

## Center for Military Readiness

### Analysis of Proposed Amendments to HR 2500, the NDAA for FY 2020, approved for Consideration by the House Rules Committee

The following amendments to the **National Defense Authorization Act (NDAA) for FY 2020** were approved by the [Rules Committee](#) for consideration on the floor of the House. Comments below analyze the proposed amendments, described in quotes from the Rules Committee list, beginning with ones of greatest concern to the Center for Military Readiness

#### [Amendment # 399](#) SPEIER (CA) et al. **OPPOSE**

“Requires that qualifications for eligibility to serve in an armed force account only for the ability of an individual to meet gender-neutral occupational standards and not include any criteria relating to the race, color, national origin, religion, or sex (including gender identity or sexual orientation) of an individual.”

*Comment:* Approval of the Speier amendment in both Houses would justify a veto of the NDAA, due to both unintended and intended consequences. Would serve as grounds to eliminate virtually all enlistment requirements, provided that a person meets “gender-neutral occupational standards.” Would also reverse the Trump/Mattis Policy regarding transgender personnel, even though that policy is not based on gender identity and it does not bar enlistment or retention of transgenders as a class. The policy is based on a medical condition, gender dysphoria, which affects personal readiness to deploy and other factors.

As stated in CMR’s June 27 [news release](#), the Speier amendment calls for universal application in *all* personnel policies. Enactment in law would a) Put the Congress on record in favor of the unscientific notion that gender is “designated” or “assigned” at birth. even though human DNA determines gender long before birth; b) Force medical personnel to provide controversial hormone or surgical treatments that many consider unethical; c) Allow biological males to share female-only private facilities; d) Violate religious liberties; e) Eliminate female-only athletic teams, f) Force the use of pronouns inconsistent with biological sex; g) Increase non-deployability and associated morale problems; h) Impose higher costs for medical visits, i) Increase already-high rates of suicide; and j) Harm recruiting and retention in the All-Volunteer Force.

#### [Amendment #41](#) POCAN (WI) - **OPPOSE**

“Requires review of the discharge characterizations of former members of the military who were discharged because of their sexual orientation. Requires boards to change discharge characterizations from dishonorable to honorable in such cases.”

*Comment:* The amendment is unnecessary because the law already provides for this; Discharge Review Boards (DRBs) have operated for years. No one in the history of our military has ever

received a dishonorable discharge “because of their sexual orientation.” “Being” a homosexual was not a crime under the UCMJ. Persons engaging in homosexual conduct who were court-martialed and given a Dishonorable Discharge were convicted by proof beyond a reasonable doubt of some punitive offense under the UCMJ. All have had appellate rights available to them to challenge their convictions under the UCMJ and then to bring a collateral attack in the Federal Courts if they claimed their constitutional rights were violated.

[Amendment #214](#) LAWRENCE (MI) -- **OPPOSE**

“States that the Secretary of Defense shall require each of the military departments to examine successful strategies in use by foreign military services to recruit and retain women, and to consider potential best practices for implementation in the United States Armed Forces, as recommended by the Defense Advisory Committee on Women in the Services.”

*Comment:* Some foreign militaries (which rely on America’s defense security umbrella) operate under decided to gender-integrate their all-male direct ground combat units to promote “equal opportunity,” not military readiness, but America’s military must assign priority to mission readiness and combat lethality. Reviews of practices in other countries fail to consider priorities and practices used in the militaries of potential adversaries.

[Amendment #222](#) OMAR (MN) - **OPPOSE**

“Specifies that the DoD plan for diversity in hiring, promotion, and retention should include plans for hiring, promoting, and retaining racial minorities, women, religious minorities, immigrants, members of the LGBTI+ community, and people with disabilities.”

*Comment:* This would lead to quotas for various minority groups which the Supreme Court has held are unconstitutional. Currently, officer promotion boards have to be very careful to further diversity "goals" without slipping over into "quotas," which this amendment seems to demand.

[Amendment #129](#) BROWN (MD) – **NOT NECESSARY**

“Directs the Secretary of Defense to produce a report on the number of certain waivers received by transgender individuals.”

*Comment:* Data can be useful for many purposes, but there are many disqualifying conditions that can be waived. If there is a need to evaluate military waivers, ALL conditions, not just waivers for transgenders or persons diagnosed with gender dysphoria, should be considered.

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*Prepared by the Center for Military Readiness, an independent, non-partisan public policy organization that reports on and analyzes military/social issues. More information is available in this more detailed [analysis](#), and in this June 27 [news release](#).*