

119TH CONGRESS
1ST SESSION

S. _____

To restore fairness to service members who filed religious accommodation requests and ensure their career progression is justly reviewed.

IN THE SENATE OF THE UNITED STATES

Mr. CRUZ (for himself, Mrs. BRITT, Mr. LEE, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To restore fairness to service members who filed religious accommodation requests and ensure their career progression is justly reviewed.

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 “Reaffirming Every
5 Servicemembers’ Trust Of Religious Exemptions Act” or
6 the “RESTORE Act”.

1 **SEC. 2. ESTABLISHMENT OF THE SPECIAL REVIEW BOARD**
2 **FOR IMPACTED SERVICE MEMBERS.**

3 (a) ESTABLISHMENT OF REVIEW BOARD.—The Sec-
4 retary of Defense shall convene a special review board
5 under the Deputy Under Secretary of Defense for Per-
6 sonnel and Readiness to audit religious accommodation re-
7 quests and disposition and review the personnel records
8 of each service member who filed a religious accommo-
9 tion request specifically for the COVID–19 vaccine and
10 remained in service (in this section referred to as the
11 “Special Review Board”).

12 (b) DUTIES OF THE REVIEW BOARD.—The Special
13 Review Board shall perform the following duties:

14 (1) AUDIT SCOPE OF RELIGIOUS ACCOMMODA-
15 TION DECISIONS SINCE 2020.—Conduct a Depart-
16 ment of Defense-wide audit to assess full number of
17 submissions, approvals, and consistency of compli-
18 ance with the Religious freedom Restoration Act of
19 1993 (RFRA) (42 U.S.C. 2000bb et seq.).

20 (2) ASSESS CAREER IMPACT.—Determine
21 whether the service member’s career progression,
22 promotions, assignments, retention, or professional
23 development opportunities were negatively affected
24 by their religious accommodation request or
25 COVID–19 vaccine refusal.

1 (3) ADJUDICATE CAREER RESTORATIONS.—De-
2 termine and take corrective action if the service
3 member is eligible for—

4 (A) backdated promotion to the rank they
5 would have achieved absent the adverse impact;

6 (B) correction of their Date of Rank
7 (DOR) to align with their peer group;

8 (C) restoration of lost pay and benefits, in-
9 cluding back pay, retirement contributions, and
10 applicable bonuses; and

11 (D) reinstatement to service if they left
12 service due to denial of religious accommodation
13 that has since been determined as unlawful.

14 (4) EXPUNGEMENT OF ADVERSE ACTIONS.—
15 Ensure that all adverse administrative actions re-
16 lated to refusal of the COVID–19 vaccine (or other
17 protected religious accommodation) are expunged
18 from the service member’s record, including—

19 (A) administrative reprimands;

20 (B) negative or inconsistent evaluations;

21 (C) promotion delays or denials;

22 (D) issuance of Inactive Duty Training
23 points to reserve component personnel so that if
24 affected they shall receive a satisfactory year
25 for participation; and

1 (E) career assignment considerations to
2 improve service-member competitiveness pre-
3 viously impacted solely due to vaccine refusal
4 (or religious accommodation).

5 (5) REVIEW PROCESS.—Establish a mechanism
6 for service members to request review of decisions if
7 they previously submitted a religious accommodation
8 and believe their records or career progression were
9 adversely impacted regardless of accommodation re-
10 quest outcome.

11 (c) TIMELINE FOR REVIEW AND REPORTING.—

12 (1) REVIEW.—The Special Review Board shall
13 complete a full review of all affected military per-
14 sonnel not later than one year after the date of the
15 enactment of this Act.

16 (2) REPORT.—Not later than 60 days after the
17 review is completed, the Deputy Under Secretary of
18 Defense for Personnel and Readiness shall submit to
19 the Committee on Armed Services of the Senate and
20 the Committee on Armed Services of the House of
21 Representatives a report detailing—

22 (A) the Special Review Board’s findings;

23 (B) the number of cases reviewed; and

24 (C) corrective actions taken.

1 (d) DEADLINE FOR COMPENSATION.—The Secretary
2 of Defense shall ensure that service members determined
3 by the Special Review Board to be eligible for backdated
4 reinstatements, promotions, pay, and benefits receive such
5 compensation not later than 60 days after their case-re-
6 view under subsection (c)(1) is completed.

7 **SEC. 3. CONGRESSIONAL OVERSIGHT AND ACCOUNT-**
8 **ABILITY.**

9 (a) REPORT OF INITIAL FINDINGS.—Not later than
10 90 days after the date of the enactment of this Act, the
11 Secretary of Defense shall submit to the Committee on
12 Armed Services of the Senate and the Committee on
13 Armed Services of the House of Representatives a report
14 with initial findings of the audit directed in section 2(a).
15 The report should provide statistical analysis of affected
16 service member population, assess compliance of Depart-
17 ment of Defense with RFRA, and provide plans to address
18 identified areas of opportunity.

19 (b) QUARTERLY REPORTS.—The Secretary of De-
20 fense shall provide quarterly reports to the Committee on
21 Armed Services of the Senate and the Committee on
22 Armed Services of the House of Representatives detail-
23 ing—

24 (1) the number of cases reviewed by the Special
25 Review Board;

1 (2) the number of service members granted
2 back pay, promotions, or restored benefits;

3 (3) the number of adverse actions expunged
4 from military records;

5 (4) statistics on the performance of identified
6 service member populations with respect to boards,
7 career progression, and competitive assignment; and

8 (5) recommendations for further legislative ac-
9 tion to ensure fairness in military personnel policies.

10 (c) INSPECTOR GENERAL AUDIT.—Not later than 18
11 months after the date of the enactment of this Act, the
12 Department of Defense Inspector General shall conduct
13 an independent audit and compliance review of the imple-
14 mentation of this Act. The Inspector General shall review
15 overall data of religious accommodations and determine if
16 RFRA was applied consistently across the Department of
17 Defense.

18 **SEC. 4. DEFINITIONS.**

19 In this Act:

20 (1) ADVERSE ACTION.—The term “adverse ac-
21 tion” includes—

22 (A) administrative reprimands;

23 (B) denial or delay of promotions;

24 (C) negative performance evaluations;

25 (D) forced involuntary separation;

1 (E) coerced voluntary separation; and

2 (F) denial of career-enhancing assign-
3 ments.

4 (2) RELIGIOUS ACCOMMODATION.—The term
5 “religious accommodation” refers to a formally sub-
6 mitted request for exemption from a military order,
7 policy, or directive on religious grounds, in accord-
8 ance with the respective service branch’s religious
9 accommodation policies.

10 (3) SERVICE MEMBER.—The term “service
11 member” means a member of the Armed Forces
12 total force serving on active duty, reserve (to include
13 Individual Ready Reserve (IRR)), or National Guard
14 status in any branch of the Department of Defense.

15 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

16 There is authorized to be appropriated such sums as
17 may be necessary to carry out this Act. The Secretary of
18 Defense shall allocate necessary resources to support the
19 Special Review Board.