Legislation Details (With Text)

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Title: Resolution calling upon Congress to pass, and the President to sign, legislation that would eliminate the authority of the Department of Defense to transfer surplus military property to federal, state and local agencies for law enforcement activities

Sponsors:

Indexes:

Attachments: 1. Res. No. 52, 2. February 28, 2024 - Stated Meeting Agenda, 3. Hearing Transcript - Stated Meeting 2-28-24, 4. Minutes of the Stated Meeting - February 28, 2024

Date	Ver.	Action By	Action	Result
2/28/2024	*	City Council	Introduced by Council	
2/28/2024	*	City Council	Referred to Comm by Council	
12/31/2025	*	City Council	Filed (End of Session)	

Res. No. 52

Resolution calling upon Congress to pass, and the President to sign, legislation that would eliminate the authority of the Department of Defense to transfer surplus military property to federal, state and local agencies for law enforcement activities

By Council Member Avilés, the Public Advocate (Mr. Williams) and Council Member Hanif

Whereas, The military surplus program, also known as the 1033 program, was created in 1990 as part of the National Defense Authorization Act (the Act), which authorized the Department of Defense (DOD) to transfer surplus military property to federal and state agencies for counter drug-related activities; and

Whereas, In 1996 the program was expanded to allow transfer of property for use in relation to counter-terrorism; and

Whereas, Section 1033 of the Act of 1997 authorized the DOD to transfer excess military property to state and local law enforcement agencies; and

Whereas, Eligible agencies include those whose function is the enforcement of applicable Federal, State and local laws, and whose full-time law enforcement officers have powers of arrest and apprehension; and

Whereas, Eligible equipment under 1033 includes, body armor, night vision equipment, first aid supplies, weapons, surveillance equipment, Kevlar helmets, combat vehicles, clothing, aircraft, ATVs, and generators, among other property; and

Whereas, According to a 2021 report from the American Civil Liberties Union (ACLU), from its creation to the time of the report, more than 7.4 billion dollars in military equipment and weaponry had been transferred across nearly 10 thousand jurisdictions; and

Whereas, ACLU's reported state and local law enforcement were in possession of more than 60,000 military grade rifles, 1,500 combat-ready trucks and tanks, 500 unmanned ground vehicles and dozens of military aircraft, machine gun parts, bayonets, and an inert rocket launcher; and

Whereas, As of 2020, some 8,200 local law enforcement agencies reported using equipment obtained through the 1033 program; and

Whereas, New York has received millions of dollars in equipment, with a 2014 report indicating New York State had received over 26 million dollars in equipment through the program by that time; and

Whereas, Research shows that militarized police departments are less likely to prevent crime and more likely to harm the reputation of law enforcement as a whole; and

Whereas, Access to such equipment has led to alterations in training and tactics and its use in situations where it may not be warranted; and

Whereas, Local police have responded to protests with usage of military equipment and weapons; and

Whereas, One such occasion occurred in Ferguson, Missouri, when protests broke out in response to the fatal shooting of Michael Brown by local police officer, Darren Wilson; and

Whereas, During the 2014 and 2015 protests in Ferguson, Missouri, local law enforcement arrived to control crowds of protesters; and

Whereas, Police officers on the scene were photographed with military-grade weapons trained on unarmed civilians; and

Whereas, In response, President Barack Obama signed Executive Order 13688, establishing oversight procedures for certain controlled weapons and banning some categories of weapons altogether; and

Whereas, In 2017, President Donald Trump rescinded Executive Order 13688; and

Whereas, The 1033 program continues to distribute excess military equipment to local law enforcement agencies; and

Whereas, For the safety of civilians, it is essential that the current administration reevaluate the usage and necessity of the 1033 program;

Whereas, On May 13, 2021, Congresswoman Nydia Velazquez introduced H.R. 3227, also known as the Demilitarizing Local Law Enforcement Act of 2021, which seeks to end the 1033 program; and

Whereas, For the safety of civilians, it is essential that the current administration reevaluate the usage and necessity of the

1033 program; now therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to pass, and the President to sign, legislation that would eliminate the authority of the Department of Defense to transfer surplus military property to federal, state and local agencies for law enforcement activities.

Session 13
LS #7214/4787
01/17/2024

Session 12
LS #7214, #4787
9/2/2022
WD