AMENDMENT TO H.R. 4350
OFFERED BY MR. BROWN OF MARYLAND

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

SEC. 5. COUNTERING EXTREMISM IN THE ARMED FORCES.

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

“CHAPTER 89—COUNTERING EXTREMISM

§ 1801. Office of Countering Extremism.
§ 1802. Training and education.
§ 1803. Data collection and analysis.
§ 1804. Reporting requirements.
§ 1805. Definitions.

“§ 1801. Office of Countering Extremism

“(a) ESTABLISHMENT.—(1) There is an Office of Countering Extremism (in this section referred to as the ‘Office’) within the Office of the Under Secretary of Defense for Personnel and Readiness.

“(2) The Office shall be headed by the Director of Countering Extremism (in this chapter referred to as the ‘Director’), who shall be appointed by the Secretary of Defense, in consultation with the Secretary of Homeland Se-
curity, and report directly to the Under Secretary of Defense for Personnel and Readiness and the Secretary.

“(b) DUTIES.—The Director shall—

“(1) be responsible for policy of countering extremism within the armed forces;

“(2) in coordination with the Secretaries of the military departments, develop and implement programs, resources, and activities to counter extremism within the armed forces;

“(3) establish policies to ensure adequate protection, transparency of process, and availability of resources for individuals who report incidents of extremism;

“(4) facilitate and coordinate with the Secretaries of the military departments, law enforcement organizations, security organizations, and insider threat programs in the armed forces;

“(5) engage and interact with, and solicit recommendations from, outside experts on extremism;

“(6) coordinate with—

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

“(B) the Deputy Inspector General of the Department of Defense for Diversity and Inclu-
sion and Supremacist, Extremism and Criminal
Gang Activity; and
“(7) perform any additional duties prescribed
by the Secretary of Defense, in consultation with the
Secretary of Homeland Security.

“§ 1802. Training and education
“(a) IN GENERAL.—The Secretary of each military
department, in coordination with the Director, shall de-
develop and implement training and education programs and
related materials to assist members of the armed forces
and civilian employees of the armed forces in identifying,
preventing, responding to, reporting, and mitigating the
risk of extremism.
“(b) EXTREMIST INSIDER THREAT TRAINING.—(1)
The training and education programs and materials de-
scribed in subsection (a) shall include information on the
following:
“(A) What constitutes an extremist insider threat.
“(B) Risks posed by extremist insider threats.
“(C) How to identify extremist insider threats.
“(D) How to recognize when an individual is being
influenced by extremism or targeted for recruitment by ex-
tremist groups.
“(E) Information about procedures on when and how
to report detected extremist insider threats.
“(F) Resources for reporting outside the chain of command.

“(G) Media literacy training.

“(H) Whistleblower protections.

“(I) Such other information as may be required by the Secretary of Defense, in consultation with the Secretary of Homeland Security.

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

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

“(B) Curricula of—

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

“(ii) the Naval Education and Training Command;

“(iii) the Air Education and Training Command;

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

“(v) the military service academies;

“(vi) the Coast Guard Education and Training Quota Management Command;
“(vii) the Coast Guard Academy; and
“(viii) all pre-commissioning programs of
the Coast Guard.
“(C) Certification courses required for members
or officers to be considered for promotion to any
grade above E–5, WO–5 (WO-3, in the case of the
Coast Guard), or O–5. Such members and officers
shall also receive training regarding—
“(i) how to identify emerging extremist in-
sider threat behaviors in a unit; and
“(ii) procedures on when and how to re-
spond when a subordinate reports a suspected
extremist insider threat.
“(3) The Secretary of Defense, in consultation
with the Secretary of Homeland Security, shall in-
clude the information described in paragraph (1) in
brochures, posters, print and online publications, or
other educational materials of the armed forces.
“(c) RECRUITER TRAINING.—The Secretary of each
military department, in coordination with the Director,
shall coordinate with the recruiting activities and organi-
ization of the armed forces to develop and carry out a
training program for recruiters on how to—
“(1) identify indicators of extremism in poten-
tial recruits;
“(2) identify members of extremist organizations in potential recruits; and

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

§ 1803. Data collection and analysis

“(a) IN GENERAL.—The Director shall—

“(1) establish and maintain a database on extremist activities in the armed forces; and

“(2) ensure the data collected across the military departments is uniform to the maximum extent practicable.

“(b) RECORDS.—The database established in subsection (a) shall include records on—

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

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

“(B) the rank, race, gender, and ethnicity of the individuals involved in the incident, complaint, or allegation;

“(C) each Federal agency involved in investigating the incident, complaint, or allegation;
“(D) any investigation of the incident, complain, or allegation;

“(E) any action taken by a commander or supervisor in response to the incident, complaint, or allegation;

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

“(G) descriptions of an ideology, movement, or extremist group associated with the incident, complaint, or allegation; and

“(H) records submitted or collected regarding administrative or punitive action referred to in subsection (F).

“(2) each notification from the Federal Bureau of Investigation to the Secretary of Defense, the Secretary of Homeland Security, or a law enforcement agency (if in the possession of either such Secretary), of investigations related to extremism of current and former members of the armed forces, unless such reporting would jeopardize public safety or compromise an ongoing law enforcement investigation;
“(3) responses related to questions about extremism on surveys, questionnaires, command climate surveys, transition checklists, exit surveys, and other information gathering sources;

“(4) each involuntary separation or denial of enlistment or commissioning on the basis of extremism;

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

“(6) any other requirements prescribed by the Secretary of Defense, in consultation with the Secretary of Homeland Security.

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

§ 1804. Reporting requirements

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

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

“(3) determined ineligible to reenlist in the armed forces during the preceding fiscal year by reason of engagement in extremist activities;

“(4) whose security clearances were revoked during the preceding fiscal year by reason of engagement in extremist activities;

“(5) statistics of incidents, complaints, and allegations recorded under section 1803(b)—

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

“(B) with any personally identifiable information redacted;

“(6) regulations prescribed to counter extremism in the armed forces; and

“(7) any recommendations to Congress for related legislative actions to address extremism within the armed forces.

“(b) P UBLICATION.—The Secretary of Defense shall—

“(1) publish on an appropriate publicly available website of the Department of Defense the reports required by subsection (a); and
“(2) ensure that any data included with each such report is made available in a machine-readable format that is downloadable, searchable, and sortable.

“§ 1805. Definitions

“In this chapter:

“(1) The terms ‘extremist activities’ and ‘extremist organization’ have the meanings prescribed by the Secretary of Defense.

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

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

“(B) exhibits extremist behaviors.”.

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

“89. Countering Extremism ......................................................... 1801”.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations under chapter 89 of such title (including definitions under section 1805 of such title), as added by subsection (a), not later than 60 days after the date of the enactment of this Act.
(d) Progress Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the status of the implementation of chapter 89 of such title, as added by subsection (a).

(e) Prohibition on Extremist Activities.—

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

“§ 986. Prohibition on extremist activities

“(a) Prohibition.—An individual who engages in extremist activities or is a member of an extremist organization may not serve as a member of the armed forces.

“(b) Regulations.—The Secretary of Defense shall prescribe regulations regarding the separation of a member of the armed forces who engages in extremist activities or is a member of an extremist organization.

“(c) Definitions.—In this section, the terms ‘extremist activities’ and ‘extremist organization’ have the meanings given such terms in section 1805 of this title.”.

(2) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 985 the following new item:

“986. Prohibition on extremist activities.”.
(f) Provision of Information Regarding Extremist Groups in Transition Assistance Program.—Section 1142(b) of title 10, United States Code, is amended by adding at the end the following new paragraph (20):

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

(g) Authority to Utilize Online Extremist Content as Cause for Separation From an Armed Force.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 130l. Authority to utilize online extremist content as cause for separation from an armed force

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

(h) Coordination of Director of Countering Extremism With Deputy Inspector General Re-
garding Supremacist, Extremist, or Criminal Gang

Activity in the Armed Forces.—Section 554(a)(3) of
the William M. (Mac) Thornberry National Defense Au-

thorization Act for Fiscal Year 2021 (Public Law 116–
283) is amended by adding at the end the following new
subparagraph:

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

(i) Effective Date.—The amendments made by
this section shall take effect on the day that the Secretary
of Defense prescribes regulations under subsection (c).