

AMENDMENT TO RULES COMMITTEE PRINT 119-

33

OFFERED BY MR. SELF OF TEXAS

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At the end of title V, add the following new subtitle:

1 **Subtitle _____—Military Chaplains**
2 **Modernization Act of 2026**

3 **SEC. 5 ____. SHORT TITLE.**

4 This subtitle may be cited as the “Military Chaplains
5 Modernization Act of 2026”.

6 **SEC. 5 ____. FINDINGS.**

7 Congress makes the following findings:

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

12 (2) George Washington, as a young colonel, rec-
13 ognized the importance of religious practice for his
14 soldiers, repeatedly requesting chaplains for his
15 troops and periodically performing religious duties
16 himself.

17 (3) When the Second Continental Congress es-
18 tablished the Continental Army in June 1775, it rec-

1 ommended “all officers and soldiers diligently to at-
2 tend Divine Service”.

3 (4) In 1775, at the behest of George Wash-
4 ington, then General of the Continental Army, the
5 Second Continental Congress established the Federal
6 chaplaincy that is in existence to this day, making
7 it one of the oldest military services provided for
8 American troops.

9 (5) From their earliest days, military chaplains
10 have existed to provide pastoral care, meeting the re-
11 ligious needs of members of the Armed Forces and
12 their families.

13 (6) In 1775, the Continental Congress, under-
14 standing the significance of chaplaincy, similarly in-
15 structed its fledgling navy that, “The commanders
16 of the ships of the Thirteen United Colonies are to
17 take care that divine services be performed twice a
18 day on board, and a sermon preached on Sundays,
19 unless bad weather or other extraordinary accidents
20 prevent it.”.

21 (7) John Adams instructed his Secretary of the
22 Navy on the influence of a Navy chaplaincy, stating,
23 “I know not whether the commanders of our ships
24 have given much attention to this subject [chap-
25 lains], but in my humble opinion, we shall be very

1 unskillful politicians as well as bad Christians and
2 unwise men if we neglect this important office in our
3 infant Navy.”.

4 (8) In 1942, Franklin D. Roosevelt also ac-
5 knowledged the importance of the chaplaincy by
6 vowing to “never fail to provide for the spiritual
7 needs of our officers and men under the Chaplains
8 of our armed forces”, and during World War II,
9 President Roosevelt had Bibles printed and provided
10 to troops in the field.

11 (9) Understanding the importance of religion
12 not only to the members of the United States mili-
13 tary, but also to the United States as a whole, the
14 Founders ratified the First Amendment to the
15 United States Constitution in 1791.

16 (10) Under the First Amendment, which ap-
17 plies to the Armed Forces, the Federal Government
18 has a constitutional duty to provide for the religious
19 exercise of members of the Armed Forces, an obliga-
20 tion to which the chaplain corps is essential.

21 (11) The Supreme Court stated, in *Kennedy v.*
22 *Bremerton School District*, 597 U.S. 507 (2022),
23 that the court is “aware of no historically sound un-
24 derstanding of the Establishment Clause that begins

1 to ‘mak[e] it necessary for government to be hostile
2 to religion’. . .”.

3 (12) In *Kennedy v. Bremerton School District*,
4 the Supreme Court further explained that “the Es-
5 tablishment Clause does not include anything like a
6 ‘modified heckler’s veto, in which . . . religious ac-
7 tivity can be proscribed’ based on ‘perceptions’ or
8 ‘discomfort’” and that the Clause does not “‘compel
9 the government to purge from the public sphere’
10 anything an objective observer could reasonably infer
11 endorses or ‘partakes of the religious’”.

12 (13) The Supreme Court made clear in *Parker*
13 *v. Levy*, 417 U.S. 733 (1974) that chaplains in the
14 Armed Forces do not forfeit their First Amendment
15 rights by virtue of their military service.

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

22 **SEC. 5___. DUTIES, RESPONSIBILITIES, REQUIREMENTS,**
23 **AND PROTECTIONS FOR ARMY CHAPLAINS.**

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

1 (1) in subsection (a)—

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

4 (B) by inserting after paragraph (1) the
5 following new paragraph:

6 “(2) the Deputy Chief of Chaplains;

7 “(3) the Deputy Chief of Chaplains for the
8 Army Reserve;

9 “(4) the Deputy Chief of Chaplains for the
10 Army National Guard;”;

11 (2) by redesignating subsection (b) as sub-
12 section (f);

13 (3) by inserting after subsection (a) the fol-
14 lowing new subsections:

15 “(b) The Chief of Chaplains shall serve as a principal
16 advisor to the Secretary of the Army and the Chief of
17 Staff of the Army.

18 “(c) The Deputy Chief of Chaplains shall serve under
19 the authority, direction, and control of the Chief of Chap-
20 lains.

21 “(d) Under the authority, direction, and control of
22 the Chief of Chaplains, the Deputy Chief of Chaplains for
23 the Army Reserve shall serve as a principal advisor to the
24 Chief of the Army Reserve.

1 “(e) Under the authority, direction, and control of the
2 Chief of Chaplains, the Deputy Chief of Chaplains for the
3 Army National Guard shall serve as a principal advisor
4 to the Chief of the National Guard Bureau.”; and

5 (4) adding at the end the following new sub-
6 section:

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

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

12 (1) by redesignating subsection (g) as sub-
13 section (h); and

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

16 “(g) The Chief of Chaplains serves as the principal
17 advisor to the Secretary of the Army and the Chief of
18 Staff of the Army on chaplaincy matters and the provision
19 of religious support in the Army, including strategic plan-
20 ning and the development of policies that affect religious
21 support or have a nexus with the chaplaincy.”.

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

1 **“§ 7217. Duties, responsibilities, requirements, and**
2 **protections for Army chaplains**

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

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

9 “(A) serve as principal advisers to commanders
10 on all issues concerning religious practices, spiritual
11 readiness, spiritual care, religious provisions, and re-
12 ligion’s influence on military operations, which shall
13 include, but not be limited to—

14 “(i) advising and assisting commanders in
15 discharging their responsibilities to provide for
16 the free exercise of religion in military service,
17 pursuant to the First Amendment to the Con-
18 stitution of the United States, section 3 of the
19 Religious Freedom Restoration Act of 1993 (42
20 U.S.C. 2000bb–1), and related statutes and
21 policies;

22 “(ii) assisting commanders in managing
23 religious affairs, including the accommodation
24 of religious practices and the development of
25 policies and procedures related to the free exer-
26 cise of religion;

1 “(iii) assisting commanders by serving as
2 advisers with respect to all religious accommo-
3 dation requests and by providing advice on spir-
4 itual readiness and matters concerning religion,
5 morals, ethics, well-being, and morale; and

6 “(iv) overseeing education and training
7 programs concerning the accommodation of reli-
8 gious practices for members of the armed
9 forces;

10 “(B) meet the religious requirements and care
11 for the spiritual needs of members of the armed
12 forces, other authorized persons, and dependents of
13 members, potentially in isolated or combat environ-
14 ments;

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

18 “(D) facilitate meeting the religious needs and
19 requirements for members of the armed forces to
20 whom an assigned chaplain cannot directly minister;
21 and

22 “(E) maintain confidential, sacramental, and
23 privileged communications, including those recog-
24 nized under applicable laws and policies.

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

3 “(A) Performing religious rites, rituals, serv-
4 ices, ordinances, ceremonies, and observances (such
5 as memorials, weddings, retirements, sermons, wor-
6 ship, and burials).

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

9 “(C) Providing crisis prevention and response.

10 “(D) Providing pastoral and spiritual care,
11 guidance, support, and activities.

12 “(E) Advising on religious accommodation re-
13 quests.

14 “(F) Providing religious training and education.

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

21 “(2) A chaplain shall have the right to conduct public
22 worship, provide counseling, teach, deliver sermons, ad-
23 vise, minister, and offer prayer in accordance with the
24 chaplain’s sincerely held religious beliefs and the manner,
25 form, and tenets of the chaplain’s religious-endorsing or-

1 ganization. Those activities shall be free from censorship,
2 undue restriction, or fear of retribution.

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

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

8 “(A) require or assign a chaplain to perform
9 any rite, ritual, ceremony, sermon, or speech con-
10 trary to the sincerely held religious beliefs of the
11 chaplain or contrary to the manner, form, or tenets
12 of the chaplain’s religious-endorsing organization;

13 “(B) require or assign a chaplain to perform
14 any task or action contrary to the sincerely held reli-
15 gious beliefs of the chaplain or contrary to the man-
16 ner, form, or tenets of the religious-endorsing orga-
17 nization of the chaplain, consistent with section 3 of
18 the Religious Freedom Restoration Act of 1993 (42
19 U.S.C. 2000bb–1);

20 “(C) retaliate or discriminate against a chap-
21 lain based on the chaplain’s refusal to comply with
22 a requirement prohibited under this subsection, or
23 take, with respect to such a chaplain, any adverse
24 personnel action including—

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

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

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

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

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

11 “(c) ASSISTANCE BY COMMANDING OFFICERS.—
12 Each officer shall furnish facilities, including necessary
13 transportation, to any chaplain assigned to the command
14 of the officer, to assist the chaplain in performing the du-
15 ties, responsibilities, and requirements of the chaplain
16 under subsection (a).

17 “(d) DEFINITIONS.—In this section:

18 “(1) ADMINISTRATIVE ENDORSER.—The term
19 ‘administrative endorser’ means an organization that
20 was approved to endorse chaplains for service in the
21 armed forces under the requirements of the Depart-
22 ment of Defense and the armed force in which those
23 chaplains will serve, as in effect at the time the or-
24 ganization initially began endorsing chaplains, not

1 on its own behalf, but on behalf of one or more ex-
2 ternal religious organizations that—

3 “(A) are religious-endorsing organizations;

4 “(B) at the time the organization initially
5 began endorsing chaplains, did not possess the
6 organizational capacity to endorse chaplains di-
7 rectly; and

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

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

18 “(A) a disciplinary action, transfer, nega-
19 tive performance evaluation, removal, separa-
20 tion, discharge, or mental health evaluation;
21 and

22 “(B) a decision not to give the member a
23 promotion, an increase in pay or benefits, an
24 award, training, or relief.

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

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

9 “(5) RELIGIOUS-ENDORSING ORGANIZATION.—
10 (A) The term ‘religious-endorsing organization’
11 means an entity that—

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

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

23 “(ii)(I) meets the requirements of the De-
24 partment of Defense and the armed force in

1 which chaplains endorsed by the entity will
2 serve;

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

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

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

1 **SEC. 5___ . DUTIES, RESPONSIBILITIES, REQUIREMENTS,**
2 **AND PROTECTIONS FOR NAVY CHAPLAINS.**

3 (a) CHAPLAIN CORPS AND CHIEF OF CHAPLAINS.—

4 Section 8082 of title 10, United States Code, is amended
5 by adding at the end the following new subsection:

6 “(f) The Chief of Chaplains shall serve as a principal
7 adviser to the Secretary of the Navy and the Chief of
8 Naval Operations.”.

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

12 **“§ 8082a. Deputy Chiefs of Chaplains**

13 “(a) The Secretary of the Navy shall detail as Deputy
14 Chiefs of Chaplains officers of the Chaplain Corps in the
15 grade of commander or above who are on active duty and
16 who have served on active duty in the Chaplain Corps for
17 at least eight years.

18 “(b) Under the authority, direction, and control of
19 the Chief of Chaplains, the Deputy Chief of Chaplains
20 shall also serve as the Chaplain of the Marine Corps and
21 shall serve as a principal advisor to the Commandant of
22 the Marine Corps.

23 “(c) Under the authority, direction, and control of the
24 Chief of Chaplains, the Deputy Chief of Chaplains for Re-
25 serve Matters shall also serve as a principal advisor to the
26 Chief of Navy Reserve.

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

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

5 **“§ 8221. Duties, responsibilities, requirements, and**
6 **protections for Navy chaplains**

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

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

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

18 “(i) advising and assisting commanders in
19 discharging their responsibilities to provide for
20 the free exercise of religion in military service,
21 pursuant to the First Amendment to the Con-
22 stitution of the United States, section 3 of the
23 Religious Freedom Restoration Act of 1993 (42
24 U.S.C. 2000bb–1), and related statutes and
25 policies;

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

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

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

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

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

22 “(D) facilitate meeting the religious needs and
23 requirements for members of the armed forces to
24 whom an assigned chaplain cannot directly minister;
25 and

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

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

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

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

12 “(C) Providing crisis prevention and response.

13 “(D) Providing pastoral and spiritual care,
14 guidance, support, and activities.

15 “(E) Advising on religious accommodation re-
16 quests.

17 “(F) Providing religious training and education.

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

24 “(2) A chaplain shall have the right to conduct public
25 worship, provide counseling, teach, deliver sermons, ad-

1 vise, minister, and offer prayer in accordance with the
2 chaplain’s sincerely held religious beliefs and the manner,
3 form, and tenets of the chaplain’s religious-endorsing or-
4 ganization. Those activities shall be free from censorship,
5 undue restriction, or fear of retribution.

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

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

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

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

23 “(C) retaliate or discriminate against a chap-
24 lain based on the chaplain’s refusal to comply with
25 a requirement prohibited under this subsection, or

1 take, with respect to such a chaplain, any adverse
2 personnel action including—

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

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

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

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

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

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

19 “(d) DEFINITIONS.—In this section:

20 “(1) ADMINISTRATIVE ENDORSER.—The term
21 ‘administrative endorser’ means an organization that
22 was approved to endorse chaplains for service in the
23 armed forces under the requirements of the Depart-
24 ment of Defense and the armed force in which those
25 chaplains will serve, as in effect at the time the or-

1 organization initially began endorsing chaplains, not
2 on its own behalf, but on behalf of one or more ex-
3 ternal religious organizations that—

4 “(A) are religious-endorsing organizations;

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

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

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

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

23 “(B) a decision not to give the member a
24 promotion, an increase in pay or benefits, an
25 award, training, or relief.

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

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

9 “(5) RELIGIOUS-ENDORSING ORGANIZATION.—
10 (A) The term ‘religious-endorsing organization’
11 means an entity that—

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

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

23 “(ii)(I) meets the requirements of the De-
24 partment of Defense and the armed force in

1 which chaplains endorsed by the entity will
2 serve;

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

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

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

1 **SEC. 5___ . DUTIES, RESPONSIBILITIES, REQUIREMENTS,**
2 **AND PROTECTIONS FOR AIR FORCE CHAP-**
3 **LAINS.**

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

7 “(d) The Chief of Chaplains shall serve as the prin-
8 cipal adviser to the Secretary of the Air Force and the
9 Chief of Staff of the Air Force on chaplaincy and religious
10 support, including strategic planning and policy develop-
11 ment related to those areas.

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

14 “(1) be overseen by the Office of the Chief of
15 Chaplains; and

16 “(2) advise and assist commanders in ensuring
17 the right of members of the armed forces to religious
18 freedom, in accordance with the First Amendment to
19 the Constitution of the United States, section 3 of
20 the Religious Freedom Restoration Act of 1993 (42
21 U.S.C. 2000bb–1), and applicable laws and poli-
22 cies.”.

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

1 **“§ 9217. Duties, responsibilities, requirements, and**
2 **protections for Air Force chaplains**

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

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

9 “(A) serve as principal advisers to commanders
10 on all issues concerning religious practices, spiritual
11 readiness, spiritual care, religious provisions, and re-
12 ligion’s influence on military operations, which shall
13 include, but not be limited to—

14 “(i) advising and assisting commanders in
15 discharging their responsibilities to provide for
16 the free exercise of religion in military service,
17 pursuant to the First Amendment to the Con-
18 stitution of the United States, section 3 of the
19 Religious Freedom Restoration Act of 1993 (42
20 U.S.C. 2000bb–1), and related statutes and
21 policies;

22 “(ii) assisting commanders in managing
23 religious affairs, including the accommodation
24 of religious practices and the development of
25 policies and procedures related to the free exer-
26 cise of religion;

1 “(iii) assisting commanders by serving as
2 an adviser with respect to all religious accom-
3 modation requests and by providing advice on
4 spiritual readiness and matters concerning reli-
5 gion, morals, ethics, well-being, and morale; and

6 “(iv) overseeing education and training
7 programs concerning the accommodation of reli-
8 gious practices for members of the armed
9 forces;

10 “(B) meet the religious requirements and care
11 for the spiritual needs of members of the armed
12 forces, other authorized persons, and dependents,
13 potentially in isolated or combat environments;

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

17 “(D) facilitate meeting the religious needs and
18 requirements for members of the armed forces to
19 whom an assigned chaplain cannot directly minister;
20 and

21 “(E) maintain confidential, sacramental, and
22 privileged communications, including communica-
23 tions recognized under applicable laws and policies.

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

1 “(A) Performing religious rites, rituals, serv-
2 ices, ordinances, ceremonies, and observances (such
3 as memorials, weddings, retirements, sermons, wor-
4 ship, and burials).

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

7 “(C) Providing crisis prevention and response.

8 “(D) Providing pastoral and spiritual care,
9 guidance, support, and activities.

10 “(E) Advising on religious accommodation re-
11 quests.

12 “(F) Providing religious training and education.

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

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

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

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

6 “(A) require or assign a chaplain to perform
7 any rite, ritual, ceremony, sermon, or speech con-
8 trary to the sincerely held religious beliefs of the
9 chaplain or contrary to the manner, form, or tenets
10 of the chaplain’s religious-endorsing organization;

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

18 “(C) retaliate or discriminate against a chap-
19 lain based on the chaplain’s refusal to comply with
20 a requirement prohibited under this subsection, or
21 take, with respect to such a chaplain, any adverse
22 personnel action including—

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

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

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

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

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

8 “(c) ASSISTANCE BY COMMANDING OFFICERS.—
9 Each officer shall furnish facilities, including necessary
10 transportation, to any chaplain assigned to the command
11 of the officer, to assist the chaplain in performing the du-
12 ties, responsibilities, and requirements of the chaplain
13 under subsection (a).

14 “(d) DEFINITIONS.—In this section:

15 “(1) ADMINISTRATIVE ENDORSER.—The term
16 ‘administrative endorser’ means an organization that
17 was approved to endorse chaplains for service in the
18 armed forces under the requirements of the Depart-
19 ment of Defense and the armed force in which those
20 chaplains will serve, as in effect at the time the or-
21 ganization initially began endorsing chaplains, not
22 on its own behalf, but on behalf of one or more ex-
23 ternal religious organizations that—

24 “(A) are religious-endorsing organizations;

1 “(B) at the time the organization initially
2 began endorsing chaplains, did not possess the
3 organizational capacity to endorse chaplains di-
4 rectly; and

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

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

15 “(A) a disciplinary action, transfer, nega-
16 tive performance evaluation, removal, separa-
17 tion, discharge, or mental health evaluation;
18 and

19 “(B) a decision not to give the member a
20 promotion, an increase in pay or benefits, an
21 award, training, or relief.

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

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

6 “(5) RELIGIOUS-ENDORSING ORGANIZATION.—
7 (A) The term ‘religious-endorsing organization’
8 means an entity that—

9 “(i)(I) is organized and functions primarily
10 to perform religious ministries to nonmilitary
11 lay members and meets the requirements of the
12 Department of Defense and the armed force in
13 which chaplains endorsed by the entity will
14 serve; and

15 “(II) possesses ecclesiastical authority to
16 endorse and withdraw endorsements for chap-
17 lains serving under the authority of the entity
18 to conduct religious observances or ceremonies
19 in a military context; or

20 “(ii)(I) meets the requirements of the De-
21 partment of Defense and the armed force in
22 which chaplains endorsed by the entity will
23 serve;

24 “(II) is organized and functions primarily
25 to support member religious organizations and

1 religious ministry professionals that function
2 primarily to perform religious ministries to non-
3 military lay members; and

4 “(III) performs the function described in
5 clause (i)(II) on behalf of its member religious
6 organizations and religious ministry profes-
7 sionals.

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

19 **SEC. 5___. DEFINITION OF CHAPLAIN FOR TITLE 10,**
20 **UNITED STATES CODE.**

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

1 “(17) The term ‘chaplain’ means a fully quali-
2 fied religious ministry professional from a religious
3 tradition who—

4 “(A) satisfies the professional qualifica-
5 tions of the chaplain’s religious-endorsing orga-
6 nization (as defined in sections 7217, 8221, and
7 9217 of this title) and the educational require-
8 ments of the Department of Defense and the
9 Armed Force in which the chaplain serves or
10 will serve; and

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

17 **SEC. 5____. EFFECT OF VIOLATIONS.**

18 (a) IN GENERAL.—A member of the Armed Forces
19 who violates section 7217(b)(4), 8221(b)(4), or
20 9217(b)(4) of title 10, United States Code, as added by
21 section 3, shall be subject to prosecution under section 934
22 of such title (article 134 of the Uniform Code of Military
23 Justice).

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

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

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

9 **SEC. 5 ____. REGULATIONS.**

10 The Secretary of Defense shall prescribe such regula-
11 tions as are necessary to carry out the amendments made
12 by this subtitle.

13 **SEC. 5 ____. CONFORMING AMENDMENTS.**

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

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

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

21 (3) by redesignating subsection (c) as sub-
22 section (b).

23 (b) **PROFESSIONAL FUNCTIONS OF THE AIR**
24 **FORCE.**—Section 9063(h) of title 10, United States Code,

1 is amended by adding “in accordance with section
2 9217(a)” after “Secretary”.

