AMENDMENT TO RULES COMMITTEE PRINT

118–10

OFFERED BY MR. GAETZ OF FLORIDA

Add at the end of subtitle C of title V the following new section:

SEC. 5. LIMITATION OF AUTHORITY OF THE SECRETARY OF THE MILITARY DEPARTMENT CONCERNED TO ALTER A PERMANENT CHANGE OF STATION ON THE BASIS THAT A STATE DISCRIMINATES AGAINST INDIVIDUALS ON THE BASIS OF THE SEXUAL ORIENTATION OR GENDER IDENTITY.

(a) LIMITATION.—The Secretary of the military department concerned may not take any action regarding a permanent change of station for a member of an Armed Force on the basis that the member is a covered member unless such Secretary determines, without delegation, that a State, from or to which such member shall relocate pursuant to such permanent change of station, is a covered State.

(b) DEFINITIONS.—In this section:
(1) The term “covered member” means a member of the Army, Navy, Air Force, Marine Corps, or Space Force—

(A) with a dependent enrolled in the Exceptional Family Member Program on the basis of the sexual orientation or gender identity of such dependent; and

(B) who alleges that a State from or to which the member shall relocate pursuant to a permanent change of station discriminates against individuals on such basis.

(2) The term “covered State” means a State with an official who has been found by a court of competent jurisdiction to have violated section 242 of title 18, United States Code.