

**AMENDMENT TO H.R. 7900**  
**OFFERED BY MR. BROWN OF MARYLAND**

At the appropriate place in title VIII, insert the following new section:

1 **SEC. 8\_\_\_. DIVERSITY AND INCLUSION REPORTING RE-**  
2 **QUIREMENTS FOR COVERED CONTRACTORS.**

3 (a) IN GENERAL.—Subchapter V of chapter 325 of  
4 title 10, United States Code, is amended by inserting after  
5 section 4892 the following new section:

6 **“§ 4893. Diversity and inclusion reporting require-**  
7 **ments for covered contractors**

8 “(a) COVERED CONTRACTOR REPORTS.—

9 “(1) IN GENERAL.—The Secretary of Defense  
10 shall require each covered contractor awarded a cov-  
11 ered contract to submit to the Secretary of Defense  
12 not later than the last day of each full fiscal year  
13 that occurs during the period of performance of a  
14 covered contract a report on diversity and inclusion.

15 “(2) ELEMENTS.—Each report under para-  
16 graph (1) shall include, as applicable—

17 “(A) any data, based on voluntary self-  
18 identification, on the racial, ethnic, and gender  
19 composition of the members of the board of di-

1           rectors of the covered contractor, nominees for  
2           the board of directors of the covered contractor,  
3           and the senior leaders of the covered contractor;

4           “(B) the status of any member of the  
5           board of directors of the covered contractor,  
6           nominees for the board of directors of the cov-  
7           ered contractor, or any senior leader of the cov-  
8           ered contractor, based on voluntary self-identi-  
9           fication, as a veteran;

10          “(C) whether the board of directors of the  
11          covered contractor has, as of the date on which  
12          the covered contractor submits a report under  
13          this section, adopted any policy, plan, or strat-  
14          egy to promote racial, ethnic, and gender diver-  
15          sity among the members of the board of direc-  
16          tors of the covered contractor, nominees for the  
17          board of directors of the covered contractor, or  
18          the senior leaders of the covered contractor; and

19          “(D) a description of participation by the  
20          covered contractor in diversity programs, to in-  
21          clude hours spent, funds expended in support  
22          of, and the number of unique relationships es-  
23          tablished by each such diversity program.

24          “(b) ANNUAL SUMMARY REPORT.—

1 “(1) REPORT REQUIRED.—Not later than 60  
2 days after the first day of each fiscal year, the Sec-  
3 retary shall submit to the congressional defense com-  
4 mittees a report summarizing the reports submitted  
5 pursuant to subsection (a).

6 “(2) ELEMENTS.—Each report under para-  
7 graph (1) shall include—

8 “(A) an index of the reports submitted  
9 pursuant to subsection (a);

10 “(B) a narrative that analyzes the infor-  
11 mation disclosed in such reports and identifies  
12 any year-to-year trends in such information;  
13 and

14 “(C) a compilation of the data described in  
15 subsection (a), disaggregated as described in  
16 such subparagraphs.

17 “(3) PUBLIC AVAILABILITY.—Each report re-  
18 quired under this subsection shall be posted on a  
19 single publicly available website of the Department  
20 of Defense and made available in a machine-readable  
21 format that is downloadable, searchable, and sort-  
22 able.

23 “(d) DEFINITIONS.—In this section:

24 “(1) COVERED CONTRACT.—The term ‘covered  
25 contract’—

1 “(A) means a contract or other agreement  
2 valued greater than \$150,000 between the Sec-  
3 retary of Defense and one or more other per-  
4 sons creating obligations that are enforceable or  
5 otherwise recognizable at law; and

6 “(B) includes first-tier subcontracts or  
7 subagreements and transactions (other than a  
8 contract, grant, or cooperative agreement) de-  
9 scribed in section 4003 of this title.

10 “(2) COVERED CONTRACTOR.—The term ‘cov-  
11 ered contractor’ means a prime contractor, first-tier  
12 subcontractor, or supplier awarded a covered con-  
13 tract that has 15 or more employees.

14 “(3) DIVERSITY PROGRAM.—The term ‘diver-  
15 sity program’ means—

16 “(A) a program conducted under section  
17 4144 of this title;

18 “(B) a mentor-protege relationship estab-  
19 lished under section 831 of the National De-  
20 fense Authorization Act for Fiscal Year 1991  
21 (10 U.S.C. 2302 note);

22 “(C) a program conducted under section  
23 4093 of this title; or

24 “(D) any other program designated by the  
25 Secretary of Defense as designed to increase

1 the diversity of the workforce of the defense in-  
2 dustrial base.

3 “(4) SENIOR LEADER.—The term ‘senior lead-  
4 er’ means—

5 “(A) the president of a covered contractor;

6 “(B) any vice president in charge of a  
7 principal business unit, division, or function of  
8 a covered contractor; or

9 “(C) any other officer of a covered con-  
10 tractor who performs a policy-making func-  
11 tion.”.

12 (b) CLERICAL AMENDMENT.—The table of sections  
13 for subchapter V of chapter 325 of title 10, United States  
14 Code, is amended by adding after the item related to sec-  
15 tion 4892 the following new item:

“4893. Diversity and inclusion reporting requirements for covered contractors.”.

16 (c) EFFECTIVE DATE AND APPLICABILITY.—The  
17 amendments made by this section shall take effect on July  
18 1, 2022, and shall apply with respect to contracts entered  
19 into on or after July 1, 2022.

