

110TH CONGRESS
1ST SESSION

H. R. 4097

To amend title 10, United States Code, to prohibit the disposal by the Department of Defense of surplus military items designated as Identification Friend or Foe items, to amend title 18, United States Code, to make it a misdemeanor to possess or traffic in Identification Friend or Foe items, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2007

Mr. MEEK of Florida introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on the Judiciary, 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 amend title 10, United States Code, to prohibit the disposal by the Department of Defense of surplus military items designated as Identification Friend or Foe items, to amend title 18, United States Code, to make it a misdemeanor to possess or traffic in Identification Friend or Foe items, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress makes the following findings:

14 SEC. 2. PROHIBITION ON SALE OR DONATION BY THE DE-
15 PARTMENT OF DEFENSE OF IDENTIFICATION
16 FRIEND OR FOE EQUIPMENT AND ACCES-
17 SORIES.

18 (a) PROHIBITION.—Chapter 153 of title 10, United
19 States Code, is amended by inserting after section 2572
20 the following new section:

21 **“§ 2573. Prohibition on sale or donation of Identifica-**
22 **tion Friend or Foe equipment and acces-**
23 **sories**

24 "(a) PROHIBITION.—The Secretary of Defense may
25 not authorize the sale, resale, or donation of equipment

1 or accessories of the Department of Defense designated
2 as Identification Friend or Foe equipment or accessories.

3 “(b) EXCEPTIONS.—The prohibition contained in
4 subsection (a) does not apply to the following:

5 “(1) The sale of Identification Friend or Foe
6 equipment or accessories by the Department of De-
7 fense, including a nonappropriated fund instrumen-
8 tilities of the Department, to a member of the
9 armed forces possessing valid military identification
10 for the member’s personal use.

11 “(2) The sale or donation of Identification
12 Friend or Foe equipment or accessories to a mu-
13 seum or similar organization located in the United
14 States that is involved in the preservation of equip-
15 ment of the armed forces for historical purposes, ex-
16 cept that no more than one item of each type of
17 Identification Friend or Foe equipment or acces-
18 sories may be sold or donated to any one such mu-
19 seum or organization.

20 “(3) Such other sale or donation as the Sec-
21 retary of Defense determines could not result in the
22 Identification Friend or Foe equipment or acces-
23 sories being acquired by enemies of the United
24 States.

1 “(c) NOTICE OF PROHIBITION OF SALE OF IFF
2 EQUIPMENT OR ACCESSORIES.—The Secretary of Defense
3 shall require the prohibition specified in this section to be
4 prominently and immediately displayed on any media that
5 provides for the private purchase of surplus military
6 equipment.

7 “(d) IDENTIFICATION FRIEND OR FOE EQUIPMENT
8 OR ACCESSORY DEFINED.—In this section, the term
9 “Identification Friend or Foe equipment or accessory”
10 means any system of infrared or reflective components de-
11 signed and manufactured at the request of, and to the
12 specifications of, the Department of Defense to be used
13 for the identification of a person as a member of the
14 armed forces in poor lighting conditions.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 2572 the following new
18 item:

“2573. Prohibition on sale or donation of Identification Friend or Foe equip-
ment and accessories.”.

19 **SEC. 3. PROHIBITION ON UNAUTHORIZED POSSESSION OF**
20 **IDENTIFICATION FRIEND OR FOE EQUIP-**
21 **MENT AND ACCESSORIES.**

22 Section 701 of title 18, United States Code, is
23 amended—

4 (2) by adding at the end the following new sub-
5 section:

6 “(b) MILITARY IDENTIFICATION FRIEND OR FOE

7 EQUIPMENT OR ACCESSORIES.—Whoever manufactures,
8 sells, or possesses any identification friend or foe equip-
9 ment or accessories, or any colorable imitation thereof, ex-
10 cept as authorized under regulations made pursuant to
11 law, shall be fined under this title or imprisoned not more
12 than six months, or both. In this subsection, the term
13 “Identification Friend or Foe equipment or accessory”
14 means any system of infrared or reflective components de-
15 signed and manufactured at the request of, and to the
16 specifications of, the Department of Defense to be used
17 for the identification of a person as a member of the
18 armed forces in poor lighting conditions.”.

19 SEC. 4. EFFECTIVE DATE.

20 The amendments made by this section shall take ef-
21 feit 30 days after the date of the enactment of this Act.

