

## **Talking Points: NDAA Provisions of Concern Affecting Military Women and Men in the Combat Arms**

Sections of the **National Defense Authorization Act for 2015** purport to address issues of concern to women. The provisions discussed in the points below are excerpted here ([H.R. 4435, Sec. 527](#)) and here: ([S. 2410, Sec. 523 & Sec. 552](#)) Several provisions deserve reconsideration, due to the negative impact on military women and men in the combat arms. For example:

### **1. "Gender-Neutral Standards"** – Regardless of good intentions, a call to "validate" "**gender-neutral occupational standards**" will not ensure that standards remain as high as they are now.

- Calling for "validation" of "gender-neutral standards" would not preclude adoption of "lower but equal" standards instead of high, uncompromised training and standards to prepare for the extreme demands of direct ground combat.
- The Congressional Research Service has acknowledged that the phrase "*raises questions depending on how it is defined.*" (CRS *Women in Combat: Issues for Congress*, May 9, 2013, p. 11) Despite good intentions, language defining the phrase is unenforceable.
- Promised "gender-neutral standards" for all military occupations are unlikely to survive first contact with Pentagon feminists attacking them as "barriers" to women's careers.
- **General Martin Dempsey** stated that high standards that women cannot meet will be questioned. This suggests that such "barriers" will be eliminated on an incremental basis, leaving minimum standards instead of tougher training required for the combat arms.
- In direct ground combat arms units that attack the enemy with deliberate offensive action, physical strength is important for survival and success in missions that go beyond the experience of being "in harm's way." Standards that are "lower but equal" would increase risks of injury or death for both men and women, while undermining readiness.
- Qualification standards that evaluate performances with "**gender-normed**" scores to allow for "physiological differences" should not be described as "gender neutral" or used for purposes of qualifying personnel for the combat arms.

### **2. Micro-Managing and Misinterpreting Research** – Instead of imposing mandates designed to accelerate the push for women in combat, members of Congress should insist that there be no action to assign women to direct ground combat units without an affirmative vote of Congress.

- The stated September 1, 2015, deadline for providing information effectively precludes informed oversight. The U.S. Constitution assigns to Congress – not Pentagon appointees – the power and responsibility to determine what is "*in the best interests of the national defense of the United States.*"
- The completely unnecessary call for an "Independent Research Entity" would discourage objectivity, transparency, and production of empirical evidence on a timely basis.

- There is no justification for language suggesting that the purpose of current research is to *"open infantry and other closed occupations."*
- The assertion is especially presumptuous since the House has not held hearings on the issue of women in combat since 1979, and the Senate since 1991.

**3. Female Personal Protection Gear** – Good equipment matters, but passage of this costly provision would not mitigate risks of injury for females serving in direct ground combat units.

- More protective gear and body armor would mean disproportionate weight on the smaller female frame, creating *un*-equal physical stress, injuries, and performance difficulties.
- Congress should determine which expenditures would have to be cut in order to cover costs of new, specialized equipment for female personnel only.

**4. "Gender Diversity" Quotas** – There is no military justification for legislation calling for new recruiting efforts to *"increase military service academy accessions by women by an additional 20 percent."* Nor is there a need for an investigation of recruitment practices.

- There is no evidence of insufficient efforts to recruit, retain, or promote women. (See [Q&A: Equal Opportunity for Military Women](#))
- An additional 20% quota for military service academy recruitment would be out of step with the April 22, 2014, **U.S. Supreme Court** decision that upheld the right of **Michigan** voters to forbid by law gender-based discrimination and "affirmative action" quotas.

**5. Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces** – The proposed provision is unnecessary feminist "pork."

- Military women do not need another 20-member committee that would never be dropped.
- Establishment of such a committee would duplicate the vast array of existing programs to support persons reporting sexual abuse, while increasing the risk of command interference and violations of due process that would cause some cases to be dismissed.

Respect for military women, which is higher than ever, is not the issue. Instead of passing legislation to micromanage research already in progress, or to preclude timely congressional oversight, Congress should show true respect for military women by scheduling hearings on the results of Marine research so far. To avoid premature decisions, Congress should also codify sound policies that benefit women, men, and the military as a whole.

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