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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

October 1, 2020

The Honorable Brian Bulatao
Under Secretary of State for Management
U.S. Department of State
2201 C Street, N.W.
Washington, DC 20520

Dear Under Secretary Bulatao:

I write to request details regarding any plans by the State Department to implement recent directives by the Office of Management and Budget (OMB) for federal agencies to cease and desist diversity trainings, particularly those that reference “white privilege.” The directives, issued on September 4, 2020, and September 28, 2020, claim that educational efforts and sensitivity training drive “division” in the federal workforce and undercut our core values as Americans.¹ They, along with the President’s September 22, 2020 Executive Order on the same subject, also require federal agencies to receive approval from the Office of Personnel Management before using any diversity or inclusion training program and require that each agency’s Inspector General audit agency compliance annually.² Even more disturbingly, these edicts threaten to punish federal employees who continue such diversity and inclusion trainings with “consequences, which may include adverse action.”³

I categorically reject the notion that efforts to engage the nation’s largest workforce—federal employees—to better understand and implement policies that embrace workplace diversity, equity, and inclusion is a form of “propaganda” or is “anti-American.” Equality among all people is a fundamental American value and the actions of the United States government to encourage diversity and inclusion set a global example for other nations and states to follow. The State Department’s Foreign Affairs Manual includes “diversity” among the leadership and management principles, which “reflect the values the Department believes are important for all

¹ Memorandum from Russell Vought, Director, Office of Management and Budget, to the Heads of Executive Departments and Agencies, Subject: Training in the Federal Government, M-20-34, Sept. 4, 2020; Memorandum from Russell Vought, Director, Office of Management and Budget, to the Heads of Executive Departments and Agencies, Subject: Ending Employee Trainings that Use Divisive Propaganda to Undermine the Principle of Fair and Equal Treatment for All, M-20-37, Sept. 28, 2020.

² President Trump, Executive Order on Combating Race and Sex Stereotyping, Sept. 22, 2020; Memorandum from Russell Vought, Director, Office of Management and Budget, to the Heads of Executive Departments and Agencies, Subject: Ending Employee Trainings that Use Divisive Propaganda to Undermine the Principle of Fair and Equal Treatment for All, M-20-37, Sept. 28, 2020.

³ President Trump, Executive Order on Combating Race and Sex Stereotyping, Sept. 22, 2020; Memorandum from Russell Vought, Director, Office of Management and Budget, to the Heads of Executive Departments and Agencies, Subject: Ending Employee Trainings that Use Divisive Propaganda to Undermine the Principle of Fair and Equal Treatment for All, M-20-37, Sept. 28, 2020.

employees to cultivate.”⁴ Further, as you accurately noted in responses following your nomination hearing, “the [State] Department must be a leader in promoting diversity and inclusion.”⁵

Implementing OMB’s divisive directives and President Trump’s Executive Order would only further undercut efforts to increase workplace diversity and inclusion at the State Department, a need that both the Government Accountability Office (GAO) and the Federal Employee Viewpoint Survey (EVS) identified as urgently needed earlier this year. The GAO report documented significant challenges at the State Department in regards to increasing diversity, including retention issues, continued underrepresentation, and lack of diversity in leadership positions.⁶ State Department employee responses to the EVS also found that in too many bureaus across the Department leaders did not sufficiently foster and embrace diverse teams.⁷ Moreover, the deaths of George Floyd, Breonna Taylor, and other Black Americans, have spurred diplomats from diverse backgrounds to come forward with their own stories of discriminatory treatment including stigmatization, harassment, isolation, and bias in the promotions process, stretching back years.⁸

As the GAO report, EVS responses, and accounts of diplomatic professionals themselves suggest, the State Department, along with other federal agencies, should be focused on how to make trainings on diversity, equity, and inclusion more accessible and more effective, not ending them. As such, I ask that you provide the following, no later than October 15, 2020:

1. A full list of all current trainings related to diversity, equity, and inclusion, including whether each is mandatory, recommended, or optional; the corresponding employee rank for any trainings that are mandatory or recommended; the length of each training; the purpose and focus of each training; by whom it is conducted; the length of time the training certificate is valid; and when it was initiated and last updated;
2. A list of any and all trainings and contracts potentially affected or implicated by the OMB directives and Executive Order;
3. Any changes made or planned changes to State trainings or contracts based on the OMB directives and Executive Order, including any expected timeline for such changes and any cancellations of trainings since the September 4 directive’s issuance date;
4. Any current and on-going deliberation regarding the implementation of the OMB directives and Executive Order;

⁴ “Be open, sensitive to others, and value diversity.” 3 FAM 1214, *Leadership and Management Principles for Department Employees*.

⁵ Testimony of Brian J. Bulatao, Nominee for Under Secretary of State for Management, Response to Question for the Record by Senator Bob Menendez, July 18, 2018.

⁶ Government Accountability Office, *State Department: Additional Steps Are Needed to Identify Potential Barriers to Diversity*, Jan. 2020, <https://www.gao.gov/assets/710/704049.pdf>.

⁷ For example, in the Bureau of International Organization Affairs, the percentage of respondents who felt their supervisor didn’t work well with employees from different backgrounds doubled from 10 percent in 2016 to almost 21 percent in 2019. The percentage of respondents in the Bureau of Intelligence and Research, who felt their supervisors were not committed to a workforce representative of all segments of society rose 16 points from 2016 to 2019.

⁸ See e.g., Lara Jakes, “A Reckoning With Race to Ensure Diversity for America’s Face Abroad,” *The New York Times*, June 27, 2020, <https://www.nytimes.com/2020/06/27/us/politics/a-reckoning-with-race-to-ensure-diversity-for-americas-face-abroad.html>.

5. The State Department bureau and official who will lead the reassessment and implementation of changes to these trainings, and the framework by which they will evaluate the trainings;
6. Specific measures (including speeches, workshops, letters, or other communications) by Secretary Pompeo, yourself, and other Assistant Secretary-level or above State Department officials to address, in any manner, diversity, equity, and inclusion at the State Department;
7. Total expenditures on diversity training for the past decade, inclusive of FY20; and
8. The number of State Department employees who have participated in diversity trainings in FY20, by Bureau and Post, including the percentage in management positions.

The last few months of national unrest represent an opportunity to reassess our efforts to promote and support inclusion in the workplace, including at the State Department. In fact, nothing could be more American—we strive, together, to create a more perfect Union. As you aptly stated during your nomination process, “if the United States is going to continue to have the best diplomatic service in the world, we have to make sure we continue to weave diversity into the whole lifecycle of our talent, whether that’s through recruiting, promotions, or the trainings we provide.”⁹ I completely agree with your statement and look forward to your prompt response.

Sincerely,



Robert Menendez
Ranking Member

⁹ Testimony of Brian J. Bulatao, Nominee for Under Secretary of State for Management, Response to Question for the Record by Senator Bob Menendez, July 18, 2018.