

116TH CONGRESS
2D SESSION

H. R. 8099

To amend titles 10 and 14, United States Code, to include certain diversity-related requirements for the Armed Forces and the Coast Guard, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 25, 2020

Mr. BROWN of Maryland (for himself, Ms. SPEIER, Ms. ESCOBAR, Ms. HAALAND, Mr. CISNEROS, Ms. HOULAHAN, Mr. TURNER, Mr. FITZPATRICK, and Mr. KIM) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Transportation and Infrastructure, and Oversight and Reform, 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 amend titles 10 and 14, United States Code, to include certain diversity-related requirements for the Armed Forces and the Coast Guard, 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.**

4 This Act may be cited as the “Diversity in Defense
5 Act of 2020”.

1 **SEC. 2. CHIEF DIVERSITY OFFICERS.**

2 (a) DEPARTMENT OF DEFENSE.—

3 (1) IN GENERAL.—Chapter 4 of title 10, United
4 States Code, is amended by inserting after section
5 132a the following new section:

6 **“§ 133. Chief Diversity Officer**

7 “(a) CHIEF DIVERSITY OFFICER.—(1) There is a
8 Chief Diversity Officer of the Department of Defense, ap-
9 pointed from civilian life by the President, by and with
10 the advice and consent of the Senate.

11 “(2) The Chief Diversity Officer shall be appointed
12 from among persons who have an extensive management
13 or business background and experience with diversity and
14 inclusion. A person may not be appointed as Chief Diver-
15 sity Officer within seven years after relief from active duty
16 as a commissioned officer of a regular component of an
17 armed force.

18 “(b) POWERS AND DUTIES.—The Chief Diversity Of-
19 ficer—

20 “(1) is responsible for policy, oversight, guid-
21 ance, and coordination for all matters of the Depart-
22 ment of Defense related to diversity and inclusion,
23 including matters in connection with the armed
24 forces and members of the armed forces and the ci-
25 vilian employees of the Department;

1 “(2) exercises authority to direct the Secre-
2 taries of the military departments and the heads of
3 all other elements of the Department with regard to
4 matters for which the Chief Diversity Officer has re-
5 sponsibility under this section;

6 “(3) exercises authority, direction, and control
7 over the Office of People Analytics, or any successor
8 organization;

9 “(4) shall establish and maintain a Department
10 of Defense strategic plan that publicly states a di-
11 versity definition, vision, and goals for the Depart-
12 ment;

13 “(5) shall define a set of strategic metrics that
14 are directly linked to key organizational priorities
15 and goals, actionable, and actively used to imple-
16 ment the strategic plan;

17 “(6) shall establish training in diversity dynam-
18 ics and training in practices for leading diverse
19 groups effectively;

20 “(7) shall establish and maintain a strategic
21 plan for diverse participation by institutions of high-
22 er education (including Historically Black colleges
23 and universities and minority-serving institutions),
24 Federally funded research and development centers,

1 and individuals in defense-related research, develop-
2 ment, testing, and evaluation activities;

3 “(8) shall establish and maintain a strategic
4 plan for outreach to, and recruiting from, untapped
5 locations and underrepresented demographic groups;

6 “(9) shall conduct regular, rigorous evaluations
7 and assessments of diversity within the Department;
8 and

9 “(10) shall perform such additional duties and
10 exercise such powers as the Secretary of Defense
11 may prescribe.

12 “(c) PRECEDENCE IN THE DEPARTMENT OF DE-
13 FENSE.—(1) The Chief Diversity Officer shall report di-
14 rectly to the Secretary of Defense in the performance of
15 duties under this section.

16 “(2) The Chief Diversity Officer takes precedence in
17 the Department of Defense after the Chief Management
18 Officer of the Department of Defense.

19 “(d) DEFINITIONS.—In this section:

20 “(1) The term ‘Historically Black colleges and
21 universities’ means part B institutions (as that term
22 is defined in section 322 of the Higher Education
23 Act of 1965 (20 U.S.C. 1061).

24 “(2) The term ‘minority-serving institutions’
25 means institutions described in section 371(a) of the

1 Higher Education Act of 1965 (20 U.S.C.
2 1067q(a)).”.

3 (2) CONFORMING AMENDMENTS ON PRECE-
4 DENCE IN OSD.—Chapter 4 of such title is further
5 amended—

6 (A) in section 131(b)—

7 (i) by redesignated paragraphs (3)
8 through (9) as paragraphs (4) through
9 (10), respectively; and

10 (ii) by inserting after paragraph (2)
11 the following new paragraph (3):

12 “(3) The Chief Diversity Officer of the Depart-
13 ment of Defense.”;

14 (B) in section 133a(c)—

15 (i) in paragraph (1), by striking “and
16 the Chief Information Officer of the De-
17 partment of Defense” and inserting “the
18 Chief Information Officer of the Depart-
19 ment of Defense, and the Chief Diversity
20 Officer of the Department of Defense”;
21 and

22 (ii) in paragraph (2), by inserting
23 “the Chief Diversity Officer,” after “the
24 Chief Management Officer,”; and

25 (C) in section 133b(c)—

1 (i) in paragraph (1), by striking “and
 2 the Chief Information Officer of the De-
 3 partment of Defense” and inserting “the
 4 Chief Information Officer of the Depart-
 5 ment of Defense, and the Chief Diversity
 6 Officer of the Department of Defense”;
 7 and

8 (ii) in paragraph (2), by inserting
 9 “the Chief Diversity Officer,” after “the
 10 Chief Management Officer,”.

11 (3) JOINT RESPONSIBILITY WITH USD(P&R).—
 12 Section 136(b) of such title is amended by inserting
 13 “the Chief Diversity Officer and” after “control of
 14 the Secretary of Defense,”.

15 (4) CLERICAL AMENDMENT.—The table of sec-
 16 tions at the beginning of chapter 4 of such title is
 17 amended by inserting after the item relating to sec-
 18 tion 132a the following new item:

“133. Chief Diversity Officer.”.

19 (b) DEPARTMENT OF THE ARMY.—

20 (1) IN GENERAL.—Chapter 703 of title 10,
 21 United States Code, is amended by inserting after
 22 section 7015 the following new section:

23 **“§ 7015a. Chief Diversity Officer**

24 “(a) CHIEF DIVERSITY OFFICER.—(1) There is a
 25 Chief Diversity Officer of the Department of the Army,

1 appointed from civilian life by the President, by and with
2 the advice and consent of the Senate.

3 “(2) The Chief Diversity Officer shall be appointed
4 from among persons who have an extensive management
5 or business background and experience with diversity and
6 inclusion,

7 “(b) POWERS AND DUTIES.—The Chief Diversity Of-
8 ficer—

9 “(1) is responsible for policy, oversight, guid-
10 ance, and coordination for all matters of the Depart-
11 ment of the Army related to diversity and inclusion,
12 including matters in connection with the Army and
13 members of the Army and the civilian employees of
14 the Department;

15 “(2) exercises authority to direct the heads of
16 all other elements of the Department with regard to
17 matters for which the Chief Diversity Officer has re-
18 sponsibility under this section;

19 “(3) shall establish training in diversity dynam-
20 ics and training in practices for leading diverse
21 groups effectively;

22 “(4) shall conduct regular, rigorous evaluations
23 and assessments of diversity within the Department;
24 and

1 “(5) shall perform such additional duties and
 2 exercise such powers as the Secretary of the Army
 3 may prescribe.”.

4 (2) PRECEDENCE IN OFFICE OF SECRETARY OF
 5 THE ARMY.—Section 7014(b) of such title is amend-
 6 ed—

7 (A) by redesignating paragraphs (2)
 8 through (8) as paragraphs (3) through (9), re-
 9 spectively; and

10 (B) by inserting after paragraph (1) the
 11 following new paragraph (2):

12 “(2) The Chief Diversity Officer of the Depart-
 13 ment of the Army.”.

14 (3) DIVERSITY AND INCLUSION AMONG RE-
 15 SPONSIBILITIES OF OFFICE OF SECRETARY OF THE
 16 ARMY.—Section 7014(c)(1) of such title is amended
 17 by adding at the end the following new subpara-
 18 graph:

19 “(H) Diversity and inclusion.”.

20 (4) CLERICAL AMENDMENT.—The table of sec-
 21 tions at the beginning of chapter 703 of such title
 22 is amended by inserting after the item relating to
 23 section 7015 the following new item:

“7015a. Chief Diversity Officer.”.

24 (c) DEPARTMENT OF THE NAVY.—

1 (1) IN GENERAL.—Chapter 803 of title 10,
2 United States Code, is amended by inserting after
3 section 8015 the following new section:

4 **“§ 8015a. Chief Diversity Officer**

5 “(a) CHIEF DIVERSITY OFFICER.—(1) There is a
6 Chief Diversity Officer of the Department of the Navy,
7 appointed from civilian life by the President, by and with
8 the advice and consent of the Senate.

9 “(2) The Chief Diversity Officer shall be appointed
10 from among persons who have an extensive management
11 or business background and experience with diversity and
12 inclusion.

13 “(b) POWERS AND DUTIES.—The Chief Diversity Of-
14 ficer—

15 “(1) is responsible for policy, oversight, guid-
16 ance, and coordination for all matters of the Depart-
17 ment of the Navy related to diversity and inclusion,
18 including matters in connection with the Navy and
19 the Marine Corps and members of the Navy and the
20 Marine Corps and the civilian employees of the De-
21 partment;

22 “(2) exercises authority to direct the heads of
23 all other elements of the Department with regard to
24 matters for which the Chief Diversity Officer has re-
25 sponsibility under this section;

1 “(3) shall establish training in diversity dynam-
2 ics and training in practices for leading diverse
3 groups effectively;

4 “(4) shall conduct regular, rigorous evaluations
5 and assessments of diversity within the Department;
6 and

7 “(5) shall perform such additional duties and
8 exercise such powers as the Secretary of the Navy
9 may prescribe.”.

10 (2) PRECEDENCE IN OFFICE OF SECRETARY OF
11 THE NAVY.—Section 8014(b) of such title is amend-
12 ed—

13 (A) by redesignating paragraphs (2)
14 through (8) as paragraphs (3) through (9), re-
15 spectively; and

16 (B) by inserting after paragraph (1) the
17 following new paragraph (2):

18 “(2) The Chief Diversity Officer of the Depart-
19 ment of the Navy.”.

20 (3) DIVERSITY AND INCLUSION AMONG RE-
21 SPONSIBILITIES OF OFFICE OF SECRETARY OF THE
22 NAVY.—Section 8014(c)(1) of such title is amended
23 by adding at the end the following new subpara-
24 graph:

25 “(H) Diversity and inclusion.”.

1 (4) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of chapter 803 of such title
3 is amended by inserting after the item relating to
4 section 8015 the following new item:

“8015a. Chief Diversity Officer.”.

5 (d) DEPARTMENT OF THE AIR FORCE.—

6 (1) IN GENERAL.—Chapter 903 of title 10,
7 United States Code, is amended by inserting after
8 section 9015 the following new section:

9 **“§ 9015a. Chief Diversity Officer**

10 “(a) CHIEF DIVERSITY OFFICER.—(1) There is a
11 Chief Diversity Officer of the Department of the Air
12 Force, appointed from civilian life by the President, by
13 and with the advice and consent of the Senate.

14 “(2) The Chief Diversity Officer shall be appointed
15 from among persons who have an extensive management
16 or business background and experience with diversity and
17 inclusion.

18 “(b) POWERS AND DUTIES.—The Chief Diversity Of-
19 ficer—

20 “(1) is responsible for policy, oversight, guid-
21 ance, and coordination for all matters of the Depart-
22 ment of the Air Force related to diversity and inclu-
23 sion, including matters in connection with the Air
24 Force and the Space Force and members of the Air

1 Force and the Space Force and the civilian employ-
2 ees of the Department;

3 “(2) exercises authority to direct the heads of
4 all other elements of the Department with regard to
5 matters for which the Chief Diversity Officer has re-
6 sponsibility under this section;

7 “(3) shall establish training in diversity dynam-
8 ics and training in practices for leading diverse
9 groups effectively;

10 “(4) shall conduct regular, rigorous evaluations
11 and assessments of diversity within the Department;
12 and

13 “(5) shall perform such additional duties and
14 exercise such powers as the Secretary of the Air
15 Force may prescribe.”.

16 (2) PRECEDENCE IN OFFICE OF SECRETARY OF
17 THE AIR FORCE.—Section 9014(b) of such title is
18 amended—

19 (A) by redesignating paragraphs (2)
20 through (7) as paragraphs (3) through (8), re-
21 spectively; and

22 (B) by inserting after paragraph (1) the
23 following new paragraph (2):

24 “(2) The Chief Diversity Officer of the Depart-
25 ment of the Air Force.”.

1 (3) DIVERSITY AND INCLUSION AMONG RE-
 2 SPONSIBILITIES OF OFFICE OF SECRETARY OF THE
 3 AIR FORCE.—Section 8014(c)(1) of such title is
 4 amended by adding at the end the following new
 5 subparagraph:

6 “(H) Diversity and inclusion.”.

7 (4) CLERICAL AMENDMENT.—The table of sec-
 8 tions at the beginning of chapter 903 of such title
 9 is amended by inserting after the item relating to
 10 section 9015 the following new item:

“9015a. Chief Diversity Officer.”.

11 (e) COAST GUARD.—

12 (1) IN GENERAL.—Chapter 3 of title 14, United
 13 States Code, is amended by adding at the end the
 14 following new section:

15 **“§ 321. Chief Diversity Officer**

16 “(a) ESTABLISHMENT.—(1) There is a Chief Diver-
 17 sity Officer of the Coast Guard, appointed from civilian
 18 life by the President, by and with the advice and consent
 19 of the Senate.

20 “(2) The Chief Diversity Officer shall be appointed
 21 from among persons who have an extensive management
 22 or business background and experience with diversity and
 23 inclusion.

24 “(b) POWERS AND DUTIES.—The Chief Diversity Of-
 25 ficer—

1 “(1) is responsible for policy, oversight, guid-
2 ance, and coordination for all matters of the Coast
3 Guard related to diversity and inclusion;

4 “(2) exercises authority to direct the heads of
5 all other elements of the Coast Guard with regard
6 to matters for which the Chief Diversity Officer has
7 responsibility under this section;

8 “(3) shall establish training in diversity dynam-
9 ics and training in practices for leading diverse
10 groups effectively;

11 “(4) shall conduct regular, rigorous evaluations
12 and assessments of diversity within the Coast
13 Guard; and

14 “(5) shall perform such additional duties and
15 exercise such powers as the Commandant may pre-
16 scribe.

17 “(c) REPORTING.—The Chief Diversity Officer shall
18 report directly to the Commandant in the performance of
19 duties under this section.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 3 of such title is
22 amended by adding at the end the following new
23 item:

“321. Chief Diversity Officer.”.

24 (f) EXECUTIVE SCHEDULE MATTERS.—

1 (1) LEVEL II.—Section 5313 of title 5, United
2 States Code, is amended by inserting after the item
3 relating to the Chief Management Officer of the De-
4 partment of Defense the following new item:

5 “Chief Diversity Officer of the Department of
6 Defense.”.

7 (2) LEVEL III.—Section 5314 of title 5, United
8 States Code, is amended—

9 (A) by inserting after the item relating to
10 the Under Secretary of the Navy the following
11 new items:

12 “Chief Diversity Officer of the Department
13 of the Army.

14 “Chief Diversity Officer of the Department
15 of the Navy.

16 “Chief Diversity Officer of the Department
17 of the Air Force.”; and

18 (B) by adding at the end the following new
19 item:

20 “Chief Diversity Officer of the Coast
21 Guard.”.

22 (g) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on February 1, 2021.

1 **SEC. 3. DIVERSITY AND INCLUSION ADVISORY COUNCIL OF**
2 **THE DEPARTMENT OF DEFENSE.**

3 (a) IN GENERAL.—Chapter 7 of title 10, United
4 States Code, is amended by inserting before section 187
5 the following:

6 **“§ 186. Diversity and Inclusion Advisory Council**

7 “(a) IN GENERAL.—The Secretary of Defense shall
8 establish and maintain within the Department of Defense
9 a council to be known as the ‘Diversity and Inclusion Advi-
10 sory Council of the Department of Defense’ (referred to
11 in this section as the ‘Council’).

12 “(b) MEMBERSHIP.—

13 “(1) IN GENERAL.—The Council shall be com-
14 posed of not fewer than 22 members, including the
15 Federal officers specified in paragraph (2), and not
16 fewer than 12 members appointed by the Secretary
17 from nongovernmental positions described in para-
18 graph (3).

19 “(2) FEDERAL OFFICERS.—The Federal offi-
20 cers specified in this paragraph are the following:

21 “(A) The Chief Diversity Officer of the
22 Department of Defense.

23 “(B) The Under Secretary of Defense for
24 Personnel and Readiness.

25 “(C) The Chief of Staff of the Army.

26 “(D) The Chief of Naval Operations.

1 “(E) The Chief of Staff of the Air Force.

2 “(F) The Chief of Space Operations.

3 “(G) The Chief of Staff of the Air Force.

4 “(H) The Commandant of the Marine
5 Corps.

6 “(I) The Commandant of the Coast Guard.

7 “(J) The Chief of the National Guard Bu-
8 reau.

9 “(3) NONGOVERNMENTAL POSITIONS.—Non-
10 governmental positions described in this paragraph
11 are the following:

12 “(A) Five presidents or chancellors of in-
13 stitutions of higher education, including private
14 and public institutions representing diverse
15 areas of the United States.

16 “(B) Senior leaders of the defense indus-
17 tries of the United States.

18 “(C) Senior leaders of veterans or military
19 service organizations.

20 “(D) Veterans (as defined in section 101
21 of title 38).

22 “(E) Others determined appropriate by the
23 Secretary.

24 “(4) TIMING OF APPOINTMENTS.—Appoint-
25 ments to the Council shall be made not later than

1 four months after the date of the enactment of this
2 section.

3 “(5) TERMS.—

4 “(A) IN GENERAL.—Each member shall be
5 appointed for a term of two years.

6 “(B) VACANCIES.—Any member appointed
7 to fill a vacancy occurring before the expiration
8 of the term for which the member’s predecessor
9 was appointed shall be appointed only for the
10 remainder of that term. A member may serve
11 after the expiration of that term until a suc-
12 cessor has been appointed.

13 “(6) CHAIR AND VICE CHAIR.—

14 “(A) CHAIR.—The Chief Diversity Officer
15 of the Department of Defense shall be the
16 Chair of the Council.

17 “(B) VICE CHAIR.—The Vice Chair shall
18 be designated by the Secretary at the time of
19 the appointment of the members pursuant to
20 paragraph (4), and when a vacancy of the Vice
21 Chair occurs, as the case may be.

22 “(c) MEETING.—

23 “(1) MEETINGS.—The Council shall meet not
24 fewer than four times each year at the call of the
25 Chair or Vice Chair.

1 “(2) QUORUM.—Twelve members of the Coun-
2 cil, including six appointed under subsection (c)(2)
3 and six appointed under subsection (c)(3), shall con-
4 stitute a quorum.

5 “(d) DUTIES.—The Council shall provide advice and
6 recommendations to the Secretary on matters concerning
7 diversity and inclusion in the Department of Defense, re-
8 lating to the following:

9 “(1) Aligning diversity and inclusion with the
10 strategic goals of the Department.

11 “(2) Conducting strategic outreach efforts to
12 identify, attract, and recruit individuals that rep-
13 resent the demographic diversity of the United
14 States.

15 “(3) Developing, mentoring, and retaining a di-
16 verse and inclusive armed forces.

17 “(4) Encouraging leadership development
18 through diversity and inclusion practices and proc-
19 esses.

20 “(e) COMPENSATION.—

21 “(1) PROHIBITION ON COMPENSATION.—Except
22 as provided in paragraph (2), members of the Coun-
23 cil may not receive additional pay, allowances, or
24 benefits by reason of their service on the Council.

1 “(2) TRAVEL EXPENSES.—Each member shall
 2 receive travel expenses, including per diem in lieu of
 3 subsistence, in accordance with applicable provisions
 4 under subchapter I of chapter 57 of title 5.

5 “(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon
 6 the request of the Council, the Secretary shall provide to
 7 the Council, on a reimbursable basis, the administrative
 8 support services necessary for the Council to carry out its
 9 responsibilities under this section.

10 “(g) REPORTS.—Not later than 180 days after the
 11 date on which the Council holds its initial meeting under
 12 subsection (c) and annually thereafter, the Council shall
 13 submit to the congressional defense committees a report
 14 containing a detailed statement of the advice and rec-
 15 ommendations of the Council pursuant to subsection (d).”.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 at the beginning of chapter 7 of such title is amended by
 18 inserting before the item relating to section 187 the fol-
 19 lowing:

“186. Diversity and Inclusion Advisory Council.”.

20 **SEC. 4. DIVERSITY AND INCLUSION REPORTING REQUIRE-**
 21 **MENTS.**

22 (a) STANDARD DIVERSITY METRICS AND ANNUAL
 23 REPORTING REQUIREMENT.—Section 113 of title 10,
 24 United States Code is amended—

25 (1) in subsection (c)—

1 (A) by redesignating paragraphs (2) and
2 (3) as paragraphs (3) and (4), respectively; and

3 (B) by inserting after paragraph (1) the
4 following new paragraph (2):

5 “(2) a report from each military department on
6 the goals, barriers, and status of diversity and inclu-
7 sion of that military department;”;

8 (2) in subsection (g)(1)(B), by inserting after
9 clause (vi) the following new clause:

10 “(vii) Strategic metrics and benchmarks evalu-
11 ating how the officer and enlisted corps reflects the
12 eligible United States population across all armed
13 forces and grades.”;

14 (3) by redesignating subsections (m) and (n) as
15 subsections (n) and (o), respectively; and

16 (4) by inserting after subsection (k), the fol-
17 lowing new subsections (l) and (m):

18 “(l)(1) The Secretary of Defense shall establish and
19 maintain a standard set of strategic metrics and bench-
20 marks toward the achievement of each of the objectives
21 as follows:

22 “(A) An officer and enlisted corps that reflects
23 the eligible United States population across all
24 armed forces and grades.

1 “(B) A military force that is able to prevail in
2 its wars, prevent and deter conflict, defeat adver-
3 saries and succeed in a wide range of contingencies,
4 and preserve and enhance the all-volunteer force.

5 “(2) In implementing the requirement in paragraph
6 (1), the Secretary shall—

7 “(A) establish a universal data collection system
8 to ensure comparability across each military depart-
9 ment;

10 “(B) establish standard definitions of demo-
11 graphic groups, a common methodology, and a com-
12 mon reporting structure across each military depart-
13 ment;

14 “(C) conduct annual barrier analyses to review
15 demographic diversity patterns across the military
16 life cycle, starting with accessions; and

17 “(D) each year meet with the Secretaries of the
18 military departments, the Chiefs of Staff of the
19 armed forces, and the Chairman of the Joint Chiefs
20 of Staff to assess progress towards the objectives
21 specified in paragraph (1) and establish rec-
22 ommendations to meet such objectives.

23 “(m) The Secretary shall include in each national de-
24 fense strategy under subsection (g)—

1 “(1) the demographics, disaggregated by grade,
2 ethnicity, race, gender, and military occupational
3 specialty, for—

4 “(A) accession into the armed forces;

5 “(B) the enlisted corps;

6 “(C) the commissioned officers;

7 “(D) graduates of the military service
8 academies;

9 “(E) the rate of promotion in the pro-
10 motion zone;

11 “(F) the rate of promotion below the zone
12 for promotion;

13 “(G) the rates of retention;

14 “(H) command selection;

15 “(I) special assignments;

16 “(J) career broadening assignments;

17 “(K) aides to general officers and flag offi-
18 cers; and

19 “(L) any other matter the Secretary deter-
20 mines appropriate;

21 “(2) an analysis of assignment patterns by eth-
22 nicity, race, and gender;

23 “(3) an analysis of attitudinal survey data by
24 ethnicity, race, and gender;

1 “(4) an assessment of the available pool of
2 qualified of Asian American, Native Hawaiian, Pa-
3 cific Islander, African American, Hispanic, Puerto
4 Rican, Native American, Alaska Native and female
5 candidates for positions in pay grades O–9 and O–
6 10;

7 “(5) identification of persistent, group-specific
8 deviations from overall averages and plans to inves-
9 tigate underlying causes; and

10 “(6) summaries of progress made on previous
11 actions.”.

12 (b) NATIONAL GUARD DIVERSITY REPORTING.—Sec-
13 tion 10504 of title 10, United States Code is amended
14 by adding at the end the following new subsection (d):

15 “(d) REPORT ON DIVERSITY AND INCLUSION.—(1)
16 Not less than once every four years, the Chief of the Na-
17 tional Guard Bureau shall report in writing to the Sec-
18 retary of Defense and Congress on the status of diversity
19 in each State, Territory, and the District of Columbia for
20 all grades of the Army National Guard and Air National
21 Guard.

22 “(2) Each report under paragraph (1) shall include—

23 “(A) the demographics, disaggregated by State,
24 grade, ethnicity, race, gender, and military occupa-
25 tional specialty, for—

- 1 “(i) accession into the National Guard;
- 2 “(ii) the enlisted corps;
- 3 “(iii) the commissioned officers;
- 4 “(iv) the rate of promotion in the pro-
- 5 motion zone;
- 6 “(v) the rate of promotion below the zone
- 7 for promotion;
- 8 “(vi) the rates of retention;
- 9 “(vii) command selection;
- 10 “(viii) special assignments;
- 11 “(ix) career broadening assignments;
- 12 “(x) aides to a general officer; and
- 13 “(xi) any other matter the Chief of the Na-
- 14 tional Guard Bureau determines appropriate;
- 15 “(B) an analysis of assignment patterns by eth-
- 16 nicity, race, and gender;
- 17 “(C) an analysis of attitudinal survey data by
- 18 ethnicity, race, and gender;
- 19 “(D) an assessment of the available pool of
- 20 qualified of Asian American, Native Hawaiian, Pa-
- 21 cific Islander, African American, Hispanic, Puerto
- 22 Rican, Native American, Alaska Native and female
- 23 candidates for National Guard positions in pay
- 24 grades O–9 and O–10;

1 “(E) identification of persistent, group-specific
 2 deviations from overall averages and plans to inves-
 3 tigate underlying causes; and

4 “(F) summaries of progress made on previous
 5 actions.

6 “(3) The Chief of the National Guard Bureau shall—

7 “(A) publish on an appropriate publicly avail-
 8 able website of the National Guard the reports re-
 9 quired under paragraph (1); and

10 “(B) ensure that any data included with the re-
 11 port is made available in a machine-readable format
 12 that is downloadable, searchable, and sortable.”.

13 (c) COAST GUARD DIVERSITY REPORTING.—

14 (1) ANNUAL REPORT IN COAST GUARD AUTHOR-
 15 IZATION REQUEST.—Section 5101(b) of title 14,
 16 United States Code, is amended—

17 (A) by redesignating paragraphs (2) and
 18 (3) as paragraphs (3) and (4), respectively; and

19 (B) by inserting after paragraph (1) the
 20 following new paragraph (2):

21 “(2) the goals, barriers, and status of diversity
 22 and inclusion;”.

23 (2) QUADRENNIAL REPORT.—Chapter 51 of
 24 such title is amended by inserting after section 5104
 25 the following new section:

1 **“§ 5104a. Quadrennial report on diversity and inclu-**
2 **sion**

3 “Not less than once every four years, the Secretary
4 shall include in the Coast Guard authorization request
5 under section 5101 of this title—

6 “(1) the demographics, disaggregated by grade,
7 ethnicity, race, gender, and military occupational
8 specialty, for—

9 “(A) accession into the Coast Guard;

10 “(B) the enlisted corps;

11 “(C) the commissioned officers;

12 “(D) graduates of the Coast Guard Acad-
13 emy;

14 “(E) the rate of promotion in the pro-
15 motion zone;

16 “(F) the rate of promotion below the zone
17 for promotion;

18 “(G) the rates of retention;

19 “(H) command selection;

20 “(I) special assignments;

21 “(J) career broadening assignments;

22 “(K) aides to a flag officer; and

23 “(L) any other matter the Secretary deter-
24 mines appropriate;

25 “(2) an analysis of assignment patterns by eth-
26 nicity, race, and gender;

1 “(3) an analysis of attitudinal survey data by
2 ethnicity, race, and gender;

3 “(4) an assessment of the available pool of
4 qualified of Asian American, Native Hawaiian, Pa-
5 cific Islander, African American, Hispanic, Puerto
6 Rican, Native American, Alaska Native and female
7 candidates for Coast Guard positions in pay grades
8 O–9 and O–10;

9 “(5) identification of persistent, group-specific
10 deviations from overall averages and plans to inves-
11 tigate underlying causes; and

12 “(6) summaries of progress made on previous
13 actions.”.

14 (3) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of chapter 51 of such title is
16 amended by inserting after the item relating to sec-
17 tion 5104 the following new item:

“5104a. Quadrennial report on diversity and inclusion.”.

18 (d) CONSIDERATION OF DIVERSITY IN APPOINT-
19 MENTS OF OFFICERS TO O–9 AND O–10 GRADES.—

20 (1) ARMY, NAVY, AIR FORCE, MARINE CORPS,
21 AND SPACE FORCE.—Section 601 of title 10, United
22 States Code is amended by adding at the end the
23 following new subsections:

24 “(e) The Chairman of the Joint Chiefs of Staff shall
25 consider all Asian American, Native Hawaiian, Pacific Is-

1 lander, African American, Hispanic, Puerto Rican, Native
2 American, Alaska Native and female candidates prior to
3 recommending to the President an initial appointment to
4 the grade of lieutenant general or vice admiral, or an ini-
5 tial appointment to the grade of general or admiral under
6 subsection (a).

7 “(f) When seeking the advice and consent of the Sen-
8 ate for the appointment of an officer under subsection (a),
9 the President shall submit to the Committee on Armed
10 Services of the Senate a certification—

11 “(1) that all Asian American, Native Hawaiian,
12 Pacific Islander, African American, Hispanic, Puerto
13 Rican, Native American, Alaska Native and female
14 candidates were considered for appointment; and

15 “(2) that—

16 “(A) none of the candidates under para-
17 graph (1) met the qualifications needed by an
18 officer serving in that position or office to carry
19 out effectively the duties and responsibilities of
20 that position or office; or

21 “(B) the officers currently serving in the
22 positions designated under subsection (a) rep-
23 resent the diversity of the armed forces to the
24 extent practicable.”.

1 (2) O–9 GRADES IN COAST GUARD.—Section
2 305(a) of title 14, United States Code, is amended
3 by adding at the end the following new paragraphs:

4 “(4) The Commandant shall consider all Asian Amer-
5 ican, Native Hawaiian, Pacific Islander, African Amer-
6 ican, Hispanic, Puerto Rican, Native American, Alaska
7 Native and female candidates prior to recommending to
8 the President an initial appointment to the grade of vice
9 admiral under this subsection.

10 “(5) When seeking the advice and consent of the Sen-
11 ate for the appointment of an officer under paragraph (2),
12 the President shall submit to the committee of the Senate
13 with jurisdiction over the department in which the Coast
14 Guard is operating a certification—

15 “(A) that all Asian American, Native Hawaiian,
16 Pacific Islander, African American, Hispanic, Puerto
17 Rican, Native American, Alaska Native and female
18 candidates were considered for appointment; and

19 “(B) that—

20 “(i) none of the candidates under subpara-
21 graph (A) met the qualifications needed by an
22 officer serving in that position or office to carry
23 out effectively the duties and responsibilities of
24 that position or office; or

1 “(ii) the officers currently serving in the
 2 positions designated under paragraph (1) rep-
 3 resent the diversity of the Coast Guard to the
 4 extent practicable.”.

5 **SEC. 5. REPORT ON DEMOGRAPHICS OF OFFICERS AP-**
 6 **POINTED TO CERTAIN GRADES.**

7 Not later than the first October 1 to occur after the
 8 date of the enactment of this Act, and annually thereafter,
 9 each Secretary of a military department shall submit to
 10 the Committees on Armed Services of the Senate and the
 11 House of Representatives a report summarizing the gen-
 12 der and race of each individual who received an appoint-
 13 ment under section 531 or 601 of title 10, United States
 14 Code, during the immediately preceding fiscal year.

15 **SEC. 6. MENTORING AND CAREER COUNSELING PROGRAM.**

16 (a) PROGRAM REQUIRED.—

17 (1) IN GENERAL.—Chapter 107 of title 10,
 18 United States Code, is amended by adding at the
 19 end the following new section:

20 **“§ 2158. Mentoring and career counseling program**

21 “(a) IN GENERAL.—The Secretary of Defense, in co-
 22 ordination with the Secretaries of the military depart-
 23 ments and the Chief Diversity Officer, shall carry out a
 24 program for mentoring and career counseling that—

1 “(1) ensures that the occupancy of each mili-
2 tary occupational specialty and career field reflects
3 the demographics of the armed forces; and

4 “(2) ensures that the membership of each grade
5 of each armed force reflects the demographics of the
6 armed forces.

7 “(b) PROGRAM DESCRIPTION AND COMPONENTS.—
8 The program under subsection (a) shall—

9 “(1) include mentoring and career counseling
10 efforts that start prior to the initial career field deci-
11 sion point and continue throughout the career of
12 each participating member;

13 “(2) provide guidance on accession into the
14 military occupational specialties and career fields
15 that experience the highest rates and greatest num-
16 ber of promotions to a grade above O-6; and

17 “(3) promote information regarding career
18 choices, including opportunities in the reserve com-
19 ponents, to optimize the ability of a participating
20 member to make informed career choices from acces-
21 sion to retirement.

22 “(c) EVALUATION METRICS.—The Secretary shall es-
23 tablish and maintain metrics to evaluate the effectiveness
24 of the program under this section.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of chapter 107 of such title
3 is amended by at the end the following new item:

“2158. Mentoring and career counseling program.”.

4 (b) INTERIM REPORT.—

5 (1) REPORT REQUIRED.—Not later than 120
6 days after the date of the enactment of this Act, the
7 Secretary of Defense shall submit to the congres-
8 sional defense committees a report on the implemen-
9 tation of section 2158 of title 10, United States
10 Code, as added by subsection (a).

11 (2) ELEMENTS.—The report under paragraph
12 (1) shall include the following:

13 (A) A description and assessment of the
14 manner in which the Department of Defense
15 shall implement the program under subsection
16 (a) of such section 2158.

17 (B) The initial evaluation metrics devel-
18 oped under subsection (c) of such section 2158.

19 (C) An explanation of whether the pro-
20 gram will be carried out as part of another pro-
21 gram of the Department or through the estab-
22 lishment of a separate program.

23 (D) A comprehensive description of the ad-
24 ditional personnel, resources, and training that
25 will be required to implement the program, in-

cluding identification of the specific number of additional billets that will be needed to staff the program.

(E) Recommendations of the Secretary for additional legislation that the Secretary determines necessary to effectively and efficiently implement the program.

(c) ANNUAL REPORT.—

(1) REPORT REQUIRED.—Not later than October 1, 2022, and annually thereafter for three years, the Secretary of Defense shall submit to the congressional defense committees a report on the program under section 2158 of title 10, United States Code, as added by subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall include, disaggregated by Armed Force, the following:

(A) The most current evaluation metrics developed under subsection (c) of such section 2158.

(B) The number of individuals, disaggregated by grade, ethnicity, race, and gender, who were eligible for participation in the program.

1 (C) An assessment of the effectiveness of
2 the program in advancing the careers of minor-
3 ity commissioned officers.

4 (d) PUBLICATION.—The Secretary of Defense shall—

5 (1) publish on an appropriate publicly available
6 website of the Department of Defense the reports re-
7 quired by subsections (b) and (c); and

8 (2) ensure that any data included with each
9 such report is made available in a machine-readable
10 format that is downloadable, searchable, and sort-
11 able.

12 (e) IMPLEMENTATION DATE.—The Secretary of De-
13 fense shall implement the program under section 2158 of
14 title 10, United States Code, as added by subsection (a),
15 not later than one year after the date of the enactment
16 of this Act.

17 (f) DEFINITIONS.—In this section:

18 (1) The term “congressional defense commit-
19 tees” has the meaning given that term in section
20 101(a)(16) of title 10, United States Code.

21 (2) The term “minority person” means any in-
22 dividual who is a citizen of the United States and
23 who is—

24 (A) Asian American;

25 (B) Native Hawaiian;

- 1 (C) a Pacific Islander;
- 2 (D) African American;
- 3 (E) Hispanic;
- 4 (F) Puerto Rican;
- 5 (G) Native American;
- 6 (H) an Alaska Native; or
- 7 (I) female.

8 (3) The term “minority commissioned officer”
 9 means any commissioned officer who is a minority
 10 person.

11 (4) The term “machine-readable” has the
 12 meaning given that term in section 3502(18) of title
 13 44, United States Code.

14 **SEC. 7. DIVERSITY IN SELECTION BOARDS AND RECORD**
 15 **KEEPING BY SELECTION BOARDS.**

16 (a) DIVERSE MEMBERSHIP.—

17 (1) ACTIVE DUTY SELECTION BOARDS.—

18 (A) OFFICERS.—Section 612(a)(1) of title
 19 10, United States Code, is amended by adding
 20 at the end the following new sentence: “The
 21 members of a selection board shall represent
 22 the diversity of the armed forces to the extent
 23 practicable.”.

24 (B) WARRANT OFFICERS.—Section 573(b)
 25 of such title is amended by adding at the end

1 the following new sentence: “The members of a
 2 selection board shall represent the diversity of
 3 the armed forces to the extent practicable.”.

4 (2) RESERVE COMPONENTS SELECTION
 5 BOARDS.—Section 14102(b) of such title is amended
 6 by adding at the end the following new sentence:
 7 “The members of a selection board shall represent
 8 the diversity of the armed forces to the extent prac-
 9 ticable.”.

10 (3) OTHER SELECTION BOARDS.—

11 (A) IN GENERAL.—The Secretary of De-
 12 fense shall ensure that the members of each se-
 13 lection board described in subparagraph (B)
 14 represent the diversity of the armed forces to
 15 the extent practicable.

16 (B) SELECTION BOARD DESCRIBED.—A
 17 selection board described in this subparagraph
 18 is any selection board used with respect to the
 19 promotion, education, or command assignments
 20 of members of the Armed Forces that is not
 21 covered by the amendments made by this sub-
 22 section.

23 (b) RECORD KEEPING.—

24 (1) ACTIVE DUTY SELECTION BOARD
 25 RECORDS.—Section 618 of title 10, United States

1 Code, is amended by adding at the end the following
 2 new subsection:

3 “(h) The Secretary concerned shall require that the
 4 following information be retained for a period of not less
 5 than 10 years:

6 “(1) An appointment to a selection board under
 7 section 612 of this title.

8 “(2) Information furnished to a selection board
 9 under section 615 of this title.

10 “(3) Each report of a selection board submitted
 11 under section 617(a) of this title.

12 “(4) Actions taken under this section.”.

13 (2) OTHER SELECTION BOARDS.—

14 (A) IN GENERAL.—The Secretary of De-
 15 fense shall ensure the following information as-
 16 sociated with a selection board described in sub-
 17 paragraph (B) be retained for a period of not
 18 less than 10 years:

19 (i) An appointment to the selection
 20 board.

21 (ii) Information furnished to the selec-
 22 tion board.

23 (iii) Each report of the selection
 24 board.

1 (iv) Actions taken in response to a re-
 2 port described by clause (iii).

3 (B) SELECTION BOARD DESCRIBED.—A
 4 selection board described in this subparagraph
 5 is any selection board used with respect to the
 6 promotion, education, or command assignments
 7 of members of the Armed Forces that is not
 8 covered by the amendment made by paragraph
 9 (1).

10 **SEC. 8. REDACTION OF PERSONALLY IDENTIFIABLE INFOR-**
 11 **MATION FROM RECORDS FURNISHED TO A**
 12 **PROMOTION BOARD.**

13 (a) ACTIVE-DUTY OFFICERS.—Section 615(b) of title
 14 10, United States Code, is amended—

15 (1) by redesignating paragraphs (1) through
 16 (6) as subparagraphs (A) through (F), respectively;

17 (2) in the matter preceding subparagraph (A),
 18 as redesignated by paragraph (1), by inserting “(1)”
 19 before “The Secretary”;

20 (3) in subparagraph (C), as so redesignated, by
 21 striking “whose name is furnished to the board” and
 22 inserting “under consideration by the board for pro-
 23 motion”;

24 (4) by striking subparagraph (B), as so redesign-
 25 nated, and further redesignating subparagraphs (C)

1 through (F), as so redesignated, as subparagraphs
2 (B) through (E), respectively; and

3 (5) by adding at the end the following new
4 paragraph:

5 “(2) The Secretary of the military department con-
6 cerned shall redact any personally identifiable information
7 from the information furnished to a selection board under
8 this section.”.

9 (b) RESERVE OFFICERS.—Section 14107(b) of title
10 10, United States Code, is amended—

11 (1) by redesignating paragraphs (1) through
12 (5) as subparagraphs (A) through (E), respectively;

13 (2) in the matter preceding subparagraph (A),
14 as redesignated by paragraph (1), by inserting “(1)”
15 before “The Secretary”;

16 (3) in subparagraph (C), as so redesignated, by
17 striking “whose name is furnished to the board” and
18 inserting “under consideration by the board for pro-
19 motion”;

20 (4) by striking subparagraph (B), as so redesign-
21 nated, and further redesignating subparagraphs (C)
22 through (E), as so redesignated, as subparagraphs
23 (B) through (D), respectively; and

24 (5) by adding at the end the following new
25 paragraph:

1 “(2) The Secretary of the military department con-
2 cerned shall redact any personally identifiable information
3 from the information furnished to a promotion board
4 under this section.”.

5 (c) ENLISTED MEMBERS.—Each Secretary of a mili-
6 tary department shall prescribe regulations that require
7 the redaction of any personally identifiable information
8 from the information furnished to a board that considers
9 for promotion an enlisted member of an Armed Force
10 under the jurisdiction of that Secretary.

11 **SEC. 9. PLANS TO INCREASE FEMALE AND MINORITY REP-**
12 **RESENTATION IN THE ARMED FORCES.**

13 (a) PLANS REQUIRED.—The Secretary of Defense
14 and each Secretary of a military department shall develop
15 plans to increase, with respect to female and minority
16 members of the Armed Forces under the jurisdiction of
17 that Secretary, the following:

18 (1) Recruitment.

19 (2) Retention.

20 (3) Representation in grades above E-7.

21 (b) ELEMENTS.—Each plan developed under this sec-
22 tion shall include clearly defined goals, performance meas-
23 ures, and timeframes.

24 (c) GOALS.—A goal under subsection (b) shall be to
25 exceed, by not less than 100 percent, the rate at which

1 the number of members described in subsection (a)(3) in-
2 creased during the five years immediately preceding the
3 date of the enactment of this Act.

4 (d) SUBMITTAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Secretary of Defense
6 and each Secretary of a military department shall submit
7 to the Committees on Armed Services of the Senate and
8 the House of Representatives a copy of each plan devel-
9 oped under this section by that Secretary.

10 (e) REPORT.—Three months after submitting a plan
11 under subsection (d), and quarterly thereafter for five
12 years, each Secretary of a military department shall sub-
13 mit to the Committees on Armed Services of the Senate
14 and the House of Representatives a report indicating the
15 number of female and minority members in grades above
16 E-7 in each Armed Force under the jurisdiction of that
17 Secretary.

18 **SEC. 10. SPECIAL INSPECTOR GENERAL FOR RACIAL AND**
19 **ETHNIC DISPARITIES IN THE ARMED FORCES**
20 **AND OTHER INSPECTOR GENERAL MATTERS.**

21 (a) SPECIAL INSPECTOR GENERAL FOR RACIAL AND
22 ETHNIC DISPARITIES IN THE ARMED FORCES.—

23 (1) PURPOSES.—The purposes of this section
24 are the following:

1 (A) To provide for the independent and ob-
2 jective conduct and supervision of audits and
3 investigations relating to racial and ethnic dis-
4 parities in military personnel and military jus-
5 tice systems, and white supremacy among mili-
6 tary personnel.

7 (B) To provide recommendations to the
8 Secretary of Defense and to Congress on ac-
9 tions necessary to eliminate racial and ethnic
10 disparities in military personnel and military
11 justice systems.

12 (2) OFFICE OF INSPECTOR GENERAL.—To
13 carry out the purposes specified in paragraph (1),
14 there is hereby established in the Department of De-
15 fense the Office of the Special Inspector General for
16 Racial and Ethnic Disparities in the Armed Forces.

17 (3) APPOINTMENT OF INSPECTOR GENERAL.—

18 (A) NOMINATION; APPOINTMENT.—The
19 head of the Office of the Special Inspector Gen-
20 eral for Racial and Ethnic Disparities in the
21 Armed Forces is the Special Inspector General
22 for Racial and Ethnic Disparities (in this sec-
23 tion referred to as the “Inspector General”),
24 who shall be appointed by the President, by and
25 with the advice and consent of the Senate.

1 (B) QUALIFICATIONS.—The appointment
2 of the Inspector General shall be made solely on
3 the basis of integrity and demonstrated ability
4 in accounting, auditing, financial analysis, law,
5 management analysis, public administration, or
6 investigations.

7 (C) DEADLINE FOR NOMINATION.—The
8 first nomination of an individual as Inspector
9 General shall be made not later than 90 days
10 after the date of the enactment of this Act.

11 (D) COMPENSATION.—The annual rate of
12 basic pay of the Inspector General shall be the
13 annual rate of basic pay provided for positions
14 at level IV of the Executive Schedule under sec-
15 tion 5315 of title 5, United States Code.

16 (E) PROHIBITION ON POLITICAL ACTIVI-
17 TIES.—For purposes of section 7324 of title 5,
18 United States Code, the Inspector General shall
19 not be considered an employee who determines
20 policies to be pursued by the United States in
21 the nationwide administration of Federal law.

22 (F) REMOVAL.—The Inspector General
23 shall be removable from office in accordance
24 with the provisions of section 3(b) of the In-
25 spector General Act of 1978 (5 U.S.C. App.).

1 (4) ASSISTANT INSPECTOR GENERAL.—The In-
2 specter General shall, in accordance with applicable
3 laws and regulations governing the civil service, ap-
4 point an Assistant Inspector General for Military
5 Justice who shall have the responsibility for auditing
6 and investigation activities relating to racial and eth-
7 nic disparities within the military justice system.

8 (5) SUPERVISION.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (B), the Inspector General shall
11 report directly to, and be under the general su-
12 pervision of, the Secretary of Defense.

13 (B) INDEPENDENCE TO CONDUCT INVES-
14 TIGATIONS AND AUDITS.—No officer of the De-
15 partment of Defense shall prevent or prohibit
16 the Inspector General from initiating, carrying
17 out, or completing any audit or investigation re-
18 lated to racial and ethnic disparities or from
19 issuing any subpoena during the course of any
20 such audit or investigation.

21 (6) DUTIES.—

22 (A) OVERSIGHT OF MILITARY JUSTICE.—It
23 shall be the duty of the Inspector General to
24 conduct, supervise, and coordinate audits and
25 investigations of—

1 (i) the effect of military justice poli-
2 cies and practices on racial and ethnic dis-
3 parities, including overrepresentation of
4 minorities in actions related to investiga-
5 tions, courts-martial, nonjudicial punish-
6 ments, and other military justice actions as
7 determined by the Inspector General;

8 (ii) the effect of military personnel
9 policies and practices, including recruiting,
10 accessions, and promotions, on racial and
11 ethnic disparities, including underrepresenta-
12 tion of minorities among members of the
13 Armed Forces under the jurisdiction of the
14 Secretary of a military department in
15 grades above E-7;

16 (iii) the scope and efficacy of existing
17 diversity and inclusion offices and pro-
18 grams within the Department of Defense;
19 and

20 (iv) white supremacist activities
21 among military personnel and any other
22 issues, determined by the Inspector Gen-
23 eral, necessary to address racial and ethnic
24 disparities within the Armed Forces under

1 the jurisdiction of the Secretary of a mili-
2 tary department.

3 (B) OTHER DUTIES RELATED TO OVER-
4 SIGHT.—The Inspector General shall establish,
5 maintain, and oversee such systems, procedures,
6 and controls as the Inspector General considers
7 appropriate to discharge the duties under sub-
8 paragraph (A).

9 (C) DUTIES AND RESPONSIBILITIES
10 UNDER INSPECTOR GENERAL ACT OF 1978.—In
11 addition to the duties specified in subpara-
12 graphs (A) and (B), the Inspector General shall
13 also have the duties and responsibilities of in-
14 spectors general under the Inspector General
15 Act of 1978.

16 (D) COORDINATION OF EFFORTS.—In car-
17 rying out the duties, responsibilities, and au-
18 thorities of the Inspector General under this
19 subsection, the Inspector General shall coordi-
20 nate with, and receive the cooperation of each
21 of the following:

22 (i) The Inspector General of the De-
23 partment of Defense.

24 (ii) The Inspector General of the
25 Army.

1 (iii) The Inspector General of the
2 Navy.

3 (iv) The Inspector General of the Air
4 Force.

5 (7) POWERS AND AUTHORITIES.—

6 (A) AUTHORITIES UNDER INSPECTOR GEN-
7 ERAL ACT OF 1978.—In carrying out the duties
8 specified in paragraph (6), the Inspector Gen-
9 eral shall have the authorities provided in sec-
10 tion 6 of the Inspector General Act of 1978.

11 (B) AUDIT STANDARDS.—The Inspector
12 General shall carry out the duties specified in
13 paragraph (6)(A) in accordance with section
14 4(b)(1) of the Inspector General Act of 1978.

15 (8) PERSONNEL, FACILITIES, AND OTHER RE-
16 SOURCES.—

17 (A) PERSONNEL.—The Inspector General
18 may select, appoint, and employ such officers
19 and employees as may be necessary for carrying
20 out the duties of the Inspector General, subject
21 to the provisions of title 5, United States Code,
22 governing appointments in the competitive serv-
23 ice, and the provisions of chapter 51 and sub-
24 chapter III of chapter 53 of such title, relating

1 to classification and General Schedule pay
2 rates.

3 (B) EMPLOYMENT OF EXPERTS AND CON-
4 SULTANTS.—The Inspector General may obtain
5 services as authorized by section 3109 of title
6 5, United States Code, at daily rates not to ex-
7 ceed the equivalent rate prescribed for grade
8 GS–15 of the General Schedule by section 5332
9 of such title.

10 (C) CONTRACTING AUTHORITY.—To the
11 extent and in such amounts as may be provided
12 in advance by appropriations Acts, the Inspec-
13 tor General may enter into contracts and other
14 arrangements for audits, studies, analyses, and
15 other services with public agencies and with pri-
16 vate persons, and make such payments as may
17 be necessary to carry out the duties of the In-
18 spector General.

19 (D) RESOURCES.—The Secretary of De-
20 fense, as appropriate, shall provide the Inspec-
21 tor General with appropriate and adequate of-
22 fice space at appropriate locations of the De-
23 partment of Defense, together with such equip-
24 ment, office supplies, and communications fa-
25 cilities and services as may be necessary for the

1 operation of such offices, and shall provide nec-
2 essary maintenance services for such offices and
3 the equipment and facilities located therein.

4 (E) ASSISTANCE FROM FEDERAL AGEN-
5 CIES.—

6 (i) IN GENERAL.—Upon request of
7 the Inspector General for information or
8 assistance from any department, agency,
9 or other entity of the Federal Government,
10 the head of such entity shall, insofar as is
11 practicable and not in contravention of any
12 existing law, furnish such information or
13 assistance to the Inspector General, or an
14 authorized designee.

15 (ii) REPORTING OF REFUSED ASSIST-
16 ANCE.—Whenever information or assist-
17 ance requested by the Inspector General is,
18 in the judgment of the Inspector General,
19 unreasonably refused or not provided, the
20 Inspector General shall report the cir-
21 cumstances to the Secretary of Defense, as
22 appropriate, and to the appropriate con-
23 gressional committees without delay.

24 (9) REPORTS.—

1 (A) QUARTERLY REPORTS.—Not later
2 than 30 days after the end of each fiscal-year
3 quarter, the Inspector General shall submit to
4 the Secretary of Defense and the congressional
5 defense committees a report summarizing the
6 activities of the Inspector General for the pre-
7 vious quarter.

8 (B) ANNUAL REPORTS.—The Inspector
9 General shall submit to the Secretary of De-
10 fense and the congressional defense committees
11 each year a report presenting recommendations
12 for changes to policy, practice, regulation, and
13 statute to eliminate disparities within the mili-
14 tary personnel and military justice systems and
15 to eliminate white supremacist activities among
16 military personnel.

17 (C) OCCASIONAL REPORTS.—The Inspector
18 General may, from time to time, submit addi-
19 tional reports containing findings and rec-
20 ommendations at the discretion of the Inspector
21 General.

22 (D) ONLINE PUBLICATION.—The Inspector
23 General shall publish each report under this
24 paragraph on a publicly available website not
25 later than seven days after submission to the

1 Secretary of Defense and the congressional de-
2 fense committees.

3 (E) CONGRESSIONAL DEFENSE COMMIT-
4 TEES DEFINED.—In this paragraph, the term
5 “congressional defense committees” has the
6 meaning given that term in section 101(a)(16)
7 of title 10, United States Code.

8 (10) FUNDING.—This section shall be carried
9 out using not more than \$10,000,000 of funds au-
10 thorized to be appropriated in this Act for Operation
11 and Maintenance, Defense-wide, and no additional
12 amounts are authorized to be appropriated to carry
13 out this section.

14 (b) AMENDMENTS TO THE INSPECTOR GENERAL
15 ACT.—The Inspector General Act of 1978 (5 U.S.C. App.)
16 is amended—

17 (1) in section 3(b)—

18 (A) by inserting “(1)” before “An Inspec-
19 tor General”;

20 (B) by inserting after the first sentence
21 the following: “An Inspector General may only
22 be removed by the President before the expira-
23 tion of the term of the Inspector General for
24 permanent incapacity, neglect of duty, malfea-
25 sance, conviction of a felony or conduct involv-

1 ing moral turpitude, knowing violation of a law,
2 gross mismanagement, gross waste of funds, or
3 abuse of authority.”; and

4 (C) by adding at the end the following new
5 paragraphs:

6 “(2) If an Inspector General is removed by the Presi-
7 dent under paragraph (1) fewer than 30 days after the
8 President has communicated in writing the reasons for
9 such removal pursuant to paragraph (1), the Inspector
10 General shall submit to the Council of the Inspectors Gen-
11 eral on Integrity and Efficiency a report that includes the
12 following information:

13 “(A) A description of the facts and cir-
14 cumstances of each investigation involving a senior
15 government employee (as defined in section 5 of this
16 Act) being conducted by that Inspector General at
17 the time of such removal.

18 “(B) Any other matter that the Inspector Gen-
19 eral determines to include.

20 “(3) Any individual serving as the head of an Office
21 of Inspector General, after the removal of an Inspector
22 General under paragraph (1), shall issue to the Council
23 of the Inspectors General on Integrity and Efficiency a
24 report identifying any instances in which an investigation
25 or matter described in paragraph (2) is closed prior to

1 its completion, with a description of the reasons for closing
2 the investigation or matter.”; and

3 (2) in section 8G(e), by adding at the end the
4 following new paragraph:

5 “(3) In the event of the removal of an Inspector Gen-
6 eral, the Council of the Inspectors General on Integrity
7 and Efficiency shall—

8 “(A) investigate the reasons for removal pro-
9 vided by the President;

10 “(B) publish a report including the determina-
11 tion of the Council whether the reasons described in
12 subparagraph (A) are in accordance with the rel-
13 evant provisions relating to for cause removal;

14 “(C) review any investigation that was being
15 conducted by the Inspector General at the time of
16 such removal; and

17 “(D) submit, to the congressional committees
18 the Council determine to be relevant, a report that
19 includes the determination of the Council whether an
20 investigation described in subparagraph (C) moti-
21 vated such removal.”.

1 **SEC. 11. TRACKING MECHANISM AND REPORTING RE-**
2 **QUIREMENTS FOR SUPREMACIST, EXTREM-**
3 **IST, AND CRIMINAL GANG ACTIVITY IN THE**
4 **ARMED FORCES.**

5 (a) **PROCESS REQUIRED.**—The Secretary of Defense
6 shall develop and implement a process to track investiga-
7 tions, criminal and administrative actions, and final deter-
8 minations with respect to conduct of members of the cov-
9 ered Armed Forces that is prohibited under Department
10 of Defense Instruction 1325.06, titled “Handling Dis-
11 sident and Protest Activities Among Members of the
12 Armed Forces”, or any successor instruction.

13 (b) **ELEMENTS.**—The process under subsection (a)
14 shall include the following:

15 (1) A mechanism that military criminal inves-
16 tigative organizations may use—

17 (A) to track criminal investigations into
18 the prohibited conduct described in subsection
19 (a), including a mechanism to track those inves-
20 tigations that are forwarded to commanders for
21 administrative action;

22 (B) to provide relevant information from
23 criminal investigations and administrative ac-
24 tions to civilian law enforcement agencies; and

1 (C) to track final administrative actions
2 taken with respect to investigations that are re-
3 ferred to commanders.

4 (2) A mechanism commanders may use to pro-
5 vide information to military criminal investigative or-
6 ganizations on any serious conduct under consider-
7 ation for administrative action or any final adminis-
8 trative actions taken with respect to the prohibited
9 conduct described in subsection (a).

10 (3) A standardized database, shared among the
11 covered Armed Forces, to ensure that the tracking
12 required under subsection (a) is carried out in the
13 same manner across such Armed Forces.

14 (c) REPORTS.—Not later than December 1 of each
15 year beginning after the date of the enactment of this Act,
16 the Secretary of Defense shall submit to the appropriate
17 congressional committees a report on the process imple-
18 mented under subsection (a). Each report shall include—

19 (1) the number of investigations, criminal and
20 administrative actions, and final determinations
21 tracked over the preceding year; and

22 (2) of the actions enumerated under paragraph
23 (1), the number of instances in which information on
24 the conduct of a member of the covered Armed

1 Forces was referred to civilian law enforcement
2 agencies as a result of the investigation or action.

3 (d) DEFINITIONS.—In this section:

4 (1) The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on the Judiciary and
7 the Committee on Armed Services of the Sen-
8 ate; and

9 (B) the Committee on the Judiciary and
10 the Committee on Armed Services of the House
11 of Representatives.

12 (2) The term “covered Armed Forces” means
13 the Army, the Navy, the Air Force, the Marine
14 Corps, and the Space Force.

15 **SEC. 12. PUNITIVE ARTICLE ON VIOLENT EXTREMISM.**

16 (a) VIOLENT EXTREMISM.—

17 (1) IN GENERAL.—Subchapter X of chapter 47
18 of title 10, United States Code, is amended by in-
19 serting after section 916 (article 116 of the Uniform
20 Code of Military Justice) the following new section
21 (article):

22 **“§ 916a. Art. 116a. Violent extremism**

23 “(a) PROHIBITION.—Any person subject to this chap-
24 ter who—

1 “(1) knowingly commits a covered offense
2 against—

3 “(A) the Government of the United States;
4 or

5 “(B) any person or class of people;

6 “(2)(A) with the intent to intimidate or coerce
7 any person or class of people; or

8 “(B) with the intent to influence, affect, or re-
9 taliate against the policy or conduct of the Govern-
10 ment of the United States or any State; and

11 “(3) does so—

12 “(A) to achieve political, ideological, reli-
13 gious, social, or economic goals; or

14 “(B) in the case of an act against a person
15 or class of people, for reasons relating to the
16 race, religion, color, ethnicity, sex, age, dis-
17 ability status, national origin, sexual orienta-
18 tion, or gender identity of the person or class
19 of people concerned;

20 is guilty of violent extremism and shall be punished as a
21 court-martial may direct.

22 “(b) ATTEMPTS, SOLICITATION, AND CONSPIRACY.—
23 Any person who attempts, solicits, or conspires to commit
24 an offense under this section shall be punished in the same
25 manner as a person who completes the offense.

1 “(c) DEFINITIONS.—In this section:

2 “(1) COVERED OFFENSE.—The term ‘covered
3 offense’ means—

4 “(A) loss, damage, destruction, or wrongful
5 disposition of military property of the United
6 States, in violation of section 908 of this title
7 (article 108);

8 “(B) waste, spoilage, or destruction of
9 property other than military property of the
10 United States, in violation of section 909 of this
11 title (article 109);

12 “(C) communicating threats, in violation of
13 section 915 of this title (article 115);

14 “(D) riot or breach of peace, in violation of
15 section 916 of this title (article 116);

16 “(E) provoking speech or gestures, in vio-
17 lation of section 917 of this title (article 117);

18 “(F) murder, in violation of section 918 of
19 this title (article 118);

20 “(G) manslaughter, in violation of section
21 919 of this title (article 119);

22 “(H) larceny or wrongful appropriation, in
23 violation of section 921 of this title (article
24 121);

1 “(I) robbery, in violation of section 922 of
2 this title (article 122);

3 “(J) kidnapping, in violation of section
4 925 of this title (article 125);

5 “(K) assault, in violation of section 928 of
6 this title (article 128);

7 “(L) conspiracy to commit an offense spec-
8 ified in any of subparagraphs (A) through (K),
9 as punishable under section 881 of this title
10 (article 81);

11 “(M) solicitation to commit an offense
12 specified in any of subparagraphs (A) through
13 (K), as punishable under section 882 of this
14 title (article 82); or

15 “(N) an attempt to commit an offense
16 specified in any of subparagraphs (A) through
17 (K), as punishable under section 880 of this
18 title (article 80).

19 “(2) STATE.—The term ‘State’ includes any
20 State of the United States, the District of Columbia,
21 the Commonwealth of Puerto Rico, and any other
22 possession or territory of the United States.”.

23 “(2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of such subchapter is amend-

1 ed by inserting after the item relating to section 916
2 (article 116) the following new item:

“916a. 116a. Violent extremism.”.

3 (b) **EFFECTIVE DATE.**—The amendments made by
4 subsection (a) shall take effect on the date of the enact-
5 ment of this Act, and shall apply to offenses committed
6 on or after such date.

7 **SEC. 13. PLAN TO IMPROVE RESPONSES TO PREGNANCY**
8 **AND CHILDBIRTH BY MEMBERS OF THE**
9 **ARMED FORCES AND EMPLOYEES OF THE DE-**
10 **PARTMENT OF DEFENSE.**

11 (a) **PLAN REQUIRED.**—The Secretary of Defense, in
12 coordination with the Secretaries of the military depart-
13 ments, shall develop a plan to ensure that the career of
14 a covered individual is not unduly affected because of
15 being a covered individual. The plan shall address the fol-
16 lowing policy considerations:

17 (1) Enforcement and implementation of the
18 Pregnancy Discrimination Act (Public Law 95–555;
19 42 U.S.C. 2000e(k)) by the Department of Defense
20 and the Equal Employment Opportunity Commis-
21 sion with regards to civilian employees of the De-
22 partment of Defense.

23 (2) The need for individual determinations re-
24 garding the ability of members of the Armed Forces
25 to serve during and after pregnancy.

1 (3) Responses to the effects specific to covered
2 individuals who reintegrate into home life after de-
3 ployment.

4 (4) Pregnancy discrimination training, includ-
5 ing comprehensive education of new policies to di-
6 minish stigma, stereotypes, and negative perceptions
7 regarding covered individuals, including with regards
8 to commitment to the Armed Forces and abilities.

9 (5) Opportunities to maintain readiness when
10 positions are unfilled due to pregnancy, medical con-
11 ditions arising from pregnancy or childbirth, preg-
12 nancy convalescence, or parental leave.

13 (6) Reasonable accommodations for covered in-
14 dividuals in general and specific accommodations
15 based on career field or military occupational spe-
16 cialty.

17 (7) Reissuing school enrollments or special as-
18 signments to covered individuals.

19 (8) Extended assignments and performance re-
20 porting periods for covered individuals.

21 (9) A mechanism by which covered individuals
22 may report harassment or discrimination, including
23 retaliation, relating to being a covered individual.

24 (b) REPORT ON PLAN.—Not later than 90 days after
25 the date of the enactment of this Act, the Secretary shall

1 submit to the congressional defense committees a report
2 detailing the plan required under this section and a strat-
3 egy to implement the plan.

4 (c) IMPLEMENTATION.—Not later than two years
5 after the date of the enactment of this Act, the Secretary
6 shall—

7 (1) complete implementation of the plan under
8 this section; and

9 (2) submit to the congressional defense commit-
10 tees a report detailing the research performed, con-
11 siderations, and policy changes implemented under
12 this section.

13 (d) DEFINITIONS.—In this section:

14 (1) The term “congressional defense commit-
15 tees” has the meaning given that term in section
16 101(a)(16) of title 10, United States Code.

17 (2) The term “covered individual” means a
18 member of the Armed Forces or civilian employee of
19 the Department of Defense who—

20 (A) is pregnant;

21 (B) gives birth to a child; or

22 (C) incurs a medical condition arising from
23 pregnancy or childbirth.

1 **SEC. 14. IMPROVEMENT TO BREAST CANCER SCREENING.**

2 Section 1074d(b)(2) of title 10, United States Code,
3 is amended by inserting before the period at the end the
4 following: “, including through the use of digital breast
5 tomosynthesis”.

6 **SEC. 15. PILOT PROGRAM ON TEMPORARY ISSUANCE OF**
7 **MATERNITY-RELATED UNIFORM ITEMS.**

8 (a) PILOT PROGRAM.—The Director of the Defense
9 Logistics Agency, in coordination with the Secretaries con-
10 cerned, shall carry out a pilot program under which each
11 Secretary concerned shall establish an office for issuing
12 maternity-related uniform items to pregnant members of
13 the Armed Forces, on a temporary basis and at no cost
14 to such members. In carrying out the pilot program, the
15 following actions shall be taken:

16 (1) The Director shall ensure that offices under
17 the pilot program maintain a stock of each type of
18 maternity-related uniform item determined necessary
19 by the Secretary concerned, including service uni-
20 forms items, utility uniform items, and other items
21 relating to the command and duty assignment of the
22 member requiring issuance.

23 (2) The Director shall ensure that such items
24 have not been treated with the chemical permethrin.

25 (3) The Director, in coordination with the Sec-
26 retary concerned, shall determine a standard number

1 of maternity-related uniform items that may be
2 issued per member.

3 (4) The Secretary concerned shall ensure that
4 any member receiving a maternity-related uniform
5 item returns such item to the applicable office estab-
6 lished under the pilot program on the date on which
7 the Secretary concerned determines the member no
8 longer requires such item.

9 (5) The Secretary concerned shall inspect, proc-
10 ess, repair, clean, and re-stock items returned by a
11 member pursuant to paragraph (4) for re-issuance
12 from such office.

13 (6) The Director, in coordination with the Sec-
14 retaries concerned, may issue such guidance and
15 regulations as necessary to carry out the pilot pro-
16 gram.

17 (b) TERMINATION.—No maternity-related uniform
18 items may be issued to a member of the Armed Forces
19 under the pilot program after September 30, 2026.

20 (c) REPORT.—Not later than September 30, 2025,
21 the Director of the Defense Logistics Agency, in coordina-
22 tion with the Secretaries concerned, shall submit to the
23 congressional defense committees a report on the pilot
24 program. Such report shall include each of the following:

1 (1) For each year during which the pilot pro-
2 gram was carried out, the number of members of the
3 Armed Forces who received a maternity-related uni-
4 form item under the pilot program.

5 (2) An overview of the costs associated with,
6 and any savings realized by, the pilot program, in-
7 cluding a comparison of the cost of maintaining a
8 stock of maternity-related uniform items for
9 issuance under the pilot program versus the cost of
10 providing allowances to members for purchasing
11 such items.

12 (3) A recommendation on whether the pilot pro-
13 gram should be extended after the date of termi-
14 nation under subsection (b) and whether legislation
15 is necessary for such extension.

16 (4) Any other matters that the Secretary of De-
17 fense determines appropriate.

18 (d) DEFINITIONS.—In this section, the terms “con-
19 gressional defense committees” and “Secretary con-
20 cerned” have the meaning given those terms in section
21 101(a) of title 10, United States Code.

22 (e) FUNDING.—Of the amounts authorized to be ap-
23 propriated for fiscal year 2021 for the Department of De-
24 fense for operation and maintenance, Defense-wide,

- 1 \$10,000,000 shall be available to carry out the pilot pro-
- 2 gram.

