

Public Law 99-408
99th Congress

An Act

Aug. 28, 1986
[H.R. 3132]

To amend chapter 44, of title 18, United States Code, to regulate the manufacture, importation, and sale of armor piercing ammunition, and for other purposes.

Arms and
munitions.

Be it enacted by the Senate and 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 a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. Such term does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Secretary finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Secretary finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.”

SEC. 2. Section 922(a) of title 18 of the United States Code is amended—

(a) by striking out “and” at the end of paragraph (5);

(b) by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon; and

(c) 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 such 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;

“(B) the manufacture of such ammunition for the purpose of exportation; and

“(C) any manufacture or importation for the purposes of testing or experimentation authorized by the Secretary; and

“(8) for any manufacturer or importer to sell or deliver armor piercing ammunition, except that this paragraph shall not apply to—

“(A) the sale or delivery by a manufacturer or importer of such ammunition for use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof;

“(B) the sale or delivery by a manufacturer or importer of such ammunition for the purpose of exportation;

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“(C) the sale or delivery by a manufacturer or importer of such ammunition for the purposes of testing or experimenting authorized by the Secretary.”

Research and
development.

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 923(e) of title 18, United States Code, is amended by inserting after the first sentence the following: “The Secretary may, after notice and opportunity for hearing, revoke the license of a dealer who willfully transfers armor piercing ammunition.”

Ante, p. 453.

SEC. 7. Section 923 of title 18, United States Code, is amended by adding at the end thereof the following:

“(k) Licensed importers and licensed manufacturers shall mark all armor piercing projectiles and packages containing such projectiles for distribution in the manner prescribed by the Secretary by regulation. The Secretary shall furnish information to each dealer licensed under this chapter defining which projectiles are considered armor piercing ammunition as defined in section 921(a)(17)(B).”.

SEC. 8. Section 929 of title 18 of the United States Code is amended—

Ante, p. 460.

(1) in subsection (a)—

(A) by striking out “violence including” and inserting “violence (including)” in lieu thereof;

(B) by striking out “device for” and inserting “device) for” in lieu thereof;

(C) by striking out “uses or carries any handgun” and all that follows through “subsection (b)” and inserting in lieu thereof “uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm”;

(D) by striking out “nor more than ten”; and

(E) by striking out the last two sentences; and

(2) so that subsection (b) reads as follows:

“(b) Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this section, nor place the person on probation, nor shall the terms of imprisonment run concurrently with any other terms of imprisonment, including that imposed for the crime in which the armor piercing ammunition was used or possessed. No person sentenced under this section shall be eligible for parole during the term of imprisonment imposed herein.”

Law
enforcement
and crime.

SEC. 9. The amendments made by this Act shall take effect on the date of enactment of this Act, except that sections 3, 4, and 5 shall

Effective date.
18 USC 921 note.

Ante, p. 920.
18 USC 921 note.

take effect on the first day of the first calendar month which begins more than ninety days after the date of the enactment of this Act.

SEC. 10. For purposes of section 921(a)(17)(B) of title 18, United States Code, as added by the first section of this Act, "handgun" means any firearm including a pistol or revolver designed to be fired by the use of a single hand. The term also includes any combination of parts from which a handgun can be assembled.

Approved August 28, 1986.

LEGISLATIVE HISTORY—H.R. 3132 (S. 104):

HOUSE REPORTS: No. 99-360 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:

Vol. 131 (1985): Dec. 17, considered and passed House.

Vol. 132 (1986): Mar. 6, considered and passed Senate, amended, in lieu of S. 104.

Aug. 11, House concurred in Senate amendment with an amendment.

Aug. 13, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):

Aug. 28, Presidential statement.