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SENATE

{ REPORT
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BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2012

JULY 12, 2012.—Ordered to be printed

Mr. LEAHY, from the Committee on Judiciary,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany S. 2554]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to which was referred the bill (S. 2554), to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2017, having considered the same, reports favorably thereon, as amended, and recommends that the bill, as amended, do pass.

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I. BACKGROUND AND PURPOSE OF THE BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2012

A. BACKGROUND

Since its enactment in 1998, the Bulletproof Vest Partnership Grant Act has provided over \$300 million to assist State and local law enforcement agencies with the procurement of nearly one million ballistic-resistant body armor vests. A report released by the Government Accountability Office (GAO) in February 2012 states that available data shows that since 1987, body armor has saved the lives of more than 3,000 law enforcement officers nationwide.¹ The RAND Corporation conducted research that found law enforcement officers who did not wear body armor were 3.4 times more likely to suffer a fatal injury from a gunshot to the torso than law enforcement officers who are equipped with body armor.² The persistent dangers associated with law enforcement work,³ advances in body armor technology, equipment degradation, and continuing budgetary challenges faced by State and local law enforcement agencies⁴ commend the improvement and reauthorization of this essential lifesaving program.⁵

The Bulletproof Vest Partnership Grant Act has been reauthorized four times since its enactment in 1998.⁶ The program was originally authorized at an annual level of \$25 million. It was reauthorized again at that level in 2000. Following its first reauthorization, Congress reauthorized the program at \$50 million for each of fiscal years 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012.

¹U.S. Gov't Accountability Office, GAO-12-353, Law Enforcement Body Armor: DOJ Could Enhance Grant Management Controls and Better Ensure Consistency in Grant Program Requirements 1 (2012).

²*Id.*

³*See, e.g., Preliminary 2012 Fatality Statistics*, Nat'l Law Enforcement Officers Memorial Fund (2012), <http://www.nleomf.org/facts/officer-fatalities-data/>; *Law Enforcement Officer Deaths: Preliminary 2011 Report*, Nat'l Law Enforcement Officers Memorial Fund, <http://www.nleomf.org/assets/pdfs/reports/2011-EOY-Report.pdf>; *Law Enforcement Officer Deaths: Preliminary 2010 Report*, Nat'l Law Enforcement Officers Memorial Fund, http://www.nleomf.org/assets/pdfs/reports/2010_Law_Enforcement_Fatalities_Report.pdf.

⁴*The Impact of the Economic Downturn on American Police Agencies*, Office of Community Oriented Policing Services U.S. Dep't of Justice, (2011).

⁵In his minority view, Senator Coburn notes his lone vote opposing the Bulletproof Vest Partnership Grant Act of 2012. He also opposes the Public Safety Officers Benefits Act, which provides a Federal death benefit to the surviving families of first responders who are killed in the line of duty. He is objecting to passage of the bipartisan, bicameral, and cost-neutral Public Safety Officers' Benefits Improvements Act of 2011, S.1696, which would make important reforms to a program that has assisted the families of thousands of police officers and other first responders who have lost their lives protecting their communities and fellow citizens. Chuck Canterbury of the Fraternal Order of Police, one of our Nation's law enforcement leaders, wrote to the Chairmen of the Senate and House Judiciary Committees:

The FOP views this not as a politician embracing the principle of federalism, but as a . . . ploy to place even greater strain between law enforcement and other public safety officers that serve on the local and State level and their colleagues employed by the Federal government. When a police officer puts himself in harm's way, he does not stop to think about jurisdiction. He does not ask the offender if he is committing a local, State, or Federal crime. He acts in the best interest of the safety of those he has sworn to protect. A family that loses a loved one in the line of duty should not just be left adrift, their sacrifice ignored because their loved one was a local firefighter or State Trooper and not a Federal agent.

⁶Bulletproof Vest Partnership Grant Act of 2000, Pub. L. No. 106-517, 114 Stat. 2407 (2000); State Justice Institute Reauthorization Act of 2004, Pub. L. No. 108-372, § 4, 118 Stat. 1755 (2004); Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. No. 109-162, § 1116, 119 Stat. 3104 (2006); Bulletproof Vest Partnership Grant Act of 2008, Pub. L. No. 110-421, 122 Stat. 4778 (2008).

The Bulletproof Vest Partnership Grant Act has traditionally enjoyed broad congressional support;⁷ the most recent reauthorization passed the House on a vote of 404–2, and passed the Senate with unanimous consent.⁸

B. KEY PROVISIONS OF THE LEGISLATION

The Bulletproof Vest Partnership Grant Act of 2012, S. 2554, would reauthorize the Bulletproof Vest Partnership Grant program established by Public Law No. 105–181, through Fiscal Year 2017. It would reauthorize the program at a level of \$15 million for fiscal years 2013 and 2014, and would increase the authorization level to \$30 million for fiscal years 2015, 2016, and 2017. In addition to the revised authorization levels, the legislation makes several other changes to the program as described below.

In response to a recent Government Accountability Office (GAO) report detailing the existence of obligated, undisbursed balances at the Department of Justice’s Office of Justice Programs,⁹ which had been appropriated pursuant to the Act’s authorization, S. 2554 would adjust the authorization of appropriations to \$15,000,000 for each of fiscal years 2013 and 2014 and raise it to \$30,000,000 for each of fiscal years 2015, 2016 and 2017. The adjusted authorization levels for fiscal years 2013 and 2014 do not reflect any desire to reduce overall funding of the program. Rather, S. 2554 encourages the Department of Justice to supplement appropriations during fiscal years 2013 and 2014 with existing obligated but undisbursed funds that accrued between fiscal years 1999–2011, estimated by the GAO to be approximately \$27 million.¹⁰ The bill would require the Department of Justice to expend the accrued funds prior to September 30, 2014. Any remaining balance of these accrued funds at the end of fiscal year 2014 would be returned to the General Fund of the Treasury. Thus, the Committee expects that the estimated \$27 million in undisbursed funds identified by the GAO will be used to offset the reduction in the authorization levels for 2013 and 2014 and for the benefit of grantee law enforcement agencies.

⁷In his minority view, Senator Coburn states that in his view the Bulletproof Vest Partnership Grant Program “violates the principles of federalism outlined in the Constitution.” The Constitution does not prohibit Congress from providing support to State and local law enforcement through competitive grant programs. Indeed, section 8 of Article I in the Constitution empowers Congress to provide for the “general Welfare of the United States.” Congress provides for the general welfare of our Nation by assisting State and local law enforcement just as it provides aid to States following tornadoes, hurricanes, or wild fires without being expressly “tasked” with that responsibility by a more specific constitutional clause. Supporting our Nation’s law enforcement officials in the use and deployment of safety equipment, and encouraging more Americans to serve their communities as first responders, falls squarely within this constitutional provision. Congress has traditionally acted to support our Federal system through beneficial legislation for the States, which in turn benefits the Nation as a whole.

State and local law enforcement officials often serve as our first responders and first line of defense in national security emergencies and natural disasters. The Federal Government works with State and local law enforcement agencies on a variety of joint task forces including national and regional Joint Terrorism Task Forces, Cyber Crime Task Forces, and the Innocent Images National Initiative. In light of the broad assistance State and local law enforcement officials provide to their Federal counterparts, modest Federal support for protective equipment for State and local law enforcement agents is appropriate. These relationships strengthen our Federal system.

⁸154 Cong. Rec. H9980 (September 26, 2008), 154 Cong. Rec. S10184 (September 30, 2008).

⁹U.S. Gov’t Accountability Office, GAO–12–353, Law Enforcement Body Armor: DOJ Could Enhance Grant Management Controls and Better Ensure Consistency in Grant Program Requirements 19–21 (2012).

¹⁰*Id.* at 20.

The bill contains a sense of Congress that funds appropriated under the authority of the Bulletproof Vest Partnership Grant Act must be expended by the Department of Justice within two fiscal years of the appropriation. Currently, funds appropriated for the Program contain no requirement from Congress that disbursement occur within a definite time period, referred to as “no-year” money. The inclusion of such a requirement, in the Committee’s view, would assist the Department of Justice in awarding and disbursing funding to grantees in a timely manner, and would, in the event a grantee did not ultimately seek reimbursement of funding for which it had initially applied, encourage the Department to de-obligate those funds in a timely manner to be used for the benefit of another qualifying grantee law enforcement agency.

The bill would codify current Department of Justice grant-making policy to prohibit a grantee law enforcement agency from using funding obtained from any other Federal grant program to satisfy the statutory matching requirement contained in the Bulletproof Vest Partnership Grant Act.¹¹ The statutory matching requirement is an important and longstanding component of the grant program that underscores congressional policy which, absent compelling circumstances of financial hardship, requires a grantee law enforcement agency to share in the cost of the equipment. The provision contained in S. 2554 is intended to formalize and reinforce the Justice Department’s existing policy.

In its report of February 2012, the GAO recommended that the standards and requirements to which grantees are held under the Bulletproof Partnership Grant Act be followed by grantees when using Justice Assistance Grants (JAG) to purchase body armor.¹² The Committee agrees that uniformity among standards and policies should be promoted and honored when grantee law enforcement agencies are accepting any Federal funding for body armor. The bill, therefore, codifies the policy that when a grantee uses any Federal grant funding administered by the Bureau of Justice Assistance, the grantee must adhere to the mandatory wear policy and body armor performance standards in place within the Bulletproof Vest Partnership Grant Program.¹³

Finally, S. 2554 amends 42 U.S.C. § 3796ll(c) to add an additional preference for grant consideration to the existing factors that the Department of Justice may consider when evaluating whether a potential grantee merits preferential consideration for grant funding. The bill would permit the Department of Justice to weigh as a factor the existence of a policy within a potential grantee law enforcement agency to provide uniquely fitted armor vests for its female officers and others. The Committee agrees that local policies that support maximum effectiveness in vest fit and performance should be encouraged and taken into consideration when evalu-

¹¹ 42 U.S.C. § 3796ll(f); 28 CFR § 33.101(b).

¹² U.S. Gov’t Accountability Office, GAO-12-353, Law Enforcement Body Armor: DOJ Could Enhance Grant Management Controls and Better Ensure Consistency in Grant Program Requirements 24 (2012).

¹³ In his minority view, Senator Coburn also seeks to rely on the Government Accountability Office (GAO) February, 2012 report to criticize the bipartisan, Committee-approved bill. This criticism is also misplaced. The Chairman and Ranking Member worked collaboratively to craft provisions that directly respond to recommendations contained in the GAO report. In addition, at the Committee hearing on this matter, the GAO reported that the Department of Justice was equipped and prepared to respond affirmatively to all of the GAO’s recommendations. In particular, the Justice Department agreed to expand publication of grant requirements.

ating grantee applications for reimbursement under the Bulletproof Vest Partnership Grant Act.

II. HISTORY OF THE BILL AND COMMITTEE CONSIDERATION

A. INTRODUCTION OF THE BILL

The Bulletproof Vest Partnership Grant Act of 2012 was introduced as S. 2554 on May 7, 2012 by Senator Leahy, Senator Coons, Senator Klobuchar, Senator Kohl, Senator Mikulski, Senator Schumer and Senator Whitehouse. The bill was referred to the Committee on the Judiciary. Since the date of introduction, Senator Blumenthal, Senator Durbin, Senator Feinstein, Senator Franken, and Senator Merkley have joined as cosponsors.

B. COMMITTEE CONSIDERATION

1. *Hearing*

The Committee held a hearing on the Bulletproof Vest Partnership Grant Program on February 15, 2012, during which the Committee heard testimony concerning the importance of the program, the need for reauthorization, and recommended enhancements in its administration by the Department of Justice.

Testimony was received from Michael Schirling, Chief of Police of the Burlington Police Department; David Maurer, Director of the Homeland Security and Justice Team at the United States Government Accountability Office; and Chuck Canterbury, National President of the Fraternal Order of Police. Additional testimony was submitted by Jack G. Fackler, North America Marketing Manager—Law Enforcement, Fire Service, Emergency Response; and E. I. Du Pont De Nemours and Company, Du Pont Protection Technologies. A letter and statement was submitted by Sheriff Paul H. Fitzgerald, President of the National Sheriffs' Association. Written testimony was submitted by Chief Ron McBride (Ret.), IACP/DuPont Kevlar Survivors' Club. Testimony was submitted by William J. Johnson, Executive Director, National Association of Police Organizations.

2. *Executive Business Meeting*

The Committee considered S. 2554 on May 17, 2012. Senator Grassley offered an amendment to the Bulletproof Vest Partnership Grant Act of 2012. Senator Grassley's amendment proposed to adjust downward the authorizations provided for fiscal years 2013 and 2014 to \$15 million, and proposed to reduce the authorizations for the remaining three years from \$50 million to \$30 million. His amendment proposed to require that the Department of Justice expend any existing obligated but undisbursed balances in the program prior to September 30, 2014. Senator Grassley's amendment proposed a Sense of the Senate clause that recommended a two year spending cycle for the Department of Justice's disbursement of appropriated funding. Senator Grassley's amendment proposed to codify current Department of Justice policy disallowing the use of Federal grant funding by a law enforcement agency to satisfy the statutory matching requirement under the Bulletproof Vest Partnership Grant Program. Finally, Senator Grassley's amendment proposed to require any Federal grantee using Federal funding to

purchase body armor to adhere to the standards and requirements applicable to grantees under the Bulletproof Vest Partnership Grant Act. The amendment was accepted by unanimous consent.

Senator Feinstein offered an amendment to the Bulletproof Vest Partnership Grant Act of 2012. Senator Feinstein's amendment proposed to amend 42 U.S.C. § 3796ll(c) to add, as a potential factor for preferential consideration of an application by the Department of Justice, whether a potential grantee law enforcement agency has a policy to provide uniquely fitted body armor, including for female officers. The amendment was accepted by unanimous consent.

The Committee then voted to report the Bulletproof Vest Partnership Grant Act of 2012, as amended, favorably to the Senate by voice vote. Senator Coburn asked to be recorded as voting "no".

III. SECTION-BY-SECTION SUMMARY OF THE BILL

Section 1. Short title

This section provides that the legislation may be cited as the "Bulletproof Vest Partnership Grant Program Reauthorization Act of 2012"

Section 2. Extension of authorization of appropriations for Bulletproof Vest Partnership Grant Program

This section amends section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 by striking part Y, the current authorization of appropriations for the Bulletproof Vest Partnership Grant Program, and inserting \$15,000,000 for each fiscal years 2013 and 2014, and \$30,000,000 for each of fiscal years 2015, 2016, and 2017.

Section 3. Expiration of previously appropriated funds

This section amends Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1986 by defining previously appropriated funds as amounts that were appropriated for any of fiscal years 1999 through 2011 to carry out this part [the Bulletproof Vest Partnership Grant Program] and that are available to be expended and have not been expended, including funds that were previously obligated but undisbursed and creates an expiration date for all previously appropriated funds that are not expended by September 30, 2014, requiring they be returned to the General Fund of the Treasury no later than January 15, 2015.

Section 4. Sense of Congress on 2-year limitation on funds

This section expresses the sense of Congress that funding appropriated for the Bulletproof Vest Partnership Grant Program should be made available through the end of the first fiscal year following the fiscal year for which the amounts are appropriated and should not be made available until expended.

Section 5. Matching fund limitation

This section creates a limitation on using funding received under any other Federal grant program to pay or defer the cost, in whole or in part of the matching requirement.

Section 6. Application of Bulletproof Vest Partnership Grant Program requirements to any bulletproof vest or body armor purchased with Federal grant funds

This section amends Section 521 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to require that a grantee using funds made available by the Bulletproof Vest Grant Partnership Program comply with any requirements established for the use of the grants, have a written policy requiring uniformed patrol officers to wear a bulletproof vest or body armor, and use the funds to purchase bulletproof vests or body armor that meet any performance standards established by the Director of the Bureau of Justice Assistance.

Section 7. Uniquely fitted armor vests

This section amends title I of the Omnibus Crime Control and Safe Streets Act of 1968 to permit the Department of Justice to weigh local policies for the purpose of affording applicants preferential consideration, among existing enumerated factors, relating to the purchase of armor vests for law enforcement officers that are uniquely fitted for such officers including vests uniquely fitted to individual female law enforcement officers.

IV. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

The Committee sets forth, with respect to the bill, S.2554, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 1, 2012.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2554, the Bulletproof Vest Partnership Grant Program Reauthorization Act of 2012.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 2554—Bulletproof Vest Partnership Grant Program Reauthorization Act of 2012.

Summary: S. 2554 would authorize the appropriation of \$120 million over the 2013–2017 period for the Bulletproof Vest Partnership Grant program.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 2554 would cost \$72 million over the 2013–2017 period. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

S. 2554 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2554 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

	By fiscal year, in millions of dollars—					
	2013	2014	2015	2016	2017	2013–2017
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	15	15	30	30	30	120
Estimated Outlays	3	8	14	21	26	72

Basis of estimate: For this estimate, CBO assumes that the amounts authorized by the bill will be appropriated by the start of each fiscal year and that outlays will follow the historical rate of spending for this program. Under the Bulletproof Vest Partnership Grant, the Department of Justice makes grants to state, local, and tribal law enforcement agencies to purchase bulletproof vests. S. 2554 would authorize the appropriation of \$15 million for each of 2013 and 2014 and \$30 million for each of 2015 through 2017 for the program. In 2012, the grant program received an appropriation of \$24 million.

Pay-As-You-Go Considerations: None.

Intergovernmental and private-sector impact: S. 2554 contains no intergovernmental or private-sector mandates as defined UMRA. Assuming appropriation of the authorized amounts, state, local, and tribal governments would receive \$120 million to purchase bulletproof vests. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

Estimate prepared by: Federal Costs: Mark Grabowicz; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Vi Nguyen

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

V. REGULATORY IMPACT EVALUATION

In compliance with rule XXVI of the Standing Rules of the Senate, the Committee finds that no significant regulatory impact will result from the enactment of S. 2554.

VI. CONCLUSION

The Bulletproof Vest Partnership Grant Act of 2012, S. 2554, reauthorizes the Bulletproof Vest Partnership Grant Program established by Public Law No. 105–181 through fiscal year 2017. This law has made essential contributions to the safety of law enforcement officers across the United States, and has assisted in promoting the use of body armor among law enforcement officers. The grant program authorized by the law, which is a partnership between the Federal Government, and State and local law enforcement agencies, recognizes the reliance that each places on the other in combating criminal activity, safeguarding communities, and responding to local and national emergencies. The Bulletproof Vest Partnership Grant Act of 2012 continues Congress' long-standing tradition of support and partnership with State and local law enforcement agencies across the United States.

VII. MINORITY VIEWS

MINORITY VIEWS FROM SENATOR COBURN

I write these views to explain my vote opposing S. 2554, the Bulletproof Vest Partnership Grant Act of 2012, as amended by Senator Grassley's committee substitute, considered at the Senate Judiciary Committee's May 17th markup. I have several outstanding concerns with this legislation. In particular, I believe this legislation violates the principles of federalism outlined in the Constitution, fails to completely address several management and control issues identified in a Government Accountability Office (GAO) report to Congress on the Bulletproof Vest Partnership Program (BVPP), and disregards our country's fragile financial condition.

I support the motive behind this legislation and believe the protection of federal, state, and local law enforcement agents is of paramount importance. However, we must at all times carefully weigh the proper role of the federal government so Congress does not violate its limited authority under the Constitution. I believe the responsibility to address this issue, as it relates to state and local law enforcement officers, lies with the states and local communities these brave officers serve. The Constitution does not task the federal government with providing funding to states and localities for the operation of their law enforcement agencies; although grant programs such as BVPP are laudable, they are not the federal government's responsibility.

Furthermore, while I do not believe this issue is the responsibility of the federal government, if Congress does act, we can and must do so in a fiscally responsible manner. S. 2554 will cost the American people \$120 million over five years without corresponding offsets. This funding is authorized despite a recent GAO finding that, of the \$340 million in total Bulletproof Vest Program awards from 1999–2012, approximately \$93 million remained undisbursed by the Bureau of Justice Assistance (BJA).¹ This total includes about \$27 million which could be immediately deobligated and applied to new grants, and another \$52 million that may be available at the end of the fiscal year.² While this bill takes some initial, positive steps in response to the findings of the GAO report, Congress should not authorize any additional funding while such sums remain undisbursed by the Bureau of Justice Assistance.

Although this legislation reduces the authorizations for BVPP from previous reauthorization levels, any reduction will be offset by up to \$79 million in undisbursed funds currently under the control

¹U.S. Government Accountability Office, DOJ Could Enhance Grant Management Controls and Better Ensure Consistency in Grant Program Requirements, February, 2012, at 18, available at <http://gao.gov/assets/590/588573.pdf>.

²*Id.* at 19.

of BJA. This means no actual savings are achieved under this legislation, and no offsets for new spending are provided. The fiscal condition of our country has worsened dramatically since the original passage of this bill in 1998 and the last reauthorization in 2008. As our national debt climbs higher every day, the federal government is in no position to spend more money on any grant programs without offsets. We simply cannot afford it.

In addition to these fiscal concerns, there are several problems specific to the Bulletproof Vest Program. For example, GAO found that a lack of available information on program requirements from the Department of Justice could lead to noncompliance by grantees and encouraged the Department to take action to better publicize these requirements. The GAO report points out that “[t]he BVP program lists its requirements, such as those related to document retention and the prohibition on combining BVP and JAG funds, in limited areas, thus increasing the risk that grantees would not be aware of them.”³ When GAO contacted ten jurisdictions to question them about the program, all ten jurisdictions were unaware of the policy requiring them to retain grant documents for three years, and three jurisdictions were not aware of a prohibition on using other federal grant funds as matching funds for the Bulletproof Vest Program. The Department of Justice must take steps to improve compliance with the terms and conditions of the grant program; although this bill would codify DOJ’s rule on matching grant funds, it does not address GAO’s concerns about publication of grant requirements.

Finally, while I applaud and support Senator Grassley’s effort to reduce authorizations and to address the substantive concerns identified in the GAO report, for the reasons I outlined above, I remain concerned with the bill as amended by his substitute. Although his substitute bill is likely a better alternative to S. 2554 as it was introduced, it still runs counter to my basic constitutional concerns with grant programs for state and local law enforcement agencies.

As a result, I cannot support S. 2554, the Bulletproof Vest Partnership Grant Act of 2012, as reported by the Senate Judiciary Committee.

TOM COBURN.

VIII. CHANGES TO EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S.2554, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

³*Id.* at 21.

UNITED STATES CODE

TITLE 42—PUBLIC HEALTH AND WELFARE

* * * * *

CHAPTER 46—JUSTICE SYSTEM IMPROVEMENT

Subchapter V—Bureau of Justice Assistance Grant Programs

PART C—ADMINISTRATIVE PROVISIONS

* * * * *

§ 3766a. General Provisions.

(a) The Bureau shall prepare both a “Program Brief” and “Implementation Guide” document for proven programs and projects to be funded under this subchapter.

(b) The functions, powers, and duties specified in this subchapter to be carried out by the Bureau shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress by law.

(c) *Notwithstanding any other provision of law, a grantee that uses funds made available under this part to purchase a bulletproof vest or body armor shall comply with any requirement established for the use of grants made under part Y that an agency receiving funding under part Y—*

(1) have a written policy requiring uniformed patrol officers to wear a bulletproof vest or body armor; and

(2) use the funds to purchased bulletproof vest or body armor that meet any performance standards established by the Director of the Bureau of Justice Assistance.

* * * * *

Subchapter X—Funding

* * * * *

§ 3793(a)(23). Authorization of appropriations.

[(23) There are authorized to be appropriated to carry out subchapter XII–M of this chapter, \$25,000,000 for each of fiscal years 1999 through 2001, and \$50,000,000 for each of fiscal years 2002 through 2012.]

(23) There are authorized to be appropriated to carry out [subchapter XII–M] of this chapter—

(A) \$15,000,000 for each of fiscal years 2013 and 2014; and

(B) \$30,000,000 for each of fiscal years 2015, 2016, and 2017.

* * * * *

**Subchapter XII-M—Matching Grant Program for Law
Enforcement Armor Vest**

* * * * *

§ 3796II. Program Authorized.

(a) **IN GENERAL.**—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase armor vests for use by State, local, and tribal law enforcement officers and State and local court officers.

(b) **USES OF FUNDS.**—Grants awarded under this section shall be—

(1) distributed directly to the State, unit of local government, State or local court, or Indian tribe; and

(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(c) **PREFERENTIAL CONSIDERATION.**—In awarding grants under this subchapter, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

(1) has the greatest need for armor vests based on the percentage of law enforcement officers in the department who do not have access to a vest;

(2) has, or will institute, a mandatory wear policy that requires on-duty law enforcement officers to wear armor vests whenever feasible; **[and]**

(3) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; **[or]**
and

(4) *provides armor vests to law enforcement officers that are uniquely fitted for such officers, including vest uniquely fitted to individual female law enforcement officers; or*

(5) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading “Violent Crime Reduction Programs, State and Local Law Enforcement Assistance” of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

(d) **MINIMUM AMOUNT.**—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

(e) **MAXIMUM AMOUNT.**—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

(f) MATCHING FUNDS.—

(1) IN GENERAL.—The portion of the costs of a program provided by a grant under subsection (a) of this section—

(A) may not exceed 50 percent; and

(B) shall equal 50 percent, if—

(i) such grant is to a unit of local government with fewer than 100,000 residents;

(ii) the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable; and

(iii) such portion does not cause such grant to violate the requirements of subsection (e) of this section.

(2) INDIAN ASSISTANCE.—Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

(3) LIMITATION ON STATE MATCHING FUNDS.—*A State, unit of local government, or Indian tribe may not use funding received under any other Federal grant program to pay or defer the cost, in whole or in part, of the matching requirement under paragraph (1).*

(4) WAIVER.—The Director may waive in whole or in part, the match requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.

(g) ALLOCATION OF FUNDS.—Funds available under this subchapter shall be awarded, without regard to subsection (c) of this section, to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this subchapter shall be awarded to other qualifying applicants.

(h) EXPIRATION OF PREVIOUSLY APPROPRIATED FUNDS.—

(1) DEFINITION.—*In this subsection, the term ‘previously appropriated funds’ means any amounts that—*

(A) *Were appropriated for any fiscal years 1999 through 2011 to carry out this part; and*

(B) *On the date of enactment of the Bulletproof Vest Partnership Grant Program Reauthorization Act of 2012 are available to be expended and have not been expended, including funds that were previously obligated but undisbursed.*

(2) EXPIRATION.—*All previously appropriated funds that are not expended by September 30, 2014, shall be transferred to the General Fund of the Treasury no later than January 15, 2015.*