

106TH CONGRESS
1ST SESSION

S. 726

To establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1999

Mr. CAMPBELL (for himself and Mr. TORRICELLI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Officer Dale Claxton
5 Bullet Resistant Police Protective Equipment Act of
6 1999”.

7 **SEC. 2. FINDINGS; PURPOSE.**

8 (a) FINDINGS.—Congress finds that—

9 (1) Officer Dale Claxton of the Cortez, Colo-
10 rado, Police Department was shot and killed by bul-

1 lets that passed through the windshield of his police
2 ear after he stopped a stolen truck, and his life may
3 have been saved if his police car had been equipped
4 with bullet resistant equipment;

5 (2) the number of law enforcement officers who
6 are killed in the line of duty would significantly de-
7 crease if every law enforcement officer in the United
8 States had access to additional bullet resistant
9 equipment;

10 (3) according to studies, between 1985 and
11 1994, 709 law enforcement officers in the United
12 States were feloniously killed in the line of duty;

13 (4) the Federal Bureau of Investigation esti-
14 mates that the risk of fatality to law enforcement of-
15 ficers while not wearing bullet resistant equipment,
16 such as an armor vest, is 14 times higher than for
17 officers wearing an armor vest;

18 (5) according to studies, between 1985 and
19 1994, bullet-resistant materials helped save the lives
20 of more than 2,000 law enforcement officers in the
21 United States;

22 (6) the Executive Committee for Indian Coun-
23 try Law Enforcement Improvements reports that
24 violent crime in Indian country has risen sharply de-
25 spite a decrease in the national crime rate, and has

1 concluded that there is a “public safety crisis in In-
 2 dian country”.

3 (b) PURPOSE.—The purpose of this Act is to save
 4 lives of law enforcement officers by helping State, local,
 5 and tribal law enforcement agencies provide officers with
 6 bullet resistant equipment and video cameras.

7 **SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCE-**
 8 **MENT BULLET RESISTANT EQUIPMENT.**

9 (a) IN GENERAL.—Part Y of title I of the Omnibus
 10 Crime Control and Safe Streets Act of 1968 is amended—

11 (1) by striking the part designation and part
 12 heading and inserting the following:

13 **“PART Y—MATCHING GRANT PROGRAMS**
 14 **FOR LAW ENFORCEMENT**

15 **“Subpart A—Grant Program For Armor**
 16 **Vests”;**

17 (2) by striking “this part” each place that term
 18 appears and inserting “this subpart”; and

19 (3) by adding at the end the following:

20 **“Subpart B—Grant Program For Bullet**
 21 **Resistant Equipment**

22 **“SEC. 2511. PROGRAM AUTHORIZED.**

23 “(a) IN GENERAL.—The Director of the Bureau of
 24 Justice Assistance is authorized to make grants to
 25 States, units of local government, and Indian tribes to

1 purchase bullet resistant equipment for use by State,
2 local, and tribal law enforcement officers.

3 “(b) USES OF FUNDS.—Grants awarded under this
4 section shall be—

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

7 “(2) used for the purchase of bullet resistant
8 equipment for law enforcement officers in the juris-
9 diction of the grantee.

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

14 “(1) has the greatest need for bullet resistant
15 equipment based on the percentage of law enforce-
16 ment officers in the department who do not have ac-
17 cess to a vest;

18 “(2) has a violent crime rate at or above the
19 national average as determined by the Federal Bu-
20 reau of Investigation; or

21 “(3) has not received a block grant under the
22 Local Law Enforcement Block Grant program de-
23 scribed under the heading ‘Violent Crime Reduction
24 Programs, State and Local Law Enforcement As-
25 sistance’ of the Departments of Commerce, Justice,

1 and State, the Judiciary, and Related Agencies Ap-
2 propriations Act, 1998 (Public Law 105–119).

3 “(d) MINIMUM AMOUNT.—Unless all eligible applica-
4 tions submitted by any State or unit of local government
5 within such State for a grant under this section have been
6 funded, such State, together with grantees within the
7 State (other than Indian tribes), shall be allocated in each
8 fiscal year under this section not less than 0.50 percent
9 of the total amount appropriated in the fiscal year for
10 grants pursuant to this section except that the United
11 States Virgin Islands, American Samoa, Guam, and the
12 Northern Mariana Islands shall each be allocated .25 per-
13 cent.

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

21 “(f) MATCHING FUNDS.—The portion of the costs of
22 a program provided by a grant under subsection (a) may
23 not exceed 50 percent. Any funds appropriated by Con-
24 gress for the activities of any agency of an Indian tribal
25 government or the Bureau of Indian Affairs performing

1 law enforcement functions on any Indian lands may be
 2 used to provide the non-Federal share of a matching re-
 3 quirement funded under this subsection.

4 “(g) ALLOCATION OF FUNDS.—At least half of the
 5 funds available under this subpart shall be awarded to
 6 units of local government with fewer than 100,000 resi-
 7 dents.

8 **“SEC. 2512. APPLICATIONS.**

9 “(a) IN GENERAL.—To request a grant under this
 10 subpart, the chief executive of a State, unit of local gov-
 11 ernment, or Indian tribe shall submit an application to
 12 the Director of the Bureau of Justice Assistance in such
 13 form and containing such information as the Director may
 14 reasonably require.

15 “(b) REGULATIONS.—Not later than 90 days after
 16 the date of the enactment of this subpart, the Director
 17 of the Bureau of Justice Assistance shall promulgate regu-
 18 lations to implement this section (including the informa-
 19 tion that must be included and the requirements that the
 20 States, units of local government, and Indian tribes must
 21 meet) in submitting the applications required under this
 22 section.

23 “(c) ELIGIBILITY.—A unit of local government that
 24 receives funding under the Local Law Enforcement Block
 25 Grant program (described under the heading ‘Violent

1 Crime Reduction Programs, State and Local Law En-
 2 forcement Assistance’ of the Departments of Commerce,
 3 Justice, and State, the Judiciary, and Related Agencies
 4 Appropriations Act, 1998 (Public Law 104–119)) during
 5 a fiscal year in which it submits an application under this
 6 subpart shall not be eligible for a grant under this subpart
 7 unless the chief executive officer of such unit of local gov-
 8 ernment certifies and provides an explanation to the Di-
 9 rector that the unit of local government considered or will
 10 consider using funding received under the block grant pro-
 11 gram for any or all of the costs relating to the purchase
 12 of bullet resistant equipment, but did not, or does not ex-
 13 pect to use such funds for such purpose.

14 **“SEC. 2513. DEFINITIONS.**

15 “In this subpart—

16 “(1) the term ‘equipment’ means windshield
 17 glass, car panels, shields, and protective gear;

18 “(2) the term ‘State’ means each of the 50
 19 States, the District of Columbia, the Commonwealth
 20 of Puerto Rico, the United States Virgin Islands,
 21 American Samoa, Guam, and the Northern Mariana
 22 Islands;

23 “(3) the term ‘unit of local government’ means
 24 a county, municipality, town, township, village, par-

1 ish, borough, or other unit of general government
2 below the State level;

3 (4) the term ‘Indian tribe’ has the same mean-
4 ing as in section 4(e) of the Indian Self-Determina-
5 tion and Education Assistance Act (25 U.S.C.
6 450b(e)); and

7 “(5) the term ‘law enforcement officer’ means
8 any officer, agent, or employee of a State, unit of
9 local government, or Indian tribe authorized by law
10 or by a government agency to engage in or supervise
11 the prevention, detection, or investigation of any vio-
12 lation of criminal law, or authorized by law to super-
13 vise sentenced criminal offenders.

14 **“Subpart C—Grant Program For Video Cameras**

15 **“SEC. 2521. PROGRAM AUTHORIZED.**

16 “(a) IN GENERAL.—The Director of the Bureau of
17 Justice Assistance is authorized to make grants to States,
18 units of local government, and Indian tribes to purchase
19 video cameras for use by State, local, and tribal law en-
20 forcement agencies in law enforcement vehicles.

21 “(b) USES OF FUNDS.—Grants awarded under this
22 section shall be—

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

1 “(2) used for the purchase of video cameras for
2 law enforcement vehicles in the jurisdiction of the
3 grantee.

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

8 “(1) has the greatest need for video cameras,
9 based on the percentage of law enforcement officers
10 in the department do not have access to a law en-
11 forcement vehicle equipped with a video camera;

12 “(2) has a violent crime rate at or above the
13 national average as determined by the Federal Bu-
14 reau of Investigation; or

15 “(3) has not received a block grant under the
16 Local Law Enforcement Block Grant program de-
17 scribed under the heading ‘Violent Crime Reduction
18 Programs, State and Local Law Enforcement As-
19 sistance’ of the Departments of Commerce, Justice,
20 and State, the Judiciary, and Related Agencies Ap-
21 propriations Act, 1998 (Public Law 105–119).

22 “(d) MINIMUM AMOUNT.—Unless all eligible applica-
23 tions submitted by any State or unit of local government
24 within such State for a grant under this section have been
25 funded, such State, together with grantees within the

1 State (other than Indian tribes), shall be allocated in each
2 fiscal year under this section not less than 0.50 percent
3 of the total amount appropriated in the fiscal year for
4 grants pursuant to this section, except that the United
5 States Virgin Islands, American Samoa, Guam, and the
6 Northern Mariana Islands shall each be allocated 0.25
7 percent.

8 “(e) MAXIMUM AMOUNT.—A qualifying State, unit of
9 local government, or Indian tribe may not receive more
10 than 5 percent of the total amount appropriated in each
11 fiscal year for grants under this section, except that a
12 State, together with the grantees within the State may not
13 receive more than 20 percent of the total amount appro-
14 priated in each fiscal year for grants under this section.

15 “(f) MATCHING FUNDS.—The portion of the costs of
16 a program provided by a grant under subsection (a) may
17 not exceed 50 percent. Any funds appropriated by Con-
18 gress for the activities of any agency of an Indian tribal
19 government or the Bureau of Indian Affairs performing
20 law enforcement functions on any Indian lands may be
21 used to provide the non-Federal share of a matching re-
22 quirement funded under this subsection.

23 “(g) ALLOCATION OF FUNDS.—At least half of the
24 funds available under this subpart shall be awarded to

1 units of local government with fewer than 100,000 resi-
2 dents.

3 **“SEC. 2522. APPLICATIONS.**

4 “(a) IN GENERAL.—To request a grant under this
5 subpart, the chief executive of a State, unit of local gov-
6 ernment, or Indian tribe shall submit an application to
7 the Director of the Bureau of Justice Assistance in such
8 form and containing such information as the Director may
9 reasonably require.

10 “(b) REGULATIONS.—Not later than 90 days after
11 the date of the enactment of this subpart, the Director
12 of the Bureau of Justice Assistance shall promulgate regu-
13 lations to implement this section (including the informa-
14 tion that must be included and the requirements that the
15 States, units of local government, and Indian tribes must
16 meet) in submitting the applications required under this
17 section.

18 “(c) ELIGIBILITY.—A unit of local government that
19 receives funding under the Local Law Enforcement Block
20 Grant program (described under the heading ‘Violent
21 Crime Reduction Programs, State and Local Law En-
22 forcement Assistance’ of the Departments of Commerce,
23 Justice, and State, the Judiciary, and Related Agencies
24 Appropriations Act, 1998 (Public Law 105–119)) during
25 a fiscal year in which it submits an application under this

1 subpart shall not be eligible for a grant under this subpart
 2 unless the chief executive officer of such unit of local gov-
 3 ernment certifies and provides an explanation to the Di-
 4 rector that the unit of local government considered or will
 5 consider using funding received under the block grant pro-
 6 gram for any or all of the costs relating to the purchase
 7 of video cameras, but did not, or does not expect to use
 8 such funds for such purpose.

9 **“SEC. 2523. DEFINITIONS.**

10 “In this subpart—

11 “(1) the term ‘Indian tribe’ has the same mean-
 12 ing as in section 4(e) of the Indian Self-Determina-
 13 tion and Education Assistance Act (25 U.S.C.
 14 450b(e));

15 “(2) the term ‘law enforcement officer’ means
 16 any officer, agent, or employee of a State, unit of
 17 local government, or Indian tribe authorized by law
 18 or by a government agency to engage in or supervise
 19 the prevention, detection, or investigation of any vio-
 20 lation of criminal law, or authorized by law to super-
 21 vise sentenced criminal offenders;

22 “(3) the term ‘State’ means each of the 50
 23 States, the District of Columbia, the Commonwealth
 24 of Puerto Rico, the United States Virgin Islands,

1 American Samoa, Guam, and the Northern Mariana
2 Islands; and

3 “(4) the term ‘unit of local government’ means
4 a county, municipality, town, township, village, par-
5 ish, borough, or other unit of general government
6 below the State level.”.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
8 1001(a) of the Omnibus Crime Control and Safe Streets
9 Act of 1968 (42 U.S.C. 3793(a)) is amended by striking
10 paragraph (23) and inserting the following:

11 “(23) There are authorized to be appropriated to
12 carry out part Y—

13 “(A) \$25,000,000 for each of fiscal years
14 2000 through 2002 for grants under subpart A
15 of that part;

16 “(B) \$40,000,000 for each of fiscal years
17 2000 through 2002 for grants under subpart B
18 of that part; and

19 “(C) \$25,000,000 for each of fiscal years
20 2000 through 2002 for grants under subpart C
21 of that part.”.

22 **SEC. 4. SENSE OF THE CONGRESS.**

23 In the case of any equipment or products that may
24 be authorized to be purchased with financial assistance
25 provided using funds appropriated or otherwise made

1 available by this Act, it is the sense of the Congress that
 2 entities receiving the assistance should, in expending the
 3 assistance, purchase only American-made equipment and
 4 products.

5 **SEC. 5. TECHNOLOGY DEVELOPMENT.**

6 Section 202 of title I of the Omnibus Crime Control
 7 and Safe Streets Act of 1968 (42 U.S.C. 3722) is amend-
 8 ed by adding at the end the following:

9 “(e) BULLET RESISTANT TECHNOLOGY DEVELOP-
 10 MENT.—

11 “(1) IN GENERAL.—The Institute is authorized
 12 to—

13 “(A) conduct research and otherwise work
 14 to develop new bullet resistant technologies (i.e.,
 15 acrylic, polymers, aluminized material, and
 16 transparent ceramics) for use in police equip-
 17 ment (including windshield glass, car panels,
 18 shields, and protective gear);

19 “(B) inventory bullet resistant technologies
 20 used in the private sector, in surplus military
 21 property, and by foreign countries;

22 “(C) promulgate relevant standards for,
 23 and conduct technical and operational testing
 24 and evaluation of, bullet resistant technology

1 and equipment, and otherwise facilitate the use
2 of that technology in police equipment.

3 “(2) PRIORITY.—In carrying out this sub-
4 section, the Institute shall give priority in testing
5 and engineering surveys to law enforcement partner-
6 ships developed in coordination with High Intensity
7 Drug Trafficking Areas.

8 “(3) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated to carry out
10 this subsection \$3,000,000 for fiscal years 2000
11 through 2002.”.

○