONRRWebStats/FedOffReportedRoyaltyRevenues.aspx?yeartype=FY&year=2011&dateType=AY>

2.2A.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)

Score: A B C D **(E)**

Comments:

See above.

References:

No such periodical information was found at the following two official Treasury websites:

1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1

2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

Peer Review Comments:

This is true to some extent. However, royalties, rents and bonuses are reported by the ONRR. Again, it also depends on what is meant by "disaggregated revenue streams." I made my judgment based on the assumption that this doesn't include disclosure by operator.

<http://www.onrr.gov/ONRRWebStats/Home.aspx>

2.2A.020.j5: Dividends

Score: A B C D **(E)**

Comments:

See above.

References:

No such periodical information was found at the following two official Treasury websites:

- 1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1
 - 2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>
-

2.2A.020.j6: Bonuses

Score: A B C D E

Comments:

See above.

References:

No such periodical information was found at the following two official Treasury websites:

- 1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1
- 2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

Peer Review Comments:

Bonuses are reported in the aggregate by ONRR.

<http://www.onrr.gov/ONRRWebStats/Home.aspx>

2.2A.020.j7: License fees

Score: A B C D E

Comments:

See above.

References:

No such periodical information was found at the following two official Treasury websites:

- 1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1
- 2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

Peer Review Comments:

The BLM has periodically disclosed this type of information. However, FY2007 is the date of the most recent report.

http://www.blm.gov/pgdata/etc/medialib/blm/wo/Business_and_Fiscal_Resources.Par.78689.File.dat/BLMPARFY07.pdf

2.2A.020.j8: Acreage fees

Score: A B C D E

Comments:

See above.

References:

No such periodical information was found at the following two official Treasury websites:

1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1

2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

Peer Review Comments:

The BLM has also periodically disclosed this type of information. However, FY2007 is the date of the most recent report.

http://www.blm.gov/pgdata/etc/medialib/blm/wo/Business_and_Fiscal_Resources.Par.78689.File.dat/BLMPARFY07.pdf

2.2A.020.j9: Other (Explain in 'comments' box.)

Score: A B C D E

Comments:

See above.

References:

No other relevant periodical information was found at the following two official Treasury websites:

1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1

2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

2.2A Quality of reports

2.2A.021: Are periodical reports containing information on revenue generation published by the Ministry of Finance understandable?

Score: A B C D E

References:

Although periodical reports are published, these contain no information on the resource revenue. See the following two official Treasury websites:

1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1

2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

2.2A.022: How often are the periodical reports containing information on revenue generation published by the Ministry of Finance?

Score: A B C D E

Comments:

See above.

References:

Periodical information was found at the following two official Treasury websites (though not for oil and gas revenue generation specifically)

1) https://explore.data.gov/catalog/raw?Dataset-Summary_Agency=Department+of+the+Treasury&sortBy=alpha&page=1

2) <http://www.treasury.gov/resource-center/data-chart-center/Pages/index.aspx>

Peer Review Comments:

While not published by the Treasury Department, I think these annual reports address the spirit of the question.

The US Geological Service of the Department of the Interior reports this type of information by mineral commodity type of a broad range of years. <http://minerals.usgs.gov/minerals/pubs/commodity/>

U.S. Department of Energy's Energy Information Administration reports this type of information for energy-related resources for broad range of years in its country report on the United States <http://www.eia.gov/countries/country-data.cfm?fips=US&trk=m> and its Annual Energy Review [http://www.eia.gov/forecasts/archive/aeo11/pdf/0383\(2011\).pdf](http://www.eia.gov/forecasts/archive/aeo11/pdf/0383(2011).pdf).

The Office of Natural Resource Revenues reports resource production by mineral type data covering several years.

http://www.onrr.gov/ONRRWebStats/Disbursements_Royalties.aspx?report=TotalLeasesbyCommodity&yeartype=FY&year=2012&asOfDate=10-24-2011

In addition the Department of Energy produces an annual energy review. <http://www.eia.gov/totalenergy/data/annual/pdf/aer.pdf>

2.2B.020 Does the Ministry of the extractive sector publish information on revenue generation?

2.2B.020.a: Reserves

Score: (A) B C D E

Comments:

For the USA the Department of the Interior manages mineral resources in offshore and federal lands through specialized technical agencies. The origin of these agencies was the Minerals Management Service, which was created on January 19, 1982. In January 1983, Congress passed the Federal Oil and Gas Royalty Management Act with the stated purpose: 'To ensure that all oil and gas originated on the public lands and on the Outer Continental Shelf are properly accounted for under the direction of the Secretary of the Interior, and for other purposes.'

On June 21, 2010, the Minerals Management Service was renamed the Bureau of Ocean Energy Management, Regulation and Enforcement and reorganized, following scandals with management of the in-kind royalty payments (see for instance: <http://www.pogo.org/pogo-files/reports/natural-resources/drilling-the-taxpayer/nr-rik-20080918.html> and www.gao.gov/new.items/d08942r.pdf)

"On October 1, 2010, the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), formerly the Minerals Management Service (MMS), was replaced by the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) as part of a major reorganization." The Department of the Interior describes the split between the two departments as "the separation of the: 1) the resource development and energy management functions of BOEMRE; and 2) the safety and enforcement functions of BOEMRE." (See here for more info.: http://www.doi.gov/news/pressreleases/upload/01-19-11_Fact-Sheet-BSEE-BOEM-separation-2.pdf and Secretary Ken Salazar Secretarial Order No. 3299 separating the MMS responsibilities).

Also, in June 2010, Secretarial Order No. 3302 formally eliminated the former MMS and created the

Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE). Effective October 1, 2010, the functions of Management and Regulation officially transferred to the Office of National Resource Revenue (ONRR), reporting to the Assistant Secretary for Policy, Management and Budget. "ONRR is responsible for the management of revenues associated with federal offshore and federal and American Indian onshore mineral leases."

"The Bureau of Ocean Energy Management (BOEM) manages the exploration and development of the nation's offshore resources. It seeks to appropriately balance economic development, energy independence, and environmental protection through oil and gas leases, renewable energy development and environmental reviews and studies." (<http://www.boem.gov/About-BOEM/index.aspx>)

For the purposes of this survey, the Department of the Interior, comprising technical agencies including the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement and the US Geological Service, is considered as the "Ministry of the Extractive Sector." Only the Gulf of Mexico oil and gas development, which is under responsibility of Department of Interior, are scored here. In order to identify more information for this survey, the Office of National Resource Revenue, also under the Department of Interior, is considered as a Regulatory Agency and scored in the next section.

References:

There are annual reports on reserves up until 2007. The BOEM website also provides compressed files with reserves information on active and expired fields and leases in the Gulf of Mexico. Field data available includes leases assigned to each field, Energy Information Administration (EIA) field code number, and cumulative field production. Lease data available includes OCS blocks, operators, effective date of lease in field, expired lease status, and date and portion of lease within the field. These files are compressed using WinRAR a not free software.

<http://www.boem.gov/BOEM-Newsroom/Offshore-Stats-and-Facts/Gulf-of-Mexico-Region/GOMR-Field-and-Reserve-Information.aspx>

Peer Review Comments:

The US Geological Service of the Department of the Interior reports this type of information by mineral commodity type of a broad range of years. <http://minerals.usgs.gov/minerals/pubs/commodity/>

U.S. Department of Energy's Energy Information Administration reports this type of information for energy-related resources for broad range of years in its country report on the United States <http://www.eia.gov/countries/country-data.cfm?fips=US&trk=m> and its Annual Energy Review [http://www.eia.gov/forecasts/archive/aeo11/pdf/0383\(2011\).pdf](http://www.eia.gov/forecasts/archive/aeo11/pdf/0383(2011).pdf).

2.2B.020.b: Production volumes

Score: A B C D E

Comments:

Visitors to the BOEM website can construct their own production volumes' reports for the years and regions of their interest.

References:

http://www.data.boem.gov/homepg/data_center/production/production/master.asp

<http://www.data.boem.gov/homepg/pubinfo/repcat/product/Region.asp>

Peer Review Comments:

The US Geological Service of the Department of the Interior reports this type of information by mineral commodity type of a broad range of years. <http://minerals.usgs.gov/minerals/pubs/commodity/>

U.S. Department of Energy's Energy Information Administration reports this type of information for energy-related resources for broad range of years in its country report on the United States

<http://www.eia.gov/countries/country-data.cfm?fips=US&trk=m> and its Annual Energy Review
[http://www.eia.gov/forecasts/archive/aeo11/pdf/0383\(2011\).pdf](http://www.eia.gov/forecasts/archive/aeo11/pdf/0383(2011).pdf).

2.2B.020.c: Information on prices

Score: A B C D E

Comments:

BOEM provides price data for the 2011 Price Threshold Determination, used to determine when Gulf of Mexico price thresholds have been exceeded by annual market prices for oil or gas. "Price thresholds are used to determine whether royalty relief applies for deepwater and deep depth royalty relief programs. The Bureau estimates the average New York Mercantile Exchange (NYMEX) market price at which oil or gas would have to sell during the remainder of the calendar year for the estimated price threshold to be exceeded for that year. Price Thresholds links to this estimate as well as a record of past year price thresholds since 1994, and the NYMEX Price History links to a spreadsheet of monthly oil and gas prices used in the Price Thresholds determination. The final bullet links to guidance provided by the Bureau's Minerals Revenue Management (MRM) program for recouping royalties paid on Deepwater Royalty Relief Act (DWRRA) leases."

References:

<http://www.boem.gov/Oil-and-Gas-Energy-Program/Energy-Economics/Price-Thresholds/econPT.aspx>

http://www.data.boem.gov/homepg/data_center/index.asp

Peer Review Comments:

The US Geological Service of the Department of the Interior reports this type of information by mineral commodity type of a broad range of years. <http://minerals.usgs.gov/minerals/pubs/commodity/>

U.S. Department of Energy's Energy Information Administration reports this type of information for energy-related resources for broad range of years in its country report on the United States
<http://www.eia.gov/countries/country-data.cfm?fips=US&trk=m> and its Annual Energy Review
[http://www.eia.gov/forecasts/archive/aeo11/pdf/0383\(2011\).pdf](http://www.eia.gov/forecasts/archive/aeo11/pdf/0383(2011).pdf).

2.2B.020.d: Value of resource exports

Score: A B C D E

References:

There are no periodical reports or data published by the BOEM for this category.

http://www.data.boem.gov/homepg/data_center/index.asp

Peer Review Comments:

The Bureau of Economic Analysis of the Department of Commerce reports export revenues for petroleum for several years.
<http://www.bea.gov/iTable/iTable.cfm?ReqID=9&step=1>

The US Geological Service of the Department of the Interior reports this type of information by mineral commodity type of a broad range of years. <http://minerals.usgs.gov/minerals/pubs/commodity/>

U.S. Department of Energy's Energy Information Administration reports this type of information for energy-related resources for broad range of years in its country report on the United States
<http://www.eia.gov/countries/country-data.cfm?fips=US&trk=m> and its Annual Energy Review
[http://www.eia.gov/forecasts/archive/aeo11/pdf/0383\(2011\).pdf](http://www.eia.gov/forecasts/archive/aeo11/pdf/0383(2011).pdf).

2.2B.020.e: Estimates of investment in exploration and development**Score:** (A) B C D E**Comments:**

There is mention of the Expansion of the Exploration, Development, and Production Model for the Gulf of Mexico. Otherwise, there is scattered information about exploration and development, but there is no specific report on this category.

It is also possible to retrieve information for exploration and development plans from the Public Information Query website. To retrieve useful information this tool requires the following: lease number, area/block, control number, type, date recorded and/or imported date. This tool provides extensive and detailed information, but the lack of consolidation and analysis makes it hard to use for non specialists.

References:

Budget Justification of BOEM for FY 2011, p. 97.

and: http://www.data.boem.gov/homepg/data_center/plans/plans.asp

2.2B.020.f: Production costs**Score:** A B C (D) E**References:**

There is no such information publicly provided by the BOEM.

http://www.data.boem.gov/homepg/data_center/index.asp

2.2B.020.g: Names of companies operating in country**Score:** (A) B C D E**Comments:**

The list of companies is updated constantly (last update March 1st, 2012)

References:

http://www.data.boem.gov/homepg/data_center/company/company.asp

Peer Review Comments:

The US Geological Service of the Department of the Interior reports this type of information by mineral commodity type of a broad range of years. <http://minerals.usgs.gov/minerals/pubs/commodity/>

U.S. Department of Energy's Energy Information Administration reports this type of information for energy-related resources for broad range of years in its country report on the United States <http://www.eia.gov/countries/country-data.cfm?fips=US&trk=m> and its Annual Energy Review [http://www.eia.gov/forecasts/archive/aeo11/pdf/0383\(2011\).pdf](http://www.eia.gov/forecasts/archive/aeo11/pdf/0383(2011).pdf).

2.2B.020.h: Production data by company and/or block**Score:** (A) B C D E**Comments:**

A user can browse "Rank Operator by Oil" (and or Gas) to see the top producing firms as well as find firms' operations that have been suspended. These reports are produced annually.

References:

BOEM website; http://www.data.boem.gov/homepg/data_center/production/production.asp

Peer Review Comments:

This type of disclosure is done for offshore leases in the Gulf of Mexico. However, I'm not aware that it's disclosed publicly for any other mineral or commodity. However, state government officials and Native Americas in proximity to a particular lease can get this information for other commodities.

<http://www.oxfamamerica.org/files/transparency-begins-at-home.pdf>

2.2B.020.i: Cost of subsidies or social investments paid by mineral revenue

Score: A B C D **(E)**

Comments:

The Budget Justification for FY2011 mentions the amounts that have been paid to different recipients (these are cumulative data from 1982 to 2010, but does not provide information for FY2010 or 2011). However, some but not all of these seem like subsidies or social investments (BOEM, p. 165):

- \$130.89 billion to the U.S. Treasury and other Federal agencies
- \$ 26.98 billion to 38 states
- \$ 24.36 billion to the Land and Water Conservation Fund
- \$ 18.10 billion to the Reclamation Fund
- \$ 6.65 billion to 41 American Indian tribes and 30,000 Individual Indian Mineral Owners (IIMOs)
- \$ 3.75 billion to the National Historic Preservation Fund

References:

BOEM FY2011 Budget Justification, pp. 165-167.

2.2B.020.j Does the Ministry of the extractive sector publish information on disaggregated revenue streams?

2.2B.020.j1: Production streams value

Score: A B C D **(E)**

References:

No such information is available. <http://www.boem.gov/search-results.aspx?q=streams+value>

Peer Review Comments:

The US Geological Service of the Department of the Interior reports this type of information by mineral commodity type of a broad range of years. <http://minerals.usgs.gov/minerals/pubs/commodity/>

U.S. Department of Energy's Energy Information Administration reports this type of information for energy-related resources for broad range of years in its country report on the United States <http://www.eia.gov/countries/country-data.cfm?fips=US&trk=m> and its Annual Energy Review [http://www.eia.gov/forecasts/archive/aeo11/pdf/0383\(2011\).pdf](http://www.eia.gov/forecasts/archive/aeo11/pdf/0383(2011).pdf).

As the primary researcher reported earlier, this information is disclosed on the lease-level for operations in the Gulf of Mexico.

<http://www.data.boem.gov/homepg/pubinfo/repcat/product/pdf/Production%20C%202011.pdf>

2.2B.020.j2: Government s share in PSC**Score:** A B C D **(E)****Comments:**

The US does not use PSCs.

References:

No such information is available. <http://www.boem.gov/search-results.aspx?q=streams+value>

2.2B.020.j3: Royalties**Score:** **(A)** B C D E**Comments:**

There is historical data as well as future projections for different types of royalties.

References:

FY 2011 BOEM Budget Justification, offshore royalties at p. 216, onshore at p. 213.

<http://www.boem.gov/uploadedFiles/2011BudgetJustification.pdf>

Peer Review Comments:

In 2005, MMS reinstated the practice of reporting state, national, and resource specific production, sales, and royalty revenue on its Web site¹⁸ (see, Confirmation Reports on the Internet in Figure 1). The MMS had been in the habit of posting similar data on its Web site until 2001, when the practice was suspended.

Mineral Lease Data Reported On MMS/MRM Web Site for FY2001 to 2011 Disbursement Leases Royalties*

Total disbursement by commodity and receipt fund (American Indian Tribes and Allottees; Historic Preservation Fund; Land & Water Conservation Fund; Reclamation Fund; State Share: Offshore 8(g); State Share: Onshore; U.S. Treasury)

Nationwide lease data by regulatory category (American Indian, Federal Off-shore [2categories], Federal On-shore, and Federal/Indian joint) commodity, number, acreage, and production status.

Nationwide reported royalty revenue by commodity, sales volume, sales value, and lease category Royalty-in-kind (up to discontinuation in 2010) is reported in an annual document separate from the MRM royalty database State and off-shore region disbursement amounts by commodity and lease type.

Total producing and nonproducing leases by state and off-shore region. State and off-shore region reported royalty revenue by commodity, sales volume and sales value.

* Royalties, rents and bonuses are reported as separate line items.

<http://www.onrr.gov/ONRRWebStats/Home.aspx>

2.2B.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)**Score:** **(A)** B C D E**Comments:**

There is information on various tax issues, including the Barrel Tax (which goes to fund oil spill research. See below for more details.

"Barrel Tax. The largest source of revenue has been a 5-cent-per-barrel tax, collected from the oil industry on petroleum produced in or imported to the United States. The tax was suspended in July 1993 because the Fund reached its statutory limit. It was reinstated in July 1994 when the balance declined below \$1 billion, but expired at the end of 1994 because of the sunset provision in the law. The 2005 Energy Policy Act again reinstated the tax, effective April 2006."

References:

FY2011 BOEM Budget Justification p. 133.

Peer Review Comments:

Royalties, rents and bonuses are reported. Detailed information on these payments do not include disclosure by operator, which would be an EITI requirement.

<http://www.onrr.gov/ONRRWebStats/Home.aspx>

2.2B.020.j5: Dividends

Score: A B C D **E**

Comments:

The USG does not have stake in oil and/or gas companies, thus no dividends paid.

References:

No such information is available. http://www.data.boem.gov/homepg/data_center/index.asp

2.2B.020.j6: Bonuses

Score: **A** B C D E

Comments:

Every BOEM (and prior to that MMS) Budget Justification has a section on bonuses. In the FY2011- see p. 204, FY 2010 - see p. 207, FY2009 pp.210-213.

References:

Every BOEM (and prior to that MMS) Budget Justification has a section on bonuses. In the FY2011- see p. 204, FY 2010 - see p. 207, FY2009 pp.210-213.

Peer Review Comments:

Royalties, rents and bonuses are reported to some extent. Detailed information on these payments do not include disclosure by operator, which would be an EITI requirement.

<http://www.onrr.gov/ONRRWebStats/Home.aspx>

2.2B.020.j7: License fees

Score: **A** B C D E

Comments:

In the US licenses are called leases and the owner of a license is a lessee. To collect payments for the exploration and extraction of resources, the US government uses bonuses, rentals and royalties to reflect the value of the rights to explore and potentially develop and produce oil and gas resources.

"The BOEM sets minimum bid levels, rental rates, and royalty rates by individual lease sale based on its assessment of market and resource conditions as the sale approaches. Since 1983, the Bureau has used a two-phase post-sale bid evaluation process to meet the fair market value requirement. Under its bid

adequacy procedures, the Bureau reviews all high bids received and evaluates all blocks using either tract-specific bidding factors or detailed tract-specific analytical factors to ensure that fair market value is received for each OCS lease issued. This bid adequacy process relies on both evidence of market competition and in-house estimates of tract value. In addition to the lease fiscal terms and bid adequacy process, the Bureau establishes terms and conditions to assure diligent development of leases and environmentally clean and safe operations. The Bureau of Land Management and BOEM jointly commissioned a study, Comparative Assessment of the Federal Oil and Gas Fiscal System, to provide an important analysis and model that will provide both agencies with an additional tool in making future assessments of fair return and decisions regarding fiscal terms for Federal oil and gas leases."

<http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Leasing.aspx>

References:

BOEM Budget Justification, Appendix G in each of the Budget Justifications. In the FY2011 one, see p. 240.

2.2B.020.j8: Acreage fees

Score: (A) B C D E

Comments:

The BOEM does not use the term acreage fee, but the document cited relates to the amount of land and fees paid for leases.

References:

<http://www.data.boem.gov/homepg/pubinfo/repcat/lease/pdf/1221.pdf>

Peer Review Comments:

Royalties, rents (what might be considered an acreage fee) and bonuses are reported. "Disaggregated revenue streams" don't include disclosure by operator, which would be an EITI requirement.

<http://www.onrr.gov/ONRRWebStats/Home.aspx>

2.2B.020.j9: Other (Explain in 'comments' box.)

Score: A B C D (E)

Comments:

There seems to be no other pertinent relevant information on the BOEM website, which however has a very extensive data center.

References:

There seems to be no other pertinent relevant information on the BOEM website, which however has a very extensive data center.

http://www.data.boem.gov/homepg/data_center/index.asp

2.2B Quality of reports

2.2B.021: Are periodical reports containing information on revenue generation published by the Ministry of the extractive sector understandable?

Score: (A) B C D E

Comments:

The reports that are targeted towards a broad audience (i.e. basic information on leasing, the OCS activities, the environmental implications of exploration etc.) are quite clear. On the revenue side, however, the BOEM periodical reports rarely define terms that would prove difficult to understand for anyone who is not literate in oil tax and the extractive sector.

References:

http://www.data.boem.gov/homepg/data_center/index.asp

Peer Review Comments:

The researcher's comment only refernce BOEM's reports, but it is true of other relevant entities including USGS, BLM ONRR, DOE EIA, etc.

2.2B.022: How often are the periodical reports containing information on revenue generation published by the Ministry of the extractive sector?

Score: A B C D E

Comments:

Data and statistics on production are produced in a monthly (or even daily basis), but the overwhelming majority of descriptive and narrative reporting is done annually.

References:

http://www.data.boem.gov/homepg/data_center/index.asp

Peer Review Comments:

The researcher's comment only refernces BOEM's reports, but it is true of other relevant entities including USGS, BLM ONRR, DOE EIA, etc.

BLM reporting is spotty at times, however, and can come in intervals longer than one year.

2.2C.020 Does a Regulatory Agency publish information on revenue generation?**2.2C.020.a: Reserves**

Score: A B C D E

Comments:

As stated in the previous section, the Office of Natural Resource Revenue is considered in this survey as the Regulatory Agency. The objective is to identify detailed information from different agencies of the Department of the Interior. A description of this agency's role from its web site:

"In January 1982, the Minerals Management Service (MMS) was created within DOI from the Conservation Division of the USGS to improve management of Federal leasing revenues. There were two operational programs within MMS: Offshore Energy and Minerals Management, and the Minerals Revenue Management (MRM) program.

"In May 2010, Interior Secretary Ken Salazar issued Secretarial Order No. 3299 separating the MMS responsibilities into three distinct organizations, one of which was ONRR. Issued in June 2010, Secretarial Order No. 3302 formally eliminated the former MMS and created the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE). Effective October 1, 2010, the functions of MRM officially transferred to ONRR, reporting to the Assistant Secretary for Policy, Management and Budget.

"ONRR is responsible for the management of revenues associated with federal offshore and federal and American Indian onshore mineral leases, as well as revenues received as a result of offshore renewable energy efforts. This revenue management effort is one of the federal government's greatest sources of non-tax revenues.

"ONRR is comprised of three program areas including Asset Management, Audit and Compliance Management, and Financial and Program Management. Each year, ONRR achieves optimal value by ensuring that all natural resources revenues are efficiently and accurately collected and disbursed to recipients in a timely manner. The ONRR collects and disburses approximately \$10 billion in annual revenues to the U.S. Treasury, five Federal agencies, 38 states, 41 American Indian Tribes, and about 30,000 individual Indian mineral owners."

References:

There is no available and relevant data provided by the Office of Natural Resources Revenue for royalties.

<http://www.onrr.gov/ONRRWebStats/default.aspx>

2.2C.020.b: Production volumes

Score: A B C D E

References:

ONRR provides this information in it's Year in Review report for 2006-10.

<http://www.onrr.gov/ONRRWebStats/YearInReview.aspx>

2.2C.020.c: Information on prices

Score: A B C D E

References:

The Office of Natural Resources Revenue includes this information for 2006-10 in its Year In Review reports:

<http://www.onrr.gov/ONRRWebStats/YearInReview.aspx>

2.2C.020.d: Value of resource exports

Score: A B C D E

References:

There is no available and relevant data provided by the Office of Natural Resources Revenue for this category.

<http://www.onrr.gov/ONRRWebStats/default.aspx>

2.2C.020.e: Estimates of investment in exploration and development

Score: A B C D E

References:

There is no available and relevant data provided by the Office of Natural Resources Revenue for this category.

<http://www.onrr.gov/ONRRWebStats/default.aspx>

2.2C.020.f: Production costs

Score: A B C **(D)** E

References:

There is no available and relevant data provided by the Office of Natural Resources Revenue for this category.

<http://www.onrr.gov/ONRRWebStats/default.aspx>

2.2C.020.g: Names of companies operating in country

Score: A B C **(D)** E

References:

There is no available and relevant data provided by the Office of Natural Resources Revenue for this category.

<http://www.onrr.gov/ONRRWebStats/default.aspx>

2.2C.020.h: Production data by company and/or block

Score: A B C **(D)** E

References:

There is no available and relevant data provided by the Office of Natural Resources Revenue for this category.

<http://www.onrr.gov/ONRRWebStats/default.aspx>

2.2C.020.i: Cost of subsidies or social investments paid by mineral revenue

Score: **(A)** B C D E

Comments:

The ONRR manages royalties and disbursement of revenue to different purposes, including some that can be considered as social investments or subsidies. Among the beneficiaries are: American Indian Tribes & Allottees; Historic Preservation Fund; Land & Water Conservation Fund; Reclamation Fund; and share of revenue with States and Treasury. This information is provided in annual reports with a historical archive.

References:

There is a disaggregated table with total Disbursement by Fund & Commodity. Produced annually.
http://www.onrr.gov/ONRRWebStats/Disbursements_Royalties.aspx?report=TotalDisbursementsbyCategory&yeartype=FY&year=2011&datatype=

2.2C.020.j Does a Regulatory Agency publish information on disaggregated revenue streams?

2.2C.020.j1: Production streams value**Score:** A B C D **(E)****References:**

There is no available and relevant data provided by the Office of Natural Resources Revenue for this category.

<http://www.onrr.gov/ONRRWebStats/default.aspx>

2.2C.020.j2: Government s share in PSC**Score:** A B C D **(E)****References:**

The US does not have PSCs.

2.2C.020.j3: Royalties**Score:** **(A)** B C D E**Comments:**

The ONRR reports all royalty revenues by fiscal year, including commodity, volume sold and value of sales, plus royalty revenue. It also publishes information for rents, bonuses and other revenue.

References:

http://www.onrr.gov/ONRRWebStats/Disbursements_Royalties.aspx?report=AllReportedRoyaltyRevenues&yeartype=FY&year=2011&datatype=AY

2.2C.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)**Score:** A B C **(D)** E**Comments:**

The ONRR collects payments for Royalties, Bonuses, Rental fees and other revenue. No additional tax is identified, which may mean there is no other tax. The BOEM does provide reference for another tax, which is the reason why 'not published' is chosen here.

References:

There is no available and relevant data provided by the Office of Natural Resources Revenue for this category.

<http://www.onrr.gov/ONRRWebStats/default.aspx>

2.2C.020.j5: Dividends**Score:** A B C D **(E)****Comments:**

The US government does not receive dividends.

References:

There is no available and relevant data provided by the Office of Natural Resources Revenue for this

category.
<http://www.onrr.gov/ONRRWebStats/default.aspx>

2.2C.020.j6: Bonuses

Score: A B C D E

References:

http://www.onrr.gov/ONRRWebStats/Disbursements_Royalties.aspx?report=AllReportedRoyaltyRevenues&yeartype=FY&year=2011&datatype=AY

2.2C.020.j7: License fees

Score: A B C D E

References:

ONRR collects "royalties, rents, bonuses and other revenues generated throughout the leasing process" (see <http://www.onrr.gov/About/default.htm>).

2011 Gulf revenues: <http://www.onrr.gov/ONRRWebStats/StateAndOffshoreRegions.aspx?state=OG&yeartype=FY&year=2011&dateType=AY>

2.2C.020.j8: Acreage fees

Score: A B C D E

References:

ONRR collects "royalties, rents, bonuses and other revenues generated throughout the leasing process" (see <http://www.onrr.gov/About/default.htm>). The rent paid for land areas is considered here an "acreage fee".

2011 Gulf revenues: <http://www.onrr.gov/ONRRWebStats/StateAndOffshoreRegions.aspx?state=OG&yeartype=FY&year=2011&dateType=AY>

2.2C.020.j9: Other (Explain in 'comments' box.)

Score: A B C D E

References:

There is no other available and relevant data provided by the Office of Natural Resources Revenue for this category.

<http://www.onrr.gov/ONRRWebStats/default.aspx>

2.2C Quality of reports

2.2C.021: Are periodical reports containing information on revenue generation published by the Regulatory Agency understandable?

Score: A B C D E

References:

The Office of Natural Resources Revenue has comprehensive explanations about their activities - easily understandable to a wide audience.

<http://www.onrr.gov/ONRRWebStats/default.aspx>

2.2C.022: How often are the periodical reports containing information on revenue generation published by the Regulatory Agency?

Score: A B C D E

References:

All of the reports and statistics are produced on an annual basis and they cover historical data too.

<http://www.onrr.gov/ONRRWebStats/default.aspx>

2.2D.020 Does the Central Bank publish information on revenue generation?

2.2D.020.a: Reserves

Score: A B C D E

Comments:

The Federal Reserve System is the central bank of the United States. The Fed's primary responsibility is the formulation of monetary policy through reserve requirements, discount rate policy and open market operations. In addition, the Fed has regulatory and supervisory responsibilities over banks that are members of the System, bank holding companies, international banking facilities in the United States, Edge Act and agreement corporations, foreign activities of member banks, and the U.S. activities of foreign-owned banks. The Fed also has responsibility in the development and administration of regulations that implement major federal laws governing consumer credit. See: <http://www.federalreserve.gov/pubs/frseries/frseri.htm>

However, the Fed has no responsibility over mineral or hydrocarbon resources. It doesn't receive revenues from revenue-collecting agencies like the ONRR or the IRS. (See this American Enterprise Institute publication for a description: <http://www.american.com/archive/2007/september-october-magazine-contents/how-the-fed-works>). Revenues the Fed generates itself are paid into the Treasury (see http://www.federalreserve.gov/pf/pdf/pf_complete.pdf, p. 11). For this reason, this section is marked as not applicable.

References:

The Fed publishes its gold stock reserves and earmarked gold. The reports are produced on a monthly basis and they are distributed to the public.

<http://www.federalreserve.gov/econresdata/releases/intlsumm/forassets20120229.htm>

2.2D.020.b: Production volumes

Score: A B C D E

References:

The Industrial Production and Capacity Utilization - G.17 index provides information on the capacity utilization (including the growth of the production volume) of the oil and mining industries. These are produced on monthly basis and are distributed to the public.

<http://www.federalreserve.gov/releases/g17/Current/>

2.2D.020.c: Information on prices**Score:** A B C D E**Comments:**

The Fed does not publish periodical reports or statistics for this category.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.d: Value of resource exports**Score:** A B C D E**Comments:**

The Fed does not publish periodical reports or statistics for this category. The U.S. is a net importer, so this category has been marked N/A.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.e: Estimates of investment in exploration and development**Score:** A B C D E**Comments:**

The Fed does not publish periodical reports or statistics for this category.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.f: Production costs**Score:** A B C D E**Comments:**

The Fed does not publish periodical reports or statistics for this category.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.g: Names of companies operating in country

Score: A B C D **(E)**

Comments:

The Fed does not publish periodical reports or statistics for this category.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.h: Production data by company and/or block

Score: A B C D **(E)**

Comments:

The Fed does not publish periodical reports or statistics for this category.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.i: Cost of subsidies or social investments paid by mineral revenue

Score: A B C D **(E)**

Comments:

The Fed does not publish periodical reports or statistics for this category.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.j Does the Central Bank publish information on disaggregated revenue streams?

2.2D.020.j1: Production streams value

Score: A B C D **(E)**

Comments:

The Fed does not publish periodical reports or statistics for this category.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.j2: Government s share in PSC

Score: A B C D **(E)**

Comments:

The US does not have PSCs.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.j3: Royalties

Score: A B C D **(E)**

Comments:

The Fed does not publish periodical reports or statistics for this category.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)

Score: A B C D **(E)**

Comments:

The Fed does not publish periodical reports or statistics for this category.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.j5: Dividends

Score: A B C D **(E)**

Comments:

The US government does not receive dividends.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.j6: Bonuses

Score: A B C D **(E)**

Comments:

The Fed does not publish periodical reports or statistics for this category.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.j7: License fees

Score: A B C D E

Comments:

The Fed does not publish periodical reports or statistics for this category.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.j8: Acreage fees

Score: A B C D E

Comments:

The Fed does not publish periodical reports or statistics for this category.

References:

The Fed does not publish periodical reports or statistics for this category.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D.020.j9: Other (Explain in 'comments' box.)

Score: A B C D E

References:

The Fed does not publish periodical reports or statistics other relevant information on the extractive industry sector.

<http://www.federalreserve.gov/econresdata/statisticsdata.htm>

2.2D Quality of reports

2.2D.021: Are periodical reports containing information on revenue generation published by the Central Bank understandable?

Score: A B C D E

Comments:

The periodical reports, statistics and data available at the Fed website are mainly technical in nature and in appearance and do not pertain to the extractive industries (with the exception of the reports on

export data and on industrial production and capacity utilization. That being said, there are summaries that can be quite helpful. There is limited if any information on methodology or statistical techniques.

References:

<http://www.federalreserve.gov/releases/g17/Current/>

<http://www.federalreserve.gov/econresdata/releases/intlsumm/current.htm>

2.2D.022: How often are the periodical reports containing information on revenue generation published by the Central Bank?

Score: A B C D E

Comments:

Both of the relevant periodical reports and data are published monthly.

References:

<http://www.federalreserve.gov/releases/g17/Current/>

<http://www.federalreserve.gov/econresdata/releases/intlsumm/current.htm>

2.2E.020 Does any other government agency or entity publish information on revenue generation?

2.2E.020.a: Reserves

Score: A B C D E

Comments:

For this research, information provided by the U.S. Energy Information Agency, under the Department of Energy, is included as Other agency, even though it has no regulatory role, because of its mission to provide "independent and impartial" information "to promote sound policy-making, efficient markets, and public understanding." (see mission statement excerpt below).

"The U.S. Energy Information Administration (EIA) is the statistical and analytical agency within the U.S. Department of Energy. EIA collects, analyzes, and disseminates independent and impartial energy information to promote sound policymaking, efficient markets, and public understanding of energy and its interaction with the economy and the environment. EIA is the nation's premier source of energy information and, by law, its data, analyses, and forecasts are independent of approval by any other officer or employee of the U.S. Government." (http://www.eia.gov/about/mission_overview.cfm)

References:

U.S. Energy Information Administration

http://www.eia.gov/dnav/pet/pet_crd_pres_dcu_NUS_a.htm

2.2E.020.b: Production volumes

Score: A B C D E

References:

U.S. EIA Crude Oil Production

http://www.eia.gov/dnav/pet/pet_crd_crpdn_adc_mbbbl_m.htm

2.2E.020.c: Information on prices**Score:** A B C D E**References:**

Prices reported weekly. U.S. EIA
http://www.eia.gov/dnav/pet/pet_pri_gnd_dcus_nus_w.htm

2.2E.020.d: Value of resource exports**Score:** A B C D E**References:**

The EIA website includes weekly reports on total oil imports and exports, and annual figures for the Gulf region.

Total US exports by week: http://www.eia.gov/dnav/pet/pet_move_wkly_dc_NUS-Z00_mbbldpd_w.htm

Gulf petroleum exports by year: http://www.eia.gov/dnav/pet/pet_move_exp_dc_R30-Z00_mbbld_a.htm

2.2E.020.e: Estimates of investment in exploration and development**Score:** A B C D E**References:**

The EIA has a historic database called Financial Reporting System Public Data which consolidates data for the largest energy companies in the US, using public disclosure reports. This database covers the period 1977-2008. This database doesn't seem to have been updated since then.

<http://www.eia.gov/emeu/finance/frsdata.html>

2.2E.020.f: Production costs**Score:** A B C D E**References:**

Reported Annually. U.S. EIA
http://www.eia.gov/dnav/pet/pet_crd_wellcost_s1_a.htm

2.2E.020.g: Names of companies operating in country**Score:** A B C D E**References:**

Given the size of the energy sector in the U.S. and the number of companies, it would be a large effort to provide this type of information in one site. However, the EIA does provide financial news and public statistic data for selected major energy companies.

http://www.eia.gov/finance/performanceprofiles/news_m/list.html

2.2E.020.h: Production data by company and/or block**Score:** A B C D E**References:**

U.S. EIA provides extensive reports on petroleum, gas and other sources of energy, by type of source, country, state, production region. Weekly and Monthly petroleum supply reports too.
<http://www.eia.gov>

2.2E.020.i: Cost of subsidies or social investments paid by mineral revenue**Score:** A B C D E**References:**

U.S. EIA does not provide periodical reports in this category. <http://www.eia.gov>

2.2E.020.j Does any other government agency or entity publish information on disaggregated revenue streams?

2.2E.020.j1: Production streams value**Score:** A B C D E**References:**

The role of the EIA as described by the agency's web site:

The U.S. Energy Information Administration (EIA) is the statistical and analytical agency within the U.S. Department of Energy. EIA collects, analyzes, and disseminates independent and impartial energy information to promote sound policymaking, efficient markets, and public understanding of energy and its interaction with the economy and the environment. EIA is the Nation's premier source of energy information and, by law, its data, analyses, and forecasts are independent of approval by any other officer or employee of the U.S. Government.

EIA conducts a comprehensive data collection program that covers the full spectrum of energy sources, end uses, and energy flows. EIA also prepares informative energy analyses, monthly short-term forecasts of energy market trends, and long-term U.S. and international energy outlooks. EIA disseminates its data, analyses, and other products primarily through its website and customer contact center.

<http://www.eia.gov>

2.2E.020.j2: Government s share in PSC**Score:** A B C D E**References:**

The US does not have PSCs,

2.2E.020.j3: Royalties**Score:** A B C D E**References:**

The EIA does not provide any relevant periodical reports in this category.
<http://www.eia.gov>

2.2E.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)

Score: A B C D E

References:

The EIA does not provide any relevant periodical reports in this category.
<http://www.eia.gov>

2.2E.020.j5: Dividends

Score: A B C D E

References:

The US government doesn't receive dividends.

2.2E.020.j6: Bonuses

Score: A B C D E

References:

The EIA does not provide any relevant periodical reports in this category.
<http://www.eia.gov>

2.2E.020.j7: License fees

Score: A B C D E

References:

The EIA does not provide any relevant periodical reports in this category.
<http://www.eia.gov>

2.2E.020.j8: Acreage fees

Score: A B C D E

Comments:

ONRR collects "royalties, rents, bonuses and other revenues generated throughout the leasing process" (see <http://www.onrr.gov/About/default.htm>) but doesn't seem to collect anything called an "acreage fee".

References:

2011 Gulf revenues: <http://www.onrr.gov/ONRRWebStats/StateAndOffshoreRegions.aspx?state=OG&yeartype=FY&year=2011&dateType=AY>

2.2E.020.j9: Other (Explain in 'comments' box.)

Score: A B C D **E**

References:

There is no other available and relevant data provided by the Office of Natural Resources Revenue for this category.

<http://www.onrr.gov/ONRRWebStats/default.aspx>

2.2E Quality of reports

2.2E.021: Are periodical reports containing information on revenue generation published by any other government agency or entity understandable?

Score: **A** B C D E

References:

The EIA provides detailed reports, quantitative data, and insights in a clear and concise manner. Terms and concepts are explained whenever necessary.

<http://www.eia.gov>

2.2E.022: How often are the periodical reports containing information on revenue generation published by the any other governmental agency or entity?

Score: **A** B C D E

References:

The frequency of the report production and publication depends on the subject/indicator. Details on the report frequency under each indicator.

<http://www.eia.gov/>

2.2 Public sector balance

2.2.023: Does the government include the SOC financial balance (its assets and liabilities) within the public sector balance or overall balance of general government in reports to the legislature?

Score: A B C D **E**

Comments:

There in no SOC in the United States.

References:

There in no SOC in the United States.

2.2.024: Does the government include projections of transactions, accounts of actual spending by the natural resource funds, and their assets and liabilities, within the public sector balance or overall balance of general government in reports to the legislature?

Score: **A** B C D E

Comments:

According to ONRR, 40 percent of the oil revenue is sent to the Reclamation Fund of the U.S. Treasury, which finances the Bureau of Reclamation's water projects in 17 western states. Now, the Land and Water Conservation Fund does publish allocations reports every fiscal year for the legislative branch (refer to the second link). That said, there are projections - although the information provided on the budget allocations reports is quite extensive.

References:

<http://www.onrr.gov/About/default.htm> AND <http://www.nps.gov/ncrc/programs/lwcf/funding.html>

2.2.025: Does the government provide information on the non resource fiscal balance in its budget proposal?

Score: A B C

Comments:

The Treasury Department produces a Combined Statement of Receipts, Outlays, and Balances each December for the preceding fiscal year, which provides detailed data on federal financial activities (fiscal balance from non-resource sources as well).

References:


<http://www.fms.treas.gov/annualreport/index.html>

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Legal Framework and Practices

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Indicator	Score
2.3 Legal Framework and Practices	81 

2.3 Legal Framework and Practices

2.3.026: In the legal framework, what government agencies have authority to collect taxes and payments from resource companies?

Score: A B C D E

Comments:

The Office of Natural Resources Revenue (ONRR) "performs a variety of critical functions in pursuit of its mission to ensure the transparent and robust collections of royalties, rents, fees, and other revenues." The ONRR Mission Statement is "To ensure the full and fair return to the American people of federal and Indian royalties and other monies owed for the utilization of public resources in the production of conventional and renewable energy and mineral resources."

Tax revenues are collected by the IRS and the Treasury.

References:

<http://www.onrr.gov/About/default.htm>

2.3.027: Are all resource related revenues, including those collected by state owned companies, regulatory agencies, ministries, special funds or by the tax authority placed in the national treasury?

Score: A B C D E

Comments:

Not all of the funds go to the Treasury immediately. According to the ONRR, "based on legislation, 49 percent of the money is distributed directly to the state within which the specific lease is located; 40 percent is sent to the Reclamation Fund of the U.S. Treasury, which finances the Bureau of Reclamation's water projects in 17 western states; and the remaining 10 percent goes to the Treasury's General Fund. Per provisions of the Alaskan Statehood Act, Alaska gets a 90 percent share of the revenues from certain leases."

References:

<http://www.onrr.gov/About/default.htm>

2.3.028: Are government officials with a role in the oversight of the oil, gas or mining sector required to disclose information about their financial interest in any extractive activity or projects?

Score: (A) B C

Comments:

There are blanket provisions requiring all "senior officials" to publicly disclose their financial interests. These apply to officials regulating the extractive industries:

"The Ethics in Government Act of 1978, as amended, 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. The statute and the U.S. Office of Government Ethics's (OGE) regulations specify which officials in the executive branch file an OGE Form 278. Unlike confidential financial statements filed by some mid-level employees, the OGE 278 is available to the public. Reviewing officials within each agency certify and maintain these reports." (Office of Government Ethics public financial disclosure page)

The regulatory agencies (BOEM, BSEE) are within the Department of the Interior. DoI requires all employees to disclose their financial interests, either publicly or privately:

"All DOI employees, including special Government employees, are subject to conflict of interest restrictions and may be required to file either a public or confidential financial disclosure report. These reports are among the primary tools used by ethics personnel to determine whether employees are in compliance with the ethics and standards of conduct provisions covering a particular position. Depending on your official position, grade, and employment status, you may be required to file either a public financial disclosure report (SF 278) or a confidential financial disclosure report (OGE Form 450)." (Ethics Guide for DoI Employees, p. 24)

References:

Public Financial Disclosure requirements from the Office of Government Ethics:
<http://www.oge.gov/Financial-Disclosure/Public-Financial-Disclosure-278/Public-Financial-Disclosure/>

"Ethics Guide for DoI Employees, 2011", http://www.doi.gov/ethics/docs/DOI_Ethics_Guide.pdf

2.3.029: Is there independent external validation of internal controls of agencies in charge of receiving payments from resource companies with the objective of providing assurances of integrity of public funds and sound financial management?

Score: (A) B C D E

Comments:

"All evaluations of BOEMRE programs and activities are tracked, analyzed, and the status is provided quarterly to management. The evaluations include both internal and external reviews such as GAO and OIG audits, management control reviews, risk assessments, performance assessments, ABC data reviews, administrative reviews, financial management metrics, and other special ad hoc reviews of BOEMRE programs and initiatives."

References:

FY2012 Budget Justification for BOEM, p. 137

Peer Review Comments:

This is also true of relevant agencies other than BOEM, which are subject to GAO and OIG oversight.

2.3.030: Does the national audit office (or similar independent organization) report regularly to the legislature on its findings, including an objective analysis of agencies in charge of managing resource revenues, and are these reports published?

Score: (A) B C D E

Comments:

In the Department of Interior's Office of Inspector General (DOIOIG) there are numerous cases of

oversight hearings at the Natural Resources or Appropriations committees for BOEM (and its predecessor MMS). These are the latest three: July 22, 2010 / June 17, 2010 / April 2, 2009

References:

<http://www.doi.gov/reports/congressional-testimony>

2.3.031: Does a Parliamentary committee scrutinize reports on resource related revenues and, if so, when does this occur?

Score: A B C D E

Comments:

Yes, the Natural Resources committee scrutinizes reports on resource related revenues rather frequently. Moreover, similar scrutiny may be expected in the appropriations committee.

References:

<http://naturalresources.house.gov/Calendar/List.aspx?EventTypeID=264>

Peer Review Comments:

The following legislative committees have varying oversight responsibility in reference to the U.S. Department of Interior and may scrutinize this type of information.

House of Representatives:

Natural Resources Committee

Energy and Commerce Committee

Science and Technology Committee

Select Committee on Energy Independence and Global Warming

Transportation and Infrastructure Committee

United States Senate:

Energy and Natural Resources Committee

Environment and Public Works Committee

Committee on Indian Affairs

2.3.032: Is this country an EITI candidate or compliant country?

Score: A B C D E

Comments:

1) "At the launch of the Open Government Partnership (OGP) in New York on September 20th 2011 , US President Obama declared that the United States will implement the EITI."

2) Comprised of representatives from government, industry and civil society, the USEITI multi-stakeholder group will be responsible for the design and implementation of the USEITI framework.

References:

1) <http://www.doi.gov/EITI/index.cfm>

2) <http://eiti.org/news-events/united-states-launches-public-consultation-us-eiti>

3) Press Release of the Department of Interior: <http://www.doi.gov/news/pressreleases/US-Extractive-Industries-Transparency-Initiative-Commences-Public-Comment-Period.cfm>

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Indicator	Score
3.1.1	Context 0 

3.1.1 Context

3.1.1.033: Is there a state-owned company? If so, what is its role in the extractive sector?

Score: A B C D E

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.1.1.034: How is government ownership of resource companies structured in this country?

Score: A B C D E

References:

I was not able to identify any source suggesting that the U.S. government has ownership of resource companies in this country.

3.1.1.035: Is there more than one state-owned company (SOC) operating in the extractive sector?

Score: A B C

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.1.1.036: Do the roles and responsibilities of the SOC include provision of subsidies or social expenditures (quasi-fiscal activities)?

Score: A B C

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

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Indicator		Score
3.2.1	Comprehensive reports	N/A
3.2.2.038	Does the SOC publish information on revenue generation?	N/A
3.2.3.038.j	Disaggregated Revenue Streams	N/A
3.2.4	Quality of reports	N/A
3.2.5.043	Audited reports	N/A

3.2.1 Comprehensive reports

3.2.1.037: Does the SOC publish comprehensive reports with information about its operations and subsidiaries?

Score: A B C D **E**

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.2.038 Does the SOC publish information on revenue generation?

3.2.2.038.a: Reserves

Score: A B C D **E**

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.2.038.b: Production volumes

Score: A B C D **E**

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.2.038.c: Information on prices

Score: A B C D E

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.2.038.d: Value of resource exports

Score: A B C D E

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.2.038.e: Estimates of investment in exploration and development

Score: A B C D E

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.2.038.f: Production costs

Score: A B C D E

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.2.038.g: Names of companies operating in country

Score: A B C D E

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.2.038.h: Production data by company and/or block

Score: A B C D **(E)**

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.2.038.i: Quasi fiscal activities

Score: A B C D **(E)**

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.3.038.j Disaggregated Revenue Streams

3.2.3.038.j1: Production streams value

Score: A B C D **(E)**

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.3.038.j2: Government s share in PSC

Score: A B C D **(E)**

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.3.038.j3: Royalties

Score: A B C D **(E)**

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.3.038.j4: Special taxes

Score: A B C D E

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.3.038.j5: Dividends

Score: A B C D E

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.3.038.j6: Bonuses

Score: A B C D E

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.3.038.j7: License fees

Score: A B C D E

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.3.038.j8: Acreage fees

Score: A B C D E

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.3.038.j9: Other (Describe below)**Score:** A B C D E**Comments:**

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.4 Quality of reports**3.2.4.039: Are the reports published by the state owned company understandable?****Score:** A B C D E**Comments:**

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.4.040: How often are the reports or statistical databases containing information on revenue generation published by the state owned company?**Score:** A B C D E**Comments:**

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.4.041: If the SOC is involved with quasi fiscal activities, does it publish information about them?**Score:** A B C**Comments:**

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.4.042: If there are joint ventures, does the SOC (or government) publish information on its share of costs and revenues deriving from its equity participation in joint ventures?**Score:** A B C

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.5.043 Audited reports

3.2.5.043.a: Is the SOC subject to annual audits conducted by an independent external auditor to ensure that the financial statements represent the financial position and performance of the company?

Score: A B C D E

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.2.5.043.b: Are SOC audited reports published?

Score: A B C D E

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

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Indicator	Score
3.3.1 Legal Framework and Practice	N/A

3.3.1 Legal Framework and Practice

3.3.1.044: Does the SOC have a legal obligation to publish financial reports?

Score: A B C

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.3.1.045: Does the SOC follow internationally recognized accounting standards?

Score: A B C

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.3.1.046: Do SOC audits include consolidated accounts that cover all of the SOC subsidiaries?

Score: A B C

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.3.1.047: Are officials of the SOC required to disclose information about their financial interest in any oil, gas or mining projects?

Score: A B C

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.3.1.048: Does the SOC publish information on the composition of its Board of Directors?

Score: A B C

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

3.3.1.049: Does the SOC publish information about the rules governing decision making by the Board of Directors?

Score: A B C

Comments:

There is no SOC in the United States.

References:

There is no SOC in the United States.

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