

119TH CONGRESS
2D SESSION

S. _____

To amend title 10, United States Code, to define the purpose, role, duties, and professional qualification requirements for chaplains in the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LANKFORD introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 10, United States Code, to define the purpose, role, duties, and professional qualification requirements for chaplains in 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 Chaplains
5 Modernization Act of 2026”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Religion and religious liberty have always
2 served an essential role in society, culture, and mili-
3 tary service, making them necessary for good demo-
4 cratic governance and a strong military.

5 (2) George Washington, as a young colonel, rec-
6 ognized the importance of religious practice for his
7 soldiers, repeatedly requesting chaplains for his
8 troops and periodically performing religious duties
9 himself.

10 (3) When the Second Continental Congress es-
11 tablished the Continental Army in June 1775, it rec-
12 ommended “all officers and soldiers diligently to at-
13 tend Divine Service”.

14 (4) In 1775, at the behest of George Wash-
15 ington, then General of the Continental Army, the
16 Second Continental Congress established the Federal
17 chaplaincy that is in existence to this day, making
18 it one of the oldest military services provided for
19 American troops.

20 (5) From their earliest days, military chaplains
21 have existed to provide pastoral care, meeting the re-
22 ligious needs of members of the Armed Forces and
23 their families.

24 (6) In 1775, the Continental Congress, under-
25 standing the significance of chaplaincy, similarly in-

1 structed its fledgling navy that, “The commanders
2 of the ships of the Thirteen United Colonies are to
3 take care that divine services be performed twice a
4 day on board, and a sermon preached on Sundays,
5 unless bad weather or other extraordinary accidents
6 prevent it.”.

7 (7) John Adams instructed his Secretary of the
8 Navy on the influence of a Navy chaplaincy, stating,
9 “I know not whether the commanders of our ships
10 have given much attention to this subject [chap-
11 lains], but in my humble opinion, we shall be very
12 unskillful politicians as well as bad Christians and
13 unwise men if we neglect this important office in our
14 infant Navy.”.

15 (8) In 1942, Franklin D. Roosevelt also ac-
16 knowledgeed the importance of the chaplaincy by
17 vowing to “never fail to provide for the spiritual
18 needs of our officers and men under the Chaplains
19 of our armed forces”, and during World War II,
20 President Roosevelt had Bibles printed and provided
21 to troops in the field.

22 (9) Understanding the importance of religion
23 not only to the members of the United States mili-
24 tary, but also to the United States as a whole, the

1 Founders ratified the First Amendment to the
2 United States Constitution in 1791.

3 (10) Under the First Amendment, which ap-
4 plies to the Armed Forces, the Federal Government
5 has a constitutional duty to provide for the religious
6 exercise of members of the Armed Forces, an obliga-
7 tion to which the chaplain corps is essential.

8 (11) The Supreme Court stated, in *Kennedy v.*
9 *Bremerton School District*, 597 U.S. 507 (2022),
10 that the court is “aware of no historically sound un-
11 derstanding of the Establishment Clause that begins
12 to ‘mak[e] it necessary for government to be hostile
13 to religion’. . .”.

14 (12) In *Kennedy v. Bremerton School District*,
15 the Supreme Court further explained that “the Es-
16 tablishment Clause does not include anything like a
17 ‘modified heckler’s veto, in which . . . religious ac-
18 tivity can be proscribed’ based on ‘perceptions’ or
19 ‘discomfort’” and that the Clause does not “‘compel
20 the government to purge from the public sphere’
21 anything an objective observer could reasonably infer
22 endorses or ‘partakes of the religious’”.

23 (13) The Supreme Court made clear in *Parker*
24 *v. Levy*, 417 U.S. 733 (1974) that chaplains in the

1 Armed Forces do not forfeit their First Amendment
2 rights by virtue of their military service.

3 (14) Section 6 of the Religious Freedom Res-
4 toration Act of 1993 (42 U.S.C. 2000bb–3) specifies
5 that that Act (42 U.S.C. 2000bb et seq.) “applies to
6 all Federal law, and the implementation of that law,
7 whether statutory or otherwise, and whether adopted
8 before or after [November 16, 1993]”.

9 **SEC. 3. DUTIES, RESPONSIBILITIES, REQUIREMENTS, AND**
10 **PROTECTIONS FOR ARMY CHAPLAINS.**

11 (a) CHAPLAINS.—Section 7073 of title 10, United
12 States Code, is amended—

13 (1) in subsection (a)—

14 (A) by redesignating paragraphs (2) and
15 (3) as paragraphs (5) and (6), respectively; and

16 (B) by inserting after paragraph (1) the
17 following new paragraph:

18 “(2) the Deputy Chief of Chaplains;

19 “(3) the Deputy Chief of Chaplains for the
20 Army Reserve;

21 “(4) the Deputy Chief of Chaplains for the
22 Army National Guard;”;

23 (2) by redesignating subsection (b) as sub-
24 section (f);

1 (3) by inserting after subsection (a) the fol-
2 lowing new subsections:

3 “(b) The Chief of Chaplains shall serve as a principal
4 advisor to the Secretary of the Army and the Chief of
5 Staff of the Army.

6 “(c) The Deputy Chief of Chaplains shall serve under
7 the authority, direction, and control of the Chief of Chap-
8 lains.

9 “(d) Under the authority, direction, and control of
10 the Chief of Chaplains, the Deputy Chief of Chaplains for
11 the Army Reserve shall serve as a principal advisor to the
12 Chief of the Army Reserve.

13 “(e) Under the authority, direction, and control of the
14 Chief of Chaplains, the Deputy Chief of Chaplains for the
15 Army National Guard shall serve as a principal advisor
16 to the Chief of the National Guard Bureau.”; and

17 (4) adding at the end the following new sub-
18 section:

19 “(g) The Deputy Chiefs of Chaplains, while so serv-
20 ing, hold the grade of brigadier general.”.

21 (b) CHIEFS OF BRANCHES: APPOINTMENT; DU-
22 TIES.—Section 7036 of title 10, United States Code, is
23 amended—

24 (1) by redesignating subsection (g) as sub-
25 section (h); and

1 (2) by inserting after subsection (f) the fol-
2 lowing new subsection (g):

3 “(g) The Chief of Chaplains serves as the principal
4 advisor to the Secretary of the Army and the Chief of
5 Staff of the Army on chaplaincy matters and the provision
6 of religious support in the Army, including strategic plan-
7 ning and the development of policies that affect religious
8 support or have a nexus with the chaplaincy.”.

9 (c) CHAPLAINS.—Section 7217 of title 10, United
10 States Code, is amended to read as follows:

11 **“§ 7217. Duties, responsibilities, requirements, and**
12 **protections for Army chaplains**

13 “(a) DUTIES, RESPONSIBILITIES, AND REQUIRE-
14 MENTS.—(1) The Army Chaplaincy shall perform such du-
15 ties as may be prescribed by the Secretary of the Army
16 and the Chief of Chaplains of the Army.

17 “(2) The Army Chaplaincy shall be overseen by the
18 Chief of Chaplains and shall—

19 “(A) serve as principal advisers to commanders
20 on all issues concerning religious practices, spiritual
21 readiness, spiritual care, religious provisions, and re-
22 ligion’s influence on military operations, which shall
23 include, but not be limited to—

24 “(i) advising and assisting commanders in
25 discharging their responsibilities to provide for

1 the free exercise of religion in military service,
2 pursuant to the First Amendment to the Con-
3 stitution of the United States, section 3 of the
4 Religious Freedom Restoration Act of 1993 (42
5 U.S.C. 2000bb–1), and related statutes and
6 policies;

7 “(ii) assisting commanders in managing
8 religious affairs, including the accommodation
9 of religious practices and the development of
10 policies and procedures related to the free exer-
11 cise of religion;

12 “(iii) assisting commanders by serving as
13 advisers with respect to all religious accommo-
14 dation requests and by providing advice on spir-
15 itual readiness and matters concerning religion,
16 morals, ethics, well-being, and morale; and

17 “(iv) overseeing education and training
18 programs concerning the accommodation of reli-
19 gious practices for members of the armed
20 forces;

21 “(B) meet the religious requirements and care
22 for the spiritual needs of members of the armed
23 forces, other authorized persons, and dependents of
24 members, potentially in isolated or combat environ-
25 ments;

1 “(C) have a primary role in providing for the
2 free exercise of religion and other religious require-
3 ments associated with the free exercise of religion;

4 “(D) facilitate meeting the religious needs and
5 requirements for members of the armed forces to
6 whom an assigned chaplain cannot directly minister;
7 and

8 “(E) maintain confidential, sacramental, and
9 privileged communications, including those recog-
10 nized under applicable laws and policies.

11 “(3) The tasks of chaplains in the Army shall include,
12 but not be limited to, the following:

13 “(A) Performing religious rites, rituals, serv-
14 ices, ordinances, ceremonies, and observances (such
15 as memorials, weddings, retirements, sermons, wor-
16 ship, and burials).

17 “(B) Counseling, meeting, advising, and pray-
18 ing with individuals or groups.

19 “(C) Providing crisis prevention and response.

20 “(D) Providing pastoral and spiritual care,
21 guidance, support, and activities.

22 “(E) Advising on religious accommodation re-
23 quests.

24 “(F) Providing religious training and education.

1 “(b) PROTECTIONS.—(1) A chaplain’s duties, respon-
2 sibilities, and requirements, as set forth in subsection (a),
3 shall be conducted in a manner consistent with the chap-
4 lain’s sincerely held religious beliefs and the manner, form,
5 and tenets of the chaplain’s religious-endorsing organiza-
6 tion.

7 “(2) A chaplain shall have the right to conduct public
8 worship, provide counseling, teach, deliver sermons, ad-
9 vise, minister, and offer prayer in accordance with the
10 chaplain’s sincerely held religious beliefs and the manner,
11 form, and tenets of the chaplain’s religious-endorsing or-
12 ganization. Those activities shall be free from censorship,
13 undue restriction, or fear of retribution.

14 “(3) A chaplain shall uphold the chaplain’s duty to
15 protect confidential, sacramental, and privileged commu-
16 nications, including communications recognized under ap-
17 plicable laws and policies.

18 “(4) No member of the Armed Forces may—

19 “(A) require or assign a chaplain to perform
20 any rite, ritual, ceremony, sermon, or speech con-
21 trary to the sincerely held religious beliefs of the
22 chaplain or contrary to the manner, form, or tenets
23 of the chaplain’s religious-endorsing organization;

24 “(B) require or assign a chaplain to perform
25 any task or action contrary to the sincerely held reli-

1 gious beliefs of the chaplain or contrary to the man-
2 ner, form, or tenets of the religious-endorsing orga-
3 nization of the chaplain, consistent with section 3 of
4 the Religious Freedom Restoration Act of 1993 (42
5 U.S.C. 2000bb-1);

6 “(C) retaliate or discriminate against a chap-
7 lain based on the chaplain’s refusal to comply with
8 a requirement prohibited under this subsection, or
9 take, with respect to such a refusal by a chaplain,
10 any adverse personnel action including—

11 “(i) denial of promotion, schooling, train-
12 ing, assignment, or financial recoupment;

13 “(ii) issuance of letters of reprimand; or

14 “(iii) any other adverse action or entry in
15 the chaplain’s record; or

16 “(D) preclude a chaplain from conducting an
17 activity described in paragraph (2).

18 “(5) A member of the Armed Forces who violates
19 paragraph (4) shall be subject to prosecution under the
20 Uniform Code of Military Justice.

21 “(c) ASSISTANCE BY COMMANDING OFFICERS.—
22 Each officer shall furnish facilities, including necessary
23 transportation, to any chaplain assigned to the command
24 of the officer, to assist the chaplain in performing the du-

1 ties, responsibilities, and requirements of the chaplain
2 under subsection (a).

3 “(d) DEFINITIONS.—In this section:

4 “(1) ADMINISTRATIVE ENDORSER.—The term
5 ‘administrative endorser’ means an organization that
6 was approved to endorse chaplains for service in the
7 armed forces under the requirements of the Depart-
8 ment of Defense and the armed force in which those
9 chaplains will serve, as in effect at the time the or-
10 ganization initially began endorsing chaplains, not
11 on its own behalf, but on behalf of one or more ex-
12 ternal religious organizations that—

13 “(A) are religious-endorsing organizations;

14 “(B) at the time the organization initially
15 began endorsing chaplains, did not possess the
16 organizational capacity to endorse chaplains di-
17 rectly; and

18 “(C) were not members of, nor otherwise
19 affiliated with, a fellowship or other organiza-
20 tional structure meeting the requirements set
21 forth in paragraph (5)(A)(iii) that possessed
22 authority to endorse chaplains.

23 “(2) ADVERSE PERSONNEL ACTION.—The term
24 ‘adverse personnel action’ means any action taken
25 against a member of the Armed Forces that affects

1 or has the potential to adversely affect the member's
2 current position or career, including—

3 “(A) a disciplinary action, transfer, nega-
4 tive performance evaluation, removal, separa-
5 tion, discharge, or mental health evaluation;
6 and

7 “(B) a decision not to give the member a
8 promotion, an increase in pay or benefits, an
9 award, training, or relief.

10 “(3) CENSORSHIP.—The term ‘censorship’
11 means any governmental action taken to suppress or
12 restrict information, ideas, or expression.

13 “(4) CONFIDENTIAL, SACRAMENTAL, AND PRIV-
14 ILEGED COMMUNICATIONS.—The term ‘confidential,
15 sacramental, and privileged communications’ means
16 any private communication made to a chaplain act-
17 ing in the chaplain’s capacity as a spiritual advisor.

18 “(5) RELIGIOUS-ENDORSING ORGANIZATION.—
19 (A) The term ‘religious-endorsing organization’
20 means an entity that—

21 “(i)(I) is organized and functions primarily
22 to perform religious ministries to nonmilitary
23 lay members and meets the requirements of the
24 Department of Defense and the armed force in

1 which chaplains endorsed by the entity will
2 serve; and

3 “(II) possesses ecclesiastical authority to
4 endorse and withdraw endorsements for chap-
5 lains serving under the authority of the entity
6 to conduct religious observances or ceremonies
7 in a military context; or

8 “(ii)(I) meets the requirements of the De-
9 partment of Defense and the armed force in
10 which chaplains endorsed by the entity will
11 serve;

12 “(II) is organized and functions primarily
13 to support member religious organizations and
14 religious ministry professionals that function
15 primarily to perform religious ministries to non-
16 military lay members; and

17 “(III) performs the function described in
18 clause (i)(II) on behalf of its member religious
19 organizations and religious ministry profes-
20 sionals.

21 “(B) An administrative endorser that endorses
22 chaplains before the date of the enactment of this
23 section may continue to endorse chaplains on and
24 after such date of enactment if administrative en-
25 dorser meets the requirements of the Department of

1 Defense and the armed force in which chaplains en-
2 dored by the administrative endorser will serve to
3 provide documentation verifying that the religious
4 organizations the administrative endorser represents
5 meet the requirements of subclause (I) and (II) of
6 subparagraph (A)(i).”.

7 **SEC. 4. DUTIES, RESPONSIBILITIES, REQUIREMENTS, AND**
8 **PROTECTIONS FOR NAVY CHAPLAINS.**

9 (a) CHAPLAIN CORPS AND CHIEF OF CHAPLAINS.—
10 Section 8082 of title 10, United States Code, is amended
11 by adding at the end the following new subsection:

12 “(f) The Chief of Chaplains shall serve as a principal
13 adviser to the Secretary of the Navy and the Chief of
14 Naval Operations.”.

15 (b) DEPUTY CHIEFS OF CHAPLAINS.—Section 8082a
16 of title 10, United States Code, is amended to read as
17 follows:

18 **“§ 8082a. Deputy Chiefs of Chaplains**

19 “(a) The Secretary of the Navy shall detail as Deputy
20 Chiefs of Chaplains officers of the Chaplain Corps in the
21 grade of commander or above who are on active duty and
22 who have served on active duty in the Chaplain Corps for
23 at least eight years.

24 “(b) Under the authority, direction, and control of
25 the Chief of Chaplains, the Deputy Chief of Chaplains

1 shall also serve as the Chaplain of the Marine Corps and
2 shall serve as a principal advisor to the Commandant of
3 the Marine Corps.

4 “(c) Under the authority, direction, and control of the
5 Chief of Chaplains, the Deputy Chief of Chaplains for Re-
6 serve Matters shall also serve as a principal advisor to the
7 Chief of Navy Reserve.

8 “(d) The Deputy Chiefs of Chaplains, while so serv-
9 ing, hold the grade of rear admiral (lower half).”.

10 (c) CHAPLAINS.—Section 8221 of title 10, United
11 States Code, is amended to read as follows:

12 **“§ 8221. Duties, responsibilities, requirements, and**
13 **protections for Navy chaplains**

14 “(a) DUTIES, RESPONSIBILITIES, AND REQUIRE-
15 MENTS.—(1) The Navy Chaplaincy shall perform such du-
16 ties as may be prescribed by the Secretary of the Navy
17 and the Chief of Chaplains of the Navy.

18 “(2) The Navy Chaplaincy shall be overseen by the
19 Chief of Chaplains and shall—

20 “(A) serve as principal advisers to commanders
21 on all issues concerning religious practices, spiritual
22 readiness, spiritual care, religious provisions, and re-
23 ligion’s influence on military operations, which shall
24 include, but not be limited to—

1 “(i) advising and assisting commanders in
2 discharging their responsibilities to provide for
3 the free exercise of religion in military service,
4 pursuant to the First Amendment to the Con-
5 stitution of the United States, section 3 of the
6 Religious Freedom Restoration Act of 1993 (42
7 U.S.C. 2000bb–1), and related statutes and
8 policies;

9 “(ii) assisting commanders in managing
10 religious affairs, including the accommodation
11 of religious practices and the development of
12 policies and procedures related to the free exer-
13 cise of religion;

14 “(iii) assisting commanders by serving as
15 an adviser with respect to all religious accom-
16 modation requests and by providing advice on
17 spiritual readiness and matters concerning reli-
18 gion, morals, ethics, well-being, and morale; and

19 “(iv) overseeing education and training
20 programs concerning the accommodation of reli-
21 gious practices for members of the armed
22 forces;

23 “(B) meet the religious requirements and care
24 for the spiritual needs of members of the armed

1 forces, other authorized persons, and dependents,
2 potentially in isolated or combat environments;

3 “(C) have a primary role in providing for the
4 free exercise of religion and other religious require-
5 ments associated with the free exercise of religion;

6 “(D) facilitate meeting the religious needs and
7 requirements for members of the armed forces to
8 whom an assigned chaplain cannot directly minister;
9 and

10 “(E) maintain confidential, sacramental, and
11 privileged communications, including communica-
12 tions recognized under applicable laws and policies.

13 “(3) The tasks of chaplains in the Navy shall include,
14 but not be limited to, the following:

15 “(A) Performing religious rites, rituals, serv-
16 ices, ordinances, ceremonies, and observances (such
17 as memorials, weddings, retirements, sermons, wor-
18 ship, and burials).

19 “(B) Counseling, meeting, advising, and pray-
20 ing with individuals or groups.

21 “(C) Providing crisis prevention and response.

22 “(D) Providing pastoral and spiritual care,
23 guidance, support, and activities.

24 “(E) Advising on religious accommodation re-
25 quests.

1 “(F) Providing religious training and education.

2 “(b) PROTECTIONS.—(1) A chaplain’s duties, respon-
3 sibilities, and requirements, as set forth in subsection (a),
4 shall be conducted in a manner consistent with the chap-
5 lain’s sincerely held religious beliefs and the manner, form,
6 and tenets of the chaplain’s religious-endorsing organiza-
7 tion.

8 “(2) A chaplain shall have the right to conduct public
9 worship, provide counseling, teach, deliver sermons, ad-
10 vise, minister, and offer prayer in accordance with the
11 chaplain’s sincerely held religious beliefs and the manner,
12 form, and tenets of the chaplain’s religious-endorsing or-
13 ganization. Those activities shall be free from censorship,
14 undue restriction, or fear of retribution.

15 “(3) A chaplain shall uphold the chaplain’s duty to
16 protect confidential, sacramental, and privileged commu-
17 nications, including communications recognized under ap-
18 plicable laws and policies.

19 “(4) No member of the Armed Forces may—

20 “(A) require or assign a chaplain to perform
21 any rite, ritual, ceremony, sermon, or speech, con-
22 trary to the sincerely held religious beliefs of the
23 chaplain or contrary to the manner, form, or tenets
24 of the chaplain’s religious-endorsing organization;

1 “(B) require or assign a chaplain to perform
2 any task or action contrary to the sincerely held reli-
3 gious beliefs of the chaplain or contrary to the man-
4 ner, form, or tenets of the chaplain’s religious-en-
5 dorsing organization, consistent with section 3 of the
6 Religious Freedom Restoration Act of 1993 (42
7 U.S.C. 2000bb–1);

8 “(C) retaliate or discriminate against a chap-
9 lain based on the chaplain’s refusal to comply with
10 a requirement prohibited under this subsection, or
11 take, with respect to such a refusal by a chaplain,
12 any adverse personnel action including—

13 “(i) denial of promotion, schooling, train-
14 ing, assignment, or financial recoupment;

15 “(ii) issuance of letters of reprimand; or

16 “(iii) any other adverse action or entry in
17 the chaplain’s record; or

18 “(D) preclude a chaplain from conducting an
19 activity described in paragraph (2).

20 “(5) A member of the Armed Forces who violates
21 paragraph (4) shall be subject to prosecution under the
22 Uniform Code of Military Justice.

23 “(c) ASSISTANCE BY COMMANDING OFFICERS.—
24 Each officer shall furnish facilities, including necessary
25 transportation, to any chaplain assigned to the command

1 of the officer, to assist the chaplain in performing the du-
2 ties, responsibilities, and requirements of the chaplain
3 under subsection (a).

4 “(d) DEFINITIONS.—In this section:

5 “(1) ADMINISTRATIVE ENDORSER.—The term
6 ‘administrative endorser’ means an organization that
7 was approved to endorse chaplains for service in the
8 armed forces under the requirements of the Depart-
9 ment of Defense and the armed force in which those
10 chaplains will serve, as in effect at the time the or-
11 ganization initially began endorsing chaplains, not
12 on its own behalf, but on behalf of one or more ex-
13 ternal religious organizations that—

14 “(A) are religious-endorsing organizations;

15 “(B) at the time the organization initially
16 began endorsing chaplains, did not possess the
17 organizational capacity to endorse chaplains di-
18 rectly; and

19 “(C) were not members of, nor otherwise
20 affiliated with, a fellowship or other organiza-
21 tional structure meeting the requirements set
22 forth in paragraph (5)(A)(iii) that possessed
23 authority to endorse chaplains.

24 “(2) ADVERSE PERSONNEL ACTION.—The term
25 ‘adverse personnel action’ means any action taken

1 against a member of the Armed Forces that affects
2 or has the potential to adversely affect the member's
3 current position or career, including—

4 “(A) a disciplinary action, transfer, nega-
5 tive performance evaluation, removal, separa-
6 tion, discharge, or mental health evaluation;
7 and

8 “(B) a decision not to give the member a
9 promotion, an increase in pay or benefits, an
10 award, training, or relief.

11 “(3) CENSORSHIP.—The term ‘censorship’
12 means any governmental action taken to suppress or
13 restrict information, ideas, or expression.

14 “(4) CONFIDENTIAL, SACRAMENTAL, AND PRIV-
15 ILEGED COMMUNICATIONS.—The term ‘confidential,
16 sacramental, and privileged communications’ means
17 any private communication made to a chaplain act-
18 ing in the chaplain's capacity as a spiritual advisor.

19 “(5) RELIGIOUS-ENDORSING ORGANIZATION.—
20 (A) The term ‘religious-endorsing organization’
21 means an entity that—

22 “(i)(I) is organized and functions primarily
23 to perform religious ministries to nonmilitary
24 lay members and meets the requirements of the
25 Department of Defense and the armed force in

1 which chaplains endorsed by the entity will
2 serve; and

3 “(II) possesses ecclesiastical authority to
4 endorse and withdraw endorsements for chap-
5 lains serving under the authority of the entity
6 to conduct religious observances or ceremonies
7 in a military context; or

8 “(ii)(I) meets the requirements of the De-
9 partment of Defense and the armed force in
10 which chaplains endorsed by the entity will
11 serve;

12 “(II) is organized and functions primarily
13 to support member religious organizations and
14 religious ministry professionals that function
15 primarily to perform religious ministries to non-
16 military lay members; and

17 “(III) performs the function described in
18 clause (i)(II) on behalf of its member religious
19 organizations and religious ministry profes-
20 sionals.

21 “(B) An administrative endorser that endorses
22 chaplains before the date of the enactment of this
23 section may continue to endorse chaplains on and
24 after such date of enactment if administrative en-
25 dorser meets the requirements of the Department of

1 Defense and the armed force in which chaplains en-
2 dored by the administrative endorser will serve to
3 provide documentation verifying that the religious
4 organizations the administrative endorser represents
5 meet the requirements of subclause (I) and (II) of
6 subparagraph (A)(i).”.

7 **SEC. 5. DUTIES, RESPONSIBILITIES, REQUIREMENTS, AND**
8 **PROTECTIONS FOR AIR FORCE CHAPLAINS.**

9 (a) CHIEF OF CHAPLAINS.—Section 9039 of title 10,
10 United States Code, is amended by adding at the end the
11 following:

12 “(d) The Chief of Chaplains shall serve as the prin-
13 cipal adviser to the Secretary of the Air Force and the
14 Chief of Staff of the Air Force on chaplaincy and religious
15 support, including strategic planning and policy develop-
16 ment related to those areas.

17 “(e) The Air Force Chaplaincy, which also services
18 the Space Force, shall—

19 “(1) be overseen by the Office of the Chief of
20 Chaplains; and

21 “(2) advise and assist commanders in ensuring
22 the right of members of the armed forces to religious
23 freedom, in accordance with the First Amendment to
24 the Constitution of the United States, section 3 of
25 the Religious Freedom Restoration Act of 1993 (42

1 U.S.C. 2000bb–1), and applicable laws and poli-
2 cies.”.

3 (b) DEPUTY CHIEF OF CHAPLAINS.—Chapter 905 of
4 title 10, United States Code, is amended by inserting after
5 section 9039 the following new section:

6 **“§ 9039a. Deputy Chief of Chaplains: appointment;**
7 **duties**

8 “(a) The Secretary of the Air Force shall detail as
9 a Deputy Chief of Chaplains one or more officers of the
10 Chaplain Corps in the grade of colonel or above who are
11 on active duty and who have served on active duty in the
12 Chaplain Corps for at least eight years.

13 “(b) Under the authority, direction, and control of
14 the Chief of Chaplains, a Deputy Chief of Chaplains shall
15 also serve as the Chaplain of the Space Force and shall
16 serve as a principal advisor to the Chief of Space Oper-
17 ations.

18 “(c) A Deputy Chief of Chaplains, while so serving,
19 holds the grade of brigadier general.”.

20 (c) THE AIR STAFF: FUNCTION; COMPOSITION.—
21 Section 9031 of title 10, United States Code, is amend-
22 ed—

23 (1) by redesignating paragraphs (7), (8), and
24 (9) as paragraphs (8), (9), and (10), respectively;
25 and

1 (2) by inserting after paragraph (6) the fol-
2 lowing new paragraph (7):

3 “(7) The Chief of Chaplains for the Air Force
4 and the Space Force.”.

5 (d) CHAPLAINS.—Section 9217 of title 10, United
6 States Code, is amended to read as follows:

7 **“§ 9217. Duties, responsibilities, requirements, and**
8 **protections for Air Force chaplains**

9 “(a) DUTIES, RESPONSIBILITIES, AND REQUIRE-
10 MENTS.—(1) The Air Force Chaplaincy shall perform
11 such duties as may be prescribed by the Secretary of the
12 Air Force and the Chief of Chaplains of the Air Force.

13 “(2) The Air Force Chaplaincy shall be overseen by
14 the Chief of Chaplains and shall—

15 “(A) serve as principal advisers to commanders
16 on all issues concerning religious practices, spiritual
17 readiness, spiritual care, religious provisions, and re-
18 ligion’s influence on military operations, which shall
19 include, but not be limited to—

20 “(i) advising and assisting commanders in
21 discharging their responsibilities to provide for
22 the free exercise of religion in military service,
23 pursuant to the First Amendment to the Con-
24 stitution of the United States, section 3 of the
25 Religious Freedom Restoration Act of 1993 (42

1 U.S.C. 2000bb–1), and related statutes and
2 policies;

3 “(ii) assisting commanders in managing
4 religious affairs, including the accommodation
5 of religious practices and the development of
6 policies and procedures related to the free exer-
7 cise of religion;

8 “(iii) assisting commanders by serving as
9 an adviser with respect to all religious accom-
10 modation requests and by providing advice on
11 spiritual readiness and matters concerning reli-
12 gion, morals, ethics, well-being, and morale; and

13 “(iv) overseeing education and training
14 programs concerning the accommodation of reli-
15 gious practices for members of the armed
16 forces;

17 “(B) meet the religious requirements and care
18 for the spiritual needs of members of the armed
19 forces, other authorized persons, and dependents,
20 potentially in isolated or combat environments;

21 “(C) have a primary role in providing for the
22 free exercise of religion and other religious require-
23 ments associated with the free exercise of religion;

24 “(D) facilitate meeting the religious needs and
25 requirements for members of the armed forces to

1 whom an assigned chaplain cannot directly minister;
2 and

3 “(E) maintain confidential, sacramental, and
4 privileged communications, including communica-
5 tions recognized under applicable laws and policies.

6 “(3) The tasks of chaplains in the Air Force shall
7 include, but not be limited to, the following:

8 “(A) Performing religious rites, rituals, serv-
9 ices, ordinances, ceremonies, and observances (such
10 as memorials, weddings, retirements, sermons, wor-
11 ship, and burials).

12 “(B) Counseling, meeting, advising, and pray-
13 ing with individuals or groups.

14 “(C) Providing crisis prevention and response.

15 “(D) Providing pastoral and spiritual care,
16 guidance, support, and activities.

17 “(E) Advising on religious accommodation re-
18 quests.

19 “(F) Providing religious training and education.

20 “(b) PROTECTIONS.—(1) A chaplain’s duties, respon-
21 sibilities, and requirements, as set forth in subsection (a),
22 shall be conducted in a manner consistent with the chap-
23 lain’s sincerely held religious beliefs and the manner, form,
24 and tenets of the chaplain’s religious-endorsing organiza-
25 tion.

1 “(2) A chaplain shall have the right to conduct public
2 worship, provide counseling, teach, deliver sermons, ad-
3 vise, minister, and offer prayer in accordance with the
4 chaplain’s sincerely held religious beliefs and the manner,
5 form, and tenets of the chaplain’s religious-endorsing or-
6 ganization. Those activities shall be free from censorship,
7 undue restriction, or fear of retribution.

8 “(3) A chaplain shall uphold the chaplain’s duty to
9 protect confidential, sacramental, and privileged commu-
10 nications, including communications recognized under ap-
11 plicable laws and policies.

12 “(4) No member of the Armed Forces may—

13 “(A) require or assign a chaplain to perform
14 any rite, ritual, ceremony, sermon, or speech con-
15 trary to the sincerely held religious beliefs of the
16 chaplain or contrary to the manner, form, or tenets
17 of the chaplain’s religious-endorsing organization;

18 “(B) require or assign a chaplain to perform
19 any task or action contrary to the sincerely held reli-
20 gious beliefs of the chaplain or contrary to the man-
21 ner, form, or tenets of the chaplain’s religious-en-
22 dorsing organization, consistent with section 3 of the
23 Religious Freedom Restoration Act of 1993 (42
24 U.S.C. 2000bb–1);

1 “(C) retaliate or discriminate against a chap-
2 lain based on the chaplain’s refusal to comply with
3 a requirement prohibited under this subsection, or
4 take, with respect to such a refusal by a chaplain,
5 any adverse personnel action including—

6 “(i) denial of promotion, schooling, train-
7 ing, assignment, or financial recoupment;

8 “(ii) issuance of letters of reprimand; or

9 “(iii) any other adverse action or entry in
10 the chaplain’s record; or

11 “(D) preclude chaplains from exercising the ac-
12 tivities described in paragraph (2).

13 “(5) A member of the Armed Forces who violates
14 paragraph (4) shall be subject to prosecution under the
15 Uniform Code of Military Justice.

16 “(c) ASSISTANCE BY COMMANDING OFFICERS.—
17 Each officer shall furnish facilities, including necessary
18 transportation, to any chaplain assigned to the command
19 of the officer, to assist the chaplain in performing the du-
20 ties, responsibilities, and requirements of the chaplain
21 under subsection (a).

22 “(d) DEFINITIONS.—In this section:

23 “(1) ADMINISTRATIVE ENDORSER.—The term
24 ‘administrative endorser’ means an organization that
25 was approved to endorse chaplains for service in the

1 armed forces under the requirements of the Depart-
2 ment of Defense and the armed force in which those
3 chaplains will serve, as in effect at the time the or-
4 ganization initially began endorsing chaplains, not
5 on its own behalf, but on behalf of one or more ex-
6 ternal religious organizations that—

7 “(A) are religious-endorsing organizations;

8 “(B) at the time the organization initially
9 began endorsing chaplains, did not possess the
10 organizational capacity to endorse chaplains di-
11 rectly; and

12 “(C) were not members of, nor otherwise
13 affiliated with, a fellowship or other organiza-
14 tional structure meeting the requirements set
15 forth in paragraph (5)(A)(iii) that possessed
16 authority to endorse chaplains.

17 “(2) ADVERSE PERSONNEL ACTION.—The term
18 ‘adverse personnel action’ means any action taken
19 against a member of the Armed Forces that affects
20 or has the potential to adversely affect the member’s
21 current position or career, including—

22 “(A) a disciplinary action, transfer, nega-
23 tive performance evaluation, removal, separa-
24 tion, discharge, or mental health evaluation;
25 and

1 “(B) a decision not to give the member a
2 promotion, an increase in pay or benefits, an
3 award, training, or relief.

4 “(3) CENSORSHIP.—The term ‘censorship’
5 means any governmental action taken to suppress or
6 restrict information, ideas, or expression.

7 “(4) CONFIDENTIAL, SACRAMENTAL, AND PRIV-
8 ILEGED COMMUNICATIONS.—The term ‘confidential,
9 sacramental, and privileged communications’ means
10 any private communication made to a chaplain act-
11 ing in the chaplain’s capacity as a spiritual advisor.

12 “(5) RELIGIOUS-ENDORSING ORGANIZATION.—
13 (A) The term ‘religious-endorsing organization’
14 means an entity that—

15 “(i)(I) is organized and functions primarily
16 to perform religious ministries to nonmilitary
17 lay members and meets the requirements of the
18 Department of Defense and the armed force in
19 which chaplains endorsed by the entity will
20 serve; and

21 “(II) possesses ecclesiastical authority to
22 endorse and withdraw endorsements for chap-
23 lains serving under the authority of the entity
24 to conduct religious observances or ceremonies
25 in a military context; or

1 “(ii)(I) meets the requirements of the De-
2 partment of Defense and the armed force in
3 which chaplains endorsed by the entity will
4 serve;

5 “(II) is organized and functions primarily
6 to support member religious organizations and
7 religious ministry professionals that function
8 primarily to perform religious ministries to non-
9 military lay members; and

10 “(III) performs the function described in
11 clause (i)(II) on behalf of its member religious
12 organizations and religious ministry profes-
13 sionals.

14 “(B) An administrative endorser that endorses
15 chaplains before the date of the enactment of this
16 section may continue to endorse chaplains on and
17 after such date of enactment if administrative en-
18 dorser meets the requirements of the Department of
19 Defense and the armed force in which chaplains en-
20 dorsed by the administrative endorser will serve to
21 provide documentation verifying that the religious
22 organizations the administrative endorser represents
23 meet the requirements of subclause (I) and (II) of
24 subparagraph (A)(i).”.

1 **SEC. 6. DEFINITION OF CHAPLAIN FOR TITLE 10, UNITED**
2 **STATES CODE.**

3 Section 101(b) of title 10, United States Code, is
4 amended by adding at the end the following new para-
5 graph:

6 “(17) The term ‘chaplain’ means a fully quali-
7 fied religious ministry professional from a religious
8 tradition who—

9 “(A) satisfies the professional qualifica-
10 tions of the chaplain’s religious-endorsing orga-
11 nization (as defined in sections 7217, 8221, and
12 9217 of this title) and the educational require-
13 ments of the Department of Defense and the
14 Armed Force in which the chaplain serves or
15 will serve; and

16 “(B) is appointed as both an officer in the
17 Chaplain Corps of the Armed Forces and a rep-
18 resentative of the chaplain’s religious-endorsing
19 organization, to which the chaplain shall remain
20 accountable to for providing religious ministry
21 to the armed forces.”.

22 **SEC. 7. EFFECT OF VIOLATIONS.**

23 (a) IN GENERAL.—A member of the Armed Forces
24 who violates section 7217(b)(4), 8221(b)(4), or
25 9217(b)(4) of title 10, United States Code, as added by
26 section 3, shall be subject to prosecution under section 934

1 of such title (article 134 of the Uniform Code of Military
2 Justice).

3 (b) REGULATIONS.—Not later than one year after the
4 date of the enactment of this Act, the President shall—

5 (1) prescribe regulations establishing that a vio-
6 lation of section 7217(b)(4), 8221(b)(4), or
7 9217(b)(4) of title 10, United States Code, as added
8 by section 3, constitutes an offense punishable under
9 section 934 of such title (article 134 of the Uniform
10 Code of Military Justice); and

11 (2) revise the Manual for Courts-Martial to in-
12 clude such offenses.

13 **SEC. 8. REGULATIONS.**

14 The Secretary of Defense shall prescribe such regula-
15 tions as are necessary to carry out the amendments made
16 by this Act.

17 **SEC. 9. CONFORMING AMENDMENTS.**

18 (a) EXISTING PROTECTIONS FOR CHAPLAINS.—Sec-
19 tion 533 of the National Defense Authorization Act for
20 Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1030
21 note prec.) is amended—

22 (1) in the section heading, by striking “**AND**
23 **CHAPLAINS OF SUCH MEMBERS**”;

24 (2) by striking subsection (b); and

1 (3) by redesignating subsection (c) as sub-
2 section (b).

3 (b) PROFESSIONAL FUNCTIONS OF THE AIR
4 FORCE.—Section 9063(h) of title 10, United States Code,
5 is amended by adding “in accordance with section
6 9217(a)” after “Secretary”.