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(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. R. _____

To amend title 10, United States Code, to direct the Secretary of Defense to make certain limitations on the transfer of personal property to Federal and State agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. JOHNSON of Georgia introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 10, United States Code, to direct the Secretary of Defense to make certain limitations on the transfer of personal property to Federal and State agencies, 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. SHORT TITLE.**

4 This Act may be cited as the “Stop Militarizing Law
5 Enforcement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Under section 2576a of title 10, United
2 States Code, the Department of Defense is author-
3 ized to provide surplus property to local law enforce-
4 ment agencies. The Defense Logistics Agency, ad-
5 ministers such section by operating the Law En-
6 forcement Support Office program.

7 (2) New and used material, including mine-re-
8 sistant ambush-protected vehicles and weapons de-
9 termined by the Department of Defense to be “mili-
10 tary grade” are transferred to local law enforcement
11 agencies through the program.

12 (3) As a result local law enforcement agencies,
13 including police and sheriff’s departments, are ac-
14 quiring this material for use in their normal oper-
15 ations.

16 (4) The wars in Iraq and Afghanistan have led
17 to an increase in the transfer of military equipment
18 to local law enforcement agencies.

19 (5) According to public reports, approximately
20 12,000 police organizations across the country were
21 able to procure nearly \$500,000,000 worth of excess
22 military merchandise including firearms, computers,
23 helicopters, clothing, and other products, at no
24 charge during fiscal year 2011 alone.

1 (6) More than \$4,000,000,000 worth of weap-
2 ons and equipment have been transferred to police
3 organizations in all 50 states and four territories
4 through the program.

5 (7) In May 2012, the Defense Logistics Agency
6 instituted a moratorium on weapons transfers
7 through the program after reports of missing equip-
8 ment and inappropriate weapons transfers.

9 (8) Though the moratorium was widely pub-
10 licized, it was lifted quietly in October 2013 without
11 additional safeguards.

12 (9) As a result, Federal, State, and local law
13 enforcement departments across the country are eli-
14 gible again to acquire free “military-grade” weapons
15 and equipment that could be used inappropriately
16 during policing efforts in which citizens and tax-
17 payers could be harmed.

18 (10) Pursuant to section III(J) of a Defense
19 Logistics Agency memorandum of understanding,
20 property obtained through the program must be
21 placed into use within one year of receipt, providing
22 an incentive for the unnecessary and potentially dan-
23 gerous use of “military grade” equipment by local
24 law enforcement.

1 **SEC. 3. LIMITATION ON DEPARTMENT OF DEFENSE TRANS-**
2 **FER OF PERSONAL PROPERTY TO LOCAL LAW**
3 **ENFORCEMENT AGENCIES.**

4 (a) IN GENERAL.—Section 2576a of title 10, United
5 States Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)(A), by striking
8 “counter-drug and”; and

9 (B) in paragraph (2), by striking “and the
10 Director of National Drug Control Policy”;

11 (2) in subsection (b)—

12 (A) in paragraph (3), by striking “and” at
13 the end;

14 (B) in paragraph (4), by striking the pe-
15 riod and inserting a semicolon; and

16 (C) by adding at the end the following new
17 paragraphs:

18 “(5) the recipient certifies to the Department of
19 Defense that it has the personnel and technical ca-
20 pacity, including training, to operate the property;

21 “(6) the recipient submits to the Department of
22 Defense a description of how the recipient expects to
23 use the property;

24 “(7) the recipient certifies to the Department of
25 Defense that if the recipient determines that the
26 property is surplus to the needs of the recipient, the

1 recipient will return the property to the Department
2 of Defense; and

3 “(8) the recipient certifies to the Department of
4 Defense that the recipient notified the local commu-
5 nity of the request for personal property under this
6 section by—

7 “(A) publishing a notice of such request on
8 a publicly accessible Internet website;

9 “(B) posting such notice at several promi-
10 nent locations in the jurisdiction of the recipi-
11 ent; and

12 “(C) ensuring that such notices were avail-
13 able to the local community for a period of not
14 less than 30 days.”;

15 (3) by striking subsection (d); and

16 (4) by adding at the end the following new sub-
17 sections:

18 “(d) ANNUAL CERTIFICATION ACCOUNTING FOR
19 TRANSFERRED PROPERTY.—For each fiscal year, the Sec-
20 retary shall submit to Congress certification in writing
21 that each Federal or State agency to which the Secretary
22 has transferred property under this section carried out
23 subsection (b)(7) and has provided to the Secretary docu-
24 mentation accounting for all personal property, including
25 arms and ammunition, that the Secretary has transferred

1 to the agency. If the Secretary cannot provide such certifi-
2 cation for an agency, the Secretary may not transfer addi-
3 tional property to that agency under this section.

4 “(e) ANNUAL REPORT ON SURPLUS PROPERTY.—
5 Before making any property available for transfer under
6 this section, the Secretary shall annually submit to Con-
7 gress a description of the property to be transferred to-
8 gether with a certification that the transfer of the property
9 would not violate this section or any other provision of
10 law.

11 “(f) LIMITATIONS ON TRANSFERS.—(1) The Sec-
12 retary may not transfer the following personal property
13 of the Department of Defense under this section:

14 “(A) Automatic weapons not generally recog-
15 nized as particularly suitable for law enforcement
16 purposes, including those that are .50 caliber or
17 greater.

18 “(B) Tactical vehicles, including highly mobile
19 multi-wheeled vehicles, armored vehicles, and mine-
20 resistant ambush-protected vehicles.

21 “(C) Drones that are armored, weaponized, or
22 both.

23 “(D) Aircraft.

24 “(E) Grenades, including flash-bang grenades
25 and stun grenades, and grenade launchers.

1 “(F) Silencers.

2 “(G) Long range acoustic devices.

3 “(2) The Secretary may not require, as a condition
4 of a transfer under this section, that a Federal or State
5 agency demonstrate the use of any small arms or ammuni-
6 tion.

7 “(g) CONDITIONS FOR EXTENSION OF PROGRAM.—
8 Notwithstanding any other provision of law, amounts au-
9 thorized to be appropriated or otherwise made available
10 for any fiscal year may not be obligated or expended to
11 carry out this section unless the Secretary submits to Con-
12 gress certification that for the preceding fiscal year—

13 “(1) each Federal or State agency that has re-
14 ceived property under this section has demonstrated
15 100 percent accountability for all such property to
16 the State coordinator in accordance with paragraph
17 (2) or has been suspended from the program pursu-
18 ant to paragraph (3);

19 “(2) the State coordinator responsible for each
20 such agency has verified that the coordinator or an
21 agent of the coordinator has conducted an in-person
22 inventory of the property transferred to the agency
23 and that 100 percent of such property was ac-
24 counted for during the inventory or that the agency

1 has been suspended from the program pursuant to
2 paragraph (3);

3 “(3) the eligibility of any such agency for which
4 100 percent of the equipment was not accounted for
5 during an inventory described in paragraph (2) to
6 receive property transferred under this section has
7 been suspended; and

8 “(4) each State coordinator has certified, for
9 each Federal or State agency located in the State
10 for which the State coordinator is responsible that—

11 “(A) the agency has complied with all re-
12 quirements under this section; or

13 “(B) the eligibility of the agency to receive
14 property transferred under this section has been
15 suspended.”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall apply with respect to any transfer of
18 property made after the date of the enactment of this Act.