

Congress of the United States

Washington, DC 20515

July 14, 2024

The Honorable Lloyd J. Austin III
Secretary of Defense
United States Department of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

The Honorable Christine Wormuth
Secretary of the Army
United States Army
101 Army Pentagon
Washington, DC 20310-0101

Dear Secretary Austin and Secretary Wormuth:

We write to express deep concern with the Department of Defense’s (DoD) practice of contracting with companies that sell military-grade ammunition to civilians — sometimes using DoD facilities and equipment to do so. DoD must ensure that public tax dollars no longer subsidize the production of military-grade ammunition that finds its way onto our streets and fuels mass shootings. Members of Congress requested documents and information related to this practice on February 8, 2024.¹ We write to reiterate the requests in the February 8th letter, as well as to raise additional concerns regarding the Army’s government-owned contractor-operated Lake City Army Ammunition Plant (Lake City plant) in Independence, Missouri.

The gun industry has made billions in revenue from selling weapons of war and military-grade ammunition to civilians.² Many of those companies are the U.S. military’s own contractors. One of these contractors, ammunition manufacturer Olin Winchester LLC, operates the Lake City plant, which produces military-grade ammunition for sale to civilians.³

Olin Winchester’s Lake City rounds have become the ammunition of choice for many mass shooters. According to reporting by the *New York Times*, ammunition from Lake City has been used in at least 12 high-profile mass shootings since 2012, including shootings at a supermarket in Buffalo, a movie theater in Aurora, a concert venue in Las Vegas, and schools in Parkland and Uvalde.⁴ Shooters have made clear that the ammunition’s lethal design intended for the battlefield is part of its appeal. For example, the Buffalo supermarket shooter described Lake City’s ammunition as “the best barrier penetration ammo I can get.”⁵

¹ Letter from Ranking Member Jamie Raskin, House Committee on Oversight and Accountability, and Ranking Member Robert Garcia, Subcommittee on National Security, the Border, and Foreign Affairs, to Secretary of the United States Army Christine Wormuth, February 8, 2024, <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/2024-02-08.JBR%20Garcia%20to%20Wormuth-Army%20re%20Lake%20City%20Plant.pdf>.

² *Id.*; Washington Post, “The Gun that Divides a Nation,” Todd C. Frankel, Shawn Boburg, Josh Dawsey, Ashley Parker and Alex Horton, March 27, 2024, <https://www.washingtonpost.com/nation/interactive/2023/ar-15-america-gun-culture-politics/>.

³ New York Times, “Army Ammunition Plant Is Tied to Mass Shootings Across the U.S.,” Ben Dooley, November 11, 2023, <https://www.nytimes.com/2023/11/11/us/army-ammunition-factory-shootings.html>.

⁴ New York Times, “Inside the Army Factory That Makes AR-15 Ammunition: 4 Takeaways,” Ben Dooley, November 11, 2023, <https://www.nytimes.com/2023/11/11/us/army-ammunition-factory-takeaways.html>.

⁵ *Id.*

Olin Winchester leans into this appeal, promising buyers the opportunity to shoot the same ammunition the military uses. Product advertisements highlight that the ammunition is “trusted by . . . military personnel around the world,” and that customers can “use the same product selected by the US Military.”⁶ Such messaging has helped Olin Winchester more than *double* its revenue since taking over the Lake City contract.⁷

We understand that Olin Winchester is required to maintain a surge capacity requirement of 1.6 billion rounds per year. However, information provided by the Army suggests that the federal government purchased only a fraction of that annual surge requirement over the last five years.⁸ According to public reports, billions of rounds of military-surplus Lake City ammunition have been sold commercially — including .50-caliber rounds powerful enough to pierce armor or down a helicopter and the .223 and 5.56 mm ammunition capable of penetrating an enemy’s steel helmet and crossing six football fields in a second.⁹

These facts suggest that the bulk of the ammunition produced at the Lake City plant is potentially being sold on the commercial market rather than sold to the federal government.¹⁰ Yet, the Army has failed to produce specific information to Congress regarding the Lake City plant’s commercial production and sales figures, despite confirming that it has the relevant documents and information in its possession.¹¹ Meanwhile, Olin Winchester is now expanding the Lake City plant to increase production, despite the fact that the government has not even purchased half of the 1.6 billion surge capacity requirement.¹²

DoD should not be subsidizing efforts to pump military-grade weaponry into American communities. Further, DoD should ensure that all of the contractors from which it purchases

⁶ Winchester Military, “USA Lake City M193 5.56MM Rifle Ammo,” <https://winchestermilitary.com/> Winchester Military, “<https://www.brownells.com/ammunition/rifle-ammunition/usa-lake-city-m193-5.56mm-rifle-ammo/>; Post on X by: Winchester Ammunition, October 18, 2019, <https://twitter.com/winchester/status/1185278128752680968>.

⁷ Letter from Ranking Member Jamie Raskin, House Committee on Oversight and Accountability, and Ranking Member Robert Garcia, Subcommittee on National Security, the Border, and Foreign Affairs, to Secretary of the United States Army Christine Wormuth, February 8, 2024, <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/2024-02-08.JBR%20Garcia%20to%20Wormuth-Army%20re%20Lake%20City%20Plant.pdf>.

⁸ Letter from Assistant Secretary of the Army Douglas R. Bush to Ranking Member Jamie Raskin, House Committee on Oversight and Accountability, and Ranking Member Robert Garcia, Subcommittee on National Security, the Border, and Foreign Affairs, April 4, 2024, on file with the Office of Ranking Member Jamie Raskin.

⁹ Bloomberg, “The Pentagon’s Deadly Secret: It Makes Money From Bullets Used in Mass Shootings,” David Kocieniewski, December 16, 2023, <https://www.bloomberg.com/graphics/2023-us-made-gun-exports-lake-city-ammo/>; New York Times, “Army Ammunition Plant Is Tied to Mass Shootings Across the U.S.,” Ben Dooley, November 11, 2023, <https://www.nytimes.com/2023/11/11/us/army-ammunition-factory-shootings.html>; Washington Post, “The Blast Effect,” N. Kirkpatrick, Atthar Mirza and Manuel Canales, March 27, 2023, <https://www.washingtonpost.com/nation/interactive/2023/ar-15-damage-to-human-body/#>.

¹⁰ Letter from Assistant Secretary of the Army Douglas R. Bush to Ranking Member Jamie Raskin, House Committee on Oversight and Accountability, and Ranking Member Robert Garcia, Subcommittee on National Security, the Border, and Foreign Affairs, April 4, 2024, on file with the Office of Ranking Member Jamie Raskin.

¹¹ *Id.*

¹² Winchester, “Winchester to Begin Construction on New Facility to Manufacture Next Generation Squad Weapon Ammunition,” April 2, 2024, <https://winchester.com/Support/Media/In-The-News/2024/04/02/Winchester-to-Begin-Construction-on-New-Facility>.

firearms are committed to firearm and public safety practices, especially when these same contractors also sell firearms and ammunition on the commercial market. Doing so would align with the calls of almost 70 members of Congress, as well as President Biden's 2023 Executive Order directing DoD to use its firearm acquisitions to advance public safety and firearm safety practices.¹³

To help the American people understand the relationship between DoD and Olin Winchester, as well as other contractors that sell military-grade weapons or ammunition on the commercial market, we renew Requests 2, 3, 4, and 5 from the February 8, 2024, letter from Ranking Member Jamie Raskin of the House Committee on Oversight and Accountability and Ranking Member Robert Garcia of the Subcommittee on National Security, the Border, and Foreign Affairs.¹⁴ Please provide all responsive documents and information, along with answers to the following questions, by July 29, 2024:

1. Please provide an update on implementation of the President's March 2023 Executive Order on DoD acquisition practices.
2. How many rounds of ammunition produced at Lake City were sold commercially in each of the past 5 fiscal years?
 - a. Please list all major types of ammunition sold, and the quantity and caliber of each, including any armor piercing, armor piercing incendiary (API), or tracer ammunition.
3. What operational plan, if any, does DoD or Olin Winchester maintain to prevent diversion of ammunition produced at Lake City into the illegal market?
 - a. What contractual requirements, if any, are currently in place to require Olin Winchester to prevent the diversion of ammunition into the illegal market?
4. Has DoD ever conducted an investigation or analysis of the role of ammunition produced at government facilities in violent crimes, including mass shootings?
 - a. If so, please provide the date of initiation and completion, results and recommendations from that investigation or internal analysis.

¹³ White House, "President Biden Announces New Actions to Reduce Gun Violence and Make Our Communities Safer," press release, March 14, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/14/fact-sheet-president-biden-announces-new-actions-to-reduce-gun-violence-and-make-our-communities-safer/>; Letter from Senator Elizabeth Warren to President Joseph R. Biden, September 11, 2023, <https://www.warren.senate.gov/imo/media/doc/2023.09.11%20Letter%20to%20Biden%20on%20Executive%20Actions%20on%20Guns.pdf>.

¹⁴ Letter from Ranking Member Jamie Raskin, House Committee on Oversight and Accountability, and Ranking Member Robert Garcia, Subcommittee on National Security, the Border, and Foreign Affairs, to Secretary of the United States Army Christine Wormuth, February 8, 2024, <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/2024-02-08.JBR%20Garcia%20to%20Wormuth-Army%20re%20Lake%20City%20Plant.pdf>.

5. What specific oversight and regulatory processes does DoD have in place to monitor and control the commercial sale of military-surplus ammunition and firearms originally designed for military use?
6. Will Next Generation Squad Weapon's ammunition, produced at Lake City pursuant to the ongoing expansion, be sold commercially?
7. Does Olin Winchester export any ammunition produced at Lake City? If so, please indicate the types and quantities of ammunition exported, and list the countries to which the ammunition is exported.

Thank you for your attention to this important matter.

Sincerely,



Elizabeth Warren
United States Senator



Ranking Member Jamie Raskin
Committee on Oversight and
Accountability



Alex Padilla
United States Senator



Ranking Member Robert Garcia
Subcommittee on National
Security, the Border, and Foreign
Affairs
Committee on Oversight and
Accountability



Mazie K. Hirono
United States Senator