

(Original Signature of Member)

119^{n-r} CONGRESS
2D SESSION

H.R. _____

To amend title 10, United States Code, to direct the Secretary of Defense to make certain limitations on the transfer of personal property to Federal and State agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. JOHNSON of Georgia introduced the following bill; which was referred to the Committee on

~~BILL~~

To amend title 10, United States Code, to direct the Secretary of Defense to make certain limitations on the transfer of personal property to Federal and State agencies, 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 "Stop Militarizing Law
5 Enforcement Act".

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Under section 2576a of title 10, United
2 States Code, the Department of Defense is author-
3 ized to provide excess property to local law enforce-
4 ment agencies. The Defense Logistics Agency ad-
5 ministers such section by operating the Law En-
6 forcement Support Office program (commonly re-
7 ferred to as the "1033 program").

8 (2) New and used material, including mine-re-
9 sistant ambush-protected vehicles and weapons de-
10 termined by the Department of Defense to be "mili-
11 tary grade" are transferred to Federal, Tribal,
12 State, and local law enforcement agencies through
13 the program.

14 (3) As a result local law enforcement agencies,
15 including police and sheriff departments, are acquir-
16 ing this material for use in their normal operations.

17 (4) As a result of the wars in Iraq and Afghani-
18 stan, military equipment purchased for, and used in,
19 those wars has become excess property and has been
20 made available for transfer to local and Federal law
21 enforcement agencies.

22 (5) During fiscal year 2017, property valued at
23 \$504,000,000 was transferred to law enforcement
24 agencies.

1 (6) Weapons and equipment valued at more
2 than \$6,800,000,000 have been transferred to police
3 organizations in all 50 States and four territories
4 through the program.

5 (7) In May 2012, the Defense Logistics Agency
6 instituted a moratorium on the transfer of weapons
7 through the program after reports of missing equip-
8 ment and inappropriate weapons transfers.

9 (8) Though the moratorium was widely pub-
10 licized, it was lifted in October 2013 without ade-
11 quate safeguards.

12 (9) On January 16, 2015, President Barack
13 Obama issued Executive Order 13688 to better co-
14 ordinate and regulate the Federal transfer of mili-
15 tary weapons and equipment to State, local, and
16 Tribal law enforcement agencies.

17 (10) In July 2017, the Government Account-
18 ability Office reported that the internal controls of
19 the 1033 program were inadequate to prevent access
20 by fraudulent applicants to the program.

21 (11) On August 28, 2017, President Donald
22 Trump rescinded Executive Order 13688 despite a
23 July 2017 Government Accountability Office report
24 finding deficiencies with the administration of the
25 1033 program.

1 (12) On May 25, 2022, President Joseph Eiden
2 issued Executive Order 14074. Section 12 of Execu-
3 tive Order 14074 reinstated the requirements of Ex-
4 ecutive Order 13688 and imposed additional pro-
5 grammatic changes on the Law Enforcement Sup-
6 port Office. These changes included-

7 (A) a prohibition on the transfer of silenc-
8 ers and suppressors;

9 (B) a prohibition on the transfer of vehi-
10 cles without a commercial application, including
11 tracked and armored vehicles, unless a law en-
12 forcement agency certified that the vehicle
13 would be used exclusively for disaster-related
14 emergencies, active shooter scenarios, hostage
15 or search and rescue operations, or
16 antiterrorism preparedness, protection, preven-
17 tion, response, recovery, or relief; and

18 (C) new requirements for certifications and
19 public notifications when law enforcement agen-
20 cies requested property through the program.

21 (13) Pursuant to Executive Order 14074, 240
22 suppressors were recalled, returned to the Depart-
23 ment of Defense, and destroyed.

1 (14) On January 20, 2025, President Donald
2 J. Trump issued Executive Order 14148 which re-
3 scinded Executive Order 14074.

4 (15) On February 5, 2025, the Defense Logis-
5 tics Agency notified participating States of the re-
6 scission and terminated requirements imposed by the
7 1V[emorandum of Agreement addendums established
8 under Executive Order 14074.

9 (16) Suppressors were struck from the prohib-
10 ited property list and all restrictions and certifi-
11 cations placed on noncommercial vehicles and long-
12 range acoustic devices were lifted.

13 (17) As a result, Federal, State, and local law
14 enforcement departments across the country are eli-
15 gible again to acquire free military-grade weapons
16 and equipment that could be used inappropriately
17 during policing efforts in which people, including
18 ta\..lmyers, could be harmed.

19 (18) The Department of Defense categorizes
20 equipment eligible for transfer under the 1033 pro-
21 gram as either controlled or un-controlled. Con-
22 trolled equipment includes weapons, explosives (such
23 as flash-bang grenades), mine-resistant ambush-pro-
24 tected vehicles, long-range acoustic devices, aircraft
25 capable of being modified to carry armaments that

1 are combat coded, and silencers, among other mili-
2 tary grade items.

3 **SEC. 3. LIMITATION ON DEPARTMENT OF DEFENSE TRANS-**
4 **FER OF PERSONAL PROPERTY TO LOCAL LAW**
5 **ENFORCEMENT AGENCIES.**

6 (a) IN GENERAL.-Section 2576a of title 10, United
7 States Code, is amended-

8 (1) in subsection (a)-

9 (A) in paragraph (1)(A), by striking
10 "counterdrug, counterterrorism, disaster-related
11 emergency preparedness, and border security
12 activities" and inserting "counterterrorism";
13 and

14 (B) in paragraph (2), by striking ", the
15 Director of National Drug Control Policy,";

16 (2) in subsection (b)-

17 (A) in paragraph (5), by striking "and" at
18 the end;

19 (B) in paragraph (6), by striking the pe-
20 riod and inserting a semicolon; and

21 (C) by adding at the end the following new
22 paragraphs:

23 "(7) the recipient submits to the Department of
24 Defense a description of how the recipient expects to
25 use the property;

1 "(8) the recipient certifies to the Department of
2 Defense that if the recipient determines that the
3 property is surplus to the needs of the recipient, the
4 recipient will return the property to the Department
5 of Defense;

6 "(9) with respect to a recipient that is not a
7 Federal agency, the recipient certifies to the Depart-
8 ment of Defense that the recipient notified the local
9 community of the request for personal property
10 under this section by-

11 "(A) publishing a notice of such request on
12 a publicly accessible website;

13 "**(B)** posting such notice at several promi-
14 nent locations in the jurisdiction of the recipi-
15 ent; and

16 "(C) ensuring that such notices were avail-
17 able to the local community for a period of not
18 less than 30 days before the transfer occurs;
19 and

20 "(10) the recipient has received the approval of
21 the city council or other local governing body to ac-
22 quire the personal property sought under this sec-
23 tion.";

24 (3) by striking subsections (d) and (e);

1 (4) by redesignating subsections (f) and (g) as
2 subsections (m) and (n), respectively; and

3 (5) by inserting after subsection (c) the fol-
4 lowing new subsections:

5 **"(d) ANNUAL CERTIFICATION ACCOUNTING FOR**
6 **TRANSFERRED PROPERTY.**-(1) For each fiscal year, the
7 Secretary shall submit to Congress certification in writing
8 that each Federal or State agency to which the Secretary
9 has transferred property under this section-

10 "(A) has provided to the Secretary documenta-
11 tion accounting for all controlled property, including
12 arms and ammunition, that the Secretary has trans-
13 ferred to the agency, including any item described in
14 subsection (f) so transferred before the date of the
15 enactment of the Stop Militarizing Law Enforce-
16 ment Act; and

17 "(B) with respect to a non-Federal agency, car-
18 ried out each of paragraphs (5) through (8) of sub-
19 section (b).

20 "(2) If the Secretary cannot provide a certification
21 under paragraph (1) for a Federal or State agency, the
22 Secretary may not transfer additional property to that
23 agency under this section.

24 **"(e) ANNUAL REPORT ON EXCESS PROPERTY.**-Be-
25 fore making any property available for transfer under this

1 section, the Secretary shall annually submit to Congress
2 a description of the property to be transferred together
3 with a certification that the transfer of the property would
4 not violate this section or any other provision of law.

5 "(f) LIMITATIONS ON TRANSFERS.-(1) Except as
6 provided in paragraph (3), the Secretary may not transfer
7 to a Federal or State agency under this section any of
8 the following property:

9 "(A) Controlled firearms, ammunition, bayo-
10 nets, grenade launchers, grenades (including stun
11 and flash-bang), and explosives.

12 "(B) Controlled vehicles, highly mobile multi-
13 wheeled vehicles, mine-resistant ambush-protected
14 vehicles, trucks, dump trucks, truck utilities, and
15 truck carryalls.

16 "(C) Drones that are armored, weaponized, or
17 both.

18 "(D) Controlled aircraft that-

19 "(i) are combat configured or combat
20 coded; or

21 "(ii) have no established commercial flight
22 application.

23 "(E) Silencers.

24 "(F) Long-range acoustic devices.

1 "(G) Items in the Federal Supply Class of
2 banned items.

3 "(2) The Secretary may not require, as a condition
4 of a transfer under this section, that a Federal or State
5 agency demonstrate the use of any small arms or ammuni-
6 tion.

7 "(3) The Secretary may transfer to a law enforce-
8 ment agency under this section controlled firearms not ca-
9 pable of automatic fire or controlled vehicles, trucks, dump
10 trucks, truck utilities, and truck carryalls only after the
11 law enforcement agency submits to the Secretary certifi-
12 cation in writing that-

13 "(A) the property to be transferred is necessary
14 for a specific public safety, disaster response, or
15 emergency purpose;

16 "(B) the law enforcement agency has completed
17 training approved by the Secretary; and

18 "(C) the law enforcement agency will not use
19 the transferred property for routine patrol activities.

20 "(4) The limitations under this subsection shall apply
21 to the transfer of property from one Federal or State
22 agency to another such agency if the property was at any
23 time Department of Defense property transferred under
24 this section.

1 "(5)(A) The Secretary may waive the applicability of
2 paragraph (1) to a vehicle described in subparagraph (B)
3 of such paragraph (other than a mine-resistant ambush-
4 protected vehicle), if the Secretary determines that such
5 a waiver is necessary for disaster or rescue purposes or
6 for another purpose where life and public safety are at
7 risk, as demonstrated by the proposed recipient of the ve-
8 hicle.

9 "(B) If the Secretary issues a waiver under subpara-
10 graph (A), the Secretary shall-

11 "(i) submit to CongTess notice of the waiver,
12 and make the notice publicly available on an appro-
13 priate website of the Department, by not later than
14 30 days after the date on which the waiver is issued;
15 and

16 "(ii) reqmre, as a condition of the waiver, that
17 the recipient of the vehicle for which the waiver is
18 issued provides public notice of the waiver and the
19 transfer, including the type of vehicle and the pur-
20 pose for which it is transferred, in the jurisdiction
21 where the recipient is located by not later than 30
22 days after the date on which the waiver is issued.

23 "(6) The Secretary may provide for an exemption to
24 the limitation under subparagTaph (D) of paragraph (1)
25 in the case of parts for aircraft described in such subpara-

1 graph that are transferred as part of regular maintenance
2 of aircraft in an existing fleet.

3 "(7) The Secretary shall require, as a condition of
4 any transfer of property under this section, that the Fed-
5 eral or State agency that receives the property shall return
6 the property to the Secretary within 30 days if the agen-
7 cy-

8 "(A) becomes the subject of an investigation by
9 the Department of Justice relating to a violation of
10 civil liberties in which property transferred under
11 this section was used, deployed, or otherwise in-
12 volved; or

13 "(B) is determined, pursuant to any Federal or
14 State administrative, judicial, or independent over-
15 sight process, to have engaged in a pattern or prac-
16 tice of widespread civil-liberties abuses involving the
17 use, deployment, or involvement of property trans-
18 ferred under this section.

19 **"(g) CONDITIONS FOR EXTENSION OF PROGRAM.-**
20 Notwithstanding any other provision of law, amounts au-
21 thorized to be appropriated or otherwise made available
22 for any fiscal year may not be obligated or expended to
23 carry out this section unless-

1 "(1) the Secretary of Defense submits to Con-
2 gress certification that for the preceding fiscal
3 year-

4 "(A) each Federal or State agency that re-
5 ceived controlled property transferred under
6 this section-

7 "(i) demonstrated 100 percent ac-
8 countability for all such property in ac-
9 cordance with paragraph (2) or (3), as ap-
10 plicable; or

11 "(ii) was suspended from the program
12 pursuant to paragraph (4);

13 "(B) with respect to each non-Federal
14 agency that received controlled property under
15 this section, the State coordinator responsible
16 for each the agency has verified that the coordi-
17 nator, or an agent of the coordinator, conducted
18 an in-person inventory of the property trans-
19 ferred to the agency and that-

20 "(i) 100 percent of such property was
21 accounted for during the inventory; or

22 "(ii) the agency was suspended from
23 the program pursuant to paragraph (4);

24 "(C) with respect to each Federal agency
25 that received controlled property under this sec-

1 tion, the Secretary of Defense or the designee
2 of the Secretary, conducted an in-person inven-
3 tory of the property transferred to the agency
4 and that-

5 "(i) 100 percent of such property was
6 accounted for during the inventory; or

7 "(ii) the agency was suspended from
8 the program pursuant to paragraph (4);

9 "(2) in the case of any agency that received
10 controlled property under this section during the
11 preceding year for which an inventory conducted as
12 described in paragraph (1) did not account for 100
13 percent of such property, the Secretary of Defense-

14 "(A) suspends the eligibility of such agency
15 to receive property under this section has been
16 suspended; and

17 "(B) submits to Congress notice in writing
18 of such suspension;

19 "(3) each State coordinator has certified, for
20 each non-Federal agency located in the State for
21 which the State coordinator is responsible that-

22 "(A) the agency has complied with all re-
23 quirements under this section; or

1 **"(B)** the eligibility of the agency to receive
2 property transferred under this section has been
3 suspended; and

4 "(4) the Secretary of Defense has certified, for
5 each Federal agency that has received property
6 under this section that-

7 "(A) the agency has complied with all re-
8 quirements under this section; or

9 "(B) the eligibility of the agency to receive
10 property transferred under this section has been
11 suspended.

12 "(h) PROHIBITION ON OWNERSHIP OF CONTROLLED
13 PROPERTY.-A Federal or State agency that receives con-
14 trolled property under this section may never take owner-
15 ship of the property.

16 "(i) NOTICE TO CONGRESS OF PROPERTY DOWN-
17 GRADES.-Not later than 30 days before downgrading the
18 classification of any item of personal property from con-
19 trolled or Federal Supply Class, the Secretary shall submit
20 to Congress notice of the proposed downgrade.

21 "(j) NOTICE TO CONGRESS OF PROPERTY CANNIBAL-
22 IZATION.-Before the Defense Logistics Agency author-
23 izes the recipient of property transferred under this sec-
24 tion to cannibalize the property, the Secretary shall submit
25 to Congress notice of such authorization, including the

1 name of the recipient requesting the authorization, the
2 purpose of the proposed cannibalization, and the type of
3 property proposed to be cannibalized.

4 **"(k) QUARTERLY REPORTS ON USE OF CONTROLLED**
5 **EQUIPMENT.**-Not later than 30 days after the last day
6 of each fiscal quarter, the Secretary shall submit to Con-
7 gress a report that identifies and describes any use during
8 that fiscal quarter of controlled property that was trans-
9 ferred under this section.

10 **"(l) REPORTS TO CONGRESS.**-Not later than 30
11 days after the last day of each fiscal year, the Secretary
12 shall submit to Congress a report that includes on the fol-
13 lowing information for the preceding fiscal year:

14 **"(1)** The percentage of the property transferred
15 under this section that was lost by recipients during
16 the fiscal year, including specific information about
17 the type of property lost, the monetary value of such
18 property, and the recipient that lost the property.

19 **"(2)** An identification of any new (condition
20 code A) property that was transferred under this
21 section during the fiscal year, including specific in-
22 formation about the type of property, the recipient
23 of the property, the monetary value of each item of
24 the property, and the total monetary value of all
25 such property transferred during the fiscal year."

1 (b) EFFECTIVE DATE.-The amendments made by
2 subsection (a) shall apply with respect to any transfer of
3 property made after the date of the enactment of this Act.