

114TH CONGRESS  
1ST SESSION

# S. 1245

To provide for oversight of, and place restrictions on, Federal programs that provide equipment to law enforcement agencies.

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IN THE SENATE OF THE UNITED STATES

MAY 7, 2015

Mrs. MCCASKILL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide for oversight of, and place restrictions on, Federal programs that provide equipment to law enforcement agencies.

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 “Protecting Commu-  
5 nities and Police Act of 2015”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Findings.

Sec. 4. Task force to assist Federal officials in determining appropriateness of items for use by law enforcement.

- Sec. 5. Urban Area Secure Initiative grants and State Homeland Security Program grants.
- Sec. 6. Modification of authority to transfer Department of Defense property for law enforcement activities.
- Sec. 7. Edward Byrne Memorial Justice Assistance Grants.
- Sec. 8. Department of Justice reports on SWAT teams.
- Sec. 9. Federal Law Enforcement Training Center certification of instructors in training on use of force and special equipment.

1 **SEC. 3. FINDINGS.**

2 Congress finds the following:

3 (1) There is a lack of reliable data and informa-  
4 tion on the amount and types of weapons and equip-  
5 ment that law enforcement agencies purchase using  
6 Federal funding, and the use and deployment of  
7 those weapons and equipment.

8 (2) The Federal Government lacks reliable data  
9 and information about the number, composition, and  
10 deployment of Special Weapons and Tactics teams  
11 (referred to in this section as “SWAT teams”).

12 (3) According to estimates, the percentage of  
13 small towns in the United States that had SWAT  
14 teams grew from 20 percent in the 1980s to 80 per-  
15 cent in the mid-2000s.

16 (4) According to estimates, the number of  
17 SWAT team raids per year grew from 3,000 in the  
18 1980s to 45,000 in the mid-2000s.

19 (5) The majority of SWAT team deployments  
20 are for the purpose of executing a warrant.

1           (6) In 2014, the Federal Government provided  
2           more than \$2,000,000,000 in grants and equipment  
3           to law enforcement agencies.

4           (7) In 2013 and 2014, the Department of De-  
5           fense provided excess Mine Resistant Ambush Pro-  
6           tected vehicles (referred to in this section as  
7           “MRAPs”) to 624 local law enforcement agencies  
8           for free.

9           (8) MRAPs can weigh up to 17 tons and cost  
10          up to \$600,000, and are known to damage road sur-  
11          faces due to their weight.

12          (9) State and local governments that are re-  
13          sponsible for oversight of their law enforcement  
14          agencies are not always aware of equipment and  
15          grant funding that the law enforcement agencies ob-  
16          tain from the Federal Government.

17 **SEC. 4. TASK FORCE TO ASSIST FEDERAL OFFICIALS IN DE-**  
18 **TERMINING APPROPRIATENESS OF ITEMS**  
19 **FOR USE BY LAW ENFORCEMENT.**

20          (a) IN GENERAL.—The Administrator of the Federal  
21          Emergency Management Agency, the Director of the De-  
22          fense Logistics Agency, and the Attorney General shall  
23          jointly appoint a task force to assist each such official in  
24          discharging certain functions as required under—

1 (1) section 2009 of the Homeland Security Act  
2 of 2002, as added by section 5;

3 (2) section 2576a of title 10, United States  
4 Code, as added by section 6; and

5 (3) section 509 of the Omnibus Crime Control  
6 and Safe Streets Act of 1968, as added by section  
7 7.

8 (b) MEMBERS.—The task force appointed under this  
9 section shall include the following:

10 (1) One representative from a law enforcement  
11 agency within the Department of Homeland Secu-  
12 rity.

13 (2) An individual appointed under section  
14 2009(h)(2) of the Homeland Security Act of 2002,  
15 as added by section 5.

16 (3) In consultation with the Director of the  
17 Federal Bureau of Investigation, 1 representative  
18 from the Federal Bureau of Investigation or the  
19 FBI Academy.

20 (4) An individual employed by the Defense Lo-  
21 gistics Agency pursuant to section 2576a(e)(2) of  
22 title 10, United States Code, as added by section 6.

23 (5) An individual appointed under section  
24 509(h)(1)(B) of the Omnibus Crime Control and  
25 Safe Streets Act of 1968, as added by section 7.

1           (6) One representative of each of the Fraternal  
2           Order of Police, the National Association of Police  
3           Organizations, the National Organization of Black  
4           Law Enforcement Officers, the National Tactical Of-  
5           ficers Association, the International Association of  
6           Bomb Technicians and Investigators, the National  
7           Bomb Squad Commanders Advisory Board, the Air-  
8           borne Law Enforcement Association, the Inter-  
9           national Association of Chiefs of Police, the National  
10          Sheriffs Association, the National Governors Asso-  
11          ciation, and the United States Conference of May-  
12          ors.

13           (7) An individual unaffiliated with an organiza-  
14          tion specified in paragraph (6) who has a doctoral  
15          or masters degree in criminology or criminal justice  
16          and a demonstrated expertise in police tactics.

17           (8) One or more individuals from an organiza-  
18          tion or organizations whose mission is related to the  
19          protection of civil rights and liberties, including the  
20          American Civil Liberties Union, the Center for Con-  
21          stitutional Rights, the Lawyers Committee for Civil  
22          Rights Under Law, the Leadership Conference on  
23          Civil and Human Rights, the National Association  
24          for the Advancement of Colored People, the NAACP  
25          Legal Defense and Educational Fund, Inc., and the

1 Rainbow PUSH Coalition, selected by the Adminis-  
 2 trator in consultation with the head of such organi-  
 3 zation.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
 5 authorized to be appropriated for the activities of the task  
 6 force appointed under this section \$1,000,000 for the first  
 7 fiscal year beginning after the date of enactment of this  
 8 Act.

9 **SEC. 5. URBAN AREAS SECURITY INITIATIVE AND STATE**  
 10 **HOMELAND SECURITY GRANT PROGRAM.**

11 (a) IN GENERAL.—Subtitle A of title XX of the  
 12 Homeland Security Act of 2002 (6 U.S.C. 603 et seq.)  
 13 is amended by adding at the end the following:

14 **“SEC. 2009. USE OF FUNDS BY LAW ENFORCEMENT.**

15 “(a) DEFINITIONS.—In this section—

16 “(1) the term ‘Authorized Equipment List’  
 17 means the Authorized Equipment List published by  
 18 the Grant Programs Directorate of the Federal  
 19 Emergency Management Agency;

20 “(2) the term ‘covered funds’ means funds  
 21 awarded under section 2003 or 2004;

22 “(3) the term ‘law enforcement agency’—

23 “(A) means an agency or entity with law  
 24 enforcement officers—

1                   “(i) who have arrest and apprehension  
2                   authority; and

3                   “(ii) whose primary function is to en-  
4                   force the laws;

5                   “(B) includes a local educational agency  
6                   with officers described in subparagraph (A);  
7                   and

8                   “(C) does not include a firefighting agency  
9                   or entity;

10                  “(4) the term ‘law enforcement council’ means  
11                  a consortium of law enforcement agencies operating  
12                  in a partnership within a region to promote and en-  
13                  hance public safety;

14                  “(5) the term ‘law enforcement equipment list’  
15                  means the list of items designated by the Adminis-  
16                  trator under subsection (b)(1)(B);

17                  “(6) the term ‘local educational agency’ has the  
18                  meaning given that term in section 8013(9) of the  
19                  Elementary and Secondary Education Act of 1965  
20                  (20 U.S.C. 7713(9));

21                  “(7) the term ‘prohibited item’ means an item  
22                  that is not on the law enforcement equipment list;

23                  “(8) the term ‘restricted item’ means—

24                         “(A) tactical law enforcement ballistic pro-  
25                         tection equipment, including body armor, a bal-

1           listic helmet, a ballistic shield, a battle dress  
2           uniform, or camouflage uniforms or clothing;

3           “(B) a remotely piloted aerial vehicle;

4           “(C) a tactical military vehicle;

5           “(D) facial recognition software;

6           “(E) watercraft; or

7           “(F) manned aircraft;

8           “(9) the term ‘SWAT team’ means a Special  
9           Weapons and Tactics team or other specialized tac-  
10          tical team composed of sworn law enforcement offi-  
11          cers; and

12          “(10) the term ‘tactical military vehicle’ means  
13          an armored vehicle having military characteristics  
14          resulting from military research and development  
15          processes, designed primarily for use by forces in the  
16          field in direct connection with, or support of, combat  
17          or tactical operations.

18          “(b) ASSESSMENT OF AUTHORIZED EQUIPMENT  
19          LIST; DESIGNATION OF APPROVED ITEMS.—

20          “(1) IN GENERAL.—The Administrator shall, in  
21          consultation with the task force appointed under sec-  
22          tion 4 of the Protecting Communities and Police Act  
23          of 2015—

24                 “(A) as soon as practicable after the date  
25                 of enactment of the Protecting Communities

1 and Police Act of 2015, assess the appropriate-  
2 ness of items on the Authorized Equipment List  
3 for use by law enforcement agencies in counter-  
4 terrorism activities;

5 “(B) not later than 3 years after the date  
6 of enactment of the Protecting Communities  
7 and Police Act of 2015, based on the assess-  
8 ment conducted under subparagraph (A) and in  
9 accordance with the procedures required under  
10 paragraph (2), designate a list of items, which  
11 may include restricted items, that may be pur-  
12 chased using covered funds for use by a law en-  
13 forcement agency; and

14 “(C) not less frequently than once every 5  
15 years, review and revise, as appropriate, the list  
16 of items designated under subparagraph (B).

17 “(2) PUBLICATION.—The Administrator shall  
18 publish the law enforcement equipment list on the  
19 website of the Department and in the Federal Reg-  
20 ister.

21 “(3) PROHIBITED ITEMS.—

22 “(A) IN GENERAL.—Except as provided in  
23 subparagraph (B), a law enforcement agency  
24 may not—

1           “(i) use covered funds to purchase a  
2 prohibited item; or

3           “(ii) receive a prohibited item that  
4 was purchased using covered funds.

5           “(B) EXCEPTION FOR THREATS TO NA-  
6 TIONAL SECURITY.—A law enforcement agency  
7 may purchase a prohibited item using covered  
8 funds, or receive a prohibited item that was  
9 purchased using covered funds, if—

10           “(i) the Administrator determines  
11 that the prohibited item will be useful in  
12 preventing or mitigating damage resulting  
13 from a threat to national security;

14           “(ii) the law enforcement agency has  
15 in place an agreement with the National  
16 Guard of the State in which the law en-  
17 forcement agency is located for the storage  
18 of the prohibited item at a National Guard  
19 site; and

20           “(iii) the law enforcement agency pro-  
21 vides a copy of the agreement described in  
22 clause (ii) to the Administrator.

23           “(4) REPORTS TO CONGRESS ON EXPECTED  
24 PUBLICATION OF FINAL LAW ENFORCEMENT EQUIP-  
25 MENT LIST.—Beginning in the third full fiscal year

1 after the date of enactment of the Protecting Com-  
2 munities and Police Act of 2015, the Administrator  
3 shall submit to Congress a monthly report on the ex-  
4 pected date of publication of the final law enforce-  
5 ment equipment list.

6 “(5) AUTHORITY TO MAKE GRANTS CONTIN-  
7 GENT ON PUBLICATION OF FINAL LIST.—Beginning  
8 in the fifth full fiscal year after the date of enact-  
9 ment of the Protecting Communities and Police Act  
10 of 2015, the Administrator shall withhold from a  
11 grant awarded under section 2003 or 2004 any  
12 amounts that are intended for use by a law enforce-  
13 ment agency unless the Administrator has published  
14 a final law enforcement equipment list.

15 “(c) OTHER RESTRICTIONS AND LIMITATIONS ON  
16 USE OF COVERED FUNDS.—

17 “(1) RESTRICTED ITEMS PURCHASED USING  
18 COVERED FUNDS.—

19 “(A) REQUIREMENTS.—A law enforcement  
20 agency may not receive or use covered funds for  
21 the purchase of a restricted item, or receive a  
22 restricted item purchased using covered funds,  
23 unless the law enforcement agency—

1           “(i) except as provided in subpara-  
2 graph (B), publishes a needs justification  
3 statement—

4                   “(I) that, except as provided in  
5 subclause (II), includes the informa-  
6 tion required under subparagraph (D)  
7 if that information is not otherwise  
8 publicly available; and

9                   “(II) from which the law enforce-  
10 ment agency may redact—

11                           “(aa) the information re-  
12 quired under clause (x) or (xi) of  
13 subparagraph (D); and

14                           “(bb) with respect to the  
15 training records required under  
16 clause (vi), any personally identi-  
17 fiable information and all but the  
18 title and subject of such training;

19           “(ii) obtains the approval of the head  
20 of the State, political subdivision of a  
21 State, or Indian tribe of which the law en-  
22 forcement agency is an agency to obtain  
23 the restricted items; and

24           “(iii) submits the needs justification  
25 statement, including all information re-

1           required under subparagraph (D), to the  
2           State, high-risk urban area, or directly eli-  
3           gible tribe from which the law enforcement  
4           agency is to receive the covered funds or  
5           restricted item.

6           “(B) ONGOING OPERATIONS.—The re-  
7           quirements under subparagraph (A) shall not  
8           apply to a law enforcement agency that obtains  
9           a restricted item that was purchased using cov-  
10          ered funds to be used in an active, ongoing  
11          counterterrorism operation.

12          “(C) NOTIFICATION TO ADMINISTRATOR  
13          REGARDING APPROVAL OF CERTAIN APPLICA-  
14          TIONS.—If an official other than the Adminis-  
15          trator approves an application for a grant  
16          under section 2003 or 2004 that proposes to  
17          use funds for the purchase of a restricted item,  
18          the official shall notify the Administrator of the  
19          approval before distributing those funds.

20          “(D) NEEDS JUSTIFICATION STATE-  
21          MENTS.—A needs justification statement of a  
22          law enforcement agency shall include the fol-  
23          lowing:

24                  “(i) The type and number of re-  
25                  stricted items proposed to be purchased on

1           behalf of, or distributed to, the law en-  
2           forcement agency.

3           “(ii) The number of sworn, full-time  
4           law enforcement officers of the law en-  
5           forcement agency.

6           “(iii) The number, if any, of items  
7           similar to the restricted item that the law  
8           enforcement agency has in good working  
9           condition.

10          “(iv) The number and type of items,  
11          if any, that the law enforcement agency  
12          has that were—

13                 “(I) transferred to the law en-  
14                 forcement agency under section 2576a  
15                 of title 10, United States Code; or

16                 “(II) purchased using funds from  
17                 the Edward Byrne Memorial Justice  
18                 Assistance Grant Program under sub-  
19                 part 1 of part E of title I of the Om-  
20                 nibus Crime Control and Safe Streets  
21                 Act of 1968 (42 U.S.C. 3750 et seq.)  
22                 during the 5-year period preceding the  
23                 date on which the statement is pub-  
24                 lished.

1           “(v) The use of force policy of the law  
2 enforcement agency.

3           “(vi) Whether the law enforcement  
4 agency intends for a SWAT team to use  
5 the restricted item, and, if so, the training  
6 records of the SWAT team, including the  
7 course outlines of such training.

8           “(vii) Whether the law enforcement  
9 agency has or plans to adopt a memo-  
10 randum of understanding or other joint  
11 use agreement for the shared use of the re-  
12 stricted item with any other law enforce-  
13 ment agency.

14           “(viii) The capability gap to be filled  
15 by the restricted item, and a description of  
16 the proposed use of the restricted item by  
17 the law enforcement agency.

18           “(ix) Whether a consent decree is in  
19 effect between the United States and the  
20 law enforcement agency relating to civil  
21 rights abuses or excessive use of force.

22           “(x) Whether the law enforcement  
23 agency is currently under investigation, or  
24 has been under investigation during the  
25 preceding 10 years, by the Department of

1 Justice, an inspector general, or any equiv-  
2 alent State or local entity for civil rights  
3 abuses or excessive use of force.

4 “(xi) Whether the head of the law en-  
5 forcement agency has ever been determined  
6 by the Department of Justice, an inspector  
7 general, or any equivalent State or local  
8 entity to have engaged in civil rights  
9 abuses or excessive use of force, if such in-  
10 formation is publicly available.

11 “(xii)(I) Whether the law enforcement  
12 agency requested funds from a regional,  
13 State, or local political entity to purchase  
14 the requested item;

15 “(II) if the law enforcement agency  
16 requested funds from a regional, State, or  
17 local political entity and the request was  
18 denied, a statement of the reason or rea-  
19 sons for the denial; and

20 “(III) if the law enforcement agency  
21 did not request funds from a regional,  
22 State, or local political entity, a statement  
23 explaining why the law enforcement agency  
24 did not do so.

1           “(xiii) A certification that any item on  
2           the law enforcement equipment list pur-  
3           chased using covered funds has not been,  
4           and will not be, used by a SWAT team of  
5           the law enforcement agency engaging in  
6           routine patrol-related incidents, non-tac-  
7           tical incidents, or non-tactical assignments.

8           “(xiv) Any other information on the  
9           recent record of the law enforcement agen-  
10          cy regarding civil rights and the excessive  
11          use of force that the Administrator deter-  
12          mines appropriate.

13          “(2) RESTRICTIONS ON SMALL AGENCIES.—

14                 “(A) TACTICAL MILITARY VEHICLES.—A  
15                 law enforcement agency with 10 or fewer sworn  
16                 law enforcement officers—

17                         “(i) that has 1 or more functioning  
18                         tactical military vehicles may not—

19                                 “(I) use covered funds for the  
20                                 purchase of a tactical military vehicle;  
21                                 or

22                                 “(II) receive a tactical military  
23                                 vehicle purchased using covered funds;

24                         “(ii) that does not have a functioning  
25                         tactical military vehicle may—

1           “(I) use covered funds for the  
2           purchase of not more than 1 tactical  
3           military vehicle; or

4           “(II) receive not more than 1  
5           tactical military vehicle purchased  
6           using covered funds; or

7           “(iii) that is the designated procure-  
8           ment agency for a multi-jurisdictional  
9           joint-use agreement may use covered funds  
10          for the purchase of more than 1 tactical  
11          military vehicle, or receive more than 1  
12          tactical military vehicle purchased using  
13          covered funds, if agency purchases or re-  
14          ceives not more than 1 tactical military ve-  
15          hicle for every 10 sworn law enforcement  
16          officers covered by the joint-use agreement.

17          “(B) LIMITATION ON USE OF COVERED  
18          FUNDS BY SMALL SWAT TEAMS.—A law en-  
19          forcement agency may not use covered funds to  
20          purchase a restricted item, or receive a re-  
21          stricted item purchased using covered funds, for  
22          use by a SWAT team—

23                 “(i) composed of fewer than 17 sworn  
24                 law enforcement officers;

1           “(ii) composed entirely of members  
2           from a single law enforcement agency that  
3           has fewer than 35 sworn law enforcement  
4           officers;

5           “(iii) composed of members from 2 or  
6           more law enforcement agencies that have,  
7           in aggregate, fewer than 35 sworn law en-  
8           forcement officers; or

9           “(iv) in a routine patrol-related inci-  
10          dent, non-tactical incident, or non-tactical  
11          assignment.

12          “(3) TRANSPORTATION COSTS.—Covered funds  
13          may not be used to pay the cost of transporting an  
14          eligible defense item transferred to a law enforce-  
15          ment agency under section 2576a of title 10, United  
16          States Code.

17          “(4) AGENCIES UNDER CONSENT DECREES OR  
18          CIVIL RIGHTS INVESTIGATIONS.—A law enforcement  
19          agency for which a consent decree is in effect be-  
20          tween the United States and the law enforcement  
21          agency, or that is under investigation by the Depart-  
22          ment of Justice, relating to civil rights abuses or ex-  
23          cessive use of force may not, without the approval of  
24          the Department of Justice—

1           “(A) use covered funds to purchase a re-  
2           stricted item; or

3           “(B) receive a restricted item that was  
4           purchased using covered funds.

5           “(d) TRAINING AND CERTIFICATION.—

6           “(1) STATE CERTIFICATION OF LAW ENFORCE-  
7           MENT INSTRUCTORS ON LAW ENFORCEMENT TAC-  
8           TICS AND THE USE OF RESTRICTED ITEMS.—

9           “(A) IN GENERAL.—On and after the date  
10           that is 3 years after the date of enactment of  
11           the Protecting Communities and Police Act of  
12           2015, a State, any jurisdiction within the State,  
13           and any directly eligible tribe any part of which  
14           is located within the State, may not receive cov-  
15           ered funds for use by a law enforcement agency  
16           to purchase a restricted item unless the Gov-  
17           ernor or highest official of the State certifies to  
18           the Administrator that the State conducts a  
19           program for certifying law enforcement instruc-  
20           tors in the provision of training on law enforce-  
21           ment tactics and investigations that meets the  
22           requirements under subparagraph (B).

23           “(B) PROGRAM REQUIREMENTS.—The re-  
24           quirements for a program described in subpara-  
25           graph (A) are the following:

1           “(i) The program shall include in-  
2           struction in training on the following:

3                   “(I) The use of force by law en-  
4                   forcement officers in the ordinary  
5                   course of their duties.

6                   “(II) The use of restricted items  
7                   by law enforcement officers in the or-  
8                   dinary course of their duties.

9                   “(III) The use of restricted items  
10                  by SWAT teams.

11                  “(IV) The appropriate deploy-  
12                  ment of SWAT teams.

13                  “(V) Civil rights and civil lib-  
14                  erties.

15                  “(VI) Any other matters on the  
16                  training of law enforcement officers  
17                  that the head of the State law en-  
18                  forcement agency considers appro-  
19                  priate.

20           “(ii) A list of the instructors who are  
21           certified pursuant to the program or pur-  
22           suant to the program conducted by the  
23           Secretary under section 2010 shall be  
24           maintained and published.

1           “(C) DISCHARGE THROUGH EXISTING PRO-  
2 GRAMS.—A State may satisfy the requirement  
3 under subparagraph (A) using a program in ef-  
4 fect on the date that is 3 years after the date  
5 of the enactment of the Protecting Commu-  
6 nities and Police Act of 2015 if such program  
7 satisfies the requirements in subparagraph (B).

8           “(2) MINIMUM ANNUAL TRAINING REQUIRE-  
9 MENTS.—

10           “(A) ESTABLISHMENT.—On and after the  
11 date that is 3 years after the date of enactment  
12 of the Protecting Communities and Police Act  
13 of 2015, a State, any jurisdiction within the  
14 State, and any directly eligible tribe any part of  
15 which is located within the State, may not re-  
16 ceive covered funds, or equipment purchased  
17 using covered funds, unless the State estab-  
18 lishes minimum annual training requirements  
19 for all sworn law enforcement officers in the  
20 State, including—

21           “(i) specialized leadership training re-  
22 quirements for heads of law enforcement  
23 agencies who have—

1                   “(I) decisionmaking authority on  
2                   the deployment of SWAT teams and  
3                   tactical military vehicles; or

4                   “(II) responsibility for drafting  
5                   policies on the use of force and SWAT  
6                   team deployment;

7                   “(ii) specialized SWAT team training  
8                   requirements for all SWAT team members  
9                   in law enforcement tactics used in tactical  
10                  operations;

11                  “(iii) training in the appropriate use  
12                  and deployment of tactical military vehi-  
13                  cles; and

14                  “(iv) not less than 1 training session  
15                  on sensitivity, including training on ethnic  
16                  and racial bias, cultural diversity, and law  
17                  enforcement interaction with disabled indi-  
18                  viduals, mentally ill individuals, and new  
19                  immigrants.

20                  “(B) FEDERALLY CERTIFIED OR STATE-  
21                  CERTIFIED INSTRUCTORS.—The training re-  
22                  quirements established by a State under sub-  
23                  paragraph (A) may only be satisfied through  
24                  training conducted by an instructor certified  
25                  under—

1           “(i) the program conducted by the  
2           Secretary under section 2010; or

3           “(ii) a program conducted by a State  
4           under paragraph (1).

5           “(C) CERTIFICATION OF COMPLETED  
6           TRAINING.—On and after the date that is 1  
7           year after the date on which a program is es-  
8           tablished under paragraph (1), a law enforce-  
9           ment agency may not directly or indirectly re-  
10          ceive covered funds, or receive equipment pur-  
11          chased using covered funds, unless the law en-  
12          forcement agency certifies to the entity from  
13          which the law enforcement agency is seeking  
14          funds or equipment that, during the preceding  
15          year, each sworn law enforcement officer em-  
16          ployed by the law enforcement agency met all  
17          applicable minimum annual training require-  
18          ments established by the State in which the law  
19          enforcement agency is located under subpara-  
20          graph (A) of this paragraph, including special-  
21          ized SWAT team training requirements.

22          “(D) FALSE CERTIFICATION.—The Admin-  
23          istrator shall suspend or terminate the eligi-  
24          bility of a law enforcement agency to directly or  
25          indirectly receive covered funds, or receive

1 equipment purchased using covered funds, if  
2 the law enforcement agency intentionally sub-  
3 mits a false certification under subparagraph  
4 (C) that a law enforcement officer met the min-  
5 imum annual training requirements established  
6 by the State in which the agency is located  
7 under subparagraph (A).

8 “(E) SATISFACTION BY RECENT HIREES.—

9 The requirements under subparagraph (A) shall  
10 provide for the first completion of the training  
11 concerned by an individual who becomes an offi-  
12 cer in a law enforcement agency or a member  
13 of a SWAT team by not later than 1 year after  
14 the date on which the individual becomes an of-  
15 ficer in the law enforcement agency or a mem-  
16 ber of a SWAT team, as applicable.

17 “(e) REPORTING REQUIREMENTS.—

18 “(1) ANNUAL REPORTS BY ADMINISTRATOR.—

19 The Administrator shall make public and submit to  
20 Congress and the Attorney General—

21 “(A) an annual report on the purchase by  
22 law enforcement agencies of restricted items  
23 purchased using covered funds; and

24 “(B) an annual report on the purchase and  
25 use by law enforcement agencies of tactical

1 military vehicles and remotely piloted aerial ve-  
2 hicles purchased using covered funds.

3 “(2) GRANT APPLICANTS AND RECIPIENTS.—

4 “(A) LIST OF EQUIPMENT PURCHASED.—

5 As a condition of receiving a grant under sec-  
6 tion 2003 or 2004, a State, high-risk urban  
7 area, or directly eligible tribe shall submit to  
8 the Administrator, as part of the report sub-  
9 mitted under section 2022(b)(1)(A) relating to  
10 the last quarter of any fiscal year, a description  
11 of the quantity and specific type of equipment  
12 purchased by the recipient and any subgrantee  
13 of the recipient using covered funds.

14 “(B) AGENCIES WITH SPECIAL EQUIP-  
15 MENT.—As a condition of receiving a grant  
16 under section 2003 or 2004, a State, high-risk  
17 urban area, or directly eligible tribe shall sub-  
18 mit to the Administrator a report that de-  
19 scribes, for each law enforcement agency that  
20 purchased a restricted item using covered funds  
21 made available by the State, high-risk urban  
22 area, or directly eligible tribe, or received a re-  
23 stricted item that the State, high-risk urban  
24 area, or directly eligible tribe purchased using  
25 covered funds—

1           “(i) the needs justification statement  
2           that the law enforcement agency submitted  
3           to the State, high-risk urban area, or di-  
4           rectly eligible tribe with respect to the re-  
5           stricted item under subsection  
6           (c)(1)(A)(iii); and

7           “(ii) the number and types of re-  
8           stricted items that the law enforcement  
9           agency purchased or received.

10           “(C) SWAT TEAM DEPLOYMENT  
11           RECORDS.—A law enforcement agency that uses  
12           covered funds to purchase a tactical military ve-  
13           hicle, or receives a tactical military vehicle pur-  
14           chased using covered funds, for use by a SWAT  
15           team shall maintain a record of each deploy-  
16           ment of the tactical military vehicle by the  
17           SWAT team, which shall include—

18           “(i) the type of police activity for  
19           which the tactical military vehicle is de-  
20           ployed;

21           “(ii) the rationale for the deployment;

22           “(iii) the nexus between—

23           “(I) the use of force policy and  
24           SWAT team policy of the law enforce-  
25           ment agency, if applicable; and

1                   “(II) the police activity for which  
2                   the tactical military vehicle is de-  
3                   ployed; and

4                   “(iv) a description, written after the  
5                   deployment, of whether force or weapons  
6                   were used by or against the law enforce-  
7                   ment officers deploying the tactical mili-  
8                   tary vehicle.

9                   “(f) WHISTLEBLOWER AND INDEPENDENT OVER-  
10                  SIGHT REQUIREMENTS.—

11                  “(1) WHISTLEBLOWER REQUIREMENTS.—On or  
12                  after the date that is 3 years after the date of enact-  
13                  ment of the Protecting Communities and Police Act  
14                  of 2015, a State, any jurisdiction within the State,  
15                  and any directly eligible tribe any part of which is  
16                  located within the State, may not directly or indi-  
17                  rectly receive covered funds for the purchase of a re-  
18                  stricted item unless the Governor or highest officer  
19                  of the State certifies to the Administrator that the  
20                  State—

21                  “(A) has in place—

22                  “(i) a program, including a public  
23                  complaint hotline, that provides individuals  
24                  the ability to disclose any—

1                   “(I) misuse of equipment pur-  
2                   chased using covered funds; or

3                   “(II) other waste, fraud, or abuse  
4                   in connection with the use of covered  
5                   funds; and

6                   “(ii) mechanisms (commonly referred  
7                   to as ‘whistleblower protections’) to protect  
8                   individuals who make a disclosure de-  
9                   scribed in clause (i) from retaliatory or  
10                  other adverse personnel actions in connec-  
11                  tion with such disclosures; and

12                  “(B) publicizes the existence of the pro-  
13                  gram and whistleblower protections described in  
14                  subparagraph (A).

15                  “(2) CERTIFICATION OF OVERSIGHT AND AC-  
16                  COUNTABILITY.—

17                  “(A) CERTIFICATION REQUIRED.—A law  
18                  enforcement agency may not receive a restricted  
19                  item purchased using covered funds, or directly  
20                  or indirectly receive covered funds to purchase  
21                  a restricted item, unless the head of the law en-  
22                  forcement agency submits to the Administrator  
23                  a written certification (in the form of a memo-  
24                  randum of understanding, memorandum of  
25                  agreement, or letterhead correspondence) that

1 an entity that does not report to the head of  
2 the law enforcement agency is authorized—

3 “(i) to receive any complaints regard-  
4 ing the use of any equipment and funds of  
5 the law enforcement agency;

6 “(ii) to periodically review and assess  
7 the use of such equipment and funds by  
8 the law enforcement agency; and

9 “(iii) to make recommendations to the  
10 law enforcement agency regarding the use  
11 of such equipment and funds by the law  
12 enforcement agency that are either—

13 “(I) non-binding in character; or

14 “(II) binding in character, if au-  
15 thorized by—

16 “(aa) a law or ordinance  
17 governing the law enforcement  
18 agency or the entity; or

19 “(bb) an agreement between  
20 the law enforcement agency and  
21 organizations representing law  
22 enforcement officers of the law  
23 enforcement agency.

24 “(B) DISCHARGE THROUGH EXISTING EN-  
25 TITIES.—A law enforcement agency may satisfy

1 the requirement in subparagraph (A) through  
2 an entity that exists as of the date of the enact-  
3 ment of the Protecting Communities and Police  
4 Act of 2015, including an independent review  
5 board, a Federal, State, or local inspector gen-  
6 eral, a Federal, State, county, or city attorney  
7 general, a district attorney, the Federal Bureau  
8 of Investigation or another Federal agency, a  
9 State agency, a State or local governing body  
10 (such as a city council or county commission),  
11 a law enforcement council, or an independent  
12 entity established by one or more such officials,  
13 agencies, or entities on behalf of one or more  
14 law enforcement agencies.

15 “(g) SUSPENSION AND TERMINATION.—

16 “(1) FOR LOST OR STOLEN ITEMS.—As a con-  
17 dition of receiving a grant under section 2003 or  
18 2004, a State, high-risk urban area, or directly eligi-  
19 ble tribe shall implement procedures under which, if  
20 a restricted item that was purchased using covered  
21 funds and is in the possession of a law enforcement  
22 agency is lost, stolen, or misappropriated—

23 “(A) on the first occurrence, and after the  
24 law enforcement agency is provided with notice  
25 and the opportunity to contest the allegation,

1 the eligibility of the law enforcement agency to  
2 receive covered funds to purchase a restricted  
3 item, or to receive a restricted item purchased  
4 using covered funds, shall be suspended for a  
5 period of not less than 6 months; and

6 “(B) on the subsequent occurrence, and  
7 after the law enforcement agency is provided  
8 with notice and the opportunity to contest the  
9 allegation, the eligibility of the law enforcement  
10 agency to receive covered funds or receive a re-  
11 stricted item purchased using covered funds  
12 shall be suspended for a period of not less than  
13 5 years.

14 “(2) INTENTIONAL FALSIFICATION OF INFOR-  
15 MATION.—As a condition of receiving a grant under  
16 section 2003 or 2004, a State, high-risk urban area,  
17 or directly eligible tribe shall implement procedures  
18 under which the eligibility of a law enforcement  
19 agency to receive covered funds, or to receive a re-  
20 stricted item purchased using covered funds, shall, if  
21 the law enforcement agency is determined to have  
22 intentionally falsified any information relating to the  
23 purchase or receipt of a restricted item, and after  
24 the law enforcement agency is provided with notice

1 and the opportunity to contest the allegation, be sus-  
2 pended for a period of not less than 5 years.

3 “(3) DISCLOSURE TO ADMINISTRATOR.—Each  
4 State, high-risk urban area, or directly eligible tribe  
5 that receives a grant under section 2003 or 2004  
6 shall submit to the Administrator an annual report  
7 that describes each law enforcement agency that is  
8 ineligible, due to a suspension or termination under  
9 paragraph (1) or (2), to receive covered funds to  
10 purchase a restricted item, or to receive a restricted  
11 item purchased using covered funds.

12 “(h) LAW ENFORCEMENT EXPERTISE.—

13 “(1) DEFINITION.—In this subsection, the term  
14 ‘covered grant application’ means a grant applica-  
15 tion under section 2003 or 2004 that proposes to—

16 “(A) use funds for the purchase of a re-  
17 stricted item for use by a law enforcement  
18 agency; or

19 “(B) provide funds to a law enforcement  
20 agency for the purchase of a restricted item.

21 “(2) APPOINTMENT.—The Administrator shall  
22 appoint individuals with expertise in State, county,  
23 or local law enforcement agency functions to assist  
24 the Administrator in—

1           “(A) determining which items are appro-  
2           priate for inclusion on the law enforcement  
3           equipment list; and

4           “(B) assessing covered grant applications.

5           “(3) NUMBER OF INDIVIDUALS.—The Adminis-  
6           trator shall appoint as many individuals under para-  
7           graph (2) as necessary to ensure that—

8           “(A) not less than 1 such individual as-  
9           sesses each covered grant application; and

10           “(B) the involvement of such individuals in  
11           the process of assessing covered grant applica-  
12           tions does not substantially delay the process.

13           “(4) MANAGERIAL EXPERIENCE PREFERRED.—  
14           In appointing individuals under paragraph (2), the  
15           Administrator shall give preference to individuals  
16           with law enforcement managerial experience.”.

17           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
18           The table of contents in section 1(b) of the Homeland Se-  
19           curity Act of 2002 (Public Law 107–96; 116 Stat. 2135)  
20           is amended by inserting after the item relating to section  
21           2008 the following:

          “Sec. 2009. Use of funds by law enforcement.”.

1 **SEC. 6. MODIFICATION OF AUTHORITY TO TRANSFER DE-**  
2 **PARTMENT OF DEFENSE PROPERTY FOR LAW**  
3 **ENFORCEMENT ACTIVITIES.**

4 (a) RESTATEMENT AND MODIFICATION OF CURRENT  
5 AUTHORITY FOR TRANSFER FOR STATE AND LOCAL LAW  
6 ENFORCEMENT ACTIVITIES.—Section 2576a of title 10,  
7 United States Code, is amended to read as follows:

8 **“§ 2576a. Excess personal property: sale or donation**  
9 **of certain controlled defense items for**  
10 **State or local law enforcement activities**

11 “(a) TRANSFER AUTHORIZED.—Notwithstanding  
12 any other provision of law and subject to the provisions  
13 of this section, the Secretary of Defense may transfer to  
14 State and local law enforcement agencies for law enforce-  
15 ment activities controlled defense items of the Department  
16 of Defense, including small arms and ammunition, that  
17 are determined in accordance with subsection (f) to be eli-  
18 gible defense items for purposes of this section.

19 “(b) NO TRANSFER OF ITEMS REQUESTED BY FED-  
20 ERAL AGENCIES.—An item may not be transferred under  
21 this section if requested for transfer by a Federal agency  
22 under section 2576b of this title.

23 “(c) CONDITIONS FOR TRANSFER.—The Secretary of  
24 Defense may transfer items under this section only if—

25 “(1) the items are drawn from existing stocks  
26 of the Department of Defense;

1           “(2) the recipient accepts the items on an as-  
2 is, where-is basis;

3           “(3) the transfer is made without the expendi-  
4 ture of any funds available to the Department of  
5 Defense for the procurement of defense equipment;

6           “(4) all costs incurred subsequent to the trans-  
7 fer of the items are borne or reimbursed by the re-  
8 cipient; and

9           “(5) the recipient agrees to comply with any in-  
10 ventory, accountability, reporting, and disposal re-  
11 quirements prescribed in the regulations for pur-  
12 poses of this section under subsection (g).

13           “(d) CONSIDERATION.—Subject to subsection (c)(4),  
14 the Secretary of Defense may transfer items under this  
15 section without charge to the recipient agency.

16           “(e) ASSISTANCE FOR DIRECTOR OF DLA IN DIS-  
17 CHARGE OF CERTAIN FUNCTION BY EXPERTS IN LAW  
18 ENFORCEMENT ACTIVITIES.—

19           “(1) IN GENERAL.—The Director of the De-  
20 fense Logistics Agency shall employ in the Defense  
21 Logistics Agency individuals with expertise in law  
22 enforcement to assist the Director in the discharge  
23 of the functions specified in paragraph (2). The Di-  
24 rector shall ensure that the number of individuals so  
25 employed is sufficient to ensure the timely assess-

1       ment of applications described in paragraph (2)(A)  
2       in order to ensure that no delay occurs in the trans-  
3       fer of eligible defense items under this section by  
4       reason of such assessments. The Director shall ac-  
5       cord a preference in the employment under this  
6       paragraph of individuals with experience in law en-  
7       forcement management.

8               “(2) FUNCTIONS.—Individuals employed under  
9       this subsection shall assist the Director in the fol-  
10      lowing:

11              “(A) The assessment of applications of  
12              State and local law enforcement agencies for  
13              the transfer of eligible defense items in accord-  
14              ance with subsection (j)(3).

15              “(B) The determination whether controlled  
16              defense items that are not eligible for treatment  
17              as eligible defense items under this section will  
18              be useful in preventing or mitigating damage  
19              resulting from an actionable threat to national  
20              security for purposes of subsection (h)(1).

21              “(f) DETERMINATION AND NOTICE TO PUBLIC ON  
22      ELIGIBLE DEFENSE ITEMS.—

23              “(1) CONTROLLED DEFENSE ITEMS APPRO-  
24              PRIATE FOR TREATMENT AS ELIGIBLE DEFENSE  
25              ITEMS.—The Secretary of Defense shall, acting

1 through the Director of the Defense Logistics Agen-  
2 cy, maintain, and periodically update, a list of cur-  
3 rent controlled defense items that are appropriate  
4 for treatment as eligible defense items for purposes  
5 of this section.

6 “(2) DETERMINATION OF CONTROLLED DE-  
7 FENSE ITEMS AS ELIGIBLE DEFENSE ITEMS.—The  
8 Director shall, in consultation with the task force  
9 appointed pursuant to section 4 of the Protecting  
10 Communities and Police Act of 2015 and in accord-  
11 ance with the regulations for purposes of this section  
12 under subsection (g), identify controlled defense  
13 items that are appropriate for treatment as eligible  
14 defense items for purposes of this section by identi-  
15 fying controlled defense items that—

16 “(A) can be readily put to civilian use by  
17 State and local law enforcement agencies; and

18 “(B) are suitable for transfer to State and  
19 local law enforcement agencies pursuant to this  
20 section.

21 “(3) AVAILABILITY TO PUBLIC OF ELIGIBLE  
22 DEFENSE ITEMS LIST.—Upon a determination pur-  
23 suant to paragraph (2) of controlled defense items  
24 to be treated as eligible defense items for purposes  
25 of this section, the Director shall make available to

1 the public, on an Internet website of the Department  
2 of Defense available to the public, a list of all con-  
3 trolled defense items currently treated as eligible de-  
4 fense items for purposes of this section. The Inter-  
5 net website may be a current website of the Depart-  
6 ment or a website of the Department established  
7 and maintained for purposes of this section.

8 “(g) REQUIREMENTS AND LIMITATIONS ON DETER-  
9 MINATIONS OF CONTROLLED DEFENSE ITEMS AS ELIGI-  
10 BLE DEFENSE ITEMS.—

11 “(1) REGULATIONS.—

12 “(A) REGULATIONS REQUIRED.—The de-  
13 termination under subsection (f)(2) whether a  
14 controlled defense item is an eligible defense  
15 item for purposes of this section shall be made  
16 in accordance with criteria and requirements  
17 set forth in regulations prescribed by the Direc-  
18 tor of the Defense Logistics Agency, in con-  
19 sultation with the task force appointed pursu-  
20 ant to section 4 of the Protecting Communities  
21 and Police Act of 2015. Public notice and com-  
22 ment shall not be required in connection with  
23 any such determination unless otherwise re-  
24 quired by such regulations.

1           “(B) PERIODIC REVIEW REQUIRED.—The  
2 Director shall, in consultation with the task  
3 force, review and revise the regulations for pur-  
4 poses of this section not less often than once  
5 every five years.

6           “(C) MANNER OF PRESCRIPTION.—In pre-  
7 scribing or revising regulations under this para-  
8 graph, the Director shall publish a written  
9 statement from the task force on the extent of  
10 its approval of such regulations as so prescribed  
11 or revised.

12           “(D) TECHNOLOGICAL ADVANCES.—The  
13 Director may, in consultation with the task  
14 force, update the regulations for purposes of  
15 this section without regard to formal rule-  
16 making requirements if necessary to respond to  
17 technological advances and the development of  
18 new models of items on the list of controlled de-  
19 fense items determined by the Director under  
20 subsection (f)(2) to be eligible defense items for  
21 purposes of this section. In so updating the reg-  
22 ulations, the Director shall publish a written  
23 statement on the extent of the approval of the  
24 task force of the regulations as so revised.

1           “(2) AUTHORIZED ELEMENTS.—The regula-  
2 tions for purposes of this section may include the  
3 following:

4           “(A) Tiers of eligibility of State or local  
5 law enforcement agencies for transfers of eligi-  
6 ble defense items based on types of items, need  
7 of law enforcement agencies for particular  
8 items, size and capabilities of law enforcement  
9 agencies, or such other factors as the Director,  
10 in consultation with the task force referred to  
11 in paragraph (1)(B), may specify in the regula-  
12 tions.

13           “(B) Restrictions on the numbers or types  
14 of eligible defense items that may be trans-  
15 ferred to a particular State or local law enforce-  
16 ment agency, within a particular period of time,  
17 to law enforcement agencies in a particular re-  
18 gion, or such other factors as the Director, in  
19 consultation with the task force, may specify in  
20 regulations.

21           “(C) Restrictions on the use of particular  
22 eligible defense items by State or local law en-  
23 forcement agencies based on size, capability, or  
24 such other factors the Director, in consultation

1 with the task force, may specify in the regula-  
2 tions.

3 “(D) Such inventory, accountability, re-  
4 porting, and disposal requirements regarding el-  
5 igible defense items transferred under this sec-  
6 tion as the Director, in consultation with the  
7 task force, considers appropriate.

8 “(E) Requirements for memoranda of un-  
9 derstanding or other appropriate agreements in  
10 the case of joint use of eligible defense items  
11 transferred under this section by more than one  
12 State or local law enforcement agency.

13 “(3) PROHIBITION ON TREATMENT OF CERTAIN  
14 ITEMS AS ELIGIBLE DEFENSE ITEMS.—The regula-  
15 tions for purposes of this section shall prohibit the  
16 treatment as eligible defense items for purposes of  
17 this section of the following:

18 “(A) Mine Resistant Ambush Protected  
19 (MRAP) vehicles.

20 “(B) Remotely piloted aircraft that are ar-  
21 mored, weaponized, or both.

22 “(C) Aircraft that are combat configured  
23 or combat coded or have no established com-  
24 mercial flight application.

25 “(D) Bayonets.

1           “(E) Tasers developed primarily for use by  
2 the military.

3           “(F) Any controlled defense item that can-  
4 not be purchased by State or local law enforce-  
5 ment agencies in the private sector.

6           “(G) Any other controlled defense item de-  
7 termined by the Director to be unsuitable for  
8 use by State or local law enforcement agencies.

9           “(4) APPROVAL REQUIRED BEFORE TRANSFER  
10 OF CERTAIN ITEMS.—

11           “(A) IN GENERAL.—If any item specified  
12 in subparagraph (B) is an eligible defense item  
13 for purposes of this section, such item may not  
14 be transferred under this section without the  
15 approval of the Director, in consultation with  
16 an individual employed pursuant to subsection  
17 (e).

18           “(B) ITEMS.—The items specified in this  
19 subparagraph are the following:

20           “(i) Weapons over .50 caliber.

21           “(ii) Grenades, flash bang grenades,  
22 grenade launchers, and grenade launcher  
23 attachments.

24           “(iii) Tactical military vehicles.

1           “(5) LIMITATIONS ON TRANSFER OF TACTICAL  
2           MILITARY VEHICLES TO SMALL LAW ENFORCEMENT  
3           AGENCIES.—The regulations for purposes of this  
4           section shall limit the transfer of tactical military ve-  
5           hicles to a State or local law enforcement agency  
6           with 10 or fewer sworn law enforcement officers as  
7           follows:

8                   “(A) If the law enforcement agency has  
9                   one or more functioning tactical military vehi-  
10                  cles, a tactical military vehicle may not be  
11                  transferred to the agency.

12                  “(B) If the law enforcement agency does  
13                  not have a functioning tactical military vehicle,  
14                  not more than one tactical military vehicle may  
15                  be transferred to the agency.

16                  “(C) If the law enforcement agency is the  
17                  designated procurement agency for a multi-ju-  
18                  risdictional joint-use agreement, not more than  
19                  1 tactical military vehicle may be transferred to  
20                  the agency for every 10 sworn law enforcement  
21                  officers covered by the joint-use agreement.

22           “(6) LIMITATION ON TRANSFER OF CAMOU-  
23           FLAGE UNIFORMS OR CLOTHING.—The regulations  
24           for purposes of this section shall prohibit the trans-  
25           fer of camouflage uniforms or clothing to a State or

1 law enforcement agency unless the law enforcement  
2 agency certifies that its geographic area of jurisdic-  
3 tion contains environments that may require the use  
4 of camouflage uniforms or clothing.

5 “(7) PROHIBITIONS ON TRANSFER OF ITEMS  
6 FOR USE BY SMALL SWAT TEAMS.—The regulations  
7 for purposes of this section shall prohibit the trans-  
8 fer of eligible defense items under this section for  
9 use by any SWAT team as follows:

10 “(A) A SWAT team composed of fewer  
11 than 17 sworn law enforcement officers.

12 “(B) A SWAT team composed entirely of  
13 members from a single State or local law en-  
14 forcement agency that has fewer than 35 sworn  
15 law enforcement officers.

16 “(C) A SWAT team composed of members  
17 from 2 or more State or local law enforcement  
18 agencies which agencies have, in aggregate,  
19 fewer than 35 sworn law enforcement officers.

20 “(8) PROHIBITION ON TRANSFER OF CERTAIN  
21 ITEMS TO LAW ENFORCEMENT AGENCIES UNDER  
22 CONSENT DECREES.—

23 “(A) IN GENERAL.—The regulations for  
24 purposes of this section shall prohibit the trans-  
25 fer of items specified in subparagraph (B) to a

1 State or local law enforcement agency for which  
2 a consent decree is in effect between the United  
3 States and the law enforcement agency, or that  
4 is under investigation by the Department of  
5 Justice, relating to civil rights abuses or exces-  
6 sive use of force, without the approval of the  
7 Department of Justice.

8 “(B) ITEMS.—The items specified in this  
9 subparagraph are the following:

10 “(i) Weapons.

11 “(ii) Tactical military vehicles.

12 “(9) TRANSFER TO LOCAL EDUCATION AGEN-  
13 CIES.—

14 “(A) PROHIBITION ON TRANSFER.—The  
15 regulations for purposes of this section shall  
16 prohibit the transfer of eligible defense items to  
17 any local educational agency or law enforcement  
18 agency affiliated with a local educational agency  
19 as follows:

20 “(i) A local educational agency that is  
21 served by a State or local law enforcement  
22 agency that—

23 “(I) is unaffiliated with the local  
24 educational agency; and

1                   “(II) has items or equipment  
2                   identical or similar to the eligible de-  
3                   fense items otherwise to be trans-  
4                   ferred.

5                   “(ii) A local educational agency that  
6                   is served by one or more State or local law  
7                   enforcement agencies that are unaffiliated  
8                   with the local educational agency if no  
9                   such serving agency will agree to store and  
10                  maintain the eligible defense items for the  
11                  local educational agency.

12                  “(B) LIMITATION ON USE OF FUNDS.—  
13                  The regulations for purposes of this section  
14                  shall provide that a local educational agency  
15                  transferred an eligible defense item under this  
16                  section may not use funds of the local edu-  
17                  cational agency—

18                         “(i) to transport the item to the dis-  
19                         trict of the local educational agency; or

20                         “(ii) to maintain the item.

21                  “(10) PROHIBITION ON REQUIREMENT FOR  
22                  TIMELY USE OF TRANSFERRED ITEMS.—The regula-  
23                  tions for purposes of this section may not require  
24                  the use of an eligible defense item transferred under  
25                  this section within one year of the receipt of the

1 item by the State or local law enforcement agency  
2 concerned.

3 “(h) NATIONAL SECURITY EXCEPTION FOR TRANS-  
4 FER OF CERTAIN CONTROLLED DEFENSE ITEMS NOT  
5 TREATABLE AS ELIGIBLE DEFENSE ITEMS.—

6 “(1) THREATS TO NATIONAL SECURITY.—The  
7 regulations for purposes of this section under sub-  
8 section (g) shall permit the transfer of a controlled  
9 defense item that is not treated as an eligible de-  
10 fense item for purposes of this section if—

11 “(A) there is an actionable threat to na-  
12 tional security; and

13 “(B) the Director of the Defense Logistics  
14 Agency, in consultation with individuals em-  
15 ployed pursuant to subsection (e), determines  
16 that the item will be useful in preventing or  
17 mitigating damage resulting from the threat de-  
18 scribed in subparagraph (A).

19 “(2) UPDATE TO LIST.—If an actionable threat  
20 to national security justifies the transfer of a con-  
21 trolled defense item under this subsection, the Direc-  
22 tor shall revise the regulations for purposes of this  
23 section to treat the controlled defense item as an eli-  
24 gible defense item for purposes of this section as  
25 soon as practicable. A transfer of a controlled de-

1       fense item may occur in accordance with paragraph  
2       (1) regardless of whether the update to the regula-  
3       tions for purposes of this section has been made  
4       under this paragraph at the time of transfer.

5           “(3) APPLICABILITY OF OTHER REQUIRE-  
6       MENTS.—If an actionable threat to national security  
7       justifies the transfer of a controlled defense item  
8       under this subsection, any requirements, prohibi-  
9       tions, and limitations otherwise applicable to the  
10      transfer of the item as an eligible defense item  
11      under this section shall not apply to the transfer of  
12      the item under this subsection.

13          “(4) DISPOSITION OF ITEMS AFTER THREAT.—  
14      Upon the cessation of the threat to national security  
15      for which a controlled defense item is transferred  
16      under this subsection, the State or local law enforce-  
17      ment agency receiving the item shall—

18           “(A) arrange for the storage of the item  
19           with the National Guard of the State con-  
20           cerned; or

21           “(B) if arrangements under subparagraph  
22           (A) cannot be made, transfer the item to the  
23           Director.

24          “(i) NOTICE TO LAW ENFORCEMENT AGENCIES ON  
25      AVAILABLE STOCKS OF ELIGIBLE DEFENSE ITEMS.—

1           “(1) DLA REVIEW AND NOTICE ON DOD  
2 STOCKS.—The Director of the Defense Logistics  
3 Agency shall periodically review the existing stocks  
4 of the Department of Defense in order to identify  
5 the type and quantity, if any, of surplus stocks of  
6 the Department of items that are currently treated  
7 as eligible defense items for purposes of this section.

8           “(2) NOTICE TO LAW ENFORCEMENT AGENCIES  
9 ON AVAILABLE STOCKS OF ITEMS.—The Director  
10 shall make information on the results of reviews  
11 under paragraph (1) available to the public on the  
12 Internet website of the Department referred to in  
13 subsection (f)(3).

14           “(j) MECHANISMS OF TRANSFER OF ELIGIBLE DE-  
15 FENSE ITEMS TO LAW ENFORCEMENT AGENCIES.—

16           “(1) APPLICATION.—A State or local law en-  
17 forcement agency seeking transfer of eligible defense  
18 items pursuant to this section shall submit an appli-  
19 cation therefore to the State Coordinator for the  
20 State in which the law enforcement agency is lo-  
21 cated. The application shall include a statement of  
22 the need of the agency for the items and the infor-  
23 mation specified in subsection (l).

24           “(2) STATE COORDINATOR REVIEW.—A State  
25 Coordinator shall review, and approve or disapprove,

1 each application submitted to the State Coordinator  
2 under paragraph (1). In determining whether to ap-  
3 prove or disapprove an application, a State Coordi-  
4 nator shall apply all criteria applicable to the appli-  
5 cation in the regulations for purposes of this section  
6 under subsection (g). A State Coordinator shall  
7 transmit each such application, whether approved or  
8 disapproved, to the Director of the Defense Logistics  
9 Agency, together with the information specified in  
10 subsection (l).

11 “(3) DIRECTOR OF DLA REVIEW OF APPROVED  
12 APPLICATIONS.—The Director shall review, and ap-  
13 prove or disapprove, each application transmitted to  
14 the Director pursuant to paragraph (2) that is ap-  
15 proved by a State Coordinator under that para-  
16 graph. As part of the review of each application, the  
17 Director shall obtain an assessment of such applica-  
18 tion by an individual employed pursuant to sub-  
19 section (e).

20 “(4) DISCHARGE OF TRANSFER.—The Director  
21 and the State Coordinator concerned shall jointly  
22 carry out the transfer of eligible defense items cov-  
23 ered by applications approved by the Director under  
24 this subsection.

1       “(k) PUBLIC NOTICE ON REQUESTS FOR TRANS-  
2 FERS.—

3           “(1) IN GENERAL.—Except as provided in para-  
4 graph (2), a State or local law enforcement agency  
5 requesting transfer of an eligible defense item under  
6 this section, including pursuant to interagency trans-  
7 fer under subsection (r), shall—

8           “(A) publish notice to the public on such  
9 request, including the information specified in  
10 subsection (l) (other than paragraphs (7), (11),  
11 (12), and (16) of that subsection, and with any  
12 personally identifiable information otherwise re-  
13 quired by paragraphs (17) and (18) of that  
14 subsection redacted) if such information is not  
15 otherwise available to the public; and

16           “(B) obtain approval of the request by the  
17 State or political subdivision of a State of which  
18 the law enforcement agency is an agency.

19           “(2) EXCEPTION.—

20           “(A) ITEMS FOR UNDERCOVER OPER-  
21 ATIONS.—A State or local law enforcement  
22 agency requesting transfer of an eligible defense  
23 item is not required to comply with paragraph  
24 (1) if the item requested is for an active under-  
25 cover operation.

1           “(B) ALTERNATIVE NOTICE REQUIRE-  
2           MENT.—A State or local law enforcement agen-  
3           cy receiving an item under this section pursuant  
4           to a request covered by subparagraph (A) shall  
5           publish public notice of the request not later  
6           than 10 business days after the conclusion of  
7           the undercover operation for which the item  
8           was requested.

9           “(1) INFORMATION IN SUPPORT OF APPLICATIONS.—  
10          The application of a State or local law enforcement agency  
11          for the transfer of eligible defense items under subsection  
12          (j)(1), and the transmittal of the State Coordinator con-  
13          cerned to the Director of the Defense Logistics Agency  
14          with respect to the application pursuant to subsection  
15          (j)(2), shall include with the application a statement of  
16          the need of the law enforcement agency for the items as  
17          described in subsection (j)(1), which shall include the fol-  
18          lowing:

19               “(1) The type and amount of each item being  
20               requested.

21               “(2) The name of the law enforcement agency.

22               “(3) The number of sworn, full-time law en-  
23               forcement officers of the law enforcement agency.

1           “(4) The number, if any, of items similar to the  
2 items being requested that the law enforcement  
3 agency has in good working condition.

4           “(5) The amount and type of items, if any, that  
5 the law enforcement agency has that were purchased  
6 using funds from—

7                 “(A) the Urban Area Security Initiative  
8 authorized under section 2003 of the Homeland  
9 Security Act of 2002 (6 U.S.C. 604);

10                “(B) the State Homeland Security Grant  
11 Program authorized under section 2004 of the  
12 Homeland Security Act of 2002 (6 U.S.C. 605);

13 or

14                “(C) the Edward Byrne Memorial Justice  
15 Assistance Grant Program under subpart 1 of  
16 part E of title I of the Omnibus Crime Control  
17 and Safe Streets Act of 1968 (42 U.S.C. 3750  
18 et seq.).

19           “(6) The use of force policy of the law enforce-  
20 ment agency.

21           “(7) Whether the law enforcement agency in-  
22 tends for SWAT teams to use the requested items,  
23 and, if so, the deployment policies of the law en-  
24 forcement agency for SWAT teams.

1           “(8) Whether the law enforcement agency has  
2 or plans to adopt a memorandum of understanding  
3 or other joint use agreement for the shared use of  
4 the requested items with any other law enforcement  
5 agency.

6           “(9) The capability gap to be filled by the items  
7 requested, and a description of the proposed use of  
8 the items by the law enforcement agency.

9           “(10) Whether a consent decree is in effect be-  
10 tween the United States and the law enforcement  
11 agency relating to civil rights abuses or excessive use  
12 of force.

13           “(11) Whether the law enforcement agency is  
14 currently under investigation, or has been under in-  
15 vestigation in the last 10 years, by the Department  
16 of Justice, an inspector general, or any equivalent  
17 State or local entity for civil rights abuses or exces-  
18 sive use of force.

19           “(12) Whether the chief of police of the law en-  
20 forcement agency has ever been determined by the  
21 Department of Justice, an inspector general, or any  
22 equivalent State or local entity to have engaged in  
23 civil rights abuses or excessive use of force.

1           “(13) Whether the law enforcement agency re-  
2           quested funds from a regional, State, or local polit-  
3           ical entity to purchase the requested items, and—

4                   “(A) if so and the request was denied, a  
5           statement of the reason or reasons for such de-  
6           nial; or

7                   “(B) if not, a statement of the reason or  
8           reasons the law enforcement agency did not.

9           “(14) Such other information on the recent  
10          record of the law enforcement agency regarding civil  
11          rights and the excessive use of force as the Director  
12          shall specify in the regulations for purposes of this  
13          section.

14          “(15) An executed maintenance requirement re-  
15          lease acknowledging that the law enforcement agen-  
16          cy understands and accepts responsibility for all  
17          costs associated with the upkeep of the items.

18          “(16) Detailed documentation on the manner in  
19          which the law enforcement agency will provide for  
20          the storage and security of the items.

21          “(17) A description of the policies and proce-  
22          dures of the law enforcement agency for use of the  
23          items, including who will have authority over the use  
24          of the items and an organizational chart, and the

1 names and titles of agency members, who will have  
2 charge of the items.

3 “(18) Documentation showing that the mem-  
4 bers identified pursuant to paragraph (17) as in  
5 charge of items have been trained in the use and de-  
6 ployment of such items within the past five years, or  
7 identifying specific training such members identified  
8 shall participate not later than 90 days after receipt  
9 of the items.

10 “(19) Certification that any eligible defense  
11 items transferred under this section for use by a  
12 SWAT team have not been used, and will not be  
13 used, by a SWAT team engaging in routine patrol-  
14 related incidents, non-tactical incidents, and non-tac-  
15 tical assignments.

16 “(20) Such other information on the law en-  
17 forcement agency, and the application of the law en-  
18 forcement agency, as the Director shall specify in  
19 the regulations for purposes of this section.

20 “(m) REQUIREMENTS IN CONNECTION WITH USE OF  
21 ELIGIBLE DEFENSE ITEMS BY SWAT TEAMS.—Eligible  
22 defense items may not be transferred to a State or local  
23 law enforcement agency under this section for use by a  
24 SWAT team unless the law enforcement agency requesting  
25 such items certifies to the Director of the Defense Logis-

1 ties Agency that the law enforcement agency makes avail-  
2 able to the public the training records of the SWAT team,  
3 including the course outlines of such training (except that  
4 any personally identifiable information, and all but the  
5 title and subject of such training, may be redacted). The  
6 Attorney General shall issue, and may from time to time  
7 update, nonbinding guidelines on such policies.

8 “(n) POLICIES ON USE OF VIDEO RECORDING  
9 EQUIPMENT AND RECORDING.—

10 “(1) IN GENERAL.—Video recording equipment  
11 (including body cameras) may not be transferred to  
12 a State or local law enforcement agency under this  
13 section unless the law enforcement agency request-  
14 ing such equipment certifies to the Director of the  
15 Defense Logistics Agency that the law enforcement  
16 agency has in place, and makes available to the pub-  
17 lic, policies on the use of such equipment by law en-  
18 forcement officers, and on securing video recordings  
19 of operations of law enforcement officers using video  
20 equipment, that meets the requirements specified in  
21 paragraph (2).

22 “(2) POLICY REQUIREMENTS.—The require-  
23 ments specified in this paragraph for policies de-  
24 scribed in paragraph (1) are the following:

1           “(A) Policies on the appropriate use of  
2 video recording equipment, including whether  
3 such equipment should be left on at all times.

4           “(B) Mechanisms to preserve, to the extent  
5 practicable, the integrity and security of video  
6 recordings, including a description of the per-  
7 sonnel of the law enforcement agency, and  
8 other parties, who are authorized to access the  
9 recordings, mechanisms for the storage of re-  
10 cordings, and measures to ensure the cybersecu-  
11 rity of such recordings (if applicable to the stor-  
12 age, retention, and retrieval of such recordings).

13           “(C) Policies on the authorized and unau-  
14 thorized public release of video recordings.

15           “(D) A requirement that any video record-  
16 ing of an interaction between a law enforcement  
17 officer and an individual who is not a law en-  
18 forcement officer involving the use of force  
19 (whether deadly or otherwise) shall retained by  
20 the law enforcement agency for a period not  
21 shorter than the period of limitation in the  
22 State concerned for actions for civil rights viola-  
23 tions under section 1979 of the Revised Stat-  
24 utes (42 U.S.C. 1983).

1       “(o) STATE CERTIFICATION OF INSTRUCTORS IN  
2 TRAINING ON USE OF FORCE AND CERTAIN ITEMS.—

3           “(1) CERTIFICATION OF INSTRUCTORS IN  
4 TRAINING REQUIRED.—On and after the date that is  
5 three years after the date of the enactment of the  
6 Protecting Communities and Police Act of 2015, eli-  
7 gible defense items may not be transferred to a  
8 State or local law enforcement agency of a State  
9 under this section unless the Governor of the State  
10 (or the designee of the Governor) certifies to the Di-  
11 rector of the Defense Logistics Agency that the  
12 State conducts a program for certifying police in-  
13 structors in the provision of training on the use of  
14 force, and in the use of eligible defense items and  
15 special justice items, that meets the requirements  
16 specified in paragraph (2). Any instructor certified  
17 under a program conducted under section 2010 of  
18 the Homeland Security Act of 2002 shall be consid-  
19 ered certified as a police instructor in any State for  
20 purposes of this subsection.

21           “(2) PROGRAM REQUIREMENTS.—The require-  
22 ments specified in this paragraph for a program de-  
23 scribed in paragraph (1) are the following:

24                   “(A) The program shall include instruction  
25                   in training on the following:

1           “(i) The use of force by State and  
2           local law enforcement officers in the ordi-  
3           nary course of their duties.

4           “(ii) The use of eligible defense items  
5           and special justice items by State and local  
6           law enforcement officers in the ordinary  
7           course of their duties.

8           “(iii) The use of eligible defense items  
9           and special justice items by SWAT teams.

10          “(iv) The appropriate deployment of  
11          SWAT teams.

12          “(v) Civil rights and civil liberties.

13          “(vi) Any other matters on the train-  
14          ing of State and local law enforcement offi-  
15          cers that the Governor of the State (or the  
16          designee of the Governor) considers appro-  
17          priate.

18          “(B) A list of the instructors who are cer-  
19          tified pursuant to the program shall be main-  
20          tained and published.

21          “(3) DISCHARGE THROUGH EXISTING PRO-  
22          GRAMS.—A State may satisfy the requirement in  
23          paragraph (1) using a program in effect on the date  
24          that is three years after the date of the enactment  
25          of the Protecting Communities and Police Act of

1 2015 if such program satisfies the requirements in  
2 paragraph (2).

3 “(p) TRAINING REQUIREMENTS.—

4 “(1) MINIMUM ANNUAL TRAINING REQUIRE-  
5 MENTS FOR LAW ENFORCEMENT OFFICERS.—

6 “(A) IN GENERAL.—On and after the date  
7 that is three years after the date of the enact-  
8 ment of the Protecting Communities and Police  
9 Act of 2015, eligible defense items may not be  
10 transferred to a State or local law enforcement  
11 agency under this section unless the Governor  
12 of the State (or the designee of the Governor)  
13 certifies to the Director of the Defense Logis-  
14 tics Agency that the State has in place min-  
15 imum annual training requirements for all  
16 sworn law enforcement officers in the State, in-  
17 cluding—

18 “(i) specialized leadership training re-  
19 quirements for heads of law enforcement  
20 agencies who have—

21 “(I) decisionmaking authority on  
22 the deployment of SWAT teams and  
23 tactical military vehicles; or

1                   “(II) responsibility for drafting  
2                   policies on the use of force and SWAT  
3                   team deployment;

4                   “(ii) specialized SWAT team training  
5                   requirements for all SWAT team members,  
6                   including in law enforcement tactics used  
7                   in tactical operations;

8                   “(iii) training in the appropriate use  
9                   and deployment of tactical military vehi-  
10                  cles; and

11                  “(iv) training on sensitivity, including  
12                  training on ethnic and racial bias, cultural  
13                  diversity, and police interaction with the  
14                  disabled, mentally ill, and new immigrants.

15                  “(B) SATISFACTION BY RECENT HIREES.—

16                  The requirements under subparagraph (A) shall  
17                  provide for the first completion of the training  
18                  concerned by an individual who becomes an offi-  
19                  cer in a law enforcement agency by not later  
20                  than one year after the date on which the indi-  
21                  vidual becomes an officer in the law enforce-  
22                  ment agency.

23                  “(2) STATE COORDINATORS.—On and after the  
24                  date that is three years after the date of the enact-  
25                  ment of the Protecting Communities and Police Act

1 of 2015, eligible defense items may not be trans-  
2 ferred to a State or local law enforcement agency of  
3 a State under this section unless the Governor of the  
4 State (or the designee of the Governor) certifies to  
5 the Director of the Defense Logistics Agency that  
6 the individual who serves as a State Coordinator in  
7 the State receives on an annual basis training in the  
8 following:

9 “(A) Inventory management.

10 “(B) The assessment of the needs of State  
11 and local law enforcement agencies for eligible  
12 defense items.

13 “(3) USE OF ELIGIBLE DEFENSE ITEMS.—

14 “(A) IN GENERAL.—On and after the date  
15 that is three years after the date of the enact-  
16 ment of the Protecting Communities and Police  
17 Act of 2015, eligible defense items may not be  
18 transferred to a State or local law enforcement  
19 agency under this section unless the head of the  
20 law enforcement agency requesting such items  
21 certifies to the Director that any law enforce-  
22 ment officer who is authorized to use such  
23 items will have received training on the proper  
24 law enforcement use of such items by an in-  
25 structor certified as described in subsection (o)

1 or section 2010 of the Homeland Security Act  
2 of 2002.

3 “(B) SATISFACTION BY RECENT HIREES.—  
4 Training required by subparagraph (A) shall be  
5 completed by an individual who becomes a  
6 member of a State or local law enforcement  
7 agency by not later than one year after the date  
8 on which the individual becomes a member of  
9 the law enforcement agency.

10 “(4) SWAT TEAMS.—

11 “(A) IN GENERAL.—On and after the date  
12 that is three years after the date of the enact-  
13 ment of the Protecting Communities and Police  
14 Act of 2015, eligible defense items may not be  
15 transferred to a State or local law enforcement  
16 agency under this section for use by a SWAT  
17 team unless the head of the law enforcement  
18 agency requesting such items certifies to the  
19 Director that any law enforcement officer who  
20 is a member of such SWAT team will have par-  
21 ticipated during the preceding year in tactical  
22 SWAT team training by an instructor certified  
23 as described in subsection (o) or section 2010  
24 of the Homeland Security Act of 2002 and  
25 training required pursuant to paragraph (1).

1           “(B) SATISFACTION BY RECENT HIREES.—  
2           Training required by subparagraph (A) shall be  
3           completed by an individual who becomes a  
4           member of a SWAT team by not later than one  
5           year after the date on which the individual be-  
6           comes a member of the SWAT team.

7           “(q) WHISTLEBLOWER AND INDEPENDENT OVER-  
8           SIGHT REQUIREMENTS.—

9           “(1) WHISTLEBLOWER REQUIREMENTS.—On  
10          and after the date that is three years after the date  
11          of the enactment of the Protecting Communities and  
12          Police Act of 2015, eligible defense items may not  
13          be transferred to a State or local law enforcement  
14          agency of a State under this section unless the Gov-  
15          ernor of the State (or the designee of the Governor)  
16          certifies to the Director of the Defense Logistics  
17          Agency that the State—

18                 “(A) has in place—

19                         “(i) a program, including a public  
20                         complaint hotline, that provides individuals  
21                         the ability to disclose any waste, fraud, or  
22                         abuse in connection with the use of such  
23                         items; and

24                         “(ii) mechanisms (commonly referred  
25                         to as ‘whistleblower protections’) to protect

1 individuals who make a disclosure de-  
2 scribed in clause (i) from retaliatory or  
3 other adverse personnel actions in connec-  
4 tion with such disclosures; and

5 “(B) publicizes the existence of the pro-  
6 gram and whistleblower protections described in  
7 subparagraph (A).

8 “(2) CERTIFICATION OF OVERSIGHT AND AC-  
9 COUNTABILITY.—

10 “(A) CERTIFICATION REQUIRED.—Eligible  
11 defense items may not be transferred to a State  
12 or local law enforcement agency under this sec-  
13 tion unless the head of the law enforcement  
14 agency requesting such items submits to the Di-  
15 rector a written certification (in the form of a  
16 memorandum of understanding, memorandum  
17 of agreement, or letterhead correspondence)  
18 that an entity that is unaffiliated with the law  
19 enforcement agency is authorized—

20 “(i) to receive any complaints regard-  
21 ing the use of any equipment and funds of  
22 the law enforcement agency;

23 “(ii) to periodically review and assess  
24 the use of such equipment and funds by  
25 the law enforcement agency; and

1 “(iii) to make recommendations to the  
2 law enforcement agency regarding the use  
3 of such equipment and funds by the law  
4 enforcement agency that are either—

5 “(I) non-binding in character; or

6 “(II) binding in character, if au-  
7 thORIZED by a law or ordinance gov-  
8 erning the law enforcement agency or  
9 the entity or by an agreement between  
10 the governing body of the law enforce-  
11 ment agency and organizations rep-  
12 resenting law enforcement officers of  
13 the law enforcement agency.

14 “(B) DISCHARGE THROUGH EXISTING EN-  
15 TITIES.—A law enforcement agency may satisfy  
16 the requirement in subparagraph (A) through  
17 an entity that exists as of the date of the enact-  
18 ment of the Protecting Communities and Police  
19 Act of 2015, including an independent review  
20 board, a Federal, State, or local inspector gen-  
21 eral, a Federal, State, county, or city attorney  
22 general, a district attorney, the Federal Bureau  
23 of Investigation or another Federal agency, a  
24 State agency, a State or local governing body  
25 (such as a city council or county commission),

1 a law enforcement council, or an independent  
2 entity established by one or more such officials,  
3 agencies, or entities on behalf of one or more  
4 law enforcement agencies.

5 “(r) INTERAGENCY TRANSFER.—

6 “(1) IN GENERAL.—Subject to paragraph (2), a  
7 State or local law enforcement agency may transfer  
8 an eligible defense item transferred to the law en-  
9 forcement agency under this section to another State  
10 or local law enforcement agency.

11 “(2) APPROVAL REQUIRED.—An eligible de-  
12 fense item may not be transferred by a State or  
13 local law enforcement agency to another law enforce-  
14 ment agency under this subsection without the ap-  
15 proval of the Director of the Defense Logistics  
16 Agency (or the designee of the Director). A law en-  
17 forcement agency seeking the approval of the Direc-  
18 tor for the transfer of an item pursuant to this para-  
19 graph shall submit to the Director an application  
20 therefor in such form and manner as the Director  
21 shall specify in the regulations for purposes of this  
22 section under subsection (g).

23 “(s) SUSPENSION AND TERMINATION.—

24 “(1) FOR LOST OR STOLEN ITEMS.—In the  
25 event an item transferred to a State or local law en-

1 enforcement agency under this section is lost, stolen,  
2 or misappropriated—

3 “(A) in the case of an offensive weapon or  
4 ordnance—

5 “(i) on the first occurrence in the case  
6 of the law enforcement agency, the Direc-  
7 tor of the Defense Logistics Agency, after  
8 providing the law enforcement agency with  
9 notice and the opportunity to contest the  
10 allegation, shall suspend the law enforce-  
11 ment agency from eligibility for receipt of  
12 items under this section for a period of 6  
13 months; and

14 “(ii) on any subsequent occurrence in  
15 the case of the law enforcement agency,  
16 the Director, after providing the law en-  
17 forcement agency with notice and the op-  
18 portunity to contest the allegation, shall  
19 suspend the law enforcement agency from  
20 eligibility for receipt of items under this  
21 section for a period of five years; and

22 “(B) in the case of any other item—

23 “(i) on the third occurrence in the  
24 case of the law enforcement agency, the  
25 Director, after providing the law enforce-

1           ment agency with notice and the oppor-  
2           tunity to contest the allegation, shall sus-  
3           pend the law enforcement agency from eli-  
4           gibility for receipt of items under this sec-  
5           tion for a period of 6 months; and

6           “(ii) on any subsequent occurrence in  
7           the case of the law enforcement agency,  
8           the Director, after providing the law en-  
9           forcement agency with notice and the op-  
10          portunity to contest the allegation, shall  
11          suspend the law enforcement agency from  
12          eligibility for receipt of items under this  
13          section for a period of three years.

14          “(2) INTENTIONAL FALSIFICATION OF INFOR-  
15          MATION.—In the event a State or local law enforce-  
16          ment agency is determined by the Director (or the  
17          designee of the Director) to have intentionally fal-  
18          sified any information in requesting or applying for  
19          items under this section, the Director, after pro-  
20          viding the law enforcement agency with notice and  
21          the opportunity to contest the determination, shall  
22          terminate the law enforcement agency from eligi-  
23          bility for receipt of items under this section.

24          “(t) REPORT REQUIREMENTS.—

1           “(1) STATE AND LOCAL LAW ENFORCEMENT  
2 AGENCIES REPORT REQUIREMENTS.—Not later than  
3 one year after the date of the enactment of the Pro-  
4 tecting Communities and Police Act of 2015 and  
5 every year thereafter, each State or local law en-  
6 forcement agency that receives eligible defense items  
7 under this section shall submit to the Director of the  
8 Defense Logistics Agency a report setting forth an  
9 accounting of such items. Each report of an agency  
10 shall include the following:

11                   “(A) For weapons, tactical vehicles, air-  
12 craft, and boats, time-stamped serial numbers  
13 of the items.

14                   “(B) Such information on the status and  
15 use of such items as the Secretary of Defense  
16 requires in order to make the reports required  
17 by paragraph (2).

18           “(2) SECRETARY OF DEFENSE REPORT RE-  
19 QUIREMENTS.—Not later than one year after the  
20 date of the enactment of the Protecting Commu-  
21 nities and Police Act of 2015, once a year for every  
22 four years thereafter, and once every three years  
23 thereafter after such five years, the Secretary of De-  
24 fense shall submit to the Attorney General, the Sec-  
25 retary of Homeland Security, and Congress, and

1 make available to the public, a comprehensive report  
2 on the use during the preceding year of eligible de-  
3 fense items transferred under this section. Each re-  
4 port shall include the following:

5 “(A) A description of all eligible defense  
6 items transferred under this section during the  
7 year covered by such report, including an ap-  
8 pendix setting forth a plain English description  
9 or manufacturer make, model number, and  
10 name of each item transferred, the quantity of  
11 each item transferred, the recipient of each  
12 item, and a brief explanation of the need for  
13 each item by the recipient.

14 “(B) A statement of the items described in  
15 subparagraph (A) that were in new or like-new  
16 condition at the time of transfer.

17 “(C) For each type of eligible defense item  
18 transferred under this section during the year  
19 covered by such report, the quantity, if any, of  
20 the same or a similar item purchased by the  
21 Department of Defense during the prior fiscal  
22 year.

23 “(D) The number of requests for transfer  
24 of eligible defense items during the year covered  
25 by such report that were approved by State Co-

1           ordinators and the Director of the Defense Lo-  
2           gistics Agency.

3           “(E) The number of requests for transfer  
4           of eligible defense items during the year covered  
5           by such report that were approved by State Co-  
6           ordinators but denied by the Director, and, for  
7           each such request, a statement of the type of  
8           item requested and the reason or reasons for  
9           the denial.

10          “(F) The number of requests for transfer  
11          of eligible defense items during the year covered  
12          by such report that were denied by State Coor-  
13          dinators, and, for each such request, a state-  
14          ment of the type of item requested and the rea-  
15          son or reasons for the denial.

16          “(u) CONSTRUCTION WITH OTHER DLA AUTHOR-  
17          ITY.—Nothing in this section shall be construed to over-  
18          ride, alter, or supersede the authority of the Director of  
19          the Defense Logistics Agency to dispose of property of the  
20          Department of Defense that is not a controlled defense  
21          item to law enforcement agencies under another other pro-  
22          vision of law.

23          “(v) NON-CONTROLLED DEFENSE ITEMS TO LAW  
24          ENFORCEMENT AGENCIES.—Notwithstanding any provi-  
25          sion of chapter 5 of title 40 or any other provision of law,

1 the Administrator of General Services shall accord a pri-  
2 ority in the disposal of excess and surplus items and equip-  
3 ment of the Department of Defense that are not controlled  
4 defense items to law enforcement agencies.

5 “(w) DEFINITIONS.—In this section:

6 “(1) The term ‘controlled defense item’ means  
7 property of the Department of Defense that is sub-  
8 ject to the restrictions of the United States Muni-  
9 tions List (22 Code of Federal Regulations Part  
10 121) or the Commerce Control List (15 Code of  
11 Federal Regulations Part 774).

12 “(2) The term ‘eligible defense item’ means a  
13 controlled defense item that is eligible for transfer to  
14 a law enforcement agency pursuant to this section.

15 “(3) The term ‘law enforcement council’ means  
16 a consortium of law enforcement agencies operating  
17 in a partnership within a region to promote and en-  
18 hance public safety.

19 “(4) The term ‘local educational agency’ has  
20 the meaning given that term in section 8013(9) of  
21 the Elementary and Secondary Education Act of  
22 1965 (20 U.S.C. 7713(9)).

23 “(5) The term ‘special justice item’ has the  
24 meaning given that term in section 509(a) of the

1 Omnibus Crime Control and Safe Streets Act of  
2 1968.

3 “(6) The term ‘State Coordinator’ means an in-  
4 dividual appointed by the Governor of a State—

5 “(A) to manage requests of State and local  
6 law enforcement agencies of the State for eligi-  
7 ble defense items; and

8 “(B) to ensure the appropriate use of eligi-  
9 ble defense items transferred under this section  
10 by such law enforcement agencies.

11 “(7) The term ‘State or local law enforcement  
12 agency’ means a State or local agency or entity with  
13 law enforcement officers that have arrest and appre-  
14 hension authority and whose primary function is to  
15 enforce the laws. The term includes a local edu-  
16 cational agency with such officers. The term does  
17 not include a firefighting agency or entity.

18 “(8) The term ‘SWAT team’ means a Special  
19 Weapons and Tactics team or other specialized tac-  
20 tical team composed of State or local sworn law en-  
21 forcement officers.

22 “(9) The term ‘tactical military vehicle’ means  
23 an armored vehicle having military characteristics  
24 resulting from military research and development  
25 processes, designed primarily for use by forces in the

1 field in direction connection with, or support of,  
2 combat or tactical operations.”.

3 (b) LIMITATIONS ON TRANSFER OF CERTAIN ITEMS  
4 PENDING ACHIEVEMENT OF CERTAIN PROGRAM MILE-  
5 STONES.—

6 (1) LIMITATION PENDING EMPLOYMENT OF  
7 LAW ENFORCEMENT EXPERTS IN DLA.—No item de-  
8 scribed in paragraph (4) may be transferred under  
9 section 2576a of title 10, United States Code (as  
10 amended by subsection (a)), until the employment in  
11 the Defense Logistics Agency of law enforcement ex-  
12 perts required by subsection (e) of such section.

13 (2) DELAYED LIMITATION PENDING APPOINT-  
14 MENT OF TASK FORCE.—Effective as of the date  
15 that is one year after the date of the enactment of  
16 this Act, no item described in paragraph (4) may be  
17 transferred under section 2576a of title 10, United  
18 States Code (as so amended), until the appointment  
19 of the task force required by section 4 of this Act.

20 (3) DELAYED LIMITATION PENDING PUBLICA-  
21 TION OF LIST OF ELIGIBLE DEFENSE ITEMS.—Ef-  
22 fective as of the date that is two years after the date  
23 of the enactment of this Act, no item described in  
24 paragraph (4) may be transferred under section  
25 2576a of title 10, United States Code (as so amend-

1 ed), until the publication under subsection (f)(3) of  
2 such section of the items determined to be eligible  
3 defense items for purposes of such section.

4 (4) COVERED ITEMS.—An item described in  
5 this paragraph is the following:

6 (A) A controlled defense item.

7 (B) An eligible defense item.

8 (C) An item specified in section  
9 2576a(g)(4)(B) of title 10, United States Code  
10 (as so amended).

11 (5) DEFINITIONS.—In this subsection, the  
12 terms “controlled defense item” and “eligible de-  
13 fense item” have the meaning given such terms in  
14 section 2576a(w) of title 10, United States Code (as  
15 so amended).

16 (c) RESTATEMENT AND MODIFICATION OF CURRENT  
17 AUTHORITY FOR TRANSFER FOR FEDERAL LAW EN-  
18 FORCEMENT ACTIVITIES.—Chapter 153 of title 10,  
19 United States Code, is amended—

20 (1) by redesignating section 2576b as section  
21 2576d; and

22 (2) by inserting after section 2576a (as amend-  
23 ed by subsection (a)) the following new sections:

1 **“§ 2576b. Excess personal property: sale or donation**  
2 **of certain non-controlled defense items**  
3 **for State or local law enforcement activi-**  
4 **ties**

5 “(a) TRANSFER AUTHORIZED.—(1) Notwithstanding  
6 any other provision of law and subject to subsection (b),  
7 the Secretary of Defense may transfer to State agencies  
8 personal property of the Department of Defense that the  
9 Secretary determines is—

10 “(A) not a controlled defense item, an eligible  
11 defense item, or an item specified in section  
12 2576a(g)(4)(B) of this title;

13 “(B) suitable for use by State agencies in law  
14 enforcement activities, including counter-drug and  
15 counter-terrorism activities; and

16 “(C) excess to the needs of the Department of  
17 Defense.

18 “(2) The Secretary shall carry out this section in con-  
19 sultation with the Attorney General and the Director of  
20 National Drug Control Policy.

21 “(b) CONDITIONS FOR TRANSFER.—The Secretary of  
22 Defense may transfer personal property under this section  
23 only if—

24 “(1) the property is drawn from existing stocks  
25 of the Department of Defense;



1           “(A) suitable for use by the agencies in law en-  
2           forcement activities, including counter-drug and  
3           counter-terrorism activities; and

4           “(B) excess to the needs of the Department of  
5           Defense.

6           “(2) The Secretary shall carry out this section in con-  
7           sultation with the Attorney General and the Director of  
8           National Drug Control Policy.

9           “(b) CONDITIONS FOR TRANSFER.—The Secretary of  
10          Defense may transfer personal property under this section  
11          only if—

12           “(1) the property is drawn from existing stocks  
13           of the Department of Defense;

14           “(2) the recipient accepts the property on an  
15           as-is, where-is basis;

16           “(3) the transfer is made without the expendi-  
17           ture of any funds available to the Department of  
18           Defense for the procurement of defense equipment;  
19           and

20           “(4) all costs incurred subsequent to the trans-  
21           fer of the property are borne or reimbursed by the  
22           recipient.

23           “(c) CONSIDERATION.—Subject to subsection (b)(4),  
24          the Secretary may transfer personal property under this  
25          section without charge to the recipient agency.”.

1 (d) CLERICAL AMENDMENTS.—The table of sections  
2 at the beginning of chapter 153 of title 10, United States  
3 Code, is amended by striking the items relating to sections  
4 2576a and 2576b and inserting the following new items:

“2576a. Excess personal property: sale or donation of certain controlled defense items for State or local law enforcement activities.

“2576b. Excess personal property: sale or donation of certain non-controlled defense items for State or local law enforcement activities.

“2576c. Excess personal property: sale or donation for Federal law enforcement activities.

“2576d. Excess personal property: sale or donation to assist firefighting agencies.”.

5 (e) CJCS DUTY TO ENSURE FEDERAL AGENCY RE-  
6 SPONSIBILITY FOR TRANSFERRED PROPERTY.—Section  
7 153(a) of title 10, United States Code, is amended—

8 (1) by redesignating paragraph (6) as para-  
9 graph (7); and

10 (2) by inserting after paragraph (5) the fol-  
11 lowing new paragraph (6):

12 “(6) TRANSFERS OF DOD PROPERTY FOR FED-  
13 ERAL LAW ENFORCEMENT ACTIVITIES.—Ensuring  
14 that Federal agencies to which property of the De-  
15 partment of Defense is transferred pursuant to sec-  
16 tion 2576c of this title accept responsibility for in-  
17 ventory, management, accountability, and disposal of  
18 such property.”.

1 **SEC. 7. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE**  
2 **GRANTS.**

3 (a) USE OF FUNDS BY LAW ENFORCEMENT.—Sub-  
4 part 1 of part E of title I of the Omnibus Crime Control  
5 and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.)  
6 is amended by adding at the end the following:

7 **“SEC. 509. USE OF FUNDS BY LAW ENFORCEMENT.**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘covered funds’ means funds pro-  
10 vided under this subpart;

11 “(2) the term ‘law enforcement agency’—

12 “(A) means an agency or entity with law  
13 enforcement officers—

14 “(i) who have arrest and apprehension  
15 authority; and

16 “(ii) whose primary function is to en-  
17 force the laws;

18 “(B) includes a local educational agency  
19 with officers described in subparagraph (A);  
20 and

21 “(C) does not include a firefighting agency  
22 or entity;

23 “(3) the term ‘local educational agency’ has the  
24 meaning given that term in section 8013(9) of the  
25 Elementary and Secondary Education Act of 1965  
26 (20 U.S.C. 7713(9));

1           “(4) the term ‘prohibited item’ means an item  
2 that the Attorney General determines under sub-  
3 section (b)(1) may not be purchased by a law en-  
4 forcement agency using covered funds;

5           “(5) the term ‘special justice item’ means an  
6 item that the Attorney General determines under  
7 subsection (b)(1) is not generally issued to a law en-  
8 forcement patrol officer but is suitable for certain  
9 uses by law enforcement officers in engagements  
10 with individuals who are not law enforcement offi-  
11 cers;

12           “(6) the term ‘SWAT team’ means a Special  
13 Weapons and Tactics team or other specialized tac-  
14 tical team composed of sworn law enforcement offi-  
15 cers; and

16           “(7) the term ‘tactical military vehicle’ means  
17 an armored vehicle having military characteristics  
18 resulting from military research and development  
19 processes, designed primarily for use by forces in the  
20 field in direct connection with, or support of, combat  
21 or tactical operations.

22           “(b) PURCHASE OF CERTAIN ITEMS BY LAW EN-  
23 FORCEMENT.—

24           “(1) LISTS OF PROHIBITED ITEMS AND SPE-  
25 CIAL JUSTICE ITEMS.—

1           “(A) IN GENERAL.—The Attorney General,  
2           in consultation with the task force appointed  
3           under section 4 of the Protecting Communities  
4           and Police Act of 2015, shall—

5                   “(i) not later than 3 years after the  
6                   date of enactment of the Protecting Com-  
7                   munities and Police Act of 2015, create—

8                           “(I) a list of prohibited items;

9                           and

10                           “(II) a list of special justice  
11                           items; and

12                   “(ii) review and revise each list cre-  
13                   ated under clause (i) not less often than  
14                   once every 5 years.

15           “(B) SPECIFIC ITEMS.—The Attorney  
16           General shall place each of the following items  
17           on the list of prohibited items or the list of spe-  
18           cial justice items:

19                   “(i) Weapons over .50 caliber.

20                   “(ii) Tactical military vehicles.

21                   “(iii) Other tactical military equip-  
22                   ment.

23                   “(iv) Tactical law enforcement bal-  
24                   listic protection equipment other than bal-  
25                   listic vests, including ballistic helmets, bal-

1 listic shields, battle dress uniforms, and  
2 camouflage uniforms and clothing.

3 “(v) Grenades, flash bang grenades,  
4 grenade launchers, and grenade launcher  
5 attachments.

6 “(C) PUBLICATION.—The Attorney Gen-  
7 eral shall publish each list created under sub-  
8 paragraph (A) on the website of the Depart-  
9 ment of Justice and in the Federal Register.

10 “(2) PROHIBITED ITEMS.—

11 “(A) IN GENERAL.—Except as provided in  
12 subparagraph (B), a law enforcement agency  
13 may not use covered funds to purchase a pro-  
14 hibited item or receive a prohibited item that  
15 was purchased using covered funds.

16 “(B) EXCEPTION.—

17 “(i) THREATS TO NATIONAL SECUR-  
18 ITY.—A law enforcement agency may  
19 purchase a prohibited item using covered  
20 funds, or receive a prohibited item that  
21 was purchased using covered funds, if—

22 “(I) the Attorney General deter-  
23 mines that the prohibited item will be  
24 useful in preventing or mitigating

1 damage resulting from a threat to na-  
2 tional security;

3 “(II) the law enforcement agency  
4 has in place an agreement with the  
5 National Guard of the State in which  
6 the law enforcement agency is located  
7 for the storage of the restricted item  
8 at a National Guard site; and

9 “(III) the law enforcement pro-  
10 vides a copy of the agreement de-  
11 scribed in subclause (II) to the Attor-  
12 ney General.

13 “(ii) UPDATE TO LIST.—If a threat to  
14 national security justifies the purchase of a  
15 prohibited item under clause (i), the Attor-  
16 ney General shall publish an updated list  
17 of prohibited items or special justice items,  
18 as appropriate, under paragraph (1)(C) as  
19 soon as practicable.

20 “(3) AUTHORITY TO PRESCRIBE REGULA-  
21 TIONS.—

22 “(A) IN GENERAL.—The Attorney General  
23 may prescribe regulations that place restrictions  
24 and limitations on special justice items that  
25 may be purchased by law enforcement agencies

1 using covered funds, based on the appropriate-  
2 ness of the use of the items in law enforcement  
3 activities.

4 “(B) AUTHORIZED ELEMENTS.—The regu-  
5 lations prescribed by the Attorney General  
6 under subparagraph (A) may include the fol-  
7 lowing:

8 “(i) Tiers of eligibility of law enforce-  
9 ment agencies to purchase special justice  
10 items using covered funds based on need of  
11 law enforcement agencies for particular  
12 items, size and capabilities of law enforce-  
13 ment agencies, or such other factors as the  
14 Attorney General may specify in the regu-  
15 lations.

16 “(ii) Restrictions on the numbers or  
17 types of special justice items that may be  
18 purchased by a particular law enforcement  
19 agency using covered funds, within a par-  
20 ticular period of time, to law enforcement  
21 agencies in a particular region, or such  
22 other factors as the Attorney General may  
23 specify in regulations.

24 “(iii) Restrictions on the use of par-  
25 ticular special justice items by law enforce-

1           ment agencies purchased using covered  
2           funds based on size, capability, or such  
3           other factors the Attorney General may  
4           specify in the regulations.

5           “(iv) Requirements for memoranda of  
6           understanding or other appropriate agree-  
7           ments in the case of joint use of special  
8           justice items, purchased using covered  
9           funds, by more than 1 law enforcement  
10          agency.

11          “(c) OTHER RESTRICTIONS AND LIMITATIONS ON  
12          USE OF COVERED FUNDS.—

13                 “(1) PURCHASE OF SPECIAL JUSTICE ITEMS  
14                 USING COVERED FUNDS.—

15                         “(A) IN GENERAL.—A law enforcement  
16                         agency may not receive or use covered funds to  
17                         purchase a special justice item unless the law  
18                         enforcement agency—

19                                 “(i) except as provided in subpara-  
20                                 graph (B), publishes a needs justification  
21                                 statement—

22   “(I) on its website, on the  
23   website of its governing body, or in a  
24   manner and location in which the  
25   needs justification statement can be

1 easily viewed by the residents in the  
2 area in which the law enforcement  
3 agency has jurisdiction;

4 “(II) that, except as provided in  
5 subclause (III), includes the informa-  
6 tion required under subparagraph (C);  
7 and

8 “(III) from which the law en-  
9 forcement agency may redact—

10 “(aa) the information re-  
11 quired under clause (x) or (xi) of  
12 subparagraph (C); and

13 “(bb) with respect to the  
14 training records required under  
15 clause (vi), any personally identi-  
16 fiable information and all but the  
17 title and subject of such training  
18 courses;

19 “(ii) obtains the approval of the head  
20 of the State, political subdivision of a  
21 State, or Indian tribe of which the law en-  
22 forcement agency is an agency before re-  
23 questing the covered funds; and

24 “(iii) submits the needs justification  
25 statement, including all information re-

1           required under subparagraph (C), to the en-  
2           tity from which the law enforcement agen-  
3           cy is to receive the covered funds.

4           “(B) ONGOING OPERATIONS.—The re-  
5           quirements under subparagraph (A)(i) shall not  
6           apply to a law enforcement agency that receives  
7           or uses covered funds to purchase a special jus-  
8           tice item to be used in an active, ongoing  
9           counterterrorism or undercover operation.

10          “(C) NEEDS JUSTIFICATION STATE-  
11          MENTS.—A needs justification statement of a  
12          law enforcement agency shall include the fol-  
13          lowing:

14                 “(i) The number and type of special  
15                 justice items proposed to be purchased.

16                 “(ii) The number of sworn, full-time  
17                 law enforcement officers of the law en-  
18                 forcement agency.

19                 “(iii) The number, if any, of items  
20                 similar to the special justice item that the  
21                 law enforcement agency has in good work-  
22                 ing condition.

23                 “(iv) The number and type of items,  
24                 if any, that the law enforcement agency  
25                 has that were—

1           “(I) transferred to the law en-  
2           forcement agency under section 2576a  
3           of title 10, United States Code; or

4           “(II) purchased using funds  
5           from—

6                   “(aa) the Urban Area Secu-  
7                   rity Initiative authorized under  
8                   section 2003 of the Homeland  
9                   Security Act of 2002 (6 U.S.C.  
10                  604); or

11                  “(bb) the State Homeland  
12                  Security Grant Program author-  
13                  ized under section 2004 of the  
14                  Homeland Security Act of 2002  
15                  (6 U.S.C. 605) during the 5-year  
16                  period preceding the date on  
17                  which the statement is published.

18           “(v) The use of force policy of the law  
19           enforcement agency.

20           “(vi) Whether the law enforcement  
21           agency intends to have a SWAT team use  
22           the special justice item and, if so, the  
23           training records of the SWAT team, in-  
24           cluding the course outlines of such train-  
25           ing.

1           “(vii) Whether the law enforcement  
2 agency has or plans to adopt a memo-  
3 randum of understanding or other joint  
4 use agreement for the shared use of the  
5 special justice item with any other law en-  
6 forcement agency.

7           “(viii) The capability gap to be filled  
8 by the special justice item, and a descrip-  
9 tion of the proposed use of the special jus-  
10 tice item by the law enforcement agency.

11           “(ix) Whether a consent decree is in  
12 effect between the United States and the  
13 law enforcement agency relating to civil  
14 rights abuses or excessive use of force.

15           “(x) Whether the law enforcement  
16 agency is currently under investigation, or  
17 has been under investigation during the  
18 preceding 10 years, by the Department of  
19 Justice, an inspector general, or any equiv-  
20 alent State or local entity for civil rights  
21 abuses or excessive use of force.

22           “(xi) Whether the head of the law en-  
23 forcement agency has ever been determined  
24 by the Department of Justice, an inspector  
25 general, or any equivalent State or local

1 entity to have engaged in civil rights  
2 abuses or excessive use of force, if such in-  
3 formation is publicly available.

4 “(xii)(I) Whether the law enforcement  
5 agency requested funds from a regional,  
6 State, or local political entity to purchase  
7 the requested item;

8 “(II) if the law enforcement agency  
9 requested funds from a regional, State, or  
10 local political entity and the request was  
11 denied, a statement of the reason or rea-  
12 sons for the denial; and

13 “(III) if the law enforcement agency  
14 did not request funds from a regional,  
15 State, or local political entity, a statement  
16 explaining why the law enforcement agency  
17 did not do so.

18 “(xiii) A certification that any item  
19 purchased using covered funds has not  
20 been, and will not be, used by a SWAT  
21 team of the law enforcement agency engag-  
22 ing in routine patrol-related incidents, non-  
23 tactical incidents, or non-tactical assign-  
24 ments.

1           “(xiv) Any other information on the  
2           recent record of the law enforcement agen-  
3           cy regarding civil rights and the excessive  
4           use of force that the Attorney General de-  
5           termines appropriate.

6           “(2) RESTRICTIONS ON SMALL LAW ENFORCE-  
7           MENT AGENCIES.—

8           “(A) PROHIBITION ON PURCHASE OF TAC-  
9           TICAL MILITARY VEHICLES BY SMALL LAW EN-  
10          FORCEMENT AGENCIES.—A law enforcement  
11          agency with 10 or fewer sworn law enforcement  
12          officers—

13               “(i) that has 1 or more functioning  
14               tactical military vehicles may not use cov-  
15               ered funds to purchase a tactical military  
16               vehicle;

17               “(ii) that does not have a functioning  
18               tactical military vehicle may use covered  
19               funds to purchase not more than 1 tactical  
20               military vehicle; or

21               “(iii) that is the designated procure-  
22               ment agency for a multi-jurisdictional  
23               joint-use agreement may use covered funds  
24               for the purchase of more than 1 tactical  
25               military vehicle, or receive more than 1

1 tactical military vehicle purchased using  
2 covered funds, if the agency purchases or  
3 receives not more than 1 tactical military  
4 vehicle for every 10 sworn law enforcement  
5 officers covered by the joint-use agreement.

6 “(B) LIMITATION ON USE OF ITEMS BY  
7 SMALL SWAT TEAMS.—A special justice item  
8 purchased using covered funds may not be used  
9 by—

10 “(i) a SWAT team composed of fewer  
11 than 17 sworn law enforcement officers;

12 “(ii) a SWAT team composed entirely  
13 of members from a single law enforcement  
14 agency that has fewer than 35 sworn law  
15 enforcement officers; or

16 “(iii) a SWAT team composed of  
17 members from 2 or more law enforcement  
18 agencies which agencies have, in aggregate,  
19 fewer than 35 sworn law enforcement offi-  
20 cers.

21 “(3) RESTRICTIONS ON LOCAL EDUCATION  
22 AGENCIES.—

23 “(A) PROHIBITION ON USE OF COVERED  
24 FUNDS.—A local educational agency, or a law  
25 enforcement agency affiliated with a local edu-

1 cation agency, may not use covered funds to  
2 purchase a tactical military vehicle if—

3 “(i) the local educational agency is  
4 served by a law enforcement agency that—

5 “(I) is unaffiliated with the local  
6 education agency; and

7 “(II) has a tactical military vehi-  
8 cle; or

9 “(ii) the local educational agency is  
10 served by 1 or more law enforcement agen-  
11 cies that are unaffiliated with the local  
12 education agency and no such serving  
13 agency will agree to store and maintain the  
14 tactical military vehicle for the local edu-  
15 cational agency.

16 “(B) LIMITATION ON USE OF COVERED  
17 FUNDS.—A local educational agency that pur-  
18 chases a tactical military vehicle using covered  
19 funds may not use funds of the local edu-  
20 cational agency—

21 “(i) to transport the tactical military  
22 vehicle to the district of the local edu-  
23 cational agency; or

24 “(ii) to maintain the tactical military  
25 vehicle.

1           “(4) CAMOUFLAGE UNIFORMS OR CLOTHING.—  
2           A law enforcement agency may only use funding  
3           provided under this subpart to purchase camouflage  
4           uniforms or clothing if the camouflage uniforms or  
5           clothing are for use by a SWAT team that dem-  
6           onstrates a legitimate geographic or environmental  
7           need for camouflage uniforms or clothing based on  
8           the physical environment in which the SWAT team  
9           operates.

10           “(5) APPROVAL REQUIRED FOR PURCHASE OF  
11           CERTAIN ITEMS.—

12           “(A) NO DELEGATION OF AUTHORITY.—  
13           The Attorney General may not delegate the au-  
14           thority to approve an application for a grant  
15           under this subpart if the application proposes  
16           to use funds for the purchase of an item speci-  
17           fied in subparagraph (B).

18           “(B) ITEMS.—The items specified in this  
19           subparagraph are the following:

20                   “(i) Weapons over .50 caliber.

21                   “(ii) Grenades, flash bang grenades,  
22                   grenade launchers, and grenade launcher  
23                   attachments.

24                   “(iii) Tactical military vehicles.

1           “(6) LAW ENFORCEMENT AGENCIES UNDER  
2 CONSENT DECREES.—

3           “(A) IN GENERAL.—A law enforcement  
4 agency for which a consent decree is in effect  
5 between the United States and the law enforce-  
6 ment agency, or that is under investigation by  
7 the Department of Justice, relating to civil  
8 rights abuses or excessive use of force, may not  
9 use covered funds to purchase any weapon or  
10 tactical military vehicle without the approval of  
11 the Department of Justice.

12           “(B) PRIORITY.—In considering requests  
13 for covered funds that are intended to be used  
14 by or for a law enforcement agency described in  
15 subparagraph (A), the Attorney General shall  
16 prioritize any such requests that relate to fund-  
17 ing for equipment, training, and activities re-  
18 lated to community policing efforts.

19           “(7) TRANSPORTATION COSTS.—No covered  
20 funds may be used to pay the cost of transporting  
21 an eligible defense item transferred to a law enforce-  
22 ment agency under section 2576a of title 10, United  
23 States Code.

24           “(d) TRAINING AND CERTIFICATION.—

1           “(1) STATE CERTIFICATION OF LAW ENFORCE-  
2           MENT INSTRUCTORS.—

3           “(A) IN GENERAL.—On and after the date  
4           that is 3 years after the date of enactment of  
5           the Protecting Communities and Police Act of  
6           2015, a State, and any law enforcement agency  
7           of or in the State, may not receive or use cov-  
8           ered funds to purchase a special justice item  
9           unless the chief executive of the State certifies  
10          to the Attorney General that the State conducts  
11          a program for certifying law enforcement in-  
12          structors in the provision of training that meets  
13          the requirements under subparagraph (B).

14          “(B) PROGRAM REQUIREMENTS.—The re-  
15          quirements for a program described in subpara-  
16          graph (A) are the following:

17                 “(i) The program shall include in-  
18                 struction in training on the following:

19                         “(I) The use of force by law en-  
20                         forcement officers in the ordinary  
21                         course of their duties.

22                         “(II) The use of special justice  
23                         items by law enforcement officers in  
24                         the ordinary course of their duties.

1                   “(III) The use of special justice  
2 items by SWAT teams.

3                   “(IV) The appropriate deploy-  
4 ment of SWAT teams.

5                   “(V) Civil rights and civil lib-  
6 erties.

7                   “(VI) Any other matters on the  
8 training of law enforcement officers  
9 that the head of the State law en-  
10 forcement agency considers appro-  
11 priate.

12                   “(ii) A list of the instructors who are  
13 certified pursuant to the program or pur-  
14 suant to the program conducted by the  
15 Secretary of Homeland Security under sec-  
16 tion 2010 of the Homeland Security Act of  
17 2002 shall be maintained and published.

18                   “(C) DISCHARGE THROUGH EXISTING PRO-  
19 GRAMS.—A State may satisfy the requirement  
20 under subparagraph (A) using a program in ef-  
21 fect on the date that is 3 years after the date  
22 of the enactment of the Protecting Commu-  
23 nities and Police Act of 2015 if such program  
24 satisfies the requirements in subparagraph (B).

1           “(2) MINIMUM ANNUAL TRAINING REQUIRE-  
2           MENTS.—

3           “(A) ESTABLISHMENT.—On and after the  
4           date that is 3 years after the date of enactment  
5           of the Protecting Communities and Police Act  
6           of 2015, a State, and a unit of local govern-  
7           ment within the State, may not receive covered  
8           funds unless the State establishes minimum an-  
9           nual training requirements for all law enforce-  
10          ment officers in the State, including—

11                   “(i) specialized leadership training re-  
12                   quirements for chiefs of police or other de-  
13                   partment heads who have—

14                           “(I) decisionmaking authority on  
15                           the deployment of SWAT teams and  
16                           tactical military vehicles; or

17                           “(II) responsibility for drafting  
18                           policies on the use of force and SWAT  
19                           team deployment;

20                   “(ii) specialized SWAT team training  
21                   requirements for all SWAT team members;

22                   “(iii) training in appropriate crowd-  
23                   control tactics; and

24                   “(iv) not less than 1 training session  
25                   on sensitivity, including training on ethnic

1 and racial bias, cultural diversity, and law  
2 enforcement interaction with disabled indi-  
3 viduals, mentally ill individuals, and new  
4 immigrants.

5 “(B) FEDERALLY CERTIFIED OR STATE-  
6 CERTIFIED INSTRUCTORS.—The training re-  
7 quirements established by a State under sub-  
8 paragraph (A) may only be satisfied through  
9 training conducted by an instructor certified  
10 under—

11 “(i) a program conducted by the Sec-  
12 retary of Homeland Security under section  
13 2010 of the Homeland Security Act of  
14 2002; or

15 “(ii) a program conducted by a State  
16 under paragraph (1).

17 “(C) CERTIFICATION OF COMPLETED  
18 TRAINING.—On and after the date that is 1  
19 year after the date on which a program is es-  
20 tablished under paragraph (1), a law enforce-  
21 ment agency may not receive covered funds un-  
22 less the law enforcement agency certifies to the  
23 Attorney General that each sworn law enforce-  
24 ment officer employed by the law enforcement  
25 agency has met all applicable minimum annual

1 training requirements established by the State  
2 in which the law enforcement agency is located  
3 under subparagraph (A) of this paragraph.

4 “(D) FALSE CERTIFICATION.—The Attor-  
5 ney General shall suspend or terminate the eli-  
6 gibility of a law enforcement agency to receive  
7 covered funds if the law enforcement agency in-  
8 tentiously submits a false certification under  
9 subparagraph (C) that a law enforcement offi-  
10 cer has met the minimum annual training re-  
11 quirements established by the State in which  
12 the law enforcement agency is located under  
13 subparagraph (A).

14 “(E) SATISFACTION BY RECENT HIREES.—  
15 The requirements under subparagraph (A) shall  
16 provide for the first completion of the training  
17 concerned by an individual who becomes an offi-  
18 cer in a law enforcement agency or becomes a  
19 member of a SWAT team by not later than 1  
20 year after the date on which the individual be-  
21 comes an officer in the law enforcement agency  
22 or becomes a member of a SWAT team, as ap-  
23 plicable.

24 “(3) BEST PRACTICES.—

1           “(A) IN GENERAL.—On and after the date  
2 that is 2 years after the date of enactment of  
3 the Protecting Communities and Police Act of  
4 2015, the Attorney General shall publish, peri-  
5 odically review, distribute to each State or unit  
6 of local government that applies for a grant  
7 under this subpart, and require each such State  
8 or unit of local government to distribute to each  
9 organization or unit of local government with  
10 respect to which the State or unit of local gov-  
11 ernment enters into a contract or makes a  
12 subaward under section 501(b), best practices  
13 for—

14                   “(i) training law enforcement officers  
15 and the use of lethal and non-lethal force  
16 by law enforcement officers;

17                   “(ii) training, use, and deployment of  
18 SWAT teams; and

19                   “(iii) community-oriented police ef-  
20 forts.

21           “(B) ATTORNEY GENERAL UPDATES TO  
22 CONGRESS REGARDING DELAY IN PUBLICATION  
23 OF BEST PRACTICES.—On and after the date  
24 that is 2 years after the date of enactment of  
25 the Protecting Communities and Police Act of

1           2015, if the Attorney General has not published  
2           the best practices required under subparagraph  
3           (A), the Attorney General shall provide quar-  
4           terly updates to Congress on the reason for the  
5           delay in publication and the expected date of  
6           publication.

7           “(e) REPORTING AND POLICY REQUIREMENTS.—

8                 “(1) REPORTING AND RECORDKEEPING RE-  
9           QUIREMENTS FOR GRANT FUNDING RECIPIENTS.—

10                 “(A) SWAT TEAM DEPLOYMENT  
11           RECORDS.—A law enforcement agency that re-  
12           ceives covered funds shall maintain a record of  
13           each deployment of a SWAT team by the law  
14           enforcement agency, which shall include—

15                 “(i) the type of police activity for  
16           which the SWAT team is deployed;

17                 “(ii) the rationale for the deployment;

18                 “(iii) the nexus between—

19                 “(I) the use of force policy and  
20           SWAT team policy of the law enforce-  
21           ment agency; and

22                 “(II) the police activity for which  
23           the SWAT team is deployed; and

24                 “(iv) a description, written after the  
25           deployment, of whether force or weapons

1           were used by or against the law enforce-  
2           ment officers serving on the SWAT team.

3           “(B) EQUIPMENT PURCHASED.—A law en-  
4           forcement agency that purchases equipment  
5           using covered funds shall submit to the Attor-  
6           ney General a report describing the quantity  
7           and type of equipment purchased.

8           “(2) DOJ REPORTS.—

9           “(A) SPECIAL JUSTICE ITEMS.—The At-  
10          torney General shall publish and submit to Con-  
11          gress, the Secretary of Defense, and the Sec-  
12          retary of Homeland Security an annual report  
13          on special justice items that includes, with re-  
14          spect to the preceding year—

15                 “(i) the number and type of special  
16                 justice items purchased using covered  
17                 funds; and

18                 “(ii) an appendix describing—

19                         “(I) each law enforcement agency  
20                         that used covered funds to purchase a  
21                         special justice item;

22                         “(II) the number of each special  
23                         justice item described in subclause (I)  
24                         purchased by each law enforcement  
25                         agency; and

1                   “(III) a summary of the needs  
2                   justification statement submitted  
3                   under subsection (c)(1)(A)(i) by each  
4                   law enforcement agency described in  
5                   subclause (I) of this clause.

6                   “(B) CRIME RATES.—The Attorney Gen-  
7                   eral shall collect and publish data on crime  
8                   rates over time for each jurisdiction in which a  
9                   law enforcement agency receives covered funds.

10                   “(C) DOJ GUIDES AND BEST PRAC-  
11                   TICES.—The Attorney General shall conduct  
12                   periodic surveys on the use of materials pub-  
13                   lished by the Attorney General in print and on-  
14                   line relating to local law enforcement training  
15                   and the use of force, including lethal and non-  
16                   lethal force.

17                   “(f) WHISTLEBLOWER AND INDEPENDENT OVER-  
18                   SIGHT REQUIREMENTS.—

19                   “(1) WHISTLEBLOWER REQUIREMENTS.—On or  
20                   after the date that is 3 years after the date of enact-  
21                   ment of the Protecting Communities and Police Act  
22                   of 2015, a State or unit of local government of a  
23                   State may not receive covered funds unless the chief  
24                   executive of the State certifies to the Attorney Gen-  
25                   eral that the State—

1 “(A) has in place—

2 “(i) a program, including a public  
3 complaint hotline, that provides individuals  
4 the ability to disclose any—

5 “(I) misuse of equipment pur-  
6 chased using covered funds; or

7 “(II) other waste, fraud, or abuse  
8 in connection with the use of covered  
9 funds; and

10 “(ii) mechanisms (commonly referred  
11 to as ‘whistleblower protections’) to protect  
12 individuals who make a disclosure de-  
13 scribed in clause (i) from retaliatory or  
14 other adverse personnel actions in connec-  
15 tion with such disclosures; and

16 “(B) publicizes the existence of the pro-  
17 gram and whistleblower protections described in  
18 subparagraph (A).

19 “(2) CERTIFICATION OF OVERSIGHT AND AC-  
20 COUNTABILITY.—

21 “(A) CERTIFICATION REQUIRED.—A law  
22 enforcement agency may not receive covered  
23 funds unless the head of the law enforcement  
24 agency submits to the Attorney General a writ-  
25 ten certification (in the form of a memorandum

1 of understanding, memorandum of agreement,  
2 or letterhead correspondence) that an entity  
3 that is unaffiliated with the law enforcement  
4 agency is authorized—

5 “(i) to receive any complaints regard-  
6 ing the use of special justice items and  
7 covered funds of the law enforcement agen-  
8 cy;

9 “(ii) to periodically review and assess  
10 the use of special justice items and covered  
11 funds by the law enforcement agency; and

12 “(iii) to make recommendations to the  
13 law enforcement agency regarding the use  
14 of special justice items and covered funds  
15 by the law enforcement agency that are ei-  
16 ther—

17 “(I) non-binding in character; or

18 “(II) binding in character, if au-  
19 thorized by—

20 “(aa) a law or ordinance  
21 governing the law enforcement  
22 agency or the entity; or

23 “(bb) an agreement between  
24 the governing body of the law en-  
25 forcement agency and organiza-

1                   tions representing law enforce-  
2                   ment officers of the law enforce-  
3                   ment agency.

4                   “(B) DISCHARGE THROUGH EXISTING EN-  
5                   TITIES.—A law enforcement agency may satisfy  
6                   the requirement in subparagraph (A) through  
7                   an entity that exists as of the date of the enact-  
8                   ment of the Protecting Communities and Police  
9                   Act of 2015, including an independent review  
10                  board, a Federal, State, or local inspector gen-  
11                  eral, a Federal, State, county, or city attorney  
12                  general, a district attorney, the Federal Bureau  
13                  of Investigation or another Federal agency, a  
14                  State agency, a State or local governing body  
15                  (such as a city council or county commission),  
16                  a law enforcement council, or an independent  
17                  entity established by one or more such officials,  
18                  agencies, or entities on behalf of one or more  
19                  law enforcement agencies.

20                  “(g) SUSPENSION AND TERMINATION.—

21                  “(1) FOR LOST OR STOLEN ITEMS.—If a special  
22                  justice item purchased by a law enforcement agency  
23                  using covered funds is lost, stolen, or misappro-  
24                  priated—

1           “(A) in the case of an offensive weapon or  
2           ordnance—

3                   “(i) on the first occurrence in the case  
4                   of the law enforcement agency, the Attor-  
5                   ney General, after providing the law en-  
6                   forcement agency with notice and the op-  
7                   portunity to contest the allegation, shall  
8                   suspend the law enforcement agency from  
9                   eligibility to receive covered funds for a pe-  
10                  riod of not less than 6 months; and

11                   “(ii) on the subsequent occurrence in  
12                   the case of the law enforcement agency,  
13                   the Attorney General, after providing the  
14                   law enforcement agency with notice and  
15                   the opportunity to contest the allegation,  
16                   shall terminate the law enforcement agency  
17                   from eligibility to receive covered funds;  
18                   and

19           “(B) in the case of a special justice item  
20           not described in subparagraph (A)—

21                   “(i) on the third occurrence in the  
22                   case of the law enforcement agency, the  
23                   Director, after providing the law enforce-  
24                   ment agency with notice and the oppor-  
25                   tunity to contest the allegation, shall sus-

1           pend the law enforcement agency from eli-  
2           gibility to receive covered funds for a pe-  
3           riod of 6 months; and

4                   “(ii) on any subsequent occurrence in  
5           the case of the law enforcement agency,  
6           the Director, after providing the law en-  
7           forcement agency with notice and the op-  
8           portunity to contest the allegation, shall  
9           suspend the law enforcement agency from  
10          eligibility to receive covered funds for a pe-  
11          riod of 3 years.

12                   “(2) INTENTIONAL FALSIFICATION OF INFOR-  
13          MATION.—If a law enforcement agency is determined  
14          by the Attorney General to have intentionally fal-  
15          sified any information relating to the use of covered  
16          funds, the Attorney General, after providing the law  
17          enforcement agency with notice and the opportunity  
18          to contest the determination, shall terminate the law  
19          enforcement agency from eligibility to receive cov-  
20          ered funds.

21                   “(h) ADDITIONAL PROGRAM OVERSIGHT.—

22                           “(1) ATTORNEY GENERAL OBLIGATIONS.—

23                                   “(A) SUBGRANTEE OVERSIGHT.—In con-  
24                                   ducting oversight of the use of covered funds,  
25                                   the Attorney General shall conduct inspections

1 of some local law enforcement agencies that re-  
2 ceive covered funds through a subaward under  
3 section 501(b), to ensure compliance with this  
4 section.

5 “(B) LAW ENFORCEMENT EXPERTISE.—

6 “(i) ESTABLISHMENT OF POSITION.—

7 The Attorney General shall appoint indi-  
8 viduals with expertise in State and local  
9 law enforcement agency functions to posi-  
10 tions within the Bureau to assist the At-  
11 torney General in assessing grant applica-  
12 tions under this subpart by determining  
13 whether equipment proposed to be pur-  
14 chased by a law enforcement agency using  
15 covered funds is—

16 “(I) appropriate to the mission of  
17 the law enforcement agency; and

18 “(II) necessary based on the  
19 needs justification statement sub-  
20 mitted by the law enforcement agency  
21 under subsection (c)(1)(A)(iii).

22 “(ii) NUMBER OF INDIVIDUALS.—The  
23 Attorney General shall appoint as many in-  
24 dividuals under clause (i) as necessary to  
25 ensure that—

1           “(I) not less than 1 such indi-  
2           vidual is involved in the determination  
3           under clause (i) for each grant appli-  
4           cation under this subpart; and

5           “(II) the involvement of such in-  
6           dividuals in the process of assessing  
7           grant applications under this subpart  
8           does not delay the process.

9           “(iii) MANAGERIAL EXPERIENCE PRE-  
10          FERRED.—In appointing individuals under  
11          clause (i), the Attorney General shall give  
12          preference to individuals with law enforce-  
13          ment managerial expertise.

14          “(2) GRANT RECIPIENT OBLIGATIONS RELAT-  
15          ING TO USE OF BODY CAMERAS BY LAW ENFORCE-  
16          MENT OFFICERS.—A law enforcement agency that  
17          uses covered funds to purchase or maintain a body  
18          camera, or for related costs, shall have in place, and  
19          make available to the public, a policy on the use of  
20          a body camera by a law enforcement officer that in-  
21          cludes—

22                 “(A) a policy on the appropriate use of a  
23                 body camera, including whether the camera  
24                 should be left on at all times;

1           “(B) mechanisms to preserve, to the extent  
2 practicable, the integrity and security of a video  
3 recording made by a body camera, including—

4           “(i) a description of the personnel of  
5 the law enforcement agency, and other  
6 parties, who are authorized to access the  
7 recording;

8           “(ii) mechanisms for the storage of  
9 the recording; and

10          “(iii) measures to ensure the cyberse-  
11 curity of the recording (if applicable to the  
12 storage, retention, and retrieval of the re-  
13 cording);

14          “(C) a policy on the authorized and unau-  
15 thorized public release of a video recording; and

16          “(D) a requirement that any video record-  
17 ing of an interaction between a law enforcement  
18 officer and an individual who is not a law en-  
19 forcement officer involving the use of force  
20 (whether deadly or otherwise) shall be retained  
21 by the law enforcement agency for a period not  
22 shorter than the period of limitation in the  
23 State concerned for actions for civil rights viola-  
24 tions under section 1979 of the Revised Stat-  
25 utes (42 U.S.C. 1983).”.

1 (b) PROHIBITED USES OF COVERED FUNDS.—Sec-  
2 tion 501(d)(2) of title I of the Omnibus Crime Control  
3 and Safe Streets Act of 1968 (42 U.S.C. 3751(d)(2)) is  
4 amended—

5 (1) by redesignating subparagraphs (B)  
6 through (E) as subparagraphs (C) through (F), re-  
7 spectively; and

8 (2) by inserting after subparagraph (A) the fol-  
9 lowing:

10 “(B) unmanned aerial vehicles, unmanned  
11 aircraft, or unmanned aircraft systems;”.

12 (c) FUNDS FOR BODY CAMERAS.—Section 505(b) of  
13 title I of the Omnibus Crime Control and Safe Streets Act  
14 of 1968 (42 U.S.C. 3755(b)) is amended—

15 (1) in paragraph (1)—

16 (A) by striking “60 percent” and inserting  
17 “57.5 percent”; and

18 (B) by striking “and” at the end;

19 (2) in paragraph (2)—

20 (A) by striking “40 percent” and inserting  
21 “37.5 percent”; and

22 (B) by striking the period at the end and  
23 inserting a semicolon; and

24 (3) by adding at the end the following:

1           “(3) 2.5 percent shall be for direct grants to  
2 States for the purchase or maintenance of body cam-  
3 eras, dashboard cameras, or gun cameras for law en-  
4 forcement agencies and related costs; and

5           “(4) 2.5 percent shall be for direct grants to  
6 units of local government for the purchase or main-  
7 tenance of body cameras, dashboard cameras, or gun  
8 cameras for law enforcement agencies and related  
9 costs.”.

10 **SEC. 8. DEPARTMENT OF JUSTICE REPORTS ON SWAT**  
11 **TEAMS.**

12           (a) DEFINITION.—In this section, the term “SWAT  
13 team” means a Special Weapons and Tactics team or  
14 other specialized tactical team composed of sworn law en-  
15 forcement officers.

16           (b) COLLECTION AND ANALYSIS OF DATA.—The At-  
17 torney General shall collect and analyze data on the use  
18 of SWAT teams by Federal, State, local, and tribal law  
19 enforcement agencies.

20           (c) TYPE OF DATA.—The data collected and analyzed  
21 by the Attorney General under subsection (b) shall in-  
22 clude—

23           (1) the number of deployments of SWAT  
24 teams;

1           (2) the reason for each deployment of a SWAT  
2 team;

3           (3) the composition of each SWAT team, in-  
4 cluding, at minimum, the number of members on  
5 each SWAT team;

6           (4) the number of law enforcement agencies  
7 with SWAT teams, categorized by the overall size of  
8 the law enforcement agencies;

9           (5) the number of SWAT teams composed of  
10 officers from multiple law enforcement agencies;

11           (6) the amount of initial training and ongoing  
12 training of SWAT teams being conducted;

13           (7) the community outreach undertaken to ex-  
14 plain and publicize SWAT team deployment policies;

15           (8) information on the deployment of SWAT  
16 teams in low-income neighborhoods; and

17           (9) any other information that the Attorney  
18 General determines to be relevant.

19       (d) PUBLIC AVAILABILITY OF DATA.—Not less fre-  
20 quently than once every 6 months, the Attorney General  
21 shall publish the data collected under subsection (b).

22       (e) REPORT.—Not less frequently than once every 5  
23 years, the Attorney General shall publish a report that  
24 contains the analysis conducted under subsection (b).

1 **SEC. 9. FEDERAL LAW ENFORCEMENT TRAINING CENTER**  
2 **CERTIFICATION OF INSTRUCTORS IN TRAIN-**  
3 **ING ON USE OF FORCE AND SPECIAL EQUIP-**  
4 **MENT.**

5 (a) IN GENERAL.—Subtitle A of title XX of the  
6 Homeland Security Act of 2002 (6 U.S.C. 603 et seq.),  
7 as amended by this Act, is amended by adding at the end  
8 the following:

9 **“SEC. 2010. CERTIFICATION OF INSTRUCTORS IN TRAINING**  
10 **ON USE OF FORCE AND SPECIAL EQUIPMENT.**

11 “(a) DEFINITIONS.—In this section—

12 “(1) the term ‘eligible defense item’ has the  
13 meaning given the term in section 2576a(w) of title  
14 10, United States Code;

15 “(2) the terms ‘law enforcement agency’, ‘re-  
16 stricted item’, and ‘SWAT team’ have the meanings  
17 given those terms in section 2009(a); and

18 “(3) the term ‘special justice item’ has the  
19 meaning given the term in section 509(a) of the Om-  
20 nibus Crime Control and Safe Streets Act of 1968.

21 “(b) CERTIFICATION OF INSTRUCTORS.—On and  
22 after the date that is 3 years after the date of enactment  
23 of the Protecting Communities and Police Act of 2015,  
24 the Secretary shall, through the Federal Law Enforcement  
25 Training Center, conduct programs to certify instructors

1 to conduct training courses on law enforcement tactics for  
2 State, local, and tribal law enforcement agencies.

3 “(c) ELEMENTS.—The programs conducted under  
4 this section shall include instruction in training on the fol-  
5 lowing:

6 “(1) The use of force by State, local, and tribal  
7 law enforcement officers in the ordinary course of  
8 their duties.

9 “(2) The use of restricted items, eligible defense  
10 items, and special justice items by State, local, and  
11 tribal law enforcement officers in the ordinary  
12 course of their duties.

13 “(3) The use of restricted items, eligible defense  
14 items, and special justice items by SWAT teams.

15 “(4) The appropriate deployment of SWAT  
16 teams.

17 “(5) Any other matters on the training of  
18 State, local, and tribal law enforcement officers that  
19 the Secretary considers appropriate.

20 “(d) LIST OF CERTIFIED INSTRUCTORS.—The Sec-  
21 retary shall maintain and publish a list of instructors who  
22 are certified pursuant to a program conducted under this  
23 section.

1       “(e) ADMINISTRATION OF STATE PROGRAMS.—The  
2 Federal Law Enforcement Training Center may enter into  
3 an agreement with a State to—

4               “(1) manage or implement the State’s program  
5 for law enforcement instructor certification described  
6 in—

7                       “(A) section 2009(d)(1)(A) of this Act;

8                       “(B) section 2576a(o)(1) of title 10,  
9 United States Code; or

10                      “(C) section 509(d)(1)(A) of the Omnibus  
11 Crime Control and Safe Streets Act of 1968; or

12               “(2) provide certified instructors for a program  
13 described in paragraph (1).”.

14       (b) TECHNICAL AND CONFORMING AMENDMENT.—  
15 The table of contents in section 1(b) of the Homeland Se-  
16 curity Act of 2002 (Public Law 107–96; 116 Stat. 2135),  
17 as amended by this Act, is amended by inserting after the  
18 item relating to section 2009 the following:

“Sec. 2010. Certification of instructors in training on use of force and special  
equipment.”.

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