

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 1998

Public Law 105-181
105th Congress

An Act

To establish a matching grant program to help State and local jurisdictions purchase armor vests for use by law enforcement departments. <<NOTE: June 16, 1998 - [S. 1605]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, <<NOTE: Bulletproof Vest Partnership Grant Act of 1998.>>

SECTION 1. SHORT <<NOTE: 42 USC 3711 note.>> TITLE.

This Act may be cited as the ``Bulletproof Vest Partnership Grant Act of 1998''.

SEC. 2. FINDINGS; <<NOTE: 42 USC 379611 note.>> PURPOSE.

(a) Findings.--Congress finds that--

(1) the number of law enforcement officers who are killed 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) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

(5) 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

(6) 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''.

(b) Purpose.--The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with armor vests.

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

(a) In General.--Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended--

- (1) by redesignating part Y as part Z;
- (2) by redesignating section 2501 <<NOTE: 42 USC 3797.>> a section 2601; and
- (3) by inserting after part X the following new part:

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``PART Y--MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS

``SEC. 2501. PROGRAM <<NOTE: 42 USC 379611.>> AUTHORIZED.

``(a) In General.--The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase armor vests for use by State, local, and tribal law enforcement officers.

``(b) Uses of Funds.--Grants awarded under this section shall be--

- ``(1) distributed directly to the State, unit of local government, or Indian tribe; and
- ``(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

``(c) Preferential Consideration.--In awarding grants under this part, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that--

- ``(1) has the greatest need for armor vests based on the percentage of law enforcement officers in the department who do not have access to a vest;
- ``(2) has, or will institute, a mandatory wear policy that requires on-duty law enforcement officers to wear armor vests whenever feasible; and
- ``(3) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation;
- ``(4) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119).

``(d) Minimum Amount.--Unless all eligible applications submitted any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantee within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total

amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

((e) Maximum Amount.--A qualifying State, unit of local government or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

((f) Matching Funds.--The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. An amount 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.

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((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.

SEC. 2502. <<NOTE: 42 USC 379611-1.>> APPLICATIONS.

((a) In General.--To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

((b) Regulations.--Not later than 90 days after the date of the enactment of this part, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the State units of local government, and Indian tribes must meet) in submitting the applications required under this section.

((c) Eligibility.--A unit of local government that receives funds under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119)) during a fiscal year in which it submits an application under this part shall not be eligible for a grant under this part unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of armor vests, but did not, or does not expect to use such funds for such purpose.

SEC. 2503. <<NOTE: 42 USC 379611-2.>> DEFINITIONS.

For purposes of this part--

((1) the term 'armor vest' means 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;

((2) the term 'body armor' means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm;

((3) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

((4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

((5) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

((6) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency

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to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized law to supervise sentenced criminal offenders.''.

(b) Authorization of Appropriations.--Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

((23) There are authorized to be appropriated to carry out part Y \$25,000,000 for each of fiscal years 1999 through 2001.''.

SEC. 4. SENSE OF THE CONGRESS.

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

Approved June 16, 1998.

LEGISLATIVE HISTORY--S. 1605 (H.R. 2829):

CONGRESSIONAL RECORD, Vol. 144 (1998):

Mar. 11, considered and passed Senate.

May 12, considered and passed House, amended, in lieu of

H.R. 2829.

May 15, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

June 16, Presidential remarks.

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Public Law 106-517
106th Congress

An Act

To amend the Omnibus Crime <<NOTE: Nov. 13, 2000 - [S. 2413]>> 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress <<NOTE: Bulletproof Vest Partnership Grant Act of 2000.>> assembled,

SECTION 1. <<NOTE: 42 USC 3711 note.>> SHORT TITLE.

This Act may be cited as the ``Bulletproof Vest Partnership Grant Act of 2000''.

SEC. 2. <<NOTE: 42 USC 379611 note.>> 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 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) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379611(f)) is amended--

(1) by striking ``The portion'' and inserting the following:

``(1) In general.--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--

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``(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) Indian assistance.--Any funds''.

(b) Allocation of Funds.--Section 2501(g) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379611(g)) 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 of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379611-1) is amended by adding at the end the following:

``(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.--Section 2503(1) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379611-2(1)) is amended--

(1) by striking ``means body armor'' and inserting the following: ``means--

- ``(A) body armor'';
- (2) by adding ``or'' at the end; and
- (3) by adding at the end the following:
``(B) body armor that has been tested through the voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any revision of such standard;''.

(e) Interim Definition of Armor Vest.--For <<NOTE: 42 USC 379611-2 note.>> 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. 379611-2)) 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.

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(f) Authorization of Appropriations.--Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by inserting before the period at the end the following: ``, and \$50,000,000 for each of fiscal years 2002 through 2004''.

Approved November 13, 2000.

LEGISLATIVE HISTORY--S. 2413 (H.R. 4033):

HOUSE REPORTS: No. 106-776 accompanying H.R. 4033 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 10, considered and passed Senate.

Oct. 25, considered and passed House.

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