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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

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

4 SEC. 2. FINDINGS.

5 Congress makes the following findings:
(1) Under section 2576a of title 10, United States Code, the Department of Defense is authorized to provide surplus property to local law enforcement agencies. The Defense Logistics Agency, administers such section by operating the Law Enforcement Support Office program.

(2) New and used material, including mine-resistant ambush-protected vehicles and weapons determined by the Department of Defense to be “military grade” are transferred to local law enforcement agencies through the program.

(3) As a result local law enforcement agencies, including police and sheriff’s departments, are acquiring this material for use in their normal operations.

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

(5) According to public reports, approximately 12,000 police organizations across the country were able to procure nearly $500,000,000 worth of excess military merchandise including firearms, computers, helicopters, clothing, and other products, at no charge during fiscal year 2011 alone.
(6) More than $4,000,000 worth of weapons and equipment have been transferred to police organizations in all 50 states and four territories through the program.

(7) In May 2012, the Defense Logistics Agency instituted a moratorium on weapons transfers through the program after reports of missing equipment and inappropriate weapons transfers.

(8) Though the moratorium was widely publicized, it was lifted quietly in October 2013 without additional safeguards.

(9) As a result, Federal, State, and local law enforcement departments across the country are eligible again to acquire free “military-grade” weapons and equipment that could be used inappropriately during policing efforts in which citizens and taxpayers could be harmed.

(10) Pursuant to section III(J) of a Defense Logistics Agency memorandum of understanding, property obtained through the program must be placed into use within one year of receipt, providing an incentive for the unnecessary and potentially dangerous use of “military grade” equipment by local law enforcement.
SEC. 3. LIMITATION ON DEPARTMENT OF DEFENSE TRANSFER OF PERSONAL PROPERTY TO LOCAL LAW ENFORCEMENT AGENCIES.

(a) In General.—Section 2576a of title 10, United States Code, is amended—

(1) in subsection (a)—

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

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

(2) in subsection (b)—

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

(B) in paragraph (4), by striking the period and inserting a semicolon; and

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

“(5) the recipient certifies to the Department of Defense that it has the personnel and technical capacity, including training, to operate the property; and

“(6) the recipient certifies to the Department of Defense that if the recipient determines that the property is surplus to the needs of the recipient, the recipient will return the property to the Department of Defense.”;
(3) by striking subsection (d); and

(4) by adding at the end the following new subsections:

“(d) ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.—For each fiscal year, the Secretary shall submit to Congress certification in writing that each Federal or State agency to which the Secretary has transferred property under this section has provided to the Secretary documentation accounting for all personal property, including arms and ammunition, that the Secretary has transferred to the agency. If the Secretary cannot provide such certification for an agency, the Secretary may not transfer additional property to that agency under this section.

“(e) REPORT ON SURPLUS PROPERTY.—Before making any property available for transfer under this section, the Secretary shall submit to Congress a description of the property to be transferred together with a certification that the transfer of the property would not violate this section or any other provision of law.

“(f) LIMITATIONS ON TRANSFERS.—(1) The Secretary may not transfer the following arms and ammunition under this section:

“(A) Automatic weapons not generally recognized as particularly suitable for law enforcement
purposes, including those that are .50 caliber or greater.

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

“(C) Armored drones.

“(D) Aircraft.

“(E) Flash-bang or stun grenades.

“(F) Silencers.

“(2) The Secretary may not require, as a condition of a transfer under this section, that a Federal or State agency demonstrate the use of any small arms or ammunition.

“(g) CONDITIONS FOR EXTENSION OF PROGRAM.—Notwithstanding any other provision of law, amounts authorized to be appropriated or otherwise made available for any fiscal year may not be obligated or expended to carry out this section unless the Secretary submits to Congress certification that for the preceding fiscal year—

“(1) each Federal or State agency that has received property under this section has demonstrated 100 percent accountability for all such property to the State coordinator in accordance with paragraph (2) or has been suspended from the program pursuant to paragraph (3);
“(2) the State coordinator responsible for each such agency has verified that the coordinator or an agent of the coordinator has conducted an in-person inventory of the property transferred to the agency and that 100 percent of such property was accounted for during the inventory or that the agency has been suspended from the program pursuant to paragraph (3);

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

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

“(A) the agency has complied with all requirements under this section; or

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

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