

Congress of the United States
Washington, DC 20515

September 25, 2020

The Honorable Jim Inhofe
Chairman
Senate Armed Services Committee
205 Russell Senate Office Building
Washington, DC 20510

The Honorable Adam Smith
Chairman
House Armed Services Committee
2216 Rayburn Office Building
Washington, DC 20515

The Honorable Jack Reed
Ranking Member
Senate Armed Services Committee
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Mac Thornberry
Ranking Member
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Inhofe, Chairman Smith, Ranking Member Reed, and Ranking Member Thornberry:

As House and Senate conferees negotiate the Fiscal Year (FY) 2021 National Defense Authorization Act (NDAA), we encourage you to ensure that the conference report includes provisions requiring reform of the Sec. 1033 Program by imposing additional conditions and limitations on the transfer of Department of Defense property for law enforcement activities.

Reforms proposed to the Sec. 1033 program have broad support across the two chambers of Congress as both the Senate and the House have unequivocally stated that we must increase the oversight and restriction of transfers of military equipment to law enforcement. In the Senate, Sec. 1054 was offered by Chairman Inhofe as an amendment to the NDAA, and it passed in a strong, bipartisan vote of 90-10. In the House, more comprehensive reforms of the program were incorporated in the Justice in Policing Act, which passed in a bipartisan fashion by a 236-181 vote.

Our law enforcement agencies are meant to serve and protect the public and they should not be equipped like combat units. Sec. 1054 in S.4049 ensures that items that have no place in law enforcement - bayonets, grenades, weaponized tracked combat vehicles, and weaponized drones - may no longer be transferred from the federal government to Tribal, State, or local law enforcement agencies. These commonsense reforms will ensure American cities and streets are not transformed into warzones.

Furthermore, the provision ensures that any law enforcement agency receiving defense property conducts training on “respect for the rights of citizens under the Constitution of the United States and de-escalation of force.” The fundamental rights of free speech and assembly

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are core to our democracy and must be respected by all government personnel. Our cities and states should institute training that teaches police to respect communities' cultures and to problem-solve rather than treat every interaction as a potential confrontation. Incorporating the training required by Sec. 1054 will bolster the understanding of law enforcement officers on the Constitutional rights of all Americans and ensure peaceful protests are not met with unnecessary force.


Additionally, we request that the conferees include additional oversight and reform of the Sec. 1033 program in accordance with the bipartisan consensus on this issue, to include:

- guaranteeing that local governing authorities have accountability, jurisdiction, and oversight of any transfers;
- requiring annual accounting for excess property transferred to law enforcement agencies;
- requiring additional notifications to Congress regarding activities under the program; and
- establishing remedies for misuse of the equipment in violation of civil liberties.

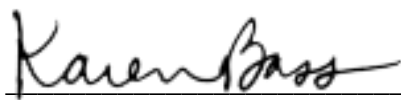
Lastly, we request that the conferees oppose the prioritization of Sec. 1033 transfers for counterdrug, border security, and non-natural disaster emergency preparedness activities included in Sec. 1041 of S. 4049. This provision encourages the continued militarization of government activities that should instead be conducted under the principles of community policing.

The military is among the most respected institutions in American society, and rightly so. Congress should both leverage and enhance the military's reputation by making sure it bolsters democracy at home in a manner consistent with our values. We thank you for your consideration of this request, and your dedicated and steadfast commitment to our national security, both domestically and overseas.

Sincerely,



Anthony G. Brown
Member of Congress



Karen Bass
Member of Congress

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The Honorable Adam Smith
The Honorable Jack Reed
The Honorable Mac Thornberry
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_____/s/
Earl Blumenauer
Member of Congress

_____/s/
Tony Cárdenas
Member of Congress

_____/s/
André Carson
Member of Congress

_____/s/
Joaquin Castro
Member of Congress

_____/s/
Wm. Lacy Clay
Member of Congress

_____/s/
Diana DeGette
Member of Congress

_____/s/
Mike Doyle
Member of Congress

_____/s/
Veronica Escobar
Member of Congress

_____/s/
Dwight Evans
Member of Congress

_____/s/
Bill Foster
Member of Congress

_____/s/
Raúl M. Grijalva
Member of Congress

_____/s/
Deb Haaland
Member of Congress

_____/s/
Alcee L. Hastings
Member of Congress

_____/s/
Jahana Hayes
Member of Congress

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_____/s/
Denny Heck
Member of Congress

_____/s/
Jared Huffman
Member of Congress

_____/s/
Sheila Jackson Lee
Member of Congress

_____/s/
Marcy Kaptur
Member of Congress

_____/s/
Joseph P. Kennedy, III
Member of Congress

_____/s/
Ro Khanna
Member of Congress

_____/s/
Daniel T. Kildee
Member of Congress

_____/s/
Raja Krishnamoorthi
Member of Congress

_____/s/
Ted W. Lieu
Member of Congress

_____/s/
Stephen F. Lynch
Member of Congress

_____/s/
Carolyn B. Maloney
Member of Congress

_____/s/
James P. McGovern
Member of Congress

_____/s/
Eleanor Holmes Norton
Member of Congress

_____/s/
Donald M. Payne, Jr.
Member of Congress

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_____/s/
Chellie Pingree
Member of Congress

_____/s/
Katie Porter
Member of Congress

_____/s/
Jamie Raskin
Member of Congress

_____/s/
Kathleen M. Rice
Member of Congress

_____/s/
C.A. Dutch Ruppersberger
Member of Congress

_____/s/
Bobby L. Rush
Member of Congress

_____/s/
Michael F.Q. San Nicolas
Member of Congress

_____/s/
John P. Sarbanes
Member of Congress

_____/s/
Jackie Speier
Member of Congress

_____/s/
Bennie G. Thompson
Member of Congress

_____/s/
David Trone
Member of Congress

_____/s/
Marc A. Veasey
Member of Congress

_____/s/
Bonnie Watson Coleman
Member of Congress