

LATEST VERSION 3/23/2022

MEMORANDUM

TO: Bipartisan Infrastructure Law Working Groups

FROM: Bipartisan Infrastructure Law (BIL) Equity, Labor, and Economic Prosperity Group

SUBJECT: Equity, Labor, and Economic Prosperity Guiding Principles & Framework for BIL Implementation

DATE: March 23, 2022

This memorandum provides an initial framework for incorporating Administration priorities into Department of Energy (DOE) Bipartisan Infrastructure Law (BIL) program design. The guiding principles established in this framework are organized in line with the Secretary's stated BIL implementation priorities of **quality job creation; building up domestic manufacturing as a key economic driver; justice; building a DOE workforce that looks like America; and creating a pathway to private sector uptake.**

The Equity, Labor, and Economic Prosperity Guiding Principles & Framework for BIL Implementation aims to provide programs a conceptual framework for advancing Secretarial BIL priorities. The following sections provide details regarding Secretarial BIL priorities, and the key tactics and questions programs should consider to advance Departmental priorities. Each key tactics and questions section includes a list of supporting resources as well as the name of the BIL Equity, Labor, and Economic Prosperity (ELEP) subject matter expert(s) programs can consult to assist with program design.

In addition to this framework, the ELEP working group team will provide the following, more in-depth, training and support, as outlined in each section:

- Specific technical guidance for implementation of key priorities:
 - [Comprehensive Justice40 Technical Guidance](#) (already shared with programs)
 - [BIL Guidance on Jobs, Workforce, and Labor Considerations 3-15-22.docx](#)
- Model ELEP language for requests for information and funding opportunity announcements
- [Calendar of upcoming trainings and office hours](#) including:
 - Justice40 Training
 - Equity Training
 - Tribal Consultation Training
 - Davis-Bacon, Labor, and Workforce Training
 - PLA and CWA Training
 - Labor, Jobs, and Workforce Office Hours

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SECTION 1: DEPARTMENTAL BIL PRIORITIES

QUALITY JOB CREATION & DOMESTIC MANUFACTURING

- ***Good-Paying Jobs with the Right to Join a Union*** – Ensuring that our efforts to tackle the climate crisis grow good-paying union jobs for the American workforce and expand opportunities for workers to join a union. Job quality is key to ensure economic prosperity through our climate and energy programs, and includes Administration efforts to leverage federal authority to tamp down on worker misclassification, enforce labor laws, strengthen worker voice in the workplace, and support worker union organizing and collective bargaining as outlined in Executive Order (E.O.) 14025, *Worker Organizing and Empowerment* and E.O. 14008, *Tackling the Climate Crisis at Home and Abroad*.
- ***Effective Workforce Development*** – Ensuring that workforce education and training activities support the upskilling of incumbent workers; support broad occupational training, such as registered apprenticeship rather than short-term, narrow skills training; and remove barriers to career-track training and employment particularly for people from underrepresented groups, formerly incarcerated people, dislocated workers from industries in decline including fossil fuels, and those living in “disadvantaged communities” as defined through the Justice40 Initiative.
- ***Economic Prosperity*** – Ensuring that any BIL efforts targeted or especially relevant to specific geographies and/or communities are aligned and integrated across DOE and with other agency programs to: 1) promote maximum access to all applicable federal programs by those communities; and 2) support more diversified, sustainable, resilient, and equitable economic development approaches in these communities.

JUSTICE

- ***Equity*** – Ensuring that traditionally underserved populations, including Black, Latino, Indigenous and Native American people, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural or remote areas; persons otherwise adversely affected by persistent poverty or inequality; and Historically Black Colleges and Universities (HBCUs), minority-serving institutions (MSIs), and Tribal colleges and universities (TCUs), have access to Departmental programs and opportunities.
- ***Justice40*** – Ensuring that 40% of the overall benefits of BIL program investments flow to “disadvantaged communities” as required by the Justice40 Initiative outlined in E.O. 14008, *Tackling the Climate Crisis at Home and Abroad*.
- ***Tribal Trust Responsibility*** – Ensuring that DOE fulfills trust responsibility and obligations arising from Departmental actions which may potentially impact American Indian and Alaska

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Native traditional, cultural, and religious values and practices; natural resources; treaty and other federally recognized and reserved rights.

BUILDING A DOE WORKFORCE THAT LOOKS LIKE AMERICA

- ***Diversity, Equity, Inclusion, and Accessibility (DEIA)*** - Standing up a DOE workforce that looks like America, including individuals from underserved communities and people underrepresented in the current DOE workforce, such as Blacks and African Americans, Hispanics and Latinos, Native Americans, Alaska Natives and Indigenous, Asian American, Native Hawaiian and Pacific Islander, Middle Eastern, and North African persons, women, and LGBTQ+ persons; and providing opportunities for small-disadvantaged businesses, minority-owned businesses, and women-owned businesses in the clean energy economy facilitated by DOE contracting, procurement, and financial assistance opportunities.

CREATING A PATHWAY TO PRIVATE SECTOR UPTAKE

- ***Meaningful Engagement from Private Sector and Philanthropy*** – Engaging private sector investors, companies, and philanthropic organizations to supplement the Administration’s efforts, and catalyze just and equitable economic activity that supports economic revitalization, infrastructure investments, quality job placement, workforce development, and community capacity.

Table 1 presented below outlines the: (1) key tactics that program managers should consider for each of the foregoing priorities and strategies; (2) key questions that should be asked throughout the program design and implementation process; and (3) additional resources available for more information on the priorities and strategies outlined herein.

(Note that DEIA guidance is focused toward hiring managers embedded within new programs as well as program designers.)

SECTION 2: KEY TACTICS TO ADVANCE ADMINISTRATION AND SECRETARIAL PRIORITIES

QUALITY JOB CREATION & DOMESTIC MANUFACTURING (ELEP POCs: Kate Gordon, Betony Jones, Christy Veeder)				
<p>Resources to Support Key Tactics:</p> <ul style="list-style-type: none">○ BIL Guidance on Jobs, Workforce, and Labor Considerations 3-15-22.docx: This document provides guidance for when and how to incorporate these labor standards into program design and funding opportunities○ Comprehensive Resource Guide on Jobs, Labor, and Workforce: (The “Encyclopedia of Labor and Workforce Terms and Provisions.”) This document contains links for relevant Executive Orders and White House Guidance, guidance and contacts for labor engagement, explanations, examples, and best practices to ensuring job quality. This is a living document.○ Davis-Bacon, Labor, and Workforce Training: Multiple trainings will be scheduled and recorded over the month of February. ELEP team members are actively exploring system for centralized DOE compliance to reduce administrative burden within offices.○ Project Labor Agreement and Community Workforce Agreements: Training by DOL in early March○ Office Hours: Wednesdays 12-1pm (email Betony Jones for link)○ Additional support on intersection of labor and private sector: Amy Peterson, LPO				
Priority	Key Tactics	Key Questions	Provisions Implicated	Additional Resources
Engaging with Organized Labor as Key Partners	<ul style="list-style-type: none">• Include unions as early stakeholders in the design, implementation, and communications about BIL.• Target engagement to most-affected unions, working with labor federations (AFL-CIO and NABTU) to include appropriate unions in stakeholder engagement with industry.• Facilitate engagement and partnership between manufacturers, project developers, and labor unions.	<ul style="list-style-type: none">• Have you identified the appropriate union contacts (federal, state, or local)?• Have you engaged with the appropriate unions, as they want to engage, in the planning phase of your project?• Have you considered the range of various roles labor partners could play in the successful implementation of your provision(s) (e.g., outreach, partners on funded projects, communicating success, workforce training, implementation, etc.)?	See BIL provisions ELEP spreadsheet – column O (identifies AFL-CIO, NABTU, and other labor union priority provisions)	E.O. 14025, E.O. 14008
Good-Paying Jobs and the Right to Join a Union	<ul style="list-style-type: none">• Ensure compliance with Davis-Bacon requirement for prevailing wages in all construction activity and utilize a well-designed electronic payroll compliance system to capture data on job metrics and for reporting	<ul style="list-style-type: none">• Does the project include any construction activity over \$2K? If so, likely triggers Davis-Bacon prevailing wage requirements.	Job creation: any provision creating construction,	White House Task Force on Worker Organizing and Empowerment Report to the President that identifies

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	<ul style="list-style-type: none">• Make sure explicit wage or job prioritization requirements in BIL language are incorporated into FOAs and are tied to reporting requirements in funding agreements.• Incorporate explicit labor standards and conditions into RFIs, FOAs, and contractual documents (with GC guidance). These can range from voluntary measures to merit points to requirements depending on the program e.g.<ul style="list-style-type: none">- Labor neutrality agreements- Labor-management partnerships- Project labor agreements (PLAs) and community workforce agreements (CWAs).- Utilization of registered apprenticeship- Assurances to prevent worker misclassification- Professional certifications and licenses	<ul style="list-style-type: none">• Does the project’s statutory language trigger any alternative wage requirements beyond Davis-Bacon?• How are you addressing additional workforce requirements in the BIL language, e.g. prioritization for specific groups of workers to benefit from the program?• Will the total (public + private) investment required for a particular project exceed \$5M? If so, the project should consider merits of Project Labor Agreements (PLAs) and Community Workforce Agreements (CWAs). If above \$25M, PLAs should be required consistent with DOL’s Mega Construction Projects guidance.	<p>manufacturing, and/or O&M jobs</p> <p>Davis-Bacon: all provisions that will trigger construction activity of \$2k or more</p>	<p>executive branch policies, practices, and programs that could be used, consistent with applicable law, to promote Administration’s policy of support for worker power, worker organizing, and collective bargaining.</p> <p>E.O. 14025 proclaims that the policy of the United States is to encourage worker organizing and collective bargaining and this executive order seeks to use more fully the</p>

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	<ul style="list-style-type: none">- Responsible contractor screen to ensure compliance with labor laws and other labor standards- Improved access to employment opportunities for underrepresented and disadvantaged communities by:<ul style="list-style-type: none">o community workforce agreements with specified targets for local hire of priority populationso first-source hiring from supported community-based pre-apprenticeship programs	<ul style="list-style-type: none">• Do you anticipate the creation of ongoing/permanent operations jobs? If so, consider merit for labor-management partnerships• Does the BIL supported project or demonstration jumpstart a new industry or will it trigger significant private sector investment? If so, consider workforce development support (see below).• How are you incorporating industry-recognized credentials, licenses, or certifications and/or performance and safety standards for the technologies your project will deploy?• How will the workforce engaged on the projects reflect community demographics and employ local workers? Consider merit points for community workforce agreements with local and targeted recruitment. ?		<p>federal government’s authority to do so</p> <p>E.O. 14005, Ensuring the Future is Made in America by All of America’s Workers (increases domestic content requirements on federal procurement; limits loopholes)</p> <p>E.O. 11246, signed by President Lyndon B. Johnson on September 24,</p>

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				1965 (established requirements for non-discriminatory practices in hiring and employment of U.S. govt contractors E.O. 14008 . Declares the administration’s policy to create well-paying union jobs. Also requires agencies to apply and enforce the Davis-Bacon Act and prevailing wage and benefit requirements.

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				E.O. 14063 _Signed Feb 4, 2022 requires PLAs on federal construction contracts over \$35M. Further technical guidance on the implementation of labor and jobs standards at DOE is available in the BIL Guidance on Jobs, Workforce, and Labor Considerations.docx
High-Road Workforce Development	<ul style="list-style-type: none">Workforce development activities should align with DOL and Department of Education programs including local	<ul style="list-style-type: none">Does the provision include specific language prioritizing inclusion of any key worker group (e.g. displaced fossil workers, low- and moderate-income	All major construction, manufacturing	

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	<div>workforce development boards, registered apprenticeships, and community colleges.</div> <div><ul style="list-style-type: none">Support labor-management workforce partnerships (between employers and training providers)Ensure workforce education and training driven by and calibrated to labor market demand to avoid “training for jobs that don’t (or won’t long) exist”. This can be managed through the development of Sector Strategies and labor-management partnershipsWorkforce development activities should prioritize the following:<ul style="list-style-type: none">Sector Strategies with industry-recognized, transferable training standardsUpskilling the incumbent workforce</div>	<div>workers)? If so, how are you addressing these priorities through design and evaluation?</div> <div><ul style="list-style-type: none">How will the program support workforce development (e.g., incorporated into funding opportunity or through a separate approach)?What labor market information and other sources of information will you use to determine short- and long-term labor market demand and workforce development needs?How will you make sure that you are addressing the needs of both employers AND workers in your workforce development activities?What are existing workforce education and training pathways for your technology or industry area that should be supported and leveraged for BIL</div>	<div>programs including a specific workforce training element or with flexibility to incorporate workforce development (e.g., demonstration projects, hubs)</div>	

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	<ul style="list-style-type: none">- Reducing barriers to access for under-represented workers and other priority populations (specified in some provisions)- Place-based pre-apprenticeship partnerships to serve priority populations- Emphasize the needs of the deployment workforce (i.e. trades and tech workers), not only the STEM workforce- Professional, engineering, and university engagement should prioritize support for MSIs and HBCUs.	implementation (e.g. registered apprenticeship, community college programs, 4-year/professional degree programs, continuing education programs, and community-based pre-apprenticeship programs)?	Direct workforce training provisions: 40502, 40503, 40512, 40513	
Economic Prosperity	<ul style="list-style-type: none">• Map and leverage existing regional/community assets including infrastructure, geologic or geographic features, supply chains, and/or workforce skills, presence of strong universities/college systems and/or DOE national labs, etc., to support economic activity beyond individual projects.	<ul style="list-style-type: none">• How does the program or project relate to other programs included in BIL, including across other federal agencies?	All grants or loans for place-based capital investments: demonstration	E.O. 14008 E.O. 14017 , <i>America’s Supply Chains</i> (focus on building out

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	<ul style="list-style-type: none">Align with similar programs across DOE or federal government through shared funding, TA, outreach, or other mechanisms to increase access to federal dollars.Use administrative overhead to support capacity building and technical assistance for priority communities that helps connect applicants to additional related federal programs.Develop all long-term projects with an eye to acute and chronic climate risks that could undermine sustainability or resilience.Give greater weight to proposals that deliver basic economic benefits in areas lacking energy access or facing a significant energy or economic transition burden e.g.<ul style="list-style-type: none">tribal communities with homes that do not have access to electricity; that pay over \$1.00 per kwh for electricity; and/or where majority of electricity is	<ul style="list-style-type: none">How does the program design facilitate connections to complimentary federal programs, to ensure the greatest possible alignment and access by communities?How does offering technical assistance as a “necessary project expense” strengthen community engagement and overall impact of the program or project?Does the targeted region or community have an economic and/or clean energy development plan in place (e.g. a Community Economic Development Strategy) ? If so, how does the program relate to that plan? If not, does the program provide flexibility to support this kind of planning?What is your process for determining whether to apply for Made in America waivers? How will you ensure these are specific and time-limited?	<p>projects, hubs, manufacturing projects.</p> <p>See BIL provisions ELEP spreadsheet – column N (identifies provisions that call out specific place-based investments)</p>	<p>supply chains in priority industries as critical to US economic prosperity)</p> <p>EO 14030, <i>Climate-Related Financial Risk</i> (incorporates physical and transition risk planning into government operations to ensure sustainability/resilience of long-term investments)</p> <p>E.O. 14057,</p>

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	<div>currently from high-cost, high-polluting fossil fuels (kerosene, coal, gasoline, diesel, and propane);</div> <div><div>- communities including or adjacent to energy-related mining, coal, oil, gas and uranium;</div><div>- islanded communities without connection to transmission or highways.</div></div> <div><div>• Support and/or require place-based partnerships responsive to community needs and priorities, structured with MOUs, community benefits agreements (CBAs), or other legally binding agreements.</div></div>	<div><div>• How will physical climate risk and long-term resilience be measured and managed in the project?</div></div>		<i>Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability</i>

JUSTICE (ELEP POCs: Shalanda Baker, Wahleah Johns)

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- Equity Training: Multiple trainings will be scheduled and recorded during the month of March and April.
- Tribal Consultation Training: Comprehensive training on Indian Country Education and Tribal Consultation held on 3/17; recording available here.
- Community Benefits Agreements: You can find an online collection of these contracts, negotiated between local communities, companies, and governments, here.

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Equity in Stakeholder Outreach	<ul style="list-style-type: none">Engage in effective, metrics-driven stakeholder outreach prior to program design, including outreach to underserved communities, minority serving institutions (MSIs), historically Black colleges and universities (HBCUs), tribal colleges and universities (TCUs), and underrepresented populations.Conduct Tribal consultation, listening sessions, roundtable discussions and/or technical workshops with Tribes prior to program design.Where possible, identify ways to simplify and streamline the competitive grant application process.	<ul style="list-style-type: none">How has the program team engaged stakeholders (language, format, frequency), incorporated stakeholder input, and tracked dissemination of the financial assistance opportunity?	All programs, especially those identifying specific priority communities/places (see BIL provisions ELEP spreadsheet – column N)	E.O. 13985 DOE Equity Action Plan (available Spring 2022)
Equity in Program Design	<ul style="list-style-type: none">Utilize flexibility or elimination of cost-share requirements, which can pose barriers to underrepresented groups.Deploy innovative and flexible funding mechanisms, such as prizes, to lower barriers to entry.Require that principal investigators compensate all community and HBCU/MSI/TCU stakeholder participation.	<ul style="list-style-type: none">How can applicants more flexibly meet cost share requirements to advance DOE program priorities and enhance access to DOE opportunities?How does the financial assistance opportunity embed requirements for compensated partnership with community partners (such as nonprofits) and	All programs, including basic science and research	E.O. 13985 DOE Equity Action Plan (available Spring 2022)

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	<ul style="list-style-type: none">Embed diverse supplier requirements within financial assistance opportunities.Embed requirements for principal investigators (PIs) to partner with (and compensate) HBCU/MSI/TCU institutional partners and underrepresented researchers.Embed requirements for PIs to partner with community colleges	significant engagement of HBCU/MSI/TCU partners?		
Equity in Merit Review	<ul style="list-style-type: none">Diversify merit review teams.Require implicit bias training for merit review teams.	<ul style="list-style-type: none">How have merit review teams been selected and trained to minimize implicit bias in the application review process?What type of training has been provided to merit review teams to avoid issues of bias?	All provisions including merit review	E.O.13985 DOE Equity Action Plan (available Spring 2022)
Equity in Program Evaluation	<ul style="list-style-type: none">Incorporate program policy factors (PPF) that increase opportunities for underserved communities to participate in opportunity.Place high value on programs that illustrate partnership between Tribal governments and utilities and Native-owned clean energy companies, electricians, ironworkers, and Tribal member unions.Place high value on modeling meaningful engagement – base at least 25% of proposal scoring on engagement criteria at	<ul style="list-style-type: none">How is stakeholder engagement evaluated in the project proposal?How are underserved communities addressed within the PPFs?How do solicitations incorporate requirements for stakeholder participation?How do proposals solicited and received address substantive research questions rooted in distributive impacts (e.g., distribution of the	All provisions at evaluation stage	E.O.13985 DOE Equity Action Plan (available Spring 2022) DOE Community Benefit Agreement Toolkit

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	<p>every stage of a project, and require applicants dedicate funding to a non-academic partner or community-based organization in the project budget. Also, especially on projects that may create environmental justice concerns within the community, consider encouraging the negotiation of community benefits agreements between the project developer and community coalitions.</p> <ul style="list-style-type: none">• Incorporate meaningful stakeholder engagement into research grants through:• Focusing on outcome-based research – proposals should demonstrate how project deliverables link to practical action.• Prioritizing equity designed research – incentivize proposals to appoint MSIs, HBCUs, and non-academic partners to co-lead research and prioritize proposals that examine how DACs stand to benefit from the research.• Integrating climate vulnerability in a holistic way – promoting interdisciplinary research that examines how to recognize climate vulnerability (or vulnerability in an adaptation context), and implements pilot practices that contribute to creating climate-smart communities.	<p>benefits and burdens of clean energy technology)?</p> <ul style="list-style-type: none">• How will project deliver long-term, sustainable results within the community?• How does the project proposal account for climate change?• How does the project proposal generate wealth by providing pathways to asset ownership or co-ownership by tribes and communities?		

JUSTICE (ELEP POCs: Shalanda Baker, Wahleah Johns) Resources to Support Key Tactics:				
<ul style="list-style-type: none">○ Comprehensive Justice40 Technical Guidance: This document provides details on DOE priorities, definitions, and measuring impact.○ Justice40 Training: Multiple trainings will be scheduled and recorded during the month of March to provide details on the Justice40 implementation.○ Equity Training: Multiple trainings will be scheduled and recorded during the month of March and April.○ Tribal Consultation Training: Comprehensive training on Indian Country Education and Tribal Consultation held on 3/17; recording available here.○ Community Benefits Agreements: You can find an online collection of these contracts, negotiated between local communities, companies, and governments, here.				
Priority	Key Tactics	Key Questions	Provisions Implicated	Additional Resources
	<ul style="list-style-type: none">• Reward proposals that increase community asset ownership and co-ownership, including Tribal asset ownership.			
Justice40 Implemen- tation Framework	<p>Within each program, require the measurement of DOE-designated Justice40 program benefits for “disadvantaged communities” or DACs (see Comprehensive Technical Justice40 Guidance for specific information on DACs census tracts), specifically naming these benefits in requests for information (RFIs) and funding opportunity announcements (FOAs):</p> <ul style="list-style-type: none">(1) decrease energy burden in DACs;(2) decrease environmental exposure and burdens for DACs;(3) increase access to low-cost capital in DACs;(4) increase the clean energy job pipeline and job training for individuals from DACs;(5) increase clean energy enterprise creation (e.g., minority-owned or diverse business enterprises) in DACs;(6) increase energy democracy, including community ownership in DACs;(7) increase parity in clean energy technology access and adoption in DACs; and(8) increase energy resiliency in DACs.	<ul style="list-style-type: none">(1) Which communities are “priority” communities named in the legislation, if any (e.g., distressed communities, low-income communities, fossil-fuel communities), and how do those communities overlap with DACs?(2) How much flexibility does the program have to tailor and increase the accessibility of funding opportunities for DACs?(3) How will the program maximize its benefits to DACs?(4) How will data be collected throughout the life of the program to ensure that the eight identified benefits metrics are measured and reported to DOE-ED (CF and OMB)?(5) How can this program’s impacts be measured at the census tract level?(6) How does the program design account for potential harmful impacts of demonstration and deployment activities?	All provisions	<p>E.O. 14008</p> <p>Interim Implementation Guidance for the Justice40 Initiative (M-21-28)</p> <p>Comprehensive technical guidance on the implementation of Justice40 at DOE, including identification of “disadvantaged communities” and a discussion of benefits metrics is available in the BIL Comprehensive Technical Justice40 Guidance.</p>

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Priority	Key Tactics	Key Questions	Provisions Implicated	Additional Resources
	<ul style="list-style-type: none">• Require spatial resolution of benefits measurements at the census tract or more granular level.• Mitigate or eliminate negative project impacts or cumulative burdens on DACs.• Include stakeholder engagement in program design.• Design programs for long-term positive impacts in communities.	<p>(7) How has the program systematically engaged community members throughout the design and implementation of the process, incorporating community feedback into all aspects of the program design lifecycle?</p> <p>(8) How does the program incorporate robust, transparent processes to support the processing and traceability of community feedback?</p>		
Tribal Trust Responsibility	<ul style="list-style-type: none">• Train program leadership and staff concerning receive Tribal Trust Responsibility.• Embed Tribal consultation requirements into State formula funding.• Provide technical assistance and grant support to Tribes with State formula grants.	<ul style="list-style-type: none">• Is your program aware of DOE Order 144.1, which provides seven principles to ensure effective implementation of a government-to-government relationship with American Indian and Alaska Native tribal governments.?• Does your Office or program have a designated Tribal Liaison Officer?	See BIL provisions ELEP spreadsheet – column N (indicates which provisions have tribal equities)	DOE Order 144.1 “Department of Energy American Indian Tribal Government Interactions and Policy”: E.O.13175 , <i>Consultation and Coordination with Indian Tribal Governments</i> Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships The White House

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				Comprehensive Indian Country Education and Tribal Consultation training for DOE available here .

BUILDING A DOE WORKFORCE THAT LOOKS LIKE AMERICA (ELEP POC: Shalanda Baker)				
Resources to Support Key Tactics:				
Training Clean Energy Corps Interviewers : The Office of Economic Impact and Diversity, White House Liaison Office, and the Office of Human Capital are conducting trainings for Clean Energy Corps interviewers throughout the month of March.				
Priority	Key Tactics	Key Questions	Provisions Implicated	Additional Resources
DEIA in Hiring of DOE Program Personnel	<ul style="list-style-type: none">• Cultivate an internal DOE culture that is welcoming and inclusive to newly-recruited, diverse, high-quality candidates.• Implement diverse outreach strategies for DOE opportunities (e.g., American Association of Blacks in Energy, National Society of Black Engineers, and	<ul style="list-style-type: none">(1) What policies and procedures must be established and/or optimized to address DEIA historical or systemic inequities?(2) What automated solutions are available to help assess and track employee demographic data?(3) What strategy will the program deploy to ensure a diverse, highly qualified pool of candidates for	N/A: goes to hiring DOE teams across all programs and for	E.O. 14035 Government-Wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce (November 2021)

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	affinity groups supporting underrepresented people in STEM). <ul style="list-style-type: none">Develop a comprehensive DEIA strategy for recruitment, retention, professional development, career growth, and accountability.Ensure a diverse applicant pool prior to proceeding with the hiring process.Require implicit bias awareness and mitigation training for hiring managers.Use structured interviews for hiring.	available positions, and how will hiring managers be held accountable for ensuring the pool of candidates is diverse? (4) How does the program office intend to onboard and create an inclusive and welcoming environment for newly-hired DOE staff? (5) How does the overall interview process avoid implicit bias by deploying best practices on structured interviews and selection process? (6) Where are the opportunities within the financial assistance opportunity to embed requirements for funded HBCU/MSI/TCU partnerships, co-mentoring of graduate students, and working with community colleges that serve underrepresented populations? (7) How are Presidential and DOE priorities on supplier diversity (i.e., working with small-disadvantaged businesses, minority-owned firms) embedded in the requirements for the award?	crosscutting roles	<u>White House Fact Sheet on Reforms to Increase Equity and Level the Playing Field for Underserved Small Business Owners (December 2, 2021)</u>

CREATING A PATHWAY TO PRIVATE SECTOR UPTAKE (ELEP POCs: Karen Skelton, Aimee Witteman)				
Resources to Support Key Tactics:				
<ul style="list-style-type: none">○ Support from key programs: LPO (Rob Edwards), OTT (Jim Fritz), ARPA-E (Danny Cunningham; Joel Fetter)○ LPO Application Process○ Lab Partnering Service to connect applicants to patents, IP, and expertise from across the national labs				
Strategy	Key Tactics	Key Questions	Provisions Implicated	Additional Resources
Private Sector and Philanthropic Engagement	<ul style="list-style-type: none">• Consider philanthropy and private sector actors as key partners for match requirements and additional funding needs• Work with LPO, OTT, ARPA-E, and other DOE private sector-facing offices to connect companies to real and emerging opportunities arising through BIL implementation.• Prioritize opportunities to repurpose existing closed or closing fossil assets in developing new demonstration, manufacturing, and supply chain projects.• Make data about place-based assets relevant to the private sector, including geological assets, infrastructure, and skilled workforce match, available to private sector, economic development, and other key DOE stakeholders.• Proactively share private sector and philanthropic contacts and interest across DOE programs to ensure best possible alignment of interest and opportunity.	<ul style="list-style-type: none">• Does the program include specific match requirements and/or fiscal gaps that the private sector and/or philanthropy can help fill?• Has your office or program engaged private sector actors that may help ensure all proposed project components are funded and the relevant communities are engaged?• Are you aware of any private sector/philanthropic actors that are actively seeking out site-specific projects in communities you are engaging in?• If relevant, have you considered the potential to reuse or repurpose existing facilities or infrastructure, including fossil assets (plants, mines, wells), to accomplish program goals? If so, have you shared these findings and potential benefits with program partners and communities?• Have you identified complimentary programs across DOE and/or the broader administration that private sector or philanthropic partners may want to engage in? How have you worked to connect those programs to ease access by the private sector?	<p>For private sector: All programs focused on direct investment and requiring match and/or connections to commercialization (esp. demonstration projects, hubs)</p> <p>For philanthropy: all projects implicated by stakeholder engagement recs above.</p>	<p>E.O. 14036, Promoting Competition in the American Economy</p> <p>For a specific example of private sector, philanthropic, and federal government actors coming together to support energy communities, see: Readout of Investment Roundtable Hosted by the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization The White House</p>

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Rescinded by Policy Flash 2025-16