



International Union of Operating Engineers

AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

June 13, 2022

The Honorable Deb Haaland
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Delivered via email

RE: Draft Guidance for Abandoned Mine Land Grant Program

Dear Secretary Haaland:

The International Union of Operating Engineers strongly supports the Biden administration's Abandoned Mine Land Grant Program to help communities eliminate dangerous environmental hazards and pollution caused by past coal mining. The program will create family supporting jobs and provide other opportunities for current and former employees of the coal industry. Below we are submitting comments regarding the Draft Guidance for the implementation of the Abandoned Mine Land funds under the Bipartisan Infrastructure Bill.

The International Union of Operating Engineers (IUOE) is one of North America's leading construction unions, representing over 400,000 hardworking men and women in the United States and Canada. Most members of the IUOE work in the construction sector, operating and maintaining heavy equipment; thousands of us are employed building the nation's roads, bridges, highways, and other transportation infrastructure.

The IUOE spends millions of dollars every year toward training our members. Our commitment to training is best displayed at our world-class International Training & Education Center (ITEC) located in Texas. The IUOE invested over \$150 million at the 265-acre ITEC facility so our members can train with the newest advances in safety and technology. It is the largest and most comprehensive training facility for union Operating and Stationary Engineers in North America.

The Bipartisan Infrastructure Bill (BIL) requires contractors and subcontractors performing construction, alteration, or repair work to pay its employees Davis-Bacon prevailing wage rates. Many Abandoned Mine Land (AML) agencies will

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be new to applying Davis-Bacon prevailing wage regulations to AML contracts. To clearly outline the rights and responsibilities of agencies under the Davis-Bacon Act, we recommend including the Department of Labor Fact Sheet #66A directly into the Guidance. Specifically, funding recipients must ensure that the Davis-Bacon contract clauses and applicable wage determinations are inserted into any construction contract; conduct sufficient monitoring of subcontractors; receive and review certified payrolls, and, where applicable, forward certified payrolls to the federal funding agency; and upon written request of the DOL, both the federal funding agencies and the funding recipients must withhold payments to the prime contractors in an amount sufficient to cover any unpaid prevailing wages owed to workers, or suspend any further payments until violations of the Davis-Bacon labor standards have ended.

Additionally, we recommend that the Department of the Interior (DOI) require state and tribal AML programs forward certified payrolls and other documents relating to meeting the requirement of sufficient monitoring of Davis-Bacon enforcement to DOI. Maintaining a national database on the occupations, wages, and fringe benefits under AML contracts will enable the Office of Surface Mining Reclamation and Enforcement (OSMRE) to identify and track trends in the AML reclamation workforce, such as regional gaps in certain occupations.

We believe DOI should clarify that state and tribal reclamation plans should be updated to bundle projects where applicable. Bundling contracts to include multiple AML projects in a similar geographic area could achieve cost savings through economies of scale, as has been achieved by other agencies. Bundling projects would also increase the speed at which projects could be completed by decreasing both construction time and design/administration time per project. Bundling could also help attract bids from contractors with unionized workforces.

Regarding apprenticeship and pre-apprenticeship, we support encouraging AML agencies to support registered-apprenticeship, pre-apprenticeship, and youth training programs. Incentivizing the growth of apprenticeship programs for AML construction careers, DOI can help create new pathways out of poverty for people in regions adversely impacted by abandoned mines.

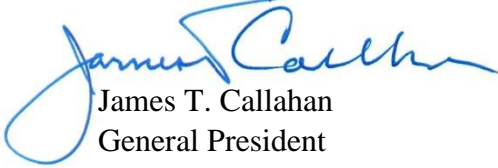
We strongly support DOI requiring states and tribes to either certify projects more than \$1 million will use a unionized workforce/Project Labor Agreements (PLA) or that the state or tribe provide a workforce continuity plan for that project. PLAs help lower costs on both the administration and the construction side. Using PLAs on large projects would also increase the likelihood that union workers would complete a significant share of AML construction.

We recommend that as DOI works with states and tribes to update their AML Reclamation Plans, the Department prioritizes ensuring that operations are in place to verify that unscrupulous contractors are ineligible to bid on AML contracts. Increased AML funding risks attracting unscrupulous contractors who may rush to a new pot of public construction money. States and tribes must check the Applicant Violator System, and the System for Award Management, to ensure that contractors are not ineligible to bid on AML contracts. DOI should ensure that these protocols are operationalized and effectively enforced in updated reclamation plans and should take steps to facilitate information sharing among states and tribes with regards to debarred or irresponsible contractors.

Abandoned mine land has led to polluted waterways, property damage and underground mine fires. This grant funding will go a long way toward rehabilitating abandoned mine land and improving the health and safety of countless communities. Additionally, these grant funds will create family supporting jobs for Operating Engineers and create opportunities for current and former employees of the coal industry.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "James T. Callahan". The signature is fluid and cursive, with a large initial "J" and "C".

James T. Callahan
General President