

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

JULY 20, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McCOLLUM, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 4033]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4033) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bulletproof Vest Partnership Grant Act of 2000”.

SEC. 2. FINDINGS.

Congress finds that—

- (1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;
- (2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;
- (3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;
- (4) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and
- (5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a “public safety crisis in Indian country”.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

(a) **MATCHING FUNDS.**—Section 2501(f) (42 U.S.C. 3796ll(f)) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking “The portion” and inserting the following:

“(1) The portion”;

(2) by striking “subsection (a)” and all that follows through the period at the end of the first sentence and inserting “subsection (a)—

“(A) may not exceed 50 percent; and

“(B) shall equal 50 percent, if—

“(i) such grant is to a unit of local government with fewer than 100,000 residents;

“(ii) the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable; and

“(iii) such portion does not cause such grant to violate the requirements of subsection (e).”; and

(3) by striking “Any funds” and inserting the following:

“(2) Any funds”.

(b) **ALLOCATION OF FUNDS.**—Section 2501(g) (42 U.S.C. 3796ll(g)) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

“(g) **ALLOCATION OF FUNDS.**—Funds available under this part shall be awarded, without regard to subsection (c), to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this part shall be awarded to other qualifying applicants.”.

(c) **APPLICATIONS.**—Section 2502 (42 U.S.C. 3796ll–1) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after subsection (c) the following new subsection:

“(d) **APPLICATIONS IN CONJUNCTION WITH PURCHASES.**—If an application under this section is submitted in conjunction with a transaction for the purchase of armor vests, grant amounts under this section may not be used to fund any portion of that purchase unless, before the application is submitted, the applicant—

“(1) receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain; and

“(2) expressly assumes the obligation to carry out the transaction regardless of whether such amounts are received.”.

(d) **DEFINITION OF ARMOR VEST.**—Paragraph (1) of section 2503 (42 U.S.C. 3796ll–2) of such Act is amended—

(1) by striking “means body armor” and inserting the following: “means—

“(A) body armor”; and

(2) by inserting after the semicolon at the end the following: “or

“(B) body armor which has been tested through such voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any subsequent revision of such standard;”.

(e) INTERIM DEFINITION OF ARMOR VEST.—For purposes of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, the meaning of the term “armor vest” (as defined in section 2503 of such Act (42 U.S.C. 3796611–2)) shall, until the date on which a final NIJ Standard 0115.00 is first fully approved and implemented, also include body armor which has been found to meet or exceed the requirements for protection against stabbing established by the State in which the grantee is located.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(23) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking the period at the end and inserting the following: “, and \$50,000,000 for each of fiscal years 2002 through 2004.”.

PURPOSE AND SUMMARY

H.R. 4033, the “Bulletproof Vest Partnership Grant Act of 2000” would reauthorize the Bulletproof Vest Partnership Grant program established by Public Law No. 105–181, and increase the authorization level for grants made under that program from \$25,000,000 to \$50,000,000 for fiscal years 2002 through 2004.

BACKGROUND AND NEED FOR THE LEGISLATION

The Federal Bureau of Investigation estimates that the risk of fatality for an officer not wearing a bulletproof vest is 14 times higher than for officers wearing vests.¹ In fact, bulletproof material has saved the lives of over 2,000 police officers since its introduction.² Despite this proven track record, many law enforcement officers nationwide do not have access to a bulletproof vest. In the 105th Congress, legislation was enacted authorizing a \$25 million matching grant program for State and local law enforcement agencies for the purchase of bulletproof vests and body armor for their officers³. That legislation was cosponsored by over 300 Members of the House and was approved by a vote of 412–4.

To administer this program, the Department of Justice Office of Justice Programs has developed its first-ever Internet-based application and funding process. The Internet application system opened in April of 1999, and the program distributed enough awards to facilitate the purchase of 87,000 vests in 3,511 jurisdictions last year. The online “catalog” has been consistently updated with the latest approved vest makes and models, and the application process has been simplified, particularly for smaller jurisdictions.

In part due to the program’s immediate success and popularity, full 50% match funding was only provided for 76% of the approved jurisdictions. Furthermore, when the proposed National Institute of Justice (NIJ) Standard 0115.00, a Federal standard of approval for “stab-proof” vests, is approved later this year, the committee anticipates that a resulting increase in requests for funding will then be made on behalf of correctional officers. It is important to note that the NIJ Standard 0115.00 has been in development for over two years, and its approval has been forecasted and then subsequently delayed several times. There is considerable support among associations representing correctional officers that the program allow grantees to provide stab-proof vests as soon as possible.

¹Federal Bureau of Investigation, Uniform Crime Report, *Law Enforcement Officers Killed and Assaulted* (1994).

²Letter from John A. Dottore, DuPont Inc. to the International Association of Chiefs of Police/Dupont Bulletproof Vest Survivor’s Club (January, 2000).

³Public Law No. 105–181 (H.R. 2829), enacted on June 16, 1998.

HEARINGS

No hearings were held on the bill H.R. 4033.

COMMITTEE CONSIDERATION

On June 15, 2000, the Subcommittee on Crime met in open session and ordered favorably reported the bill H.R. 4033, as amended, by voice vote, a quorum being present. On July 11, 2000, the committee met in open session and ordered favorably reported the bill H.R. 4033 with amendment, by voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the committee reports that the findings and recommendations of the committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM FINDINGS

No findings or recommendations of the Committee on Government Reform were received as referred to in clause 3(c)(4) of rule XIII of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the committee sets forth, with respect to the bill, H.R. 4033, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 19, 2000.

Hon. HENRY J. HYDE, *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4033, the Bulletproof Vest Partnership Grant Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Grabowicz (for federal costs), who can be reached at 226-2860, and Shelley Finlayson (for the state and local impact), who can be reached at 225-3220.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc:

Honorable John Conyers Jr.
Ranking Democratic Member

H.R. 4033—Bulletproof Vest Partnership Grant Act of 2000.

SUMMARY

H.R. 4033 would authorize the appropriation of \$50 million for each of fiscal years 2002 through 2004 for the Department of Justice to provide grants to state and local governments and Indian tribes to purchase armor vests for law enforcement officers. The bill also would make changes to the current laws relating to the administration of this grant program.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 4033 would cost \$134 million over the 2002–2005 period. This legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 4033 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would benefit state, local, and tribal governments. Any costs incurred by state, local, or tribal governments would be the result of complying with grant conditions and would be voluntary.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

For this estimate, CBO assumes that the amounts authorized by the bill will be appropriated by the start of each fiscal year, and that spending would follow the historical rates for this program. The estimated budgetary impact of H.R. 4033 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

By fiscal year, in millions of dollars						
	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Bulletproof Vest Partnership Grants						
Authorization Level ¹	25	25	0	0	0	0
Estimated Outlays	16	25	19	9	0	0
Proposed Changes						
Authorization Level	0	0	50	50	50	0
Estimated Outlays	0	0	13	33	50	38
Spending Under H.R. 4033 for Bulletproof Vest Partnership Grants						
Authorization Level ¹	25	25	50	50	50	0
Estimated Outlays	16	25	32	42	50	38

¹ The 2000 level is the amount appropriated in that year for the bulletproof vest grant program. The 2001 level is the amount authorized in current law for those grants.

PAY-AS-YOU-GO CONSIDERATIONS:

None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 4033 contains no intergovernmental or private-sector mandates as defined in UMRA and would benefit state, local, and tribal governments. Any costs incurred by state, local, or tribal governments would be the result of complying with grant conditions and would be voluntary.

PREVIOUS CBO ESTIMATE

On July 19, 2000, CBO transmitted a cost estimate for S. 2413, the Bulletproof Vest Partnership Grant Act of 2000, as reported by the Senate Committee on the Judiciary on June 29, 2000. The two bills are very similar and the cost estimates are identical.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz (226–2860)
Impact on State, Local, and Tribal Governments: Shelley Finlayson (225–3220)
Impact on the Private Sector: John Harris (226–2618)

ESTIMATE APPROVED BY:

Robert A. Sunshine
Assistant Director for Budget Analysis

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short Title.

Section 1 of the bill states the short title of the Act as the “Bulletproof Vest Partnership Grant Act of 2000”.

Section 2. Findings.

Section 2 of the bill reports a number of findings concerning the effectiveness of bulletproof vests and body armor in protecting the lives of law enforcement officers.

Section 3. Matching Grant Program for Law Enforcement Armor Vests.

Section 3 of the bill contains a number of amendments to the program, including both a limitation on individual grants awarded to 50 percent of purchase costs, and clarification that units of local government with less than 100,000 residents will receive priority consideration for grants, as well as full 50 percent funding. It also requires that clear and conspicuous notice be given that receipt of the grant amounts requested in the application is uncertain, and the grantee nonetheless expressly assumes the obligation to carry out the transaction regardless of whether such amounts are received. This section also amends the definition of “Armor Vest” in the bill.

Subsection (a) requires that no grant be awarded in excess of 50 percent of the total purchase costs to a grantee. It also provides

that grants made to a unit of local government with fewer than 100,000 residents shall be for not less than 50 percent of total costs to the grantee, so long as the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable and the grant does not violate other requirements related to the maximum percentage of annual funds appropriated for this program that any State may receive.

Subsection (b) requires that program funds be awarded, without regard to otherwise applicable preferential consideration factors, to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds will then be available to other qualifying applicants.

Subsection (c) provides that applications submitted in conjunction with a transaction for the purchase of armor vests will not be funded unless, before the application is submitted, the applicant receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain, and the grantee nonetheless expressly assumes the obligation to carry out the transaction regardless of whether such amounts are received.

Subsection (d) amends the current definition of "Armor Vest" to include body armor which has been found to meet or exceed the requirements of proposed NIJ Standard 0115.00, or any subsequent revision thereof. It is the committee's understanding that NIJ Standard 0115.00 applies to "stab-proof" armor vests, that the standard is in the final stages of development at NIJ, and that this standard is due to be fully approved and implemented sometime later this year. Therefore, once it is approved, all stab-proof vests purchased with funds granted under this Act will have to meet this standard.

Subsection (e) establishes an interim definition of "Armor Vest" until such time as proposed NIJ Standard 0115.00 is first approved and implemented. Currently, grant funds under the Act may not be used to purchase vests designed to protect against stabbing. This section of the bill will authorize grantees to purchase body armor which meets or exceeds the requirements for protection against stabbing established by the State in which the grantee is located, using funds awarded under the program reauthorized by H.R. 4033.

The committee intends that the phrase "fully approved and implemented" be interpreted to mean that proposed NIJ Standard 0115.00 is finally approved, and implemented to the extent that stab-proof vests are available to grantees for purchase under the program. Further, it is the view of the committee that until that date, program funds should be available for grantees to purchase stab-proof vests so long as there is some indication that the stab-proof vests requested are in some way approved by the grantee-State, or the State in which the unit of local government-grantee is located. It is the committee's intent that otherwise valid applications for stab-proof vests, crucial for the protection of correctional officers, be approved and funded upon enactment of this legislation.

Subsection 3(f) authorizes \$50,000,000 to be appropriated for this program for each of fiscal years 2002 through 2004.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF
1968**

* * * * *

TITLE I—JUSTICE SYSTEM IMPROVEMENT

* * * * *

PART J—FUNDING

AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. (a)(1) * * *

* * * * *

(23) There are authorized to be appropriated to carry out part Y, \$25,000,000 for each of fiscal years 1999 through 2001[.], and \$50,000,000 for each of fiscal years 2002 through 2004.

* * * * *

**PART Y—MATCHING GRANT PROGRAM FOR
LAW ENFORCEMENT ARMOR VESTS**

SEC. 2501. PROGRAM AUTHORIZED.

(a) * * *

* * * * *

(f) **MATCHING FUNDS.—**[The portion]

(1) *The portion* of the costs of a program provided by a grant under [subsection (a) may not exceed 50 percent.] *subsection (a)—*

(A) *may not exceed 50 percent; and*

(B) *shall equal 50 percent, if—*

(i) *such grant is to a unit of local government with fewer than 100,000 residents;*

(ii) *the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable; and*

(iii) *such portion does not cause such grant to violate the requirements of subsection (e). [Any funds]*

(2) *Any funds* appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

[(g) **ALLOCATION OF FUNDS.—**At least half of the funds available under this part shall be awarded to units of local government with fewer than 100,000 residents.]

(g) *ALLOCATION OF FUNDS.*—Funds available under this part shall be awarded, without regard to subsection (c), to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this part shall be awarded to other qualifying applicants.

SEC. 2502. APPLICATIONS.

(a) * * *

* * * * *

(d) *APPLICATIONS IN CONJUNCTION WITH PURCHASES.*—If an application under this section is submitted in conjunction with a transaction for the purchase of armor vests, grant amounts under this section may not be used to fund any portion of that purchase unless, before the application is submitted, the applicant—

- (1) receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain; and
- (2) expressly assumes the obligation to carry out the transaction regardless of whether such amounts are received.

SEC. 2503. DEFINITIONS.

For purposes of this part—

(1) the term “armor vest” [means body armor] means—

(A) *body armor*, no less than Type I, which has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to meet or exceed the requirements of NIJ Standard 0101.03, or any subsequent revision of such standard; or

(B) *body armor which has been tested through such voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any subsequent revision of such standard;*

* * * * *

