

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216
One Hundred Fifteenth Congress

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Chairman Bob Goodlatte
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Goodlatte:

We write concerning H.R. 3668, the “Sportsmen’s Heritage and Recreational Enhancement Act,” a bill that was ordered reported today by the Committee on Natural Resources. Although this bill primarily contains provisions within that Committee’s jurisdiction, the bill also includes three titles relating to firearms that are in the jurisdiction of the Committee on the Judiciary. These titles (XI, XV, XVI) would (1) weaken regulation of the interstate transportation of firearms; (2) make it easier for private citizens to obtain silencers by removing silencers from the protections in the National Firearms Act (NFA), which currently restricts the possession and sale of certain particularly dangerous firearms and accessories; and (3) remove the “sporting purposes” clause which restricts the importation of firearms with certain features and remove the ability of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to reclassify certain ammunition as “armor piercing ammunition.” Unfortunately, each of these titles would subject our citizens to an increased risk of gun violence.

The interstate transportation provision in Title XI of this bill would weaken current restrictions on the interstate transportation of firearms, which require that firearms be unloaded and that both the firearm and ammunition be inaccessible from the passenger compartment of vehicles. Under this measure, the firearm must still be unloaded; however, the firearm could be maintained in the passenger compartment if locked in a container other than the glove compartment or secured with a trigger lock or similar device. Additionally, under this measure, the ammunition can also be stored in the passenger compartment in a locked container making both the firearm and ammunition available in the passenger compartment. The requirement that firearms and ammunition be locked in the trunk of a vehicle would be nonexistent. This title further weakens prudent restriction of the interstate transportation of firearms by applying to activity incidental to transport, such as during temporary overnight lodging. Interstate travelers would be allowed to carry firearms in situations which are currently prohibited under the laws of some states.

The interstate transportation provision goes further by providing immunity to possible criminals by limiting law enforcement's ability to arrest or detain individuals suspected of violation. At a minimum, we must thoroughly examine any such proposal to limit this authority or to allow officers to be held personally liable for trying to prevent the illegal trafficking of firearms within their jurisdiction.

Title XV of this bill, so-called "Hearing Protection," would remove silencers from the purview of the NFA, making them no longer subject to the registration requirement and the \$200 transfer tax. This provision would make it easier for individuals to obtain silencers – without background checks. Those who wish to use firearms without being heard by witnesses or caught by law enforcement would more easily be able to do so under this provision. As such, criminals will have greater access to silencers for use in unlawful activity without detection by law enforcement due to the diminished sound of the gunfire. In fact, citizens may not recognize the sound of gunfire when a silencer is used and as a result, not contact law enforcement. This change would subject our citizens to a heightened risk of gun violence and make it more difficult to apprehend violent perpetrators.

Under Title XV, silencers would be treated the same as other firearms under the Gun Control Act, only requiring a background check by a licensed dealer. Individuals, and unlicensed dealers, would therefore be free to sell silencers without background checks. As a result, prohibited persons such as fugitives, felons, and domestic abusers would be able to buy silencers with no background check by obtaining them from unlicensed dealers. Furthermore, the bill would prevent states from imposing certain regulations on silencers, even if they believed such measures important for protecting their citizens.

In Title XVI, this bill would eliminate the authority of ATF to reclassify certain ammunition as "armor piercing ammunition." This type of ammunition poses a threat to all of us, but particularly to law enforcement officers – even if they are wearing body armor. If enacted, this bill would allow the gun industry to determine the type of ammunition that can be used, which could weaken protections for law enforcement. Manufacturers of ammunition would only have to assert that the ammunition was "primarily intended" for use in a rifle or shotgun or that handgun projectiles were designed and intended to be used for hunting, recreational, or competitive shooting. This provision gives manufacturers the ability to put dangerous ammunition on the streets and potentially injure or kill law enforcement officers.

Title XVI of H.R. 3668 would eliminate the "sporting purposes" test for the importation of firearms. This would lead to a surge of foreign-made, military-type firearms, which are not particularly suitable for target shooting or hunting, coming into the country. Our citizens do not expect us to open the flood gates on dangerous, foreign firearms that would also be more difficult to trace if recovered at crime scenes.


These proposals would significantly change current law and impact public safety, taking us in the wrong direction. On average, 31 Americans are murdered with guns every day and 151 are treated for a gun assault in an emergency room. Naturally, there are increased calls for legislative responses to these issues after the unfortunate incidence of mass shootings that shock


our national conscience, but gun violence is a daily reality in our communities and we must not wait for another mass tragedy to take action.

While we believe the Committee should take up legislation to address this crisis, by expanding our firearms background check requirement for example, we certainly believe that we should not allow legislation on these issues, including the proposals in H.R. 3668, to proceed to the House floor without proper consideration by the Judiciary Committee.

Clearly, the Committee, which has received a referral on this bill, must deliberate on these proposals thoroughly. Therefore, we ask that the Committee assert jurisdiction over these titles, and we look forward to working with you on these issues.

Sincerely,


John Conyers, Jr.
Ranking Member
Committee on the Judiciary


Sheila Jackson Lee
Ranking Member
Subcommittee on Crime, Terrorism,
Homeland Security, and
Investigations

CC: Rob Bishop, Chairman, Natural Resources Committee
Raúl M. Grijalva, Ranking Member, Natural Resources Committee