



Office of Personal Property Management

December 20, 2022

MEMORANDUM FOR DIRECTORS, STATE AGENCIES FOR SURPLUS PROPERTY

FROM: MATTHEW S. MANGER
DIRECTOR
OFFICE OF PERSONAL PROPERTY MANAGEMENT

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Matthew Manger

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SUBJECT: Implementation of Executive Order 14074

On May 25, 2022, President Biden issued [Executive Order \(EO\) 14074](#), *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*. The purpose of this memorandum is to advise State Agencies for Surplus Property (SASPs) of changes to the U.S. General Services Administration's (GSA's) Federal Surplus Personal Property Donation Program pursuant to EO 14074.

Under Section 12 of EO 14074, GSA must:

- Prohibit the transfer of certain Federal personal property items to state, local, and tribal Law Enforcement Agencies (LEAs);
- Require additional certification, controls, and restrictions for certain controlled equipment requested by LEAs; and
- Reinstate the Law Enforcement Equipment Working Group recommendations, which were developed pursuant to EO 13688 in 2015.

For the purposes of this memorandum, an LEA is defined as an entity “whose primary function is the enforcement of applicable Federal, state, and/or local laws, and whose compensated law enforcement officers have powers to apprehend and arrest.” See FMR § 102-40.175(b).

Prohibited Equipment—Effective immediately, GSA and SASPs will cease donations of equipment that is designated as prohibited by the EO to all donees, including LEAs. Pursuant to Section 12 of EO 14074, prohibited items include:

- Firearms of .50 or greater caliber;
- Ammunition of .50 or greater caliber;

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- Firearm silencers, as defined in 18 U.S.C. 921(a)(24);
- Bayonets;
- Grenade launchers;
- Grenades (including stun and flash-bang);
- Explosives (except for explosives and percussion actuated non-electric disruptors used for accredited bomb squads and explosive detection canine training);
- Any vehicles that do not have a commercial application, including all tracked and armored vehicles, unless the LEA certifies that the vehicle will be used exclusively for disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or anti-terrorism preparedness, protection, prevention, response, recovery, or relief;
- Weaponized drones and weapons systems covered by DOD Directive 3000.09 of November 21, 2012, as amended (Autonomy in Weapon Systems);
- Aircraft that are combat-configured or combat-coded, have no established commercial flight application, or have no application for disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or anti-terrorism preparedness, protection, prevention, response, recovery, or relief; and
- Long-range acoustic devices that do not have a commercial application.

Nearly all of these items, including tracked vehicles and combat-configured aircraft, are not presently donated due to existing policy. Accordingly, impacts to state, tribal, local, and territorial LEAs (and other donees) will be minimal.

Controlled Equipment—Additionally, effective immediately, GSA and SASPs will cease donations of equipment designated as controlled by EO 14074 to state, tribal, local, and territorial LEAs. GSA came to this conclusion after consultation with stakeholders and the decision is based on several factors. As an initial matter, donations of controlled equipment to LEAs are a minute fraction of all property donated by GSA, with only 15 controlled items donated to LEAs when EO 13688 was in effect—representing .02 percent of all items donated by GSA during that time period. And the majority of donations were tactical vehicles generated by the Department of Defense (DoD), which would have otherwise been available to LEAs through the DoD 1033/Law Enforcement Support Office (LESO) program. Further, ceasing donations of controlled equipment also helps to reduce significant workload and cost burdens for SASPs and GSA, including requirements to: obtain and process certification statements from LEAs, track controlled equipment in perpetuity and conduct annual inventories of controlled

equipment, and physically accept controlled equipment returned by LEAs who no longer need the equipment or incur a civil rights judgment.

Controlled items that will no longer be donated to state, tribal, local, and territorial LEAs include:

- Fixed Wing Aircraft;
- Rotary Wing Aircraft;
- Unmanned Aerial Vehicles;
- Armored Vehicles, Wheeled (e.g., Bearcat, MRAP);
- Tactical Vehicles, Wheeled (e.g., HMMWV);
- Command and Control Vehicles;
- Specialized Firearms and Ammunition Under .50-Caliber (excluding service-issued handguns, rifles, and shotguns);
- Explosives and Pyrotechnics;
- Breaching Apparatus (e.g., battering ram or similar entry device);
- Riot Batons (excluding service-issued telescopic or fixed-length straight batons);
and
- Riot Helmets and Shields.

Many of these items are not presently donated by GSA due to existing policy, which means that impacts to LEAs will be minimal. Further, GSA's implementation of EO 14074 does not impact LEA access to Federal controlled equipment through DoD's 1033/LESO program (managed by the Defense Logistics Agency). And LEAs may continue to receive non-controlled items through GSA's donation program.

Moreover, GSA and SASPs may continue to donate controlled items to other, non-LEA donees if they are otherwise permitted to receive such property as a matter of policy. For example, tactical vehicles (e.g., HMMWVs), aircraft, and other items can continue to be donated to non-LEA donees in accordance with Federal regulations and policies.

Thank you for your prompt attention to this memorandum. If you have questions, please contact your servicing [GSA Zonal Office](#), or Christina Shaw, Director, Utilization and Donation Programs, via email: christina.shaw@gsa.gov or phone: (856) 371-1606.

cc: Directors, Personal Property Management Zones