



PERSONNEL AND  
READINESS

**UNDER SECRETARY OF DEFENSE**  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

DEC - 6 2013

The Honorable Joseph R. Biden, Jr.  
President of the Senate  
United States Senate  
Washington, DC 20510

Dear Mr. President:

This letter provides notification under title 10, U.S.C., section 652, that the Department of Defense (DoD) intends to assign women to the following previously closed positions: Riverine Patrol Boat, Riverine Small Craft, and Maritime Interdiction Operations. The enclosure provides a detailed description of the intended changes and the required analysis of their impact on the constitutionality of the application of the Military Selective Service Act to males only. Additionally, the position descriptions for these Military Occupational Specialties are enclosed. DoD will implement changes to units and occupations listed in the enclosure at the end of 30 days of continuous session of Congress following the date this notification is received.

The Department of the Navy intends to open 252 enlisted and 15 officer positions, in open Military Occupational Specialties, in the Coastal Riverine Force to the following positions: Riverine Patrol Boat, Riverine Small Craft, and Maritime Interdiction Operations.

These Coastal Riverine positions were previously closed due to the now rescinded 1994 Direct Ground Combat Definition and Assignment Rule that prohibited the assignment of women to direct ground combat units below the brigade level. The Department of the Navy has reviewed the occupational standards associated with these positions and has determined they are gender-neutral. The performance of women in these positions will help inform future policy assignment of women to all positions by January 1, 2016.

DoD appreciates your continued support of the extraordinary men and women serving our Nation. A similar letter is being sent to the Speaker of the House and the Chairpersons of the congressional defense committees.

Sincerely,

  
Jessica L. Wright  
Acting

Enclosure:  
As stated



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DEC 6 2013

The Honorable John A. Boehner  
Speaker of the House  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Speaker:

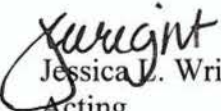
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The Honorable Carl Levin  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

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Sincerely,

  
Jessica L. Wright  
Acting

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cc:  
The Honorable James M. Inhofe  
Ranking Member



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4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

DEC 6 2013

The Honorable Howard P. "Buck" McKeon  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

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Sincerely,

  
Jessica D. Wright  
Acting

Enclosure:  
As stated

cc:  
The Honorable Adam Smith  
Ranking Member





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WASHINGTON, D.C. 20301-4000

DEC 6 2013

The Honorable Barbara A. Mikulski  
Chairwoman  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Madam Chairwoman:

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cc:  
The Honorable Richard C. Shelby  
Vice Chairman



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DEC 6 2013

The Honorable Harold Rogers  
Chairman  
Committee on Appropriations  
U.S. House of Representatives  
Washington, DC 20515

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cc:  
The Honorable Nita M. Lowey  
Ranking Member

Riverine Patrol Boat Operator (RCB)/Crewman (Navy Enlisted Classification (NEC)- 90IE) - 180

Riverine Small Craft Maritime Interdiction Operations (NEC- 90IF) - 72

Fleet Patrol Craft Officers and Force Protection Officers - 15

**Riverine Patrol Boat Operator/Crewman (NEC - 90IE)**

2 Riverine Coastal Boats per platoon with 5 90IEs each - 10

3 Riverine Patrol Boats per platoon with 5 90IEs each - 15

1 Riverine Assault Boat per platoon with 5 90 IEs each - 5

Total 90IEs per Delta platoon - 30

Total Delta platoons - 6

**Total 90IEs in Coastal Riverine Force - 180**

Riverine Small Craft Maritime Interdiction Operations (NEC- 90IF)

1 Security Team with 12 90IFs each - 12

Total 90IFs per Delta platoon - 12

Total Delta Platoons - 6

**Total 90IFs in Coastal Riverine Force - 72**

**Officer Positions (Company Grade)**

2 Fleet Patrol Craft Officers and 6 platoons - 12 officers

Force Protection Officer – 3 Officers

**Total Riverine Officers - 15**

**Coastal Riverine Force Required Courses**

The Riverine Patrol Boat Operator/Crewman (90IE) NEC requires the Riverine Combat Skills and Riverine Crewman Courses.

The Riverine Small Craft Maritime Interdiction Operation (MIO) (90IF) NEC requires the Riverine Combat Skills and Riverine Security Team Courses.

The Riverine Unit Level Leader Course is designed for leaders in the Coastal Riverine Force E-7 and above and does not have an associated NEC.

**Riverine Combat Skills Course Scope**

- This course will provide personnel with necessary individual skills and knowledge to perform basic combat first aid, radio communications, safe handling and employment of firearms, Counter-Improvised Explosive Devices (C-IED) operations, mission planning, offensive and defensive operations on urban territory. The weapons portion of this course of instruction has been designated as High-Risk in accordance with NETCINST 5100.1A which involves live fire training with the M9 service pistol and the M4 service rifle, and crew served weapons.

**Riverine Crewman Course Scope**

- The course content includes: Riverine Safety, tying knots, Riverine craft navigation, Riverine craft characteristics and systems, communications, and Riverine craft electronic equipment. Tactical driving portion includes: High Speed maneuvers, movement techniques, formation driving, come alongside, board and search, ambushes, waterborne

guard post, immediate actions, inserts and extracts, towing, launch and recover, live fire exercises, and a final battle problem involving opposing force craft and troops.

### **Riverine Security Team Course Scope**

- This course will provide Riverine personnel with the necessary skills and knowledge to perform tactical site exploitation, mission planning, radio communication, military operations on urban terrain (MOUT) skills, both manual and ballistic breaching, Counter Improvised Explosive Device (IED) operations, boat launch and recover skills and advance aspects of patrolling.

### **Riverine Unit Level Leader Course Scope**

- This course emphasizes mission planning, Riverine tactics and techniques, Riverine operation of military communications equipment, communications procedures, fire support requests, tactical employment of Riverine crafts, small unit leadership, and other individual and collective skills unique to the Riverine Missions.



## **Riverine Combat Skills Course Requirements**

- 1.0 ADHERE** to all safety briefs and requirements
- 2.0 PREPARE** for riverine operations
- 3.0 DEMONSTRATE** tactical communication
- 4.0 PERFORM** land navigation
  - Cover various distances (3-6 miles) of uneven terrain while carrying equipment (Pack, Water, Food, Radio, etc.)
- 5.0 ENGAGE** targets accurately from various positions
  - Effectively engage targets with M4 and M9 from the standing, kneeling, prone and barricade positions while wearing full kit (Body Armor, Helmet, PPE)\*
  - Safely assume those positions and recover with the weapon systems
- 6.0 DEMONSTRATE** proficiency using night vision equipment and optics
- 7.0 OPERATE** riverine craft weapons systems safely and proficiently to support riverine missions
  - Perform all functions (load, unload, clear, fire) in the use of M-2, Mk 19, Mk 44 and M240 weapons
  - Carry, Handle and install all weapons systems on various mounts
  - Move and carry ammunition
- 8.0 PERFORM** combat first aid
  - Handle an immobilized body (Carry, Drag, Roll)
  - Utilize various combat stretchers
- 9.0 DEVELOP** a warning order
- 10.0 PATROL** an area
  - Cover various distances of uneven terrain in full kit with M4
- 11.0 DEMONSTRATE** combat fundamentals
  - Create defensive positions (trenches, fighting holes)
  - Utilize offensive and defensive tactics in a squad side element
  - Run, Crawl, Kneel, Lay Down and Recover, and Clear obstacles in full kit with M4
- 12.0 DEMONSTRATE** detainee handling procedures
  - Control a person's movement through the use of handling techniques
- 13.0 DEMONSTRATE** basic tactical movement in urban environments with no safety violations
  - Run, Crawl, Climb Stairs and Ladders, Kneel, Lay Down and Recover, and Clear Obstacles in full kit with M4
- 14.0 PERFORM** convoy operations

## **Riverine Crewman Course Requirements**

- 1.0 ADHERE** to safety briefs and requirements
- 2.0 DEMONSTRATE** riverine crewman responsibilities
  - Use ladders to get in and out of trailered craft
  - Carry, Handle and Install all weapons systems on craft
  - Carry ammunition and craft gear
  - Includes all RCS skills
- 3.0 APPLY** navigational techniques in a riverine environment
- 4.0 OPERATE** tactical communication equipment in a riverine environment
- 5.0 OPERATE** riverine craft electronic equipment

\* Weight of "full kit" ranges from 55-65lbs, depending upon equipment size to fit Sailor

## **6.0 OPERATE** riverine craft systems

- Perform all functions (load, unload, clear, fire) in the use of M-2, Mk 19, Mk 44 and M240 weapons
- Engage targets with crew served systems from moving craft
- Maintain standing position and control of weapon systems during high speed maneuvers in full kit
- Maintain standing for extended duration during the entire course of patrol

## **7.0 PERFORM** riverine craft tactical driving

- Maintain standing position and control of helm during high speed maneuvers in full kit
- Maintain standing for extended duration during the entire course of patrol
- Maintain control of craft and maneuver safely at high speed

### **Riverine Security Team Member Course Requirements**

#### **1.0 PREPARE** for Riverine Security Team (RST) duties

- Assist RCC in preparing craft

#### **2.0 PARTICIPATE** in mission planning

#### **3.0 PREPARE** combat reports

#### **4.0 OPERATE** riverine equipment

- Perform all functions (load, unload, clear, fire) in the use of M4, M9 and Mk48 weapons. Also includes M-2, Mk 19, Mk 44 and M240 on craft

#### **5.0 PERFORM** riverine tactics

- Debarb and Embark riverine craft
- Includes all RCS tactics and skills

### **Riverine Unit Level Leader Course Requirements**

#### **1.0 ADHERE** to safety briefs and requirements

#### **2.0 SUMMARIZE** Riverine Unit Level Leader duties

#### **3.0 OPERATE** tactical communication equipment

#### **4.0 OPERATE** riverine craft electronic equipment

#### **5.0 PERFORM** duties as a riverine patrol officer

- Includes all RCS and RCC tactics and skills

#### **6.0 PERFORM** duties as Riverine Security Team Leader

- Includes all RCS and RST tactics and skills

#### **7.0 DRAFT** riverine mission reports

#### **8.0 COORDINATE** air support

#### **9.0 PLAN** riverine missions

### **Continuation**

- After school completion the Sailor will have the NEC and then be required to attain watchstander qualifications for an assigned position within their squadron. Currency is maintained through unit level training then demonstrated squadron-wide when the squadron's capabilities are certified for deployment through the Fleet Readiness Training Plan. When a Sailor transfers to another unit, they are required to re-qualify in the watchstation by demonstrating their proficiency to their command.

## Detailed Legal Analysis

Title 10, U.S.C., section 652 (a)(3)(B) requires a detailed analysis of the legal implications any the proposed changes with respect to the constitutionality of the application of the Military Selective Service Act to males only.

The Military Selective Service Act (Act), 50 U.S.C. App. 451 *et seq.*, requires the registration for possible military service of males but not females. The purpose of the registration is to facilitate induction and training in the Armed Forces.

In *Rostker v. Goldberg*, 453 U.S. 57 (1981), the United States Supreme Court considered the constitutionality of the male-only draft under the Act and upheld the Act. The Court held that the Act's male-only registration provisions did not violate the Fifth Amendment to the United States Constitution because women, who were excluded from combat by statute or military policy, were not similarly situated to men for the purpose of a draft or registration, and that Congress acted within its constitutional authority to raise and regulate armies and navies when it authorized the registration of men and not women. The Court stated its "most recent teachings in the field of equal protection cannot be read in isolation from its opinions giving great deference to the judgment of Congress and military commanders in dealing [with] the management of military forces and the requirements of military discipline." *Id.* at 69.

In *Rostker*, the Court recognized that the decision by Congress to exclude women from the registration requirement was not the "accidental by-product of a traditional way of thinking about females" but rather was the subject of considerable national attention and public debate, and was extensively considered by Congress in hearings, floor debates, and in committee. *Id.* at 71. The Court deferred to Congress' explanation that "[i]f mobilization were to be ordered in a wartime scenario, the primary manpower need would be for combat replacements." Additionally, the Court noted that women were not similarly situated to men for purposes of the Act because of their exclusion from assignments to certain units whose primary mission is to engage in direct combat on the ground.

Since the *Rostker* decision, sections 8539 and 6015, of title 10, U.S.C. (prohibiting the assignment of women to aircraft engaged in combat and vessels engaged in combat), respectively, have been repealed. On January 24, 2013, the Department rescinded its 1994 Direct Ground Combat Definition and Assignment Rule, which prohibited the assignment of women to certain units and positions. The rescission of the policy did not automatically open all previously closed positions to women, but rather effectively removed the last policy barrier to the assignment of women to ground combat positions and units. In rescinding the 1994 policy, the Department established a way forward, using the guiding principles and milestones developed by the Joint Chiefs of Staff, to integrate women into all currently closed positions as expeditiously as possible, considering good order and judicious use of fiscal resources, no later



than January 1, 2016. As the Department undertakes a deliberate and thoughtful review and develops detailed implementation plans, previously closed positions will open unless an exception is granted to keep an occupational specialty or position closed. Opening all positions without a deliberate and thoughtful approach could be detrimental to mission accomplishment and impede the ability of men and women to succeed in their positions.

Although these developments may alter the factual backdrop to the Court's decision in *Rostker*, it remains the case that numerous infantry and other positions remain closed to women. Moreover, the Court in *Rostker* did not consider whether other rationales underlying the statute are sufficient to limit the application of the Military Selective Service Act to men.