

116TH CONGRESS
2D SESSION

H. R. 7133

To encourage State and local demilitarization by incentivizing the return of purchases made through the LESO program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2020

Ms. HAALAND (for herself, Mr. JOHNSON of Georgia, Mr. GALLEG0, Ms. BASS, Mr. COHEN, Ms. DEAN, Mrs. HAYES, Mrs. CAROLYN B. MALONEY of New York, Ms. NORTON, Mr. SAN NICOLAS, Ms. SCANLON, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To encourage State and local demilitarization by incentivizing the return of purchases made through the LESO program, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Police Receiving Overly
5 Traumatizing Equipment Changes Today Act” or the
6 “PROTECT Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Under section 2576a of title 10, United
4 States Code, the Department of Defense is author-
5 ized to provide excess property to local law enforce-
6 ment agencies. The Defense Logistics Agency ad-
7 ministers such section by operating the Law En-
8 forcement Support Office (referred to in this Act as
9 “LESO”) program.

10 (2) New and used material, including mine-re-
11 sistant ambush-protected vehicles and weapons de-
12 termined by the Department of Defense to be “mili-
13 tary grade” are transferred to Federal, State, tribal,
14 and local law enforcement agencies through the pro-
15 gram.

16 (3) As of September 30, 2019, the Department
17 of Defense, through the LESO, as reported through
18 public information, has transferred
19 \$1,796,844,591.74 worth of equipment with over
20 1,474,319 units of goods.

21 (4) Research has shown that as transfers of
22 militarization equipment increase in States, reputa-
23 tion of police officers decreases and the increased
24 equipment shows no change in the crime rate.

25 (5) Research shows that police officers are more
26 likely to be harmed by civilians when States receive

1 certain transfers and police frequently engage in vio-
2 lent actions against civilians.

3 (6) On January 16, 2015, President Barack
4 Obama issued Executive Order 13688 to better co-
5 ordinate and regulate the Federal transfer of mili-
6 tary weapons and equipment to State, local, and
7 tribal law enforcement agencies and stated that “the
8 show of force typically associated with military oper-
9 ations, when employed by civilian police, can weaken
10 community trust, especially in communities with a
11 history of strained relationships between the commu-
12 nity and local law enforcement”.

13 (7) In July 2017, the Government Account-
14 ability Office reported that the program’s internal
15 controls were inadequate to prevent fraudulent appli-
16 cants’ access to the program.

17 **SEC. 3. LIMITING SALE OR DONATION OF EXCESS PROP-**
18 **ERTY FOR LAW ENFORCEMENT ACTIVITIES.**

19 Section 2576a of title 10, United States Code, is
20 amended—

21 (1) in subsection (a)(1)—

22 (A) in the matter preceding subparagraph

23 (A), by striking “, including small arms and
24 ammunition,”; and

1 (B) in subparagraph (A), by striking
 2 “counterdrug, counterterrorism, and border se-
 3 curity activities” and inserting “counterter-
 4 rorism”; and

5 (2) in subsection (d), by striking “counterdrug,
 6 counterterrorism, or border security activities” and
 7 inserting “counterterrorism”.

8 **SEC. 4. GEAR FOR GRANTS PROGRAM.**

9 Part A of title I of the Omnibus Crime Control and
 10 Safe Streets Act of 1968 is amended by adding at the
 11 end the following:

12 **“SEC. 110. DEMILITARIZATION OF LAW ENFORCEMENT**
 13 **AGENCIES.**

14 “(a) PRIORITY.—In awarding funds under covered
 15 grant programs, priority shall be given to States and units
 16 of local government with law enforcement agencies that,
 17 in the 12 months prior to the date on which the applica-
 18 tion for the covered grant program is submitted—

19 “(1) have no transfers from the Department of
 20 Defense; or

21 “(2) have—

22 “(A) returned to the Department of De-
 23 fense an appropriate number of transfers such
 24 that the value of transfers is equal to twice the
 25 value of the funds that the applicant would re-

1 ceive under the applicable covered grant pro-
2 gram; and

3 “(B) not received transfers from the De-
4 partment of Defense in the 12 months prior to
5 the date on which the grant is awarded.

6 “(b) COVERED GRANT PROGRAMS.—The programs
7 referred to in subsection (a) are the following::

8 “(1) The program under part Q of this title.

9 “(2) Any other grant program carried out by
10 the Department of Justice for the benefit of law en-
11 forcement agencies that the Attorney General con-
12 siders appropriate.

13 “(c) DEFINITIONS.—In this section:

14 “(1) TRANSFERS.—The term ‘transfers’ means
15 the equipment provided under section 2576a of title
16 10, United States Code, which includes the fol-
17 lowing:

18 “(A) Controlled firearms, ammunition,
19 bayonets, grenade launchers, grenades (includ-
20 ing stun and flash-bang), and explosives.

21 “(B) Controlled vehicles, highly mobile
22 multiwheeled vehicles, mine-resistant ambush-
23 protected vehicles, trucks, truck dump, truck
24 utility, and truck carryall.

1 “(C) Drones that are armored, weaponized,
2 or both.

3 “(D) Controlled aircrafts that—
4 “(i) are combat configured or combat
5 coded; or
6 “(ii) have no established commercial
7 flight application.

8 “(E) Silencers.

9 “(F) Long-range acoustic devices.

10 “(G) Items in the Federal Supply Class of
11 banned items.

12 “(2) VALUE OF TRANSFERS.—The term ‘value
13 of such transfers’ means the fair market value of the
14 equipment described in section 2576(a) of title 10,
15 United States Code, at the time of transfer.”.

16 **SEC. 5. GRANT AUTHORIZATION.**

17 (a) IN GENERAL.—The Attorney General may make
18 grants to States, units of local government, Indian tribal
19 governments, or other public and private entities, or to
20 any multijurisdictional or regional consortia of such enti-
21 ties to implement one or more of the programs and
22 trainings described in subsection (b).

23 (b) PROGRAMS.—The programs and trainings de-
24 scribed in this subsection consist of the following:

1 (1) Effective trainings on ethnic and racial bias,
2 cultural diversity, and police interaction with the dis-
3 abled, mentally ill, and immigrants.

4 (2) Training on de-escalation techniques, in-
5 cluding—

6 (A) verbal and physical tactics to minimize
7 the need for the use of force, with an emphasis
8 on communication and negotiation;

9 (B) providing the time needed to resolve
10 the incident safely for everyone;

11 (C) the use of alternative non-lethal meth-
12 ods of force; and

13 (D) techniques that prevent the officer
14 from escalating any situation where force is
15 likely to be used.

16 (3) Crisis intervention trainings to appro-
17 priately identify and respond to individuals suffering
18 from mental health or substance abuse issues, with
19 an emphasis on de-escalation tactics and promoting
20 effective communication.

21 (4) A body-worn camera program in order to
22 deter excessive force, improve accountability and
23 transparency of use of force by law enforcement offi-
24 cers, and improve evidence collection.

1 (c) APPLICATION.—To receive a grant under this
2 part, a State, unit of local government, Indian tribal gov-
3 ernment, or other public and private entity shall submit
4 to the Attorney General an application at such time, in
5 such form, and containing such information as the Attor-
6 ney General may require.

7 (d) TERM.—A grant under this section shall be made
8 for a 1-year period.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated such sums as may be nec-
11 essary to carry out this section for each of fiscal years
12 2021 through 2025.

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