

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

# H. R. 1501

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, dealers, and pistol clubs.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1993

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

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## 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, 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,*  
3       That this Act may be cited as the “Handgun Control Act  
4       of 1993”.

1 SECTION 1. The Congress hereby finds and de-  
2 clares—

3 (a) that the estimated total number of hand-  
4 guns in private hands has more than doubled since  
5 1978, bringing the total to sixty-six million;

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

12 (c) that more than one-half of all handguns are  
13 acquired secondhand and that licensing and restric-  
14 tions on sale of new handguns will not significantly  
15 reduce handgun crime and handgun violence;

16 (d) that with few exceptions handguns are not  
17 used for sporting or recreational purposes and that  
18 such purposes do not require keeping of handguns in  
19 private homes;

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

24 (f) that violent crimes perpetrated with hand-  
25 guns constitute a burden upon and interfere with

1 interstate and foreign commerce and threaten the  
2 internal security and domestic tranquillity of the Na-  
3 tion; and

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

10 SEC. 2. Title 18, United States Code, is amended by  
11 inserting immediately after chapter 50 thereof the follow-  
12 ing new chapter:

13 **“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. Separability clause.

“1099. Appropriations.

“1100. Definitions.

14 **“§ 1091. Unlawful acts**

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

19 “(b) The Secretary may, consistent with public safety  
20 and necessity, exempt from the operation of subsection (a)

1 of this section such importation, manufacture, sale, pur-  
2 chase, transfer, receipt, or transportation of handguns by  
3 importers, manufacturers, or dealers, licensed under chap-  
4 ter 44 of this title, and by pistol clubs licensed under this  
5 chapter, as may in his judgment be required for the oper-  
6 ation of such pistol clubs or for purposes described in sec-  
7 tion 1094 of this chapter.

8 **“§ 1092. Licensing**

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

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

17 “(c) Any application submitted under subsection (a)  
18 shall be approved if—

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

21 “(2) no member of the pistol club is prohibited  
22 from transporting, shipping, or receiving firearms or  
23 ammunition in interstate or foreign commerce under  
24 section 922 (g) or (h) of this title or under the law

1 of the State in which the club will be located or of  
2 the State in which the member is domiciled;

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

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

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

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

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

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

1 such applicant shall be issued a license upon payment of  
2 the prescribed fee.

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

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

17       “(2) If the Secretary denies an application for, or re-  
18 vokes, a license, he shall, upon request by the aggrieved  
19 party, promptly hold a hearing to review his denial or rev-  
20 ocation. In the case of a revocation of a license, the Sec-  
21 retary shall upon the request of the holder of the license  
22 stay the effective date of the revocation. A hearing held  
23 under this paragraph shall be held at a location convenient  
24 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 not  
25 more than \$5,000, or imprisoned not more than five years,

1 or both, and shall become eligible for parole as the board  
2 of parole shall determine.

3 “(b) Any handgun involved or used in, or intended  
4 to be used in, any violation of the provisions of this chap-  
5 ter or chapter 44 of this title or any rule or regulation  
6 promulgated thereunder, or any violation of any other  
7 criminal law of the United States, shall be subject to sei-  
8 zure and forfeiture and all provisions of the Internal Reve-  
9 nue Code of 1954 relating to the seizure, forfeiture, and  
10 disposition of firearms shall, so far as applicable, extend  
11 to seizures and forfeitures under the provisions of this  
12 chapter.

13 **“§ 1094. exceptions**

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

22 “(b) The provisions of this chapter shall not apply  
23 with respect to the importation, manufacture, sale, pur-  
24 chase, transfer, receipt, or transportation of a handgun  
25 which the Secretary determines is unserviceable, not

1 restorable to firing condition, and intended for use as a  
2 curio, museum piece, or collectors' item.

3 **“§ 1095. Voluntary delivery to law enforcement agen-**  
4 **cy; reimbursement**

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

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

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

1 thorized in subsection (b) of this section shall be paid out  
2 of general revenues.

3 **“§ 1096. Rules and regulations**

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

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

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

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

22 **“§ 1097. Effect on State law**

23 “No provision of this chapter shall be construed as  
24 indicating an intent on the part of the Congress to occupy  
25 the field in which such provision operates to the exclusion

1 of the law of any State on the same subject, unless there  
2 is a direct and positive conflict between such provision and  
3 the law of the State so that the two cannot be reconciled  
4 or consistently stand together.

5 **“§ 1098. Separability**

6 “If any provision of this chapter or the application  
7 thereof to any person or circumstance is held invalid, the  
8 remainder of the chapter and the application of such pro-  
9 vision to other persons not similarly situated or to other  
10 circumstances shall not be affected thereby.

11 **“§ 1099. Appropriations**

12 “There are authorized to be appropriated such sums  
13 as are necessary to carry out the purposes of this chapter.

14 **“§ 1100. Definitions**

15 “As used in this chapter—

16 “(1) The term ‘person’ and the term ‘whoever’  
17 include any individual, corporation, company, asso-  
18 ciation, firm, partnership, club, society, or joint-  
19 stock company.

20 “(2) The term ‘importer’ means any person en-  
21 gaged in the business of importing or bringing hand-  
22 guns into the United States for purposes of sale or  
23 distribution; and the term ‘licensed importer’ means  
24 any such person licensed under the provisions of  
25 chapter 44 of this title.

1           “(3) The term ‘manufacturer’ means any per-  
2           son engaged in the manufacture or assembly of  
3           handguns for the purposes of sale or distribution;  
4           and the term ‘licensed manufacturer’ means any  
5           such person licensed under the provisions of chapter  
6           44 of this title.

7           “(4) The term ‘dealer’ means (A) any person  
8           engaged in the business of selling handguns at  
9           wholesale or retail, (B) any person engaged in the  
10          business of repairing handguns or of making or fit-  
11          ting special barrels, or trigger mechanisms to hand-  
12          guns, or (C) any person who is a pawnbroker. The  
13          term ‘licensed dealer’ means any dealer who is li-  
14          censed under the provisions of chapter 44 of this  
15          title.

16          “(5) The term ‘collector’ means any person who  
17          acquires, holds, or disposes of handguns as curios,  
18          or relics, as the Secretary shall by regulation define,  
19          and the term ‘licensed collector’ means any such per-  
20          son licensed under the provisions of chapter 44 of  
21          this title.

22          “(6) The term ‘Secretary’ or ‘Secretary of the  
23          Treasury’ means the Secretary of the Treasury or  
24          his delegate.

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

1           “(A) designed or redesigned, or made, or  
2 remade, and intended to be fired while held in  
3 one hand;

4           “(B) having a barrel less than ten inches  
5 in length; and

6           “(C) designed or redesigned, or made or  
7 remade, to use the energy of an explosive to  
8 expel a projectile or projectiles through a  
9 smooth or rifled bore.

10          “(8) The term ‘pistol club’ means a club orga-  
11 nized for target shooting with handguns or to use  
12 handguns for sporting or other recreational purposes  
13 and which—

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, sporting, or other recreational purposes.

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

23          SEC. 3. The enforcement and administration of the  
24 amendment made by this Act shall be vested in the Sec-  
25 retary of the Treasury.

1       SEC. 4. Nothing in this Act or the amendment made  
2 thereby shall be construed as modifying or affecting any  
3 provision of—

4           (a) the National Firearms Act (chapter 53 of  
5 the Internal Revenue Code of 1954);

6           (b) section 414 of the Mutual Security Act of  
7 1954 (22 U.S.C. 1934), as amended, relating to mu-  
8 nitions control; or

9           (c) section 1715 of title 18, United States  
10 Code, relating to nonmailable firearms.

11       SEC. 5. The provisions of this Act shall take effect  
12 one year from the date of enactment.

○