

119TH CONGRESS
1ST SESSION

S. 2198

To amend title 10, United States Code, to limit the authority of the Department of Defense and other Federal law enforcement personnel to support civilian law enforcement activities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 26 (legislative day, JUNE 24), 2025

Ms. DUCKWORTH (for herself, Ms. HIRONO, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to limit the authority of the Department of Defense and other Federal law enforcement personnel to support civilian law enforcement activities, 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 “Military in Law En-
5 forcement Accountability Act”.

1 **SEC. 2. LIMITATION ON PROVISION OF SUPPORT BY ARMED**
2 **FORCES TO CIVILIAN LAW ENFORCEMENT**
3 **ACTIVITIES.**

4 (a) IN GENERAL.—Chapter 15 of title 10, United
5 States Code, is amended by inserting after section 274 the
6 following new section:

7 **“§ 274a. Limitation on provision of support**

8 “(a) IN GENERAL.—The Secretary of Defense may
9 provide support under section 272, 273, or 274 of this
10 title only in the following circumstances:

11 “(1) In the case of a humanitarian crisis within
12 the United States that could or is overwhelming the
13 capabilities of civilian law enforcement authorities, if
14 the President first submits to Congress a written
15 justification for the support that includes a descrip-
16 tion of how that crisis could or is overwhelming the
17 capabilities of such authorities.

18 “(2) In the case of a natural disaster within the
19 United States that could or is overwhelming the ca-
20 pabilities of civilian law enforcement authorities, if
21 the President first submits to Congress a written
22 justification for the support that includes a descrip-
23 tion of how that disaster could or is overwhelming
24 the capabilities of such authorities.

25 “(3) In the case of a public health emergency
26 within the United States that could or is over-

1 whelming the capabilities of civilian law enforcement
2 authorities, if the President first submits to Con-
3 gress a written justification for the support that in-
4 cludes a description of how that emergency could or
5 is overwhelming the capabilities of such authorities.

6 “(4) In the case of an attack on critical infra-
7 structure within the United States the domestic
8 emergency response to which could or is over-
9 whelming the capabilities of civilian law enforcement
10 authorities, if the President first submits to Con-
11 gress a written justification for the support that in-
12 cludes a description of how that response could or
13 is overwhelming the capabilities of such authorities.

14 “(5) In the case of a nuclear attack or other di-
15 rect military attack within the United States the do-
16 mestic emergency response to which could or is over-
17 whelming the capabilities of civilian law enforcement
18 authorities, if the President first submits to Con-
19 gress a written justification for the support that in-
20 cludes a description of how that response could or
21 is overwhelming the capabilities of such authorities.

22 “(6) In the case of a domestic terrorist incident
23 within the United States the domestic emergency re-
24 sponse to which could or is overwhelming the capa-
25 bilities of civilian law enforcement authorities, if the

1 President first submits to Congress a written jus-
 2 tification for the support that includes a description
 3 of how that response could or is overwhelming the
 4 capabilities of such authorities.

5 “(b) LIMITATION ON TIMING.—

6 “(1) IN GENERAL.—The Secretary of Defense
 7 may not provide support under section 272, 273, or
 8 274 of this title for a period that exceeds 14 days
 9 unless a joint resolution of approval is enacted that
 10 approves the provision of such support for a longer
 11 period.

12 “(2) JOINT RESOLUTION OF APPROVAL.—In
 13 this subsection, the term ‘joint resolution of ap-
 14 proval’ means only a joint resolution of either House
 15 of Congress—

16 “(A) the title of which is as follows: ‘A
 17 joint resolution approving the provision by the
 18 Department of Defense of support to civilian
 19 law enforcement for a period of more than 14
 20 days.’; and

21 “(B) the sole matter after the resolving
 22 clause of which is the following: ‘Congress ap-
 23 proves of the provision of support under section
 24 272, 273, or 274 of title 10, United States
 25 Code, with respect to _____ for a pe-

riod not to exceed _____.’, with the first blank space being filled with a short description of the proposed action and the second blank space being filled with the appropriate period following the date of adoption of the resolution.

“(3) INTRODUCTION.—A joint resolution of approval may be introduced—

“(A) in the Senate, by the majority leader (or the majority leader’s designee) or the minority leader (or the minority leader’s designee); and

“(B) in the House of Representatives, by the majority leader or the minority leader.

“(4) CONSIDERATION IN THE SENATE.—

“(A) COMMITTEE REFERRAL.—A joint resolution of approval introduced in the Senate shall be referred to the Committee on Armed Services.

“(B) REPORTING AND DISCHARGE.—If the Committee on Armed Services has not reported a joint resolution of approval within 10 calendar days after the date of referral of the joint resolution, that committee shall be discharged from further consideration of the joint resolu-

tion and the joint resolution shall be placed on the appropriate calendar.

“(C) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Armed Services reports a joint resolution of approval to the Senate or has been discharged from consideration of such a joint resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

“(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution of approval shall be decided without debate.

1 “(E) CONSIDERATION OF VETO MES-
 2 SAGES.—Debate in the Senate of any veto mes-
 3 sage with respect to a joint resolution of ap-
 4 proval, including all debatable motions and ap-
 5 peals in connection with the joint resolution,
 6 shall be limited to 10 hours, to be equally di-
 7 vided between, and controlled by, the majority
 8 leader and the minority leader or their des-
 9 ignees.

10 “(5) FLOOR CONSIDERATION IN HOUSE OF
 11 REPRESENTATIVES.—If a committee of the House of
 12 Representatives to which a joint resolution of ap-
 13 proval has been referred has not reported the joint
 14 resolution within 10 calendar days after the date of
 15 referral, that committee shall be discharged from
 16 further consideration of the joint resolution.

17 “(6) RULES RELATING TO SENATE AND HOUSE
 18 OF REPRESENTATIVES.—

19 “(A) TREATMENT OF HOUSE JOINT RESO-
 20 LUTION IN SENATE.—

21 “(i) RECEIPT BEFORE PASSAGE OF
 22 SENATE RESOLUTION.—If, before the pas-
 23 sage by the Senate of a joint resolution of
 24 approval, the Senate receives an identical
 25 joint resolution from the House of Rep-

1 representatives, the following procedures shall
2 apply:

3 “(I) That joint resolution shall
4 not be referred to a committee.

5 “(II) With respect to that joint
6 resolution—

7 “(aa) the procedure in the
8 Senate shall be the same as if no
9 joint resolution had been received
10 from the House of Representa-
11 tives; but

12 “(bb) the vote on passage
13 shall be on the joint resolution
14 from the House of Representa-
15 tives.

16 “(ii) RECEIPT FOLLOWING PASSAGE
17 OF SENATE RESOLUTION.—If, following
18 passage of a joint resolution of approval in
19 the Senate, the Senate receives an identical
20 joint resolution from the House of Rep-
21 resentatives, that joint resolution shall be
22 placed on the appropriate Senate calendar.

23 “(iii) NO COMPANION RESOLUTION.—
24 If a joint resolution of approval is received
25 from the House, and no companion joint

1 resolution has been introduced in the Sen-
2 ate, the Senate procedures under this sub-
3 section shall apply to the House joint reso-
4 lution.

5 “(B) TREATMENT OF SENATE JOINT RESO-
6 LUTION IN HOUSE.—In the House of Rep-
7 resentatives, the following procedures shall
8 apply to a joint resolution of approval received
9 from the Senate (unless the House has already
10 passed a joint resolution relating to the same
11 proposed action):

12 “(i) The joint resolution shall be re-
13 ferred to the Committee on Armed Serv-
14 ices.

15 “(ii) If the Committee on Armed
16 Services has not reported the joint resolu-
17 tion within 2 calendar days after the date
18 of referral, that committee shall be dis-
19 charged from further consideration of the
20 joint resolution.

21 “(iii) Beginning on the third legisla-
22 tive day after the Committee on Armed
23 Services reports the joint resolution to the
24 House or has been discharged from further
25 consideration thereof, it shall be in order

1 to move to proceed to consider the joint
2 resolution in the House. All points of order
3 against the motion are waived. Such a mo-
4 tion shall not be in order after the House
5 has disposed of a motion to proceed on the
6 joint resolution. The previous question
7 shall be considered as ordered on the mo-
8 tion to its adoption without intervening
9 motion. The motion shall not be debatable.
10 A motion to reconsider the vote by which
11 the motion is disposed of shall not be in
12 order.

13 “(iv) The joint resolution shall be con-
14 sidered as read. All points of order against
15 the joint resolution and against its consid-
16 eration are waived. The previous question
17 shall be considered as ordered on the joint
18 resolution to final passage without inter-
19 vening motion except 2 hours of debate
20 equally divided and controlled by the spon-
21 sor of the joint resolution (or a designee)
22 and an opponent. A motion to reconsider
23 the vote on passage of the joint resolution
24 shall not be in order.

1 “(C) APPLICATION TO REVENUE MEAS-
 2 URES.—The provisions of this paragraph shall
 3 not apply in the House of Representatives to a
 4 joint resolution of approval that is a revenue
 5 measure.

6 “(7) RULES OF SENATE AND HOUSE OF REP-
 7 RESENTATIVES.—This subsection is enacted by Con-
 8 gress—

9 “(A) as an exercise of the rulemaking
 10 power of the Senate and the House of Rep-
 11 resentatives, respectively, and as such is deemed
 12 a part of the rules of each House, respectively,
 13 and supersedes other rules only to the extent
 14 that it is inconsistent with such rules; and

15 “(B) with full recognition of the constitu-
 16 tional right of either House to change the rules
 17 (so far as relating to the procedure of that
 18 House) at any time, in the same manner, and
 19 to the same extent as in the case of any other
 20 rule of that House.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
 22 at the beginning of chapter 15 of such title is amended
 23 by inserting after the item relating to section 274 the fol-
 24 lowing new item:

“274a. Limitation on provision of support.”.

25 (c) CONFORMING AMENDMENTS.—

1 (1) USE OF MILITARY EQUIPMENT.—Section
 2 272 of title 10, United States Code, is amended by
 3 inserting “section 274a of this title and” after “in
 4 accordance with”.

5 (2) TRAINING AND ADVISING CIVILIAN LAW EN-
 6 FORCEMENT OFFICIALS.—Section 273 of title 10,
 7 United States Code, is amended by inserting “sec-
 8 tion 274a of this title and” after “in accordance
 9 with”.

10 (3) MAINTENANCE AND OPERATION OF EQUIP-
 11 MENT.—Section 274 of title 10, United States Code,
 12 is amended by inserting “section 274a of this title
 13 and” after “in accordance with” each place it ap-
 14 pears.

15 **SEC. 3. PROHIBITION ON SIMULTANEOUS SERVICE IN THE**
 16 **DEPARTMENT OF DEFENSE AND CIVILIAN**
 17 **LAW ENFORCEMENT.**

18 (a) IN GENERAL.—Chapter 49 of title 10, United
 19 States Code, is amended by adding at the end the fol-
 20 lowing new section:

21 **“§ 990. Prohibition on simultaneous service in the De-**
 22 **partment of Defense and civilian law en-**
 23 **forcement**

24 “(a) PROHIBITION.—Except as provided in sub-
 25 section (b), an individual serving in any capacity in the

1 Department of Defense, whether in the Armed Forces or
 2 in a civilian position, may not, while so serving, serve in
 3 any capacity in any element of civilian law enforcement
 4 outside of the Department of Defense.

5 “(b) EXCEPTIONS.—

6 “(1) IN GENERAL.—The prohibition under sub-
 7 section (a) shall not to apply to a member of a re-
 8 serve component named in section 10101 of this title
 9 who serves in an element of civilian law enforcement
 10 outside of the Department of Defense in their civil-
 11 ian capacity.

12 “(2) ACTIVE DUTY.—A member described in
 13 paragraph (1) who is called or ordered to active duty
 14 shall formally and officially recuse himself or herself
 15 from civilian law enforcement duties.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 at the beginning of chapter 49 of such title is amended
 18 by adding at the end the following new item:

“990. Prohibition on simultaneous service in the Department of Defense and ci-
 vilian law enforcement.”.

1 **SEC. 4. EXPANSION OF REQUIREMENTS FOR ARMED**
 2 **FORCES AND FEDERAL LAW ENFORCEMENT**
 3 **PERSONNEL WHEN ASSISTING CIVIL AU-**
 4 **THORITIES.**

5 (a) IN GENERAL.—Section 723(a) of title 10, United
 6 States Code, is amended by striking “to respond to a civil
 7 disturbance”.

8 (b) CONFORMING AND CLERICAL AMENDMENTS.—

9 (1) CONFORMING AMENDMENT.—The heading
 10 for section 723 of title 10, United States Code, is
 11 amended by striking “**in response to civil dis-**
 12 **turbances**”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
 14 tions at the beginning of chapter 41 of title 10,
 15 United States Code, is amended by striking the item
 16 relating to section 723 and inserting the following
 17 new item:

“723. Support of Federal authorities: requirement for use of members of the
 Armed Forces and Federal law enforcement personnel.”.

18 **SEC. 5. PRIVATE RIGHT OF ACTION.**

19 (a) IN GENERAL.—Any person, State, or local gov-
 20 ernment aggrieved of a violation of this Act or an amend-
 21 ment made by this Act by the Federal Government, or
 22 an officer or employee thereof, may bring a civil action
 23 in an appropriate district court of the United States.

1 (b) RELIEF.—In a civil action brought under sub-
2 section (a), the court may award injunctive or other equi-
3 table relief and damages.

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