

RFI Category and Number: Pregnancy in the Military, RFI #6

RFI Question:

Congress enacted legislation in the FY22 National Defense Authorization Act (NDAA) which directed the SecDef to prescribe regulations by December 27, 2022, to preserve the parental guardianship rights of a cadet or midshipman who becomes pregnant or fathers a child, while attending a Military Service Academies (MSAs), consistent with the individual and academic responsibilities of such cadet or midshipman. It is important to note that this legislation did not provide guidance that pertains to enlisted Service members enrolled in Reserve Officer Training Corps (ROTC) commissioning programs.

- a. USD(P&R): Has this legislation been enacted, if so, when? If not yet enacted, what is the expected implementation date?
- b. MSAs: Will affected cadets and midshipmen in Service as of the Congressionally directed enactment date be grandfathered (i.e., able to avail themselves of the new rules)?
- c. MSAs: Provide copies of and links to the implementing DoD directives and guidance.
- d. MSAs: Has Service guidance been issued? If so, provide copies.
- e. MSAs: How many cadets and midshipmen are currently waiting for the Act to be implemented?
- f. Military Services: Provide the instruction(s) which delineate policy guidance for pregnant and postpartum ROTC students. In addition, provide the instruction(s) which delineate policy guidance for pregnant and postpartum ROTC students. In addition, provide the instruction(s) which delineate policy guidance for enlisted pregnant and postpartum Service members enrolled in ROTC commissioning programs.

RFI Response 6b:

The Brigade of Midshipmen was briefed on the enacted legislation and is aware of a forthcoming change in DoD policy. Decisions of this nature are made on a case by case basis and will be informed by and supportive of Congressional intent. USNA has not separated anyone based on parenthood since this legislation was enacted. In the absence of new policy, USNA is alternatively communicating with OPNAV and SECNAV staff to meet current Congressional intent. As intent is being met now, USNA anticipates that all current midshipmen will be grandfathered into any newly issued policy.

RFI Response 6c:

This is an OSD priority. OSD is drafting the formal DoD instruction and it is expected to be promulgated by the end of the year.

RFI Response 6d:

No. Any Department of the Navy guidance will follow the issuance of DoD guidance.

RFI Response 6e:

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RFI Response 6f:

NSTCINST 1533.2E (Regulations for Officer Development) delineates policy guidance for pregnant NROTC students, to include enlisted pregnant (all contracted NROTC students are enlisted in the Navy or Marine Corps Reserves) and postpartum Service members.

Applicable section/extract:

“Pregnant students are not required to be placed on Medical Leave of Absence (MLOA), although students who become pregnant may request to be placed on MLOA per the procedures outlined above. The guidance contained in Guidelines Concerning Pregnant Servicewomen, OPNAVINST 6000.1 (series), governs participation by pregnant students in unit activities. If placed on MLOA, the unit may submit an updated continuation package as early as 6 weeks after completion of an uncomplicated pregnancy, with a non-medical assessment and documentation of a post-partum clearance examination to resume exercise. Students desiring to discontinue officer training due to pregnancy or birth of a child may request disenrollment per Section 6-14.”

OPNAVINST 6000.1 (series) also applies.

NSTCINST 1533.2E link:

<https://www.netc.navy.mil/Portals/46/NSTC/02.%20Regulations%20for%20Officer%20Development/NSTC%20M-1533.2E%20-%20ROD%20-full.pdf?ver=nI0VjqQLYAdYKGMmOP7wg%3d%3d>

OPNAVINST 6000.1 link:

<https://www.secnav.navy.mil/doni/Directives/06000%20Medical%20and%20Dental%20Services/06-00%20General%20Medical%20and%20Dental%20Support%20Services/6000.1D.pdf>

Hours Expended Answering this RFI: 4 hours

POC or office responsible: NSTC and USNA