

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 32

A bill to provide for the collection and dissemination of information on injuries, death, and family dissolution due to bullet-related violence, to require the keeping of records with respect to dispositions of ammunition, and to require that persons comply with State and local firearms licensing laws before receiving a Federal license to deal in firearms.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. MOYNIHAN (for himself and Mr. CHAFEE) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

A bill to provide for the collection and dissemination of information on injuries, death, and family dissolution due to bullet-related violence, to require the keeping of records with respect to dispositions of ammunition, and to require that persons comply with State and local firearms licensing laws before receiving a Federal license to deal in firearms.

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 “Violent Crime Control  
5        Act of 1993”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) there is no reliable information on the  
4 amount of ammunition available;

5 (2) importers and manufacturers of ammuni-  
6 tion are not required to keep records to report to the  
7 Federal Government on ammunition imported, pro-  
8 duced, or shipped;

9 (3) a loophole in current law permits a Federal  
10 licensee to order unlimited amounts of guns from a  
11 manufacturer, whether or not the licensee is legally  
12 permitted to sell them under State or local law;

13 (4) the rate of bullet-related deaths in the Unit-  
14 ed States is unacceptably high and growing;

15 (5) three calibers of bullets are used dispropor-  
16 tionately in crime: 9 millimeter, .25 caliber, and .32  
17 caliber bullets;

18 (6) injury and death are greatest in young  
19 males, and particularly young black males;

20 (7) epidemiology can be used to study bullet-re-  
21 lated death and injury to evaluate control options;

22 (8) bullet-related death and injury has placed  
23 increased stress on the American family resulting in  
24 increased welfare expenditures under title IV of the  
25 Social Security Act;

1           (9) bullet-related death and injury have contrib-  
2           uted to the increase in Medicaid expenditures under  
3           title XIX of the Social Security Act;

4           (10) bullet-related death and injury have con-  
5           tributed to increased supplemental security income  
6           benefits under title XVI of the Social Security Act;

7           (11) a tax on the sale of bullets will help con-  
8           trol bullet-related death and injury;

9           (12) there is no central responsible agency for  
10          trauma, there is relatively little funding available for  
11          the study of bullet-related death and injury, and  
12          there are large gaps in research programs to reduce  
13          injury;

14          (13) current laws and programs relevant to the  
15          loss of life and productivity from bullet-related trau-  
16          ma are inadequate to protect the citizens of the  
17          United States; and

18          (14) increased research in bullet-related vio-  
19          lence is needed to better understand the causes of  
20          such violence, to develop options for controlling such  
21          violence, and to identify and overcome barriers to  
22          implementing effective controls.

23 **SEC. 3. PURPOSES.**

24          The purposes of this Act are—

1           (1) to increase the tax on the sale of 9 millime-  
2           ter, .25 caliber, and .32 caliber bullets (except with  
3           respect to any sale to law enforcement agencies) as  
4           a means of reducing the epidemic of bullet-related  
5           death and injury;

6           (2) to undertake a nationally coordinated effort  
7           to survey, collect, inventory, synthesize, and dissemi-  
8           nate adequate data and information for—

9                   (A) understanding the full range of bullet-  
10                  related death and injury, including impacts on  
11                  the family structure and increased demands for  
12                  benefit payments under provisions of the Social  
13                  Security Act;

14                  (B) assessing the rate and magnitude of  
15                  change in bullet-related death and injury over  
16                  time;

17                  (C) educating the public about the extent  
18                  of bullet-related death and injury; and

19                  (D) expanding the epidemiologic approach  
20                  to evaluate efforts to control bullet-related  
21                  death and injury and other forms of violence;

22           (3) to develop options for controlling bullet-re-  
23           lated death and injury;

24           (4) to build the capacity and encourage respon-  
25           sibility at the individual, group, community, State

1 and Federal levels for control and elimination of bul-  
2 let-related death and injury;

3 (5) to promote a better understanding of the  
4 utility of the epidemiologic approach for evaluating  
5 options to control or reduce death and injury from  
6 nonbullet-related violence; and

7 (6) to control the proliferation of illegal fire-  
8 arms currently causing an alarming rate of death.

9 **TITLE I—BULLET DEATH AND**  
10 **INJURY CONTROL PROGRAM**

11 **SEC. 101. BULLET DEATH AND INJURY CONTROL PROGRAM.**

12 (a) ESTABLISHMENT.—There is established within  
13 the Centers for Disease Control’s National Center for In-  
14 jury Prevention and Control (referred to as the “Center”)  
15 a Bullet Death and Injury Control Program (referred to  
16 as the “Program”).

17 (b) PURPOSE.—The Center shall conduct research  
18 into and provide leadership and coordination for—

19 (1) the understanding and promotion of knowl-  
20 edge about the epidemiologic basis for bullet-related  
21 death and injury within the United States;

22 (2) developing technically sound approaches for  
23 controlling, and eliminating, bullet-related deaths  
24 and injuries;

1           (3) building the capacity for implementing the  
2 options, and expanding the approaches to controlling  
3 death and disease from bullet-related trauma; and

4           (4) educating the public about the nature and  
5 extent of bullet-related violence.

6           (c) FUNCTIONS.—The functions of the Program shall  
7 be—

8           (1) to summarize and to enhance the knowledge  
9 of the distribution, status, and characteristics of  
10 bullet-related death and injury;

11           (2) to conduct research and to prepare, with  
12 the assistance of State public health departments—

13               (A) statistics on bullet-related death and  
14 injury;

15               (B) studies of the epidemic nature of  
16 bullet-related death and injury; and

17               (C) status of the factors, including legal,  
18 socioeconomic, and other factors, that bear on  
19 the control of bullets and the eradication of the  
20 bullet-related epidemic;

21           (3) to publish information about bullet-related  
22 death and injury and guides for the practical use of  
23 epidemiological information, including publications  
24 that synthesize information relevant to national

1 goals of understanding the bullet-related epidemic  
2 and methods for its control;

3 (4) to identify socioeconomic groups, commu-  
4 nities, and geographic areas in need of study, de-  
5 velop a strategic plan for research necessary to com-  
6 prehend the extent and nature of bullet-related  
7 death and injury, and determine what options exist  
8 to reduce or eradicate such death and injury;

9 (5) to provide for the conduct of epidemiologic  
10 research on bullet-related death and injury through  
11 grants, contracts, cooperative agreements, and other  
12 means, by Federal, State, and private agencies, in-  
13 stitutions, organizations, and individuals;

14 (6) to make recommendations to Congress, the  
15 Bureau of Alcohol, Tobacco, and Firearms, and  
16 other Federal, State, and local agencies on the tech-  
17 nical management of data collection, storage, and re-  
18 trieval necessary to collect, evaluate, analyze, and  
19 disseminate information about the extent and nature  
20 of the bullet-related epidemic of death and injury as  
21 well as options for its control;

22 (7) to make recommendations to the Congress,  
23 the Bureau of Alcohol, Tobacco, and Firearms, and  
24 other Federal, State and local agencies, organiza-  
25 tions, and individuals about options for actions to

1 eradicate or reduce the epidemic of bullet-related  
2 death and injury;

3 (8) to provide training and technical assistance  
4 to the Bureau of Alcohol, Tobacco, and Firearms  
5 and other Federal, State, and local agencies regard-  
6 ing the collection and interpretation of bullet-related  
7 data; and

8 (9) to research and explore bullet-related death  
9 and injury and options for its control.

10 (d) ADVISORY BOARD.—

11 (1) IN GENERAL.—The Center shall have an  
12 independent advisory board to assist in setting the  
13 policies for and directing the Program.

14 (2) MEMBERSHIP.—The advisory board shall  
15 consist of 13 members, including—

16 (A) 1 representative from the Centers for  
17 Disease Control;

18 (B) 1 representative from the Bureau of  
19 Alcohol, Tobacco and Firearms;

20 (C) 1 representative from the Department  
21 of Justice;

22 (D) 1 member from the Drug Enforcement  
23 Agency;

24 (E) 3 epidemiologists from universities or  
25 nonprofit organizations;

1 (F) 1 criminologist from a university or  
2 nonprofit organization;

3 (G) 1 behavioral scientist from a university  
4 or nonprofit organization;

5 (H) 1 physician from a university or non-  
6 profit organization;

7 (I) 1 statistician from a university or non-  
8 profit organization;

9 (J) 1 engineer from a university or non-  
10 profit organization; and

11 (K) 1 public communications expert from a  
12 university or nonprofit organization.

13 (3) TERMS.—Members of the advisory board  
14 shall serve for terms of 5 years, and may serve more  
15 than 1 term.

16 (4) COMPENSATION OF MEMBERS.—Each mem-  
17 ber of the Commission who is not an officer or em-  
18 ployee of the Federal Government shall be com-  
19 pensated at a rate equal to the daily equivalent of  
20 the annual rate of basic pay prescribed for level IV  
21 of the Executive Schedule under section 5315 of title  
22 5, United States Code, for each day (including travel  
23 time) during which such member is engaged in the  
24 performance of the duties of the Commission. All  
25 members of the Commission who are officers or em-

1 employees of the United States shall serve without com-  
2 pensation in addition to that received for their serv-  
3 ices as officers or employees of the United States.

4 (5) TRAVEL EXPENSES.—A member of the ad-  
5 visory board that is not otherwise in the Federal  
6 Government service shall, to the extent provided for  
7 in advance in appropriations Acts, be paid actual  
8 travel expenses and per diem in lieu of subsistence  
9 expenses in accordance with section 5703 of title 5,  
10 United States Code, when the member is away from  
11 the member's usual place of residence.

12 (6) CHAIR.—The members of the advisory  
13 board shall select 1 member to serve as chair.

14 (e) CONSULTATION.—The Center shall conduct the  
15 Program required under this section in consultation with  
16 the Bureau of Alcohol, Tobacco, and Firearms and the  
17 Department of Justice.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated \$1,000,000 for fiscal  
20 year 1993, \$2,500,000 for fiscal year 1994, and  
21 \$5,000,000 for each of fiscal years 1995, 1996, and 1997  
22 for the purpose of carrying out this section.

23 (g) REPORT.—The Center shall prepare an annual  
24 report to Congress on the Program's findings, the status  
25 of coordination with other agencies, its progress, and prob-

1 lems encountered with options and recommendations for  
2 their solution. The report for December 31, 1995, shall  
3 contain options and recommendations for the Program's  
4 mission and funding levels for the years 1996–2000, and  
5 beyond.

6 **TITLE II—INCREASE IN EXCISE**  
7 **TAX ON CERTAIN BULLETS**

8 **SEC. 201. INCREASE IN TAX ON CERTAIN BULLETS.**

9 (a) IN GENERAL.—Section 4181 of the Internal Rev-  
10 enue Code of 1986 (relating to the imposition of tax on  
11 firearms, etc.) is amended by adding at the end the follow-  
12 ing new flush sentence:

13 “In the case of 9 millimeter, .25 caliber, or .32 caliber  
14 ammunition, the rate of tax under this section shall be  
15 1,000 percent.”.

16 (b) EXEMPTION FOR LAW ENFORCEMENT PUR-  
17 POSES.—Section 4182 of the Internal Revenue Code of  
18 1986 (relating to exemptions) is amended by adding at  
19 the end the following new subsection:

20 “(d) LAW ENFORCEMENT.—The last sentence of sec-  
21 tion 4181 shall not apply to any sale (not otherwise ex-  
22 empted) to, or for the use of, the United States (or any  
23 department, agency, or instrumentality thereof) or a State  
24 or political subdivision thereof (or any department, agen-  
25 cy, or instrumentality thereof).”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to sales after December 31, 1995.

### 3 **TITLE III—USE OF AMMUNITION**

#### 4 **SEC. 301. RECORDS OF DISPOSITION OF AMMUNITION.**

5 (a) AMENDMENT OF TITLE 18, UNITED STATES  
6 CODE.—Section 923(g) of title 18, United States Code,  
7 is amended—

8 (1) in paragraph (1)(A) by inserting after the  
9 second sentence “Each licensed importer and manu-  
10 facturer of ammunition shall maintain such records  
11 of importation, production, shipment, sale, or other  
12 disposition of ammunition at the licensee’s place of  
13 business for such period and in such form as the  
14 Secretary, in consultation with the Director of the  
15 National Center for Injury Prevention and Control  
16 of the Centers for Disease Control (for the purpose  
17 of ensuring that the information that is collected is  
18 useful for the Bullet Death and Injury Control Pro-  
19 gram), may by regulation prescribe. Such records  
20 shall include the amount, caliber, and type of ammu-  
21 nition.”; and

22 (2) by adding at the end thereof the following  
23 new paragraph:

24 “(6) Each licensed importer or manufacturer of am-  
25 munition shall annually prepare a summary report of im-

1 ports, production, shipments, sales, and other dispositions  
2 during the preceding year. The report shall be prepared  
3 on a form specified by the Secretary, in consultation with  
4 the Director of the National Center for Injury Prevention  
5 and Control of the Centers for Disease Control (for the  
6 purpose of ensuring that the information that is collected  
7 is useful for the Bullet Death and Injury Control Pro-  
8 gram), shall include the amounts, calibers, and types of  
9 ammunition that were disposed of, and shall be forwarded  
10 to the office specified thereon not later than the close of  
11 business on the date specified by the Secretary.”.

12 (b) STUDY OF CRIMINAL USE AND REGULATION OF  
13 AMMUNITION.—The Secretary of the Treasury shall re-  
14 quest the Centers for Disease Control to—

15 (1) prepare, in consultation with the Secretary,  
16 a study of the criminal use and regulation of ammu-  
17 nition; and

18 (2) submit to Congress, not later than July 31,  
19 1996, a report with recommendations on the poten-  
20 tial for preventing crime by regulating or restricting  
21 the availability of ammunition.

1 **TITLE IV—COMPLIANCE WITH**  
2 **STATE AND LOCAL FIREARMS**  
3 **LAWS**

4 **SEC. 401. COMPLIANCE WITH STATE AND LOCAL FIREARMS**  
5 **LICENSING LAWS REQUIRED BEFORE ISSU-**  
6 **ANCE OF FEDERAL LICENSE TO DEAL IN**  
7 **FIREARMS.**

8 (a) IN GENERAL.—Section 923(d)(1) of title 18,  
9 United States Code, is amended—

10 (1) by striking “and” at the end of subpara-  
11 graph (D);

12 (2) by striking the period at the end of sub-  
13 paragraph (E) and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(F) in the case of an application for a license  
16 to engage in the business of dealing in firearms—

17 “(i) the applicant has complied with all re-  
18 quirements imposed on persons desiring to en-  
19 gage in such a business by the State and politi-  
20 cal subdivision thereof in which the applicant  
21 conducts or intends to conduct such business;  
22 and

23 “(ii) the application includes a written  
24 statement which—

1           “(I) is signed by the chief of police of  
2           the locality, or the sheriff of the county, in  
3           which the applicant conducts or intends to  
4           conduct such business, the head of the  
5           State police of such State, or any official  
6           designated by the Secretary; and

7           “(II) certifies that the information  
8           available to the signer of the statement  
9           does not indicate that the applicant is in-  
10          eligible to obtain such a license under the  
11          law of such State and locality.”.

12          (b) EFFECTIVE DATE.—The amendment made by  
13          subsection (a) shall apply to applications for a license that  
14          is issued on or after the date of the enactment of this  
15          Act.

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