AMENDMENT TO RULES COMMITTEE PRINT 112-29

OFFERED BY MS. JACKSON LEE OF TEXAS

Add at the end the following:

1 SEC. ___. OFFICE OF MINORITY AND WOMEN INCLUSION.
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3   (a) OFFICE OF MINORITY AND WOMEN INCLUSION.—
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5   (1) ESTABLISHMENT.—The Secretary of the Interior shall establish an Office of Minority and Women Inclusion not later than 6 months after the effective date of this Act, that shall be responsible for all matters of the Department of the Interior relating to diversity in management, employment, and business activities in the implementation of this Act.
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7   (2) TRANSFER OF RESPONSIBILITIES.—The Secretary of the Interior shall ensure that the responsibilities described in paragraph (1) (or comparable responsibilities) that are assigned to any other office, agency, or bureau of the Department on the day before the date of enactment of this Act are transferred to the Office of Minority and Women Inclusion.
(3) DUTIES WITH RESPECT TO CIVIL RIGHTS LAWS.—The responsibilities described in paragraph (1) do not include enforcement of statutes, regulations, or executive orders pertaining to civil rights, except each Director shall coordinate with the Secretary, or the designee of the Secretary, regarding the design and implementation of any remedies resulting from violations of such statutes, regulations, or executive orders.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall have a Director who shall be appointed by, and shall report to, the Secretary of the Interior. The position of Director shall be a career reserved position in the Senior Executive Service, as that position is defined in section 3132 of title 5, United States Code, or an equivalent designation.

(2) DUTIES.—The Director shall develop standards for—

(A) equal employment opportunity and the racial, ethnic, and gender diversity of the workforce and senior management of the Department;

(B) increased participation of minority-owned and women-owned businesses in the pro-
grams and contracts of the Department, including standards for coordinating technical assistance to such businesses; and

(C) assessing the diversity policies and practices of entities regulated by the Department.

(3) **OTHER DUTIES.**—The Director shall advise the Secretary of the Interior on the impact of the policies and regulations of the Department on minority-owned and women-owned businesses.

(4) **RULE OF CONSTRUCTION.**—Nothing in paragraph (2)(C) may be construed to mandate any requirement on or otherwise affect the lending policies and practices of any regulated entity, or to require any specific action based on the findings of the assessment.

(c) **INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITIES.**—

(1) **IN GENERAL.**—The Director shall develop and implement standards and procedures to ensure, to the maximum extent possible, the fair inclusion and utilization of minorities, women, and minority-owned and women-owned businesses in all business and activities of the Department in the implementa-
tion of this Act at all levels, including in procure-
ment, insurance, and all types of contracts.

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

(3) TERMINATION.—

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

(B) EFFECT OF DETERMINATION.—
(i) Recommendation to Secretary.—Upon a determination described in subparagraph (A), the Director shall make a recommendation to the Secretary that the contract be terminated.

(ii) Action by Secretary.—Upon receipt of a recommendation under clause (i), the Secretary may—

(I) terminate the contract;

(II) make a referral to the Office of Federal Contract Compliance Programs of the Department of Labor; or

(III) take other appropriate action.

(d) Reports.—The Secretary shall submit to Congress an annual report regarding the actions taken by the Department of the Interior agency and the Office pursuant to this section, which shall include—

(1) a statement of the total amounts paid by the Department to contractors since the previous report;

(2) the percentage of the amounts described in paragraph (1) that were paid to contractors described in subsection (c)(1);
(3) the successes achieved and challenges faced
by the Department in operating minority and women
outreach programs;

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

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

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

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

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

(3) placing employment advertisements in news-
papers and magazines oriented toward minorities
and women;
(4) partnering with organizations that are focused on developing opportunities for minorities and women to be placed in energy industry internships, summer employment, and full-time positions;

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

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

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

(1) MINORITY.—The term “minority” means United States citizens who are Asian Indian American, Asian Pacific American, Black American, Hispanic American, or Native American.

(2) MINORITY-OWNED BUSINESS.—The term “minority-owned business” means a for-profit enterprise, regardless of size, physically located in the United States or its trust territories, which is owned, operated, and controlled by minority group members. “Minority group members” are United States citizens who are Asian Indian American, Asian Pacific American, Black American, Hispanic American, or Native American.
American, or Native American (terminology in NMSDC categories). Ownership by minority individu-
als means the business is at least 51 percent owned by such individuals or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more such individuals. Further, the management and daily operations are controlled by those minority group members. For purposes of NMSDC’s program, a minority group member is an individual who is a United States citizen with at least ¼ or 25 percent minimum (documentation to support claim of 25 percent required from applicant) of one or more of the following:

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

(B) Asian Pacific American, which is a United States citizen whose origins are from Japan, China, Indonesia, Malaysia, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Thailand, Samoa, Guam, the United States Trust Territories of the Pacific, or the Northern Marianas.
(C) Black American, which is a United States citizen having origins in any of the Black racial groups of Africa.

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

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

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

(4) Office.—The term “Office” means the Office of Minority and Women Inclusion established under subsection (a).

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

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

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

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

SEC. ___. REPORTING.

Within 12 months of the effective date of this Act
and annually thereafter, the Secretary of the Interior, in
consultation with the Assistant Secretary for Energy Em-
ployment and Training, shall submit a report to Congress
on the Department of the Interior’s compliance with the
requirements of this Act, including but not limited to spe-
cific information regarding the numbers and types of jobs
created through the Department of the Interior’s efforts,
1 the results of the Department’s efforts to enhance the
2 quality and efficiency of planning and permitting proc-
3 esses, and of any actions taken to increase total produc-
4 tion and to encourage production early in lease terms.