

**THE BULLETPROOF VEST
PARTNERSHIP GRANT PROGRAM:
SUPPORTING LAW ENFORCEMENT
OFFICERS WHEN IT MATTERS MOST**

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WEDNESDAY, MAY 14, 2014

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:09 a.m., in Room SD-226, Dirksen Senate Office Building, Hon. Patrick J. Leahy, Chairman of the Committee, presiding.

Present: Senators Leahy, Whitehouse, Klobuchar, Franken, Coons, Blumenthal, and Grassley.

**OPENING STATEMENT OF HON. PATRICK J. LEAHY,
A U.S. SENATOR FROM THE STATE OF VERMONT**

Chairman LEAHY. Well, thank you all for being here, and this week is, as we know, National Police Week. In fact, as I have done for years, I will be down at the west front of the Capitol tomorrow when thousands of law enforcement officers gather in our Nation's capital to honor the sacrifices of our men and women in law enforcement, particularly those who have lost their lives in the line of duty.

Today we have an opportunity to discuss a program that helps to protect those who protect us. For over 15 years, the Bulletproof Vest Partnership program has been saving lives by helping to provide over 1 million vests to over 13,000 local law enforcement agencies. It is a critical program that I know every single law enforcement officer in the room today supports, and I greatly appreciate all of you being here today.

This is a program that was begun as a bipartisan program by myself and former Senator Ben Nighthorse Campbell, Republican from Colorado. I mention that parenthetically because it was a very proud moment when I was walking down the street in Denver a few years ago, and a uniformed police officer walked up to me and said, "Are you Senator Leahy of Vermont?" And I said, "Yes, I am." He tapped his chest, and you could hear the "thunk, thunk" of the vest under it. He said, "Thank you," and walked off. I said, you know, there are days when I say, "Why are we pounding our heads against the wall to get things done?" That day made it worthwhile.

A few weeks ago I stood on the Senate floor and sought unanimous consent to reauthorize the program. I reminded my fellow Senators, "If you claim to support law enforcement, you have to

stand with them when it matters most.” I assured them that law enforcement cares deeply about reauthorizing this program. And seeing all the law enforcement officers in our Committee room, that message could not be clearer.

The law enforcement community has spoken with a single voice on this issue. They understand the unfortunate reality that life-saving vests can be extremely expensive, especially for smaller jurisdictions, and that they can wear out too soon. They also understand the invaluable role Congress has played in supporting this program and that many officers are alive today because we did.

I am not trying to be partisan, but I would note that every single Democratic Senator has agreed to move forward with this and will support reauthorization. Many Republicans do, as well. But a few Republican Senators believe that the Federal Government has no role to play in assisting local law enforcement, that somehow that is a mere luxury, and they blocked the bill. I could not disagree more with them. We in Congress have long supported local law enforcement because we have a duty to keep our communities safe.

The Bulletproof Vest Partnership program has always enjoyed bipartisan support from the time Senator Ben Nighthorse Campbell and I created it. That was nearly 30 years ago. It was so successful that, in the past, it was reauthorized with a voice vote. It was the right thing to do—it saved lives—and that was enough for both Democrats and Republicans. As I said, every single Democrat in the Senate supports this program. And I am glad also that many of my Republican friends do, too. But some are blocking this effort, and that is inexcusable. They have walked away from a tangible and effective way to protect the lives of our local law enforcement.

You cannot say you support law enforcement and then block one of the single most important things to save lives of our law enforcement officers. And I hope those who oppose reauthorization will listen to the testimony today. They will find out this program is hardly a luxury. It is necessary to save lives, and it is worth our support.

There are many heroes in the room today, and I look forward to the testimony of our witnesses, including Officer Ann Carrizales, with whom I just spoke. Her vest stopped a gunman’s bullet just last fall. And I think, Officer, if you had not been wearing it, you would not be testifying here today.

And there are two additional heroes I want to recognize: Sergeant Michael Manley and Corporal Steven Rinehart of the Delaware Capitol Police, who Senator Coons knows well. A year ago a gunman entered the New Castle County Courthouse and opened fire, killing two people, two women. Officers Manley and Rinehart immediately engaged with the gunman. They were both struck in the chest, but their protective vests, which had been purchased through this program, saved their lives. And if they had not responded and put their own lives on the line to do it, you wonder how many more people would have died, innocent civilians would have died in that courtroom.

Now, last night, thousands of officers gathered for a candlelight memorial at the National Law Enforcement Officers Memorial. The Memorial contains the names of over 20,000 officers who have lost their lives in the line of duty. And very sadly, last night the names

of 286 fallen officers were added to its walls. Had it not been for their bulletproof vests, Officer Carrizales', Sergeant Manley's, and Corporal Rinehart's names would have been added, too.

Now, you are going to hear many speeches this week paying tribute to law enforcement, and we should have those speeches. But we need more than speeches. We need some action. We are ready to reauthorize the Bulletproof Vest Partnership program today, as well as the Blue Alert Act that this Committee has reported. I hope that the objections to reauthorizing it will stop and we can get it done.

[The prepared statement of Chairman Leahy appears as a submission for the record.]

Senator Grassley.

**OPENING STATEMENT OF HON. CHUCK GRASSLEY,
A U.S. SENATOR FROM THE STATE OF IOWA**

Senator GRASSLEY. Mr. Chairman, before I read my statement, I want to thank you because a year or so ago I asked the Government Accountability Office to look into some of what I considered mismanagement of the program, and they pointed out some things, and I think almost to every one of them you have agreed to make changes in the legislation. So I want to thank you for that. I am going to go into some detail about that, but I do not want you to forget my bottom line, because I have got so much to say.

Chairman LEAHY. I appreciate that, and we have worked together.

Senator GRASSLEY. Okay.

Chairman LEAHY. We just want this program to work.

Senator GRASSLEY. Yes. I appreciate the opportunity during National Police Week to highlight a program that has over the years saved so many lives. One of those lives is that of one of our witnesses today, and the Chairman has already spoken about that. So we welcome both our witnesses.

For all its benefits, in years past this program has been administered in a way that did not foster accountability, allowed skirting of program requirements, and reduced effectiveness.

In 2012, I asked the Government Accountability Office to examine the operation of the program. Following their investigation, they recommended that \$27 million of undisbursed funds from grants whose terms had ended be deobligated. They also asked the Justice Department to make sure that grant recipients understand that they could not satisfy the 50-percent match requirement of the Bulletproof Vest Partnership program—the match is what makes it a partnership, by the way—by using other Federal funds as the basis for the match.

The Government Accountability Office also proposed that the Department of Justice do a better job to ensure that States and local governments that used Byrne/JAG funds for bulletproof vests adhere to the requirements of the BVP grant program.

The Government Accountability Office also made recommendations concerning the Department of Justice enforcing compliance with the document retention requirements and the tracking of grant recipients' use of the funds for stab-resistant vests.

Today the Government Accountability Office has followed up on its earlier investigation and has concluded that the Department of Justice has, in fact, implemented all of its recommendations. The Government Accountability Office sent me a letter outlining that compliance, which it has provided to you, Mr. Chairman, as well. I ask consent that that be put in the record.

Chairman LEAHY. Without objection, so ordered.

[The letter appears as a submission for the record.]

Senator GRASSLEY. The Government Accountability Office has found that DOJ has deobligated \$31 million in undisbursed funds from grant awards whose terms have ended. Some of these undisbursed funds dated back to the year 2002. Additionally, the Department of Justice has implemented a process to review all undisbursed bulletproof vest funds. As a result, the Department of Justice has deobligated an additional \$7.8 million from more than 3,000 grants whose award terms have ended. And the new process will ensure that the problem of undisbursed funds does not re-emerge. Deobligation promotes accountability in the use of grant funds and is vital to effective grant management. I am glad to see that this has finally occurred.

The Government Accountability Office also has concluded that the Department of Justice now better publicizes the requirement that grantees retain documentation of their vest purchases. The grant application now requires applicants to certify their acknowledgement and acceptance of the requirement.

The Department of Justice has also adopted the Government Accountability Office's recommendations concerning tracking funds for stab-resistant vests.

More importantly, the Department agreed with GAO's advice that it ensure that JAG recipients who use those funds for the purchase of body armor comply with crucial—in fact, life-saving—requirements of the grant program. States can use JAG funds as well as BVP grant funds to purchase body armor. Previously, JAG did not require that grantees only purchase vests that comply with the standards of effectiveness that the National Institutes of Justice have established.

Nor did JAG require that entities that used JAG funds for bulletproof vests have policies mandating that officers actually wear them. Now, the Government Accountability Office reports that the agency has established requirements that JAG recipients certify that they have written mandatory use policies and that the body armor purchased complies with the standards.

The last of the GAO's recommendations was that the Bureau of Justice Assistance had not documented its procedures to ensure that JAG grantees complied with the requirements not to use JAG funds as the basis to satisfy the match requirements of any BVP grant funds that they might also receive. The GAO has found that the Bureau of Justice Assistance has issued new guidance for staff to improve compliance with the requirements that JAG funds not be misused as matching funds.

I consider the process of GAO's investigating, making sound recommendations, and the Department's adopting new practices to be a textbook example of how oversight is supposed to work to benefit the taxpayer and, in this case, police officers as well.

I do encourage the National Institutes of Justice to issue soon the guidance and the new standards that it led GAO in 2012 to believe would have been forthcoming by now.

Following up on GAO's initial recommendations, I requested, when this grant program was authorized, that the legislation incorporate provisions that reflected the benefits of oversight.

As a result, legislation to reauthorize this program now includes provisions that make all previously appropriated funds not expended by the end of Fiscal Year 2015 be returned to the Treasury; that recipients of grants not use funds from another grant program to form the basis for satisfying the match requirement; that grantees adopt policies requiring patrol officers to wear bulletproof vests; and that authorization levels for the program be cut.

So as I have said before, I appreciate the Chairman's backing for these efforts, and I am pleased to support legislation. And I ought to also offer my help to the Chairman for Senators that he wants to point out to me that are standing in the way of this bill coming up. I would be glad to talk to them. But, also, I think we need to remember that one of the reasons the bill has not been brought up is because the Majority Leader wants to do it by unanimous consent, and I think that we can probably have a situation where we can have a very short period of debate and pass this bill, and we need to get the Majority Leader willing to bring it up and see if I can help get the time that is limited so he will be able to move ahead with it.

[The prepared statement of Senator Grassley appears as a submission for the record.]

Chairman LEAHY. I appreciate that. Of course, the reason they want to bring it up by unanimous consent is that for 30 years that is the way we have always done it, both when the Republicans were in charge and when Democrats were in charge. Of course, we would have been happy to have had time for debate. Senator Coburn of Oklahoma objected.

Senator GRASSLEY. But there are some of us that believe the Senate ought to be the deliberative body it is supposed to be, and I include in that that we should not be spending all day on a bill like this. But there should be some debate on it.

Chairman LEAHY. I would be happy to, if they would like, to stay here tonight and have several hours of debate. I will give up my plans for this evening if we can pass it. So I make that offer, and if your side wishes to, I will skip plans that my wife and I had for this evening. I think I would much—and I think she would agree that it would be perfectly okay to stay here if we can pass this bill.

But let us go to Officer Ann Carrizales of the Stafford, Texas, Police Department who was shot twice during a routine traffic stop last year. I will let her talk about what happened, but she is a former Marine, as is my son and Senator Blumenthal. She has had a distinguished career as a police officer. I am glad she is here to tell the story.

I am glad you are alive, first off, but I am glad you are here to tell the story. Please go ahead, Officer.

**STATEMENT OF OFFICER ANN M. CARRIZALES, CITY OF
STAFFORD POLICE DEPARTMENT, STAFFORD, TEXAS**

Officer CARRIZALES. Thank you. Good morning, Chairman Leahy, Ranking Member Grassley, and the Committee Members. My name is Officer Ann Marie Carrizales, and I am a police officer for the city of Stafford, in Stafford, Texas, Fort Bend County. I would like to thank you in advance for your time as I share with you the testimony of one of the most life-altering moments of my life.

On October 26, 2013, just before 4 a.m., I initiated the traffic stop that almost became my very last. Every fiber of my memory can recall each detail of what was to follow. I am here this morning to share details with you of that story in the hopes of illustrating to all of you the dangers that all of law enforcement officers face on a daily basis.

In the moments leading up to the incident, I felt the night become somewhat darker, and the gentle breeze in the air seemed to retreat in the presence of the evil that was lurking. The natural peace that I sometimes feel at that hour of the night, knowing that the citizens of Stafford, Texas, are sleeping safely in their homes, was no longer, and I could sense the evil, like a snake in the grass waiting, just looking for the right moment to catch me unaware.

Only I was not unaware, and more importantly, I was not unprepared. I was wearing my bulletproof vest that my agency had custom-fit for my body and issued to me upon my employment. Although my vest snugly hugged my body, I could still feel the sweat beads trickle down my chest and the back of my neck as the hot breath of evil filled the air around me. One car. Three occupants. Our eyes locked. I knew. They knew. I think we knew.

The first shot struck my left cheekbone. It traveled through my cheek, and it exited at my lower jaw line. As the bullet exited, it obliterated my left earlobe, leaving only shreds of tissue dangling where there was once an earlobe. I remember the muzzle flash, looking directly at the weapon and taking a mental note of its caliber. And then there were his eyes. I will never forget those eyes.

The metal burned immensely, and I could taste both metal and blood. Instinctively I raised my left forearm to cover my face in a defensive technique from my many years of competitive boxing, and I simultaneously began to turn to my right to find cover while drawing my firearm. A second shot rang out. I felt it strike the left side of my breast, and I immediately thought, "Oh, God, vest did not catch that one."

I could feel the immense pain and burning in my chest followed by the warmth of my own blood as it ran down the left side of my rib cage. The second shot knocked me back three steps, and I recall counting the steps in my mind. In those moments, my thought process was extremely clear. I gave myself a pep talk in between those three steps back. I said, "You are in a gun battle here, girl. Any day you want to start shooting." It felt like several seconds in between me getting shot and returning fire, but, realistically, it was immediate. The suspect vehicle did what most suspect vehicles do: they fled. I began pursuit, and a few days later the dash cam video of my pursuit was released for the world to see.

Relaying the information to dispatch that I had been shot was extremely hard for me. I knew what it would do to my partners,

to include my dispatchers. One of their own was shot in the face and chest, and I knew they would do anything in the world to save me. I could hear panic in the voices of my partners as they all tried to get to me. "Not again," I thought to myself, recalling that I had just been involved in a shooting the October prior. One year almost to the day, lightning struck me twice, and I was determined that I would not give up or give in, even as the suspects shot at me from that moving vehicle. It was not an option for me to quit. I would not allow these individuals to hurt anyone else, even if it cost me my life to protect everyone else's. Ultimately, my pursuit ended in Houston, in Harris County, and today all three suspects are in custody.

When the dust cleared, I was left with two bullet holes in my face—from the entry and the exit—a severely damaged left earlobe, a large bullet hole to my left breast. The hole was approximately 2 inches deep and about as round as a quarter. The bullet? Well, that was embedded in the bulletproof vest, exactly where it needed to be. My vest, issued to me by my agency, Stafford Police Department, custom made and cut to fit my body, did its job for me that night. That hot, heavy, uncomfortable piece of equipment that can sometimes carry an odor that can singe your nose hairs saved my life.

I patrol the night streets in the city of Stafford, Texas, and we have approximately 49 sworn officers there policing a city with a daytime/commercial population of about 100,000 people. At night it is about 1,800 to 2,000. I do not work for a large agency like Houston Police Department or Dallas. It is a small one. I work for a small department, and I have had two officer-involved shootings in 1 year. It can happen anytime, anywhere, not just in the larger cities.

I am fortunate enough to work for an agency that provides the necessary equipment, such as a bulletproof vest, to offer me the protection while I am out on the front lines fighting this war against crime, an agency that has in the past used Government funding to provide vests to their officers from this bill.

Even with the decline in funding, Stafford PD has continued to provide their officers with vests; whereas, other agencies with less of a budget to work with are forced to choose between what is more important to officer safety and how much money to put into ensuring their officers' safety. In some cases, women are forced to wear men's vests which do not fit properly and, therefore, cannot function properly and provide adequate protection.

We expect our officers to run toward the danger when everyone else is running away. We expect our officers to push through their fear—and, yes, we do get scared—and protect those who cannot protect themselves. We expect our officers to sacrifice time away from their families to uphold the law and keep our streets safe. We give them a gun and a badge, and we tell them to aggressively seek out the evil doers. Then we tell them that we do not have the money to purchase the armor that they will need to help keep them alive, but they go and they fight the war anyway. They do, every day, oftentimes for less money than one might think. They do it because it is a calling. They do it because it is in their blood to be protectors. They are me and all of us in this room wearing a uni-

form law enforcement—all our uniformed law enforcement in this room.

There are a lot of these people, 286 of these officers whose were added to the memorial this year because they gave the ultimate sacrifice in the line of duty—the men and women of law enforcement, a group of our Nation's protectors.

I submit to you, Chairman Leahy, Ranking Member Grassley, and Members of the Committee, to please help us protect these protectors.

I would not be sitting here today had I not been wearing a properly fitting bulletproof vest. My 10-year-old daughter, MiKayla, and my 19-year-old son, Joseph, would not have their mother had I not been issued this vest by my agency. My husband, Christopher, he would be a widower at 39, forced to raise two children on his own.

That vest saved my life when it mattered most. It did its job, just as I do my job every night that I am on those streets risking my life. I now humbly ask you to do your job and work to reinstate the Bulletproof Vest Partnership grant program. Now is the time when it matters the most.

The incident shook my family to its very core, and we are still trying to put the pieces back together. I have been fortunate that my daughter's school, Oyster Creek Elementary, in Sugarland, Texas, has been such a great source of support for my daughter as she struggled to process this traumatic event. I have attached and will submit to you letters from the 4th and 5th grade students of Oyster Creek Elementary School. It is about 200 letters or more. And these letters are from the students at that school in the 4th and 5th grade, asking and begging for your assistance in helping police officers across our Nation obtain the bulletproof vests that they need for survival. They have rallied behind me and my family ever since this incident, and I am deeply touched by their passion to protect our police officers. I am so proud and honored to submit these letters to you with my testimony. Thank you again for your time.

[The prepared statement of Officer Carrizales appears as a submission for the record.]

Chairman LEAHY. Thank you very much. You know, Officer, as the author of the original bulletproof vest bill, you know, when you speak to me, you are preaching to the converted.

Officer CARRIZALES. Yes, sir.

Chairman LEAHY. Is that the vest you wore?

Officer CARRIZALES. No, sir, this is not the vest that I had on. The vest that I had on is currently in evidence.

Chairman LEAHY. Thank you.

Next we will hear—and then we will go for questions—from Yousry Zakhary. He is the Chief of Woodway, Texas, Police Department. But he is also the president of the International Association of Chiefs of Police, an association this Committee has worked with a great deal. He has also been a law enforcement officer for 35 years. Is that correct, Chief?

Chief ZAKHARY. That is correct.

Chairman LEAHY. So you know firsthand how this program saves lives. Let me go to you, and then we will go to questions.

Chief ZAKHARY. Can I proceed, sir?

Chairman LEAHY. Yes, please.

STATEMENT OF CHIEF YOUSRY A. "YOST" ZAKHARY, CHIEF OF POLICE, CITY OF WOODWAY, TEXAS, AND PRESIDENT, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, ALEXANDRIA, VIRGINIA

Chief ZAKHARY. Thank you. Chairman Leahy, Ranking Member Grassley, and Members of the Committee, good morning, and thank you for inviting me to testify regarding the Bulletproof Vest Partnership program, the one we know as BVP. As president of the International Association of Chiefs of Police, IACP, and on behalf of our over 22,000 members, I would like to thank the Committee for the support it has demonstrated over the years for the law enforcement officers in the field.

I began my career as a law enforcement officer with the city of Woodway, Texas, in 1979. I am still there today and currently serve as chief and director of public safety. One of my main duties as chief is to make sure my officers have the proper training and equipment they need to do their job safely so they can return home to their loved ones at the end of their shift.

Body armor or bulletproof vests are critically important to a police officer's survival and well-being. There is no denying it. Vests do save lives, so it is imperative that all law enforcement officers are outfitted with properly fitted bulletproof vests. The Bulletproof Vest Partnership program is a critical resource that enables State and local law enforcement jurisdictions to purchase these life-saving vests. Since its enactment, this program has enabled over 13,000 State and local law enforcement agencies to purchase over 1 million vests.

In Fiscal Year 2012, protective vests were directly attributable to saving the lives of at least 33 law enforcement and corrections officers in 20 different States. At least 14 of those life-saving vests had been purchased with BVP funds. In fact, thanks to BVP, my department—Woodway, Texas—has been able to purchase 72 vests, with matching funds, since 2000. The BVP program has enabled us to fully outfit and custom-fit every officer in my department with life-saving body armor.

It is not just my responsibility as chief and as a law enforcement executive to ensure that the officers of my department each have a bulletproof vest. Officer safety is an all-hands-on task and also the responsibility of our Government, as well as the Government leaders, to ensure the safety and well-being of its citizens and the lives of the officers who have dedicated their lives to protecting the communities they serve.

Sadly, and perhaps surprisingly to many, a number of American law enforcement agencies and officers do not have body armor available to them on a routine basis. They simply cannot afford it. The BVP grant program is a critical component.

To give you a sense of how important this program is to law enforcement, in Fiscal Year 2013 the BVP program received a total of 4,580 applications from small jurisdictions alone, which are characterized as having a population of 100,000 or under. Funding small jurisdictions under the BVP grant program is a program priority requirement. This meant that for Fiscal Year 2013 none of

the large jurisdictions applicants were awarded funding. In addition to not having enough funds in Fiscal Year 2013 to provide awards to any of the large jurisdiction applicants, there were insufficient funds to provide even the maximum 50 percent to all small jurisdiction applicants. Small jurisdictions that applied received only 37.10 percent of the amount they requested on their applications.

Officer safety and wellness has always been the IACP's top priority. It is the position of the organization that no injury to or death of a law enforcement professional is acceptable. A key element to officer safety is the use of bulletproof vests. That is why the IACP has developed a model policy for providing law enforcement officers with guidelines for the proper use, care, and wear of body armor. In addition, the IACP has adopted a resolution for mandatory vest wear. The resolution calls for all law enforcement executives to immediately develop and implement mandatory body wear for their departments.

In addition, the IACP partnered with DuPont in 1987 to create the IACP/DuPont Kevlar Survivors' Club. The mission of the club is to reduce death and disability by encouraging increased wearing of body armor. The Survivors' Club also recognizes and honors those deserving individuals who, as a result of wearing personal body armor, have survived a life-threatening or life-disabling incident.

Since its inception, we know there have been 3,180 verified, documented saves by the Survivors' Club thanks to body armor. I do not have enough time to detail every incident, but I would like to call a few to your attention.

Just this past, in Killeen, Texas, a town about 60 miles from Woodway, Texas, two officers serving a narcotics search warrant came under severe fire. The two officers hit were saved from gunfire and spared life injuries by wearing their vests.

Vest purchases with BVP funds have also saved lives from incidents in Prescott, Arizona; southern New York; North Charleston, South Carolina; Burbank, Illinois; Somerville, Alabama; Sacramento, California; and I brought a vest that I will show you at the end from Graham, Texas, where a vest saved an officer's life.

It is important to note that these vests do not just protect against assaults with firearms. In Minneapolis, Minnesota, an officer was stabbed and saved by his vest. In Iron County, Utah, and Des Moines, Iowa, police officers were both saved from vehicular crashes because of their vests.

I think this helps demonstrate how vests save the lives of officers all across this great country. These officers and the thousands of officers like them were able to return home to their family, friends, and loved ones thanks to the live-saving bulletproof vests they wore.

What many people do not realize is a broad-reaching effect when an officer is killed or even wounded. Not only does the officer suffer, but so does the officer's family, friends, and police colleagues, as I heard from my colleague just a few minutes ago. The death of a law enforcement officer has a shocking impact upon the agency and the community as a whole. The unique effects can range from reduced productivity and low morale among officers to public fear-

fulness and sorrow. There is also the potential for strained relations between the community and the law enforcement agency.

In addition to the human costs, there are great financial and operational costs to consider. Currently, the U.S. Department of Justice, under the Bureau of Justice Assistance, Public Safety Officers Benefits Program, provides \$323,035 in death and education benefits to survivors of fallen officers. The average cost of a bullet-proof vest is between \$800 to \$1,000. That roughly would translate to at least 323 vests if could just save one life with a vest if more departments just had the assistance.

The loss of one officer in an agency can have a crippling effect upon manpower and the agency's ability to deliver services, the devastating blow that is inevitably on his fellow officers, friends, and colleagues.

The death or injury of an officer creates a wide variety of unanticipated and very costly expenditures for the agency. Possible expenditures include medical bills, funeral expenses, workers' compensation and death benefit payments, increased insurance premiums, sick leave, retirement system costs, legal fees, civil judgments, replacement and retraining expenses, and overtime pay. Viewed solely in a financial light, the effects of an officer's death can have significant consequences.

As a father of twin girls, a husband, a police chief, and president of the IACP, I urge you to please support the reauthorization of the BVP program as soon as possible.

Thank you for the opportunity to appear before you today to discuss the importance of the Bulletproof Vest grant program, and at this time I would be happy to answer any questions, or if you would like, I can certainly hold this vest up and show you what it did.

[The prepared statement of Chief Zakhary appears as a submission for the record.]

Chairman LEAHY. We are going to get to the vest in just a moment, but thank you, Chief.

In my years in law enforcement, a different aspect of it, I was only shot at once, and fortunately he was a really lousy shot, because I was not wearing anything protective and I was not smart enough to do what Officer Carrizales did, get into a crouch. I just stood and swore at the guy, and he ran away. I wish I could remember what it was I said.

I could not help but think, I am currently the President Pro Tempore of the Senate, and that is one of the Senate offices that come with a security detail, and I was looking at a couple of our security officers listening very intently to what you are saying. Fortunately, the Capitol Police provide these vests. I wish everybody did. In fact, I will be submitting a letter from the Chief of Police of Burlington, Vermont, Michael Schirling. That is our largest police department in Vermont, which is a very small State, as you know, speaking of the value of these.

[The letter appears as a submission for the record.]

Chairman LEAHY. Officer Carrizales, you testified your life was saved because you had a vest that was uniquely fitted for your body. Some female officers in other jurisdictions are forced to wear men's vests which, for the obvious reasons, do not fit properly. One

improvement in our bill is to give a grant preference to agencies that provide uniquely fitted vests for female officers and others.

You have one of those vests there, do you not, on the table?

Officer CARRIZALES. Yes, Chairman, I do.

Chairman LEAHY. Could you hold it up, please?

Officer CARRIZALES. This is a very small—small—woman's vest, obviously not one that I could fit, but it does show that it is custom made. It has got the breast plates in the front. Obviously women's bodies are shaped differently. So whoever wore this vest, this vest was clearly tailored to that female officer's body.

The curves tend to run deeper under the armpit area to compensate for the structure of the woman's body and the contours of a woman's body, and they usually ride slightly higher up in the front, depending upon the build of the woman. But, yes, it is designed specific to each woman.

Chairman LEAHY. Everybody is built differently.

Officer CARRIZALES. Yes.

Chairman LEAHY. And you do require that. If you really want it to be protective, if you really want an officer to wear it, it has got to be something that fits. That's pretty basic, right?

Officer CARRIZALES. Well, that is correct. As with anything, we cannot use something to its optimal level if it is not—if it does not fit or work properly. And if a vest is not fitted to your body, it is not going to protect you where it needs to protect you, and it is not going to work properly. It is pretty much counterproductive. A woman wearing a man's vest, it is flat, so it tends to slide up and ride up, and the collar will kind of cut up against your collarbone.

Well, I have seen female officers grabbed because it is exposed. They are grabbed from that area because it almost serves as a weapon against them. And that thing is strapped onto your body, so it is much like your hair. Once somebody grabs hold of that area, they have got you.

Chairman LEAHY. Well, your hair. I do not really have that problem.

[Laughter.]

Chairman LEAHY. Chief Zakhary—

Senator GRASSLEY. Could I follow on?

Chairman LEAHY. Sure.

Senator GRASSLEY. Because I was going to ask a question along that line. You can take the time out of my—

Chairman LEAHY. No, no. Go ahead.

Senator GRASSLEY. Along the lines of what he was asking about, I was going to ask you, are there any other changes needed to make sure that body armor is worn equally by male and female officers and is equally effective for both male or female officers? Or do you think that has been taken care of now?

Officer CARRIZALES. I believe that I am understanding your question are there any more changes that I could suggest be made for vests for both male and female to make them more productive?

Senator GRASSLEY. Yes.

Officer CARRIZALES. Well, they could stand to be a bit lighter, a bit thinner, with the same protection. And I know for a fact that the company who provides the vests for our agency, which is Point-Blank, has done that. Vests, from what I understand, they make

improvements, you know, every year on vests. So a lighter vest, a thinner vest that would provide the same if not more protection, that is obviously going to be a winner for every officer that has to wear one.

Senator GRASSLEY. Thank you, Mr. Chairman.

Chairman LEAHY. Thank you.

It has been my experience—and correct me if I am wrong—over the years since Senator Campbell and I started this program, we have seen improvements in the vests. Is that correct?

Officer CARRIZALES. Yes.

Chairman LEAHY. Thank you. I remember the vest that police officers had when I was a prosecutor. They were almost unwearable, and that serves no purpose.

I think, Chief, you talked about these stories of police officers' lives that have been saved, and there are thousands more. I know that. We had a terrible shooting here in Washington, right near the Capitol, last fall at the Navy Yard. There was a brutal firefight in that. A Metropolitan Police Department officer was shot in the chest. His bulletproof vest saved his life. He was able to return fire and stop a gunman who was hell-bent on killing as many people as he could.

Now, you have a vest there, I understand, from the Graham, Texas, police officer—

Chief ZAKHARY. Yes, sir.

Chairman LEAHY. Would you tell about what happened there?

Chief ZAKHARY. Yes, sir. May I stand up?

Chairman LEAHY. Please do.

Chief ZAKHARY. Last week, I was in a training session in Waco, Texas, and I was talking to my colleagues. There were about 90 chiefs at the meeting, and I was just talking to them about how important this vest program was. And the chief, Tony Winder, came to me, and he says, "I would have lost an officer. Officer Putman would have been killed." I asked him if the case had been adjudicated, and he said, yes, it had been. And I asked him, "Is there any chance I can have that vest to demonstrate what happens?"

This vest is what Officer Putman was wearing in 2002. As you can see, he had it on similar to me right here. You see where that bullet hit? I am not a doctor, I do not play God, but I am pretty certain that would have been a fatal shot right there. That bullet ricocheted off of there. The vest would have been like this, what is captured right here. Yes, he did suffer some cuts, and, yes, he did have some injuries. This is what the back of his vest looked like. But that officer is alive. That officer is back on the streets today, and he is doing well. Bulletproof vests.

Chairman LEAHY. I do not think it is playing God, Chief, and none of us do, and I appreciate that. But I think we both know enough about firearms, we both know enough about ballistics, and we both know what would have happened if that officer had not had that vest.

Chief ZAKHARY. Yes, sir, and I want to reiterate what you said. In 1979, the bulletproof vest that I was given had a steel plate in it. So to address Mr. Grassley's comment, there has been—NIJ has

worked very closely with IACP. We have made tremendous improvements in the vests, and custom-fit vests do work.

Chairman LEAHY. Well, I do not want to be overly parochial, but my State has 625,000 people. Chief Schirling, whose testimony I am submitted for the record, is chief of our largest police department. That is in a city of 38,000. And our police departments go down in size from that, then we have the State Police, which covers the State. He said if this program is not reauthorized, there are a lot of law enforcement agencies that will not be able to afford protective vests.

You are both from Texas. We think of Texas as a large State, but you have got a lot of small jurisdictions. Would you agree with Chief Schirling that if we do not reauthorize this, there are departments that will not be able to afford the protective vests?

Officer CARRIZALES. Absolutely.

Chief ZAKHARY. Yes, sir, and I checked. Texas has approximately 75,000 officers, and I am a firm believer that many, many, many departments will go totally unprotected if this is not reauthorized, and we will lose officers this year as a result of non-authorization.

Chairman LEAHY. We have lost too many.

Chief ZAKHARY. Yes, sir.

Officer CARRIZALES. I know personally I have worked with officers, even in the area that I do work, that their agency did not provide them with a vest due to funding. I know that has been rectified since I last spoke to the officer. I made a phone call just to kind of get the status, and they were all fitted and issued as of, I think he said, January or February. But that was not the case for at least 2 years while he worked there. He worked without a vest.

Chairman LEAHY. Thank you.

Senator Grassley.

Senator GRASSLEY. I have already asked one of my questions. I am going to refer to FBI Uniform Crime Reports from 2012. They show a drop of one-third in the number of law enforcement officers who were feloniously killed compared to the previous year. It says that only three of these officers died from torso wounds while wearing bulletproof vests. So it seems to me that we are succeeding in protecting officers from torso wounds.

Today most police officers who are shot and killed are a result of head and neck wounds. So my question to both of you is: Do you have any recommendations on how Congress might now address, if it is possible to address, the fact that many more officers die from head and neck wounds than from torso wounds that the vest protects? Or is that—you may consider that a naive question, but is there anything that you think we can do along those lines?

Chief ZAKHARY. I will give it a shot. Then I will turn it over.

You know, there is a balance. Everything we do every day is a calculated risk. Many of those situations are in SWAT entry operations, and in those operations we do provide the officers with heavier vests, which we have also been able to purchase through the BVP program. We provide them with helmets. We provide them with face shields. What we do not want to do—and I have met with NIJ on this—we do not want to create robocops where they cannot move.

So I think it is a matter of calculated risk. We do the best we can to reduce the area of impact that they can shoot at.

Officer CARRIZALES. I would agree with the chief. This job, when we swear and take this oath and put that badge on, we do realize the risk that we are taking. There are some things that we can do to prevent dying, and that is, wear a vest.

What we do not want to do is we do not want to take away from the officer's ability to execute his or her duties at the optimal level. I do not think wearing something around our head is going to do anything but hinder what we can see peripherally, if I am saying that correctly.

So, no, I do not have any suggestions on what we can do for protection of head, protection of legs, feet, hands. No, I think that at this point the most important thing for us to do is to focus on the vests.

Senator GRASSLEY. Chief Zakhary, I would like to ask you a question not dealing with vests but because you are here, and I had a chance to read a couple statements on the website of your international organization. I would like to ask you: Why does the International Association of Chiefs of Police support mandatory minimum sentencing for drug offenders? If you would feel comfortable answering that.

Chief ZAKHARY. Well, I mean, I—why do we support it?

Senator GRASSLEY. Yes.

Chief ZAKHARY. Yes, there are a couple of reasons. The first one is it is a great investigative tool, and anything that we would do to lessen that really needs to be carefully evaluated and thought out from both sides and kind of look at the whole picture, not just an isolated snapshot at it. But the sentences really give the prosecutors an opportunity to really get to the next bigger fish, the next bigger user, the next bigger transporter. That is why we support that. I am very carefully thinking through this in the Reduction of Sentencing Act, sir.

I had two officers injured Friday night that both those guys would have been eligible as a result of a fight—both of them would have been eligible for reduced sentences had that been in place.

Senator GRASSLEY [presiding]. The Chairman asked if I would recognize Senator Coons. I am going to yield back my time. I do not think I will use it. Go ahead.

Senator COONS. Thank you very much. I would like to thank Chairman Leahy and Senator Grassley for holding this important hearing today.

Last week, as we have all heard, Chairman Leahy went to the Senate floor and asked unanimous consent for the Senate to take up and pass this important bipartisan reauthorization bill to sustain this critical Federal, State, local partnership, the Bulletproof Vest Partnership, and to support the men and women of law enforcement who keep our communities safe across the country.

I was deeply upset, disappointed, and angered that one of my colleagues continues to block consideration of this bill on the floor, and I voiced my disagreement with his arguments, his suggestions that somehow the Constitution prevents us from having a Federal-State partnership and somehow our budget and other reasons re-

strain us from having this cost-effective, proven, demonstrably valuable partnership.

I would like to enter my full floor remarks into the hearing record, hopefully without objection.

[The information referred to appears as a submission for the record.]

Senator COONS. The bottom line here is that this bill must pass, and we should not rest in our efforts to do what is right by public safety officers all over this country while they continue to risk their lives. In the middle of Police Week, while we mourn the loss of 268 officers who dies and whose names have been added to the Police Memorial. Between last night's candlelight vigil and tomorrow's wreath-laying ceremony, we have an opportunity here to once again in a bipartisan way commit ourselves to a positive and hopeful effort, reaffirming the Federal commitment to State and local law enforcement and to officer safety. This is not only constitutionally permissible, in my view, but a solemn obligation.

For Delaware, the Bulletproof Vest Partnership and its benefits are real, tangible, and personal. Chief Horsman of the Capitol Police is with us here today, along with Sergeant Mike Manley and Corporal Steve Rinehart, known to me, who are here because of the grace of God and the Bulletproof Vest Partnership. The two vests that they were wearing provided through this program when they confronted an active shooter in the Wilmington Courthouse in February 2013 literally saved their lives. All of Delaware is grateful for your service and grateful to God for your safety and your continued ability to contribute to our communities. Thank you.

To Officer Carrizales, thank you so much for your inspiring and moving testimony, for the letters from your daughter's class, for the support of your husband, and for the way that you helped us understand in a very personal way yet again how vital and how important these bulletproof vests are for keeping law enforcement officers safe all over this country. Thank you for your service, thank you for your heroism, and thank you for your particularly compelling and focused testimony today.

Some of my colleagues, as you have heard, have questioned whether there ought to be any Federal partnership in supporting local law enforcement. I happen to be from the small State of Delaware where crime crosses city and county and State lines routinely. You are from the somewhat larger State of Texas. From your perspective—yes, a country unto itself, I know.

[Laughter.]

Senator COONS. From your perspective, do you think these vests contribute to the national interest in public safety? Are there things you have seen that have caused you to believe that you have confronted criminal activity across this State or even international borders in your public service?

Officer CARRIZALES. Yes, absolutely. I think that—and I want to make sure that I understand your question. You are asking me if the things that I have seen personally in the line of duty would have an impact on how the citizens perceive—

Senator COONS. Do you see some value in a Federal role in supporting State and local law enforcement given how criminals do not stop when they hit the border between the city where you patrol

and the county around it or the city and the county and the State around it or the city, county, State, and, frankly, even countries around it?

Officer CARRIZALES. Well, yes, I absolutely do see that, that there is value there. Two of the three suspects in my case had been deported back to their country, their native country, and come back into the country illegally I think at least once before. So there is a need, there is definitely a need to have involvement there.

I do not know exactly—I am not in the know on the objections of the person that you are referring to, but I would submit to that person, I hope that you never have to call us to save your life and we do not have a vest on and someone kills us because then we cannot help you. And people willfully—and they will leave the country. It happens all the time. It was just by good police work and the support of Crime Stoppers in this case we were able to take all of these three suspects into custody before that could happen.

Senator COONS. Senator Coburn's comments on the floor in response to Senator Leahy's requests for us to proceed to this bill literally touched on his view that the Constitution bars us somehow from a Federal, State, local partnership. He also made other comments about costs and about the appropriateness in a deficit of our contributing.

You referenced the fact that many local agencies would not be providing bulletproof vests otherwise, that they would simply be leaving it up to their officers to purchase them.

Officer CARRIZALES. Correct.

Senator COONS. One of the key Federal roles in this program is that the National Institutes of Justice test and certify which vests are appropriate, are current, are fitted appropriately, use the latest technology. Does it give you any additional comfort as a law enforcement officer knowing not only that the vest you were wearing had been paid for jointly by your agency and the Federal Government but also that it had been certified to be capable of protecting you and was appropriately fitted?

Officer CARRIZALES. Yes, absolutely it gives me comfort to know that any vest purchased with funds from this grant, if this bill is passed, any of these vests—that we are not just getting secondhand vests because we are helping you buy them. That is not the impression that I am getting. And sometimes that can be the case when officers are faced to just kind of get what they get and that is it. We do not get paid a lot of money. Most officers cannot afford to buy their own custom vests. So we have to rely on funds or what we get from our agencies.

It gives me great comfort to know that not only would this bill provide those funds, but they would also make sure that we were wearing vests that were tested and tried and proven to save our life when it mattered most, yes.

Senator COONS. And as I look at the list of the agencies in Delaware that have been able to provide current custom-fitted vests for their officers, it runs from our one mid-sized city to our many small towns and our many rural areas. And I think your own experience reminds us it is important that we continue this Federal, State, local partnership.

One last question, if I might, Mr. Chair. To Chief Zakhary, thank you so much for your leadership and for what the IACP does to continue nationally a commitment to excellence in policing. I would welcome your comments on the IACP/DuPont Kevlar Survivors' Club. This partnership has documented over 3,100 officers' lives who have been saved from wearing body armor. Could you just describe the work of the Survivors' Club, how they document these saves? You pretty dramatically demonstrated how some have been documented. And then talk to us, if you would, about why innovative technology, current technology in vests is important as criminals continue to develop their means of assaulting law enforcement officers?

Chief ZAKHARY. Yes, sir, I would be honored to do so. The IACP/DuPont Kevlar Survivors' Club, I had the privilege and honor of being the Chair of the State Association of Chiefs of Police, known to us as "SACOP," which oversees and partners with IACP as one of the many IACP programs into the DuPont Survivors' Club. And what happens there is we highlight—at a very nice luncheon, we have all the State Police Chiefs there, all the State executive directors there, and we highlight at a luncheon the stories of the heroic acts of police officers who can walk the streets today because they wore their bulletproof vests. As was demonstrated by your officers in Delaware, we highlight those stories, and we have a police officer—not an administrator, we have a police officer get up and say, "This is my story," as we heard the officer say. "This is what happened. I was wearing my vest. Here is where I was hit. The vest did exactly what it should. The bullet was embedded in the vest, not in my chest, not in my stomach."

And so, yes, sir, that is—I mean, I can go into details, but I know time is sensitive.

The second question on the technology, if I may, is the NIJ—let me reiterate, criminals do not respect city limit signs, county borders, State borders, or global borders. As I have traveled the world representing IACP, criminals are criminals. They could care less where they find their prey as long as they can find it. And it is very comforting to know that the Federal Government under an NIJ standard is independent, and when I buy a vest from my officers, I know it has got that independent NIJ stamp, not that of a vendor or a special interest group, an independent laboratory that looks out for one thing, that is, the safety and the wear and tear on the vest. I have been to their lab, and it is amazing.

Senator COONS. Thank you. Thank you so much for your testimony.

Chairman LEAHY [presiding]. We are going to have votes. A roll call vote just started. I will skip the vote and stay here. Go ahead.

Senator WHITEHOUSE. I will be very brief. I just first wanted to note how fortunate we are that that Vermont criminal those years ago was a terrible shot, because Chairman Leahy has for years and at times virtually singlehandedly made sure that this program continued. And with all of the lives saved as a result of those bulletproof vests, it is one of a number of very remarkable achievements.

It is also a reminder, as Senator Coons pointed out, during this Police Memorial Week of the willingness of our men and women in law enforcement to go in harm's way for the rest of us, and it is

a very tangible signal of that, and it is something that I think is worth our pride as your constituents and those who you serve and protect. So we are very proud of you.

I would argue also that knowing that there is a solid partnership behind this program, knowing that there are Federal resources that are going to continue to flow through this program, helps build a market for these safety devices, helps the industry know that they can invest in making lighter, in making more secure, in making more comfortable and portable body armor and serve our law enforcement officers better because they will have the reliability of that market in the years ahead. And I think that is an important goal as well.

The last point I would make is—well, I will make it in the form of a question. What is the alternative? What is the alternative to the body armor in an active shooter situation? Chief?

Chief ZAKHARY. As far as no vests? Well, the alternative is we go into the situation with no vest and we are sitting targets.

Senator WHITEHOUSE. Pretty simple, isn't it?

Chief ZAKHARY. Yes, sir.

Senator WHITEHOUSE. Officer Carrizales?

Officer CARRIZALES. Death.

Senator WHITEHOUSE. Yes. Well, it was a very disappointing moment—I think the Chairman was powerful on the floor in support of this, and it was a discouraging moment when one of our body chose to interrupt a program like this that is a partnership that saves lives, that helps develop an important American technology for our police officers, and all over—well, ideology, for want of a better word. Thank you. Thank you both for your service and for being here.

Chairman LEAHY. And I should note that when I stepped out, that was to take a phone call from the Majority Leader, who is going to try again to get the other side to release their hold so that we can get this Bulletproof Vest Partnership reauthorized.

Senator KLOBUCHAR, another former prosecutor.

Senator KLOBUCHAR. Thank you so much, Mr. Chairman. Thank you for your work and this important hearing. I was listening to Senator Whitehouse apologizing for one of our body stopping the bill. I was thinking one of our body stopped you from protecting your body. And so I am hoping that they will see the light, and maybe they need to meet both of you and hear your stories. And thank you, Officer Carrizales. Thanks to the bulletproof vest and your bravery, you have your life, your husband has his wife, your kids have their mother, and the people of your town in Texas have you as a role model and a prosecutor.

Thank you also, Chief, for the day-to-day work that you do, like so many chiefs and officers across this country. And I appreciated that the Chairman asked the question about women wearing the vests. I have heard these issues before. I have a lot of friends in my former job. I just got together with all the women in leadership in the police world in Minnesota for dinner. We had a lot of fun, I will tell you. We do that about every other year and remembering old times, but I know some of them have been helped by bulletproof vests.

And, in fact, just a few weeks ago, Deputy Nathan Warren in Norman County in northwest Minnesota was shot during a routine traffic stop and survived because he was wearing a bulletproof vest. And the officer's injuries were non-life-threatening. He was able to return fire as the suspect fled, and law enforcement found the suspect a few hours later. The bulletproof vest saved his life just as it saved your life.

I wanted to ask you what you thought we could do to better improve the program. I would guess your answer is going to be funding, but maybe I will start with you, Chief.

Chief ZAKHARY. Thank you. I think, of course, it is funding. If the program is carried out as it has been, I think it is a great program. What I would ask that you not do is not make it so complicated. The program has worked under your leadership, sir, and if we can get it reauthorized, I think we would be very pleased, and I feel comfortable speaking for almost all 18,000 law enforcement agencies across this great country.

Senator KLOBUCHAR. Okay. Well, maybe that is a good way to end. I can put my other questions on the record.

Chairman LEAHY. That was a good question. We have time if you have more questions, but, Chief, if I can just say, I also like the fact when you talked about having the vests, making it clear where they come from and how they are designed, and have, you know, the stamp of approval, or what people would probably call the "Good Housekeeping Stamp of Approval." Rather than just somebody thinking this is a great way to make money and do a fly by-night type of program, which saves nobody. But, Senator Klobuchar, go ahead if you have—

Senator KLOBUCHAR. Well, one of the things I noticed, the manufacturers say there is a 5-year warranty on the vests, and in your experience, how long do you think these vests last? And do people wear them after the warranty expires?

Chief ZAKHARY. We have had this debate with the manufacturer. They only will warranty them for 5 years. I think the vests could last a lot longer. But I am not the scientists, I am not the expert. They do it all on probabilities, and there is always that one probability and that one small chance.

I think what is really important is to try to get the life of the vests up to perhaps 7, 8 years. I think that would even be more effective and perhaps—we have talked to NIJ about the extension of that through DuPont and the Kevlar material. What I really want to reiterate, though, is we must have the NIJ stamp, because what we do not want is vests made globally that look good, feel good, but are paperweights. They must be fitted. They must have that—if I am going to purchase a vest using taxpayers' dollars, I have to have the assurance that if you are going to give us the funding that the Senator and you and everybody has fought for, that it has got to be a product that is going to stop the bullet it is designed to stop. An NIJ stamp is imperative.

Senator KLOBUCHAR. Exactly. And we understand that.

I also want to let you know that I am leading a COPS reauthorization bill that we are working very hard to get done, and we have a bipartisan companion bill in the House, and we think that is also very important. And the Chairman has long supported those efforts

with Byrne grants and everything else. We hope to up the funding this year as we look at some of the sentencing changes and other things that we still will be working out on the floor. I think part of that should be more funding for COPS.

Chief ZAKHARY. Thank you.

Senator KLOBUCHAR. Thanks very much.

Chairman LEAHY. With that, the vote has started, so I thank you both. Officer, my son would criticize me if I did not remember to say, "Semper Fi."

Officer CARRIZALES. Semper Fi.

Chairman LEAHY. We stand in recess.

[Whereupon, at 11:19 a.m., the Committee was adjourned.]

[Additional material submitted for the record follows.]

A P P E N D I X

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Witness List

Hearing before the
Senate Committee on the Judiciary

On

“The Bulletproof Vest Partnership Grant Program: Supporting Law Enforcement Officers When
it Matters Most”

Wednesday, May 14, 2014
Dirksen Senate Office Building, Room 226
10:00 a.m.

Officer Ann Carrizales
City of Stafford Police Department
Stafford, TX

Chief Yousry A. Zakhary
President
International Association of Chiefs of Police
Alexandria, VA

**Testimony of Chief Yousry A. Zakhary
President, International Association of Chiefs of Police
Director, Woodway, Texas, Public Safety Department**

**Hearing Before the Senate Committee on the Judiciary
“The Bulletproof Vest Partnership Grant Program: Supporting Law Enforcement
Officers When it Matters Most”**

Presented on Wednesday, May 14, 2014

Chairman Leahy, Ranking Member Grassley, and Members of the Committee: Good morning, and thank you for inviting me to testify regarding the Bulletproof Vest Partnership Grant Program. As President of the International Association of Chiefs of Police (IACP), and on behalf of our over 22,000 members, I would like to thank the Committee for the support it has demonstrated over the years for the law enforcement field and our communities.

I began my career as a law enforcement officer with the City of Woodway, Texas in 1979. I am still there today and am currently the Chief and Director of the Public Safety Department. One of my main duties as Chief is to make sure my officers have the proper training and equipment they need to do their job safely, accurately, and efficiently so they can return home to their loved ones after their shift.

Body armor or bulletproof vests are critically important to a police officer's survival and wellbeing. There's no denying it, vests save lives, so it is imperative that all law enforcement officers are outfitted with properly fitted bulletproof vests. The Bulletproof Vest Partnership (BVP) Grant Program is a critical resource that enables state and local law enforcement jurisdictions to purchase these life saving vests. Since its enactment, this program has enabled over 13,000 state and local enforcement agencies to purchase over one million vests.

In Fiscal Year (FY) 2012, protective vests were directly attributable to saving the lives of at least 33 law enforcement and corrections officers, in 20 different states, an increase 13.7% over FY 2011. At least 14 of those life-saving vests had been purchased, in part, with BVP funds. In fact, thanks to BVP my department has been able to purchase 72 vests, with matching funds, since 2000. The BVP program has enabled us to fully outfit every officer in my department with this life saving body armor.

It is not just my responsibility as a Chief and a law enforcement executive to ensure that the officers of my department each have a bulletproof vest and the equipment and training they need to ensure their wellbeing and safeguard the community. Officer safety is an all-hands task, and also the responsibility of the government, as well as government leaders, to ensure the safety and well-being of its citizens and the lives of the officers who have dedicated their lives to protecting their communities. In order to fulfill our duties and responsibilities as law enforcement officers in protecting our communities we must first protect ourselves, and access to body armor through the BVP Grant Program is a critical component.

Sadly, and perhaps surprisingly to many, a number of American law enforcement officers do not have body armor available to them on a routine basis or it is not completely up to date. This is in part attributable to the shrinking budgets of state and local governments and their law enforcement agencies. That is why it is imperative that the reauthorization of funds for BVP occur. State and local law enforcement jurisdictions depend on this program to help purchase or partially purchase protective body armor for their officers.

To give you a sense of how important this program is to law enforcement, in FY 2013 the BVP program received a total of 4,580 applications from small jurisdictions alone, which are characterized as having a population of under 100,000 under this program. Funding small jurisdictions under the BVP grant program is a program priority requirement. This meant that in FY 2013 none of the 502 large jurisdictions applicants (populations of over 100,000) were awarded funding in FY 2013. In addition to not having enough funds in FY 2013 to provide

awards to any of the large jurisdiction applicants, there were insufficient funds to provide even the maximum 50% to all small jurisdiction applicants. Small jurisdictions that applied received only 37.10% of the amount they requested on their applications.

Officer safety and wellness has always been the IACP's top priority. It is the position of the organization that no injury to or death of a law enforcement professional is acceptable. A key element to officer safety is the use of bulletproof vests. That is why the IACP has developed a model policy in 1999 for the purpose of providing law enforcement officers with guidelines for the proper use and care of body armor. In addition, the IACP adopted a resolution for mandatory vest use in 2011. The resolution calls for all law enforcement executives to immediately develop and implement a mandatory body armor wear policy for their departments.

In addition, the IACP partnered with DuPont in 1987 to create the IACP/Dupont Kevlar Survivors' Club. The mission of the Survivors' Club is to reduce death and disability by encouraging increased wearing of personal body armor. The Survivors' Club also recognizes and honors those deserving individuals who, as a result of wearing personal body armor, have survived a life-threatening or life-disabling incident.

Since its inception, there have been 3,180 verified saves documented by the Survivors' Club thanks to body armor. I don't have enough time to detail every incident, but I would like to call out a few.

- Just this past Friday (May 9, 2014) in Killeen, TX, officers serving a narcotics search warrant came under fire. Two officers were hit by gunfire, but were spared injury thanks to their protective gear.
- In Texas, Muleshoe Police Sergeant Steven Bartley was shot on February 10, 2012. His department purchased vests through the Bulletproof Vest Partnership. This vest saved his life.

- In Arizona, Prescott Police Sergeant Kevin Perlak was shot on January 22, 2008. He was saved by his vest.
- On December 2, 2011, a police officer from a small town in southern New York was shot. He continues to serve his community to this day thanks to the vest his department purchased for him through BVP.
- A North Charleston, South Carolina, Police Officer David Winslette was shot on January 14, 2012. His department purchased vests through the Bulletproof Vest Partnership. The vest saved his life.
- In Illinois, a Burbank Police Officer Jesse Collatta was shot on February 18, 2008. His department purchased vests through the Bulletproof Vest Partnership. He too was saved by his vest.
- Police Reserve Officer Sammy Lawrimore from Somerville, Alabama, was shot on October 23, 2004. He was saved by his vest.
- In California, Sacramento Police Officer Kelli Maness was shot on December 7, 2008. She was saved by her vest.

It is important to note that vests do not just protect against assaults with firearms.

- Minneapolis, Minnesota, Police Officer James Huber was stabbed on August 12, 2012. He was saved by his vest.
- In Utah, Iron County Deputy Richard Dickinson was assaulted with a motor vehicle on November 29, 2007. He was saved by the vest he was wearing, which was purchased by BVP funds.
- Des Moines, Iowa, Police Superintendent Colonel Patrick Hoye was involved in a motor vehicle crash on March 15, 2008. He was saved by his vest.

I think this helps demonstrate how vests save the lives of officers all across the country. These officers, and the thousands of other officers, were able to return home to their family, friends, and loved ones thanks to their live-saving bulletproof vests.

What many people don't realize is broad reaching effects from when an officer is killed or even wounded. Not only does the officer suffer, but so do the officer's family, friends and police colleagues. The death of a law enforcement officer has a shocking impact upon the agency and the community as a whole. The unique effects can range from reduced productivity and low morale among officers to public fearfulness and sorrow. There is also the potential for strained relations between the community and the law enforcement agency.

In addition to the human costs, there are financial and operational costs to consider. The U.S. Department of Justice – Bureau of Justice Assistance - Public Safety Officers Benefits Program, provides \$323,035 in death and education benefits to survivors of fallen law enforcement officers. The average cost of a bulletproof vest is \$800 to \$1,000. That's roughly 323 vests that could be purchased with money saved, if more departments had assistance in purchasing vests for their officers.

The loss of one officer in a small agency can have a crippling effect upon manpower and the agency's ability to deliver services, not to mention the devastating blow that it inevitably has on fellow officers, friends and colleagues. While larger agencies are less vulnerable to manpower disruptions, they too experience devastating emotional blows that can disrupt operations and services.

The death or injury of an officer creates a wide variety of unanticipated and very costly expenditures for the agency. Possible expenditures include medical bills; funeral expenses; workman's compensation and death benefit payments; increased insurance premiums; sick leave; retirement system costs; legal fees; civil judgments; replacement and retraining expenses; and overtime pay. Viewed solely in a financial light, the effects of an officer's death can have significant consequences.

According to the IACP's Reducing Officer Injuries Report, those individuals who reported wearing body armor missed fewer work days after an injury and endured fewer rehabilitation days compared to those who were not wearing armor during their injury. This data covers felonious assaults, motor vehicle accidents, and other incidents.

On behalf of the IACP and the Woodway Police Department, I cannot stress the importance of bulletproof vests enough and the ability of law enforcement agencies to fully equip their officers with this life-saving body armor.

Thank you again for the opportunity to appear before you today to discuss the importance of the Bulletproof Vest Partnership Grant Program. I would be happy to answer any questions you may have.

May 12, 2014

To: Chairman Leahy, Ranking Member Grassley, and Members of the Committee
From: Stafford Officer Ann M. Carrizales

Subject: **Protect Our Protectors with Bulletproof Vest Partnership Grant Program**

Good Morning, Chairman Leahy, Ranking Member Grassley and Committee Members! My name is Officer Ann Marie Carrizales and I am a police officer for the City of Stafford, Fort Bend County, Texas. I would like to thank you, in advance, for your time as I share with you the testimony of one of the most life altering moments of my life. On October 26, 2013, just before 4 a.m., I initiated the traffic stop that almost became my very last. Every fiber of my memory can recall each detail of what was to follow. I am here this morning to share some of those details with you in the hopes of illustrating to all of you the dangers that Law Enforcement Officers face on a daily basis.

In the moments leading up to the incident, I felt the night become darker and the gentle breeze in the air seemed to retreat in the presence of evil. The natural peace that I sometimes feel at that hour of the night, when the citizens of Stafford, Texas are sleeping safely in their homes was no longer and I could sense that evil was lurking, like a snake in the grass looking for just the right moment to catch me unaware. Only I was NOT unaware, and more importantly, I was NOT unprepared. I was wearing my bulletproof vest that my agency had custom fit for my body and issued to me upon employment. Although my vest snugly hugged my body, I could still feel the sweat beads trickle down my chest and the back of my neck as the hot breath of evil filled the air around me. One car. Three occupants. Our eyes locked. I knew. They knew. We knew. The first shot struck my left cheekbone. It traveled through my cheek and exited at my lower jaw line. As the bullet exited, it obliterated my left earlobe leaving only shreds of tissue dangling where there was once an earlobe. I remember the muzzle flash, looking directly at the weapon and taking a mental note of its caliber and then there were his eyes. I will never forget his eyes.

The metal burned and I could taste both metal and blood. Instinctively I raised my left forearm to cover my face in a defensive technique from my many years of competitive boxing and I simultaneously began to turn to my right to find cover while drawing my firearm. A second shot rang out. I felt it strike the left side of my left breast and I immediately thought, "Oh....my vest didn't catch that one..." I could feel the immense pain and burning in my chest followed by the warmth of my blood as it ran down the left side of my ribcage. The second shot knocked me back three steps. I recall counting the steps in my mind, "one, two, three..." In those moments, my thought process was extremely clear. I gave myself a quick pep talk in between those three steps back saying, "You're in a gun battle here! Any day you wanna start shooting!" It felt like several seconds in between me getting shot and me returning fire, however; it was immediate. The suspect vehicle fled, I began pursuit, and a few days later the dash cam video of my pursuit was released for the world to see.

Relaying the information to dispatch that I had been shot was very hard for me. I knew what it would do to my partners, to include my dispatchers. One of their own was shot twice, in the face and chest, and they would do anything in the world to save me. I could hear the voices of other officers from other agencies scanning the police channels asking their dispatchers to "Check on Stafford, check on Stafford! I think one of theirs has been shot!" I could hear panic in the voices of my partners as they all tried to get to me. "Not again" I thought to myself. Recalling that I had just been involved in a shooting the October prior. One year almost to the day. Lightning struck me twice, and I was determined that I would NOT give up or give in, even as the suspects shot at me from the moving vehicle. It was not an option for me to quit. I would not allow these individuals to hurt anyone else, even if it cost me my life to protect everyone else's. Ultimately, my pursuit ended in Houston, Harris County, and today, all three suspects are in custody.

When the dust cleared, I was left with two bullet holes in my face (from entry and exit), a severely damaged left earlobe, and a large bullet hole on my left breast. The hole was approximately two inches deep and about as round as a quarter. The bullet? It was embedded in my bulletproof vest, exactly where it needed to be. My vest, issued to me by my agency. Custom cut and made to fit my body, did its job for me that night. That hot, heavy, uncomfortable, piece of equipment that can sometimes carry an odor that can singe your nose hairs, SAVED MY LIFE.

I patrol the night streets in the City of Stafford, Texas. We have approximately 49 sworn officers policing a city with a daytime/commercial population of approximately 100,000 people and around 1,800 at night. I don't work for a large agency like Houston PD or Dallas PD. I work for a small department and I have had two officer involved shootings in one year. It can happen anytime, anywhere. Not just in the larger cities. I am fortunate enough to work for an agency that provides the necessary equipment, such as a bulletproof vest, to offer me the most protection while I am out on the front lines fighting crime. An agency that has, in the past, used government funding to provide vests to their officers. Even with the decline in funding Stafford PD has continued to provide their officers with vests, whereas, other agencies with less of a budget to work with are forced to choose between what is most important to officer safety and how much money to put into ensuring their officer's safety. In some cases, women are forced to wear men's vests which do not fit properly and therefore cannot function properly and provide adequate protection.

We expect our officers to run toward the danger, when everyone else is running away. We expect our officers to push through their fear (and YES, we do get scared!) and protect those who cannot protect themselves. We expect our officers to sacrifice time away from their families to uphold the law and keep our streets safe. We give them a gun and a badge, and tell them to aggressively seek out the evil doers. Then we tell them, that we don't have the money to purchase the armor that they will need to help keep them alive, but they must go and fight the war anyway. And they do. Everyday. Often times for less money than one might think. They do it because it's a calling. They do it because it's in their blood to be protectors. They are me. They are some of those people sitting in this room behind me. They are the 286 officers whose names will be added to the Memorial this year because they gave the ultimate sacrifice in the line of duty. The men and women of Law Enforcement. A group of our nation's Protectors.

I submit to you, Chairman Leahy, Ranking Member Grassley, and Members of the Committee, to help us **Protect the Protectors**.

I would not be sitting here today, had I not been wearing a properly fitting bulletproof vest. My 10 year old daughter, MiKayla, and 19 year old son, Joseph, would not have their mother had I not been issued a bulletproof vest by my agency. My husband, Christopher, would be a widower forced to raise two children on his own. That vest saved my life, when it mattered most! It did its job. Just as I do my job every night that I am on those streets risking my life. I now, humbly, ask you to do your job and work to reinstate the Bulletproof Vest Partnership Grant Program. Now is the time when it matters most!

This incident shook my family to its very core. We are still trying to put the pieces back together. I have been fortunate that my daughter's school, Oyster Creek Elementary, have been such a great source of support for my daughter as she struggled to process this traumatic event. Attached are letters from the 4th and 5th grade students of OCE School asking for your assistance in helping police officers across our nation obtain the bulletproof vests that they need for survival. They have rallied behind me and my family ever since the incident and I am deeply touched by their passion to protect our police officers! I am proud and honored to submit them to you with my testimony. Thank you, again, for your time.

Respectfully Submitted,

Officer A. Carrizales
Stafford Police Department
Stafford, Fort Bend County, Texas

SEMPER FIDELIS

**Statement of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee
Hearing on “The Bulletproof Vest Partnership Grant Program:
Supporting Law Enforcement Officers When it Matters Most”
May 14, 2014**

This week is National Police Week. Thousands of law enforcement officers have gathered in our Nation’s Capital to honor the sacrifices of our men and women in law enforcement, particularly those who have lost their lives in the line of duty. Today we have an opportunity to discuss a program that helps to protect those who protect us. For over 15 years, the Bulletproof Vest Partnership program has been saving lives by helping to provide over one million vests to over 13,000 local law enforcement agencies. It is a critical program that I know every single law enforcement officer in the room today supports, and I greatly appreciate their presence for this important hearing.

A week ago I stood on the Senate floor and sought unanimous consent to reauthorize this program. At the time I reminded my fellow Senators that if you claim to support law enforcement, you need to stand with them when it matters most. I assured them that law enforcement cares deeply about reauthorizing this program. Today – seeing all of the law enforcement officers in our Committee room – that message could not be clearer.

The law enforcement community has spoken with a single voice on this issue. They understand the unfortunate reality that life-saving vests can be extremely expensive – especially for smaller jurisdictions – and that they can wear out too soon. They also understand that Congress has played an invaluable role in supporting this program, and many officers are alive today because of it.

However, we have learned that a few Republican Senators believe that the Federal government has no role to play in assisting local law enforcement; that somehow it is a mere luxury. I could not disagree more. We in Congress have long supported local law enforcement because we have a duty to keep our communities safe.

Congress provides support to local law enforcement agencies to target violent gangs and high-volume drug traffickers; to access vital intelligence across state borders; to reduce backlogged sexual assault kit tests; and to provide benefits to the families of officers killed in the line of duty. These important programs have historically received overwhelming bipartisan support – even from some who now claim an ideological objection to supporting local law enforcement.

The Bulletproof Vest Partnership program has always enjoyed strong bipartisan support. Republican Senator Ben Nighthorse-Campbell and I worked together to create the program nearly three decades ago. It was so successful that, in the past, it was reauthorized with a voice vote. It was the right thing to do – it saved lives – and that was enough for both Democrats and Republicans. Today, every single Democrat in the Senate supports this program. I am glad to note that many of my friends across the aisle do as well. Senator Grassley has worked closely with me to strengthen and reauthorize this program, and I thank him for his efforts. But some

Republicans are blocking this effort, and it is inexcusable. They have walked away from a tangible and effective way to protect the lives of our law enforcement officers.

The newfound claim that the Constitution somehow does not permit Congress to assist law enforcement through a voluntary grant program is patently absurd. The Supreme Court has never construed Congress' spending power in such a way. No reasonable interpretation of Article I, Section 8 could conclude as much.

I hope that those who oppose reauthorization will listen to the testimony today. If they do they will learn that this vests program is hardly a luxury – it is necessary to save lives, and is worth our support. They will hear from Yousry Zakhary, Chief of the Woodway, Texas Police Department and President of the International Association of Chiefs of Police (IACP). The IACP helps maintain a list of more than 3,100 officers who have survived death or serious injury by wearing protective body armor. Chief Zakhary knows first-hand how this program saves lives.

Officer Ann Carrizales of the Stafford, Texas, Police Department will also testify. Officer Carrizales was shot twice during a routine traffic stop last year and was saved by her protective vest. She heroically pursued the suspects for 20 miles and ultimately helped a neighboring police jurisdiction apprehend and arrest the shooter. I am so thankful she is here to tell her story.

There are many heroes in the room today, and I look forward to the testimony of our witnesses, including Officer Ann Carrizales, whose vest stopped a gunman's bullet just last fall. Two additional heroes I want to recognize are Sergeant Michael Manley and Corporal Steven Rinehart of the Delaware Capitol Police. A year ago, a gunman entered the New Castle County Courthouse and opened fire, tragically killing two women. Officers Manley and Rinehart immediately engaged with the gunmen, and they were both struck in the chest. Their protective vests – purchased through this program – saved both of their lives.

Last night, thousands of officers gathered for a candlelight memorial at the National Law Enforcement Officers Memorial. The Memorial contains the names of over 20,000 officers who have lost their lives in the line of duty. Last night the names of 286 fallen officers were added to its walls. Thankfully, Officer Carrizales, Sergeant Manley, and Corporal Rinehart's names were not among them.

You will hear many speeches this week paying tribute to law enforcement, but law enforcement deserves more than speeches; they deserve action. All Senate Democrats are ready to reauthorize the Bulletproof Vest Partnership program today, as well as the Blue Alert Act that this Committee has also reported. I hope that, after hearing from you today, and seeing all of you this week, all Senators will join these efforts. It is time for Congress to act.

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**STATEMENT OF SENATOR CHARLES E. GRASSLEY
SENATE JUDICIARY COMMITTEE
HEARING ON BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM
MAY 14, 2014**

Mr. Chairman, thank you for holding this hearing.

I appreciate the opportunity during National Police Week to highlight a program that has over the years saved so many lives.

One of those lives is that of one of our witnesses today. I welcome both our witnesses.

For all its benefits, in years past, this program has been administered in a way that did not foster accountability, allowed skirting of program requirements, and reduced effectiveness.

In 2012, I asked the Government Accountability Office to examine the operation of the program.

Following their investigation, they recommended that \$27 million of undisbursed funds from grants whose terms had ended be deobligated.

They asked the Justice Department to make sure grant recipients understand that they could not satisfy the 50% match requirement of the Bulletproof Vest Partnership program – the match is what makes it a partnership – by using other federal funds as the basis for the match.

GAO also proposed that DOJ do a better job to ensure that states and local governments that used Byrne/JAG funds for bullet proof vests adhere to the requirements of the BVP grant program.

GAO also made recommendations concerning DOJ enforcing compliance with document retention requirements and the tracking of grant recipients' use of the funds for stab-resistant vests.

Today, GAO has followed up on its earlier investigation and has concluded that the Department of Justice has implemented all of its recommendations.

GAO has sent me a letter outlining that compliance, which it has provided to you, Mr. Chairman, as well.

I ask consent that the GAO letter be included in the record.

GAO has found that DOJ has deobligated \$31 million in undisbursed funds from grant awards whose terms have ended.

Some of these undisbursed funds dated back to 2002.

Additionally, DOJ has implemented a process to review all undisbursed bulletproof vest funds.

As a result, DOJ has deobligated an additional \$7.8 million from more than 3000 grants whose award terms have ended.

And the new process will ensure that the problem of undisbursed funds does not reemerge.

Deobligation promotes accountability in the use of grant funds and is vital to effective grant management.

I am glad to see that this has finally occurred.

GAO also has concluded that DOJ now better publicizes the requirement that grantees retain documentation of their vest purchases.

The grant application now requires applicants to certify their acknowledgement and acceptance of the requirement.

DOJ has also adopted GAO's recommendation concerning tracking funds for stab-resistant vests.

More importantly, DOJ agreed with GAO's advice that it ensure that JAG recipients who use those funds for the purchase of body armor comply with crucial -- in fact, life-saving -- requirements of the BVP grant program.

States can use JAG funds as well as BVP grant funds to purchase body armor.

Previously, JAG did not require that grantees only purchase vests that comply with the standards of effectiveness that the National Institutes of Justice have established.

Nor did JAG require that entities that used JAG funds for bullet proof vests have policies mandating that officers actually wear them.

Now, GAO reports that BJA has established requirements that JAG recipients certify that they have written mandatory use policies and that the body armor purchased complies with NIJ standards.

The last of GAO's recommendations was that the Bureau of Justice Assistance had not documented its procedures to ensure that JAG grantees

complied with the requirement not to use JAG funds as the basis to satisfy the match requirement of any BVP grant funds they might also receive.

GAO has found that BJA has issued new guidance for staff to improve compliance with the requirement that JAG funds not be misused as matching funds.

I consider the process of GAO investigating, making sound recommendations, and DOJ adopting new practices to be a textbook example of how oversight is supposed to work to benefit the taxpayer and, in this case, police officers as well.

I do encourage NIJ to issue soon the guidance and new standards that it led GAO in 2012 to believe would have been forthcoming by now.

Following up on GAO's initial recommendations, I requested that when the BVP grant program was authorized, that the legislation incorporate provisions that reflected the benefit of the oversight.

As a result, legislation to reauthorize this program now includes provisions that make all previously appropriated funds not expended by the end of FY 2015 be returned to the Treasury; that recipients of grants not use funds from another grant program to form the basis for satisfying the match requirement; that grantees adopt policies requiring patrol officers to wear bullet proof vests; and that authorization levels for the program be cut.

I appreciate the Chairman's backing for these efforts and I am pleased to support legislation to reauthorize this important program.

The Judiciary Committee reported the bill with a strong vote last year.

There are a small number of senators who have concerns with the bill and haven't consented to its passage.

All that would be needed for the bill to pass the full Senate would be for the Majority Leader, who of course has the power to decide what bills the Senate will consider, to bring this bill to the floor.

Votes for passage would be overwhelming.

Unfortunately, Senator Reid has made clear that he'd rather spend time on political votes than getting legislation like this passed.

I look forward to today's hearing.



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JAMES O. PASCO, JR.
EXECUTIVE DIRECTOR

TESTIMONY

of

Chuck Canterbury

National President,

Grand Lodge, Fraternal Order of Police

on

**“The Bulletproof Vest Partnership Grant Program:
Supporting Law Enforcement Officers When it Matters
Most”**

before the
Committee on the Judiciary
United States Senate

14 MAY 2014

—BUILDING ON A PROUD TRADITION—



Good morning, Mr. Chairman, Senator Grassley and the distinguished members of the Committee on the Judiciary. My name is Chuck Canterbury, National President of the Fraternal Order of Police, the largest law enforcement labor organization in the United States, representing more than 330,000 rank-and-file police officers in every region of the country.

I want to thank you, Mr. Chairman for inviting me here this morning to share the views of these rank-and-file officers about the Bulletproof Vest Partnership (BVP) grant program and to urge the Senate to act on your bill, S. 933, to reauthorize this critically important program.

Say what you will about government waste, redundant programs and Federal funds being used on useless, pork-barrel products. The BVP program saves lives. Each and every year, there are law enforcement officers who are alive today because they were wearing soft body armor which was purchased using funds from this program. How many other programs can quantify their success so starkly?

In 1998, Senator Leahy and then-Senator Ben Nighthorse Campbell proposed a simple bill with a very simple goal--to increase the number of law enforcement officers wearing soft body armor by creating a program

to provide matching Federal funds to State or local law enforcement agencies of any size seeking to purchase armor vests for use by their officers. The legislation was written to ensure that agencies which did not provide their officers with soft body armor would be able to do so and gave priority to those agencies where crime and violence are more prevalent. Additionally, agencies with outdated or ineffective body armor were given access to the program, enabling them to upgrade their equipment and give maximum protection to their officers on the street.

There is no legislation, no government program, no grant or public-private partnership that can erase the sad fact that law enforcement officers will die. But this program saves lives.

On 23 December 1975, Seattle Patrolman Raymond T. Johnson was shot. Fortunately, he was wearing soft body armor crafted through a partnership between the U.S. Departments of Defense and Justice and he survived. Since that shooting, the DuPont Survivor's Club has certified more than 3,100 saves. That is 3,100 law enforcement officers who went home to their families and 3,100 fewer names on the Wall of Remembrance at Judiciary Square here in Washington, D.C. This program has saved lives. We know that it has.

One hundred and five law enforcement officers have been killed in the line of duty this year. Thirty-one were shot and killed. While we know that there is no way to end the deadly risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death. For more than a decade, this program has increased the quality and number of armored vests available to our nation's law enforcement officers.

And while soft body armor is specifically designed to provide ballistic protection, it also greatly increases survivability of other injuries—car crashes, physical fights, falls and other trauma. On average, our nation's law enforcement officers suffer about 60,000 assaults in a year, resulting in an average of 16,000 injuries. In many cases, soft body armor is a factor in the officer escaping the assault without injury or reducing the impact of that injury.

In many ways, body armor is the single most important and effective piece of equipment a law enforcement officer can possess.

Law enforcement officers are constantly in harm's way. They work out of their police vehicle and are expected to go forward into the unknown and, most of the time, are unsupported when they do. At the moment a critical incident unfolds, these officers' lives depend on the equipment they have at hand. If their equipment is not adequate, the outcome can be devastating. Every law enforcement officer should be provided with soft body armor and every officer should be wearing that vest whenever they are out on the street.

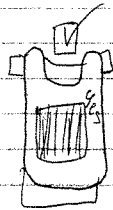
I make this statement not only as the National President of the FOP or a retired police officer. I also make it as a father. My son is an active duty officer. His safety is at risk on every shift and I've made it very clear to him how important it is for him to be wearing his vest.

In closing, I would like to thank Senator Leahy, the original author of this legislation. Mr. Chairman, this bill has saved lives. That is a fact. There are officers who are with their families and still on patrol today because of this program and, on their behalf, I thank you. Chairman Leahy has been unwavering in his support of this program and for State and local law enforcement. Support for State and local law enforcement programs has been deteriorating in recent years, but Chairman Leahy has been one of our most reliable and effective champions. We are deeply grateful for his help and his leadership.

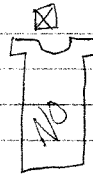
Thank you. I would now be pleased to answer any questions you might have.

Dear Senate Committee,
 I think that all police officers should have a
 Bullet Proof vests, because More than 100
 police ~~offers~~ officers have died because they
 did not have a vest on, but why? Because
 the Police Department did not have the
 money to provide the officers with a vest.
 My mother would have died if she did not
 have a vest on, and I'm not saying
 God did not save her, because he did.
 Just think about the wives who have
~~because~~ became widows, think of the children
 who now have no father or mother. We Need
 The money on That Bill. So give it to use,
 please, and we will put it to good use.

- Mikayla R. Mathis
 - Please Help -



Yes!



NO!

Daughter of
 Officer Ana
 Carrizales





BURLINGTON POLICE DEPARTMENT
1 North Avenue
Burlington, Vermont 05401

Michael E. Schirling
Chief of Police

Phone (802) 658-2704
Fax (802) 865-7579

**WRITTEN TESTIMONY OF CHIEF MICHAEL E. SCHIRLING
CHIEF OF POLICE - BURLINGTON, VT POLICE DEPARTMENT
SENATE COMMITTEE ON THE JUDICIARY
BULLET PROOF VEST PARTNERSHIP FUNDING
MAY 12, 2014**

Mr. Chairman and Members of the Committee:

I have the privilege of serving as the Chief of Police in Burlington, VT. Burlington is a community of approximately 40,000, located on the eastern shores of Lake Champlain about 35 miles south of the Canadian border. It is the central hub of activity, commerce, and services for northwestern Vermont, which encompasses a population of approximately 150,000 residents. We have a 149-year history of providing law enforcement services to Vermont's largest City, currently employing 100 officers and 37 civilian personnel.

Each day in Burlington, in Vermont, and throughout the United States, law enforcement officers are thrust into a myriad of situations in which, despite their best efforts and skill, they lack full control of events as they unfold and are seriously injured or killed. In the roughly 1 million encounters they have each day, officers face more complex and unpredictable scenarios. This results from a wide range of complicating factors including offenders released from our prisons, those with intractable substance abuse and addiction, and some in our communities with unmet mental health needs.

In recent years the violence that we have encountered on both a local and national level has become increasingly challenging. Among the most basic safety strategies is the use of bulletproof vests. My agency has mandated the wearing of vests for all uniformed personnel.

Federal, State, local, university and tribal law enforcement are doing all that we can to protect our communities from crime, disorder, and the specter of terrorism and, while doing so, we recognize the fiscal reality that faces our nation today. There are undoubtedly initiatives throughout the Federal budget that support local and State programs that should be scrutinized as we try to control costs. Safety initiatives, especially those that represent such a small overall investment that yields such a dramatic return, should be among the last that fall victim to budget pressures. The safety of our nation's law enforcement officers is a wise and necessary investment. I urge you to fund this bulletproof vest partnership. Without continued Federal assistance, I fear that there are many of the 18,000 law enforcement agencies nationwide that may be unable to continue to equip officers with this essential piece of safety equipment.

Thank you for taking testimony on this important issue, and for your continued leadership and assistance on criminal justice matters and the safety of our law enforcement officers, nationwide.



U.S. GOVERNMENT ACCOUNTABILITY OFFICE

441 G St. N.W.
Washington, DC 20548

May 14, 2014

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate

Law Enforcement Body Armor: Status of DOJ's Efforts to Address GAO Recommendations

Dear Senator Grassley:

Since 1987, body armor—in the form of ballistic-resistant and stab-resistant vests—has reportedly saved the lives of over 3,000 law enforcement officers nationwide. Recognizing body armor's value, the Department of Justice (DOJ)—through its Bureau of Justice Assistance (BJA) and its National Institute of Justice (NIJ)—has implemented initiatives to support state and local law enforcement agencies' use of body armor. For example, two BJA grant programs provide grant funding to state and local law enforcement to assist with body armor purchases. On February 15, 2012, I testified before this committee on the key findings of a report we issued that same day, emphasizing (1) the body armor efforts DOJ had underway, (2) the extent to which DOJ had designed controls to manage and coordinate these efforts, and (3) the factors that had affected body armor's use and effectiveness and steps DOJ had taken to address them.¹ Our report contained five recommendations to the Director of BJA to improve grantee accountability in the use of federal funds, reduce the risk of grantee noncompliance with program requirements, and ensure consistency in the department's efforts to promote law enforcement officer safety. You asked us to report on the actions DOJ has taken to address each of the five recommendations.

To complete our February 2012 body armor report, we reviewed information on DOJ's body armor initiatives and interviewed officials from BJA, NIJ, 6 body armor manufacturers, 2 body armor-testing laboratories, 3 law enforcement associations, 10 state and local jurisdictions receiving body armor grants, and 12 stakeholders in and outside of government. We selected these organizations nonrandomly based in part on their size and location. We also examined body armor literature on key factors affecting body armor's use and effectiveness and reviewed DOJ's efforts to address these factors. Our published work provides more detail on our scope and methodology.² To identify actions DOJ has taken in addressing the recommendations we made in that report, from April 2012 through June 2013, we requested and reviewed evidence of the department's actions and assessed the degree to which they were consistent with our

¹See GAO, *Law Enforcement Body Armor: DOJ Supports Its Use and Enhancements, but Could Strengthen Management of Its Related Grant Programs*, GAO-12-448T (Washington, D.C.: Feb. 15, 2012) and *Law Enforcement Body Armor: DOJ Could Enhance Grant Management Controls and Better Ensure Consistency in Grant Program Requirements*, GAO-12-353 (Washington, D.C.: Feb. 15, 2012).

² GAO-12-353.

recommendations. In May 2014, we also contacted officials to determine the extent to which they had institutionalized these actions.

We conducted our work in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Results

DOJ has taken actions that are consistent with the five recommendations we made in our February 2012 report, and we consider all the recommendations to be closed and implemented. These recommendations included: (1) deobligating undisbursed funds from grants whose terms have ended, (2) expanding information available to grantees on documentation retention requirements, (3) ensuring consistency in BJA grant program body armor requirements, (4) documenting pertinent monitoring procedures, and (5) tracking JAG grantees' stab-resistant body armor purchases.

Background

Two BJA grant programs provide funding to state and local law enforcement to facilitate their body armor purchases.

- The Bulletproof Vest Partnership (BVP) program offers 2-year grants on a reimbursable basis. As of February 2012, the BVP program had reimbursed grantees about \$247 million for their purchases of nearly 1 million vests.
- The Edward Byrne Memorial Justice Assistance Grant (JAG) program provides 4-year grant money up front that could be used to fund body armor procurement along with other criminal justice activities. The JAG program provided nearly \$4 billion from fiscal years 2006 through 2011, but BJA did not know how much of this amount grantees have spent on body armor because it was not required to track expenditures for specific purposes. BJA reported that from fiscal years 2006 through 2011, 357 grantees intended to use JAG funds for ballistic-resistant vest procurement, but it did not track how many grantees intended to purchase stab-resistant vests.

DOJ Has Taken Action to Address the Five Recommendations from Our February 2012 Report

Recommendation 1: Deobligate Undisbursed Funds

In February 2012, we found that BJA had not deobligated undisbursed funds from BVP program grant awards whose 2-year terms had ended, which is an important final point of accountability for grantees and allows agencies to identify and redirect funds to other priorities. To strengthen fund management, we recommended that BJA deobligate these undisbursed funds. DOJ agreed.

As of May 2013, BJA deobligated approximately \$31 million in undisbursed funding from BVP grants whose terms had ended. This total includes the undisbursed funding from BVP grants that were first awarded from fiscal years 2002 through 2009 that we identified in our February 2012 report, as well as undisbursed funds from fiscal year 2010 grants whose terms ended subsequent to the issuance of our report.

In May 2014, BJA officials told us that they have implemented a process to review all undisbursed funds on a yearly basis in order to routinely deobligate undisbursed BVP funds. These officials noted that, as a result of this process, in April 2014, BJA had deobligated an additional \$7.8 million in undisbursed funds from 3,283 awards whose terms had ended. Additionally, these officials told us that BJA had identified another approximately \$431,000 that may be eligible for deobligation. Specifically,

- About \$166,000 is from awards where BJA denied grantees' payment requests and the denial occurred after the term of the award period ended. These officials stated that BJA plans to deobligate these funds by the end of May 2014.
- Approximately \$265,000 is from awards where grantees had not yet completed payment requests. These officials stated that BJA is working to contact these grantees to complete the payment request; however, if the grantees take no action by May 23, 2014, BJA plans to deobligate the funds by mid-June 2014.

BJA's actions are consistent with our recommendation. Thus, we consider the recommendation closed and implemented.

Recommendation 2: Expand Information Available to Grantees on Documentation Retention Requirements

In February 2012, we found that the BVP program rule requiring that grantees maintain documentation of their vest purchases for 3 years was not as well publicized as it could be. This requirement appeared in "frequently asked questions" guides and was provided when grantees called for technical assistance in administering their grants. However, the requirement did not appear in the grantee instructional manual or in the online system that grantees and BJA use to manage the grant funds, thus increasing the risk that grantees would not be aware of it. As a result, we recommended that BJA expand the information available to grantees on this requirement. DOJ agreed.

In response, BJA began including information on the documentation retention requirement on the website for the BVP program and in the fiscal year 2012 BVP program application, which was issued in May 2012. In addition, the applications for fiscal years 2012, 2013, and 2014 required applicants to certify their acknowledgment and acceptance of the requirement. BJA's actions are consistent with our recommendation. Thus, we consider the recommendation closed and implemented.

Recommendation 3: Ensure Consistency in JAG and BVP Program Body Armor Requirements

In February 2012, we found that the JAG program and the BVP program had different policies for the use and purchase of DOJ-funded body armor. Unlike the BVP program, the JAG program did not require that grantees purchasing body armor have policies in place mandating that officers wear the armor or that the grantees purchase body armor that is NIJ compliant. As a result, we recommended that BJA establish requirements within the JAG program that

grantees using the money for body armor purchases have written mandatory wear policies in place and that they are permitted to purchase only body armor that is compliant with NIJ standards.

In March 2012, BJA established requirements for JAG recipients purchasing body armor with fiscal year 2012 awards to certify that (1) they had a written mandatory wear policy in effect and (2) the body armor complied with applicable NIJ ballistic- or stab-resistant standards. BJA's actions are consistent with our recommendation. Thus, we consider the recommendation closed and implemented.

Recommendation 4: Document Pertinent Monitoring Procedures

In February 2012, we found that BJA grant managers had performed desk reviews, in which officials reviewed grant documentation off-site, to assess grantees' compliance with general programmatic requirements. However, BJA had not documented its procedures to monitor JAG grantees' compliance with the requirement prohibiting recipients from using JAG funds toward the match portion of any BVP grants they might also receive. As a result, we recommended that BJA document pertinent monitoring procedures. DOJ agreed.

In April 2012, BJA began developing guidance for conducting and documenting desk review checks of compliance with JAG program requirements, and in October 2012, fully implemented these new procedures. At that time, BJA officials noted that the new guidance would aid BJA staff in completing their desk reviews for fiscal year 2013 and beyond. BJA's actions are consistent with our recommendation. Thus, we consider the recommendation closed and implemented.

Recommendation 5: Track the JAG Grantees' Stab-resistant Body Armor Purchases

In February 2012, we found that BJA had limited ability to see which JAG grantees intended to use their awards for body armor purchases. BJA, along with several other bureaus and offices within the department, used an online system, known as the Grants Management System (GMS), to track JAG spending across more than 150 specific categories. At the time of our report, each category was associated with a "project identifier." Although "bulletproof vest" was among the project identifiers, no project identifier existed that could be used for stab-resistant vests. As a result, we recommended that BJA establish a project identifier to track stab-resistant body armor. DOJ agreed.

In February 2012, BJA added a project identifier called "Body Armor-Stab-Resistant" within GMS. BJA's actions are consistent with our recommendation. Thus, we consider the recommendation closed and implemented.

Agency Comments

We requested comments on a draft of this report from the Department of Justice. The Department of Justice had no comments.

If you or your staff have any questions about our initial audit work or the actions that the Department of Justice took to close these recommendations, please contact me at (202) 512-9627 or MaurerD@gao.gov.

Sincerely yours,

A handwritten signature in black ink, reading "David C. Maurer". The signature is written in a cursive style with a large, stylized "D" and "M".

David C. Maurer
Director, Homeland Security and Justice Issues

(441227)

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Democrats seems to be to protect their majority.

If we look at this chart, this was prior to the 2012 election. What we found they were doing, prior to the 2012 election, was postponing many of these very onerous regulations because they knew we would be doing a CRA and the public would know who is responsible for these. They had postponed this. This is a report I put out in October 2012, and that was to try to force the administration to not wait until after the election to come out with their rules. That is what they did.

They are doing it again. Last week I released documents revealing that the EPA intentionally delayed the release of its greenhouse gas new source performance standards—that is the NSPS—by 66 days in order to avoid it being finalized before the midterm elections—the same thing as 2012.

I also sent a letter to Gina McCarthy, who is the Director of the Environmental Protection Agency, asking why the rule was delayed, especially when she had previously told me it was the result of a backlog in the Federal Register. In other words, she was saying: The Federal Register did not post this rule until 66 days after we gave it to them. We checked with the Federal Register, and they said that is absolutely false. They have an immediate turnaround for these rules.

So now I am waiting for a response to that letter. I do not want to use the “L” word. I know there is a lot of pressure put on the employees and certainly the Director of the EPA to try to minimize what the public feels is going to be the cost of these regulations.

Had the EPA stuck with its original timeline of finalizing this rule by September 20 of this year, then I would have been able to work with my colleagues to force a Congressional Review Act vote to overturn the rule just weeks before the election. Then people would know the cost of these things.

But what we could do right now is vote on a few of the amendments. Our Senator from Missouri was talking about these amendments. We have a bill that is coming up. We have amendments that should be considered—all having to do with energy, so they are all appropriate amendments to offer, as he articulated for about 10 minutes a few minutes ago.

I have some amendments that would do this. He mentioned one of them that he and I are together on. But one of my amendments is amendment No. 2977, entitled the “Energy Tax Prevention Act of 2014.” It simply prohibits the EPA from promulgating any greenhouse gas emissions regulations to combat climate change because they are denying this is the reason they are doing it. Of course we know what has happened to the science they are relying on through the United Nations that has now been refuted.

The second amendment I have is amendment No. 2979. It would prevent

the EPA from issuing any new Clean Air Act regulations—such as those on climate change—until it complies with section 321(a) of the Clean Air Act. Let’s keep in mind, this is the Clean Air Act, as shown on this chart. We are talking about decades ago. This is what the Environmental Protection Agency is supposed to do:

The Administrator shall conduct continuing evaluations of potential loss or shifts of employment which may result from the administration or enforcement of the provision of this chapter. . . .

It is saying they are supposed to already tell the public what the cost is in terms of jobs and money. That is the law, but they are not obeying the law. So I have an amendment that puts teeth in it and says you cannot have any new rules until you comply with section 321(a) of the Clean Air Act. Very reasonable, and it is the law today.

Unfortunately, the EPA is not interested in doing this. With the Utility MACT rule, it completely dismissed the rule’s cost and did not consider it when putting out the rule.

The EPA acted in contradiction to Supreme Court precedents that decisionmakers are required to “weigh advantages against disadvantages, and disadvantages can be seen in terms of costs.” That is the U.S. Supreme Court.

The PRESIDING OFFICER. The Senator has consumed 15 minutes.

Mr. INHOFE. Madam President, I ask unanimous consent that I be given 5 more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. I have to get to the last part. Rather than to face these issues head-on, I am going to share something that happened last year and then again this year. There is a very wealthy person named Tom Steyer. Tom Steyer has a mansion that overlooks the Golden Gate Bridge. He had a fundraiser for Barack Obama last year, raising a lot of money, but the one I am more concerned about is the fundraiser he had when he announced—this is just within the last month—Tom Steyer, a very wealthy person, said he was going to personally donate \$50 million and raise an additional \$50 million to try to do two things. One is to resurrect this whole idea on global warming since the people do not care about it anymore. As a result of that, we had an all-night vigil. Remember that? That was right after Tom Steyer made his announcement.

The second thing he is mandating is to kill the Keystone Pipeline. There is a lot of money out there. The regulatory burdens already being placed on this country are enormous, and the cost of regulations are, perhaps arguably, the worst problem facing this country.

Last week the Competitive Enterprise Institute published a major report calculating the cost of the Presi-

dent’s regulations at \$1.86 trillion. To put that in perspective, Canada’s entire GDP is \$1.82 trillion. India’s is the same amount. So that is what the cost would be, according to the Competitive Enterprise Institute.

People know what has happened to the military with this administration, they know what has happened to energy, but the cost of these regulations is something that is going to have to be addressed.

Lastly, I would say this. I know there are people out there who legitimately believe greenhouse gas is causing global warming and the world is going to come to an end, but I would suggest this: Lisa Jackson was the Administrator—chosen by Barack Obama—the first Administrator we had for the EPA. I asked her this question, on the record, live on TV. I said: Madam Administrator, if we were to pass bills like the Markey-Waxman bill or regulate by regulation the CO₂ in the United States of America, would this have the effect of lowering the CO₂ emissions worldwide? She said: No, because that is not where the problem is. It is in China. It is in India. It is in Mexico.

In other words, if you believe—as I do not believe—but if you believe CO₂ is going to bring about the end of the world, then even if we do something in this country, it is not going to solve the problem. Arguably, it would make the problem worse because as we lose our manufacturing base, they are out seeking electricity and energy from countries where they do not have any of these regulations, and that would have the effect of increasing, not decreasing, emissions of CO₂.

With that, I yield the floor and thank my friend for not objecting to my additional time.

The PRESIDING OFFICER. The Senator from Delaware.

BULLETPROOF VEST PARTNERSHIP

Mr. COONS. Madam President, our Nation’s police officers work fearlessly and tirelessly every day to protect our families and to keep our communities safe. As we get ready to honor their service during National Police Week, the least we can do is stand by them and ensure, as they are doing their job, they are able to do it as safely as possible.

Every day more than 1 million law enforcement officers across this country accept risks to their personal safety. As they leave their families at dawn and head off to their jobs, they know and their families know they accept, as a part of their mission of public safety service, the risk that they may not come home that night.

We owe it to them to do what we can to make that service just a little bit safer, to ensure that more of them come home safely, week in and week out, year in and year out. Providing officers with bulletproof vests is one of the most effective ways we can contribute to that desired outcome.

I have come to the floor because I share the deep frustration of my good

friend Chairman PATRICK LEAHY over the continued inability of this body to overcome the objection of one Senator and move forward to renew, on a bipartisan basis, the Federal Bulletproof Vest Partnership.

Yesterday, Chairman LEAHY gave the Senate another opportunity to take up and reauthorize this partnership through a unanimous consent request. He is trying to move forward a bill we have already voted out of the Senate Judiciary Committee on a bipartisan basis. Yet it was blocked again by objections raised by a colleague, the Senator from Oklahoma.

For 14 years the Federal Bulletproof Vest Partnership has been an important way for our Nation to equip local police departments with one of the most effective ways to keep our officers safe, but this needs to be a lasting commitment. This needs to be an enduring partnership. As new officers join, they need to be fitted for new vests. Because vests wear out and do not last forever, we need to ensure they can be replaced.

We know bulletproof vests work. Since 1987 bulletproof vests have saved the lives of more than 3,000 police officers across this country. I am proud to continue in the tradition of my predecessor, now-Vice President JOE BIDEN, in supporting local law enforcement and in supporting this initiative.

In my home State of Delaware, this partnership has provided our officers with thousands of vests over the last 14 years, including more than 3,800 over just the last 5 years.

The Delaware community has, unfortunately, seen up close why these vests are so important. It was 13 years ago that Dover Police Sergeant David Spicer was trying to make an arrest—an arrest he successfully completed—when the suspect with whom he was wrestling pulled out a gun from a hidden pocket and shot him at close range four times.

As Sergeant Spicer bled out—he lost nearly half the blood in his body before effecting the arrest—because he was wearing a vest provided to him through the Federal Bulletproof Vest Partnership his life was saved.

I was honored to welcome Dover Police Sergeant David Spicer here 2 years ago on a previous effort at reauthorizing this long bipartisan bill.

More recently—just last February of 2013—at the New Castle County Courthouse, in my hometown of Wilmington, a gunman unleashed a stream of bullets into the courthouse lobby, tragically killing two. On what was a devastating morning in the courthouse lobby, two lives were also saved—those of Sergeant Michael Manley and Corporal Steve Rinehart—Capitol Police officers who were wearing bulletproof vests funded in part through this Federal Bulletproof Vest Partnership.

The very real results of this Federal-State partnership, of this investment in keeping the men and women of law enforcement safe in the line of duty, are hard to ignore.

With many police departments at the local level facing shrinking budgets, this bulletproof vest partnership makes vests, which cost more than \$500 apiece, more affordable, ensuring officers are outfitted with the most current and effective and appropriate protection possible.

In fact, the program specifically prioritizes smaller departments that often struggle to afford vests and do not provide vests or require vests for their officers. It is exactly in these smaller and more rural agencies and departments where line-of-duty deaths due to gunfire had historically been high.

This is critical. As a county executive in my previous role in local government in Delaware, I saw firsthand how officers in smaller agencies often struggle to have current, up-to-date, and effective bulletproof vests.

In addition, this is a program that is a 50-50 match with Federal and local money. How could anyone oppose this program that saves thousands of police officers' lives, that extends the reach of the Federal-State partnership in keeping our communities safer, and that is such a wise investment in saving lives that matters so much to our communities?

A colleague objected yesterday, has objected before, and will object again. I am reminded of so many times when a bipartisan bill comes to this floor and dies due to objection after objection after objection, and at times I struggle to understand the rationale. In his objection yesterday, my colleague raised an argument that somehow this program, which promotes public safety, does not fit within the authority granted to Congress under the Constitution, that it is not part of the enumerated powers of Congress.

I disagree. Whether you ascribe to the narrow Madisonian view of the general welfare clause in the Constitution or follow an expansive or Hamiltonian view—as our Supreme Court has done since 1937, when they affirmed the constitutionality of the Social Security Act in *Helvering v. Davis*—this is not a close call.

If providing Federal-State partnership money for bulletproof vests goes beyond the enumerated powers of this Congress, what does that mean for public health, for investments in partnerships with State public health agencies to prevent pandemics and flu? What does this mean for the Interstate Highway System? What does this mean for hundreds of different partnerships where, in a cost-effective way, we work together with communities and States all over this country to extend and improve the general welfare of the people of the United States?

To my colleague's argument today on this floor that this is solely a State or local responsibility, the reality is that the Bulletproof Vest Partnership does not replace local action with Federal action. It ensures a Federal partnership, an investment, to help police de-

partments struggling to meet the safety needs, the equipment needs of their officers, to act when they otherwise cannot.

In my view, the partnership is even more important because it is about more than just handing out dollars and vests. It ensures all vests are compliant with National Institute of Justice safety standards. Only the Federal Government has the resources to do that level of analytical work. It is no more reasonable for us to expect every State to have their own National Institutes of Health to do cancer research or for every State to have a National Highway Traffic Safety Administration.

Having one coordinated national program to ensure that these bulletproof vests are as effective as possible at saving the lives of the men and women of law enforcement just makes sense. In my view, the denial of the Federal role where it is necessary and efficient would take us back to the Articles of Confederation, a very cramped and narrow view of the appropriate role of our national government, one which our forefathers found unworkable two centuries ago.

The truth is plain. Without this program, we leave police officers without lifesaving vests in the line of fire, in the line of duty. For us to fail to stand up for them, when they stand up for us each and every day, I find outrageous. This is the way the world looked before Chairman LEAHY and Republican Senator Campbell created this program jointly back in 1999.

In that world, before there was a Federal Bulletproof Vest Partnership, there would today be two more Delaware families without a hero at their dinner table tonight. Not on my watch. That will not happen as long as I am here to stand for the men and women of law enforcement and to promote the Federal role, an appropriate Federal role, in standing side by side with State and local governments to provide the equipment the men and women of law enforcement need.

This partnership expired back in 2012. Fortunately, we have been able to fund it through short-term appropriations. This is a tiny program in the scope of this Federal Government: \$22 million a year. The entire Federal investment in local law enforcement is less than one-tenth of 1 percent of the entire Federal Government. Yet it enables standards and leveraging of the type I described that extends the reach of law enforcement and improves the safety of the men and women who put their lives on the line for us. Without authorization, this program becomes unsustainable short term and does not allow us to improve the program year in and year out. The reauthorization bill that was passed by the Judiciary Committee this Congress extends the program another 5 years, ensures its consistency, but makes important reforms to save money, as well.

It prevents localities from using other Federal grants as their matching

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funds. It takes action to eliminate the Justice Department's backlog. The bill would require agencies using the program to have mandatory wear policies, and would, for the first time, ensure these lifesaving vests are fitted appropriately for women, at a time when there are more and more women in law enforcement and more often at the very front line of protecting our communities.

This bill is fiscally responsible. Enacting this bill is a moral responsibility. Police officers work to keep us safe every day. Congress can and should do the same for them. Congress should be standing with our law enforcement officers, not standing in their way. I applaud the persistent leadership of Chairman LEAHY and will stand with him as long as it takes to get this program back on track and ensure its long-term survival.

While this program had a long history of bipartisan support and passed out of the Judiciary Committee with a number of Republicans voting for it, a few of our colleagues on the other side of the aisle now do not seem to think this investment in officer safety is an appropriate one for this body and this government to make.

Last year our Nation lost 33 police officers in the line of duty killed by gunshots. According to the National Law Enforcement Officer's Memorial Fund, there is some reason to be cheered because this is the smallest number lost in a year since the 1890s. Those 33 deaths—line-of-duty deaths of men and women shot to death while protecting their communities—is 33 too many. We have an opportunity to continue to provide to State and local law enforcement vests that can save these and other lives.

We should continue working tirelessly until those numbers come down to zero. In recent months, I have been proud as this body has come together across the partisan divide, has passed a budget bill, an appropriations bill, a farm bill, has begun to deal with some of our Nation's most urgent needs. But I am distressed by this particular action, to block even consideration of so small a program with such important consequences, and it is to me profoundly disheartening. I call on my colleagues to stop blocking this bill and to allow this body to debate and to pass this reauthorization that will save lives in law enforcement this year and every year going forward. We owe them no less.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. BARRASSO. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. I ask unanimous consent to be able to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Madam President, I come to the floor to talk once more about the negative side effects of the President's health care law.

President Obama has been spiking the football over the number of people who he says have actually signed up for insurance through his exchanges. He also said that Democrats should forcefully defend and be proud of the health care law.

He has had nothing to say to the Americans who are seeing their premiums increase.

This Washington mandate insurance is loaded up with so many specific mandates that unless you get a massive taxpayer subsidy, it is just not affordable for many families across this country.

For some people the insurance gets even more expensive, even less affordable, depending specifically on where you live.

Insurance companies used to base your premiums on a lot of different factors, like how likely you were to use insurance, and different things specific to how you would use medical services.

The Obama health care law took away some of that and replaced it with what they call a community rating. Now there are only a few factors that can be used to set people's premiums, and where you actually live is one of those. Your premiums used to be based on you, but now they are based on your neighbors and how likely your neighbors are to use their own health insurance. What we are seeing is all across the country people are paying more specifically because of where they live.

The Associated Press ran a story on this last month. The headline was "Rural residents confront higher health care costs."

The Associated Press quoted a rancher in Colorado whose premiums had jumped 50 percent—to about \$1,800 a month. The rancher said:

"We've gone from letting the insurance companies use a pre-existing medical condition to jack up rates, to having a pre-existing ZIP code being the reason health insurance is unaffordable."

As this rancher said, "It's just wrong."

I agree, so I looked into this, and here is what I found. Some of the lines are drawn so that people just down the road or even people on different sides of the street can pay wildly different premiums. These are people of exactly the same age, and these are people who are buying the lowest-cost silver plan.

The President likes to talk about income inequality, but the President has created a new kind of insurance inequality. It is not only rural areas like where that rancher lives in Colorado.

In Louisiana in one community the premium for the lowest-cost silver plan in the ObamaCare exchange for a 40-year-old person who doesn't get a subsidy would be \$255 a month. But if you

live right across the street—right across the street—the premium for that same person, same age, same lowest-cost silver plan, would be \$311 a month—22 percent higher, \$56 more a month, just because you live on one side of the street instead of the other side of the street, under the President's health care law. That is \$672 a year. That was Louisiana.

Now let's take a look at North Carolina, with the same situation. If you live on that side of the line, if your ranch house or farm house is over there, it is \$263 a month. Just down the road, the other side of the line, it is \$319 a month. Again, it is \$56 more a month or \$672 more a year for the same individual. All they would have to do is move from that side to this side and they would either save or pay that much more. It is 21 percent more expensive on one side than the other.

Is this fair? The Democrats talk about fairness all the time. Democratic Senators have come to the floor to talk about giving everybody a fair shot. Do those Democrats who passed this health care law, who voted for the law, think that in that country in North Carolina they are getting a fair shot depending on which side of the line they live? Does the Senator from Louisiana believe that they got this fair shot on either side of the line? Does President Obama believe that these people in North Carolina or Louisiana are getting a fair shot?

Why did the Democrats in Washington create a law that penalizes people based on on which side of the street they live?

Here is another example—Arkansas. Here we have an area, one side of the line or the other. On this side of the line it is \$265 per month and on this side \$294 a month—same age, same situation, no matter which of side of the line you live on—\$31 a month more expensive.

Are those people in Arkansas getting a fair shot from the President's health care law? For too many people in places such as Colorado, Louisiana, North Carolina, and Arkansas, the costs of the President's health care law are unfair and are too high. Sure, there are some people who are being helped, but there are a lot of people who are being hurt by the President's health care law, people who are feeling the negative side effects of the law.

Why don't Democrats admit this? Why don't they admit that the health care law is not giving people a fair shot?

The President says: Forcefully defend and be proud. Why aren't the Democrats in this Senate who passed this law coming to the floor to defend the fact that for millions of people in Arkansas, Louisiana, North Carolina, Colorado, and all across America, the premiums are too high. The health care law is too expensive for families, and it is also too expensive for a lot of employers.

There was an article in the Denver Post last week entitled: "Health law