

115TH CONGRESS
1ST SESSION

H. R. 2089

To protect the Nation’s law enforcement officers by regulating the sale of the Five-seveN pistol and its variants, testing handguns for capability to penetrate body armor, and regulating the manufacture, importation, sale, or purchase of such handguns by civilians.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2017

Mr. ENGEL introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect the Nation’s law enforcement officers by regulating the sale of the Five-seveN pistol and its variants, testing handguns for capability to penetrate body armor, and regulating the manufacture, importation, sale, or purchase of such handguns by civilians.

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 “Protect Law Enforce-
5 ment Armor Act” or the “PLEA Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Law enforcement is facing a threat from
2 handguns and accompanying ammunition, which are
3 designed to penetrate police body armor, being mar-
4 keted and sold to civilians.

5 (2) A Five-seveN Pistol and accompanying am-
6 munition, manufactured by FN Herstal of Belgium
7 as the “5.7 x 28 mm System”, has recently been re-
8 covered by law enforcement on the streets. The Five-
9 seveN Pistol is legally available for purchase by civil-
10 ians under current law.

11 (3) The Five-seveN Pistol is capable of pene-
12 trating level IIA armor. The manufacturer advertises
13 that ammunition fired from the Five-seveN will per-
14 forate 48 layers of Kevlar up to 200 meters and that
15 the ammunition travels at 2,100 feet per second.

16 (4) The Five-seveN Pistol, and similar hand-
17 guns designed to use ammunition capable of pene-
18 trating body armor, pose a devastating threat to law
19 enforcement.

20 (b) PURPOSE.—The purpose of this Act is to protect
21 the Nation’s law enforcement officers by—

22 (1) testing handguns and ammunition for capa-
23 bility to penetrate body armor; and

24 (2) prohibiting the manufacture, importation,
25 sale, or purchase by civilians of the Five-seveN Pis-

1 tol, ammunition for such pistol, or any other hand-
2 gun that uses ammunition found to be capable of
3 penetrating body armor.

4 **SEC. 3. ARMOR-PIERCING HANDGUNS TREATED THE SAME**
5 **AS MACHINEGUNS FOR PURPOSES OF ALL**
6 **FEDERAL CRIMINAL LAWS RELATING TO**
7 **FIREARMS.**

8 (a) DEFINITION OF ARMOR-PIERCING HANDGUN.—
9 Section 921(a) of title 18, United States Code, is amended
10 by adding at the end the following:

11 “(36) The term ‘armor-piercing handgun’ means any
12 handgun that fires ammunition that the Attorney General
13 determines is capable of penetrating body armor when
14 fired from such handgun pursuant to section 926(d) of
15 this title.”.

16 (b) DETERMINATION OF ABILITY TO PENETRATE
17 BODY ARMOR.—Section 926 of such title is amended by
18 adding at the end the following:

19 “(d)(1) Not later than 1 year after the date of enact-
20 ment of this subsection, the Attorney General shall pro-
21 mulgate standards for the uniform testing of firearms and
22 ammunition for their ability to penetrate the Body Armor
23 Exemplar.

24 “(2) The standards promulgated pursuant to this
25 subsection shall take into account variations in perform-

1 ance relating to the size of the firearm and ammunition,
2 the propellant included in the ammunition, the material
3 composition of the bullet, the length of the barrel of the
4 firearm, the current or historical marketing of the fire-
5 arm’s capabilities, and any other considerations the Attor-
6 ney General deems relevant, except that in no case shall
7 a handgun capable of piercing the Body Armor Exemplar
8 be deemed exempt from any restrictions under this title
9 by reason of sporting use.

10 “(3) The standards promulgated pursuant to this
11 subsection shall recognize that the Fabrique Nationale
12 Herstal Five-seveN and Five-seveN MK2 handguns were
13 purposefully designed to fire ammunition capable of pene-
14 trating body armor.

15 “(4) As used in this subsection, the term ‘Body
16 Armor Exemplar’ means body armor that the Attorney
17 General determines meets minimum standards for the pro-
18 tection of law enforcement officers.”.

19 (c) INCLUSION IN DEFINITION OF FIREARM.—Sec-
20 tion 921(a)(3)(A) of such title is amended by inserting
21 “, including an armor-piercing handgun” before the semi-
22 colon.

23 (d) BAN ON POSSESSION OR TRANSFER.—Section
24 922(o) of such title is amended—

1 (1) in paragraph (1), by inserting “or armor-
2 piercing handgun” after “machinegun”; and

3 (2) in paragraph (2)—

4 (A) by striking “or” at the end of subpara-
5 graph (A);

6 (B) by striking the period at the end of
7 subparagraph (B) and inserting “; or”; and

8 (C) by adding at the end the following:

9 “(C) any otherwise lawful transfer or otherwise
10 lawful possession of an armor-piercing handgun that
11 was lawfully possessed before the date this subpara-
12 graph takes effect.”.

13 (e) BAN ON UNAUTHORIZED TRANSPORT IN INTER-
14 STATE OR FOREIGN COMMERCE.—Section 922 of such
15 title is amended in each of subsections (a)(4) and (b)(4)
16 by inserting “armor-piercing handgun,” before “machine-
17 gun”.

18 (f) ENHANCED PENALTIES FOR USING, CARRYING,
19 OR POSSESSING DURING AND IN RELATION TO A CRIME
20 OF VIOLENCE OR DRUG TRAFFICKING CRIME.—Section
21 924(e)(1) of such title is amended in each of subpara-
22 graphs (B)(ii) and (C)(ii) by inserting “, an armor-piere-
23 ing handgun,” after “machinegun”.

24 (g) PENALTIES FOR CONSPIRING TO COMMIT AN OF-
25 FENSE SUBJECT TO CERTAIN ENHANCED PENALTIES.—

1 Section 924(o) of such title is amended by inserting “,
2 armor-piercing handgun,” after “machinegun”.

3 (h) EXCEPTION FROM REQUIREMENT TO ALLOW IM-
4 PORTATION OF AN UNSERVICEABLE FIREARM THAT IS A
5 CURIO OR MUSEUM PIECE.—Section 925(d)(2) of such
6 title is amended by inserting “an armor-piercing handgun
7 or” before “a machinegun”.

8 (i) EXCEPTION FROM CONCEALED FIREARMS AL-
9 LOWED TO BE CARRIED BY QUALIFIED LAW ENFORCE-
10 MENT OFFICERS.—Section 926B(e)(3) of such title is
11 amended by redesignating subparagraphs (B) and (C) as
12 subparagraphs (C) and (D), respectively, and inserting
13 after subparagraph (A) the following:

14 “(B) any armor-piercing handgun;”.

15 (j) EXCEPTION FROM CONCEALED FIREARMS AL-
16 LOWED TO BE CARRIED BY QUALIFIED RETIRED LAW
17 ENFORCEMENT OFFICERS.—Section 926C(e)(1)(C) of
18 such title is amended by redesignating clauses (ii) and (iii)
19 as clauses (iii) and (iv), respectively, and inserting after
20 clause (i) the following:

21 “(ii) any armor-piercing handgun;”.

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