



U.S. Department of Justice

Office of the Associate Attorney General

Washington, D.C. 20530

June 15, 1984

MEMORANDUM

To: James W. Cicconi
Special Assistant to the President
and to the Chief of Staff
The White House

From: Jay B. Stephens
Deputy Associate Attorney General

Subject: Armor Piercing Ammunition

Pursuant to our conversation yesterday, attached is a copy of the press statement, fact sheet, bill, and analysis for the armor piercing legislation which was introduced yesterday. The press conference went reasonably well, and I surmise there will be little difficulty in obtaining passage of this legislation since 75 Senators have agreed to co-sponsor. I think it is important that Justice was involved in the presentation today, and the Administration should get substantial credit for this initiative. Treasury's approach to this matter might be worth further discussion at some point.

Attachments

June 15, 1984

Statement on Armor-Piercing Ammunition

The Reagan Administration joined members of the Senate today in announcing the introduction of a bill that would ban the importation and manufacture of ammunition designed to penetrate the soft-body armor worn by police.

By prohibiting the manufacture and importation of armor-piercing ammunition, except for law enforcement and military purposes, the bill provides an important protection for the police officers of America. The bill also provides for the mandatory imprisonment of anyone that possesses armor-piercing ammunition while committing a violent felony.

Joining in the announcement were members of the Senate, including Republican Senators Strom Thurmond, Chairman of the Senate Judiciary Committee; and Alfonse M. D'Amato of New York; and Democratic Senators Joseph R. Biden, Jr., Ranking Minority Member of the Senate Judiciary Committee, and Daniel P. Moynihan of New York. John M. Walker, Jr., Assistant Secretary of the Treasury Department and Jay B. Stephens, Deputy Associate Attorney General of the Justice Department, represented the Administration.

The bill enjoys wide bipartisan support. Groups supporting the legislation include the International Association of Chiefs

of Police, Fraternal Order of Police, National Sheriffs Association, National Association of Police Officers, Police Executive Research Forum, the National Organization of Black Law Enforcement Executives, the National Rifle Association, and Handgun Control, Inc.

In the bill "armor-piercing ammunition" is defined as solid projectiles or projectile cores constructed from tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. It does not include certain sporting ammunition. The penalty for violating the bill's provisions is imprisonment up to five years and a fine of \$5,000. Under the bill, possession of the ammunition during and in relation to the commission of a violent felony carries a mandatory prison sentence of five years without parole, in addition to any term of imprisonment imposed for the underlying felony.

June 15, 1984

FACT SHEET

The Ammunition

There are six commonly found brands of armor-piercing ammunition. These are KTW, Arcane, Black Steel, Winchester Highwaymaster and certain German and Czechoslovakian armor-piercing ammunition made in the 1940's and 1950's. The Winchester and German and Czech ammunition are no longer manufactured or imported.

These cartridges have a common composition, a solid projectile or projectile core constructed from tungsten alloys, steel, iron, brass, bronze or copper.

The KTW, Black Steel, Arcane and Highwaymaster were developed primarily for police use against automobile and barricade situations. The German and Czech ammunition utilized a steel core to conserve lead.

The Soft-Body Armor

Type II soft-body armor is produced by some 15 or more manufacturers and contains 16 to 26 layers of DuPont Kevlar. Kevlar Type II is the body armor most commonly used by law enforcement officers. It is designed to protect against conventional bullets usually used in crime: .22, .32, .38 and .45 caliber and 9mm. and provides a balance between protection and wearability.

A BILL

To amend Chapter 44, Title 18, United States Code, to regulate the manufacture and importation of armor piercing ammunition.

1 Be it enacted by the Senate and the House of
2 Representatives of the United States of America in
3 Congress assembled, That section 921(a)(17) of Title 18
4 of the United States Code is redesignated as section
5 921(a)(17)(A), and a new subparagraph (B) is added to
6 section 921(a)(17) to read as follows:

7 "(B) The term 'armor piercing ammunition' means
8 solid projectiles or projectile cores constructed
9 from tungsten alloys, steel, iron, brass, bronze,
10 beryllium copper, or depleted uranium. The term
11 shall not include shotgun shot required by Federal
12 or State environmental or game regulations for
13 hunting purposes, frangible projectiles designed
14 for target shooting or any projectile which the
15 Secretary finds is primarily intended to be used
16 for sporting purposes. The term 'solid' in the
17 first sentence of this subparagraph means made
18 entirely from one or more of the substances
19 specified therein, but may include the presence
20 of trace elements of other substances."

1 SEC. 2. Section 922(a) of Title 18 of the United
2 States Code is amended by adding after paragraph (6)
3 the following:

4 "(7) for any person to manufacture or import
5 armor piercing ammunition, except that this
6 paragraph shall not apply to (A) the manufacture
7 or importation of armor piercing ammunition for
8 the use of the United States or any department or
9 agency thereof or any State or any department,
10 agency, or political subdivision thereof, or
11 (B) the manufacture of armor piercing ammunition
12 for the sole purpose of exportation."

13 SEC. 3. Subparagraph (A) of section 923(a)(1)
14 of Title 18 of the United States Code is amended to
15 read as follows:

16 "(A) of destructive devices, ammunition for
17 destructive devices or armor piercing ammunition,
18 a fee of \$1,000 per year;".

19 SEC. 4. Subparagraph (C) of section 923(a)(1) of
20 Title 18 of the United States Code is amended to read
21 as follows:

22 "(C) of ammunition for firearms, other than
23 ammunition for destructive devices or armor
24 piercing ammunition, a fee of \$10 per year."

1 SEC. 5. Subparagraphs (A) and (B) of section
2 923(a)(2) of Title 18 of the United States Code is
3 amended to read as follows:

4 "(A) of destructive devices, ammunition for
5 destructive devices or armor piercing ammunition,
6 a fee of \$1,000 per year; or

7 "(B) of firearms other than destructive devices
8 or ammunition for firearms other than destructive
9 devices, or ammunition other than armor piercing
10 ammunition, a fee of \$50 per year."

11 SEC. 6. Section 924(c) of Title 18 of the United
12 States Code is amended (a) by striking the period at
13 the end of paragraph (2) and adding in lieu thereof a
14 comma and the word "or" and (b) by adding a new
15 paragraph (3) to read as follows:

16 "(3) during and in relation to the commission
17 of a violent felony uses or carries a firearm
18 and is in possession of armor piercing ammunition
19 capable of being fired in that firearm shall, in
20 addition to the punishment provided for the
21 commission of such felony, be sentenced to a term
22 of imprisonment for not less than five years. .
23 Notwithstanding any other provision of law, the
24 court shall not suspend the sentence of any person
25 convicted of a violation of this subsection, nor

1 place him on probation, nor shall the term of
2 imprisonment run concurrently with any other term
3 of imprisonment, including that imposed for the
4 felony in which the armor piercing ammunition was
5 used or carried. No person sentenced under this
6 subsection shall be eligible for parole during
7 the term of imprisonment imposed herein. For the
8 purpose of this paragraph, the term violent
9 felony means (A) a felony (which may be prosecuted
10 in a court of the United States) that has as an
11 element, the use, attempted use, or threatened
12 use of physical force against the person or
13 property of another, or (B) any other felony
14 (which may be prosecuted in a court of the United
15 States) that, by its nature involves a substantial
16 risk that physical force against the person or
17 property of another may be used in the course of
18 its commission."

21 SEC. 7. The amendments shall take effect on the
22 date of enactment of this Act, except that sections 3,
23 4, and 5 shall take effect on the first day of the
24 first calendar month which begins more than 90 days
25 after the date of the enactment of this Act.

ANALYSIS

The proposed bill would amend several provisions of Chapter 44, Title 18, United States Code, relating to ammunition.

The purpose of the legislation is to limit the manufacture and importation of armor piercing ammunition to the military and other Federal, State or local governmental agencies who may have legitimate needs for this ammunition. In addition, the bill would also set a mandatory penalty on the possession of this ammunition during the commission of a violent felony. Specifically, the proposed legislation would (1) define "armor piercing ammunition" so as to cover all materials now in use for the manufacture of armor piercing ammunition; (2) ban the importation and manufacture of armor piercing ammunition, except for use by the Government or for exportation; (3) set \$1,000 license fees for manufacturers and importers of armor piercing ammunition; and (4) set mandatory sentences for persons who during and in relation to the commission of a violent felony use or carry a firearm and are in possession of armor piercing ammunition capable of being fired in that firearm.

The Gun Control Act of 1968 (18 U.S.C. Chapter 44) does not place any restrictions on the various types of armor piercing ammunition in use in the United States

today. Although a form of armor piercing bullet was manufactured as far back as 40 years ago, only in the past few years has there been a great deal of publicity about armor piercing ammunition and concern about the safety of law enforcement officers.

Protective vests or vests composed of soft body armor are part of the protective equipment issued to roughly one-half of the nation's 570,000 sworn police officers. The wide availability of armor piercing ammunition could diminish the effectiveness of the protective armor. Therefore, the proposed bill would regulate the manufacture and importation of this type of ammunition, as well as impose a mandatory penalty for the possession of the ammunition during and in relation to the commission of a violent felony.

Section 1 of the proposed bill would amend section 921(a)(17), Title 18, to add to a definition of "armor piercing ammunition." The general characteristics of ammunition which are specifically designed and marketed to pierce armor involve a solid projectile or a hard bullet core, a relatively large propellant charge, and consequently, high muzzle velocity. The proposed bill would define the ammunition as a solid projectile or solid projectile core made from tungsten alloys, steel, iron, brass,

bronze, beryllium copper, or depleted uranium. The proposed definition would cover all of the specifically designed armor piercing ammunition which is currently known to exist. The definition excludes three specific types of ammunition: (1) shotgun shot required by Federal or State regulations for hunting purposes, (2) frangible projectiles designed for target shooting, and (3) any projectile which the Secretary finds is primarily intended to be used for sporting purposes. The proposed definition would: (1) define the term to cover all materials which could be used for the manufacture of armor piercing ammunition, and thus avoid the administrative burden of testing every type of ammunition on the market; (2) define the term in a way that can be easily understood and applied by industry; and (3) exempt ammunition capable of penetrating soft body armor from prohibition against manufacture and importation where such ammunition is determined by the Secretary to be designed for sporting purposes.

Section 2 of the proposed bill would amend section 922(a), Title 18, to ban the importation or manufacture of armor piercing ammunition, except manufacture for the sole purpose of exportation, or the manufacture and importation of armor piercing ammunition for the use of the United States or any State or local government.

Sections 3 through 5 of the bill would amend sections 923(a)(1) and (2), Title 18, to set a licensing fee of \$1,000 per year for manufacturers and importers of armor piercing ammunition.

Section 6 of the bill would impose a mandatory prison sentence of not less than 5 years for an individual who during and in relation to the commission of a violent felony uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm. This mandatory sentence would be in addition to the punishment provided for the commission of the violent felony and could not be served concurrently with any other sentence, including that imposed for the violent felony. Moreover, a person sentenced under the section shall not be given a suspended sentence, placed on probation, or be eligible for parole during the term of imprisonment.

Section 6 of the bill would also define the term "violent felony." The term means a felony which may be prosecuted in a court of the United States and that has as an element the use, attempted use, or threatened use of physical force against the person or property of another. It would also include any other felony which may be prosecuted in a court of the United States that by its nature, involves the substantial risk that physical force

against another person or property may be used in the course of its commission.

Section 7 establishes the effective dates for the various sections of the bill. Sections 3, 4, and 5 (the license fee provisions) take effect approximately 90 days after the date of enactment; the others take effect immediately upon enactment.

This proposal was developed in response to a valid concern among law enforcement officials, legislators and the general public that certain types of armor piercing ammunition are readily available on the commercial market and that this ammunition poses a severe threat to law enforcement officers. The proposed bill meets these concerns without restricting or interfering with the legitimate use of firearms for hunting, trap or skeet shooting, formal or informal target shooting or gun collecting.

COMPARATIVE TYPE SHOWING
CHANGES IN EXISTING LAW
MADE BY PROPOSED BILL

Changes in existing law proposed to be made by the bill are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is underscored):

Title 18--United States Code
Chapter 44--Firearms

* * * * *

§ 921. Definitions

(a) As used in this chapter--

* * * * *

(17)(A) * * *

(B) The term "armor piercing ammunition" means solid projectiles or projectile cores constructed from tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. The term shall not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, frangible projectiles designed for target shooting or any projectile which the Secretary finds is primarily intended to be used for sporting purposes. The term "solid" in the first sentence of this subparagraph means made entirely from one or more of the substances specified therein, but may include the presence of trace elements of other substances.

* * * * *

§ 922. Unlawful acts

(a) It shall be unlawful--

* * * * *

(7) for any person to manufacture or import armor piercing ammunition, except that this paragraph shall not apply to (A) the manufacture or importation of armor piercing ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof, or (B) the manufacture of armor piercing ammunition for the sole purpose of exportation.

* * * * *

§ 923. Licensing

(a) * * *

(1) If the applicant is a manufacturer--

(A) [of destructive devices or ammunition for destructive devices, a fee of \$1,000 per year;] of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year;

* * * * *

(C) [of ammunition for firearms other than destructive devices, a fee of \$10 per year.] of ammunition for firearms, other than ammunition for destructive devices or armor piercing ammunition, a fee of \$10 per year.

(2) If the applicant is an importer--

(A) [of destructive devices or ammunition for destructive devices, a fee of \$1,000 per year; or] of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year;
or

(B) [of firearms other than destructive devices or ammunition for firearms other than destructive devices, a fee of \$50 per year.] of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing ammunition, a fee of \$50 per year.

* * * * *

§ 924. Penalties

(c) Whoever--

(1) * * *

(2) carries a firearm unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States,

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a

term of imprisonment for not less than two nor more than twenty-five years and, notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a second or subsequent conviction of such person or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony[.] , or

(3) during and in relation to the commission of a violent felony uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than five years. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this subsection, nor place him on probation, nor shall the term of imprisonment run concurrently with any other term of imprisonment, including that imposed for the felony in which the armor piercing ammunition was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein. For the purpose of this paragraph, the

term violent felony means (A) a felony (which may be prosecuted in a court of the United States) that has as an element, the use, attempted use or threatened use of physical force against the person or property of another, or (B) any other felony (which may be prosecuted in a court of the United States) that, by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of its commission.

* * * * *

A BILL

To amend Chapter 44, Title 18, United States Code, to regulate the manufacture and importation of armor piercing ammunition.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,
That section 921(a)(17) of Title 18 of the United States Code is designated as section 921(a)(17)(A), and a new subparagraph (B) is added to section 921(a)(17) to read, as follows:

"(B) The term 'armor piercing ammunition' means solid projectiles or projectile cores constructed from tungsten alloys, steel, iron, brass, bronze, beryllium copper, depleted uranium. The term shall not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, frangible projectiles designed for target shooting, or any projectile which the Secretary finds is primarily intended to be used for sporting purposes."

SEC. 2. Section 922(a) of Title 18 of the United States Code is amended by adding after paragraph (6) the following:

"(7) for any person to manufacture or import armor piercing ammunition, except that this paragraph shall not apply to (A) the manufacture or importation of armor piercing ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof, or

(B) the manufacture of armor piercing ammunition for the sole purpose of exportation."

SEC. 3. Subparagraph (A) of section 923(a)(1) of Title 18 of the United States Code is amended to read as follows:

"(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year;"

SEC. 4. Subparagraph (C) of section 923(a)(1) of Title 18 of the United States Code is amended to read as follows:

"(C) of ammunition for firearms, other than ammunition for destructive devices or armor piercing ammunition, a fee of \$10 per year."

SEC. 5. Subparagraphs (A) and (B) of section 923(a)(2) of Title 18 of the United States Code are amended to read as follows:

"(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year; or

"(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing ammunition, a fee of \$50 per year."

SEC. 6. Section 924(c) of Title 18 of the United States Code is amended (a) by striking the period at the end of paragraph (2) and adding in lieu thereof a comma and the word "or" and (b) by adding a new paragraph (3) to read as follows:

"(3) during and in relation to the commission of a ^{victor} felony uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm shall, in addition to the punishment providing for the commission of such felony, be sentenced to a term of imprisonment for not less than five years. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this subsection, nor place him on probation, nor shall the term of imprisonment run concurrently with any other term of imprisonment, including that imposed for the felony in which the armor piercing ammunition was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein."

SEC. 7. These amendments shall take effect on the date of enactment of this Act, except that sections 3, 4, and 5 shall take effect on the first day of the first calendar month which begins more than 90 days after the date of enactment of this Act.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MEMORANDUM

May 24, 1984

To: Ed Meese
From: Joe Wright
Subject: Armor-Piercing Bullet Legislation

1. Per your request, I have prepared a summary and am attaching a Decision Memorandum regarding the Administration's position on armor-piercing bullet legislation. The Decision Memorandum comes from Greg Jones of our Legislative Reference Division staff and is addressed to Mike Horowitz and Jim Cicconi who worked actively with Justice and Treasury in coming up with the language of a bill that appears to be acceptable to most of the key players in this matter.

2. As to the bill:

- o It codifies Treasury's current, voluntary ban against armor-piercing bullets;
- o It covers and bars the importation and manufacture of all current ammunition that is armor-piercing in nature ("solid projectiles or projectile cores constructed from tungsten alloys, steel, iron, brass, bronze, beryllium copper, [and] depleted uranium");
- o It permits -- on a highly restrictive and limited basis -- a non-statutory expansion of the ban, but only as to "solid projectiles or projectile cores constructed from ... similar materials which exhibit armor-piercing characteristics equal to, or greater than, those enumerated";
- o It exempts from any ban the Federal or any State government or any of their agencies or political subdivisions;
- o It expressly exempts from the definition of armor-piercing ammunition all ammunition now in use which serves a non-armor-piercing purpose -- it does so by affirmatively authorizing the use of steel shotgun shot and shooting gallery ammunition;

- o It provides broad authority to the Secretary of Treasury to further exempt from the ban any ammunition which he finds "is primarily intended to be used for sporting purposes;" and
 - o It includes the Omnibus Crime bill provision of a mandatory five year sentence for anyone using or carrying a firearm loaded with armor-piercing ammunition "during and in relation to the commission of a felony."
3. I believe we are in a position to support the bill:
- o Both Treasury and Justice have signed off;
 - o Remarkably, Treasury reports that the leadership of the National Rifle Association has taken a no-opposition position to the bill;
 - o With a proper marketing effort, undertaken swiftly, police groups (who were instrumental in pushing us to work for a bill) should be highly supportive.

4. Justice is scheduled to testify today before the Hughes subcommittee, and will of course only be in a position to oppose the Biaggi and Moynihan bills and to temporize on whether we will be sending up our own bill. I believe it important for a rapid decision to be made as to the Administration's position on the bill, both because events are moving quickly and because our draft is likely to leak before long, thus giving the Democrats an opportunity to preempt and oppose it. As noted, quick movement should put us in a position to do well with police groups.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 23, 1984

MEMORANDUM FOR: MIKE HOROWITZ
JIM CICCONI

FROM: GREG JONES **GMJ**
(LEGISLATIVE REFERENCE DIVISION)

SUBJECT: Legislation Concerning Armor-Piercing Bullets

The Senate Judiciary Committee held a hearing on March 7 on S. 555 (Moynihan), a bill that would prohibit the manufacture, sale, or importation of armor-piercing (aka, "copkiller") bullets. Justice and Treasury testified in opposition to the bill.

On Thursday, May 17, the House Judiciary Committee held a hearing on H.R. 953 (Biaggi). Another hearing will be held on May 24. Treasury testified at May 17 hearing and is scheduled to testify on the 24th. Justice will testify only at the May 24 hearing. The Administration has testified against the pending bills, and guidance is needed regarding the desirability of proposing an alternative Administration "copkiller" bullet bill.

BACKGROUND

In common parlance, a "copkiller" bullet is a bullet that -- because of its ballistic or explosive characteristics -- is capable of penetrating body armor when fired from a handgun. The most well known armor-piercing ammunition is the so-called "KTW" or "Teflon-coated" bullet.

Police forces throughout the United States generally use body armor made of material called "Kevlar." Body armor of this kind is flexible and lightweight and has come into common use during the past ten years. It replaced body armor that was bulky, inflexible, and difficult to wear.

As a result of a network news broadcast in 1982, the availability of ammunition that could penetrate several layers of Kevlar became widely known. This raised two concerns. First, some thought that criminals would be encouraged to obtain KTW bullets. Second, others believed that police officers who otherwise wore body armor would discontinue doing so if they believed they were likely to be shot at with armor-piercing ammunition. As a consequence, legislation was introduced to ban the manufacture or importation of armor-piercing bullets. H.R. 953 and S. 555 are the version of this legislation under consideration in the 98th Congress.

S. 555/H.R. 953 AND AGENCY VIEWS

H.R. 953 and S. 555 would generally prohibit the importation, manufacture, or sale of a "restricted handgun bullet," which is defined as a bullet that, "as determined by the Secretary of the Treasury, when fired from a handgun with a barrel five inches or less in length, is capable of penetrating body armor." Violators would be subject to both imprisonment and fines.

Both Treasury and Justice oppose H.R. 953 and S. 555. The Departments say that a strict interpretation of this bill could result in a ban on a number of bullets with legitimate uses and would deprive thousands of citizens of the use of their handguns. In addition, the bill's definition of "restricted handgun bullet" is so imprecise that manufacturers and importers could not know whether the ammunition that they were manufacturing or importing was lawful or unlawful.

ALTERNATIVE PROPOSAL

Although Treasury and Justice oppose both S. 555 and H.R. 953, they have assisted in drafting a bill that could be offered as a substitute if a senior-level policy decision is made to do so.

Justice put a draft bill on the table first. Its draft bill would have prohibited the manufacture or importation of armor-piercing handgun ammunition but would have defined "armor-piercing handgun ammunition" in terms of its ability to perforate a specified number of metal plates in controlled test conditions. At a series of senior-level meetings held over several weeks and attended by members of the White House staff, OMB, Justice, Treasury, and Defense (which has certain expertise in this area), however, it was generally agreed, for technical and policy reasons, that this approach was not workable. (Justice did not, and does not, necessarily concur in this assessment, however.)

At the meetings, Treasury advised that it had worked with manufacturers and importers of armor-piercing ammunition and had obtained voluntary participation in a program to limit the availability of armor-piercing ammunition. Treasury further advised that it had obtained informal agreements from the major manufacturers and importers of this kind of ammunition to sell it only to (1) the United States military, (2) State and local law enforcement agencies, or (3) foreign governments, as authorized by law. Treasury also told us that this voluntary ban seemed to be working well.

Based on Treasury's representations concerning the voluntary ban on copkiller bullets already in effect, as well as expressions of Congressional interest in a bill that codified this voluntary ban, it was suggested that Treasury attempt to draft a bill, for Senior Staff consideration, that would do precisely that: ban only ammunition that is already unavailable in the marketplace. Treasury prepared such a bill, which has been carefully reviewed by the interested parties and, following certain clarifying amendments, is acceptable to them all, including the Department of Justice. The Treasury alternative bill codifies the present ban. Key provisions of the bill:

- o Prohibit the manufacture or importation of armor-piercing ammunition, except with respect to ammunition for the use of the United States Government; for the use of State governments; or for exportation;
- o Define "armor-piercing ammunition" to mean "solid projectiles or projectile cores constructed from tungsten alloys, steel, iron, brass, bronze, beryllium copper [and] depleted uranium;"
- o Further include within the definition of "armor-piercing ammunition" "similar materials which exhibit armor-piercing characteristics equal to, or greater than, those enumerated;" and
- o Exempt from the definition of "armor-piercing ammunition" ammunition that might otherwise qualify but that clearly has a legitimate purpose, such as certain shotgun shot, ammunition used in shooting galleries, and any other ammunition that the Secretary of the Treasury finds is intended primarily to be used for sporting purposes.

In developing this draft legislation -- the drafting of which required considerable effort and time on the part of all parties involved -- there were several critical objectives:

- o It had to cover only ammunition that is clearly armor-piercing in nature.
- o It could not, either by its breadth or by conferring unduly broad discretion on Treasury, encompass ammunition with legitimate purposes.
- o It had both to provide Treasury with adequate discretion to exempt bullets that might otherwise fit the definition of "armor-piercing ammunition," but that have sporting uses, and to exempt existing ammunition that might otherwise be covered, but that has other legitimate uses (e.g., shotgun shot).

- o If possible, without unduly granting discretionary authority to Treasury, it had to provide Treasury with some kind of tool with which to ban ammunition that may be clearly armor-piercing in nature which may be developed in the future.

The alternative bill achieves each of these objectives. By listing with specificity the materials out of which ammunition cannot be made, this bill should effectively ban only what is already being withheld voluntarily from the marketplace and, in particular, should reach the most popular kinds of "copkiller" bullets (e.g., the KTW). The bill also severely restricts Treasury's ability to ban other kinds of ammunition to bullets, and only those bullets, that meet the strict test of being made of "similar materials which exhibit armor-piercing characteristics equal to, or greater than, those enumerated." (In this regard, an earlier draft of the bill would have allowed Treasury to go after bullets that were merely "comparable" to currently-available copkiller bullets.) This feature, combined with the bill's provision that expressly permits Treasury to exempt certain classes of ammunition from the ban on broad "sporting purpose" grounds has resulted in a bill that is considerably less expansive in its scope, as well as being more workable, than either S. 555 or H.R. 953.

DISCUSSION

In considering whether the Administration should propose a cop-killer bill, the following factors should be kept in mind.

First, there may be some confusion over whether the President has supported cop-killer bullet legislation, and if so, what kind. Administration officials may have told a group of law enforcement officials that the Administration does support a ban on copkiller bullets. The Washington Post of March 4, 1984, ran a column that said, in part: "[T]he National Rifle Association has opposed any effort to ban these [copkiller] bullets - which have no use whatsoever in hunting or target shooting. Standing tall with the NRA and against the cop on the beat, Ronald Reagan has come out against banning these bullets - in a speech to the NRA convention." With respect to armor-piercing bullets, the President told the 1983 Convention of the National Rifle Association that the NRA "should support our efforts for a minimum mandatory term of 5 years imprisonment ... for the use of armor-piercing bullets during a Federal crime of violence. These are designed to truly be a threat to law enforcement officers, who, so many times, have to depend on bulletproof vests."

Second, the NRA has in the past opposed any legislation that would restrict the ownership of armor-piercing ammunition. In a letter mailed to its membership on April 16, 1984, for example, the NRA expressed strong support of the Nation's police officers but opposed H.R. 953 and related bills, because they "amount to gun control which would adversely impact the shooting sports in America and the right of decent, law-abiding citizens to use firearms for lawful purposes. They delegate to a federal bureaucrat the authority to determine what ammunition should be banned and what shouldn't be banned. They attempt to solve a non-existent problem by imposing gun control-restrictions which will only affect the law-abiding gun owner - not the criminal." Of critical note, however, Treasury has advised that NRA leadership will not oppose the alternative draft -- they are of course hardly enthusiastic about any legislation, but have made the judgment that the alternative draft faithfully codifies the current, voluntary ban and goes no further, and that they can therefore live with it.

Third, there is reportedly heavy support for this kind of legislation among law enforcement groups. Although the threat to police officers from armor-piercing bullets is probably much less than what many perceive it to be -- no police officer has ever been killed by such bullets while wearing body armor -- there is nevertheless a widespread perception in the law enforcement community that armor-piercing ammunition constitutes a real danger.

RECOMMENDATION

We believe that general, and police community support for a bill to restrict the manufacture and importation of armor-piercing ammunition, as well as the related possibility that such legislation may actually be enacted this year, argues in favor of an Administration bill. In addition, not only is the alternative draft clearly preferable to the other bills under consideration, but, as noted, it appears to have achieved something close to consensus support.

The alternative bill addresses the concerns of the gun groups. First, it very narrowly defines the ammunition that is covered to include only ammunition that is not currently available because of the voluntary ban Treasury has negotiated with the major manufacturers and importers. Second, the bill severely circumscribes Treasury's discretion to ban additional kinds of bullets: only bullets "made of similar materials which exhibit armor-piercing characteristics equal to, or greater than, [the] enumerated [materials]" would be covered. Third, and by

contrast, the bill grants Treasury exceptionally broad discretion to exempt from the ban ammunition that might otherwise be covered but that Treasury determines to be intended for sporting purposes. Fourth, the bill specifically exempts from its coverage all known ammunition currently in use that would otherwise be covered but that has other legitimate uses (e.g., steel buckshot and ammunition used in shooting galleries). What this adds up to is a bill that codifies the existing voluntary ban on the manufacture and importation of armor-piercing bullets.

An important advantage in proposing an Administration bill is that it would be viewed as a solid statement of support for law enforcement officers. Treasury and Justice believe that the major police organizations would support the alternative bill. If a decision is made to clear the bill, steps should be taken to assure that the major law enforcement groups are notified and brought on board.

The provision in the alternative bill giving greatest concern to the gun groups is the one which gives discretion to Treasury to ban future ammunition made of materials which the bill does not expressly list. But, lack of a tool to go after ammunition that is not made of the listed materials that is nonetheless demonstrably armor-piercing in nature, could defeat the purpose of the bill, or, alternatively, open a loophole that unscrupulous manufacturers could use to circumvent the intent of the legislation. Even if this were not a problem, however, the result of such an approach -- requiring a statutory amendment whenever armor-piercing ammunition is manufactured from materials not currently listed -- could cause unreasonable delays and other practical difficulties. Even from the NRA's perspective, the need to amend the law each time that a non-listed material or alloy were used for new armor-piercing ammunition would provide a window of opportunity for those seeking wider restrictions on guns and ammunition.

In summary, it appears that a consensus has been achieved in general support of the alternative bill. Because of the likelihood that both Judiciary Committees will be processing armor-piercing bullet legislation in the not-far-distant future, a timely decision is essential with respect to clearance of the alternative bill.

A copy of the alternative bill is attached.

DECISION

_____ CLEAR THE ALTERNATIVE DRAFT BILL (OMB/TREASURY
RECOMMENDATION. JUSTICE WOULD SUPPORT BUT PREFERS ITS
APPROACH.)

_____ CLEAR THE JUSTICE BILL (JUSTICE RECOMMENDATION).

_____ DO NOT CLEAR ANYTHING.

_____ OTHER.

Attachment

A BILL

To amend Chapter 44, Title 18, United States Code, to regulate the manufacture and importation of armor piercing ammunition.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 921(a)(17) of Title 18 of the United States Code is redesignated as section 921(a)(17)(A), and a new subparagraph (B) is added to section 921(a)(17) to read, as follows:

"(B) The term 'armor piercing ammunition' means solid projectiles or projectile cores constructed from tungsten alloys, steel, iron, brass, bronze, beryllium copper, depleted uranium, or similar materials which exhibit armor piercing characteristics equal to, or greater than, those enumerated. The term shall not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, frangible projectiles designed for target shooting, or any projectile which the Secretary finds is primarily intended to be used for sporting purposes."

SEC. 2. Section 922(a) of Title 18 of the United States Code is amended by adding after paragraph (6) the following:

"(7) for any person to manufacture or import armor piercing ammunition, except that this paragraph shall not apply to (A) the manufacture or importation of armor piercing ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof, or

(B) the manufacture of armor piercing ammunition for the sole purpose of exportation."

SEC. 3. Subparagraph (A) of section 923(a)(1) of Title 18 of the United States Code is amended to read as follows:

"(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year;".

SEC. 4. Subparagraph (C) of section 923(a)(1) of Title 18 of the United States Code is amended to read as follows:

"(C) of ammunition for firearms, other than ammunition for destructive devices or armor piercing ammunition, a fee of \$10 per year."

SEC. 5. Subparagraphs (A) and (B) of section 923(a)(2) of Title 18 of the United States Code are amended to read as follows:

"(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year; or

"(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing ammunition, a fee of \$50 per year."

SEC. 6. Section 924(c) of Title 18 of the United States Code is amended (a) by striking the period at the end of paragraph (2) and adding in lieu thereof a comma and the word "or" and (b) by adding a new paragraph (3) to read as follows:

"(3) during and in relation to the commission of a felony uses or carries a firearm loaded with armor piercing ammunition shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than five years. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this subsection, nor place him on probation, nor shall the term of imprisonment run concurrently with any other term of imprisonment, including that imposed for the felony in which the armor piercing ammunition was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein."

SEC. 7. These amendments shall take effect on the date of enactment of this Act, except that sections 3, 4, and 5 shall take effect on the first day of the first calendar month which begins more than 90 days after the date of enactment of this Act.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

DATE: May 16

TO: Jim Cicconi

FROM: Mike Horowitz

I need to talk to you immediately
re recent development on Hughes
hearing.

OMB FORM 38
Rev. Aug 73



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

May 16, 1984

MEMORANDUM FOR: MICHAEL HOROWITZ
JAMES W. CICCONI

FROM: Gregory M. Jones *GMJ* *ofj/mum*
(Legislative Reference Division)

SUBJECT: Legislation Concerning Armor-Piercing Bullets

The Senate Judiciary Committee held a hearing on March 7 on S. 555, a bill that would prohibit the manufacture, sale, or importation of armor-piercing (aka, "copkiller") bullets. Justice and Treasury testified in opposition to the bill.

The House Judiciary Committee is going to hold a hearing on H.R. 953, the counterpart bill to S. 555, on Thursday, May 17. Justice and Treasury are expected to testify. Although Justice and Treasury will again testify against the pending legislation, we need guidance regarding the desirability of proposing an alternative "copkiller" bullet bill.

BACKGROUND

In common parlance, a "copkiller" bullet is a bullet that -- because of its ballistic or explosive characteristics -- is capable of penetrating body armor when fired from a handgun. The most well known armor-piercing ammunition is the so-called "KTW" or "Teflon-coated" bullet.

Police forces throughout the United States generally use body armor made of material called "Kevlar." Body armor of this kind is flexible and lightweight and has come into common use during the past ten years. It replaced body armor that was bulky, inflexible, and difficult to wear.

As a result of a network news broadcast in 1982, the availability of ammunition that could penetrate several layers of Kevlar became widely known. This raised two concerns. First, some thought that criminals would be encouraged to obtain KTW bullets. Second, others believed that police officers who otherwise wore body armor would discontinue doing so if they believed they were likely to be shot at with armor-piercing ammunition. As a consequence, legislation was introduced to ban the manufacture or importation of armor-piercing bullets. H.R. 953 and S. 555 are the version of this legislation under consideration in the 98th Congress.

S. 555/H.R. 953 AND AGENCY VIEWS

H.R. 953 and S. 555 would generally prohibit the importation, manufacture, or sale of a "restricted handgun bullet," which is defined as a bullet that, "as determined by the Secretary of the Treasury, when fired from a handgun with a barrel five inches or less in length, is capable of penetrating body armor." Violators would be subject to both imprisonment and fines.

Both Treasury and Justice oppose H.R. 953 and S. 555. The Departments say that a strict interpretation of this bill could result in a ban on a number of bullets with legitimate uses and would deprive thousands of citizens of the use of their handguns. In addition, the bill's definition of "restricted handgun bullet" is so imprecise that manufacturers and importers could not know whether the ammunition that they were manufacturing or importing was lawful or unlawful.

COMPROMISE PROPOSAL

Although Treasury and Justice oppose both S. 555 and H.R. 953, they have assisted in drafting a bill that could be offered as a compromise if a senior-level policy decision is made to do so. Because, in the view of the Departments, the legislation pending in Congress is unsatisfactory, both agencies have carefully examined the feasibility of an alternative approach.

Justice put a draft bill on the table first. In a nutshell, this bill would have prohibited the manufacture or importation of armor-piercing handgun ammunition but would have defined "armor-piercing handgun ammunition" in terms of its ability to perforate a specified number of metal plates in controlled test conditions. At a series of senior-level meetings held over several weeks and attended by members of the White House staff, OMB, Justice, Treasury, and Defense (which has certain expertise in this area), however, it was determined, for technical and policy reasons, that this approach was not workable.

At the meetings, Treasury advised that it had worked with manufacturers and importers of armor-piercing ammunition and had obtained voluntary participation in a program to limit the availability of armor-piercing ammunition. In particular, Treasury told us that it had obtained informal agreements from the major manufacturers and importers of this kind of ammunition to sell it only to (1) the United States military, (2) State and local law enforcement agencies, or (3) foreign governments, as authorized by law. Treasury also told us that this voluntary ban seemed to be working well.

Based on Treasury's representations concerning the voluntary ban on copkiller bullets already in effect, as well as our informal understanding that there is some Congressional interest in codifying this voluntary ban, it was suggested that Treasury attempt to draft a bill, for Senior Staff consideration, that would do precisely that: ban only ammunition that is already unavailable in the marketplace. Treasury prepared such a bill, which has been carefully reviewed by the interested parties and, following certain clarifying amendments, is acceptable to them all, including the Department of Justice. The Treasury compromise bill codifies the present ban. Key provisions of the bill:

- o Prohibit the manufacture or importation of armor-piercing ammunition, except with respect to ammunition for the use of the United States Government; for the use of State governments; or for exportation;
- o Define "armor-piercing ammunition" to mean "solid projectiles or projectile cores constructed from tungsten alloys, steel, iron, brass, bronze beryllium copper, and depleted uranium;"
- o Include within the definition of "armor-piercing ammunition" "comparable materials with demonstrated armor-piercing characteristics, measured in terms of hardness and density;" and
- o Exempt from the definition of "armor-piercing ammunition" ammunition that might otherwise qualify but that clearly has a legitimate purpose, such as certain shotgun shot, ammunition used in shooting galleries, and any other ammunition that the Secretary of the Treasury finds is intended primarily to be used for sporting purposes.

In developing this draft legislation -- the drafting of which required considerable effort and time on the part of all parties involved -- we had several critical objectives. The bill had to cover only ammunition that is clearly armor-piercing in nature. It could not, either by its breadth or by conferring unduly broad discretion on Treasury, encompass ammunition with legitimate purposes. At the same time, however, it had to provide Treasury with some kind of tool with which to ban ammunition that may be clearly armor-piercing in nature which may be developed in the future. In addition, any bill had both to provide Treasury with adequate discretion to exempt bullets that might otherwise fit the definition of "armor-piercing ammunition," but that have sporting uses, and to exempt existing ammunition that might otherwise be covered, but that has other legitimate uses (e.g., shotgun shot).

The compromise bill achieves each of these objectives. By listing with specificity the materials out of which ammunition cannot be made, this bill should effectively ban only what is already being withheld voluntarily from the marketplace and, in particular, should reach the most popular kinds of "copkiller" bullets (e.g., the KTW). The bill also severely restricts Treasury's ability to ban other kinds of ammunition to bullets that are clearly shown to be comparable to armor-piercing bullets already in use, measured in terms of certain specific and objective criteria. (In this regard, an earlier draft of the bill would have allowed Treasury to go after bullets that were merely "comparable" to currently-available copkiller bullets. In our view, this could have given future Treasury Secretaries unduly wide latitude in banning legitimate ammunition.) This feature, combined with the bill's provision that expressly permits Treasury to exempt certain classes of ammunition from the ban, has resulted in a bill that is considerably less expansive in its scope than either S. 555 or H.R. 938.

DISCUSSION

Although the concerned agencies have worked out a compromise draft, the more basic question remains to be addressed: In view of the inadequacies of the armor-piercing ammunition legislation currently under consideration in the Congress (e.g., H.R. 953), as well as the strong opposition in some quarters to this kind of legislation generally, should the Administration propose its own bill? In considering this question, a number of factors should be kept in mind.

First, there may be some confusion over whether the President has supported cop-killer bullet legislation, and if so, what kind. We understand that Administration officials may have told a group of law enforcement officials that the Administration does support a ban on copkiller bullets. The Washington Post of March 4, 1984, ran a column that said, in part: "[T]he National Rifle Association has opposed any effort to ban these [copkiller] bullets - which have no use whatsoever in hunting or target shooting. Standing tall with the NRA and against the cop on the beat, Ronald Reagan has come out against banning these bullets - in a speech to the NRA convention." With respect to armor-piercing bullets, the President told the 1983 Convention of the National Rifle Association that the NRA "should support our efforts for a minimum mandatory term of 5 years imprisonment ... for the use of armor-piercing bullets during a Federal crime of violence. These are designed to truly be a threat to law enforcement officers, who, so many times, have to depend on bulletproof vests."

Second, the NRA strongly opposes any legislation that would restrict the ownership of armor-piercing ammunition. In a letter mailed to its membership on April 16, 1984, the NRA said that it is strongly supportive of the Nation's police officers but opposes H.R. 953 and related bills, because they "amount to gun control which would adversely impact the shooting sports in America and the right of decent, law-abiding citizens to use firearms for lawful purposes. They delegate to a federal bureaucrat the authority to determine what ammunition should be banned and what shouldn't be banned. They attempt to solve a non-existent problem by imposing gun control-restrictions which will only affect the law-abiding gun owner - not the criminal."

Third, there is heavy support for this kind of legislation among law enforcement groups (e.g., the International Association of Chiefs of Police). Although the threat to police officers from armor-piercing bullets is probably much less than what many perceive it to be -- no police officer has ever been killed by such bullets while wearing body armor -- there is nevertheless a widespread perception in the law enforcement community that armor-piercing ammunition constitutes a real danger.

RECOMMENDATION

On balance, we believe that general, and police community support for a bill to restrict the manufacture and importation of armor-piercing ammunition, as well as the related possibility that such legislation may actually be enacted this year, argues in favor of an Administration bill.

We think that the compromise draft is clearly preferable to the other bills under consideration. While it is true that the NRA opposes all bills of this kind, its opposition is based, at least partially, on the considerable discretion to ban different types of bullets that bills such as H.R. 953 vest in the Secretary of the Treasury. The NRA's concern is not that the present Secretary would ever ban legitimate kinds of ammunition but, rather, that some Secretary in some future Administration, less friendly to the gun community, would.

The Treasury compromise bill attempts to address the concerns of the gun groups. First, it very narrowly defines the ammunition that is covered to include only ammunition that is not currently available because of the voluntary ban Treasury has negotiated with the major manufacturers and importers. Second, the bill severely circumscribes Treasury's discretion to ban additional kinds of bullets: Only bullets that are clearly shown to be comparable to existing armor-piercing bullets, in terms of specific and objective technical criteria (i.e., hardness and

density), would be covered. Third, and by contrast, the bill grants Treasury exceptionally broad discretion to exempt from the ban ammunition that might otherwise be covered but that Treasury determines to be intended for sporting purposes. Fourth, the bill specifically exempts from its coverage all known ammunition currently in use that would otherwise be covered but that has other legitimate uses (e.g., steel buckshot and ammunition used in shooting galleries). What this adds up to is a bill that codifies the existing voluntary ban on the manufacture and importation of armor-piercing bullets.

By narrowly defining the ammunition that is covered; by giving Treasury broad authority to exempt ammunition used for sporting purposes; and by substantially limiting Treasury's authority to ban additional bullets to ammunition that clearly falls in the armor-piercing category, Treasury's bill ought to be more palatable to the NRA and others of like views than H.R. 953 and S. 555. (Of course, to the extent that the NRA's opposition is grounded in a belief that there is no valid rationale for banning any kind of ammunition, it will find Treasury's bill objectionable, in any event.)

The advantage in proposing an Administration bill is that it would be viewed as a solid statement of support for law enforcement officers. As noted previously, the major police organizations support armor-piercing bullet legislation and would likely support Treasury's bill. In this regard, if a decision is made to clear Treasury's proposal, steps should be taken to assure that the major law enforcement groups are notified and brought on board.

A copy of the compromise bill is attached.

DECISION

_____ CLEAR THE TREASURY DEPARTMENT DRAFT BILL (OMB/TREASURY RECOMMENDATION. JUSTICE WOULD SUPPORT BUT PREFERS ITS APPROACH.)

_____ CLEAR THE JUSTICE BILL (JUSTICE RECOMMENDATION).

_____ DO NOT CLEAR ANYTHING.

_____ OTHER.

Attachment

cc: Mrs. Horner

A BILL

To amend Chapter 44, Title 18, United States Code, to regulate the manufacture and importation of armor piercing ammunition.

1 Be it enacted by the Senate and the House of
2 Representatives of the United States of America in
3 Congress assembled, That section 921(a)(17) of Title 18
4 of the United States Code is redesignated as section
5 921(a)(17)(A), and a new subparagraph (B) is added to
6 section 921(a)(17) to read as follows:

7 "(B) The term 'armor piercing ammunition' means *solid*
8 *projectiles or* [^] projectile cores constructed from tungsten alloys,
9 steel, iron, brass, bronze, beryllium copper or
10 depleted uranium. The term shall not include
11 shotgun shot required by Federal or State
12 environmental or game regulations for hunting
13 purposes, frangible projectiles designed for
14 target shooting or any projectile which the
15 Secretary finds is primarily intended to be used
16 for sporting purposes."

17 SEC. 2. Section 922(a) of Title 18 of the United
18 States Code is amended by adding after paragraph (6)
19 the following:

*, or comparable materials & with demonstrated
armor-piercing characteristics, measured in terms
of hardness and density.*

1 "(7) for any person to manufacture or import
2 armor piercing ammunition, except that this
3 paragraph shall not apply to (A) the manufacture
4 or importation of armor piercing ammunition for
5 the use of the United States or any department or
6 agency thereof or any State or any department,
7 agency, or political subdivision thereof, or
8 (B) the manufacture of armor piercing ammunition
9 for the sole purpose of exportation."

10 SEC. 3. Subparagraph (A) of section 923(a)(1)
11 of Title 18 of the United States Code is amended to
12 read as follows:

13 "(A) of destructive devices, ammunition for
14 destructive devices or armor piercing ammunition,
15 a fee of \$1,000 per year;"

16 SEC. 4. Subparagraph (C) of section 923(a)(1) of
17 Title 18 of the United States Code is amended to read
18 as follows:

19 "(C) of ammunition for firearms, other than
20 ammunition for destructive devices or armor
21 piercing ammunition, a fee of \$10 per year."

22 SEC. 5. Subparagraphs (A) and (B) of section
23 923(a)(2) of Title 18 of the United States Code is
24 amended to read as follows:

1 "(A) of destructive devices, ammunition for
2 destructive devices or armor piercing ammunition,
3 a fee of \$1,000 per year; or

4 "(B) of firearms other than destructive devices
5 or ammunition for firearms other than destructive
6 devices, or ammunition other than armor piercing
7 ammunition, a fee of \$50 per year."

8 SEC. 6. Section 924(c) of Title 18 of the United
9 States Code is amended (a) by striking the period at
10 the end of paragraph (2) and adding in lieu thereof a
11 comma and the word "or" and (b) by adding a new
12 paragraph (3) to read as follows:

13 "(3) during and in relation to the commission of
14 a felony uses or carries a firearm loaded with
15 armor piercing ammunition shall, in addition to
16 the punishment provided for the commission of such
17 felony, be sentenced to a term of imprisonment
18 for not less than five years. Notwithstanding
19 any other provision of law, the court shall not
20 suspend the sentence of any person convicted of a
21 violation of this subsection, nor place him on
22 probation, nor shall the term of imprisonment run
23 concurrently with any other terms of imprisonment
24 including that imposed for the felony in which

1 the armor piercing ammunition was used or
2 carried. No person sentenced under this
3 subsection shall be eligible for parole during
4 the term of imprisonment imposed herein."

5 SEC. 1.6 The amendments shall take effect on the
6 date of enactment of this Act, except that sections 3,
7 4, and 5 shall take effect on the first day of the
8 first calendar month which begins more than 90 days
9 after the date of the enactment of this Act.