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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.

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military Religious Freedom Act of 2012''.

SEC. 2. PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.

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

"§ 1034a. Protection of rights of conscience of members of the armed forces and chaplains of such members

"(a) PROTECTION OF RIGHTS OF CONSCIENCE.—The armed forces shall accommodate the conscience and sincerely held moral principles and religious beliefs of the members of the armed forces concerning the appropriate and inappropriate expression of human sexuality and may not use such conscience, principles, or beliefs as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment. Nothing in this subsection precludes disciplinary action for conduct that is proscribed by chapter 47 of this title (the Uniform Code of Military Justice).

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

"(A) a certified religious leader or clergy of a faith community who, after satisfying the professional and educational requirements of the commissioning service, is commissioned as an officer in the

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

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

"(i) provide for the religious and spiritual needs of members of the armed forces of that faith group; and

"(ii) facilitate the religious needs of members of the armed forces of other faith groups.

"(2) No member of the armed forces may—

"(A) direct, order, or require a military chaplain to perform any duty, rite, ritual, ceremony, service, or function that is contrary to the conscience, moral principles, or religious beliefs of the chaplain, or contrary to the moral principles and religious beliefs of the endorsing faith group of the chaplain; or

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

"(c) REGULATIONS.—The Secretary of Defense shall issue regulations implementing the protections afforded by this section.".

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

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

SEC. 3. USE OF MILITARY INSTALLATIONS AS SITES FOR MARRIAGE CEREMONIES OR MARRIAGE-LIKE CEREMONIES.

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

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