

112TH CONGRESS  
2D SESSION

# S. 3526

To amend title 10, United States Code, to protect the rights of conscience of members of the Armed Forces and chaplains of members of the Armed Forces, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2012

Mr. WICKER (for himself and Mr. INHOFE) introduced the following bill;  
which was read twice and referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to protect the rights of conscience of members of the Armed Forces and chaplains of members of the 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Religious  
5 Freedom Act of 2012”.

1 **SEC. 2. PROTECTION OF RIGHTS OF CONSCIENCE OF MEM-**  
 2 **BERS OF THE ARMED FORCES AND CHAP-**  
 3 **LAINS OF SUCH MEMBERS.**

4 (a) PROTECTION.—Chapter 53 of title 10, United  
 5 States Code, is amended by inserting after section 1034  
 6 the following new section:

7 **“§ 1034a. Protection of rights of conscience of mem-**  
 8 **bers of the armed forces and chaplains of**  
 9 **such members**

10 “(a) PROTECTION OF RIGHTS OF CONSCIENCE.—The  
 11 armed forces shall accommodate the conscience and sin-  
 12 cerely held moral principles and religious beliefs of the  
 13 members of the armed forces concerning the appropriate  
 14 and inappropriate expression of human sexuality and may  
 15 not use such conscience, principles, or beliefs as the basis  
 16 of any adverse personnel action, discrimination, or denial  
 17 of promotion, schooling, training, or assignment. Nothing  
 18 in this subsection precludes disciplinary action for conduct  
 19 that is proscribed by chapter 47 of this title (the Uniform  
 20 Code of Military Justice).

21 “(b) PROTECTION OF CHAPLAINS.—(1) For purposes  
 22 of this subsection, a military chaplain is—

23 “(A) a certified religious leader or clergy of a  
 24 faith community who, after satisfying the profes-  
 25 sional and educational requirements of the commis-  
 26 sioning service, is commissioned as an officer in the

1 Chaplains Corps of one of the branches of the armed  
2 forces; and

3 “(B) a representative of the faith group of the  
4 chaplain, who remains accountable to the endorsing  
5 faith group for the religious ministry involved to  
6 members of the armed forces, to—

7 “(i) provide for the religious and spiritual  
8 needs of members of the armed forces of that  
9 faith group; and

10 “(ii) facilitate the religious needs of mem-  
11 bers of the armed forces of other faith groups.

12 “(2) No member of the armed forces may—

13 “(A) direct, order, or require a military chap-  
14 lain to perform any duty, rite, ritual, ceremony,  
15 service, or function that is contrary to the con-  
16 science, moral principles, or religious beliefs of the  
17 chaplain, or contrary to the moral principles and re-  
18 ligious beliefs of the endorsing faith group of the  
19 chaplain; or

20 “(B) discriminate or take any adverse personnel  
21 action against a military chaplain, including denial  
22 of promotion, schooling, training, or assignment, on  
23 the basis of the refusal by the chaplain to comply  
24 with a direction, order, or requirement prohibited by  
25 subparagraph (A).

1       “(c) REGULATIONS.—The Secretary of Defense shall  
2 issue regulations implementing the protections afforded by  
3 this section.”.

4       (b) CLERICAL AMENDMENT.—The table of sections  
5 at the beginning of chapter 53 of such title is amended  
6 by inserting after the item relating to section 1034 the  
7 following new item:

“1034a. Protection of rights of conscience of members of the armed forces and  
chaplains of such members.”.

8       **SEC. 3. USE OF MILITARY INSTALLATIONS AS SITES FOR**  
9                               **MARRIAGE CEREMONIES OR MARRIAGE-LIKE**  
10                              **CEREMONIES.**

11       A military installation or other property owned or  
12 rented by, or otherwise under the jurisdiction or control  
13 of, the Department of Defense may not be used to offi-  
14 ciate, solemnize, or perform a marriage or marriage-like  
15 ceremony involving anything other than the union of one  
16 man with one woman.

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