

116TH CONGRESS
2D SESSION

H. R. 6240

To establish a Government-wide initiative to promote diversity and inclusion
in the Federal workforce, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2020

Mr. HASTINGS introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committees on House Administration, and the Judiciary, 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

A BILL

To establish a Government-wide initiative to promote diversity and inclusion in the Federal workforce, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; DEFINITIONS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Federal Jobs Act”.

6 (b) **DEFINITIONS.**—In this Act:

7 (1) **AGENCY.**—The term “agency” has the
8 meaning given the term “Executive agency” in sec-

tion 105 of title 5, United States Code, and includes the United States Postal Service and the Postal Regulatory Commission.

(2) AGENCY PLAN.—The term “agency plan” means an Executive agency-specific plan to carry out the Diversity Plan, as described in section 3.

(3) DEPUTY DIRECTOR.—The term “Deputy Director” means the Deputy Director of Management of the Office of Management and Budget.

(4) DIRECTOR.—The term “Director” means the Director of the Office of Personnel Management.

(5) DIVERSITY.—The term “diversity” includes characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, and family structures.

(6) DIVERSITY PLAN.—The term “Diversity Plan” means the Diversity and Inclusion Initiative and Strategic Plan, as described in section 2.

**SEC. 2. EXECUTIVE BRANCH DIVERSITY AND INCLUSION
INITIATIVE AND STRATEGIC PLAN.**

(a) IN GENERAL.—The Director of the Office of Personnel Management and the Deputy Director of Management of the Office of Management and Budget, in coordination with the President’s Management Council and the

1 Chair of the Equal Employment Opportunity Commission,
2 shall—

3 (1) establish a coordinated initiative to promote
4 diversity and inclusion in the executive branch work-
5 force;

6 (2) not later than 90 days after the date of the
7 enactment of this Act—

8 (A) develop and issue a Diversity and In-
9 clusion Strategic Plan applicable to the execu-
10 tive branch, to be updated at a minimum every
11 4 years, that—

12 (i) focuses on workforce diversity,
13 workplace inclusion, and agency account-
14 ability and leadership; and

15 (ii) highlights comprehensive strate-
16 gies for agencies to identify and remove
17 barriers to equal employment opportunity
18 that may exist in recruitment, hiring, pro-
19 motion, retention, professional develop-
20 ment, and training policies and practices;

21 (B) review applicable directives to agencies
22 related to the development or submission of Ex-
23 ecutive agency human capital and other work-
24 force plans and reports in connection with re-
25 cruitment, hiring, promotion, retention, profes-

1 sional development, and training policies and
2 practices, and develop a strategy for consoli-
3 dating such agency plans and reports where ap-
4 propriate and permitted by law; and

5 (C) provide guidance to agencies con-
6 cerning formulation of agency-specific plans
7 under section 3 to carry out the Diversity Plan;

8 (3) identify appropriate practices to improve
9 the effectiveness of each agency's efforts to recruit,
10 hire, promote, retain, develop, and train a diverse
11 and inclusive workforce, consistent with merit sys-
12 tem principles; and

13 (4) establish a system for regular reporting on
14 agencies' progress in implementing any Executive
15 agency-specific plan to carry out the Diversity Plan.

16 (b) APPLICATION.—For purposes of carrying out this
17 section—

18 (1) the term “diversity” includes characteristics
19 such as national origin, language, race, color, dis-
20 ability, ethnicity, gender, age, religion, sexual ori-
21 entation, gender identity, socioeconomic status, and
22 family structures; and

23 (2) recruitment should be from qualified indi-
24 viduals from appropriate sources in an endeavor to
25 achieve a workforce from all segments of society

1 while avoiding discrimination for or against any em-
2 ployee or applicant on the basis of race, color, reli-
3 gion, sex (including pregnancy or gender identity),
4 national origin, age, disability, sexual orientation or
5 any other prohibited basis.

6 **SEC. 3. RESPONSIBILITIES OF AGENCIES.**

7 (a) IN GENERAL.—The head of each agency shall—

8 (1) designate the agency’s Chief Human Capital
9 Officer, Director of Equal Employment Opportunity,
10 and Chief Diversity Officer (if any) to be responsible
11 for enhancing employment and promotion opportuni-
12 ties within the agency, including development and
13 implementation of the agency plan;

14 (2) not later than 120 days after the date the
15 Diversity Plan is issued or updated under section 1,
16 develop or update (as the case may be) and submit
17 for review to the Director and the Deputy Director
18 an agency plan for recruiting, hiring, training, devel-
19 oping, advancing, promoting, and retaining a diverse
20 workforce consistent with merit system principles,
21 the agency’s overall strategic plan, its human capital
22 operating plan prepared pursuant to part 250 of
23 title 5, Code of Federal Regulations, and any other
24 applicable workforce planning strategies and initia-
25 tives;

1 (3) implement the agency plan after incor-
2 porating the plan into the agency's human capital
3 operating plan; and

4 (4) provide information as specified by the re-
5 porting requirements developed under paragraph (4)
6 of section 1.

7 (b) ANNUAL UPDATES.—Not later than 90 days after
8 the date of the enactment of this Act and annually there-
9 after, the head of each agency, in consultation with the
10 Director and the Deputy Director, shall publish a report
11 on the agency's public Internet website that includes—

12 (1) disaggregated demographic data (sorted by
13 race, color, national origin, religion, sex, age, or dis-
14 ability) relating to the workforce and information on
15 the status of diversity and inclusion efforts of the
16 agency;

17 (2) an analysis of applicant flow data, as avail-
18 able (sorted by race, color, national origin, religion,
19 sex, age, or disability);

20 (3) disaggregated demographic data relating to
21 participants in professional development programs of
22 the agency and the rate of placement into senior po-
23 sitions for participants in such programs; and

24 (4) data related to the employment of tradition-
25 ally underrepresented groups.

1 (c) RETENTION AND EXIT INTERVIEWS OR SUR-
2 VEYS.—

3 (1) DEPARTING EMPLOYEES.—The head of
4 each agency shall provide an opportunity for an exit
5 interview or survey to each agency employee who
6 separates from service with the agency to better un-
7 derstand the employee’s reasons for leaving such
8 service.

9 (2) USE OF ANALYSIS FROM INTERVIEWS AND
10 SURVEYS.—The head of each agency shall analyze
11 demographic data and other information obtained
12 through interviews and surveys under paragraphs
13 (1) and (2) to determine—

14 (A) if and how the diversity of those par-
15 ticipating in such interviews and surveys im-
16 pacts the results; and

17 (B) whether to implement any policy
18 changes or make any recommendations.

19 (3) TRACKING DATA.—The head of each agency
20 shall—

21 (A) track demographic data relating to
22 participants in professional development pro-
23 grams and the rate of placement into senior po-
24 sitions for participants in such programs;

25 (B) annually evaluate such data—

1 (i) to identify ways to improve out-
2 reach and recruitment for such programs,
3 consistent with merit system principles;
4 and

5 (ii) to understand how participation in
6 any program offered or sponsored by the
7 agency under subparagraph (A) differs
8 among the demographic categories of the
9 workforce; and

10 (C) actively encourage participation from a
11 range of demographic categories, especially
12 from categories with consistently low participa-
13 tion.

14 **SEC. 4. LEGISLATIVE AND JUDICIAL BRANCHES.**

15 (a) **LEGISLATIVE BRANCH.**—Each office treated as
16 an employing office under the Congressional Account-
17 ability Act of 1995 (2 U.S.C. 1301 et seq.) shall, to the
18 greatest extent practicable, carry out the requirements of
19 sections 2 and 3 with respect to the legislative branch of
20 Government.

21 (b) **JUDICIAL BRANCH.**—The Director of the Admin-
22 istrative Office of the United States Courts shall, to the
23 greatest extent practicable, carry out the requirements of
24 sections 2 and 3 with respect to the judicial branch of
25 Government.

1 **SEC. 5. DIVERSITY IN GOVERNMENT PROCUREMENT AND**
2 **GRANTMAKING.**

3 (a) PRIME CONTRACTOR REPORTING TO AGEN-
4 CIES.—Each prime contractor shall submit to the head of
5 the agency with which the contractor is under contract an
6 annual report, that includes a list of prime contractors and
7 subcontractors, and the amounts they receive from the
8 agency, that are economically and socially disadvantaged
9 businesses as defined by part 124 of title 13, Code of Fed-
10 eral Regulations.

11 (b) ANNUAL REPORTS.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of the enactment of this Act, and annually
14 thereafter, the head of each agency shall submit to
15 the appropriate congressional committees a com-
16 prehensive report on activities to increase economi-
17 cally and socially disadvantaged businesses (as de-
18 fined by such part 124) in procurement and grant
19 making.

20 (2) CONTENT.—Each report required under
21 paragraph (1) shall include a description of the ef-
22 forts of the agency—

23 (A) to list, describe, and evaluate all activi-
24 ties used to increase the capacity of minority-
25 led small nongovernmental organizations and
26 civil society organizations to win bids and ob-

1 tain contracts and grants and serve as sub-
2 contractors; and

3 (B) to review any impact the restrictions
4 related to the foreign exemption in Federal con-
5 tracting under part 19 of the Federal Acquisi-
6 tion Regulation have had on economically and
7 socially disadvantaged businesses (as defined by
8 such part 124).

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