

**COMMODITY FUTURES TRADING COMMISSION
CHARTER OF THE ENERGY AND ENVIRONMENTAL MARKETS
ADVISORY COMMITTEE**

I. Committee's Official Designation.

The advisory committee's official designation is the Energy and Environmental Markets Advisory Committee ("EEMAC").

II. Authority.

The EEMAC was established by the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111-203, and subsequently codified in 7 U.S.C. § 2(a)(15) of the Commodity Exchange Act, 7 U.S.C. § 1 *et seq.* Pursuant to 7 U.S.C. § 2(a)(15)(E), the EEMAC is not subject to the Federal Advisory Committee Act, 5 U.S.C. App. II.

III. Objectives and Scope of Activities.

As set forth in 7 U.S.C. § 2(a)(15)(A)(iii), the EEMAC's objectives and scope of activities shall be to:

- (1) conduct public meetings;
- (2) submit reports and recommendations to the Commission (including dissenting or minority views, if any); and
- (3) otherwise serve as a vehicle for discussion and communication on matters of concern to exchanges, trading firms, end users, energy producers, and regulators regarding energy and environmental markets and their regulation by the Commission.

IV. Description of Duties.

The duties of the EEMAC shall be solely advisory. The EEMAC may, by simple majority vote, call for reports and/or recommendations by the EEMAC or EEMAC subcommittee(s), adopt reports and/or recommendations, transmit reports to the Commission, and make recommendations to the Commission. Reports and/or recommendations shall be developed in consultation with all members of the EEMAC and any transmission to the Commission shall include dissenting or minority views, if any. No determination of fact or policy shall be made by EEMAC on behalf of the Commission. Determinations of actions to be taken and policy to be expressed in response to the reports or recommendations of the EEMAC shall be made solely by the Commission.

V. Support.

The Commission shall provide necessary support, including staff support, for the EEMAC.

VI. Agency or Official to Whom the EEMAC Reports.

As set forth in 7 U.S.C. § 2(a)(15)(A)(iii), the EEMAC shall provide its reports and recommendations directly to the Commission.

VII. EEMAC Sponsor.

The EEMAC shall have a "Sponsor," who may be the Chairman of the Commission, a Commissioner, or a designee of the Commission. The Commission shall appoint and remove the Sponsor of EEMAC.

The Sponsor's role for this non-FACA committee shall be, among other things, to: (1) approve all meeting agendas; (2) approve or call all EEMAC or subcommittee meetings; (3) attend all EEMAC or subcommittee meetings; (4) adjourn any meeting when he or she determines it to be in the public interest; (5) ensure that reports and recommendations made by the EEMAC are provided to the Commission (including dissenting or minority views, if any); (6) ensure that the Commission provides the necessary staff and other support for the EEMAC; (7) assist the Commission with identifying Members, Associate Members, and subcommittee members; and (8) otherwise assist the Commission with carrying out its responsibilities regarding the EEMAC.

VIII. EEMAC Secretary.

At the request of the Sponsor, the Commission shall appoint a Commission employee to serve as the Secretary of the EEMAC. The Sponsor may also request that the Commission remove the Secretary.

The Secretary shall, among other things, assist the EEMAC and Sponsor in carrying out the day-to-day activities of the EEMAC, including: (1) preparing meeting agendas; (2) assisting with Member, Associate Member, and subcommittee member appointment and removal paperwork; (3) assisting with scheduling and coordinating EEMAC and subcommittee meetings; (4) ensuring meetings are publically noticed and meeting agendas are available for public inspection; (5) attending all EEMAC and subcommittee meetings; (6) recording reports and recommendations made by the EEMAC to the Commission (including dissenting or minority views, if any); (7) recording reports and recommendations (including dissenting or minority views, if any) made by the EEMAC subcommittees to the EEMAC; and (8) arranging for the preparation and maintenance of EEMAC records, including meeting transcripts.

In the absence of the Sponsor, the Secretary is authorized to call EEMAC and subcommittee meetings and adjourn any meeting when the Secretary determines adjournment to be in the public interest.

IX. Members.

(a) Number.

As set forth in 7 U.S.C. § 2(a)(15)(A)(ii), the EEMAC shall have nine (9) Members.

(b) Appointment and Removal.

Members shall be appointed by the Commission. Members may be removed by the Commission for cause. 7 U.S.C. § 2(a)(15)(B)(ii).

(c) Term.

Members shall be appointed to three (3)-year terms. 7 U.S.C. § 2(a)(15)(B)(ii).

(d) Selection and Vacancies.

As set forth in 7 U.S.C. § 2(a)(15)(C), the Commission shall appoint Members that represent a wide diversity of opinions and a broad spectrum of interests, including hedgers and consumers.

The Commission shall identify organizations and individuals to be represented on the EEMAC based on Commissioners' and Commission staff professional knowledge of the energy and environmental markets, consultation with knowledgeable persons outside the CFTC, and requests to be represented received from individuals and organizations. The Sponsor plays a primary, but not exclusive, role in this process, and makes recommendations regarding membership to the Commission.

Members may be representatives of an organization or identifiable group of persons under the jurisdiction of, or with interests affected by, Commission regulation; special government employees (SGEs); or regular government employees. Representative Members will serve on the EEMAC primarily to convey to the Commission and to the EEMAC the views and interests of the organizations or groups that they represent. The Commission shall not appoint any federally registered lobbyists to serve as SGEs on the EEMAC.

If there is any membership vacancy, the Commission will make a replacement appointment, using the same procedures and with the same considerations as set forth above for other Member appointments.

(e) Travel Expenses Reimbursement and Per Diem.

Each Member shall be entitled to per diem and travel expense reimbursement by the Commission, pursuant to 7 U.S.C. § 2(a)(15)(D), unless a Member chooses to waive his or her right to receive per diem and travel expenses reimbursement.

X. Associate Members.

(a) Number.

The EEMAC shall have approximately 9-20 Associate Members.

(b) Appointment and Removal.

The Commission may appoint or remove Associate Members at any time.

(c) Term.

Associate Members may be appointed to one (1), two (2), or three (3) year terms.

(d) Selection.

The Commission shall appoint Associate Members that represent a wide diversity of opinions and a broad spectrum of interests.

The Commission shall identify organizations and individuals to serve as Associate Members based on Commissioners' and Commission staff professional knowledge of the energy and environmental markets, consultation with knowledgeable persons outside the

CFTC, and requests to be Associate Members received from individuals and organizations.

The Sponsor plays a primary, but not exclusive, role in this process, and makes recommendations regarding Associate Members to the Commission.

Associate Members may be appointed as representatives, special government employees, or regular government employees. The Commission shall not appoint any Associate Members as SGEs if they are federally registered lobbyists.

(e) Travel Expenses Reimbursement and Per Diem

Associate members will not be compensated by the Commission for their services and will not be reimbursed or receive per diem from the Commission for travel-related expenses to attend EEMAC meetings

(f) Reporting.

Associate Members shall provide their reports and recommendations directly to the EEMAC and not the Commission, Commissioners, Commission staff, or other Federal employees. Associate Members shall not have the right to vote on matters before the EEMAC and may not sign or otherwise formally approve reports or recommendations made by the EEMAC to the Commission.

XI.

Subcommittees.

(a) Establishment.

The Commission may establish and dissolve subcommittees composed of Members, Associate Members, and/or other persons appointed by the Commission as subcommittee members to support the work of the EEMAC.

(b) Membership.

EEMAC subcommittee members shall be selected, appointed, and removed in the same manner as Associate Members. EEMAC subcommittee members shall be subject to the same restrictions and limitations that apply to Associate Members set forth above (*i.e.*, appointment and removal, term, selection, and travel expenses reimbursement and per diem).

(c) Reporting.

EEMAC Subcommittees shall report directly to the EEMAC and not to the Commission, Commissioners, Commission staff, or other Federal employees. An EEMAC subcommittee may, by simple majority vote, adopt reports and/or recommendations of the EEMAC subcommittee, transmit reports to the EEMAC, and make recommendations to the EEMAC. Reports and/or recommendations shall be developed in consultation with all members of the EEMAC subcommittee and any transmission to the EEMAC shall include dissenting or minority views, if any. EEMAC subcommittees shall have no authority to make decisions on behalf of the EEMAC. No determination of fact or policy shall be made by any EEMAC subcommittee on behalf of the Commission. EEMAC subcommittee members shall not have the right to vote on matters before the EEMAC

and may not sign or otherwise formally approve reports and/or recommendations made by EEMAC to the Commission.

XII. Estimated Number and Frequency of Meetings.

The EEMAC shall meet at such intervals as are necessary to carry out its functions, but as required by 7 U.S.C. § 2(a)(15)(B)(i), shall not meet less frequently than two times per year.

XIII. Notice for Public Meetings.

The Commission shall provide public notice of each EEMAC meeting at least fourteen calendar days in advance of the meeting through either a Federal Register notice and/or by announcing the meeting on the Commission's website. The meeting notice will include the time, date, and purpose of the meeting; a summary of the agenda and/or topics to be discussed, and the name of a Commission employee who can be contacted with questions about the meeting.

XIV. Recordkeeping.

Records of the EEMAC and any subcommittees will be maintained by the Secretary of the EEMAC in accordance with the Commission's records disposition schedule number 307.



Christopher J. Kirkpatrick
Secretary of the Commission

Dated: May 20, 2016
Washington, D.C.