

117TH CONGRESS  
1ST SESSION

# H. R. 5139

To direct the Secretary of Defense to carry out activities to detect and address racial, ethnic, and gender disparities in the military justice system, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 31, 2021

Mr. JONES (for himself and Ms. ESCOBAR) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To direct the Secretary of Defense to carry out activities to detect and address racial, ethnic, and gender disparities in the military justice system, 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 “Military Justice Trans-  
5 parency Act”.

1 **SEC. 2. IMPROVEMENTS RELATING TO RACIAL, ETHNIC,**  
2 **AND GENDER DISPARITIES IN THE MILITARY**  
3 **JUSTICE SYSTEM.**

4 (a) IN GENERAL.—In addition to the activities re-  
5 quired under section 540I of the National Defense Author-  
6 ization Act for Fiscal Year 2020 (Public Law 116–92; 10  
7 U.S.C. 801 note), the Secretary of Defense shall carry out  
8 the activities described in subsection (b) to further detect  
9 and address racial, ethnic, and gender disparities in the  
10 military justice system.

11 (b) DATA RECORDING.—Beginning not later than  
12 180 days after the date of the enactment of this Act, and  
13 annually thereafter, the Secretary of Defense shall require  
14 each Secretary concerned to—

15 (1) record the race, ethnicity, and gender of the  
16 victim and the accused for each investigation of an  
17 offense under chapter 47 of title 10, United States  
18 Code (the Uniform Code of Military Justice) con-  
19 ducted after the date of the enactment of this Act  
20 by an Armed Force under the jurisdiction of such  
21 Secretary;

22 (2)(A) record the race, ethnicity, and gender of  
23 each individual against whom non-judicial punish-  
24 ment is imposed under section 815 of such chapter  
25 (article 15 of the Uniform Code of Military Justice)  
26 after the date of the enactment of this Act by an

1 Armed Force under the jurisdiction of such Sec-  
2 retary; and

3 (B) set forth such information separately for  
4 each type of non-judicial punishment imposed;

5 (3)(A) record the race, ethnicity, and gender of  
6 each individual convicted in a court-martial con-  
7 ducted after the date of the enactment of this Act  
8 by an Armed Force under the jurisdiction of such  
9 Secretary; and

10 (B) set forth such information separately by the  
11 type of court-martial, the offense involved, and the  
12 case outcome; and

13 (4) publish the data described in subparagraphs  
14 (A) through (C) in the annual military justice re-  
15 ports of the Armed Forces under the jurisdiction of  
16 such Secretary.

17 (c) BRIEFING.—Not later than 30 days after the date  
18 on which the annual military justice reports of the Armed  
19 Forces for fiscal year 2022 have been submitted to Con-  
20 gress, the Secretary of Defense shall provide to the Com-  
21 mittees on Armed Services of the Senate and the House  
22 of Representatives a briefing on the strategy of the Sec-  
23 retary to detect and address racial, ethnic, and gender dis-  
24 parities in the military justice system.

1 (d) COMPTROLLER GENERAL REPORT.—Not later  
2 than one year after the date of the enactment of this Act,  
3 the Comptroller General of the United States shall submit  
4 to the Committees on Armed Services of the Senate and  
5 the House of Representatives a report detailing—

6 (1) the findings of the Government Account-  
7 ability Office regarding racial disparities in the mili-  
8 tary justice system;

9 (2) any steps being taken by the Secretary of  
10 Defense to address racial disparities in the military  
11 justice system; and

12 (3) the status of implementation by each Sec-  
13 retary concerned of the recommendations set forth  
14 in the report of the Government Accountability Of-  
15 fice titled “Military Justice: DOD and the Coast  
16 Guard Need to Improve Their Capabilities to Assess  
17 Racial and Gender Disparities” (GAO–19–344),  
18 dated May 2019.

19 (e) SECRETARY CONCERNED DEFINED.—In this sec-  
20 tion, the term “Secretary concerned” has the meaning  
21 given that term in section 101(a)(9) of title 10, United  
22 States Code.

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