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ONE HUNDRED THIRTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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April 9, 2014

Mr. B. Todd Jones, Director  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
99 New York Avenue, NE  
Washington, DC 20226-0019

Dear Director Jones:

As you know, the Law Enforcement Officers Protection Act (P.L. 99-408) defined and outlawed armor-piercing ammunition in an effort to protect law enforcement officers, a goal all Americans share. Specific handgun ammunition originally designed to pierce body armor was banned from being manufactured or imported. It is important to point out that the bill's sponsors in the House and Senate, Rep. Mario Biaggi and Senator Daniel Patrick Moynihan, intended to exempt ammunition originally designed for use in rifles, even if there were handguns on the market that technically could chamber the rifle ammunition.

During a 1984 hearing before the House Judiciary, Subcommittee on Crime, Rep. Biaggi said, "our legislation does not seek to affect in any way ammunition made originally or primarily for rifle use." He went on to say, "The story is, well, this will affect your ability to hunt; this is an encroachment on your right as an American citizen. It is without bias, it is a lie, the most damnable lie that I have ever heard during my 16 years in the Congress from any representative of any organization."

The bill's Senate champion, Senator Moynihan, also clarified the intent of the legislation during a hearing before the Senate Judiciary, Subcommittee on Criminal Law:

"Let me make clear what this bill does not do. Our legislation would not limit the availability of rifle ammunition with armor-piercing capability. We recognize that soft body armor is not intended to stop high-powered rifle cartridges. Time and again, Congressman Biaggi and I have stressed that only bullets capable of penetrating body armor and designed to be fired from a handgun would be banned; rifle ammunition would not be covered."

Despite the clear intent of the architects of the bill, ammunition clearly designed and intended for use in rifles has been scrutinized as potentially being “armor piercing” under the statute. Additionally, manufacturers have been looking at new and innovative materials to replace traditional lead components in markets such as California, where the use of traditional ammunition for hunting has been banned by law or regulation. Some of these alternative materials cause the ammunition to fail the composition test in 18 USC 921(a)(17)(B)(i), and the products, however, are further subjected to a ruling on their intended use by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Some manufacturers of ammunition designed for use in rifles have stopped production as a result of guidance from ATF that their products may be considered armor-piercing and could be in violation of 18 USC 921 (a)(17)(B). As a result, at least 19 companies that produce ammunition for hunting or other shooting sports have submitted petitions to ATF, requesting the agency exempt their products as “primarily intended for a sporting purpose” as required under 18 USC 921 (a)(17)(C).

In addition, it has come to our attention that several meetings were held last year at ATF headquarters on this issue to gather input from manufacturers, groups representing hunters and sportsmen, and groups opposed to alternative ammunition being brought to the market. The audio of all of these meetings was recorded and attendees were told multiple times that the recordings would be made available to them. When the requests for the tapes were made, ATF, however, did not respond. As a result, some organizations filed Freedom of Information Act requests to obtain the recordings, which were also ignored. This lack of transparency is extremely troubling especially considering the fact that attendees were told in no uncertain terms that the meetings were being recorded and the tapes would be provided.

Why weren't the tapes provided as promised? Why were interested parties forced to file FOIA requests? Why were these FOIA requests ignored? When will the requests for the audio tapes be provided?

While we all share the goal of protecting law enforcement officers, the unintended consequences of misinterpreting the statute are steep, particularly considering the fortunate lack of instances of officers being shot with rifle-hunting ammunition from handguns.

On behalf of the millions of hunters and sportsmen we represent, we respectfully encourage the ATF to issue a ruling, consistent with congressional intent, on these longstanding petitions, so that law-abiding Americans can continue the tradition of hunting and shooting sports.

Sincerely,



Bob Goodlatte  
Chairman



F. James Sensenbrenner  
Chairman, Subcommittee on Crime,  
Terrorism, Homeland Security and  
Investigations



Howard Coble  
Chairman, Subcommittee on Courts,  
Intellectual Property, and the Internet