

EXHIBIT 4

House Report 4310
Sec 536, House NDAA
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5 SEC. 536. PROTECTION OF RIGHTS OF CONSCIENCE OF
6 MEMBERS OF THE ARMED FORCES AND
7 CHAPLAINS OF SUCH MEMBERS.

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

11 “§ 1034a. Protection of rights of conscience of mem
12 bars of the Armed Forces and chaplains
13 of such members

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

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

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

9 “(B) a representative of the faith group of the
10 chaplain, who remains accountable to the endorsing
11 faith group for the religious ministry involved to

12 members of the Armed Forces, to—
13 “(I) provide for the religious and spiritual needs
14 of members of the Armed Forces of that faith group;
15 and
16 “(ii) facilitate the religious needs of members of
17 the Armed Forces of other faith groups.
18 “(2) No member of the Armed Forces may—
19 “(A) direct, order, or require a chaplain to per
20 form any duty, rite, ritual, ceremony, service, or
21 function that is contrary to the conscience, moral
22 principles, or religious beliefs of the chaplain, or con
23 trary to the moral principles and religious beliefs of
24 the endorsing faith group of the chaplain; or

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1 “(B) discriminate or take any adverse personnel
2 action against a chaplain, including denial of pro
3 motion, schooling, training, or assignment, on the
4 basis of the refusal by the chaplain to comply with
5 a direction, order, or requirement prohibited by sub
6 paragraph (A).
7 “(c) REGULATIONS.—The Secretary of Defense shall
8 issue regulations implementing the protections afforded by
9 this section.”.
10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 53 of title 10, United States
12 Code, is amended by inserting after the item relating to
13 section 1034 the following new item:
“1034a. Protection of rights of conscience of members of the Armed Forces and
chaplains of such members.”.