

111TH CONGRESS
1ST SESSION

H. R. 45

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 HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. RUSH 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 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 “Blair
5 Holt’s Firearm Licensing and Record of Sale Act of
6 2009”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 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 or 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 Attorney General.

TITLE VI—EFFECT ON STATE LAW

Sec. 601. Effect on State law.
 Sec. 602. Certification of State firearm licensing systems and State firearm 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) to the extent that firearms trafficking is
6 intrastate in nature, it arises out of and is substan-
7 tially connected with a commercial transaction,
8 which, when viewed in the aggregate, substantially
9 affects interstate commerce;

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

14 (5) gun violence in the United States is associ-
15 ated with the majority of homicides, over half the
16 suicides, and two-thirds of non-fatal violent injuries;
17 and

18 (6) on the afternoon of May 10, 2007, Blair
19 Holt, a junior at Julian High School in Chicago, was
20 killed on a public bus riding home from school when
21 he used his body to shield a girl who was in the line
22 of fire after a young man boarded the bus and start-
23 ed shooting.

24 (b) SENSE OF THE CONGRESS.—It is the sense of
25 the Congress that—

1 (1) firearms trafficking is prevalent and wide-
2 spread in and among the States, and it is usually
3 impossible to distinguish between intrastate traf-
4 ficking and interstate trafficking; and

5 (2) it is in the national interest and within the
6 role of the Federal Government to ensure that the
7 regulation of firearms is uniform among the States,
8 that law enforcement can quickly and effectively
9 trace firearms used in crime, and that firearms own-
10 ers know how to use and safely store their firearms.

11 (c) PURPOSES.—The purposes of this Act and the
12 amendments made by this Act are—

13 (1) to protect the public against the unreason-
14 able risk of injury and death associated with the un-
15 recorded sale or transfer of qualifying firearms to
16 criminals and youth;

17 (2) to ensure that owners of qualifying firearms
18 are knowledgeable in the safe use, handling, and
19 storage of those firearms;

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

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

1 **SEC. 3. DEFINITIONS.**

2 (a) IN GENERAL.—In this Act:

3 (1) FIREARM; LICENSED DEALER; LICENSED
4 MANUFACTURER; STATE.—The terms “firearm”, “li-
5 censed dealer”, “licensed manufacturer”, and
6 “State” have the meanings given those terms in sec-
7 tion 921(a) of title 18, United States Code.

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

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

15 “(36) The term ‘qualifying firearm’—

16 “(A) means—

17 “(i) any handgun; or

18 “(ii) any semiautomatic firearm that
19 can accept any detachable ammunition
20 feeding device; and

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

22 **TITLE I—LICENSING**

23 **SEC. 101. LICENSING REQUIREMENT.**

24 Section 922 of title 18, United States Code, is
25 amended by adding at the end the following:

26 “(aa) FIREARM LICENSING REQUIREMENT.—

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

7 “(A) under title I of Blair Holt’s Firearm
8 Licensing and Record of Sale Act of 2009,
9 which license has not been invalidated or re-
10 voked under that title; or

11 “(B) pursuant to a State firearm licensing
12 and record of sale system certified under sec-
13 tion 602 of Blair Holt’s Firearm Licensing and
14 Record of Sale Act of 2009, which license has
15 not been invalidated or revoked under State
16 law.

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

19 “(A) with respect to a qualifying firearm
20 that is acquired by the person before the date
21 of the enactment of Blair Holt’s Firearm Li-
22 censing and Record of Sale Act of 2009, 2
23 years after such date of enactment; and

24 “(B) with respect to a qualifying firearm
25 that is acquired by the person on or after the

1 date of the enactment of Blair Holt’s Firearm
2 Licensing and Record of Sale Act of 2009, 1
3 year after such date of enactment.”.

4 **SEC. 102. APPLICATION REQUIREMENTS.**

5 (a) IN GENERAL.—In order to be issued a firearm
6 license under this title, an individual shall submit to the
7 Attorney General (in accordance with the regulations pro-
8 mulgated under subsection (b)) an application, which shall
9 include—

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

13 (2) the name, address, and date and place of
14 birth of the applicant;

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

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

20 (5) with respect to each category of person pro-
21 hibited by Federal law, or by the law of the State
22 of residence of the applicant, from obtaining a fire-
23 arm, a statement that the individual is not a person
24 prohibited from obtaining a firearm;

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

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

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

12 (B) the safe handling of firearms;

13 (C) the use of firearms in the home and
14 the risks associated with such use;

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

20 (E) any other subjects, as the Attorney
21 General determines to be appropriate;

22 (8) an authorization by the applicant to release
23 to the Attorney General or an authorized representa-
24 tive of the Attorney General any mental health
25 records pertaining to the applicant;

1 (9) the date on which the application was sub-
2 mitted; and

3 (10) the signature of the applicant.

4 (b) REGULATIONS GOVERNING SUBMISSION.—The
5 Attorney General shall promulgate regulations specifying
6 procedures for the submission of applications to the Attor-
7 ney General under this section, which regulations shall—

8 (1) provide for submission of the application
9 through a licensed dealer or an office or agency of
10 the Federal Government designated by the Attorney
11 General;

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

20 (3) require that a completed application be for-
21 warded to the Attorney General not later than 48
22 hours after the application is submitted to the li-
23 censed dealer or office or agency of the Federal Gov-
24 ernment, as applicable.

25 (c) FEES.—

1 (1) IN GENERAL.—The Attorney General shall
2 charge and collect from each applicant for a license
3 under this title a fee in an amount determined in ac-
4 cordance with paragraph (2).

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

13 **SEC. 103. ISSUANCE OF LICENSE.**

14 (a) IN GENERAL.—The Attorney General shall issue
15 a firearm license to an applicant who has submitted an
16 application that meets the requirements of section 102 of
17 this Act, if the Attorney General ascertains that the indi-
18 vidual is not prohibited by subsection (g) or (n) of section
19 922 of title 18, United States Code, from receiving a fire-
20 arm.

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

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

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

6 (2) the address of the licensed individual;

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

8 (4) a license number, unique to each licensed
9 individual;

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

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

20 (7) centered at the top of the license, capital-
21 ized, and in boldface type, the following:

22 “FIREARM LICENSE—NOT VALID FOR ANY
23 OTHER PURPOSE”.

24 **SEC. 104. RENEWAL OF LICENSE.**

25 (a) APPLICATION FOR RENEWAL.—

1 (1) IN GENERAL.—In order to renew a firearm
2 license issued under this title, not later than 30 days
3 before the expiration date of the license, the licensed
4 individual shall submit to the Attorney General (in
5 accordance with the regulations promulgated under
6 paragraph (3)), in a form approved by the Attorney
7 General, an application for renewal of the license.

8 (2) CONTENTS.—An application submitted
9 under paragraph (1) shall include—

10 (A) a current, passport-sized photograph of
11 the applicant that provides a clear, accurate
12 likeness of the applicant;

13 (B) current proof of identity of the li-
14 censed individual; and

15 (C) the address of the licensed individual.

16 (3) REGULATIONS GOVERNING SUBMISSION.—

17 The Attorney General shall promulgate regulations
18 specifying procedures for the submission of applica-
19 tions under this subsection.

20 (b) ISSUANCE OF RENEWED LICENSE.—Upon ap-
21 proval of an application submitted under subsection (a)
22 of this section, the Attorney General shall issue a renewed
23 license, which shall meet the requirements of section
24 103(c), except that the license shall include the current
25 photograph and address of the licensed individual, as pro-

1 vided in the application submitted under this section, and
 2 the expiration date of the renewed license, as provided in
 3 section 103(c)(5).

4 **SEC. 105. REVOCATION OF LICENSE.**

5 (a) IN GENERAL.—If an individual to whom a license
 6 has been issued under this title subsequently becomes a
 7 person who is prohibited by subsection (g) or (n) of section
 8 922 of title 18, United States Code, from receiving a fire-
 9 arm—

10 (1) the license is revoked; and

11 (2) the individual shall promptly return the li-
 12 cense to the Attorney General.

13 (b) ADMINISTRATIVE ACTION.—Upon receipt by the
 14 Attorney General of notice that an individual to whom a
 15 license has been issued under this title has become a per-
 16 son described in subsection (a), the Attorney General shall
 17 ensure that the individual promptly returns the license to
 18 the Attorney General.

19 **TITLE II—RECORD OF SALE OR**
 20 **TRANSFER**

21 **SEC. 201. SALE OR TRANSFER REQUIREMENTS FOR QUALI-**
 22 **FYING FIREARMS.**

23 Section 922 of title 18, United States Code, as
 24 amended by section 101 of this Act, is amended by adding
 25 at the end the following:

1 “(bb) UNAUTHORIZED SALE OR TRANSFER OF A
2 QUALIFYING FIREARM.—It shall be unlawful for any per-
3 son to sell, deliver, or otherwise transfer a qualifying fire-
4 arm to, or for, any person who is not a licensed importer,
5 licensed manufacturer, licensed dealer, or licensed col-
6 lector, or to receive a qualifying firearm from a person
7 who is not a licensed importer, licensed manufacturer, li-
8 censed dealer, or licensed collector, unless, at the time and
9 place of the transfer or receipt—

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

12 “(A) under title I of Blair Holt’s Firearm
13 Licensing and Record of Sale Act of 2009; or

14 “(B) pursuant to a State firearm licensing
15 and record of sale system certified under sec-
16 tion 602 of Blair Holt’s Firearm Licensing and
17 Record of Sale Act of 2009 established by the
18 State in which the transfer or receipt occurs;

19 “(2) the licensed dealer contacts the Attorney
20 General or the head of the State agency that admin-
21 isters the certified system described in paragraph
22 (1)(B), as applicable, and receives notice that the
23 transferee has been issued a firearm license de-
24 scribed in paragraph (1) and that the license re-
25 mains valid; and

1 “(3) the licensed dealer records on a document
2 (which, in the case of a sale, shall be the sales re-
3 ceipt) a tracking authorization number provided by
4 the Attorney General or the head of the State agen-
5 cy, as applicable, as evidence that the licensed dealer
6 has verified the validity of the license.”.

7 **SEC. 202. FIREARM RECORDS.**

8 (a) SUBMISSION OF SALE OR TRANSFER REPORTS.—
9 Not later than 14 days after the date on which the trans-
10 fer of qualifying firearm is processed by a licensed dealer
11 under section 922(bb) of title 18, United States Code (as
12 added by section 201 of this Act), the licensed dealer shall
13 submit to the Attorney General (or, in the case of a li-
14 censed dealer located in a State that has a State firearm
15 licensing and record of sale system certified under section
16 602 of this Act, to the head of the State agency that ad-
17 ministers that system) a report of that transfer, which
18 shall include information relating to—

- 19 (1) the manufacturer of the firearm;
20 (2) the model name or number of the firearm;
21 (3) the serial number of the firearm;
22 (4) the date on which the firearm was received
23 by the transferee;
24 (5) the number of a valid firearm license issued
25 to the transferee under title I of this Act; and

1 (6) the name and address of the individual who
2 transferred the firearm to the transferee.

3 (b) FEDERAL RECORD OF SALE SYSTEM.—Not later
4 than 9 months after the date of the enactment of this Act,
5 the Attorney General shall establish and maintain a Fed-
6 eral record of sale system, which shall include the informa-
7 tion included in each report submitted to the Attorney
8 General under subsection (a).

9 (c) ELIMINATION OF PROHIBITION ON ESTABLISH-
10 MENT OF SYSTEM OF REGISTRATION.—Section 926(a) of
11 title 18, United States Code, is amended by striking the
12 second sentence.

13 **TITLE III—ADDITIONAL** 14 **PROHIBITIONS**

15 **SEC. 301. UNIVERSAL BACKGROUND CHECK REQUIRE-** 16 **MENT.**

17 Section 922 of title 18, United States Code, as
18 amended by sections 101 and 201 of this Act, is amended
19 by adding at the end the following:

20 “(cc) UNIVERSAL BACKGROUND CHECK REQUIRE-
21 MENT.—

22 “(1) REQUIREMENT.—Except as provided in
23 paragraph (2), it shall be unlawful for any person
24 other than a licensed importer, licensed manufac-
25 turer, licensed dealer, or licensed collector to sell, de-

1 liver, or otherwise transfer a firearm to any person
2 other than such a licensee, unless the transfer is
3 processed through a licensed dealer in accordance
4 with subsection (t).

5 “(2) EXCEPTION.—Paragraph (1) shall not
6 apply to the infrequent transfer of a firearm by gift,
7 bequest, intestate succession or other means by an
8 individual to a parent, child, grandparent, or grand-
9 child of the individual, or to any loan of a firearm
10 for any lawful purpose for not more than 30 days
11 between persons who are personally known to each
12 other.”.

13 **SEC. 302. FAILURE TO MAINTAIN OR PERMIT INSPECTION**
14 **OF RECORDS.**

15 Section 922 of title 18, United States Code, as
16 amended by sections 101, 201, and 301 of this Act, is
17 amended by adding at the end the following:

18 “(dd) FAILURE TO MAINTAIN OR PERMIT INSPEC-
19 TION OF RECORDS.—It shall be unlawful for a licensed
20 manufacturer or a licensed dealer to fail to comply with
21 section 202 of Blair Holt’s Handgun Licensing and
22 Record of Sale Act of 2009, or to maintain such records
23 or supply such information as the Attorney General may
24 require in order to ascertain compliance with such Act and
25 the regulations and orders issued under such Act.”.

1 **SEC. 303. FAILURE TO REPORT LOSS OR THEFT OF FIRE-**
2 **ARM.**

3 Section 922 of title 18, United States Code, as
4 amended by sections 101, 201, 301, and 302 of this Act,
5 is amended by adding at the end the following:

6 “(ee) FAILURE TO REPORT LOSS OR THEFT OF
7 FIREARM.—It shall be unlawful for any person who owns
8 a qualifying firearm to fail to report the loss or theft of
9 the firearm to the Attorney General within 72 hours after
10 the loss or theft is discovered.”.

11 **SEC. 304. FAILURE TO PROVIDE NOTICE OF CHANGE OF AD-**
12 **DRESS.**

13 Section 922 of title 18, United States Code, as
14 amended by sections 101, 201, 301, 302, and 303 of this
15 Act, is amended by adding at the end the following:

16 “(ff) FAILURE TO PROVIDE NOTICE OF CHANGE OF
17 ADDRESS.—It shall be unlawful for any individual to
18 whom a firearm license has been issued under title I of
19 Blair Holt’s Firearm Licensing and Record of Sale Act
20 of 2009 to fail to report to the Attorney General a change
21 in the address of that individual within 60 days of that
22 change of address.”.

23 **SEC. 305. CHILD ACCESS PREVENTION.**

24 Section 922 of title 18, United States Code, as
25 amended by sections 101, 201, 301, 302, 303, and 304
26 of this Act, is amended by adding at the end the following:

1 “(gg) CHILD ACCESS PREVENTION.—

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

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

12 “(A) that person—

13 “(i) knows, or recklessly disregards
14 the risk, that a child is capable of gaining
15 access to the firearm; and

16 “(ii) either—

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

23 “(II) knows, or reasonably should
24 know, that possession of the firearm

1 by a child is unlawful under Federal
2 or State law; and

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

6 “(3) EXCEPTIONS.—Paragraph (2) shall not
7 apply if—

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

11 “(B) the person is a peace officer, a mem-
12 ber of the Armed Forces, or a member of the
13 National Guard, and the child obtains the fire-
14 arm during, or incidental to, the performance of
15 the official duties of the person in that capacity;

16 “(C) the child uses the firearm in a lawful
17 act of self-defense or defense of 1 or more other
18 persons; or

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

1 **TITLE IV—ENFORCEMENT**

2 **SEC. 401. CRIMINAL PENALTIES.**

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

9 “(8) Whoever knowingly violates subsection (aa),
10 (bb), or (dd) of section 922 shall be fined under this title,
11 imprisoned not more than 2 years, or both.”.

12 (b) FAILURE TO COMPLY WITH UNIVERSAL BACK-
13 GROUND CHECKS; FAILURE TO TIMELY REPORT LOSS OR
14 THEFT OF A QUALIFYING FIREARM; FAILURE TO PRO-
15 VIDE NOTICE OF CHANGE OF ADDRESS.—Section
16 924(a)(5) of such title is amended by striking “(s) or (t)”
17 and inserting “(t), (cc), (ee), or (ff)”.

18 (c) CHILD ACCESS PREVENTION.—Section 924(a) of
19 such title, as amended by subsection (a) of this section,
20 is amended by adding at the end the following:

21 “(9) Whoever violates section 105(a)(2) of Blair
22 Holt’s Handgun Licensing and Record of Sale Act of
23 2009, knowingly or having reason to believe that the per-
24 son is prohibited by subsection (g) or (n) of section 922
25 of title 18, United States Code, from receiving a firearm,

1 shall be fined under this title, imprisoned not more than
2 10 years, or both.

3 “(10) Whoever violates section 922(gg) shall be fined
4 under this title, imprisoned not more than 5 years, or
5 both.”.

6 **SEC. 402. REGULATIONS.**

7 (a) IN GENERAL.—The Attorney General shall issue
8 regulations governing the licensing of possessors of quali-
9 fying firearms and the recorded sale of qualifying fire-
10 arms, consistent with this Act and the amendments made
11 by this Act, as the Attorney General determines to be rea-
12 sonably necessary to reduce or prevent deaths or injuries
13 resulting from qualifying firearms, and to assist law en-
14 forcement in the apprehension of owners or users of quali-
15 fying firearms used in criminal activity.

16 (b) MAXIMUM INTERVAL BETWEEN ISSUANCE OF
17 PROPOSED AND FINAL REGULATION.—Not later than 120
18 days after the date on which the Attorney General issues
19 a proposed regulation under subsection (a) with respect
20 to a matter, the Attorney General shall issue a final regu-
21 lation with respect to the matter.

22 **SEC. 403. INSPECTIONS.**

23 In order to ascertain compliance with this Act, the
24 amendments made by this Act, and the regulations and
25 orders issued under this Act, the Attorney General may,

1 during regular business hours, enter any place in which
2 firearms or firearm products are manufactured, stored, or
3 held, for distribution in commerce, and inspect those areas
4 where the products are so manufactured, stored, or held.

5 **SEC. 404. ORDERS.**

6 The Attorney General may issue an order prohibiting
7 the sale or transfer of any firearm that the Attorney Gen-
8 eral finds has been transferred or distributed in violation
9 of this Act, an amendment made by this Act, or a regula-
10 tion issued under this Act.

11 **SEC. 405. INJUNCTIVE ENFORCEMENT.**

12 The Attorney General may bring an action to restrain
13 any violation of this Act or an amendment made by this
14 Act in the district court of the United States for any dis-
15 trict in which the violation has occurred, or in which the
16 defendant is found or transacts business.

17 **TITLE V—FIREARM INJURY**
18 **INFORMATION AND RESEARCH**

19 **SEC. 501. DUTIES OF THE ATTORNEY GENERAL.**

20 (a) IN GENERAL.—The Attorney General shall—

21 (1) establish and maintain a firearm injury in-
22 formation clearinghouse to collect, investigate, ana-
23 lyze, and disseminate data and information relating
24 to the causes and prevention of death and injury as-
25 sociated with firearms;

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

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

5 (b) AVAILABILITY OF INFORMATION.—Periodically,
6 but not less frequently than annually, the Attorney Gen-
7 eral shall report to the Congress and make available to
8 the public a report on the activities of the Attorney Gen-
9 eral under subsection (a).

10 **TITLE VI—EFFECT ON STATE**
11 **LAW**

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

13 (a) IN GENERAL.—This Act and the amendments
14 made by this Act may not be construed to preempt any
15 provision of the law of any State or political subdivision
16 of that State, or prevent a State or political subdivision
17 of that State from enacting any provision of law regulating
18 or prohibiting conduct with respect to firearms, except to
19 the extent that the provision of law is inconsistent with
20 any provision of this Act or an amendment made by this
21 Act, and then only to the extent of the inconsistency.

22 (b) RULE OF INTERPRETATION.—A provision of
23 State law is not inconsistent with this Act or an amend-
24 ment made by this Act if the provision imposes a regula-
25 tion or prohibition of greater scope or a penalty of greater

1 severity than a corresponding prohibition or penalty im-
2 posed by this Act or an amendment made by this Act.

3 **SEC. 602. CERTIFICATION OF STATE FIREARM LICENSING**
4 **SYSTEMS AND STATE FIREARM RECORD OF**
5 **SALE SYSTEMS.**

6 Upon a written request of the chief executive officer
7 of a State, the Attorney General may certify—

8 (1) a firearm licensing system established by a
9 State, if State law requires the system to satisfy the
10 requirements applicable to the Federal firearm li-
11 censing system established under title I; or

12 (2) a firearm record of sale system established
13 by a State, if State law requires the head of the
14 State agency that administers the system to submit
15 to the Federal firearm record of sale system estab-
16 lished under section 202(b) a copy of each report
17 submitted to the head of the agency under section
18 202(a), within 7 days after receipt of the report.

19 **TITLE VII—RELATIONSHIP TO**
20 **OTHER LAW**

21 **SEC. 701. SUBORDINATION TO ARMS EXPORT CONTROL**
22 **ACT.**

23 In the event of any conflict between any provision of
24 this Act or an amendment made by this Act, and any pro-
25 vision of the Arms Export Control Act (22 U.S.C. 2751),

1 the provision of the Arms Export Control Act shall con-
2 trol.

3 **TITLE VIII—INAPPLICABILITY**

4 **SEC. 801. INAPPLICABILITY TO GOVERNMENTAL AUTHORI- 5 TIES.**

6 This Act and the amendments made by this Act shall
7 not apply to any department or agency of the United
8 States, of a State, or of a political subdivision of a State,
9 or to any official conduct of any officer or employee of
10 such a department or agency.

11 **TITLE IX—EFFECTIVE DATE**

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

13 The amendments made by this Act shall take effect
14 1 year after the date of the enactment of this Act.

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