

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: SM 1382

INTRODUCER: Senator Collins

SUBJECT: United States Department of Defense

DATE: March 20, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1382 provides a memorial to urge the Congress of the United States to use authorization and appropriation authorities to prohibit “woke” social engineering and experimentation practices and mandate a return to a merit-based system for military force and development.

The memorial requires the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

A memorial is an official legislative document addressed to the United States Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor’s approval nor is it subject to a veto.

II. Present Situation:

United States Presidential Directives on Diversity and Inclusion

On January 20, 2021, the President of the United States through executive order¹ removed earlier presidential restrictions on diversity and inclusion-related training for uniformed personnel.² On June 25, 2021, the President issued an executive order requiring agency heads in establishing diversity and inclusion training to:

¹ The Federal Register, *Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (Jan. 20, 2021), available at <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. 16, 2023).

² Congressional Research Service, *Diversity and Inclusion Training for Military Personnel* (July 19, 2021), available at <https://crsreports.congress.gov/product/pdf/IN/IN11703> (last visited Mar. 16, 2023).

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.³

Since 2011, openly gay and bisexual men and women have been allowed to serve in the military.⁴ In 2021, the ban on transgender individuals serving in the military was lifted through executive order.⁵

Military Promotion of Diversity, Equity and Inclusion

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

- Active duty military personnel;
- Reserve component military personnel; and
- DoD civilian employees.⁶

On July 14, 2020, then 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.⁷

On September 14, 2021, the secretary of the DoD created the Defense Advisory Committee on Diversity and Inclusion.⁸ The committee's purpose is to provide advice and make recommendations on improving racial and ethnic diversity, inclusion, and equal opportunity.⁹

The operation center at the DoD's Defense Information Systems Agency initiated a pilot project on hiring practices.¹⁰ To reduce unconscious bias, names were removed off of applications submitted for vacancies.¹¹

³ The Federal Register, *Executive Order 14035 on Diversity, Equity, Inclusion, and Accessibility in the Federal Workplace* (June 25, 2021), available at <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. 16, 2023).

⁴ Dep't of Defense, Military One Source, *LGBTQ in the Military: A Brief History, Current Policies and Safety*, available at <https://www.militaryonesource.mil/relationships/support-community/lgbtq-in-the-military/> (last visited Mar. 15, 2023).

⁵ The Federal Register, *Executive Order 14004 on Enabling All Qualified Americans to Serve Their Country in Uniform* (Jan. 25, 2021), available at <https://www.federalregister.gov/documents/2021/01/28/2021-02034/enabling-all-qualified-americans-to-serve-their-country-in-uniform> (last visited Mar. 16, 2023).

⁶ Dep't of Defense, Office for Diversity, Equity, and Inclusion, *Office for Diversity, Equity, and Inclusion*, available at <https://diversity.defense.gov/> (last visited Mar. 16, 2023).

⁷ Congressional Research Service, *supra* note 6.

⁸ Dep't of Defense, *DoD Announces New Defense Advisory Committee on Diversity and Inclusion* (Sept. 23, 2022), available at <https://www.defense.gov/News/Releases/Release/Article/3169272/dod-announces-new-defense-advisory-committee-on-diversity-and-inclusion/> (last visited Mar. 14, 2023).

⁹ *Id.*

¹⁰ David Vergun, Dep't of Defense News, *Officials Discuss Diversity, Equity and Inclusion Benefits to DoD* (Feb. 2, 2022), available at <https://www.defense.gov/News/News-Stories/Article/Article/2920971/officials-discuss-diversity-equity-and-inclusion-benefits-to-dod/> (last visited Mar. 14, 2023).

¹¹ *Id.*

In addition to the DoD, branches of the military have initiated diversity programs and projects. In 2020, the Army created Project Inclusion, to improve diversity, equity, and inclusion across the force.¹² 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.¹³ The Army through its Recruiting Command established the Diversity Outreach Inclusion Team, to increase representation of minorities and women among military personnel.¹⁴ In furtherance, the team educates diverse communities on access to college through military scholarship offerings and tuition assistance.¹⁵

On May 3, 2021, the Department of the Navy released immediate measures to promote diversity, equity, and inclusion in policies, programs, and operations.¹⁶ 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;
- Guidelines for selection and assignment boards to remove potential barriers to diversity; and
- Diversity within the Senior Executive Service, and the process of recruitment, selection, and development of Senior Executives to improve the pace of diversity and strength of the applicant pool, while remaining cognizant of merit system principles.¹⁷

On August 9, 2022, the Air Force released updated demographic targets among commissioned officers.¹⁸ The Air Force aspires future officer applicants to be:

- 67.5 percent White (down from the 2014 goal of 80 percent);
- 13 percent Black/African American (up from 10 percent);
- 10 percent Asian (up from 8 percent);
- 7 percent multiracial (no previous goal set);
- 1.5 percent American Indian/Native Alaskan (up from 1 percent); and
- 1 percent Native Hawaiian/Pacific Islander (no change).¹⁹

¹² U.S. Army Public Affairs, *Army unveils new initiative to promote diversity, inclusion across the force* (June 25, 2020), available at https://www.army.mil/article/236766/army_unveils_new_initiative_to_promote_diversity_inclusion_across_the_force (last visited Mar. 14, 2023).

¹³ *Id.*

¹⁴ Joe Lacdan, Army News Service, *USAREC outlines measures to increase inclusivity in recruiting* (Mar. 14, 2022), available at https://www.army.mil/article/254672/usarec_outlines_measures_to_increase_inclusivity_in_recruiting (last visited Mar. 14, 2023).

¹⁵ *Id.*

¹⁶ 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* (May 3, 2021), 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. 15, 2023).

¹⁷ *Id.*

¹⁸ Air Force Times, *Air Force Leaders Set New Goals*, available at <https://www.airforcetimes.com/news/your-air-force/2022/08/30/air-force-leaders-set-new-goals-to-diversify-officer-corps/#:~:text=As%20of%20June%2C%20just%202023,the%20Air%20Force%20Personnel%20Center> (last visited Mar. 15, 2023).

¹⁹ *Id.*

The Air Force also aims for Hispanic or Latino members to comprise 15 percent of its officer applicants, up from 10 percent in 2014.²⁰

To increase the number of women in its pool of commissioned officers, the Air Force aims for a composition of 64 percent men and 36 percent women. This builds upon the 2014 goal of 70 percent men to 30 percent women.²¹

Memorial

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III. Effect of Proposed Changes:

SB 1382 provides a memorial to urge the Congress of the United States to use its authorization and appropriation authorities to prohibit the use of "woke" social engineering and experimentation practices, which erode military effectiveness, and mandate a return to a merit-based system for military force development and composition.

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IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

²⁰ *Id.*

²¹ *Id.*

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.