

AMENDMENT TO H.R. 4310
OFFERED BY MR. AKIN OF MISSOURI

At the end of subtitle C of title V, insert the following:

1 **SEC. 5 ____ . PROTECTION OF RIGHTS OF CONSCIENCE OF**
2 **MEMBERS OF THE ARMED FORCES AND**
3 **CHAPLAINS 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**
9 **of 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

1 that is proscribed by chapter 47 of this title (the Uniform
2 Code of Military Justice).

3 “(b) PROTECTION OF CHAPLAINS.—(1) For purposes
4 of this title, a military chaplain is—

5 “(A) a certified religious leader or clergy of a
6 faith community who, after satisfying the profes-
7 sional and educational requirements of the commis-
8 sioning service, is commissioned as an officer in the
9 Chaplains Corps of one of the branches of the
10 Armed Forces; and

11 “(B) a representative of the faith group of the
12 chaplain, who remains accountable to the endorsing
13 faith group for the religious ministry involved to
14 members of the Armed Forces, to—

15 “(i) provide for the religious and spiritual needs
16 of members of the Armed Forces of that faith group;
17 and

18 “(ii) facilitate the religious needs of members of
19 the Armed Forces of other faith groups.

20 “(2) No member of the Armed Forces may—

21 “(A) direct, order, or require a chaplain to per-
22 form any duty, rite, ritual, ceremony, service, or
23 function that is contrary to the conscience, moral
24 principles, or religious beliefs of the chaplain, or con-

1 trary to the moral principles and religious beliefs of
2 the endorsing faith group of the chaplain; or

3 “(B) discriminate or take any adverse personnel
4 action against a chaplain, including denial of pro-
5 motion, schooling, training, or assignment, on the
6 basis of the refusal by the chaplain to comply with
7 a direction, order, or requirement prohibited by sub-
8 paragraph (A).

9 “(c) REGULATIONS.—The Secretary of Defense shall
10 issue regulations implementing the protections afforded by
11 this section.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 53 of title 10, United States
14 Code, is amended by inserting after the item relating to
15 section 1034 the following new item:

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

