



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

MAY 14 2014

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

Dear Mr. President:

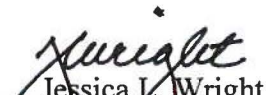
This letter provides notification as required by title 10, U.S.C., section 652, that the Department of Defense (DoD) intends to assign women to previously closed positions in the Marine Corps. The enclosure provides a detailed description of the intended changes and the required analysis of their impact 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 (excluding any day on which either House of Congress is not in session) following the date this notification is received.

The Department of the Navy intends to open 2,671 positions to women in 11 formerly closed occupations in the Active and Reserve Components of the Marine Corps.

These occupations and positions were previously closed due to the now-rescinded 1994 Direct Ground Combat Definition and Assignment Rule. The Department of the Navy reviewed the occupational standards associated with these positions and determined they are gender-neutral. The performance of women in these positions will help inform future policy decisions regarding the assignment of women to all positions by January 1, 2016.

The 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

Enclosures:
As stated



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MAY 14 2014

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

Dear Mr. Speaker:

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PERSONNEL AND
READINESS

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

MAY 14 2014

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

Dear Mr. Chairman:


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Jessica L. Wright
Acting

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As stated

cc:
The Honorable James M. Inhofe
Ranking Member



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

MAY 14 2014

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

Dear Mr. Chairman:

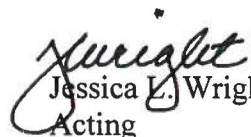
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Jessica L. Wright
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Enclosures:
As stated

cc:
The Honorable Adam Smith
Ranking Member



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WASHINGTON, D.C. 20301-4000

MAY 14 2014

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

Dear Madam Chairwoman:

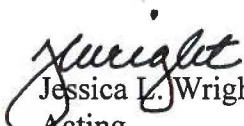
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cc:
The Honorable Richard C. Shelby
Vice Chairman



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The Honorable Harold Rogers
Chairman
Committee on Appropriations
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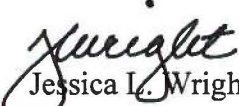
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cc:
The Honorable Nita M. Lowey
Ranking Member

Military Occupational Specialties Descriptions

Targeting Acquisition Officer (0803)

Description of Duties: Special staff officers responsible for advising the Artillery and supported maneuver commanders on all aspects of the targeting process, target acquisition assets, and related fire support systems. They participate in the conduct of the targeting process and supervise, and evaluate the execution of targeting in accordance with Commander's guidance. They supervise the task organization and employment of the target acquisition assets, specifically survey, acoustic, meteorological, and counter fire radar systems. Target Acquisition Officers are directly responsible for the training and readiness of the target acquisition personnel and equipment.

Physical Standards: None additional to unit tasks or those required for supervisory role

Field Artillery Radar Operator (0842)

Description of Duties: Field artillery radar operators perform the duties required to emplace, operate, and displace counter-fire radar systems. Other duties include operating military vehicles, generator assets, communications equipment, establishing radio networks for voice and digital communications, and performing hasty survey techniques. Radar operators also work in the artillery target processing centers. These duties include operating fire support systems that process counter-fire/artillery target intelligence and manage radar assets in the field.

Physical Standards: None additional to unit tasks

Field Artillery Sensor Support Man (0847)

Description of Duties: Assist in the delivery of accurate artillery fires and prosecution of counter fire fight by developing weather data for artillery ballistic computations, performing survey operations, and operating acoustic and electronic counter fire assets. Duties include preparing and operating weather observation equipment such as theodolites and surface sensors, measuring atmospheric readings; preparing and operating survey equipment such as inertial navigation systems, global positioning system receivers, theodolites and electronic distance measuring equipment. Additionally, the 0847 will prepare and operate acoustic sensors and electronic radar systems for employment in the counter fire fight. Other duties include operating computer systems for computations, digital communications, command and control, and imagery development.

Physical Standards: Handle meteorological equipment boxes (~100 lbs);

Handle helium tank (~100 lbs)

Ordnance Vehicle Maintenance Officer (2110)

Description of Duties: Ordnance vehicle maintenance officers manage the equipment readiness, work progress, and maintenance personnel qualification/training. They manage the activities of personnel engaged in the recovery, salvage, and maintenance of weapon systems (ordnance vehicles). They supervise the 8 functional areas of maintenance management; establish field maintenance sites, and

Military Occupational Specialties Descriptions

procedures for the defense of those sites. They manage command environmental hazardous waste programs, and supervise and provide oversight of disposal, storage, emergency planning for hazardous waste, and ozone depleting substances

Physical Standards: None additional to unit tasks or those required for supervisory role

Towed Artillery Systems Technician (2131)

Description of Duties: Under supervision, performs basic duties incident to inspection, maintenance, and repair of towed artillery howitzers. The towed artillery systems technician also completes basic shop administrative forms and records utilizing technical manuals. At the Gunnery Sergeant through Corporal level, the towed artillery systems technician performs, trains and supervises various duties incident to inspection, maintenance and repair of towed artillery howitzers. The towed artillery systems technician also prepares, maintains and supervises a shop maintenance and management program, and performs the maintenance and repair of towed artillery howitzers according to grade.

Physical Standards: Lift / carry / load 155 mm projectiles (average 95 lbs); Fire a prepared round (carry 95 lbs for 10 meters and place on tray 48 inches high); Handle / carry nitrogen bottle (213 lbs, 2-person team)

Assault Amphibious Vehicle (AAV) Repairer/Technician (2141)

Description of Duties: Under supervision, performs basic automotive and hull duties incident to inspection, maintenance, and repair of the AAV family of vehicles. The AAV Repairer/Technician also completes basic shop administrative forms and records utilizing technical manuals. The Gunnery Sergeant to Corporal level supervises, and performs various duties incident to the inspection, maintenance, and repair of the automotive and turret systems of the AAV. The AAV Repairer/Technician also prepares, maintains and supervises shop maintenance and management program, and coordinates maintenance and recovery operations according to grade.

Physical Standards: Open exhaust plenums (requires 310 lbs of force, 3-person team); Emergency closing of plenums (25 lbs); Install tow bar (300 lbs, 3-person team); Evacuate injured crewman (team of 2); Remove / repair / install track block (35 lbs); Remove / repair / install suspension (201 lbs, 2-person team); Remove / repair / install generator (80 lbs); Remove / repair / install starter (50 lbs)

Main Battle Tank (MBT) Repairer/Technician (2146)

Description of Duties: The MBT Repairer/Technician performs basic automotive duties incident to inspection, maintenance, and repair of the Marine Corps MBT, Tank Retriever (M88A2), and Armored Vehicle Launched Bridge (AVLB). The MBT repairer/technician also completes basic shop administrative forms and records utilizing technical manuals. At the grades of Sergeant and above, the MBT repairer/technician trains, supervises, and performs various duties and tasks incident to the inspection, maintenance, and repair of the automotive and turret systems of the Marine Corps MBT. The MBT

Military Occupational Specialties Descriptions

Repairer/Technician also prepares, maintains, and supervises shop maintenance and management programs, and coordinates maintenance and recovery operations according to grade.

Physical Standards: Load M1A1 main gun; Mount M2 .50 cal heavy machinegun; Evacuate injured crewman (team of 2); Unload stuck round (requires approx 100 lbs of strength); Attach tow bar or cables (300 lbs, 3-person team); Open tank breech (75 lbs); Replace track blocks (60 lbs); Operate tank loaders hatch (70 lbs); Stow ordnance (carry rounds 50 meters, 50-55 lbs); Lift / move tool box & test equipment (average 60 lbs); Remove / install generator (70 lbs); Remove engine access plate (50 lbs); Remove hull turret slip ring (100 lbs); Remove torsion bar (50 lbs); Replace road arm (100 lbs)

Light Armored Vehicle (LAV) Repairer/Technician (2147)

Description of Duties: The LAV Repairer/Technician, under supervision, performs basic automotive duties and tasks incident to inspection, maintenance, and repair of the LAV family of vehicles. The LAV Repairer/Technician also completes basic shop administrative forms and records utilizing technical manuals. At the grades of sergeant and above, the LAV systems technician trains, supervises, and performs various duties and tasks incident to the inspection, maintenance, and repair of automotive and turret systems of the LAV family of vehicles. The LAV systems technician also prepares, maintains and supervises shop maintenance and management programs, and coordinates maintenance and recovery operations according to grade.

Physical Standards: Attach tow bar or cables (300 lbs, 3-person team); Lift differential (125 lbs, 2-person team); Lift transfer case (200 lbs, 2-person team); Lift batteries (60 lbs); Lift generator (75 lbs); Lift strut assembly (400 lbs, 2 or 3-person team); Lift control arm (90 lbs, 2-person team); Lift torsion bar (70 lbs); Remove / install engine grill cover (50 lbs); Remove / install LAV tire (160 lbs, 2-person team); Remove / install M242 chain gun (components of 59, 90, 95 lbs)

Ordnance Vehicle Maintenance Chief (2149)

Description of Duties: Supervise the maintenance, repair, and inspection of ordnance vehicles to include their turrets and direct the activities of assigned enlisted personnel in an ordnance vehicle repair shop or facility. Senior Ordnance Vehicle Maintenance Chiefs supervise and manage the administration of ordnance vehicle maintenance facilities and ordnance vehicle offices. The Senior Ordnance Vehicle Maintenance Chief is proficient in the organization, management, operation and conduct of technical inspections of ordnance vehicles, ordnance vehicle maintenance equipment, and ordnance vehicle shops or facilities. The senior ordnance vehicle maintenance chief assists the ordnance vehicle maintenance officer in all duties. They manage command environmental and hazardous waste programs. They supervise and provide oversight of disposal, storage, emergency planning for hazardous waste, and ozone depleting substances.

Physical Standards: None additional to unit tasks or those required for supervisory role

Low Altitude Air Defense Officer (7204)

Description of Duties: Command or assist in commanding surface-to-air weapons units.

Military Occupational Specialties Descriptions

Physical Standards: Track and range target (shoulder 53 lbs); Engage aircraft (standing with 47 lbs for 45-60 minutes); Load / unload 4 stinger containers (2-person team); Emplace four missile containers (120 lbs); Load / unload .50 cal ammunition (30 lbs)

Low Altitude Air Defense Gunner (7212)

Description of Duties: Provide surface-to-air fires in support of Marine Air Ground Task Force (MAGTF) and joint air defense assets. Gunners are responsible for employment and maintenance of all equipment and weapon systems inherent to a Low Altitude Air Defense Battalion. Gunners will provide ground security in defense of MAGTF air sites when not engaged in air defense operations.

Physical Standards: Track and range target (shoulder 53 lbs); Engage aircraft (standing with 47 lbs for 45-60 minutes); Load / unload 4 stinger containers (2-person team); Emplace four missile containers (120 lbs); Load / unload .50 cal ammunition (30 lbs)

Detailed Legal Analysis

This notification informs Congress of the Department of the Navy's intent to open 2,671 positions to women in formerly closed occupations in the Active and Reserve components of the Marine Corps. The positions identified in this notification were closed to the assignment of women by the now rescinded 1994 Direct Ground Combat Definition and Assignment Rule (DGCR).

The DGCR prohibited the assignment of women to certain units whose primary mission was to engage in direct combat on the ground. The DGCR also provided the Services with the option of imposing further limitations on assignment of women based on prohibitive costs for berthing and privacy arrangements, co-location, long range reconnaissance operations or special operations forces missions, or physical requirements.

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 the DGCR 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 DGCR, 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 certain occupational specialties, such as infantry, still 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.