CITIZENS FOR RENEWING AMERICA

# American Military Project

## Legislative Approaches for Restoring the United States Armed Forces

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**Synopsis**

**Congress must ban the consideration of race, sex, gender identity, sexual orientation, or any other human characteristic from consideration of any military personnel and program decisions. This includes but is not limited to, service academy admissions, recruitment goals, contracting decisions, and promotion decisions. The military must return to the practice of not tracking race as a category. The military must make decisions based exclusively on the considerations that best advance the military profession based on merit.**

The United States military exists to fight and win our nation's wars on behalf of our Constitutional representatives, as they seek to provide for the common defense and secure the blessings of liberty to ourselves and our posterity. A colorblind assessment of merit and competence, with humble awareness of the biological realities of sex, must be the exclusive lens through which our military leaders make decisions.

The Department of Defense has succumbed to a culture more concerned with maintaining prevailing political narratives than protecting the United States and defeating our enemies. Pentagon brass operate less like military leaders and more like politicians, implementing policies that curry favor with D.C. elites instead of measures that enhance lethality and mission effectiveness. This blurs the division between function and purposes that is a bedrock of civilian control of the military and our republican form of government.

Many lawmakers in Congress have awakened to this security threat and now seek to reverse course and purge far-left ideology from the ranks of the United States Armed Forces. These legislative initiatives are a critical part of the effort needed to restore the U.S. military to its glory and greatness, as they uphold the promise that all men are created equal.

# Section 1: Prohibition of race, sex, and intersectional identitarian characteristics in decision-making, and the elevation of merit

**DOD-wide and Service Academy Specific Prohibitions**

The infusion of CRT, DEI, and similar ideological commitments in the service academies undermines and threatens the efficacy of the Armed Forces. The U.S. military cannot allow its best and brightest within the Officer Corps to embrace, prioritize, and advance neo-Marxist doctrines that strike at the heart of American equality before the law. Reestablishing the primacy of merit, and outlawing the use of immutable or identitarian traits and characteristics as the basis for selection for any benefit, selection, promotion, etc., must be the first step towards solving the larger problem at hand.

The prevalence of these divisive concepts at West Point, the Naval Academy, and the Air Force Academy threatens the very idea of leadership in a constitutional republic and must be eradicated root and branch. As such, language taken from Rep. Jim Banks (R-IN) is used as a baseline approach to solving this problem. Some of the changes made to the Banks amendment include:

- Addition of a penalty section for violation of the prohibition on race-based quotas.
- Expansion of prohibition to exclude race and ethnicity as a criterion at all for admission.
- Addition of the Roy amendment language from DODEA schools to include CRT bans at the three core service academies.
- Addition of the Norman amendment language on DEI prohibitions to include service academies.

SEC. 1 PROHIBITION ON DIVERSITY, EQUITY, AND INCLUSION PRACTICES THROUGHOUT THE DEPARTMENT OF DEFENSE—(A) None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year ____ or any fiscal year thereafter may be used to discriminate or to use quotas in selection, recruitment, promotion, or any other duty- or service-oriented assignment on the basis of race, ethnicity, or sex. (B) None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year ____ or any fiscal year thereafter may be used to create or operate offices, train or assign Defense Department personnel, or hire third-party contractors that practice or promote diversity, equity, and inclusion. (C) The employment of all personnel of such offices and the contracts provided to any third-party entities that practice diversity, equity, and inclusion are hereby terminated upon enactment.

SEC. 2 PROHIBITION ON RACE OR ETHNICITY IN SERVICE ACADEMY ADMISSIONS.
(A) None of the funds authorized to be appropriated by this Act or otherwise made available for the military service academies for fiscal year ___ or any fiscal year thereafter may be used to discriminate or to use quotas in admissions on the basis of race or ethnicity. None of the funds authorized should be used to even measure the racial composition of service academy admissions classes.

(B) None of the funds authorized to be appropriated by this Act or otherwise made available for the military service academies for fiscal year ____ or any fiscal year thereafter may be used to include race, ethnicity, or gender as a criterion for acceptance or consideration into the military service academies.
(C) PENALTY-- Notwithstanding any other provision of the law, any individual employed by or contracted to work for the U.S. Military Academy, U.S. Naval Academy, and U.S. Air Force Academy that promotes, practices, or advocates for race-based policies referred to in Section 1(a) shall be subject to investigation under Title VI of the Civil Rights Act of 1964 or, if the employee is a member of the armed forces, shall be subject to punitive articles under 10 U.S.C. 47 § 934.

SEC. 3 PROHIBITIONS ON DATA COLLECTION FOR RACE, ETHNICITY, OR GENDER IN SERVICE ACADEMY PROGRAMS.
(A) None of the funds authorized to be appropriated by this Act or otherwise made available for the military service academies for fiscal year ____ or any fiscal year thereafter may be used to collect, track, or use data regarding a cadet or midshipmen's race, ethnicity, or sex for anything other than passive internal knowledge on annual class composition and; (B) such knowledge may only be internally assessed at the end of an academic year.

SEC. 4 PROHIBITION ON RACE-BASED THEORIES IN SERVICE ACADEMY CURRICULA
(A) PROHIBITION.—No Federal funds shall be authorized for the Department of Defense service academies as established in 10 U.S.C 753, 10 U.S.C. 853, and 10 U.S.C. 953 to promote race-based theories described in subsection (b) or compel teachers or students to affirm, adhere to, adopt, or process beliefs in a manner that violates Title VI of the Civil Rights Act of 1964.
(B) RACE-BASED THEORIES DESCRIBED.—The race-based theories described in this subsection are the following:

(1) Any race is inherently superior or inferior to any other race, color, or national origin.

(2) The United States is a fundamentally racist country.

(3) The Declaration of Independence, the Constitution of the United States, or The Federalist Papers are fundamentally 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.

(7) An individual, by virtue of the individual's race, should be actively or passively discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.

(8) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race, color, or national origin.

(9) Virtues such as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or in any way discriminatory, or were created by members of a particular race, color, or national origin to oppress members of another race, color, or national origin.

(c) RULES OF CONSTRUCTION.—
(1) PROTECTED SPEECH NOT RESTRICTED.— Nothing in this section shall be construed to restrict the speech of a student, teacher, or any other individual outside of a school setting.
(2) ACCESS TO MATERIALS FOR THE PURPOSE OF RESEARCH OR INDEPENDENT STUDY.—Nothing in this section shall be construed to prevent an individual from accessing materials that advocate theories described in subsection (b) for the purpose of research or independent study.

(3) CONTEXTUAL EDUCATION.—Nothing in this section shall be construed to prevent a school from stating theories described in subsection (b) or assigning materials that discuss such theories for in-classroom educational purposes in contexts that make it clear the school does not sponsor, approve, advocate, or endorse such theories or materials and in contexts that clearly state such theories originally derive from Marxist ideology.
(d) PROMOTE DEFINED.—In this section, the term ‘‘promote’’, when used with respect to a race-based theory described in subsection (b), means— (1) to include such theories or materials that advocate such theories in curricula, reading lists, seminars, workshops, trainings, meetings, gatherings, or other educational or professional settings in a manner that could reasonably give rise to the appearance of official sponsorship, approval, or endorsement; (2) to contract with, hire, invite, or otherwise engage speakers, consultants, diversity trainers, and other persons for the purpose of advocating such theories; (3) to compel students to profess a belief in such theories; or (4) to segregate students or other individuals by race in any setting, including in educational or training sessions.

SEC. 5 PROHIBITION ON OFFICES OF DIVERSITY, EQUITY, AND INCLUSION AND TERMINATION OF PERSONNEL OF SUCH OFFICES—(A) No Federal funds shall be authorized for the Department of Defense service academies as established in 10 U.S.C 753, 10 U.S.C. 853, and 10 U.S.C. 953 to create or operate offices that practice or promote diversity, equity, and inclusion. (B) The employment of all personnel of such offices is hereby terminated upon enactment.

## Section 2: Broader Elimination Of The Woke Equity Agenda

### Divisive Concepts

Divisive concepts, a catch-all phrase describing the neo-Marxist ideological doctrines such as critical race theory (CRT) and equity that characterize wokeness, abound within the ranks of the U.S. Armed Forces. Whether the Air Force's replacement of merit with race-based promotions, the Marines stand-down orders for alleged "extremism" in its ranks, or the Army's emphasis on the dangers of "whiteness" at West Point, the proliferation of divisive concepts and their destructive influence is more than a mere nuisance in today's military. They contribute to an increasing decline in readiness, an ongoing recruiting crisis, and a deterioration in leadership.

Legislative approaches and suggested bill enhancements to eliminate this ideological cancer are outlined below.

**Critical Race Theory Prohibition**

There are many amendments and legislative vehicles that aim to eliminate openly discriminatory practices and ideologies within the ranks of the military, the Department of Defense, and the numerous entities under DOD's purview. The language below is taken from amendments filed to the National Defense Authorization Act (NDAA) of 2023 by Rep. Chip Roy (R-TX) and Rep. Eli Crane (R-AZ).

While the base legislation provides strong protections against the explicit practice and implementation of Critical Race Theory in both Department of Defense Education Activity schools and the Pentagon as a whole, the malleable nature of CRT and its derivative ideologies requires a broader approach to fully box out this neo-Marxist form of discrimination. The addendums to the base bills:

- Tweaked language on contextual education in DODEA schools and provided additional specific criteria for linking Critical Theory and related ideologies to Marxism in the classroom.
- Expanded DODEA criteria to include *The Federalist Papers*.
- Combined the language of the Roy and Crane amendments to fully encapsulate the Department of Defense and all the entities underneath its purview.
- Added a Penalties section for both civilian and uniformed employees who engage in actions that promote, practice, or advocate for race-based theories.

**Diversity, Equity, and Inclusion Prohibitions**

The prioritization of DEI within the ranks of the U.S. military and the organization of the Pentagon poses a real and present danger to unit cohesion, unity of purpose, and mission

readiness. There are many legislative vehicles aimed at correcting this, however, Rep. Ralph Norman's (R-SC) straightforward statutory approach remains the cleanest option. Defunding language taken from Rep. Matt Gaetz's (R-FL) NDAA amendment has been added with minor changes, along with Rep. Eric Burlison's (R-MO) statutory ban on adding new DEI positions. Language has been further amended to include future fiscal years and incorporate broader restrictions to eliminate loopholes, taken from model language created by Rep. Lauren Boebert (R-CO).

SEC. 1 PROHIBITION ON AUTHORIZING FEDERAL FUNDS FOR DODEA FOR RACE-BASED THEORIES.
(a) PROHIBITION.—No Federal funds shall be authorized for the Department of Defense Education Activity to promote race-based theories described in subsection (b) or compel teachers or students to affirm, adhere to, adopt, or process beliefs in a manner that violates Title VI of the Civil Rights Act of 1964.
(b) RACE-BASED THEORIES DESCRIBED.—The race-based theories described in this subsection are the following:

(1) Any race is inherently superior or inferior to any other race, color, or national origin.

(2) The United States is a fundamentally racist country.

(3) The Declaration of Independence, the Constitution of the United States, or The Federalist Papers are fundamentally 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.

(7) An individual, by virtue of the individual's race, should be actively or passively discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.

(8) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race, color, or national origin.

(9) Virtues such as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or in any way discriminatory, or were created by members of a particular race, color, or national origin to oppress members of another race, color, or national origin.

(10) Any usage of "antiracism" as a concept that incorporates "equity" theory, which necessarily connotes a form of systemic racism, or any usage of "antiracism" that explicitly or implicitly promotes racial discrimination as necessary to advance equity and any form of justice.

(c) RULES OF CONSTRUCTION.—
(1) PROTECTED SPEECH NOT RESTRICTED.— Nothing in this section shall be construed to restrict the speech of a student, teacher, or any other individual outside of a school setting.
(2) ACCESS TO MATERIALS FOR THE PURPOSE OF RESEARCH OR INDEPENDENT STUDY.—Nothing in this section shall be construed to prevent an individual from accessing materials that advocate theories described in subsection (b) for the purpose of research or independent study.
(3) CONTEXTUAL EDUCATION.—Nothing in this section shall be construed to prevent a school from stating theories described in subsection (b) or assigning materials that discuss such theories for in-classroom educational purposes in contexts that make it clear the school does not sponsor, approve, advocate, or endorse such theories or materials and in contexts that clearly state such theories originally derive from Marxist ideology.

(d) PROMOTE DEFINED.—In this section, the term ‘‘promote’’, when used with respect to a race-based theory described in subsection (b), means— (1) to include such theories or materials that advocate such theories in curricula, reading lists, seminars, workshops, trainings, meetings, gatherings, or other educational or professional settings in a manner that could reasonably give rise to the appearance of official sponsorship, approval, or endorsement; (2) to contract with, hire, invite, or otherwise engage speakers, consultants, diversity trainers, and other persons for the purpose of advocating such theories; (3) to compel students to profess a belief in such theories; or (4) to segregate students or other individuals by race in any setting, including in educational or training sessions.
(e) PENALTY. – Notwithstanding any other provision of the law, any individual employed by or contracted to work for the Department of Defense Education Activity program that promotes, practices, or advocates for race-based theories referred to in Section 1(b) shall be subject to investigation under Title VI of the Civil Rights Act of 1964.
(1) Any individual employed by or contracted to work for the Department of Defense Education Activity program found to have promoted, practiced, or advocated for race-based theories referred to in Section 1(b) shall be subject to a minimum penalty that includes an immediate 10 percent salary reduction for the remainder of the calendar year and 30-day suspension without pay or a maximum penalty up to and including employment termination.

SEC. 2. PROTECTION FROM RACE-BASED INDOCTRINATION. Section 2001 of Title 10, United States Code, is amended by adding at the end the following new subsection:
(c) PROTECTION FROM RACE-BASED INDOCTRINATION.

(1) No employee of the Department of Defense or of a military department, including any member of the armed forces, may compel, teach, instruct, promote, advocate, or train any member of the armed forces or employee of the Department of Defense, whether serving on active duty, serving in a reserve component, attending a military service academy, or attending a course conducted by a military department pursuant to a Reserve Officer Corps Training program, to believe any of the race-based theories referred to in Section 1(b).
(2) No employee of the Department of Defense or of a military department, including any member of the armed forces may be compelled to declare a belief in, adherence to, or participate in training, drill, stand down, or education of any kind that promotes any of the race-based theories referred to in Section 1(b) nor may any employee of the Department of Defense condition recruitment, retention, promotion, transfer, assignment, or other favorable personnel action to adherence, belief, or adoption of such race-based theories referred to in Section 1(b).
(3) The Department of Defense and the military departments may not promote race-based or divisive concepts that promote the differential treatment of any individual or group of individuals based on race, color, or national origin, including any of the race-based theories referred to in Section 1(b).
(4) The Department of Defense shall not evaluate matters of race or sex for personnel decisions, program analysis, or resource allocation. The DOD must not measure or track racial demographics for units, organizations, or departments.
(5) No employee of the Department of Defense or of a military department, including any member of the armed forces may condition recruitment, retention, promotion, transfer, assignment, or other favorable personnel action to an individual’s race, ethnicity, or national origin.
(6) Nothing in this subsection shall be construed as compelling any individual to believe or refrain from believing in any race-based theories referred to in Section 1(b) in their private and personal capacity.

SEC. 3. ELIMINATION OF OFFICES OF DIVERSITY, EQUITY, AND INCLUSION AND PERSONNEL OF SUCH OFFICES--Every office of the Armed Forces and of the Department of Defense established to promote diversity, equity, and inclusion is eliminated and the employment of all personnel of such offices is hereby terminated.

SEC. 4. REPEAL OF INSPECTOR GENERAL OVERSIGHT OF DIVERSITY AND INCLUSION IN DEPARTMENT OF DEFENSE.—Section 554 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 141 note) is repealed.
(d) PROHIBITION ON ESTABLISHMENT OF NEW DIVERSITY, EQUITY, AND INCLUSION POSITIONS; HIRING FREEZE.—On or after the date of the enactment of this Act, the Secretary of Defense may not— (1) establish any new positions within the Department of Defense with responsibility for matters relating to diversity, equity, and inclusion; or (2) fill any vacancies in positions in the Department with responsibility for such matters.

SEC. 5. PROHIBITION ON FEDERAL FUNDS FOR TRAINING ON DIVERSITY, EQUITY, AND INCLUSION--None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year ___ or any fiscal year thereafter may be obligated or expended for promotion, practice, or advocacy on diversity, equity, and inclusion trainings, initiatives, causes, events, or programs.

SEC. 6. PENALTY (a) Any member of the armed forces that promotes, practices, or advocates any of the race-based theories in Section 1(b) shall be subject to punitive articles under 10 U.S.C. 47 § 934. (b) Any civilian employee of the Department of Defense or of a military department that promotes, practices, or advocates any of the race-based theories in Section 1(b) shall be subject to investigation under Title VI of the Civil Rights Act of 1964.

**Gender Ideology Prohibition**

The infusion of gender ideology into the ranks of the U.S. military is crippling readiness and warfighting effectiveness within the Pentagon. Because this ideology has many manifestations—including taxpayer funding for gender mutilation surgery, taxpayer-funded drag shows, and prospective Selective Service issues—legislative approaches to combating this are multifaceted.

Some of the language below is taken from amendments to the NDAA filed by Reps. Ralph Norman (R-SC), Matt Rosendale (R-MT), and Lauren Boebert (R-CO), as well as Sens. Steve Daines (R-MT) and Tom Cotton (R-AR). The addendums to the base bills:

- Created language for the banning of gender reassignment surgery and other gender transition procedures in the Department of Defense.
- Tweaked the language from the Norman amendment on prohibiting gender transition services through the EFMP program to close potential loopholes.
- Expanded language on prohibitions on pornographic material and radical gender ideology in DODEA schools.
- Incorporated definitions of pornographic material and radical gender ideology.
- Combined the language of the Norman, Rosendale, and Boebert amendments—as well as the Daines bill—into one legislative vehicle.

SEC. 1 PROHIBITION ON PROVISION OF GENDER TRANSITION SERVICES FOR ACTIVE-DUTY SERVICE MEMBERS IN THE UNITED STATES ARMED FORCES.
(a) IN GENERAL.---No gender transition procedures, including surgery, hormone replacement, puberty blockers, or similar medication, may be provided to any employee of the Department of Defense or of a military department, including any member of the armed forces.
(b) REFERRALS.—No referral for procedures described in subsection (a) may be provided to any employee of the Department of Defense or of a military department, including any member of the armed forces.
(c) REASSIGNMENT.—No change of duty station may be approved for the purpose of providing any employee of the Department of Defense or of a military department, including any member of the armed forces, with access to procedures described in subsection (a).

SEC. 2 PROHIBITIONS ON THE PROVISION OF GENDER TRANSITION SERVICES THROUGH AN EXCEPTIONAL FAMILY MEMBER PROGRAM OF THE ARMED FORCES.
(a) IN GENERAL.—No gender transition procedures, including surgery, hormone replacement, puberty blockers, or similar medication, may be provided to a minor dependent child through an EFMP.
(b) REFERRALS.—No referral for procedures described in subsection (a) may be provided to a minor dependent child through an EFMP.
(c) REASSIGNMENT.—No change of duty station may be approved through an EFMP for the purpose of providing a minor dependent child with access to procedures described in subsection (a).
(d) EFMP DEFINED.—In this section, the term ‘‘Exceptional Family Member Program’’ means a program under section 1781c(e) of Title 10, United States Code.

SEC. 3 PROHIBITION ON COVERAGE OF CERTAIN SEX REASSIGNMENT SURGERIES AND RELATED SERVICES UNDER TRICARE PROGRAM.---Chapter 55 of title 10, United States Code, is amended by inserting after section 1076f the following new section (and conforming the table of sections at the beginning of such chapter accordingly): ‘‘§ 1076g. TRICARE program: prohibition on coverage and furnishing of certain sex reassignment surgeries and related services ‘‘(a) PROHIBITION.—The medical care to which individuals are entitled under this chapter does not include the services described in subsection (b) and the Secretary of Defense may not furnish any such service. ‘‘(b) SERVICES DESCRIBED.—The services described in this subsection are the following: ‘‘(1) Sex reassignment surgeries furnished for the purpose of the gender alteration of a transgender individual. ‘‘(2) Hormone treatments furnished for the purpose of the gender alteration of a transgender individual.’’.

SEC. 4 PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN MATERIALS IN SCHOOLS OPERATED BY THE DEPARTMENT OF DEFENSE EDUCATION ACTIVITY.
(A) PROHIBITION ON PORNOGRAPHY—No federal funds authorized to be appropriated by this Act or otherwise made available for fiscal year ____ or any fiscal year thereafter for the Department of Defense Education Activity may be obligated or expended to purchase, maintain, or display in a school library or classroom any material that contains, depicts, or otherwise includes pornographic material.
(B) PROHIBITION ON RADICAL GENDER IDEOLOGY—No federal funds authorized to be appropriated by this Act or otherwise made available for fiscal year ____ or any fiscal year thereafter for the Department of Defense Education Activity may be obligated or expended to purchase, maintain, or display in a school library or classroom any material that espouses, advocates, or promotes radical gender ideology.
(C) PORNOGRAPHIC MATERIAL DESCRIBED—Pornographic material means any virtual-reality technology, video, image, drawing, sound, instruction, reading material, writing material, presented via any medium in a classroom, school library, on school grounds, or as part of a school-sponsored or school-affiliated event that:

(1). Depicts, describes, or presents in part of whole nudity, sex organs, or sexual acts;
(2). Depicts, describes, or presents any obscene material;
(3). Depicts, describes, or presents indecent material as described in federal regulation; or
(4). Notwithstanding any other provision of the law, depicts, describes, or presents in part of whole lewd or sexual acts and is intended to cause sexual arousal.

(D) RADICAL GENDER IDEOLOGY DESCRIBED—Radical gender ideology described in this subsection is the following:

(1). Any concept, teaching, instruction, or curriculum that states or suggests biological sex is a social construct.
(2). Any concept, teaching, instruction, or curriculum that states or suggests biological sex is fluid, interchangeable, or exists beyond the binary of male and female.
(3). Any concept, teaching, instruction, or curriculum that states or suggests that an individual can be trapped in the wrong body or have a different identity than that of their biological sex.
(4). Any concept, teaching, instruction, or curriculum that encourages, promotes, or advocates the usage of personal pronouns including pronouns unaligned with an individual's biological sex.
(5). Any concept, teaching, instruction, or curriculum that encourages, promotes, or advocates hormone replacement, puberty blockers, or gender reassignment surgery as a safe, necessary, or optional treatment for an individual.

(E) REMOVAL OF MATERIAL—Any existing material in classrooms or libraries operated by the Department of Defense Education Activity described in Section 3(c) and Section 3(d) shall be removed within 30 days following implementation of this Act.

SEC. 5 PROHIBITION ON USE OF FUNDS FOR ADULT CABARET PERFORMANCES.

(A) PROHIBITION.—None of the funds appropriated or otherwise made available for the Department of Defense and no facilities owned or operated by the Department of Defense may be used to host, advertise, promote, or otherwise support an adult cabaret performance.

(B) ADULT CABARET PERFORMANCE DEFINED.—In this section, the term ''adult cabaret performance'' means a performance that features topless dancers, go-go dancers, exotic dances, strippers, or male or female impersonators who provide entertainment that appeals to the prurient interest.

SEC. 6 PROHIBITION ON TRANSGENDER MILITARY SERVICE AND REPEAL OF SEXUAL IDENTITY PROMOTION IN THE RANKS OF THE U.S. ARMED FORCES

(A) PROHIBITION.—Any individual that identifies as a member of the opposite sex, identifies as a gender outside the confines of the biological sex binary of male and female, or has undergone hormone replacement, puberty blockers, or gender transition procedures is hereby prohibited to serve as a member of the U.S. armed forces or work as an employee at the Department of Defense or a military department.

(B) DISCHARGE.—(1) Notwithstanding any other provision of federal law and temporarily exempting those on active deployment, individuals currently enlisted or serving in the armed forces that fit the description provided in Section 5(A) shall be allowed to complete their remaining term of service in non-deployable billets without the opportunity to renew enlistment. If the term of service extends beyond the current administration, their service will end on 19 January, 2025.

(C) REPEAL OF SEXUAL IDENTITY POLICIES—Public Law 111-321 is hereby repealed and Section 654 of Title 10, United States Code is hereby reinstated.

SEC. 7. PHYSICAL FITNESS TEST. (a) IN GENERAL.—The physical fitness test of record for the United States Army, United States Navy, United States Marine Corps, United States Air Force, and United States Space Force in compliance with Department of Defense Instruction 1308.03, or any successor regulation, is the

Army Physical Fitness Test according to the grading and evaluation scale as it existed on January 1, 2020. This test shall be the baseline test of physical fitness for members of the service branches and administered at least annually, except when operational requirements or contingency operations would make such test administration impracticable.
(b) UPDATES AND MODIFICATIONS.—Notwithstanding subsection (a), each of the service branches may update, replace, or modify the events and scoring standards in the Army Physical Fitness Test as the needs of each service branch require after a robust pilot and testing period of at least 12 months. Such modifications shall take effect no later than six months after the Secretary of the relevant service branch has provided a briefing on these new modifications to Members of the House Armed Services Committee and Senate Armed Services Committee. No modification, update, or replacement can be less rigorous than the Army Physical Fitness Test and must be of equal or greater challenge. (c) RULE OF CONSTRUCTION—Nothing in this section prohibits the service branches from using the Army Combat Fitness Test, or any other physical assessment the branches may develop, as a supplemental tool to assess physical fitness for all or parts of the force. Service branch commanders may also require higher standards than the Army-wide grading scale for promotions, awards, schools, and similar actions. Such supplemental assessment shall not constitute the baseline physical fitness assessment of record for the service branches unless it is incorporated into the Army Physical Fitness Test using the procedure described in subsection (b).

SEC. 8. SEX-NEUTRAL HIGH FITNESS STANDARDS FOR ARMY CLOSE COMBAT FORCE MILITARY OCCUPATIONAL SPECIALTIES. (a) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall implement sex-neutral fitness standards on the Army Combat Fitness Test that are enhanced in each tested category for members in the following military occupational specialties or areas of concentration: (1) 11A. (2) 11B. (3) 11C. (4) 12A. (5) 12B. (6) 13A. (7) 13F. (8) 18A. (9) 18B. (10) 18C. (11) 18D. (12) 18E. (13) 18F. (14) 18Z. (15) 19A. (16) 19D. (17) 25C assigned to infantry, cavalry, and engineer line companies or troops in brigade combat teams and infantry battalions. (18) 68W assigned to infantry, cavalry, and engineer line companies or troops in brigade combat teams and infantry battalions.
(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army provide a briefing to the Committees on Armed Services of the Senate and House of Representatives describing the methodology used to establish standards under subsection (a).
(c) SEX-NEUTRAL FITNESS STANDARDS FOR OTHER SERVICE BRANCHES.---The United States Navy, United States Marine Corps, United States Air Force, and United States Space Force must craft and implement sex-neutral fitness standards for their respective service branches no later than 180 days after the date of the enactment of this Act.

SEC. 9. ESTABLISHING ALL MALE COMBAT UNITS. (a). FINDINGS. The United States Congress finds that:

(1) It is in the core interests of the United States to have the strongest military possible to defend the republic, protect the American people, and preserve the fundamental American idea that all men are created equal and endowed by their Creator with unalienable rights to life, liberty, and the pursuit of happiness;
(2) And that the primary purpose of the United States Armed Forces is to deter foreign threats, protect the free flow of commerce through open shipping lanes, and defeat hostile powers in warfare when they seek to harm the American people and America's vital national interests;
(3) And that such purpose can only be fulfilled when the leadership of the United States Armed Forces is focused solely on its mission without regard for dogmatic progressive political ideologies and orthodoxies rooted in Critical Theory and other divisive concepts;

(4) And that such progressive political ideologies are destructive to the ethos of the Armed Forces, undermine the essential unity needed to accomplish its mission, and are antithetical to the American idea that animates the very fabric of our republic and therefore must be completely discarded;
(5) And that among these harmful orthodoxies is the belief that biological women are just as physically capable, strong, and combat-efficient as biological men;
(6) And a 2013 study conducted by the United States Marine Corps proved that all-male combat units have higher performance metrics than mixed-sex units in 69 percent of combat tasks;
(7) And among these combat tasks where all-male combat units performed better were speed, tactical movement, carrying capacity, lethality, accuracy with every individual weapon system, provisional infantry hit percentages, accuracy, and speed for crew-served weapons teams with the exception of the M2 weapon system, avoiding and clearing obstacles, and casualty evacuation competency;
(8) And that in addition to superior performance, all-male combat units presented with fewer injury rates than mixed-sex units when performing similar combat tasks due to improved movement while under load with biological females experiencing six times the injuries compared to biological males;
(9) And that two primary factors associated with success in the task of movement under load are lean body mass and absolute volume of oxygen used while under duress;
(10) And that the University of Pittsburgh's Neuromuscular Research Laboratory found ground combat participant biological males average 178 pounds with 20 percent body fat compared to biological females who average 142 pounds with 24 percent body fat, biological females possess 15 percent less anaerobic power and capacity than biological males, biological females possess 10 percent less aerobic power than biological males; and that the top 10 percent of biological female participants overlap with the bottom 50 percent of biological male participants;
(11) And therefore it is in the interest of the United States government and the citizenry to rescind all guidance, criteria, memoranda, statutes, and related policy mechanisms providing for integrated-sex combat units to ensure both the success and well-being of combat units in the United States Armed Forces;
(12) And that, while biological women have and will continue to serve honorably in the United States Armed Forces, the primary purpose of the Armed Forces and the compelling interests therein, supersede existing and future statutory attempts to impose destructive progressive political ideologies on the composition of combat units.

(b) IMPLEMENTATION. (1) Effective upon enactment, all designated combat units in the United States Army, United States Navy, United States Marine Corps, United States Air Force, and United States Space Force are hereby restricted to biological males. (2) Biological females currently assigned to designated combat units shall be transferred to non-combat assignments no later than 90 calendar days following enactment. (3) All existing Department of Defense guidance, including memoranda and executive orders issued by any department or agency within the Executive Branch, that provide for the participation, eligibility, or promotion of biological females in designated combat units are hereby rescinded.
(c) APPLICABILITY. (1) As established in subsection (a), the United States government has a compelling government interest in the implementation of subsection (b), and therefore Title VII of the Civil Rights Act of 1964 is not applicable to the provisions of this Act.

**Prioritization of Purpose**

The continued display of symbols and flags denoting progressive dogma undermines the American idea of *e pluribus unum*, unit cohesion, and the very purpose of the Armed Forces: to

support and defend the Constitution of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same. Further, the prevalence of social media activity celebrating contrived holidays honoring secular dogma creates division within individual units where none should exist. This practice elevates virtue signaling above both mission and purpose.

Legislative text taken from Rep. Ralph Norman (R-SC) remedies the divisive practice of displaying unapproved flags and symbols. No changes were made.

SEC. 1. PROHIBITION ON DISPLAY OF UNAPPROVED FLAGS. (a) PROHIBITION.—No member of the Armed Forces or civilian employee of the Department of Defense may display a flag other than an approved flag in any workplace, common access area, or public area of the Department of Defense. (b) APPROVED FLAG.—In this section, the term ‘‘approved flag’’ means any of the following:
(1) The American flag.
(2) The flag of a State or of the District of Columbia.
(3) A military service flag.
(4) A General Officer flag.
(5) A Presidentially-appointed Senate-confirmed civilian flag.
(6) A Senior Executive Service and Military department-specific flag.
(7) A POW/MIA flag.
(8) The flags of another country that is an ally or partner of the United States or for official protocol purposes.
(9) The flag of an organization in which the United States is a member.
(10) A ceremonial, command, unit, or branch flag or guidon.

SEC. 2. PROHIBITIONS ON INTERNET AND SOCIAL MEDIA ACTIVITY. (a) UNIT PROHIBITION.--(1) No unit of the Armed Forces below the division level in the U.S. Army and U.S. Marine Corps, below the major command level in the U.S. Air Force, and below the fleet level in the U.S. Navy may operate a website or social media account. (2) Units of the Armed Forces allowed to operate a website or social media account may not promote, advocate, celebrate, or otherwise acknowledge holidays except federal holidays recognized in 5 U.S.C. 6103 that also provide for time off from work.
(b) ACTIVE DUTY RESTRICTIONS.--No active duty servicemember of the Armed Forces may post on any website or social media platform about his or her assigned unit activities, events, maneuvers, deployments, or any other identifiable characteristics, as it could threaten unit cohesion, operational security, or national security, while still a member of the United States military.
(c) RULES OF CONSTRUCTION.—
(1) PROTECTED SPEECH NOT RESTRICTED.— Nothing in this section shall be construed to restrict the speech of military personnel off duty and off base, or of a student, teacher, or any other individual outside of a school setting.
(2) POST DEFINED.--In this section, the term “post,” when used with respect to an action described in subsection (b), means any social media post, repost, comment, reply, upload, direct message, or additional public expression on a social media platform that denotes, conveys, or otherwise provides specific information on a military unit’s activities as described in subsection (b).

## Section 3: Undoing The Radical Left Social Policies Contributing To The Destruction Of Military Culture

**Climate Radicalism Prohibition**

The propagation of climate change radicalism in the U.S. government, especially through initiatives under the headings of "Environmental Justice" and "Climate Justice", has accelerated dramatically over the last decade—including at the Department of Defense. Whether efforts to force the creation of "green" combat vehicles, to decrease the usage of reliable sources of energy for costly and unreliable renewable energy sources, or to perpetuate the hoax that climate change is America's number one national security threat, the infusion of climate extremism into the mission of the U.S. military must be thwarted.

The base legislative language comes from Rep. Chip Roy's (R-TX) NDAA amendment nixing the Biden green energy executive orders negatively impacting the Pentagon. There are no changes to the base text.

PROHIBITION ON USE OF FUNDS TO IMPLEMENT CERTAIN EXECUTIVE ORDERS. None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year ___ or any fiscal year thereafter may be used to implement any of the following executive orders:
(1) Executive Order 13990, relating to Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis.
(2) Executive Order 14008, relating to Tackling the Climate Crisis at Home and Abroad.
(3) Section 6 of Executive Order 14013, relating to Rebuilding and Enhancing Programs To Resettle Refugees and Planning for the Impact of Climate Change on Migration.
(4) Executive Order 14030, relating to Climate-Related Financial Risk.
(5) Executive Order 14057, relating to Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability.
(6) Executive Order 14082, relating to the Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022.
(7) Executive Order 14096, relating to Revitalizing Our Nation's Commitment to Environmental Justice for All.

**COVID and COVID Vaccine Mandates**

The implementation of COVID-19 vaccine mandates and heavy-handed executive public health policies has had a deleterious impact on the readiness and combat capability of the U.S. military. The loss of thousands of America's most capable soldiers through ill-advised vaccine mandates hangs over the Department of Defense like a pall. Despite contemporary data showing no statistically significant benefit to vaccinating young and healthy servicemembers against COVID-19, the decision to impose a vaccine mandate even in the face of widespread refusal impacted an outsized number of conservative-leaning servicemembers. While it remains

to be seen if such a result was intentional, there is little doubt that the outcome softened resistance to DOD's increasingly woke priorities.

Numerous legislative vehicles exist to remedy these actions. Specifically, legislation from Reps. Warren Davidson (R-OH), Chip Roy (R-TX), and Randy Jackson (R-TX) serve as the basis for the package. No changes were made.

SEC. 1 PROHIBITIONS ON CERTAIN ADVERSE ACTIONS REGARDING A CADET, MIDSHIPMAN, OR APPLICANT TO A SERVICE ACADEMY, WHO REFUSES TO RECEIVE A VACCINATION AGAINST COVID–19.
(a) ADVERSE ACTION.—No adverse action may be taken against a cadet or midshipman at a Service Academy solely on the basis that such cadet or midshipman refuses to receive a vaccination against COVID–19.
(b) ENROLLMENT.—An individual may not be refused enrollment at a Service Academy solely on the basis that such individual refuses to receive a vaccination against COVID–19.
(c) SERVICE ACADEMY DEFINED.—In this section, the term ''Service Academy'' has the meaning given such term in section 347 of title 10, United States Code.

SEC 2. STUDY AND REPORT ON HEALTH CONDITIONS OF MEMBERS OF THE ARMED FORCES DEVELOPED AFTER ADMINISTRATION OF COVID–19 VACCINE.
(a) STUDY.—The Secretary of Defense shall conduct a study to assess and evaluate any health conditions arising in members of the Armed Forces after one year after receiving the first dose of a COVID–19 vaccine, and each of the two years thereafter.
(b) STUDY PARAMETERS.—In conducting the study under subsection (a), the Secretary shall— (1) disaggregate data collected by— (A) vaccine type and manufacturer; (B) age group at the time such first dose was administered, including—
(i)individuals who have attained 18 years of age but who have not yet attained 30 years of age;
(ii) individuals who have attained 30 years of age but who have not yet attained 40 years of age;
(iii) individuals who have attained 40 years of age but who have not yet attained 50 years of age;
(iv) individuals who have attained 50 years of age but who have not yet attained 60 years of age; and
(v) individuals who are 60 years of age or older; and (C) health condition developed after receiving such first dose, regardless of whether the condition is attributable to the receipt of such first dose; and (2) assess the prevalence of each such health condition— (A) by each age group specified in paragraph (1)(B) among the unvaccinated population; and (B) among each such age group for each of the years 2015, 2016, 2017, 2018, and 2019.
(c) REPORT.—Not later than one year after the date of the enactment of this Act and each year thereafter for the subsequent four years, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the results of each study conducted under subsection (a).
(d) COVID–19 VACCINE DEFINED.—The term ''COVID–19 vaccine'' means a vaccine licensed under section 351 of the Public Health Service Act (42 U.S.C. 262) or authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3) for immunization against the virus responsible for COVID–19.

SEC 3. CERTAIN PROTECTIONS FOR A MEMBER OF THE ARMED FORCES, OR A CADET OR MIDSHIPMAN AT A MILITARY SERVICE ACADEMY, WHO REFUSES TO RECEIVE A VACCINATION AGAINST COVID–19.
(a) PROHIBITIONS—(1) VACCINE MANDATE.—No Federal funds may be used to require a member of the Armed Forces, or a cadet or midshipman at a military service academy, to receive a

vaccination against COVID–19. (2) ADVERSE ACTION.—No member of the Armed Forces, or cadet or midshipman at a military service academy, may be subject to adverse action solely on the basis of the refusal of such member, cadet, or midshipman to receive a vaccination against COVID–19.

(b) REINSTATEMENT.—At the request of a covered individual, the Secretary concerned shall—(1) reinstate the covered individual as a member of the Armed Forces concerned, in the same rank and grade the covered individual held at the time of separation from the Armed Force concerned; (2) expunge from the military service record of the covered individual any reference to adverse action against the covered individual solely on the basis of the refusal of the covered individual to receive a vaccination against COVID–19; and (3) include, in the computation of the retired or retainer pay of such covered individual, the period between the involuntary separation and the reinstatement, under paragraph (1), of the covered individual.

(c) MANDATORY CHARACTERIZATION OF DISCHARGE.—(1) PROSPECTIVE CHARACTERIZATIONS.—Subsection (a) of section 736 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 1161 note), as amended by section 525 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263), is further amended by striking “shall be—” and all that follows and inserting “shall be an honorable discharge.” (2) RETROACTIVE CHARACTERIZATIONS.—The Secretary concerned shall ensure that the characterization of the discharge of a covered individual that occurred before the date of the enactment of this Act is characterized as honorable.

(d) DEFINITIONS.—In this section: (1) The term “adverse action” includes the following:

(A) Involuntary separation.

(B) Demotion.

(C) Discipline.

(D) Retaliation.

(E) Disparate treatment.

(F) A requirement to wear a mask, reside in substandard housing, or endure substandard conditions.

(G) Travel restrictions.

(H) Deployment restrictions.

(2) The term “covered individual” means an individual who was involuntarily separated from an Armed Force solely on the basis of the refusal of such individual to receive a vaccination against COVID–19.

(3) The term “military service academy” means the following:

(A) The United States Military Academy.

(B) The United States Naval Academy.

(C) The United States Air Force Academy.

(D) The United States Coast Guard Academy.

(4) The term "Secretary concerned" has the meaning given such term in section 101 of Title 10, United States Code.

**Abortion**

The recent battle waged by Sen. Tommy Tuberville (R-AL) over the Pentagon's abortion tourism policy illustrates the extent to which progressivism has infected the daily operations of America's armed forces. Further, it is imperative that taxpayers are protected from funding a military brass that snuffs out the lives of future citizens it is meant to defend. Legislation offered by Rep. Randy Jackson (R-TX) to the NDAA serves as a strong base for prohibiting taxpayer-funded abortions within the DOD. The language below has been amended to include:

- Removal of caveats on abortions for rape, incest, and life of the mother.
- A new penalty section that subjects uniformed violators to the UCMJ for disobeying a rule and murder.

SEC. 1 PROHIBITION ON PAYMENT AND REIMBURSEMENT BY THE DEPARTMENT OF DEFENSE OF EXPENSES RELATING TO ABORTION SERVICES.
(a) SENSE OF CONGRESS.—It is the sense of Congress that— (1) consistent with section 1093 of title 10, United States Code, the Department of Defense may not use any funds for abortions; (2) the Secretary of Defense has no legal authority to implement any policies in which funds are to be used for such purpose; and (3) the Department of Defense Memorandum titled ''Ensuring Access to Reproductive Health Care'', dated October 20, 2022, is therefore unlawful and must be rescinded.
(b) REPEAL OF MEMORANDUM.— (1) REPEAL.—The Department of Defense memorandum titled ''Ensuring Access to Reproductive Health Care'', dated October 20, 2022, shall have no force or effect. (2) PROHIBITION ON AVAILABILITY OF FUNDS TO CARRY OUT MEMORANDUM.—No funds may be obligated or expended to carry out the memorandum specified in paragraph (1) or any successor to such memorandum.
(c) PROHIBITION.—Section 1093 of Title 10, United States Code, is amended by adding at the end the following new subsection: ''(c) PROHIBITION ON PAYMENT OR REIMBURSEMENT OF CERTAIN FEES.—(1) The Secretary of Defense and any employee of the Department of Defense, including members of the armed forces, may not pay for or reimburse any fees or expenses, including travel expenses, relating to a healthcare professional gaining a license in a State if the purpose of gaining such license is to provide abortion services. ''(2) In this subsection: ''(A) The term 'health-care professional' means a member of the armed forces, civilian employee of the Department of Defense, personal services contractor under section 1091 of this title, or other individual who provides health care at a military medical treatment facility. ''(B) The term 'license' has the meaning given that term in section 1094 of this title.''
(d) PENALTY—Notwithstanding any other provision of the law, any member of the armed forces that violates the prohibitions in Section 1(c) shall be subject to punitive articles under 10 U.S.C. 47 §892 and §918 and Dishonorable Discharge conditions. (b) Any civilian employee of the Department of Defense or

of a military department that violates the prohibitions in Section 1(c) shall be subject to termination from the Department and face up to 20 years imprisonment in a federal prison facility.

SEC. 2. PROHIBITION RELATING TO ABORTION SERVICES FOR ACTIVE DUTY SERVICE MEMBERS. (a) Section 1093 of Title 10, United States Code, is further amended by adding at the end of the following new subsection: "(d) PROHIBITION ON ABORTION SERVICES FOR CERTAIN INDIVIDUALS.--(1) No active duty service member of the Armed Forces may seek out or receive abortion services. (b) PENALTY–Notwithstanding any other provision of the law, any uniformed member of the Armed Forces that violates the prohibitions in Section 2(a) shall be subject to punitive articles under 10 U.S.C. 47 §919 and Dishonorable Discharge conditions.

SEC. 3. ACTIVE DUTY PREGNANCY RESTRICTIONS. (a) Section 671 of Title 10, United States Code, is amended by adding at the end of the following subsection: "(d) SERVICE RESTRICTIONS FOR PREGNANT SERVICE MEMBERS.--(1) A member of the Armed Forces who is pregnant may not be assigned to active duty on land outside the United States and its territories and possessions until the service member has delivered her unborn child and received medical clearance from a licensed physician to return to active duty service at least 90 days post-delivery. (2) A member of the Armed Forces who becomes pregnant while assigned to active duty on land outside the United States and its territories and possessions shall be placed on medical temporary non-deployable status and, upon the recommendation of a licensed physician, return to the United States as soon as is feasible. (3) A member of the Armed Forces who is pregnant while on active duty on land inside the United States and its territories and possessions shall be placed on medical temporary non-deployable status no later than 20 weeks gestation.

SEC. 4. ACTIVE DUTY UNIFORM RESTRICTIONS. Chapter 45 of Title 10, United States Code, is amended by adding the following new subsection: "Section 778–UNIFORM RESTRICTIONS WHILE PREGNANT. (a) Issue of Uniform.--The Secretary may issue a special uniform for pregnant service members prior to placement on medical temporary non-deployable status so long as such uniforms are non-combat related and relegated strictly to duty fatigues. (b) Prohibition.--The Secretary shall not issue a special uniform or accessory to any pregnant service member that is considered to be a combat fatigue or combat accessory and is designed to specifically accommodate a pregnant service member.