

106TH CONGRESS
1ST SESSION

S. 637

To amend title 18, United States Code, to regulate the transfer of firearms over the Internet, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 1999

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to regulate the transfer of firearms over the Internet, and for other purposes.

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 “Internet Gun Traf-
5 ficking Act of 1999”.

6 **SEC. 2. REGULATION OF INTERNET FIREARMS TRANSFERS.**

7 (a) PROHIBITIONS.—Section 922 of title 18, United
8 States Code, is amended by inserting after subsection (y)
9 the following:

1 “(z) REGULATION OF INTERNET FIREARMS TRANS-
2 FERS.—

3 “(1) IN GENERAL.—It shall be unlawful for any
4 person to operate an Internet website, if a purpose
5 of the website is to offer 1 or more firearms for sale
6 or exchange, or is to otherwise facilitate the sale or
7 exchange of 1 or more firearms posted or listed on
8 the website, unless—

9 “(A) the person is licensed as a manufac-
10 turer, importer, or dealer under section 923;

11 “(B) the person notifies the Secretary of
12 the Internet address of the website, and any
13 other information concerning the website as the
14 Secretary may require by regulation; and

15 “(C) if any firearm posted or listed for sale
16 or exchange on the website is not from the busi-
17 ness inventory or personal collection of that
18 person—

19 “(i) the person, as a term or condition
20 for posting or listing the firearm for sale
21 or exchange on the website on behalf of a
22 prospective transferor, requires that, in the
23 event of any agreement to sell or exchange
24 the firearm pursuant to that posting or
25 listing, the firearm be transferred to that

1 person for disposition in accordance with
2 clause (iii);

3 “(ii) the person prohibits the posting
4 or listing on the website of any information
5 (including any name, nickname, telephone
6 number, address, or electronic mail ad-
7 dress) that is reasonably likely to enable
8 the prospective transferor and prospective
9 transferee to contact one another directly
10 prior to the shipment of the firearm to
11 that person under clause (i), except that
12 this clause does not include any informa-
13 tion relating solely to the manufacturer,
14 importer, model, caliber, gauge, physical
15 attributes, operation, performance, or price
16 of the firearm; and

17 “(iii) with respect to each firearm re-
18 ceived from a prospective transferor under
19 clause (i), the person—

20 “(I) enters such information
21 about the firearm as the Secretary
22 may require by regulation into a sepa-
23 rate bound record;

24 “(II) in transferring the firearm
25 to any transferee, complies with the

1 requirements of this chapter as if the
2 firearm were being transferred from
3 the business inventory of that person;
4 and

5 “(III) if the prospective trans-
6 feror does not provide the person with
7 a certified copy of a valid firearms li-
8 cense issued to the prospective trans-
9 feror under this chapter, submits to
10 the Secretary a report of the transfer
11 or other disposition of the firearm on
12 a form specified by the Secretary,
13 which report shall not include the
14 name of, or any other identifying in-
15 formation relating to, the transferor.

16 “(2) TRANSFERS BY PERSONS OTHER THAN LI-
17 CENSEES.—It shall be unlawful for any person who
18 is not licensed under section 923 to transfer a fire-
19 arm pursuant to a posting or listing of the firearm
20 for sale or exchange on an Internet website de-
21 scribed in paragraph (1) to any person other than
22 the operator of the website.”.

23 (b) PENALTIES.—Section 924(a) of title 18, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 “(7) Whoever willfully violates section 922(z)(2)
2 shall be fined under this title, imprisoned not more
3 than 2 years, or both.”.

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