

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN PETROLEUM INSTITUTE,
CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
INDEPENDENT PETROLEUM
ASSOCIATION OF AMERICA, and
NATIONAL FOREIGN TRADE COUNCIL,

Petitioners,

v.

UNITED STATES
SECURITIES AND EXCHANGE
COMMISSION,

Respondent.

ON PETITION FOR REVIEW

Case No. 12-1398

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to Circuit Rule 28(a)(1), Petitioners American Petroleum Institute (“API”), Chamber of Commerce of the United States of America (“the Chamber”), Independent Petroleum Association of America (“IPAA”), and National Foreign Trade Council (“NFTC”), state as follows:

(A) Parties, Intervenors, and Amici:

The parties in this case are API (Petitioner), the Chamber (Petitioner), IPAA (Petitioner), and NFTC (Petitioner), and the United States Securities and Exchange Commission (Respondent). Oxfam America, a nonprofit international development and relief organization, was granted permission to intervene in this action on November 1, 2012. *See* Order (Nov. 1, 2012), Doc. 1402603. There currently are no amici.

API is a national trade organization representing over 500 companies involved in all aspects of the domestic and international oil and natural gas industry, including exploration, production, refining, marketing, distribution, and marine activities.

The Chamber is the world's largest business federation. The Chamber represents 300,000 direct members and indirectly represents an underlying membership of more than three million businesses and organizations of all sizes, sectors, and regions. Its members include many of the leading public companies in the oil, natural gas, and mining industries. An important function of the Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. To that end, the Chamber regularly participates in cases that raise issues of vital concern to America's business community.

IPAA has represented independent oil and natural gas producers for three-quarters of a century. It serves as an informed voice for the exploration and production segment of the industry, and advocates its members' views before the U.S. Congress, the Administration, federal agencies, and the courts.

NFTC is the premier business organization advocating a rules-based world economy. Founded in 1914 by a group of American companies that supported an open world trading system, NFTC and its affiliates now serve more than 300 member companies through offices in Washington and New York.

(B) Rulings Under Review:

Under review in this case is a final rule promulgating regulations requiring public disclosure of payments to the U.S. or foreign governments by public companies engaged in the commercial development of oil, gas, or minerals. The Rule was adopted by the Commission at an open meeting on August 22, 2012. It was published in the Federal Register on September 12, 2012. *See* Disclosure of Payments by Resource Extraction Issuers, 77 Fed. Reg. 56,365 (Sept. 12, 2012) (to be codified at 1.7 C.F.R. Parts 240 and 249). Petitioners also bring a constitutional challenge to the statutory provision pursuant to which the Rule was promulgated, Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (“Dodd-Frank”), Pub. L. No. 111-203, § 1504, 124 Stat. 1376, 2220 (codified at 15 U.S.C. § 78m(q)).

(C) Related Cases:

Although Petitioners submit that this Court has jurisdiction to adjudicate their claims in the first instance, Petitioners also filed suit in the U.S. District Court for the District of Columbia relating to the same claims, out of an abundance of caution. *See American Petroleum Institute v. SEC*, No. 12-1668 (D.D.C. filed Oct. 10, 2012).

Dated: November 13, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November, 2012, I caused a true and correct copy of the foregoing Certificate of Parties, Rulings, and Related Cases to be filed with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the Court's CM/ECF system. Service was accomplished on the following by the CM/ECF system:

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