

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 2231
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 in the Bureau of Ocean Energy Manage-
9 ment, Regulation, and Enforcement an Office of Energy
10 Employment and Training, which shall oversee the efforts
11 of the Department of the Interior’s energy planning, per-
12 mitting, and regulatory activities to carry out the pur-
13 poses, objectives, and requirements of this title.

14 (b) DIRECTOR.—

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

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 title, 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 title, 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 title.

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 (F) Assist the Secretary in complying with
7 the reporting requirements of subtitle D of this
8 title.

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

10 (a) OFFICE OF MINORITY AND WOMEN INCLU-
11 SION.—

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

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

1 transferred to the Office of Minority and Women In-
2 clusion.

3 (3) DUTIES WITH RESPECT TO CIVIL RIGHTS
4 LAWS.—The responsibilities described in paragraph
5 (1) do not include enforcement of statutes, regula-
6 tions, or executive orders pertaining to civil rights,
7 except each Director shall coordinate with the Sec-
8 retary, or the designee of the Secretary, regarding
9 the design and implementation of any remedies re-
10 sulting from violations of such statutes, regulations,
11 or executive orders.

12 (b) DIRECTOR.—

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

20 (2) DUTIES.—The Director shall develop stand-
21 ards for—

22 (A) equal employment opportunity and the
23 racial, ethnic, and gender diversity of the work-
24 force and senior management of the Depart-
25 ment;

1 (B) increased participation of minority-
2 owned and women-owned businesses in the pro-
3 grams and contracts of the Department, includ-
4 ing standards for coordinating technical assist-
5 ance to such businesses; and

6 (C) assessing the diversity policies and
7 practices of entities regulated by the Depart-
8 ment.

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

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

19 (c) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVI-
20 TIES.—

21 (1) IN GENERAL.—The Director shall develop
22 and implement standards and procedures to ensure,
23 to the maximum extent possible, the fair inclusion
24 and utilization of minorities, women, and minority-
25 owned and women-owned businesses in all business

1 and activities of the Department at all levels, includ-
2 ing in procurement, insurance, and all types of con-
3 tracts.

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

16 (3) TERMINATION.—

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

25 (B) EFFECT OF DETERMINATION.—

1 (i) RECOMMENDATION TO SEC-
2 RETARY.—Upon a determination described
3 in subparagraph (A), the Director shall
4 make a recommendation to the Secretary
5 that the contract be terminated.

6 (ii) ACTION BY SECRETARY.—Upon
7 receipt of a recommendation under clause
8 (i), the Secretary may—

9 (I) terminate the contract;

10 (II) make a referral to the Office
11 of Federal Contract Compliance Pro-
12 grams of the Department of Labor; or

13 (III) take other appropriate ac-
14 tion.

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

19 (1) a statement of the total amounts paid by
20 the Department to contractors since the previous re-
21 port;

22 (2) the percentage of the amounts described in
23 paragraph (1) that were paid to contractors de-
24 scribed in subsection (c)(1);

1 (3) the successes achieved and challenges faced
2 by the Department in operating minority and women
3 outreach programs;

4 (4) the challenges the Department may face in
5 hiring minority and women employees and con-
6 tracting with minority-owned and women-owned
7 businesses; and

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

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

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

20 (2) sponsoring and recruiting at job fairs in
21 urban communities;

22 (3) placing employment advertisements in news-
23 papers and magazines oriented toward minorities
24 and women;

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

5 (5) where feasible, partnering with inner-city
6 high schools, girls' high schools, and high schools
7 with majority minority populations to establish or
8 enhance financial literacy programs and provide
9 mentoring; and

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

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

14 (1) MINORITY.—The term “minority” means
15 United States citizens who are Asian Indian Amer-
16 ican, Asian Pacific American, Black American, His-
17 panic American, or Native American.

18 (2) MINORITY-OWNED BUSINESS.—The term
19 “minority-owned business” means a for-profit enter-
20 prise, regardless of size, physically located in the
21 United States or its trust territories, which is
22 owned, operated, and controlled by minority group
23 members. “Minority group members” are United
24 States citizens who are Asian Indian American,
25 Asian Pacific American, Black American, Hispanic

1 American, or Native American (terminology in
2 NMSDC categories). Ownership by minority individ-
3 uals means the business is at least 51 percent owned
4 by such individuals or, in the case of a publicly
5 owned business, at least 51 percent of the stock is
6 owned by one or more such individuals. Further, the
7 management and daily operations are controlled by
8 those minority group members. For purposes of
9 NMSDC's program, a minority group member is an
10 individual who is a United States citizen with at
11 least $\frac{1}{4}$ or 25 percent minimum (documentation to
12 support claim of 25 percent required from applicant)
13 of one or more of the following:

14 (A) Asian Indian American, which is a
15 United States citizen whose origins are from
16 India, Pakistan, or Bangladesh.

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

1 (C) Black American, which is a United
2 States citizen having origins in any of the Black
3 racial groups of Africa.

4 (D) Hispanic American, which is a United
5 States citizen of true-born Hispanic heritage,
6 from any of the Spanish-speaking areas of the
7 following regions: Mexico, Central America,
8 South America, and the Caribbean Basin only.

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

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

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

23 (5) WOMEN-OWNED BUSINESS.—The term
24 “women-owned business” means a business that can
25 verify through evidence documentation that 51 per-

1 cent or more is women-owned, managed, and con-
2 trolled. The business must be open for at least 6
3 months. The business owner must be a United
4 States citizen or legal resident alien. Evidence must
5 indicate that—

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

9 (B) the woman business owner directs or
10 causes the direction of management, policy, fis-
11 cal, and operational matters; and

12 (C) the woman business owner has the
13 ability to perform in the area of specialty or ex-
14 pertise without reliance on either the finances
15 or resources of a firm that is not owned by a
16 woman.

