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**U.S. Department of Justice
National Institute of Justice**

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U.S. Senate

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101ST CONGRESS
2D SESSION

S. 2639

To enhance the ability of law enforcement officers to combat violent crime in America by providing criminal and civil enforcement of standards established by the National Institute of Justice for body armor.

IN THE SENATE OF THE UNITED STATES

MAY 16 (legislative day, APRIL 18), 1990

Mr. DECONCINI (for himself, Mr. KENNEDY, Mr. HARKIN, Mr. METZENBAUM, Mr. KOHL, and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To enhance the ability of law enforcement officers to combat violent crime in America by providing criminal and civil enforcement of standards established by the National Institute of Justice for body armor.

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 "Police Protection Act of
5 1990".

6 SEC. 2. FINDINGS.

7 The Congress finds that—

8 (1) violence in this country continues to escalate,

1 (2) law enforcement officers put their lives on the
2 line every day to protect the public from violent crime,

3 (3) law enforcement officers should have effective
4 body armor which protects them from firearm violence,

5 (4) the complexities of body armor and the diverse
6 nature and abilities of law enforcement officials to pur-
7 chase and test it result in unnecessary risk, and

8 (5) Congress has a responsibility to ensure that
9 our Nation's law enforcement officers have available to
10 them the best protection that current technology
11 allows.

12 **SEC. 3. NATIONAL INSTITUTE OF JUSTICE ISSUANCE OF**
13 **STANDARDS.**

14 Part B of title I of the Omnibus Crime Control and Safe
15 Streets Act of 1968 (42 U.S.C 3721 et seq.) is amended by
16 adding at the end the following:

17 **BODY ARMOR SAFETY STANDARDS**

18 " SEC. 204. (a) **STANDARDS AND TEST PROTOCOLS.—**

19 "(1) **IN GENERAL.—**The National Institute of
20 Justice shall by regulation establish performance stand-
21 ards and test protocols—

22 "(A) for the capability of body armor to
23 withstand bullets fired from firearms and for other
24 matters relating to the effectiveness of body armor
25 to protect law enforcement officers, and

1 “(B) for labels to be affixed by body armor
2 manufacturers to armor which is manufactured in
3 compliance with the standards described in para-
4 graph (1).

5 “(2) TYPES OF STANDARDS.—A performance
6 standard established under paragraph (1)(A) shall con-
7 sist of the following types of requirements—

8 “(A) standards expressed in terms of per-
9 formance requirements, and

10 “(B) requirements that vests be labeled with
11 the noted level of ballistic protection and other
12 appropriate warnings and instructions, including
13 the manufacturing date.

14 “(b) REVIEW.—The Director shall review the study of
15 standards and test protocols by the Government Accounting
16 Office under subsection (j) in determining appropriate stand-
17 ards and test protocols.

18 “(c) REGULATIONS AND PROCEDURES.—The Director
19 is authorized to establish such regulations and procedures as
20 may be necessary to carry out this section, including proce-
21 dures for certification and, when necessary, decertification of
22 body armor models.

23 “(d) SAFETY OF OFFICERS STANDARD.—In developing
24 standards for body armor under subsection (a), the Director
25 shall rely upon the needs of the criminal justice agencies and

1 the safety and welfare of both male and female officers wear-
2 ing body armor.

3 “(e) CONSULTATIONS.—In developing standards and
4 test protocols under subsection (a) for body armor, the Na-
5 tional Institute of Justice shall consult with—

6 “(1) the Law Enforcement Standards Laboratory
7 of the National Institute of Standards and Technology
8 of the Department of Commerce,

9 “(2) the Department of Defense,

10 “(3) the Federal Bureau of Investigation,

11 “(4) the Bureau of Alcohol, Tobacco, and Fire-
12 arms,

13 “(5) the Secret Service and the United States
14 Marshal’s Service,

15 “(6) any other Federal agency which purchases
16 body armor for its employees,

17 “(7) representatives from labor organizations rep-
18 resenting law enforcement personnel, law enforcement
19 management organizations, and law enforcement fra-
20 ternal and professional associations,

21 “(8) State and local law enforcement officers from
22 police departments in the United States, and

23 “(9) representatives of the major manufacturers of
24 body armor.

1 “(f) INTERIM STANDARD.—Beginning on the date of
2 the enactment of this Act and ending on the date standards
3 take effect under subsection (a), the National Institute of Jus-
4 tice standard number 0101.03 entitled ‘Ballistic Resistance
5 of Police Body Armor’ shall apply to the manufacture, sale,
6 or distribution in commerce of body armor.

7 “(g) TESTING.—The manufacturers of body armor sub-
8 ject to the performance standards established under subsec-
9 tion (a) shall submit to the National Institute of Justice on a
10 periodic basis (established by the National Institute of Jus-
11 tice) representative samples of armor to be tested for compli-
12 ance with such standards. The National Institute of Justice
13 may take such other action as may be appropriate to deter-
14 mine if such armor is in compliance with such standards.

15 “(h) SANCTION.—

16 “(1) IN GENERAL.—No person may manufacture
17 for sale, offer for sale, or distribute in commerce any
18 body armor which is not in compliance with the inter-
19 im standards in effect under subsection (f) or the stand-
20 ards established under subsection (a).

21 “(2) CIVIL PENALTIES.—Any person who know-
22 ingly violates paragraph (1) shall be subject to a civil
23 penalty not to exceed \$2,000 for each such violation.

24 “(3) CRIMINAL PENALTIES.—

1 “(A) PENALTY.—Any person who knowingly
2 and willfully violates paragraph (1) after receiving
3 notice of noncompliance from the National Insti-
4 tute of Justice shall be fined not more than
5 \$45,000 or be imprisoned not more than one
6 year, or both.

7 “(B) OFFICER OR DIRECTOR OF A CORPO-
8 RATION.—Any individual director, officer, or
9 agent of a corporation who knowingly and willful-
10 ly authorizes orders, or performs any of the acts
11 or practices constituting in whole or in part a vio-
12 lation of paragraph (1) and who has knowledge of
13 a notice of noncompliance received by the corpo-
14 ration from the National Institute of Justice shall
15 be subject to penalty under this subsection with-
16 out regard to any penalties to which that corpora-
17 tion may be subject under this subsection.

18 “(j) REPORT.—

19 “(1) STUDY.—The General Accounting Office
20 shall compile, review, and compare any standards and
21 test protocols for body armor issued by the National
22 Institute of Justice, manufacturers, and any other
23 standards and test protocols issued by law enforcement
24 and military entities.

1 “(2) SUBMISSION OF STUDY.—Not later than 6
2 months after the date of enactment of this section, the
3 General Accounting Office shall complete the study re-
4 quired in subsection (a) and submit the study to the
5 National Institute of Justice and the Judiciary Com-
6 mittees of Congress.

7 “(k) DEFINITION OF BODY ARMOR.—For purposes of
8 this section, the term ‘body armor’ means any product sold or
9 offered for sale as personal protective body armor whether
10 the product is to be worn alone or is sold as a complement to
11 other products or garments.”.

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