

July 11, 2016

The Honorable John McCain  
Chairman  
Armed Services Committee  
U.S. Senate  
Washington, D.C. 20510

The Honorable Mac Thornberry  
Chairman  
Armed Services Committee  
U.S. House of Representatives  
Washington, D.C. 20510

The Honorable Jack Reed  
Ranking Member  
Armed Services Committee  
U.S. Senate  
Washington, D.C. 20515

The Honorable Adam Smith  
Ranking Member  
Armed Services Committee  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairmen McCain and Thornberry and Ranking Members Reed and Smith:

As the Conference Committee works to complete the National Defense Authorization Act (NDAA) for fiscal year 2017, we urge you to remember the vital role that local law enforcement officers play in defending our Nation and restore law enforcement's access to the lifesaving surplus military gear they need.

On July 7th, four Dallas police officers and one Dallas Area Rapid Transit officer were murdered in cold blood in a coordinated ambush sniper attack by a perpetrator who stated that he wanted to kill police officers, particularly white police officers. Unfortunately, the officers who were assigned to the demonstration were apparently stripped of defensive gear for the sake of appearances, in order to look less threatening to demonstrators. This is a direct result of Executive Order 13688, which acknowledges that although this gear fulfills legitimate police needs, and the lack of such gear "can have life-threatening consequences", it could also "significantly undermine community trust." The Executive Order then concluded this concern outweighed the concern for police and public safety. The men and women in Dallas who had been stripped of lifesaving equipment still ran into murderous gunfire knowing that what they were wearing could not stop the assassins' rounds. They deserve the right to live, which is why rescinding Executive Order 13688 is so vitally important.

Further evidence of the need for this equipment is the June 12<sup>th</sup> terrorist attack in Orlando. Fearing for the lives of the hostages that remained in the nightclub during the three hour standoff with the terrorist, the Orlando police chief made the difficult decision to storm the nightclub. Using explosives and a BearCat armored vehicle, police broke through an exterior wall to free the remaining hostages. In the earlier firefight with the terrorist, an officer's life was saved when the armored helmet he was wearing stopped a bullet that would have most certainly killed him.

One year ago, pursuant to Executive Order 13688 and the Law Enforcement Equipment Working Group it established, extensive restrictions were imposed on when state and local law enforcement may access certain lifesaving, federal surplus military equipment. The Department of Defense has since seized such gear from state and local law enforcement agencies and threatened expulsion from the Department's 1033 program altogether if the equipment was not

returned on time. Many of the items the Executive Order has restricted are defensive gear, such as riot helmets, riot shields, and armored personal transport vehicles. This gear proved essential to Orlando police in rescuing the hostages and ensuring no more lives were lost.

Due to the significance of this equipment to state and local law enforcement, we strongly disagree with Executive Order 13688 and the recommendations of the Working Group. In the final NDAA, we urge you to make Executive Order 13688 unenforceable. Senator James Inhofe offered an amendment during committee consideration, which we endorsed, that would have rescinded Executive Order 13688 and return control of the 1033 program to the Secretary of Defense and Congress. Despite Senator Inhofe's extraordinary efforts, which we greatly appreciate, this amendment was rejected by a tie vote.

Further, we ask the conferees to strike Section 1053 of the Senate bill (S. 2943), "Modification of Authority to Transfer Department of Defense Property for Law Enforcement Activities," which seeks to codify most of the Administration's directive withholding lifesaving surplus military equipment from state and local law enforcement. We urge you to exclude it from the final legislation as it poses a serious danger to the men and women we represent.

Programs like the Department of Defense's 1033 program and grant programs at the Departments of Justice and Homeland Security have been vital resources in allowing state and local law enforcement to acquire items used in search and rescue operations, disaster response, and active shooter situations that they otherwise would not be able to afford. This equipment has not led to the "militarization" of police, but rather has proven to be essential in protecting communities against violent criminals and terrorists with increasing access to sophisticated weaponry, IEDs, body armor and sometimes even armored vehicles.

State and local law enforcement are the first line of defense. The tragic terrorist attacks in Orlando and in San Bernardino, and the unfortunately high number of mass shootings that have all occurred within the past year alone are just further evidence that this gear fulfills legitimate police needs and without this gear there could be life-threatening consequences. We urge you to include language within the NDAA to fully restore law enforcement's access to this much-needed equipment.

We thank you for your attention to our concerns and stand ready to work with you to ensure that the officers we represent have access to the lifesaving gear they need to defend themselves and the civilians they are sworn to protect.

Sincerely,

Federal Law Enforcement Officers Association  
Major County Sheriffs' Association  
National Association of Police Organizations  
National Sheriffs' Association  
Sergeants Benevolent Association NYPD