

AMENDMENT TO H.R. 4350

OFFERED BY MR. BROWN OF MARYLAND

At the appropriate place in title V, insert the following:

1 **SEC. 5** ____. **COUNTERING EXTREMISM IN THE ARMED**
2 **FORCES.**

3 (a) IN GENERAL.—Part II of subtitle A of title 10,
4 United States Code, is amended by adding at the end the
5 following new chapter:

6 **“CHAPTER 89—COUNTERING EXTREMISM**

“1801. Office of Countering Extremism.

“1802. Training and education.

“1803. Data collection and analysis.

“1804. Reporting requirements.

“1805. Definitions.

7 **“§ 1801. Office of Countering Extremism**

8 “(a) ESTABLISHMENT.—(1) There is an Office of
9 Countering Extremism (in this section referred to as the
10 ‘Office’) within the Office of the Under Secretary of De-
11 fense for Personnel and Readiness.

12 “(2) The Office shall be headed by the Director of
13 Countering Extremism (in this chapter referred to as the
14 ‘Director’), who shall be appointed by the Secretary of De-
15 fense, in consultation with the Secretary of Homeland Se-

1 curity, and report directly to the Under Secretary of De-
2 fense for Personnel and Readiness and the Secretary.

3 “(b) DUTIES.—The Director shall—

4 “(1) be responsible for policy of countering ex-
5 tremism within the armed forces;

6 “(2) in coordination with the Secretaries of the
7 military departments, develop and implement pro-
8 grams, resources, and activities to counter extre-
9 mism within the armed forces;

10 “(3) establish policies to ensure adequate pro-
11 tection, transparency of process, and availability of
12 resources for individuals who report incidents of ex-
13 tremism;

14 “(4) facilitate and coordinate with the Secre-
15 taries of the military departments, law enforcement
16 organizations, security organizations, and insider
17 threat programs in the armed forces;

18 “(5) engage and interact with, and solicit rec-
19 ommendations from, outside experts on extremism;

20 “(6) coordinate with—

21 “(A) the Under Secretary for Defense for
22 Intelligence and Security; and

23 “(B) the Deputy Inspector General of the
24 Department of Defense for Diversity and Inclu-

1 sion and Supremacist, Extremism and Criminal
2 Gang Activity; and

3 “(7) perform any additional duties prescribed
4 by the Secretary of Defense, in consultation with the
5 Secretary of Homeland Security.

6 **“§ 1802. Training and education**

7 “(a) IN GENERAL.—The Secretary of each military
8 department, in coordination with the Director, shall de-
9 velop and implement training and education programs and
10 related materials to assist members of the armed forces
11 and civilian employees of the armed forces in identifying,
12 preventing, responding to, reporting, and mitigating the
13 risk of extremism.

14 “(b) EXTREMIST INSIDER THREAT TRAINING.—(1)
15 The training and education programs and materials de-
16 scribed in subsection (a) shall include information on the
17 following:

18 “(A) What constitutes an extremist insider threat.

19 “(B) Risks posed by extremist insider threats.

20 “(C) How to identify extremist insider threats.

21 “(D) How to recognize when an individual is being
22 influenced by extremism or targeted for recruitment by ex-
23 tremist groups.

24 “(E) Information about procedures on when and how
25 to report detected extremist insider threats.

1 “(F) Resources for reporting outside the chain of
2 command.

3 “(G) Media literacy training.

4 “(H) Whistleblower protections.

5 “(I) Such other information as may be required by
6 the Secretary of Defense, in consultation with the Sec-
7 retary of Homeland Security.

8 “(2) The Secretary of Defense, in consultation with
9 the Secretary of Homeland Security, shall provide the
10 training and education described in subsection (a) as part
11 of each of the following:

12 “(A) Initial entry training for members of the
13 armed forces.

14 “(B) Curricula of—

15 “(i) the United States Army Training and
16 Doctrine Command;

17 “(ii) the Naval Education and Training
18 Command;

19 “(iii) the Air Education and Training
20 Command;

21 “(iv) all pre-commissioning programs of
22 the Department of Defense;

23 “(v) the military service academies;

24 “(vi) the Coast Guard Education and
25 Training Quota Management Command;

1 “(vii) the Coast Guard Academy; and

2 “(viii) all pre-commissioning programs of
3 the Coast Guard.

4 “(C) Certification courses required for members
5 or officers to be considered for promotion to any
6 grade above E-5, WO-5 (WO-3, in the case of the
7 Coast Guard), or O-5. Such members and officers
8 shall also receive training regarding—

9 “(i) how to identify emerging extremist in-
10 sider threat behaviors in a unit; and

11 “(ii) procedures on when and how to re-
12 spond when a subordinate reports a suspected
13 extremist insider threat.

14 “(3) The Secretary of Defense, in consultation
15 with the Secretary of Homeland Security, shall in-
16 clude the information described in paragraph (1) in
17 brochures, posters, print and online publications, or
18 other educational materials of the armed forces.

19 “(c) RECRUITER TRAINING.—The Secretary of each
20 military department, in coordination with the Director,
21 shall coordinate with the recruiting activities and organi-
22 zation of the armed forces to develop and carry out a
23 training program for recruiters on how to—

24 “(1) identify indicators of extremism in poten-
25 tial recruits;

1 “(2) identify members of extremist organiza-
2 tions in potential recruits; and

3 “(3) screen potential recruits for extremist ties
4 to ensure potential recruits comply with enlistment,
5 accession, or commissioning requirements.

6 **“§ 1803. Data collection and analysis**

7 “(a) IN GENERAL.—The Director shall—

8 “(1) establish and maintain a database on ex-
9 tremist activities in the armed forces; and

10 “(2) ensure the data collected across the mili-
11 tary departments is uniform to the maximum extent
12 practicable.

13 “(b) RECORDS.—The database established in sub-
14 section (a) shall include records on—

15 “(1) each incident, complaint, or allegation of
16 extremism by a member or civilian employee of the
17 armed forces, including—

18 “(A) the extremist behavior related to the
19 incident, complaint, or allegation;

20 “(B) the rank, race, gender, and ethnicity
21 of the individuals involved in the incident, com-
22 plaint, or allegation;

23 “(C) each Federal agency involved in in-
24 vestigating the incident, complaint, or allega-
25 tion;

1 “(D) any investigation of the incident,
2 complain, or allegation;

3 “(E) any action taken by a commander or
4 supervisor in response to the incident, com-
5 plaint, or allegation;

6 “(F) any adverse administrative personnel
7 action or punitive action related to the incident,
8 complaint, or allegation, including details of the
9 type of action initiated and the final disposition
10 of such action;

11 “(G) descriptions of an ideology, move-
12 ment, or extremist group associated with the in-
13 cident, complaint, or allegation; and

14 “(H) records submitted or collected re-
15 garding administrative or punitive action re-
16 ferred to in subsection (F).

17 “(2) each notification from the Federal Bureau
18 of Investigation to the Secretary of Defense, the
19 Secretary of Homeland Security, or a law enforce-
20 ment agency (if in the possession of either such Sec-
21 retary), of investigations related to extremism of
22 current and former members of the armed forces,
23 unless such reporting would jeopardize public safety
24 or compromise an ongoing law enforcement inves-
25 tigation;

1 “(3) responses related to questions about extre-
2 mism on surveys, questionnaires, command climate
3 surveys, transition checklists, exit surveys, and other
4 information gathering sources;

5 “(4) each involuntary separation or denial of
6 enlistment or commissioning on the basis of extre-
7 mism;

8 “(5) each security clearance revoked on the
9 basis of extremism; and

10 “(6) any other requirements prescribed by the
11 Secretary of Defense, in consultation with the Sec-
12 retary of Homeland Security.

13 “(c) COORDINATION.—Each Secretary of a military
14 department shall collect records described in subsection
15 (b) and provide them to the Director.

16 **“§ 1804. Reporting requirements**

17 “(a) ANNUAL REPORT.—Not later than December 1
18 of each year, the Director shall submit to Congress a re-
19 port on the prevalence of extremist activities within the
20 armed forces that includes the number of individuals—

21 “(1) determined ineligible to serve in the Armed
22 Forces during the preceding fiscal year by reason of
23 engagement in extremist activities;

1 “(2) separated from the Armed Forces during
2 the preceding fiscal year by reason of engagement in
3 extremist activities;

4 “(3) determined ineligible to reenlist in the
5 armed forces during the preceding fiscal year by rea-
6 son of engagement in extremist activities;

7 “(4) whose security clearances were revoked
8 during the preceding fiscal year by reason of engage-
9 ment in extremist activities;

10 “(5) statistics of incidents, complaints, and alle-
11 gations recorded under section 1803(b)—

12 “(A) disaggregated data by armed force,
13 race, gender, ethnicity, grade, and rank; and

14 “(B) with any personally identifiable infor-
15 mation redacted;

16 “(6) regulations prescribed to counter extre-
17 mism in the armed forces; and

18 “(7) any recommendations to Congress for re-
19 lated legislative actions to address extremism within
20 the armed forces.

21 “(b) PUBLICATION.—The Secretary of Defense
22 shall—

23 “(1) publish on an appropriate publicly avail-
24 able website of the Department of Defense the re-
25 ports required by subsection (a); and

1 “(2) ensure that any data included with each
2 such report is made available in a machine-readable
3 format that is downloadable, searchable, and sort-
4 able.

5 **“§ 1805. Definitions**

6 “In this chapter:

7 “(1) The terms ‘extremist activities’ and ‘ex-
8 tremist organization’ have the meanings prescribed
9 by the Secretary of Defense.

10 “(2) The term ‘extremist insider threat’ means
11 a member or civilian employee of the armed forces
12 with access to Government information, systems, or
13 facilities, who—

14 “(A) can use such access to do harm to the
15 security of the United States; and

16 “(B) exhibits extremist behaviors.”.

17 (b) TECHNICAL AMENDMENT.—The table of chapters
18 for part II of subtitle A of such title 10 is amended by
19 inserting, after the item relating to chapter 88, the fol-
20 lowing new item:

 “89. Countering Extremism 1801”.

21 (c) REGULATIONS.—The Secretary of Defense shall
22 prescribe regulations under chapter 89 of such title (in-
23 cluding definitions under section 1805 of such title), as
24 added by subsection (a), not later than 60 days after the
25 date of the enactment of this Act.

1 (d) PROGRESS REPORT.—Not later than 180 days
2 after the date of the enactment of this Act, the Secretary
3 of Defense shall submit to the Committees on Armed Serv-
4 ices of the Senate and House of Representatives a report
5 on the status of the implementation of chapter 89 of such
6 title, as added by subsection (a).

7 (e) PROHIBITION ON EXTREMIST ACTIVITIES.—

8 (1) PROHIBITION.—Chapter 39 of title 10,
9 United States Code, is amended by inserting after
10 section 985 the following new section:

11 **“§ 986. Prohibition on extremist activities**

12 “(a) PROHIBITION.—An individual who engages in
13 extremist activities or is a member of an extremist organi-
14 zation may not serve as a member of the armed forces.

15 “(b) REGULATIONS.—The Secretary of Defense shall
16 prescribe regulations regarding the separation of a mem-
17 ber of the armed forces who engages in extremist activities
18 or is a member of an extremist organization.

19 “(c) DEFINITIONS.—In this section, the terms ‘ex-
20 tremist activities’ and ‘extremist organization’ have the
21 meanings given such terms in section 1805 of this title.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of such chapter is amended
24 by inserting after the item relating to section 985
25 the following new item:

“986. Prohibition on extremist activities.”.

1 (f) PROVISION OF INFORMATION REGARDING EX-
2 TREMIST GROUPS IN TRANSITION ASSISTANCE PRO-
3 GRAM.—Section 1142(b) of title 10, United States Code,
4 is amended by adding at the end the following new para-
5 graph (20):

6 “(20) Information about efforts of extremist
7 groups to recruit former members of the armed
8 forces, including how a member may report such ef-
9 forts to the Secretary concerned.”.

10 (g) AUTHORITY TO UTILIZE ONLINE EXTREMIST
11 CONTENT AS CAUSE FOR SEPARATION FROM AN ARMED
12 FORCE.—Chapter 3 of title 10, United States Code, is
13 amended by adding at the end the following new section:

14 **“§ 1301. Authority to utilize online extremist content**
15 **as cause for separation from an armed**
16 **force**

17 “The Secretary concerned may use content knowingly
18 shared, disseminated, or otherwise made available online
19 (including on social media platforms and accounts) by an
20 individual who serves in an armed force that expresses
21 support for extremist activities (as that term is defined
22 in section 1804 of this title) as cause for involuntary sepa-
23 ration from an armed force.”.

24 (h) COORDINATION OF DIRECTOR OF COUNTERING
25 EXTREMISM WITH DEPUTY INSPECTOR GENERAL RE-

1 GARDING SUPREMACIST, EXTREMIST, OR CRIMINAL GANG
2 ACTIVITY IN THE ARMED FORCES.—Section 554(a)(3) of
3 the William M. (Mac) Thornberry National Defense Au-
4 thorization Act for Fiscal Year 2021 (Public Law 116–
5 283) is amended by adding at the end the following new
6 subparagraph:

7 “(E) The Director of Countering Extre-
8 mism.”.

9 (i) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the day that the Secretary
11 of Defense prescribes regulations under subsection (c).

