

116TH CONGRESS  
1ST SESSION

# S. 2970

To improve the fielding of newest generations of personal protective equipment to the Armed Forces, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2019

Ms. ERNST (for herself, Ms. DUCKWORTH, Ms. MCSALLY, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To improve the fielding of newest generations of personal protective equipment to the Armed Forces, and for other purposes.

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 “Female Body Armor  
5 Modernization Act of 2019”.

6 **SEC. 2. FINDINGS AND SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress makes the following find-  
8 ings:

1           (1) Ill-fitting personal protective equipment  
2 (PPE) for members of the Armed Forces impedes  
3 performance and lethality by reducing range of mo-  
4 tion, speed, and agility, and can interfere with the  
5 aim of shoulder-braced weapons.

6           (2) Access to female-specific personal protective  
7 equipment, or smaller sized unisex personal protec-  
8 tive equipment, has traditionally been limited. Such  
9 equipment has typically been provided only to some  
10 deploying members of the Armed Forces, but not to  
11 those going through initial entry training (IET), or  
12 for regular unit training events.

13           (3) Members of the Armed Force need to be fa-  
14 miliarized with and train in their combat gear before  
15 deploying in order to be fully prepared and mission  
16 capable.

17           (4) Research shows that poorly fitting personal  
18 protective equipment is a leading cause of prevent-  
19 able injury for all members of the Armed Forces,  
20 whether deployed or in training.

21           (5) Studies on operational physical performance  
22 and fitness in female members of the Armed Forces  
23 suggest that the best way to decrease the likelihood  
24 of injury is through consistent physical training with

1 equipment that mirrors that which is used in a com-  
2 bat environment.

3 (6) Properly fitting personal protective equip-  
4 ment for training and deployment will assist in the  
5 gender-integration process in the Armed Forces as  
6 well as improve overall combat effectiveness, while  
7 simultaneously bringing about a reduction in inju-  
8 ries.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-  
10 gress—

11 (1) that committed resources for new genera-  
12 tion personal protective equipment for female  
13 warfighters is essential to their warfighting readi-  
14 ness;

15 (2) to encourage the Armed Forces to expedite  
16 contracting for and procurement and fielding of new  
17 generation personal protective equipment that better  
18 fits and protects all members of the Armed Forces,  
19 including female members, and reduces preventable  
20 injuries; and

21 (3) to encourage collaboration between the  
22 Armed Forces, academia, and industry on the use of  
23 emerging technologies, such as Artificial Intelligence  
24 (AI), human factors modeling, and digital predictive  
25 human modeling, in the development of next genera-

1       tion of combat equipment and personal protective  
2       equipment.

3 **SEC. 3. REPORTS ON FIELDING OF NEWEST GENERATIONS**  
4                   **OF PERSONAL PROTECTIVE EQUIPMENT TO**  
5                   **THE ARMED FORCES.**

6       (a) **REPORTS REQUIRED.**—Not later than January  
7 31, 2021, each Secretary of a military department shall  
8 submit to Congress a report on the fielding of the newest  
9 generations of personal protective equipment to the Armed  
10 Forces under the jurisdiction of such Secretary.

11       (b) **ELEMENTS.**—Each report under subsection (a)  
12 shall include, for each Armed Force covered by such re-  
13 port, the following:

14               (1) A description and assessment of the fielding  
15       of newest generations of personal protective equip-  
16       ment to members of such Armed Force, including  
17       the following:

18                   (A) The number (aggregated by total num-  
19       ber and by sex) of members of such Armed  
20       Force issued the Army Soldiers Protective Sys-  
21       tem and the Modular Scalable Vest Generation  
22       II body armor as of December 31, 2020.

23                   (B) The number (aggregated by total num-  
24       ber and by sex) of members of such Armed  
25       Force issued Marine Corps Plate Carrier Gen-

1           eration III (PC Gen III) body armor as of that  
2           date.

3           (C) The number (aggregated by total num-  
4           ber and by sex) of members of such Armed  
5           Force fitted with legacy personal protective  
6           equipment as of that date.

7           (2) A description and assessment of the bar-  
8           riers, if any, to the fielding of such generations of  
9           equipment to such members.

10          (3) A description and assessment of challenges  
11          in the fielding of such generations of equipment to  
12          such members, including cost overruns, contractor  
13          delays, and other challenges.

14 **SEC. 4. SYSTEM FOR TRACKING DATA ON INJURIES AMONG**  
15                   **MEMBERS OF THE ARMED FORCES IN THE**  
16                   **USE OF NEWEST GENERATION PERSONAL**  
17                   **PROTECTIVE EQUIPMENT.**

18          (a) SYSTEM REQUIRED.—

19           (1) IN GENERAL.—The Director of the Defense  
20          Health Agency (DHA) shall develop and maintain a  
21          system for tracking data on injuries among members  
22          of the Armed Forces in and during the use of newest  
23          generation personal protective equipment.

24           (2) SCOPE OF SYSTEM.—The system required  
25          by this subsection may, at the election of the Direc-

1       tor, be new for purposes of this subsection or within  
 2       or a modification of an appropriate existing system  
 3       (such as the Defense Occupational And Environ-  
 4       mental Health Readiness System (DOEHRS)).

5       (b) REPORT.—Not later than January 31, 2025, the  
 6 Director shall submit to Congress a report on the preva-  
 7 lence among members of the Armed Forces of preventable  
 8 injuries attributable to ill-fitting or malfunctioning per-  
 9 sonal protective equipment.

10 **SEC. 5. INCLUSION IN ANNUAL PERIODIC HEALTH ASSESS-**  
 11 **MENTS OF MEMBERS OF THE ARMED FORCES**  
 12 **OF QUESTIONS ON INJURIES INCURRED IN**  
 13 **CONNECTION WITH ILL-FITTING OR MAL-**  
 14 **FUNCTIONING PERSONAL PROTECTIVE**  
 15 **EQUIPMENT.**

16       The annual Periodic Health Assessment (PHA) of  
 17 members of the Armed Forces undertaken after the date  
 18 of the enactment of this Act shall include one or more  
 19 questions on whether members incurred an injury in con-  
 20 nection with ill-fitting or malfunctioning personal protec-  
 21 tive equipment during the period covered by such assess-  
 22 ment, including the nature of such injury.

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