

114TH CONGRESS
1ST SESSION

S. 1245

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

IN THE SENATE OF THE UNITED STATES

MAY 7, 2015

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Commu-
5 nities and Police Act of 2015”.

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Findings.

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

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

1 **SEC. 3. FINDINGS.**

2 Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **“(a) DEFINITIONS.—In this section—**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(B) a remotely piloted aerial vehicle;

4 “(C) a tactical military vehicle;

5 “(D) facial recognition software;

6 “(E) watercraft; or

7 “(F) manned aircraft;

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

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

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

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

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

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

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

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

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

21 “(3) PROHIBITED ITEMS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 “(2) RESTRICTIONS ON SMALL AGENCIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 “(d) TRAINING AND CERTIFICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(E) SATISFACTION BY RECENT HIREES.—

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

17 “(e) REPORTING REQUIREMENTS.—

18 “(1) ANNUAL REPORTS BY ADMINISTRATOR.—

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

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

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

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

3 “(2) GRANT APPLICANTS AND RECIPIENTS.—

4 “(A) LIST OF EQUIPMENT PURCHASED.—

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

14 “(B) AGENCIES WITH SPECIAL EQUIP-

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

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

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

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

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

21 “(ii) the rationale for the deployment;

22 “(iii) the nexus between—

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

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

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

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

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

21 “(A) has in place—

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

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

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

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

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

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

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

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

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

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

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

13 “(I) non-binding in character; or

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

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

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

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

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

15 “(g) SUSPENSION AND TERMINATION.—

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

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

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

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

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

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

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

12 “(h) LAW ENFORCEMENT EXPERTISE.—

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

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

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

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

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

4 “(B) assessing covered grant applications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(1) REGULATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(D) Bayonets.

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

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

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

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

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

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

20 “(i) Weapons over .50 caliber.

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

24 “(iii) Tactical military vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(i) Weapons.

11 “(ii) Tactical military vehicles.

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

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

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

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

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

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

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

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

20 “(ii) to maintain the item.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(2) EXCEPTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 “(v) Civil rights and civil liberties.

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

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

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

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

3 “(p) TRAINING REQUIREMENTS.—

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

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

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

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

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

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

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

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

15 “(B) SATISFACTION BY RECENT HIREES.—

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

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

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

9 “(A) Inventory management.

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

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

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

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

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

10 “(4) SWAT TEAMS.—

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

1 “(B) SATISFACTION BY RECENT HIREES.—

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

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

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

18 “(A) has in place—

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

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

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

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

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

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

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

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

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

5 “(I) non-binding in character; or

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

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

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

5 “(r) INTERAGENCY TRANSFER.—

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

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

23 “(s) SUSPENSION AND TERMINATION.—

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

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

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

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

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

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

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

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

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

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

24 “(t) REPORT REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 “(w) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (A) A controlled defense item.

7 (B) An eligible defense item.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(4) all costs incurred subsequent to the trans-
8 fer of the property are borne or reimbursed by the
9 recipient.

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

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

16 **“§ 2576c. Excess personal property: sale or donation**
17 **for Federal law enforcement activities**

18 “(a) TRANSFER AUTHORIZED.—(1) Notwithstanding
19 any other provision of law and subject to subsection (b),
20 the Secretary of Defense may transfer to Federal agencies
21 personal property of the Department of Defense, including
22 small arms and ammunition, that the Secretary deter-
23 mines is—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(a) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(I) a list of prohibited items;
9 and

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

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

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

19 “(i) Weapons over .50 caliber.

20 “(ii) Tactical military vehicles.

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

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

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

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

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

10 “(2) PROHIBITED ITEMS.—

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

16 “(B) EXCEPTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 “(II) purchased using funds
5 from—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(iii) a SWAT team composed of members from 2 or more law enforcement agencies which agencies have, in aggregate, fewer than 35 sworn law enforcement officers.

“(3) RESTRICTIONS ON LOCAL EDUCATION AGENCIES.—

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

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

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

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

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

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

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

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

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

1 “(4) CAMOUFLAGE UNIFORMS OR CLOTHING.—

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

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

12 “(A) NO DELEGATION OF AUTHORITY.—

13 The Attorney General may not delegate the au-
14 thority to approve an application for a grant
15 under this subpart if the application proposes
16 to use funds for the purchase of an item speci-
17 fied in subparagraph (B).

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

20 “(i) Weapons over .50 caliber.

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

24 “(iii) Tactical military vehicles.

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

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

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

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

24 “(d) TRAINING AND CERTIFICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(3) BEST PRACTICES.—

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

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

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

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

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

2015, if the Attorney General has not published the best practices required under subparagraph (A), the Attorney General shall provide quarterly updates to Congress on the reason for the delay in publication and the expected date of publication.

“(e) REPORTING AND POLICY REQUIREMENTS.—

“(1) REPORTING AND RECORDKEEPING REQUIREMENTS FOR GRANT FUNDING RECIPIENTS.—

“(A) SWAT TEAM DEPLOYMENT RECORDS.—A law enforcement agency that receives covered funds shall maintain a record of each deployment of a SWAT team by the law enforcement agency, which shall include—

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

“(ii) the rationale for the deployment;

“(iii) the nexus between—

“(I) the use of force policy and SWAT team policy of the law enforcement agency; and

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

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

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

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

8 “(2) DOJ REPORTS.—

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

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

18 “(ii) an appendix describing—

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

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

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

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

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

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

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

1 “(A) has in place—

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

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

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

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

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

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

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

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

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

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

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

17 “(I) non-binding in character; or

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

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

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

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

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

20 “(g) SUSPENSION AND TERMINATION.—

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

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

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

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

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

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

pend the law enforcement agency from eligibility to receive covered funds for a period of 6 months; and

“(ii) on any subsequent occurrence in the case of the law enforcement agency, the Director, after providing the law enforcement agency with notice and the opportunity to contest the allegation, shall suspend the law enforcement agency from eligibility to receive covered funds for a period of 3 years.

“(2) INTENTIONAL FALSIFICATION OF INFORMATION.—If a law enforcement agency is determined by the Attorney General to have intentionally falsified any information relating to the use of covered funds, the Attorney General, after providing the law enforcement agency with notice and the opportunity to contest the determination, shall terminate the law enforcement agency from eligibility to receive covered funds.

“(h) ADDITIONAL PROGRAM OVERSIGHT.—

“(1) ATTORNEY GENERAL OBLIGATIONS.—

“(A) SUBGRANTEE OVERSIGHT.—In conducting oversight of the use of covered funds, the Attorney General shall conduct inspections

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

5 “(B) LAW ENFORCEMENT EXPERTISE.—

6 “(i) ESTABLISHMENT OF POSITION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (1) in paragraph (1)—

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

18 (B) by striking “and” at the end;

19 (2) in paragraph (2)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(a) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

