



PERSONNEL AND
READINESS

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

APR 11 2013

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

Dear Mr. Chairman:


On January 24, 2013, then-Secretary of Defense Leon E. Panetta eliminated the 1994 Direct Ground Combat Definition and Assignment Rule, supporting the Department's commitment to remove as many barriers as possible to joining, advancing, and succeeding in the U.S. Armed Forces. He directed that the Services complete their integration of women, considering good order and judicious use of fiscal resources, by no later than January 1, 2016. Pursuant to this goal, the Secretaries of the Army and Navy have requested to open 6,265 positions to women at this time.

This letter provides the required notification by title 10, U.S. Code, section 652, that the Department of Defense intends to continue to expand the role of women in the Army and Marine Corps. The enclosure provides a detailed description of the intended changes and the required analysis on the impact to the Military Selective Service Act. The Department 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 positions described in the enclosure expand the number of unrestricted positions within occupations partially open to women. The Army will open positions to women in a special operations unit, as well as awarding women the associated additional skill identifiers. The Marine Corps is opening one additional occupation, Ground Intelligence Officer, to women. The Services are able to open these 6,265 positions based on the repeal of the 1994 rule. None of these positions require the development of additional gender-neutral physical standards. These positions will broaden women's opportunities and increase the ability of the Services to assess performance and inform future changes in assignment policy.

The Department appreciates your continued support of the extraordinary men and women serving our Nation. A similar letter is being sent to the President of the Senate, the Speaker of the House, and the Chairpersons of the other congressional defense committees.

Sincerely,


Jessica L. Wright
Acting

Enclosure:
As stated

cc:
The Honorable James M. Inhofe
Ranking Member

Positions to be Opened and Analysis of the Impact to the Military Selective Service Act

Army

1) The Army will expand the assignment of the below listed currently open occupations to women for company grade and non-commissioned officers (NCO) in nine Army National Guard and eight additional Active Brigade Combat Teams (BCT). This change will open 2,204 positions to women.

The officer occupational specialties opening in the additional BCTs are:

- 13A Fire Support Officer, Asst Effects Coordinator, S4, or Fire Support Team Chief
- 25A Battalion S6 (Signal/Communications Officer)
- 35D Battalion S2 or Assistant Battalion S2 (Intelligence Officer)
- 42B Battalion S1 (Human Resources Officer)
- 56A Chaplain
- 62B Field Surgeon or Medical Platoon Leader
- 65D Physician's Assistant
- 70B Medical Operations Officer
- 74A Chemical, Biological, Radiation, Nuclear Officer
- 90A Multifunctional Logistician

The enlisted occupational specialties opening in the additional BCTs are:

- 25U30 Radio Retransmission Supervisor
- 25U40 Communications Section Chief
- 35F30 Intelligence Sergeant
- 35F40 Intelligence Sergeant
- 42A30 Human Resources Sergeant
- 42A40 Senior Human Resources Sergeant
- 56M20 Chaplain Assistant NCO
- 68W30 Health Care Sergeant
- 68W40 Health Care Platoon Sergeant
- 74D30 Chemical, Biological, Radiation, Nuclear Non-Commissioned Officer (NCO)
- 92Y30 Supply Sergeant
- 92Y40 Senior Supply Sergeant

The eight additional Active BCTs are:

- 2d Stryker Brigade Combat Team, 2d Infantry Division, Fort Lewis, WA
- 3d Stryker Brigade Combat Team, 2d Infantry Division, Fort Lewis, WA
- 3d Brigade Combat Team, 3d Infantry Division, Fort Benning, GA
- 1st Brigade Combat Team, 1st Infantry Division, Fort Riley, KS
- 1st Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC
- 2d Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, KY
- 2d Brigade Combat Team, 1st Armored Division, Fort Bliss, TX
- 3d Brigade Combat Team, 1st Armored Division, Fort Bliss, TX

The nine additional Guard BCTs are:

Georgia
Vermont
Arkansas
Oregon
Iowa
Pennsylvania
New York
Minnesota
Louisiana

2) In addition to previously listed occupations, the Army will open positions to warrant officers and NCOs in eight additional occupational specialties currently open to women in the original nine BCTs reported to Congress in February 2012. This change will open 224 positions to women in the following specialties:

131A Field Artillery Targeting Technician
350F All Source Intelligence Technician
12N30 Engineer Team Leader
13R30 Field Artillery Firefinder
13R40 Field Artillery Firefinder
13T30 Field Artillery Surveyor/Meteorological Crew Member
13Z50 Field Artillery Senior Sergeant
27D20 Paralegal Specialist
29E30 Electronic Warfare Specialist
29E40 Electronic Warfare Specialist

The original nine Active BCTs reported to Congress in February 2012 are:

4th Brigade Combat Team, 101 Air Assault Division, Fort Campbell, KY
2d Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX
3d Cavalry Regiment, Fort Hood, TX
3d Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX
2d Brigade Combat Team, 4th Infantry Division, Fort Carson, CO
3d Brigade Combat Team, 1st Infantry Division, Fort Knox, KY
2d Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI
3d Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI
3d Brigade Combat Team, 10th Mountain Infantry Division, Ft Drum, NY

3) The original nine BCTs will expand the number of women in the units to include skill level one and two positions in currently open occupational specialties already assigned to the nine BCTs. This expansion will open 2,109 additional positions to women in the following occupational specialties:

25U10 Signal Support Systems Specialist
25U20 Signal Support Systems Specialist
35F10 Intelligence Analyst
35F20 Intelligence Analyst
42A10 Human Resources Specialist
42A20 Human Resources Specialist

68W10 Health Care Specialist
 68W20 Health Care Specialist
 74D10 Chemical Operations Specialist
 74D20 Chemical Operations Specialist
 92Y10 Unit Supply Specialist
 92Y20 Unit Supply Specialist

4) The 160th Special Operations Aviation Regiment (SOAR) will assign no more than eight officer/warrant officers and eight enlisted women (16 total) in any of the following military occupational specialties within the unit:

15A Aviation General (Skill Identifier K1, K4, K5, K6)
 15B Aviation Combined Arms Operations (Skill Identifier K1, K4, K5, K6)
 152C AH/MH-6 Pilot (Little Bird) (Skill Identifier K1, K4, K5, K6)
 153E MH-60 Pilot (Blackhawk) (Skill Identifier K1, K4, K5, K6)
 154E MH-47 Pilot (Chinook) (Skill Identifier K1, K4, K5, K6)
 15S10 AH-6 Helicopter Repairer (K1)
 15S20 AH-6 Helicopter (Technical Inspector/Team Chief)/Crew Chief (K1)
 15S30 AH-6 Helicopter Technical Inspector/Safety NCO/Crew or Sect Chief (K1)
 15S40 Aircraft (Quality Control Supervisor/Maintenance Supervisor)/Platoon Sergeant (K1)
 15T10 MH-60 Helicopter Repairer (K1)
 15T20 MH-60 Helicopter (Technical Inspector/Team Chief)/Crew Chief (K1)
 15T30 MH-60 Helicopter Technical Inspector/Aviation Standardization NCO/Crew Section Chief (K1)
 15T40 Aviation Standardization NCO/Platoon Sergeant (K1)
 15U10 MH-47 Helicopter Repairer/Flight Engineer (K1)
 15U20 MH-47 Helicopter Technical Inspector/Flight Engineer (K1)
 15U30 MH-47 Technical Inspector/Flight Engineering Standardization NCO/Aviation Life Support NCO/Flight Engineer/Section Chief (K1)
 15U40 Aircraft (Quality Control Supervisor/Maintenance Supervisor)/Flight Engineer Standardization/Platoon NCO (K1)

The respective Army Skill Identifier(s) associated with the assignment to the 160th SOAR will be awarded to the 16 women assigned. The following are a listing of the Army Skill Identifiers that will be opened to women:

K1 Special Operations Non-Rated Crewmember
 K4 Special Operations aviation
 K5 MH-60K special operations Black Hawk helicopter pilot
 K6 MH-47E special operations Chinook helicopter pilot

Marine Corps

- 1) The Marine Corps intends to open the 0203 Ground Intelligence Officer occupational specialty to female Marine Corps officers. This will effectively open 56 additional billets to women.
- 2) The Marine Corps intends to open 12 positions in occupational specialties currently open to women for Marine officers and Staff Non-Commissioned Officers in each of the three Air Naval Gunfire Liaison Companies (ANGLICO) to broaden their opportunities and increase their ability to assess the performance of women in these newly opened positions. In total, 36 positions will be opened.

Each of the three ANGLICO units will open the following 12 positions:

0180	Adjutant (O-3)
0111	Personnel Chief (E-6)
0602	Communication Officer (O-3) 0602
0681	Electronic Key Management System (E-6)
2862	Radio Tech Shop Chief (E-7)
0402	Logistics Officer (O-3)
0491	Logistics Chief (E-7)
3043	Supply Officer (O-3)
3043	Supply Chief (E-6)
0402	Motor Transport Officer (O-2)
3537	Truck Master (E-7)
3529	Motor Transport Maintenance Chief (E-6)

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 to the 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. *Id.* at 57. 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 (except aviation officers assigned as part of an air wing or other element), respectively, have been repealed. On January 24, 2013, the Department rescinded its 1994 Direct Ground Combat Definition and Assignment Rule (1994 policy) 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 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 Chief 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.

The positions covered by this notification are not positions with a primary mission to engage in direct ground combat. As positions in combat specialties, such as infantry, still remain closed, the rationale in the *Rostker* decision should still apply-- over 230,000 positions remain closed to women, and consequently, men and women are not similarly situated for purposes of the Military Selective Service Act.