



DEFENSE REUTILIZATION AND MARKETING SERVICE  
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BATTLE CREEK, MICHIGAN 49037-3092

IN REPLY  
REFER TO DRMS-BBL

JUL 20 2009

MEMORANDUM FOR EXCESS PROPERTY PROGRAM STATE COORDINATORS  
AND LAW ENFORCEMENT AGENCIES (LEAs)

SUBJECT: Policy and Procedure for the Sale or Trade of Aircraft or Aircraft Parts Received Under Title 10 USC, Section 2576a, *Excess personal property; sale or donation for law enforcement activities*

**Purpose:** Law Enforcement Support Office (LESO) to approve or disapprove the sale or trade of aircraft or aircraft parts received by LEAs on or before September 30, 1996. This Memorandum supersedes the prior Memorandum "Criteria for the Sale or Trade of Aircraft or Aircraft Parts Received through the 1208 Program," dated April 15, 2005.

**Scope:** This policy applies to all Federal, State and Local Law Enforcement Agencies (LEAs) that were enrolled in the 1208 Program and are now enrolled in the 1033 Program.

**Background:** The excess personal property program for law enforcement activities was established by Section 1208 of the National Defense Authorization Act for 1990-91 and codified at Title 10 USC, Section 2576a. It was amended in 1996. Section 2576a now authorizes the transfer of excess Department of Defense (DOD) personal property to federal and state agencies for use in counter-drug activities and counter-terrorism activities. The excess personal property program initially was operated by Regional Logistical Support Offices before being centralized at the DLA Headquarters, Fort Belvoir, Virginia in June 1995.

**Policy:** In an effort to prevent the sale or trade of aircraft and aircraft parts to an unauthorized person or agency, LEAs enrolled in the 1208 Program can sell, trade or barter aircraft and aircraft parts issued on or before September 30, 1996, after being approved by LESO. LEAs that received aircraft or aircraft parts after September 30, 1996, have the following options: retain the aircraft or aircraft parts, transfer them to another LEA or turn them into the Defense Reutilization and Marketing Office (DRMS).

**Procedures:** The State Coordinator must ensure compliance with the following procedures when requesting sale, trade or transfer of aircraft or aircraft parts to any recipients other than another LEA, DOD Agency or Entity:

- a. The prospective buyer or trade recipient is responsible for completing the DLA Form 1822 (End User Certificate), providing a copy of the recipient's drivers license and submitting it to the LEA. If the DLA Form 1822 is

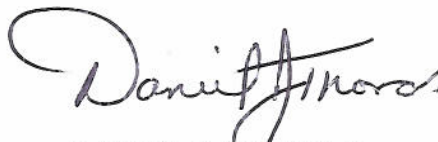


completed on behalf of a corporation or business, the person executing the DLA 1822 must submit a copy of the authorization to sign documents on behalf of the business or corporation with the completed form. The DLA Form 1822 must be completed with all requested information, legible. Instructions on how to complete the form are located at <https://demil.osd.mil>.

- b. The LEA submits a written request endorsed by the Chief Executive official to the State Coordinator. The written request includes:
  1. The DLA Form 1822 with a copy of the recipient's driver's license and authority to sign for the corporation or business when appropriate.
  2. The proposed disposition of the aircraft or aircraft parts (i.e. sale, auction or trade).
  3. Statement of flight hours and maintenance for the duration of the LEA possession (if applicable).
  4. Status of the aircraft (whether it is flyable or non-flyable, if applicable)
  5. Photographs of the aircraft-interior and exterior.
- c. The State Coordinator recommends in writing, approval or disapproval of the proposed sale, auction or trade transaction.
- d. The State Coordinator is responsible for collecting all required documentation, including but not limited to the completed DLA Form 1822, Chief Executive Official's endorsement, State Coordinator's written recommendation and submission of the complete packet to the LESO.
- e. The LESO will send the DLA Form 1822, copy of the LEAs request and a copy of the recipient's driver's license to the Trade Security Controls Assessment Office (TSCAO) for an assessment of the prospective buyer or trade recipient.
  1. Key factors in the TSCAO assessment are whether the prospective buyer or trade recipient is a U.S. Citizen, a Legal U.S. Resident or a company incorporated to do business in the U.S.; the subject of an indictment for or conviction for violating any U.S. criminal laws governing export of Munitions List Items and Commerce Control List Items (which includes aircraft and aircraft parts) are ineligible to contract with or receive a license or other approval from any agency of the U.S. Government.

2. The TSCAO assessment is not an approval or disapproval of the sale, auction or trade. It can however result in a recommendation to the LESO to disapprove the proposed sale or trade based on the legal status of the prospective buyer or trade recipient.
- f. The LESO approves or disapproves the request based on the LEAs request packet; State Coordinator's written recommendation and TSCAO's recommendation. The LESO then sends the approval or disapproval in writing to the State Coordinator.
1. Approved request requires the LEA to fax a copy of the bill of sale or trade documentation through the State coordinator to the LESO within five business days of completing the transaction.
  2. Once the bill of sale is received in the LESO, the Aircraft Manager makes the necessary adjustment to the LEA's inventory. The State Coordinator adjusts the State's records and documents the disposition of the aircraft or aircraft parts in its records and sends a copy to the LEA. The disposition documentation should be retained by the State Coordinator and LEA.

The Point of Contact is Ms. Kelly Cuel, LESO Aircraft Manager. Ms. Cuel can be reached at [Kelly.Cuel@dla.mil](mailto:Kelly.Cuel@dla.mil) or (269) 961-5142.



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