

105TH CONGRESS
2^D SESSION

S. 2253

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1998

Referred to the Committee on the Judiciary

AN ACT

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 1998”.

1 **SEC. 2. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) Officer Dale Claxton of the Cortez, Colo-
4 rado, Police Department was shot and killed by bul-
5 lets that passed through the windshield of his police
6 car after he stopped a stolen truck, and his life may
7 have been saved if his police car had been equipped
8 with bullet resistant equipment;

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

14 (3) according to studies, between 1985 and
15 1994, 709 law enforcement officers in the United
16 States were feloniously killed in the line of duty;

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

22 (5) according to studies, between 1985 and
23 1994, bullet-resistant materials helped save the lives
24 of more than 2,000 law enforcement officers in the
25 United States; and

1 (6) the Executive Committee for Indian Coun-
2 try Law Enforcement Improvements reports that
3 violent crime in Indian country has risen sharply,
4 despite a decrease in the national crime rate, and
5 has concluded that there is a “public safety crisis in
6 Indian country”.

7 (b) PURPOSE.—The purpose of this Act is to save
8 lives of law enforcement officers by helping State, local,
9 and tribal law enforcement agencies provide officers with
10 bullet resistant equipment.

11 **SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCE-**
12 **MENT BULLET RESISTANT EQUIPMENT.**

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

15 (1) by striking the part designation and part
16 heading and inserting the following:

17 **“PART Y—MATCHING GRANT PROGRAMS FOR**
18 **LAW ENFORCEMENT**

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

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

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

1 **“Subpart B—Grant Program For Bullet Resistant**
2 **Equipment**

3 **“SEC. 2511. PROGRAM AUTHORIZED.**

4 “(a) IN GENERAL.—The Director of the Bureau of
5 Justice Assistance is authorized to make grants to States,
6 units of local government, and Indian tribes to purchase
7 bullet resistant equipment for use by State, local, and trib-
8 al law enforcement officers.

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

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

13 “(2) used for the purchase of bullet resistant
14 equipment for law enforcement officers in the juris-
15 diction of the grantee.

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

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

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

1 “(3) has not received a block grant under the
2 Local Law Enforcement Block Grant program de-
3 scribed under the heading ‘Violent Crime Reduction
4 Programs, State and Local Law Enforcement As-
5 sistance’ of the Departments of Commerce, Justice,
6 and State, the Judiciary, and Related Agencies Ap-
7 propriations Act, 1998 (Public Law 105–119).

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

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

1 “(f) MATCHING FUNDS.—The portion of the costs of
2 a program provided by a grant under subsection (a) may
3 not exceed 50 percent. Any funds appropriated by Con-
4 gress for the activities of any agency of an Indian tribal
5 government or the Bureau of Indian Affairs performing
6 law enforcement functions on any Indian lands may be
7 used to provide the non-Federal share of a matching re-
8 quirement funded under this subsection.

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

13 **“SEC. 2512. APPLICATIONS.**

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

20 “(b) REGULATIONS.—Not later than 90 days after
21 the date of the enactment of this subpart, the Director
22 of the Bureau of Justice Assistance shall promulgate regu-
23 lations to implement this section (including the informa-
24 tion that must be included and the requirements that the
25 States, units of local government, and Indian tribes must

1 meet) in submitting the applications required under this
2 section.

3 “(c) ELIGIBILITY.—A unit of local government that
4 receives funding under the Local Law Enforcement Block
5 Grant program (described under the heading ‘Violent
6 Crime Reduction Programs, State and Local Law En-
7 forcement Assistance’ of the Departments of Commerce,
8 Justice, and State, the Judiciary, and Related Agencies
9 Appropriations Act, 1998 (Public Law 105–119)) during
10 a fiscal year in which it submits an application under this
11 subpart shall not be eligible for a grant under this subpart
12 unless the chief executive officer of such unit of local gov-
13 ernment certifies and provides an explanation to the Di-
14 rector that the unit of local government considered or will
15 consider using funding received under the block grant pro-
16 gram for any or all of the costs relating to the purchase
17 of bullet resistant equipment, but did not, or does not ex-
18 pect to use such funds for such purpose.

19 **“SEC. 2513. DEFINITIONS.**

20 “For purposes of this subpart—

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

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

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

3 “(3) 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 “(4) the term ‘Indian tribe’ has the same mean-
8 ing as in section 4(e) of the Indian Self-Determina-
9 tion and Education Assistance Act (25 U.S.C.
10 450b(e)); and

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

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

19 **“SEC. 2521. PROGRAM AUTHORIZED.**

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

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

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

5 “(2) used for the purchase of video cameras for
6 law enforcement vehicles in the jurisdiction of the
7 grantee.

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

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

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

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

1 “(d) MINIMUM AMOUNT.—Unless all eligible applica-
2 tions submitted by any State or unit of local government
3 within such State for a grant under this section have been
4 funded, such State, together with grantees within the
5 State (other than Indian tribes), shall be allocated in each
6 fiscal year under this section not less than 0.50 percent
7 of the total amount appropriated in the fiscal year for
8 grants pursuant to this section, except that the United
9 States Virgin Islands, American Samoa, Guam, and the
10 Northern Mariana Islands shall each be allocated 0.25
11 percent.

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

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

1 used to provide the non-Federal share of a matching re-
2 quirement funded under this subsection.

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

7 **“SEC. 2522. APPLICATIONS.**

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

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

22 “(c) ELIGIBILITY.—A unit of local government that
23 receives funding under the Local Law Enforcement Block
24 Grant program (described under the heading ‘Violent
25 Crime Reduction Programs, State and Local Law En-

1 enforcement Assistance’ of the Departments of Commerce,
2 Justice, and State, the Judiciary, and Related Agencies
3 Appropriations Act, 1998 (Public Law 105–119)) during
4 a fiscal year in which it submits an application under this
5 subpart shall not be eligible for a grant under this subpart
6 unless the chief executive officer of such unit of local gov-
7 ernment certifies and provides an explanation to the Di-
8 rector that the unit of local government considered or will
9 consider using funding received under the block grant pro-
10 gram for any or all of the costs relating to the purchase
11 of video cameras, but did not, or does not expect to use
12 such funds for such purpose.

13 **“SEC. 2523. DEFINITIONS.**

14 “For purposes of this subpart—

15 “(1) the term ‘State’ means each of the 50
16 States, the District of Columbia, the Commonwealth
17 of Puerto Rico, the United States Virgin Islands,
18 American Samoa, Guam, and the Northern Mariana
19 Islands;

20 “(2) the term ‘unit of local government’ means
21 a county, municipality, town, township, village, par-
22 ish, borough, or other unit of general government
23 below the State level;

24 “(3) the term ‘Indian tribe’ has the same mean-
25 ing as in section 4(e) of the Indian Self-Determina-

1 tion and Education Assistance Act (25 U.S.C.
2 450b(e)); and

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

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
11 1001(a) of the Omnibus Crime Control and Safe Streets
12 Act of 1968 (42 U.S.C. 3793(a)) is amended by striking
13 paragraph (23) and inserting the following:

14 “(23) There are authorized to be appropriated to
15 carry out part Y—

16 “(A) \$25,000,000 for each of fiscal years
17 1999 through 2001 for grants under subpart A
18 of that part;

19 “(B) \$40,000,000 for each of fiscal years
20 1999 through 2001 for grants under subpart B
21 of that part; and

22 “(C) \$25,000,000 for each of fiscal years
23 1999 through 2001 for grants under subpart C
24 of that part.”.

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

2 In the case of any equipment or products that may
3 be authorized to be purchased with financial assistance
4 provided using funds appropriated or otherwise made
5 available by this Act, it is the sense of the Congress that
6 entities receiving the assistance should, in expending the
7 assistance, purchase only American-made equipment and
8 products.

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

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

13 “(e) BULLET RESISTANT TECHNOLOGY DEVELOP-
14 MENT.—

15 “(1) IN GENERAL.—The Institute is authorized
16 to—

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

23 “(B) inventory bullet resistant technologies
24 used in the private sector, in surplus military
25 property, and by foreign countries;

1 “(C) promulgate relevant standards for,
2 and conduct technical and operational testing
3 and evaluation of, bullet resistant technology
4 and equipment, and otherwise facilitate the use
5 of that technology in police equipment.

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

11 “(3) AUTHORIZATION OF APPROPRIATIONS.—
12 There is authorized to be appropriated to carry out
13 this subsection \$3,000,000 for fiscal years 1999
14 through 2001.”.

 Passed the Senate October 14 (legislative day, Octo-
ber 2), 1998.

Attest:

GARY SISCO,
Secretary.

S 2253 ES—2

S 2253 ES—3

S 2253 ES—4

S 2253 ES—5