

109TH CONGRESS
1ST SESSION

H. R. 2217

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 HOUSE OF REPRESENTATIVES

MAY 10, 2005

Mr. ENGEL (for himself and Mr. OWENS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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. AMENDMENT OF CONSUMER PRODUCT SAFETY**
4 **ACT.**

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

1 **“SEC. 39. CHILD HANDGUN SAFETY DEVICES.**

2 “(a) ESTABLISHMENT OF STANDARD.—

3 “(1) IN GENERAL.—

4 “(A) RULEMAKING REQUIRED.—Notwith-
5 standing section 3(a)(1)(E) of this Act, the
6 Commission shall initiate a rulemaking pro-
7 ceeding under section 553 of title 5, United
8 States Code, within 90 days after the date of
9 enactment of this section to establish a con-
10 sumer product safety standard for handgun
11 locks. The Commission may extend the 90-day
12 period for good cause. Notwithstanding any
13 other provision of law, including chapter 5 of
14 title 5, United States Code, the Commission
15 shall promulgate a final consumer product safe-
16 ty standard under this paragraph within 12
17 months after the date on which it initiated the
18 rulemaking. The Commission may extend that
19 12-month period for good cause. The consumer
20 product safety standard promulgated under this
21 paragraph shall take effect 6 months after the
22 date on which the final standard is promul-
23 gated.

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

1 “(i) are sufficiently difficult for chil-
2 dren to de-activate or remove; and

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

6 “(2) CERTAIN PROVISIONS NOT TO APPLY.—

7 “(A) PROVISIONS OF THIS ACT.—Sections
8 7, 9, and 30(d) of this Act do not apply to the
9 rulemaking proceeding under paragraph (1).
10 Section 11 of this Act does not apply to any
11 consumer product safety standard promulgated
12 under paragraph (1).

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

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

19 “(D) NATIONAL ENVIRONMENTAL POLICY
20 ACT.—The National Environmental Policy Act
21 of 1969 (42 U.S.C. 4321) does not apply to
22 this section.

23 “(b) NO EFFECT ON STATE LAW.—Notwithstanding
24 section 26 of this Act, this section does not annul, alter,
25 impair, affect, or exempt any person subject to the provi-

1 sions of this section from complying with any provision
 2 of the law of any State or any political subdivision thereof,
 3 except to the extent that such provisions of State law are
 4 inconsistent with any provision of this section, and then
 5 only to the extent of the inconsistency. A provision of
 6 State law is not inconsistent with this section if such pro-
 7 vision affords greater protection to children in respect of
 8 handguns than is afforded by this section.

9 “(c) ENFORCEMENT.—Notwithstanding subsection
 10 (a)(2)(A), the consumer product safety standard promul-
 11 gated by the Commission under subsection (a) shall be en-
 12 forced under this Act as if it were a consumer product
 13 safety standard described in section 7(a).

14 “(d) DEFINITIONS.—In this section:

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

17 “(2) HANDGUN LOCK.—The term ‘handgun
 18 lock’ means any disabling or locking device that is
 19 not built into the handgun at the time of manufac-
 20 ture and that is designed to prevent the handgun
 21 from being discharged unless the device has been de-
 22 activated or removed.

23 “(3) HANDGUN.—The term ‘handgun’—

1 “(A) has the meaning given that term in
2 section 921(a) of title 18, United States Code;
3 and

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

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

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

 “39. Child handgun safety devices.”.

14 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated to the Con-
16 sumer Product Safety Commission \$2,000,000 to carry
17 out the provisions of section 39 of the Consumer Product
18 Safety Act, such sums to remain available until expended.

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