



Diversity and Inclusion Training for Military Personnel

July 19, 2021

Congress has taken an interest in requirements, content, and delivery of diversity and inclusion (D&I) training and education for military personnel. Under Title 10 United States Code, the Secretaries of the military departments ([Army](#), [Navy](#), and [Air Force](#)) have the statutory authority to train military personnel and administer to their morale and welfare. Congress has legislated specific training requirements (e.g., [financial literacy](#), [military sexual assault prevention](#)) for servicemembers, including training related to D&I issues. Existing provisions do not prescribe a pedagogical approach, nor do they prohibit certain topics or theories.

In addition, while Congress has oversight of military schools, curriculum decisions are generally delegated to school leadership and faculty. For example, each of the military service academies has a [Board of Visitors](#), with congressional representation, that has oversight authority over academy curricula. The Dean of Faculty also has the [statutory responsibility](#) for “developing and sustaining the curriculum”. While certain military training might be required for students at the service academies, statute does not require or prohibit the inclusion of D&I topics, readings, or theories as part of the academic curricula.

Statutory Training Requirements

In 1996, as part of the [FY1997 National Defense Authorization Act \(NDAA\)](#), and in response to several [hate crimes](#) involving servicemembers, Congress added a requirement for *human relations training* for members of the Armed Forces. The law, codified at [10 U.S.C §113 note](#), identifies topics to be covered during initial training and regularly as, “race relations, equal opportunity, opposition to gender discrimination, and sensitivity to 'hate group' activity.” The statute also requires training for commanders to prevent “impermissible activity based upon discriminatory motives” from occurring in units under their command.

Responsibility for D&I Training

[Defense Equal Opportunity Management Institute \(DEOMI\)](#), established in 1971, is the DOD entity primarily responsible for developing “[standards, core competencies, and learning objectives for D&I](#)”

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[training and education programs](#)” across the department. DEOMI offers courses, seminars, and other D&I resources to commanders, equal opportunity advisors, counselors, and program managers. It [is funded](#) through annual appropriations.

The military departments are responsible for implementing D&I training. Congress, in the [FY2021 NDAA](#), added a requirement for a DOD “Chief Diversity Officer” and “Senior Advisors for Diversity and Inclusion” for each department and the Coast Guard. These individuals advise on “training in diversity dynamics and...leading diverse groups effectively.”

Recent Developments

During summer 2020, racial unrest and protests arose in several American cities following the May 25, 2020 [murder of George Floyd](#), a Black man, while in the custody of Minneapolis police officers. In response, [several military leaders](#) called for renewed efforts to address racial bias and discrimination in the military. On June 19, 2020, then-Secretary of Defense Mark Esper, [announced a review](#) of “all policies, programs, and processes that may negatively affect equal opportunity, diversity, and inclusion for all our people.”

On July 14, [Secretary Esper announced several immediate actions](#) to address D&I concerns. He directed the Under Secretary of Defense for Personnel and Readiness to incorporate certain elements of bias awareness into [professional military education](#) (PME). Esper specified a program that would “educate servicemembers and leaders concerning the impact of their own biases and prejudices on their decisions,” and include “specific training requirements, relevant talking points, and scenario-based learning to assist commanders in guiding discussions on discrimination, prejudice, and bias within units and organizations.” The deadline for these plans was October 1, 2020.

Prior to the Secretary’s deadline, others in the Trump Administration raised concerns about the content of diversity-related training for federal employees. A [September 4, 2020 memorandum](#) from the Director of the Office of Personnel Management (OPM) directed federal agencies to identify any training on topics such as “critical race theory” or “white privilege.” President Donald Trump then issued [Executive Order \(EO\) 13950, Combating Race and Sex Stereotyping](#), on September 22, 2020, prohibiting federal funding for training on “divisive concepts.” Section 3 of the EO applied to the [Uniformed Services](#), prohibiting teaching, instructing, or training on these concepts to any servicemember. [Further OPM guidance](#) required OPM approval for all D&I training programs “[before being used](#)” [emphasis in OPM memorandum].

On January 20, 2021, President Joseph Biden issued [EO 13985 on Advancing Racial Equity and Support for Underserved Communities through the Federal Government](#). Section 10 of this EO revoked [EO 13950](#), removing restrictions on D&I-related training for uniformed personnel. On June 25, 2021, President Biden issued an [EO on Diversity, Equity, Inclusion and Accessibility in the Federal Workforce](#). Section 9 requires agency heads to implement D&I training to,

enable Federal employees, managers, and leaders to have knowledge of systemic and institutional racism and bias against underserved communities, be supported in building skillsets to promote respectful and inclusive workplaces and eliminate workplace harassment, have knowledge of agency accessibility practices, and have increased understanding of implicit and unconscious bias.

Congressional Activity

[Recent servicemember surveys](#) indicate that race and gender discrimination/harassment remain challenges, particularly for women and minorities, who report experiencing these negative behaviors at higher rates than their counterparts. Observers are divided over whether D&I training can mitigate these issues.

Some Members of Congress argue that the current content and/or delivery of D&I training and education has a [negative impact on servicemember morale](#) and exacerbates existing tensions. Proposed legislation would [prohibit DOD from promoting certain theories as part of D&I training and education](#) or would [reinstate executive agency training prohibitions](#) from the revoked EO 13950. Other Members argue that current D&I training requirements are outdated and insufficient to support a favorable climate for race and gender relations. They have [proposed legislation](#) that would replace the [1996 law](#), adding specific training topics and more clearly specifying covered individuals. The 117th Congress may consider these and other proposals that affect [diversity, inclusion, and equal opportunity in the Armed Services](#).

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