

107TH CONGRESS
1ST SESSION

S. 416

To amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2001

Mr. KERRY (for himself, Mr. DEWINE, Mrs. BOXER, and Mr. KOHL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices 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.**

4 This Act may be cited as the “Gun Lock Consumer
5 Protection Act of 2001”.

1 **SEC. 2. AMENDMENT OF CONSUMER PRODUCT SAFETY**
2 **ACT.**

3 (a) IN GENERAL.—The Consumer Product Safety
4 Act (15 U.S.C. 2051 et seq.) is amended by adding at
5 the end thereof the following:

6 **“SEC. 38. CHILD HANDGUN SAFETY DEVICES.**

7 **“(a) ESTABLISHMENT OF STANDARD.—**

8 **“(1) IN GENERAL.—**

9 **“(A) RULEMAKING REQUIRED.—**Notwith-
10 standing section 3(a)(1)(E) of this Act, the
11 Commission shall initiate a rulemaking pro-
12 ceeding under section 553 of title 5, United
13 States Code, within 90 days after the date of
14 enactment of the Gun Lock Consumer Protec-
15 tion Act of 2001 to establish a consumer prod-
16 uct safety standard for handgun locks. The
17 Commission may extend the 90-day period for
18 good cause. Notwithstanding any other provi-
19 sion of law, including chapter 5 of title 5,
20 United States Code, the Commission shall pro-
21 mulgate a final consumer product safety stand-
22 ard under this paragraph within 12 months
23 after the date on which it initiated the rule-
24 making. The Commission may extend that 12-
25 month period for good cause. The consumer
26 product safety standard promulgated under this

paragraph shall take effect 6 months after the date on which the final standard is promulgated.

“(B) STANDARD REQUIREMENTS.—The standard promulgated under subparagraph (A) shall require gun locks that—

“(i) are sufficiently difficult for children to de-activate or remove; and

“(ii) prevent the discharge of the handgun unless the gunlock has been de-activated or removed.

“(2) CERTAIN PROVISIONS NOT TO APPLY.—

“(A) PROVISIONS OF THIS ACT.—Sections 7, 9, and 30(d) of this Act do not apply to the rulemaking proceeding under paragraph (1). Section 11 of this Act does not apply to any consumer product safety standard promulgated under paragraph (1).

“(B) CHAPTER 5 OF TITLE 5.—Except for section 553, chapter 5 of title 5, United States Code, does not apply to this section.

“(C) CHAPTER 6 OF TITLE 5.—Chapter 6 of title 5, United States Code, does not apply to this section.

1 “(D) NATIONAL ENVIRONMENTAL POLICY
 2 ACT.—The National Environmental Policy Act
 3 of 1969 (42 U.S.C. 4321) does not apply to
 4 this section.

5 “(b) NO EFFECT ON STATE LAW.—Notwithstanding
 6 section 26 of this Act, this section does not annul, alter,
 7 impair, affect, or exempt any person subject to the provi-
 8 sions of this section from complying with any provision
 9 of the law of any State or any political subdivision thereof,
 10 except to the extent that such provisions of State law are
 11 inconsistent with any provision of this section, and then
 12 only to the extent of the inconsistency. A provision of
 13 State law is not inconsistent with this section if such pro-
 14 vision affords greater protection to children in respect of
 15 handguns than is afforded by this section.

16 “(c) ENFORCEMENT.—Notwithstanding subsection
 17 (a)(2)(A), the consumer product safety standard promul-
 18 gated by the Commission under subsection (a) shall be en-
 19 forced under this Act as if it were a consumer product
 20 safety standard described in section 7(a).

21 “(d) DEFINITIONS.—In this section:

22 “(1) CHILD.—The term ‘child’ means an indi-
 23 vidual who has not attained the age of 13 years.

24 “(2) HANDGUN LOCK.—The term ‘handgun
 25 lock’ means any disabling or locking device that is

1 not built into the handgun at the time of manufac-
 2 ture and that is designed to prevent the handgun
 3 from being discharged unless the device has been de-
 4 activated or removed.

5 “(3) HANDGUN.—The term ‘handgun’—

6 “(A) has the meaning given that term in
 7 section 921(a) of title 18, United States Code;
 8 and

9 “(B) includes any article taxable at the
 10 rate of 10 percent under section 4181 of the In-
 11 ternal Revenue Code of 1986 (26 U.S.C. 4181).

12 “(4) INCORPORATED DEFINITIONS.—The terms
 13 ‘licensed importer’, ‘licensed manufacturer’, and ‘li-
 14 censed dealer’ have the meanings given those terms
 15 in section 921(a) of title 18, United States Code.”.

16 (b) CONFORMING AMENDMENT.—Section 1 of the
 17 Consumer Product Safety Act is amended by adding at
 18 the end of the table of contents the following:

“Sec. 38. Child handgun safety devices.”.

19 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to the Con-
 21 sumer Product Safety Commission \$2,000,000 to carry
 22 out the provisions of section 38 of the Consumer Product
 23 Safety Act, such sums to remain available until expended.

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