

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 1997

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

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## 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   retary 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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