

NDAA for 2025: CMR Interim Report No. 3 – Senate Votes

The process of writing the **National Defense Authorization Act (NDAA) for 2025** continued when members of the **Senate Armed Services Committee (SASC)** marked up their version of the annual defense bill behind closed doors on June 14. This is the latest update.

Votes on military/social amendments of interest to CMR are divided below into two categories.

On the Positive side – The Senate draft would prohibit the hiring of new “**diversity, equity, inclusion**” (DEI) officials and also bar the use of DoD funds for **surgical procedures that attempt to change sex**, for both adults and children.

On the Negative side – this CMR 3rd Interim Report on the NDAA highlights several actions in which SASC **Republicans** joined with **Democrats** in opposing legislation to **affirm meritocracy in the military** and to **end racial discrimination at the military service academies**.

Equally disappointing was the Senate Committee’s approval of unacceptable “**Draft Our Daughters**” legislation, this time with meaningless language purporting to exempt women from close combat assignments in a future war. Three Republican senators who should have known better fell for this cunning maneuver and voted “**Yes**” on the controversial measure.

Regardless of Republican intentions, the NDAA for 2025 could become one of the most consequential and harmful actions of the 118th Congress.

The following Motions and vote counts can be found on the Senate Armed Services Committee [Report on S. 4638](#) (pp. 710-716) Most votes were made on straight party lines, except for Motions noted. In almost every case **Senator Joe Manchin** (D-WV) was the deciding vote.

CMR has filed inquiries to find out why Republicans voted the wrong way on several amendments and will update this report if responses are received. A few of the adopted measures are similar to positive sections approved for the House NDAA, [H.R. 8070](#):

- **CMR: [NDAA Interim Report No. 2 - Amendments](#)**

The full Senate may not vote on the bill and conferees meeting in the Fall could modify, consolidate, or drop certain measures during negotiations behind closed doors. The NDAA process in both the House and Senate underscores the need for constituents to participate in this process.

Public policy organizations should announce that votes to “Draft Our Daughters” will be scored in the negative and inform their membership of issues pending in the annual defense bill. Individuals should contact members of Congress and Senators in **Washington, DC**, at: **202/224-3121**. Short messages also can be sent through individual [Senate](#) or [House](#) websites.

A. POSITIVE RESULTS – SENATE COMMITTEE MARKUP:

These Senate measures, some of which are reflected in similar provisions approved by the House, deserve support in the Conference process:

➤ Motion #13: No More DoD DEI Positions

This Senate measure would prohibit **establishment of new DEI positions in the DoD** and the filling of vacancies in such positions. (Passed 13-12) The House approved a similar measure sponsored by **Rep. Jim Banks** (R-IN). (Passed 216-206)

➤ Motion #17: No Sex-Change Surgeries

This Senate provision would prohibit the performance of **sex change surgeries** by the DoD. (Passed 13-12) It should be approved in Conference, consolidated with the House amendment sponsored by **Rep. Matt Rosendale** (R-MT), to prohibit coverage of “**sex reassignment**” and related surgeries under **TRICARE**. (Passed 213-206)

➤ Motion #18: Medical Procedures for Children

This measure would prohibit TRICARE coverage of **certain medical procedures for children** that could result in sterilization. (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)

➤ Motion #23: Resettlement of Gaza Refugees

This amendment would prohibit the use of funds for resettlement in the US of certain individuals from the **West Bank or Gaza**. (Passed 13-12)

B. NEGATIVE RESULTS SENATE COMMITTEE MARKUP:

The following Senate actions, if enacted in law, would undermine sound priorities and weaken the **All-Volunteer Force**.

➤ Motion #7: DoD Report on “Reproductive Services” Costs

This Motion merely requested a report from the DoD on the use and costs associated with travel to obtain **non-covered** “reproductive services,” such as **abortions**. (**Failed 12-13**) Conferees should still consider House legislation on the same subject. As stated in the [CMR 2nd Interim Report](#), **Rep. Beth Van Duyne’s** amendment would end DoD funding for such services. (Passed 214-207)

➤ Motion #10: Meritocracy

This important meritocracy amendment would have stated that all DoD personnel actions shall be based exclusively on **individual merit and demonstrated performance**.

Sen. Manchin correctly voted **Yes** on this amendment, as he did on a similar meritocracy amendment sponsored by Ranking Member **Sen. Roger Wicker** (R-MS) last year, but **Senators Mike Rounds** (R-SD) and **Joni Ernst** (R-IA) voted **No**. (**Failed 11-14**)

Note: According to advisors for Sen. Ernst, she is hoping to resolve concerns about the possible impact of the amendment on certain assignment exceptions that are important to military families.

Unfortunately, as explained in this article, **Sec. 523** in the House bill that purports to address meritocracy lacks specific language and clear definitions.

- CMR: [Undefined “Merit” Provision Mars Positive Initiatives in House Defense Bill](#)

As a result, divergent interpretations would allow Pentagon officials to continue discriminating, using “race” as a proxy for merit, and to push the sex-denying “gender identity” agenda as far as radical transgender activists want it to go.

➤ **Motion #11: Racially Discriminatory Admissions at Military Service Academies**

On this important Senate amendment to prohibit race-based admissions at the military service academies, **Sen. Sen. Deb Fischer** (R-ND) voted **No**. (Failed 11-14)

CMR has requested an explanation for this inexplicable vote against a measure to prohibit practices that the **U. S. Supreme Court** already has declared unconstitutional in civilian higher education and **ROTC** programs. Passage would have lent support to adoption of House bill **Sect. 547**, sponsored by **Rep. Jim Banks**, which affirms meritocracy, bans racial discrimination at the service academies, and calls for no less than **30%** weighted consideration of standardized test scores.

➤ **Motion #12: Majors/Minors in DEI at Military Service Academies**

This Senate provision would have prohibited majors or minors at military service academies that focus on diversity, equity, and inclusion. (Failed 12-13) Given growing opposition to DEI mandates and toxic **critical race theory (CRT)** instructions, this partisan vote seems to suggest that some SASC members do not understand the purpose of the military service academies.

➤ **Motion #19: DoD Records on Gender Different than Sex**

This measure would have prohibited the changing of DoD records to reflect self-identified gender identity instead of reality. (Failed 12-13) The vote is unfortunate, since DoD **Defense Employment Enrollment Reporting System (DEERS)** records should report biological sex, not self-identified “gender identity” that does not recognize realities of biological sex.

➤ **Motion #14: Draft Our Daughters Resurrected – Why?**

For no apparent reason, the Senate Committee approved a controversial “**Draft Our Daughters**” measure without notice, rationale, or evidence of popular demand. Three Republicans, **Senators Dan Sullivan** (R-AK), **Tommy Tuberville** (R-AL), and **Markwayne Mullin** (R-OK) voted to make Selective Service registration automatic and to include “all persons” residing in the U.S. (Passed 16-9) The measure is unacceptable for many reasons that are summarized here:

- CMR: [Congress Should Reject Defense Bill “Draft Our Daughters” Mandate](#) (2-page)

CMR [predicted](#) this would happen after the House approved legislation to make Selective Service registration for men automatic. In addition to military logistics problems that would ensue if authorities called up equal numbers of male and female automatically registered draftees, the bureaucracy created to commandeer the lives of young men and women would be an incremental step toward **mandatory national service**.

➤ **Motion #15: Attempt to Exempt Women Draftees from Combat Arms**

This Senate measure, combined with Motion #14, purports to *exclude any women required to be registered for the **Selective Service System** from being compelled to join combat arms branches.* This amendment might have been a horse-trade to get the votes of Republican Senators Sullivan, Tuberville, and Mullin plus **Mark Kelly** (D-AZ), but the senators did not redeem themselves by supporting it.

Conferees negotiating in the Fall could easily reconcile the two versions of this legislation by ordering incremental steps to include both young men and women in automatic registration with Selective Service. The unenforceable exemption of women for combat duties in a future war would alter the very purpose of Selective Service, turning it into a Big Government bureaucracy empowered to commandeer the lives of young people for less than compelling reasons.

C. Preliminary Comments on Draft Our Daughters “Combat Exemption” Ploy:

The Senate NDAA legislation Motion #15 is a ploy, not a credible commitment to exempt future female draftees from MOSs that used to be all-male prior to December 2015. In that year, the **Obama Administration** disregarded the **Marine Corps’** request that some **military occupational specialties (MOSs)** remain all-male.

Pentagon officials have refused to recognize well-documented, unchanging differences in the capabilities of men and women in combat arms units such as the **infantry**. Should Congress approve a draft, these formerly all-male units would be most in need of combat replacements.

For more than five years, the **Army** has repeatedly tried but failed to train men and women with identical standards and requirements in the **Army Combat Fitness Test (ACFT)**.

- CMR: [Army Scraps Gender-Neutral Standards Pushed by Discredited Social Engineers](#)

An administration that refuses to admit physical differences between men and women, and cannot define what a woman is, cannot be trusted to exempt mostly unqualified women from conscription to combat arms positions. The underlying “Draft Our Daughters” legislation has nothing to do with national defense; it is a major incremental step toward mandatory national service.

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Prepared by the Center for Military Readiness, an independent public policy organization that reports and analyses military/social issues. Nothing in this Interim Report is a statement for or against legislation. More information is available at www.cmrlink.org. -- July 18, 2024