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Combat Exclusion Quick Look Options

Issue



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- Assignment of Females to Infantry / Armor Units of Action requires change in OSD Policies and notification to Congress.

Current Policy Guidance



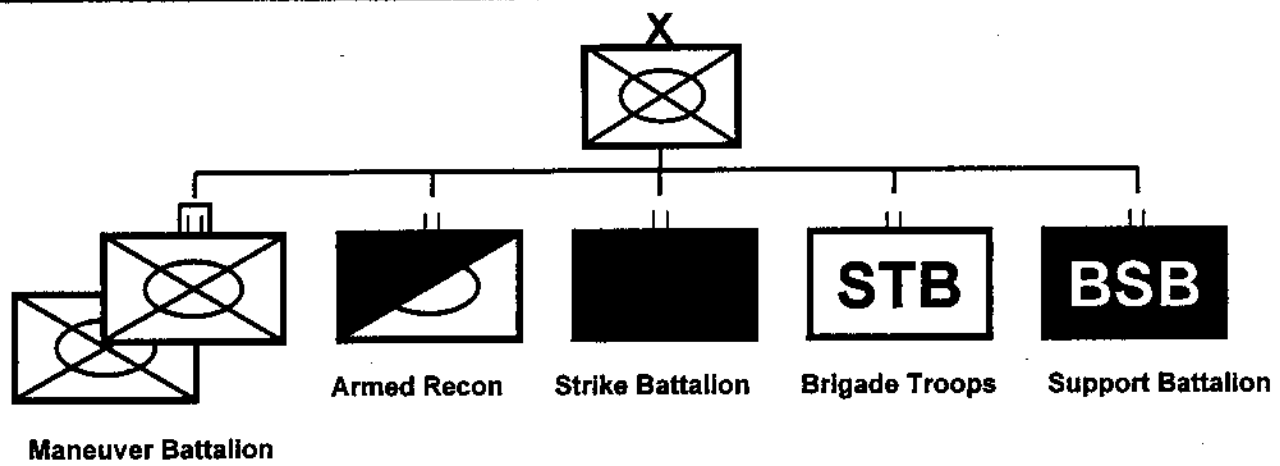
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- Public Law 103-160 has a reporting requirement on the assignment of females to units and positions whose mission requires routine engagement in direct ground combat. Notification also required when closing positions to women.
- OSD policy restricts assignment of female Soldiers to units below the brigade level whose primary mission is to engage in direct ground combat.
- Army policy adds additional restrictions to include units that collocate with battalion or smaller units whose primary mission is direct ground combat.
- Exclusions apply to battalion or smaller units of infantry, armor, cannon artillery, multiple launch rocket artillery, and Special Forces.
- Additional restrictions include Special Operations pilots, organizational maintenance in mechanized units, forward area air defense artillery batteries, and combat engineer line companies.

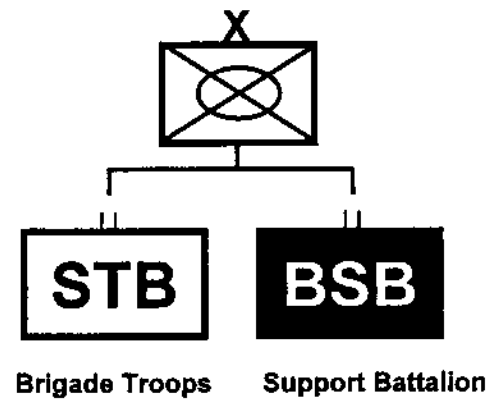
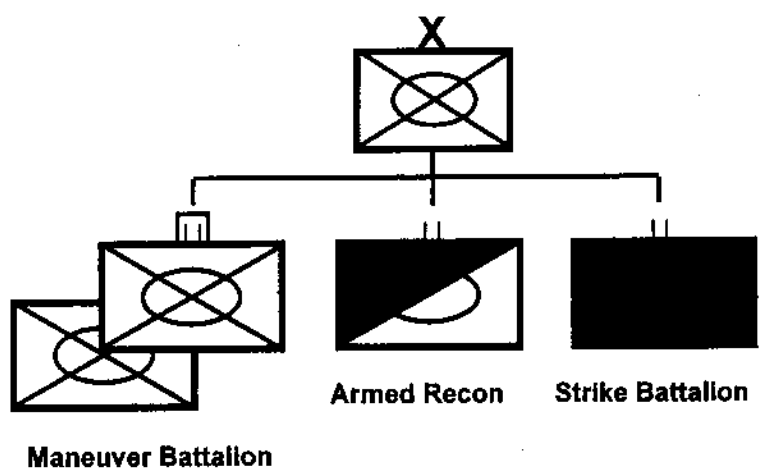
COAs1-3



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COA 4



COA 1 – Assign Males to FSC Mixed Gender for BTB & BSB



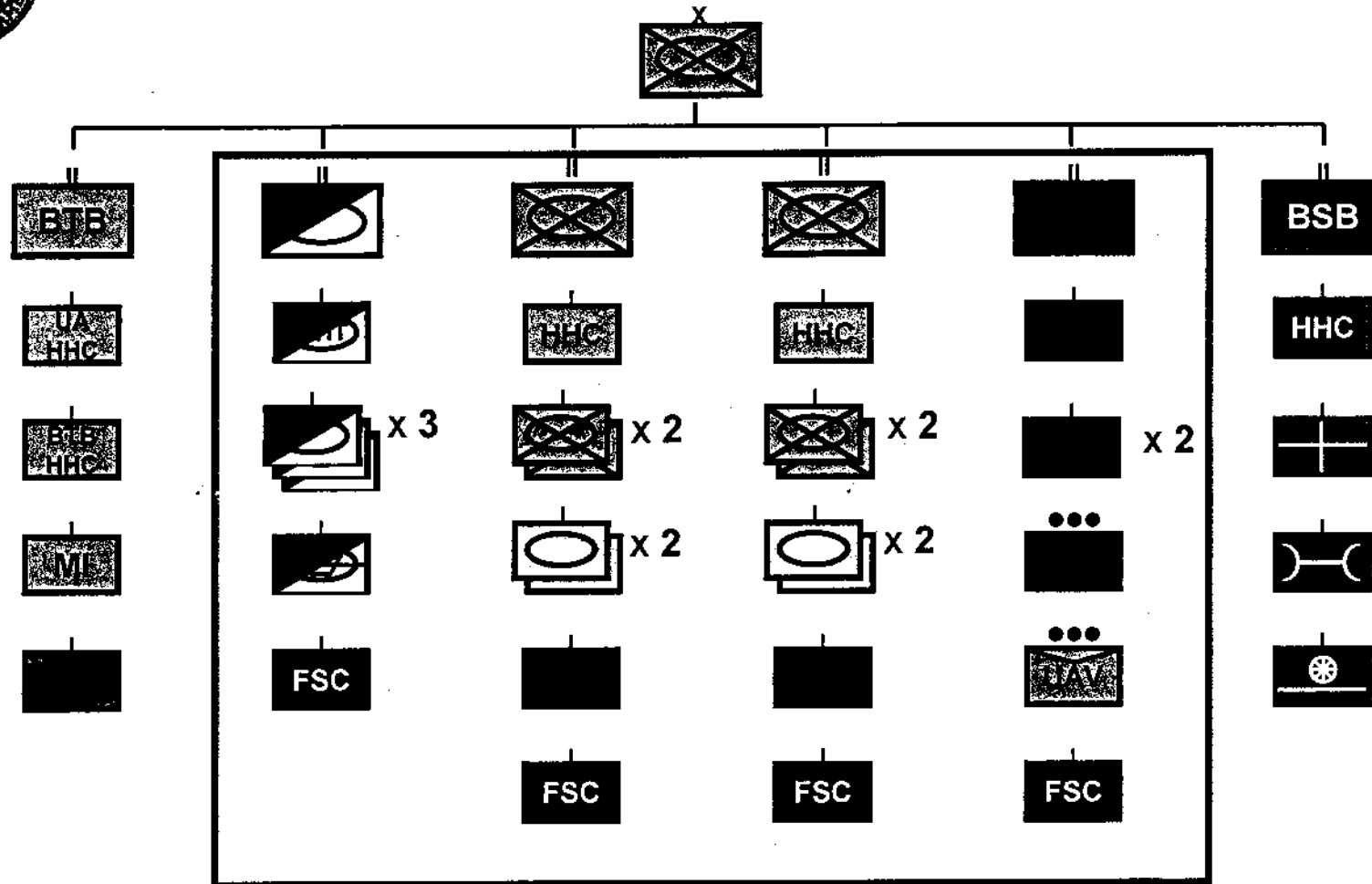
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- BLUF: No change to policy. However, notification required if positions are closed to women.
- No change to direct combat position coding for Unit of Action maneuver battalion forward support companies (male only).
 - Notification to OSD or Congress required if positions are closed to women.
 - Creates an immediate personnel readiness impact; issue of insufficient male Soldiers in inventory to fill forward support companies.
 - Creates long-term “women in the Army” issues; will require extensive redistribution of women to non-combat coded units and creates imbalanced force.
 - Creates potential long-term challenge to Army; pool of male recruits too small to sustain force.

COA 1 – Assign Males to FSC Mixed Gender for BTB & BSB



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All positions in the shaded box are closed to female Soldiers per AR 600-13, Para 1-12.

COA 2 – Align FSC with BSB Mixed Gender for BTB & BSB



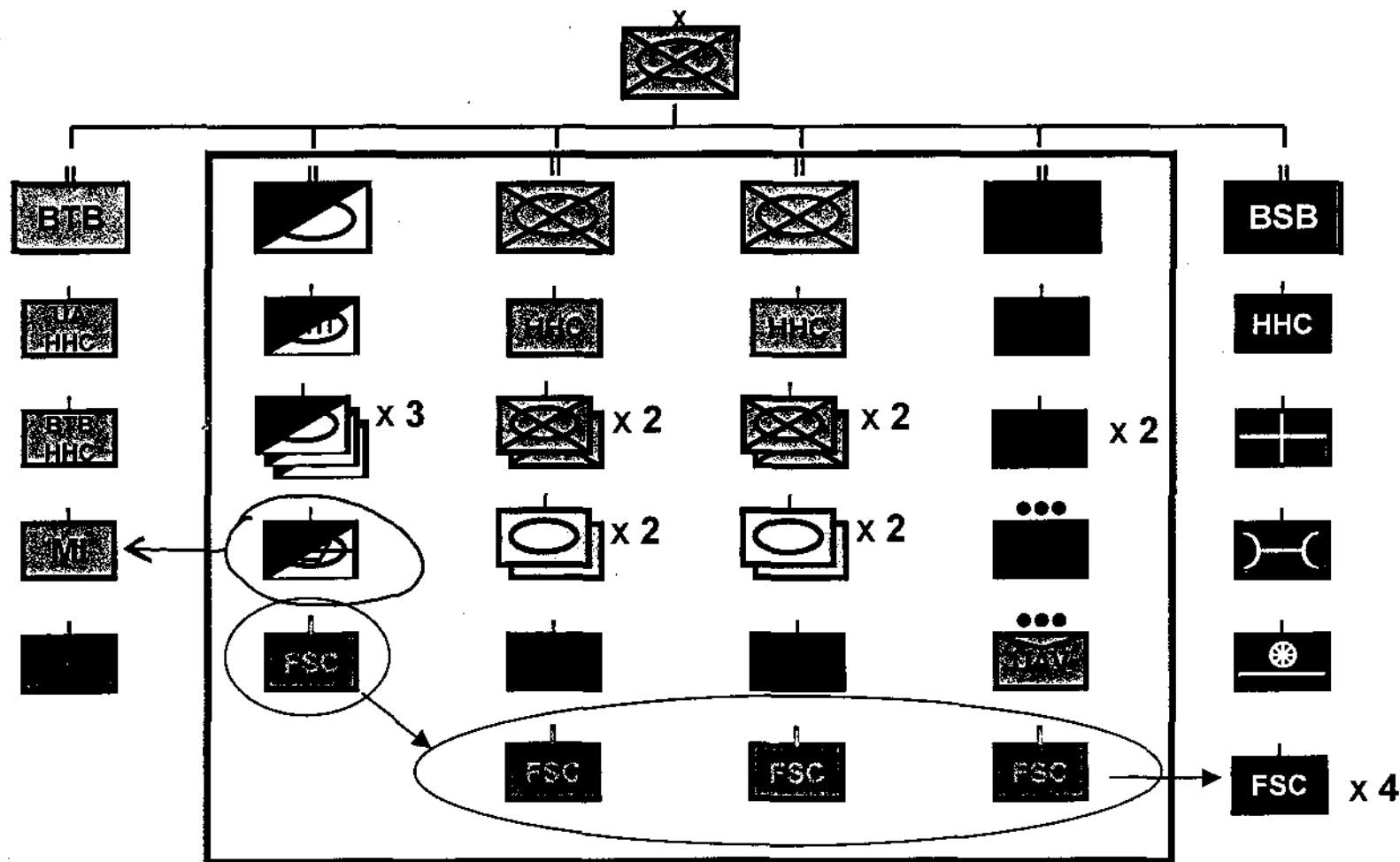
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- BLUF: No change to policy
- No change to direct combat position coding for Unit of Action, assign forward support companies (FSC) to brigade support battalion (BSB).
 - No notification to OSD or Congress required, but recommended.
 - Similar to current divisional forward support battalion employment.
 - Does not create a personnel readiness impact.
 - Female Soldiers still work in close proximity of direct combat units (BTB & BSB are DS/attached to UA Maneuver Units).

COA 2 – Align FSC with BSB Mixed Gender for BTB & BSB



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All positions in the shaded box are closed to female Soldiers per AR 600-13, Para 1-12.

COA 3 – FSCs Organic to AR / IN Maneuver Units

Mixed Gender for FSC



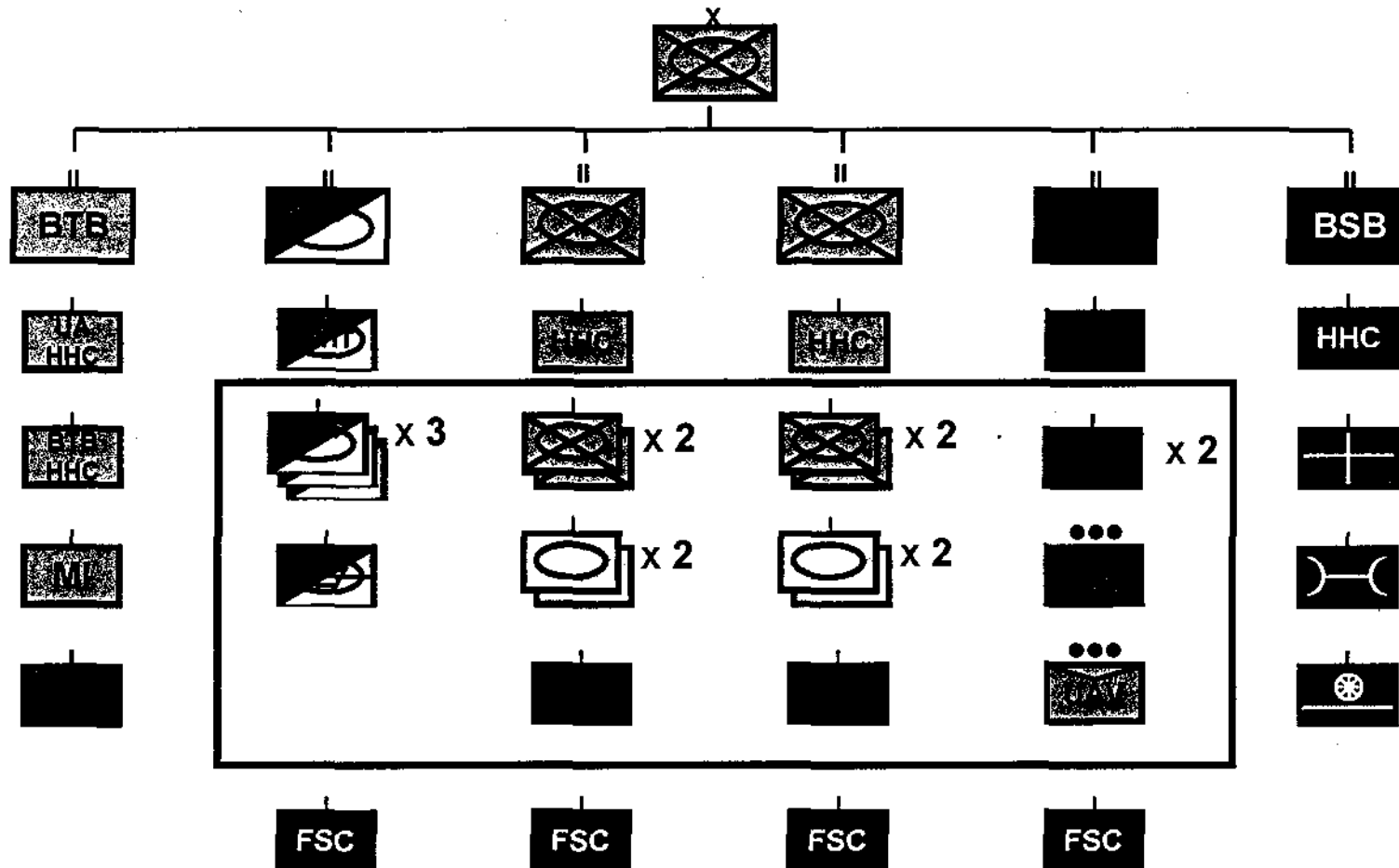
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- BLUF: Requires change of policy and Congressional Notification
- Change direct combat position coding for Unit of Action maneuver battalion forward support companies to allow female Soldiers.
 - Requires OSD approval and notification to Congress; must occur 30 days prior to implementation.
 - Does not create a personnel readiness impact.
 - Political and social issues may be significant.
 - Takes critical issue head on before the Army reorganizes into Unit of Action design.

COA 3 – FSCs Organic to AR / IN Maneuver Units Mixed Gender for FSC



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COA 4 – Modify 3ID UA MTOE
Create CSS BDE Level Command
DS or Attach CSS based on METT-T



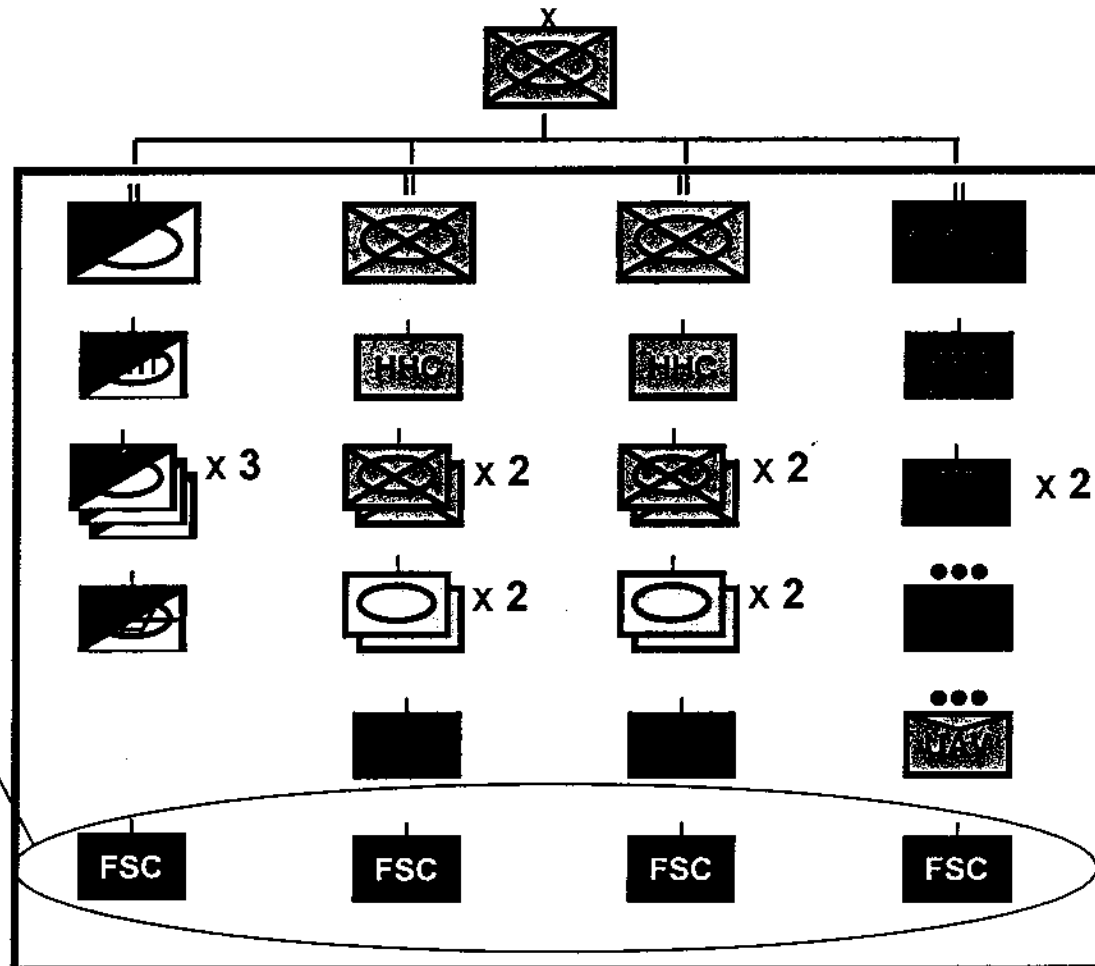
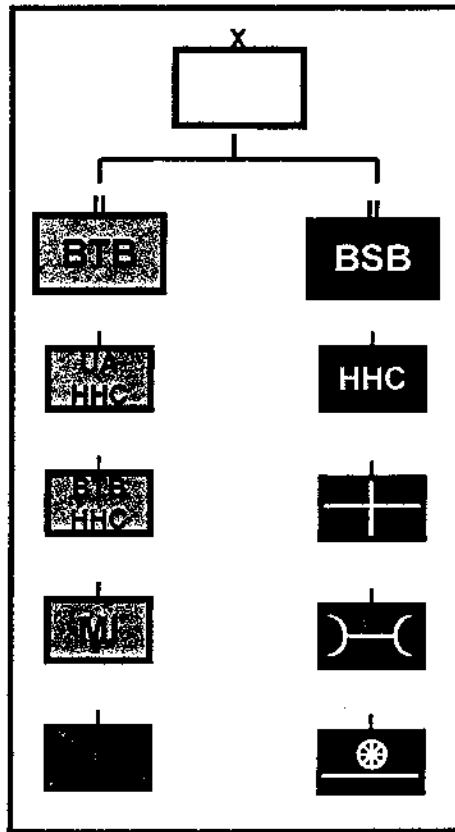
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- BLUF: No change to policy.
- Change Unit of Action design, create a support unit consisting of the brigade troops battalion (BTB) and brigade support battalion (BSB).
 - Congressional notification recommended.
 - Modification of proposed TRADOC UA model.
 - Refine UA Development based upon future 3ID experiences.
 - Does not create a personnel readiness impact.
 - Does not solve collocation restrictions for female Soldier assignments .
 - Will lead to imbalance in soldier assignment (female v. male distribution).



Change Unit of Action Design – COA 4

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Support unit positions would not be combat coded and therefore not closed to female Soldiers per AR 600-13, Para 1-12.

Women in Forward Support Companies (FSC)



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- **Law (FY 1994 NDAA, as amended by FY 2002 NDAA)**
 - SECDEF required to report to Congress any proposed change to the Ground Combat Exclusion Policy.
 - 30 days' notice (Congress in continuous session) prior to implementation.
 - Reportable changes include: opening to women any category of *unit* or position previously closed or closing any category of unit or position previously open.

- **SECDEF Direct Ground Combat Assignment Rule (1 Oct 1994)**
 - Women excluded from assignment to units *below brigade level* whose primary mission is direct ground combat.
 - Policy defines "direct ground combat."
 - Engaging enemy w/ individual/crew served weapons.
 - Exposure to hostile fire and to high probability of direct physical contact w/ enemy.
 - Located well forward on battlefield while locating/defeating enemy w/ fire, maneuver, or shock effect.
 - Further service restrictions may include those based on collocation, cost, SOF, etc.
 - Notify OSD to add restrictions; policy silent on dropping restrictions.

- **Army "collocation" restriction (AR 600-13)**
 - Army-imposed restriction from routine collocation with combat units.
 - SA or ASA (M&RA) can waive/change restriction.
 - Recommend OSD notification



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Legal Analysis of COAs

- **COA 1 (No change to current policy/no women in maneuver battalion FSCs)**
 - No legal objection—no OSD policy change or congressional notification required.
 - However, OSD/congressional notification required if restructure *closes* opportunities to women.

- **COA 2 (No change to current policy/document FSCs under brigade support battalion)**
 - No legal objection—no OSD policy change or congressional notification required, **but recommended.**
 - Caveat—could be perceived as subterfuge to avoid reporting requirement. *

- **COA 3 (Change to current policy/open FSCs to women)**
 - Legally objectionable, unless:
 - OSD approves change to SECDEF policy (below brigade level).
 - OSD files any required report to Congress and waits 30 days.
 - SA or ASA (M&RA) waives/changes AR 600-13 collocation restriction.

- **COA 4 (Document FSCs in brigade support battalion under SUA)**
 - From legal perspective, the same as COA 2.

Course of Action Analysis



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COURSE OF ACTION	1	2	3	4
Requires Congressional Notification	YES	NO, But	YES	NO, But
Requires DA Policy Change	NO	YES	YES	YES
Recommend OSD Notification	YES	YES	YES	YES
Requires OSD Policy Change	NO	NO	YES	NO
Eliminates Collocation Issues	YES	NO	NO	NO
Personnel Readiness Impact	YES	NO	NO	YES
Potential Political Issues	YES	YES	YES	YES

Backup



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Courses of Action

- COA 1 – no change to current policy, restrict female Soldiers from assignment to Unit of Action maneuver battalion forward support companies (FSC)
- COA 2 – no change to policy, document forward support companies in Unit of Action brigade support battalion (BSB)
- COA 3 – change policy, open Unit of Action maneuver battalion forward support companies (FSC) to female Soldiers
- COA 4 – change Unit of Action design, create a support unit consisting of the brigade troops battalion (BTB) and brigade support battalion (BSB)



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Recommendation

- COA 3, change policy for assignment of female Soldiers
- Near-term action:
 - Request interim waiver of OSD policy regarding the assignment of female Soldiers to allow the Army to continue to field Unit of Action maneuver battalions until policies can be updated
- Long-term action:
 - Develop policy change proposals to allow the assignment of female Soldiers to Unit of Action maneuver battalion support units
 - Change OSD definition of direct ground combat echelon from “battalion” to “company” – requires no change to restricted occupations only change in echelon that combat code is applied
 - Delete collocation restriction in Army policy – not a relevant factor with Unit of Action employment and operations in the battlespace
 - Recommended changes to policy will not change the mission or functions of support elements

Facts and Assumptions



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- Existing policies regarding assignment of female Soldiers to maneuver units have not been updated in 10 years
- Support forces used to build the Unit of Action battalions are drawn from existing units (i.e., main support battalion & forward support battalions) which do not have direct combat probability code restrictions
- Support unit missions, functions, and location on the battlefield have not changed with the creation of the Unit of Action maneuver battalions
- Support units without direct combat probability coding are routinely task organized with brigade and battalion maneuver units that are combat coded
- Support units within the Unit of Action maneuver battalions do not have mission requiring direct combat on the ground
- Collocation is not defined in policy – units perform their mission throughout the battlespace
- Army manpower cannot support elimination of female Soldiers from all units designated to be Unit of Action elements



Unit Identification Code (UIC) at "AA" Level

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Example: 4-64th Armor Battalion

Current: Primary UIC and all subordinate units combat coded

WAZDAA – 4-64th Armor Battalion (primary UIC) – combat coded including all subordinate units

Recommendation: Only maneuver units combat coded

WAZDT0 – HHC 4-64th AR (SRC 17) – not combat coded

WAZDA0 – A/4-64th AR (SRC 17) – combat coded

WAZDB0 – B/4-64th AR (SRC 17) – combat coded

WAZDC0 – C/4-64th IN (SRC 07) – combat coded

WAZDD0 – D/4-64th AR (SRC 07) – combat coded

WAZDE0 – E/4-64th EN (SRC 05) – combat coded (combat engineers)

WAZDF0 – F/4-64th FSC (SRC 63) – not combat coded



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Combat Exclusion Title 10 USC

- NOTICE TO CONGRESS OF PROPOSED CHANGES IN COMBAT ASSIGNMENTS TO WHICH FEMALE MEMBERS MAY BE ASSIGNED
- Pub. L. 103-160, div. A, title V, Sec. 542, Nov. 30, 1993, 107 Stat. 1659, as amended by Pub. L. 106-398, Sec. 1 ((div. A), title V, Sec. 573(b)), Oct. 30, 2000, 114 Stat. 1654, 1654A-136; Pub. L. 107-107, div. A, title V, Sec. 591, Dec. 28, 2001, 115 Stat. 1125, provided that:
 - (a) In General.
 - (1) Except in a case covered by subsection (b) or by section 6035 of title 10, United States Code, whenever the Secretary of Defense proposes to change military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that is not open to such assignments, the Secretary shall, not less than 30 days before such change is implemented, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of the proposed change in personnel policy.
 - (2) If before the date of the enactment of this Act (Nov. 30, 1993) the Secretary made any change to military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that was not previously open to such assignments, the Secretary shall, not later than 30 days after the date of the enactment of this Act, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of that change in personnel policy.



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Combat Exclusion Title 10 USC

– (b) Special Rule for Ground Combat Exclusion Policy.

- (1) If the Secretary of Defense proposes to make any change described in paragraph (2) to the ground combat exclusion policy, the Secretary shall, before any such change is implemented, submit to Congress a report providing notice of the proposed change. Such a change may then be implemented only after the end of a period of 30 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) following the date on which the report is received.
- (2) A change referred to in paragraph (1) is a change that either –
 - (A) closes to female members of the Armed Forces any category of unit or position that at that time is open to service by such members; or
 - (B) opens to service by such members any category of unit or position that at that time is closed to service by such members.
- (3) The Secretary shall include in any report under paragraph (1) –
 - (A) a detailed description of, and justification for, the proposed change to the ground combat exclusion policy; and
 - (B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act (50 App. U.S.C. 451 et seq.) to males only.
- (4) For purposes of this subsection, the term '**ground combat exclusion policy**' means the military personnel policies of the Department of Defense and the military departments, as in effect on January 1, 1993, by which **female members of the Armed Forces are restricted from assignment to units and positions whose mission requires routine engagement in direct combat on the ground**.
- (5) For purposes of this subsection, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die.