

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.

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## 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

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## 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-

1           riod not to exceed \_\_\_\_\_.’, with the first  
2           blank space being filled with a short description  
3           of the proposed action and the second blank  
4           space being filled with the appropriate period  
5           following the date of adoption of the resolution.

6           “(3) INTRODUCTION.—A joint resolution of ap-  
7           proval may be introduced—

8                   “(A) in the Senate, by the majority leader  
9                   (or the majority leader’s designee) or the mi-  
10                  nority leader (or the minority leader’s des-  
11                  ignee); and

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

14           “(4) CONSIDERATION IN THE SENATE.—

15                   “(A) COMMITTEE REFERRAL.—A joint res-  
16                  olution of approval introduced in the Senate  
17                  shall be referred to the Committee on Armed  
18                  Services.

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

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

3           “(C) PROCEEDING TO CONSIDERATION.—  
4           Notwithstanding Rule XXII of the Standing  
5           Rules of the Senate, it is in order at any time  
6           after the Committee on Armed Services reports  
7           a joint resolution of approval to the Senate or  
8           has been discharged from consideration of such  
9           a joint resolution (even though a previous mo-  
10          tion to the same effect has been disagreed to)  
11          to move to proceed to the consideration of the  
12          joint resolution, and all points of order against  
13          the joint resolution (and against consideration  
14          of the joint resolution) are waived. The motion  
15          to proceed is not debatable. The motion is not  
16          subject to a motion to postpone. A motion to  
17          reconsider the vote by which the motion is  
18          agreed to or disagreed to shall not be in order.

19          “(D) RULINGS OF THE CHAIR ON PROCE-  
20          DURE.—Appeals from the decisions of the Chair  
21          relating to the application of the rules of the  
22          Senate, as the case may be, to the procedure re-  
23          lating to a joint resolution of approval shall be  
24          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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