

107TH CONGRESS
1ST SESSION

S. 25

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

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mrs. FEINSTEIN (for herself, Mr. SCHUMER, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, 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 “Firearm 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 qualifying firearms.
- 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 firearm licensing and 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—

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

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

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

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

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

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

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

24 (1) to protect the public against the unreason-
25 able risk of injury and death associated with the un-

1 recorded sale or transfer of qualifying firearms to
2 criminals and youth;

3 (2) to ensure that owners of qualifying firearms
4 are knowledgeable in the safe use, handling, and
5 storage of those firearms;

6 (3) to restrict the availability of qualifying fire-
7 arms to criminals, youth, and other persons prohib-
8 ited by Federal law from receiving firearms; and

9 (4) to facilitate the tracing of qualifying fire-
10 arms used in crime by Federal and State law en-
11 forcement agencies.

12 **SEC. 3. DEFINITIONS.**

13 (a) IN GENERAL.—In this Act:

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

19 (2) QUALIFYING FIREARM.—The term “quali-
20 fying firearm” has the meaning given the term in
21 section 921(a) of title 18, United States Code, as
22 amended by subsection (b) of this section.

23 (3) SECRETARY.—The term “Secretary” means
24 the Secretary of the Treasury.

1 (4) STATE.—The term “State” means each of
 2 the several States of the United States and the Dis-
 3 trict of Columbia.

4 (b) AMENDMENT TO TITLE 18, UNITED STATES
 5 CODE.—Section 921(a) of title 18, United States Code,
 6 is amended by adding at the end the following:

7 “(35) The term ‘qualifying firearm’—

8 “(A) means—

9 “(i) any handgun; or

10 “(ii) any semiautomatic firearm that
 11 can accept any detachable ammunition
 12 feeding device; and

13 “(B) does not include any antique.”.

14 **TITLE I—LICENSING**

15 **SEC. 101. LICENSING REQUIREMENT.**

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

18 “(z) FIREARM LICENSING REQUIREMENT.—

19 “(1) IN GENERAL.—It shall be unlawful for any
 20 person other than a licensed importer, licensed man-
 21 ufacturer, licensed dealer, or licensed collector to
 22 possess a qualifying firearm on or after the applica-
 23 ble date, unless that person has been issued a fire-
 24 arm license—

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

5 “(B) pursuant to a State firearm licensing
6 and record of sale system certified under sec-
7 tion 602 of the Firearm Licensing and Record
8 of Sale Act of 2001, which license has not been
9 invalidated or revoked under State law.

10 “(2) APPLICABLE DATE.—In this subsection,
11 the term ‘applicable date’ means—

12 “(A) with respect to a qualifying firearm
13 that is acquired by the person before the date
14 of enactment of the Firearm Licensing and
15 Record of Sale Act of 2001, 10 years after such
16 date of enactment; and

17 “(B) with respect to a qualifying firearm
18 that is acquired by the person on or after the
19 date of enactment of the Firearm Licensing and
20 Record of Sale Act of 2001, 1 year after such
21 date of enactment.”.

22 **SEC. 102. APPLICATION REQUIREMENTS.**

23 (a) IN GENERAL.—In order to be issued a firearm
24 license under this title, an individual shall submit to the

1 Secretary (in accordance with the regulations promulgated
2 under subsection (b)) an application, which shall include—

3 (1) a current, passport-sized photograph of the
4 applicant that provides a clear, accurate likeness of
5 the applicant;

6 (2) the name, address, and date and place of
7 birth of the applicant;

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

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

13 (5) with respect to each category of person pro-
14 hibited by Federal law, or by the law of the State
15 of residence of the applicant, from obtaining a fire-
16 arm, a statement that the individual is not a person
17 prohibited from obtaining a firearm;

18 (6) a certification by the applicant that the ap-
19 plicant will keep any firearm owned by the applicant
20 safely stored and out of the possession of persons
21 who have not attained 18 years of age;

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

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

4 (B) the safe handling of firearms;

5 (C) the use of firearms in the home and
6 the risks associated with such use;

7 (D) the legal responsibilities of firearms
8 owners, including Federal, State, and local laws
9 relating to requirements for the possession and
10 storage of firearms, and relating to reporting
11 requirements with respect to firearms; and

12 (E) any other subjects, as the Secretary
13 determines to be appropriate;

14 (8) the date on which the application was sub-
15 mitted; and

16 (9) the signature of the applicant.

17 (b) REGULATIONS GOVERNING SUBMISSION.—The
18 Secretary shall promulgate regulations specifying proce-
19 dures for the submission of applications to the Secretary
20 under this section, which regulations shall—

21 (1) provide for submission of the application
22 through a licensed dealer or an office or agency of
23 the Federal Government designated by the Sec-
24 retary;

1 (2) require the applicant to provide a valid
2 identification document (as defined in section
3 1028(d)(2) of title 18, United States Code) of the
4 applicant, containing a photograph of the applicant,
5 to the licensed dealer or to the office or agency of
6 the Federal Government, as applicable, at the time
7 of submission of the application to that dealer, of-
8 fice, or agency; and

9 (3) require that a completed application be for-
10 warded to the Secretary not later than 48 hours
11 after the application is submitted to the licensed
12 dealer or office or agency of the Federal Govern-
13 ment, as applicable.

14 (c) FEES.—

15 (1) IN GENERAL.—The Secretary shall charge
16 and collect from each applicant for a license under
17 this title a fee in an amount determined in accord-
18 ance with paragraph (2).

19 (2) FEE AMOUNT.—The amount of the fee col-
20 lected under this subsection shall be not less than
21 the amount determined by the Secretary to be nec-
22 essary to ensure that the total amount of all fees
23 collected under this subsection during a fiscal year
24 is sufficient to cover the costs of carrying out this

1 title during that fiscal year, except that such amount
2 shall not exceed \$25.

3 **SEC. 103. ISSUANCE OF LICENSE.**

4 (a) IN GENERAL.—The Secretary shall issue a fire-
5 arm license to an applicant who has submitted an applica-
6 tion that meets the requirements of section 102, if the
7 Secretary ascertains that the individual is not prohibited
8 by subsection (g) or (n) of section 922 of title 18, United
9 States Code, from receiving a firearm.

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

15 (c) FORM OF LICENSE.—A firearm license issued
16 under this section shall be in the form of a tamper-resist-
17 ant card, and shall include—

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

20 (2) the address of the licensed individual;

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

22 (4) a license number, unique to each licensed
23 individual;

24 (5) the expiration date of the license, which
25 shall be the date that is 5 years after the initial an-

1 niversary of the date of birth of the licensed indi-
 2 vidual following the date on which the license is
 3 issued (or in the case of a license renewal, following
 4 the date on which the license is renewed under sec-
 5 tion 104);

6 (6) the signature of the licensed individual pro-
 7 vided on the application, or a facsimile of the appli-
 8 cation; and

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

11 “FIREARM LICENSE—NOT VALID FOR ANY
 12 OTHER PURPOSE”.

13 **SEC. 104. RENEWAL OF LICENSE.**

14 (a) APPLICATION FOR RENEWAL.—

15 (1) IN GENERAL.—In order to renew a firearm
 16 license issued under this title, not later than 30 days
 17 before the expiration date of the license, the licensed
 18 individual shall submit to the Secretary (in accord-
 19 ance with the regulations promulgated under para-
 20 graph (3)), in a form approved by the Secretary, an
 21 application for renewal of the license.

22 (2) CONTENTS.—An application submitted
 23 under paragraph (1) shall include—

1 (A) a current, passport-sized photograph of
2 the applicant that provides a clear, accurate
3 likeness of the applicant;

4 (B) current proof of identity of the li-
5 censed individual; and

6 (C) the address of the licensed individual.

7 (3) REGULATIONS GOVERNING SUBMISSION.—

8 The Secretary shall promulgate regulations speci-
9 fying procedures for the submission of applications
10 under this subsection.

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

19 **SEC. 105. REVOCATION OF LICENSE.**

20 (a) IN GENERAL.—If an individual to whom a license
21 has been issued under this title subsequently becomes a
22 person who is prohibited by subsection (g) or (n) of section
23 922 of title 18, United States Code, from receiving a
24 firearm—

25 (1) the license is revoked; and

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

3 (b) ADMINISTRATIVE ACTION.—Upon receipt by the
4 Secretary of notice that an individual to whom a license
5 has been issued under this title has become a person de-
6 scribed in subsection (a), the Secretary shall ensure that
7 the individual promptly returns the license to the Sec-
8 retary.

9 **TITLE II—RECORD OF SALE OR** 10 **TRANSFER**

11 **SEC. 201. SALE OR TRANSFER REQUIREMENTS FOR QUALI-** 12 **FYING FIREARMS.**

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

16 “(aa) UNAUTHORIZED SALE OR TRANSFER OF A
17 QUALIFYING FIREARM.—It shall be unlawful for any per-
18 son to sell, deliver, or otherwise transfer a qualifying fire-
19 arm to, or for, any person who is not a licensed importer,
20 licensed manufacturer, licensed dealer, or licensed col-
21 lector, or to receive a qualifying firearm from a person
22 who is not a licensed importer, licensed manufacturer, li-
23 censed dealer, or licensed collector, unless, at the time and
24 place of the transfer or receipt—

1 “(1) the transferee presents to a licensed dealer
2 a valid firearm license issued to the transferee—

3 “(A) under title I of the Firearm Licensing
4 and Record of Sale Act of 2001; or

5 “(B) pursuant to a State firearm licensing
6 and record of sale system certified under sec-
7 tion 602 of the Firearm Licensing and Record
8 of Sale Act of 2001 established by the State in
9 which the transfer or receipt occurs;

10 “(2) the licensed dealer contacts the Secretary
11 or the head of the State agency that administers the
12 certified system described in paragraph (1)(B), as
13 applicable, and receives notice that the transferee
14 has been issued a firearm license described in para-
15 graph (1) and that the license remains valid; and

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

22 **SEC. 202. FIREARM RECORDS.**

23 (a) SUBMISSION OF SALE OR TRANSFER REPORTS.—
24 Not later than 14 days after the date on which the trans-
25 fer of qualifying firearm is processed by a licensed dealer

1 under section 922(aa) of title 18, United States Code (as
2 added by section 201 of this title), the licensed dealer shall
3 submit to the Secretary (or, in the case of a licensed dealer
4 located in a State that has a State firearm licensing and
5 record of sale system certified under section 602, to the
6 head of the State agency that administers that system)
7 a report of that transfer, which shall include information
8 relating to—

- 9 (1) the manufacturer of the firearm;
- 10 (2) the model name or number of the firearm;
- 11 (3) the serial number of the firearm;
- 12 (4) the date on which the firearm was received
13 by the transferee;
- 14 (5) the number of a valid firearm license issued
15 to the transferee under title I; and
- 16 (6) the name and address of the individual who
17 transferred the firearm to the transferee.

18 (b) FEDERAL RECORD OF SALE SYSTEM.—Not later
19 than 9 months after the date of enactment of this Act,
20 the Secretary shall establish and maintain a Federal
21 record of sale system, which shall include the information
22 included in each report submitted to the Secretary under
23 subsection (a).

24 (c) ELIMINATION OF PROHIBITION ON ESTABLISH-
25 MENT OF SYSTEM OF REGISTRATION.—Section 926(a) of

1 title 18, United States Code, is amended by striking the
2 second sentence.

3 **TITLE III—ADDITIONAL** 4 **PROHIBITIONS**

5 **SEC. 301. UNIVERSAL BACKGROUND CHECK REQUIRE-**
6 **MENT.**

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

10 “(bb) UNIVERSAL BACKGROUND CHECK REQUIRE-
11 MENT.—

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

20 “(2) EXCEPTION.—Paragraph (1) shall not
21 apply to the infrequent transfer of a firearm by gift,
22 bequest, intestate succession or other means by an
23 individual to a parent, child, grandparent, or grand-
24 child of the individual, or to any loan of a firearm
25 for any lawful purpose for not more than 30 days

1 between persons who are personally known to each
2 other.”.

3 **SEC. 302. FAILURE TO MAINTAIN OR PERMIT INSPECTION**
4 **OF RECORDS.**

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

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

16 **SEC. 303. FAILURE TO REPORT LOSS OR THEFT OF FIRE-**
17 **ARM.**

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

21 “(dd) **FAILURE TO REPORT LOSS OR THEFT OF**
22 **FIREARM.**—It shall be unlawful for any person who owns
23 a qualifying firearm to fail to report the loss or theft of
24 the firearm to the Secretary within 72 hours after the loss
25 or theft is discovered.”.

1 **SEC. 304. FAILURE TO PROVIDE NOTICE OF CHANGE OF AD-**
 2 **DRESS.**

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

6 “(ee) FAILURE TO PROVIDE NOTICE OF CHANGE OF
 7 ADDRESS.—It shall be unlawful for any individual to
 8 whom a firearm license has been issued under title I of
 9 the Firearm Licensing and Record of Sale Act of 2001
 10 to fail to report to the Secretary a change in the address
 11 of that individual within 60 days of that change of ad-
 12 dress.”.

13 **SEC. 305. CHILD ACCESS PREVENTION.**

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

17 “(ff) CHILD ACCESS PREVENTION.—

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

21 “(2) PROHIBITION AND PENALTIES.—Except as
 22 provided in paragraph (3), it shall be unlawful for
 23 any person to keep a loaded firearm, or an unloaded
 24 firearm and ammunition for the firearm, any 1 of
 25 which has been shipped or transported in interstate

1 or foreign commerce, within any premises that is
 2 under the custody or control of that person, if—

3 “(A) that person—

4 “(i) knows, or recklessly disregards
 5 the risk, that a child is capable of gaining
 6 access to the firearm; and

7 “(ii) either—

8 “(I) knows, or recklessly dis-
 9 regards the risk, that a child will use
 10 the firearm to cause the death of, or
 11 serious bodily injury (as defined in
 12 section 1365 of this title) to, the child
 13 or any other person; or

14 “(II) knows, or reasonably should
 15 know, that possession of the firearm
 16 by a child is unlawful under Federal
 17 or State law; and

18 “(B) a child uses the firearm and the use
 19 of that firearm causes the death of, or serious
 20 bodily injury to, the child or any other person.

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

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

1 “(B) the person is a peace officer, a mem-
 2 ber of the Armed Forces, or a member of the
 3 National Guard, and the child obtains the fire-
 4 arm during, or incidental to, the performance of
 5 the official duties of the person in that capacity;

6 “(C) the child uses the firearm in a lawful
 7 act of self-defense or defense of 1 or more other
 8 persons; or

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

13 **TITLE IV—ENFORCEMENT**

14 **SEC. 401. CRIMINAL PENALTIES.**

15 (a) FAILURE TO POSSESS FIREARM LICENSE; FAIL-
 16 URE TO COMPLY WITH QUALIFYING FIREARM SALE OR
 17 TRANSFER REQUIREMENTS; FAILURE TO MAINTAIN OR
 18 PERMIT INSPECTION OF RECORDS.—Section 924(a) of
 19 title 18, United States Code, is amended by adding at the
 20 end the following:

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

24 (b) FAILURE TO COMPLY WITH UNIVERSAL BACK-
 25 GROUND CHECKS; FAILURE TO TIMELY REPORT LOSS OR

1 THEFT OF A QUALIFYING FIREARM; FAILURE TO PRO-
2 VIDE NOTICE OF CHANGE OF ADDRESS.—Section
3 924(a)(5) of title 18, United States Code, is amended by
4 striking “(s) or (t)” and inserting “(s), (t), (bb), (dd), or
5 (ee)”.

6 (c) CHILD ACCESS PREVENTION.—Section 924(a) of
7 title 18, United States Code, is amended by adding at the
8 end the following:

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

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

18 **SEC. 402. REGULATIONS.**

19 (a) IN GENERAL.—The Secretary shall issue regula-
20 tions governing the licensing of possessors of qualifying
21 firearms and the recorded sale of qualifying firearms, con-
22 sistent with this Act and the amendments made by this
23 Act, as the Secretary determines to be reasonably nec-
24 essary to reduce or prevent deaths or injuries resulting
25 from qualifying firearms, and to assist law enforcement

1 in the apprehension of owners or users of qualifying fire-
2 arms used in criminal activity.

3 (b) MAXIMUM INTERVAL BETWEEN ISSUANCE OF
4 PROPOSED AND FINAL REGULATION.—Not later than 120
5 days after the date on which the Secretary issues a pro-
6 posed regulation under subsection (a) with respect to a
7 matter, the Secretary shall issue a final regulation with
8 respect to the matter.

9 **SEC. 403. INSPECTIONS.**

10 In order to ascertain compliance with this Act, the
11 amendments made by this Act, and the regulations and
12 orders issued under this Act, the Secretary may, during
13 regular business hours, enter any place in which firearms
14 or firearm products are manufactured, stored, or held, for
15 distribution in commerce, and inspect those areas where
16 the products are so manufactured, stored, or held.

17 **SEC. 404. ORDERS.**

18 The Secretary may issue an order prohibiting the sale
19 or transfer of any firearm that the Secretary finds has
20 been transferred or distributed in violation of this Act, an
21 amendment made by this Act, or a regulation issued under
22 this Act.

23 **SEC. 405. INJUNCTIVE ENFORCEMENT.**

24 Upon the request of the Secretary, the Attorney Gen-
25 eral may bring an action to restrain any violation of this

1 Act or an amendment made by this Act in the district
2 court of the United States for any district in which the
3 violation has occurred, or in which the defendant is found
4 or transacts business.

5 **TITLE V—FIREARM INJURY** 6 **INFORMATION AND RESEARCH**

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

8 (a) IN GENERAL.—The Secretary shall—

9 (1) establish and maintain a firearm injury in-
10 formation clearinghouse to collect, investigate, ana-
11 lyze, and disseminate data and information relating
12 to the causes and prevention of death and injury as-
13 sociated with firearms;

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

16 (3) collect and maintain current production and
17 sales figures for each licensed manufacturer.

18 (b) AVAILABILITY OF INFORMATION.—Periodically,
19 but not less frequently than annually, the Secretary shall
20 make available to the public a report on the activities of
21 the Secretary under subsection (a).

1 **TITLE VI—EFFECT ON STATE**
2 **LAW**

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

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

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

19 **SEC. 602. CERTIFICATION OF STATE FIREARM LICENSING**
20 **SYSTEMS AND STATE FIREARM RECORD OF**
21 **SALE SYSTEMS.**

22 Upon a written request of the chief executive officer
23 of a State, the Secretary may certify—

24 (1) a firearm licensing system established by a
25 State, if State law requires the system to satisfy the

1 requirements applicable to the Federal firearm li-
2 censing system established under title I; or

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

10 **TITLE VII—RELATIONSHIP TO** 11 **OTHER LAW**

12 **SEC. 701. SUBORDINATION TO ARMS EXPORT CONTROL** 13 **ACT.**

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

19 **TITLE VIII—INAPPLICABILITY**

20 **SEC. 801. INAPPLICABILITY TO GOVERNMENTAL AUTHORI-** 21 **TIES.**

22 This Act and the amendments made by this Act do
23 not apply to any department or agency of the United
24 States, of a State, or of a political subdivision of a State,

1 or to any official conduct of any officer or employee of
2 such a department or agency.

3 **TITLE IX—EFFECTIVE DATE**

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

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

