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FISCAL IMPACT REPORT

SPONSOR Garcia Richard/Payne ORIGINAL DATE 1/29/2017
LAST UPDATED _____ HB 209

SHORT TITLE Allow Women To Serve In Any State Militia SB _____

ANALYST Rogers

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	NFI	NFI

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Military Affairs (DMA)

SUMMARY

Synopsis of Bill

House Bill 209 seeks to amend NMSA 20-2-2 to allow women to serve in any capacity a male can in the National Guard consistent with current DoD policy.

FISCAL IMPLICATIONS

This bill will have no fiscal impact.

SIGNIFICANT ISSUES

DMA explains that on December 3, 2015, the Secretary of Defense signed a policy officially removing any barriers for women serving in combatant roles in the United States Armed Forces. Gender-neutral physical and other standards have been implemented to allow any soldier, regardless of gender, to serve in any capacity in the Armed Forces. 20-2-2(D) NMSA 1978 now limits women to non-combatant roles. The bill would align our statute with this change and allow women to serve in any role that a male can serve in, so long as they meet the new gender-neutral standards. This bill will allow the New Mexico National Guard to integrate women alongside their Active Duty counterparts and will provide for additional opportunities for females to serve and realize the benefits of that service.

TR/al



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

DEC 03 2015

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
ACTING UNDER SECRETARY OF DEFENSE FOR PERSONNEL
AND READINESS
CHIEFS OF THE MILITARY SERVICES
COMMANDER, U.S. SPECIAL OPERATIONS COMMAND

SUBJECT: Implementation Guidance for the Full Integration of Women in the Armed Forces

In January 2013, the Department of Defense eliminated the "1994 Direct Ground Combat Definition and Assignment Rule," effectively removing the remaining barrier to the integration of women into all military occupational specialties and career fields within the U.S. military. At that time, the Military Services and United States Special Operations Command (USSOCOM) were directed to develop plans to implement the change in policy. Specifically, the Military Services and USSOCOM were instructed to prepare for full implementation by January 1, 2016, or submit an exception to policy if they recommended that an occupation or position remain closed to women.

Over the last three years, the Military Services have opened over 111,000 positions to women and have independently studied, developed, and verified operationally relevant standards for them. After careful review of this work, and informed by the counsel and judgment of the Secretaries of the Military Departments, Chiefs of the Military Services, and the Chairman of the Joint Chiefs of Staff, I have now determined that no exceptions are warranted to the full implementation of the rescission of the "1994 Direct Ground Combat Definition and Assignment Rule." Anyone, who can meet operationally relevant and gender neutral standards, regardless of gender, should have the opportunity to serve in any position.

This simple declaration that opens all career fields to women is, by itself, not sufficient for their full integration. Rather, this is the continuation of a deliberate, methodical, evidence-based, and iterative process that ensures combat effectiveness and protects the welfare of the force. Indeed, the military occupational specialties and positions that were previously closed to women will likely present the most challenging cases to full integration.

Recognizing this, I direct the Secretaries of the Military Departments and Chiefs of the Military Services to provide their final, detailed implementation plans to the Acting Under Secretary of Defense for Personnel and Readiness not later than January 1, 2016. The services will begin to execute the implementation of their approved plans to open all military occupational specialties, career fields, and branches for accession by women as soon as practicable following January 2, 2016 and not later than April 1, 2016. The Deputy Secretary of Defense and Vice Chairman of the Joint Chiefs of Staff will co-chair an Implementation Group to oversee the short-term implementation of this decision and ensure that there are no unintended consequences to the Joint Force following this decision. The Chairman of the Joint Chiefs of Staff and I will receive periodic updates from them. I have confidence in our ability as a learning



organization to leverage the same thoughtful and professional determination we brought to implementing the Don't Ask, Don't Tell repeal and our extensive integration of women into other combat arms positions over the last two decades.

As the Military Departments implement this decision, they should be mindful of the work that has already been done. The Military Services and USSOCOM conducted extensive examinations of the opportunities, impacts, and implementation issues inherent in achieving successful integration of women into previously closed occupational fields. These studies yielded insights far beyond gender integration. The research and analysis conducted over the last two years have increased our understanding of the physical and physiological demands on Service members and the cultural currents that influence unit cohesion and morale. The studies conducted by the Military Services and USSOCOM highlighted several concerns that will need to be adequately considered as Military Departments finalize their implementation plans. These concerns can be broadly characterized in the following ways, and must be addressed in the detailed implementation of this decision:

Transparent Standards. The Services will continue to apply previously developed and validated operationally relevant and objective standards for all career fields to ensure that leaders assign tasks and career fields throughout the force based on ability, not gender. This approach is integral to preserving unit readiness, cohesion, and morale, and it will continue to form the foundation for full integration.

Population Size. Equal opportunity may not always equate to equal participation by men and women. Small numbers of women in demanding career fields pose challenges that will vary by occupation and Services and will impact the entire Joint Force. Throughout this process, implications for equipment sizing, supply, and facilities have been thoroughly studied and need to continue to be addressed.

Physical Demands and Physiological Differences. Both the Army and Marine Corps studies found that women participating in ground combat training sustained injuries at higher rates than men, particularly in occupational fields requiring load-bearing. These studies also revealed concrete ways to help mitigate this injury rate and the impact to individuals and the teams in which they operate. The sustainability of our combat readiness and our obligation to the welfare of the force means these findings must be addressed in the implementation of the full integration of women in the Armed Forces.

Conduct and Culture. The integration of women may require a cultural shift in previously all-male career fields. We are prepared to meet this challenge. The military assimilates change by relying upon the enduring values of the profession of arms. Concerns about possible reductions in combat effectiveness can be addressed by effective leadership and gender-neutral standards. This has been demonstrated over the past 14 years in combat operations, during which women have played a critical role. The primary factor in developing cohesion is the ability of all members of the team to perform assigned mission essential tasks effectively. To that end, attitudes toward team performance are important and must be addressed through education and training. Sexual assault or harassment, hazing, and unprofessional behaviors are never

acceptable. Our core beliefs in good order, discipline, leadership, and accountability are foundational to our success in gender integration.

Talent Management. The issue of small numbers is closely coupled with the challenge of maintaining viable career paths for women in fields where physical performance is often not only a baseline entry requirement but also a differentiating factor in promoting leaders. Recruiting, retaining, and advancing talented women in highly physical fields will demand careful consideration – but adherence to a merit-based system must continue to be paramount. As the Military Services and USSOCOM move forward with implementation, leaders must not use special preferences or undue pressure to increase numbers at the expense of merit. Integration provides equal opportunity for men and women who can perform the tasks required; it does not guarantee women will fill these roles in any specific number or at any set rate.

Operating Abroad. The United States is a nation committed to equality and using the talents of its entire population to the fullest. Some areas of the world do not share the same principles. The Military Services and USSOCOM acknowledge that the presence of women in some units may complicate cooperation with allies and partners who are culturally opposed to working with women. We have dealt with this in Iraq and Afghanistan with success, and we will continue to use the best practices learned in those countries and elsewhere, in the future.

Assessment and Adjustment. It is absolutely critical to our warfighting ability and the welfare of our people that we embark on integration with a commitment to the monitoring, assessment, and in-stride adjustment that enables sustainable success. This commitment is not an impediment to integration; rather, it is essential to its long-term success.

The opportunities inherent in full integration can only be realized if the implementation plans from the Military Departments, Services, and USSOCOM are sound. The responsibility for implementation is not borne solely on the shoulders of women, nor by the forces within the newly integrated career fields; it is borne in equal measure by the entire force and the military and civilian leadership of the Department of Defense. We all share the imperative to preserve and improve the finest fighting force the world has ever known.

A handwritten signature in black ink that reads "Ash Carter". The signature is written in a cursive, flowing style.

cc:
Deputy Secretary of Defense
Chairman of the Joint Chiefs of Staff
Vice Chairman of the Joint Chiefs of Staff