

AMENDMENT TO H.R. 8800
OFFERED BY MR. BELL OF MISSOURI

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

1 **SEC. 5___. PROHIBITION OF HATE SYMBOLS: REGULA-**
2 **TIONS; GUIDANCE; TRAINING.**

3 (a) PROHIBITION.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall prescribe in regulations—

6 (1) a policy of the Department of Defense that
7 prohibits the display, possession for display, or use
8 of a hate symbol in the workplace or in connection
9 with official duties, including on the body, uniform,
10 civilian work attire, personal equipment, government
11 property, or digital work platforms, including
12 through a tattoo, brand, insignia, patch, apparel, or
13 electronic imagery;

14 (2) standards for identifying and addressing
15 prohibited hate symbols; and

16 (3) procedures to review a determination under
17 such policy, order the removal of a symbol deter-
18 mined to be a hate symbol, or other remediation
19 consistent with applicable law.

1 (b) EXCEPTION.—The policy under subsection (a)
2 shall not prohibit the good-faith display or use of a symbol
3 for a legitimate religious, educational, intelligence, law en-
4 forcement, or investigative purpose. To determine whether
5 such display or use is subject to an exception under this
6 subsection, the Secretary shall consider—

7 (1) the historical and cultural meaning of the
8 symbol;

9 (2) the manner, context, and location in which
10 the symbol is displayed;

11 (3) whether the symbol is associated with an ex-
12 tremist organization or ideology;

13 (4) whether the display would reasonably be in-
14 terpreted as communicating support for hatred, dis-
15 crimination, or violent extremism;

16 (5) applicable constitutional and statutory law;
17 and

18 (6) religious accommodations.

19 (c) GUIDANCE.—Not later than 180 days after the
20 date of the enactment of this Act, the Secretary of Defense
21 shall—

22 (1) issue guidance and reference materials, de-
23 veloped in consultation with subject matter experts,
24 to assist commanding officers, supervisors, human

1 resources personnel, and investigators, regarding the
2 identification of hate symbols; and

3 (2) review, in consultation with civil rights ex-
4 perts and organizations with recognized expertise in
5 hate and extremist symbols, and update such guid-
6 ance not less than once every 36 months after such
7 issuance.

8 (d) TRAINING.—The Secretary shall incorporate in-
9 struction on the policy and guidance under this section
10 into existing training programs for members of the cov-
11 ered Armed Forces and civilian employees of the Depart-
12 ment of Defense.

13 (e) CERTIFICATION.—Not later than 180 days after
14 the Secretary prescribes regulations under subsection (a),
15 the Secretary of a military department or head of a De-
16 fense agency shall certify to the Secretary of Defense
17 whether their subordinate members of the covered Armed
18 Forces or civilian employees subordinate have imple-
19 mented the regulations. guidance, and training under this
20 section.

21 (f) BRIEFING.—Not later than one year after the
22 date of the enactment of this Act, the Secretary of Defense
23 shall submit to the Committees on Armed Services of the
24 Senate and House of Representatives a briefing detailing
25 the implementation of this section.

1 (g) DEFINITIONS.—In this section:

2 (1) The term “hate symbol” means any symbol,
3 image, insignia, emblem, tattoo, sign, coded designa-
4 tion, or other visual representation that, in context,
5 would be reasonably understood to promote violence
6 or unlawful discrimination against a person or group
7 based on a protected identity characteristic.

8 (2) The term “covered Armed Force” means
9 the Army, Navy, Marine Corps, Air Force, or Space
10 Force.

