

117TH CONGRESS
1ST SESSION

H. R. 1136

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2021

Mr. HASTINGS (for himself, Ms. JACKSON LEE, Ms. MOORE of Wisconsin, and Mr. MEEKS) 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 that includes historically underrepresented ra-
6 cial, ethnic, and other groups;

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

9 (A) develop and issue a Diversity and In-
10 clusion Strategic Plan applicable to the execu-
11 tive branch, to be updated at a minimum every
12 4 years, that—

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

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

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

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

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

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

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

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

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

24 (2) recruitment should be from qualified indi-
25 viduals from appropriate sources in an endeavor to

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

7 **SEC. 3. RESPONSIBILITIES OF AGENCIES.**

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

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

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

1 applicable workforce planning strategies and initia-
2 tives;

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

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

9 (b) ANNUAL UPDATES.—Not later than 90 days after
10 the date of the enactment of this Act and every six months
11 thereafter, the head of each agency, in consultation with
12 the Director and the Deputy Director, shall publish a re-
13 port on the agency's public Internet website that in-
14 cludes—

15 (1) disaggregated demographic data that in-
16 cludes historically underrepresented racial, ethnic,
17 and other groups;

18 (2) an analysis of applicant flow data, as avail-
19 able;

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 employment, retention, and
25 promotion.

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—

(i) to identify ways to improve outreach and recruitment for such programs, consistent with merit system principles; and

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

(C) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation, including historically underrepresented racial and ethnic groups.

SEC. 4. LEGISLATIVE AND JUDICIAL BRANCHES.

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

(b) **JUDICIAL BRANCH.**—The Director of the Administrative Office of the United States Courts shall, to the greatest extent practicable, carry out the requirements of

1 sections 2 and 3 with respect to the judicial branch of
2 Government.

3 **SEC. 5. DIVERSITY IN GOVERNMENT PROCUREMENT AND**
4 **GRANTMAKING.**

5 (a) PRIME CONTRACTOR REPORTING TO AGEN-
6 CIES.—Each prime contractor shall submit to the head of
7 the agency with which the contractor is under contract a
8 report every six months, that includes a list of prime con-
9 tractors and subcontractors, and the amounts they receive
10 from the agency, that are economically and socially dis-
11 advantaged businesses as defined by part 124 of title 13,
12 Code of Federal Regulations.

13 (b) ANNUAL REPORTS.—

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

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

1 (A) to list, describe, and evaluate all activi-
2 ties used to increase the capacity of minority-
3 led businesses and nongovernmental organiza-
4 tions to win bids and obtain contracts and
5 grants and serve as subcontractors; and

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

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