

107TH CONGRESS
1ST SESSION

H. R. 1247

To provide for the implementation of a system of licensing for purchasers of handguns and for a record of sale system for handguns, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2001

Mr. MEEHAN (for himself, Mr. DELAHUNT, Mr. GEORGE MILLER of California, Mr. HOEFFEL, Mrs. MALONEY of New York, Ms. MCKINNEY, Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. RUSH, Ms. SCHAKOWSKY, Ms. CARSON of Indiana, Mr. TIERNEY, Ms. LEE, Ms. NORTON, Mr. WEXLER, and Mr. KENNEDY of Rhode Island) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the implementation of a system of licensing for purchasers of handguns and for a record of sale system for handguns, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Handgun Licensing and Record of Sale Act of 2001”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.

TITLE I—LICENSING

- Sec. 101. Licensing requirement.
- Sec. 102. Application requirements.
- Sec. 103. Issuance of license.
- Sec. 104. Renewal of license.
- Sec. 105. Revocation of license.

TITLE II—RECORD OF SALE OR TRANSFER

- Sec. 201. Sale and transfer requirements for handguns.
- Sec. 202. Firearm records.

TITLE III—ADDITIONAL PROHIBITIONS

- Sec. 301. Universal background check requirement.
- Sec. 302. Failure to maintain or permit inspection of records.
- Sec. 303. Failure to report loss or theft of firearm.
- Sec. 304. Failure to provide notice of change of address.
- Sec. 305. Child access prevention.

TITLE IV—ENFORCEMENT

- Sec. 401. Criminal penalties.
- Sec. 402. Regulations.
- Sec. 403. Inspections.
- Sec. 404. Orders.
- Sec. 405. Injunctive enforcement.

TITLE V—FIREARM INJURY INFORMATION AND RESEARCH

- Sec. 501. Duties of the Secretary.

TITLE VI—EFFECT ON STATE LAW

- Sec. 601. Effect on State law.
- Sec. 602. Certification of State handgun licensing systems and State handgun record of sale systems.

TITLE VII—RELATIONSHIP TO OTHER LAW

- Sec. 701. Subordination to Arms Export Control Act.

TITLE VIII—INAPPLICABILITY

- Sec. 801. Inapplicability to governmental authorities.

TITLE IX—EFFECTIVE DATE

- Sec. 901. Effective date of amendments.

1 SEC. 2. FINDINGS AND PURPOSES.

- 2 (a) FINDINGS.**—Congress finds that—

1 (1) the manufacture, distribution, and importa-
2 tion of firearms is inherently commercial in nature;

3 (2) firearms regularly move in interstate com-
4 merce;

5 (3) firearms trafficking is so prevalent and
6 widespread in and among the States that it is usu-
7 ally impossible to distinguish between intrastate
8 trafficking and interstate trafficking;

9 (4) to the extent that firearms trafficking is
10 intrastate in nature, it arises out of and is substan-
11 tially connected with a commercial transaction,
12 which, when viewed in the aggregate, substantially
13 affects interstate commerce;

14 (5) because the intrastate and interstate traf-
15 ficking of firearms are so commingled, full regula-
16 tion of interstate commerce requires the incidental
17 regulation of intrastate commerce; and

18 (6) it is in the national interest and within the
19 role of the Federal Government to ensure that the
20 regulation of firearms is uniform among the States,
21 that law enforcement can quickly and effectively
22 trace firearms used in crime, and that firearms own-
23 ers know how to use and safely store their firearms.

24 (b) PURPOSES.—The purposes of this Act and the
25 amendments made by this Act are—

1 (1) to protect the public against the unreason-
2 able risk of injury and death associated with the un-
3 recorded sale or transfer of handguns to criminals
4 and youth;

5 (2) to ensure that owners of handguns are
6 knowledgeable in the safe use, handling, and storage
7 of those firearms;

8 (3) to restrict the availability of firearms to
9 criminals, youth, and other persons prohibited by
10 Federal law from receiving firearms; and

11 (4) to facilitate the tracing of handguns used in
12 crime by Federal and State law enforcement agen-
13 cies.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) FIREARM; LICENSED DEALER; LICENSED
17 MANUFACTURER.—The terms “firearm”, “licensed
18 dealer”, and “licensed manufacturer” have the
19 meanings given those terms in section 921(a) of title
20 18, United States Code.

21 (2) SECRETARY.—The term “Secretary” means
22 the Secretary of the Treasury.

23 (3) STATE.—The term “State” means each of
24 the several States of the United States and the Dis-
25 trict of Columbia.

TITLE I—LICENSING

SEC. 101. LICENSING REQUIREMENT.

Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

“(z) HANDGUN LICENSING REQUIREMENT.—

“(1) IN GENERAL.—It shall be unlawful for any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to possess a handgun on or after the applicable date, unless that person has been issued a handgun license—

“(A) under title I of the Handgun Licensing and Record of Sale Act of 2001, which license has not been invalidated or revoked under that title; or

“(B) pursuant to a State handgun licensing system certified under section 602 of the Handgun Licensing and Record of Sale Act of 2001, which license has not been invalidated or revoked under State law.

“(2) APPLICABLE DATE.—In paragraph (1), the term ‘applicable date’ means—

“(A) with respect to a handgun acquired by the person before the date of enactment of the Handgun Licensing and Record of Sale Act

1 of 2001, 10 years after such date of enactment;
2 and

3 “(B) with respect to a handgun acquired
4 by the person on or after the date of enactment
5 of such Act, 1 year after such date of enact-
6 ment.”.

7 **SEC. 102. APPLICATION REQUIREMENTS.**

8 (a) IN GENERAL.—In order to be issued a handgun
9 license under this title, an individual shall submit to the
10 Secretary (in accordance with the regulations promulgated
11 under subsection (b)) an application, which shall include—

12 (1) a current, passport-sized photograph of the
13 applicant that provides a clear, accurate likeness of
14 the applicant;

15 (2) the name, address, and date and place of
16 birth of the applicant;

17 (3) any other name that the applicant has ever
18 used or by which the applicant has ever been known;

19 (4) a clear thumb print of the applicant, which
20 shall be made when, and in the presence of the enti-
21 ty to whom, the application is submitted;

22 (5) with respect to each category of person pro-
23 hibited by Federal law, or by the law of the State
24 of residence of the applicant, from obtaining a fire-

1 arm, a statement that the individual is not such a
2 person;

3 (6) a certification by the applicant that appli-
4 cant will keep any firearm owned by the applicant
5 safely stored and out of the possession of persons
6 who have not attained 18 years of age;

7 (7) a certificate attesting to the completion at
8 the time of application of a written firearms exam-
9 ination, which shall test the knowledge and ability of
10 the applicant regarding—

11 (A) the safe storage of firearms, particu-
12 larly in the vicinity of persons who have not at-
13 tained 18 years of age;

14 (B) the safe handling of firearms;

15 (C) the use of firearms in the home and
16 the risks associated with such use;

17 (D) the legal responsibilities of firearms
18 owners, including Federal, State, and local laws
19 relating to requirements for the possession and
20 storage of firearms, and relating to reporting
21 requirements with respect to firearms; and

22 (E) any other subjects, as the Secretary
23 determines to be appropriate;

24 (8) the date on which the application was sub-
25 mitted; and

1 (9) the signature of the applicant.

2 (b) REGULATIONS GOVERNING SUBMISSION.—The
3 Secretary shall promulgate regulations specifying proce-
4 dures for the submission of applications to the Secretary
5 under this section, which regulations shall—

6 (1) provide for submission of the application
7 through a licensed dealer or an office or agency of
8 the Federal Government designated by the Sec-
9 retary;

10 (2) require the applicant to provide a valid
11 identification document (as defined in section
12 1028(d)(2) of title 18, United States Code) of the
13 applicant, containing a photograph of the applicant,
14 to the licensed dealer or to the office or agency of
15 the Federal Government, as applicable, at the time
16 of submission of the application to that dealer, of-
17 fice, or agency; and

18 (3) require that a completed application be for-
19 warded to the Secretary not later than 48 hours
20 after the application is submitted to the licensed
21 dealer or office or agency of the Federal Govern-
22 ment, as applicable.

23 (c) FEES.—

24 (1) IN GENERAL.—The Secretary shall charge
25 and collect from each applicant for a license under

1 this title a fee in an amount determined in accord-
2 ance with paragraph (2).

3 (2) FEE AMOUNT.—The amount of the fee col-
4 lected under this subsection shall be not less than
5 the amount determined by the Secretary to be nec-
6 essary to ensure that the total amount of all fees
7 collected under this subsection during a fiscal year
8 is sufficient to cover the costs of carrying out this
9 title during that fiscal year, except that such amount
10 shall not exceed \$25.

11 **SEC. 103. ISSUANCE OF LICENSE.**

12 (a) IN GENERAL.—The Secretary shall issue a hand-
13 gun license to an applicant who has submitted an applica-
14 tion that meets the requirements of section 102 of this
15 Act, if the Secretary ascertains that the individual is not
16 prohibited by subsection (g) or (n) of section 922 of title
17 18, United States Code, from receiving a firearm.

18 (b) EFFECT OF ISSUANCE TO PROHIBITED PER-
19 SON.—A handgun license issued under this section shall
20 be null and void if issued to a person who is prohibited
21 by subsection (g) or (n) of section 922 of title 18, United
22 States Code, from receiving a firearm.

23 (c) FORM OF LICENSE.—A handgun license issued
24 under this section shall be in the form of a tamper-resist-
25 ant card, and shall include—

1 (1) the photograph of the licensed individual
2 submitted with the application;

3 (2) the address of the licensed individual;

4 (3) the date of birth of the licensed individual;

5 (4) a license number, unique to each licensed
6 individual;

7 (5) the expiration date of the license, which
8 shall be the date that is 5 years after the initial an-
9 niversary of the date of birth of the licensed indi-
10 vidual following the date on which the license is
11 issued (or in the case of a license renewal, following
12 the date on which the license is renewed under sec-
13 tion 104);

14 (6) the signature of the licensed individual pro-
15 vided on the application, or a facsimile thereof; and

16 (7) centered at the top of the license, capital-
17 ized, and in bold-face type, the following statement:

18 “HANDGUN LICENSE—NOT VALID FOR ANY

19 OTHER PURPOSE”.

20 **SEC. 104. RENEWAL OF LICENSE.**

21 (a) APPLICATION FOR RENEWAL.—

22 (1) IN GENERAL.—In order to renew a handgun
23 license issued under this title, not later than 30 days
24 before the expiration date of the license, the licensed
25 individual shall submit to the Secretary (in accord-

1 ance with the regulations promulgated under para-
2 graph (3)), in a form approved by the Secretary, an
3 application for renewal of the license.

4 (2) CONTENTS.—An application submitted
5 under paragraph (1) shall include—

6 (A) a current, passport-sized photograph of
7 the applicant that provides a clear, accurate
8 likeness of the applicant;

9 (B) current proof of identity of the li-
10 censed individual; and

11 (C) the address of the licensed individual.

12 (3) REGULATIONS GOVERNING SUBMISSION.—

13 The Secretary shall promulgate regulations speci-
14 fying procedures for the submission of applications
15 under this subsection.

16 (b) ISSUANCE OF RENEWED LICENSE.—Upon ap-
17 proval of an application submitted under subsection (a),
18 the Secretary shall issue a renewed license, which shall
19 meet the requirements of section 103(c), except that the
20 license shall include the current photograph and address
21 of the licensed individual, as provided in the application
22 submitted under this section, and the expiration date of
23 the renewed license, as provided in section 103(c)(5).

1 **SEC. 105. REVOCATION OF LICENSE.**

2 (a) IN GENERAL.—If an individual to whom a license
3 has been issued under this title subsequently becomes a
4 person who is prohibited by subsection (g) or (n) of section
5 922 of title 18, United States Code, from receiving a
6 firearm—

7 (1) the license is revoked; and

8 (2) the individual shall promptly return the li-
9 cense to the Secretary.

10 (b) ADMINISTRATIVE ACTION.—Upon receipt by the
11 Secretary of notice that an individual to whom a license
12 has been issued under this title has become a person de-
13 scribed in subsection (a), the Secretary shall ensure that
14 the individual promptly returns the license to the Sec-
15 retary.

16 **TITLE II—RECORD OF SALE OR**
17 **TRANSFER**

18 **SEC. 201. SALE OR TRANSFER REQUIREMENTS FOR HAND-**
19 **GUNS.**

20 Section 922 of title 18, United States Code, is
21 amended by inserting after subsection (z) (as added by
22 section 101 of this Act) the following:

23 “(aa) UNAUTHORIZED SALE OR TRANSFER OF A
24 HANDGUN.—It shall be unlawful for any person to sell,
25 deliver, or otherwise transfer a handgun to, or for any per-
26 son who is not a licensed importer, licensed manufacturer,

1 licensed dealer, or licensed collector to receive a handgun
2 from, a person who is not such a licensee, unless, at the
3 time and place of the transfer or receipt—

4 “(1) the transferee presents to a licensed dealer
5 a valid handgun license issued to the transferee—

6 “(A) under title I of the Handgun Licens-
7 ing and Record of Sale Act of 2001; or

8 “(B) pursuant to a State handgun licens-
9 ing system certified under section 602 of such
10 Act established by the State in which the trans-
11 fer or receipt occurs;

12 “(2) the licensed dealer contacts the Secretary
13 or the head of the State agency that administers the
14 certified system described in subparagraph (1)(B) of
15 this subsection, as applicable, and receives notice
16 that the transferee has been issued a handgun li-
17 cense described in paragraph (1) of this paragraph
18 and that the license remains valid; and

19 “(3) the licensed dealer records on a document
20 (which, in the case of a sale, shall be the sales re-
21 ceipt) a tracking authorization number provided by
22 the Secretary or the head of the State agency, as ap-
23 plicable, as evidence that the licensed dealer has
24 verified the validity of the license.”.

1 **SEC. 202. FIREARM RECORDS.**

2 (a) **SUBMISSION OF SALE OR TRANSFER REPORTS.**—

3 Not later than 14 days after the date on which the trans-
4 fer of a handgun is processed by a licensed dealer under
5 section 922(aa) of title 18, United States Code (as added
6 by section 201 of this title), the licensed dealer shall sub-
7 mit to the Secretary (or, in the case of a licensed dealer
8 located in a State that has a State handgun record of sale
9 system certified under section 602 of this Act, to the head
10 of the State agency that administers that system) a report
11 of that transfer, which shall include information relating
12 to—

- 13 (1) the manufacturer of the handgun;
- 14 (2) the model name or number of the handgun;
- 15 (3) the serial number of the handgun;
- 16 (4) the date on which the handgun was received
17 by the transferee;
- 18 (5) the number of a valid handgun license
19 issued to the transferee under title I of this Act; and
- 20 (6) the name and address of the individual who
21 transferred the handgun to the transferee.

22 (b) **FEDERAL RECORD OF SALE SYSTEM.**—Not later
23 than 9 months after the date of enactment of this Act,
24 the Secretary shall establish and maintain a Federal hand-
25 gun record of sale system, which shall include the informa-

1 tion included in each report submitted to the Secretary
2 under subsection (a).

3 (c) **ELIMINATION OF PROHIBITION ON ESTABLISH-**
4 **MENT OF SYSTEM OF REGISTRATION.**—Section 926(a) of
5 title 18, United States Code, is amended by striking the
6 second sentence.

7 **TITLE III—ADDITIONAL** 8 **PROHIBITIONS**

9 **SEC. 301. UNIVERSAL BACKGROUND CHECK REQUIRE-**
10 **MENT.**

11 Section 922 of title 18, United States Code, is
12 amended by inserting after subsection (aa) (as added by
13 section 201 of this Act) the following:

14 “(bb) **UNIVERSAL BACKGROUND CHECK REQUIRE-**
15 **MENT.**—

16 “(1) **REQUIREMENT.**—Except as provided in
17 paragraph (2), it shall be unlawful for any person
18 other than a licensed importer, licensed manufac-
19 turer, licensed dealer, or licensed collector to sell, de-
20 liver, or otherwise transfer a firearm to any person
21 other than such a licensee, unless the transfer is
22 processed through a licensed dealer in accordance
23 with subsection (t).

24 “(2) **EXCEPTION.**—Paragraph (1) shall not
25 apply to the infrequent transfer of a firearm by gift,

1 bequest, intestate succession or other means by an
2 individual to a parent, child, grandparent, or grand-
3 child of the individual, or to any loan of a firearm
4 for any lawful purpose for not more than 30 days
5 between persons who are personally known to each
6 other.”.

7 **SEC. 302. FAILURE TO MAINTAIN OR PERMIT INSPECTION**
8 **OF RECORDS.**

9 Section 922 of title 18, United States Code, is
10 amended by inserting after subsection (bb) (as added by
11 section 301 of this title) the following:

12 “(cc) **FAILURE TO MAINTAIN OR PERMIT INSPEC-**
13 **TION OF RECORDS.**—It shall be unlawful for a licensed
14 manufacturer or a licensed dealer to fail to comply with
15 section 202 of the Handgun Licensing and Record of Sale
16 Act of 2001, or to maintain such records or supply such
17 information as the Secretary may require in order to as-
18 certain compliance with such Act and the regulations and
19 orders issued under such Act.”.

20 **SEC. 303. FAILURE TO REPORT LOSS OR THEFT OF FIRE-**
21 **ARM.**

22 Section 922 of title 18, United States Code, is
23 amended by inserting after subsection (cc) (as added by
24 section 302 of this title) the following:

1 “(dd) FAILURE TO REPORT LOSS OR THEFT OF
2 FIREARM.—It shall be unlawful for any person who owns
3 a handgun to fail to report the loss or theft of the handgun
4 to the Secretary within 72 hours after the loss or theft
5 is discovered.”.

6 **SEC. 304. FAILURE TO PROVIDE NOTICE OF CHANGE OF AD-**
7 **DRESS.**

8 Section 922 of title 18, United States Code, is
9 amended by inserting after subsection (dd) (as added by
10 section 303 of this title) the following:

11 “(ee) FAILURE TO PROVIDE NOTICE OF CHANGE OF
12 ADDRESS.—It shall be unlawful for any individual to
13 whom a handgun license has been issued under title I of
14 the Handgun Licensing and Record of Sale Act of 2001
15 to fail to report to the Secretary a change in the address
16 of that individual within 60 days of that change of ad-
17 dress.”.

18 **SEC. 305. CHILD ACCESS PREVENTION.**

19 Section 922 of title 18, United States Code, is
20 amended by inserting after subsection (ee) (as added by
21 section 304 of this title) the following:

22 “(ff) CHILD ACCESS PREVENTION.—

23 “(1) DEFINITION OF CHILD.—In this sub-
24 section, the term ‘child’ means an individual who has
25 not attained the age of 18 years.

1 “(2) PROHIBITION AND PENALTIES.—Except as
2 provided in paragraph (3), it shall be unlawful for
3 any person to keep a loaded firearm, or an unloaded
4 firearm and ammunition for the firearm, any 1 of
5 which has been shipped or transported in interstate
6 or foreign commerce, within any premises that is
7 under the custody or control of that person, if—

8 “(A) that person—

9 “(i) knows, or recklessly disregards
10 the risk, that a child is capable of gaining
11 access to the firearm; and

12 “(ii) either—

13 “(I) knows, or recklessly dis-
14 regards the risk, that a child will use
15 the firearm to cause the death of, or
16 serious bodily injury (as defined in
17 section 1365 of this title) to, the child
18 or any other person; or

19 “(II) knows, or reasonably should
20 know, that possession of the firearm
21 by a child is unlawful under Federal
22 or State law; and

23 “(B) a child uses the firearm and thereby
24 causes the death of, or serious bodily injury to,
25 the child or any other person.

1 “(3) EXCEPTIONS.—Paragraph (2) does not
2 apply if—

3 “(A) at the time the child obtained access,
4 the firearm was secured with a secure gun stor-
5 age or safety device;

6 “(B) the person is a peace officer, a mem-
7 ber of the Armed Forces, or a member of the
8 National Guard, and the child obtains the fire-
9 arm during, or incidental to, the performance of
10 the official duties of the person in that capacity;

11 “(C) the child uses the firearm in a lawful
12 act of self-defense or defense of 1 or more other
13 persons; or

14 “(D) the person has no reasonable expecta-
15 tion, based on objective facts and cir-
16 cumstances, that a child is likely to be present
17 on the premises on which the firearm is kept.”.

18 **TITLE IV—ENFORCEMENT**

19 **SEC. 401. CRIMINAL PENALTIES.**

20 (a) FAILURE TO POSSESS HANDGUN LICENSE; FAIL-
21 URE TO COMPLY WITH FIREARM SALE OR TRANSFER
22 REQUIREMENTS; FAILURE TO MAINTAIN OR PERMIT IN-
23 SPECTION OF RECORDS.—Section 924(a) of title 18,
24 United States Code, is amended by adding at the end the
25 following:

1 “(7) Whoever knowingly violates subsection (z), (aa),
2 or (cc) of section 922 shall be fined under this title, im-
3 prisoned not more than 2 years, or both.”.

4 (b) FAILURE TO COMPLY WITH UNIVERSAL BACK-
5 GROUND CHECKS; FAILURE TO TIMELY REPORT LOSS OR
6 THEFT OF FIREARM; FAILURE TO PROVIDE NOTICE OF
7 CHANGE OF ADDRESS.—Section 924(a)(5) of title 18,
8 United States Code, is amended by striking “(s) or (t)”
9 and inserting “(s), (t), (bb), (dd), or (ee)”.

10 (c) FAILURE TO RETURN REVOKED HANDGUN LI-
11 CENSE.—Section 924(a) of title 18, United States Code,
12 is amended by adding at the end the following:

13 “(8) Whoever violates section 105(a)(2) of the Hand-
14 gun Licensing and Record of Sale Act of 2001, knowingly
15 or having reason to believe that the person is prohibited
16 by subsection (g) or (n) of section 922 of title 18, United
17 States Code, from receiving a firearm, shall be fined under
18 this title, imprisoned not more than 2 years, or both.”.

19 (d) CHILD ACCESS PREVENTION.—Section 924(a) of
20 title 18, United States Code, is amended by adding at the
21 end the following:

22 “(9) Whoever violates section 922(ff) shall be fined
23 under this title, imprisoned not more than 3 years, or
24 both.”.

1 **SEC. 402. REGULATIONS.**

2 (a) IN GENERAL.—The Secretary shall issue such
3 regulations governing the licensing of possessors of hand-
4 guns and the recorded sale of handguns, consistent with
5 this Act and the amendments made by this Act, as the
6 Secretary determines to be reasonably necessary to reduce
7 or prevent deaths or injuries resulting from handguns, and
8 to assist law enforcement in the apprehension of owners
9 or users of handguns used in criminal activity.

10 (b) MAXIMUM INTERVAL BETWEEN ISSUANCE OF
11 PROPOSED AND FINAL REGULATION.—Not later than 120
12 days after the date on which the Secretary issues a pro-
13 posed regulation under subsection (a) with respect to a
14 matter, the Secretary shall issue a final regulation with
15 respect to the matter.

16 **SEC. 403. INSPECTIONS.**

17 In order to ascertain compliance with this Act, the
18 amendments made by this Act, and the regulations and
19 orders issued under this Act, the Secretary may, during
20 regular business hours, enter any place in which firearms
21 or firearm products are manufactured, stored, or held, for
22 distribution in commerce, and inspect those areas where
23 the products are so manufactured, stored, or held.

24 **SEC. 404. ORDERS.**

25 The Secretary may issue an order prohibiting the sale
26 or transfer of any firearm that the Secretary finds has

1 been transferred or distributed in violation of this Act, an
2 amendment made by this Act, or a regulation issued under
3 this Act.

4 **SEC. 405. INJUNCTIVE ENFORCEMENT.**

5 Upon the request of the Secretary, the Attorney Gen-
6 eral may bring an action to restrain any violation of this
7 Act or an amendment made by this Act in the district
8 court of the United States for any district in which the
9 violation has occurred, or in which the defendant is found
10 or transacts business.

11 **TITLE V—FIREARM INJURY**
12 **INFORMATION AND RESEARCH**

13 **SEC. 501. DUTIES OF THE SECRETARY.**

14 (a) **IN GENERAL.**—The Secretary shall—

15 (1) establish and maintain a firearm injury in-
16 formation clearinghouse to collect, investigate, ana-
17 lyze, and disseminate data and information relating
18 to the causes and prevention of death and injury as-
19 sociated with firearms;

20 (2) conduct continuing studies and investiga-
21 tions of firearm-related deaths and injuries; and

22 (3) collect and maintain current production and
23 sales figures for each licensed manufacturer.

24 (b) **AVAILABILITY OF INFORMATION.**—Periodically,
25 but not less frequently than annually, the Secretary shall

1 make available to the public a report on the activities of
2 the Secretary under subsection (a).

3 **TITLE VI—EFFECT ON STATE**
4 **LAW**

5 **SEC. 601. EFFECT ON STATE LAW.**

6 (a) IN GENERAL.—This Act and the amendments
7 made by this Act may not be construed to preempt any
8 provision of the law of any State or political subdivision
9 thereof, or prevent a State or political subdivision thereof
10 from enacting any provision of law regulating or prohib-
11 iting conduct with respect to firearms, except to the extent
12 that the provision of law is inconsistent with any provision
13 of this Act or an amendment made by this Act, and then
14 only to the extent of the inconsistency.

15 (b) RULE OF INTERPRETATION.—A provision of
16 State law is not inconsistent with this Act or an amend-
17 ment made by this Act if the provision imposes a regula-
18 tion or prohibition of greater scope or a penalty of greater
19 severity than a corresponding prohibition or penalty im-
20 posed by this Act or an amendment made by this Act.

21 **SEC. 602. CERTIFICATION OF STATE HANDGUN LICENSING**
22 **SYSTEMS AND STATE HANDGUN RECORD OF**
23 **SALE SYSTEMS.**

24 Upon a written request of the chief executive officer
25 of a State, the Secretary may certify—

1 (1) a handgun licensing system established by
2 a State, if State law requires the system to satisfy
3 the requirements applicable to the Federal handgun
4 licensing system established under title I; or

5 (2) a handgun record of sale system established
6 by a State, if State law requires the head of the
7 State agency that administers the system to submit
8 to the Federal handgun record of sale system estab-
9 lished under section 202(b) a copy of each report
10 submitted to the head of the agency under section
11 202(a), within 7 days after receipt of the report.

12 **TITLE VII—RELATIONSHIP TO** 13 **OTHER LAW**

14 **SEC. 701. SUBORDINATION TO ARMS EXPORT CONTROL** 15 **ACT.**

16 In the event of any conflict between any provision of
17 this Act or an amendment made by this Act, and any pro-
18 vision of the Arms Export Control Act (22 U.S.C. 2751),
19 the provision of the Arms Export Control Act shall con-
20 trol.

21 **TITLE VIII—INAPPLICABILITY**

22 **SEC. 801. INAPPLICABILITY TO GOVERNMENTAL AUTHORI-** 23 **TIES.**

24 This Act and the amendments made by this Act do
25 not apply to any department or agency of the United

1 States, of a State, or of a political subdivision of a State,
2 or to any official conduct of any officer or employee of
3 such a department or agency.

4 **TITLE IX—EFFECTIVE DATE**

5 **SEC. 901. EFFECTIVE DATE OF AMENDMENTS.**

6 The amendments made by this Act shall take effect
7 1 year after the date of enactment of this Act.

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