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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.

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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 worth of weapons  
2           and equipment have been transferred to police orga-  
3           nizations 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 and

22 “(6) the recipient certifies to the Department of  
23 Defense that if the recipient determines that the  
24 property is surplus to the needs of the recipient, the  
25 recipient will return the property to the Department  
26 of Defense.”;

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

2           (4) by adding at the end the following new sub-  
3 sections:

4           “(d) ANNUAL CERTIFICATION ACCOUNTING FOR  
5 TRANSFERRED PROPERTY.—For each fiscal year, the Sec-  
6 retary shall submit to Congress certification in writing  
7 that each Federal or State agency to which the Secretary  
8 has transferred property under this section has provided  
9 to the Secretary documentation accounting for all personal  
10 property, including arms and ammunition, that the Sec-  
11 retary has transferred to the agency. If the Secretary can-  
12 not provide such certification for an agency, the Secretary  
13 may not transfer additional property to that agency under  
14 this section.

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

21           “(f) LIMITATIONS ON TRANSFERS.—(1) The Sec-  
22 retary may not transfer the following arms and ammuni-  
23 tion under this section:

24           “(A) Automatic weapons not generally recog-  
25 nized as particularly suitable for law enforcement

1 purposes, including those that are .50 caliber or  
2 greater.

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

6 “(C) Armored drones.

7 “(D) Aircraft.

8 “(E) Flash-bang or stun grenades.

9 “(F) Silencers.

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

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

20 “(1) each Federal or State agency that has re-  
21 ceived property under this section has demonstrated  
22 100 percent accountability for all such property to  
23 the State coordinator in accordance with paragraph  
24 (2) or has been suspended from the program pursu-  
25 ant to paragraph (3);

1           “(2) the State coordinator responsible for each  
2           such agency has verified that the coordinator or an  
3           agent of the coordinator has conducted an in-person  
4           inventory of the property transferred to the agency  
5           and that 100 percent of such property was ac-  
6           counted for during the inventory or that the agency  
7           has been suspended from the program pursuant to  
8           paragraph (3);

9           “(3) the eligibility of any such agency for which  
10          100 percent of the equipment was not accounted for  
11          during an inventory described in paragraph (2) to  
12          receive property transferred under this section has  
13          been suspended; and

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

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

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

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