

**Congress of the United States**  
**Washington, DC 20515**

August 31, 2020

The Honorable Adam Smith  
Chairman  
House Armed Services Committee  
2216 Rayburn Office Building  
Washington, D.C. 20515

The Honorable Mac Thornberry  
Ranking Member  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Jim Inhofe  
Chairman  
Senate Armed Services Committee  
205 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Jack Reed  
Ranking Member  
Senate Armed Services Committee  
228 Russell Senate Office Building  
Washington, D.C. 20510

Dear Chairman Smith, Chairman Inhofe, Ranking Member Thornberry, & Ranking Member Reed:

As you begin conference negotiations on the Fiscal Year (FY) 2021 National Defense Authorization Act (NDAA), we write to urge the preservation of bipartisan provisions related to diversity and inclusion. At a time when the United States is reckoning with and acknowledging its history of persistent and pervasive forces of prejudice and bias, the Department of Defense (the Department) and the military services must reckon with the same. We are pleased that Secretary Esper acknowledged as much in his June address to the Force. Concurrently, as the military services face a shrinking recruiting pool, improving the Department's ability to access a wide range of talented individuals is critical. Our armed forces – at all levels from the junior enlisted ranks to general and flag officers – must reflect our nation's diversity and democratic values and be at the forefront of grappling with our most difficult tasks and challenges. Therefore, it is only appropriate that we take the necessary steps to ensure that our military represents the diversity of the United States and leverages all of the nation's talent to enable our armed forces to tackle the challenges we face.

As stated in the Department's most recent five-year Strategic Plan for Diversity and Inclusion, "diversity is a strategic imperative, critical to mission readiness and accomplishment, and a leadership requirement." Preserving diversity across our military – including enlisted personnel and the officer corps – supports creative problem solving and decision making and contributes to mutual understanding of other countries and cultures. Moreover, a diverse military force reflects our values as a democratic society, improving public perception and trust in our armed forces. In fact, our military is the finest fighting force in the world precisely because of its diversity. As Secretary Esper stated in his June address, our military has reached this level of excellence "because we attract the best America has to offer: young men and women across the land and beyond our shores who not only love our country and share these values, but who also represent

a wide range of creeds, religions, races, ethnicities, sexual orientations, and other attributes that not only distinguish us as individuals, but also make us stronger when combined together.”

Beyond reflecting our democratic values and building a force that looks like our nation, diversity leads to improved performance. Studies have shown that diversity leads to innovation, improved problem solving, and greater ability to anticipate alternative viewpoints, thereby increasing the capacity and capability of the force. For example, female Marines in combat units deployed to Iraq were able to conduct searches and collect actionable intelligence among local women. Additionally, American troops with diverse backgrounds bring cultural and linguistic knowledge that are essential as the United States conducts operations or maintains a presence in locations around the world.

Despite progress in recent decades – racial and ethnic minorities comprised 25 percent of the active-duty military in 1990, but now make up approximately 40 percent of the force – more work needs to be done. Diversity has increased overall, but not in the officer corps. For example, those of Hispanic origin account for approximately 18 percent of enlisted personnel, but only about 8 percent of the officer corps and 2 percent of General/Flag officers. Similarly, African Americans account for nearly 20 percent of enlisted personnel, but only 8 percent of the overall officer corps and 8 percent of General/Flag officers. Women make up just 17 percent of the active-duty force, and while they account for nearly 19 percent of the officer corps, they comprise less than 10 percent of the highest leadership positions. Asian-Americans comprise only approximately 4 percent of enlisted personnel, and while they account for 5 percent of the officer corps, they comprise less than 2 percent of the highest leadership positions. Native Americans, it should be noted, serve at the highest rate per capita of any ethnic group, despite experiencing continued discrimination within the ranks.

Addressing this discrepancy requires investments in our servicemembers, our institutions, and our education system to ensure the Armed Services has the diverse talent it needs to meet our national security challenges. We are pleased to see many important bipartisan provisions on this subject included in the FY 2021 NDAA passed by the House, H.R. 6395, and the Senate, S.4094. To ensure we build upon the progress made in recent years, work to make our armed forces representative of the nation up and down the ranks, and grow our strategic advantage, we urge you to preserve the following bipartisan legislation in the conferenced bill without modification unless otherwise noted:

- 1) **H.R. 8099, the Diversity in Defense Act.** Each of the provisions in the Diversity in Defense Act was included in H.R.6395 as reported out by the House Armed Services Committee, and each was incorporated in a bipartisan manner, either in the Chairman’s mark or adopted via an en bloc amendment.
  - a) **Sec. 371. Pilot Program for the Temporary Issuance of Maternity-Related Uniform Items.** Directs the Department to carry out a pilot program to enable the establishment of offices to issue maternity-related uniform items to pregnant members of the Armed Forces on a temporary basis at no cost to the servicemember.

- b) **Sec 502. Diversity in Selection Boards.** Requires membership of selection boards to represent the diversity of the Armed Forces as a whole. Additionally, we request that you amend the language in Sec. 502 to require the retention of selection board records for a duration of not less than 10 years.
- c) **Sec. 503. Redaction of Personally Identifiable Information from Records Furnished to a Promotion Board.** Requires the Secretary of each Military Department to redact any personally identifiable information from records furnished to a promotion board.
- d) **Sec 531. Punitive Article on Violent Extremism.** Creates a punitive article on violent extremism in the Uniform Code of Military Justice.
- e) **Sec. 536. Tracking mechanism and reporting requirements for supremacist, extremist, and criminal gang activity in the Armed Forces.** Directs the Secretary of Defense to develop and implement a process to track investigations, criminal and administrative actions, and final determinations with respect to conduct of members of the covered Armed Forces that is prohibited under Department of Defense Instruction 1325.06.
- f) **Sec. 552. Establishment of Mentoring and Career Counseling Program.** Directs the Department to create a mentoring and career counseling program that ensures that all military occupational specialties and career fields reflect the demographics of the armed forces and ensures members in all ranks and grades reflect the demographics of the armed forces. This action implements Recommendation 8 from the 2011 final report from the Military Leadership Diversity Commission.
- g) **Sec. 571. Diversity and Inclusion Reporting Requirements.** Sets forth specific criteria and requirements for reports related to diversity and inclusion that must be submitted to Congress. These actions implement Recommendations 5, 16, 17, 18, and 20 from the 2011 final report from the Military Leadership Diversity Commission.
- h) **Sec. 572. Establishment of Diversity and Inclusion Advisory Council of the Department of Defense.** Establishes such an Advisory Council to provide advice and recommendations to the Secretary on matters concerning diversity and inclusion in the Department of Defense. This action implements Recommendation 19 from the 2011 final report from the Military Leadership Diversity Commission.
- i) **Sec. 573. Establishment of Special Inspector General for Racial and Ethnic Disparities in the Armed Forces.** Creates a Special IG to examine racial and ethnic disparities in the military personnel systems writ large and particularly in the military justice system. The Special IG would have the authority to make recommendations for improvements, and the Special IG would also investigate white supremacist activity in the military. This action follows recommendations from the Government Accountability Office that the Department needs to improve their capabilities to assess racial disparities.
- j) **Sec. 575. Report on Demographics of Officers Appointed to Certain Grades.** Requires each Secretary of a Military Department to submit a report to the Armed Services Committees summarizing the gender and race of each individual who received an appointment under section 531 or 601 of Title 10 during the immediately preceding fiscal year.
- k) **Sec. 576. Plans to Increase Female and Minority Representation in the Armed Forces.** Directs the Secretary of Defense and the Secretary of each Military Department to develop plans to increase female and minority representation in the ranks above the grade of E-7.


- l) **Sec. 579. Plan to Improve Responses to Pregnancy and Childbirth by Members of the Armed Forces and Employees of the Department of Defense.** Requires the Secretary of Defense to develop a plan to ensure members of the Armed Forces who are pregnant or recently gave birth will not have their careers unduly affected.
    - m) **Sec. 704. Improvement to Breast Cancer Screening.** Includes digital breast tomosynthesis as a covered procedure under TRICARE.
    - n) **Sec. 912. Chief Diversity Officers.** Requires that the Chief Diversity Officer of the Department of Defense report directly to the Secretary of Defense, and establishes a similar reporting structure for the Department of the Army, Navy, Air Force, and the Coast Guard. This action is Recommendation 15 from the 2011 final report from the Military Leadership Diversity Commission.
- 2) **H.R.7198, the PIPELINE Act (incorporated as Section 211 in H.R.6395).** This bipartisan legislation amends section 2192a of title 10, United States Code, by establishing a scholarship-for-service pilot subprogram under the Department's Science, Mathematics, and Research for Transformation Defense Education Program for students at minority institutions to diversify and strengthen the national security workforce.
- 3) **H.R.7157/S.3953, the FLIGHT Act (incorporated as Sec. 518 in H.R.6395 and Sec. 546 in S.4049).** This bipartisan and bicameral legislation requires two pilot programs to provide new resources for Reserve Officers' Training Corps (ROTC) students at Historically Black Colleges and Universities (HBCUs) and minority institutions, with special emphasis on support for flight training. We request that the conferees recede to the House language. We further request that the conferees replace the word "may" with the word "shall" in Subsec. 518(a) of H.R.6395.
- 4) **H.R.6574/S.3783, the PANORAMA Act (incorporated as Sec. 558 in H.R.6395).** This bipartisan and bicameral legislation requires the Department to standardize gender, race and ethnicity classifications and demographic categories across all service academies and to publish an annual report regarding the demographics of applicants and nominations made by each congressional district for the most recent application year.
- 5) **H.R.7126, the Department of Defense Anti-Semitism and Racism Awareness Act of 2020 (incorporated as Sec. 574 in H.R.6395 and Sec. 5586 in S.4094).** This bipartisan and bicameral legislation directs the Department to update the workplace and equal opportunity and workplace and gender relations surveys to include experiences with racist, supremacist, anti-Semitic, or extremist activity. We request that the conferees recede to the Senate language.
- 6) **H.R.7125/S.3093, the ELITE Act (incorporated as Sec. 577 in H.R.6395 and Sec. 519 in S.4049).** This bipartisan and bicameral legislation directs the Department to enter into an agreement with a federally funded research and development center to conduct an evaluation of the barriers to minority participation in certain elite units of the Armed Forces and to implement those recommendations unless a waiver is submitted to Congress.
- 7) **Sec. 3118. Reports on diversity of certain contractor employees of National Nuclear Security Administration.** Directs the Administrator of the National Nuclear Security Administration (NNSA) to submit a report to the congressional defense committees on an annual basis through 2022 regarding diversity in hiring and retention at the NNSA's laboratories plants and sites.


- 8) **Funding for HBCU/Minority Serving Institutions.** We request that the conferees authorize \$81.3M in funding in Research, Development, Test, & Eval, Defense Wide for PE 0601228D8Z, Historically Black Colleges and Universities/Minority Institutions. This is the level at which the House appropriated funds in the FY 2021 Defense Appropriations Act.
- 9) **Sec. 1791. Waiver authority with respect to institutions located in an area affected by Hurricane Maria.** Continues current waiver authority for Historically Black Colleges and Universities (HBCUs) in areas impacted by Hurricane Maria to use pre-disaster FY 2017 enrollment data for purposes of post-disaster Title III HBCU funding, through FY 2022.

The provisions listed above – all of which were included in the bill on a bipartisan basis – will enable and encourage the Department to more effectively diversify the total force and retain personnel representative of the nation’s diversity. Additionally, these provisions will enable the Department to more fully access the broad range of diverse talent available in the United States.

We commend you on your leadership and commitment to our servicemembers, and we urge you to preserve these bipartisan provisions related to diversity and inclusion in the final FY 2021 NDAA.


Sincerely,


  
GILBERT R. CISNEROS, JR.  
Member of Congress

  
ANTHONY G. BROWN  
Member of Congress

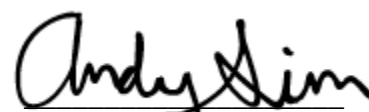
  
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