

105TH CONGRESS
1ST SESSION

H. R. 1998

To disarm lawless persons and assist State and Federal law enforcement agencies in preventing and solving gun crimes by requiring registration of all firearms and firearm transfers and requiring permits for the possession and transfer of firearms and ammunition.

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 disarm lawless persons and assist State and Federal law enforcement agencies in preventing and solving gun crimes by requiring registration of all firearms and firearm transfers and requiring permits for the possession and transfer of firearms and ammunition.

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 “Yates Firearm Reg-
5 istration and Crime Prevention Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) crimes committed with guns threaten the
2 peace and domestic tranquillity of the citizens of the
3 United States and the security and general welfare
4 of the Nation and its people;

5 (2) the unregistered and unregulated circulation
6 of firearms in the United States increases the num-
7 ber of crimes committed with firearms;

8 (3) firearms crimes have created a substantial
9 burden on interstate and foreign commerce;

10 (4) fear of firearms crimes discourages citizens
11 from traveling between the States to conduct busi-
12 ness or to visit national shrines and monuments, in-
13 cluding the Nation's Capital;

14 (5) in view of the ease with which firearms may
15 be concealed and transported across State lines, in-
16 dividual State action to regulate firearms is made
17 ineffective by lax regulation in other States and, ac-
18 cordingly, national legislation establishing minimum
19 standards for the registration and regulation of fire-
20 arms is necessary to permit effective State action;

21 (6) crimes committed with guns have disrupted
22 our national political processes and threaten the re-
23 publican form of government within the States as
24 guaranteed by Article IV of the United States Con-
25 stitution;

1 (7) the use of guns in homicides is not evenly
2 distributed across population subgroups, death and
3 injury in criminal violence from firearms are espe-
4 cially pronounced in the younger age groups and
5 among minorities, and firearm homicide is the sec-
6 ond leading cause of death for 15- to 19-year-olds
7 and is increasing more rapidly than any other cause
8 of death;

9 (8) the Second Amendment to the United
10 States Constitution was established to provide for
11 the common defense by protecting the rights of the
12 individual States to organize militias in times of na-
13 tional emergency;

14 (9) firearm ownership is a privilege, not unlike
15 that of driving a car, and it is the duty and obliga-
16 tion of the Federal Government to institute regula-
17 tions and guidelines in order to safeguard the wel-
18 fare of the general public; and

19 (10) officials of the Government of the United
20 States, including 4 Presidents of the United States
21 and candidates for national public office, have been
22 assassinated by use of firearms, and the lives of na-
23 tional officials of the legislative, executive, and judi-
24 cial branches are increasingly threatened by the un-

1 registered and unregulated circulation of firearms in
2 the United States.

3 **SEC. 3. REGISTRATION OF FIREARMS AND FIREARM**
4 **TRANSFERS; FIREARMS PERMITS.**

5 (a) IN GENERAL.—Title 18, United States Code, is
6 amended by inserting after chapter 44 the following:

7 **“CHAPTER 44A—REGISTRATION OF FIREARMS**
8 **AND FIREARM TRANSFERS; FIREARMS PERMITS**

“Sec.

“941. Definitions.

“942. Registration of firearms and firearm transfers.

“943. Permits for possession and transfer of firearms and ammunition.

“944. Disposition of unregistered firearms.

“945. Penalties.

“946. Administration.

“947. Effect on State law.

9 **“§ 941. Definitions**

10 “The definitions in section 921(a) shall apply for pur-
11 poses of this chapter.

12 **“§ 942. Registration of firearms and firearm transfers**

13 “(a)(1) It shall be unlawful for any person who owns
14 a firearm in the United States on the effective date of
15 this chapter to fail to register the firearm with the Sec-
16 retary in accordance with subsection (b) within 1 year
17 after the effective date.

18 “(2) It shall be unlawful for any person who manu-
19 factures a firearm in, or imports a firearm into, the
20 United States to fail to register the firearm with the Sec-

1 return in accordance with subsection (b) within 7 calendar
2 days after the date of manufacture or importation.

3 “(3)(A) It shall be unlawful for any person who
4 transfers, or to whom is transferred, a firearm in the Unit-
5 ed States to fail to register the firearm transfer with the
6 Secretary in accordance with subsection (b) within 7 cal-
7 endar days after the date of the transfer.

8 “(B) Subparagraph (A) shall not apply to the delivery
9 of a firearm by or to a common carrier, licensed pursuant
10 to Federal or State law to transport firearms, in connec-
11 tion with the otherwise lawful transport of the firearm.

12 “(b) A person may register a firearm or firearm
13 transfer by submitting to the Secretary, in person or by
14 mail, the following information:

15 “(1) The name, age, address, and social secu-
16 rity number (if any), of—

17 “(A) the person; or

18 “(B) in the case of a firearm transfer, the
19 transferor and the transferee.

20 “(2) The name of the manufacturer, the caliber
21 or gauge (as appropriate), the model and type, and
22 the serial number identification (if any) of the fire-
23 arm.

24 “(c) It shall be unlawful for any person who discovers
25 that the person has lost a firearm or that a firearm has

1 been stolen from the person to fail to submit to the Sec-
2 retary, during the 48-hour period that begins with the
3 time the person discovers the loss or theft, a report of
4 the loss or theft, which shall include such information as
5 the Secretary shall by regulation prescribe, including the
6 date and place of the loss or theft.

7 **“§ 943. Permits for possession and transfer of fire-**
8 **arms and ammunition**

9 “(a)(1) Beginning 1 year after the effective date of
10 this chapter, it shall be unlawful for a person to possess
11 a firearm or ammunition in or affecting commerce unless
12 the Secretary has issued to the person a firearms permit
13 under subsection (b) which has not become invalid.

14 “(2)(A) It shall be unlawful for a person to transfer
15 or receive a firearm or ammunition in or affecting com-
16 merce unless the transferee or recipient has and displays
17 to the transferor a firearms permit issued to the transferee
18 or recipient by the Secretary under subsection (b) which
19 has not become invalid.

20 “(B) Subparagraph (A) shall not apply to the delivery
21 of a firearm by or to, or the receipt of a firearm from,
22 a common carrier licensed pursuant to Federal or State
23 law to transport firearms, in connection with the otherwise
24 lawful transportation of the firearm.

1 “(b) The Secretary shall issue a firearms permit to
2 an applicant upon receipt of a written application that
3 contains the following:

4 “(1) A statement that the applicant—

5 “(A) has attained 18 years of age;

6 “(B) is not under indictment for, or been
7 convicted in a court of, a crime punishable by
8 imprisonment for a term exceeding 1 year;

9 “(C) is not a fugitive from justice;

10 “(D) is not an unlawful user of, or ad-
11 dicted to, a controlled substance (as defined in
12 section 102 of the Controlled Substances Act
13 (21 U.S.C. 802));

14 “(E) has not been adjudicated as a mental
15 defective or been committed to a mental institu-
16 tion;

17 “(F) is not an alien who is illegally or un-
18 lawfully in the United States;

19 “(G) has not been discharged from the
20 armed forces under dishonorable conditions;

21 “(H) is not a person who, having been a
22 citizen of the United States, has renounced
23 such citizenship; and

24 “(I) is not subject to a court order that—

1 “(i) was issued after a hearing of
2 which the applicant received actual notice,
3 and at which the applicant had an oppor-
4 tunity to participate;

5 “(ii) restrains the applicant from
6 harassing, stalking, or threatening an inti-
7 mate partner of the applicant or a child of
8 such an intimate partner or the applicant,
9 or engaging in other conduct that would
10 place an intimate partner in reasonable
11 fear of bodily injury to the partner or
12 child; and

13 “(iii)(I) includes a finding that the
14 applicant represents a credible threat to
15 the physical safety of such intimate part-
16 ner or child; or

17 “(II) by its terms explicitly prohibits
18 the use, attempted use, or threatened use
19 of physical force against such intimate
20 partner or child that would reasonably be
21 expected to cause bodily injury.

22 “(2) A photograph and fingerprints of the ap-
23 plicant, which shall be obtained in such manner as
24 the Secretary shall by regulation prescribe.

1 “(3) Such additional information regarding the
2 applicant, including date and place of birth, gender,
3 height, weight, eye and hair color, and present and
4 previous residences, as the Secretary shall by regula-
5 tion prescribe.

6 “(4) The notarized signature of the applicant,
7 who shall swear or attest to the truth of all state-
8 ments, information, and material provided in the ap-
9 plication.

10 “(c) A firearms permit issued to a person under sub-
11 section (b) shall be invalid if it becomes unlawful for the
12 person to receive a firearm in interstate or foreign com-
13 merce.

14 “(d) It shall be unlawful for a person to fail to return
15 to the Secretary a firearms permit issued to the person
16 under subsection (b) within 7 calendar days after the date
17 the permit becomes invalid.

18 **“§ 944. Disposition of unregistered firearms**

19 “(a) Within 1 year after the effective date of this
20 chapter, the owner of a firearm may dispose of the firearm
21 at such place as the Secretary may designate, and upon
22 such disposition, the Secretary shall pay the owner an
23 amount equal to the fair market value of the firearm.

24 “(b) The Secretary shall provide for the destruction
25 of any firearm acquired by the Secretary pursuant to this

1 section, except any such firearm which the Secretary finds
2 is needed in a criminal investigation or prosecution, or has
3 unique historic or technological value.

4 **“§ 945. Penalties**

5 “(a) Whoever knowingly owns, possesses, transfers,
6 or receives any firearm or ammunition in violation of this
7 chapter shall be fined under this title, imprisoned not
8 more than 10 years, or both.

9 “(b) Whoever knowingly obliterates, defaces, or oth-
10 erwise alters the serial number identification of a firearm
11 shall be fined under this title, imprisoned not more than
12 10 years, or both.

13 “(c) Whoever knowingly violates section 942(c) shall
14 be fined under this title, imprisoned not more than 5
15 years, or both.

16 “(d) Whoever, with the intent to evade a requirement
17 or obstruct the enforcement of this chapter, furnishes to
18 a person a firearms permit which has not been issued to
19 the person under section 943(b) shall be fined under this
20 title, imprisoned not more than 10 years, or both.

21 “(e) Whoever knowingly violates section 943(d) shall
22 be fined under this title, imprisoned not more than 10
23 years, or both.

24 “(f) Any firearm or ammunition involved in, or used
25 or intended to be used in, a violation of this chapter shall

1 be subject to seizure and forfeiture, and all provisions of
2 the Internal Revenue Code of 1986 relating to the seizure,
3 forfeiture, and disposition of firearms (as defined in sec-
4 tion 5845(a) of such Code) shall, so far as applicable, ex-
5 tend to seizures and forfeitures under this subsection.

6 **“§ 946. Administration**

7 “(a) The Secretary shall establish and maintain
8 records of the information submitted pursuant to this
9 chapter.

10 “(b) The Secretary shall cooperate with the State and
11 local law enforcement officers in making available to them,
12 under appropriate safeguards, information gathered pur-
13 suant to this chapter, and shall undertake to establish re-
14 ciprocal channels of information with the States to carry
15 out this chapter.

16 “(c) The Secretary may prescribe such rules and reg-
17 ulations as the Secretary deems reasonably necessary to
18 carry out this chapter.

19 “(d) To meet the expenses of carrying out this chap-
20 ter, the Secretary may prescribe reasonable fees to be paid
21 by any person who—

22 “(1) registers a firearm or firearm transfer pur-
23 suant to section 942; or

24 “(2) applies for a permit under section 943.

1 “(e) Upon request of the Secretary, the head of a
2 department or agency of the Federal Government shall as-
3 sist the Secretary in the administration of this chapter,
4 unless the President prohibits the provision of such assist-
5 ance.

6 **“§ 947. Effect on State law**

7 “‘No provision of this chapter shall be construed as
8 indicating an intent on the part of the Congress to occupy
9 the field in which the provision operates to the exclusion
10 of the law of any State or possession on the same subject
11 matter, unless there is a direct and positive conflict be-
12 tween the provision and the law of the State or possession
13 so that the 2 cannot be reconciled or consistently stand
14 together.’”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall take effect 1 year after the date of
17 the enactment of this Act.

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