

## Calendar No. 608

105TH CONGRESS  
2D SESSION**S. 2253**

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

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IN THE SENATE OF THE UNITED STATES

JUNE 26, 1998

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

SEPTEMBER 24, 1998

Reported by Mr. HATCH, without amendment

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**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 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 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
19 1001(a) of the Omnibus Crime Control and Safe Streets  
20 Act of 1968 (42 U.S.C. 3793(a)) is amended by striking  
21 paragraph (23) and inserting the following:

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

1           “(A) \$25,000,000 for each of fiscal years  
2           1999 through 2001 for grants under subpart A  
3           of that part; and

4           “(B) \$40,000,000 for each of fiscal years  
5           1999 through 2001 for grants under subpart B  
6           of that part.”.

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

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

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

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

19          “(e) BULLET RESISTANT TECHNOLOGY DEVELOP-  
20          MENT.—

21                 “(1) IN GENERAL.—The Institute is authorized  
22          to—

23                         “(A) conduct research and otherwise work  
24                         to develop new bullet resistant technologies (i.e.,  
25                         acrylic, polymers, aluminized material, and

1 transparent ceramics) for use in police equip-  
2 ment (including windshield glass, car panels,  
3 shields, and protective gear);

4 “(B) inventory bullet resistant technologies  
5 used in the private sector, in surplus military  
6 property, and by foreign countries;

7 “(C) promulgate relevant standards for,  
8 and conduct technical and operational testing  
9 and evaluation of, bullet resistant technology  
10 and equipment, and otherwise facilitate the use  
11 of that technology in police equipment.

12 “(2) PRIORITY.—In carrying out this sub-  
13 section, the Institute shall give priority in testing  
14 and engineering surveys to law enforcement partner-  
15 ships developed in coordination with High Intensity  
16 Drug Trafficking Areas.

17 “(3) AUTHORIZATION OF APPROPRIATIONS.—  
18 There is authorized to be appropriated to carry out  
19 this subsection \$3,000,000 for fiscal years 1999  
20 through 2001.”.



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