AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4589
OFFERED BY MR. CASTRO OF TEXAS

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition.

TITLE I—CHIEF DIVERSITY AND INCLUSION OFFICER

Sec. 101. Chief diversity and inclusion officer.

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

Sec. 201. Representation on board of examiners for the purposes of entry into the Foreign Service.
Sec. 203. Mentorship program.
Sec. 204. Senior executive service candidate development program.

SEC. 2. DEFINITION.

In this Act, the term “diversity” means those classes of persons protected under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
TITLE I—CHIEF DIVERSITY AND INCLUSION OFFICER

SEC. 101. CHIEF DIVERSITY AND INCLUSION OFFICER.

(a) ESTABLISHMENT.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsections:

“(i) CHIEF DIVERSITY AND INCLUSION OFFICER.—

“(1) IN GENERAL.—There is established in the Department of State, in the office of the Secretary of State, a Chief Diversity and Inclusion Officer, who shall—

“(A) serve as the principal advisor to the Secretary of State on issues related to diversity and inclusion at the Department of State; and

“(B) report directly to the Secretary of State.

“(2) DUTIES.—The Chief Diversity and Inclusion Officer shall be responsible for the following:

“(A) Developing, implementing, and updating a diversity and inclusion strategic plan of the Department of State to eliminate barriers to the recruitment, promotion, and retention of traditionally underrepresented groups and to promote the implementation of diversity and in-
clusion practices and policies throughout the Department.

“(B) Establishing criteria and goals for individual offices and bureaus regarding assignments of personnel, in coordination with the Director General of the Foreign Service, to promote diversity and inclusion at the Department of State, and conducting annual reviews of individual bureaus on their actions taken to satisfy such criteria and goals.

“(C) Serving as a permanent member of any departmental committees responsible for the selection of chiefs of mission and deputy chiefs of mission.

“(D) Serving as the Executive Secretary for the Diversity, Equity, Inclusion, and Accessibility Leadership Council established in subsection (j).

“(E) Reviewing the implementation and effectiveness of the Department of State’s accountability mechanisms in eliminating discrimination and harassment, ensuring consequences are implemented for perpetrators of harassment, bullying, and discrimination, and that managers with a documented track record
of such behavior are not selected for senior
management positions, including as chiefs of
mission, deputy chiefs of mission, principal offi-
cers, assistant secretaries, deputy assistant sec-
retaries, or political advisors.

“(F) Ensuring allocation of adequate re-
sources for carrying out subparagraph (E).

“(G) Promoting mentorship and sponsor-
ship for entry- and mid-level employees at the
Department of State to promote diversity and
inclusivity.

“(H) Collaborating with appropriate coun-
terparts from other Federal departments and
agencies and the private sector, to share best
practices and lessons learned with respect to
promoting diversity and inclusion.

“(3) RANK AND STATUS.—The Chief Diversity
and Inclusion Officer shall be rank equivalent to an
Assistant Secretary of State.

“(4) BUREAU SENIOR ADVISORS.—The Sec-
retary of State shall appoint in each bureau of the
Department of State a Senior Advisor with respect
to matters relating to diversity and inclusion, to—
“(A) serve as the principal advisor for such bureau and report directly to the Principal Deputy Assistant Secretary; and

“(B) coordinate with the Chief Diversity and Inclusion Officer the activities of such bureau.

“(5) AUTHORITY TO COLLECT INFORMATION.—To carry out the duties described in paragraph (2), the Chief Diversity and Inclusion Officer is authorized to—

“(A) collect and share with Department of State leadership, the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and Federal departments and agencies, and, as appropriate, with Employee Affinity Groups, foreign affairs professional associations, and other organizations non-personally identifiable information on diversity in recruiting, hiring, assignments, promotions, attrition, and security clearances, including assignment restrictions, within the Department, including data disaggregated by race, national origin, and sex, and by office and bureau; and
“(B) appoint subject matter experts in accordance with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) to analyze data, draft reports, and perform other tasks as directed by the Chief Diversity and Inclusion Officer.

“(6) REPORTING.—Not later than January 30 of every year, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report—

“(A) detailing the criteria and goals for individual offices and bureaus of the Department of State with respect to diversity and inclusion;

“(B) assessments by the Chief Diversity and Inclusion Officer on the performance over the previous year of each such office and bureau to satisfy such criteria and goals; and

“(C) containing any other relevant information.

“(7) DISCLOSURES TO CONGRESS.—The provisions under relevant laws and regulations providing that information collected by an agency shall be disclosed only in the form of gross statistics shall not apply to disclosures by the Department of State to
the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, including with respect to disaggregated data and other such communications related to diversity at the Department of State.

“(8) DEFINITION.—In this subsection and subsection (j) (relating to the Diversity and Inclusion Leadership Council), the term ‘diversity’ means those classes of persons protected under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

“(j) DIVERSITY, EQUITY, INCLUSION, AND ACCESSIBILITY LEADERSHIP COUNCIL.—

“(1) ESTABLISHMENT.—The Secretary of State shall establish a Diversity, Equity, Inclusion, and Accessibility Leadership Council to coordinate the implementation of the Department of State’s diversity and inclusion strategic plans, initiatives, and policies.

“(2) CHAIR.—The Diversity, Equity, Inclusion, and Accessibility Leadership Council shall be chaired by the Secretary of State. In the Secretary’s absence, the Chief Diversity and Inclusion Officer shall perform the duties of the chair.
“(3) COMPOSITION.—The Diversity, Equity, Inclusion, and Accessibility Leadership Council shall include the following:

“(A) The Secretary of State.
“(B) The Chief Diversity and Inclusion Officer.
“(C) The Director General.
“(D) One individual from each Bureau, at the rank of Deputy Assistant Secretary of State or above.
“(E) Any other individual determined appropriate by the Secretary of State.

“(4) TERM.—Members of the Diversity, Equity, Inclusion, and Accessibility Leadership Council shall be appointed in accordance with this subsection for a period of time as determined by the Secretary of State.”.

(b) TRANSITION.—The individual serving as Chief Diversity and Inclusion Officer of the Department of State may continue to serve in such position until such time as the appointment of the Chief Diversity and Inclusion Officer of the Department in accordance with subsection (i) of section 1 of the State Department Basic Authorities Act of 1956, as added by subsection (a).
(c) **Sense of Congress.**—It is the sense of Congress that the Chief Diversity and Inclusion Officer of the Department of State established pursuant to subsection (i) of section 1 of the State Department Basic Authorities Act of 1956, as added by subsection (a), should be provided sufficient office space and support staff to ensure successful operation.

**Title II—Diversity in the Foreign and Civil Service and at the Department of State**

**Sec. 201. Representation on Board of Examiners for the Purposes of Entry into the Foreign Service.**

It is the sense of Congress that the Department of State Board of Examiners Secretariat should reflect the diversity of the United States in the administration of exams for entry into the Foreign Service of individuals who satisfy the rigorous requirements of the Service and reflect the diversity of the American people.

**Sec. 202. Promotion in the Foreign Service.**

The Foreign Service Act of 1980 is amended—

(1) in section 602 (22 U.S.C. 4002), by adding at the end the following new subsection:
“(d) Not later than January 31 of each year, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that—

“(1) details the demographic composition of selection boards under this section and the Board of Examiners for the Foreign Service under section 211 convened in the previous year;

“(2) may include information on the diversity of the members of such boards; and

“(3) includes any other information the Secretary determines relevant.”; and

(2) in section 603 (22 U.S.C. 4003)—

(A) in subsection (a), in the second sentence, by inserting “testimony from peers and subordinates,” after “supervisors,”; and

(B) in subsection (b)—

(i) in paragraph (1), by striking “, or” and inserting “; or”;

(ii) by redesignating paragraphs (1) and (2) as paragraphs (3) and (4), respectivley; and

(iii) by inserting before paragraph (3), as so redesignated, the following new paragraphs:
“(1) a record of supporting the recruitment and career development goals of members of the Foreign Service, such as serving as a mentor in mentorship program under section 709, participation in recruitment activities, or serving on the Board of Examiners or on selection boards;

“(2) a record of promoting and supporting diversity and inclusion at the Department of State, including in management practices;”.

SEC. 203. MENTORSHIP PROGRAM.

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

“SEC. 709. MENTORSHIP PROGRAM.

“(a) The Secretary of State shall establish in the Department of State a mentorship program to help individuals under-represented in specific ranks of the Foreign Service obtain advancement through the mid-ranks and into the Senior Foreign Service. Such program shall match interested participants who are—

“(1) entry-level members of the Foreign Service with mid-level members of the Foreign Service; and

“(2) mid-level members of the Foreign Service with senior-level members of the Foreign Service.
“(b) Individuals participating in the mentorship program under this section should participate for a minimum of two years.

“(c) The mentorship program established under this section may include members of Employee Affinity Groups as mentors, in addition to other individuals selected by the Secretary of State.

“(d) Service as a mentor in the mentorship program may be considered as satisfying the criteria described in section 603(b)(1).”.

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of the Foreign Service Act is amended by inserting after the item relating to section 707 the following new items:

“Sec. 708. Training for Foreign Service officers.

“Sec. 709. Mentorship program.”.

(e) MENTORSHIP PROGRAM FOR CIVIL SERVICE.—

(1) IN GENERAL.—The Secretary of State shall establish a mentorship program to match mentors with interested participants who are—

(A) members of the civil service at the GS–12 level and below; and

(B) members of the civil service from at the GS–13 level and above.

(2) DURATION.—Individuals participating in the civil service mentorship program under para-
graph (1) should participate for a minimum of two years.

(3) INCLUSION OF EMPLOYEE AFFINITY GROUPS.—Members of Employee Affinity Groups and other individuals selected by the Secretary of State may serve as mentors in the civil service mentorship program under paragraph (1).

SEC. 204. SENIOR EXECUTIVE SERVICE CANDIDATE DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary of State shall offer the Senior Executive Service Candidate Development Program every three years to members of the civil service at the Department of State at the GS–14 and GS–15 levels.

(b) REPORT.—The Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, at the same time as each report required under section 313 of the Foreign Service Act of 1980, as added by section 2(a)(2), a report detailing disaggregated demographic information of candidates referred by each bureau of the Department of State to interview for the Senior Executive Service, including demographic information, disaggregated by bureau, relating to the diversity of such candidates.
SEC. 205. DIVERSITY DEFINED IN THE FOREIGN SERVICE ACT OF 1980.

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

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

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

“(5) ‘diversity’ has the meaning given such term in subsection (i) of section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a);”.