



November 14, 2024

The Honorable Jack Reed  
Chair  
Senate Armed Services Committee  
Washington, D.C. 20510

The Honorable Adam Smith  
Ranking Member  
House Armed Services Committee  
Washington, D.C. 20515

Dear Chair Reed and Ranking Member Smith,

As you work to finalize the FY 2025 National Defense Authorization Act (NDAA), we strongly urge you to reject a number of dangerous provisions included in both the House and Senate versions of the bill.<sup>1</sup> We are especially concerned about provisions targeting the Department of Defense’s (DoD) diversity, equity, inclusion, and accessibility (DEIA) provisions, limiting enforcement of Title VI of the Civil Rights Act of 1964, and obstructing efforts to address extremism in the military. Enacting these provisions would have a lasting and devastating impact—compromising unit cohesion and force readiness, weakening civil rights protections, and allowing extremism in the military to go unchecked. Such impacts would harm service members and undermine our nation’s promise of equal opportunity for all.

**Defending Diversity, Equity, and Inclusion (DEIA) Initiatives in the Military**

There are seven provisions in the House version of the FY 2025 NDAA (H.R. 8070) and three in the Senate versions (S. 4638 and S. Amdt. 3290) that would dismantle DEIA programs and obstruct future efforts. For example, H.R. 8070 Sec. 903 would eliminate the Chief Diversity Officer, while H.R. 8070 Sec. 528 would do the same for all DEIA officers. Other provisions would impose a hiring freeze on DEIA roles in the DoD and ban references to so-called “critical theory” (H.R. 8070 Secs. 1116 and 1049A). Another set of provisions prohibits the DoD from filling DEIA job vacancies and considering an applicant’s commitment to DEIA in hiring (S. 4638, Secs. 1113 and 1114).<sup>2</sup>

Continuing racial disparities and evidence of bias and discrimination in the military underscore the importance of rejecting these provisions and investing in DEIA initiatives. Despite the growing numbers of people of color in the military, recent survey data found that 53.5 percent of service members of color have witnessed racism within their ranks, and one-third are concerned that discrimination influences their decision about remaining in the military.<sup>3</sup> These instances are compounded by significant racial disparities. According to the DoD, Department of Veterans Affairs, and the Government Accountability Office, Black service members are underrepresented in officer ranks, twice as likely to face court-martials, and disproportionately suffer severe service injuries.<sup>4</sup> LGBTQ+ service members also report discrimination, with one survey finding that over 80 percent experienced sexual harassment or assault during their service.<sup>5</sup>

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<sup>1</sup> National Defense Authorization Act for Fiscal Year 2025, H.R. 8070, 118th Cong. (2024); see also National Defense Authorization Act for Fiscal Year 2025, S. 4638, 118th Cong. (2024)

<sup>2</sup> *Id.*

<sup>3</sup> Leo Shane III, *Signs of White Supremacy, Extremism Up Again in Poll of Active-Duty Troops*, Military Times (Feb. 6, 2020), <https://www.militarytimes.com/news/pentagon-congress/2020/02/06/signs-of-white-supremacy-extremism-up-again-in-poll-of-active-duty-troops/>; Blue Star Families Racial Equity & Inclusion, *The Diverse Experiences of Military & Veteran Families of Color*, (2021), [https://bluestarfam.org/wp-content/uploads/2022/02/BSF\\_MFC\\_REI\\_FullReport2021-final.pdf](https://bluestarfam.org/wp-content/uploads/2022/02/BSF_MFC_REI_FullReport2021-final.pdf)

<sup>4</sup> Zachary Cohen, et al. *Military Data Reveals Dangerous Reality for Black Service Members and Veterans*, CNN (June 14, 2020), <https://www.cnn.com/2020/06/13/politics/military-diversity-data/index.html>; U.S. Government Accountability Office, *DOD and the Coast Guard Need to Improve Their Capabilities to Assess Racial Disparities* (2020), <https://www.gao.gov/assets/gao-20-648t.pdf>

<sup>5</sup> Ashley Schuyler, et al., *Experiences of Sexual Harassment, Stalking, and Sexual Assault During Military Service Among LGBT and Non-LGBT Service Members*, Journal of Traumatic Stress, 33 (3) (2020), <https://doi.org/10.1002/jts.22506>



The evidence is clear: bias, discrimination, and exclusionary policies in the military—especially when unaddressed—harm both the military and our nation.<sup>6</sup> Studies show they weaken unit cohesion, deter recruitment and retention efforts, and undermine force readiness<sup>7</sup>. Addressing these challenges is essential, which is why DoD leadership continues to strongly support DEIA initiatives.<sup>8</sup> Last year, Under Secretary for Military Personnel and Readiness, the Honorable Gilbert Cisneros, Jr., testified before Congress that DEI serves as a “force multiplier,” stating, “With the Department’s priority mission to provide a combat-credible force, we must prioritize a force that is lethal, resilient, and reflective of America’s diversity.”<sup>9</sup>

Unfortunately, current attacks on DEIA initiatives are not based on their effectiveness; they are part of a broader strategy to dismantle anti-discrimination programs and roll back civil rights protections. Far-right groups have targeted efforts to expand access to opportunity across every sector, including education, employment, government contracting, healthcare, housing, and financial services.<sup>10</sup> The military—our nation’s first major federal institution to integrate—is simply another target in this campaign. Unsurprisingly, *Project 2025*, a wish list for far-right policies, calls for eliminating DEIA initiatives, as well as shrinking the Equal Employment Opportunity Commission (EEOC), halting civil rights data collection, and gutting key protections of the Civil Rights Act of 1964.<sup>11</sup> In the face of this coordinated and dangerous campaign, we urge you to stand united in promoting, protecting, and expanding DEIA programs within the military and across our nation.

### **Protecting Enforcement of Title VI of the Civil Rights Act 1964**

Title VI of the 1964 Civil Rights Act has long been a vital tool for safeguarding civil rights and remedying discrimination, granting thousands access to education, employment, and services previously denied to them. However, Section 220 of the Senate-proposed bill (S. 4368) could disrupt or undermine these critical protections. This provision would prohibit the Secretary of Defense from contracting with or awarding grants to any educational institution found to be in violation of Title VI. Additionally, it would allow the Secretary of Defense to grant waivers to this restriction on a case-by-case basis.<sup>12</sup> While we welcome efforts to improve compliance with Title VI, Sec. 220 is likely to have the opposite effect.

Section 220 does not specify what constitutes a violation, who determines this, or the process for making determinations. Since 1966, the DoD has delegated oversight and enforcement of educational institutions’

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<sup>6</sup> Samantha Daniel, et al., *Impacts of Experiencing Racial/Ethnic Harassment and/or Discrimination on the Readiness of Active Duty Members*, Office of People Analytics, U.S. Department of Defense (2021), <https://www.opa.mil/research-analysis/quality-of-work-life/workplace-climate/impacts-of-experiencing-racial-ethnic-harassment-and-or-discrimination-on-the-readiness-of-active-duty-members/>

<sup>7</sup> Department of Defense Board on Diversity of Inclusion, *Recommendations to Improve Racial and Ethnic Diversity and Inclusion in the U.S. Military*, (2020), <https://media.defense.gov/2020/Dec/18/2002554852/-1/-1/0/DOD-DIVERSITY-AND-INCLUSION-FINAL-BOARD-REPORT.PDF>; Blue Star Families Racial Equity & Inclusion, *The Diverse Experiences of Military & Veteran Families of Color*, (2021), [https://bluestarfam.org/wp-content/uploads/2022/02/BSF\\_MFC\\_REI\\_FullReport2021-final.pdf](https://bluestarfam.org/wp-content/uploads/2022/02/BSF_MFC_REI_FullReport2021-final.pdf)

<sup>8</sup> Letter from Secretary Lloyd Austin to Chairman Jack Reed (Sept. 26, 2024), available at

<https://static.politico.com/7b/8e/058641bd4d1bb1eb8ae1b53f914a/sectdef-fy25-ndaa-heartburn-letter-to-hasc-and-sasc.pdf>

<sup>9</sup> Honorable Gilbert Cisneros, Jr., Prepared Statement before House Armed Services Committee, Hearing: “Diversity, Equity, and Inclusion: Impacts to the Department of Defense and The Armed Services” (Mar. 23, 2023), <https://democrats-armedservices.house.gov/cache/files/9/7/973303b4-b831-4b48-987c-c2262fd41a3b/8ADAB6FD3BF17B5125B03645348B87BA.cisneros-testimony.pdf>

<sup>10</sup> Michael Goldberg, *Republican Lawmakers Are Backing Dozens of Bills Targeting Diversity Efforts on Campus and Elsewhere*, (Feb. 10, 2024), <https://apnews.com/article/dei-state-legislation-diversity-4d80ec7e9d372e74b129efc402ac0b76>

<sup>11</sup> Paul Dans, *Mandate for Leadership: The Conservative Promise*, The Heritage Foundation (2024), available at <https://www.documentcloud.org/documents/24088042-project-2025s-mandate-for-leadership-the-conservative-promise>

<sup>12</sup> National Defense Authorization Act for Fiscal Year 2025, S. 4638, 118th Cong. (2024), Section 220 begins on page 76, available at <https://www.armed-services.senate.gov/download/fy25-ndaa-bill-text>



Title VI obligations to the Department of Education (DoE), which is best suited for this task.<sup>13</sup> However, Section 220 does not reference this longstanding delegation and instead implies that the DoD can independently determine an institution's compliance with Title VI. Such vague and ambiguous language could disrupt this long-standing relationship, create confusion, and jeopardize effective Title VI enforcement. In a September 26 letter to Congress, Defense Secretary Austin echoed these concerns, stating that the lack of clarity “could increase the risk of inconsistency in implementation.”<sup>14</sup> He urged Congress to remove Section 220 and allow the DoE to continue enforcing Title VI compliance with respect to educational institutions.<sup>15</sup>

Of further concern is Section 220's inclusion of a Secretarial waiver, permitting the Defense Secretary to grant waivers to institutions that have violated Title VI. If this provision is enacted, it would set a dangerous precedent with far-reaching implications. Never before in American history has a federal agency had the power to dismiss a finding of discrimination. This is for good reason. Such power would erode the integrity of civil rights laws and deter institutions from agreeing to make substantive changes. Even more concerning, it could pave the way for politicized enforcement of civil rights. Granting this waiver against discrimination would fundamentally upend Title VI in a way never intended. SPLC is committed to working with your office to ensure the effective enforcement of our civil rights laws, especially now, as political forces seek to undermine Title VI and the 1964 Civil Rights Act. Section 220 would, however, undermine and harm these historic and successful civil rights statutes.

### **Countering Extremism in the Military**

In 2021, following the January 6 insurrection, Defense Secretary Austin launched an initiative to address the threat of extremism within the U.S. military. A central component of this initiative was the formation of the Countering Extremist Activity Working Group (CEAWG), a Department of Defense (DoD) body tasked with reviewing policies, improving detection and response strategies, and developing training for service members to identify and report extremist activity.<sup>16</sup> Although the CEAWG has proposed extensive reforms for better tracking, preventing, and addressing extremism, much of this work has stalled due to repeated Republican efforts to “eliminate wokeness in the military.”<sup>17</sup> The FY2024 NDAA defunded the working group, and H.R. 8070 Sec. 1761 would prohibit funding for CEAWG's recommendations, effectively ending these efforts.<sup>18</sup>

Extensive data underscores the urgency of this issue. According to a University of Maryland report, from 1990 to May 2024, 721 individuals with military backgrounds were arrested for extremist crimes.<sup>19</sup> While this figure represents a fraction of service members and veterans, those with military experience pose a

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<sup>13</sup> Title VI of the Civil Rights Act of 1964; Lead Agency Status for Elementary and Secondary Schools. U.S. Department of Education. <https://www.ed.gov/laws-and-policy/civil-rights-laws/civil-rights-act-of-1964/title-vi-of-the-civil-rights-act-of-1964-lead-agency-status-for-elementary-and-secondary-schools>

<sup>14</sup> Letter from Secretary Lloyd Austin to Chairman Jack Reed (Sept. 26, 2024), available at <https://static.politico.com/7b/8e/058641bd4d1bb1eb8ae1b53f914a/secdef-fy25-ndaa-heartburn-letter-to-hasc-and-sasc.pdf>

<sup>15</sup> *Id.*

<sup>16</sup> Memorandum from Secretary of Defense Lloyd to Senior Pentagon Leadership, Immediate Actions to Counter Extremism in the Department and the Establishment of the Countering Extremism Working Group, (Apr. 9, 2021), available at <https://media.defense.gov/2021/Apr/09/2002617921/-1/-1/1/MEMORANDUM-IMMEDIATE-ACTIONS-TO-COUNTER-EXTREMISM-IN-THE-DEPARTMENT-AND-THE-ESTABLISHMENT-OF-THE-COUNTERING-EXTREMISM-WORKING-GROUP.PDF>

<sup>17</sup> Nikki Wentling, *Republican Effort to Cut DoD Watchdog Alarms Anti-Extremism Advocates*, Military Times (Jul. 12, 2023), <https://www.militarytimes.com/flashpoints/extremism-disinformation/>

<sup>18</sup> National Defense Authorization Act for Fiscal Year 2025, H.R. 2670, 117th Cong. (2024); National Defense Authorization Act for Fiscal Year 2025, H.R. 8070, 118th Cong. (2024)

<sup>19</sup> Asymmetric Threats Analysis Center, *Extremism in the Ranks and After*, (2024), [https://www.start.umd.edu/sites/default/files/publications/local\\_attachments/Extremism%20In%20the%20Ranks%20and%20After%20-%20Research%20Brief%20-%20May%202024%20Final.pdf](https://www.start.umd.edu/sites/default/files/publications/local_attachments/Extremism%20In%20the%20Ranks%20and%20After%20-%20Research%20Brief%20-%20May%202024%20Final.pdf)



unique risk, as they may be more likely to plan or carry out mass-casualty attacks.<sup>20</sup> A 2023 DoD Inspector General report documented ineffective screening for extremist and gang affiliations among recruits, “increasing the potential for future security risks and disruptions to good order, morale, and discipline.”<sup>21</sup>

Extremism undermines both military strength and democracy. Secretary Austin has noted that “even the actions of a few can have an outsized impact on unit cohesion, morale, and readiness. The physical harm some of these activities can engender can undermine the safety of our people.”<sup>22</sup> As the DoD takes steps to impose extremist-related regulations, Congress must ensure that the DoD has the resources to implement this work.

Much is at stake in this year’s NDAA. Congress must ensure the military is well-qualified and representative of our country, uphold civil rights protections, and allow the military’s critical work to combat extremism to continue unabated. While funding the DoD remains a critical goal for Congress, it must not come at the expense of eliminating tools to remedy past and ongoing discrimination and extremism. We urge you to reject the harmful provisions outlined above in the final NDAA text. For questions, please contact Sakira Cook, Federal Policy Director, at [sakira.cook@splcenter.org](mailto:sakira.cook@splcenter.org).

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Sakira Cook". The signature is written in a cursive style.

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<sup>20</sup> National Consortium for the Study of Terrorism and Responses to Terrorism, *Mass Casualty Extremist Offenders with U.S Military Backgrounds*, (2023), [https://www.start.umd.edu/sites/default/files/publications/local\\_attachments/PIRUS-Mass%20Casualty%20Extremist%20Offenders%20with%20Military%20Background-Final%20%283%29.pdf](https://www.start.umd.edu/sites/default/files/publications/local_attachments/PIRUS-Mass%20Casualty%20Extremist%20Offenders%20with%20Military%20Background-Final%20%283%29.pdf)

<sup>21</sup> Department of Defense Inspector General, *Audit of the Military Service Recruiting Organizations’ Efforts to Screen Applicants for Extremist and Criminal Gang Behavior* (2023), <https://media.defense.gov/2023/Aug/07/2003276219/-1/-1/1/DODIG-2023-103.PDF>

<sup>22</sup> Memorandum from Secretary of Defense Lloyd to Senior Pentagon Leadership, Immediate Actions to Counter Extremism in the Department and the Establishment of the Countering Extremism Working Group, (Apr. 9, 2021), available at <https://media.defense.gov/2021/Apr/09/2002617921/-1/-1/1/MEMORANDUM-IMMEDIATE-ACTIONS-TO-COUNTER-EXTREMISM-IN-THE-DEPARTMENT-AND-THE-ESTABLISHMENT-OF-THE-COUNTERING-EXTREMISM-WORKING-GROUP.PDF>