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COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

August 27, 2014

Vice Admiral Mark D. Harnitchek
Director
Defense Logistics Agency
Andrew T. McNamara Building
8725 John J. Kingman Road
Fort Belvoir, VA 22060-6221

Dear Vice Admiral Harnitchek:

On Tuesday, September 9, 2014, the Committee on Homeland Security and Governmental Affairs will hold a hearing to examine the numerous programs that have allowed local law enforcement agencies to acquire military-grade equipment, including the Defense Department's 1033 program.

To assist us in preparing for the hearing, we are writing to request information and documents regarding the Defense Logistics Agency's (DLA) 1033 program and other property transfer programs. Specifically, we request that you provide the following:

- (1) The controlled equipment list used by the Department of Defense (DOD) and DLA, including the Federal Supply Class, Item Name, and any other identifying number for each item on the list;
- (2) A complete inventory of the controlled items transferred by DLA through the 1033 program and other property transfer programs for FY2011-2014. Please include the number of items transferred, the original cost of each item, whether the item was new or used at the time of transfer, the agency and location that received the property initially, details of any subsequent inter-agency transfers of the item, and the name of the state agency or state designated individual that the transfer went through;
- (3) Policies and procedures for the 1033 and other property transfer programs. Please include guidance regarding what law enforcement agencies need to do to request controlled items, what items are eligible for distribution, how items are distributed, any limits on the number of items an entity can receive, how items are tracked after distribution, how transfers between agencies are conducted, including eligibility for such transfer, oversight of the programs, and consequences for misuse of the programs. Please also include copies of the Defense Materiel Disposition Manual and the Demilitarization of Military Equipment Manual;

- (4) A complete and unredacted copy of any materials provided to news outlets detailing the disbursement of surplus property under the 1033 program;
- (5) A list of controlled equipment that has been returned to DLA for FY2004-2014. Please state the reason each item was returned;
- (6) Information regarding Department of Justice's role in the 1033 program, including copies of any consultation or communication documenting this role, e.g. Memoranda of Understanding;
- (7) A list of all state and local law enforcement agencies that have been terminated or suspended from the 1033 program for FY2004-2014. For each, please include the reason for suspension or termination; for each suspension please explain whether that law enforcement agency or state was readmitted to the 1033 program and on what date;
- (8) A sample Memorandum of Understanding between DLA and a state that governs the state's participation in the 1033 program;
- (9) A list of all equipment transferred through the 1033 program reported missing or stolen from or misappropriated by law enforcement agencies for FY2004-2014. Please include the type of equipment, the name of the law enforcement agency, whether the equipment was missing, stolen, or misappropriated, if an investigation was initiated by either the Inspector General, DOJ or other entity, and a description of any resulting disciplinary action taken against that agency;
- (10) A list of any equipment offered to agencies participating in the 1033 program for FY2008-2014;
- (11) The number of DLA officials currently working in Disposition Services, the number and role of contractors (if any) and the contract number under which they are employed, and a description of any disciplinary actions taken against DLA employees or contractors for improper disposal of property, for FY2011, FY2012, and FY2013.

We request you provide this information as soon as possible, but no later than Wednesday, September 3, 2014. If the best available responsive document to any request above is available online, please provide URLs to those documents. If you determine that you will be unable to make a complete production by this date, please contact the staff named below to discuss possible modifications to this schedule. An attachment to this letter provides additional information about how to respond to the request.

The jurisdiction of the Subcommittee on Financial and Contracting Oversight is set forth in Senate Rule XXV clause 1(k); Senate Resolution 445 section 101 (108th Congress); and Senate Resolution 64 (113th Congress).

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We appreciate your assistance. Please contact Cathy Yu with Senator McCaskill's staff at (202) 224-7155 or Justin Rood with Dr. Coburn's staff at (202) 224-0609 with any questions. Please send any official correspondence relating to this request to Kelsey_Stroud@hsgac.senate.gov.

Sincerely,



Claire McCaskill
Chairman
Subcommittee on Financial and
Contracting Oversight



Dr. Tom Coburn
Ranking Member

cc: Thomas R. Carper
Chairman

Ron Johnson
Ranking Member
Subcommittee on Financial and
Contracting Oversight

Attachment