

118TH CONGRESS
1ST SESSION

S. 1811

To ensure treatment in the military based on merit and performance, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2023

Mr. WICKER introduced the following bill; which was read twice and referred
to the Committee on Armed Services

A BILL

To ensure treatment in the military based on merit and
performance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Merit, Fair-
5 ness, and Equality Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The United States Armed Forces is the
9 greatest civil rights program in the history of the
10 world.

1 (2) Former Chairman of the Joint Chiefs Gen-
2 eral Colin Powell wrote that “the military [has]
3 given African-Americans more equal opportunity
4 than any other institution in American society”.

5 (3) Today’s Armed Forces is the most diverse
6 large public institution in the country, and brings to-
7 gether Americans from every background in the
8 service of defending the country.

9 (4) Military readiness depends on the guarantee
10 of equal opportunity, without the promise of an
11 equal outcome, because warfare is a competitive en-
12 deavor and the nation’s enemies must know that the
13 United States Armed Forces is led by the best,
14 brightest, and bravest Americans.

15 (5) The tenets of critical race theory are anti-
16 thetical to the merit-based, all-volunteer, military
17 that has served the country with great distinction
18 for the last 50 years.

19 **SEC. 3. DEFINITION OF EQUITY.**

20 For the purposes of any Department of Defense Di-
21 versity, Equity, and Inclusion directive, program, policy,
22 or instruction, the term “equity” is defined as “the right
23 of all persons to have the opportunity to participate in,
24 and benefit from, programs, and activities for which they
25 are qualified”.

1 **SEC. 4. PROHIBITIONS.**

2 (a) DIRECTIVES.—The Department of Defense shall
3 not direct or otherwise compel any member of the Armed
4 Forces, military dependent, or civilian employee of the De-
5 partment of Defense to personally affirm, adopt, or adhere
6 to the tenet that any sex, race, ethnicity, religion or na-
7 tional origin is inherently superior or inferior.

8 (b) TRAINING AND INSTRUCTION.—No organization
9 or institution under the authority of the Secretary of De-
10 fense may provide courses, training, or any other type of
11 instruction that directs, compels, or otherwise suggests
12 that members of the Armed Forces, military dependents,
13 or civilian employees of the Department of Defense should
14 affirm, adopt, or adhere to the tenet described in sub-
15 section (a).

16 (c) DISTINCTIONS AND CLASSIFICATIONS.—

17 (1) IN GENERAL.—No organization or institu-
18 tion under the authority of the Secretary of Defense
19 shall make a distinction or classification of members
20 of the Armed Forces, military dependents, or civilian
21 employees of the Department of Defense based on
22 account of race, ethnicity, or national origin.

23 (2) RULE OF CONSTRUCTION.—Nothing in this
24 subsection shall be construed to prohibit the re-
25 quired collection or reporting of demographic infor-
26 mation by the Department of Defense.

1 **SEC. 5. MERIT REQUIREMENT.**

2 All Department of Defense personnel actions, includ-
3 ing accessions, promotions, assignments and training,
4 shall be based exclusively on individual merit and dem-
5 onstrated performance.

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