

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** HM 1319 United States Military Meritocracy

**SPONSOR(S):** Gregory, Sirois, and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SM 1382

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**FINAL HOUSE FLOOR ACTION:** N/A Y's      N/A N's      **GOVERNOR'S ACTION:** N/A

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### SUMMARY ANALYSIS

HM 1319 passed the House on May 1, 2023, as SM 1382.

The Department of Defense (DoD) is responsible for providing the military forces needed to deter war and protect the security of the United States. Under the President, who is also Commander in Chief, the Secretary of Defense exercises authority, direction, and control over the DoD, which includes the separately organized military departments.

Concerns have been raised about various policies affecting military readiness, including:

- Mandatory vaccinations required by the DoD for certain infectious diseases, including COVID-19 and anthrax.
- Policies encouraging the use of person-centered and gender-neutral language when describing individuals, including a 2022 presentation given at the United States Air Force Academy.
- The United States Army falling 15,000 recruits short of its recruitment goal of 60,000 military recruits for Fiscal Year 2022.

The memorial urges the United States Congress to prohibit cited social practices and return to a merit-based system for military force development and composition. The memorial calls for copies to be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of State, and each member of the Florida delegation to the United States Congress.

Legislative memorials are not subject to the Governor's veto powers and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

This memorial does not have a fiscal impact on the state or local governments.

The Memorial is not subject to the Governor's veto powers.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Present Situation

##### Department of Defense

The Department of Defense (DoD) is responsible for providing the military forces needed to deter war and protect the security of the United States. The major elements of these forces are the Army, Navy, Marine Corps, and Air Force, consisting of about 1.3 million men and women on active duty.<sup>1</sup> They are backed, in case of emergency, by the 825,000 members of the Reserve and National Guard.<sup>2</sup> In addition, there are about 600,000 civilian employees in the DoD. Under the President, who is also Commander in Chief, the Secretary of Defense exercises authority, direction, and control over the DoD, which includes the separately organized military departments.<sup>3</sup>

##### DoD Recruitment

The United States Army was 15,000 recruits short of its recruitment goal of 60,000 military recruits for Fiscal Year 2022.<sup>4</sup> Army officials stated the problem with recruitment does not stem from a lack of interest in service, but rather the difficulty for recruiters to find qualified candidates who can meet Armed Forces fitness standards or perform adequately on the military's entrance exam. Anthony M. Kurta, the undersecretary of defense for personnel and readiness, stated only about 2 percent of the 20.6 million 17- to 21-year-olds in the United States are eligible, of high academic quality, and have a propensity to serve.<sup>5</sup> As of January 20, 2023, Major General Johnny Davis stated the Army had recruited roughly 18,500 soldiers and another 13,000 recruits were in various stages of the recruiting process. If the Army continues at such a pace, it will meet its recruitment goal of 65,000 new soldiers for Fiscal Year 2023.<sup>6</sup>

##### DoD Vaccination Mandates

#### COVID-19

On August 24, 2021, the Secretary of Defense issued a mandate requiring COVID-19 vaccinations for all members of the Armed Forces under DoD authority on active duty or in the Ready Reserve, including the National Guard.<sup>7</sup> The mandate forced more than 8,400 troops out of the Armed Forces for

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<sup>1</sup> Federal Register, The Daily Journal of the United States Government, Defense Department, available at <https://www.federalregister.gov/agencies/defense-department#:~:text=Under%20the%20President%2C%20who%20is,advice%2C%20the%20combatant%20commands%2C%20and> (last visited Mar. 28, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Military.com, *Army Sees Signs It Might Hit Recruiting Target This Year*, <https://www.military.com/daily-news/2023/01/20/army-sees-signs-it-might-hit-recruiting-target-year.html> (last visited Mar. 16, 2023).

<sup>5</sup> Dept. of Defense, *DOD Official Cites Widening Military-Civilian Gap*, <https://www.defense.gov/News/News-Stories/Article/Article/1850344/dod-official-cites-widening-military-civilian-gap/> (last visited Mar. 16, 2023).

<sup>6</sup> Military.com, *Army Sees Signs It Might Hit Recruiting Target This Year*, <https://www.military.com/daily-news/2023/01/20/army-sees-signs-it-might-hit-recruiting-target-year.html> (last visited Mar. 16, 2023).

<sup>7</sup> Dept. of Defense, *Memorandum for Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members*, available at <https://media.defense.gov/2021/Aug/25/2002838826/-1/-1/0/MEMORANDUM-FOR-MANDATORY-CORONAVIRUS-DISEASE-2019-VACCINATION-OF-DEPARTMENT-OF-DEFENSE-SERVICE-MEMBERS.PDF> (last visited Mar. 16, 2023).

refusing to comply with the order. Thousands more sought religious and medical exemptions.<sup>8</sup> The mandate was rescinded on January 10, 2023.<sup>9</sup>

### *Anthrax*

The DoD began compulsory anthrax vaccinations in 1998 with the goal of inoculating 2.4 million troops, and 1.2 million Armed Forces members were vaccinated before the U.S. District Court for the District of Columbia ordered the DoD's vaccination mandate to halt, citing a violation of the Food and Drug Administration's own rules for failure to seek public comment before approving the vaccine. Before the halt of the vaccination mandate, more than 500 members of the Armed Forces were disciplined or court-martialed for refusing inoculation.<sup>10</sup>

### Diversity, Equity, and Inclusion

On January 20, 2021, the President of the United States through executive order<sup>11</sup> removed earlier presidential restrictions on diversity and inclusion-related training for uniformed personnel.<sup>12</sup> On June 25, 2021, the President issued an executive order requiring agency heads in establishing diversity and inclusion training to:

enable Federal employees, managers, and leaders to have knowledge of systemic and institutional racism and bias against underserved communities ... promote inclusive workplaces ... and have increased understanding of implicit and unconscious bias.<sup>13</sup>

The Under Secretary of Defense for Personnel and Readiness at the Office for Diversity, Equity, and Inclusion within the DoD oversees and implements diversity management and equal opportunity trainings and programs for:

- Active duty military personnel;
- Reserve component military personnel; and
- DoD civilian employees.<sup>14</sup>

On July 14, 2020, the Secretary of Defense directed the Under Secretary of Defense for Personnel and Readiness by October 1, 2020, to incorporate in professional military education instruction the impact of biases and prejudices on decision-making.<sup>15</sup>

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<sup>8</sup> Associated Press, Politico, *Pentagon drops Covid-10 vaccine mandate for troops*, <https://www.politico.com/news/2023/01/10/pentagon-drops-covid-19-vaccine-mandate-for-troops-00077364> (last visited Mar. 16, 2023).

<sup>9</sup> Dept. of Defense, *DOD Rescinds COVID-19 Vaccination Mandate*, <https://www.defense.gov/News/Releases/Release/Article/3264323/dod-rescinds-covid-19-vaccination-mandate/> (last visited Mar. 16, 2023).

<sup>10</sup> National Library of Medicine, *U.S. judge halts compulsory anthrax vaccination for soldiers*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC526141/> (last visited Mar. 16, 2023).

<sup>11</sup> The Federal Register, *Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government> (last visited Mar. 28, 2023).

<sup>12</sup> Congressional Research Service, *Diversity and Inclusion Training for Military Personnel*, available at <https://crsreports.congress.gov/product/pdf/IN/IN11703> (last visited Mar. 28, 2023).

<sup>13</sup> The White House, *Executive Order 14035 on Diversity, Equity, Inclusion, and Accessibility in the Federal Workplace*, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/> (last visited Mar. 28, 2023).

<sup>14</sup> Dept. of Defense, Office for Diversity, Equity, and Inclusion, *Office for Diversity, Equity, and Inclusion*, <https://diversity.defense.gov/> (last visited Mar. 28, 2023).

<sup>15</sup> Congressional Research Service, *Diversity and Inclusion Training for Military Personnel*, available at <https://crsreports.congress.gov/product/pdf/IN/IN11703> (last visited Mar. 28, 2023).

On September 14, 2021, the Secretary of Defense created the Defense Advisory Committee on Diversity and Inclusion. The committee's purpose is to provide advice and make recommendations on improving racial and ethnic diversity, inclusion, and equal opportunity.<sup>16</sup>

The operation center at the DoD's Defense Information Systems Agency initiated a pilot project on hiring practices. To reduce unconscious bias, names were removed off of applications submitted for vacancies.<sup>17</sup>

In addition to the DoD, branches of the military have initiated diversity programs and projects.

### *Army Diversity Policies and Programs*

In 2020, the Army created Project Inclusion, to improve diversity, equity, and inclusion across the force. Initial measures include omitting official photos from recommendations for applicants to officer selection boards and examining possible racial disparity within the military system of justice.<sup>18</sup> The Army, through its Recruiting Command, established the Diversity Outreach Inclusion Team to increase representation of minorities and women among military personnel.<sup>19</sup> In furtherance, the team educates diverse communities on access to college through military scholarship offerings and tuition assistance.<sup>20</sup>

### *Navy Diversity Policies and Programs*

On May 3, 2021, the Department of the Navy released immediate measures to promote diversity, equity, and inclusion in policies, programs, and operations. Measures include a review of:

- Contracting practices to identify improvements to promote supplier diversity;
- Policies and conventions for naming ships, bases, and other assets by Navy and Marine Corps leadership, to recommend improved diverse representation; and
- Guidelines for selection and assignment boards to remove potential barriers to diversity.<sup>21</sup>

### *Air Force Diversity Policies and Programs*

In 2022, a presentation given at the United States Air Force Academy entitled, *Diversity & Inclusion: What it is, why we care & what we can do*, was forwarded to Representative Mike Waltz of Florida by concerned cadets and their families.<sup>22</sup> The presentation contained material advising cadets to use person-centered and gender-neutral language when describing individuals. The materials reportedly recommended against using the terms "mom" and "dad," stating some families do not reflect all families, and instead recommended using "parent" or "caregiver." The presentation advocated that

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<sup>16</sup> Dept. of Defense, *DoD Announces New Defense Advisory Committee on Diversity and Inclusion*, <https://www.defense.gov/News/Releases/Release/Article/3169272/dod-announces-new-defense-advisory-committee-on-diversity-and-inclusion/> (last visited Mar. 28, 2023).

<sup>17</sup> Dept. of Defense, *Officials Discuss Diversity, Equity and Inclusion Benefits to DoD*, <https://www.defense.gov/News/News-Stories/Article/Article/2920971/officials-discuss-diversity-equity-and-inclusion-benefits-to-dod/> (last visited Mar. 28, 2023).

<sup>18</sup> U.S. Army, *Army unveils new initiative to promote diversity, inclusion across the force*, [https://www.army.mil/article/236766/army\\_unveils\\_new\\_initiative\\_to\\_promote\\_diversity\\_inclusion\\_across\\_the\\_force](https://www.army.mil/article/236766/army_unveils_new_initiative_to_promote_diversity_inclusion_across_the_force) (last visited Mar. 28, 2023).

<sup>19</sup> U.S. Army, *USAREC outlines measures to increase inclusivity in recruiting*, available at [https://www.army.mil/article/254672/usarec\\_outlines\\_measures\\_to\\_increase\\_inclusivity\\_in\\_recruiting](https://www.army.mil/article/254672/usarec_outlines_measures_to_increase_inclusivity_in_recruiting) (last visited Mar. 28, 2023).

<sup>20</sup> *Id.*

<sup>21</sup> The Secretary of the Navy, *Memorandum for Assistant Secretaries of the Navy Chief of Naval Operations Commandant of the Marine Corps, Department of the Navy Diversity, Equity, and Inclusion Planning Actions*, available at <https://media.defense.gov/2021/May/17/2002645340/-1/-1/0/DON%20DIVERSITY%20EQUITY%20AND%20INCLUSION%20PLANNING%20ACTIONS.PDF/DON%20DIVERSITY%20EQUITY%20AND%20INCLUSION%20PLANNING%20ACTIONS.PDF> (last visited Mar. 28, 2023).

<sup>22</sup> Forbes, *Air Force Academy's 'Diversity & Inclusion' Training Angers Conservatives*, <https://www.forbes.com/sites/ericteglert/2022/11/09/as-the-air-forces-credibility-wanes-its-academy-devotes-time-to-diversity--inclusion-training/?sh=707c94502849> (last visited Mar. 16, 2023).

“cadets be color conscious” and stated that “We see Color/Patterns AND VALUE people for their uniqueness.”

### **Effect of the Memorial**

The memorial cites examples of social practices and mandates by the United States Armed Forces and states these practices and mandates are harmful for military preparedness, effectiveness, and operation. The memorial urges the United States Congress to prohibit the cited social practices and return to a merit-based system for military force development and composition.

The memorial calls for copies of the memorial to be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of State, and each member of the Florida delegation to the United States Congress.

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## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **D. FISCAL COMMENTS:**

None.