

AMENDMENT TO H.R. 3838
OFFERED BY MS. SHERRILL OF NEW JERSEY

At the appropriate place in title V, insert the following new section:

1 **SEC. 5 ____ . EXCLUSION OF MEMBERS OF CERTAIN ARMED**
2 **FORCES FROM ASSIGNMENTS SOLELY ON**
3 **THE BASIS OF GENDER: PROHIBITION; EX-**
4 **CEPTION.**

5 (a) IN GENERAL.—Section 652 of title 10, United
6 States Code, is amended to read as follows:

7 **“§ 652. Exclusion from assignments on the basis of**
8 **gender**

9 “(a) PROHIBITION OF EXCLUSION; EXCEPTION.—(1)
10 Subject to paragraph (2), 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 solely on the basis of gender.

14 “(2) The Secretary of the military department con-
15 cerned may make an exclusion described in paragraph (1)
16 if such Secretary submits to the Committees on Armed
17 Services of the Senate and House of Representatives writ-
18 ten notification of such exclusion—

1 “(A) including a detailed justification, based on
2 compelling operational necessity, for the exclusion;

3 “(B) including a detailed description of how the
4 exclusion is narrowly tailored to meet such oper-
5 ational necessity; and

6 “(C) not less than 30 days before implementing
7 such exclusion.

8 “(3) The authority to make an exclusion under para-
9 graph (2) shall not last longer than one year, but may
10 be renewed if the Secretary concerned submits another no-
11 tification pursuant to such paragraph.

12 “(b) ANNUAL REPORT.—The Secretary of Defense
13 shall submit to the Committees on Armed Services of the
14 Senate and House of Representatives an annual report re-
15 garding this section. Elements of such a report shall in-
16 clude, with respect to the year preceding the date of the
17 report, the following:

18 “(1) The status of gender integration with re-
19 gards to combat roles.

20 “(2) Progress in implementing gender-neutral
21 standards.

22 “(3) Any exceptions under subsection (a)(2).”.

23 (b) CONFORMING AMENDMENT.—Section 8225 of
24 title 10, United States Code, is repealed.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on September 30, 2026. The
3 first report under subsection (b) of section 652 of such
4 title, as amended by this section, shall be due on Sep-
5 tember 30, 2027.

