

AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MS. JACKSON LEE OF TEXAS

Add at the end the following:

1 **TITLE _____—OFFICE OF ENERGY**
2 **EMPLOYMENT AND TRAINING**
3 **AND OFFICE OF MINORITY**
4 **AND WOMEN INCLUSION**

5 **SEC. __01. ESTABLISHMENT OF OFFICE OF ENERGY EM-**
6 **PLOYMENT AND TRAINING.**

7 (a) ESTABLISHMENT.—The Secretary of the Interior
8 shall establish an Office of Energy Employment and
9 Training, which shall oversee the efforts of the Depart-
10 ment of the Interior’s energy planning, permitting, and
11 regulatory activities to carry out the purposes, objectives,
12 and requirements of this Act.

13 (b) DIRECTOR.—

14 (1) IN GENERAL.—The Office shall be directed
15 by an Assistant Secretary for Energy Employment
16 and Training, who shall report directly to the Sec-
17 retary and shall be fully employed to carry out the
18 functions of the Office.

1 (2) DUTIES.—The Assistant Secretary for En-
2 ergy Employment and Training shall perform the
3 following functions:

4 (A) Develop and implement systems to
5 track the Department's compliance with the
6 purposes, objectives, and requirements of the
7 Act.

8 (B) Report at least quarterly to the Sec-
9 retary regarding the Department's compliance
10 with the purposes, objectives, and requirements
11 of this Act, including but not limited to specific
12 data regarding the numbers and types of jobs
13 created through the Department's efforts and a
14 report on all job training programs planned or
15 in progress by the Department.

16 (C) Design and recommend to the Sec-
17 retary programs and policies aimed at ensuring
18 the Department's compliance with the purposes,
19 objectives, and requirements of this Act, and
20 oversee implementation of such programs ap-
21 proved by the Secretary.

22 (D) Develop procedures for enforcement of
23 the Department's requirements and responsibil-
24 ities under this Act.

1 (E) Support the activities of the Office of
2 Minority and Women Inclusion and any other
3 offices or branches established by the Secretary
4 within the Office of Energy Employment and
5 Training.

6 **SEC. __02. OFFICE OF MINORITY AND WOMEN INCLUSION.**

7 (a) OFFICE OF MINORITY AND WOMEN INCLU-
8 SION.—

9 (1) ESTABLISHMENT.—The Secretary of the In-
10 terior shall establish an Office of Minority and
11 Women Inclusion not later than 6 months after the
12 effective date of this Act, that shall be responsible
13 for all matters of the Department of the Interior re-
14 lating to diversity in management, employment, and
15 business activities.

16 (2) TRANSFER OF RESPONSIBILITIES.—The
17 Secretary of the Interior shall ensure that the re-
18 sponsibilities described in paragraph (1) (or com-
19 parable responsibilities) that are assigned to any
20 other office, agency, or bureau of the Department on
21 the day before the date of enactment of this Act are
22 transferred to the Office of Minority and Women In-
23 clusion.

24 (3) DUTIES WITH RESPECT TO CIVIL RIGHTS
25 LAWS.—The responsibilities described in paragraph

1 (1) do not include enforcement of statutes, regula-
2 tions, or executive orders pertaining to civil rights,
3 except each Director shall coordinate with the Sec-
4 retary, or the designee of the Secretary, regarding
5 the design and implementation of any remedies re-
6 sulting from violations of such statutes, regulations,
7 or executive orders.

8 (b) DIRECTOR.—

9 (1) IN GENERAL.—The Office shall have a Di-
10 rector who shall be appointed by, and shall report to,
11 the Secretary of the Interior. The position of Direc-
12 tor shall be a career reserved position in the Senior
13 Executive Service, as that position is defined in sec-
14 tion 3132 of title 5, United States Code, or an
15 equivalent designation.

16 (2) DUTIES.—The Director shall develop stand-
17 ards for—

18 (A) equal employment opportunity and the
19 racial, ethnic, and gender diversity of the work-
20 force and senior management of the Depart-
21 ment;

22 (B) increased participation of minority-
23 owned and women-owned businesses in the pro-
24 grams and contracts of the Department, includ-

1 ing standards for coordinating technical assist-
2 ance to such businesses; and

3 (C) assessing the diversity policies and
4 practices of entities regulated by the Depart-
5 ment.

6 (3) OTHER DUTIES.—The Director shall advise
7 the Secretary of the Interior on the impact of the
8 policies and regulations of the Department on mi-
9 nority-owned and women-owned businesses.

10 (4) RULE OF CONSTRUCTION.—Nothing in
11 paragraph (2)(C) may be construed to mandate any
12 requirement on or otherwise affect the lending poli-
13 cies and practices of any regulated entity, or to re-
14 quire any specific action based on the findings of the
15 assessment.

16 (c) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVI-
17 TIES.—

18 (1) IN GENERAL.—The Director shall develop
19 and implement standards and procedures to ensure,
20 to the maximum extent possible, the fair inclusion
21 and utilization of minorities, women, and minority-
22 owned and women-owned businesses in all business
23 and activities of the Department at all levels, includ-
24 ing in procurement, insurance, and all types of con-
25 tracts.

1 (2) CONTRACTS.—The procedures established
2 by the Department for review and evaluation of con-
3 tract proposals and for hiring service providers shall
4 include, to the extent consistent with applicable law,
5 a component that gives consideration to the diversity
6 of the applicant. Such procedure shall include a
7 written statement, in a form and with such content
8 as the Director shall prescribe, that a contractor
9 shall ensure, to the maximum extent possible, the
10 fair inclusion of women and minorities in the work-
11 force of the contractor and, as applicable, sub-
12 contractors.

13 (3) TERMINATION.—

14 (A) DETERMINATION.—The standards and
15 procedures developed and implemented under
16 this subsection shall include a procedure for the
17 Director to make a determination whether a
18 Department contractor, and, as applicable, a
19 subcontractor has failed to make a good faith
20 effort to include minorities and women in their
21 workforce.

22 (B) EFFECT OF DETERMINATION.—

23 (i) RECOMMENDATION TO SEC-
24 RETARY.—Upon a determination described
25 in subparagraph (A), the Director shall

1 make a recommendation to the Secretary
2 that the contract be terminated.

3 (ii) ACTION BY SECRETARY.—Upon
4 receipt of a recommendation under clause
5 (i), the Secretary may—

6 (I) terminate the contract;

7 (II) make a referral to the Office
8 of Federal Contract Compliance Pro-
9 grams of the Department of Labor; or

10 (III) take other appropriate ac-
11 tion.

12 (d) REPORTS.—The Secretary shall submit to Con-
13 gress an annual report regarding the actions taken by the
14 Department of the Interior agency and the Office pursu-
15 ant to this section, which shall include—

16 (1) a statement of the total amounts paid by
17 the Department to contractors since the previous re-
18 port;

19 (2) the percentage of the amounts described in
20 paragraph (1) that were paid to contractors de-
21 scribed in subsection (c)(1);

22 (3) the successes achieved and challenges faced
23 by the Department in operating minority and women
24 outreach programs;

1 (4) the challenges the Department may face in
2 hiring minority and women employees and con-
3 tracting with minority-owned and women-owned
4 businesses; and

5 (5) any other information, findings, conclusions,
6 and recommendations for legislative or Department
7 action, as the Director determines appropriate.

8 (e) DIVERSITY IN DEPARTMENT WORKFORCE.—The
9 Secretary shall take affirmative steps to seek diversity in
10 the workforce of the Department at all levels of the De-
11 partment in a manner consistent with applicable law. Such
12 steps shall include—

13 (1) recruiting at historically black colleges and
14 universities, Hispanic-serving institutions, women’s
15 colleges, and colleges that typically serve majority
16 minority populations;

17 (2) sponsoring and recruiting at job fairs in
18 urban communities;

19 (3) placing employment advertisements in news-
20 papers and magazines oriented toward minorities
21 and women;

22 (4) partnering with organizations that are fo-
23 cused on developing opportunities for minorities and
24 women to be placed in energy industry internships,
25 summer employment, and full-time positions;

1 (5) where feasible, partnering with inner-city
2 high schools, girls' high schools, and high schools
3 with majority minority populations to establish or
4 enhance financial literacy programs and provide
5 mentoring; and

6 (6) any other mass media communications that
7 the Office determines necessary.

8 (f) DEFINITIONS.—For purposes of this section, the
9 following definitions shall apply:

10 (1) MINORITY.—The term “minority” means
11 United States citizens who are Asian Indian Amer-
12 ican, Asian Pacific American, Black American, His-
13 panic American, or Native American.

14 (2) MINORITY-OWNED BUSINESS.—The term
15 “minority-owned business” means a for-profit enter-
16 prise, regardless of size, physically located in the
17 United States or its trust territories, which is
18 owned, operated, and controlled by minority group
19 members. “Minority group members” are United
20 States citizens who are Asian Indian American,
21 Asian Pacific American, Black American, Hispanic
22 American, or Native American (terminology in
23 NMSDC categories). Ownership by minority individ-
24 uals means the business is at least 51 percent owned
25 by such individuals or, in the case of a publicly

1 owned business, at least 51 percent of the stock is
2 owned by one or more such individuals. Further, the
3 management and daily operations are controlled by
4 those minority group members. For purposes of
5 NMSDC's program, a minority group member is an
6 individual who is a United States citizen with at
7 least 1/4 or 25 percent minimum (documentation to
8 support claim of 25 percent required from applicant)
9 of one or more of the following:

10 (A) Asian Indian American, which is a
11 United States citizen whose origins are from
12 India, Pakistan, or Bangladesh.

13 (B) Asian Pacific American, which is a
14 United States citizen whose origins are from
15 Japan, China, Indonesia, Malaysia, Taiwan,
16 Korea, Vietnam, Laos, Cambodia, the Phil-
17ippines, Thailand, Samoa, Guam, the United
18 States Trust Territories of the Pacific, or the
19 Northern Marianas.

20 (C) Black American, which is a United
21 States citizen having origins in any of the Black
22 racial groups of Africa.

23 (D) Hispanic American, which is a United
24 States citizen of true-born Hispanic heritage,
25 from any of the Spanish-speaking areas of the

1 following regions: Mexico, Central America,
2 South America, and the Caribbean Basin only.

3 (E) Native American, which is a person
4 who is an American Indian, Eskimo, Aleut or
5 Native Hawaiian, and regarded as such by the
6 community of which the person claims to be a
7 part. Native Americans must be documented
8 members of a North American tribe, band, or
9 otherwise organized group of native people who
10 are indigenous to the continental United States
11 and proof can be provided through a Native.

12 (3) NMSDC.—The term “NMSDC” means the
13 National Minority Supplier Development Council.

14 (4) OFFICE.—The term “Office” means the Of-
15 fice of Minority and Women Inclusion established
16 under subsection (a).

17 (5) WOMEN-OWNED BUSINESS.—The term
18 “women-owned business” means a business that can
19 verify through evidence documentation that 51 per-
20 cent or more is women-owned, managed, and con-
21 trolled. The business must be open for at least 6
22 months. The business owner must be a United
23 States citizen or legal resident alien. Evidence must
24 indicate that—

1 (A) the contribution of capital or expertise
2 by the woman business owner is real and sub-
3 stantial and in proportion to the interest owned;

4 (B) the woman business owner directs or
5 causes the direction of management, policy, fis-
6 cal, and operational matters; and

7 (C) the woman business owner has the
8 ability to perform in the area of specialty or ex-
9 pertise without reliance on either the finances
10 or resources of a firm that is not owned by a
11 woman.

