

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.

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IN THE SENATE OF THE UNITED STATES

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

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**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”.