

**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.**

2 (a) OFFICE OF MINORITY AND WOMEN INCLU-  
3 SION.—

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

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

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

10          (b) DIRECTOR.—

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

18           (2) DUTIES.—The Director shall develop stand-  
19           ards for—

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

24                   (B) increased participation of minority-  
25                   owned and women-owned businesses in the pro-

1           grams and contracts of the Department, includ-  
2           ing standards for coordinating technical assist-  
3           ance to such businesses; and

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

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

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

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

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

1       tion of this Act at all levels, including in procure-  
2       ment, insurance, and all types of contracts.

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

15           (3) TERMINATION.—

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

24           (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 the implementation of this Act in a manner  
15          consistent with applicable law. Such 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 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.

17 **SEC. \_\_\_\_ . REPORTING.**

18 Within 12 months of the effective date of this Act  
19 and annually thereafter, the Secretary of the Interior, in  
20 consultation with the Assistant Secretary for Energy Em-  
21 ployment and Training, shall submit a report to Congress  
22 on the Department of the Interior's compliance with the  
23 requirements of this Act, including but not limited to spe-  
24 cific information regarding the numbers and types of jobs  
25 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.

