

105TH CONGRESS
1ST SESSION

S. 135

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 increase taxes on certain bullets.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. MOYNIHAN introduced the following bill; which was read twice and referred to the Committee on Finance

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 increase taxes on certain bullets.

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 1997”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

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

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

7 (3) the rate of bullet-related deaths in the Unit-
8 ed States is unacceptably high and growing;

9 (4) three calibers of bullets are used dispropor-
10 tionately in crime: 9 millimeter, .25 caliber, and .32
11 caliber bullets;

12 (5) injury and death are greatest in young
13 males, and particularly young black males;

14 (6) epidemiology can be used to study bullet-re-
15 lated death and injury to evaluate control options;

16 (7) bullet-related death and injury has placed
17 increased stress on the American family resulting in
18 increased welfare expenditures under title IV of the
19 Social Security Act;

20 (8) bullet-related death and injury have contrib-
21 uted to the increase in Medicaid expenditures under
22 title XIX of the Social Security Act;

23 (9) bullet-related death and injury have contrib-
24 uted to increased supplemental security income ben-
25 efits under title XVI of the Social Security Act;

1 (10) a tax on the sale of bullets will help con-
2 trol bullet-related death and injury;

3 (11) there is no central responsible agency for
4 trauma, there is relatively little funding available for
5 the study of bullet-related death and injury, and
6 there are large gaps in research programs to reduce
7 injury;

8 (12) current laws and programs relevant to the
9 loss of life and productivity from bullet-related trau-
10 ma are inadequate to protect the citizens of the
11 United States; and

12 (13) increased research in bullet-related vio-
13 lence is needed to better understand the causes of
14 such violence, to develop options for controlling such
15 violence, and to identify and overcome barriers to
16 implementing effective controls.

17 **SEC. 3. PURPOSES.**

18 The purposes of this Act are—

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

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

4 (A) understanding the full range of bullet-
5 related death and injury, including impacts on
6 the family structure and increased demands for
7 benefit payments under provisions of the Social
8 Security Act;

9 (B) assessing the rate and magnitude of
10 change in bullet-related death and injury over
11 time;

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

14 (D) expanding the epidemiologic approach
15 to evaluate efforts to control bullet-related
16 death and injury and other forms of violence;

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

19 (4) to build the capacity and encourage respon-
20 sibility at the individual, group, community, State
21 and Federal levels for control and elimination of bul-
22 let-related death and injury; and

23 (5) to promote a better understanding of the
24 utility of the epidemiologic approach for evaluating

1 options to control or reduce death and injury from
2 nonbullet-related violence.

3 **TITLE I—BULLET DEATH AND**
4 **INJURY CONTROL PROGRAM**

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

6 (a) ESTABLISHMENT.—There is established within
7 the Centers for Disease Control’s National Center for In-
8 jury Prevention and Control (referred to as the “Center”)
9 a Bullet Death and Injury Control Program (referred to
10 as the “Program”).

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

13 (1) the understanding and promotion of knowl-
14 edge about the epidemiologic basis for bullet-related
15 death and injury within the United States;

16 (2) developing technically sound approaches for
17 controlling, and eliminating, bullet-related deaths
18 and injuries;

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

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

24 (c) FUNCTIONS.—The functions of the Program shall
25 be—

1 (1) to summarize and to enhance the knowledge
2 of the distribution, status, and characteristics of bul-
3 let-related death and injury;

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

6 (A) statistics on bullet-related death and
7 injury;

8 (B) studies of the epidemic nature of bul-
9 let-related death and injury; and

10 (C) status of the factors, including legal,
11 socioeconomic, and other factors, that bear on
12 the control of bullets and the eradication of the
13 bullet-related epidemic;

14 (3) to publish information about bullet-related
15 death and injury and guides for the practical use of
16 epidemiological information, including publications
17 that synthesize information relevant to national
18 goals of understanding the bullet-related epidemic
19 and methods for its control;

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

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

6 (6) to make recommendations to Congress, the
7 Bureau of Alcohol, Tobacco, and Firearms, and
8 other Federal, State, and local agencies on the tech-
9 nical management of data collection, storage, and re-
10 trieval necessary to collect, evaluate, analyze, and
11 disseminate information about the extent and nature
12 of the bullet-related epidemic of death and injury as
13 well as options for its control;

14 (7) to make recommendations to the Congress,
15 the Bureau of Alcohol, Tobacco, and Firearms, and
16 other Federal, State and local agencies, organiza-
17 tions, and individuals about options for actions to
18 eradicate or reduce the epidemic of bullet-related
19 death and injury;

20 (8) to provide training and technical assistance
21 to the Bureau of Alcohol, Tobacco, and Firearms
22 and other Federal, State, and local agencies regard-
23 ing the collection and interpretation of bullet-related
24 data; and

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

3 (d) ADVISORY BOARD.—

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

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

9 (A) 1 representative from the Centers for
10 Disease Control;

11 (B) 1 representative from the Bureau of
12 Alcohol, Tobacco and Firearms;

13 (C) 1 representative from the Department
14 of Justice;

15 (D) 1 member from the Drug Enforcement
16 Agency;

17 (E) 3 epidemiologists from universities or
18 nonprofit organizations;

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

21 (G) 1 behavioral scientist from a university
22 or nonprofit organization;

23 (H) 1 physician from a university or non-
24 profit organization;

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

3 (J) 1 engineer from a university or non-
4 profit organization; and

5 (K) 1 public communications expert from a
6 university or nonprofit organization.

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

10 (4) COMPENSATION OF MEMBERS.—Each mem-
11 ber of the Commission who is not an officer or em-
12 ployee of the Federal Government shall be com-
13 pensated at a rate equal to the daily equivalent of
14 the annual rate of basic pay prescribed for level IV
15 of the Executive Schedule under section 5315 of title
16 5, United States Code, for each day (including travel
17 time) during which such member is engaged in the
18 performance of the duties of the Commission. All
19 members of the Commission who are officers or em-
20 ployees of the United States shall serve without com-
21 pensation in addition to that received for their serv-
22 ices as officers or employees of the United States.

23 (5) TRAVEL EXPENSES.—A member of the ad-
24 visory board that is not otherwise in the Federal
25 Government service shall, to the extent provided for

1 in advance in appropriations Acts, be paid actual
2 travel expenses and per diem in lieu of subsistence
3 expenses in accordance with section 5703 of title 5,
4 United States Code, when the member is away from
5 the member's usual place of residence.

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

8 (e) CONSULTATION.—The Center shall conduct the
9 Program required under this section in consultation with
10 the Bureau of Alcohol, Tobacco, and Firearms and the
11 Department of Justice.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated \$1,000,000 for fiscal
14 year 1998, \$2,500,000 for fiscal year 1999, and
15 \$5,000,000 for each of fiscal years 2000, 2001, and 2002
16 for the purpose of carrying out this section.

17 (g) REPORT.—The Center shall prepare an annual
18 report to Congress on the Program's findings, the status
19 of coordination with other agencies, its progress, and prob-
20 lems encountered with options and recommendations for
21 their solution. The report for December 31, 1998, shall
22 contain options and recommendations for the Program's
23 mission and funding levels for the years 1998–2002, and
24 beyond.

1 **TITLE II—INCREASE IN EXCISE**
2 **TAX ON CERTAIN BULLETS**

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

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

8 “In the case of 9 millimeter, .25 caliber, or .32 caliber
9 ammunition, the rate of tax under this section shall be
10 1,000 percent.”

11 (b) EXEMPTION FOR LAW ENFORCEMENT PUR-
12 POSES.—Section 4182 of the Internal Revenue Code of
13 1986 (relating to exemptions) is amended by adding at
14 the end the following new subsection:

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

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to sales after December 31, 1997.

1 **TITLE III—USE OF AMMUNITION**

2 **SEC. 301. RECORDS OF DISPOSITION OF AMMUNITION.**

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

6 (1) in paragraph (1)(A), by inserting after the
7 second sentence the following: “Each licensed im-
8 porter and manufacturer of ammunition shall main-
9 tain such records of importation, production, ship-
10 ment, sale, or other disposition of ammunition at the
11 licensee’s place of business for such period and in
12 such form as the Secretary, in consultation with the
13 Director of the National Center for Injury Preven-
14 tion and Control of the Centers for Disease Control
15 (for the purpose of ensuring that the information
16 that is collected is useful for the Bullet Death and
17 Injury Control Program), may by regulation pre-
18 scribe. Such records shall include the amount, cali-
19 ber, and type of ammunition.”; and

20 (2) by adding at the end the following:

21 “(6) Each licensed importer or manufacturer of am-
22 munition shall annually prepare a summary report of im-
23 ports, production, shipments, sales, and other dispositions
24 during the preceding year. The report shall be prepared
25 on a form specified by the Secretary, in consultation with

1 the Director of the National Center for Injury Prevention
2 and Control of the Centers for Disease Control (for the
3 purpose of ensuring that the information that is collected
4 is useful for the Bullet Death and Injury Control Pro-
5 gram), shall include the amounts, calibers, and types of
6 ammunition that were disposed of, and shall be forwarded
7 to the office specified thereon not later than the close of
8 business on the date specified by the Secretary.”

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

12 (1) prepare, in consultation with the Secretary,
13 a study of the criminal use and regulation of ammu-
14 nition; and

15 (2) submit to Congress, not later than July 31,
16 1998, a report with recommendations on the poten-
17 tial for preventing crime by regulating or restricting
18 the availability of ammunition.

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