

105TH CONGRESS
1ST SESSION

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To prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, and dealers, and pistol clubs.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 1997

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

A BILL

To prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, and dealers, and pistol clubs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Handgun Control Act
3 of 1997”.

4 **SEC. 2. FINDINGS AND DECLARATIONS.**

5 The Congress hereby finds and declares—

6 (1) that the estimated total number of hand-
7 guns in private hands has reached seventy-six mil-
8 lion;

9 (2) that handguns play a major role, and a role
10 disproportionate to their number in comparison with
11 long guns, in the commission of homicide, aggra-
12 vated assault, and armed robbery, and that the per-
13 centage of violent crimes in which handguns are
14 used is increasing;

15 (3) that more than one-half of all handguns are
16 acquired secondhand and that licensing and restric-
17 tions on sale of new handguns will not significantly
18 reduce handgun crime and handgun violence;

19 (4) that with few exceptions handguns are not
20 used for sporting or recreational purposes and that
21 such purposes do not require keeping of handguns in
22 private homes;

23 (5) that handguns in the home are of less value
24 than is commonly thought in defending against in-
25 truders and that such defensive purposes can be
26 adequately accomplished by other means;

1 (6) that violent crimes perpetrated with hand-
 2 guns constitute a burden upon and interfere with
 3 interstate and foreign commerce and threaten the
 4 internal security and domestic tranquillity of the Na-
 5 tion; and

6 (7) that a national firearms policy which re-
 7 stricts the availability of handguns for nonlaw en-
 8 forcement and nonmilitary purposes will significantly
 9 reduce violent crime, reduce deaths from handguns,
 10 and reduce other handgun violence in the United
 11 States.

12 **SEC. 3. HANDGUN CONTROLS.**

13 Title 18, United States Code, is amended by inserting
 14 after chapter 50 the following:

15 **“CHAPTER 50A—HANDGUNS**

 “Sec.

 “1091. Unlawful acts.

 “1092. Licensing.

 “1093. Penalties.

 “1094. Exceptions.

 “1095. Voluntary delivery to law enforcement agency; reimbursement.

 “1096. Rules and regulations.

 “1097. Effect on State law.

 “1098. Definitions.

16 **“§ 1091. Unlawful acts**

17 “(a) Except as provided in section 1094 of this chap-
 18 ter and in subsection (b) of this section, it shall be unlaw-
 19 ful for any person to import, manufacture, sell, buy, trans-
 20 fer, receive, or transport any handgun.

1 “(b) The Secretary may, consistent with public safety
2 and necessity, exempt from the operation of subsection (a)
3 of this section such importation, manufacture, sale, pur-
4 chase, transfer, receipt, or transportation of handguns by
5 importers, manufacturers, or dealers, licensed under chap-
6 ter 44 of this title, and by pistol clubs licensed under this
7 chapter, as may in his judgment be required for the oper-
8 ation of such pistol clubs or for purposes described in sec-
9 tion 1094 of this chapter.

10 **“§ 1092. Licensing**

11 “(a) A pistol club desiring to be licensed under this
12 chapter shall file an application for such license with the
13 Secretary. The application shall be in such form and con-
14 tain such information as the Secretary shall by regulation
15 prescribe. The fee for such license shall be \$25 per year.

16 “(b) Any importer, manufacturer, or dealer desiring
17 to be licensed under this chapter shall apply as provided
18 in chapter 44 of this title.

19 “(c) Any application submitted under subsection (a)
20 shall be approved if—

21 “(1) all members of the pistol club are twenty-
22 one years of age or older;

23 “(2) no member of the pistol club is prohibited
24 from transporting, shipping, or receiving firearms or
25 ammunition in interstate or foreign commerce under

1 section 922(g) or (h) of this title or under the law
2 of the State in which the club will be located or of
3 the State in which the member is domiciled;

4 “(3) no member of the pistol club has willfully
5 violated any of the provisions of this chapter or of
6 chapter 44 of this title or any regulations issued
7 thereunder;

8 “(4) the pistol club has not willfully failed to
9 disclose any material information required, or has
10 not made any false statement as to any material
11 fact, in connection with his application; and

12 “(5) the pistol club has premises from which it
13 operates and—

14 “(A) maintains possession and control of
15 the handguns used by its members, and

16 “(B) has procedures and facilities for keep-
17 ing such handguns in a secure place, under the
18 control of the club’s chief officer, at all times
19 when they are not being used for target shoot-
20 ing or other sporting or recreational purposes.

21 “(d)(1) The Secretary must approve or deny an appli-
22 cation for a license within the forty-five-day period begin-
23 ning on the date it is received. If the Secretary fails to
24 act within such period, the applicant may file an action
25 under section 1361 of title 28 to compel the Secretary to

1 act. If the Secretary approves an applicant's application,
2 such applicant shall be issued a license upon payment of
3 the prescribed fee.

4 “(2) The Secretary may, after notice and opportunity
5 for hearing, revoke any license issued under this section
6 if the holder of such license has violated any provision of
7 this chapter or of chapter 44 of this title or any rule or
8 regulation prescribed by the Secretary under such chap-
9 ters. The Secretary's action under this paragraph may be
10 reviewed only as provided in subsection (e) of this section.

11 “(e)(1) Any person whose application for a license is
12 denied and any holder of a license which is revoked shall
13 receive a written notice from the Secretary stating specifi-
14 cally the grounds upon which the application was denied
15 or upon which the license was revoked. Any notice of rev-
16 ocation of a license shall be given to the holder of such
17 license before the effective date of the revocation.

18 “(2) If the Secretary denies an application for, or re-
19 vokes, a license, he shall, upon request by the aggrieved
20 party, promptly hold a hearing to review his denial or rev-
21 ocation. In the case of a revocation of a license, the Sec-
22 retary shall upon the request of the holder of the license
23 stay the effective date of the revocation. A hearing held
24 under this paragraph shall be held at a location convenient
25 to the aggrieved party.

1 “(3) If after a hearing held under paragraph (2) the
2 Secretary decides not to reverse his decision to deny an
3 application or revoke a license, the Secretary shall give
4 notice of his decision to the aggrieved party. The aggrieved
5 party may at any time within sixty days after the date
6 notice was given under this paragraph file a petition with
7 the United States District Court for the district in which
8 he resides or has his principal place of business for a judi-
9 cial review of such denial or revocation. In a proceeding
10 conducted under this subsection, the court may consider
11 any evidence submitted by the parties to the proceeding.
12 If the court decides that the Secretary was not authorized
13 to deny the application or to revoke the license, the court
14 shall order the Secretary to take such action as may be
15 necessary to comply with the judgment of the court.

16 “(f) Each licensed pistol club shall maintain such
17 records of receipt, sale, or other disposition, of handguns
18 at such place, for such period, and in such form as the
19 Secretary may by regulations prescribe. Such pistol clubs
20 shall make such records available for inspection at all rea-
21 sonable times, and shall submit to the Secretary such re-
22 ports and information with respect to such records and
23 the contents thereof as he shall by regulations prescribe.
24 The Secretary may enter at reasonable times the premises
25 (including places of storage) of any pistol club for the pur-

1 pose of inspecting or examining (1) any records of docu-
2 ments required to be kept by such pistol club under the
3 provisions of this chapter or chapter 44 of this title and
4 regulations issued under such chapters, and (2) any hand-
5 guns or ammunition kept or stored by such pistol club at
6 such premises. Upon the request of any State or any polit-
7 ical subdivision thereof, the Secretary may make available
8 to such State or any political subdivision thereof any infor-
9 mation which he may obtain by reason of the provisions
10 of this chapter with respect to the identification of persons
11 who are members of pistol clubs within such State or polit-
12 ical subdivision thereof, together with a description of the
13 handguns included in such pistol club's license.

14 “(g) Licenses issued under the provisions of sub-
15 section (c) of this section shall be kept posted and kept
16 available for inspection on the premises covered by the li-
17 cense.

18 **“§ 1093. Penalties**

19 “(a) Whoever violates any provision of this chapter
20 or knowingly makes any false statement or representation
21 with respect to the information required by the provisions
22 of this chapter to be kept in the records of a pistol club
23 licensed under this chapter, or in applying for any license
24 under the provisions of this chapter, shall be fined under
25 this title, imprisoned not more than 5 years, or both.

1 “(b) Any handgun involved or used in, or intended
2 to be used in, any violation of the provisions of this chap-
3 ter or chapter 44 of this title or any rule or regulation
4 promulgated thereunder, or any violation of any other
5 criminal law of the United States, shall be subject to sei-
6 zure and forfeiture and all provisions of the Internal Reve-
7 nue Code of 1986 relating to the seizure, forfeiture, and
8 disposition of firearms shall, so far as applicable, extend
9 to seizures and forfeitures under the provisions of this
10 chapter.

11 **“§ 1094. Exceptions**

12 “(a) The provisions of this chapter shall not apply
13 with respect to the importation, manufacture, sale, pur-
14 chase, transfer, receipt, or transportation of any handgun
15 which the Secretary determines is being imported or man-
16 ufactured for, sold, or transferred to, purchased, received,
17 or transported by, or issued for the use of, the United
18 States or any department or agency thereof or any State
19 or any department, agency, or political subdivision thereof.

20 “(b) The provisions of this chapter shall not apply
21 with respect to the importation, manufacture, sale, pur-
22 chase, transfer, receipt, or transportation of a handgun
23 which the Secretary determines is unserviceable, not re-
24 storable to firing condition, and intended for use as a
25 curio, museum piece, or collectors’ item.

1 **“§ 1095. Voluntary delivery to law enforcement agen-**
2 **cy; reimbursement**

3 “(a) A person may at any time deliver to any Federal,
4 State, or local law enforcement agency designated by the
5 Secretary a handgun owned or possessed by such person.
6 The Secretary shall arrange with each agency designated
7 to receive handguns for the transfer, destruction, or other
8 disposition of all handguns delivered under this section.

9 “(b) Upon proof of lawful acquisition and ownership
10 by a person delivering a handgun to a law enforcement
11 agency under this section, the owner of the handgun shall
12 be entitled to receive from the United States a payment
13 equal to the fair market value of the handgun or \$25,
14 whichever is more. The Secretary shall provide for the
15 payment, directly or indirectly, through Federal, State,
16 and local law enforcement agencies, of the amounts to
17 which owners of handguns delivered under this section are
18 entitled.

19 “(c) The amounts authorized in subsection (b) of this
20 section shall be paid out of the fees collected under section
21 1092(a) of this chapter to the extent that such fees are
22 sufficient for this purpose. The remainder of amounts au-
23 thorized in subsection (b) of this section shall be paid out
24 of general revenues.

1 **“§ 1096. Rules and regulations**

2 “(a) The Secretary may prescribe such rules and reg-
3 ulations as he deems necessary to carry out the provisions
4 of this chapter, including—

5 “(1) regulations providing that a person li-
6 censed under this chapter, when dealing with an-
7 other person so licensed or with a person licensed
8 under chapter 44 of this title, shall provide such
9 other licensed person a certified copy of his license;
10 and

11 “(2) regulations providing for the issuance, at
12 a reasonable cost, to a person licensed under this
13 chapter, of certified copies of his license for use as
14 provided under regulations issued under paragraph
15 (1) of this subsection.

16 “(b) The Secretary shall give reasonable public no-
17 tice, and afford to interested parties opportunity for hear-
18 ing, prior to prescribing rules and regulations authorized
19 by this section.

20 **“§ 1097. Effect on State law**

21 “‘No provision of this chapter shall be construed as
22 indicating an intent on the part of the Congress to occupy
23 the field in which such provision operates to the exclusion
24 of the law of any State on the same subject, unless there
25 is a direct and positive conflict between such provision and

1 the law of the State so that the two cannot be reconciled
2 or consistently stand together.

3 **“§ 1098. Definitions**

4 “As used in this chapter:

5 “(1) The term ‘person’ and the term ‘whoever’
6 include any individual, corporation, company, asso-
7 ciation, firm, partnership, club, society, or joint-
8 stock company.

9 “(2) The term ‘importer’ means any person en-
10 engaged in the business of importing or bringing hand-
11 guns into the United States for purposes of sale or
12 distribution; and the term ‘licensed importer’ means
13 any such person licensed under the provisions of
14 chapter 44 of this title.

15 “(3) The term ‘manufacturer’ means any per-
16 son engaged in the manufacture or assembly of
17 handguns for the purposes of sale or distribution;
18 and the term ‘licensed manufacturer’ means any
19 such person licensed under the provisions of chapter
20 44 of this title.

21 “(4) The term ‘dealer’ means (A) any person
22 engaged in the business of selling handguns at
23 wholesale or retail, (B) any person engaged in the
24 business of repairing handguns or of making or fit-
25 ting special barrels, or trigger mechanisms to hand-

1 guns, or (C) any person who is a pawnbroker. The
2 term ‘licensed dealer’ means any dealer who is li-
3 censed under the provisions of chapter 44 of this
4 title.

5 “(5) The term ‘collector’ means any person who
6 acquires, holds, or disposes of handguns as curios,
7 or relics, as the Secretary shall by regulation define,
8 and the term ‘licensed collector’ means any such per-
9 son licensed under the provisions of chapter 44 of
10 this title.

11 “(6) The term ‘Secretary’ or ‘Secretary of the
12 Treasury’ means the Secretary of the Treasury or
13 his delegate.

14 “(7) The term ‘handgun’ means any weapon—

15 “(A) designed or redesigned, or made, or
16 remade, and intended to be fired while held in
17 one hand;

18 “(B) having a barrel less than ten inches
19 in length; and

20 “(C) designed or redesigned, or made or
21 remade, to use the energy of an explosive to
22 expel a projectile or projectiles through a
23 smooth or rifled bore.

24 “(8) The term ‘pistol club’ means a club orga-
25 nized for target shooting with handguns or to use

1 handguns for sporting or other recreational purposes
2 and which—

3 “(A) maintains possession and control of
4 the handguns used by its members, and

5 “(B) has procedures and facilities for keep-
6 ing such handguns in a secure place, under the
7 control of the club’s chief officer, at all times
8 when they are not being used for target shoot-
9 ing, sporting, or other recreational purposes.

10 The term ‘licensed pistol club’ means any pistol club
11 which is licensed under this chapter.”.

12 **SEC. 4. ENFORCEMENT AND ADMINISTRATION.**

13 The enforcement and administration of the amend-
14 ment made by this Act shall be vested in the Secretary
15 of the Treasury.

16 **SEC. 5. EFFECT ON OTHER FEDERAL LAW.**

17 Nothing in this Act or the amendment made by this
18 Act shall be construed as modifying or affecting any provi-
19 sion of—

20 (1) the National Firearms Act (chapter 53 of
21 the Internal Revenue Code of 1986);

22 (2) section 414 of the Mutual Security Act of
23 1954 (22 U.S.C. 1934), relating to munitions con-
24 trol; or

1 (3) section 1715 of title 18, United States
2 Code, relating to nonmailable firearms.

3 **SEC. 6. EFFECTIVE DATE.**

4 The provisions of this Act shall take effect one year
5 after the date of the enactment of this Act.

