

United States Senate

September 15, 2020

The Honorable Jim Inhofe
Chairman
Senate Armed Services Committee
228 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 you begin conference discussions on the National Defense Authorization Act (NDAA) for (FY) Fiscal Year 2021, we respectfully ask that the House recede to the Senate position on section 1054, a provision which would provide for important reforms to and congressional oversight of the Department of Defense (DoD) surplus military equipment transfer program—known as the “1033 program.”

The Senate voted 90-10 to adopt this provision as an amendment to its NDAA. This strong, bipartisan vote in support of the provision is demonstrative of the Senate’s desire for implementing important reforms to how DoD provides surplus equipment to law enforcement and is an important first step in strengthening Congressional oversight of the DoD 1033 program.

We recognize the importance of the DoD 1033 program to state and local law enforcement agencies, especially where access to surplus equipment that is essential to disaster response, community policing, and general administrative operations can reduce the burden on law enforcement in financially-stressed communities. That is why we support thoughtful reform and oversight of this program to ensure continued benefits to state and local law enforcement agencies while working to reduce the risks of an increasingly militarized law enforcement that has resulted from access to specific surplus military weapons and equipment through the DoD 1033 program.

Section 1054 would prohibit the transfer of specific surplus military weapons that increases these risks of militarizing law enforcement, including bayonets; grenades (except for stun and flash-bang grenades); weaponized track combat vehicles; and weaponized drones. The provision would also strengthen congressional oversight of the program by requiring that law enforcement recipients of equipment under the DoD 1033 program are properly trained on protecting the Constitutional rights of peaceably assembled Americans and how to employ de-escalatory tactics as appropriate.

Militarized law enforcement increases the prevalence of police violence without making communities safer. By limiting the transfer of these specific military weapons and equipment, Congress is taking an important step to providing for reform and oversight of a program that has and continues to be important to state and local law enforcement. While individual members will continue to debate the extent to which Congress should exercise control over this program, a 90-10 vote in the Senate is unequivocal on this point: Congressional oversight of the DoD 1033 program is essential and overdue.

We appreciate your support and respectfully ask that the House recede to the Senate position on section 1054. Please do not hesitate to contact us if you have any questions or require additional information.

Sincerely,

/s/

BRIAN SCHATZ
U.S. Senator

/s/

RICHARD BLUMENTHAL
U.S. Senator

/s/

CHRISTOPHER S. MURPHY
U.S. Senator

/s/

RICHARD J. DURBIN
U.S. Senator

/s/

CHRISTOPHER A. COONS
U.S. Senator

/s/

MICHAEL F. BENNET
U.S. Senator

/s/

TAMMY BALDWIN
U.S. Senator

/s/

RAND PAUL
U.S. Senator

/s/

LISA MURKOWSKI
U.S. Senator

/s/

CHRIS VAN HOLLEN
U.S. Senator

/s/

ROBERT P. CASEY, JR.
U.S. Senator

/s/

JEFFREY A. MERKLEY
U.S. Senator

/s/

RON WYDEN
U.S. Senator

/s/

MARTIN HEINRICH
U.S. Senator

/s/

SHERROD BROWN
U.S. Senator

/s/

THOMAS R. CARPER
U.S. Senator

/s/

AMY KLOBUCHAR
U.S. Senator

/s/

KIRSTEN GILLIBRAND
U.S. Senator

/s/

JON TESTER
U.S. Senator