

United States Senate

WASHINGTON, DC 20510

July 19, 2022

The Honorable Janet Yellen
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

The Honorable Lloyd J. Austin III
Secretary
U.S. Department of Defense
1000 Defense Pentagon
Washington, DC 20301

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20016

The Honorable Robin Carnahan
Administrator
U.S. General Services Administration
1800 F Street, NW
Washington, DC 20405

Dear Secretary Yellen, Secretary Austin, Attorney General Garland, Secretary Mayorkas,
Administrator Carnahan:

We write to urge you to implement section 12 of Executive Order (EO) 14074 by making the determination that the equipment in subsection (a) be prohibited from being transferred to or purchased by state, Tribal, local, and territorial law enforcement agencies either with federal funds or from federal agencies or contractors.¹ In addition, we request an update on the implementation of EO 14074.

Militarized law enforcement increases the prevalence of police violence without making our communities safer. For example, many types of equipment transferred under the Department of Defense's 1033 program have contributed to increasingly militarized law enforcement, which has in turn led to more prevalent police violence.² In addition, the militarization of law enforcement creates a culture and a mindset contrary to the mission of the police—to protect and serve.³ When law enforcement has access to military equipment, they are more likely to use it,

¹ "Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety," *Executive Order 14074*, 25 May 2022, <https://www.federalregister.gov/documents/2022/05/31/2022-11810/advancing-effective-accountable-policing-and-criminal-justice-practices-to-enhance-public-trust-and>.

² Casey Delehanty, Jack Mewhirter, Ryan Welch, Jason Wilks, "Militarization and police violence: The case of the 1033 program," *Research and Politics*, April-June 2017, <https://journals.sagepub.com/doi/pdf/10.1177/2053168017712885>.

³ Arthur Rizer, Emily Mooney, "The Evolution of Modern Use-of-Force Policies and the Need for Professionalism in Policing," *Federalist Society Review*, 21 May 2020, <https://fedsoc.org/commentary/publications/the-evolution-of-modern-use-of-force-policies-and-the-need-for-professionalism-in-policing>.

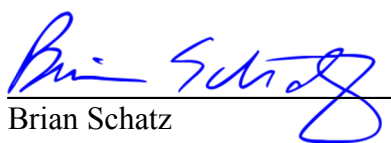
rather than other more appropriate and traditional law enforcement tools.⁴ Furthermore, the negative effects of police militarization disproportionately affects communities of color.⁵

The property listed in EO 14074 includes firearms and ammunition of .50 or greater caliber, firearm silencers, bayonets, grenades and grenade launchers, certain explosives, tracked and armored vehicles, weaponized drones and combat aircraft, and certain long-range acoustic devices.⁶ These equipment should be prohibited from being transferred to or purchased by law enforcement agencies either with federal funds or from federal agencies or contractors. In addition, pursuant to subsection (b), we recommend that the full list of prohibited items be added to the Federal Government-wide Prohibited Equipment List (“Prohibited Equipment List”) established by the former Law Enforcement Equipment Working Group’s October 2016 Implementation Update, pursuant to EO 13688.⁷

Furthermore, in reviewing and taking all necessary action, as appropriate and consistent with applicable law, to comply with and implement such recommendations, we urge the Department of Defense to recall, as appropriate, equipment in law enforcement agencies’ inventories that was acquired through federal equipment programs and are now on the Prohibited Equipment List. We also urge you to conduct an assessment across your agencies to identify the law enforcement agencies that have acquired the types of equipment identified on the Prohibited Equipment List, and to determine whether new individual agency authorities permit a recall of such equipment.

Ending police militarization will help to make our communities safer. Thank you for your attention to our request, and we look forward to your written response.

Sincerely,



Brian Schatz
United States Senator



Ayanna Pressley
Member of Congress

⁴ Arthur Rizer, Emily Mooney, “The Evolution of Modern Use-of-Force Policies and the Need for Professionalism in Policing,” *Federalist Society Review*, 21 May 2020, <https://fedsoc.org/commentary/publications/the-evolution-of-modern-use-of-force-policies-and-the-need-for-professionalism-in-policing>.

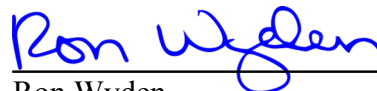
⁵ Christi Smith, Jillian Snider, “To restore community trust, we must demilitarize our police,” R Street Institute, 31, Aug. 2021, <https://www.rstreet.org/2021/08/31/to-restore-community-trust-we-must-demilitarize-our-police/>.

⁶ *Executive Order 14074*.

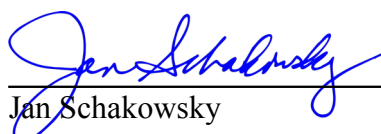
⁷ Law Enforcement Equipment Working Group, “Recommendations Pursuant to Executive Order 13688, Federal Support for Local Law Enforcement Equipment Acquisition: October 2016 Implementation Update,” 1 Oct. 2016.



Henry C. "Hank" Johnson, Jr.
Member of Congress



Ron Wyden
United States Senator



Jan Schakowsky
Member of Congress



Tammy Baldwin
United States Senator



Bonnie Watson Coleman
Member of Congress



Bernard Sanders
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Chris Van Hollen
United States Senator



André Carson
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Eleanor Holmes Norton
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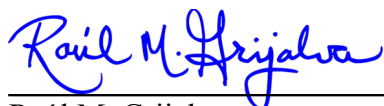
Tina Smith
United States Senator



Rashida Tlaib
Member of Congress



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Raúl M. Grijalva
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Barbara Lee
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Karen Bass
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