

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 4305

To improve the effectiveness of body armor issued to female agents and officers of the Department of Homeland Security, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DHS Better Ballistic
5 Body Armor Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (a) **BALLISTIC RESISTANT BODY ARMOR.**—The term
9 “ballistic resistant body armor” means torso ballistic pro-
10 tection containing either soft ballistic panels, hard ballistic
11 panels, or a combination of both, contained within a car-

1 rier, which may be concealable for wear under a uniform
2 shirt or external for wear over a uniform shirt, and holds
3 panels and plates in position on the torso.

4 (b) DEPARTMENT.—The term “Department” means
5 the Department of Homeland Security.

6 (c) SECRETARY.—The term “Secretary” means the
7 Secretary of Homeland Security.

8 **SEC. 3. PROCUREMENT OF BALLISTIC RESISTANT BODY**
9 **ARMOR TO ENSURE THE PROTECTION OF**
10 **THE DEPARTMENT’S FEMALE AGENTS AND**
11 **OFFICERS.**

12 (a) IN GENERAL.—The Secretary shall require com-
13 ponents of the Department, when procuring ballistic re-
14 sistant body armor for individuals whose body shapes are
15 most closely associated with female agents and officers,
16 to procure ballistic resistant body armor that—

17 (1) is specifically designed to fully protect body
18 shapes most closely associated with female agents
19 and officers;

20 (2) is made to conform to the individual wearer
21 and provide the best possible fit and coverage to
22 allow for either a flat or shaped front panel;

23 (3) is assessed and verified, upon delivery, to fit
24 properly and have sufficient coverage in accordance

1 with American Society for Testing and Materials
2 (ASTM International) standards for fit;

3 (4) has enhanced and advanced fit and tech-
4 nology that stops a bullet from skipping off the
5 chest at an upward angle into the throat region or
6 the spinal cord area; and

7 (5) is certified by the National Institute of Jus-
8 tice (referred to in this paragraph as “NIJ”), pursu-
9 ant to the NIJ standard for ballistic resistant body
10 armor, and listed on the associated NIJ Compliant
11 Products List as successfully passing the ballistic re-
12 sistant body armor standards in accordance with the
13 applicable ballistic protection level recommended by
14 the NIJ, including passing testing that uses, for
15 each test sample—

16 (A) ballistic testing on gender-specific clay
17 or gelatin molds to ensure better contact of
18 nonplanar panels with clay or gelatin molds;

19 (B) soft body armor front panels contained
20 in soft carriers on female-shaped clay or gelatin
21 molds designed to fill the space behind the
22 panel;

23 (C) shots to be placed on shaping features;

24 (D) angled shots;

1 (E) an angled shot at the chest to address
2 the concern of a bullet skipping into the neck-
3 line; and

4 (F) any additional testing criteria rec-
5 ommended by the NIJ after the date of the en-
6 actment of this Act.

7 (b) ANNUAL REPORTS.—

8 (1) ISSUANCE OF BALLISTIC RESISTANT BODY
9 ARMOR.—Not later than 1 year after the date of the
10 enactment of this Act, and annually thereafter for
11 the following 2 years, the head of each relevant com-
12 ponent agency of the Department shall submit a re-
13 port to the Secretary regarding the ballistic resistant
14 body armor issued to female agents and officers of
15 such component agency, including, with respect to
16 the reporting period—

17 (A) the number of female agents and offi-
18 cers to whom ballistic resistant body armor was
19 issued for performance of their official duties;

20 (B) the number of ballistic resistant body
21 armor units issued to female agents and offi-
22 cers, the use of which was discontinued due to
23 noncompliance with the requirements described
24 in subsection (a);

1 (C) the number of ballistic resistant body
2 armor units issued to female agents and officers
3 that are compliant with the requirements de-
4 scribed in subsection (a); and

5 (D) the percentage of female agents and
6 officers of such component agency who, as of
7 the last day of the reporting period, have been
8 issued ballistic resistant body armor that com-
9 plies with the requirements described in sub-
10 section (a), disaggregated by duty station.

11 (2) AGGREGATE REPORT.—Not later than 30
12 days after receiving all of the reports required to be
13 submitted under paragraph (1), the Secretary shall
14 submit a report that aggregates all of the data con-
15 tained in such reports to the Committee on Home-
16 land Security and Governmental Affairs of the Sen-
17 ate and the Committee on Homeland Security of the
18 House of Representatives.

19 **SEC. 4. EFFECTIVE DATE.**

20 Not later than 3 years after the date of the enact-
21 ment of this Act, all agents and officers of any component
22 of the Department whose duties require body armor and
23 who have a body shape most closely associated with female
24 agents and officers shall have been issued body armor that
25 meets the requirements described in section 3(a).