

AMENDMENT TO H.R. 3838
OFFERED BY MS. MACE OF SOUTH CAROLINA

At the appropriate place in title V, insert the following section:

1 **SEC. 5 ____ . REQUIREMENT OF EQUAL OPPORTUNITY, RA-**
2 **CIAL NEUTRALITY, AND EXCLUSIVE USE OF**
3 **MERIT IN MILITARY PERSONNEL ACTIONS.**

4 (a) MERIT REQUIREMENT.—All Department of De-
5 fense military personnel actions, including accessions, pro-
6 motions, assignments, command selection, and military
7 and civil schooling selection and training, shall be based
8 exclusively on individual merit, fitness, capability, and per-
9 formance.

10 (b) CONSIDERATION OF RACE PROHIBITED.—Con-
11 sideration of an individual's race, ethnicity, or national or-
12 igin in any military personnel action is prohibited through-
13 out the Department of Defense.

14 (c) LIMITED EXCEPTION FOR TASKING OF SPECIFIC
15 MISSIONS.—

16 (1) IN GENERAL.—This section shall not be
17 construed to prohibit tasking for specific, unconven-
18 tional missions in foreign countries, where the an-
19 ticipated ground operating environment of indige-

1 nous populations may justify consideration of race,
2 ethnicity, or national origin when tasking for the
3 mission to optimize mission success.

4 (2) COMBATANT COMMANDER APPROVAL RE-
5 QUIRED.—Any tasking pursuant to the exception de-
6 scribed in paragraph (1) shall require the approval
7 of the combatant commander concerned.

8 (3) REPORTING REQUIREMENT.—Not later than
9 60 days after a tasking pursuant to the exception
10 described in paragraph (1), the Secretary of Defense
11 shall report the tasking to the Committees on Armed
12 Services of the Senate and the House of Representa-
13 tives. The report shall describe—

14 (A) the mission, including location and du-
15 ration;

16 (B) the staffing of the mission;

17 (C) the demographic factors warranting
18 the tasking;

19 (D) the number of personnel involved, in-
20 cluding their rank, position, and race, ethnicity,
21 and national origin; and

22 (E) the rationale for the tasking.

