

112TH CONGRESS
2D SESSION

H. R. 3828

To amend title 10, United States Code, to require that implementation of the repeal of the former Department of Defense policy concerning homosexual behavior in the Armed Forces not infringe upon the free exercise of religion by and the rights of conscience of members of the Armed Forces, including chaplains, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2012

Mr. HUELSKAMP (for himself, Mrs. HARTZLER, Mr. HULTGREN, Mr. JOHNSON of Ohio, Mr. CANSECO, Mr. NUNNELEE, Mr. AKIN, Mr. WESTMORELAND, Mr. LATTI, Mr. JONES, and Mr. KING of Iowa) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to require that implementation of the repeal of the former Department of Defense policy concerning homosexual behavior in the Armed Forces not infringe upon the free exercise of religion by and the rights of conscience of members of the Armed Forces, including chaplains, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Military Religious
3 Freedom Protection Act”.

4 **SEC. 2. PROTECTION OF RIGHTS OF CONSCIENCE OF MEM-**
5 **BERS OF THE ARMED FORCES AND CHAP-**
6 **LAINS.**

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

10 **“§ 1034a. Protection of rights of conscience of mem-**
11 **bers of the Armed Forces and chaplains**

12 “(a) PROTECTION OF RIGHTS OF CONSCIENCE.—The
13 sincerely held religious or moral beliefs of a member of
14 the Armed Forces concerning the appropriate and inap-
15 propriate expression of human sexuality shall be accommo-
16 dated and shall not be the basis of any adverse personnel
17 action, discrimination, or denial of promotion, schooling,
18 training, or assignment. Nothing in this subsection pre-
19 cludes disciplinary action for conduct that is proscribed
20 by chapter 47 of this title (the Uniform Code of Military
21 Justice).

22 “(b) PROTECTION OF CHAPLAINS.—(1) A military
23 chaplain is a certified religious leader or clergy of a faith
24 community who, after satisfying the professional and edu-
25 cational requirements of the commissioning service, is
26 commissioned as an officer in the Chaplains Corps of one

1 of the branches of the Armed Forces. A chaplain is a rep-
2 resentative of the chaplain’s faith group, who remains ac-
3 countable to the sending faith group for the chaplain’s re-
4 ligious ministry to members of the Armed Forces, to—

5 “(A) provide for the religious and spiritual
6 needs of members of the Armed Forces of that faith
7 group; and

8 “(B) facilitate the religious needs for other
9 faith groups.

10 “(2) A military chaplain shall not be directed, or-
11 dered, or required to perform any duty, rite, ritual, cere-
12 mony, service, or function that is contrary to the con-
13 science, moral principles, or religious beliefs of the chap-
14 lain or contrary to the moral principles or religious beliefs
15 of the chaplain’s faith group. The refusal by a military
16 chaplain to perform a duty, rite, ritual, ceremony, service,
17 or function that is contrary to the conscience, moral prin-
18 ciples, or religious beliefs of the chaplain or contrary to
19 the moral principles or religious beliefs of the chaplain’s
20 faith group shall not be the basis for any adverse per-
21 sonnel action, discrimination, or denial of promotion,
22 schooling, training, or assignment.

23 “(c) REGULATIONS.—The Secretary of Defense shall
24 issue regulations setting forth guidance to implement the
25 protections afforded by this section.”.

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

“1034a. Protection of rights of conscience of members of the Armed Forces and
chaplains.”.

5 **SEC. 3. USE OF MILITARY INSTALLATIONS AS SITE FOR**
6 **MARRIAGE CEREMONIES OR MARRIAGE-LIKE**
7 **CEREMONIES.**

8 A military installation or other property owned,
9 rented, or otherwise under the jurisdiction or control of
10 the Department of Defense shall not be used to officiate,
11 solemnize, or perform a marriage or marriage-like cere-
12 mony involving anything other than the union of one man
13 with one woman.

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