

116TH CONGRESS  
2D SESSION

# S. 3903

To direct the Secretary of Defense to enter into an agreement with a federally funded research and development center for a study on the barriers to minority participation in the elite units of the Armed Forces, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 4, 2020

Ms. DUCKWORTH introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To direct the Secretary of Defense to enter into an agreement with a federally funded research and development center for a study on the barriers to minority participation in the elite units of the Armed Forces, 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 “Equality in Leadership  
5 and Inclusion in Top Elements Act of 2020” or the  
6 “ELITE Act of 2020”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) In 1999, the RAND Corporation issued a  
4 report entitled “Barriers to Minority Participation in  
5 Special Operations Forces” that was sponsored by  
6 United States Special Operations Command.

7 (2) In 2018, the RAND Corporation issued a  
8 report entitled “Understanding Demographic Dif-  
9 ferences in Undergraduate Pilot Training Attrition”  
10 that was sponsored by the Air Force.

11 (3) No significant independent study has been  
12 performed by a federally funded research and devel-  
13 opment center into increasing minority participation  
14 in the special forces since 1999.

15 **SEC. 3. EVALUATION OF BARRIERS TO MINORITY PARTICI-  
16 PATION IN CERTAIN UNITS OF THE ARMED  
17 FORCES.**

18 (a) STUDY REQUIRED.—

19 (1) IN GENERAL.—Not later than 30 days after  
20 the date of the enactment of this Act, the Secretary  
21 of Defense shall seek to enter into an agreement  
22 with a federally funded research and development  
23 center with relevant expertise to conduct an evalua-  
24 tion of the barriers to minority participation in cov-  
25 ered units of the Armed Forces.

1           (2) ELEMENTS.—The evaluation required under  
2 paragraph (1) shall include the following elements:

3           (A) A description of the racial, ethnic, and  
4 gender composition of covered units.

5           (B) A comparison of the participation  
6 rates of minority populations in covered units to  
7 participation rates of the general population as  
8 members and as officers of the Armed Forces.

9           (C) A comparison of the percentage of mi-  
10 nority officers in the grade of O-7 or higher  
11 who have served in each covered unit to such  
12 percentage for all such officers in the Armed  
13 Force of that covered unit.

14           (D) An identification of barriers to minor-  
15 ity participation in the accession, assessment,  
16 and training processes.

17           (E) The status and effectiveness of the re-  
18 sponse to the recommendations contained in the  
19 report referred to in section 2(1) and any fol-  
20 low-up recommendations.

21           (F) Recommendations to increase the num-  
22 ber of minority officers in the Armed Forces.

23           (G) Recommendations to increase minority  
24 participation in covered units.

1 (H) Any other matters the Secretary deter-  
2 mines appropriate.

3 (3) REPORT TO CONGRESS.—The Secretary  
4 shall—

5 (A) submit to the congressional defense  
6 committees a report on the results of the study  
7 by not later than January 1, 2022; and

8 (B) provide interim briefings to such com-  
9 mittees upon request.

10 (b) DESIGNATION.—The study conducted under sub-  
11 section (a) shall be known as the “Study on Reducing Bar-  
12 riers to Minority Participation in Elite Units in the Armed  
13 Services”.

14 (c) IMPLEMENTATION REQUIRED.—

15 (1) IN GENERAL.—Except as provided in para-  
16 graph (2), not later than March 1, 2023, the Sec-  
17 retary of Defense shall commence the implementa-  
18 tion of each recommendation included in the final  
19 report submitted under subsection (a)(3).

20 (2) EXCEPTIONS.—

21 (A) DELAYED IMPLEMENTATION.—The  
22 Secretary of Defense may commence implemen-  
23 tation of a recommendation described in para-  
24 graph (1) not later than March 1, 2023, if—

1 (i) the Secretary submits to the con-  
2 gressional defense committees, not later  
3 than January 1, 2023, written notice of  
4 the intent of the Secretary to delay imple-  
5 mentation of the recommendation; and

6 (ii) includes, as part of such notice, a  
7 specific justification for the delay in imple-  
8 menting the recommendation.

9 (B) NONIMPLEMENTATION.—The Sec-  
10 retary of Defense may elect not to implement a  
11 recommendation described in paragraph (1),  
12 if—

13 (i) the Secretary submits to the con-  
14 gressional defense committees, not later  
15 than January 1, 2023, written notice of  
16 the intent of the Secretary not to imple-  
17 ment the recommendation; and

18 (ii) includes, as part of such notice—

19 (I) the reasons for the Sec-  
20 retary’s decision not to implement the  
21 recommendation; and

22 (II) a summary of alternative ac-  
23 tions the Secretary will carry out to  
24 address the purposes underlying the  
25 recommendation.

1           (3) IMPLEMENTATION PLAN.—For each rec-  
2           ommendation that the Secretary implements under  
3           this subsection, the Secretary shall submit to the  
4           congressional defense committees an implementation  
5           plan that includes—

6                   (A) a summary of actions the Secretary  
7                   has carried out, or intends to carry out, to im-  
8                   plement the recommendation; and

9                   (B) a schedule, with specific milestones,  
10                  for completing the implementation of the rec-  
11                  ommendation.

12          (d) COVERED UNITS DEFINED.—In this section, the  
13          term “covered units” means the following:

14                  (1) Army Special Forces.

15                  (2) Army Rangers.

16                  (3) Navy SEALs.

17                  (4) Air Force Combat Control Teams.

18                  (5) Air Force Pararescue.

19                  (6) Air Force Special Reconnaissance.

20                  (7) Marine Raider Regiments.

21                  (8) Marine Corps Force Reconnaissance.

22                  (9) Coast Guard Deployable Operations Group.

23                  (10) Any other forces designated by the Sec-  
24          retary of Defense as special operations forces.

- 1 (11) Pilot and navigator military occupational
- 2 specialties.

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