



**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
UNITED STATES DEPARTMENT OF THE INTERIOR
AND THE
UNITED STATES DEPARTMENT OF LABOR**

I. BACKGROUND

America's diversity is our competitive advantage, but only if we give everyone an opportunity to fulfill their potential and fully participate. The Department of the Interior and the Department of Labor (Departments) are committed to ensuring our programs and policies address barriers to opportunity and build an economy that empowers *all* people, including individuals from underserved communities. As part of this shared commitment, we are working to ensure the economy is built upon good jobs that will grow the economy equitably and sustainably.

The Biden-Harris administration is prioritizing Federal infrastructure, regional economic development, and workforce development investments that lead directly to good-paying, high-quality jobs that offer workers the free and fair choice to form or join a union. Those investments, however, will fail to meet their full potential unless we harness the talents and strengths of *all* communities across the country, including underserved communities: persons adversely affected by persistent poverty, discrimination, or inequality, including Black, Indigenous, People of Color; LGBTQ+ individuals; women; immigrants; veterans; youth and young adults; older adults and seniors; individuals with disabilities; individuals in rural communities; individuals without a college degree; individuals with or recovering from substance use disorder; and justice-involved individuals. Too often, individuals from these communities face systemic barriers to employment, are underrepresented in the workforce, and are concentrated in lower paying, less safe, non-unionized jobs across the economy.

Both employers and workers feel disadvantaged by our labor market. Companies looking to gain a competitive edge are looking for support as they seek to fill open jobs, develop their workforces, and retain skilled workers. Employers are increasingly looking for more opportunities to increase job quality and draw on diverse talent. Workers are pursuing job opportunities that provide family-sustaining wages, where they are empowered and respected, and that allow them to build their skills and progress in their workplaces. Therefore, the Departments will work with employers, workers, and their respective representatives to pursue workforce solutions and transformative practices that increase companies' competitiveness and help workers of all backgrounds to secure good jobs.

In November 2021, Congress passed, and the President signed, the bipartisan Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), a once-in-a-generation investment in America's infrastructure and competitiveness.¹ The IIJA charges the U.S. Department of the Interior (DOI) with delivering transformative benefits to American communities and to Federal, State, Tribal, territorial, and private lands. The IIJA provides funding to DOI to invest in bolstering water and drought resilience, wildfire resilience, ecosystem restoration and resilience, Tribal climate resilience and infrastructure, and legacy pollution cleanup. In August 2022, Congress passed, and the President signed, the Inflation Reduction Act (IRA). Along with other DOI or DOI-funded projects, the activities funded by the IIJA and the IRA will require a highly trained and skilled workforce and provide an opportunity to harness the talents and strengths of underserved communities across the country.

II. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to promote cooperative efforts between the Department of the Interior (DOI) and the Department of Labor (DOL) to build sustainable career pathways to meet industry's need for talent and workers' need for quality jobs with the free and fair choice to join or form a union, including DOI's implementation of the IIJA. This cooperative effort will place an emphasis on drawing on the strength and creativity of every worker in America.

III. OBJECTIVES

The Departments enter into this MOU to leverage the individual and combined resources and expertise of both Departments to ensure the actions necessary to meet common goals related to expanding equitable access to quality jobs for workers and communities. Subject to the availability of appropriations and other relevant legal authority, this MOU supports both Departments' efforts, where permissible and appropriate, to:

- Assist employers, labor unions, State, Tribal, territorial, and local governments, and other stakeholders in their efforts to identify, train, employ, mentor, develop, upskill, reskill, and retain a diverse and highly skilled workforce.
- Define and promote job quality as an essential building block of an equitable economy that lifts up workers and families, builds communities, and makes our companies more competitive.
- Create a more diverse workforce and reduce occupational segregation.
- Integrate job quality, labor standards, and equal employment opportunity standards across DOI and DOL investments, as appropriate.

¹ Pub. L. 117-58 (Nov. 15, 2021).

- Leverage Federal spending to create more good-paying jobs that are accessible to *all* workers, are safe and healthy; provide retirement plans, paid leave, and other family-sustaining benefits that promote economic security and mobility; and offer workers a free and fair choice to join or form a union.
- Seek opportunities to align, complement, and mutually support workforce investments through language in direct contracts and other funding notices that recognizes strategic relationships between the Departments' funding programs.
- Promote the development and expansion of Pre- and Registered Apprenticeships and other joint labor-management training programs, including by setting strong incentives for such training programs in infrastructure, economic development, and workforce development contracts, as appropriate.
- Build new models of measuring and analyzing the labor market outcomes of workers whose training is funded by Federal training programs or who complete Registered Apprenticeships and identify ways to collect additional data on unionization.
- Engage stakeholders and work with organizations that can draw on all of America's strength, talent, and skill, including the public workforce system and coalitions that represent women; Black, Indigenous, and other People of Color; and other populations facing systemic barriers to employment. Leverage these partnerships to support the design and implementation of proven education and job training programs that include wraparound supportive services (as appropriate) and career pathways that lead to jobs that employers need and are prepared to fill.
- Ensure that infrastructure project inputs from outside the United States do not undermine U.S. jobs and are produced in compliance with international labor standards consistent with international obligations.

IV. AUTHORITIES

As the Departments collaborate, each will rely on its own legal authorities and available appropriations, including new authorities and programs under the IIJA, which may include, but are not limited to, the following.

Department of the Interior:

- Section 349 of the Energy Policy Act of 2005 (42 U.S.C. 15907), as amended by IIJA Section 40601 (Division D, Title VI), requires DOI to establish a Federal program to plug, remediate, and reclaim orphaned wells located on Federal land; provide funding for State programs to plug, remediate, and reclaim orphaned wells located on State-owned or privately owned land; and provide grants to Indian Tribes to plug, remediate, or reclaim orphaned wells on Tribal land. Formula grants to States must account for job losses in the oil and gas industry and the number of jobs that will be created or saved through activities funded by the IIJA. To receive performance grants, applicant States must explain how IIJA funds will lower unemployment in the State and improve economic

conditions in economically distressed areas of the State. In determining whether to provide a grant to an Indian Tribe, DOI must consider the Tribe's unemployment rate.

- IIA Section 40701 (Division D, Title VII) authorizes the appropriation of funds to the Abandoned Mine Reclamation Fund to provide annual grants by the Office of Surface Mining Reclamation and Enforcement to States and Indian Tribes for abandoned mine land and water reclamation projects under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*). Section 40701 allows States and Tribes to give priority to reclamation projects that provide employment for current and former employees of the coal industry.
- IIA Section 41101 sets wage rate requirements for all work conducted under division D of the IIA. For all construction, alteration, or repair work on a project assisted in whole or in part by funding made available under division D, all laborers and mechanics employed by contractors or subcontractors must be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with the Davis Bacon Act, 40 U.S.C. §§ 3141, *et seq.*
- Programs operated by the Bureau of Indian Affairs, including the Indian Employment, Training, and Related Services Demonstration Act of 1992 established by Public Law 102-477, as amended (25 U.S.C. § 3401 *et seq.*).
- Other DOI authorities where the implementation of such programs will include workforce development or otherwise include activities that support the objectives of this MOU.
- Executive Order (EO) No. 13502, "Use of Project Labor Agreements for Federal Construction Projects," which encourages project labor agreements on construction projects funded by the Department of the Interior.

Department of Labor:

- Enforcement of Federal wage and labor standards through the Wage and Hour Division including: 29 U.S.C. §§ 201, *et seq.*; 29 U.S.C. §§ 2001-2009; 29 U.S.C. §§ 2611-2654; 40 U.S.C. §§ 3141 *et seq.*; 15 U.S.C. §§ 1671-1677; *see also* 29 CFR § 5.1 ("Related Acts");-EO 13658, "Establishing a Minimum Wage for Contractors"; EO 13706, "Establishing Paid Sick Leave for Federal Contractors"; EO 14026, "Increasing the Minimum Wage for Federal Contractors."
- Enforcement of safety and health standards through the Occupational Safety and Health Administration including, Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 *et seq.*
- Expertise of the Office of Federal Contract Compliance Programs in enforcing labor standards in Federal contracts for employers doing business with the Federal Government, including EO 11246, Section 205 as amended, Equal Employment Opportunity, at 41 CFR part 60-1 and part 60-4; Public Law No. (Pub. L. No.) 81-152, 63 Stat. 377; Section 503 of

the Rehabilitation Act, 29 U.S.C. § 793; Section 4212 of the Vietnam Era Veterans' Readjustment Assistance Act, 38 U.S.C. § 4212; 41 U.S.C. §§ 6701- 6707; 41 U.S.C. §§ 6501-6511;

- Programs administered by the Office of Labor-Management Standards to ensure that when Federal funds are used to acquire, improve, or operate a mass transit system that arrangements are in place to protect the interests of mass transit employees, embracing their rights to organize and collectively bargain, including 49 U.S.C. § 5333(b).
- Programs administered by the Office of Labor-Management Standards to promote labor organization democracy, financial integrity, and transparency, and highlight the important role unions play in the modern American economy, including EO 13496, Notification of Employee Rights Under Federal Labor Laws; 29 U.S.C. §§ 401 – 531.
- Workforce development programs funded and administered by the Employment and Training Administration to support job training and workforce development services, including 29 U.S.C. §§ 3101, *et seq.*; 29 U.S.C. § 50; 29 U.S.C. § 49, *et seq.*; 19 U.S.C. § 2271, *et. seq.*
- Programs operated by the Women's Bureau including those focused on getting women into nontraditional occupations, including 29 U.S.C. § 13.
- Programs operated by the Office of Disability Employment Policy that focus on increased workplace success for people with disabilities, including 29 U.S.C. § 557b.
- Programs operated by the Veterans' Employment and Training Service that assist veterans, reservists, and National Guard members in securing employment, including 38 U.S.C. §§ 2021, 2021A, 2023, 4102A, 4103A, and 4104.
- Tariff Act of 1930, EO 13126 (1999), Generalized System of Preferences, 19 U.S.C. § 2461 *et seq.*

V. JOINT RESPONSIBILITIES OF THE DEPARTMENTS

- A. **Strategic Engagement:** Subject to the availability of appropriations and consistent with relevant legal authority, the Departments will support the development of strategic engagement with organizations and coalitions that can help connect workers to good-paying jobs, including organizations that represent workers who are underrepresented in skilled jobs. Specifically, the Departments will collaborate to:
- Jointly engage key stakeholders and implement a process for informing workforce strategy design and gathering feedback from communities on the responsiveness of Federal investments to the needs of underrepresented workers and communities.

- Jointly engage State, local, territorial, and Tribal governments, employers, labor unions, and other stakeholders to advance shared job-quality and workforce equity priorities.
- Jointly engage philanthropies interested in workforce, job quality, and Federal investments on how they can support and amplify the Departments' efforts including by supporting States, territories, Tribes, and localities to use funding available to advance equitable workforce development strategies.
- Document and disseminate best practices and profiles of success in national, State, territorial, local and Tribal efforts that are addressing barriers to access to, and retention and progression in, quality jobs.
- Any other items identified as appropriate as mutually agreed to.

B. Job Quality, Standards and Metrics, Workplace Equity and Inclusion: Subject to the availability of appropriations and consistent with relevant legal authority, the Departments will support job quality across infrastructure, economic development, and workforce development investments and grants to ensure diverse workers benefit from safe and healthy, good-paying jobs with benefits, and a free and fair choice to form and join a union. Specifically, the Departments will collaborate to:

- Integrate job quality standards into DOI contracts.
- Promote compliance with applicable Federal labor and employment laws and Tribal Employment laws as permitted by statute.
- Develop mechanisms to support unionized workers and ensure that workers have a free and fair opportunity to unionize.
- Develop ways to leverage flexibility around local hiring in DOI funding opportunities, setting clear expectations and establishing accountability mechanisms and designing incentives for hiring and retaining underrepresented populations.
- Develop and implement best practices for creating fair and safe workplaces that promote the recruitment and/or retention of underrepresented populations, including participation in the Office of Federal Contract Compliance Programs (OFCCP) Mega Construction Projects Program where applicable. OFCCP may select an eligible, DOI-funded construction project valued at over \$35 million and including a direct or federally assisted contract for construction work on the project for participation in the Program. Under that partnership, project sponsors also must make clear to potential prime contractors in the prebid phase that the project sponsor's award terms will require participation in the Mega Construction Project Program if the project is so designated by OFCCP.

- Identify critical occupations and industries where Federal funding can be leveraged to enhance job quality to support stable, resilient, and equitable workforces.
- Address workplace harassment and discrimination by requiring grant recipients and contractors to comply with existing equal opportunity standards and adopt workplace standards, accountability, and training to combat on-the-job hostility and harassment, and harassment or retaliation that may result from an employee's report on misuse of government funds, reporting or challenging discrimination, or participating in an investigation or hearing.
- Jointly design evaluation plans and establish methods of capturing key job quality measures as well as worker and community demographic characteristics from Federal statistical agencies' surveys and administrative data as a way to measure the success of joint efforts.
- Any other items identified as appropriate as mutually agreed to.

C. **Equitable and Effective Workforce Development:** Subject to the availability of appropriations and consistent with relevant legal authority, the Departments will support the creation and expansion of high-quality, equitable, employer-and labor-management-led workforce development programs that connect workers and communities to quality jobs. Specifically, the Departments will collaborate to:

- Identify the highest priority geographic and sectoral workforce shortfalls to enable more focused work with the private sector.
- As appropriate, align infrastructure and economic development funding with proven workforce development practices and workforce investments to deliver training and services needed to link workers and communities to quality jobs, including underrepresented workers and communities. The Departments will make available guidance on how State, territorial, and local funding could be leveraged for these practices. The Departments will also encourage workforce development activities through Federal infrastructure and economic development grants to build a skilled, diverse workforce to ensure the success of those investments.
- Encourage and incentivize State, Tribal, and territorial agencies to leverage new funding flexibilities to invest in infrastructure training programs targeted to underrepresented workers (including pre-apprenticeship programs linked to Registered Apprenticeship programs), with an emphasis on covering supportive services and living expenses while supporting equitable training access, retention, and completion.
- Support the development and expansion of Registered Apprenticeship and related pre-apprenticeship programs, with incentives and accountability for program uptake and serving underrepresented populations. The Departments will seek to dedicate funding to Registered Apprenticeship and pre- apprenticeship in

infrastructure fields and share best practices for promoting apprenticeship and pre-apprenticeship in procurement policy.

- As a part of employer- and labor-management-led, sector-based workforce investments, promote best practices that create and expand training programs to support long-term careers.
- Share best practices on how State, local, Tribal, and territorial governments and regional workforce training systems can partner with the workforce system to support mutual goals, including workforce boards, community colleges, sector partnerships, Registered Apprenticeship programs and career and technical education programs.
- Share best practices on how State, Tribal, territorial, and local governments and regional workforce training systems track and report metrics related to job creation and workforce needs.
- Facilitate integration of diverse Federal funding sources to Indian Tribes and Tribal organizations to improve effectiveness of those sources, reduce joblessness, and promote self-determination, as set forth in Public Law 102-477.
- Any other items identified as appropriate as mutually agreed to.

VI. EFFECTIVE DATE AND TERMINATION

This MOU is effective on the date of signature and shall continue in force indefinitely. It may be terminated by either agency by giving 90-day written notice to the other agency. Its provisions will be reviewed annually and amended or supplemented in writing as agreed upon mutually.

VII. EFFECT

Nothing in this MOU shall be interpreted as limiting, superseding, or otherwise affecting either Department's normal operations or decisions in carrying out its statutory or regulatory duties, and all efforts described shall be carried out consistent with the law. This MOU does not limit or restrict either agency from participating in similar activities or arrangements with other entities.

This MOU is an internal governmental agreement designed to improve the efficiency of government and does not confer any rights on any other parties.

This MOU does not obligate any funding of the Departments.

VIII. POINTS OF CONTACT

Department of the Interior:

- Joan Mooney, Principal Deputy Assistant Secretary for Policy, Management, and Budget
- Winnie Stachelberg, Senior Advisor and Infrastructure Coordinator
- Phil Burton, Senior Advisor for Infrastructure Equity

Department of Labor:

- Brent Parton, Acting Assistant Secretary, Employment and Training Administration
- Katelyn Walker Mooney, Director, Good Jobs Initiative
- Rukku Singla, Policy Advisor, Good Jobs Initiative

IX. AUTHORIZING SIGNATURE AND DATES

The signatories below warrant and represent that they have the competent authority on behalf of their respective agencies to enter into the obligations set forth in this MOU.



Deb Haaland, Secretary of the Interior

DATE:

July 14, 2023



Julie Su, Acting Secretary of Labor

DATE:

7-14-23