

COMMITTEE ON NATURAL RESOURCES
113th Congress Disclosure Form
As required by and provided for in House Rule XI, clause 2(g) and
the Rules of the Committee on Natural Resources

Subcommittee on Energy and Mineral Resources
Oversight hearing on *"U.S.-Mexico Transboundary Hydrocarbon Agreement and Steps Needed for Implementation"* and a legislative hearing on: **HR 1613 (Duncan of SC, Hastings of WA and Salmon),**
"Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act."
April 25, 2013

For Individuals:

1. Name:
2. Address:
3. Email Address:
4. Phone Number:

* * * * *

For Witnesses Representing Organizations:

1. Name: Erik George Milito, Group Director, Upstream & Industry Operations
2. Name of Organization(s) You are Representing at the Hearing: American Petroleum Institute
3. Business Address: [Information redacted for privacy]
4. Business Email Address: [Information redacted for privacy]
5. Business Phone Number: [Information redacted for privacy]

For all Witnesses

Name/Organization: Erik Milito / API

Title/Date of Hearing: Oversight hearing on “U.S.-Mexico Transboundary Hydrocarbon Agreement and Steps Needed for Implementation” and a legislative hearing on: HR 1613 (Duncan of SC, Hastings of WA and Salmon), “Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act” / April 25, 2013

a. Any training or educational certificates, diplomas or degrees or other educational experiences that are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing.

See attached CV and bio.

b. Any professional licenses, certifications, or affiliations held that are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing.

See attached CV and bio.

c. Any employment, occupation, ownership in a firm or business, or work-related experiences that relate to your qualifications to testify on or knowledge of the subject matter of the hearing.

See attached CV and bio.

d. Any federal grants or contracts (including subgrants or subcontracts) from the Department of the Interior (and/or other agencies invited) that you have received in the current year and previous four years, including the source and the amount of each grant or contract.

None.

e. A list of all lawsuits or petitions filed by you against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed.

None.

f. A list of all federal lawsuits filed against you by the federal government in the current year and the previous four years, giving the name of the lawsuit, the subject matter of the lawsuit, and the federal statutes under which the lawsuits were filed.

None.

g. Any other information you wish to convey that might aid the Members of the Committee to better understand the context of your testimony.

See attached CV and bio.

Witnesses Representing Organizations

Name/Organization: Erik Milito / API

Title/Date of Hearing: Oversight hearing on “U.S.-Mexico Transboundary Hydrocarbon Agreement and Steps Needed for Implementation” and a legislative hearing on: HR 1613 (Duncan of SC, Hastings of WA and Salmon), “Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act” / April 25, 2013

h. Any offices, elected positions, or representational capacity held in the organization(s) on whose behalf you are testifying.

Group Director, Upstream & Industry Operations

i. Any federal grants or contracts (including subgrants or subcontracts) from the *Department of the Interior (and /or other agencies invited)* that were received in the current year and previous four years by the organization(s) you represent at this hearing, including the source and amount of each grant or contract for each of the organization(s).

None

j. A list of all lawsuits or petitions filed by the organization(s) you represent at the hearing against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed for each of the organization(s).

See attached litigation list.

k. A list of all federal lawsuits filed against the organization(s) you represent at the hearing by the federal government in the current year and the previous four years, giving the name of the lawsuit, the subject matter of the lawsuit, and the federal statutes under which the lawsuits were filed.

See attached litigation list.

l. For tax-exempt organizations and non-profit organizations, copies of the three most recent public IRS Form 990s (including Form 990-PF, Form 990-N, and Form 990-EZ) for each of the organization(s) you represent at the hearing (not including any contributor names and addresses or any information withheld from public inspection by the Secretary of the Treasury under 26 U.S.C. 6104)).

Attached.

Erik Milito, American Petroleum Institute

Erik Milito is the Director of Upstream and Industry Operations for the American Petroleum Institute (API), which is the national trade association representing more than 400 companies involved in all aspects of the oil and gas industry, including exploration production, refining and transportation. Mr. Milito's work covers regulatory and legislative matters related to domestic exploration and production, including access to domestic oil and natural gas resources both onshore and offshore. Prior to his current position, Mr. Milito served as managing counsel covering a host of legal issues, including oil and gas leasing, royalty, environmental, fuels, transportation, safety, and civil justice reform.

Prior to joining API, Mr. Milito served for over four years on active duty in the U.S. Army as a judge advocate, and additional four years in the U.S. Army Reserve, resigning at the rank of Major. Mr. Milito was assigned to active duty tours in Hawaii, Korea and Aberdeen Proving Ground, Maryland, and he served as a prosecutor, defense attorney and command advisor. Mr. Milito was awarded the Meritorious Service Medal and Army Commendation Medals during his military tenure. After leaving the Army, Mr. Milito worked as a career attorney with the Solicitor's Office of the U.S. Department of the Interior. While at Interior, Mr. Milito worked on royalty, employment law, and disability access issues.

Mr. Milito attended the University of Notre Dame on an R.O.T.C. scholarship, and received a bachelor's degree in business administration. Mr. Milito then received his juris doctor from Marquette University Law School, where he was a member of the law review.

Mr. Milito has testified about industry efforts related to the Macondo incident before the House Committee on Natural Resources, the House Committee on Science and Technology, the Senate Subcommittee on Oceans, Atmosphere, Fisheries and Coast Guard, the National Commission on the Deepwater Horizon Oil Spill, and the National Academy of Engineering Investigation of the Spill. Mr. Milito also has testified before the Subcommittee on Energy and Mineral Resources of the House Committee on Natural Resources in a hearing on the "American-Made Energy and Infrastructure Jobs Act Hearing", and a hearing on the Fiscal Year 2013 Interior budget and legislative proposals related to federal hydraulic fracturing activities. Most recently, Mr. Milito testified before the House Natural Resources Committee on a pending agreement between the United States and Mexico to allow development of oil and natural gas resources along the countries maritime border in the Gulf of Mexico. Mr. Milito has authored and co-authored several papers related to natural resources issues and has served as a guest speaker on multiple occasions.

Mr. Milito formerly served on the Board of Trustees of the Rocky Mountain Mineral Law Foundation, and on the Board of Directors of the Alexandria, Virginia Boys and Girls Club. Mr. Milito and his wife Elizabeth have four children, William, Helen, Evelyn, and Jacob and live in Alexandria, Virginia.

ERIK G. MILITO



EDUCATION:

Juris Doctor, May 1995

MARQUETTE UNIVERSITY LAW SCHOOL, Milwaukee, Wisconsin

Dean's List; Member, *Marquette Law Review*

Bachelor of Business Administration, Accounting, May 1992

UNIVERSITY OF NOTRE DAME, Notre Dame, Indiana

Completed U.S. Army R.O.T.C. Program; Commissioned Second Lieutenant upon Graduation

PROFESSIONAL EXPERIENCE:

American Petroleum Institute, Washington, DC, November 2002 - present

Group Director, Upstream and Industry Operations

- Establish industry policy positions on exploration and production activities for the domestic oil and natural gas industry, and advance the industry position before Congress and executive agencies
- Registered as a lobbyist and responsible for meeting with Congressional staff and executive agencies to advocate industry position on relevant legislation, regulations and interpretive documents
- Testify before Congress on behalf of the industry, including recent testimony before the House Natural Resources Committee and the House Science and Technology Committee on the Gulf oil spill; also testified before the National Commission on the Oil Spill
- Develop and implement a campaign-like strategy to promote natural gas development, with a particular focus on shale gas development and the need to preserve the continued use of hydraulic fracturing in operations.
- Serve as a spokesperson for the Institute; completed dozens of interviews with reporters resulting in very favorable messaging in print, radio and television; received intensive media training
- Work closely with API communications staff to develop positive messaging related to op-eds, letters-to-the-editor, print ads, TV ads and web content
- Manage committee of industry executives to provide collaboration on industry advocacy efforts
- Manage 8 professional staff and 1 administrative staff
- Responsible for \$5 million program budget
- Began career at the Institute as an attorney in the Office of General Counsel working on exploration and production issues

United States Department of the Interior, Office of the Solicitor, Washington, DC
Attorney – May 2000 - November 2002

- Provided legal advice on a variety of issues affecting the Department, including mineral royalty management, records retention, and employment and civil rights law
- Represented the Minerals Management Service, a bureau within the Department, in administrative and judicial appeals of mineral royalty assessments
- Worked with DOJ attorneys in defending judicial appeals of royalty assessments
- Served as counsel in administrative and judicial litigation of adverse employment actions and allegations of discrimination
- Negotiated both royalty and employment cases through direct negotiation and mediation

United States Army Judge Advocate General's Corps (Resigned at the rank of Major),
Duty assignments included Hawaii, Korea and Aberdeen Proving Ground, Maryland
Attorney – October 1995 – April 2000

- Served in various attorney positions while working as an Army active duty attorney (judge advocate) at duty locations including Schofield Barracks, Hawaii; Fort Shafter, Hawaii; Camp Humphreys, Korea; and Aberdeen Proving Ground, Maryland
- Served as a prosecutor while stationed at Schofield Barracks, litigating various court-martial cases that included charges such as illegal drug distribution, rape and fraternization
- Also served as a command legal advisor while stationed at Schofield Barracks, providing advice on such diverse issues as vehicle accident investigations, liability issues involving the loss of or damage to government equipment, legal reviews of pre-trial criminal investigations, probable cause determinations, and many other administrative actions
- Served as a legal aid attorney (Army legal assistance program) at Fort Shafter, providing legal advice to soldiers and retirees on estate planning, family law, collection actions, and miscellaneous consumer issues
- Served as criminal defense attorney while stationed in Korea, defending soldiers in larceny, aggravated assault, kidnapping, rape and other cases; successfully litigated a kidnapping and indecent assault case from pre-trial hearing, through jury trial, to a full acquittal
- In final assignment, served as an employment law attorney while stationed at Aberdeen Proving Ground, representing the Army in administrative litigation of employment and discrimination cases involving civilian government employees
- Received the Meritorious Service Medal and four Army Commendation Medals

BAR ADMISSIONS:

Pennsylvania, 1995; District of Columbia, 2003; United States Court of Appeals for the District of Columbia Circuit, 2007; United States District Court for the District of Columbia, 2007; United States Court of Appeals for the Armed Forces, 1995.

INTERESTS/MISCELLANEOUS: Running, sports, travel, spending time with wife Elizabeth, and children William, Helen, Evelyn, and Jacob; native of Natrona, Pennsylvania

REFERENCES: Available upon request.

Case/Court Docket No.	Subject/Legal Issues	Statute
Gulf Restoration Network v. Jackson, E.D. La., No. 12-cv-00677	Water quality standards under the Clean Water Act for nitrogen and phosphorus pollution	Clean Water Act
Sierra Club v. Bostick, W.D. Okla., No. 5:12-cv-00742	Validity of a nationwide permit under the Clean Water Act for dredge-and-fill activities for pipeline construction; validity of authorization of TransCanada's Keystone south pipeline pursuant to such permit	Clean Water Act
API/AOGA v. FWS, D. Alaska 3:11-cv-00025 RRB	Petition for Review of Final Critical Habitat Designation for Polar Bear due to size of/lack of support for large designation	Endangered Species Act
API v. EPA, DC Cir, 09-1323	Revised standards for petroleum refinery heat exchangers	Clean Air Act
American Gas Association v. EPA, D.C. Cir. No. 11-1020 & 12-1107	Challenged aspects of the final GHG Mandatory Reporting Rule for upstream	Clean Air Act
<u>NAM v. EPA, DC Cir, 10-1127</u>	Challenged aspects of Johnson Memorandum reconsideration	Clean Air Act
NAM v. EPA, DC Cir, 10-1044	Challenged aspects of the final GHG Endangerment Finding	Clean Air Act
ACC v. EPA, DC Cir., 10-1167	Grounds arising after cases regarding the 1978/1980/2002 NSR rules and the ability of non-NAAQS pollutants to trigger PSD status.	Clean Air Act
<u>NAM v. EPA, DC Cir. 10-1166</u>	Challenged aspects of GHG car rule	Clean Air Act
NAM v. EPA, DC Cir. 10-1218	Challenged tailoring rule	Clean Air Act
Engine Manufacturers v. EPA, DC Cir. 10-1331	Challenge to EPA MACT rule for RICE engines	Clean Air Act
API v. EPA, DC Cir. 10-1079	Whether EPA was arbitrary and capricious in setting new NO2 NAAQS and in requiring compliance with standard for permitting without providing appropriate modeling tools.	Clean Air Act
NEDA-CAP v. EPA, DC Cir. 10-1252 and consolidated cases	Whether arbitrary and capricious in setting new SO2 NAAQS; changing state implementation to require more modeling; and failing to provide appropriate modeling tools.	Clean Air Act
State of Texas, et.al., v. US EPA, 5th Cir., No. 10-60614	Whether EPA's disapproval of the Texas flexible permit program is arbitrary and capricious.	Clean Air Act
API v. EPA, D.C. Circuit 12-1376	Tailoring Rule Step 3 challenge	Clean Air Act
API v. EPA, D.C. Cir. 10-60961	Challenge EPA's final SIP Call for 13 States	Clean Air Act

SIP/FIP Advocacy Group v. EPA, D.C. Cir. 10-1425	Petition for Review of EPA's final rule imposing FIP on Texas	Clean Air Act
U.S. Sugar Corp. v. EPA, D.C. Cir. 11-1108	Whether EPA's major source Boiler rules are arbitrary, capricious or contrary to law.	Clean Air Act
ACC v. EPA, DC Cir., 11-1141	Whether EPA's Area Source rules for boilers are arbitrary, capricious, or contrary to law.	Clean Air Act
API v. EPA, DC Cir., 11-1134	Challenge to EPA's rule on Commercial Solid Waste Incinerators (CSWI)	Clean Air Act
Oklahoma DEQ v. EPA, DC Circuit, No. 11-1309	Challenged aspects of EPA's Indian Lands NSR Rule	Clean Air Act
<u>Delta Construction Co. v. EPA, D.C. Cir. No. 11-1428</u>	Challenge to EPA's Medium and Heavy Duty Truck Rule because EPA believes regulation triggers PSD	Clean Air Act
<u>API et. al v. EPA Case No. 12-1405</u>	Challenge to EPA's Oil and Gas Sector Air Rule	Clean Air Act
American Petroleum Institute v. EPA, D.C. Cir. Nos. 09-1038 & 09-1041	Whether EPA was arbitrary and capricious in keeping refinery catalysts within the definition of "solid wastes" for purposes of regulation when the agency excluded a number of other products in other industries which had similar life cycles and uses.	Resource Conservation and Recovery Act
API v. EPA, D.C. Cir. No. 12-1139	EPA's renewable fuels standards for 2012	Clean Air Act
First Waiver: Grocer Manufacturers Assoc., et. al. v. US EPA, D.C. Cir. No. 10-1380; Second Waiver: Alliance of Auto Manufacturers, et. al. v. US EPA, D.C. Cir. No. 11-1046	EPA's approval of E15 waivers	Clean Air Act
API v. EPA, D.C. Cir. No 12-1330	EPA's renewable fuels standards for 2011	Clean Air Act
API v. EPA, D.C. Cir. No 12-1465	EPA's biomass-based diesel standard for 2013	Clean Air Act
American Petroleum Institute v. EPA, D.C. Cir. No. 11-1344 (consolidated with No. 11-1334)	EPA's misfueling mitigation rule for E15	Clean Air Act

API and NPRA v. Roy Cooper, Attorney General of NC, Civil Action No. 08-396 (E.D.N.C. 2008)/API v. Cooper, 4th Cir., No. 12-1078	Alleging NC ethanol blending statute unconstitutional, and violates PMPA and Lanham Act	NC Ethanol Blending
American Petroleum Institute v. U.S. Securities and Exchange Commission, D.D.C. No. 1:12-cv-01668, D.C. Cir. No. 12-1398	Challenge to Section 1504 of the Dodd-Frank Act and the SEC's implementing rule (SEC Rule 13q-1)	Dodd-Frank Act
API v. OSHA, D.C. Cir. No. 12-1227	Challenge to OSHA's 2012 Hazard Communication Standard	Hazard Communication Standard
API v. EPA, DC Cir. No. 11-1194	Challenge to EPA's Refinery Information Collection Request (ICR)	Clean Air Act