

116TH CONGRESS
2D SESSION

H. R. 8912

To amend the State Department Basic Authorities Act of 1956 to establish in the Department of State a Chief Diversity Officer and the Foreign Service Act of 1980 to promote increased diversity in the Foreign Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2020

Mr. CASTRO of Texas (for himself, Ms. HAALAND, Ms. JUDY CHU of California, Ms. TITUS, and Ms. BASS) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the State Department Basic Authorities Act of 1956 to establish in the Department of State a Chief Diversity Officer and the Foreign Service Act of 1980 to promote increased diversity in the Foreign Service, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Diversity and Inclusion at the Department of State Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—CHIEF DIVERSITY OFFICER

Sec. 101. Chief Diversity Officer.

TITLE II—DIVERSITY IN THE FOREIGN SERVICE AND AT THE DEPARTMENT OF STATE

Sec. 201. Representation on Board of Examiners for the purposes of recruitment into the Foreign Service.

Sec. 202. Promotion in the Foreign Service.

Sec. 203. Diversity and inclusion training.

Sec. 204. Mentorship program.

Sec. 205. Senior Executive Service candidate development program.

Sec. 206. Diversity defined in the Foreign Service Act of 1980.

TITLE III—PROMOTION ACCESSIBILITY

Sec. 301. Implementation of gap memorandum in selection board process.

1 **TITLE I—CHIEF DIVERSITY** 2 **OFFICER**

3 **SEC. 101. CHIEF DIVERSITY OFFICER.**

4 (a) ESTABLISHMENT.—Section 1 of the State De-
5 partment Basic Authorities Act of 1956 (22 U.S.C.
6 2651a) is amended by adding at the end the following new
7 subsection:

8 “(h) CHIEF DIVERSITY OFFICER.—

9 “(1) IN GENERAL.—There is established in the
10 Department of State, in the office of the Deputy
11 Secretary of State, a Chief Diversity Officer, who
12 shall—

13 “(A) be appointed by the President;

14 “(B) be a current or former career mem-
15 ber of the Foreign Service or Civil Service; and

16 “(C) report directly to the Deputy Sec-
17 retary of State.

1 “(2) RESPONSIBILITIES OF THE DEPUTY SEC-
2 RETARY OF STATE.—The Deputy Secretary of State
3 shall be responsible for ensuring policies and prac-
4 tices of the Department of State relating to recruit-
5 ment, retention, and promotion to advance diversity,
6 equity, and inclusion.

7 “(3) DUTIES.—The Chief Diversity Officer
8 shall be responsible for the following:

9 “(A) Providing advice to the Deputy Sec-
10 retary of State regarding carrying out para-
11 graph (2).

12 “(B) Collecting and sharing information on
13 diversity in assignments and promotions within
14 the Department of State, including
15 disaggregated information by office and bureau.

16 “(C) Establishing benchmarks and goals
17 for individual offices and bureaus regarding as-
18 signments of personnel, in coordination with the
19 Director General of the Foreign Service, to pro-
20 mote diversity and inclusion at the Department
21 of State, and conducting annual reviews of indi-
22 vidual bureaus on their actions taken to satisfy
23 such benchmarks and goals.

24 “(D) Providing advice to the Deputy Sec-
25 retary of State and other senior individuals of

1 the Department of State in the selection of
2 chiefs of mission and deputy chiefs of mission.

3 “(4) RANK AND STATUS.—The Chief Diversity
4 Officer shall have the rank and status of Assistant
5 Secretary of State.

6 “(5) BUREAU LIAISONS.—The Secretary of
7 State shall appoint in each bureau of the Depart-
8 ment of State a liaison to coordinate with the Chief
9 Diversity Officer the activities of each such bureau.

10 “(6) REPORTING.—Not later than January 30
11 of every year, the Secretary of State shall submit to
12 the Committee on Foreign Affairs of the House of
13 Representatives and the Committee on Foreign Re-
14 lations of the Senate a report—

15 “(A) detailing the benchmarks and goals
16 for individual offices and bureaus of the De-
17 partment of State;

18 “(B) assessments by the Chief Diversity
19 Officer on the performance over the previous
20 year of each such office and bureau to satisfy
21 such benchmarks and goals; and

22 “(C) containing any other relevant infor-
23 mation.

24 “(7) DEFINITION.—In this section, the term
25 ‘diversity’ has the meaning given such term in sec-

1 tion 102 of the Foreign Assistance Act of 1980 (22
2 U.S.C. 3902).”.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the Chief Diversity Officer of the Department
5 of State established pursuant to subsection (h) of the
6 State Department Basic Authorities Act of 1956, as added
7 by subsection (a), should be provided sufficient office
8 space and support staff to ensure successful operation.

9 **TITLE II—DIVERSITY IN THE**
10 **FOREIGN SERVICE AND AT**
11 **THE DEPARTMENT OF STATE**

12 **SEC. 201. REPRESENTATION ON BOARD OF EXAMINERS**
13 **FOR THE PURPOSES OF RECRUITMENT INTO**
14 **THE FOREIGN SERVICE.**

15 Section 211 of the Foreign Service Act of 1980 (22
16 U.S.C. 3931) is amended—

17 (1) by redesignating subsection (c) as sub-
18 section (e); and

19 (2) by inserting after subsection (b) the fol-
20 lowing new subsections:

21 “(c) Members of the Foreign Service and members
22 of the Senior Foreign Service shall accrue one additional
23 year of time in class for every two years spent as a mem-
24 ber of a Board of Examiners.

1 “(d) The Secretary of State shall ensure that a sub-
 2 stantial number of women and members of minority
 3 groups are appointed to the Board of Examiners.”.

4 **SEC. 202. PROMOTION IN THE FOREIGN SERVICE.**

5 The Foreign Service Act of 1980 is amended—

6 (1) in section 602 (22 U.S.C. 4002), by adding
 7 at the end the following new subsection:

8 “(d) Not later than January 31 of each year, the Sec-
 9 retary of State shall submit to the Committee on Foreign
 10 Affairs of the House of Representatives and the Com-
 11 mittee on Foreign Relations of the Senate a report that
 12 details the demographic composition of selection boards
 13 under this section and the Board of Examiners for the
 14 Foreign Service under section 211 convened in the pre-
 15 vious year, including information on the diversity of the
 16 members of such boards, in addition to any other informa-
 17 tion the Secretary determines relevant.”; and

18 (2) in section 603 (22 U.S.C. 4003)—

19 (A) in subsection (a), in the second sen-
 20 tence, by inserting “testimony from peers and
 21 subordinates,” after “supervisors,”; and

22 (B) in subsection (b)—

23 (i) in paragraph (1) by striking “, or”
 24 and inserting a semicolon;

1 (ii) by redesignating paragraph (2) as
 2 paragraph (4); and

3 (iii) by inserting after paragraph (1)
 4 the following new paragraphs:

5 “(2) a record of supporting the recruitment and
 6 career development goals of members of the Foreign
 7 Service, such as serving as a mentor in mentorship
 8 program under section 616, participation in recruit-
 9 ment activities, or serving on the Board of Exam-
 10 iners or on selection boards;

11 “(3) a demonstrated commitment to promoting
 12 diversity and inclusion at the Department of State,
 13 including in management practices;”.

14 **SEC. 203. DIVERSITY AND INCLUSION TRAINING.**

15 Section 708 of the Foreign Service Act of 1980 is
 16 amended by inserting after section 614 (22 U.S.C. 4028)
 17 is amended by adding at the end the following new sub-
 18 section:

19 “(e) DIVERSITY AND INCLUSION TRAINING.—

20 “(1) IN GENERAL.—The Secretary of State,
 21 with the assistance of other relevant officials, such
 22 as the Director General of the Foreign Service and
 23 the Director of Human Resources, the Director of
 24 the Office of Civil Rights, the Chief Diversity Offi-
 25 cer, and the director of the George P. Shultz Na-

1 tional Foreign Affairs Training Center, shall estab-
2 lish as part of the standard training provided after
3 the date of the enactment of this section, for officers
4 of the Service, including chiefs of mission, instruc-
5 tion on promoting diversity. Such training shall be
6 informed by the latest available research and meth-
7 ods, and may include unconscious bias training and
8 other such instruction.

9 “(2) IMPLEMENTATION.—In carrying out the
10 training required under paragraph (1), the Director
11 of the George P. Shultz National Foreign Affairs
12 Training Center shall, not later than one year after
13 the date of the enactment of this section, conduct
14 training on diversity and inclusion for all Foreign
15 Service officers, including all entry level officers and
16 all officers prior to service on a selection board or
17 the Board of Examiners. Such training shall be in-
18 cluded in—

19 “(A) the A-100 course attended by all
20 Foreign Service officers; and

21 “(B) the courses required of all officers
22 prior to service on a selection board or the
23 Board of Examiners.”.

1 **SEC. 204. MENTORSHIP PROGRAM.**

2 (a) IN GENERAL.—The Foreign Service Act of 1980
3 is amended by inserting after section 708 (22 U.S.C.
4 4028) the following new sections:

5 **“SEC. 709. MENTORSHIP PROGRAM.**

6 “(a) The Secretary of State shall establish in the De-
7 partment of State a mentorship program to match—

8 “(1) entry-level members of the Foreign Service
9 and newly hired members of the civil service at the
10 GS–9 level and below; and

11 “(2) mid-level members of the Foreign Service
12 and mid-level members of the civil service at the
13 GS–12 level and above.

14 “(b) Individuals participating in the mentorship pro-
15 gram under this section shall participate for a minimum
16 of two tours of duty.

17 “(c) The mentorship program established under this
18 section shall include Employee Affinity Groups in the se-
19 lection of mentors, in addition to other individuals selected
20 by the Secretary of State.

21 “(d) Service as mentor in the mentorship program
22 shall be considered as satisfying criteria under section
23 603(b)(2).”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 in section 2 of the Foreign Service Act is amended by in-

1 serting after the item relating to section 707 the following
 2 new items:

“Sec. 708. Training for Foreign Service officers.

“Sec. 709. Mentorship program.”.

3 **SEC. 205. SENIOR EXECUTIVE SERVICE CANDIDATE DEVEL-**
 4 **OPMENT PROGRAM.**

5 (a) IN GENERAL.—The Secretary of State shall an-
 6 nually offer the Senior Executive Service Candidate Devel-
 7 opment Program to members of the civil service at the
 8 Department of State at the GS–14 and GS–15 levels.

9 (b) REPORT.—The Secretary of State shall submit to
 10 the Committee on Foreign Affairs of the House of Rep-
 11 resentatives and the Committee on Foreign Relations of
 12 the Senate, at the same time as each report required
 13 under section 313 of the Foreign Service Act of 1980, as
 14 added by section 2(a)(2), a report detailing the demo-
 15 graphic information of candidates referred by each bureau
 16 of the Department of State to interview for the Senior Ex-
 17 ecutive Service, including demographic information
 18 disaggregated by bureau relating to the diversity (as such
 19 term is defined in the Foreign Service Act of 1980, as
 20 amended by section 206) of such candidates.

21 **SEC. 206. DIVERSITY DEFINED IN THE FOREIGN SERVICE**
 22 **ACT OF 1980.**

23 Section 102 of the Foreign Service Act of 1980 (22
 24 U.S.C. 3902) is amended by—

1 (1) redesignating paragraphs (5) through (12)
2 as paragraphs (6) through (13), respectively; and

3 (2) inserting after paragraph (4) the following
4 new paragraph:

5 “(5) ‘diversity’ includes characteristics such as
6 national origin, language, race, color, disability, eth-
7 nicity, gender, age, religion, sexual orientation, gen-
8 der identity, socioeconomic status, and family struc-
9 ture.”.

10 **TITLE III—PROMOTION** 11 **ACCESSIBILITY**

12 **SEC. 301. IMPLEMENTATION OF GAP MEMORANDUM IN SE-** 13 **LECTION BOARD PROCESS.**

14 (a) IN GENERAL.—Section 603 of the Foreign Serv-
15 ice Act of 1980 (22 U.S.C. 4003) is amended by adding
16 at the end the following new subsection:

17 “(c)(1) A member of the Service or member of the
18 Senior Foreign Service whose performance will be evalu-
19 ated by a selection board may submit to such selection
20 board a gap memo in advance of such evaluation.

21 “(2) Members of a selection board may not con-
22 sider as negative the submission of a gap memo by
23 a member described in paragraph (1) when evalu-
24 ating the performance of such member.

1 “(3) In this subsection, the term ‘gap memo’
2 means a written record, submitted to a selection
3 board in a standard format established by the Direc-
4 tor General of the Foreign Service, which indicates
5 and explains a gap in the record of a member of the
6 Service or member of the Senior Foreign Service
7 whose performance will be evaluated by such selec-
8 tion board, which gap is due to personal cir-
9 cumstances, including for health, family, or other
10 reason as determined by the Director General in
11 consultation with the Committee on Foreign Affairs
12 of the House of Representatives and the Committee
13 on Foreign Relations of the Senate.”.

14 (b) CONSULTATION AND GUIDANCE.—

15 (1) CONSULTATION.—Not later than 30 days
16 after the date of the enactment of this Act, the Di-
17 rector General of the Foreign Service shall consult
18 with the Committee on Foreign Affairs of the House
19 of Representatives and the Committee on Foreign
20 Relations of the Senate regarding the development
21 of the gap memo under subsection (c) of section 603
22 of the Foreign Service Act of 1980, as added by sub-
23 section (a).

24 (2) DEFINITION.—In this subsection, the term
25 “gap memo” has the meaning given such term in

- 1 subsection (c) of section 603 of the Foreign Service
- 2 Act of 1980.

