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REPORT
114–544

BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM REAUTHORIZATION ACT OF 2015

MAY 10, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany S. 125]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (S. 125) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2020, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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Purpose and Summary

S. 125, the "Bulletproof Vest Partnership Grant Act of 2015," (the "Act") amends the Omnibus Crime Control and Safe Streets

Act of 1968 to extend through FY2020 the grant program for armored vests for law enforcement officers. The Act was previously authorized but the authorization lapsed in 2012, though it has received annual appropriations since 2012.

Background and Need for the Legislation

Since 1999, the Bulletproof Vest Partnership Grant (BVP) program has awarded more than 13,000 jurisdictions a total of $393 million in Federal funds for the purchase of over one million vests (1,197,348 as of December, 2014). BVP is a critical resource for state and local jurisdictions that saves lives. Based on data collected and recorded by the Department of Justice (DOJ), in FY 2012, protective vests were directly attributable to saving the lives of at least 33 law enforcement and corrections officers in 20 different states, an increase of 13.7% over FY 2011. At least 14 of those life-saving vests had been purchased, in part, with BVP funds. Awarded funds may only be used for the latest National Institute of Justice (NIJ)-compliant armored vests.

Many agencies from throughout the country have received this money. The BVP program was previously authorized at $50 million per year. Despite its authorization expiring at the end of FY 2012, the program has continued to be appropriated at $22.5 million per year. This bill authorizes the fund at $25 million per year and extends the authorization through 2020.

Hearings

The Committee on the Judiciary held no hearings on S. 125.

Committee Consideration

On April 20, 2016, the Committee met in open session and ordered the bill S. 125 favorably reported, without amendment, by voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of S. 125.

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises 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.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives 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, S. 125, 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, May 6, 2016.

Hon. BOB GOODLATTE, CHAIRMAN,
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 125, the "Bulletproof Vest Partnership Grant Program Reauthorization Act of 2015."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

KEITH HALL,
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

S. 125—Bulletproof Vest Partnership Grant Program Reauthorization Act of 2015.

As ordered reported by the House Committee on the Judiciary on April 20, 2016.

SUMMARY

S. 125 would authorize the appropriation of $25 million annually over the 2016–2020 period for the Bulletproof Vest Partnership Grant program. Under this program, the Department of Justice makes grants to State, local, and tribal law enforcement agencies to purchase bulletproof vests.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 125 would cost $80 million over the 2016–2021 period. Pay-as-you-go procedures do not apply to this legislation because enacting it would not affect direct spending or revenues.

CBO estimates that enacting S. 125 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 125 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 125 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

	2016	2017	2018	2019	2020	2021	2016–2021
INCREASES IN SPENDING SUBJECT TO APPROPRIATION							
Authorization Level [1]	3	25	25	25	25	0	103
Estimated Outlays	0	6	14	18	22	20	80

1. The act would authorize the appropriation of $25 million for 2016 for the Bulletproof Vest Partnership Grant program. The Congress has already appropriated $22.5 million for that program for 2016.

BASIS OF ESTIMATE

For this estimate, CBO assumes that S. 125 will be enacted in 2016, that the specified amounts will be appropriated each year (except for 2016), and that outlays will follow the historical rate of spending for the authorized program. The Congress appropriated $22.5 million for the Bulletproof Vest Partnership Grant program for fiscal year 2016; thus, we estimate that the act would authorize additional funding of $2.5 million for that year.

PAY-AS-YOU-GO CONSIDERATIONS

None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 125 contains no intergovernmental or private-sector mandates as defined in UMRA. Assuming appropriation of the authorized amounts, State, local, and tribal governments would receive $103 million to purchase bulletproof vests. Any costs to those governments would be incurred voluntarily as a condition of receiving Federal assistance.

PREVIOUS CBO ESTIMATE

On April 6, 2015, CBO transmitted a cost estimate for S. 125 as reported by the Senate Committee on the Judiciary on March 26, 2015. That version of the legislation would provide $30 million annually over the 2016–2020 period for the Bulletproof Vest Partnership Grant program. Differences in the budgetary effects of the two versions of the legislation reflect the fact that since the last estimate was prepared, $22.5 million was appropriated for the program for 2016.

ESTIMATE PREPARED BY

Federal Costs: Mark Grabowicz
Impact on State, Local, and Tribal Governments: Rachel Austin
Impact on the Private Sector: Paige Piper/Bach

ESTIMATE APPROVED BY:

H. Samuel Papenfuss
Deputy Assistant Director for Budget Analysis

Duplication of Federal Programs

No provision of S. 125 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Disclosure of Directed Rule Makings

The Committee estimates that S. 125 specifically directs to be completed no specific rule makings within the meaning of 5 U.S.C. § 551.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, S. 125 will protect police officers' lives throughout the country by providing a grant program for bulletproof vests.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, S. 125 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Section-by-Section Analysis

Section 1—Bill Title. This section sets forth the short title of the bill as the "Bulletproof Vest Partnership Grant Program Reauthorization Act of 2015."

Section 2—Authorization. This section reauthorizes the Bulletproof Vest Partnership Grant Program for fiscal years 2016 through 2020 at $25,000,000 each year. The Program's previous authorization expired in fiscal year 2012.

Section 3—Expiration of Previously Appropriated Funds. A 2012 GAO Report identified a $30 million unobligated, undisbursed balance in the account at DOJ's Office of Justice Programs. Since then, all BVP balances older than two fiscal years (approximately $17 million) were de-obligated and applied to the FY13 rescission. This section provides a mechanism to prevent a future backlog. It requires that any funds not obligated by December 31, 2022, be transferred to the General Fund of the Treasury not later than January 31, 2023. The roughly 2 year buffer between authorization expiring and funds being returned to Treasury conforms to the 2 year use period provided to grantees under DOJ regulations.

Section 4—Sense of Congress on Two-Year Limitation on Funds. This section is a Sense of Congress that funds appropriated for this program should be used within 2 years of the appropriation. This section is to encourage DOJ to use BVP funds within 2 years. DOJ

has already implemented GAO's recommendations to prevent future undisbursed balances.

Section 5—Matching Funds Limitation. This section prohibits grantees from using other Federal funds as their matching funds. This codifies DOJ practice which disallows grant recipients from using Federal money to pay for the matching funds requirement.

Section 6—Requirements for Vests or Body Armor Purchased with Federal Funds. This section requires that vests purchased through this program comply with requirements set forth by the partnership, and that law enforcement agencies have written mandatory wear policies and use funds to purchase vests that meet any performance standards established by the Director of the Bureau of Justice Assistance.

Section 7—Uniquely Fitted Vests. This section adds to the list of existing grant priorities vests that are uniquely fitted for officers, including vests uniquely fitted to individual female officers.

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, and existing law in which no change is proposed is shown in roman):

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

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TITLE I—JUSTICE SYSTEM IMPROVEMENT

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PART E—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

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Subpart 3—Administrative Provisions

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GENERAL PROVISIONS

SEC. 521. (a) The Bureau shall prepare both a "Program Brief" and "Implementation Guide" document for proven programs and projects to be funded under this part.

(b) The functions, powers, and duties specified in this part to be carried out by the Bureau shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress by law.

(c)(1) Notwithstanding any other provision of law, a grantee that uses funds made available under this part to purchase an armor vest or body armor shall—

(A) comply with any requirements established for the use of grants made under part Y;

(B) have a written policy requiring uniformed patrol officers to wear an armor vest or body armor; and

(C) use the funds to purchase armor vests or body armor that meet any performance standards established by the Director of the Bureau of Justice Assistance.

(2) In this subsection, the terms "armor vest" and "body armor" have the meanings given such terms in section 2503.

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PART J—FUNDING

AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. (a)(1) There is authorized to be appropriated $30,000,000 for fiscal year 1992 and $33,000,000 for each of the fiscal years 1994 and 1995 to carry out the functions of the Bureau of Justice Statistics.

(2) There is authorized to be appropriated $30,000,000 for fiscal year 1992 and $33,000,000 for each of the fiscal years 1994 and 1995 to carry out the functions of the National Institute of Justice.

(3) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992 and $28,000,000 for each of the fiscal years 1994 and 1995 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assistance other than functions under parts D, E, F, G, L, M, N, O, P, Q, or R or EE.

(4) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out part L of this title.

(5) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992 and $1,000,000,000 for each of the fiscal years 1994 and 1995 to carry out the programs under parts D and E (other than chapter B of subpart 2) (other than chapter B of subpart 2 of part E) of this title.

(6) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992, $245,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994 and 1995 to carry out chapter B of subpart 2 of part E of this title.

(7) There is authorized to be appropriated to carry out part N $1,000,000 for each of fiscal years 2001 through 2005.

(8) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992, $16,500,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994 and 1995.

(9) There are authorized to be appropriated to carry out part O—

(A) $24,000,000 for fiscal year 1996;

(B) $40,000,000 for fiscal year 1997;

(C) $50,000,000 for fiscal year 1998;

(D) $60,000,000 for fiscal year 1999; and

(E) $66,000,000 for fiscal year 2000.

(10) There are authorized to be appropriated $10,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out projects under part P.

(11)(A) There are authorized to be appropriated to carry out part Q, to remain available until expended $1,047,119,000 for each of fiscal years 2006 through 2009.

(B) Of funds available under part Q in any fiscal year, up to 3 percent may be used for technical assistance under section 1701(d) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part Q. Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations 150,000 or less or by public and private entities that serve areas with populations 150,000 or less. In view of the extraordinary need for law enforcement assistance in Indian country, an appropriate amount of funds available under part Q shall be made available for grants to Indian tribal governments or tribal law enforcement agencies.

(16) There are authorized to be appropriated to carry out projects under part R—

(A) $20,000,000 for fiscal year 1996;
(B) $25,000,000 for fiscal year 1997;
(C) $30,000,000 for fiscal year 1998;
(D) $35,000,000 for fiscal year 1999; and
(E) $40,000,000 for fiscal year 2000.

(17) There are authorized to be appropriated to carry out the projects under part S—

(A) $27,000,000 for fiscal year 1996;
(B) $36,000,000 for fiscal year 1997;
(C) $63,000,000 for fiscal year 1998;
(D) $72,000,000 for fiscal year 1999; and
(E) $72,000,000 for fiscal year 2000.

(18) There is authorized to be appropriated to carry out part T $222,000,000 for each of fiscal years 2014 through 2018.

(19) There is authorized to be appropriated to carry out part U $73,000,000 for each of fiscal years 2014 through 2018. Funds appropriated under this paragraph shall remain available until expended.

(20) There are authorized to be appropriated to carry out part V, $10,000,000 for each of fiscal years 2001 through 2004.

(21) There are authorized to be appropriated to carry out part W—

(1) $2,500,000 for fiscal year 1996;
(2) $4,000,000 for fiscal year 1997;
(3) $5,000,000 for fiscal year 1998;
(4) $6,000,000 for fiscal year 1999; and
(5) $7,500,000 for fiscal year 2000.

(22) There are authorized to be appropriated to carry out part X—

(1) $1,000,000 for fiscal year 1996;
(2) $3,000,000 for fiscal year 1997;
(3) $5,000,000 for fiscal year 1998;
(4) $13,500,000 for fiscal year 1999; and

(5) $17,500,000 for fiscal year 2000.

[(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 2012.]

(23) There is authorized to be appropriated to carry out part Y, $25,000,000 for each of fiscal years 2016 through 2020.

(24) There are authorized to be appropriated to carry out part BB, to remain available until expended—

(A) $35,000,000 for fiscal year 2001;
(B) $85,400,000 for fiscal year 2002;
(C) $134,733,000 for fiscal year 2003;
(D) $128,067,000 for fiscal year 2004;
(E) $56,733,000 for fiscal year 2005;
(F) $42,067,000 for fiscal year 2006;
(G) $20,000,000 for fiscal year 2007;
(H) $20,000,000 for fiscal year 2008; and
(I) $20,000,000 for fiscal year 2009.

(25)(A) Except as provided in subparagraph (C), there are authorized to be appropriated to carry out part EE—

(i) $50,000,000 for fiscal year 2002;
(ii) $54,000,000 for fiscal year 2003;
(iii) $58,000,000 for fiscal year 2004; and
(iv) $60,000,000 for fiscal year 2005.
(v) $70,000,000 for each of fiscal years 2007 and 2008.
(v) $70,000,000 for fiscal year 2006.

(B) The Attorney General shall reserve not less than 1 percent and not more than 4.5 percent of the sums appropriated for this program in each fiscal year for research and evaluation of this program.

(C) No funds made available to carry out part EE shall be expended if the Attorney General fails to submit the report required to be submitted under section 2401(c) of title II of Division B of the 21st Century Department of Justice Appropriations Authorization Act.

(26) There are authorized to be appropriated to carry out part CC $10,000,000 for each of fiscal years 2009 and 2010.

(b) Funds appropriated for any fiscal year may remain available for obligation until expended.

(c) Notwithstanding any other provision of law, no funds appropriated under this section for part E of this title may be transferred or reprogrammed for carrying out any activity which is not authorized under such part.

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PART Y—MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS

SEC. 2501. PROGRAM 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 and State and local court officers.

(b) USES OF FUNDS.—Grants awarded under this section shall be—

(1) distributed directly to the State, unit of local government, State or local court, 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[; or]*; and*

(4) provides armor vests to law enforcement officers that are uniquely fitted for such officers, including vests uniquely fitted to individual female law enforcement officers; or

[(4)] *(5)* 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 by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees 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.—

(1) IN GENERAL.—The portion of the costs of a program provided by a grant under 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).

(2) INDIAN ASSISTANCE.—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.

(3) LIMITATION ON MATCHING FUNDS.—A State, unit of local government, or Indian tribe may not use funding received under any other Federal grant program to pay or defer the cost, in whole or in part, of the matching requirement under paragraph (1).

[(3)**]** *(4)* WAIVER.—The Director may waive in whole or in part, the match requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.

(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.

(h) EXPIRATION OF APPROPRIATED FUNDS.—

(1) DEFINITION.—In this subsection, the term "appropriated funds" means any amounts that are appropriated for any of fiscal years 2016 through 2020 to carry out this part.

(2) EXPIRATION.—All appropriated funds that are not obligated on or before December 31, 2022 shall be transferred to the General Fund of the Treasury not later than January 31, 2023.

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