

Calendar No. 315

105<sup>TH</sup> CONGRESS  
2D SESSION

**S. 1605**

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**A BILL**

To establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

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FEBRUARY 26, 1998

Reported with an amendment

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**IN THE SENATE OF THE UNITED STATES**

FEBRUARY 4, 1998

Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. D'AMATO, Mr. FAIRCLOTH, Mr. HOLLINGS, Mr. JOHNSON, Mr. KENNEDY, Mr. REID, Mr. TORRICELLI, Mr. DODD, Mrs. MURRAY, Mr. LAUTENBERG, Mr. REED, Mr. KOHL, Mr. DURBIN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

FEBRUARY 26, 1998

Reported by Mr. HATCH, with an amendment

[Omit the part struck through and insert the part printed in *italic*]

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**A BILL**

To establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bulletproof Vest Part-  
3 nership Act of 1998”.

4 **SEC. 2. FINDINGS; PURPOSE.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the number of law enforcement officers who  
7 are killed in the line of duty would significantly de-  
8 crease if every law enforcement officer in the United  
9 States had the protection of an armor vest while  
10 performing their hazardous duties;

11 (2) the Federal Bureau of Investigation esti-  
12 mates that more than 30 percent of the almost  
13 1,182 law enforcement officers killed by a firearm in  
14 the line of duty could have been saved if they had  
15 been wearing body armor;

16 (3) the Federal Bureau of Investigation esti-  
17 mates that the risk of fatality to law enforcement of-  
18 ficers while not wearing an armor vest is 14 times  
19 higher than for officers wearing an armor vest;

20 (4) the Department of Justice estimates that  
21 approximately 150,000 State, local, and tribal law  
22 enforcement officers, nearly 25 percent, are not  
23 issued body armor;

24 (5) the Executive Committee for Indian Coun-  
25 try Law Enforcement Improvements reports that  
26 violent crime in Indian country has risen sharply,

1 despite decreases in the national crime rate, and has  
2 concluded that there is a “public safety crisis in In-  
3 dian country”; and

4 (6) many State, local, and tribal law enforce-  
5 ment agencies, especially those in smaller commu-  
6 nities and rural jurisdictions, need assistance in  
7 order to provide body armor for their officers.

8 (b) PURPOSE.—The purpose of this Act is to save  
9 lives of law enforcement officers by helping State, local,  
10 and tribal law enforcement agencies provide those officers  
11 with armor vests.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) ARMOR VEST.—The term “armor vest”  
15 means body armor that has been tested through the  
16 voluntary compliance testing program operated by  
17 the National Law Enforcement and Corrections  
18 Technology Center of the National Institute of Jus-  
19 tice (NIJ), and found to comply with the require-  
20 ments of NIJ Standard 0101.03, or any subsequent  
21 revision of that standard.

22 (2) BODY ARMOR.—The term “body armor”  
23 means any product sold or offered for sale as per-  
24 sonal protective body covering intended to protect  
25 against gunfire, stabbing, or other physical harm.

1           (3) DIRECTOR.—The term “Director” means  
2 the Director of the Bureau of Justice Assistance of  
3 the Department of Justice.

4           (4) INDIAN TRIBE.—The term “Indian tribe”  
5 has the same meaning as in section 4(e) of the In-  
6 dian Self-Determination and Education Assistance  
7 Act (25 U.S.C. 450b(e)).

8           (5) LAW ENFORCEMENT OFFICER.—The term  
9 “law enforcement officer” means any officer, agent,  
10 or employee of a State, unit of local government, or  
11 Indian tribe authorized by law or by a government  
12 agency to engage in or supervise the prevention, de-  
13 tection, or investigation of any violation of criminal  
14 law, or authorized by law to supervise sentenced  
15 criminal offenders.

16           (6) STATE.—The term “State” means each of  
17 the several States of the United States, the District  
18 of Columbia, the Commonwealth of Puerto Rico, the  
19 Virgin Islands, Guam, American Samoa, and the  
20 Commonwealth of the Northern Mariana Islands.

21           (7) UNIT OF LOCAL GOVERNMENT.—The term  
22 “unit of local government” means a county, munici-  
23 pality, town, township, village, parish, borough, or  
24 other unit of general government below the State  
25 level.

1 **SEC. 4. PROGRAM AUTHORIZED.**

2 (a) GRANT AUTHORIZATION.—The Director may  
3 make grants to States, units of local government, and In-  
4 dian tribes in accordance with this Act to purchase armor  
5 vests for use by State, local, and tribal law enforcement  
6 officers.

7 (b) APPLICATIONS.—Each State, unit of local govern-  
8 ment, or Indian tribe seeking to receive a grant under this  
9 section shall submit to the Director an application, in such  
10 form and containing such information as the Director may  
11 reasonably require.

12 (c) USES OF FUNDS.—Grant awards under this sec-  
13 tion shall be—

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

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

19 (d) PREFERENTIAL CONSIDERATION.—In awarding  
20 grants under this section, the Director may give pref-  
21 erential consideration, where feasible, to applications from  
22 jurisdictions that—

23 (1) have a violent crime rate at or above the na-  
24 tional average, as determined by the Federal Bureau  
25 of Investigation; and

1           (2) have not been providing each law enforce-  
2           ment officer assigned to patrol or other hazardous  
3           duties with body armor.

4           (e) MINIMUM AMOUNT.—Unless all applications sub-  
5           mitted by any State, unit of local government, or Indian  
6           tribe for a grant under this section have been funded, each  
7           State, together with grantees within the State (other than  
8           Indian tribes), shall be allocated in each fiscal year under  
9           this section not less than 0.75 percent of the total amount  
10          appropriated in the fiscal year for grants pursuant to this  
11          section, except that the United States Virgin Islands,  
12          American Samoa, Guam, and the Northern Mariana Is-  
13          lands shall each be allocated 0.25 percent.

14          ~~(f) MAXIMUM AMOUNT.—A State, together with~~  
15          ~~grantees within the State (other than Indian tribes), may~~  
16          ~~not receive more than 5 percent of the total amount appro-~~  
17          ~~priated in each fiscal year for grants under this section.~~

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

1 (g) MATCHING FUNDS.—The portion of the costs of  
2 a program provided by a grant under this section may not  
3 exceed 50 percent, unless the Director determines a case  
4 of fiscal hardship and waives, wholly or in part, the re-  
5 quirement under this subsection of a non-Federal con-  
6 tribution to the costs of a program.

7 (h) ALLOCATION OF FUNDS.—Not less than 50 per-  
8 cent of the funds awarded under this section in each fiscal  
9 year shall be allocated to units of local government, or In-  
10 dian tribes, having jurisdiction over areas with populations  
11 of 100,000 or less.

12 (i) REIMBURSEMENT.—Grants under this section  
13 may be used to reimburse law enforcement officers who  
14 have previously purchased body armor with personal funds  
15 during a period in which body armor was not provided  
16 by the State, unit of local government, or Indian tribe.

17 **SEC. 5. APPLICATIONS.**

18 Not later than 90 days after the date of enactment  
19 of this Act, the Director shall promulgate regulations to  
20 carry out this Act, which shall set forth the information  
21 that must be included in each application under section  
22 4(b) and the requirements that States, units of local gov-  
23 ernment, and Indian tribes must meet in order to receive  
24 a grant under section 4.

1 **SEC. 6. PROHIBITION OF PRISON INMATE LABOR.**

2 Any State, unit of local government, or Indian tribe  
3 that receives financial assistance provided using funds ap-  
4 propriated or otherwise made available by this Act may  
5 not purchase equipment or products manufactured using  
6 prison inmate labor.

7 **SEC. 7. SENSE OF CONGRESS.**

8 In the case of any equipment or product authorized  
9 to be purchased with financial assistance provided using  
10 funds appropriated or otherwise made available under this  
11 Act, it is the sense of Congress that entities receiving the  
12 assistance should, in expending the assistance, purchase  
13 only American-made equipment and products.

14 **SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.**

15 There is authorized to be appropriated \$25,000,000  
16 for each of fiscal years 1999 through 2003 to carry out  
17 this Act.