

119TH CONGRESS
2D SESSION

S. 5189

To amend title 10, United States Code, and the National Defense Authorization Act for Fiscal Year 1994, to codify and clarify gender neutral standards for members of certain Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2026

Ms. HIRONO (for herself, Ms. DUCKWORTH, Mrs. GILLIBRAND, Mr. SCHUMER, Ms. ALSOBROOKS, Mr. VAN HOLLEN, Mrs. MURRAY, Ms. WARREN, Ms. ROSEN, Ms. SLOTKIN, Mr. HICKENLOOPER, Mr. MARKEY, Mr. KIM, Mr. WYDEN, Mr. BOOKER, Mr. FETTERMAN, Mrs. SHAHEEN, Mr. KELLY, Mr. SCHIFF, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, and the National Defense Authorization Act for Fiscal Year 1994, to codify and clarify gender neutral standards for members of certain Armed Forces, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. GENDER NEUTRAL STANDARDS IN CERTAIN**
2 **ARMED FORCES.**

3 (a) PROHIBITION ON EXCLUSION OF A MEMBER OF
4 CERTAIN ARMED FORCES FROM AN ASSIGNMENT ON THE
5 BASIS OF GENDER.—

6 (1) IN GENERAL.—Section 652 of title 10,
7 United States Code, is amended to read as follows:
8 **“§ 652. Prohibition of exclusion from assignments on**
9 **the basis of gender**

10 “(a) PROHIBITION.—A member of the Army, Navy,
11 Marine Corps, Air Force, or Space Force may not be ex-
12 cluded from an occupational specialty, career field, or as-
13 signment on the basis of gender.

14 “(b) ANNUAL REPORT.—The Secretary of Defense
15 shall submit to the Committees on Armed Services of the
16 Senate and House of Representatives an annual report
17 that includes, with respect to the year preceding the date
18 of the report, the following:

19 “(1) Any change to an occupational standard,
20 including a description of how such change predicts
21 performance of actual, regular, and recurring duties
22 of a military occupational specialty.

23 “(2) The number of members, disaggregated by
24 military occupational specialty and gender, who were
25 involuntarily reclassified or separated for a reason

1 other than discipline or pursuant to a sentence of a
 2 court-martial.

3 “(3) The reasons for reclassifications or separa-
 4 tions described in paragraph (2).”.

5 (2) CONFORMING AMENDMENT.—Section 8225
 6 of title 10, United States Code, is repealed.

7 (3) EFFECTIVE DATE.—The amendments made
 8 by this subsection shall take effect on September 30,
 9 2026. The first report under subsection (b) of sec-
 10 tion 652 of such title, as amended by this section,
 11 shall be due on September 30, 2027.

12 (b) GENDER-NEUTRAL OCCUPATIONAL STANDARD
 13 FOR A MILITARY CAREER DESIGNATOR: MODERNIZATION;
 14 ADDITIONAL INFORMATION TO CONGRESS TO REVIEW A
 15 PROPOSED CHANGE.—

16 (1) MODERNIZATION.—Section 543 of the Na-
 17 tional Defense Authorization Act for Fiscal Year
 18 1994 (Public Law 103–160; 10 U.S.C. 113 note) is
 19 amended—

20 (A) in subsection (a)—

21 (i) in the matter preceding paragraph
 22 (1), by striking “that is open to both male
 23 and female members of the Armed
 24 Forces”; and

1 (ii) in paragraph (3), by striking
 2 “women in that occupational career field”
 3 and inserting “individuals in such occupa-
 4 tional career field on the basis of gender”;
 5 (B) in subsection (b)—

6 (i) in the heading, by striking “SPE-
 7 CIFIC PHYSICAL REQUIREMENTS” and in-
 8 serting “**OCCUPATIONAL PERFORM-**
 9 **ANCE STANDARDS**”;

10 (ii) in paragraph (1)—

11 (I) by striking “physical” both
 12 places it appears;

13 (II) by inserting “, based on a
 14 scientifically rigorous process,” after
 15 “determines”;

16 (III) by inserting “technical, tac-
 17 tical, cognitive, or physical abilities,
 18 including” before “muscular
 19 strength”; and

20 (IV) by striking “(in the case of
 21 a career designator that is open to
 22 both male and female members of the
 23 Armed Forces)”; and

24 (iii) in paragraph (2)—

1 (I) by inserting “not shorter than
2 18 months” after “a reasonable pe-
3 riod”; and

4 (II) by inserting “that are based
5 on input from health care providers
6 and researchers of the Department of
7 Defense” after “prescribed by the
8 Secretary”; and

9 (C) in subsection (c), by striking “female
10 members of the Armed Forces” and inserting
11 “members of the Armed Forces, of any gen-
12 der,”.

13 (2) INFORMATION TO CONGRESS.—Such section
14 is further amended, in subsection (c)—

15 (A) by striking “are expected to” and in-
16 serting “may”;

17 (B) by striking “Congress” and inserting
18 “the congressional defense committees”;

19 (C) by striking “change and the justifica-
20 tion and rationale” and inserting “proposed
21 change, the estimated costs, the justification
22 (including the relevant research and data that
23 the Secretary reviewed and relied upon before
24 making such proposal), and rationale”; and

1 (D) by striking “60-day period” and in-
2 serting “180-day period”.

3 (c) SUBMISSION OF THE REVIEW OF OPERATIONAL
4 EFFECTIVENESS OF ARMY AND MARINE CORPS GROUND
5 COMBAT UNITS.—

6 (1) SUBMISSION OF UNREDACTED VERSION.—

7 Not later than 7 days after it is completed, the Sec-
8 retary of Defense shall provide to Congress the full,
9 unredacted review of operational effectiveness of
10 Army and Marine Corps ground combat units that
11 is the subject of the memorandum issued by the
12 Under Secretary of Defense for Personnel and Read-
13 iness on December 18, 2025, relating to “Review of
14 the Operational Effectiveness of Army and Marine
15 Corps Ground Combat Units,” and which was reas-
16 signed to the Johns Hopkins University Applied
17 Physics Laboratory.

18 (2) BRIEFING.—Not later than 30 days after
19 submitting the review under paragraph (1), the Sec-
20 retary of Defense shall provide a briefing to the
21 Committees on Armed Services of the Senate and
22 the House of Representatives. The briefing shall in-
23 clude the full, unredacted findings of the review and
24 report methodology.

1 (3) PRELIMINARY FINDINGS AND INFORMA-
2 TION.—The Secretary of Defense shall provide to
3 Congress any preliminary findings, methodology, and
4 information delivered by the Institute for Defense
5 Analyses to the Department of Defense related to
6 the study required under paragraph (1) before the
7 study’s reassignment to the Johns Hopkins Univer-
8 sity Applied Physics Laboratory.

9 (4) COMPTROLLER GENERAL REVIEW.—Not
10 later than 180 days after the date of the enactment
11 of this Act, the Comptroller General of the United
12 States shall submit to the congressional defense
13 committees a report reviewing—

14 (A) the review provided to Congress under
15 paragraph (1); and

16 (B) any actions taken by the Department
17 of Defense in response to the review.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on September 30, 2026. The
20 first report under subsection (b) of section 652 of title
21 10, United States Code, as amended by this section, shall
22 be due on September 30, 2027.

○