



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

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

0 2 JUN 2014

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 2,285 Active Component positions and 730 Reserve Component positions in the Marine Corps to women in open Military Occupational Specialties. In addition, the Department of the Navy intends to open 215 Active Component and 93 Reserve Component positions in Navy positions in open Military Occupational Specialties that support 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These occupations and positions were previously closed due to the now-rescinded 1994 Direct Ground Combat Definition and Assignment Rule.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



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

02 JUN 2014

Dear Mr. Speaker:

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

02 JUN 2014

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

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

02 JUN 2014

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Jessica L. Wright
Acting

Enclosures:
As stated

cc:
The Honorable Adam Smith
Ranking Member



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

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

02 JUN 2014

Dear Madam Chairwoman:

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Jessica L. Wright
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As stated

cc:
The Honorable Richard C. Shelby
Vice Chairman



UNDER SECRETARY OF DEFENSE
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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

Addendum to DC M&RA's Memo of 11 April 2014.

The below unit and military occupational specialty descriptions provide clarification to the positions from which the Marine Corps intends to remove assignment restrictions for female Marines.

Unit Missions:

Low Altitude Air Defense (LAAD) Battalion Mission- Provide close-in, low altitude, surface-to-air weapons fires in defense of Marine Air-Ground Task Force (MAGTF) assets by defending forward combat areas, maneuver forces, vital areas, installations and/or units engaged in special/independent operations. Secondary mission is to provide a task organized, ground security force in defense of MAGTF sites when not engaged in air defense operations.

Tank Battalion Mission- Close with and destroy the enemy using armor-protected firepower, shock effect, and maneuver, and to provide precision direct fires against enemy armor, fighting vehicles, troops, and hardened positions.

Assault Amphibian Battalion Mission- Land the surface assault element of the landing force and their equipment in a single lift from assault shipping during amphibious operations to inland objectives and to conduct mechanized operations and related combat support in subsequent operations ashore.

Artillery Battalion Mission- Provide close and continuous artillery support to the Marine Air-Ground Task Force by destroying, neutralizing, or suppressing enemy targets that threaten the success of supported units.

Combat Engineer Battalion Mission- Provide close combat engineer support to the 2d Marine Division in order to enhance their mobility, counter-mobility, and survivability.

Combat Assault Battalion Mission- Conduct and support amphibious operations and other operations as required by landing and transporting to inland objectives the surface assault elements and their equipment, conducting close combat engineer support; and by conducting light armored reconnaissance and limited offensive and defensive operations in support of the 3rd Marine Division.

Air Naval Gunfire Liaison Company (ANGLICO) Mission- Provide Marine Air Ground Task Force Commanders a liaison capability with foreign area expertise to plan, coordinate, employ and conduct terminal control of fires in support of joint, allied and coalition forces.

Military Occupational Specialties:

Adjutant- Formulate and supervise the execution of command administrative policies, receiving and routing correspondence, handling and safeguarding classified material, preparing responses to special correspondence, and establishing and maintaining the command reports control, and forms management programs.

Personnel Officer- Supervise and manage a consolidated administrative office in matters pertaining to personnel administration.

Administrative Specialist- Perform personnel, general operational, and manpower management

administration at all levels.

Postal Clerk- Perform all duties necessary to the efficient operation of a Marine Corps Post Office.

Career Planner- Preliminary screening and administrative processing, scheduling, and conducting interviews, completion of reenlistment/lateral move/extension documents, and maintaining accurate records.

Ground Intelligence Officer- Analyze and evaluate information; estimate the tactical situation; and formulate, coordinate, execute approved intelligence actions, operations, and activities to include offensive and defensive actions, reconnaissance, and fire support.

Intelligence Specialist- Collect, record, analyze, process, and disseminate information/intelligence.

Communications Officer- Supervise and coordinate all aspects of the planning, installation, operation, displacement and maintenance of data, telecommunications, radio systems, and computer systems.

Communications Chief- Assist the communications officer in developing the communications plan and supervise communications units to determine equipment and operational readiness thereby supervising the installation, operation and maintenance of communications facilities.

Radio Chief- Supervise the installation and operation of fixed and field radio systems, microwave systems, and satellite communications systems.

Tactical Switching Operator- Install, operate, and maintain analog, TDM, and internet protocol telecommunication systems that interconnect key locations with reliable paths for the transmission of classified and unclassified voice, video, and data services.

Field Radio Operator- Employ radios to send and receive messages.

Cyber Network Operator- Install, configure and manage cyber network systems in both stand alone and client-server environments.

Information Security Technician- Serve as the primary functional proponent for cryptographic key management infrastructure.

Logistics Officer- Plan, coordinate, execute and/or supervise the execution of all logistics functions and the six functional areas of tactical logistics: supply, maintenance, transportation, general engineering, health services, and services.

Logistics Chief- Coordinate, plan, conduct and supervise logistics, embarkation, and landing support operations.

Maintenance Management Specialist- Provide advice, guidance, and assistance to the unit's equipment commodity/section managers and maintenance personnel to ensure a systematic approach to maintenance operations of ground equipment.

Logistics/Embarkation Specialist- Prepare supplies and equipment for embarkation and performs various Force Deployment Planning and Execution functions to support the movement of personnel, supplies, and equipment via all modes of transportation using commercial and military assets.

Airborne and Air Delivery Specialist- Responsible for the maintenance of all life safety equipment relating to Airborne/ Airdrop operations. Assist in preparing the supplies and equipment necessary to deliver personnel and equipment via parachute and conduct subsequent equipment recovery and throughput operations.

Utilities Officer- Technical advisor to the command on the timely and appropriate employment of utilities support.

Electrician- Install, operate, maintain, and repair underground, above ground, overhead, and tactical electrical power distribution systems.

Engineer Equipment Electrical Systems Technician- Repair electric motors, electronic modules, motor control circuits, and electrical power generation equipment.

Refrigeration and Air Conditioning Technician- Install, operate, and perform organizational and intermediate level repairs on field refrigeration and environmental control units for all ground operations and equipment.

Metal Worker- Examine drawings and work orders; determine sequence of operations, materials, tools, equipment, time, and personnel required. Perform installation, operation, maintenance and repair of metalworking, and welding equipment and material.

Engineer Equipment Mechanic- Perform preventive maintenance and make repairs to diesel engines and gasoline and diesel driven construction equipment such as tractors, power shovels, road machinery, air compressors, concrete mixers and other engine driven or towed construction equipment.

Engineer Equipment Operator- Operate gasoline or diesel engine powered, self-propelled, skid mounted, and towed engineer construction equipment including accessories and allied equipment used in earthmoving, grading, excavation, logging, clearing, and landing operations.

Weapons Repair Officer- Manage the equipment readiness, work progress, and maintenance personnel qualifications/training.

Small Arms Repairer/Technician- Perform basic duties incident to inspection, maintenance, and repair of small arms.

Machinist- Perform various duties incident to fabrication, repair, or modifications of engineer, motor transport, weapons, and accessories.

Electro-Optical Ordnance Repairer- Perform electro-optical maintenance and repair to ground ordnance laser and night vision devices, small missile systems, and other fire control equipment.

Ammunition Technician- Work in every facet of the ammunition field, including receipt, storage, issue and handling of ammunition and toxic chemicals.

Data/Communications Maintenance Officer- Supervise and coordinate installation, operation, maintenance, and repair of data/communications equipment and systems.

Ground Radio Repairer- Install, diagnose, modify, and perform organizational and intermediate repairs on ground common radio equipment and related electronic equipment.

Telephone Systems/Personal Computer Repairer- Diagnose, modify, and perform repairs on telephone equipment, switching systems, and data systems to include Marine Corps Common Hardware Suite systems, peripheral devices, and related equipment.

Electronics Maintenance Technician- Perform complex diagnosis, repairs, and modifications to ground data/radio communications systems.

Motor Transport Maintenance Officer- Plan, coordinate, execute and/or supervise the execution of all functions of motor transport.

Motor Transportation Maintenance Chief- Supervise the maintenance, repair, and inspection of motor transport equipment, direct the activities or assigned enlisted personnel in a motor transportation maintenance repair shop or facility as well as conduct motor vehicle accident/mishap investigations and prepare accident/mishap investigation reports.

Automotive Maintenance Technician- Service, inspect, maintain, and repair motor transportation equipment at the field level.

Motor Transportation Operations Chief- Supervise crew/operator level maintenance, planning and execution of motor transport operations, direct activities of all enlisted personnel in a motor pool, conduct motor vehicle accident/mishap investigations and prepare accident/mishap reports.

Motor Vehicle Operator- Operate Motor Transport Tactical Wheeled Vehicles and equipment transporting passengers and cargo in support of combat and garrison operations.

Vehicle Recovery Operator- Operate the MK36, MK48/15 and MKRIS Tactical Wheeled Wrecker to recover disabled and destroyed tactical wheeled vehicles in support of combat and garrison operations.

Supply Officer- Supervise and coordinate ground supply administration and operations for supply activities, units, bases, or stations, including operating forces and shore station organizations.

Supply Chief- Supervise every facet of ground supply administration and operations.

Supply Administration and Operations Specialist- Perform every facet of ground supply administration and operations.

Warehouse Clerk- Perform various duties within supply chain management to include receiving; inspecting; locating; storing; rotating; safekeeping; issuing; preparing; shipping; material return; and disposal of supplies and equipment.

Food Service Specialist- Function in the garrison and field environment in every aspect of food

preparation, administration, procurement, storage, distribution, to include funding, requisitioning, purchasing, receiving, accounting, and storing subsistence supplies required for troop consumption and/or for resale activities, units, and organizations, cooking, baking, and serving.

Chemical, Biological, Radiological, and Nuclear (CBRN) Defense Officer- Function as supervisor, coordinator, and technical adviser to the commanding officer for operational and technical functions associated with CBRN and supporting Combating Weapons of Mass Destruction (C-WMD) related issues within the command.

Chemical, Biological, Radiological, and Nuclear (CBRN) Defense Specialist- Assist, conduct, and supervise training in CBRN defense monitor, survey and reconnaissance, chemical detection and identification, biological agent collection and sampling, decontamination of personnel, equipment and casualties, and in individual protective measures and first aid for unit personnel.

Sergeant Major / First Sergeant- Assist the Commander as Senior Enlisted Marine in the Unit. Act as principal enlisted assistant to the commander.

Navy

Chaplain- Advise commander/commanding officer on ethical and religious matters within the command. Develop the spiritually fit sea warrior through the administration of the command religious program by: conducting divine services, administering sacraments/ordinances, performing rites/ceremonies in the manner and form of the Chaplain's own faith, conducting pastoral visitations, providing advisement and instruction pertaining to spiritual fitness for personnel and other faiths.

Religious Program Specialist - Support the Command Religious Program (CRP), and supports the accommodation of diverse religious ministry requirements.

General Practice Medical Officer - Perform routine medical duties of general practitioner. Maintain medical welfare of personnel within command. Diagnose and treat patients suffering from diseases and disorders. Conduct routine medical examinations. Examine personnel for organic and functional diseases and abnormalities using standard tests and procedures. Supervise technical personnel in conducting routine laboratory procedures and tests. Conduct routine medical inspections of unit. Train enlisted personnel in first aid and sanitation, and establish first aid stations for emergency treatment.

Independent Duty Corpsman- Perform patient care and associated administrative and logistical duties. Perform diagnostic procedures, advanced first aid, basic life support, nursing procedures, minor surgery, basic clinical laboratory procedures, and other routine and emergency health care. Conduct and direct preventive medicine and industrial health surveillance programs.

Hospital Corpsman - Perform duties as assistant in the prevention and treatment of disease and injury and assist health care professionals in providing medical care to Navy and Marine Corps personnel of the operational forces, shore activities, and other authorized beneficiaries. Function as clinical or specialty technician, administrative person, and health care provider at treatment facilities. Serve as battlefield corpsman with the Marine Corps and Naval Construction Forces, rendering emergency medical treatment to include initial treatment in a combat environment.

Active Component Units

LAAD Battalions: 104 Marine and 18 Navy Positions

- 2d LAAD Bn, Cherry Point NC
- 3d LAAD Bn, Camp Pendleton CA

Tank Battalions: 294 Marine and 27 Navy Positions

- 1st Tank Bn, Camp Pendleton CA
- 2d Tank Bn, Camp Lejeune NC

Assault Amphibian Battalions: 243 Marine and 23 Navy Positions

- 2d AAV Bn, Camp Lejeune NC
- 3d AAV Bn, Camp Pendleton CA

Artillery Battalions: 1130 Marine and 87 Navy Positions

- 1st Bn, 11th Marines, Camp Pendleton CA
- 2d Bn, 11th Marines, Camp Pendleton CA
- 3d Bn, 11th Marines, Camp Pendleton CA
- 5th Bn, 11th Marines, Camp Pendleton, CA
- 1st Bn, 10th Marines, Camp Lejeune NC
- 2d Bn, 10th Marines, Camp Lejeune NC
- 1st Bn, 12th Marines, K-bay HI
- 3d Bn, 12th Marines, Okinawa Japan

Combat Engineer Battalions: 232 Marine and 36 Navy Positions

- 1st CEB, Camp Pendleton CA
- 2d CEB, Camp Lejeune NC

Combat Assault Battalion: 117 Marine and 15 Navy Positions

- 3d CAB, Okinawa Japan

Air Naval Gunfire Liaison Company: 165 Marine and 9 Navy Positions

- 1st ANGLICO, Camp Pendleton CA
- 2d ANGLICO, Camp Lejeune NC
- 5th ANGLICO, Okinawa Japan

Reserve Component Units

Tank Battalion: 137 Marine and 11 Navy Positions

- 4th Tank Bn, San Diego CA
- Co A, Camp Pendleton CA
- Co B, Yakima WA
- Co C, Boise ID
- Co D, 29 Palms CA
- Co E, Ft Knox KY
- Co F, Camp Lejeune NC

Assault Amphibian Battalion: 106 Marine and 10 Navy Positions

- 4th AAV Bn, Tampa FL
- Co A, Tampa FL

- Co B, Jacksonville FL
- Co C, Galveston TX
- Co D, Tampa FL

Artillery Battalions: 283 Marine and 42 Navy Positions

- 2d Bn, 14th Marines, Grand Prairie TX
- Btry D, El Paso TX
- Btry F, Oklahoma City OK
- Btry K, Huntsville AL
- 3d Bn, 14 Marines, Bristol PA
- Btry G, Ft Dix NJ
- Btry H, Richmond VA
- Btry I, Allentown PA
- Btry M, Chattanooga TN
- 5th Bn, 14th Marines, Seal Beach CA
- Btry N, Seal Beach CA
- Btry O, Seal Beach CA
- Btry P, Spokane WA
- Btry Q, Aurora CO

Combat Engineer Battalion: 96 Marine and 18 Navy Positions

- 4th CE B, Baltimore MD
- Co A, Charleston WV
- Co B, Roanoke VA
- Co C, Lynchburg VA
- Co D, Knoxville TN
- Co E, Bessemer AL
- Engr Spt, Baltimore MD

Air Naval Gunfire Liaison Company, 108 Marine and 12 Navy Positions

- 3d ANGUCO, Bell CA
- 4th ANGLICO, West Palm Beach FL
- 6th ANGLICO, Concord CA

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.