



Consumer Federation of America

Ten Commonly Asked Questions About The Firearms Safety and Consumer Protection Act

1) What would The Firearms Safety and Consumer Protection Act do?

The **Firearms Safety and Consumer Protection Act** would require the gun industry to comply with the same health and safety regulation as virtually all other products sold in America. The bill would give the Department of Justice strong consumer protection authority to regulate the design, manufacture, and distribution of firearms and ammunition. This bill would end the gun industry's immunity from product safety regulation.

2) Will The Firearms Safety and Consumer Protection Act ban guns?

No, this bill does not ban guns. The bill does authorize the Department of Justice to ban the manufacture and transfer of specific firearms *only if* the agency determines that no other remedy would be sufficient to prevent unreasonable risk of injury.

3) Doesn't the firearms industry already set its own safety standards?

There are very few industry-developed voluntary standards, and those that exist are very weak. In fact, citizen lawsuits are often the only method to force manufacturers of defective firearms to make their guns safer. For example, firearms manufacturer Remington Arms settled a class action suit in 1995 for \$31.5 million. The suit involved 12 models of shotguns manufactured over a 35-year period. The plaintiff shotgun owners alleged that the guns' barrels were made from insufficiently strong steel and therefore were prone to explode. As part of the settlement, Remington finally agreed to upgrade the steel used in its shotguns and to distribute a Shotgun Safety Bulletin warning of the hazard of shotgun barrel explosion.

4) How would this legislation reduce crimes involving guns?

The Department of Justice currently compiles tracing information about guns used in crime. However, the Department has no authority to restrict the availability of those guns most prone to criminal use—guns such as the TEC-DC9 used in the Columbine massacre. This legislation would give the Department of Justice the necessary powers to do just that. Under the bill, the Department could restrict the availability of specific firearms, classes of firearms and firearm products to prevent unreasonable risk of injury to the general public. The bill would also allow emergency action to protect the public from "imminently hazardous" firearm products. Rather than being limited to just monitoring firearm use in crime, the Department could finally do something to diminish it. This legislation would also provide the Department of Justice with the authority to tighten existing restrictions on certain firearms—such as the assault weapons ban—without the need for Congressional action.

5) How would this legislation reduce access to guns among kids?

Under the bill, the Department of the Justice could issue safety rules specifically designed to protect kids from firearm-related death and injury. The bill would also enhance the Department of Justice's ability to enforce restrictions on the purchase and possession of handguns by minors.

6) How would this legislation reduce firearm homicides and suicides?

Currently there exists no coordinated data collection on gun injuries and deaths that includes vital information such as the specific type of gun, caliber and source. This legislation would create a Firearms Violence Information and Research Clearinghouse to collect and analyze data regarding

firearm-related death and injury. This kind of data is essential for the Department of Justice to identify firearms that are exceptionally likely to be used in homicides and suicides and to restrict the availability of such guns. To specifically reduce homicides, Justice could: set minimum size standards for all handguns so that they are less able to be concealed by criminals; require the incorporation of simple safety devices, such as “magazine disconnects,” which prevent a gun from firing once the magazine is removed; restrict the availability of certain types of guns and ammunition most commonly used in homicides like “junk guns” and “pocket rockets;” further restrict the availability of new “sporterized” assault weapons; more stringently regulate large-capacity ammunition magazines; restrict the availability—or prevent the introduction onto the civilian market—of firearms that pose a serious threat to public safety, such as .50 sniper rifles; ban specific models or classes of firearms which are determined to present an “unreasonable risk” to public safety; take action against gun retailers who are knowingly providing firearms to felons, juveniles, or other persons prohibited from possessing firearms; and educate the public regarding the link between access to firearms (especially handguns) and increased risk of homicide. To specifically reduce suicides, Justice could develop a tracing system for guns most commonly used in suicide like the system currently used to trace guns seized at crime scenes. This would allow Justice to: identify patterns in firearm-related suicides; require manufacturers to issue specific warnings regarding the risk of firearm suicide; take action against corrupt guns dealers; and intercept guns before they reach the hands of young people who often use them to commit suicide.

7) How would this legislation reduce unintentional firearm deaths and injuries?

Unintentional shootings usually happen for one of two reasons: the gun is defective in some way or the user is unaware that the gun is loaded. This bill would require each manufacturer to ensure that its firearms comply with safety standards issued by the Justice Department. Under the bill, all firearms would be labeled with the name and address of the manufacturer to ensure that defective guns could be identified and traced. This would allow the Department to make sure firearm manufacturers recall, repair, or replace defective guns; or refund consumers as necessary. In addition, the Department could evaluate and recommend simple safety devices that currently exist to prevent unintentional shootings, such as load indicators and magazine disconnect devices.

8) Wouldn't the Second Amendment prohibit this kind of regulation?

No, the Second Amendment would not prohibit this kind of regulation. The purpose of the Second Amendment is to guarantee the states' ability to maintain independent state militias that are available to be called upon if our country's security is threatened. The possession of firearms by individuals is *not* part of the right to keep and bear arms. Moreover, the Supreme Court has never struck down a gun control measure as unconstitutional under the Second Amendment. The federal government is clearly free to regulate the possession and transfer of firearms in order to promote public safety.

9) Why does the bill give the Department of Justice regulatory authority over guns?

The Justice Department is very familiar with the gun industry already. The Department licenses gun manufacturers, importers, and dealers; tracks gun production and gun-tracing information; enforces existing bans on machine guns and assault weapons; and performs limited safety tests on imported guns.

10) Wouldn't the Consumer Product Safety Commission be better than the Department of Justice at regulating guns?

No. The Consumer Product Safety Commission (CPSC) has no experience with guns or the firearms industry. The CPSC already counts 15,000 consumer products within its jurisdiction. Regulating the gun industry would force CPSC to divert its meager resources away from other products, a significant proportion of which are children's products. Also, the CPSC has weaker regulatory authority than **The Firearms Safety and Consumer Protection Act** would grant the Department of Justice. And, every major national consumer organization including Consumer Federation of America, Consumers Union, and U.S. PIRG *opposes* giving CPSC jurisdiction over guns because of the potential drain on resources and the danger that the NRA would slash CPSC's budget even further.