



ASIAN AMERICANS
**ADVANCING
JUSTICE**

AAJC

The Honorable Charles E. Schumer
Majority Leader
United States Senate
S-221, The Capitol
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
S-230, The Capitol
Washington, D.C. 20510

The Honorable Mike Johnson
Speaker of the House
United States House of Representatives
568 Cannon House Office Building
Washington D.C. 20515

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

October 24, 2024

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Johnson, and
Minority Leader Jeffries

CC: Chairmen Reed and Rogers and Ranking Members Wicker and Smith,

As you enter into conference to resolve the differences between the House-passed version of the National Defense Authorization Act for Fiscal Year 2025 (**H.R. 8070**), and the bill passed out of the Senate Armed Services Committee (**S. 4638**), as well as the Manager's Package (**S. Amdt. 3290**) and a number of pre-negotiated amendments, we urge you to strike provisions that undermine efforts to promote diversity, equity, and inclusion and accessibility, threaten the health and safety of LGBTQ+ servicemembers, or uphold discriminatory practices against communities of color that would not only foster extremist sentiment in the military but also jeopardize unit cohesion and force readiness.¹

Asian American representation in the Armed Forces is a necessity for military readiness.² Since the Civil War, Asian Americans have fought with valor and integrity despite facing systemic prejudice in society and within the ranks.³ As of 2022, more than 125,000 members of the Asian

¹ National Defense Authorization Act for Fiscal Year 2025, H.R. 8070, 119th Cong. (2024); *see also* National Defense Authorization Act for Fiscal Year 2025, S. 4638, 119th Cong. (2024).

² Jim Garamone, *Diversity, Equity, and Inclusion are Necessities in U.S. Military*, DOD News (Feb. 9, 2022), <https://www.defense.gov/News/News-Stories/Article/Article/2929658/diversity-equity-inclusion-are-necessities-in-us-military/>.

³ Courtney Nomiya, *Belonging On and Off the Battlefield*, Libr. Of Cong. <https://www.loc.gov/ghe/cascade/index.html?appid=6301eee806184a9c885374869c325ba4&bookmark=Civil%20War>.

American Native Hawaiian and Pacific Islander (AANHPI) community were serving in the total military force.⁴ Even still, Asian Americans continue to be underrepresented in the ranks.⁵

As was the case last fiscal year, we broadly urge you to remove provisions which undercut Diversity, Equity, and Inclusion (DEI) efforts, discriminate against the LGBTQ community, and curtail women's rights. Repeated efforts to marginalize these groups, which unfortunately are still many in this year's FY25 NDAA, send a message of alienation and hostility and run counter to this country's principles of justice, equality, and inclusion.⁶

We oppose the following provisions:

- **H.R. 8070 § 528** – This provision would eliminate all offices for diversity, equity, and inclusion (DEI) in the Department of Defense (DOD) along with firing the current personnel. This is problematic because it would allow systemic discrimination and disparities in equal opportunities in the military to continue, free of examination, investigation, and recourse.
- **H.R. 8070 § 579B** – This provision prohibits funding for “radical gender ideology” or “pornographic content” in DODEA schools. This perpetuates moral panic and conspiracy theories about the LGBTQ community by equating “porn” and “radical gender ideology” with sex education and gender acceptance.⁷
- **H.R. 8070 § 579C** – This provision prohibits gender transition procedures including through surgery or medicine through the Exceptional Family Medical Program. It therefore promotes discrimination against the transgender community.⁸
- **H.R. 8070 § 714** – This provision prohibits the Secretary of Defense for paying for or reimbursing expenses related to abortion services and is against the women's right to

⁴ 2022 Demographics: Profile of the Military Community, Department of Defense, <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:5e251595-38ca-495e-b907-8e9d91b22c76>.

⁵ Kristy N. Kamarck, U.S. Cong. Rsch. Serv., Diversity, Inclusion and Equal Opportunity in the Armed Services: Background and Issues for Congress (2019).

⁶ Veronica Stracqualursi, *On Memorial Day, Austin Reflects on Strength of U.S. Military and Dismisses Adversaries' Criticism*, CNN (May 31, 2021), <https://www.cnn.com/2021/05/31/politics/lloyd-austin-us-military-diversity-china-russia-cnntv/index.html>.

⁷ Orion Rummel, *Book Bans Internalize 'shame' for young LGBTQ+ people, advocates say. Here's How They're Pushing Back*, The 19th* (February 23, 2023), <https://19thnews.org/2023/02/book-bans-lgbtq-reading/>.

⁸ Human Rights Campaign, *Map: Attacks on Gender-Affirming Care by State*, <https://www.hrc.org/resources/attacks-on-gender-affirming-care-by-state-map>.



choose. It seeks to overturn current DOD policies which ensure access to reproductive health care.⁹

- **H.R. 8070 § 903** – This provision eliminates the Chief Diversity Officer in the DOD and the establishment of a future similar position. This wholesale rejection of diversity as a concept represents a step backwards for our military.
- **H.R. 8070 § 1049A** – This provision prohibits the promotion of critical race theory and other race-based theories. As civil rights organizations have been articulating for many years, embracing America’s diversity actively requires a race-conscious approach.¹⁰
- **H.R. 8070 § 1049D** – This provision eliminates an exemption which allows the military chain of command or senior civilian leadership to approve the display of unapproved flags at military installations. This is a thinly-veiled attempt to ban Pride and other “DEI” flags.¹¹
- **H.R. 8070 § 1076G** – This provision prohibits TRICARE from covering and DOD from furnishing gender transition surgeries and gender hormone treatments. These are legitimate medical decisions that should be made between a transitioning patient and their healthcare team.¹²
- **H.R. 8070 § 1116** – This provision would put a hiring freeze on DEI jobs in the DOD. If adopted, it would make service in the Armed Forces or employment in the DOD less attractive to diverse talent and create a culture hostile to the existing diverse personnel.
- **H.R. 8070 § 1754** – This provision prohibits drag shows, drag queen story hours, and similar events. It marginalizes the transgender community and endangers their welfare.¹³

⁹ DoD Releases Policies to Ensure Access to Non-Covered Reproductive Health Care, Feb. 16, 2023, <https://www.defense.gov/News/Releases/Release/Article/3301006/dod-releases-policies-to-ensure-access-to-non-covered-reproductive-health-care/>.

¹⁰ *Critical Race Theory: Frequently Asked Questions*, Legal Defense Fund, <https://www.naacpldf.org/critical-race-theory-faq/>.

¹¹ Ryan King, *Veterans Lash out at White House After ‘Shameful’ Pride Flag Display*, NY Post (Jun. 12, 2023), <https://nypost.com/2023/06/12/veterans-lash-out-at-white-house-after-shameful-pride-flag-display/>; see also Rachel Schilke, *Lawmakers Fume Over Ban on Pride Flags Included in Spending Bill to Avert Shutdown*, Washington Examiner (Mar. 21, 2024), <https://www.washingtonexaminer.com/news/house/2932995/lawmakers-fume-ban-pride-flags-bill-avert-shutdown/>.

¹² Kelly Bilodeau, *Gender Affirming Surgery Brings Benefits*, Harv. Health Publ’g (Sep. 1, 2021), <https://www.health.harvard.edu/mind-and-mood/gender-affirming-surgery-brings-benefits>; see also Kareen M. Matouk & Melina Wald, *Gender Affirming Care Saves Lives*, Colum. Univ. Psychiatry (Mar. 30, 2022), <https://www.columbiapsychiatry.org/news/gender-affirming-care-saves-lives>.

¹³ Jaweed Kaleem, *How Drag Queen Story Hour Became a Battle Over Gender, Sexuality, and Kids*, LA Times (Feb. 22, 2023), <https://www.latimes.com/world-nation/story/2023-02-22/drag-queen-story-hour>; see also Adam



We also OPPOSE the following amendments which have been proposed in the Senate version of the FY25 NDAA (S. 4638):

- **S. 4638 § 220** – This provision prohibits funds from being granted to higher education institutions who have violated Title VI of the Civil Rights Act and also gives the Secretary of Defense waiver authority. It is a bad-faith attempt to crack down on legitimate First Amendment protests on college campuses. Notably, it was passed without any consultation with civil rights groups which oppose this section.
- **S. 4638 § 708 and 709:** These provisions are an attack on LGBTQ inclusivity because it seeks to ban sex-change surgeries in DOD medical facilities and prohibit LGBTQ youth from receiving gender affirming care or hormone therapy covered under TRICARE. individuals from serving in the U.S. military. The benefits of gender affirming care, hormone therapy, or other necessary medical interventions are well documented and ultimately saves lives.¹⁴
- **S. 4638 § 1113 and § 1114:** These two provisions work together to handcuff the Secretary of Defense to progress internal DEI efforts at the DOD by prohibiting the establishment of new DEI positions or filling any current related vacancies and banning the consideration of a candidate’s commitment to DEI during their hiring process. We affirm that diversity is at the core of America’s strength, especially within our military.¹⁵

Thank you for considering our recommendations to promote a more diverse, inclusive, and strong U.S. military. We believe that the FY25 NDAA must reflect these values and embrace our differences. If you have any questions regarding these recommendations, please do not hesitate to reach out to Dennis Jing at djing@advancingjustice-aajc.org.

Sincerely,
Asian Americans Advancing Justice | AAJC

Gabbatt, ‘Subtle and Sinister’: Republicans’ Anti-Drag Crusade Seen as Assault on LGBTQ+ Rights, The Guardian (Sep. 19, 2023), <https://www.theguardian.com/world/2023/sep/19/us-states-attack-drag-shows-lgbtq-rights>.

¹⁴ Kate Stringer, *The Benefits of Gender-Affirming Care*, Univ. of Wash. Sch. of Pub. Health (Mar. 21, 2023), <https://sph.washington.edu/news-events/sph-blog/benefits-gender-affirming-care>.

¹⁵ Terri Cronk, *Austin Speaks Out on Importance of Diversity in White House Roundtable*, DOD News (Feb. 10, 2022), <https://www.defense.gov/News/News-Stories/Article/Article/2930883/austin-speaks-out-on-importance-of-diversity-in-white-house-roundtable/>.

