

## Second Interim Report on National Defense Authorization Act for FY 2024 Progress on CMR Challenge to Congress for 2023

The **118<sup>th</sup> Congress** continues to make solid progress in the direction of strengthening our military by investigation, mitigating, or eliminating wokeism in the military. Positive measures passed in both the House and Senate are delivering on promises to restore common sense policies that assign higher priority to military readiness and morale, not woke policies that are not difficult to define. Regardless of the issue, woke policies are defined as progressivism taken to extremes and imposed with coercion, even if it hurts the institution.

The one-page [CMR Challenge – Woke-ism in Our Military](#), which CMR posted in January 2023 highlighted eight legislative measures addressing military/social issues that were likely to be considered in writing the NDAA for 2024. In both the House and Senate, all CMR’s concerns were addressed in some way by the **House** and **Senate Armed Services Committees** and the full **House of Representatives**, which approved the NDAA for 2024 on July 14.

Significant progress has been made, but a full Senate vote has yet to happen and a Conference Committee to reconcile differences will take place sometime in the fall. Topics mentioned below follow the outline in the Challenge to Congress linked above.

### **A. House of Representatives – H.R. 2670**

As described in the House Summary page titled [Ending Wokeness in the Military](#), the House version of the NDAA for 2024 addressed all eight issues included in the [Challenge to Congress](#), and several more.

Sections and page numbers indicated below are from the [House Report](#) accompanying [H.R. 2670](#). Items that do not show a Section or page number have yet to be added to the House Report.

### **Initial Sponsors and Summaries of House NDAA Amendments, Sections/Pages**

#### ***1. Meritocracy in the Military***

- Prohibits any funds authorized in the bill from being used by the **military service academies** to discriminate on the basis of race or ethnicity in academy admissions or to establish quotas for admission on the basis of race or ethnicity. (Banks-Sec. 566)
- Calls for regulations to implement **merit-based recruiting** and personnel determinations to be based on merit, qualifications, performance, integrity, fitness, training, and conduct, in order to advance individuals who exhibit talent and abilities to support national security, without favoritism, nepotism, or quotas. (Banks–Sec. 523)

#### ***2. Chief Diversity Officers (CDOs)***

- Prohibits Secretary of Defense to appoint or employ a **military or civilian employee** whose duties include diversity, equity, and inclusion with a **rank or grade in excess of GS-10**. (Sec. 364)
- Amends Section 904 to prohibit federal funds from being used to establish a position within the Department of Defense for anything similar to **Chief Diversity Officers (CDOs)** or Senior Advisors for Diversity and Inclusion. (Roy-Sec. 904)
- Eliminates any offices of **diversity, equity, and inclusion (DIE)** along with the personnel in said offices within the offices of the Armed Forces and Department of Defense. (Norman - Sec. 596)
- Prohibits DoD from establishing **new DEI administrator positions** and/or taking actions to fill vacancies in currently existing DEI billets. (Burlison-Sec. 596)
- Review of DoD DEI Programs to **assess costs, objectives, results, etc.** (Sec. 568)
- Elimination of Chief Diversity Officer of the DoD. (Gaetz-Sec. 904)
- Assessments of **staffing** in DoD Office for DEI. (Alford-Sec. 1120)

### 3. *Critical Race Theory (CRT) and Anti-Extremism Programs*

- **Prohibits funds** authorized for **DoDEA** [DoD Education Activity schools] from being used to promote the idea that, 1) Any race is **inherently superior or inferior** to any other race, color, or national origin. 2) The US is a fundamentally racist country. 3) The **Declaration of Independence** or the **US Constitution** are racist documents, 4) An individual's moral character or worth is determined by the individual's race, color, or national origin. 5) An individual, by virtue of the individual's race, is inherently racist or oppressive, whether consciously or unconsciously. 6) An individual, because of the individual's race, bears responsibility for the actions committed by other members of the individual's race, color, or national origin. (Roy-Sec. 566)
- Prohibits the Department of Defense from making participation in training or support for certain race-based concepts a **requirement for hiring, promotion, or retention** of individuals. It also ensures that employees and service members cannot be compelled to declare belief in or participate in training that promotes such concepts as a condition of favorable personnel actions. (Crane)
- Requires that all documents and correspondence of the **Countering Extremism Working Group** are provided to the Select Subcommittee on the Weaponization of the Federal Government and the Committee on Armed Services (Hageman-Sec. 598)
- **Prohibition on funds** for training or education that promotes **critical race theory (CRT)** – (Waltz–Sec. 566)
- Requires **annual reports on costs** of defined CRT Training – (Gaetz-Sec. 568)

- Prohibition on funds for DoD Countering Extremism Working Group (Alford - Sec. 598)

#### ***4. Gender Identity and Transgender Policies***

- Prohibits TRICARE from covering and the Department of Defense from furnishing **sex reassignment surgeries and gender hormone treatments for transgender individuals.** (Rosendale)
- **Prohibits provision of gender transition procedures**, including surgery or medication, through the **Exceptional Family Member Program.** (Norman)
- Requires DoD report on results of [EO 13988](#), re: **Discrimination on Basis of Gender Identity and Sexual Orientation**, to obtain data on the impact on women in private areas such as bathrooms and locker rooms and number of discrimination complaints alleging gender identity that were made and substantiated. (Banks-p. 140, House Report)

#### ***5. Drag Shows on Military Bases***

- **Prohibition on drag shows and drag queen story hours** on military bases (Gaetz–Sec. 598)
- Calls for an end to current **Digital Ambassador Program** of the Navy and future review of digital ambassadors (Banks–Sec. 599)

#### ***6. Parents Rights – DoD Education Activity (DoDEA) Schools***

- **To protect the rights of parents of children in DoDEA schools** with regard to curriculum, instructional materials, etc. (Stefanik-Sec. 652)
- Prohibits DoDEA schools from purchasing and having **pornographic and radical gender ideology books** in their libraries. (Boebert)

#### ***7. Sex-Neutral Standards for Combat Arms MOSs (Army Combat Fitness Test)***

- Requires **sex neutral ACFT standards** for specific combat MOSs; e.g., infantry, combat engineer, field artillery, etc. (Waltz-Sec. 567)

#### ***8. COVID Mandate Repeal and Restitution***

- Prohibits adverse action against a member of the Armed Forces solely because of refusal to receive a **COVID-19** vaccine, and to consider reinstatement. (Sec. 525)
- Mandates **reviews of administrative discharges** due to COVID mandates (Banks-Sec. 526)
- Requires a study and report on **health conditions** arising in members of the Armed Forces after the administration of the **COVID-19 vaccine.** (Davidson)

- Prohibits any adverse actions against **cadets or midshipmen** based on their COVID-19 vaccination status. Further, states that an individual may not be denied admission at a service academy based on their COVID-19 vaccination status. (Jackson, TX-Sec. 564)
- Provides for a study regarding the **immune response** levels of servicemembers to COVID-19 infection and vaccination. (Wenstrup)
- Prohibits of any sort of **mask mandate** regarding the spread of COVID on any military installation in the United States. (Norman)
- Requires a communication strategy re: **COVID reinstatement** process. (Banks-Sec. 527)
- States that cadet **tuition repayment requirements** shall not apply to individuals who were not commissioned solely due to vaccination refusals. (Jackson, TX – Sec. 564)

### **9. Additional Measures of Interest to CMR:**

- Prohibits the Secretary of Defense from paying for or reimbursing expenses relating to **abortion services**. (Jackson, TX)
- Codifies Trump admin guidance to **prohibit the display of unapproved flags**. (Norman)
- Prohibits DOD from carrying out Biden's **climate change executive orders**. (Roy)
- Limits funds relating to federal contractor disclosure of **greenhouse gas emissions** and climate-related financial risk. (Sec. 1822)
- Calls for report on concerns about **electrification of military vehicles** and **battery safety**. (Title III, pp. 96-97)
- Prohibits funds for **advisory committees** related to **environmental, social, and governance (ESG)** aspects (Jackson, TX - Sec. 1046)

### **10. “Draft Our Daughters”**

- The House NDAA does include any mandate to **“Draft Our Daughters.”**

**FINAL PASSAGE OF [H.R. 2670](#)** – *“To authorize appropriations for fiscal year 2024 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year”* – **[PASSED 219 - 210](#)**

### **B. Senate Armed Services Committee (SASC)**

This is the Senate Committee’s Summary of the NDAA approved in Committee:

- [Summary of NDAA for 2024](#), approved by the SASC (See pp. 17, 18, and 30)

The Summary above and the record of Committee [roll call votes](#) shown at the end of the [Senate Report](#) accompanying the bill, (pp. 656-661) indicate several measures of particular interest:

- Requires all military personnel action to be based on **merit and performance**. (This would be a positive step toward non-discrimination and recognition of meritocracy in the military.)
- Requires the military service academies to require submission and consideration of **standardized test scores** as part of the application process. (Would counter pressures to drop such tests in pursuit of demographic diversity.)
- Requires briefings on the military service academies' plans to increase **racial diversity** in the officer corps of the Armed Forces. (This could reveal how the service academies plan to deal with racial preference practices if the **Supreme Court** ends the use of racial preferences in admissions in the pending **Harvard/University of N. Carolina** cases.)
- Restores the **Army's Physical Fitness Test (APFT)** as the test of record and requires a 24-month pilot program and briefings before a new standard can be implemented. (See House Waltz amendment addressing the failed **Army Combat Fitness Test (ACFT)**, which has revealed difficulties in training both men and women with sex-neutral standards in combat arms units such as the infantry.)
- Requires oversight regarding the pay and hiring of **civilian DEI employees**. (Official reports could reveal exceptionally high salaries with limited benefits for military readiness.)
- Requires a **personnel grade cap** related to diversity, equity, and inclusion (DEI) programs.
- **Prohibits the DoD from establishing new DEI** positions or filling vacancies in such positions until the GAO reviews the DoD diversity, equity, and inclusion workforce.

### **Interim Conclusion:**

A review of the measures mentioned above suggests that the 118<sup>th</sup> Congress is using both the power of the Constitution and the power of the purse to advance sound policies for our military. Many indicators, such as recruiting, indicate that our military is in trouble, so Congress is taking serious steps in the right direction.

– July 24, 2023

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*This informational paper was prepared by the **Center for Military Readiness**, an independent public policy organization that reports on and analyzes military/social issues and does not constitute endorsement of legislation. More information on all issues mentioned in the Challenge for Congress is available at [www.cmrlink.org](http://www.cmrlink.org)*