

114TH CONGRESS
1ST SESSION

H. R. 2326

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

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2015

Mr. CLAY introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 Tactical Officers Asso-
3 ciation, the International Association of Bomb Tech-
4 nicians and Investigators, the National Bomb Squad
5 Commanders Advisory Board, the Airborne Law En-
6 forcement Association, the International Association
7 of Chiefs of Police, the National Sheriffs Associa-
8 tion, the National Governors Association, and the
9 United States Conference of Mayors.

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

14 (8) One or more individuals from an organiza-
15 tion or organizations whose mission is related to the
16 protection of civil rights and liberties, including the
17 American Civil Liberties Union, the Center for Con-
18 stitutional Rights, the Lawyers Committee for Civil
19 Rights Under Law, the Leadership Conference on
20 Civil and Human Rights, the National Association
21 for the Advancement of Colored People, the NAACP
22 Legal Defense and Educational Fund, Inc., the Na-
23 tional Urban League, and the Rainbow PUSH Coali-
24 tion, selected by the Administrator in consultation
25 with the head of such organization.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated for the activities of the
 3 task force appointed under this section \$1,000,000 for
 4 each of fiscal years 2015, 2016, and 2017.

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

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

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

11 “(a) DEFINITIONS.—In this section—

12 “(1) the term ‘Authorized Equipment List’
 13 means the Authorized Equipment List published by
 14 the Grant Programs Directorate of the Federal
 15 Emergency Management Agency;

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

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

19 “(A) means an agency or entity with law
 20 enforcement officers—

21 “(i) who have arrest and apprehension
 22 authority; and

23 “(ii) whose primary function is to en-
 24 force the laws;

1 “(B) includes a local educational agency
2 with officers described in subparagraph (A);
3 and

4 “(C) does not include a firefighting agency
5 or entity;

6 “(4) the term ‘law enforcement council’ means
7 a consortium of law enforcement agencies operating
8 in a partnership within a region to promote and en-
9 hance public safety;

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

13 “(6) the term ‘local educational agency’ has the
14 meaning given that term in section 8013(9) of the
15 Elementary and Secondary Education Act of 1965
16 (20 U.S.C. 7713(9));

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

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

20 “(A) tactical law enforcement ballistic pro-
21 tection equipment, including body armor, a bal-
22 listic helmet, a ballistic shield, a battle dress
23 uniform, or camouflage uniforms or clothing;

24 “(B) a remotely piloted aerial vehicle;

25 “(C) a tactical military vehicle;

1 “(D) facial recognition software;

2 “(E) watercraft; or

3 “(F) manned aircraft;

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

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

14 “(b) ASSESSMENT OF AUTHORIZED EQUIPMENT
15 LIST; DESIGNATION OF APPROVED ITEMS.—

16 “(1) IN GENERAL.—The Administrator shall, in
17 consultation with the task force appointed under sec-
18 tion 4 of the Protecting Communities and Police Act
19 of 2015—

20 “(A) as soon as practicable after the date
21 of enactment of the Protecting Communities
22 and Police Act of 2015, assess the appropriate-
23 ness of items on the Authorized Equipment List
24 for use by law enforcement agencies in counter-
25 terrorism activities;

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

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

13 “(2) PUBLICATION.—The Administrator shall
14 publish the law enforcement equipment list on the
15 website of the Department and in the Federal Reg-
16 ister.

17 “(3) PROHIBITED ITEMS.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B), a law enforcement agency
20 may not—

21 “(i) use covered funds to purchase a
22 prohibited item; or

23 “(ii) receive a prohibited item that
24 was purchased using covered funds.

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

6 “(i) the Administrator determines
7 that the prohibited item will be useful in
8 preventing or mitigating damage resulting
9 from a threat to national security;

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

16 “(iii) the law enforcement agency pro-
17 vides a copy of the agreement described in
18 clause (ii) to the Administrator.

19 “(4) REPORTS TO CONGRESS ON EXPECTED
20 PUBLICATION OF FINAL LAW ENFORCEMENT EQUIP-
21 MENT LIST.—Beginning in the third full fiscal year
22 after the date of enactment of the Protecting Com-
23 munities and Police Act of 2015, the Administrator
24 shall submit to Congress a monthly report on the ex-

1 pected date of publication of the final law enforce-
2 ment equipment list.

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

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

14 “(1) RESTRICTED ITEMS PURCHASED USING
15 COVERED FUNDS.—

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

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

24 “(I) that, except as provided in
25 subclause (II), includes the informa-

1 tion required under subparagraph (D)
2 if that information is not otherwise
3 publicly available; and

4 “(II) from which the law enforce-
5 ment agency may redact—

6 “(aa) the information re-
7 quired under clause (x) or (xi) of
8 subparagraph (D); and

9 “(bb) with respect to the
10 training records required under
11 clause (vi), any personally identi-
12 fiable information and all but the
13 title and subject of such training;

14 “(ii) obtains the approval of the head
15 of the State, political subdivision of a
16 State, or Indian tribe of which the law en-
17 forcement agency is an agency to obtain
18 the restricted items; and

19 “(iii) submits the needs justification
20 statement, including all information re-
21 quired under subparagraph (D), to the
22 State, high-risk urban area, or directly eli-
23 gible tribe from which the law enforcement
24 agency is to receive the covered funds or
25 restricted item.

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

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

15 “(D) NEEDS JUSTIFICATION STATE-
16 MENTS.—A needs justification statement of a
17 law enforcement agency shall include the fol-
18 lowing:

19 “(i) The type and number of re-
20 stricted items proposed to be purchased on
21 behalf of, or distributed to, the law en-
22 forcement agency.

23 “(ii) The number of sworn law en-
24 forcement officers of the law enforcement
25 agency.

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

5 “(iv) The number and type of items,
6 if any, that the law enforcement agency
7 has that were—

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

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

20 “(v) The use of force policy of the law
21 enforcement agency.

22 “(vi) Whether the law enforcement
23 agency intends for a SWAT team to use
24 the restricted item, and, if so, the training

1 records of the SWAT team, including the
2 course outlines of such training.

3 “(vii) Whether the law enforcement
4 agency has or plans to adopt a memo-
5 randum of understanding or other joint
6 use agreement for the shared use of the re-
7 stricted item with any other law enforce-
8 ment agency.

9 “(viii) The capability gap to be filled
10 by the restricted item, and a description of
11 the proposed use of the restricted item by
12 the law enforcement agency.

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

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

24 “(xi) Whether the head of the law en-
25 forcement agency has ever been determined

1 by the Department of Justice, an inspector
2 general, or any equivalent State or local
3 entity to have engaged in civil rights
4 abuses or excessive use of force, if such in-
5 formation is publicly available.

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

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

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

20 “(xiii) A certification that any item on
21 the law enforcement equipment list pur-
22 chased using covered funds has not been,
23 and will not be, used by a SWAT team of
24 the law enforcement agency engaging in

1 routine patrol-related incidents, non-tac-
2 tical incidents, or non-tactical assignments.

3 “(xiv) Any other information on the
4 recent record of the law enforcement agen-
5 cy regarding civil rights and the excessive
6 use of force that the Administrator deter-
7 mines appropriate.

8 “(2) RESTRICTIONS ON SMALL AGENCIES.—

9 “(A) TACTICAL MILITARY VEHICLES.—A
10 law enforcement agency with 10 or fewer sworn
11 law enforcement officers—

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

14 “(I) use covered funds for the
15 purchase of a tactical military vehicle;
16 or

17 “(II) receive a tactical military
18 vehicle purchased using covered funds;

19 “(ii) that does not have a functioning
20 tactical military vehicle may—

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

1 “(II) receive not more than 1
2 tactical military vehicle purchased
3 using covered funds; or

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

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

20 “(i) composed of fewer than 17 sworn
21 law enforcement officers;

22 “(ii) composed entirely of members
23 from a single law enforcement agency that
24 has fewer than 35 sworn law enforcement
25 officers;

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

5 “(iv) in a routine patrol-related inci-
6 dent, non-tactical incident, or non-tactical
7 assignment.

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

13 “(4) AGENCIES UNDER CONSENT DECREES OR
14 CIVIL RIGHTS INVESTIGATIONS.—A law enforcement
15 agency for which a consent decree is in effect be-
16 tween the United States and the law enforcement
17 agency, or that is under investigation by the Depart-
18 ment of Justice, relating to civil rights abuses or ex-
19 cessive use of force may not—

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

22 “(B) receive a restricted item that was
23 purchased using covered funds.

24 “(d) TRAINING AND CERTIFICATION.—

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

4 “(A) IN GENERAL.—On and after the date
5 that is 3 years after the date of enactment of
6 the Protecting Communities and Police Act of
7 2015, a State, any jurisdiction within the State,
8 and any directly eligible tribe any part of which
9 is located within the State, may not receive cov-
10 ered funds for use by a law enforcement agency
11 to purchase a restricted item unless the Gov-
12 ernor or highest official of the State certifies to
13 the Administrator that the State conducts a
14 program for certifying law enforcement instruc-
15 tors in the provision of training on law enforce-
16 ment tactics and investigations that meets the
17 requirements under subparagraph (B).

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

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

23 “(I) The use of force by law en-
24 forcement officers in the ordinary
25 course of their duties.

1 “(II) The use of restricted items
2 by law enforcement officers in the or-
3 dinary course of their duties.

4 “(III) The use of restricted items
5 by SWAT teams.

6 “(IV) The appropriate deploy-
7 ment of SWAT teams.

8 “(V) Civil rights and civil lib-
9 erties.

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

15 “(ii) A list of the instructors who are
16 certified pursuant to the program or pur-
17 suant to the program conducted by the
18 Secretary under section 2010 shall be
19 maintained and published.

20 “(C) DISCHARGE THROUGH EXISTING PRO-
21 GRAMS.—A State may satisfy the requirement
22 under subparagraph (A) using a program in ef-
23 fect on the date that is 3 years after the date
24 of the enactment of the Protecting Commu-

1 nities and Police Act of 2015 if such program
2 satisfies the requirements in subparagraph (B).

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

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

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

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

22 “(II) responsibility for drafting
23 policies on the use of force and SWAT
24 team deployment;

1 “(ii) specialized SWAT team training
2 requirements for all SWAT team members
3 in law enforcement tactics used in tactical
4 operations;

5 “(iii) training in the appropriate use
6 and deployment of tactical military vehi-
7 cles; and

8 “(iv) not less than 1 training session
9 on sensitivity, including training on ethnic
10 and racial bias, cultural diversity, and law
11 enforcement interaction with disabled indi-
12 viduals, mentally ill individuals, and new
13 immigrants.

14 “(B) FEDERALLY CERTIFIED OR STATE-
15 CERTIFIED INSTRUCTORS.—The training re-
16 quirements established by a State under sub-
17 paragraph (A) may only be satisfied through
18 training conducted by an instructor certified
19 under—

20 “(i) the program conducted by the
21 Secretary under section 2010; or

22 “(ii) a program conducted by a State
23 under paragraph (1).

24 “(C) CERTIFICATION OF COMPLETED
25 TRAINING.—On and after the date that is 1

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

16 “(D) FALSE CERTIFICATION.—The Admin-
17 istrator shall suspend or terminate the eligi-
18 bility of a law enforcement agency to directly or
19 indirectly receive covered funds, or receive
20 equipment purchased using covered funds, if
21 the law enforcement agency intentionally sub-
22 mits a false certification under subparagraph
23 (C) that a law enforcement officer met the min-
24 imum annual training requirements established

1 by the State in which the agency is located
2 under subparagraph (A).

3 “(E) SATISFACTION BY RECENT HIREES.—

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

12 “(e) REPORTING REQUIREMENTS.—

13 “(1) ANNUAL REPORTS BY ADMINISTRATOR.—

14 The Administrator shall make public and submit to
15 Congress and the Attorney General—

16 “(A) an annual report on the purchase by
17 law enforcement agencies of restricted items
18 purchased using covered funds; and

19 “(B) an annual report on the purchase and
20 use by law enforcement agencies of tactical
21 military vehicles and remotely piloted aerial ve-
22 hicles purchased using covered funds.

23 “(2) GRANT APPLICANTS AND RECIPIENTS.—

24 “(A) LIST OF EQUIPMENT PURCHASED.—

25 As a condition of receiving a grant under sec-

tion 2003 or 2004, a State, high-risk urban area, or directly eligible tribe shall submit to the Administrator, as part of the report submitted under section 2022(b)(1)(A) relating to the last quarter of any fiscal year, a description of the quantity and specific type of equipment purchased by the recipient and any subgrantee of the recipient using covered funds.

“(B) AGENCIES WITH SPECIAL EQUIPMENT.—As a condition of receiving a grant under section 2003 or 2004, a State, high-risk urban area, or directly eligible tribe shall submit to the Administrator a report that describes, for each law enforcement agency that purchased a restricted item using covered funds made available by the State, high-risk urban area, or directly eligible tribe, or received a restricted item that the State, high-risk urban area, or directly eligible tribe purchased using covered funds—

“(i) the needs justification statement that the law enforcement agency submitted to the State, high-risk urban area, or directly eligible tribe with respect to the re-

1 stricted item under subsection
2 (c)(1)(A)(iii); and

3 “(ii) the number and types of re-
4 stricted items that the law enforcement
5 agency purchased or received.

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

14 “(i) the type of police activity for
15 which the tactical military vehicle is de-
16 ployed;

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, if applicable; and

22 “(II) the police activity for which
23 the tactical military vehicle is de-
24 ployed; and

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

6 “(f) WHISTLEBLOWER AND INDEPENDENT OVER-
7 SIGHT REQUIREMENTS.—

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

22 “(I) misuse of equipment pur-
23 chased using covered funds; or

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

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

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

13 “(2) CERTIFICATION OF OVERSIGHT AND AC-
14 COUNTABILITY.—

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

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

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

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

11 “(I) non-binding in character; or

12 “(II) binding in character, if au-
13 thorized by—

14 “(aa) a law or ordinance
15 governing the law enforcement
16 agency or the entity; or

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

22 “(B) DISCHARGE THROUGH EXISTING EN-
23 TITIES.—A law enforcement agency may satisfy
24 the requirement in subparagraph (A) through
25 an entity that exists as of the date of the enact-

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

13 “(g) SUSPENSION AND TERMINATION.—

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

21 “(A) on the first occurrence, and after the
22 law enforcement agency is provided with notice
23 and the opportunity to contest the allegation,
24 the eligibility of the law enforcement agency to
25 receive covered funds to purchase a restricted

1 item, or to receive a restricted item purchased
2 using covered funds, shall be suspended for a
3 period of not less than 6 months; and

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

12 “(2) INTENTIONAL FALSIFICATION OF INFOR-
13 MATION.—As a condition of receiving a grant under
14 section 2003 or 2004, a State, high-risk urban area,
15 or directly eligible tribe shall implement procedures
16 under which the eligibility of a law enforcement
17 agency to receive covered funds, or to receive a re-
18 stricted item purchased using covered funds, shall, if
19 the law enforcement agency is determined to have
20 intentionally falsified any information relating to the
21 purchase or receipt of a restricted item, and after
22 the law enforcement agency is provided with notice
23 and the opportunity to contest the allegation, be sus-
24 pended for a period of not less than 5 years.

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

10 “(h) LAW ENFORCEMENT EXPERTISE.—

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

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

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

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

23 “(A) determining which items are appro-
 24 priate for inclusion on the law enforcement
 25 equipment list; and

1 “(B) assessing covered grant applications.

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

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

7 “(B) the involvement of such individuals in
8 the process of assessing covered grant applica-
9 tions does not substantially delay the process.

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

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 is amended by inserting after the item relating to section
18 2008 the following:

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

19 **SEC. 6. MODIFICATION OF AUTHORITY TO TRANSFER DE-**
20 **PARTMENT OF DEFENSE PROPERTY FOR LAW**
21 **ENFORCEMENT ACTIVITIES.**

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

1 **“§ 2576a. Excess personal property: sale or donation**
2 **of certain controlled defense items for**
3 **State or local law enforcement activities**

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

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

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

18 “(1) the items are drawn from existing stocks
19 of the Department of Defense;

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

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

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

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

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

11 “(e) ASSISTANCE FOR DIRECTOR OF DLA IN DIS-
12 CHARGE OF CERTAIN FUNCTION BY EXPERTS IN LAW
13 ENFORCEMENT ACTIVITIES.—

14 “(1) IN GENERAL.—The Director of the De-
15 fense Logistics Agency shall employ in the Defense
16 Logistics Agency individuals with expertise in law
17 enforcement to assist the Director in the discharge
18 of the functions specified in paragraph (2). The Di-
19 rector shall ensure that the number of individuals so
20 employed is sufficient to ensure the timely assess-
21 ment of applications described in paragraph (2)(A)
22 in order to ensure that no delay occurs in the trans-
23 fer of eligible defense items under this section by
24 reason of such assessments. The Director shall ac-
25 cord a preference in the employment under this

1 paragraph of individuals with experience in law en-
2 forcement management.

3 “(2) FUNCTIONS.—Individuals employed under
4 this subsection shall assist the Director in the fol-
5 lowing:

6 “(A) The assessment of applications of
7 State and local law enforcement agencies for
8 the transfer of eligible defense items in accord-
9 ance with subsection (j)(3).

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

16 “(f) DETERMINATION AND NOTICE TO PUBLIC ON
17 ELIGIBLE DEFENSE ITEMS.—

18 “(1) CONTROLLED DEFENSE ITEMS APPRO-
19 PRIATE FOR TREATMENT AS ELIGIBLE DEFENSE
20 ITEMS.—The Secretary of Defense shall, acting
21 through the Director of the Defense Logistics Agen-
22 cy, maintain, and periodically update, a list of cur-
23 rent controlled defense items that are appropriate
24 for treatment as eligible defense items for purposes
25 of this section.

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

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

13 “(B) are suitable for transfer to State and
14 local law enforcement agencies pursuant to this
15 section.

16 “(3) AVAILABILITY TO PUBLIC OF ELIGIBLE
17 DEFENSE ITEMS LIST.—Upon a determination pur-
18 suant to paragraph (2) of controlled defense items
19 to be treated as eligible defense items for purposes
20 of this section, the Director shall make available to
21 the public, on an Internet website of the Department
22 of Defense available to the public, a list of all con-
23 trolled defense items currently treated as eligible de-
24 fense items for purposes of this section. The Inter-
25 net website may be a current website of the Depart-

1 ment or a website of the Department established
2 and maintained for purposes of this section.

3 “(g) REQUIREMENTS AND LIMITATIONS ON DETER-
4 MINATIONS OF CONTROLLED DEFENSE ITEMS AS ELIGI-
5 BLE DEFENSE ITEMS.—

6 “(1) REGULATIONS.—

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

20 “(B) PERIODIC REVIEW REQUIRED.—The
21 Director shall, in consultation with the task
22 force, review and revise the regulations for pur-
23 poses of this section not less often than once
24 every five years.

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

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

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

23 “(A) Tiers of eligibility of State or local
24 law enforcement agencies for transfers of eligi-
25 ble defense items based on types of items, need

1 of law enforcement agencies for particular
2 items, size and capabilities of law enforcement
3 agencies, or such other factors as the Director,
4 in consultation with the task force referred to
5 in paragraph (1)(B), may specify in the regula-
6 tions.

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

15 “(C) Restrictions on the use of particular
16 eligible defense items by State or local law en-
17 forcement agencies based on size, capability, or
18 such other factors the Director, in consultation
19 with the task force, may specify in the regula-
20 tions.

21 “(D) Such inventory, accountability, re-
22 porting, and disposal requirements regarding el-
23 igible defense items transferred under this sec-
24 tion as the Director, in consultation with the
25 task force, considers appropriate.

1 “(E) Requirements for memoranda of un-
2 derstanding or other appropriate agreements in
3 the case of joint use of eligible defense items
4 transferred under this section by more than one
5 State or local law enforcement agency.

6 “(3) PROHIBITION ON TREATMENT OF CERTAIN
7 ITEMS AS ELIGIBLE DEFENSE ITEMS.—The regula-
8 tions for purposes of this section shall prohibit the
9 treatment as eligible defense items for purposes of
10 this section of the following:

11 “(A) Mine Resistant Ambush Protected
12 (MRAP) vehicles.

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

15 “(C) Aircraft that are combat configured
16 or combat coded or have no established com-
17 mercial flight application.

18 “(D) Bayonets.

19 “(E) Tasers developed primarily for use by
20 the military.

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

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

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

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

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

15 “(i) Weapons over .50 caliber.

16 “(ii) Grenades, flash bang grenades,
17 grenade launchers, and grenade launcher
18 attachments.

19 “(iii) Tactical military vehicles.

20 “(5) LIMITATIONS ON TRANSFER OF TACTICAL
21 MILITARY VEHICLES TO SMALL LAW ENFORCEMENT
22 AGENCIES.—The regulations for purposes of this
23 section shall limit the transfer of tactical military ve-
24 hicles to a State or local law enforcement agency

1 with 10 or fewer sworn law enforcement officers as
2 follows:

3 “(A) If the law enforcement agency has
4 one or more functioning tactical military vehi-
5 cles, a tactical military vehicle may not be
6 transferred to the agency.

7 “(B) If the law enforcement agency does
8 not have a functioning tactical military vehicle,
9 not more than one tactical military vehicle may
10 be transferred to the agency.

11 “(C) If the law enforcement agency is the
12 designated procurement agency for a multi-ju-
13 risdictional joint-use agreement, not more than
14 1 tactical military vehicle may be transferred to
15 the agency for every 10 sworn law enforcement
16 officers covered by the joint-use agreement.

17 “(6) LIMITATION ON TRANSFER OF CAMOU-
18 FLAGE UNIFORMS OR CLOTHING.—The regulations
19 for purposes of this section shall prohibit the trans-
20 fer of camouflage uniforms or clothing to a State or
21 law enforcement agency unless the law enforcement
22 agency certifies that its geographic area of jurisdic-
23 tion contains environments that may require the use
24 of camouflage uniforms or clothing.

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

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

8 “(B) A SWAT team composed entirely of
9 members from a single State or local law en-
10 forcement agency that has fewer than 35 sworn
11 law enforcement officers.

12 “(C) A SWAT team composed of members
13 from 2 or more State or local law enforcement
14 agencies which agencies have, in aggregate,
15 fewer than 35 sworn law enforcement officers.

16 “(8) PROHIBITION ON TRANSFER OF CERTAIN
17 ITEMS TO LAW ENFORCEMENT AGENCIES UNDER
18 CONSENT DECREES.—

19 “(A) IN GENERAL.—The regulations for
20 purposes of this section shall prohibit the trans-
21 fer of items specified in subparagraph (B) to a
22 State or local law enforcement agency for which
23 a consent decree is in effect between the United
24 States and the law enforcement agency, or that
25 is under investigation by the Department of

1 Justice, relating to civil rights abuses or exces-
2 sive use of force

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

5 “(i) Weapons.

6 “(ii) Tactical military vehicles.

7 “(9) TRANSFER TO LOCAL EDUCATION AGEN-
8 CIES.—

9 “(A) PROHIBITION ON TRANSFER.—The
10 regulations for purposes of this section shall
11 prohibit the transfer of eligible defense items to
12 any local educational agency or law enforcement
13 agency affiliated with a local educational agency
14 as follows:

15 “(i) A local educational agency that is
16 served by a State or local law enforcement
17 agency that—

18 “(I) is unaffiliated with the local
19 educational agency; and

20 “(II) has items or equipment
21 identical or similar to the eligible de-
22 fense items otherwise to be trans-
23 ferred.

24 “(ii) A local educational agency that
25 is served by one or more State or local law

1 enforcement agencies that are unaffiliated
2 with the local educational agency if no
3 such serving agency will agree to store and
4 maintain the eligible defense items for the
5 local educational agency.

6 “(B) LIMITATION ON USE OF FUNDS.—

7 The regulations for purposes of this section
8 shall provide that a local educational agency
9 transferred an eligible defense item under this
10 section may not use funds of the local edu-
11 cational agency—

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

14 “(ii) to maintain the item.

15 “(10) PROHIBITION ON REQUIREMENT FOR
16 TIMELY USE OF TRANSFERRED ITEMS.—The regula-
17 tions for purposes of this section may not require
18 the use of an eligible defense item transferred under
19 this section within one year of the receipt of the
20 item by the State or local law enforcement agency
21 concerned.

22 “(h) NATIONAL SECURITY EXCEPTION FOR TRANS-
23 FER OF CERTAIN CONTROLLED DEFENSE ITEMS NOT
24 TREATABLE AS ELIGIBLE DEFENSE ITEMS.—

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

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

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

14 “(2) UPDATE TO LIST.—If an actionable threat
15 to national security justifies the transfer of a con-
16 trolled defense item under this subsection, the Direc-
17 tor shall revise the regulations for purposes of this
18 section to treat the controlled defense item as an eli-
19 gible defense item for purposes of this section as
20 soon as practicable. A transfer of a controlled de-
21 fense item may occur in accordance with paragraph
22 (1) regardless of whether the update to the regula-
23 tions for purposes of this section has been made
24 under this paragraph at the time of transfer.

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

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

14 “(A) arrange for the storage of the item
15 with the National Guard of the State con-
16 cerned; or

17 “(B) if arrangements under subparagraph
18 (A) cannot be made, transfer the item to the
19 Director.

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

22 “(1) DLA REVIEW AND NOTICE ON DOD
23 STOCKS.—The Director of the Defense Logistics
24 Agency shall periodically review the existing stocks
25 of the Department of Defense in order to identify

1 the type and quantity, if any, of surplus stocks of
2 the Department of items that are currently treated
3 as eligible defense items for purposes of this section.

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

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

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

20 “(2) STATE COORDINATOR REVIEW.—A State
21 Coordinator shall review, and approve or disapprove,
22 each application submitted to the State Coordinator
23 under paragraph (1). In determining whether to ap-
24 prove or disapprove an application, a State Coordi-
25 nator shall apply all criteria applicable to the appli-

1 cation in the regulations for purposes of this section
2 under subsection (g). A State Coordinator shall
3 transmit each such application, whether approved or
4 disapproved, to the Director of the Defense Logistics
5 Agency, together with the information specified in
6 subsection (l).

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

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

21 “(k) PUBLIC NOTICE ON REQUESTS FOR TRANS-
22 FERS.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), a State or local law enforcement agency
25 requesting transfer of an eligible defense item under

1 this section, including pursuant to interagency trans-
2 fer under subsection (r), shall—

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

11 “(B) obtain approval of the request by the
12 State or political subdivision of a State of which
13 the law enforcement agency is an agency.

14 “(2) EXCEPTION.—

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

21 “(B) ALTERNATIVE NOTICE REQUIRE-
22 MENT.—A State or local law enforcement agen-
23 cy receiving an item under this section pursuant
24 to a request covered by subparagraph (A) shall
25 publish public notice of the request not later

1 than 10 business days after the conclusion of
2 the undercover operation for which the item
3 was requested.

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

14 “(1) The type and amount of each item being
15 requested.

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

17 “(3) The number of sworn law enforcement of-
18 ficers of the law enforcement agency.

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

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

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

4 “(B) the State Homeland Security Grant
5 Program authorized under section 2004 of the
6 Homeland Security Act of 2002 (6 U.S.C. 605);
7 or

8 “(C) the Edward Byrne Memorial Justice
9 Assistance Grant Program under subpart 1 of
10 part E of title I of the Omnibus Crime Control
11 and Safe Streets Act of 1968 (42 U.S.C. 3750
12 et seq.).

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

15 “(7) Whether the law enforcement agency in-
16 tends for SWAT teams to use the requested items,
17 and, if so, the deployment policies of the law en-
18 forcement agency for SWAT teams.

19 “(8) Whether the law enforcement agency has
20 or plans to adopt a memorandum of understanding
21 or other joint use agreement for the shared use of
22 the requested items with any other law enforcement
23 agency.

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

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

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

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

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

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

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

3 “(14) Such other information on the recent
4 record of the law enforcement agency regarding civil
5 rights and the excessive use of force as the Director
6 shall specify in the regulations for purposes of this
7 section.

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

12 “(16) Detailed documentation on the manner in
13 which the law enforcement agency will provide for
14 the storage and security of the items.

15 “(17) A description of the policies and proce-
16 dures of the law enforcement agency for use of the
17 items, including who will have authority over the use
18 of the items and an organizational chart, and the
19 names and titles of agency members, who will have
20 charge of the items.

21 “(18) Documentation showing that the mem-
22 bers identified pursuant to paragraph (17) as in
23 charge of items have been trained in the use and de-
24 ployment of such items within the past five years, or
25 identifying specific training such members identified

1 shall participate not later than 90 days after receipt
2 of the items.

3 “(19) Certification that any eligible defense
4 items transferred under this section for use by a
5 SWAT team have not been used, and will not be
6 used, by a SWAT team engaging in routine patrol-
7 related incidents, non-tactical incidents, and non-tac-
8 tical assignments.

9 “(20) Such other information on the law en-
10 forcement agency, and the application of the law en-
11 forcement agency, as the Director shall specify in
12 the regulations for purposes of this section.

13 “(m) REQUIREMENTS IN CONNECTION WITH USE OF
14 ELIGIBLE DEFENSE ITEMS BY SWAT TEAMS.—

15 “(1) SWAT TEAM TRAINING RECORDS.—Eligi-
16 ble defense items may not be transferred to a State
17 or local law enforcement agency under this section
18 for use by a SWAT team unless the law enforcement
19 agency requesting such items certifies to the Direc-
20 tor of the Defense Logistics Agency that the law en-
21 forcement agency makes available to the public the
22 training records of the SWAT team, including the
23 course outlines of such training (except that any
24 personally identifiable information, and all but the
25 title and subject of such training, may be redacted).

1 The Attorney General shall issue, and may from
2 time to time update, nonbinding guidelines on such
3 policies.

4 “(2) VIDEO RECORDING OF DEPLOYMENTS.—
5 Eligible defense items may not be transferred to a
6 State or local law enforcement agency under this
7 section for use by a SWAT team unless the law en-
8 forcement agency requesting such items certifies to
9 the Director that a video recording shall be made of
10 each SWAT team deployment involving the use of
11 such items. Any video recording secured under this
12 paragraph involving the use of force (whether deadly
13 or otherwise) shall be retained by the law enforce-
14 ment agency for a period not shorter than the period
15 of limitation in the State concerned for actions for
16 civil rights violations under section 1979 of the Re-
17 vised Statutes (42 U.S.C. 1983).

18 “(n) POLICIES ON USE OF VIDEO RECORDING
19 EQUIPMENT AND RECORDING.—

20 “(1) IN GENERAL.—Video recording equipment
21 (including body cameras) may not be transferred to
22 a State or local law enforcement agency under this
23 section unless the law enforcement agency request-
24 ing such equipment certifies to the Director of the
25 Defense Logistics Agency that the law enforcement

1 agency has in place, and makes available to the pub-
2 lic, policies on the use of such equipment by law en-
3 forcement officers, and on securing video recordings
4 of operations of law enforcement officers using video
5 equipment, that meets the requirements specified in
6 paragraph (2).

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

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

13 “(B) Mechanisms to preserve, to the extent
14 practicable, the integrity and security of video
15 recordings, including a description of the per-
16 sonnel of the law enforcement agency, and
17 other parties, who are authorized to access the
18 recordings, mechanisms for the storage of re-
19 cordings, and measures to ensure the cybersecu-
20 rity of such recordings (if applicable to the stor-
21 age, retention, and retrieval of such recordings).

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

24 “(D) A requirement that any video record-
25 ing of an interaction between a law enforcement

1 officer and an individual who is not a law en-
2 forcement officer involving the use of force
3 (whether deadly or otherwise) shall retained by
4 the law enforcement agency for a period not
5 shorter than the period of limitation in the
6 State concerned for actions for civil rights viola-
7 tions under section 1979 of the Revised Stat-
8 utes (42 U.S.C. 1983).

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

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

1 the Homeland Security Act of 2002 shall be consid-
2 ered certified as a police instructor in any State for
3 purposes of this subsection.

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

7 “(A) The program shall include instruction
8 in training on the following:

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

12 “(ii) The use of eligible defense items
13 and special justice items by State and local
14 law enforcement officers in the ordinary
15 course of their duties.

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

18 “(iv) The appropriate deployment of
19 SWAT teams.

20 “(v) Civil rights and civil liberties.

21 “(vi) Any other matters on the train-
22 ing of State and local law enforcement offi-
23 cers that the Governor of the State (or the
24 designee of the Governor) considers appro-
25 priate.

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

4 “(3) DISCHARGE THROUGH EXISTING PRO-
5 GRAMS.—A State may satisfy the requirement in
6 paragraph (1) using a program in effect on the date
7 that is three years after the date of the enactment
8 of the Protecting Communities and Police Act of
9 2015 if such program satisfies the requirements in
10 paragraph (2).

11 “(p) TRAINING REQUIREMENTS.—

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

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 Governor
20 of the State (or the designee of the Governor)
21 certifies to the Director of the Defense Logis-
22 tics Agency that the State has in place min-
23 imum annual training requirements for all
24 sworn law enforcement officers in the State, in-
25 cluding—

1 “(i) specialized leadership training re-
2 quirements for heads of law enforcement
3 agencies who have—

4 “(I) decisionmaking authority on
5 the deployment of SWAT teams and
6 tactical military vehicles; or

7 “(II) responsibility for drafting
8 policies on the use of force and SWAT
9 team deployment;

10 “(ii) specialized SWAT team training
11 requirements for all SWAT team members,
12 including in law enforcement tactics used
13 in tactical operations;

14 “(iii) training in the appropriate use
15 and deployment of tactical military vehi-
16 cles; and

17 “(iv) training on sensitivity, including
18 training on ethnic and racial bias, cultural
19 diversity, and police interaction with the
20 disabled, mentally ill, and new immigrants.

21 “(B) SATISFACTION BY RECENT HIREES.—

22 The requirements under subparagraph (A) shall
23 provide for the first completion of the training
24 concerned by an individual who becomes an offi-
25 cer in a law enforcement agency by not later

1 than one year after the date on which the indi-
2 vidual becomes an officer in the law enforce-
3 ment agency.

4 “(2) STATE COORDINATORS.—On and after the
5 date that is three years after the date of the enact-
6 ment of the Protecting Communities and Police Act
7 of 2015, eligible defense items may not be trans-
8 ferred to a State or local law enforcement agency of
9 a State under this section unless the Governor of the
10 State (or the designee of the Governor) certifies to
11 the Director of the Defense Logistics Agency that
12 the individual who serves as a State Coordinator in
13 the State receives on an annual basis training in the
14 following:

15 “(A) Inventory management.

16 “(B) The assessment of the needs of State
17 and local law enforcement agencies for eligible
18 defense items.

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

20 “(A) IN GENERAL.—On and after the date
21 that is three years after the date of the enact-
22 ment of the Protecting Communities and Police
23 Act of 2015, eligible defense items may not be
24 transferred to a State or local law enforcement
25 agency under this section unless the head of the

1 law enforcement agency requesting such items
2 certifies to the Director that any law enforce-
3 ment officer who is authorized to use such
4 items will have received training on the proper
5 law enforcement use of such items by an in-
6 structor certified as described in subsection (o)
7 or section 2010 of the Homeland Security Act
8 of 2002.

9 “(B) SATISFACTION BY RECENT HIREES.—
10 Training required by subparagraph (A) shall be
11 completed by an individual who becomes a
12 member of a State or local law enforcement
13 agency by not later than one year after the date
14 on which the individual becomes a member of
15 the law enforcement agency.

16 “(4) SWAT TEAMS.—

17 “(A) IN GENERAL.—On and after the date
18 that is three years after the date of the enact-
19 ment of the Protecting Communities and Police
20 Act of 2015, eligible defense items may not be
21 transferred to a State or local law enforcement
22 agency under this section for use by a SWAT
23 team unless the head of the law enforcement
24 agency requesting such items certifies to the
25 Director that any law enforcement officer who

1 is a member of such SWAT team will have par-
2 ticipated during the preceding year in tactical
3 SWAT team training by an instructor certified
4 as described in subsection (o) or section 2010
5 of the Homeland Security Act of 2002 and
6 training required pursuant to paragraph (1).

7 “(B) SATISFACTION BY RECENT HIREES.—
8 Training required by subparagraph (A) shall be
9 completed by an individual who becomes a
10 member of a SWAT team by not later than one
11 year after the date on which the individual be-
12 comes a member of the SWAT team.

13 “(q) WHISTLEBLOWER AND INDEPENDENT OVER-
14 SIGHT REQUIREMENTS.—

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

24 “(A) has in place—

1 “(i) a program, including a public
2 complaint hotline, that provides individuals
3 the ability to disclose any waste, fraud, or
4 abuse in connection with the use of such
5 items; 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.—Eligible
18 defense items may not be transferred to a State
19 or local law enforcement agency under this sec-
20 tion unless the head of the law enforcement
21 agency requesting such items submits to the Di-
22 rector a written certification (in the form of a
23 memorandum of understanding, memorandum
24 of agreement, or letterhead correspondence)

1 that an entity that is unaffiliated with the law
2 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 a law or ordinance gov-
16 erning the law enforcement agency or
17 the entity or by an agreement between
18 the governing body of the law enforce-
19 ment agency and organizations rep-
20 resenting law enforcement officers of
21 the law enforcement agency.

22 “(B) DISCHARGE THROUGH EXISTING EN-
23 TITIES.—A law enforcement agency may satisfy
24 the requirement in subparagraph (A) through
25 an entity that exists as of the date of the enact-

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

13 “(r) INTERAGENCY TRANSFER.—

14 “(1) IN GENERAL.—Subject to paragraph (2), a
15 State or local law enforcement agency may transfer
16 an eligible defense item transferred to the law en-
17 forcement agency under this section to another State
18 or local law enforcement agency.

19 “(2) APPROVAL REQUIRED.—An eligible de-
20 fense item may not be transferred by a State or
21 local law enforcement agency to another law enforce-
22 ment agency under this subsection without the ap-
23 proval of the Director of the Defense Logistics
24 Agency (or the designee of the Director). A law en-
25 forcement agency seeking the approval of the Direc-

1 tor for the transfer of an item pursuant to this para-
2 graph shall submit to the Director an application
3 therefor in such form and manner as the Director
4 shall specify in the regulations for purposes of this
5 section under subsection (g).

6 “(s) SUSPENSION AND TERMINATION.—

7 “(1) FOR LOST OR STOLEN ITEMS.—In the
8 event an item transferred to a State or local law en-
9 forcement agency under this section is lost, stolen,
10 or misappropriated—

11 “(A) in the case of an offensive weapon or
12 ordnance—

13 “(i) on the first occurrence in the case
14 of the law enforcement agency, the Direc-
15 tor of the Defense Logistics Agency, after
16 providing the law enforcement agency with
17 notice and the opportunity to contest the
18 allegation, shall suspend the law enforce-
19 ment agency from eligibility for receipt of
20 items under this section for a period of 6
21 months; and

22 “(ii) on any subsequent occurrence in
23 the case of the law enforcement agency,
24 the Director, after providing the law en-
25 forcement agency with notice and the op-

1 portunity to contest the allegation, shall
2 suspend the law enforcement agency from
3 eligibility for receipt of items under this
4 section for a period of five years; and

5 “(B) in the case of any other item—

6 “(i) on the third occurrence in the
7 case of the law enforcement agency, the
8 Director, after providing the law enforce-
9 ment agency with notice and the oppor-
10 tunity to contest the allegation, shall sus-
11 pend the law enforcement agency from eli-
12 gibility for receipt of items under this sec-
13 tion for a period of 6 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 three years.

22 “(2) INTENTIONAL FALSIFICATION OF INFOR-
23 MATION.—In the event a State or local law enforce-
24 ment agency is determined by the Director (or the
25 designee of the Director) to have intentionally fal-

1 sified any information in requesting or applying for
2 items under this section, the Director, after pro-
3 viding the law enforcement agency with notice and
4 the opportunity to contest the determination, shall
5 terminate the law enforcement agency from eligi-
6 bility for receipt of items under this section.

7 “(t) REPORT REQUIREMENTS.—

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

18 “(A) For weapons, tactical vehicles, air-
19 craft, and boats, time-stamped serial numbers
20 of the items.

21 “(B) Such information on the status and
22 use of such items as the Secretary of Defense
23 requires in order to make the reports required
24 by paragraph (2).

1 “(2) SECRETARY OF DEFENSE REPORT RE-
2 QUIREMENTS.—Not later than one year after Pro-
3 tecting Communities and Police Act of 2015, once a
4 year for every four years thereafter, and once every
5 three years thereafter after such five years, the Sec-
6 retary of Defense shall submit to the Attorney Gen-
7 eral, the Secretary of Homeland Security, and Con-
8 gress, and make available to the public, a com-
9 prehensive report on the use during the preceding
10 year of eligible defense items transferred under this
11 section. Each report shall include the following:

12 “(A) A description of all eligible defense
13 items transferred under this section during the
14 year covered by such report, including an ap-
15 pendix setting forth a plain English description
16 or manufacturer make, model number, and
17 name of each item transferred, the quantity of
18 each item transferred, the recipient of each
19 item, and a brief explanation of the need for
20 each item by the recipient.

21 “(B) A statement of the items described in
22 subparagraph (A) that were in new or like-new
23 condition at the time of transfer.

24 “(C) For each type of eligible defense item
25 transferred under this section during the year

1 covered by such report, the quantity, if any, of
2 the same or a similar item purchased by the
3 Department of Defense during the prior fiscal
4 year.

5 “(D) The number of requests for transfer
6 of eligible defense items during the year covered
7 by such report that were approved by State Co-
8 ordinators and the Director of the Defense Lo-
9 gistics Agency.

10 “(E) The number of requests for transfer
11 of eligible defense items during the year covered
12 by such report that were approved by State Co-
13 ordinators but denied by the Director, and, for
14 each such request, a statement of the type of
15 item requested and the reason or reasons for
16 the denial.

17 “(F) The number of requests for transfer
18 of eligible defense items during the year covered
19 by such report that were denied by State Coor-
20 dinators, and, for each such request, a state-
21 ment of the type of item requested and the rea-
22 son or reasons for the denial.

23 “(u) CONSTRUCTION WITH OTHER DLA AUTHOR-
24 ITY.—Nothing in this section shall be construed to over-
25 ride, alter, or supersede the authority of the Director of

1 the Defense Logistics Agency to dispose of property of the
2 Department of Defense that is not a controlled defense
3 item to law enforcement agencies under another other pro-
4 vision of law.

5 “(v) NON-CONTROLLED DEFENSE ITEMS TO LAW
6 ENFORCEMENT AGENCIES.—Notwithstanding any provi-
7 sion of chapter 5 of title 40 or any other provision of law,
8 the Administrator of General Services shall accord a pri-
9 ority in the disposal of excess and surplus items and equip-
10 ment of the Department of Defense that are not controlled
11 defense items to law enforcement agencies.

12 “(w) DEFINITIONS.—In this section:

13 “(1) The term ‘controlled defense item’ means
14 property of the Department of Defense that is sub-
15 ject to the restrictions of the United States Muni-
16 tions List (22 Code of Federal Regulations Part
17 121) or the Commerce Control List (15 Code of
18 Federal Regulations Part 774).

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

22 “(3) The term ‘law enforcement council’ means
23 a consortium of law enforcement agencies operating
24 in a partnership within a region to promote and en-
25 hance public safety.

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

5 “(5) The term ‘special justice item’ has the
6 meaning given that term in section 509(a) of the
7 Omnibus Crime Control and Safe Streets Act of
8 1968.

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

11 “(A) to manage requests of State and local
12 law enforcement agencies of the State for eligi-
13 ble defense items; and

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

17 “(7) The term ‘State or local law enforcement
18 agency’ means a State or local agency or entity with
19 law enforcement officers that have arrest and appre-
20 hension authority and whose primary function is to
21 enforce the laws. The term includes a local edu-
22 cational agency with such officers. The term does
23 not include a firefighting agency or entity.

24 “(8) The term ‘SWAT team’ means a Special
25 Weapons and Tactics team or other specialized tac-

1 tical team composed of State or local sworn law en-
2 forcement officers.

3 “(9) The term ‘tactical military vehicle’ means
4 an armored vehicle having military characteristics
5 resulting from military research and development
6 processes, designed primarily for use by forces in the
7 field in direct connection with, or support of,
8 combat or tactical operations.”.

9 (b) LIMITATIONS ON TRANSFER OF CERTAIN ITEMS
10 PENDING ACHIEVEMENT OF CERTAIN PROGRAM MILE-
11 STONES.—

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

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

1 (3) DELAYED LIMITATION PENDING PUBLICA-
2 TION OF LIST OF ELIGIBLE DEFENSE ITEMS.—Ef-
3 fective as of the date that is two years after the date
4 of the enactment of this Act, no item described in
5 paragraph (4) may be transferred under section
6 2576a of title 10, United States Code (as so amend-
7 ed), until the publication under subsection (f)(3) of
8 such section of the items determined to be eligible
9 defense items for purposes of such section.

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

12 (A) A controlled defense item.

13 (B) An eligible defense item.

14 (C) An item specified in section
15 2576a(g)(4)(B) of title 10, United States Code
16 (as so amended).

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

22 (c) RESTATEMENT AND MODIFICATION OF CURRENT
23 AUTHORITY FOR TRANSFER FOR FEDERAL LAW EN-
24 FORCEMENT ACTIVITIES.—Chapter 153 of title 10,
25 United States Code, is amended—

1 (1) by redesignating section 2576b as section
2 2576d; and

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

5 **“§ 2576b. Excess personal property: sale or donation**
6 **of certain non-controlled defense items**
7 **for State or local law enforcement activi-**
8 **ties**

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

14 “(A) not a controlled defense item, an eligible
15 defense item, or an item specified in section
16 2576a(g)(4)(B) of this title;

17 “(B) suitable for use by State agencies in law
18 enforcement activities, including counter-drug and
19 counter-terrorism activities; and

20 “(C) excess to the needs of the Department of
21 Defense.

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

1 “(b) CONDITIONS FOR TRANSFER.—The Secretary of
 2 Defense may transfer personal property under this section
 3 only if—

4 “(1) the property is drawn from existing stocks
 5 of the Department of Defense;

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

8 “(3) the transfer is made without the expendi-
 9 ture of any funds available to the Department of
 10 Defense for the procurement of defense equipment;
 11 and

12 “(4) all costs incurred subsequent to the trans-
 13 fer of the property are borne or reimbursed by the
 14 recipient.

15 “(c) CONSIDERATION.—Subject to subsection (b)(4),
 16 the Secretary may transfer personal property under this
 17 section without charge to the recipient agency.

18 “(d) DEFINITIONS.—In this section, the terms ‘con-
 19 trolled defense item’ and ‘eligible defense item’ have the
 20 meaning given such terms in section 2576a(w) of this title.

21 **“§ 2576c. Excess personal property: sale or donation**
 22 **for Federal law enforcement activities**

23 “(a) TRANSFER AUTHORIZED.—(1) Notwithstanding
 24 any other provision of law and subject to subsection (b),
 25 the Secretary of Defense may transfer to Federal agencies

1 personal property of the Department of Defense, including
2 small arms and ammunition, that the Secretary deter-
3 mines is—

4 “(A) suitable for use by the agencies in law en-
5 forcement activities, including counter-drug and
6 counter-terrorism activities; and

7 “(B) excess to the needs of the Department of
8 Defense.

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

12 “(b) CONDITIONS FOR TRANSFER.—The Secretary of
13 Defense may transfer personal property under this section
14 only if—

15 “(1) the property is drawn from existing stocks
16 of the Department of Defense;

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

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

23 “(4) all costs incurred subsequent to the trans-
24 fer of the property are borne or reimbursed by the
25 recipient.

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

4 (d) CLERICAL AMENDMENTS.—The table of sections
 5 at the beginning of chapter 153 of title 10, United States
 6 Code, is amended by striking the items relating to sections
 7 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 de-
 fense 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 agen-
 cies.”.

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

11 (1) by redesignating paragraph (6) as para-
 12 graph (7); and

13 (2) by inserting after paragraph (5) the fol-
 14 lowing new paragraph (6):

15 “(6) TRANSFERS OF DOD PROPERTY FOR FED-
 16 ERAL LAW ENFORCEMENT ACTIVITIES.—Ensuring
 17 that Federal agencies to which property of the De-
 18 partment of Defense is transferred pursuant to sec-
 19 tion 2576c of this title accept responsibility for in-
 20 ventory, management, accountability, and disposal of
 21 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 SECU-
18 RITY.—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 law en-
17 forcement officers of the law enforcement
18 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.—A law enforcement agency for
3 which a consent decree is in effect between the
4 United States and the law enforcement agency, or
5 that is under investigation by the Department of
6 Justice, relating to civil rights abuses or excessive
7 use of force may not use covered funds to purchase
8 any weapon or tactical military vehicle.

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

14 “(d) TRAINING AND CERTIFICATION.—

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

17 “(A) IN GENERAL.—On and after the date
18 that is 3 years after the date of enactment of
19 the Protecting Communities and Police Act of
20 2015, a State, and any law enforcement agency
21 of or in the State, may not receive or use cov-
22 ered funds to purchase a special justice item
23 unless the chief executive of the State certifies
24 to the Attorney General that the State conducts
25 a program for certifying law enforcement in-

1 structors in the provision of training that meets
2 the requirements under subparagraph (B).

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

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

8 “(I) The use of force by law en-
9 forcement officers in the ordinary
10 course of their duties.

11 “(II) The use of special justice
12 items by law enforcement officers in
13 the ordinary course of their duties.

14 “(III) The use of special justice
15 items by SWAT teams.

16 “(IV) The appropriate deploy-
17 ment of SWAT teams.

18 “(V) Civil rights and civil lib-
19 erties.

20 “(VI) Any other matters on the
21 training of law enforcement officers
22 that the head of the State law en-
23 forcement agency considers appro-
24 priate.

1 “(ii) A list of the instructors who are
2 certified pursuant to the program or pur-
3 suant to the program conducted by the
4 Secretary of Homeland Security under sec-
5 tion 2010 of the Homeland Security Act of
6 2002 shall be maintained and published.

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

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

16 “(A) ESTABLISHMENT.—On and after the
17 date that is 3 years after the date of enactment
18 of the Protecting Communities and Police Act
19 of 2015, a State, and a unit of local govern-
20 ment within the State, may not receive covered
21 funds unless the State establishes minimum an-
22 nual training requirements for all law enforce-
23 ment officers in the State, including—

1 “(i) specialized leadership training re-
2 quirements for chiefs of police or other de-
3 partment heads who have—

4 “(I) decisionmaking authority on
5 the deployment of SWAT teams and
6 tactical military vehicles; or

7 “(II) responsibility for drafting
8 policies on the use of force and SWAT
9 team deployment;

10 “(ii) specialized SWAT team training
11 requirements for all SWAT team members;

12 “(iii) training in appropriate crowd-
13 control tactics; 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) a program conducted by the Sec-
2 retary of Homeland Security under section
3 2010 of the Homeland Security Act of
4 2002; or

5 “(ii) a program conducted by a State
6 under paragraph (1).

7 “(C) CERTIFICATION OF COMPLETED
8 TRAINING.—On and after the date that is 1
9 year after the date on which a program is es-
10 tablished under paragraph (1), a law enforce-
11 ment agency may not receive covered funds un-
12 less the law enforcement agency certifies to the
13 Attorney General that each sworn law enforce-
14 ment officer employed by the law enforcement
15 agency has met all applicable minimum annual
16 training requirements established by the State
17 in which the law enforcement agency is located
18 under subparagraph (A) of this paragraph.

19 “(D) FALSE CERTIFICATION.—The Attor-
20 ney General shall suspend or terminate the eli-
21 gibility of a law enforcement agency to receive
22 covered funds if the law enforcement agency in-
23 tentionally submits a false certification under
24 subparagraph (C) that a law enforcement offi-
25 cer has met the minimum annual training re-

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

4 “(E) SATISFACTION BY RECENT HIREES.—

5 The requirements under subparagraph (A) shall
6 provide for the first completion of the training
7 concerned by an individual who becomes an offi-
8 cer in a law enforcement agency or becomes a
9 member of a SWAT team by not later than 1
10 year after the date on which the individual be-
11 comes an officer in the law enforcement agency
12 or becomes a member of a SWAT team, as ap-
13 plicable.

14 “(3) BEST PRACTICES.—

15 “(A) IN GENERAL.—On and after the date
16 that is 2 years after the date of enactment of
17 the Protecting Communities and Police Act of
18 2015, the Attorney General shall publish, peri-
19 odically review, distribute to each State or unit
20 of local government that applies for a grant
21 under this subpart, and require each such State
22 or unit of local government to distribute to each
23 organization or unit of local government with
24 respect to which the State or unit of local gov-
25 ernment enters into a contract or makes a

1 subaward under section 501(b), best practices
2 for—

3 “(i) training law enforcement officers
4 and the use of lethal and non-lethal force
5 by law enforcement officers;

6 “(ii) training, use, and deployment of
7 SWAT teams; and

8 “(iii) community-oriented police ef-
9 forts.

10 “(B) ATTORNEY GENERAL UPDATES TO
11 CONGRESS REGARDING DELAY IN PUBLICATION
12 OF BEST PRACTICES.—On and after the date
13 that is 2 years after the date of enactment of
14 the Protecting Communities and Police Act of
15 2015, if the Attorney General has not published
16 the best practices required under subparagraph
17 (A), the Attorney General shall provide quar-
18 terly updates to Congress on the reason for the
19 delay in publication and the expected date of
20 publication.

21 “(e) REPORTING AND POLICY REQUIREMENTS.—

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

24 “(A) SWAT TEAM DEPLOYMENT
25 RECORDS.—A law enforcement agency that re-

1 ceives covered funds shall maintain a record of
2 each deployment of a SWAT team by the law
3 enforcement agency, which shall include—

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

6 “(ii) the rationale for the deployment;

7 “(iii) the nexus between—

8 “(I) the use of force policy and
9 SWAT team policy of the law enforce-
10 ment agency; and

11 “(II) the police activity for which
12 the SWAT team is deployed; and

13 “(iv) a description, written after the
14 deployment, of whether force or weapons
15 were used by or against the law enforce-
16 ment officers serving on the SWAT team.

17 “(B) EQUIPMENT PURCHASED.—A law en-
18 forcement agency that purchases equipment
19 using covered funds shall submit to the Attor-
20 ney General a report describing the quantity
21 and type of equipment purchased.

22 “(2) DOJ REPORTS.—

23 “(A) SPECIAL JUSTICE ITEMS.—The At-
24 torney General shall publish and submit to Con-
25 gress, the Secretary of Defense, and the Sec-

1 retary of Homeland Security an annual report
2 on special justice items that includes, with re-
3 spect to the preceding year—

4 “(i) the number and type of special
5 justice items purchased using covered
6 funds; and

7 “(ii) an appendix describing—

8 “(I) each law enforcement agency
9 that used covered funds to purchase a
10 special justice item;

11 “(II) the number of each special
12 justice item described in subclause (I)
13 purchased by each law enforcement
14 agency; and

15 “(III) a summary of the needs
16 justification statement submitted
17 under subsection (c)(1)(A)(i) by each
18 law enforcement agency described in
19 subclause (I) of this clause.

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

24 “(C) DOJ GUIDES AND BEST PRAC-
25 TICES.—The Attorney General shall conduct

1 periodic surveys on the use of materials pub-
2 lished by the Attorney General in print and on-
3 line relating to local law enforcement training
4 and the use of force, including lethal and non-
5 lethal force.

6 “(f) WHISTLEBLOWER AND INDEPENDENT OVER-
7 SIGHT REQUIREMENTS.—

8 “(1) WHISTLEBLOWER REQUIREMENTS.—On or
9 after the date that is 3 years after the date of enact-
10 ment of the Protecting Communities and Police Act
11 of 2015, a State or unit of local government of a
12 State may not receive covered funds unless the chief
13 executive of the State certifies to the Attorney Gen-
14 eral that the State—

15 “(A) has in place—

16 “(i) a program, including a public
17 complaint hotline, that provides individuals
18 the ability to disclose any—

19 “(I) misuse of equipment pur-
20 chased using covered funds; or

21 “(II) other waste, fraud, or abuse
22 in connection with the use of covered
23 funds; 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.—A law
11 enforcement agency may not receive covered
12 funds unless the head of the law enforcement
13 agency submits to the Attorney General a writ-
14 ten certification (in the form of a memorandum
15 of understanding, memorandum of agreement,
16 or letterhead correspondence) that an entity
17 that is unaffiliated with the law enforcement
18 agency is authorized—

19 “(i) to receive any complaints regard-
20 ing the use of special justice items and
21 covered funds of the law enforcement agen-
22 cy;

23 “(ii) to periodically review and assess
24 the use of special justice items and covered
25 funds by the law enforcement agency; and

1 “(iii) to make recommendations to the
2 law enforcement agency regarding the use
3 of special justice items and covered funds
4 by the law enforcement agency that are ei-
5 ther—

6 “(I) non-binding in character; or

7 “(II) binding in character, if au-
8 thorized by—

9 “(aa) a law or ordinance
10 governing the law enforcement
11 agency or the entity; or

12 “(bb) an agreement between
13 the governing body of the law en-
14 forcement agency and organiza-
15 tions representing law enforce-
16 ment officers of the law enforce-
17 ment agency.

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

1 general, a district attorney, the Federal Bureau
2 of Investigation or another Federal agency, a
3 State agency, a State or local governing body
4 (such as a city council or county commission),
5 a law enforcement council, or an independent
6 entity established by one or more such officials,
7 agencies, or entities on behalf of one or more
8 law enforcement agencies.

9 “(g) SUSPENSION AND TERMINATION.—

10 “(1) FOR LOST OR STOLEN ITEMS.—If a special
11 justice item purchased by a law enforcement agency
12 using covered funds is lost, stolen, or misappropriated—
13

14 “(A) in the case of an offensive weapon or
15 ordnance—

16 “(i) on the first occurrence in the case
17 of the law enforcement agency, the Attorney
18 General, after providing the law enforcement
19 agency with notice and the opportunity to contest the allegation, shall
20 suspend the law enforcement agency from
21 eligibility to receive covered funds for a period
22 of not less than 6 months; and
23

24 “(ii) on the subsequent occurrence in
25 the case of the law enforcement agency,

1 the Attorney General, after providing the
2 law enforcement agency with notice and
3 the opportunity to contest the allegation,
4 shall terminate the law enforcement agency
5 from eligibility to receive covered funds;
6 and

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

9 “(i) on the third occurrence in the
10 case of the law enforcement agency, the
11 Director, after providing the law enforce-
12 ment agency with notice and the oppor-
13 tunity to contest the allegation, shall sus-
14 pend the law enforcement agency from eli-
15 gibility to receive covered funds for a pe-
16 riod of 6 months; and

17 “(ii) on any subsequent occurrence in
18 the case of the law enforcement agency,
19 the Director, after providing the law en-
20 forcement agency with notice and the op-
21 portunity to contest the allegation, shall
22 suspend the law enforcement agency from
23 eligibility to receive covered funds for a pe-
24 riod of 3 years.

1 “(2) INTENTIONAL FALSIFICATION OF INFOR-
2 MATION.—If a law enforcement agency is determined
3 by the Attorney General to have intentionally fal-
4 sified any information relating to the use of covered
5 funds, the Attorney General, after providing the law
6 enforcement agency with notice and the opportunity
7 to contest the determination, shall terminate the law
8 enforcement agency from eligibility to receive cov-
9 ered funds.

10 “(h) ADDITIONAL PROGRAM OVERSIGHT.—

11 “(1) ATTORNEY GENERAL OBLIGATIONS.—

12 “(A) SUBGRANTEE OVERSIGHT.—In con-
13 ducting oversight of the use of covered funds,
14 the Attorney General shall conduct inspections
15 of some local law enforcement agencies that re-
16 ceive covered funds through a subaward under
17 section 501(b), to ensure compliance with this
18 section.

19 “(B) LAW ENFORCEMENT EXPERTISE.—

20 “(i) ESTABLISHMENT OF POSITION.—

21 The Attorney General shall appoint indi-
22 viduals with expertise in State and local
23 law enforcement agency functions to posi-
24 tions within the Bureau to assist the At-
25 torney General in assessing grant applica-

1 tions under this subpart by determining
2 whether equipment proposed to be pur-
3 chased by a law enforcement agency using
4 covered funds is—

5 “(I) appropriate to the mission of
6 the law enforcement agency; and

7 “(II) necessary based on the
8 needs justification statement sub-
9 mitted by the law enforcement agency
10 under subsection (c)(1)(A)(iii).

11 “(ii) NUMBER OF INDIVIDUALS.—The
12 Attorney General shall appoint as many in-
13 dividuals under clause (i) as necessary to
14 ensure that—

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

19 “(II) the involvement of such in-
20 dividuals in the process of assessing
21 grant applications under this subpart
22 does not delay the process.

23 “(iii) MANAGERIAL EXPERIENCE PRE-
24 FERRED.—In appointing individuals under
25 clause (i), the Attorney General shall give

1 preference to individuals with law enforce-
2 ment managerial expertise.

3 “(2) GRANT RECIPIENT OBLIGATIONS.—

4 “(A) RECORDING SWAT TEAM DEPLOY-
5 MENTS.—A law enforcement agency may not
6 use covered funds to purchase any item for use
7 by a SWAT team unless the law enforcement
8 agency—

9 “(i) certifies to the Attorney General
10 that a video recording shall be made of
11 each SWAT team deployment involving the
12 use of the item; and

13 “(ii) develops, implements, and pub-
14 lishes a policy for video recording SWAT
15 team deployments that—

16 “(I) describes the appropriate
17 use of video recording equipment, in-
18 cluding whether such equipment
19 should be left on at all times;

20 “(II) includes mechanisms to
21 preserve, to the extent practicable, the
22 integrity and security of a video re-
23 cording, including—

24 “(aa) a description of the
25 personnel of the law enforcement

1 agency, and other parties, who
2 are authorized to access the re-
3 cording;

4 “(bb) mechanisms for the
5 storage of the recording; and

6 “(cc) measures to ensure the
7 cybersecurity of the recording (if
8 applicable to the storage, reten-
9 tion, and retrieval of the record-
10 ing);

11 “(III) includes policies on the au-
12 thorized and unauthorized public re-
13 lease of a video recording; and

14 “(IV) includes a requirement
15 that any video recording of an inter-
16 action between a law enforcement offi-
17 cer and an individual who is not a law
18 enforcement officer involving the use
19 of force (whether deadly or otherwise)
20 shall be retained by the law enforce-
21 ment agency for a period not shorter
22 than the period of limitation in the
23 State concerned for actions for civil
24 rights violations under section 1979 of

1 the Revised Statutes (42 U.S.C.
2 1983).

3 “(B) USE OF BODY CAMERAS BY LAW EN-
4 FORCEMENT OFFICERS.—A law enforcement
5 agency that uses covered funds to purchase or
6 maintain a body camera, or for related costs,
7 shall have in place, and make available to the
8 public, a policy on the use of a body camera by
9 a law enforcement officer that includes—

10 “(i) a policy on the appropriate use of
11 a body camera, including whether the cam-
12 era should be left on at all times;

13 “(ii) mechanisms to preserve, to the
14 extent practicable, the integrity and secu-
15 rity of a video recording made by a body
16 camera, including—

17 “(I) a description of the per-
18 sonnel of the law enforcement agency,
19 and other parties, who are authorized
20 to access the recording;

21 “(II) mechanisms for the storage
22 of the recording; and

23 “(III) measures to ensure the cy-
24 bersecurity of the recording (if appli-

1 cable to the storage, retention, and re-
2 trieval of the recording);

3 “(iii) a policy on the authorized and
4 unauthorized public release of a video re-
5 cording; and

6 “(iv) a requirement that any video re-
7 cording of an interaction between a law en-
8 forcement officer and an individual who is
9 not a law enforcement officer involving the
10 use of force (whether deadly or otherwise)
11 shall retained by the law enforcement
12 agency for a period not shorter than the
13 period of limitation in the State concerned
14 for actions for civil rights violations under
15 section 1979 of the Revised Statutes (42
16 U.S.C. 1983).”.

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

21 (1) by redesignating subparagraphs (B)
22 through (E) as subparagraphs (C) through (F), re-
23 spectively; and

24 (2) by inserting after subparagraph (A) the fol-
25 lowing:

1 “(B) unmanned aerial vehicles, unmanned
2 aircraft, or unmanned aircraft systems;”.

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

6 (1) in paragraph (1)—

7 (A) by striking “60 percent” and inserting
8 “57.5 percent”; and

9 (B) by striking “and” at the end;

10 (2) in paragraph (2)—

11 (A) by striking “40 percent” and inserting
12 “37.5 percent”; and

13 (B) by striking the period at the end and
14 inserting a semicolon; and

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

16 “(3) 2.5 percent shall be for direct grants to
17 States for the purchase or maintenance of body cam-
18 eras, dashboard cameras, or gun cameras for law en-
19 forcement agencies and related costs; and

20 “(4) 2.5 percent shall be for direct grants to
21 units of local government for the purchase or main-
22 tenance of body cameras, dashboard cameras, or gun
23 cameras for law enforcement agencies and related
24 costs.”.

1 **SEC. 8. DEPARTMENT OF JUSTICE REPORTS ON SWAT**
2 **TEAMS.**

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

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

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

14 (1) the number of deployments of SWAT
15 teams;

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

18 (3) the composition of each SWAT team, in-
19 cluding, at minimum, the number of members on
20 each SWAT team;

21 (4) the number of law enforcement agencies
22 with SWAT teams, categorized by the overall size of
23 the law enforcement agencies;

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

1 (6) the amount of initial training and ongoing
2 training of SWAT teams being conducted;

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

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

7 (9) any other information that the Attorney
8 General determines to be relevant.

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

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

15 **SEC. 9. FEDERAL LAW ENFORCEMENT TRAINING CENTER**
16 **CERTIFICATION OF INSTRUCTORS IN TRAIN-**
17 **ING ON USE OF FORCE AND SPECIAL EQUIP-**
18 **MENT.**

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

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

25 “(a) DEFINITIONS.—In this section—

1 “(1) the term ‘eligible defense item’ has the
2 meaning given the term in section 2576a(w) of title
3 10, United States Code;

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

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

10 “(b) CERTIFICATION OF INSTRUCTORS.—On and
11 after the date that is 3 years after the date of enactment
12 of the Protecting Communities and Police Act of 2015,
13 the Secretary shall, through the Federal Law Enforcement
14 Training Center, conduct programs to certify instructors
15 to conduct training courses on law enforcement tactics for
16 State, local, and tribal law enforcement agencies.

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

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

23 “(2) The use of restricted items, eligible defense
24 items, and special justice items by State, local, and

1 tribal law enforcement officers in the ordinary
2 course of their duties.

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

5 “(4) The appropriate deployment of SWAT
6 teams.

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

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

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

17 “(1) manage or implement the State’s program
18 for law enforcement instructor certification described
19 in—

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

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

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

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

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—

4 The table of contents in section 1(b) of the Homeland Se-
5 curity Act of 2002 (Public Law 107–96; 116 Stat. 2135),
6 as amended by this Act, is amended by inserting after the
7 item relating to section 2009 the following:

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

○