



## NDAAs for 2025: Final Challenges for the 118<sup>th</sup> Congress

The Center for Military Readiness has been tracking the National Defense Authorization Act (NDAA) for 2025 on military/social issues of concern to CMR. In the final weeks, conferees should avoid doing harm with bad legislation, approve positive measures that will strengthen our military, and consider additional good ideas that passed in only one house. Regardless of who wins Congress and the White House, political campaigns do not lessen Congress's constitutional responsibility to make sound policies for our military.

### I. First, Do No Harm

Three problematic provisions in the House and Senate versions of the NDAA – [H.R. 8070](#) and [S. 4638](#), respectively, should not be approved.

#### ■ “Draft Our Daughters” Resurrected – Why?

In May, House approved NDAA language making **Selective Service registration for men (18-26) automatic**. As CMR [predicted](#) at the time, members of the Senate Armed Services Committee (SASC) approved the same proposal and extended it to impose Selective Service registration obligations on eligible “persons,” to include young women. This latest version of controversial “Draft Our Daughters” legislation, sponsored by SASC Democrats, came up behind closed doors, without notice, rationale, or evidence of popular demand.

For still-unexplained reasons, three Republicans voted for the anti-women “Draft Our Daughters” motion – perhaps because of a well-meaning but inadequate attempt to mitigate the negative impact. (See [Senate Report](#), pp. 710-716, Motion 14, passed 16-9)

This year's legislation purports to *exclude any women required to be registered for the Selective Service System from being compelled to join combat arms branches,* meaning military occupations that were all-male prior to **December 3, 2015**. In that year, the **Obama Administration** disregarded the **Marine Corps'** request that some **military occupational specialties (MOSs)** remain all-male, opening all MOSs to women as if there were no difference. (Motion #15, passed 13-12)

For several reasons, this Republican-sponsored “combat carveout,” which changes nothing, does not allay concerns or justify votes for “Draft Our Daughters.” For example:

- An administration that cannot define what a woman is cannot be trusted to exempt mostly unqualified women from conscription to combat arms positions.
- The idea that women must register and could be drafted but excused from close combat is **oxymoronic**, since the whole purpose of the draft is to rapidly supply combat replacements in a war that threatens the very existence of the United States. Thousands of female draftees would not be physically qualified for combat arms units, where the need would be greatest.
- On December 3, 2015, Defense Secretary **Ashton Carter** refused to recognize the results of [Marine Corps field tests](#) confirming unchanging differences in the capabilities of men and women in combat arms units such as the **infantry**, the Army's largest community.
- Since 2019, theories and promises of physical equality crumbled when the **Army** tried but repeatedly failed to train men and women with identical standards and requirements in the [Army Combat Fitness Test \(ACFT\)](#). Due to extremely high failure rates among women compared to men, the Army had to reinstate gender-normed (different) test requirements and scores in the ACFT.
- A [good case](#) could be made for dropping registration, a relatively inexpensive military emergency insurance policy, but a high-risk experiment with “equality” in the combat arms during a catastrophic

national emergency would create a [bureaucratic nightmare](#), complicating and slowing military mobilization at the worst possible time.

### “Draft Our Daughters” is about Big Government national service, not national defense.

- The misleading “combat carveout for women” is a false promise that would alter the very *purpose* of Selective Service, which is supposed to be activated only to defend America during a time of catastrophic national emergency.
- In 2020, the **\$45 million National Commission on Military, National, and Public Service** recommended a vast program of national service, a **Big Government** bureaucracy empowered to commandeer the lives of young men and women in a controlling system that smacks of the “**Social Credit**” system used to control the population in **China**.

Any attempt to implement such a plan would be a major incremental step toward mandatory national service. Question: *Where in the U.S. Constitution is there authorization for the federal government to run the lives of young people for less than compelling reasons?*

#### ■ Misleading Meritocracy Measure: House NDAA Sec. 523

Sec. 523 of HR 8070 was billed as a “principles of meritocracy” amendment, but its lack of precise limiting language and definitions of words like “merit” and “sex” invite harmful unintended consequences. Predictable misinterpretations, based on current DoD practices, would allow Pentagon bureaucrats to continue discriminating without interference from Congress or the Courts, and to push the current sex-denying “**gender identity**” agenda as far as radical **transgender** activists want it to go. Sec. 523 reads, in part,

*“—The Secretary of Defense shall ensure that each personnel decision regarding a covered member, including military accession, promotion, and command selection, is— (1) based on the individual merit and demonstrated performance of the covered member; [and] (2) without regard to the political affiliation, race, color, religion, national origin, sex, or marital status, of the covered member . . .”* (emphasis added)

This sounds positive, but the legislation lacks one clarifying word and two definitions that would prevent misinterpretations. Areas of concern, highlighted in bold above, are as follows:

1. As Law Professor Emeritus and former Army litigation division chief **William A Woodruff** explained [here](#), Sec. 523 requires a word like “**exclusively**” or “**solely**” just before “(1) based on individual merit . . .” Without such a word, the DoD will consider individual merit and performance, but assign *higher priority* to other superficial factors, such as **race-conscious designators** to meet **DEI demographic quotas**.
2. The administration argued before the Supreme Court that racial discrimination is justified at the military service academies and **ROTC** programs because, as DoD keeps insisting without evidence, “**Diversity is a strategic imperative.**” (*Students for Fair Admissions (SFFA) v. Harvard & the University of N. Carolina, 2023*)
3. The legislation requires a definition for the word “**merit**” that explicitly excludes consideration of irrelevant factors such as **race, ethnicity, or skin color**. Absence of a definition for “*merit*” creates a loophole that the Defense Department will exploit to meet **race-conscious DEI mandates**. This is because the DoD considers “race” and other superficial factors to be legitimate proxies for “merit” when determining an individual’s “*merit, fitness, capability, and performance.*”
4. **Sec. 523 would prohibit discrimination on the basis of “sex,” without defining the word “sex” in terms of biological science.** This would allow DoD bureaucrats to continue defining “sex” as they wish, ratcheting up radicalism with the full authority of statutory law.
5. This would set in political stone DoD’s gender ideology and [transgender policies](#) that **Presidents Barack Obama** and **Joe Biden** imposed in 2016 and 2021. Passage of Sec. 523 would give to the DoD *statutory* authority to further their radical sexual identity agenda, including transgender policies

that define sexuality in terms of “**gender identity**,” “**gender expression**,” “**transgender status**,” or “**sexual orientation**.”

6. Prohibiting all sex discrimination, even with a definition tied to biological realities, would preclude DoD from making any accommodations based on **male/female biological differences**, especially in **close combat** units where physical sex differences matter.
7. Theoretically, a new President could revoke such mandates by issuing different orders. However, it would be extremely difficult to revoke anti-women transgender policies **without another act of Congress to define what a woman is**.

The **Biden Administration** [is not opposed](#) to Sec. 523, which should give any lawmaker pause.

#### ■ **Lowering Standards re Cannabis**

A provision in the House defense bill would waive restrictions on new recruits testing positive for **cannabis**. In some cases waivers are justified, but a legislative provision such as this could be extended to weaken disciplinary standards on and off military bases.

### II. **Approve Consensus Measures to End Wokeism in the Military**

#### ■ **No More DoD “Diversity, Equity, and Inclusion” (DEI) Positions**

The Senate Committee approved a measure that would prohibit **establishment of new DEI positions in the DoD** and the filling of DEI personnel vacancies. (Motion #13, passed 13-12) The House approved a similar measure, which deserves enactment in law. (Passed 216-206)

#### ■ **No Sex-Change Surgeries on Adults or Children**

A Senate provision would prohibit the performance of **sex change surgeries** by the DoD. (Motion #17, passed 13-12) The Senate measure should be consolidated and approved in Conference with the House amendment prohibiting coverage of “**sex reassignment**” and related surgeries under **TRICARE**. (Passed 213-206)

This measure would prohibit TRICARE coverage of **certain medical procedures for children** that could result in sterilization. (Motion #18, passed 13-12) This action also should be approved in Conference, consolidated with the House amendment sponsored by **Rep. Ralph Norman** (R-SC), to prohibit **gender transition services** or referrals through the **Exceptional Family Member Program (EFMP)**. (Passed 218-205)

#### ■ **No Settlement of Individuals from Potential Enemies**

The SASC approved an amendment to prohibit the use of funds for resettlement in the US of certain individuals from the **West Bank or Gaza**. (Motion #23, Passed 13-12) The House also passed a measure prohibiting **DoD funds for aircraft to transport Palestine refugees**. (Passed 204-199)

### III. **Approve More Positive Legislation on the Merits**

As reported in CMR’s [Interim NDAA Report No. 2](#), House members voting on the NDAA for 2025 approved many positive measures that deserve support. These provisions would:

1. **Affirm meritocracy and ban discrimination** at the **military service academies**, recognizing no less than **30%** weighted consideration of standardized test scores
2. Prohibit the Defense Secretary from establishing or maintaining any committee, panel, office, or other organization that promotes “**diversity, equity, and inclusion (DEI)**” programs in **DoD Education Activity (DoDEA)** schools
3. Eliminate DoD **Chief Diversity Officers** and offices pushing DEI ideology and mandates
4. Prohibit DoDEA schools from purchasing, displaying, or maintaining material promoting **radical gender ideology or pornographic content**.
5. Prohibit toxic **critical race theory (CRT) indoctrination**, incorporating detailed definitions of **race-based theories**

6. Prohibit funds for **Countering Extremist Activity Working Group**
7. Strike the exemption that allows military chain of command or senior civilian leadership to approve the **display of unapproved flags** at military installations.
8. Prohibit **drag shows** and **story hours** on military bases and DoDEA schools
9. Prohibit **“climate change”** executive orders and electric vehicle mandates;
10. *Sense of Congress*: DoD must **restore the personnel records** and **repair the careers of chaplains** who suffered adverse personnel actions after seeking a religious accommodation request to **COVID-19** mandate
11. Prohibit **mask mandates** to prevent spread of COVID-19 on military bases
12. Prohibit use of DoD funds for **objectionable purposes**, such as time off and transportation to obtain **abortions** across state lines.
13. Improve training and pay for teachers and establishes a **school choice pilot program** for DoD schools in **Bahrain**
14. Prohibit funds to implement named **Executive Orders addressing “climate change”** and **“clean energy”**
15. Prohibit funds to require travel or transportation in **“zero-emission vehicles”**
16. Prohibit the use of **news sources** such as **NewsGuard** that rate opinions and censor “bias” from a bi-ased perspective
17. Prohibit use of the **TikTok** platform in DoD Education Activity schools
18. Suspend or revoke **security clearances** for individuals who have expressed support for **terrorist organizations**
19. Require training for commissioned officers on the **Constitution of the U.S.**

#### **IV. Conclusion: Next Year’s 119<sup>th</sup> Congress Should Do More**

There is no way to know which political party will win the White House, the House, or the Senate, but the obligation of Congress to make sound policies for our military will remain unchanged. Positive House measures that should be picked up from the cutting room floor should include, for example prohibitions of:

- **Majors or minors** at the service academies that focus on diversity, equity, and inclusion
- **Changing of DoD records** to reflect **self-identified gender identity** instead of reality
- All funds for DEI offices that promote, advance, or enforce DEI mandates, including but not limited to the **Defense Advisory Committee on Diversity and Inclusion (DACODAI)**
- Certain Internet/social media activities promoting **“LGBT Pride Month”**
- Selective Service registration and a **military draft** unless Congress declares war or determines inductions are necessary, plus
- Mandates requiring **repayment of signing bonuses** paid to individuals involuntarily separated on the sole basis of refusal to receive COVID-19 vaccination
- **Different fitness standards** for Army close combat force MOSs such as the infantry, to include 25C (radio operator/maintenance) and 68W (combat medics).

The NDAA for 2025 could become one of the most consequential actions of the 118<sup>th</sup> Congress. Congress should take positive steps that restore the strength of the only military we have.

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*Prepared by the Center for Military Readiness, an independent public policy organization that reports and analyses military/social issues. More information is available at [www.cmrlink.org](http://www.cmrlink.org).*