November 6, 2026

The Honorable Mike Johnson
Speaker
568 Cannon House Office Building
Washington, D.C. 20515

The Honorable Hakeem Jeffries
Minority Leader
2433 Rayburn House Office Building
Washington, D.C. 20515

The Honorable John Thune
Majority Leader, U.S. Senate
511 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Chuck Schumer
Minority Leader, U.S. Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Chair Mike Rogers
House Committee on Armed Services
2216 Rayburn House Office Building
Washington, D.C. 20515

Ranking Member Adam Smith
House Committee on Armed Services
2216 Rayburn House Office Building
Washington, D.C. 20515

Chair Roger Wicker
U.S. Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, D.C. 20510

Ranking Member Jack Reed
U.S. Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, D.C. 20510

Dear Speaker Johnson, Leader Jeffries, Leader Thune, Leader Schumer, Chair Rogers, Ranking Member Smith, Chair Wicker, and Ranking Member Reed:

As you prepare to finalize the Fiscal Year 2027 National Defense Authorization Act (FY27 NDAA), we—the undersigned civil and human rights organizations, together with those representing members of the armed forces and veterans—write to express serious concern with harmful provisions targeting equal opportunity in the armed forces and included in the House and Senate versions of the bill.[1] The strength of the U.S. military lies not merely with its members, but in its ability to harness the talents and skills of people of all backgrounds. With the armed forces focused on significant and pressing global challenges, the FY27 NDAA cannot include provisions that undermine recruitment, retention, and readiness of service members from underrepresented backgrounds.

When individuals with diverse perspectives, cultures, and life experiences serve together, they build a force that is more agile, innovative, and prepared to meet the complex challenges of modern

[1] National Defense Authorization Act for Fiscal Year 2027, H.R. 8800, 119th Cong. (2nd Sess. 2026); National Defense Authorization Act for Fiscal Year 2027. S. 4784, 119th Cong. (2nd Sess. 2026).

warfare.[2] Such diversity also improves retention and strengthens readiness and cohesion, which is why military leaders and veterans have consistently affirmed that investments in advancing equal opportunity in the military are essential to mission success.[3] Gilbert Cisneros, Jr., former Under Secretary of Defense for Personnel and Readiness, testified before Congress that investments in diversity, equity, and inclusion initiatives are a "force multiplier," explaining that "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."[4] A group of 35 top former military leaders echoed this conclusion, emphasizing that "units that are diverse across all levels are more cohesive, collaborative, and effective."[5]

Despite broad recognition that a fighting force representative of the entire nation is essential to the military fulfilling its mission, leaders at the Department of Defense (DOD) have repeatedly disrupted and deterred the careers of women service members, service members of color, and LGBTQIA+ members. Defense Secretary Pete Hegseth has interfered with the decisions of selection boards by blocking promotions of women officers, Black officers, and other officers of color,[6] fired senior officers who are women and people of color,[7] imposed a blanket ban on transgender people serving in the armed forces,[8] and stripped away essential medical care from service members and their

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[2] Honorable Agnes Schaefer, *Testimony before the Subcommittee on Military Personnel, Committee on Armed Services,* U.S. House of Representatives, 118th Cong. (Dec. 13, 2023) ("The principles of DEIA enable the Army to better accomplish its mission… Research shows that diverse teams drive innovation. Equitable treatment allows everyone to share their talents to build readiness and support the mission." https://www.congress.gov/118/meeting/house/116600/witnesses/HHRG-118-AS02-Wstate-SchaeferA-20231213.pdf.

[3] Dep't of Defense, Diversity, Equity, Inclusion, and Accessibility Strategic Plan, (Aug. 2024) ("DoD needs diverse perspectives, experiences, and skillsets to remain a global leader, to deter war, and to keep our nation secure. Leveraging this strategic diversity and expanding access to attract, retain, and advance the best talent our nation has to offer are the only way DoD will be able to outthink, outmaneuver, and outfight any adversary or threat.) https://www.dailysignal.com/wp-content/uploads/2024/08/DEPARTMENT-OF-DEFENSE-DIVERSITY-EQUITY-INCLUSION-AND-ACCESSIBILITY-STRATEGIC-PLAN.pdf; Letter from Secretary Lloyd Austin to Chairman Jack Reed (Sept. 26, 2024), https://static.politico.com/7b/8e/058641bd4d1bb1eb8ae1b53f914a/secdef-fy25-ndaa-heartburn-letter-to-hasc-and-sasc.pdf.

[4] Honorable Gilbert R. Cisneros, Jr., Testimony before the Subcommittee on Military Personnel, Committee on Armed Services, U.S. House of Representatives, 118th Cong. (Mar. 23, 2023), https://www.congress.gov/118/meeting/house/115498/witnesses/HHRG-118-AS02-Wstate-CisnerosG-20230323.pdf.

[5] Adm. Charles S. Abbot, et al., B*rief of Amici Curiae in Support of Respondents, Students for Fair Admissions, Inc. v. President & Fellows of Harvard College & Students for Fair Admissions, Inc. v. University of North Carolina*, Nos. 20-1199 & 21-707, Supreme Court of the U.S. (Aug. 2022), https://www.harvard.edu/admissionscase/wp-content/uploads/sites/6/2022/08/Amicus-Brief-Military-Brief72.pdf.

[6] Greg Jaffe & Kate Kelly, "Hegseth Strikes Female and Black Navy Officers From Promotion List," *N.Y. Times* (June 1, 2026), https://www.nytimes.com/2026/06/01/us/politics/hegseth-navy-promotion-list.html.

[7] Matthew Adams, "Gen. CQ Brown, chairman of Joint Chiefs of Staff, and Adm. Franchetti, chief of naval operations, fired," *Stars & Stripes* (Feb. 22, 2025), https://www.stripes.com/theaters/us/2025-02-21/trump-fires-chairman-joint-chiefs-16914038.html.

[8] Associated Press, "Pentagon policy illegally banned transgender troops from military, appeals court rules" (June 2, 2026), https://www.npr.org/2026/06/02/g-s1-125323/pentagon-transgender-troops.

families.[9] These counterproductive efforts undermine retention efforts, as qualified individuals look to other careers for opportunities to serve and advance.

We are particularly troubled by provisions that would make it more difficult for people of color and women to advance or thrive in their military education and careers. For example, both bills include language[10] designed to undermine equal opportunity in military personnel opportunities under the pretense of "merit," notably using language similar to the title of Trump's Executive Order 14173, "Ending Illegal Discrimination and Restoring Merit-Based Opportunity." The Senate bill also includes multiple provisions to remove requirements that selection boards represent the diverse population of the armed forces to the extent practicable.[11] Such language is especially troubling given that it signals congressional approval for Hegseth's interference in promotions to remove women and people of color, and could lead to homogenous selection boards with corresponding increased barriers to the ability of women and people of color to achieve earned, merit-based promotions. A promotion selection board that reflects the population of the services is needed to reduce bias, model inclusion and opportunity, and improve decision making, among other benefits. Readiness and retention are harmed when careers are undercut due to *de facto* limits on how far underrepresented service members can advance.

This harmful language is compounded by another provision in the Senate bill that would remove critical components of human relations trainings, including trainings on "race relations, equal opportunity, opposition to gender discrimination, and sensitivity to hate group activity."[12] Removing these necessary topics would undermine the cohesion necessary for a diverse workforce to address modern global challenges. Provisions that reinforce DOD's framing that people of color and women do not merit their positions or awards, such as the reconsideration of medals of honor, must also be excluded from the final NDAA.[13]

Similarly, both the House and Senate bills include provisions that impose rigid gender standards on not only service members, but also civilian employees and military family members, including children. Taken together, these provisions can chill the recruitment and retention of service members who are forced to choose between their career and what is best for their family. Both the House and Senate bills include alarming provisions that would evaluate students based on their "reproductive system" at schools under the Department of Defense–including primary and secondary DoDEA

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[9] Courtney Kube, "Pentagon ends paying for travel for abortion and other reproductive care," *NBC News* (Jan. 31, 2025), https://www.nbcnews.com/politics/national-security/pentagon-ends-policy-funding-travel-abortions-care-rcna190198; Deena Zaru, "Hegseth orders immediate pause on gender-affirming medical care for transgender service members," *ABC News* (Feb. 10, 2025), https://abcnews.com/Politics/hegseth-orders-immediate-pause-gender-affirming-medical-care/story?id=118662488.

[10] S. 4784, Title V, Subtitle C, § 529A; H.R. 8800, Title V, Subtitle B, § 514.

[11] S. 4784, Title V, Subtitle C, § 529C(a).

[12] S. 4784, Title V, Subtitle C, § 529C(c).

[13] S. 4784, Title V, Subtitle H, § 584.

schools. This intrusive scrutiny of children's bodies would be used to determine eligibility for girls' sports teams or access to restrooms and other facilities.[14] The House bill also includes a provision that harmfully restricts access to medically necessary care for transgender people–including mental health care for trans youth dependents of military families.[15] Finally, the Senate bill would reverse current policy to allow the Secretary of Defense to prohibit service members and even civilian employees from identifying their pronouns in official correspondence.[16]

Supporting the military means supporting all who serve and ensuring the conditions for their success. This requires building a force that is strong, inclusive, well-qualified, and fully representative of our nation. Funding DOD must not come at the expense of the cohesion, strength, and readiness of our military. For these reasons, we urge you to exclude from the final NDAA any provisions that would undermine the military service of people from underrepresented communities. Enacting such harmful measures would not only undermine the strength of our military and endanger national security but also betray our nation's promise of equal opportunity for all.

Please reach out to Kanya Bennett of SPLC (kanya.bennett@splcenter.org), Amalea Smirniotopoulos of the Legal Defense Fund (asmirniotopoulos@naacpldf.org), or Adrienne DerVartanian of National Women's Law Center Action Fund (Adervartanian@nwlc.org), if you have any questions or would like additional information.

Sincerely,

Southern Poverty Law Center
Legal Defense Fund
National Women's Law Center Action Fund

Joined By:

50501 Veterans
Advocates for Trans Equality
The African American Policy Forum
AFT
American Association of University Women (AAUW)
American Atheists
American Civil Liberties Union
American Humanist Association

[14] S. 4784, Title V, § 529B; H.R. 8800, Title Vi, Subtitle H, § 579B.
[15] H.R. 8800, Title VII, Subtitle A, § 709.
[16] S. 4784, Title V, § 529C(b).

American Pride Rises
APLA Health
Association for Special Children and Families
CenterLink: The Community of LGBTQ Centers
Christopher Street Project
Coalition on Human Needs
Equality California
Fenway Health
Fund for Leadership, Equity, Access and Diversity (LEAD Fund)
Garden State Equality
Hispanic Federation
Human Rights Campaign
Jewish Council for Public Affairs
Just Detention International
Just Solutions
Lambda Legal Defense and Education Fund
Minority Business Enterprise Legal Defense and Education Fund (MBELDEF)
Minority Veterans of America
Movement Advancement Project
National Abortion Federation (NAF)
National Council of Jewish Women
National Education Association
National Fair Housing Alliance
National LGBTQ Task Force Action Fund
National LGBTQ+ Bar Association
National Partnership for Women & Families
National Workrights Institute
Out in National Security
The Pink Berets
Planned Parenthood Federation of America
Power to Decide
Reproductive Freedom for All
Rocky Mountain Equality
Service Employees International Union

Service Women's Action Network (SWAN)

Silver State Equality

SPARTA

The Trevor Project

Union for Reform Judaism

Whitman-Walker Health

Women Employed