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# POWER OF THE PURSE: ANTI-LGBTQ+ EXTREMISM IN THE CONGRESSIONAL APPROPRIATIONS PROCESS

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Earlier this year, the Human Rights Campaign declared a national state of emergency over the wave of state legislative attacks to sharply limit the rights of LGBTQ+ people. While attempts to isolate, marginalize, and stigmatize LGBTQ+ people are not novel, the current actions by government actors is unprecedented in scope and intensity. Republicans in the U.S. House of Representatives have embraced these extreme policies and have littered their 12 FY2024 appropriations bills with anti-LGBTQ+ riders. This report focuses on those riders that address LGBTQ+ specific policies, but these bills contain many additional riders that impact LGBTQ+ people, including limitations on access to reproductive health care.

Extraneous riders on appropriations bills to score political points with right wing groups have been seen before. In 2011, the House even voted to ban Department of Defense training materials on implementation of “Don’t Ask, Don’t Tell” repeal without a single Member of the House having seen the materials.<sup>1</sup> Yet, this year, we have at least 45 provisions in the 12 bills, most of which were included in the base text as introduced by the subcommittee chairs.

The House riders cover a range of topics, including banning medically necessary gender affirming care; blocking non-discrimination enforcement; providing significant new licenses to discriminate; and defunding LGBTQ+ community centers. This agenda reflects the wish list of the far-right Family Research Council, Heritage Action, and the Alliance Defending Freedom, which have long sought to limit and exclude LGBTQ+ people from full participation in our society and our government. None of these provisions were subject to hearings and markups from relevant subject matter committees before being included in these appropriations bills.

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<sup>1</sup> Roll Call 528, Bill Number: H. R. 2219 (2011), <https://clerk.house.gov/Votes/2011528>.



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The extremely partisan appropriations process in the House is being weaponized to jam these provisions through. In order to gain support from the far-right wing of the House Republican Conference, House Republican Leadership's anti-freedom agenda is the grease to try to pass these underfunded, partisan bills through the House. By including these provisions in the base bills and with the narrow partisan margin in the House, House Republicans who might otherwise be skeptical of this extremism face the impossible choice to either pass the bills to keep the process moving so that Congress can fulfill its responsibility to fund the government or vote no and increase the odds they face a well-funded primary challenger from the far right.

Securing equality for LGBTQ+ people requires that our marriages be recognized and respected, that we receive the best-practice health care that we need, and that non-discrimination in employment, housing, credit, education, health care, public spaces and services, and federally funded programs be the law of the land. Although the Equality Act and its full protections have not yet passed into law, there are robust federal protections that flow from the Supreme Court's 2020 *Bostock v. Clayton County* decision. House Republicans are using these appropriations riders to attempt to undermine existing protections under federal law.

The story of America is one of expanding rights and an evolving understanding of what freedom means. There have always been those who want to stop progress and turn back the clock. There have always been those who would use the power of government to limit the freedoms of others. What's happening today is a dangerous step backward. It also ignores the reality of America in 2023. More than 7% of our country identifies as LGBTQ+. That number is 21% for Generation Z.<sup>2</sup> There is no pushing the community back in the closet.

## APPROPRIATIONS CONTEXT

The Constitution assigns Congress the power to direct the funding of the federal government.<sup>3</sup> The appropriations process has become one of the most consequential ways that Congress impacts the implementation of public policy by prioritizing which specific programs receive funding.

Appropriations legislation is divided into twelve separate bills that fund the various agencies of the federal government.<sup>4</sup>

- Agriculture, Rural Development, Food and Drug Administration, and Related Agencies (Ag)
- Commerce, Justice, Science, and Related Agencies (CJS)
- Defense (Defense)
- Energy and Water Development, and Related Agencies (E&W)
- Financial Services and General Government (Financial Services)
- Homeland Security (Homeland)

2 *LGBT Identification in U.S. Ticks Up to 7.1%*, Gallup (2022), <https://news.gallup.com/poll/389792/lgbt-identification-ticks-up.aspx>

3 *The Appropriations Process: A Brief Overview*, Congressional Research Service (2023), <https://crsreports.congress.gov/product/pdf/R/R47106>.

4 *The Appropriations Process: A Brief Overview*, Congressional Research Service (2023), <https://crsreports.congress.gov/product/pdf/R/R47106>.



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- Interior, Environment, and Related Agencies (Interior)
- Labor, Health and Human Services, Education, and Related Agencies (Labor-HHS)
- Legislative Branch (Leg Branch)
- Military Construction, Veterans Affairs, and Related Agencies (MilCon-VA)
- State, Foreign Operations, and Related Programs (SFOPs)
- Transportation and Housing and Urban Development, and Related Agencies (T-HUD)

Details of funding the government is often a point of contention in Congress, with the parties and the White House fighting over funding levels and priorities. There are often controversial provisions within the various appropriations bills to address the hot issue of the moment, but they are generally limited to the relevant agencies. For FY2024 — beginning October 1, 2023 and ending September 30, 2024 — each of the 12 appropriations bills in the House of Representatives contains numerous anti-LGBTQ+ riders, many of which are extreme, unrelated to the underlying agencies, or just plain petty. Never before have we seen such an effort to inject harmful, stigmatizing provisions to attack the LGBTQ+ community at every turn.

### **GROWING LEGISLATIVE ATTACKS AGAINST THE LGBTQ+ COMMUNITY**

Since 2015, in the lead up and subsequent to the Supreme Court of the United States' decision in *Obergefell v. Hodges* granting same-sex couples the right to marriage nationwide, far-right organizations have increasingly pushed elected officials to introduce anti-LGBTQ+ legislation in states around the country. The success of these dangerous bills took a sharp turn in 2023, with more than 575 anti-LGBTQ bills being introduced across 41 states and more than 80 being signed into law. This represents an escalation in attacks from 2022, more than doubling the total harmful bills passed from last session.

These bills include bans on gender affirming care, transgender students playing sports, transgender people using bathrooms that match their gender identities, and drag performances. In addition, the bills include religious refusals, curriculum censorship, and attacks on diversity, equity, and inclusion (DEI).

Now, that same wave of hate from state legislatures is being reflected in the United States Congress. The Republicans in the House of Representatives have taken up a slew of anti-LGBTQ+ legislative efforts. These measures include stand-alone bills such as the misnamed H.R. 734, the Protection of Women and Girls in Sports Act — a nationwide ban on transgender students playing sports — as well as larger legislative packages like H.R. 5, the Parents' Bill of Rights that included book bans and provisions stigmatizing transgender students. Troublingly, anti-LGBTQ+ provisions are appearing within otherwise historically routine bipartisan legislation such as H.R. 2670, the FY2024 National Defense Authorization Act, that passed the House with provisions banning gender affirming care for service members and their families, drag performances, Pride flags, and books about transgender people for Department of Defense schools.



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Nowhere is this trend more clear than the FY2024 federal appropriations bills, where Speaker Kevin McCarthy (R-CA) has caved to his far right flank, allowing the House Freedom Caucus — the most far-right members of the House — to have tremendous influence over the various spending bills.

This trend is antithetical to the shifts in the United States as more and more Americans are identifying as LGBTQ+ and a majority of Americans support LGBTQ+ rights. According to a 2022 PRRI report, 82% of Americans support sexual orientation and gender identity non-discrimination policies and other forms of pro-equality legislation.<sup>5</sup>

## **ANTI-LGBTQ+ RIDERS IN FY2024 HOUSE APPROPRIATIONS BILLS**

While partisan or ideological policy riders in appropriations bills are nothing new, the sheer volume and severity of the anti-LGBTQ+ riders is extreme. Below are the categories of riders attacking the LGBTQ+ community found throughout the 12 FY2024 appropriations bills.

### **Gender Affirming Care**

Most of the bills contain provisions restricting gender affirming care, though to different degrees. Some prohibit surgical care, others also include hormone therapy, some prohibit insurance coverage of gender affirming care, and one creates a new global gag rule for gender affirming care. Some of these provisions are limited to youth while others also impact care for transgender adults. All of these provisions are dangerous and discriminatory.

Gender affirming care is age-appropriate, best practice care that is medically necessary for the well-being of many transgender and non-binary people who experience symptoms of gender dysphoria, or distress that results from having one's gender identity not match their sex assigned at birth. Gender affirming care is the integration of medical, mental health, and social services. This care is individualized and may look different for different people. It allows transgender people to live full, happy lives by reducing anxiety, depression, and suicidality. Every credible medical organization — representing over 1.3 million doctors in the United States — calls for age-appropriate gender affirming care for transgender and non-binary people.

### **License to Discriminate**

Eleven of the twelve appropriations bills contain License to Discriminate provisions, which would allow for discrimination against same-sex couples in programs across the federal government.

License to Discriminate provisions, which include provisions known as First Amendment Defense Act, seek to legalize state-sanctioned discrimination. On their face, these provisions would prohibit the federal government from “discriminating” against someone because of their belief regarding marriage including that sexual relations are properly reserved to such a marriage. In reality, these provisions would undermine the government's ability to enforce the federal protections that exist to protect LGBTQ+ people and their families. Under License to Discriminate provisions, individuals, businesses, and non-profit organizations — even those

5 “Americans’ Support for Key LGBTQ Rights Continues to Tick Upward.” PRRI, 17 Mar. 2022, [www.prii.org/research/americans-support-for-key-lgbtq-rights-continues-to-tick-upward/](http://www.prii.org/research/americans-support-for-key-lgbtq-rights-continues-to-tick-upward/).



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using taxpayer dollars from grants or contracts with the federal government — could openly violate non-discrimination policies or refuse to serve same-sex couples. As long as they claimed their actions are based on their belief about marriage, there would be little recourse.

Similarly, two of the bills contain provisions that would prohibit colleges and universities from enforcing non-discrimination protections regarding student clubs if the club is discriminating against LGBTQ+ students because it is religious.

### **Drag**

These provisions in the Defense and State, Foreign Operations, and Related Programs bills would ban drag performances in certain spaces like military installations and across U.S. foreign assistance programs. The provision in the Defense bill even claims that drag performances “bring discredit upon the military.”

Drag artists and the spaces that host their performances have long served as a communal environment for queer expression. It is a form of art and entertainment, but, historically, the performances haven't only served to entertain, but also to truly advance the empowerment and visibility of LGBTQ+ people or provide pertinent information to the LGBTQ+ community in an accessible way.

### **Pride Flag**

The language in these provisions, which appear in most of the appropriations bills, would prohibit funds to be used to fly or display flags at the relevant federal facilities other than the U.S. flag, along with several other exceptions. The motivation behind these provisions, which has been made clear during debate on the bills, is to ban the Pride flag from being used on government buildings and military installations.

The Pride flag is often used as a symbol to communicate that an individual or institution is welcoming to the LGBTQ+ community. Those pushing to ban the Pride flag are directly conveying the opposite — they want to make clear that LGBTQ+ people are not welcome.

These provisions might not have much direct impact on LGBTQ+ people's day to day lives, but the inclusion of these bans serves to further stigmatize the community.

### **Blocking Rulemaking & Enforcement of Non-Discrimination**

Several of the appropriations bills seek to erode the existing civil rights protections that the LGBTQ+ community currently has by blocking the regulatory process that clarifies non-discrimination statutes and by preventing the federal government from enforcing laws protecting transgender people.

The Labor, Health and Human Services, Education, and Related Agencies (Labor-HHS) bill blocks funding to implement Executive Order 13988, *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*. This executive order directs agencies to fully implement the Supreme Court decision in *Bostock v Clayton County*, which ruled that sex discrimination statutes include discrimination on the basis of sexual orientation and transgender status.<sup>6</sup>

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<sup>6</sup> “Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.” *The White House*, 21 Jan. 2021, [www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-preventing-and-combating-discrimination-on-basis-of-gender-identity-or-sexual-orientation/](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-preventing-and-combating-discrimination-on-basis-of-gender-identity-or-sexual-orientation/).



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The Labor-HHS bill also seeks to block several agency regulations that provide clarity on the civil rights of LGBTQ+ individuals by prohibiting any funding from being used to implement them. The Department of Education would be unable to implement regulations on Title IX of the Education Amendments of 1972 that prohibit sex discrimination in education. Specifically, these regulations detail schools' obligations to prevent and address campus sexual violence, discrimination against LGBTQ+ students, and detail when transgender students are eligible to participate in school athletics. The Department of Health and Human Services would be unable to implement a regulation from Section 1557 of the Affordable Care Act that clarifies non-discrimination protections for LGBTQ+ individuals in health care. The Commerce, Justice, Science, and Related Agencies bill includes two provisions that block the Department of Justice (DOJ) from taking action when an LGBTQ+ person's rights are violated. The first prohibits DOJ from using funds to "investigate, litigate, or advocate against" anyone who operates any program to define "sex" to exclusively refer to sex assigned at birth. The second prohibits DOJ from bringing any litigation against a state or local government for "any law relating to transgender issues."

### **DEI Efforts Including LGBTQ+**

Almost all of the appropriations bills include efforts to restrict any program that seeks to advance racial diversity, equity, and inclusion. While not always explicit in the bill language, these provisions will also impact the LGBTQ+ community.

Most of the appropriations bills restrict funding to implement Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. This executive order directs agencies to "work to redress inequities in their policies and programs that serve as barriers to equal opportunity" for underserved communities.<sup>7</sup> In addition to people of color, the executive order also covers religious minorities, people with disabilities, people living in rural areas, and LGBTQ+ people.

Several bills remove funding from departments and agencies that serve to ensure that marginalized communities are able to participate fully in government programs or have their civil rights met. For example, under the Commerce, Justice Science, and Related Agencies (CJS) bill, the Department of Justice will be barred from funding the Chief Diversity Officer, the FBI Office of Diversity and Inclusion, and the National Resource Center for Justice-Involved LGBTQ+ and Two-Spirit Youth.

The State, Foreign Operations, and Related Programs bill defunds many special envoys, including the U.S. Special Envoy to Advance the Human Rights of LGBTQI+ Persons. This important position leads the State Department's work to address violence and discrimination against LGBTQI+ people globally.

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<sup>7</sup> "Executive Order on Advancing Racial Equity and Support for Underserved Communities through the Federal Government." The White House, 21 Jan. 2021, [www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/).



APPROPRIATIONS SUBCOMMITTEE	Gender Affirming Care	License to Discriminate	Drag	Pride Flag	Blocking Non-Discrimination	DEI
Agriculture, Rural Development, Food and Drug Administration, and Related Agencies		X		X		X
Commerce, Justice, Science, and Related Agencies	X	X			X	X
Defense	X	X	X	X		X
Energy and Water Development, and Related Agencies		X				X
Financial Services and General Government	X	X				X
Homeland Security	X	X				X
Interior, Environment, and Related Agencies		X		X		X
Labor, Health and Human Services, Education, and Related Agencies	X	X		X	X	X
Legislative Branch		X				
Military Construction, Veterans Affairs, and Related Agencies	X	X		X		X
State, Foreign Operations, and Related Programs	X		X	X		X
Transportation and Housing and Urban Development, and Related Agencies		X		X		

## FUNDING CUTS TARGETING THE LGBTQ+ COMMUNITY

House Republicans applied drastic funding cuts across the appropriations bills that would harm Americans from all walks of life, but particularly to underserved communities. Some of these funding reductions include programs vital to the LGBTQ+ community, including funding to end the HIV epidemic. Republicans also zeroed out programs that specifically ensure LGBTQ+ people have access to key services, such as the National Resource Center for Justice-Involved LGBTQ+ and Two-Spirit Youth and the LGBT Specific Services Program within the Office of Violence Against Women.

As part of the appropriations process, Congress has instituted “Community Funding Priorities” which allow Members of Congress to include funding for certain projects that their local communities deem important.<sup>8</sup>

However, during the markup of the Transportation and Housing and Urban Development, and Related Agencies (T-HUD) bill, an amendment was passed to strip funding for three of these projects—LGBTQ+ community centers. These three projects met all of the eligibility requirements and were similar to other projects that were not specific to the LGBTQ+ community. However, of the 2,680 Community Funding Projects being considered by the committee, only these three were targeted.<sup>9</sup> They were stripped from the bill simply because they serve the LGBTQ+ community.

8 *Community Project Funding: House Rules and Committee Protocol*, Congressional Research Service (2021), <https://crsreports.congress.gov/product/pdf/R/R46722>.

9 “Quigley, Boyle, Houlahan and Pressley Respond to GOP Attacks on LGBTQ+ Funding.” *Congressman Mike Quigley*, 19 July 2023, [quigley.house.gov/media-center/press-releases/quigley-boyle-houlahan-and-pressley-respond-gop-attacks-lgbtq-funding](https://www.house.gov/media-center/press-releases/quigley-boyle-houlahan-and-pressley-respond-gop-attacks-lgbtq-funding).



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“Among the 2,680 Community Funding Projects before THUD, Republicans have chosen to target the only three Democratic projects that explicitly reference the LGBTQI+ community, despite being fully eligible and publicly vetted months ago. At the same time, they preserved nearly identical projects sponsored by vulnerable Republican members of the committee. Hypocrisy aside, while the Republicans were quick to argue this amendment wasn’t based on prejudice, the fact of the matter is that they only targeted 0.111% of projects. These projects were explicitly LGBTQI+ related — the motivation speaks for itself,” **said Ranking Member Mike Quigley (D-IL)**

Funding for The Pryde in Boston would be used to convert a former public school into affordable housing units for LGBTQ+ seniors.<sup>10</sup> Funding for the William Way LGBT Center was to repair their building so that they can continue to connect local low income seniors to social services as well as serving the community by providing economic opportunities, food assistance, and community meeting space.<sup>11</sup> Funding for the LGBT Center of Greater Reading was intended to provide transitional housing and supportive services such as job and resume coaching and financial literacy so that clients can obtain stable permanent housing.<sup>12</sup>

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## Appendix

*Please note that the House appropriations process is ongoing. While the majority of appropriations bills have been marked up by the full house Appropriations Committee, at the time of publication, there are two outstanding appropriations bills that have only been marked up by the relevant subcommittee. Additional riders may continue to be added in full committee markup and during floor consideration.*

### **Agriculture, Rural Development, Food and Drug Administration, and Related Agencies (H.R. 4368)**

#### **DIVERSITY EQUITY AND INCLUSION EO**

**Sec. 764:** None of the funds appropriated or otherwise made available by this or any other Act may be used to implement, administer, apply, enforce, or carry out Executive Order 13985 of January 20, 2021 (86 Fed. Reg. 7009, relating to advancing racial equity and support for underserved communities through the Federal Government), or the U.S. Department of Agriculture’s Equity Action Plan in Support of Executive Order 13985, or any Equity Action Plan created by the Food and Drug Administration, the Commodity Futures Trading Commission, or the Farm Credit Administration, or Executive Order 14035 of June 25, 2021 (86 Fed. Reg. 34593, relating to diversity, equity, inclusion, and accessibility in the

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10 “FY24 Community Project Funding.” *Ayanna Pressley*, 26 May 2023, [pressley.house.gov/fy24-community-project-funding/](https://pressley.house.gov/fy24-community-project-funding/).

11 “Rep Boyle Community Project Funding Submissions for FY24.” *Congressman Brendan Boyle*, 31 Mar. 2023, [boyle.house.gov/rep-boyle-community-project-funding-submissions-fy24](https://boyle.house.gov/rep-boyle-community-project-funding-submissions-fy24).

12 “Community Project Funding: U.S. Representative Chrissy Houlahan.” *U.S. Representative Chrissy Houlahan*, 2023, [houlahan.house.gov/services/community-project-funding.htm](https://houlahan.house.gov/services/community-project-funding.htm).





Federal workforce), or Executive Order 14091 of February 16, 2023 (88 Fed. Reg. 10825, relating to further advancing racial equity and support for underserved communities through the Federal Government), or to create or establish an Office of the Chief Diversity and Inclusion Officer. (p. 111)

## PRIDE FLAG BAN

**Sec. 772:** None of the funds made available by this Act may be used by the Secretary of Agriculture, the Commissioner of Food and Drugs, the Chairman of the Commodity Futures Trading Commission, or the Chairman of the Farm Credit Administration to fly or display a flag over a facility of the Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, or the Farm Credit Administration other than the flag of the United States; the flag of a State, territory, or the District of Columbia; the flag of an Indian Tribal Government; the official flag of a U.S. Department or agency; or the POW/MIA flag.

## LICENSE TO DISCRIMINATE

**Sec. 773:** (a) In general. — Notwithstanding section 7 of title 1, United States Code, section 1738C of title 28, United States Code, or any other provision of law, none of the funds provided by this Act, or previous appropriations Acts, shall be used in whole or in part to take any discriminatory action against a person, wholly or partially, on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, a union of one man and one woman.

(b) Discriminatory action defined. As used in subsection (a), a discriminatory action means any action taken by the Federal Government to —

- (1) alter in any way the Federal tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to in subsection (a);
- (2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by such person;
- (3) withhold, reduce the amount or funding for, exclude, terminate, or otherwise make unavailable or deny, any Federal grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to such person;
- (4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or
- (5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited, and nonpublic fora), or charitable fundraising campaigns from or to such person.



(c) Accreditation; Licensure; Certification. — The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a).

## Commerce, Justice, Science, and Related Agencies (Subcommittee Mark)

### STUDENT RELIGIOUS BELIEFS

**Sec. 511:** None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students. (*p. 102*)

### DIVERSITY EQUITY INCLUSION EO

**Sec. 553:** None of the funds made available by this Act may be used —

(2) to implement, administer, apply, enforce, or carry out —

(A) Executive Order 13985 of January 20, 2021, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” (86 Fed. Reg. 7009);

(B) Executive Order 14091 of February 16, 2023, “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” (88 Fed. Reg. 10825); or

(C) Executive Order 14035 of June 25, 2021, “Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce” (86 Fed. Reg. 34593); or

(3) to conduct any diversity, equity, inclusion, or implicit bias training. (*p. 128*)

### DEFINING SEX

**Sec. 565:** None of the funds made available by this 18 or any other Act may be used to investigate, litigate, or advocate against any person or recipient, as currently defined at section 106.2 of title 34, Code of Federal Regulations, for defining “sex” as currently used in, inter alia, section 1681 of title 20, United States Code, and sections 106.21, 22, 23, 30, 31, 32, 33, 34, 35, 37, 39, 40, 41, 24 44, and 45 of title 34, Code of Federal Regulations, to mean biological sex, male or female, as determined by the type of gamete an individual produces; and for defining “boys and girls” to mean only biological boys, whose DNA consists of one X sex chromosome and one Y sex chromosome, and biological girls, whose DNA consists of two X sex chromosomes. (*p. 134*)



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## GENDER AFFIRMING CARE

**Sec. 578:** None of the funds made available by this or any other Act may be used to fund any sex-altering surgical procedures in either a Federally owned facility or a private facility leased or used by the Federal Government. (p. 138)

## TRANSGENDER LAWSUITS

**Sec. 581:** None of the funds made available by this Act may be used to sue any State or local government over any law relating to transgender issues, or to intervene or file an amicus brief in such a case. (p. 139)

## LICENSE TO DISCRIMINATE

**Sec. 583:** (a) In general. — Notwithstanding section 7 of title 1, United States Code, section 1738C of title 28, United States Code, or any other provision of law, none of the funds provided by this Act, or previous appropriations Acts, shall be used in whole or in part to take any discriminatory action against a person, wholly or partially, on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, a union of one man and one woman.

(b) Discriminatory action defined. — As used in subsection (a), a discriminatory action means any action taken by the Federal Government to —

(1) alter in any way the Federal tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to in subsection (a);

(2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by such person;

(3) withhold, reduce the amount or funding for, exclude, terminate, or otherwise make unavailable or deny, any Federal grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to such person;

(4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or

(5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited, and nonpublic fora), or charitable fundraising campaigns from or to such person.

(c) Accreditation; Licensure; Certification. — The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be



accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a). (p. 139)

## **Defense (H.R. 4365)**

### **DIVERSITY EQUITY AND INCLUSION EO**

**Sec. 8142:** None of the funds appropriated or otherwise made available by this Act may be used to implement, administer, apply, enforce, or carry out the Diversity, Equity, Inclusion, and Accessibility Strategic Plan of the Department of Defense, or Executive Order 13985 of January 20, 2021 (86 Fed. Reg. 7009, relating to advancing racial equity and support for under-served communities through the Federal Government), Executive Order 14035 of June 25, 2021 (86 Fed. Reg. 34593, relating to diversity, equity, inclusion, and accessibility in the Federal workforce), Executive Order 14091 of February 16, 2023 (88 Fed. Reg. 10825, relating to further advancing racial equity and support for underserved communities through the Federal government), or shall be used to execute activities that promote or perpetuate divisive concepts related to race or sex, such as the concepts that one race or sex is inherently superior to another, or that an individual's moral character or worth is determined by their race or sex. (p. 139)

### **GENDER AFFIRMING CARE BAN**

**Sec. 8143:** None of the funds made available by this Act may be used for surgical procedures or hormone therapies for the purposes of gender affirming care. (p. 140)

### **DRAG SHOW BAN**

**Sec. 8144:** None of the funds appropriated or otherwise made available by this Act may be used to promote, host, facilitate, or support events on United States military installations or as part of military recruiting programs that violate the Department of Defense Joint Ethics Regulation or bring discredit upon the military, such as a drag queen story hour for children or the use of drag queens as military recruiters. (p. 140)

### **LICENSE TO DISCRIMINATE**

**Sec. 8151:** (a) IN GENERAL. — Notwithstanding section 7 of title 1, United States Code, section 1738C of title 28, United States Code, or any other provision of law, none of the funds provided by this Act, or previous appropriations Acts, shall be used in whole or in part to take any discriminatory action against a person, wholly or partially, on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, a union of one man and one woman.

(b) DISCRIMINATORY ACTION DEFINED. — As used in subsection (a), a discriminatory action means any action taken by the Federal Government to —



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(1) alter in any way the Federal tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to in subsection (a);

(2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by such person;

(3) withhold, reduce the amount or funding for, exclude, terminate, or otherwise make unavailable or deny, any Federal grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to such person;

(4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or

(5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited, and nonpublic fora), or charitable fundraising campaigns from or to such person.

(c) ACCREDITATION; LICENSURE; CERTIFICATION. — The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a). (p. 143)

### PRIDE FLAG BAN

**Sec. 8152:** None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Defense or the Service Secretaries to fly or display a flag over or within a facility of the Department of Defense other than the flag of the United States; the flag of a State, Territory, or District of Columbia; the flag of the Department of Defense; the flag of a Military Service; the flag of Flag or General Officers; the flag of Presidentially-appointed, Senate-confirmed civilians; the flag of Senior Executive Service (SES) and Military Department specific SES; the POW/MIA flag; the flags of other countries with which the United States is an ally or partner, or for official protocol purposes; the flags of organizations in which the United States is a member, such as the North Atlantic Treaty Organization; or ceremonial, command, unit, or branch flags or guidons. (p. 145)



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## Energy and Water Development, and Related Agencies (H.R. 4394)

### DIVERSITY, EQUITY AND INCLUSION EO

**Sec. 606:** None of the funds appropriated or otherwise made available by this Act may be made available to implement, administer, apply, enforce, or carry out the Equity Action Plan of the Department of Energy, or Executive Order 13985 of January 20, 2021 (86 Fed. Reg. 7009, relating to advancing racial equity and support for underserved communities through the Federal Government), Executive Order 14035 of June 25, 2021 (86 Fed. Reg. 34593, relating to diversity, equity, inclusion, and accessibility in the Federal workforce), or Executive Order 14091 of February 16, 2023 (88 Fed. Reg. 10825, relating to further advancing racial equity and support for underserved communities through the Federal Government). (p. 97)

### LICENSE TO DISCRIMINATE

**Sec. 607:** (a) In general. — Notwithstanding section 7 of title 1, United States Code, section 1738C of title 28, United States Code, or any other provision of law, none of the funds provided by this Act, or previous appropriations Acts, shall be used in whole or in part to take any discriminatory action against a person, wholly or partially, on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, a union of one man and one woman.

(b) Discriminatory action defined. — As used in subsection (a), a discriminatory action means any action taken by the Federal Government to —

(1) alter in any way the Federal tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to in subsection (a);

(2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by such person;

(3) withhold, reduce the amount or funding for, exclude, terminate, or otherwise make unavailable or deny, any Federal grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to such person;

(4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or

(5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited, and nonpublic fora), or charitable fundraising campaigns from or to such person.



(c) Accreditation; Licensure; Certification. — The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a). (*p. 97*)

## Financial Services and General Government (H.R. 4664)

### DIVERSITY EQUITY AND INCLUSION EO

**Sec. 638:** None of the funds appropriated or otherwise made available by this Act may be made available to implement, administer, apply, enforce, or carry out the Equity Action Plans of the Department of Treasury, the Federal Communications Commission, the General Services Administration, the Office of Personnel Management or any other Federal agency diversity, equity, or inclusion initiative, as well as Executive Order No. 13985 of January 20, 2021 (86 Fed. Reg. 7009, relating to advancing racial equity and support for underserved communities through the Federal Government), Executive Order No. 14035 of June 21, 2021 (86 Fed. Reg. 34596, relating to diversity, equity, inclusion, and accessibility in the Federal workforce), or Executive Order No. 14091 of February 16, 2023 (88 Fed. Reg. 10825, relating to further advancing racial equity and support for underserved communities through the Federal Government). (*p. 151*)

### LICENSE TO DISCRIMINATE

**Sec. 641:** (a) IN GENERAL. — Notwithstanding section of title 1, United States Code, section 1738C of 18 title 28, United States Code, or any other provision of law, none of the funds provided by this Act or any other Act shall be used in whole or in part to take any discriminatory action against a person, wholly or partially, on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, a union of one man and one woman.

(b) DISCRIMINATORY ACTION DEFINED. — As used in subsection (a), a discriminatory action means any action taken by the Federal Government to —

(1) alter in any way the Federal tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to in subsection (a);

(2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by such person;

(3) withhold, reduce the amount or funding for, exclude, terminate, or otherwise make unavailable or deny, any Federal grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to such person;

(4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or



(c) ACCREDITATION; LICENSURE; CERTIFICATION. — The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a). (p. 153)

### **GENDER AFFIRMING CARE BAN**

**Sec. 757:** None of the funds made available by this Act or any other Act may be provided for insurance plans in the Federal Employees Health Benefits program to cover the cost of surgical procedures or puberty blockers or hormone therapy for the purpose of gender affirming care. (p. 200)

## **Homeland Security (H.R. 4367)**

### **GENDER AFFIRMING CARE BAN**

**Sec. 223:** None of the funds appropriated or otherwise made available by this Act may be made available to administer hormone therapy medication or perform or facilitate any surgery for any person in custody of U.S. Immigration and Customs Enforcement for the purpose of gender-affirming care. (p. 32)

### **DIVERSITY EQUITY AND INCLUSION EO**

**Sec. 545:** None of the funds appropriated or otherwise made available by this Act may be made available to implement, administer, apply, enforce, or carry out the Equity Action Plan of the Department of Homeland Security, or Executive Order 13985 of January 20, 2021 (86 Fed. Reg. 7009, relating to advancing racial equity and support for under-served communities through the federal government), Executive Order 14035 of June 25, 2021 (86 Fed. Reg. 34593, relating to diversity, equity, inclusion, and accessibility in the federal workforce), Executive Order 14091 of February 16, 2023 (88 Fed. Reg. 10825 relating to further advancing racial equity and support for underserved communities through the federal government) or any program, project, or activity that promotes or advances Critical Race Theory or any concept associated with Critical Race Theory. (p. 88)

### **LICENSE TO DISCRIMINATE**

**Sec. 552:** (a) In general. — Notwithstanding section 7 of title 1, United States Code, section 1738C of title 28, United States Code, or any other provision of law, none of the funds provided by this Act, or previous appropriations Acts, shall be used in whole or in part to take any discriminatory action against a person, wholly or partially, on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, a union of one man and one woman.

(b) Discriminatory action defined. As used in subsection (a), a discriminatory action means any action taken by the Federal Government to —





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(1) alter in any way the Federal tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to in subsection (a);

(2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by such person;

(3) withhold, reduce the amount or funding for, exclude, terminate, or otherwise make unavailable or deny, any Federal grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to such person;

(4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or

(5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited, and nonpublic fora), or charitable fundraising campaigns from or to such person.

(c) Accreditation; Licensure; Certification. — The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a).

## Interior, Environment, and Related Agencies (H.R. 4821)

### DIVERSITY, EQUITY AND INCLUSION EOS

**Sec. 454:** None of the funds appropriated or otherwise made available by this Act may be made available to implement, administer, apply, enforce, or carry out Executive Order 13985 of January 20, 2021 (86 Fed. Reg. 7009, relating to advancing racial equity and support for underserved communities through the Federal Government), Executive Order 14035 of June 25, 2021 (86 Fed. Reg. 34593, relating to diversity, equity, inclusion, and accessibility in the Federal workforce), or Executive Order 14091 of February 16, 2023 (88 Fed. Reg. 10825, relating to further advancing racial equity and support for underserved communities through the Federal Government). (p. 170)

### PRIDE FLAG BAN

**Sec. 476:** None of the funds made available by this Act may be obligated or expended to fly or display a flag over a facility of a Department or agency funded by this Act other than the flag of the United States; the flag of a State, insular area, or the District of Columbia; the flag of a Federally recognized Tribal entity; the official flag of the Secretary of the Interior; the official flag of a U.S. Department or agency; or the POW/MIA flag. (p. 183)



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## LICENSE TO DISCRIMINATE

**Sec. 483:** (a) In general. — Notwithstanding section 7 of title 1, United States Code, section 1738C of title 28, United States Code, or any other provision of law, none of the funds provided by this Act, or previous appropriations Acts, shall be used in whole or in part to take any discriminatory action against a person, wholly or partially, on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, a union of one man and one woman.

(b) Discriminatory action defined. — As used in subsection (a), a discriminatory action means any action taken by the Federal Government to —

(1) alter in any way the Federal tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to in subsection (a);

(2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by such person;

(3) withhold, reduce the amount or funding for, exclude, terminate, or otherwise make unavailable or deny, any Federal grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to such person;

(4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or

(5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited, and nonpublic fora), or charitable fundraising campaigns from or to such person.

(c) Accreditation; Licensure; Certification. — The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a).

## Labor, Health and Human Services, Education, and Related Agencies (Subcommittee Mark)

### SEXUAL ORIENTATION AND GENDER IDENTITY EO

**Sec. 244:** None of the funds in this Act may be used to implement, administer, or enforce Executive Order 13988, entitled 'Preventing and Combating Discrimination on the Basis of



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Gender Identity or Sexual Orientation,' published by the Executive Office of the President on January 25, 2021 (86 Fed. Reg. 7023). (p. 126)

## DIVERSITY EQUITY AND INCLUSION EO

**Sec. 531:** None of the funds appropriated or otherwise made available by this Act may be made available to implement, administer, apply, enforce, or carry out Executive Order 13985 of January 20, 2021 (86 Fed. Reg. 7009, relating to advancing racial equity and support for under-served communities through the Federal Government), Executive Order 14035 of June 25, 2021 (86 Fed. Reg. 34593, relating to diversity, equity, inclusion, and accessibility in the federal workforce), or Executive Order 14091 of February 16, 2023 (88 Fed. Reg. 10825 relating to further advancing racial equity and support for underserved communities through the federal government). (p. 191)

## HEALTHCARE DISCRIMINATION

**Sec. 248:** None of the funds in this Act may be used to issue or implement as a final rule the proposed rule entitled "Nondiscrimination in Health Programs and Activities" published by the Department of Health and Human Services in the Federal Register on August 4, 21 2022 (87 Fed. Reg. 47824) (relating to section 1557 of the Affordable Care Act) or any successor or substantially similar rule. (p. 129)

## GENDER AFFIRMING CARE BAN

**Sec. 534:** None of the funds made available by this Act may be used for surgical procedures or hormone therapies for the purposes of gender affirming care. (p. 192)

## LICENSE TO DISCRIMINATE

**Sec. 537:** (a) In general. — Notwithstanding section 7 of title 1, United States Code, section 1738C of title 28, United States Code, or any other provision of law, none of the funds provided by this Act, or previous appropriations Acts, shall be used in whole or in part to take any discriminatory action against a person, wholly or partially, on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, a union of one man and one woman.

(b) Discriminatory action defined. As used in subsection (a), a discriminatory action means any action taken by the Federal Government to —

- (1) alter in any way the Federal tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to in subsection (a);
- (2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by such person;
- (3) withhold, reduce the amount or funding for, exclude, terminate, or otherwise make



unavailable or deny, any Federal grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to such person;

(4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or

(5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited, and nonpublic fora), or charitable fundraising campaigns from or to such person.

(c) Accreditation; Licensure; Certification. — The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a). (*p. 193*)

## PRIDE FLAG BAN

**Sec. 540:** None of the funds made available by this Act may be used by the Secretaries of Labor, Health and Human Services, or Education, the Commissioner of the Social Security Administration, or the head of any other agency funded in this Act to fly or display a flag over a federal facility other than the flag of the United States; the flag of a State, territory, or the the flag of an Indian Tribal Government; the official flag of a U.S. Department or agency; or the POW/MIA flag. (*p. 195*)

## EDUCATION DISCRIMINATION

**Sec. 311:** (a) None of the funds made available by this title may be used to issue or implement as final rules the rules proposed by the Department of Education relating to title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1688) and described under the heading “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance” (87 Fed. Reg. 41390; published July 12, 2022).

(b) None of the funds made available by this title may be used to issue or implement —

(1) as final rules the rules proposed by the Department of Education relating title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1688) and described under the heading “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance: Sex-Related Eligibility Criteria for Male and Female Athletic Teams” (88 Fed. Reg. 22860; published April 13, 2023), or

(2) any rule similar in substance to the proposed rules described in paragraph (1) that relates to eligibility criteria for participation on athletic teams. (*p. 153*)



## RELIGIOUS STUDENT GROUPS

**Sec. 312:** None of the funds made available under this Act may be provided to any public institution of higher education that denies to a religious student organization any right, benefit, or privilege that is otherwise afforded to other student organizations at the institution (including full access to the facilities of the institution and official recognition of the organization by the institution) because of the religious beliefs, practices, speech, leadership standards, or standards of conduct of the religious student organization. (*p. 154*)

## Legislative Branch (H.R. 4364)

### LICENSE TO DISCRIMINATE

**Sec. 212:** (a) IN GENERAL. — Notwithstanding section 7 of title 1, United States Code, section 1738C of title 28, United States Code, or any other provision of law, none of the funds provided by this Act, or previous appropriations Acts, shall be used in whole or in part to take any discriminatory action against a person, wholly or partially, on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, a union of one man and one woman

(b) DISCRIMINATORY ACTION DEFINED. — As used in subsection (a), a discriminatory action means any action taken by the Federal Government to —

(1) alter in any way the Federal tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to in subsection (a);

(2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by such person;

(3) withhold, reduce the amount or funding for, exclude, terminate, or otherwise make unavailable or deny, any Federal grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to such person;

(4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or

(5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited, and nonpublic fora), or charitable fundraising campaigns from or to such person.

(c) ACCREDITATION; LICENSURE; CERTIFICATION. — The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a).



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## Military Construction, Veterans Affairs, and Related Agencies (H.R. 4366)

### GENDER AFFIRMING CARE BAN

**Sec. 259:** None of the funds made available by this Act may be used for surgical procedures or hormone therapies for the purposes of gender affirming care.

### DIVERSITY EQUITY AND INCLUSION EO

**Sec. 414:** None of the funds appropriated or otherwise made available by this Act may be made available to implement, administer, apply, enforce, or carry out Executive Order 13985 of January 20, 2021 (86 Fed. Reg. 7009), Executive Order 14035 of June 25, 2021 (86 Fed. Reg. 34593), or Executive Order 14091 of February 16, 2023 (88 Fed. Reg. 10825). (p 90)

### PRIDE FLAG BAN

**Sec. 260:** None of the funds made available by this Act may be used by the Secretary of Veterans Affairs to fly or display a flag over a facility of the Department of Veterans Affairs or a national cemetery other than the flag of the United States, the flag of a State, Territory, or District of Columbia, the flag of an Indian Tribal government, the flag of the Department, the flag of an Armed Force, or the POW/MIA flag.

### LICENSE TO DISCRIMINATE

**Sec. 416:** (a) In general. — Notwithstanding section 7 of title 1, United States Code, section 1738C of title 28, United States Code, or any other provision of law, none of the funds provided by this Act, or previous appropriations Acts, shall be used in whole or in part to take any discriminatory action against a person, wholly or partially, on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, a union of one man and one woman.

(b) Discriminatory action defined — As used in subsection (a), a discriminatory action means any action taken by the Federal Government to —

(1) alter in any way the Federal tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to in subsection (a);

(2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by such person;

(3) withhold, reduce the amount or funding for, exclude, terminate, or otherwise make unavailable or deny, any Federal grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to such person;



(4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or

(5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited, and nonpublic fora), or charitable fundraising campaigns from or to such person.

(c) Accreditation; Licensure; Certification. — The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a).

## State, Foreign Operations, and Related Programs (H.R. 4665)

### DRAG SHOW BAN

**Sec. 7070(a):** None of the funds appropriated or otherwise made available by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for drag queen workshops, performances, or documentaries. (*p. 290*)

### DIVERSITY EQUITY AND INCLUSION EO

**Sec. 7070(c):** None of the funds appropriated or otherwise made available by this Act may be made available to implement, administer, apply, enforce, or carry out Executive Order 24 13985 of January 20, 2021 (86 Fed. Reg. 5 7009), Executive Order 14035 of June 25, 2021 (86 Fed. 6 Reg 34593), or Executive Order 14091 of February 16, 2023 (88 Fed. Reg. 10825). (*p. 291*)

### GENDER AFFIRMING CARE BAN AND GAG RULE

**Sec. 7070(e):** None of the funds made available by this Act or any other Act shall be used or transferred to another Federal Agency, board, or commission to fund any domestic or international non-governmental organization or any other program, organization, or association coordinated or operated by such non-governmental organization that either offers counseling regarding sex change surgeries, promotes sex change surgeries for any reason as an option, conducts or subsidizes sex change surgeries, promotes the use of medications or other substances to halt the onset of puberty or sexual development of minors, or otherwise promotes transgenderism.



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## PRIDE FLAG BAN

**Sec. 7070(f):** None of the funds appropriated or otherwise made available by this Act may be obligated or expended to fly or display a flag over a facility of a United States Federal department or agency funded by this Act other than the —

- (1) United States flag;
- (2) Foreign Service flag pursuant to 2 FAM 154.2-1;
- (3) POW/MIA flag;
- (4) flag of a State, insular area, or the District of Columbia at domestic locations;
- (5) flag of an Indian Tribal government; or
- (6) sovereign flag of other countries.

*This provision was added via amendment at the Full Committee markup in Diaz-Balart En Bloc #3. (p. 292)*

## SPECIAL ENVOY

**Sec. 7064(e)(3):** (A) Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available under the heading “Diplomatic Programs” in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for support of a Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function unless such Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other position performing a similar function —

- (i) is expressly authorized by statute;
- (ii) has affirmatively received the advice and consent of the Senate.

(B) The limitations of this paragraph shall be construed to include the applicable office personnel and bureau managed funds of such office. (p. 280)

## Transportation and Housing and Urban Development, and Related Agencies (H.R. 4820)

### LICENSE TO DISCRIMINATE

**Sec. 431:** (a) IN GENERAL. — Notwithstanding section 7 of title 1, United States Code, section 1738C of title 28, United States Code, or any other provision of law, none of the funds provided by this Act, or previous appropriations Acts, shall be used in whole or in part to take any discriminatory action against a person, wholly or partially, on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, a union of one man and one woman.

(b) DISCRIMINATORY ACTION DEFINED. — As used in subsection (a), a discriminatory action means any action taken by the Federal Government to —





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(1) alter in any way the Federal tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to in subsection (a);

(2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by such person;

(3) withhold, reduce the amount or funding for, exclude, terminate, or otherwise make unavailable or deny, any Federal grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to such person;

(4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or

(5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited, and nonpublic fora), or charitable fundraising campaigns from or to such person.

(c) ACCREDITATION; LICENSURE; CERTIFICATION. — The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a).

## PRIDE FLAG BAN

**Sec. 430:** None of the funds made available by this Act may be obligated or expended to fly or display a flag over a facility of a Department or agency funded by this Act other than the flag of the United States; the flag of a State, insular area, or the District of Columbia; the flag of a Federally recognized Tribal entity; the official flag of the Secretary of Transportation or the Secretary of Housing and Urban Development; the official flag of a U.S. Department or agency; or the POW/MIA flag."

## REMOVING LGBTQ+ COMMUNITY FUNDING PROJECTS

Page 273, in the "Community Project Funding" table, strike the line that includes "LGBTQ Senior Housing, Inc."

Page 327, in the "Community Project Funding" table, strike the line that includes "Gay Community Center of Philadelphia d/b/a William Way LGBT Center"

Page 332, in the "Community Project Funding" table, strike the line that includes "LGBT Center of Greater Reading"

*This provision was added via amendment at the Full Committee markup by Rep. Cole in Republican En Bloc #3. (p. 292)*