

The story of how the National Rifle Association (NRA) led the fight to have firearms and ammunition excluded from the nation's toughest consumer protection legislation demonstrates the grassroots power of the gun lobby and how it was able to build itself into the modern day political powerhouse that is feared by many policymakers at both the federal and state level.¹⁴

The Senate bill that established the CPSC as the nation's leading consumer protection agency originally included firearms and ammunition among the many products within the agency's jurisdiction. However, when the bill was considered in the House of Representatives, an amendment by Michigan Congressman John Dingle, an NRA board member at the time, was adopted that effectively excluded firearms and ammunition from the supervision of the CPSC. This amendment, which was buried and largely unnoticed in the voluminous language of the bill, did not specifically use the words "firearm" or "ammunition." The amendment cleverly exempted "any article which, if sold by the manufacturer, producer, or importer, would be subject to the tax imposed by section 4181 of the Internal Revenue Code of 1954 (26 USC § 4181)." The IRS tax statute referred to in the CPSCA provides for an excise tax on firearms and ammunition.

Despite the fact that Congress took great care to exempt firearms and ammunition from its oversight when it created the CPSC in 1972, there was no such restriction imposed when the CPSC was later empowered to enforce the Federal Hazardous Substances Act (FHSA).

Senator McClure introduced an NRA-sponsored amendment to the FHSA to deny the CPSC a "foothold" into firearms or ammunition regulation. The NRA was able to generate bipartisan support for the amendment by mailing NRA members and organizing a formidable congressional grassroots mail campaign. This effort became the model that has been used by the NRA over the years to kill many gun violence prevention measures.

Having already passed the U.S. House of Representatives, the CPSC amendment came to a vote in the Senate on July 18, 1975. Senator McClure opened the debate by saying that safety regulation of firearms and ammunition was "indeed a consumer issue—where the consumers of a specific product have made their wishes to be left alone abundantly clear." The amendment passed on a voice vote, killing the effort to regulate ammunition.¹⁵

propellers, or appliances; boats, vessels, and appurtenances to vessels; drugs, devices, or cosmetics; and food.

¹⁴ "The Enforcement Fable: How the NRA Prevented the Enforcement of the Nation's Gun Laws," *Handgun Control and The Center To Prevent Handgun Violence*, March 21, 2000, p. 4.

¹⁵ *Congressional Record, Senate*, Volume 121, Part 18, July 18, 1975, p. 23569.