

AMENDMENT TO H.R. 8800
OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

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

1 **SEC. 10 ____ . POLICY OF MILITARY DEPARTMENTS AND DE-**
2 **PARTMENT OF DEFENSE REGARDING RELI-**
3 **GIOUS NEUTRALITY.**

4 (a) POLICY OF RELIGIOUS NEUTRALITY.—The De-
5 partment of Defense and the military departments shall
6 maintain a policy of official neutrality regarding religion
7 and may neither favor nor disfavor any religion or reli-
8 gious belief.

9 (b) PROHIBITION ON PREFERENTIAL TREATMENT.—
10 Consistent with subsection (a), no commanding officer, su-
11 pervisor, manager, or other covered individual acting in
12 an official supervisory capacity may—

13 (1) directly or indirectly require or coerce sub-
14 ordinate personnel to practice, or otherwise affiliate
15 with, any religion or religious belief (including by re-
16 quiring or coercing participation in any religious ac-
17 tivity); or

18 (2) condition any professional opportunity, posi-
19 tive evaluation, advancement, or promotion, on the

1 basis of practice or affiliation with a religion or reli-
2 gious belief (including on the basis of participation
3 in a religious activity).

4 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to prohibit the religious expression
6 of any covered individual protected under the Constitution
7 and authorized under applicable regulations of the Depart-
8 ment of Defense or the military departments.

9 (d) REPORTING AND OVERSIGHT.—

10 (1) PROCEDURES FOR CONFIDENTIAL REPORT-
11 ING.—The Secretary of Defense shall establish pro-
12 cedures for the confidential reporting of alleged vio-
13 lations of any policy, requirement, or prohibition
14 under this section.

15 (2) REPORT.—Not later than 180 days after
16 the date of the enactment of this Act, the Secretary
17 of Defense shall submit to the congressional defense
18 committees a report on the status of implementing
19 the confidential reporting procedures established
20 pursuant to paragraph (1).

21 (e) NONAPPLICABILITY TO DEPARTMENT OF DE-
22 FENSE EDUCATION ACTIVITY.—Nothing in this section
23 shall apply with respect to the Department of Defense
24 Education Activity, including any school operated by the
25 Department of Defense Education Activity.

1 (f) DEFINITIONS.—In this section:

2 (1) The term “covered individual” means—

3 (A) a member of the Armed Forces under
4 the jurisdiction of the Secretary of a military
5 department; or

6 (B) a Department of Defense officer or
7 employee within the civil service (as such term
8 is defined in section 2101 of title 5, United
9 States Code), including any political appointee.

10 (2) The term “political appointee” means an in-
11 dividual who is—

12 (A) employed in a position described under
13 sections 5312 through 5316 of title 5, United
14 States Code (relating to the Executive Sched-
15 ular);

16 (B) a limited term appointee, limited emer-
17 gency appointee, or noncareer appointee in the
18 Senior Executive Service, as defined under
19 paragraphs (5), (6), and (7), respectively, of
20 section 3132(a) of such title 5; or

21 (C) employed in a position of a confidential
22 or policy-determining character under schedule
23 C of subpart C of part 213 of title 5, Code of
24 Federal Regulations, or successor regulation.

1 (3) The term “religion or religious belief” in-
2 cludes any denomination, sect, religious body, faith
3 tradition, or other system of belief (including minor-
4 ity faith traditions and humanist belief systems).

