

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 783) to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "James Guelff Body Armor Act of 2000".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;

(3) there is a traffic in body armor moving in or otherwise affecting interstate commerce, and existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(4) recent incidents, such as the murder of San Francisco Police Officer James Guelff by an assailant wearing 2 layers of body armor and a 1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, demonstrate the serious threat to community safety posed by criminals who wear body armor during the commission of a violent crime;

(5) of the approximately 1,200 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest;

(6) the Department of Justice has estimated that 25 percent of State and local police are not issued body armor;

(7) the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies; and

(8) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to enact legislation to regulate interstate commerce that affects the integrity and safety of our communities.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **BODY ARMOR.**—The term "body armor" means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(2) **LAW ENFORCEMENT AGENCY.**—The term "law enforcement agency" means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(3) **LAW ENFORCEMENT OFFICER.**—The term "law enforcement officer" means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

#### SEC. 4. AMENDMENT OF SENTENCING GUIDELINES WITH RESPECT TO BODY ARMOR.

(a) **SENTENCING ENHANCEMENT.**—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement, increasing the offense level not less than 2 levels, for any offense in which the defendant used body armor.

(b) **APPLICABILITY.**—No amendment made to the Federal Sentencing Guidelines pursuant to this section shall apply if the Federal offense in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of any person by a law enforcement officer acting under color of the authority of such law enforcement officer.

#### SEC. 5. PROHIBITION OF PURCHASE, USE, OR POSSESSION OF BODY ARMOR BY VIOLENT FELONS.

(a) **DEFINITION OF BODY ARMOR.**—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) The term 'body armor' means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment."

(b) **PROHIBITION.**—

(1) **IN GENERAL.**—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§931. Prohibition on purchase, ownership, or possession of body armor by violent felons

"(a) **IN GENERAL.**—Except as provided in subsection (b), it shall be unlawful for a person to purchase, own, or possess body armor, if that person has been convicted of a felony that is—

"(1) a crime of violence (as defined in section 16); or

"(2) an offense under State law that would constitute a crime of violence under paragraph (1) if it occurred within the special maritime and territorial jurisdiction of the United States.

"(b) **AFFIRMATIVE DEFENSE.**—

"(1) **IN GENERAL.**—It shall be an affirmative defense under this section that—

"(A) the defendant obtained prior written certification from his or her employer that the defendant's purchase, use, or possession of body armor was necessary for the safe performance of lawful business activity; and

"(B) the use and possession by the defendant were limited to the course of such performance.

"(2) **EMPLOYER.**—In this subsection, the term 'employer' means any other individual employed by the defendant's business that supervises defendant's activity. If that defendant has no supervisor, prior written certification is acceptable from any other employee of the business."

(2) **CLERICAL AMENDMENT.**—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"931. Prohibition on purchase, ownership, or possession of body armor by violent felons."

(c) **PENALTIES.**—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7) Whoever knowingly violates section 931 shall be fined under this title, imprisoned not more than 3 years, or both."

#### SEC. 6. DONATION OF FEDERAL SURPLUS BODY ARMOR TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) **DEFINITIONS.**—In this section, the terms "Federal agency" and "surplus property" have the meanings given such terms under section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(b) **DONATION OF BODY ARMOR.**—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the head of a Federal agency may donate

body armor directly to any State or local law enforcement agency, if such body armor is—

(1) in serviceable condition; and

(2) surplus property.

(c) **NOTICE TO ADMINISTRATOR.**—The head of a Federal agency who donates body armor under this section shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

(d) **DONATION BY CERTAIN OFFICERS.**—

(1) **DEPARTMENT OF JUSTICE.**—In the administration of this section with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

(A) The Administrator of the Drug Enforcement Administration.

(B) The Director of the Federal Bureau of Investigation.

(C) The Commissioner of the Immigration and Naturalization Service.

(D) The Director of the United States Marshals Service.

(2) **DEPARTMENT OF THE TREASURY.**—In the administration of this section with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

(B) The Commissioner of Customs.

(C) The Director of the United States Secret Service.

(e) **NO LIABILITY.**—Notwithstanding any other provision of law, the United States shall not be liable for any harm occurring in connection with the use or misuse of any body armor donated under this section.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 783), as amended, was read the third time and passed.

#### CELEBRATING THE BIRTH OF JAMES MADISON AND HIS CONTRIBUTIONS TO THE NATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 396.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 396) celebrating the birth of James Madison and his contributions to the Nation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (H. Con. Res. 396) was agreed to.

The preamble was agreed to.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### TRIBUTE TO RETIRING COLLEAGUES

Mr. DODD. Mr. President, I will take a few minutes this evening to talk about a person who is a colleague in the sense that I have worked with him for 25 years in my office in Connecticut. He has recently retired. I will also discuss three colleagues here in the U.S. Senate who have announced their retirement. As we, hopefully, arrive at the closing of this session, I want to take a couple of moments to share my thoughts about these three colleagues. I will speak about two other colleagues tomorrow or the next day, if I can, so as not to consume too much time this evening because colleagues may want to be heard on other matters.

#### TRIBUTE TO STANLEY ISRAELITE

Mr. DODD. First, I want to pay tribute to a man that has literally been like a father, brother, and uncle to me, and a close confidant for a quarter of a century. I affectionately call him "the coach." Stanley Israelite has been with me in my office from the very first day in January of 1975 when I was sworn into the House of Representatives, until just months ago when, at age 75, he retired from the service of the U.S. Senate and service to me as a Member of the House and the Senate.

There are many words to describe Stanley Israelite and the many roles in my life and the lives of countless others in Connecticut and the country that he has served as a friend, counselor, trusted advisor, and faithful public servant. While these words can describe what he has been, there are really no words to describe what he has meant, particularly to me and to literally hundreds of others who have been blessed to know him and have been affected by the work he has performed on their behalf. It is equally the case that there are no words to express my true feelings of deep gratitude for Stanley's service and my personal sadness that he is retiring from the U.S. Senate.

Mr. President, in a recent edition of the New London Day, a local paper in Connecticut, the headline read "Israelite Enjoys Retirement for Day, Then Joins NCDC"—the Norwich Com-

munity Development Corporation. That one headline fairly well sums up Stanley's remarkable life of service. For almost 75 years, he has led a life of tireless devotion to the things that endure in this life: faith, family, compassion for the less fortunate, integrity, and great humility.

While many think of him as a quintessential public servant, Stanley Israelite's roots actually lie in the world of small business. His first occupation, after serving in the U.S. military, was helping to run his father's jewelry store in Norwich, Connecticut. He would later serve as an officer of the Norwich Chamber of Commerce and then became director of it. In fact, he was director when he joined me as a freshman member of the House. Subsequently, he was elected as a member of the City Council in his beloved hometown of Norwich, Connecticut, and was chosen to serve as commissioner to the Norwich Department of Public Utilities.

In his "spare time," he was proprietor of the William W. Backus Hospital in Norwich, the former Norwich Savings Society, and the Norwich Free Academy, one of the oldest, if not the oldest, public high schools in America.

In the 1970s, he served as head of the Norwich Community Development Corporation. In that role, he oversaw the establishment of the Norwich Industrial Park. I know a lot of industrial parks built today are rather commonplace, but this was one of the first and one of the most unique in the State of Connecticut and across the country. This facility embodies Stanley's vision of a thriving economic community in southeastern Connecticut, and he created it while maintaining the wonderful topography and environmental integrity of that part of the city of Norwich.

It represents, in many ways—in stone, metal, glass, and the environment that surrounds it—the deep commitment of this remarkable man to make life better for those around him. As one former State Senator recently said of Stanley's work on the Norwich Industrial Park, "It's high time we name the park after him." I second that thought.

For the past 25 years, I have had the great privilege of knowing Stanley as a member of my staff. He served as my State director and senior advisor for a quarter century. But what truly distinguished Stanley was not the title that he held in my office, but his rock-solid sense of purpose. Stanley was with me on the very first day that I was sworn in as a new Member of Congress. Every single day, 7 days a week, I had at least one conversation with Stanley Israelite. I never made an important decision—very few decisions at all—without discussing them with Stanley and getting his solid advice as to how we ought to proceed. Early in my very first term, I remember being out with Stanley for dinner one night. In talking about the job and how the job

ought to be done, he listened to me patiently, as he oftentimes did, go on at some length about the work and the projects we wanted to be involved in, the major issues affecting Electric Boat and all these important institutions in my congressional district. After I went on for some time, I turned to Stanley and asked him what he thought. I can almost hear him exactly. He said, "I am going to tell you one thing about this job." He paused and he just said, "Never forget the people."

With those words, Stanley Israelite embarked on a 25-year career with me, on a path and a journey that has been a joy every single day. I am constantly reminded by Stanley and by his words and deeds that our job is to never forget the people. For 25 years, he has been a champion of those who too often are ignored, the underdogs, the ill, the elderly, the frail—those who didn't have anybody to speak for them. For Stanley, every person does count. No matter is too small for his attention. For him, a constituent's problem became his problem. Words like "I can't help you," "try another office," "later," or "no," simply were not in Stanley's vocabulary.

In November of 1995, U.S. News and World Report published what they call their "Portraits of 12 Indispensable Americans." I am proud to tell you today that one of those 12 indispensable Americans was the man I speak about this evening, Stanley Israelite.

I ask unanimous consent that that profile of Stanley Israelite contained in the publication of U.S. News and World Report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### THE SENATOR'S AIDE—HOUNDING THE BUREAUCRATS

(By James Popkin)

Lots of people's problems with their government aren't ideological, they're logistical. That's why many rely on the congressional aides like Stanley Israelite to help them fight their battles with government agencies.

At 70, Stanley Israelite is fighting a crusade to prove the cynics wrong. Since 1975, when the gravely voiced former Brooklynite first went to work for then Rep. Christopher Dodd (now a senator), Israelite has helped thousands of Connecticut citizens replace lost passports, track down late tax refunds, ship dearly departed to grieving families overseas and even bail the occasional misbehaving Connecticut teenager out of Mexican jails.

All successful members of Congress have staffers like Israelite who can goose reluctant bureaucrats into action. Although Dodd happens to be a Democrat, effective constituent service is a congressional specialty that cuts across political lines. It's first and foremost a matter of good politics: Good service results in happy voters. But what distinguishes Israelite is his gusto for the job. And his not-so-artful technique. "When I call an agency because somebody is waiting for her Social Security check or a guy is waiting for an FHA loan and the agency gives me some song and dance, I try to let them know I'm not gonna take any of their crap," he