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H. R. 70

To direct the Secretary of Interior and the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, to initiate immediate action to create jobs in America, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2013

Ms. JACKSON LEE introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Science, Space, and Technology and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To direct the Secretary of Interior and the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, to initiate immediate action to create jobs in America, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Deficit Reduction, Job Creation, and Energy Security Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—DEFICIT REDUCTION ENERGY SECURITY

Sec. 101. Deficit Reduction Acreage.
Sec. 102. Deficit Reduction Energy Security Fund and Coastal and Ocean Sustainability and Health Fund.
Sec. 103. Coastal and Ocean Disaster Grant Program.
Sec. 104. National Grant Program for Coastal and Ocean Sustainability and Health.
Sec. 105. Eligible uses of grants.
Sec. 106. Grant application.

TITLE II—TIMELY ISSUANCE OF OFFSHORE OIL AND GAS LEASES

Sec. 201. Reinstatement of offshore oil and gas leases.
Sec. 202. Effective and efficient environmental review.

TITLE III—OFFICE OF ENERGY EMPLOYMENT AND TRAINING AND OFFICE OF MINORITY AND WOMEN INCLUSION

Sec. 301. Establishment of Office of Energy Employment and Training.
Sec. 302. Office of Minority and Women Inclusion.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Reporting.

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) The Nation is currently experiencing a national employment emergency, and urgent action is needed to put Americans back to work in well-paid, long-term jobs.

(2) The Federal Government distributed over $10,000,000,000 to Federal, State, and Indian accounts from energy production during fiscal year 2009, primarily from oil and natural gas production.

(3) The domestic oil and natural gas industry is responsible for approximately 9.2 million jobs.

(4) The approximately 43 million leased Outer Continental Shelf acres currently account for about 15 percent of America's domestic natural gas production and about 27 percent of America's domestic oil production.

(5) The leasing of these domestic offshore areas for oil and natural gas development provides significant economic benefits to the Federal Government, as well as to States and localities, through the creation and sustenance of jobs and domestic product.

(6) The Department of the Interior's Bureau of Ocean Energy Management currently has authorities under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and related laws that can be effectively utilized to create jobs and revitalize the Nation's economy.

(7) Effective and expedited development of Gulf of Mexico oil and natural gas resources could generate thousands of new jobs, many of which could be created almost immediately.

(8) The coastal regions of the United States have high productivity and contribute approximately

50 percent of the gross domestic product of the United States.

(9) The economies and social structure of many communities are dependent on resources from ocean, coastal, and Great Lakes ecosystems.

(10) Supporting science, research, monitoring, modeling, forecasting, exploration, and assessment will continue to improve our understanding of the ocean, coastal, and Great Lakes ecosystems as well as their long-term economic sustainability.

(11) Safeguarding these ecosystems is crucial to protecting the environment and waters of the United States.

(12) The growth of our energy domestic resources is vital to America's national security.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) Require the Secretary of the Interior to utilize its authorities regarding the leasing and development of offshore oil and gas resources to accelerate job creation and economic revitalization to the fullest extent practicable, taking into account the Department of the Interior's responsibilities regarding conservation, safety, and protection of the environment.

(2) Promote expansion of domestic employment opportunities.

(3) Respond to the Nation's increased need for domestic oil and natural gas resources.

(4) Support the utilization of the Outer Continental Shelf for oil and gas production and transmission.

(5) Protect, conserve, restore, and understand the oceans, coasts, and Great Lakes of the United States, ensuring present and future generations will benefit from the full range of ecological, economic, educational, social, cultural, nutritional, and recreational opportunities and services those resources are capable of providing.

(6) Confirm and ensure the validity of appropriate oil and gas leases issued under the Final Outer Continental Shelf Oil and Gas Leasing Program, 2007–2012.

(7) Ensure the continued leasing of Outer Continental Shelf areas pursuant to the Final Outer Continental Shelf Oil and Gas Leasing Program, 2007–2012.

SEC. 4. DEFINITIONS.

In this Act:

(1) The term ''Act'' means the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(2) The term ''coastal State'' has the same meaning that the term ''coastal state'' has in the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(3) The term ''DRES Fund'' means the Deficit Reduction Energy Security Fund.

(4) The term ''COSH Fund'' means the Coastal and Ocean Sustainability and Health Fund established by section 102.

(5) The term ''program'' means a Final Outer Continental Shelf Oil and Gas Leasing Program issued under section 18 of the Act (43 U.S.C. 1344).

(6) The term ''Secretary'' means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

(7) Other terms shall have the same meaning such terms have under the Act.

TITLE I—DEFICIT REDUCTION ENERGY SECURITY

SEC. 101. DEFICIT REDUCTION ACREAGE.

(a) IN GENERAL.—The Secretary of the Interior shall, during the period covered by the Proposed Outer Continental Shelf Oil and Gas Leasing Program for 2012–

2017 issued by the Department of the Interior, and in addition to the acreage proposed to be leased under such program, conduct oil and gas lease sales under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) for additional acreage of the outer Continental Shelf (as that term is used in that Act) that total 10 percent of the acreage proposed to be leased under such program. The acreage for which lease sales are required under this section shall be known as the Deficit Reduction Acreage.

(b) ANNUAL REQUIREMENT.—In each year in such period, the Secretary shall lease 20 percent of the Deficit Reduction Acreage.

SEC. 102. DEFICIT REDUCTION ENERGY SECURITY FUND AND COASTAL AND OCEAN SUSTAINABILITY AND HEALTH FUND.

(a) DEFICIT REDUCTION ENERGY SECURITY FUND.—

(1) IN GENERAL.—There is hereby established in the Treasury a separate account to be known as the Deficit Reduction Energy Security Fund, consisting of such amounts as may be appropriated or credited to it.

(2) DEPOSIT OF DEFICIT REDUCTION ACREAGE LEASE REVENUES.—

(A) IN GENERAL.—Except as provided in subparagraph (C), all rentals, royalties, bonus bids, and other sums due and payable to the United States under Deficit Reduction Acreage lease sales during the 15-fiscal-year period beginning with the first fiscal year in which such sums are received by the United States shall be deposited in the DRES fund.

(B) HOLDING OF OIL AND GAS REVENUES.—Any amount deposited into the DRES Fund under subparagraph (A)—

(i) shall remain in DRES Fund and be invested in accordance with paragraph (2) until the end of the second full fiscal year after the amount is deposited into the DRES Fund; and

(ii) upon the end of such fiscal year, shall be transferred to the general fund and applied solely to reduce the annual Federal budget deficit.

(C) PAYMENTS TO STATES NOT AFFECTED.—This Act shall not affect any requirement under other law to pay to States amounts received by the United States as such royalties,

bonus bids, and other sums due and payable to the United States.

(3) INVESTMENT.—

(A) IN GENERAL.—Amounts in the DRES Fund shall be invested by the Secretary of the Treasury in accordance with section 9602 of the Internal Revenue Code of 1986.

(B) INCLUSION OF INTEREST IN DRES FUND.—All interest earned on, and the proceeds from the sale or redemption of, any obligations held in the DRES Fund—

(i) shall be credited to and form part of the DRES Fund; and

(ii) shall remain in the DRES Fund until transferred under paragraph (5), without regard to paragraph (2)(B)(ii).

(4) AVAILABILITY OF PROCEEDS OF DEPOSITS.—Amounts credited to the DRES Fund under paragraph (3)(B) in excess of the amounts deposited into the DRES Fund under paragraph (2) shall—

(A) be available for expenditure, without further appropriation, solely for the purpose of and activities eligible under this Act; and

(B) remain available until expended, without fiscal year limitation.

(5) TRANSFER OF INTEREST TO COASTAL AND OCEAN SUSTAINABILITY AND HEALTH FUND.—Upon the transfer of an amount under paragraph (2)(B)(ii), the interest earned on such amount shall be transferred to the Coastal and Ocean Sustainability and Health Fund established under subsection (b).

(b) COASTAL AND OCEAN SUSTAINABILITY AND HEALTH FUND.—

(1) IN GENERAL.—There is hereby established in the Treasury a separate account to be known as the Coastal and Ocean Sustainability and Health Fund, consisting of such amounts of interest as are transferred to it under subsection (a)(5).

(2) AVAILABILITY.—Of the amounts transferred to the COSH Fund under subsection (a)(5) each fiscal year—

(A) not more than 5 percent shall be available to the Secretary of Commerce to administer this title; and

(B) the remainder shall be available to the Secretary of Commerce until expended and without fiscal year limitation, for use for—

(i) the Coastal and Ocean Disaster Grant Program under section 102; and

(ii) the National Grant Program under section 103.

(3) ALLOCATION OF FUNDING FOR GRANT PROGRAMS.—Of amounts available under paragraph (2)(B), the Secretary of Commerce shall allocate—

(A) 40 percent for the Coastal and Ocean Disaster Grant Program under section 103, of which—

(i) 50 percent shall be allocated equally among impacted coastal States;

(ii) 20 percent shall be allocated based on intensity of impact of disasters on impacted coastal States;

(iii) 15 percent shall be allocated based on tidal shorelines of impacted coastal States; and

(iv) 15 percent of the funds shall be allocated based on the coastal population of impacted coastal States.

(B) Sixty percent for the National Grant Program for Coastal and Ocean Sustainability and Health under section 104, of which—

(i) 50 percent shall be allocated to coastal States;

(ii) 50 percent shall be allocated to any State, local, territory, and tribal governments, institutions of higher learning, and non-profit and for-profit organizations that may receive and expend Federal funds as legal entities; and

(iii) no more than 10 percent of the total amount of funds available shall be allocated to a single State or entity in a fiscal year.

(c) GENERAL ADMINISTRATIVE CHARGES PROHIBITED.—Grants issued under this Act shall not be subject to a general administrative charge.

(d) REDEPOSIT OF UNUSED FUNDS.—Any funds provided as a grant under this title that are not used by the grantee by the end of the fiscal year following the first fiscal year for which they were allocated shall be redeposited into the COSH Fund and be reallocated in accordance with this section.

SEC. 103. COASTAL AND OCEAN DISASTER GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Commerce shall use amounts allocated under section 102(b)(2)(B)(i) to make grants to coastal States and Indian tribes impacted by coastal or ocean disasters for the purposes of restoring,

mitigating, monitoring, or otherwise managing coastal and ocean natural resources impacted by such disasters.

(b) ELIGIBILITY.—

(1) FIRST 5 YEARS.—During the 5-fiscal year period beginning with the first fiscal year for which amounts are available for grants under this section, a coastal State or Indian tribe shall be eligible for a grant under this section only if—

(A) it is one of the States of Texas, Louisiana, Mississippi, Alabama, and Florida, or an Indian tribe in such State; or

(B) it is determined by the Secretary, in that period, to be a coastal State that has been impacted by a coastal or ocean disaster.

(2) AFTER FIRST 5 YEARS.—After the end of such 5-fiscal-year period, if the Secretary determines for a fiscal year that there is no coastal State that has been so impacted, the amount allocated for that fiscal year for grants under this section shall be added to the amounts allocated for that fiscal year under section 102(b)(2)(B)(ii) for the National Grant Program for Coastal and Ocean Sustainability and Health.

(3) LIMITATION.—A coastal State or Indian tribe shall not be eligible for a grant under this sec-

tion if it is receiving assistance under another Federal law for an activity described in section 105(b) conducted for a purpose referred to in subsection (a).

SEC. 104. NATIONAL GRANT PROGRAM FOR COASTAL AND OCEAN SUSTAINABILITY AND HEALTH.

(a) IN GENERAL.—The Secretary of Commerce shall use amounts allocated under section 102(b)(2)(B)(ii) (including amounts added under section 103(b)(2)) to make grants to coastal States that are eligible under subsection (b).

(b) ELIGIBILITY.—To be eligible for a grant under this section, a person—

(1) must be—

(A) a coastal State that has a management program approved by the Secretary under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455); or

(B) a State, local, territory, or tribal government, institution of higher learning, or nonprofit or and for-profit organization that may receive and expend Federal funds as a legal entity; and

(2) must submit to the Secretary a multiyear plan for use of the grant that—

(A) specifies how the grant funds will be allocated;

(B) is sufficiently flexible to allow the coastal State to respond to emerging needs; and

(C) is approved by the Secretary.

SEC. 105. ELIGIBLE USES OF GRANTS.

(a) IN GENERAL.—Amounts provided as a grant under this title shall be used for activities described in subsection (b) that are intended to restore, protect, maintain, manage, or understand marine resources and their habitats and resources in coastal and ocean waters, including baseline scientific research and other activities carried out in coordination with Federal and State departments or agencies, that are consistent with Federal environmental laws, and that avoid environmental degradation.

(b) INCLUDED ACTIVITIES.—Activities referred to in subsection (a) include—

(1) coastal management planning and implementation under the Coastal Zone Management Act of 1972;

(2) coastal and estuarine land protection, including the protection of the environmental integrity of important coastal and estuarine areas, such as wetlands and forests, that have significant conservation, recreation, ecological, historical, or aesthetic

values, or that are threatened by conversion to other uses;

(3) efforts to protect and manage living marine resources, including fisheries, coral reefs, research, management, and enhancement;

(4) programs, activities, and new technology designed to improve or complement the management and mission of national marine sanctuaries, marine monuments, national estuarine research reserves, and marine protected areas;

(5) mitigation, restoration, protection, and relocation of coastal communities threatened by the impacts of climate change;

(6) mitigation of the effects of offshore activities, including environmental restoration;

(7) efforts to acquire, protect and restore coastal lands and wetlands, and to restore or prevent damage to wetlands in the coastal zone, coastal estuaries, and lands, life, and property in the coastal zone;

(8) management of non-point sources of coastal and marine pollution;

(9) long-term coastal and ocean research and education, monitoring, and natural resource management;

(10) regional multi-State management efforts designed to manage, protect, or restore the coastal zone and ocean resources; or

(11) management and administration of authorized activities.

SEC. 106. GRANT APPLICATION.

A person seeking a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate.

TITLE II—TIMELY ISSUANCE OF OFFSHORE OIL AND GAS LEASES

SEC. 201. REINSTATEMENT OF OFFSHORE OIL AND GAS LEASES.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

''(i) The Secretary is authorized, upon petition of a prior leaseholder, to reinstate any Expired Producible Lease in the offshore Gulf or Mexico if such reinstatement furthers the purposes and objectives of this Act. The Secretary shall act on such petitions as soon as possible after receipt thereof, and in any event, within 90 days of receipt of such petition or prior to the next scheduled lease sale in which such lease would be included, whichever is earlier.

Any lease application pending for more than 90 days shall be reported to Congress, the Secretary of the Interior, and the Assistant Secretary for Land Management every 15 days until the application is acted upon.''.

SEC. 202. EFFECTIVE AND EFFICIENT ENVIRONMENTAL REVIEW.

(a) COMPLETION OF ANALYSES FOR LEASE SALES.—The Secretary shall, to the maximum extent practicable, complete all analyses, processes, and procedures required by section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) or under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.; referred to in this section as ''NEPA''), in connection with exploration and development under any lease to be offered for sale under this Act, prior to the annual lease sale in which such lease is first offered.

(b) TREATMENT OF SECRETARY'S ACTIONS.—Notwithstanding the provisions of any other law, the Secretary's actions, after any initial lease sale, in approving and enforcing safety requirements and spill prevention and response requirements in individual plans or permits shall be deemed to be actions for the purpose of conserving and protecting the environment that are not subject to NEPA review requirements.

TITLE III—OFFICE OF ENERGY EMPLOYMENT AND TRAINING AND OFFICE OF MINORITY AND WOMEN INCLUSION

SEC. 301. ESTABLISHMENT OF OFFICE OF ENERGY EMPLOYMENT AND TRAINING.

(a) ESTABLISHMENT.—The Secretary of the Interior shall establish an Office of Energy Employment and Training, which shall oversee the efforts of the Department of the Interior's energy planning, permitting, and regulatory activities to carry out the purposes, objectives, and requirements of this Act.

(b) DIRECTOR.—

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

(2) DUTIES.—The Assistant Secretary for Energy Employment and Training shall perform the following functions:

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

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

(C) Design and recommend to the Secretary programs and policies aimed at ensuring the Department's compliance with the purposes, objectives, and requirements of this Act, and oversee implementation of such programs approved by the Secretary.

(D) Develop procedures for enforcement of the Department's requirements and responsibilities under this Act.

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

(F) Assist the Secretary in complying with the reporting requirements of title V of this Act.

SEC. 302. OFFICE OF MINORITY AND WOMEN INCLUSION.

(a) OFFICE OF MINORITY AND WOMEN INCLUSION.—

(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.

(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 re-

1 sulting from violations of such statutes, regulations,
2 or executive orders.
3 (b) DIRECTOR.—
4 (1) IN GENERAL.—The Office shall have a Di-
5 rector who shall be appointed by, and shall report to,
6 the Secretary of the Interior. The position of Direc-
7 tor shall be a career reserved position in the Senior
8 Executive Service, as that position is defined in sec-
9 tion 3132 of title 5, United States Code, or an
10 equivalent designation.
11 (2) DUTIES.—The Director shall develop stand-
12 ards for—
13 (A) equal employment opportunity and the
14 racial, ethnic, and gender diversity of the work-
15 force and senior management of the Depart-
16 ment;
17 (B) increased participation of minority-
18 owned and women-owned businesses in the pro-
19 grams and contracts of the Department, includ-
20 ing standards for coordinating technical assist-
21 ance to such businesses; and
22 (C) assessing the diversity policies and
23 practices of entities regulated by the Depart-
24 ment.

(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 at all levels, including in procurement, insurance, and all types of contracts.

(2) CONTRACTS.—The procedures established by the Department for review and evaluation of contract 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 workforce of the contractor and, as applicable, subcontractors.

(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 contracting 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 Department 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 newspapers 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 (terminology in NMSDC categories). Ownership by minority individuals 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

1 those minority group members. For purposes of
2 NMSDC's program, a minority group member is an
3 individual who is a United States citizen with at
4 least ¼ or 25 percent minimum (documentation to
5 support claim of 25 percent required from applicant)
6 of one or more of the following:
7 (A) Asian Indian American, which is a
8 United States citizen whose origins are from
9 India, Pakistan, or Bangladesh.
10 (B) Asian Pacific American, which is a
11 United States citizen whose origins are from
12 Japan, China, Indonesia, Malaysia, Taiwan,
13 Korea, Vietnam, Laos, Cambodia, the Phil-
14 ippines, Thailand, Samoa, Guam, the United
15 States Trust Territories of the Pacific, or the
16 Northern Marianas.
17 (C) Black American, which is a United
18 States citizen having origins in any of the Black
19 racial groups of Africa.
20 (D) Hispanic American, which is a United
21 States citizen of true-born Hispanic heritage,
22 from any of the Spanish-speaking areas of the
23 following regions: Mexico, Central America,
24 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 percent or more is women-owned, managed, and controlled. 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 substantial and in proportion to the interest owned;

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

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

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. 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 Employment and Training, shall submit a report to Congress on the Department's compliance with the requirements of titles III and IV, including but not limited to specific information regarding the numbers and types of jobs created through the Department of the Interior's efforts, the results of the Department's efforts to enhance the quality and efficiency of planning and permitting processes, and of any actions taken to increase total production and to encourage production early in lease terms.

○