



REPORT TO CONGRESS
ON THE
REVIEW OF LAWS, POLICIES AND REGULATIONS
RESTRICTING THE SERVICE OF FEMALE MEMBERS
IN THE U.S. ARMED FORCES

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Executive Summary

The Department of Defense (DoD) submits this report to meet the requirements of Section 535 of the *Ike Skelton National Defense Authorization Act for Fiscal Year 2011* (FY11 NDAA). The Department has conducted the required review of all gender-restricting policies. This extensive review resulted in the following vision statement:

The Department of Defense is committed to removing all barriers that would prevent Service members from rising to the highest level of responsibility that their talents and capabilities warrant.

As documented in the Military Leadership Diversity Commission findings, the elimination of gender-restricted assignment policies requires deliberate action. There are serious practical barriers, which require time to resolve so the Department can maximize the safety and privacy of all military members while maintaining military readiness. These barriers relate to the five basic elements of the DoD policy on the Direct Ground Combat Definition and Assignment Rule, which was issued in 1994 by then-Secretary of Defense Les Aspen. Each element is unique in scope, purpose, and relevance in modern warfare. As a result, amending the following elements of the current policy requires independent resolution and timing:

- 1) **Direct Ground Combat: *DoD policy prohibits women from assignment to units below the brigade level whose primary mission is to engage in direct combat on the ground.*** The direct ground combat assignment exclusion prohibits the assignment of women to ground combat units below the *brigade level*. At the time of its inception almost two decades ago, this policy served to keep women from being assigned to units whose principal mission was to engage in combat and therefore limit their exposure to combat. The modern battlespace, however, without clearly defined boundaries, logically requires that the Department revisit this prohibition. As a result, included in this report is notice to Congress that the Secretary of Defense has approved an exception to the 1994 policy that would allow the United States Army, United States Marine Corps, and the United States Navy to open positions at the *battalion* level of direct ground combat units, in select occupational specialties currently open to women. These positions (USA: 755, USMC: 371, USN: 60) do not include occupational specialties closed to women, such as infantry. The experience gained by assigning women to these select positions will help assess the suitability and contemporary relevance of the direct ground combat unit assignment prohibition and inform future policy decisions.
- 2) **Berthing & Privacy: *The Secretary of the Military Department concerned may restrict positions where the costs of appropriate berthing and privacy arrangements are prohibitive.*** The military has held personal privacy, as well as dignity and respect in high regard. The Department retains judicious use of this element of policy until such time as facilities and weapon systems can be constructed to provide a reasonable measure of personal privacy. While the Department has the desire to retrofit barracks and weapons systems to facilitate the unrestricted assignment of women, as a practical matter, resource and readiness concerns require a more methodical approach. The Department intends to address this issue with transparency to

Congress in the design phase of future construction and weapons systems retrofits and will open positions accordingly.

- 3) **Co-location: *The Secretary of the Military Department concerned may restrict units and positions that are doctrinally required to physically co-locate and remain with direct ground combat units that are closed to women.*** These positions are not part of ground combat units, but by virtue of the duties or missions involved, must be co-located with the ground combat units. This policy has become irrelevant given the modern battlespace with its nonlinear boundaries. The Department has concluded that the elimination of co-location as an element in the Department's policy is prudent at this time. Included in this report is the required congressional notification. This provision will no longer be an authorized reason for restricting positions or units. The Army designated 13,139 positions as restricted by this element and will open these positions after the required congressional notification period has elapsed. Embedded within these positions are 80 units and 6 occupational specialties previously closed to women. The other Military Services do not have positions or units restricted solely under this element of the 1994 policy.
- 4) **Long Range Reconnaissance & Special Operations Forces (SOF): *The Secretary of the Military Department concerned may restrict positions involving long range reconnaissance operations and Special Operations Forces missions.*** The types of missions associated with reconnaissance and special operations pose several challenges related to the assignment of women. These missions involve direct ground combat, do not afford individuals personal privacy, and are the most physically demanding in DoD. The austere conditions and physical demands of such operations serve as significant barriers to both men and women. Because eliminating this provision may take significant research, time, and effort to achieve, no change to this element is recommended at this time.
- 5) **Physically Demanding Tasks: *The Secretary of the Military Department concerned may restrict positions, which include physically demanding tasks that would exclude the vast majority of women.*** Eliminating this assignment exclusion requires the development of gender-neutral physical standards for the many physically demanding job related tasks. We have learned much from recent wars regarding the demands of operating for extended periods at the limits of human capability with combat loads at unprecedented levels in the harshest physical environments. The Department's experience over a decade of war has driven home the significant cost to the health and well being of men and women serving in uniform. The establishment of scientifically supportable physical standards will likely mitigate the number of injuries incurred during a career (for both men and women) and expand the number of occupational specialties open to women. The Marine Corps has already initiated efforts in this area, and the Department is furthering its efforts and the efforts of the other Services through funded research. Accomplishing this complex objective will require significant resources, time, and effort; as such, the Department is not recommending a change to this element at this time.

As required by statute, the Department assessed the impact of gender-restricted policies on the equitable opportunity for women to compete and excel in the Armed Forces. A formal

study was conducted to evaluate partially open occupational specialties. The Department reviewed all available information from the Military Services and did not find indication of females having less than equitable opportunities to compete and excel under current assignment policy.

The report also contains the legal analysis required, pursuant to Section 652(a)(3)(B) of the impact of proposed changes to the constitutionality of the Military Selective Service Act. There is no discernable impact on the constitutionality of the Military Selective Service Act as result of the proposed changes.

Report to Congress Regarding Women in Service Review

The Department of Defense submits this report to meet the requirements of Section 535 of the *Ike Skelton National Defense Authorization Act for Fiscal Year 2011* (FY11 NDAA). Section 535 of the FY11 NDAA mandated that the Secretary of Defense, in coordination with the Military Department Secretaries, conduct a review of laws, policies, and regulations that may restrict the service of female members. Also required is a determination regarding the changes needed to ensure that female members have an equitable opportunity to compete and excel in the U.S. Armed Forces. An interim report in April 2011 notified Congress which laws, policies, and regulations were included in the review.

Section 535

REVIEW OF LAWS, POLICIES, AND REGULATIONS RESTRICTING SERVICE OF FEMALE MEMBERS OF THE ARMED FORCES.

(a) REVIEW REQUIRED.—The Secretary of Defense, in coordination with the Secretaries of the Military Departments, shall conduct a review of laws, policies, and regulations, including the co-location policy, that may restrict the service of female members of the Armed Forces to determine whether changes in such laws, policies, and regulations are needed to ensure that female members have an equitable opportunity to compete and excel in the Armed Forces.

(b) SUBMISSION OF RESULTS.—Not later than April 15, 2011, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the review.

Restrictive Laws, Policies and Regulations

The Department's review of restrictive laws, policies, and regulations identified the Secretary of Defense memorandum, "Direct Ground Combat Definition and Assignment Rule" dated January 13, 1994 (Appendix A), as the primary policy restricting the service of female members in the U.S. Armed Forces. The Secretary of Defense's 1994 policy memorandum states, "Service members are eligible to be assigned to all positions for which they are qualified, except that women shall be excluded from assignment to units below the brigade level whose primary mission is to engage in direct combat on the ground, as defined...." The 1994 policy memorandum also provided the Secretaries of the Military Department concerned with the discretionary authority to further restrict the assignment of female Service members provided that the additional restrictions were included in the Services' implementing regulations/instructions. Under the 1994 memorandum, in addition to the direct ground combat rule, women were further restricted from assignments where:

- 1) The Service Secretary attests that the costs of appropriate berthing and privacy arrangements are prohibitive,

- 2) Units and positions are doctrinally required to physically co-locate and remain with direct ground combat units that are closed to women,
- 3) Units are engaged in long range reconnaissance operations and Special Operations Forces missions, or
- 4) Job related physical requirements would necessarily exclude the vast majority of women Service members.

Scope of the Review

The review included all statutes and policies that serve to restrict the assignment of women to positions occupied by Military Service members. Beyond a review of the statutes and policies, the Department also assessed their impact on the promotion of women in the Military Services. Additionally, changes were proposed to amend, where appropriate, the policies that are currently in place. The required legal analysis is also included in this report as part of the review.

The percentages of Active Component positions across the Services to which women may be assigned are listed below. The remainder of the positions are closed due to permissible restrictions such as co-location, direct ground combat, privacy and berthing, special operations, or long-range reconnaissance.

Service	Grade	Number of Active Component Authorized Positions ¹	Percentage of Authorized Positions Open to Women ¹	Percentage of Total Active Component Positions Filled by Women ²
Air Force				
	Officer	58,716	99.6%	19%
	Enlisted	241,136	99%	19%
	Total	299,852	99%	19%
Army				
	Officer	67,046	81%	17%
	Warrant	13,726	90%	9%
	Enlisted	394,730	63%	13%
	Total	475,502	66%	13%
Marine Corps				
	Officer	15,482	78%	6%
	Warrant	2,176	86%	5%
	Enlisted	151,807	67%	7%
	Total	169,465	68%	7%
Navy				
	Officer	44,030	95%	16%
	Warrant	1,588	88%	5%
	Enlisted	236,125	86%	16%
	Total	281,743	88%	16%

¹Source: Service authorization data, fiscal year 2011. The table excludes patients, students, trainees, prisoners, and personnel in transition, and thus does not equal end strength.

²Source: Defense Enrollment Eligibility Reporting System December 2010; represents the percent of women serving in the Active Component in each Service. Out of 1,226,562 FY11 Active Component authorizations, 252,179 positions (21 percent) are closed to women.

Review of Findings

In 1994, DoD's "Risk Rule," which stated that women were excluded from noncombatant units or missions if the risks of exposure to hostile fire were equal to or greater than the combat units they supported, was rescinded. At that time, then-Secretary of Defense Les Aspin stated that "the risk rule has really been overtaken by events, and we are rescinding the risk rule as of October 1, 1994." Similarly, as a result of recent conflicts, the provision of the 1994 DoD Direct Ground Combat Definition and Assignment Rule that permits the Services to restrict the assignment of women where "units and positions are doctrinally required to physically co-locate and remain with direct ground combat units that are closed to women" also has been made irrelevant by the current battlefield framework and forward basing concept.

DoD, in coordination with the Military Departments and the Joint Staff, determined that the dynamics of the modern-day battlefield are non-linear, meaning there are no clearly defined front line and safer rear area where combat support operations are performed within a low-risk environment. Therefore, there is no compelling reason for continuing the portion of the policy that precludes female Service members from being assigned to units or positions that are doctrinally required to physically co-locate and remain with direct ground combat units. Women are now serving at the same operating locations in Afghanistan as some direct ground combat units, without being assigned to positions restricted by co-location. Removal of the co-location operating restriction responds to the current operational environment.

Also, during the course of the review, three of the Military Services requested an exception to the 1994 policy that excludes women from assignment to units below the brigade level whose primary mission is to engage in direct combat on the ground. The exception requested would allow women to be assigned to select units below the brigade level, but not below the battalion level, within specific military occupational specialties currently open to women. This request is based on 10 years of recent combat experiences. Commanders are currently restricted from assigning women below the brigade level who may be best suited for these positions, based solely on the 1994 Direct Ground Combat definition. To accommodate the requests of the Army, Marine Corps, and Navy to assign female Service members in open occupational specialties to select ground combat positions at the battalion level requires an exception to the existing direct ground combat assignment policy. The experience gained by assigning women to these select positions will help assess the suitability and relevance of the direct ground combat unit assignment prohibition and inform future policy decisions. These exceptions to policy are detailed later in this report, which also serves as the required notification to Congress of these changes.

Equitable Opportunity to Compete and Excel in the Armed Forces

Women constitute approximately 14.5 percent of the 1.4 million Active Component military personnel and comprise 7.25 percent of general/flag officers and 10.86 percent of the senior enlisted force. These figures are strong given that retention of women is significantly less than that of men beyond 20 years of service, where the majority of these promotions to the senior grades occur. In its recent study on *Minority and Gender Differences in Officer Career Progression*, the RAND Corporation found no statistical differences in the career progression of female officers in open occupations with closed positions as compared to women in fully open

occupations; both groups of women shared the same likelihood of reaching pay grade O-6 (Colonel or Navy Captain). The Department reviewed all available information from the Military Services and did not find any indication of females having less than equitable opportunities to compete and excel under current assignment policy.

Elimination of Co-location Exclusion

The Army completed a cyclic review of assignment policy for female Soldiers and notified the Under Secretary of Defense for Personnel and Readiness that it is prepared to eliminate its co-location restriction upon completion of this NDAA-mandated review. The Army identified six enlisted occupational specialties currently closed to women that it intends to open based upon the elimination of the co-location restriction. These occupational specialties are: 13M (Multiple Launch Rocket System (MLRS) Crewmember); 13P (MLRS Operations/Fire Detection Specialist); 13R (Field Artillery Firefinder Radar Operator Specialist); 91A (M1 Abrams Tank System Maintainer); 91M (Bradley Fighting Vehicle System Maintainer); and 91P (Artillery Mechanic). Opening these military occupational specialties (9,925 positions) and eliminating the co-location restriction in 80 previously closed to women units (3,214 positions) will enable the Army to assign female Soldiers to 13,139 additional Active and Reserve Component positions.

The 1994 policy on co-location has no practical effect on the assignment of women in the Marine Corps, Air Force, nor Navy. The Air Force and Navy adhere to the other gender assignment restrictions of the 1994 policy when supporting the Army and Marine Corps.

In light of the current operational environment, the evolution of doctrinal missions, and emerging requirements to support commanders and ongoing contingency operations, the DoD and the Services determined that this proposed change may:

- 1) Expand career opportunities for women,
- 2) Provide a greater pool of qualified members from whom our combatant commanders may draw,
- 3) Reduce the operational tempo for male counterparts by increasing the total number of personnel available for assignment to units co-located with direct combat forces, and
- 4) Improve consistency concerning assignment policy impacting women and provide field commanders with greater flexibility in meeting combat support mission requirements.

Exception to Policy

In addition to the positions identified under the co-location restriction, the Army requested to open closed positions that reside at the battalion level within active duty direct ground combat units. These positions were identified by the Army due to the critical support they provide to their respective organizations and by being representative of other positions that may be opened in the future. The assignment of women to these positions will provide the Army with information upon which to make future recommendations on the assignment of women in open occupational specialties to closed positions within direct ground combat units. The

positions consist of occupational specialties to which women are normally assigned outside of direct ground combat units below the brigade level. The Army identified 10 officer and 10 enlisted occupational specialties in select units to open as an exception to policy. Approval of the exception to policy makes 755 Army positions at the battalion level available for assignment of both men and women in nine Brigade Combat Teams composed of direct ground combat battalions. A detailed description of these positions is provided at Appendix B.

Similarly, as part of this exception to policy, the Marine Corps has determined that the assignment of unrestricted, female company grade officers and noncommissioned officers, in the grades of E-6 and E-7, to select Active Duty ground combat units at the battalion level within open occupational specialties will provide the Commandant of the Marine Corps with information upon which to make future recommendations on the assignment of women in open occupational specialties to closed positions within the ground combat element. The Marine Corps identified 371 officer and enlisted positions within direct ground combat units at the battalion staff level in open occupational specialties in which it plans to assign women officers and enlisted members using an exception to policy. A detailed description of these positions is provided at Appendix C.

The Navy and Marine Corps have agreed on opening an additional 60 positions for Navy officers and enlisted members to serve in support of the Marine Corps. A detailed description of these positions is provided at Appendix C.

The Department has approved the exception to policy, permitting these positions in the Army, Marine Corps, and Navy to be opened to the assignment of women. The experience gained by assigning women to these select positions will help assess the suitability and relevance of the direct ground combat unit assignment prohibition and inform future policy decisions.

Gender-Neutral Assignment Standards

The Department's focus is to ensure personnel are assigned to units and positions that maximize their potential based on military necessity and each Service member's ability, and not constrained by gender restrictions where possible. DoD's goal is to create flexibility for multiple future combat scenarios, while maintaining force readiness and the All Volunteer Force. The Services support the establishment of gender-neutral occupational standards; however, they require sufficient time to complete a thorough analysis of job-related physical requirements as they pertain to the capabilities expected of Service members. These standards will help determine which specific positions presently excluded under the special operations and physical standards criteria are suitable for general assignment of both genders.

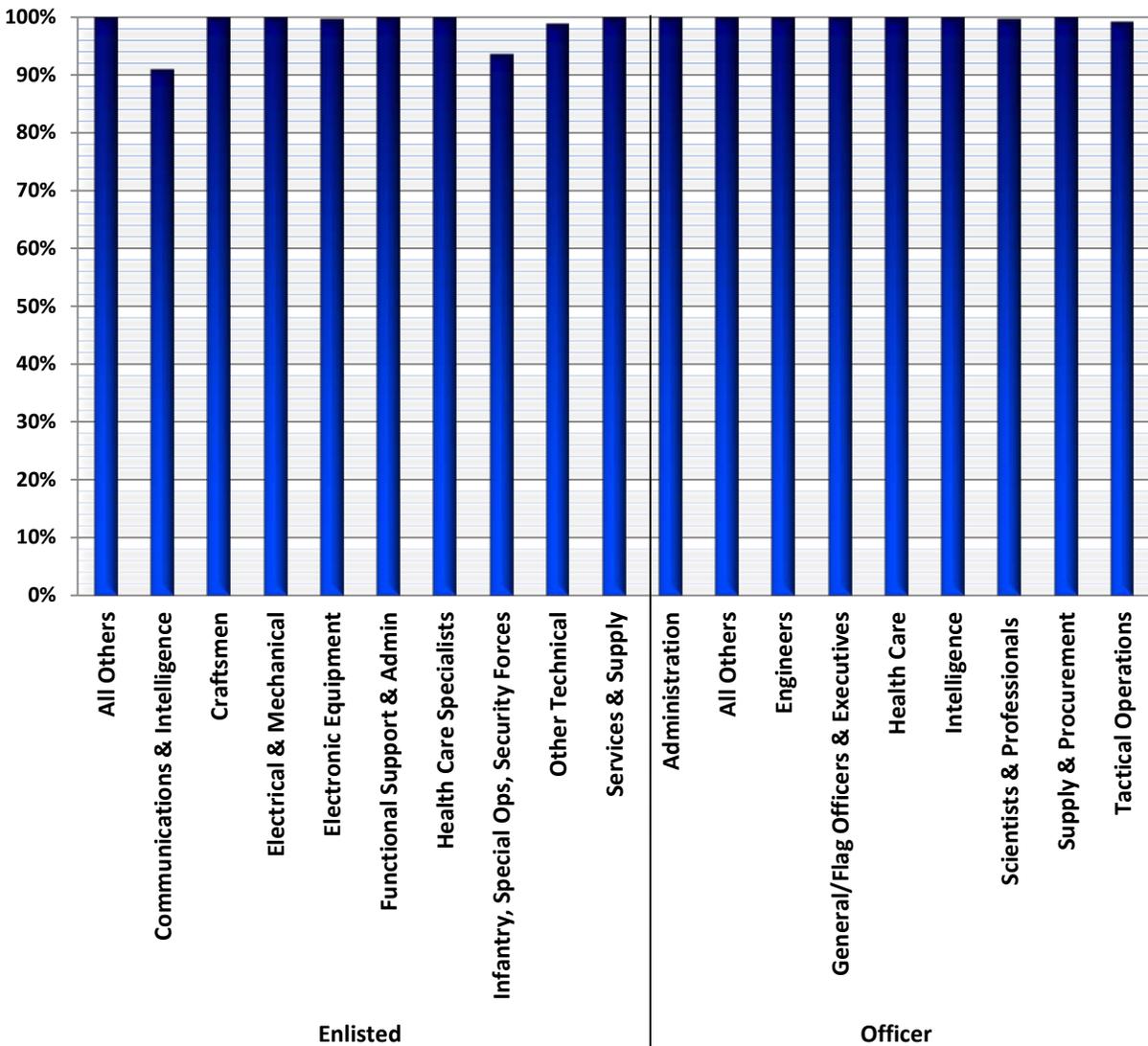
The evaluation of gender-restricted occupational specialties and positions that require the performance of physically demanding duties will follow the establishment of gender-neutral job-related physical standards. The Department intends to capitalize on significant research by academic organizations in support of government sector occupations such as police and firefighters. The Department will notify Congress of all proposed future changes in accordance with P.L 103-160, § 543, 10 U.S.C., § 652, and § 6035.

Air Force

The Air Force places very few limitations on the roles in which women can be assigned: 99 percent of the 299,852 Active Component positions in FY11 are open to women. Enlisted occupational specialties closed to women in direct ground combat units or special operations forces include: combat controller, tactical air control party, pararescue, and special operations weather. Combat rescue and special tactics officer occupations are currently the largest occupations filled exclusively by male Airmen. The officer weather occupational specialty is open to women, but a small number of positions in this occupational specialty (3 percent) are special operations weather positions that may only be filled by men.

The Air Force supports eliminating co-location from DoD’s policy, “Direct Ground Combat Definition and Assignment Rule.”

Open Air Force Positions by Occupational Area



Army

In FY11, 66 percent of Army Active Component positions were open to women. The Army, the largest Service, has more Active Component personnel than the Marine Corps and Navy combined. Women make up 17 percent of the Army's Active Component officers, 9 percent of its warrant officers, and 13 percent of its enlisted Soldiers. Army officer occupations that are closed to women are armor, infantry, and special forces, with the largest number of restrictions in the infantry. With the exception of the special forces, women may serve in all warrant officer occupations. Enlisted occupations closed to women Soldiers include four infantry specialties, combat engineer, eight field artillery specialties, special forces, three armor specialties, and three armor or artillery mechanical maintenance specialties.

Most Army occupational specialties are open to women, but not all positions within these specialties are open to women. Women are excluded from assignment to positions in units below the brigade level that have direct ground combat or special operations as a primary mission. Examples of units that are closed to women include maneuver battalions, cannon battalions, reconnaissance squadrons, sapper and other engineer companies, special operations aviation battalions, ranger battalions, anti-armor companies, and long-range surveillance units.

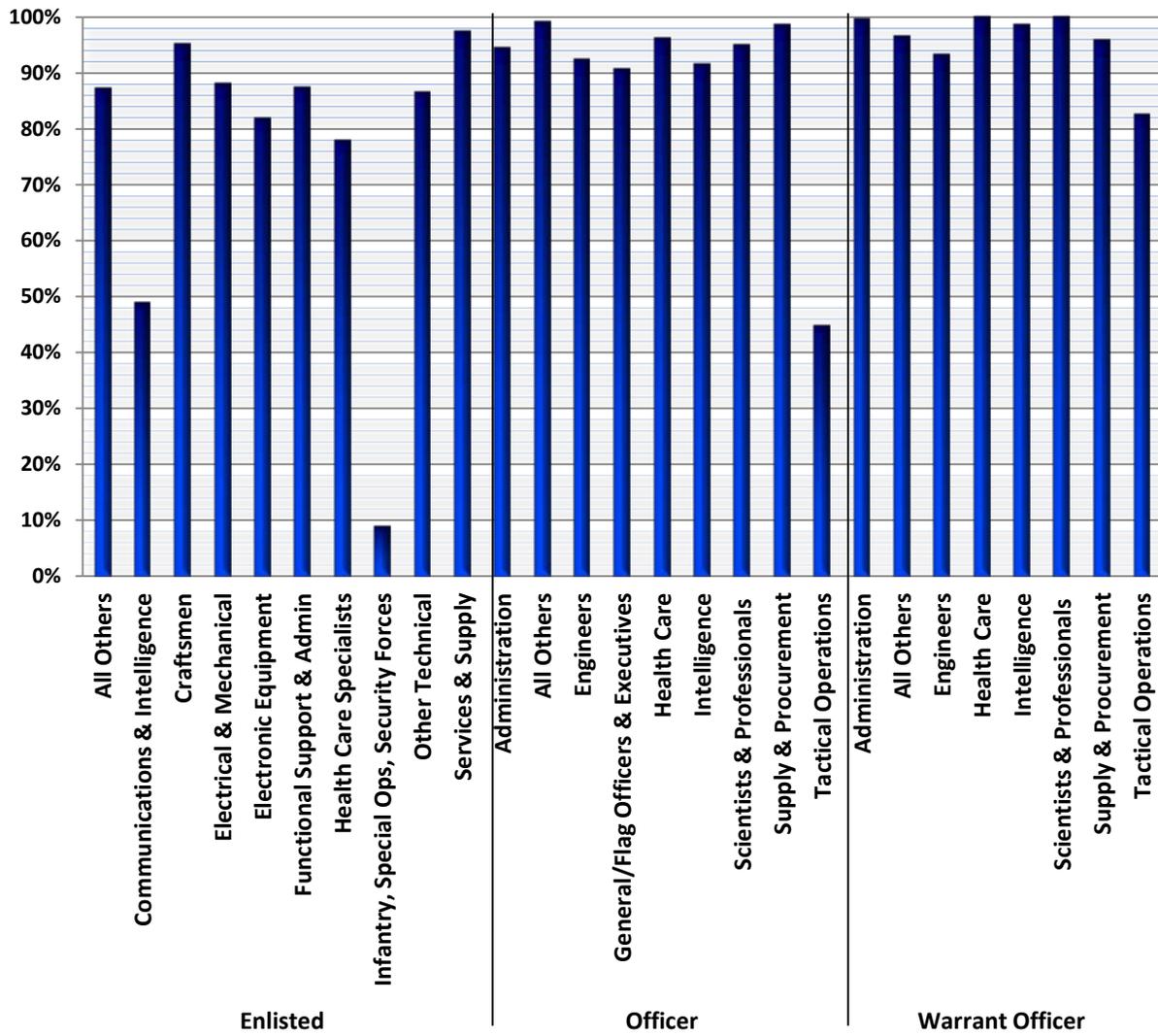
The types of occupational specialties that have a portion of their positions closed to women are diverse. The largest officer occupations closed to women under the 1994 policy are in the combat arms. Other large officer occupations with more than 2,000 restricted positions are logistics, signal, and intelligence. Other officer occupational specialties with limitations include physician's assistant, health services administration, and field artillery.

Most warrant officer occupations have 90 percent or more of their positions open to both men and women. The exceptions are signal system support technician; electronic warfare; and chemical, biological, radiological, and nuclear warrant officer.

The largest enlisted occupations with the least number of gender restricted positions are: motor transport operator, automated logistical specialist, wheeled vehicle repairer, human resources specialist, unit supply specialist, and health care specialist. Enlisted occupations with the largest number of restrictions are: radio operator/maintainer, signal support systems specialist, radar repairer, field artillery senior sergeant, electronic warfare specialist, construction equipment repairer, and field artillery surveyor/meteorological crewmember.

The Army supports eliminating co-location from DoD's policy, "Direct Ground Combat Definition and Assignment Rule." In addition, based on recent experiences in Iraq and Afghanistan, the Army requested an exception to policy that would allow the assignment of women into open occupational specialties in select, direct ground combat units at the battalion level. These positions are detailed in Appendix B. The experience gained by assigning women to these select positions will help assess the suitability and relevance of the direct ground combat unit assignment prohibition and inform future policy decisions.

Open Army Positions by Occupational Area



Marine Corps

In FY11, 68 percent of Marine Corps Active Component positions were open to women. The Marine Corps maintains closed positions in certain occupational specialties and units to women due to its primary mission of engaging in direct ground combat. Officer occupations closed to women, who comprise 6 percent of Marine Corps officers, are: ground intelligence, infantry, field artillery, naval surface fire support planner, tank, assault amphibious vehicle, low altitude air defense, and forward air controller. Warrant officer occupations closed to women are infantry weapons officer, targeting acquisitions officer (artillery), and ordnance vehicle maintenance officer. Enlisted restricted occupations encompass eight infantry specialties, six field artillery specialties, three tank and assault amphibious vehicle specialties, five ground ordnance maintenance specialties, a low altitude air defense gunner specialty, and two security force specialties.

Several officer occupations are open to female Marines, but contain gender restricted positions. These restricted positions are within direct ground combat elements below the division level. For example, 89 percent of communications officer assignments are available to women, who comprise 7 percent of the occupation. These restrictions in tank, infantry, combat engineer, combat assault, reconnaissance, and amphibious assault vehicle units, and Marine Corps Special Operations Command are based upon the additional requirements of engagement in direct ground combat. Other officer occupations that have restricted assignment positions include intelligence, logistics, adjutant and combat engineer, with combat engineer being the occupation with the most gender restrictions.

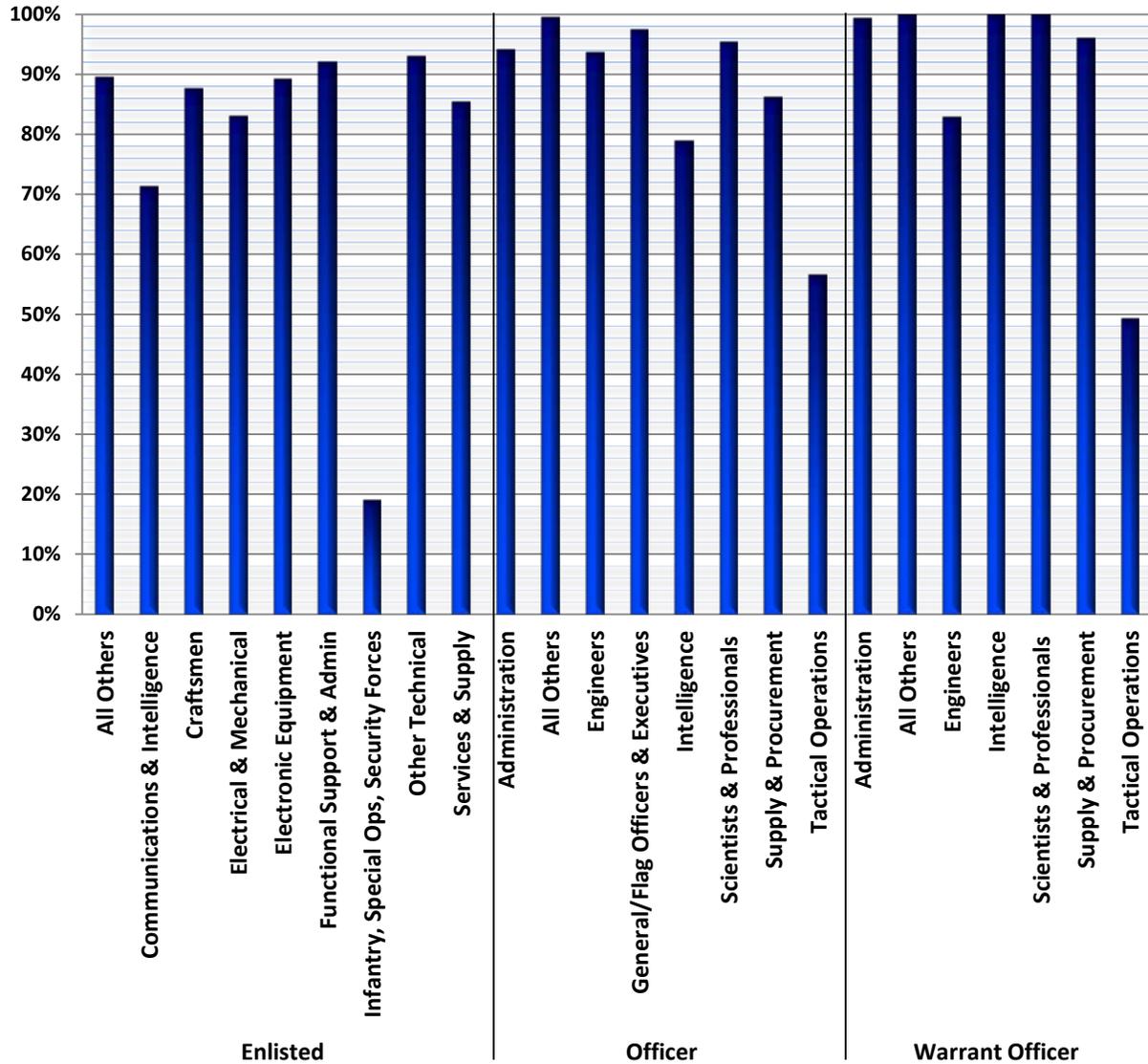
Female Marines make up 5 percent of Marine Corps warrant officers, and have two primary military occupational specialties with restricted assignment positions: the weapons repair officer and chemical, biological, radiological, and nuclear defense positions. For both occupations, closed positions are located in units below the division level with a primary ground combat mission.

Women comprise approximately 7 percent of the Marine Corps enlisted force. The degree to which occupational specialties are affected by assignment to direct ground combat units varies greatly by occupation. The largest occupations are motor vehicle operator, administration, and field radio operator. Occupations with 90 percent or more of their positions open to women include: landing support, utilities chief, engineer equipment chief, packaging specialist, legal services, and ground radio intermediate repairer.

The Marine Corps also supports eliminating co-location from DoD's policy, "Direct Ground Combat Definition and Assignment Rule." In addition, experience in Iraq and Afghanistan led the Marine Corps to request an exception to policy to allow the assignment of Marine Corps and Navy unrestricted female company grade officers and female noncommissioned officers in the grades of E-6 and E-7, in open occupational specialties, into select direct ground combat units at the battalion level. These positions are detailed in Appendix C. The experience gained by assigning women to these select positions will help assess the suitability and relevance of the direct ground combat unit assignment prohibition and inform future policy implementation.

The Marine Corps is also examining the physical demands borne by Marines currently serving in combat arms units in Afghanistan. The objective of this inquiry is toward the development of gender-neutral physical standards in lieu of gender-restricted policies.

Open Marine Corps Positions by Occupational Area



Navy

In FY11, 88 percent of Navy Active Component positions were open to women. Restrictions faced by female Sailors are due largely to berthing constraints, although exclusion from special operations and direct combat units also apply. The prohibitive costs of appropriate berthing and privacy arrangements affected the Navy more than the other Services due to the enormous expense of modifying sea-going vessels.

As officer quarters afford a higher degree of privacy than those for enlisted personnel, most vessels are open to female officers regardless of whether modifications have been made. In 2010, the Navy significantly expanded opportunities for women by opening officer careers and billets on ballistic and guided missile submarines. Only the smaller fast attack submarines remain closed to women (officer and enlisted) due to berthing configurations, which (as of June 2011) equated to 825 authorized billets. Because of the advent of guided missile submarines, the Navy determined that female officers in the submarine community would have sufficient career opportunities to reach command without having to serve on fast attack submarines. Women in officer occupational specialties are also excluded from riverine boat crews due to the direct ground combat mission. All other vessels are open for permanent assignment of female officers. There is one officer occupation in special operations that is completely closed to women: special warfare unrestricted line officer (underwater demolition team [UDT]/sea, air and land [SEAL]). In addition, the assignment of unrestricted line officers is limited to men when used for duty as naval gunfire liaison officers due to their role in Marine Corps direct ground combat units.

Limited duty officers, unique to the Navy and Marine Corps, are drawn from the warrant officer and senior enlisted ranks. Female Sailors are prohibited from serving in four of the submarine limited duty officer occupations. This is due to the prerequisite that these occupations have enlisted experience in submarine-related occupational specialties for which they are prohibited from serving due to berthing issues. In addition, this prerequisite also affects the ability of female chief warrant officers to serve in several occupational specialties. Aside from this prerequisite, female limited duty officers and chief warrant officers are restricted from serving in special operations-related assignments such as special operations warfare technician, and special warfare/special warfare combatant craft.

Enlisted women currently are unable to serve on submarines due to berthing limitations, eliminating the ability to fill any of the enlisted positions on the 70 submarines in service. Thus, policy closes the following submarine ratings to women: electronic technician navigator, electronic technician radio, fire control technician, information systems technician, machinists mate auxiliary, machinist's mate weapons, missile technician, and sonar technician. In a letter dated December 1, 2010, the Secretary of Defense notified Congress of the Navy's intention to expend funds to reconfigure existing submarines to accommodate female crew members, starting with design and study efforts. The other two ratings completely closed to female Sailors are special warfare boat operator and special warfare operator, UDT/SEAL.

The types of vessels on which enlisted women can serve are more limited than those of their male counterparts. Women in occupations such as yeoman, culinary specialist, and logistics specialist are unable to fill submarine assignments. All enlisted billets on patrol craft, riverine boats, and missile-guided frigates are closed to women. Restrictions to these types of

vessels affect positions in a diverse set of ratings, including boatswain's mate, engineman, gunner's mate, and communications.

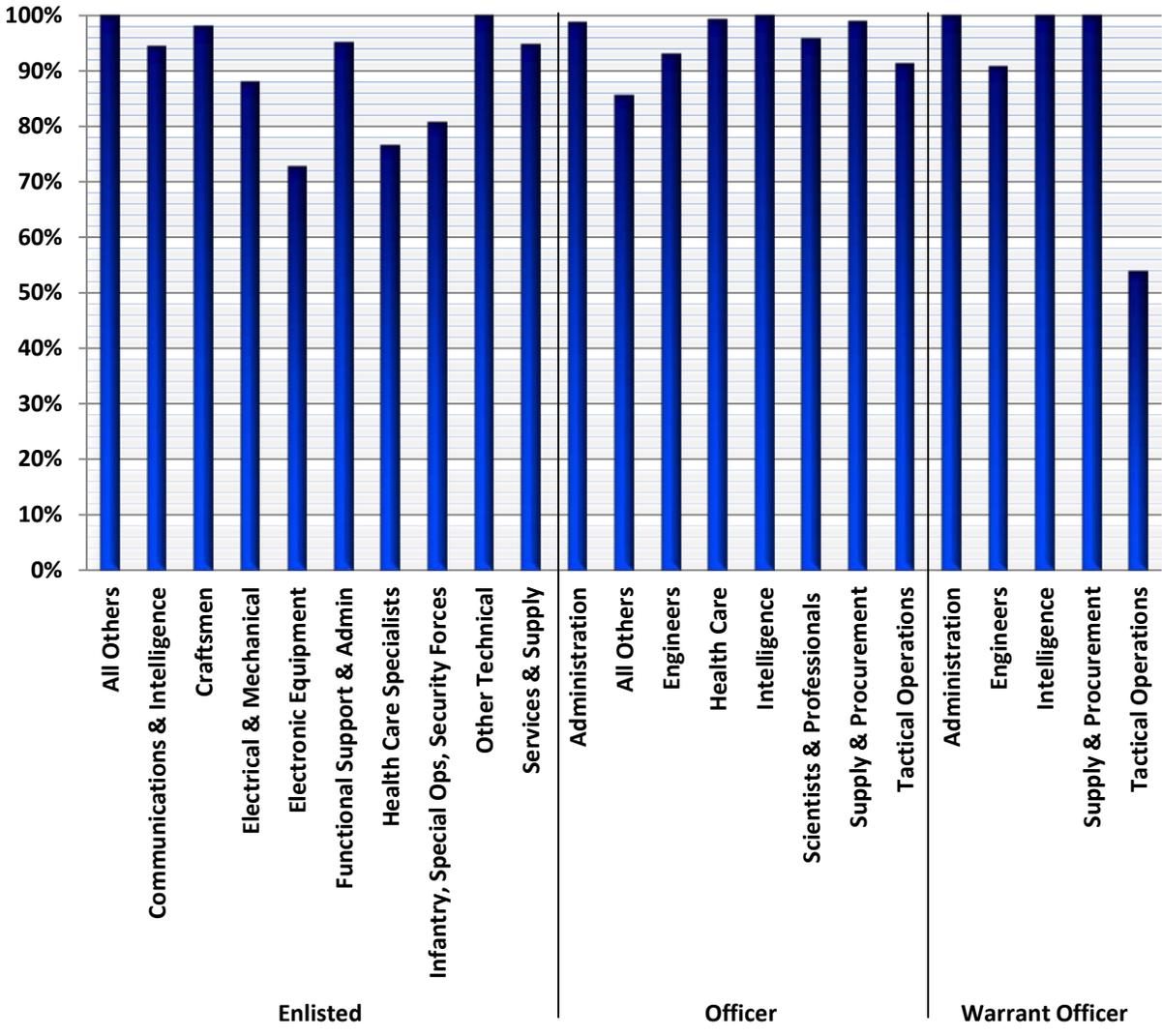
All types of ships (other than submarines) are open to women; however, some are limited by berthing facilities (racks) and, therefore, cannot accommodate permanent assignment of women. Many, but not all, of the older ships have accommodations for women. For example, 16 of the 22 guided missile cruisers can accommodate enlisted women (the remaining 6 guided missile cruisers are scheduled to receive the *Women At Sea* modifications over next Five Year Defense Plan). Of those with the *Women At Sea* modification, commonly 10-12 percent of the junior enlisted racks and 10-20 percent of chief petty officer racks are designated for women. As of December 2010, Navy women make up 16 percent of the junior pay grades, and 8 percent of chief petty officers. In 2005, the Navy increased accession targets to 23 percent to increase the number of women at sea and thus fill female designated racks at sea. This effort has been successful as women are filling more racks at sea each year. While berthing constraints for female chief petty officers remain, Navy manpower distribution works to overcome berthing limitations to assign female senior enlisted in operational units across available platforms.

There is one other type of restriction that female Sailors in some occupations may face. Navy women serving in support of the Fleet Marine Force are assigned in accordance with Marine Corps policy, meaning they are prohibited from serving in direct ground combat units. The Navy provides all medical and religious services personnel for Marine Corps units, but is limited in its assignment of personnel to fill Marine Corps gender-restricted assignment criteria.

The largest Navy specialty assigned to Marine units draws from the Navy's hospital corpsman enlisted rating. These health care providers can become field medical service technicians by completing Marine Corps training in skills necessary for managing combat trauma casualties and operating with Marine forces in a combat environment. After this training, wider assignment opportunities are available. In addition to Navy hospitals, ships, or clinics, corpsmen may serve tours in Marine units as well. Most of the field medical service technician positions with the Marine Corps are closed to women. Female hospital corpsmen do not have the opportunity to serve in direct ground combat units, but the closed assignments are not critical for advancement to the senior enlisted ranks and qualified women do have opportunities to serve with Marines and to deploy to the current theaters of operation.

The Navy also supports eliminating co-location from DoD's policy, "Direct Ground Combat Definition and Assignment Rule" The Navy is also participating in the exception to policy requested by the Marine Corps and will assign female officers and noncommissioned officers at the battalion level in positions supporting Marine ground combat units as indicated at Appendix C.

Open Navy Positions by Occupational Area



Notification to Congress

In accordance with title 10, United States Code, section 652, and based on the findings of this review, this report provides notification to Congress that the existing DoD Direct Ground Combat Rule policy issued in 1994 will be revised to rescind the co-location assignment restriction that prohibits the assignment of women where units and positions are doctrinally required to physically collocate and remain with direct ground combat units that are closed to women. Rescinding this provision of the current policy allows the Military Services to assign women to units and positions that are doctrinally required to physically co-locate and remain with direct ground combat units. This policy change will impact 13,139 Army Active and Reserve Component positions as described in Appendix B. The 1994 policy on co-location has no practical effect on the Marine Corps, Air Force, and Navy. All Military Services concur with this change.

As previously described, DoD approved requests for an exception to policy from the Army, Marine Corps, and the Navy to open select positions to women in direct ground combat units at the battalion level in open military occupational specialties (USA: 755, USMC: 371, USN: 60). These positions are described in detail in Appendices B and C. These positions do not include military occupational specialties currently closed to women, such as infantry. The experience gained by assigning women to these select positions will help assess the suitability and relevance of the direct ground combat unit assignment prohibition and inform future policy decisions. The intention of the Department is not to change existing policy concerning assignment to direct ground combat units at this time; instead this change permits the Military Services the operational flexibility required as an exception to policy for select positions.

The policy change and Military Service exceptions to policy will be implemented after the end of a period of 30 days of continuous session of Congress following the date this report is received.

Legal Analysis

Title 10, U.S.C., section 652 (a)(3)(B) requires a detailed analysis of the legal implications of the proposed change 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 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. *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 are not similarly situated to men for purposes of the Act because women are still excluded 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. Section 652, of title 10, U.S.C., enacted after the repeal of the aforementioned statutes, clearly evinces Congress’ intent to remain the arbiter of the ground combat exclusion policy, which is well within its constitutional authority under the U.S. Constitution, Article 1, Section 8. Section 652 requires notification of changes to the Department’s 1994 “ground combat exclusion policy” that open or close positions to women and a detailed analysis of the legal implications of the proposed changes to the constitutionality of the Act. Moreover, the Department may not implement the proposed changes until after the end of a period of 30 days of continuous session of Congress following the date on which the report is received.

The rescission of the co-location assignment restriction and the approval of the requested exception to policy should not impact the constitutionality of the Act nor disturb the legal soundness of the *Rostker* decision. Women are still restricted from assignment to units below the battalion level whose primary mission is to engage in direct ground combat and will continue to be excluded from assignments in closed military occupational specialties, such as infantry. Thus, men and women are not similarly situated for purposes of the Act.

Conclusion

The Department intends to:

1. Eliminate the co-location exclusion from the 1994 policy;
2. As an exception to policy, allow Military Department Secretaries to assign women in open occupational specialties to select units and positions at the battalion level (for Army, Navy, and Marine Corps) whose primary mission is to engage in direct combat on the ground;
3. Based on the exception to policy, assess the suitability and relevance of the direct ground combat unit assignment prohibition to inform future policy decisions; and
4. Pursue the development of gender-neutral physical standards for occupational specialties closed due to physical requirements.

As documented in the Military Leadership Diversity Commission findings, changes to DoD's policies will require time to implement fully. There are serious practical barriers, which if not approached in a deliberate manner, could adversely impact the health of our Service members and degrade mission accomplishment. Change of this magnitude requires sufficient time and resources. In this endeavor, the Department is committed to pursuing the elimination of gender-restricted policies where feasible while maintaining force readiness.

The Department greatly appreciates the interest and assistance of the Armed Services Committees in achieving this vision to the benefit of all the Soldiers, Sailors, Airmen, and Marines in the service of our great Nation.

APPENDIX A – DIRECT GROUND COMBAT DEFINITION AND ASSIGNMENT RULE



THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1000

January 13, 1994

MEMORANDUM FOR THE SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE
CHAIRMAN, JOINT CHIEFS OF STAFF
ASSISTANT SECRETARY OF DEFENSE
(PERSONNEL AND READINESS)
ASSISTANT SECRETARY OF DEFENSE
(RESERVE AFFAIRS)

SUBJECT: DIRECT GROUND COMBAT DEFINITION AND ASSIGNMENT RULE

References: (a) SECDEF memo, April 28, 1993
(b) SECDEF memo, February 2, 1988
(c) FY94 National Defense Authorization Act

My memorandum dated April 28, 1993, directed the Military Services to open more specialties and assignments to women and established an Implementation Committee to ensure that those policies are applied consistently. I also charged the Committee to review and make recommendations on several specific implementation issues.

The Committee has completed its first such review, that of the "appropriateness of the Risk Rule", reference (b), and concluded that, as written, the risk rule is no longer appropriate. Accordingly, effective October 1, 1994, reference (b) is rescinded.

My memorandum restricted women from direct combat on the ground. The Committee studied this and recommended that a ground combat rule be established for assignment of women in the Armed Forces. Accordingly, the following direct ground combat assignment rule, and accompanying definition of "direct ground combat," are adopted effective October 1, 1994 and will remain in effect until further notice.

A. Rule. Service members are eligible to be assigned to all positions for which they are qualified, except that women shall be excluded from assignment to units below the brigade level whose primary mission is to engage in direct combat on the ground, as defined below.

B. Definition. Direct ground combat is engaging an enemy on the ground with individual or crew served weapons, while being exposed to hostile fire and to a high probability of direct physical contact with the hostile force's personnel. Direct ground

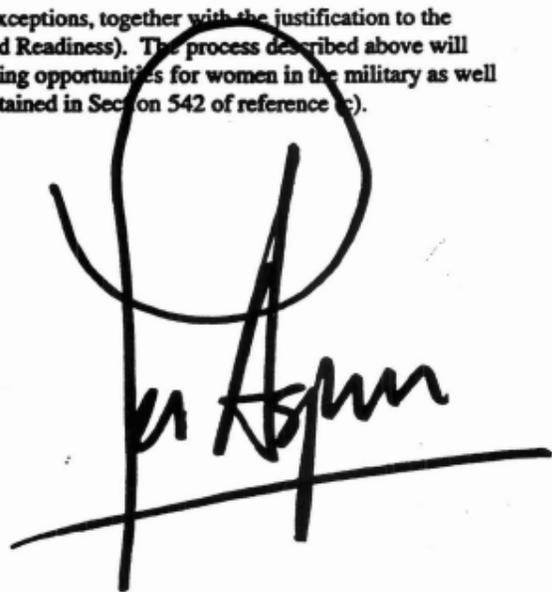
combat takes place well forward on the battlefield while locating and closing with the enemy to defeat them by fire, maneuver, or shock effect.

The Services will use this guidance to expand opportunities for women. No units or positions previously open to women will be closed under these instructions.

The Services will provide the Assistant Secretary of Defense (Personnel and Readiness), not later than May 1, 1994, with lists of all units and positions closed to women and their proposed status based on implementation of this policy. These lists will be arrayed in three columns: jobs currently closed that are proposed to be opened, jobs currently closed that are proposed to remain closed, and a column justifying each entry. The proposed changes will be reviewed by the Implementation Committee and the Assistant Secretary of Defense (Personnel and Readiness). The Services will then coordinate approved implementing policies and regulations with the Assistant Secretary of Defense (Personnel and Readiness) prior to their issuance. These policies and regulations may include the following restrictions on the assignment of women:

- where the Service Secretary attests that the costs of appropriate berthing and privacy arrangements are prohibitive;
- where units and positions are doctrinally required to physically collocate and remain with direct ground combat units that are closed to women;
- where units are engaged in long range reconnaissance operations and Special Operations Forces missions; and
- where job related physical requirements would necessarily exclude the vast majority of women Service members.

The Services may propose additional exceptions, together with the justification to the Assistance Secretary of Defense (Personnel and Readiness). The process described above will enable the Department to proceed with expanding opportunities for women in the military as well as comply with the reporting requirements contained in Section 542 of reference (c).



APPENDIX B - ARMY DETAILED DESCRIPTION OF POSITIONS TO BE OPENED

Total number of positions opened in support of eliminating co-location: 13,139 positions.

The Army identified six enlisted occupational specialties:

- 13M (Multiple Launch Rocket System (MLRS) Crewmember),
- 13P (MLRS Operations/Fire Detection Specialist),
- 13R (Field Artillery Firefinder Radar Operator Specialist),
- 91A (M1 Abrams Tank System Maintainer),
- 91M (Bradley Fighting Vehicle System Maintainer), and
- 91P (Artillery Mechanic).

Opening these occupational specialties (9,925 positions) and opening 3,214 positions in 80 units previously closed to women due to the co-location restriction will enable the Army to assign female Soldiers to 13,139 additional Active and Reserve Component positions enhancing the availability of personnel to commanders to accomplish assigned missions.

Total number of Active Component positions being opened in support of the requested exception to the ground combat assignment policy previously described: 755 (50 percent Officer / 50 percent Enlisted).

UNITS - This exception to policy applies to enlisted and officer positions at the battalion level in currently open occupations in nine brigade combat teams.

OFFICERS - The Army will open 378 officer positions to the assignment of both women and men as part of normal Army assignment process. Open occupations in these nine brigade combat teams include the following occupational specialties:

- 13A Fire Support Officer, Assistant 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),
- 56M Chaplain,
- 62B Field Surgeon or Medical Platoon Leader,
- 65D Physician's Assistant,
- 70B Medical Operations Officer,
- 74A Chemical, Biological, Radiation, Nuclear Officer (CBRN), and
- 90A Multifunctional Logistician.

ENLISTED - The Army will open 377 enlisted positions to the assignment of both women and men as part of normal Army assignment process. Open occupations in these nine brigade combat teams include the following occupational specialties:

- 25U E6 Radio Retransmission Supervisor,
- 25U E7 Communications Section Chief,
- 35F E6 Intelligence Sergeant,
- 42A E6 Human Resources Sergeant,
- 42A E7 Senior Human Resources Sergeant,

68W E6 Health Care Sergeant,
68W E7 Health Care Platoon Sergeant,
74D E6 CBRN NCO,
92Y E7 Senior Supply Sergeant, and
92Y E6 Supply Sergeant.

APPENDIX C - MARINE CORPS AND NAVY POSITIONS TO BE OPENED

Total number of positions being opened: 371 (USMC) 60 (NAVY)

UNITS - Female Marines will only be assigned to currently open occupational specialties, down to the battalion level at these Active Duty units that are currently closed:

Artillery Battalion,
Tank Battalion,
Amphibious Assault Vehicle Battalion,
Combat Engineer Battalion,
Combat Assault Battalion, and
Low Altitude Air Defense Battalion.

OFFICERS - The Marine Corps will open these positions to the assignment of women as part of normal Marine Corps assignment processes and forecasted billet rotations. The occupational specialties opened to women in these units include:

Adjutant,
Logistics Officer,
Supply Officer,
Communications Officer,
Embarkation Officer,
Motor Transport Officer,
Maintenance Management Officer,
Medical Officer (Navy), and
Chaplain (Navy).

ENLISTED - The Marine Corps will open these positions to the assignment of female noncommissioned officers, in the grades of E-6 and E-7, as part of normal Marine Corps assignment processes and forecasted billet rotations. The occupational specialties opened to women in these units include:

Administrative Specialist,
Maintenance Management Specialist,
Logistics/Embarkation Specialist,
Logistics/Mobility Chief,
Telecommunications Systems Chief,
Radio Chief,
Information Security Technician,
Small Arms Repairer/Technician,
Electro-Optical Ordnance Repairer,
Ammunition Technician,
Electronics Maintenance Technician,
Supply Administration and Operations Specialist,
Warehouse Clerk,
Food Service Specialist,
Motor Transport Maintenance Chief,
Motor Transport Operations Chief,

Career Retention Specialist, and
Field Medical Tech (Navy).