

116TH CONGRESS
2D SESSION

H. R. 5890

To amend title 38, United States Code, to reorganize the Chaplain Service of the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2020

Mr. BANKS (for himself and Mr. LAMBORN) introduced the following bill;
which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to reorganize the Chaplain Service of the Department of Veterans Affairs, 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. REORGANIZATION OF CHAPLAIN SERVICE OF**
4 **DEPARTMENT OF VETERANS AFFAIRS.**

5 (a) CHAPLAIN SERVICE.—

6 (1) IN GENERAL.—Chapter 3 of title 38, United
7 States Code, is amended by adding at the end the
8 following new section:

1 **“§ 324. Chaplain Service**

2 “(a) ESTABLISHMENT.—There is in the Department
3 a Chaplain Service for the provision of religious pastoral
4 care, which may include clinical services by chaplains.

5 “(b) CHIEF OF CHAPLAIN SERVICES.—(1) The head
6 of the Chaplain Service shall be the Chief of Chaplain
7 Services (in this section referred to as the ‘Chief’), who
8 shall be appointed by the President, by and with the advice
9 and consent of the Senate.

10 “(2) The Chief shall report directly to the Secretary.

11 “(3)(A) The Chief shall oversee the Chaplain Service
12 and shall be the proponent for, and coordinate with the
13 Secretary on, all guidance pertaining to pastoral care,
14 faith-based programs and instruction, and any policy or
15 guidance pertaining to religion or religious accommoda-
16 tion.

17 “(B) All appropriate offices of the Department will
18 coordinate with the Chief on best practices to implement
19 guidance or policy pertaining to religion or religious ac-
20 commodation.

21 “(4) The office of the Chief shall be colocated with
22 the Central Office of the Department.

23 “(c) PASTORAL SERVICES.—(1) A chaplain in the
24 Chaplain Service shall provide religious pastoral services
25 and care, which may include clinical services as a part of
26 their pastoral duties, across all of the components of the

1 Department set forth in section 301(c) of this title, as the
2 Secretary and the Chief consider appropriate.

3 “(2) A chaplain in the Chaplain Service may be hired
4 under section 7401(5) of this title for the provision of clin-
5 ical services.

6 “(3) A chaplain described in paragraph (2) shall be
7 considered an employee of the Chaplain Service and shall
8 furnish services across the Department as a whole, includ-
9 ing the Veterans Health Administration, the Veterans
10 Benefits Administration, and the National Cemetery Ad-
11 ministration.

12 “(4) The Chief shall coordinate with the Under Sec-
13 retary for Health on the furnishing of clinical services by
14 chaplains described in paragraph (2).

15 “(d) PROTECTION OF CHAPLAIN SERVICES.—The
16 Secretary may not require a chaplain in the Chaplain
17 Service to perform any rite, ritual, or ceremony that is
18 contrary to the conscience, moral principles, or religious
19 beliefs of such chaplain.

20 “(e) REGULATIONS.—The Secretary shall issue regu-
21 lations implementing the protections afforded by this sec-
22 tion.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 3 of such title is

1 amended by adding at the end the following new
2 item:

“324. Chaplain Service.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) CONFORMING AMENDMENT FOR OFFICE OF
5 THE UNDER SECRETARY FOR HEALTH.—Section
6 7306 of such title is amended—

7 (A) by striking subsection (e); and

8 (B) by redesignating subsection (f) as sub-
9 section (e).

10 (2) CONFORMING AMENDMENT REGARDING AP-
11 POINTMENT OF CHAPLAINS FOR PROVISION OF CLIN-
12 ICAL SERVICES.—Section 7401 of title 38, United
13 States Code, is amended by adding at the end the
14 following new paragraph:

15 “(5) Chaplains with demonstrated ability in the
16 provision of clinical services.”.

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