

House Foreign Affairs Subcommittee on Oversight and Investigations Holds Hearing on State Department Diversity and Inclusion

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House Foreign Affairs Subcommittee On Oversight And Investigations Holds Hearing On State Department Diversity And Inclusion

September 22, 2020 02:00 P.M.

SPEAKERS:

REP. JOAQUIN CASTRO (D-TEXAS), CHAIRMAN

REP. ILHAN OMAR (D-MINN.)

REP. ADRIANO ESPAILLAT (D-N.Y.)

REP. TED LIEU (D-CALIF.)

REP. TOM MALINOWSKI (D-N.J.)

REP. DAVID CICILLINE (D-R.I.)

REP. ELIOT L. ENGEL (D-N.Y.), EX-OFFICIO

REP. LEE ZELDIN (R-N.Y.), RANKING MEMBER

REP. SCOTT PERRY (R-PA.)

REP. KEN BUCK (R-COLO.)

REP. GUY RESCHENTHALER (R-PA.)

REP. MICHAEL MCCAUL (R-TEXAS), EX-OFFICIO

[*]CASTRO: The Subcommittee on Oversight Investigations will come to order. Without objection, the chair is authorized to declare a recess of the committee at any point, and all members will have five days to submit statements, extraneous material and questions for the record, subject to the length limitation in the rules. To insert something into the record please have your staff email the previously mentioned address or contact full committee staff.

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As a reminder--a reminder to members, staff, and all others physically present in this room, per recent guidance from the Office of Attending Physician masks must be worn at all times during today's proceeding, except when a member is speaking at a microphone. Please also sanitize your seating area. The chair views these measures as a safety issue, and therefore, an important matter of order and decorum for this proceeding.

Please keep your video function on at all times even when you're not recognized by the chair. Members are responsible for muting and unmuting themselves and please remember to mute yourself after you finished speaking. Consistent with House Resolution 965 and the accompanying regulations, staff will only mute members and witnesses as appropriate when they're not under recognition to eliminate background noise.

I see that we have a quorum, and I now recognize myself for opening remarks.

Today, we convene our second hearing on diversity and diplomacy at the U.S. State Department. The subcommittee held the first one in June with two distinguished former ambassadors and the author of--of the GAO report on this subject. Today, we're honored to have with us two State Department officials responsible for the workforce at the State Department, Carol Perez, the Director of the Foreign Service, and Gregory Smith, the Director and Chief Diversity Officer of the Office of Civil Rights.

It's important to note that at the onset--it's important note at the onset that the purpose of this hearing is not to discuss whether the State Department has failed to promote diversity within its ranks - the GAO report from January has established that as a fact. The report found that between 2002 and 2018 the percentage of minorities at the State Department barely increased. It also showed that women and people of color, and especially women of color, are less likely to be promoted at each level.

While the civil and foreign service start out at the entry level as a fairly representative group the senior ranks are not reflective of the American people. By one count only four U.S. ambassadors are black or Latino, despite these groups accounting for 30 percent of the general public. The numbers paint a staggering picture. It's clear the State Department must act.

Our nation is--is at a moment of reckoning. COVID-19 has not only exposed but exacerbated the inequities in American society. The murder of George Floyd in May sparked nationwide protests against police violence and for racial justice. So in this moment of pandemic and protest we have a responsibility to examine the failures of--failures of our institutions, not only to be inclusive but to advance justice. Now we must focus our attention on why women and people of color face discrimination at the department and consider what Congress must do to address that.

It's also clear that members of the LGBTQ community, individuals with disabilities and others face similar challenges that the department must take seriously. After significant pressure I'm glad to see the State Department is taking initial steps, including expanding the Rangel and Pickering programs, instituting a formal exit survey process and increasing the use of unconscious bias trainings. These measures can be good first steps but the moment calls for us to go much further.

I have long been a proponent of the Pickering and Rangel programs that bring more ethnic and racial minorities into the State Department, introducing legislations, provisions of which were signed into law by President Obama, that expanded the programs by almost 50 percent. I'm glad to see the State Department is following this example and continuing this expansion and has also abandoned plans to restrict the ability of fellows to choose their own career path after pressure from this subcommittee and Congress generally.

Nevertheless, the GAO report makes clear that expanding these well regarded programs is not enough. The State Department needs to take seriously how recruiting pipelines other than the Rangel and Pickering programs or how--how diverse those pathways are. These fellowship programs are meant to bridge the existing gap in representation, not to be used as the sole means by which people of color are recruited.

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The GAO report demonstrated that our largest challenge, our biggest challenge, is not in recruiting racial and ethnic minorities but in retaining and promoting them. We know that during the promotion process, women and people of color did not have equal access or equal chances of advancement. There are a number of policy changes that the Congress and the department should consider, including an independent and empowered chief diversity officer that can hold individual bureaus accountable, requiring a commitment to diversity and a criteria for promotion for diplomats and creating a formal mentorship program that pairs new employees with people who are mid and senior level.

It's clear that the department must also combat sexual harassment and discrimination that is all too common. These are all opportunities for future discussions and potential legislation.

We called this hearing to hear from the State Department--to hear from the State Department about what specific efforts they are taking to implement structural changes to how individuals are promoted and retained.

Before turning it over to the ranking member, I just want to say that addressing this issue at the State Department is not only the right thing to do but it must be done. It's also crucial to having a more effective foreign policy. We often are take--we often are--we often talk about making sure that our State Department reflects the face of America and right now it does not. And we want to be a partner with you in making sure the department takes firm steps in that direction.

With that, I'll turn it over to Ranking Member Zeldin for his opening remarks.

ZELDIN: Thank you, Chairman, for hosting today's hearing and for your efforts on this important issue. I'm also grateful for our two witnesses for joining us today to discuss efforts to diversify the State Department.

Two months ago, as the chairman noted, we held a hearing with former State Department employees and the GAO to review their report on how to address potential barriers to equal opportunity in the workforce. Today, I'm pleased that we have two witnesses from the administration to present some details on the draft for year 2020 to 2024, Diversity and Inclusion Strategic Plan.

To represent the United States to the world the State Department should have a workforce that reflects the diversity of our country. Diversity and inclusion should play a--a central role in improving recruitment, retention, and career development efforts. The State Department has already taken many positive steps by increasing the class size of Rangel and Pickering fellowships, establishing volunteer recruiter courses for employees to engage in outreach, and expanding the mentoring program to support professional development. These are positive steps in the right direction.

As you may know, the GAO report showed real progress over the past 10 to 15 years, particularly with diversity in the foreign service versus civil service, as well as some challenges in retention rates. I understand you have read that report and will submit a plan within six months to the GAO. If you have a chance today I know we would appreciate a preview on your initial reactions to the report, as well as areas you feel that might--that they might have missed. Additionally, we hope you can address ways the State Department is working to increase a culture of inclusion without sacrificing other values that make this country great.

I was concerned to hear from whistleblowers regarding an announcement made by the Office of Civil Rights to encourage more inclusive language against the nuclear family structure. While it is important to be sensitive to different cultures we don't want to go so far as to disregard a fundamental fabric of our society. I believe our efforts are best spent in diversity hiring, which creates a natural tolerance and understanding among cohorts.

Thank you, again, for being here. Thank the chairman for his leadership with this issue. We have been able to work together with a--a strong bipartisan spirit and that is, in my opinion, the best way to move forward.

Before we had that first hearing a couple months ago the chairman hosted a--a great roundtable here in--in this building and the feedback that we received from the workforce, I believe, was very instructive and--and helpful for

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our efforts. So for all of those leaders within the ranks of the State Department who have been helpful along the way throughout this process, I would like to thank each and every one of them for participating. Again, thank you, chairman for hosting. I yield back.

CASTRO: Thank you, Ranking Member Zeldin, and thank you for your cooperation and all of your work also on this issue.

I'll now introduce our distinguished witnesses. Our witnesses for today's hearing are the Honorable Carol Z. Perez, who serves as the director general of the Foreign Service and the director of Global Talent. Director General Perez is a career member of the Foreign Service with the class of minister counselor. She has a long career--career of public service to our country, serving as a U.S. ambassador to Chile, and in the Bureaus of Human Resources and International Narcotics and Law. She has also served in Italy, Spain, and other countries in her 33 year career with the department.

We will also hear from Director Gregory Smith, the Director of the Office of Civil Rights, who also serves as the Chief Diversity Officer at the department. Mr. Smith has been with the State Department since 2005, when he joined the department as the Deputy Director for the Office of Civil Rights.

I'll now recognize each witness for five minutes and without objection, your prepared written statements will be made a part of the record. I'll first call on Director General Perez for her testimony.

PEREZ: Thank you, Mr. Chairman, Ranking Member Zeldin, and distinguished members of the subcommittee, for inviting me to discuss the department of State's efforts to promote a diverse and inclusive workforce that truly reflects America. These are issues of great personal significance to me and I've worked to advance them in my 18 months as director general.

Like our nation, our workforce has been rattled by the horrific killing of George Floyd. And we're at an inflection point in our nation's history, the history of our service and the department. The department is part of the broader fabric of American society and like our nation, the department must acknowledge its own checkered history. We are not exempt from racial and social justice challenges in our nation--that our nation has experienced since its inception. Women, black Americans, Hispanic Americans, people of color, LGBTQ Americans, Americans with disabilities, have fought valiantly for the opportunity to serve our country in the foreign service and more broadly, at the department.

Just a few days ago Americans lost a lifelong champion of equal rights, Justice Ruth Bader Ginsburg, who not only fought for fairness and equity, she blazed a trail that future generations are proudly following. It is my hope that collectively we live up to her remarkable legacy.

We've made important advances thanks to the efforts of courageous employees, congressional support, and the avenue of our Pickering and Rangel fellowships but we remain a work in progress and we still have work to do before we fully represent America. I am here today because we are committed to strengthening our efforts to make that promise a reality. This is why we accepted the January 2020 GAO report recommendation, as state into our letter to the Committee on August 19 of 2020.

Mr. Chairman, today I would like to share with you and the members of the subcommittee what we are doing to respond to the GAO report, reflect our increasing diversity, and to create a culture in which every individual feels valued, respected, and able to contribute fully to our mission. A culture of inclusion can take us from understanding diversity to valuing and successfully leveraging it. This is not a moral--just a moral imperative, it is also a strategic imperative. Inclusion is essential to harnessing the best from all our teams to address new challenges. Our diverse, highly talented workforce is an invaluable competitive advantage and we must unleash this potential.

In January, the Undersecretary for Management launched a department-wide task force to draft our Diversity Inclusion Strategic Plan for our 2020 to 2022. The DISP, which we plan to release this--later this fall, will offer a comprehensive vision to steer the department's diversity and inclusion efforts over the next two years. For the first

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time it reflects input from over 40 bureaus and contributions of 16 employee affinity groups. The shorter time-frame will allow us to sync the next DISP with the department's 2020--2026 Joint Strategic Plan timeline, ensuring that our diversity and inclusion work is formally embedded in the department's strategic goals.

I would now like to talk about our efforts in three critical areas recruitment, retention, and accountability. Recruitment for diversity is a top strategic priority and the department recruits for diverse talent through our National Talent Acquisition Platform. We strategically placed recruiters across the country to seek competitive applicants from all backgrounds with a particular focus on those from groups historically underrepresented at the department. Recruiters cultivate contacts with aspiring diplomats at Historically Black Colleges and Universities, Hispanic serving institutions and tribal colleges and universities. They recruit skilled professionals through alumni networks, trade organizations and in communities.

They also meet candidates where they are, which for the modern job seeker, especially during a pandemic, is online. And the State Department has long had an online presence and has dramatically and successfully increased virtual recruitment in the wake of the pandemic.

The highly competitive Pickering and Rangel fellowships have brought hundreds of talented employees to our ranks, many from backgrounds historically under-represented by the department. Interest in the programs has doubled in the past several years thanks to our recruitment efforts. In aggregate, the fellowships have enhanced the diversity of the department--the diversity of Foreign Service generalists, increasing minority representation from 17 to 22 percent. Because of the fellowship's successful track record, as you noted, the department increased the number of fellows by 50 percent from 60 to 90 fellows, and that is starting with the 2021 cohort, which will be selected this fall.

So recruitment is the foundation of all our efforts and the department will ensure that a comprehensive, integrated recruitment vision aligns with the DISP objectives for the Foreign Service, civil service and all employment categories. Effective strategic recruitment must be accompanied by internal cultural shifts that enable retention and ultimately career advancement - and that's why I've made fostering a culture of inclusion a priority from day one.

The Bureau of Global Talent Management's Diversity and Inclusion Unit has worked with the Office of Civil Rights to coordinate efforts across the organization, engaged with employee affinity groups, support the creation of the diversity inclusion councils and bureaus and offices here at home at intermissions overseas, and facilitate a robust open dialogue aimed at fostering change at institutional culture.

Mr. Chairman, the research increasingly suggests a strong correlation between retention and workplace flexibility. And the department, and I personally, are deeply grateful to Congress for the enactment of the Federal Employee Paid Leave Act 2020. And we just issued our regulations yesterday, and the response from the workforce has been absolutely amazing. So I want to thank you. I came before this committee last summer and we talked about that effort and it is really an important boost to our retention efforts, and we are committed to full implementation.

There's much work that needs to be done to make today's department more flexible and accommodating, and over the past year I've introduced new workplace flexibilities within my authority and enhanced existing ones to maximize employee performance, career development and professional satisfaction. These include an extended LWOP pilot, additional lactation rooms, flexible lunch schedules, a push to make more positions telework eligible and the pandemic, of course, has demonstrated that telework does not reduce employee productivity. I'm hoping that managers will continue to make use of this option going forward.

Retention also requires that we look systematically about why some people do leave the department and we have launched new centralized exit surveys that will help identify potential patterns so we can better address systemic issues as part of our retention efforts. We also extended a pilot program for gender neutral anonymous meritorious service increased nominations that began in 2019 so we can get more comprehensive data set for our impact analysis.

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Many of us have had the--have been the beneficiaries and mentors who have helped us grow personally and professionally, and the department has acted mentoring programs for foreign civil service employees. The Leadership and Management School at the Foreign Service Institute also offers robust coaching programs available to all employees - but we are always looking for ways to do better. And we are committed to strengthening our mentoring programs and examining whether they adequately address the concerns of employees of color.

Now, while it is the responsibility of individual employees to track their respective career paths, it is the department's responsibility to build the framework that will enable them to realize their potential. We want high performing employees of all backgrounds to have an equal opportunity to rise up the ranks and assume the leadership mantle. So we have begun to look closely at the areas of concern highlighted in the GAO report to identify possible barriers to ascension for mid-level employees in both the foreign and the civil service.

Mr. Chairman, accountability begins with the tone and the example set at the top and department leaders have reaffirmed our commitment to fairness and non-discrimination. But the secretary and deputy secretary have reiterated their commitment to diversity inclusion, and in his June 1 message to the workforce. Deputy Secretary Biegun strongly encouraged employees to take unconscious bias training, noting he had enrolled in the course as well.

The department is serious about unconscious bias, and we've taken several major steps to raise employees awareness of bias and to mitigate its effects on department processes. Efforts to tackle unconscious bias need to be broad and they have to encompass recruitment, hiring, performance evaluation, and task allocation. And so in 2019, RSI launched the Mitigating Unconscious Bias Course, initially it was offered in person in 2018. Since we--since November 2019, over 13,500 employees have taken the course.

We've incorporated it now into training in our foreign service and civil service orientation courses and it is required as a prerequisite for our leadership courses. And we started that with executive level courses on July 31st and it will begin with mid-level courses on October 1st.

Accountability must go hand in hand with training and support for employees and supervisors so we have created a manager support unit in my bureau to help supervisors succeed, especially those managing people for the first time.

In courses such as Fundamentals of Supervision, and EEO Diversity Awareness for Managers are now available in distant learning formats, also to help managers learn and practice some of the competencies necessary to lead skillfully and effectively.

The department works to ensure adequate representation of women and members of historically underrepresented groups on foreign service selection boards and we've incorporated diversity inclusion into our civil and foreign service performance evaluation processes.

While all these tools and mechanisms promote accountability, message to chief submission, supervisors and HR professionals is that they and we, as leaders, have a special responsibility to properly address misconduct before it rises to the level of unlawful discrimination. And the department has a legal and moral responsibility to take action when misconduct does arise. I will let Director Smith speak to the processes of his office. I'm sorry.

UNKNOWN: (INAUDIBLE)

PEREZ: Yes, I have one ask, so if I could just skip to that. So we are doing so much one of the issues that has really struck us is that we do not have the ability for the Foreign Service right now to offer paid internships. So the Foreign Service Act is very limiting, which is why we have the Pickering Rangel Fellowship Program and we have the Foreign Service Internship Program as well. And as we have found, from the few years that we've run the--the U.S. Foreign Service Internship Program, we have a 30 percent conversion rate and that means compared to 7 percent for those who come in as normal interns.

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So what I would really like from the committee is to have a legislative fix that would allow us to--to be able to offer paid internships to those who might otherwise not be available to do this. You know, for a lot of people economically disadvantaged, they--they can't--they have to make a choice between working at a McDonald's or coming to us. We want them to come to us. So I would appreciate that. That would be my one ask of the committee. And I'm sorry I ran over

CASTRO: No, no worries. Thank you.

I'll now recognize Mr. Smith for his testimony.

SMITH: Good afternoon, Mr. Chairman, Ranking Member Zeldin, and distinguished members of the subcommittee.

CASTRO:

Is your microphone on there?

SMITH: I'm sorry. Is that better?

CASTRO: Oh, yes, yes. Thank you, sir.

SMITH: Oh.

Thank you for inviting me to appear before you today in my role as the Director of the Office of Civil Rights at the Department of State, and to be a part of this diversity and diplomacy conversation.

The mission of the Office of Civil Rights is to propagate fairness, equity and inclusion throughout the department. We do this in four primary ways, by managing the equal employment opportunity process for the department, managing its Anti-Harassment Program, conducting outreach and training. I'd like to focus my remarks on the department's Anti-Harassment Program, its EEO Program, and accountability as it relates to the Office of Civil Rights, otherwise known as OCR.

The department's Anti-Harassment Program is separate from the EEO Program in that it is based on an internal regulation, the Foreign Affairs Manual. OCR has a lead role but it is not solely an OCR effort, indeed, it is an agency approach. Simply put, OCR investigates allegations of harassment and drafts a report of investigation, which it provides two offices with a need to know who have authority to take disciplinary and other management action.

For example, OCR provides reports of investigation to the Global Talent Management Office of Conduct Suitability and Discipline to determine the merits of the allegation and what, if any, discipline action is to be taken.

The defining attribute of the program is the affirmative obligation of supervisors and responsible management officials to report harassment to OCR if they hear about, witness or reasonably suspect harassment has occurred. While anyone, including U.S. direct hires, locally employed staff and contractors may report harassment to OCR 24-hours a day, seven days a week, department leaders have an obligation to do so. And I must say, at least half of the allegations that come into OCR are reported by supervisors who are complying with this requirement.

Training is an important part of the program, including targeted trainings with supervisors and department leadership, which includes specific information about their responsibility to manage and encourage a professional harassment-free workplace, their mandatory reporting requirements and their obligation not to retaliate. We similarly train employees on the importance of bystander intervention, thus encouraging them to take a supportive and proactive approach to confronting these issues head on.

Our EEO process follows the procedures outlined in the federal regulations for federal sector programs, however, due to the department's operating environment, there are some distinctions. For example, the department's EEO counselor program includes collateral duty counselors trained by OCR and located at embassies and consulates in

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order to ensure that employees around the world have EEO resources in their time zone. Also by policy, the department extends these EEO protections to locally employed staff.

Now, I'd like to turn to accountability. And in my view, there are three areas that we intersect with respect to accountability and they are departmental, personnel, and programmatic. departmental accountability occurs in two areas. First, there's training domestically and at all embassies and consulates at all employee levels. And secondly, when the department receives findings of discrimination from the EEOC the department is obligated to follow the accompanying order and it is our job to execute the order and report compliance. Mind you, we do the same when we do our findings of discrimination on ourselves through the final agency decision process.

OCR also plays a role in accountability by referring for discipline those individuals that have engaged in discrimination. Also the subject of harassment investigations may face discipline as a result of an OCR referral.

And finally, in terms of personal accountability, OCR is quite involved in the department's extensive vetting process. We are one of the offices that vet employees for promotions, awards, senior assignments, and presidential appointments. If OCR is aware of an employee who has engaged in inappropriate behavior we will flag that employee for closer scrutiny.

In terms of programmatic accountability. OCR complies with all reporting requirements, including the so called No Fear Report, mandated by Congress, the annual ELC reports of the 462 and the MD 715. And also we're subject to program reviews and assist visits from the Equal Employment Opportunity Commission. And our most recent visit was in June of 2020.

Ostensibly, OCR's work is about preventing harassment and/or discrimination but the bottom line is our work is about leadership. I learned as a young naval officer that leaders create the culture and they foster the environment where those that choose to engage in inappropriate harassing or discriminatory conduct do not feel welcome. The State Department relies on leaders at all levels to exemplify professionalism to promote diversity and inclusion, to report harassment and to hold people accountable when their conduct falls short. OCR's role is to provide the tools and--and administer the programs to support an environment of fairness, equity, and inclusion, an environment that is free of harassment and discrimination.

I thank you for this opportunity and I look forward to your questions.

CASTRO: Thank you, Mr. Smith, for your testimony.

I will now recognize members for five minutes each and pursuant to House rules, all time yielded is for the purposes of questioning our witnesses. Because of the hybrid format of this hearing, will recognize members by committee seniority, alternating between Democrats and Republicans. Members, if you miss your turn please let our staff know and we'll circle back to you. If you seek recognition you must unmute your microphone and address the chair verbally. So I will start by recognizing myself.

Thank you, Director General and Mr. Smith, for speaking with us today.

The State Department has failed for decades to ensure that women people of color have the full opportunity to represent the United States abroad. As we discussed in the hearing in this subcommittee in June, the challenges that persisted in 1989, the last time the GAO looked into this--it looked into this issue, continued today as the GAO revisited the issue this year.

The death of George Floyd has resulted in a serious conversation within our nation on--on discrimination and the fact that too many people in our society still encounter it along racial and gender lines. As this has been a longstanding issue and while recent actions by the department should be welcome, I have to ask why did the department take this long to confront this issue head on, despite the long standing evidence of the challenges people of color face at the State Department?

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PEREZ: Thank you, Mr. Chairman, for that question.

You know, I--I wonder the same thing. I am 33 year Foreign Service Officer so I've seen a lot of--I've seen some change but I've seen a lot of things that haven't changed. And I also have had to think about my predecessors, many--they were all very talented Foreign Service Officers, five of them African American, one Hispanic. I've talked to a couple of them recently to say, "What is it we're missing? What--what's going wrong?"

As I think the report noted, we are doing a better job in recruitment and where we now, I think, need to change our efforts are to retention and what--and to make sure that we continue to have the flow-through that we should have. I think you can't have the excuse any longer that it takes 20-25 years to get to the top because that's true but still there's a lot of things that I think act as barriers for people along the way.

So I've been very focused on inclusion since I came in a year and a half ago. And you know, and I know people talk about this but if you don't feel included, if you don't feel like you're wanted, then you're going to leave. And I feel--I felt that as a woman at certain periods in my life and I can imagine that it is as true for people of color, for people with disabilities, who don't feel that they--that their opinions are appreciated, that they are heard and respected.

So we have to get at the culture of the institution. And I have to be perfectly frank, when I talk to my--my predecessors, this is the hard part because it's not something that's just, as you noted, it's not something that just became a problem. two to five years ago. You go back to 1989 and it was a problem. And so we do we need to take a look at this.

I think the one difference for us now is that as we are going through this Diversity and Inclusion Strategic Plan process we've made it a--very much a bottom up process. We've engaged with the communities. We've engaged with the employee affinity groups to get buy-in. I don't think I can change it alone but if you all help me, if Congress help me, if the community helps me, I think we can get there.

And I think in the past has been thought of as being something that just has to come top down. We're trying a different approach, bottom up. But I--I will tell you that I think it's going to be a multi-year project. So and look forward to, obviously, any kinds of ideas you might have because we need every single idea we can put on the table. Thank you.

CASTRO: Sure.

Did you have anything to add, Mr. Smith?

SMITH: I guess the only thing that I would add, I--I wholeheartedly agree with the Director General. But I--I do think that it is a cultural change and shift that is needed and that is an ongoing process. I have not been at the department as long as the ambassador but I--I have to say, during my tenure I have seen some changes. And I--I think that our office has worked together very closely to work on not only the diversity piece but also the inclusion piece. As I said in my opening statement, we are very focused on the type of environment and the type of culture that we have at the department.

CASTRO: Thank you.

I have one more question. I only have about a minute left. But a number of former diplomats and employees have spoken to their experiences at--at the State Department, like Tianna Spears, who faced discrimination on account of a race at the hands of the CBP and speaks to the State Department's lack of support for her. And Christopher Richardson, who wrote about his experiences as a black deployment and how the department's culture forced him out. What will you do to reach out to people who have left the State Department because of their experiences and take those experiences--experiences into account as you formulate changes at the department.

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PEREZ: So, you know, the--the experiences that Tianna Spears talked about, which were horrific, and I don't know Christopher Roberts I just read what was in The New York Times article, but I don't--I've never--I didn't know him. You know, it--it gets back again to this culture change.

One of the things that we did right after the Tianna Spears event was brought to our attention is I sent out a cable to--it's part of what we're calling Taking Care of People Series, addressing discrimination and harassment, both inside and outside the workplace. In this case, I think, you know, it happens inside, it happens outside, people need to--to--to talk about those issues. And to make sure that they're responsive.

There is a lot of after action work going on right now in the Bureau of Western Hemispheres Affairs, especially because of the border region. And also, as I said, this is--our call to action that you own this collectively. When something's happening to somebody please encourage the person to speak up, to come to us. Sometimes we don't know and that's been one of the issues that I think we're going to have to tackle, which is how to have honest conversations that don't have a negative reverberation. Because if you don't tell us, you know, I'm sorry, but I have 75,000 people, it's hard to know an individual is facing this kind of horrific treatment.

After we became aware of it, by the way, for Tianna at least, we did engage, my team did engage. She ultimately decided to leave the department and that is--that is a really sad story. But, you know, we want people to be able to speak honestly.

CASTRO: Sure.

Well, thank you.

I now recognize Ranking Member Lee Zeldin.

ZELDIN: Thank you, Chairman and Director General Perez. Thank you for your comment on paid internships. I agree that paid internships would be a great tool that would help to address diversity. I want to thank the--the chairman and his team. Our offices have been working together on legislation to create such a program.

I did want to ask that the--the State Department is sitting on billions of dollars on--on un-obligated balances. That money has been tapped at times to fund the expansion, for example, Rangel Pickering that was just discussed. So I just wanted to ask, are you able to tap those un-obligated balances to pay interns?

PEREZ: Thank you, Representative.

It appears not because the Foreign Service Act has a very specific requirement that our internship programs actually have three semesters in length and that's why we have the Pickering Rangel Program. Actually, we're doing it in two, not in three. Our lawyers have--have opined that we need to have a--a fix that would allow us to go ahead and offer this more broadly.

And that will take care of the Foreign Service, we're also going to need some--we do have Pathways Programs for civil servants but it would be great--and this is something we'll have to look at, is to get the ability to do some sort of demonstration project with OPM so that we can do a similar type of program for interns who don't want to be Foreign Service Officers and want to be civil servants. But our understanding is that the current legislation and the Foreign Service Act does actually not us--allow us to do these broad internship programs, which is what we'd like.

ZELDIN: And I want to thank the--the chairman because obviously, the paid internship idea is something that I could tell he's passionate about. Is this something that State can work with this committee on with regards to a fix with regards to what you were just talking about?

PEREZ: Absolutely, we'd be happy to work with you on what we believe a legislative fix would be. And I--and--and I'm not the budget director but he would say we may need "incremental funding". But to your point, we do always have un-obligated balances, too, but I will have to take that offline. Thank you.

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ZELDIN: On July 15th an announcement was circulated internally at the department on "outdated and non-inclusive language in Department of State policies documents or webpages." Are you familiar with that announcement?

SMITH: Sir, I'm familiar with it and I --I can tell you how that came about. Oftentimes, our office is contacted concerning concerns with respect to not only what has happened individually but also with respect to documents and policies that may be viewed as potentially discriminatory. And there were a couple of things. One, there was an individual that--with a disability received a--a final personnel action - and the personnel code said retarded. He was very upset about that, contacted our office, we also got contacted about the--the use of the term, Negro vise African American. And also I think there was some contact with respect to supposedly language that talks about the preference for traditional nuclear family.

And so sometimes the department notice is used to request information or to share information. So our office, we had not seen any of these concerns ourselves and so we requested that if anybody had any information that could share with the Office of Civil Rights that's what we requested, with a view towards ensuring that those policies, practices and/or forms were put in the correct lane to the office that would have cognizance over it for them to review to see if there should be any correction.

The Office of Civil Rights does not have, did not have and I don't presume that I had the authority to make any changes with respect to any of those. So simply put, it was a request for information to share with us based on those allegations that came into the office. And I saw it as our job to inquire at to ensure that sure that those concerns got to the--the office with the appropriate cognizance to take whatever action may or may not have been appropriate.

ZELDIN: Have--have there been any discussions with regards to examples of--of language that would be used to replace the seemingly offensive language related to nuclear family structure? Have you guys gotten to that point in the conversation?

SMITH: Two things, no to that question and secondly, no examples were provided.

ZELDIN: As you prepared to release the next 2020 to 2024 plan what were some of the challenges you faced implementing the 2016 to 2020 diversity plan?

PEREZ: Congressman, I think some of the--

ZELDIN: --And--and I only have like just under a minute.

PEREZ: Okay. Okay. So sorry.

Some of the challenges were it was very aspirational and that's fine but it didn't have probably as many metrics as we would probably want to go ahead and put ourselves forward to.

Here's another thing, when I arrived a year and a half ago I had one person working on diversity - that's it - and she left to become a DCM at a very important mission in Africa. I have a new team now but we're only three, going to four tomorrow. And so it's taken time to rebuild the effort to really sort of make sure that we follow through on all of those commitments that were made.

We have made--we have made progress. We launched Unconscious Bias. At the time, it was supposed to be 100 percent. required. I took the advice of the trainers who trained me on unconscious bias who said anytime you make anything required people don't value it. So we're going to--we're going to put it into everything. So it will have the impact of being, without telling somebody, "You need to take this course," you know, on a frequent basis.

But I--I can share with you a list of the things that we were able to do. I just don't know what happened. I think that, you know, in those intervening years it--it just didn't get as much support. That's why we need this ground up. I need people with me to make sure this goes forward.

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ZELDIN: We, obviously, have more to share. I wish I had more time. Hopefully, we'll have an opportunity for all of us to continue the conversation.

I--I just want to say to--for--for those who are watching, the--the way that the chairman is approaching this particular committee hearing with regards to substance and tone, there are a whole lot of other people who are here on Capitol Hill, both sides of the aisle, with gavels on their hands and I would encourage them to --watch a hearing like this because this is exactly how to move forward on an important topic. So thank you, Chairman. I yield back.

CASTRO: Thank you, Mr. Zeldin.

All right. We'll go to Tom Malinowski, New Jersey.

MALINOWSKI: Thank you, Mr. Chairman. Good to see you both. I was actually going to ask you about the internship program so I'm glad that you raise that and fully agree and would look forward to working with you, Mr. Chairman and Mr. Zeldin, on any statutory effects that--that might be necessary.

I wanted to ask you a couple of other questions about--well, one about recruitment of talent. As--as you all know the State Department used to rely basically on two tests to determine who was an FSO. And there was another layer added to the process, another step that was added, the Qualifications Evaluation Panel, right, where applicants submit resumes for screening in advance. And I'm wondering if you've asked your team to try to collect any data on the impact of that--of that additional step, either positive or negative, in terms of encouraging diverse applicants to --o be listed on the FSO register.

PEREZ: Thank you, Congressman Malinowski. It's great to see you again.

MALINOWSKI: Good to see you.

PEREZ: It's been a number of years.

So yes, when the QAP was introduced the idea was to put in another step that would allow those who perhaps were not great test takers, both in a written form or an oral form, to give more of their background. So they--they--they respond to questions so there's essays and it gives them an opportunity to tell more about themselves. And I don't have the figures in front of me but that has enhanced our diversity efforts and we can get to what--so it's been a positive news story.

I do think we need to take another look at this. You know, are we doing the right thing still? This has been a very incremental process over the years. We use, you know, well-known industrial psychologist to make sure that we're doing the right thing. Dr. Campion is--has been on our team for--with us for over 20 years. He's a distinguished professor at Purdue University. So we want to make sure that we're making sure there's absolutely no bias in the system--

MALINOWSKI: --Right--

PEREZ: --and yet, we need to go forward.

So it's going to be--you know, we have the two big studies we have to do for the GAO. But this is something that we're also taking a look at, are we missing something here that we could do even better? I'm not sure it's necessarily that we're doing a bad job but could we do better?

MALINOWSKI: Okay. And what about the resumes themselves? Have you considered a system where certain types of identifiable information are redacted from--from those resumes, personally identifying that might make it clear to reviewers what the person's background might be?

PEREZ: So I'm going to have to take this back but my understanding is that they are redacted to a certain extent so that--

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MALINOWSKI: --Okay--

PEREZ: --individuals who are doing those QEPs do not--are not aware of certain identifiable information.

MALINOWSKI: Okay.

PEREZ: I think just a reminder, you know, everybody has to self-identify, by the way. So, already we know that we would not necessarily know if somebody was a person of color or was a minority because we just don't collect that unless people identify themselves as such. But I will take that back and get you an answer.

MALINOWSKI: Okay.

And then finally, I--I--I did want to go off topic for a moment and--and this is a--it's a sensitive issue, it's one that the committee has, I think, sought to ask you some questions about in the past, and has to do with our mutual friend, Ambassador Yovanovitch and what she told us about a-a conversation she'd had with you during all the drama that we were all debating here not too long ago.

She testified that at one point you had called her at 1:00 in the morning and told her that, quote, this is quoting Masha, "That there was a lot of concern for her and that she needed to be on the next plane home to Washington, and that this was a matter involving her security." And I think Ambassador Yovanovitch asked you, "Is it--like, if there's a threat here in Ukraine?" and you said, "Not necessarily, you know, not necessarily physical security."

And so my question for you is what did you mean? What--what was the impression that you had that--that--that there was some issue related to her security? It--it couldn't have been job security if it was a 1:00 a.m. phone call so what was it?

PEREZ: Actually it was job security. It was not physical security. Because of the time difference, the phone call, she was at a reception, by the time we were able to connect it was quite late in the evening.

No, there was concerned that, you know, that she had lost confidence from the president. And I'm a former ambassador, if the president lost competence with me I would want to know and I think I'd want to be back in Washington so that I can address the issues there. And so that call was just made out of--out of that context.

MALINOWSKI: Okay.

I'm out of time. Thank you.

CASTRO: Mr. Cicilline.

CICILLINE: Thank you, Mr. Chairman, and thank you for convening this hearing and thank you to our witnesses for your testimony.

I want to begin with you made reference, Director Perez, of the unconscious bias training in your testimony. And I--I noticed that in the strategic plan for 2016 and 2020 the department listed mandating unconscious bias training for all of its employees as a top priority, yet, as represented on the current website, this training is still not required of all employees and you'd mentioned that Deputy Secretary Biegun encouraged employees to sign up for training. So I guess the first question is has the State Department mandated unconscious bias training for all employees yet? Because it seems odd, it's a top priority and you--it doesn't appear as--as if it's been mandated.

PEREZ: Thank you, Congressman.

So the answer is no and--

CICILLINE: --Okay, why is that?

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PEREZ: So I, like others, when I first--I've--I've taken unconscious bias training twice, once in person in 2018 and then I took it online - I'm sorry - once in person in 2019 and then I took it online. After I took it in person I went up to the two course facilitators who are experts in this and said, "This is great. I'm the director general, everybody has to take this course." And they looked at me and they said, "Oh, no, absolutely not." Because again, if you make something mandatory they believed it would be devalued.

Now, that's what they thought. I'm not the expert. So we started to go back and say, "How can we integrate into the fabric of what we do without making it mandatory?" And I'll give you a good example. If you want to stay in the State Department computer systems every year you have to take a mandatory course, right, cybersecurity. So let me tell you, a lot of people, they try to click through that PowerPoint presentation as quickly as they can. I didn't want this to be that way. I wanted it to be something that people were thinking about.

CICILLINE: Yeah, I--I--I just want to--with--with all due respect, I mean, it's listed as a top priority. And I guess, it's always going to be the case that people who don't want to take it resent being mandated to take it but if you found it to be valuable training and it's listed as a top priority to make it mandatory and you're not it just--it conveys a certain lack of seriousness about unconscious bias training. And I just urge you either remove it from your website, acknowledge it's not required or make people take it if you think it's valuable. But it's this--it just seems like another example of not being completely authentic about what the objectives of the--of the department are.

PEREZ: Okay.

CICILLINE: I want to next move to another area and that is retention. I think you made reference of that as well that the GAO report said 25 percent of all people leaving the foreign service in 2018 were racial and ethnic minorities compared to 13 percent in 2003. And obviously, in order to better understand why that's happening you need to hear directly from officers and civil servants who choose to leave the department. So does the State Department conduct exit interviews with every person who leaves the foreign and civil service to understand why they decided to leave and do you then aggregate that data so that you might begin to look at policies or procedures or--or efforts that you might do at the department to address that lack of retention among diverse communities?

PEREZ: So we do not do exit interviews, we have an exit survey that we started in April of this year. And that is a--it's--it is--for the foreign service it's very easy to administer because everybody has to come through this. We--we offer it to everybody, foreign service, civil service and those are unlimited appointments. They're slightly different surveys based on what their experiences are. We hope to get enough information. And I can actually, you know, share with you what that survey looks like.

CICILLINE: Yeah, I--

PEREZ: --It covers a lot of information about their experiences, why people leave. And you're right, we need that in order to get at the--at the real reasons why people do leave.

CICILLINE: Yeah. It's startling to me that that only started in April but I'm glad it started. But I'd very much like to see that exit survey.

And finally, I would like to ask you about is the LGBTQ community. And specifically, as you know, countries sometimes will deny full privileges and immunities to employees and their families. And I'm wondering whether you have a sense of how many occasions that that occurred in the last three years for missions overseas on behalf of employees' family members that were denied by the host country? And then did the department seek reversal of those denials, and if so, at what level did the department intervene to seek reversal?

And then finally, how many employees have brought EEO claims against the department for any failure to insist on equitable treatment in the application for and receipt of privileges immunities for employees and their same sex spouses overseas? So it's a question of how often has it been denied? How often have you sought reversal? And how often have employees brought claims against the department for your failure to insist on equitable treatment?

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PEREZ: I apologize. I don't know. And nothing has been brought to my attention in a year and a half. It's not to say it doesn't happen.

CICILLINE: Maybe Mr. Smith knows the answer. And if you'd be willing to get the answer from the department for--

SMITH: To my knowledge there have not been any EEO cases brought based on those circumstances. However, I--I will check to confirm that and will certainly get back to you on that.

CICILLINE: Thank you. I appreciate that. I yield back, Mr. Chairman.

CASTRO: Thank you, Mr. Cicilline. We'll now go to Ted Lieu of California.

LIEU: Okay. Thank you, Chairman Castro, and thank you, Director General Perez, and Director--and Director Smith, for your public service.

I'd like to ask about assignment restrictions, which I understand is the practice where the State Department prohibits a State Department employee from working on a specific country or countries. I don't necessarily have a philosophical objection to assignment restrictions but I would be very concerned if they disproportionately impact certain groups of people.

So I have been shown a survey by the Asian American Affiliation group of the State Department and it looks like that Asian Americans are disparately impacted by these assignment restrictions.

So first, I want to find out how they work. So let's say you're a Jewish American and State Department employee, if you're have family in Israel could you work on issues related to Israel at the State Department? And I'll ask that of Director General Perez.

PEREZ: Thank you. Thank you, Congressman Lieu.

So first of all, the assignment restrictions process is run by the--the Office--or the Bureau of Diplomatic Security and so I am not familiar with what the--what the response would be if somebody was Jewish American, whether or not they could actually work in Israel. My understanding of the process, and by the way, I was recently in a meeting with the representatives, the senior leadership of the Asian American Pacific Affinity Group and Undersecretary Bulatoa, they also met with Deputy Secretary Biegun recently, is that it's not necessarily that you were born in a country or you have some sort of affiliation, the question is for countries in which there are critical intelligence threats what are the--what are the family connections that you might have that would make you susceptible to some sort of foreign influence?

The, I think you know, the Bureau of Diplomatic Security understands that they will look forward to working on a better communications plan for this. I think that's one of the things that the Asian American Pacific group wanted. They said that they hear complaints from those that are Russian Americans as well, who would like to serve in Russia and are not able to do so. And it appears to be--and again, I'm not the expert so this is something that would have to go Diplomatic Security, but it appears to be one of those familial ties and how does that actually then affect foreign influence?

LIEU: Okay. If there are no familial ties but simply that you're, let's say, Russian American or Chinese American and you don't have family in either Russia or China, is there any policy or rule or practice or a bar you get from working on either China or Russian issues?

PEREZ: Congressmen, with all due respect, I--I don't think I'm qualified to answer that question just because I--I'm not an expert on whatever the regulations are that they work under. But my understanding is there's some sort of review that happens, that they look at the ties that happened between--an individual's ties to a certain country where there might be a critical intelligence threat. there is an appeals process that exists. I think that we--DS is going to do a better job of explaining how that appeals process works. But I'm sorry, I don't know enough about that process to answer your question.

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LIEU: I'm just thinking, maybe you might want to find more about this process since you are director general of the foreign service and director of Global Talent and it's affecting your State Department employees and they feel discriminated against or they don't want to serve in a State Department anymore because they feel like these assignment restrictions prevent upward mobility or if they realize that their career will be hampered. It seems like this should be an issue you would actually know more about.

So let me just sort of tell you why I ask. I remember going on a congressional delegation a few years ago. It was to China, in Japan--we were briefed by various agencies prior to this trip. There were about 12 people in the room. Not a single person happened to be Asian American. And I thought, "I wonder if the United States State Department and intelligence agencies and other agencies are losing out because they might actually be losing some skills and expertise that they otherwise would have but for these kinds of assignment restrictions?"

And by way, the answer to whether or not you would be barred from working for your country, because you happen to be Russian American or Chinese American, the answer ought to be no, because that will be illegal. It would violate the person's civil rights. It would be discrimination based on ethnicity. So I hope that that would be the answer. If you could please look into this issue. We'll be submitting some written questions.

And I think this is a problem that you ought to address because I think it is having an effect on Global Talent and the kind of talent that the State Department attracts. This not only affects the State Department employees, I think it also can affect how well we execute our foreign policy. If you exclude entire classes of people we could be losing cultural expertise and other expertise that we otherwise may not have.

With that, I yield back.

PEREZ: Thank you.

CASTRO: Thank you, Mr. Lieu.

And Director General, we would love it if you could work with whoever is responsible at the State Department to make sure that we get an answer to Mr. Lieu's question.

Well, that concludes member questions. I don't believe we have anybody else. And for closing remarks, I'll turn it over to Ranking Member Zeldin, if he has any.

ZELDIN: I'm just going to briefly say thank you again to both for our witnesses for being here, for the chairman for conducting another hearing on this important topic. And I think what's most important for the State Department, our country, for your workforces, for all of us to continue to work together as productively and substantively as possible moving forward. It wouldn't be possible without setting, again, the right tone as the--the chairman and his team have in working with my office so I want to thank his staff and my staff for their efforts and I yield back.

CASTRO: Thank you, Mr. Zeldin. Thank you to the ranking member and everybody on the committee. This has been a bipartisan effort so far to figure out how the--how we can work with the State Department to improve diversity and issues like retention and promotion at the State Department. And I want to thank our witnesses for testifying, again, the Honorable Director General Carol Z. Perez and Mr. Greg Smith.

The findings from this hearing, the other testimony heard by this subcommittee, will inform the subcommittee's continued oversight into these issues and will also feed into legislative action - some of that we've mentioned today. This issue has persisted at the State Department for decades. Again, this isn't, you know, something that's happened in the last two or three or four years, you know, this has been, you know, a persistent problem. These steps, while delayed, demonstrate the power of those who spoke out about their experiences to push for change.

Again, I want to thank everybody at the State Department that we've heard from, the affinity groups, the folks who have left the department and told their stories publicly. This effort must continue and the State Department must consider deeper structural changes to policies and procedures. The United States must rebuild our nation's

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infrastructure of diplomacy after years of atrophying. We must also look to re-imagine American diplomacy in the State Department for the world as it is.

Congress last made a major revision to the Foreign Service Act in 1980, the law that governs much of the State Department. I believe it's time for a deep reappraisal of how our nation prioritizes diplomacy as the primary means to defend American values abroad, what capabilities we invest into a strength in our diplomacy, and how every American can have the opportunity to represent our nation abroad. Rebuilding our infrastructure of diplomacy is a task all of us take very seriously and something I believe that Congress must as well.

With that, thank you for your time and your testimony. And this meeting is adjourned.

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