OVERSIGHT OF THE FEDERAL GOVERNMENT'S PROCUREMENT OF AMMUNITION

JOINT OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY

AND THE

SUBCOMMITTEE ON ECONOMIC GROWTH, JOB CREATION AND REGULATORY AFFAIRS

OF THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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CONTENTS

	Page
Hearing held on April 25, 2013	1

WITNESSES

Mr. Nick Nayak, Ph.D., Chief Procurement Officer, U.S. Department of Homeland Security	
Oral Statement	8
Written Statement	10
Mr. Humberto Medina, Assistant Director, National Firearms and Tactical Training Unit, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security	
Oral Statement	16
Mr. Patrick P. O'Carroll, Jr.	
Oral Statement	17
Written Statement	19
Mr. Jon Adler, National President, National Law Enforcement Officers Association	
Oral Statement	57
Written Statement	60

APPENDIX

The Honorable John F. Tierney, a Member of Congress from the State of Massachusetts, Opening Statement	68
CRS Report Information on Ammunition used in FY11–12 Submitted for the Record from Mr. Medina	70
Homeland Security buying pricey ammo as department-wide cuts take hold by Perry Chiaramonte	74

OVERSIGHT OF THE FEDERAL GOVERNMENT'S PROCUREMENT OF AMMUNITION

Thursday, April 25, 2013,

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL SECURITY, JOINT WITH THE
SUBCOMMITTEE ON ECONOMIC GROWTH, JOB CREATION
AND REGULATORY AFFAIRS,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:05 a.m., in Room 2154 Rayburn House Office Building, Hon. Jason Chaffetz [chairman of the subcommittee] presiding.

Present: Representatives Chaffetz, Mica, Duncan, Jordan, Amash, Gosar, DesJarlais, Gowdy, Woodall, Massie, Collins, Meadows, Bentivolio, DeSantis, Issa, Maloney, Tierney, Kelly and Horsford.

Staff Present: Ali Ahmad, Majority Communications Advisor; Kurt Bardella, Majority Senior Policy Advisor; Molly Boyl, Majority Parliamentarian; Lawrence J. Brady, Majority Staff Director; Sharon Casey, Majority Senior Assistant Clerk; John Cuaderes, Majority Deputy Staff Director; Adam P. Fromm, Majority Director of Member Services and Committee Operations; Linda Good, Majority Chief Clerk; Mitchell S. Kominsky, Majority Counsel; Jim Lewis, Majority Senior Policy Advisor; Mark D. Marin, Majority Director of Oversight; Scott Schmidt, Majority Deputy Director of Digital Strategy; Sang H. Yi, Majority Professional Staff Member; Jaron Bourke, Minority Director of Administration; Kevin Corbin, Minority Professional Staff Member; Yvette Cravins, Minority Counsel; Devon Hill, Minority Research Assistant; Peter Kenny, Minority Counsel; Adam Koshkin, Minority Research Assistant.

Mr. CHAFFETZ. Good morning. The committee will come to order.

I would like to begin this hearing by stating the Oversight Committee mission statement. We exist to secure two fundamental principles. First, Americans have the right to know that the money Washington takes from them is well-spent. And second, Americans deserve an efficient, effective government that works for them.

Our duty on the Oversight and Government Reform Committee is to protect these rights. Our solemn responsibility is to hold government accountable to taxpayers, because taxpayers have a right to know what they get from their government.

We will work tirelessly in partnership with citizen watchdogs to deliver the facts to the American people and bring genuine reform to the Federal bureaucracy. This is the mission of the Oversight and Government Reform Committee.

Good morning, and welcome to today's hearing, titled, "Oversight of the Federal Government's Procurement of Ammunition." I am pleased to have an opportunity to hold this as a joint hearing with Chairman Jordan on this important matter.

I would also like to welcome Ranking Member Tierney, Ranking Member Cartwright, members of the subcommittee and those joining us in the audience here today.

As we have seen in very recent news reports, the Federal Government's massive procurement of ammunition, including articles from USA Today, the Associated Press and Investor's Business Daily, today's hearing will provide members with a chance to engage with senior Federal Government officials to discuss the procurement of ammunition at the Department of Homeland Security and the Social Security Administration Office of Inspector General.

We are not talking about the Department of Defense. We are not talking about the Department of Justice. We are focused on these two agencies here today. And as we have seen, Homeland Security currently has in inventory more than 260 million rounds of ammunition. The question is, what is an appropriate use of this ammunition, where is it stored, how much are they paying for it and what are they doing with it?

In fiscal year 2011, the Department of Homeland Security purchased approximately 108 million rounds of ammunition. In fiscal year 2012, Homeland Security purchased more than 103 million rounds of ammunition. To put it in context, the testimony we will hear today, they have about 70,000 agents who actually carry and use and need to be trained with weapons.

In the meantime, Homeland Security recently opened up a purchase order that allowed them on the high end to purchase over a billion rounds. In fact, in the opening statement, if there is any way that Homeland Security could clarify, because we have seen various news reports, and we have asked for documentation, and it is still unclear to me, this is the top end, this is the maximum amount. It does not suggest that they are going to purchase that amount. But they could under this purchase order buy up to, and I would appreciate some clarification, is it 1.1 billion rounds over five years, is it 1.4, 1.5, 1.6 billion rounds over five years? We would like to know what that is.

In fiscal year 2012, the Department of Homeland Security used approximately 116 million rounds of ammunition. In comparison, the United States Army purchased about 391 million rounds of small arms ammunition in fiscal year 2012, for an end strength of both active and reserve components of about 1.1 million people. This means that the Army allocated about 347 rounds of small arms ammunition per soldier in fiscal year 2012.

Based on Homeland Security's allocation of approximately 1,300 to 1,600 rounds per officer in comparison, Homeland Security officers used roughly 1,000 rounds more per person, or per officer, than the average Army officer.

On March 8th, 2013, I wrote letters to the Department of Homeland Security and the Social Security Administration, requesting information and briefings in order to learn more about their procurement. I appreciate their response. First, it is entirely inexplicable why the Department of Homeland Security needs so much

ammunition. We did not look at the Department of Defense, nor did we look at the Department of Justice. Based on the information provided to the committee by Homeland Security, their officers use what seems to be an exorbitant amount of ammunition.

DHS also provided documents to show the Department used approximately 116 million rounds. This is a stark difference from what Secretary Napolitano recently claimed that Homeland Security purchased. She said "I think our average is about 150 million rounds per year." A gap of over 30 million rounds of ammunition between the Secretary's figures and the numbers provided to the committee is a significant difference and something we need to sort out.

Based on the information provided to the committee, approximately 88 million of the 116 million rounds, or 75 percent, were for training purposes by Homeland Security. At the same time, approximately 28 million rounds of ammunition were for "operational purposes." Part of what we need clarification on is, what is operational and what is training? Please help in your opening statement to clarify the difference between those two.

According to Homeland Security, operational purposes means for operational posture, which translates to ammunition out in the field with officers and reserve ammunition in the field. But again, this needs clarification.

I am also hearing a different story than when we see people out in the field. I for instance was with Mr. Bentivolio and went to visit the southwest border. We visited with Customs and Border Patrol and ICE officers. We did this during an April 2nd trip to the Yuma Sector, we went to the Nogales Sector, we visited with people from the El Centro Sector there in California. They were complaining about a shortage of ammunition.

In fact, I would point to this website posting that they put up here, El Centro Border Patrol agents were just informed on March 28th, 2013, that due to budget cuts, they would not be issued any ammunition this quarter for maintaining proficiency above the number of rounds needed to complete their quarterly qualification.

Three different agents, three different sectors, each complained that they are given zero rounds, zero rounds, to do and perform training, which is of concern on many fronts. This again is something that needs clarification.

If the Department of Homeland Security did in fact use 28 million rounds of ammunition in the field, or ammunition has been stockpiled for operational purposes at local offices, why are law enforcement officers being told there is no ammunition for training? We have more than 260 million rounds on hand. While I appreciate Homeland Security providing answers to my inquiries, the responses provoked even more questions.

The employee count provided by Homeland Security indicated there were 90,079 employees that used fire and needed to be trained on a weapon. The testimony today will say that that number is just over 70,000. Again, we need some clarification, because the written statement that we got says over 90,000. Testimony today will say 70,000. That is a huge difference.

We understand that not all employees are armed. But there are 240,000 people in just Homeland Security alone. Homeland Secu-

rity has indicated the number of pistol-qualifying, carrying DHS officers is, again, roughly 70,000. Just over 70,000. If you divide out the 116 million rounds used in a year, again, you come up with a number that is in the rough range of 1,600 per person.

Now, again, I am not a mathematician. But the reason we are here today is to help clarify this, put it into context and get some answers.

Social Security Administration, meanwhile, Office of Inspector General, which has approximately 290 law enforcement agents, used 174,000 rounds of ammunition. In other words, the law enforcement officers at the Social Security Administration used about 600 rounds of ammunition per officer. Again, a discrepancy could be as much as 1,000 more rounds per agent at the Homeland Security compared to Social Security. And I do appreciate the clarity in which the Social Security Administration has responded to our questions, with their answers. It was very impressive.

I am committed to supporting the work of our law enforcement officers, and I want to ensure the procurement of ammunition for training purposes and operational is done in an effective manner. We want everybody to be properly trained. I agree that law enforcement needs to be trained and equipped with ammunition. We just simply want to have answers, some clarification.

I look forward to hearing from our witnesses, Mr. Nayak, Mr. Medina and Inspector General O'Carroll, and on the second panel, Mr. Adler, about the solutions to procurement challenges and things we can do to improve the process.

I would now like to recognize the ranking member of the subcommittee, Mr. Tierney.

[Prepared statement of Mr. Chaffetz follows:]

Mr. TIERNEY. Thank you, Mr. Chairman. I thank all of our witnesses for being here today.

Last year, the Department of Homeland Security and the Social Security Office of the Inspector General issued solicitations and awarded contracts to acquire a significant amount of ammunition. Rumors and conspiracy theories began to spread almost immediately over the internet.

To the extent that we are here, Mr. Chairman, to clarify the procurement policies, to determine whether or not they are wasteful or whether or not there has been some abuse of the contracting policy, that is fine. To the extent that we are responding to conspiracy theories or whatever, I think we are really wasting everybody's time on that.

It might have been predictable that Sarah Palin and like would have taken advantage of an opportunity to feed these conspiracy theories with statements that the government was preparing for civil unrest. But it was a little more disturbing that Senator Chuck Grassley would seize the opportunity to accuse the government of cornering the market on ammunition to drive up prices, as was reported in the Journal Express of Knoxville, Iowa on February 21st of this year.

Unsubstantiated, false conspiracy theories have no place in this committee room, hopefully. Federal ammunition purchases are a fraction of the total ammunition market, and they have been decreasing in recent years. Even the National Rifle Association

distanced itself from these conspiracy theories when it issued a statement last August bluntly titled Federal Law Enforcement Agencies Buy Ammunition. According to the NRA, "Much of the concern stems from a lack of understanding of the law enforcement functions" at Federal agencies. The NRA quotes from a Republican member that the Department of Homeland Security purchases "really isn't that large of an order" when you consider their large law enforcement mission. The release goes even further to state, "There is no need to invent additional threats to our gun owners' rights."

The conspiracy theories have prompted the Department's supplier of ammunition to release a response on its website. It reads, "The Department of Homeland Security contract makes up a very small percentage of our total ammunition output. This contract is not taking ammunition away from civilians. The current increase in demand is attributed to the civilian market."

Since 2009, civilian sales of both guns and ammo have skyrocketed. In the wake of the Sandy Hook tragedy late last year, guns and ammo began flying off the shelves over concerns of new laws and restrictions. Ammunition purchasing behavior of some gun owners, motivated perhaps by a fear of ammunition shortages, has in fact caused supply of ammunition to lag behind demand. As anyone with a cursory knowledge of economics knows, the result would be an increase in price.

This appears to be having a very real and negative consequence on local law enforcement. Around the Country, police departments have been reporting shortages of ammunition, from a sheriff's department in Tennessee, a report of reducing bullets to provide deputies for training, to concerns in Oklahoma and Texas that some officers are patrolling the streets not fully equipped. I look forward to hearing from the Department of Homeland Security and the Social Security Administration Inspector General on the effects these shortages may have on law enforcement training and operations.

We have seen recently in Boston the importance of a highly trained, fully equipped police force. To the extent this hearing is going to concentrate on whether or not ammunition is being bought in the right amounts and distributed appropriately, then I think we are having a hearing that is worthwhile. Over the span of 10 minutes in that Boston area, there were 200 bullets that were shot. In the end, the Watertown police chief stated, and for all of us, thank God, he, meaning Tamerlan Tsarnaev, ran out of ammunition.

Although these events are thankfully not everyday occurrences, it is imperative that our officers be equipped to respond when they do. According to our law enforcement officials, the ammunition purchases that are the subject of today's hearing are a necessary prerequisite for proper training and equipment. We should focus this hearing on whether or not that is the case, whether or not the purchases are excessive, whether or not the ammunition is being distributed appropriately and stay away, hopefully, from these rather bizarre conspiracy theories.

Thank you, Mr. Chairman.

Mr. CHAFFETZ. Thank you. Always good to have the gentleman from Massachusetts agreeing with and quoting the NRA and justifying a billion-plus rounds of ammunition purchase.

[Laughter.]

Mr. TIERNEY. Even a clock is right twice a day, right?

Mr. CHAFFETZ. Yes, and we will note it. Thank you.

I will now recognize the chairman of the full committee, the gentleman from California, Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman. I want to thank you for an opening statement that discussed the issue we are here for today. I am sad that the ranking member wanted to make it about politics or guns or internet statements.

There is a serious question of waste and lack of accountability. The chairman today, I am very happy and proud that he is calling in question a longstanding problem throughout government. In 1971, as a young private, I was in EOD. We disposed of and gave away regulatory countless numbers of rounds not fired. It was post-Vietnam, it was a different time.

Today, we deliberately do not have the Department of Defense here today, and I think that is appropriate. Their need to stockpile rounds, perhaps leading to obsolescence and disposal, is different. Their need is to have a virtually infinite amount of ammunition so that when a catastrophic event happens anywhere in the world, there is sufficient ammunition to respond to respond immediately.

Back in the 1970s there was an expression: when the Soviets come over the border, you have to come as you are and bring what you have. That is not true of Social Security. The idea that you have to have excess rounds, in excess of what can be justified for training on an annual basis year after year after year flies in the face of common sense. Rounds are not bananas, they do not brown in a matter of days or weeks. They do have a long shelf life. They can be rotated into training so that fresh ammunition is always available for the day to day protection of law enforcement.

Accountability for how many rounds are fired by person in support of their necessary training would lead to a number that could have been given to this committee well in advance. That is what we should have and should expect. If we discover, as I believe we will, that rounds are purchased, stockpiled and then either disposed of or passed on to other non-Federal agencies, or shot indiscriminately and without accountability for the number of rounds, then shame on you.

This is a relatively small amount of dollars, but it is the kind of dollars that should be highly controlled. Bullets can kill people. They need to be safeguarded properly during their purchase, their storage, their use in training and of course, accountability while they are in operations. I believe this committee is long overdue to ask that basic question of, are the consumable supplies, including ammunition, by the Federal Government, appropriately accounted for so as to minimize waste and minimize circumvention or misuse or simply joyful use that can happen.

This morning, in the basement of the Capitol, I fired ten rounds from a 9 millimeter. That is not enough to qualify or to get me back to currency. I understand that. Would 20 rounds do it? Would 40 rounds do it? Would 100 rounds do it? The Department of Defense has records for that. And accountability by as much as a junior NCO or a junior officer is absolute at the Department of Defense.

Today we will begin the questioning of whether or not anything close to that level of accountability exists throughout the rest of government. So Mr. Chairman, this is a serious hearing about potential waste and lack of accountability. That is what we are here for today. I commend you for this important hearing and I yield back.

Mr. CHAFFETZ. I thank the gentleman.

We will now recognize the gentleman of the subcommittee that we are doing this jointly with, the gentleman from Ohio, Mr. Jordan. Chairman Jordan, you are recognized for five minutes.

Mr. JORDAN. Thank you, Chairman, and I appreciate your having this hearing today.

Let me comment first relative to the ranking member's statement. This is not about conspiracy theories, this is about good government. We just want to know. I can't count the numbers of times I have had constituents come up to me and ask me about this issue, they have read about it, they just want to know the truth. Sometimes you just have hearings to find out the truth. You are not trying to make political points, you just want to know what is going on.

That is what this is about and that is why I appreciate the chairman having this hearing.

Multiple news reports have noted public concerns about the Federal Government's procurement of ammunition. For example, according to an article in USA Today, on February 18th of this year, the Department of Homeland Security solicited bids for up to 1.1 billion rounds of ammunition for over the next five years. Based on the information provided to the committee in response to these concerns, we have learned a great deal about the procurement of ammunition by DHS and SSAOIG. We hope to learn more today.

As Mr. Chaffetz mentioned, I am anxious to learn why the Department of Homeland Security officers used almost 1,000 rounds of ammunition per officer more than the average Army officer for small arms ammunition. While I agree that law enforcement agents need to be trained and equipped and need all the ammunition that is required to do that, the question before us today is whether DHS and the Social Security Administration Inspector General are procuring ammunition efficiently.

We have also learned that DHS consumes all purchased ammunition. But we are hearing anecdotes from law enforcement officers on the ground that suggests otherwise.

Thus, I am interested in hearing from the DHS witnesses about why there is a contrast in how much ammunition the agency is procuring compared to the claims of some agents that there are ammunition shortages for their training.

Today's hearing should explore potential solutions for the way the Federal Government can improve the procurement process and make sure that we are procuring the right amount of ammunition at the most efficient cost to the taxpayer. This hearing represents an opportunity to publicly discuss the information detailing the procurement of ammunition provided by DHS and SSAOIG, and learn more about the Federal Government's processes, policies and requirements for procuring ammunition.

I look forward to hearing from our witnesses and just getting informed and being able to answer our constituents' questions about this issue. Thank you, and I yield back.

Mr. CHAFFETZ. Thank you. Members may have seven days to submit opening statements for the record.

We will now recognize our first panel. Dr. Nick Nayak is the Chief Procurement Officer for the U.S. Department of Homeland Security. Mr. Medina is the Assistant Director of National Firearms and Tactical Training Unit at the U.S. Immigration and Customs Enforcement. He also chairs the DHS Weapons and Ammunition Commodity Council. And the Honorable Patrick O'Carroll, Jr. is the Inspector General at the Social Security Administration.

Pursuant to committee rules, all witnesses will be sworn in before they testify. If you gentlemen will please rise and raise your right hands.

Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth?

[Witnesses respond in the affirmative.]

Mr. CHAFFETZ. Thank you. You may be seated. Let the record reflect that the witnesses answered in the affirmative.

In order to allow time for discussion, we would appreciate it if you would limit your testimony to five minutes. Your entire written statement will be made part of the record. We may have questions that will also require some follow-up. Again, we would appreciate a timely response to those, and those too will be inserted into the record.

Dr. Nayak, we will now recognize you for five minutes. We thank you for being here.

WITNESS STATEMENTS

STATEMENT OF NICK NAYAK

Mr. NAYAK. Thank you, Mr. Chairman.

I am going to abbreviate my statement and make it much less than five minutes, try to answer some of your questions from your opening statement.

Good morning, Chairman Chaffetz, Chairman Jordan, Ranking Member Tierney, Ranking Member Cartwright and distinguished members of the subcommittee. It is my honor to testify today in front of you regarding procurement of ammunition at DHS.

I am DHS' chief procurement officer and a career civil servant, with 26 years procurement experience in the public, academic and private sectors. My chief responsibility is to oversee the purchase of $13 billion worth of products and services that keep our Nation safe and at a reasonable cost to the American taxpayer.

There is, as we have heard already, a tremendous amount of interest in the Department's purchase of ammunition. In addition to this committee, the Department has responded to over 200 inquiries from Congressional offices and GAO has notified us that they will initiate a study on weapons and ammunition purchases at the Department. We welcome that review.

At this time, I would like to address several assertions that have appeared in the media, and again, sort of in an abbreviated fashion. We look forward to questions.

Number one, we have not purchased 1.6 billion rounds of ammunition. I have no idea where the billion or over ever came from in terms of us having the capability to buy that. As we know, the average is about 100 million or so rounds that we buy per year. If you just do the math, it would take more than a decade and not shooting one bullet to get to a billion rounds on hand.

You had mentioned the rounds that we have on hand, so I won't really cover that.

The second assertion is that we are stockpiling ammunition. Simply not true, look forward to questions on that. We do have two years worth of usage on hand, and there are specific reasons for why we do that.

You mentioned how we use ammunition. It is true in operations and training, and we can explain that further.

The third assertion is, DHS' recent purchases of ammunition will not create shortages and restrict the supply of ammunition available to the public. The National Shooting Sports Foundation estimates the total annual domestic production of ammunition is roughly 10 to 12 billion rounds, and DHS' annual purchases equate to 1 percent of that production.

DHS has eight component agencies that buy and use ammunition to carry out their respective missions. Given the large number of law enforcement and security personnel the Department has, we established the Weapons and Ammunition Commodity Council in 2003 to identify ways to achieve cost savings by leveraging the combined purchasing power of our component agencies through something called strategic sourcing. In the past three years alone, we have saved more than a billion dollars through our strategic sourcing program

My colleague, Bert Medina, who is testifying alongside me this morning, heads the Weapons and Ammunition Commodity Council. He will be able to elaborate on the significant savings and the considerable degree of standardization among ammunition requirements we have been able to achieve through strategic sourcing.

Finally, Mr. Chairman, I am pleased to share that last year, GAO recognized our efforts to achieve greater oversight through our strategic plan, through one of the reports they produced where we have enhanced our oversight, our procurement oversight, and also through a study that they did on strategic sourcing, where we were called out about 10 or 11 times for being a leader in that particular area, which leads to getting a good deal for the American taxpayer.

I very much appreciate the opportunity to testify before you today and look forward to answering all of your questions. Thank you.

[Prepared statement of Mr. Nayak follows:]

U.S. Department of Homeland Security Testimony of

Nick Nayak, Chief Procurement Officer

And

Humberto Medina, Assistant Director, Immigrations and Customs Enforcement National Firearms and Tactical Training Unit

Before the House Committee on Oversight and Government Reform Subcommittee on National Security, Homeland Defense and Foreign Operations and Subcommittee on Economic Growth, Job Creation, and Regulatory Affairs

April 25, 2013

Chairmen Chaffetz and Jordan, Ranking Members Tierney and Cartwright, and members of the Subcommittees, as you know, the Department of Homeland Security (DHS) has important law enforcement and security missions. The Department employs more law enforcement agents than any other Department in the Federal Government. Many of the men and women of DHS put their lives at risk protecting the Nation every day and, therefore, must carry firearms in the line of duty. As such, DHS requires that employees who carry firearms in the line of duty regularly undergo qualification and testing on any device issued to them. The Department uses ammunition in its operations, training, and qualifications programs commensurate with its missions. Over the past ten years, the Department has continued to leverage the size of its law enforcement and security missions to save taxpayer funds through economies of scale through business processes in the procurement of ammunition and other law enforcement related items and services. We provided information about our procurements and responded to Members of Congress and the public with extensive information, and work with our stakeholders regarding our business practices and potential procurements.

DHS Ammunition Requirement

DHS employs approximately 72,000 agents and officers[1] that carry one or more firearms in the performance of their duties, including Border Patrol Agents, U.S. Customs and Border Protection Officers, Secret Service Agents, Uniformed Division Officers, Physical Security Specialists, Federal Air Marshals, Federal Protective Service Officers, and U.S. Immigration and Customs

[1] National Finance Center Job Series data from 2/9/2013: 71,998 employees includes Series 0083 (police), 1801 (General Inspection, Investigation, Enforcement and Compliance– ICE, TSA, and FPS only), 1811 (Criminal Investigation), 1895 (Border Patrol Enforcement) 1896 (Customs and Border Protection), and 0080 (Security Administration, FPS only).

Enforcement Agents and Officers. DHS Components have some of the most stringent qualifying requirements regarding firearm use in the Federal Government, due in part to the nature of their missions such as the Secret Service protection of the President, Federal Air Marshals operations on airplanes, and the rugged conditions that members of the Border Patrol face. Most of our agents and officers are required to qualify four times each year plus an annual night time qualification on all issued weapons, including pistols as well as rifle and/or shotgun. There are variations between the components, but in general employees are allotted approximately 200 rounds of ammunition for qualification and training each quarter and specialized agents or teams also participate in advanced firearms training that use additional ammunition.

In addition to civilian DHS firearms users, the U.S. Coast Guard consists of over 41,000 uniformed members of the military who also train with and carry firearms in the performance of their duties. Furthermore, DHS houses four interagency training sites that comprise the Federal Law Enforcement Training Center (FLETC). FLETC trains over 70,000 Federal, State, Local and Tribal law enforcement personnel every year. Since it was established in 1970, approximately 1,000,000 law enforcement officers and agents have been trained at FLETC. Ammunition purchased by FLETC is utilized by all students that train on firearms at their facilities.

DHS Purchase and Use

The quantity of ammunition that DHS has procured has largely remained constant relative to the Department's employee base since fiscal fear (FY) 2006.[2] On average, over the last three fiscal years, DHS procured approximately 120 million rounds of ammunition per year of all calibers and types and fired approximately the same number of rounds per year, almost exclusively for training purposes. In FY 2012, for example, DHS estimates that it procured just over 100 million rounds[3] and we anticipate the purchase and use of ammunition in the current fiscal year to be similar to previous years.[4] Based on the President's budget request for FY 2013, submitted to Congress in February 2012, Components identified approximately $37 million spread across different accounts that was budgeted for ammunition in FY 2013.[5] Furthermore, during the first two quarters of FY 2013 DHS purchased just under 41 million rounds of ammunition.[6] However, due to current resource constraints, efforts have been made to reduce spending on supplies, including ammunition if it will not have a deleterious effect on officer safety and proficiency.

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[2] FPDS.gov Spending Data retrieved 2/22/2013.

[3] DHS Data call to Components, April 15, 2013. The number of rounds purchased was previously reported to Congress as 103,178,200. It has been revised based on updated figures from the Components.

[4] DHS has on hand an inventory of approximately 263 million rounds, slightly more than two years' usage.

[5] Retrieved in November 20, 2012 data call.

[6] April 15, 2013 data call to Components.

The Department has experienced only minor fluctuations in its buying patterns for ammunition since its inception. These fluctuations have been driven by the size of the employee base using ammunition in the performance of their jobs and associated training. For example, the Border Patrol has doubled in size over the last ten years, which has required a commensurate increase in the amount of ammunition required for their training, qualification, and operations.[7] The Department's ammunition purchases peaked in FY 2010, and have since declined in each successive fiscal year.[8] Due to the fact that manufacturers can take six months to a year to deliver ammunition, DHS has a supply of ammunition on hand at a given time in order to manage training, operational posture needs, and delivery times from the manufacturers. As of April 15, 2013, this amounted to DHS having approximately 246,451,611 rounds in inventory.[9]

Strategic Sourcing

DHS has been widely recognized as a leader in the area of strategic sourcing, a key business practice that can reduce the cost of commodities purchased by the government. The Department's efforts are led by the Strategic Sourcing Program Office operated out of the Management Directorate's Office of the Chief Procurement Officer. Strategic sourcing helps combine requirements for similar products and services across the various DHS Components in order to achieve the best prices, and save money for the American taxpayer. Over the past three years alone, DHS has saved over $1 billion through its strategic sourcing program. While achieving these results, the Department has continued to maintain a strong focus on small business and over the last three years, nearly a third of DHS's strategic sourcing dollars went to small businesses.

DHS currently has over 50 active strategic sourcing initiatives comprised of over 460 contracts. These initiatives include a diverse portfolio of items including: computers, IT services, software, tactical communications equipment, body armor, office supplies and more. Six of these strategic sourcing initiatives are for ammunition. Most of these are indefinite-delivery/indefinite-quantity (IDIQ) type contracts. These contracts are **not** purchases, but rather lock in the price, specifications, and delivery costs for the specified periods of performance. They also set a contract ceiling, or maximum quantity, that can be ordered.

Given the large number of law enforcement and security personnel across the Department, DHS established the Weapons and Ammunition Commodity Council (WACC) in October 2003 with the goal of consolidating requirements for the acquisition of weapons, ammunition, and other use of force related or enforcement equipment for the purpose of developing procurements designed to achieve cost savings based on increased purchasing power. In addition to the cost saving achieved through collective procurement actions, the use of this strategic sourcing acquisition

[7] In particular, the Border Patrol added over 2,000 agents each year from FY 2006 to FY 2009.
[8] FPDS.gov Spending Data retrieved 2/22/2013, and DHS November 20, 2012 data call.
[9] DHS Data call to Components April 15, 2013. Previous inventory on November 20, 2012 was approximately 263,733,362.

approach leverages the specific expertise and resources each Component brings to bear. The benefits of this approach are significant because no single organization is required to have within its ranks all the technical and procurement resources necessary.

Components combine their expertise and resources to initiate DHS-wide contracts based on their specific mission needs. For example, U.S. Customs and Border Protection (CBP) is the largest user of .40 caliber pistol and .223 rifle ammunition, but U.S. Immigration and Customs Enforcement (ICE) has a state of the art weapons and ammunition testing facility as part of its National Firearms and Tactical Training Unit (NFTTU). The NFTTU Ballistics Laboratory (BALLAB) is an ISO 9001-certified laboratory staffed by experienced engineers and technicians supported by a team of veteran armorers. The BALLAB conducts research and testing of ammunition, firearms, and other law enforcement equipment. In addition, the BALLAB performs examinations of items returned from service to identify defects, monitor vendor quality control and perform vendor process audits. ICE NFTTU manages the contracts for these two types of ammunition and other items and conducts lot testing of items at its facility, meaning that CBP does not need to maintain this testing and research capability as it would be a duplication of efforts.

The WACC has established contracts for semi-automatic pistols, dual purpose body armor, pistol lock boxes, brass recycling services, vehicle lock boxes, and various calibers and types of ammunition. While the WACC initially identified commonalities in requirements of the Components, over time it has had the effect of streamlining the types of equipment the diverse Components choose to use. Components have switched the caliber of pistol they use in part due to the prices they are able to secure by joining the procurement effort, which leads to the ability to further leverage additional quantities in the ammunition contracts for those weapons.

While contracts established through the WACC are available for use by all DHS entities, some contracts are used only by a single Component because the items are required to address a unique organizational need. In some cases, Components establish smaller contracts for specialized or unique needs outside of the WACC. The WACC continues to explore opportunities for additional savings and further efficiencies.

Ammunition Contract Vehicles

Currently, DHS has strategically-sourced IDIQ contracts for a variety of ammunition[10] for duty use, and a multiple award contract for Commercial Leaded Training Ammunition (CLTA) in a variety of calibers and types for training use in handguns, rifles, and shotguns. Each contract is an IDIQ type contract with various contract ceilings and periods of performance of up to 5 years. DHS orders off the contracts on an as-needed basis and pays for the ammunition upon delivery.

[10] Ammunition varieties include .40 caliber, .38 caliber, 9mm Luger, .223 Remington, and 12ga shotgun; 12ga slug and buck shotgun ammunition contracts expired on January 30, 2013 and DHS intends to recomplete this requirement in the near future.

Total orders may not exceed the negotiated ceiling of rounds and DHS is only required to buy a minimum number of rounds on these contracts. Required quantities range from 1,000 to 10,000 rounds, which represent a very small portion of the projected DHS requirement.

The two largest contracts in terms of their ceiling of rounds are the .40 caliber pistol and the .223 rifle contracts. These contracts have lifetime ceilings of 450 million and 165 million rounds, respectively over the five-year life of each contract—but this does not mean DHS will purchase this many rounds. DHS has used similar contract vehicles in the past. The WACC developed its first strategically-sourced ammunition procurement in 2005. For example, beginning in 2008, DHS competed and awarded three contracts for .40 caliber ammunition of varying weights with ceilings totaling 466 million rounds over five years. Today, DHS has moved almost exclusively to 180gr bullets for its .40 caliber ammunition, so the .40 caliber contracts awarded in 2008 and early 2009 have been allowed to expire and their requirements were combined to the single .40 caliber contract vehicle currently in place.

How DHS Uses Ammunition

DHS uses duty ammunition for training in most circumstances. The price per round under the current DHS .40 caliber duty ammunition contract is $0.243, which represents up to 80 percent savings over some retail prices, and an average savings of 57 percent. Despite the low price, the contract stipulates rigorous quality standards and samples of each lot produced are sent to the ICE NFTTU BALLAB for testing. If approved, the lot is set aside at the manufacturer's facility as a DHS-approved lot for delivery to DHS field offices, Border Patrol stations, and training facilities as they are needed. DHS personnel are engaged in work around the country including at remote border locations and small field offices. Delivering and storing different types of ammunition for training and operational use creates complex logistical challenges. Given the low price that DHS has been able to negotiate on its ammunition contracts, officers, agents, and specialists generally use the same types of rounds for training and operational use.

DHS law enforcement personnel carry hollow-point pistol ammunition in most duty situations, which is the standard practice in law enforcement. Hollow point bullets expand outward on impact and limit the extent to which the bullets are able to pass through the target thereby limiting the potential of collateral damage. DHS agents and officers have a variety of less than lethal weapons, and only use firearms when use of deadly force is warranted and legally authorized.

Enhancing Ammunition Training and Achieving Additional Savings

DHS is investigating a variety of methods in order to achieve additional savings on the purchase and use of ammunition. For example, since 2007, FLETC and the Royal Canadian Mounted Police (RCMP) have conducted collaborative research to determine the necessary portions of firearms training that may be carried out by either simulators or live fire training with ammunition. Additionally, the RCMP has conducted research showing that officers trained with simulators have retained a higher level of firearms proficiency than those trained with live fire ammunition. DHS believes that some cost savings may be achieved by using simulators to replace or augment live fire training and the WACC is actively exploring these avenues, specifically the procurement for Interactive Firearms Training Simulators.

Additionally, DHS is investigating whether industry is able to produce a less expensive round to replace the use of duty ammunition in training situations. The round would be required to mimic the accuracy, recoil, and firearm performance of current duty ammunition and also have easily distinguishable characteristics from standard duty ammunition to avoid confusion between training rounds and duty rounds. DHS is also examining the feasibility of reducing the quantity of ammunition used in training without jeopardizing officer preparedness.

Transparency

DHS will continue to be transparent about its procurement activities. Every contract solicitation and award has been advertised[11] with a full description of the contract vehicle and details about the ceilings and period of performance. In limited cases, procurement sensitive information was redacted from some of the required postings in accordance with the Federal Acquisition Regulation to protect the integrity of the procurement process and prevent any firm from securing an unfair advantage in the competitive process. Additionally, ammunition is a distinct category that is searchable in federal procurement records, which are readily accessible to the public, allowing spending on ammunition to be easily tracked.

Conclusion

DHS maintains a highly trained workforce to fulfill its mission for the American people in the most effective and efficient way possible. While DHS spending on ammunition represents less than one tenth of one percent of the DHS budget, we continue to pursue measures that leverage all of the Department's resources in order to best make use of taxpayer dollars. Thank you and we look forward to answering any questions you may have.

[11] Advertisement was on FedBizOpps.gov, the database of federal contracting opportunities.

Mr. CHAFFETZ. Thank you.

We now recognize Mr. Medina for five minutes.

STATEMENT OF HUMBERTO MEDINA

Mr. MEDINA. Good morning, Chairman Chaffetz, Chairman Jordan, Ranking Member Tierney, Ranking Member Cartwright and distinguished members of the subcommittee. It is my honor to testify before you today on the procurement of ammunition by the Department of Homeland Security law enforcement agents and officers.

I am currently the chairman of the DHS Weapons and Ammunition Commodity Council, or WACC, for short. And I am the Assistant Director of the National Firearms and Tactical Training Unit, or NFTTU, with U.S. Immigration and Customs Enforcement.

I am a special agent, I have been working in Federal law enforcement for over 28 years. Given the large number of law enforcement and security personnel across the Department, DHS established the Weapons and Ammunition Commodity Council back in October of 2003. As the current chair, it is my responsibility to work with all DHS components to find cost savings where possible through strategic sourcing for the acquisition of weapons, ammunition, body armor and other law enforcement equipment.

The WACC's goal is to use the collective approach for increased buying power and realize significant cost savings for these items that include weapons, ammunition, body armor and other law enforcement equipment. All these are shared needs amongst DHS components. Through the WACC, DHS components combine their expertise and resources to initiate DHS-wide contracts based on their specific mission needs.

The WACC has over time had the effect of streamlining the types of equipment that diverse components choose to use. Components that have switched caliber of pistol, for example, that they use in part due to the prices they are able to secure by joining a procurement effort, which leads to the ability to further leverage buying power on future ammunition contracts.

As the head of the NFTTU within ICE, I am responsible for ensuring that weapons and ammunition required for use by law enforcement personnel are tested or evaluated and distributed to our officers and agents for training and operational use. As you know, ICE is DHS' principal investigative arm and it is the second largest investigative agency in the Federal Government.

ICE has a broad mission, covering approximately 400 Federal laws regarding border security, customs, trade and immigration. The NFTTU is the single focal point for firearms and use of force issues within ICE and facilitates the purchase and distribution fo weapons, ammunition, as well as provides training, logistical support and guidance to increase the safety and improve the tactical proficiency of the armed workforce within ICE.

In addition, NFTTU provides armory services through shared services agreements for U.S. Customs and Border Protection, Federal Protective Service and the Federal Air Marshal Service. The NFTTU is also unique in that it has a state of the art weapons and ammunition testing facility called the NFTTU Ballistics Laboratory. The BALL Lab is staffed by experienced engineers and techni-

cians who conduct research and testing of ammunition, firearms and other law enforcement equipment.

In addition, the BALL Lab performs examination of items returned from service to identify defects, monitor vendor quality control and perform vendor process audits. The capabilities of the ICE Ball Lab are leveraged by other DHS components for use in strategic sourcing contracts for weapons and ammunition.

Weapons and ammunition are vital and essential to ensure that our law enforcement personnel are safe and carry out their mission to protect and defend the homeland. Although DHS spending on ammunition represents less than one-tenth of 1 percent of the DHS budget, it is critical for DHS components to work collectively to reduce the cost without sacrificing safety.

In addition, those components within DHS that use ammunition have pursued measures to get an even better deal for the taxpayers' dollar. DHS will continue to seek ways to save taxpayers' money while maintaining a highly trained workforce that diligently protects the Nation.

Thank you again for this opportunity to testify before you today. I look forward to answering your questions.

Mr. CHAFFETZ. Thank you.

We will now recognize Mr. O'Carroll for five minutes.

STATEMENT OF PATRICK P. O'CARROLL, JR.

Mr. O'CARROLL. Good morning, Chairman Chaffetz, Chairman Jordan, Ranking Member Tierney, and members of both subcommittees.

Two years ago a former Social Security employee broke into the home of his ex-girlfriend who still worked for SSA. He shot her and her new boyfriend and then fled. Our agents, working with the Kentucky State Police, tracked him into the mountains where an armed standoff ensued. It ended without shots being fired when the suspect was taken into custody.

That same year, while trying to apprehend a fugitive felon, one of our agents and other members of a task force were fired at by the subject. They were forced to return fire for their own safety. In 2006, an Office of Inspector General agent from the Department of Justice was shot and killed while investigating a case involving a Bureau of Prisons guard. And last week, our agents worked hand in hand with their colleagues tracking the heavily-armed perpetrators of the Boston Marathon bombings.

The Social Security OIG conducts criminal investigations every day, and we do almost 8,000 of them every year. This year marks the 35th anniversary of the Inspector General Act, and last month marked the 18th anniversary of the Social Security Administration's OIG, established when SSA became independent from HHS in 1995.

For the first seven years of this OIG's existence, we derived our law enforcement authority from memoranda of understanding with the U.S. Marshal Service, making our agents special deputy U.S. Marshals. However, the Homeland Security Act of 2002 vested us with statutory law enforcement authority by amending the Inspector General Act of 1978. The new law now authorized our agents to carry a weapon, make arrests, execute search warrants, and

wield the full array of Federal law enforcement powers and responsibilities.

Among those responsibilities is complying with the Attorney General's guidelines for law enforcement. These guidelines mandate that each of our 294 sworn agents qualify four times a year with the weapon they carry on the street every day. These quarterly qualifications require between 60 and 180 bullets to be expended. That means for the most basic requirement alone, my office needs between 70,000 and 208,000 bullets every year.

But there is also low light training, a 36 to 72 round exercise that requires another 10,000 to 22,000 bullets, and other training, plus the ammunition assigned to each agent to carry in the course of their daily work. Experience tells us that each year, depending on a variety of factors, we will need at least 125,000 but fewer than 175,000 rounds of our duty-carry 357 hollow point ammunition.

Over the past eight years, since we began using 357 caliber weapons, our average annual procurement has been just over 150,000 rounds. In addition, we purchase much smaller quantities of shotgun ammunition, simunition for use in simulated training drills, and lead-free 357 ammunition for ranges that require lead-free bullets.

With respect to these purchases, we estimate projected need and adjusted subsequent purchases as available stock rises and falls with our usage. We procure our ammunition using SSA's Office of Acquisition and Grants to ensure compliance with both Federal contracting regulations and to prevent the unnecessary and expensive duplication of this administrative function within the OIG.

Once procured, we carefully store, distribute and track our ammunition in 66 offices across the Country. Our certified firearms instructors sign ammunition in and out of secure storage facilities for training exercises and duty use and log every round that we expend. When an internet rumor last August cast doubt on our need for ammunition, we responded with full transparency, and I do again today. I have provided detailed documentation on our acquisitions going back as far as we have records to reflect.

Other than a false internet rumor about civil unrest, there has been no challenge I am aware of for our need or handling of ammunition. While our response to the August rumors and our work for this hearing have left me confident in our responsible acquisition and use of ammunition, it has also shown me that there is always room for improvement. To that end, we have developed and implemented an even more stringent centralized policy for tracking and reporting procurement, distribution and storage of our ammunition. We will continue to exercise prudence and diligence in our purchase and handling of ammunition, with as much transparency as possible.

I thank you again for the invitation to testify today, and I will be happy to answer any questions.

[Prepared statement of Mr. O'Carroll follows:]

Good morning, Chairman Chaffetz, Chairman Jordan, Congressman Tierney, Congressman Cartwright, and members of both Subcommittees. I'm pleased to appear before you today to discuss the Social Security Administration (SSA) Office of the Inspector General's (OIG) procurement and use of ammunition. It is gratifying to have this opportunity to set the record straight for you and for the public.

Last August, an online commentator took note of a routine solicitation for .357 caliber duty-carry hollow-point ammunition that SSA's Office of Acquisition and Grants (OAG) had put forth on the OIG's behalf. It was an unremarkable solicitation, no different from many others we have made in our 18 years as an OIG, and no different from those made by other OIGs across the Federal government. Yet this website suggested that SSA was preparing for "civil unrest" resulting from rumored changes to SSA benefits and programs. Public and media interest was widespread, to the point where even Jay Leno included us in his "Tonight Show" monologue.

We were able to put a stop to the civil unrest rumor and other misinformation through complete disclosure and transparency, delivered through conversations with the media and Congress and via two blog posts of our own. Still, we continue to get questions from time to time, so again, I'm pleased to be here today to set the record straight on why the SSA-OIG needs bullets, how we procure them, and what we do with them.

This year marks the 35th anniversary of the *Inspector General Act of 1978*, passed in the wake of Watergate to ensure integrity in Federal government operations. It created 12 Inspectors General, charged with conducting independent audits and investigations into fraud, waste, and abuse in their respective Departments' programs and operations.

In the years since, Congress has expanded the community of Inspectors General to include virtually every Federal entity, some 73 Inspectors General conducting audits and investigations across government. In 2008, Congress even created the Council of the Inspectors General on Integrity and Efficiency (CIGIE), an informal governing body of IGs to coordinate and facilitate the audit and investigative activities of its 73 members.

While the SSA-OIG is one of the largest OIGs, it is by no means unique. Our counterparts in almost every other OIG have sworn Federal law enforcement agents conducting criminal investigations, making arrests, and carrying weapons. In fact, we obtained over 1,400 criminal convictions last year, physically making 552 arrests, while completing 7,833 criminal investigations. These investigations bring our agents into contact with violent felons, angry subjects, and frightened witnesses. To ask our agents to do so unarmed would be irresponsible, unfair to them and their families, and dangerous to the public.

For many years, our authority to carry weapons came not through statutory authority (which the IG Act did not originally provide), but through Memoranda of Understanding (MOU) with the U.S. Marshals Service. In fact, from the creation of the SSA-OIG in 1995 (when SSA became independent from the Department of Health and Human Services) until passage of the *Homeland Security Act of 2002*, we operated under such an MOU, and our agents were designated Special Deputy U.S. Marshals. The MOU required, from day one of our operation, that all sworn agents comply with the Attorney General's Guidelines for Federal Law Enforcement Agents, which included (and still includes) a requirement that all agents undergo quarterly firearms qualifications.

In 2002, when the Homeland Security Act was enacted, our law enforcement authority became statutory. While we were no longer subject to the MOU with the Marshals Service, the new statutory authority carried the same central requirement: compliance with the Attorney General guidelines, including quarterly firearms qualification.

Those quarterly qualifications, in which our agents use the same hollow-point ammunition they carry in the course of their duties, require that each agent complete a 60-round course of fire with a minimum score of 70 percent. If they do not achieve this score, they may try again twice more, for a potential total of 180 rounds. Often, even if an agent passes on his or her first attempt, a second round is completed, meaning that many agents use at least 120 bullets, and some as many as 180. Using 120 as an average, our 290 sworn agents, firing 120 shots four times a year would require a total of 139,000 bullets.

However, once a year, our agents must also qualify during a 36-round 'low light' exercise. Even if all 290 agents passed this exercise on the first try, that would require another 10,440 bullets, bringing the total, conservatively, to 149,440 (and of course, some agents require two low-light courses to qualify, so this exercise could require 20,880 rounds, bringing the total to 159,880). Then of course, each agent must have a quantity of bullets to carry in the course of investigations, and agents often undergo other, non-mandatory but advisable, training, such as prone shooting and misfire drills.

As you can see, our solicitation for 174,000 bullets was offered based on a reasonable estimate of our needs for the fiscal year; however, not every annual purchase total is the same. We make our purchases based on our estimated need and available resources. In some years, we've made significantly larger purchases; in other years, significantly smaller ones.

Our care in procuring ammunition is apparent when viewed over time. Although records retention requirements dictate that we retain these records for three years, we have eight years' worth of records at hand, dating back to our first purchase of .357 caliber ammunition as we transitioned from another duty weapon. These records show that we have purchased a total of 1,217,000 rounds of .357 caliber duty-carry hollow-point ammunition since Fiscal Year (FY) 2005, or an average of 152,125 rounds per year—a reasonable total given the qualification requirements described above.

We have provided spreadsheets reflecting our procurements over this period, and I am happy to answer any questions I can to explain the year-to-year variances, which are as mundane as late deliveries that required an additional order to avoid depletion of stock to timing based on resource availability. But looking back as far as records allow establishes conclusively that we buy only what we need to do our jobs.

Even looking at a single year—the 2012 purchase that inspired last August's controversy—what we procured was, as I stated earlier, very close to our anticipated need for the year: 174,000 rounds of .357 caliber duty-carry hollow-points, another 38,000 rounds of lead-free .357 for use on ranges that require lead-free ammunition, 9,000 rounds of 9mm simunition, and 38,250 rounds of appropriate 12-gauge shotgun ammunition.

Simunition is non-lethal ammunition designed for certain training exercises. And agents must undergo biannual familiarization (10 rounds) or qualification (20 rounds, up to two tries) drills on shotguns,

requiring between 11,600 (10 rounds per agent per familiarization drill) and 46,400 (40 rounds per agent per qualification if two courses required to pass) shotgun rounds.

The total ammunition cost in FY2012 was $99,946, or approximately one-tenth of one percent of the OIG's budget for the year.

We procure our ammunition through SSA's OAG, following all relevant statutory and regulatory requirements. Some have questioned why the OIG uses an SSA component to accomplish this task; the answer lies in efficiency. As you're well aware, government contracting is a technical and complex bureaucratic operation. This OIG, like most, sees no need to expend taxpayer funds to duplicate effort on administrative matters that the parent agency already performs, and performs well, when there is no compromise of OIG independence and no conflict of interest.

Just as we adhere to all regulations related to the acquisition and procurement of ammunition, we take great care in storing and protecting it, and in ensuring against waste and loss.

Firearms instructors in each Field Division are responsible for securing ammunition, tracking it, distributing it, and accounting for it, though a system of logs and reports designed to ensure that no ammunition goes unaccounted for.

While we have always been confident in our policies, our practices, and our people, we have, since last August, been discussing an even more formalized, more centralized system of controls over ammunition to ensure not only economy and security, but accountability. As a result, we recently enacted a new ammunition procurement, storage, usage, and tracking policy that gives our headquarters greater control through the Office of Investigations' Personnel and Administration Division, and provides real-time inventory information to guide and inform procurement decisions.

I often remind OIG employees that, as an oversight entity, we are held to a higher standard of accountability, both individually and collectively. We are exacting in our audits and investigations, and no less exacting in terms our own administrative operations, particularly concerning fiscal outlays, procurement regulations, and inventory controls.

Once again, I appreciate the opportunity to stand before you today and explain our ammunition procurement, usage, and tracking. I am happy to answer any additional questions you might have.

Mr. CHAFFETZ. Thank you.

Again, your full statements will be entered into the record.

I now recognize myself for five minutes. I am still not understanding the difference between operational and training. My understanding is fiscal year 2012, Homeland Security had 88 million rounds of ammunition that was used for training. Twenty-seven million rounds was for operations.

Who can explain what the difference is?

Mr. MEDINA. I will take the question, Mr. Chairman. Operational ammunition is ammunition that is loaded into magazines and maintained for ready-for-duty use should an officer be called on an assignment. That would be operational. To include ammunition that is expended if the situation calls for it.

Mr. CHAFFETZ. So how many times, for instance, did Homeland Security last year actually have to shoot and fire a weapon?

Mr. MEDINA. In terms of on actual duty?

Mr. CHAFFETZ. Yes.

Mr. MEDINA. I can tell you what ICE had to do.

Mr. CHAFFETZ. Go ahead, ICE, how many rounds?

Mr. MEDINA. ICE had 15 shooting incidents last year.

Mr. CHAFFETZ. Less than 100 rounds?

Mr. MEDINA. Less than 100 rounds, yes, sir.

Mr. CHAFFETZ. So what happens? I don't understand what happens to these rounds. Again, as we have said, it doesn't expire. There is no expiration date.

Mr. MEDINA. No, sir. What happens is they then use that ammunition after a period of time as training ammunition. It gets rotated back in, gets cycled back in with their training ammunition. So in other words, they have ammunition that they use, part of it that they use for operations. That is the complement of ammunition that they are issued. Then when they go back to the range, they periodically rotate it so that they have fresh ammunition on hand.

Mr. CHAFFETZ. Again, if you do the numbers and you do the math, let's look for instance at Customs and Border Patrol. We have emails and web postings and stuff from the local people on the ground saying they are getting zero rounds, zero, for training.

Mr. MEDINA. Can I speak to that, sir?

Mr. CHAFFETZ. Sure.

Mr. MEDINA. That is not accurate. What has happened is that in recent days there has been a change in the policy. It is essentially not really a change in the policy. The policy permits the issuance of practice rounds, not training rounds, practice rounds, that an individual officer can have and take with them to practice on their own time.

Mr. CHAFFETZ. They tell me that that is not true. Social Security is using, they are going into very dangerous operations, they arrested over 500 people and very volatile types of situations. Yet Homeland Security is using about 1,000 more rounds per person than Social Security. Why is that?

Mr. MEDINA. I can't speak to what Social Security does. But I can speak to that in Homeland Security. Our agents and officers are exposed to a variety of situations.

Mr. CHAFFETZ. So are they. You guys, it is Army.

Mr. MEDINA. I understand. But they are exposed to a variety of situations, especially those agents that are on the border. They not only have just one weapon, they might have three weapons. So for each of those weapons, they have a complement of ammunition.

Mr. CHAFFETZ. They have to qualify quarterly. What does not make sense, in the information you provide, is to suggest that, for instance, Customs and Border Patrol used 14,550,803 million rounds for operational purposes, when they are rarely firing their gun. When they need to fire the gun, we want to make sure they are highly trained, prepared, they have all the ammunition they need. But it seems like it is just walking out the door. There doesn't seem to be the accountability because of the exorbitant usage here. There is no accountability for where this ammunition is going.

Mr. MEDINA. Sir, I can assure you that the ammunition is accounted for.

Mr. CHAFFETZ. Where? We have been asking for this for a long time. And Dr. Nayak, how can you, are you telling me that the Associated Press, the USA Today, Investors Business Daily, and the briefer who came to our offices and shared the information, that you don't have the ability and you don't have a purchase order open to be able to purchase up to a billion plus rounds over the next five years?

Mr. NAYAK. Yes, that is exactly what I am telling you.

Mr. CHAFFETZ. I am telling you, that is not what the briefer came and told us. That is not what the documents say.

Mr. NAYAK. Then it was inaccurate.

Mr. CHAFFETZ. So what is the right amount? What is the amount?

Mr. NAYAK. I believe, Mr. Chairman, there are several contracts for ammunition.

Mr. CHAFFETZ. There is lots of different ammunition, lots of suppliers. What is the grand total of ammunition that you have the ability to purchase over the next five years?

Mr. NAYAK. I appreciate the question. When we issue contracts and the types of contracts that we issue, I am going to get a little in the weeds.

Mr. CHAFFETZ. I am just looking for a number.

Mr. NAYAK. The answer is a little complicated.

Mr. CHAFFETZ. I know. I just want a number.

Mr. NAYAK. I believe that what you are referring to is one contract that was awarded by FLETC for $70 million.

Mr. CHAFFETZ. No, I am looking for total contract. We will come back to this. My time is expired. I am going to ask another question and I am sure another member is going to follow up with you, so please try to get your act together on that.

When people go to FLETC and they are actually there for training, and they are not a Homeland Security personnel, do they use ammunition provided by Homeland Security, or do they bring their own ammunition?

Mr. MEDINA. I will answer that question. FLETC provides the ammunition and it is billed back to the agency.

Mr. CHAFFETZ. So they are not to bring their own? What do we charge for that?

Mr. MEDINA. I can't answer that. I will have to get back with you.

Mr. CHAFFETZ. We would like to follow up on that. Because to suggest there are almost 17 million rounds used for that training, which is in addition to the other training, and we have people in the field saying, I am not getting any rounds, it does not add up.

My time is expired. I recognize the ranking member from Massachusetts.

Mr. TIERNEY. Thank you, Mr. Chairman.

I am going to reserve my time and defer to my colleague at the moment.

Ms. KELLY. Thank you so much. Thank you, Mr. Chair.

As we know, an assortment of agencies falls under the DHS umbrella. More than 45 percent of all Federal officers with firearm authority are working under DHS, and the number of officers that are trained and certified in the use of firearms numbers is growing. From 2004 through 2008, the number of full-time officers in U.S. Customs and Border Protection rose 33 percent. Over the same period, ICE officers rose 20 percent and Secret Service rose more than 9 percent.

Other DHS components with ammunition requirements, including the Coast Guard, Federal Air Marshal Service and Federal Protective Service, are all growing. Border Patrol agents have more than doubled from 10,000 agents in 2004 to over 21,000 agents in 2012. It would be reasonable to assume that as the number of DHS employees using firearms is increasing, DHS would continue to procure more ammunition. But is it true?

Mr. Nayak, with the surge in DHS employees with firearms authority, did DHS spend more money on ammunition or buy more rounds from 2010 to 2012?

Mr. NAYAK. I am going to start the answer and Mr. Medina may finish the answer. We set up contracts so that the law enforcement community within DHS has the opportunity to buy ammunition as they need it. I don't buy ammunition unless the law enforcement community requests it. And by the way, just getting back to the Chairman's question, I now do have my act together, 750 million rounds is the number that I have for everything that we have in place at this time. And again, very happy that GAO is going to be doing an audit, because I know that we will be reviewing this again with them.

Mr. MEDINA. I don't have anything to add.

Ms. KELLY. What is the answer?

Mr. MEDINA. Repeat the question again?

Ms. KELLY. With the surge in DHS employees with firearms authority, did DHS spend more money on ammunition or buy more rounds from 2010 to 2012?

Mr. MEDINA. We actually, I have shown, our numbers show that we are actually buying less rounds from 2010. But I can tell you what happened in 2010, where we have a spike. Back in 2009, this is specifically related to the 40 caliber. We had some issues with one of our vendors. We had multiple awards for two contracts. And one particular vendor had issues with their ammunition quality to the point where we could not pass some of their lots.

When we could not pass some of their lots, it created a big problem for us. Because it takes about six months or so for a vendor to produce a lot to even give it to us for testing. So not only was this vendor having difficulty providing us a lot that could pass the lot acceptance testing process, the lots that had passed were then being recalled because quality issues surfaced with those lots in the field, which is detrimental to the officers' confidence in the weapons. So that was 2009.

We had to shift the production to another vendor. But it took us six months to catch up, which means in 2009 we had some scrambling to do. We had to shift ammunition in the field to make up for the deficiency that we had with that one particular vendor, to the point where we realized we had too keep a good reserve in. Because we couldn't, again, take a chance on being subjected to these fluctuations with the quality of ammunition.

So as you see in 2010, we ordered more than we did in other years. That was part of that. But if you look at 2011 and 2012, the numbers have come back down. And in part, as our training has gone down, the academy classes have gone down, you can see that the numbers that FLETC has are commensurate with that as well.

Ms. KELLY. So despite, if I am hearing you correctly, the consistent increase in officers, we are not really spending more money on ammunition?

Mr. MEDINA. No, we are not. We have been stable for the last few years.

Ms. KELLY. So it is not a harbinger of a government arms buildup?

Mr. MEDINA. It is not.

Ms. KELLY. Thank you.

Mr. CHAFFETZ. The gentlewoman yields back. I now recognize the chairman of the other subcommittee, Mr. Jordan, for five minutes.

Mr. JORDAN. Thank you, Mr. Chairman.

Dr. Nayak, I will pick up with the chairman had left off. In your opening statement, you said you have no idea where the 1 billion rounds number came from. You have to have some idea. Because as the chairman pointed out, Investors Business Daily, USA Today, Huffington Post, Associated Press, now, look, I am in politics. I know the press sometimes makes a mistake or two. But you have four news agencies reporting this number, and you in your testimony here and under oath in front of the committee say you have no clue where the number came from. You have to have a clue. Tell me how they got the billion number.

Mr. NAYAK. I don't know how they came up with the billion number. What we come up with us 750 million rounds.

Mr. JORDAN. So are they just making it up?

Mr. NAYAK. I have no idea. I have no idea. They could easily take some number, add some number, divide it and do all kinds of fuzzy math.

Mr. JORDAN. Don't you order in a five-year kind of a ceiling contract approach?

Mr. NAYAK. Yes.

Mr. JORDAN. I am saying it in layman's terms. You are in a five-year ceiling contract. What is that number for the five years? Is that the number you just gave our colleague?

Mr. NAYAK. Sir, just some perspective. It is a good question. Let me answer it directly. The information that I have right now, there are 34 contracts, 8 of them are strategically source contracts.

Mr. JORDAN. What was that number that you gave my colleague? Did you say 750 million?

Mr. NAYAK. Seven hundred fifty million rounds.

Mr. JORDAN. Rounds, purchased in a five-year ceiling contract? That is what it could purchase in a five-year ceiling contract? Is that what you are saying?

Mr. NAYAK. Not a contract, in all of the contracts.

Mr. JORDAN. I understand. All of the contracts that you have authority over.

Mr. NAYAK. We would have the capability over the years of collecting 750 million rounds.

Mr. JORDAN. So I guess I would hazard a guess saying maybe the news organizations said, in a ten-year time frame, using two five-year ceiling contracts, 750 million and 750 million, 1.5 billion? Do you think they did it that way?

Mr. NAYAK. Maybe.

Mr. JORDAN. Maybe? Seems to make sense to me. Mr. Medina, do you want to offer something on that?

Mr. MEDINA. We noticed during some of our work that we did, looking at what was purported to have been what we were buying, that in one instance there was a 70 million round contract that was misstated as 750 million, in one of the blogs. So that could be where it is coming from. But other than that, we really have no way of telling how they came to that conclusion.

Mr. JORDAN. Mr. Nayak, in your testimony you said 200 Congressional offices have contacted you regarding this issue. That must be a big number or you wouldn't have cited it in your statement. Why do you think that is the case? Why do you think so many folks are calling you? Why do you think so many members of Congress are interested? Is it because of what I said, we are getting a lot of questions from constituents back home? Why do you think that is the case?

Mr. NAYAK. I appreciate the question. I don't want to speculate on why that is the case. I know that this has been frustrating.

Mr. JORDAN. Did you guys ever publicly issue a clarification saying, looking, it isn't 1.5, folks, it is 750 million? Did you ever do that?

Mr. NAYAK. I do know that the Secretary has mentioned it, the Under Secretary.

Mr. JORDAN. We do press statements, we are in politics. Did you do a press statement?

Mr. NAYAK. Not to my knowledge.

Mr. JORDAN. You know, here is what I think. I think the reason we have so much concern out there, I think frankly, the Department of Homeland Security has a credibility problem. I will tell you what, this is an unrelated issue, but I think this goes to why the chairman called the hearing, why constituents are nervous about this. This is the same agency, you guys are obviously familiar with what took place at ICE where six weeks ago, 2,228 illegal detainees were released, 647 of them were criminals, 8 of them were level 1 felons. And now so the American public sees that, Mr. Morton told

the Judiciary Committee, which I am a member of, told the committee, we had to do that because of sequester, even though they had 20 months to get ready for sequester and plan for it. With a little planning, it seems to me you could have been ready for that.

And now the American people hear about reports from four credible news organizations that the same organization is buying 1.5 billion rounds of ammunition. You have a credibility problem. Plain and simple. Then when you do the numbers, 1,300 rounds per DHS employee per year, and you compare it to our soldiers in uniform in the United States Army, 347 rounds per soldier per year. You have a credibility problem. And you don't even issue a press release to clarify it. That is why you are here. That is why the chairman called the committee. And that is what our constituents want to know.

And I apologize, I have 17 seconds left for you guys to respond, but Mr. Nayak or Mr. Medina, I think you need to respond and let the American people know what is going on to improve the credibility of the Department of Homeland Security.

Mr. NAYAK. I appreciate your point. I agree that we need to get the information out. I look forward to the GAO report and getting the information out.

Mr. JORDAN. Mr. Chairman, I yield back.

Mr. CHAFFETZ. And that is one of the frustrations, we can't always wait for an audit. When the Secretary of Homeland Security says, well, it is 150 million rounds, and she is off by tens of millions of rounds, who is minding the store? You have more than 260 million rounds on hand, and you have Border Patrol agents complaining that they get zero for training. Zero.

I now recognize the gentleman from South Carolina, Mr. Gowdy, for five minutes. The ranking member, just as a point of clarification, has deferred. He is holding his time and we will come back to him. But we will now recognize Mr. Gowdy for five minutes.

Mr. GOWDY. I thank the chairman, the gentleman from Utah. Mr. Chairman, I also thank you for your leadership on this issue.

Chairman Jordan used his opening statement, then he also used his questioning, Dr. Nayak, to talk about this global pursuit of the truth and how credibility can be impeached or impacted by false statements in the past. I guess his line of question is buttressed by the fact that at least all of us on this side have received countless inquiries from our constituents, and you yourself have received countless inquiries from Congress. So I guess fundamentally I would ask you, do you understand why we are having this hearing? Do you understand why the hearing was and is warranted?

Mr. NAYAK. Absolutely, yes.

Mr. GOWDY. Why?

Mr. NAYAK. To get answers to the purchases of ammunition across, obviously across a couple of agencies here. Get a better understanding of it, and are we getting a good deal for what we are buying and all of the other good questions that you guys are asking.

Mr. GOWDY. I think that is part of it. I think you are right, that is part of it. Do you think it is important for people in positions of leadership to be credible with the assertions that they make?

Mr. NAYAK. Certainly. And in a large enterprise, we do the best we can at particular moments in time. But certainly.

Mr. GOWDY. When someone is not credible, what impact does that have?

Mr. NAYAK. It obviously hurts until you can regain credibility.

Mr. GOWDY. And it doesn't just hurt in that area. It begins to slowly impact your credibility across a wide range of areas. I am actually, Doctor, not talking about you. This is the first time I have ever laid eyes on you and I assume vice versa. This is certainly the first time I have ever had the privilege of asking you questions. But it is not the first time I have had the privilege of asking questions of folks from your agency.

So it just strikes me that just kind of globally, back to Chairman Jordan's point about this pursuit of the truth and credibility and what erodes public trust, it kind of fundamentally, you made reference to the Secretary herself and perhaps her efforts to kind of explain this issue previously. But when that is the same person, who is the only person in the Western Hemisphere who thinks the border is secure, that impacts credibility, correct? Would you agree?

Mr. NAYAK. I would rather not answer that question for the Secretary.

Mr. GOWDY. All right, well, let me ask you this. When Madam Secretary says that TSA agents will be furloughed today, today, and they are never furloughed, do you think that impacts credibility?

Mr. NAYAK. I really can't answer something that I don't have that much knowledge about.

Mr. GOWDY. When a law enforcement agent is sued or an official is sued by the agents and officers who work under her for a failure to enforce the current law, do you think that impacts credibility?

Mr. NAYAK. I would really rather allow someone else to answer that question. And incidentally, I have seen you before.

Mr. GOWDY. You testified before?

Mr. NAYAK. No. I see you on TV.

[Laughter.]

Mr. GOWDY. Oh. Don't believe everything you see on television.

All right, let me try that one. Because these are obviously, you are not the primary person I would like to be asking. But you do concede that the answers we give to questions impacts our credibility and then that credibility or believability impacts whether or not the general public believes our explanations? You see the connection, right? If you have a, or if someone hypothetically has a history of making comments that are demonstrably false, then even if you do explain a phenomenon, the answer may not be believed. So airport lines, if someone were to hypothetically say that we are going to see airport lines 150 to 200 percent longer, and that never materializes, do you think that would impact the credibility of the speaker?

Mr. NAYAK. All of this is a little bit out of my swim lane.

Mr. GOWDY. All right. The specific instances would be outside of your area of expertise. But you do agree, you do agree that if there are comments made that are incredible, in the truest sense of the word, and I don't mean incredible as in good, I mean a lack of credibility, then that is necessarily going to impact whether or not

the public believes other explanations. You do agree with me on that, right?

Mr. NAYAK. I just think in the context of this hearing, you will find that in the end, that we are credible in the information we are sharing and that we take it extremely seriously in terms of, in my case, in the world of procurement, setting up contracts to get a good deal for the taxpayer, while allowing the users to buy things to protect the Country.

Mr. GOWDY. And actually, Doctor, I believe you. I have no reason at all, none, to question your credibility. So it might be wise if the author of some of these other comments would inform herself or himself, as the case may be, as much as you have on issues before he or she makes public pronouncements. With that, I would yield back to the chairman.

Mr. CHAFFETZ. Thank you. The gentleman from Massachusetts continues to defer, so we will recognize the gentleman from Michigan, somebody I have traveled with to the southwest border, the gentleman from Michigan, Mr. Bentivolio, for five minutes.

Mr. BENTIVOLIO. Thank you, Mr. Chairman. Thank you, panelists, for appearing before us today. I am sure I am not the only member of Congress, as we have seen, to receive a considerable volume of constituent mail concerning the topic of discussion today. I assure you, the American people are very interested to hear what you have to say today.

Let me start with this point. Regardless of whether or not these ammunition purchases are justified, it comforts me to see the American people's vigilance. If their concerns are overdrawn, I am grateful they err on the side of caution. The American people have a right to be watchful and a right to sound the alarm at the first sign of trouble.

In my own experience, I led training for SWAT from basic firearm qualification all the way to complex SWAT operations as an instructor and manager of that training. I have a few questions, I was going through this purchase, Mr. O'Carroll, of hollow point and full metal jacket. And if you will, just bear with me for a second, you claim to have researched the open market to compare the costs of hollow point to that of full metal jacket. You then said, for example, in your testimony, Pro Bass Shops advertises a box of 50 hollow points for $33.49 and one 20-box of full metal jacket from the same company retails for approximately $24. Then you said based on these numbers, one round of hollow point sells for approximately 67 cents while one round of full metal jacket approximately $1.20. Surely you understand that advertised prices, retail prices, can't be compared, and advertised prices are by definition much lower than retail price, not to mention the volume or the 20 round versus 50, it affects the unit price in obvious ways.

In my own research, well, let me cut this short and just ask you a question. Did you find that hollow point is more expensive than full metal jacket? And what were your reasons for full metal jacket? Why do you need that in any type of operation?

Mr. O'CARROLL. Congressman, I am glad you asked that. The reason, what we use for our training is the same ammunition that we carry on duty. And what we find is that what you train with and then what you carry is going to be much more effective. So one,

that is why we don't break down and use, let's say for example, leaded bullets at the range and then hollow points in carry. We use the metal jacketed pointed ones all the time.

And the reason we do it, to get to the crux of your question, we find that when used, a hollow point bullet is going to flatten out and it is not going to travel as far. It is a much safer type of bullet to use in law enforcement than a regular leaded bullet would, which sometimes goes much further and can hit other people. That is the main reason why we do the hollow point, and that is why we carry that in our weapons.

Mr. BENTIVOLIO. And the target shooters, they say that it makes a better hole in the paper target, I understand. Is that correct?

Mr. O'CARROLL. I will tell you from experience, the holes in paper are different between the two rounds, correct.

Mr. BENTIVOLIO. Can you tell me what the basic load is for an officer on the job? A regular officer, not SWAT-type work.

Mr. O'CARROLL. In our case, we are carrying a 357 Sig, 13 rounds and usually two magazines besides.

Mr. BENTIVOLIO. So that is 39 rounds.

Mr. O'CARROLL. Correct.

Mr. BENTIVOLIO. And how many to qualify, what, quarterly or yearly?

Mr. O'CARROLL. What we are doing is according to the Attorney General guidelines, we have to qualify quarterly. Then what we shoot in a round of range, as you are familiar with, is a round is usually about 60 rounds, is a round of qualification. What we are finding with that is, that is why when I gave my numbers for the committee on this thing, we use a range. Because as an example, when our agents go to the range, if somebody is very qualified, they might shoot one round. A new agent might need to shoot the three rounds, or 180 rounds at the range. So usually what we are doing is we are doing about 60 rounds per agent three times, or 180 four times a year.

Mr. BENTIVOLIO. So he is using 21 more rounds from ammunition that he is actually carrying? So he takes his personal ammunition and he goes to the range, uses another 21 round if he fires 60 rounds, correct?

Mr. O'CARROLL. Correct.

Mr. BENTIVOLIO. Four times a year.

Mr. O'CARROLL. FIFO is what we call it, first in, first out. We are doing that with our ammunition supply as well as the carry rounds that they are doing. They expend the rounds that are in their possession, then when they leave, they pick up new round to have in their possession.

Mr. BENTIVOLIO. Thank you. I see my time is expired. Mr. Chairman, I yield back to you.

Mr. CHAFFETZ. Thank you. We are going to go ahead and recognize the gentleman from Florida, Mr. DeSantis, for five minutes.

Mr. DESANTIS. Thank you, Mr. Chairman. Thanks to the witnesses for coming here.

I guess this is probably for Dr. Nayak. How does DHS determine the ceiling number for these indefinite quantity contracts?

Mr. NAYAK. The ceiling is actually decided between my office and the requiring activity, or the law enforcement community. So I am going to ask Bert to talk about how do we determine the ceilings.

Mr. MEDINA. Ceilings are based on our past history with respect to consumption by the components. That is how we determine the ceiling. We generally are pretty close to that number every time we go through the entire period of performance with our contracts.

Mr. DESANTIS. I guess with the news reports and how folks are reacting to it, I guess there was the insinuation that DHS was stockpiling ammunition to kind of affect the availability of ammunition for private citizens on the private market. Can you say categorically that that was never a factor in any ammunition contracts that were discussed?

Mr. MEDINA. I can say categorically that that is not a factor at all.

Mr. DESANTIS. How many individuals under the DHS umbrella are required to do periodic firearms training? Do we know? I know TSA agents are not necessarily armed. Do you have a number on that?

Mr. MEDINA. Our number for those that are armed and are required to qualify is around 70,000 or so.

Mr. DESANTIS. So FLETC, that is pretty much all Federal law enforcement agencies except the FBI. Is that what it is now?

Mr. MEDINA. FLETC has a large multitude of agencies that train at FLETC. In addition, they do training for State and local agencies, and FLETC consumes quite a bit of ammunition in the context of the training that they do at the various facilities that they have.

Mr. DESANTIS. So State and local folks who get trained at FLETC, they use some of this ammunition too. About how many rounds a year does FLETC use? Do you have a ballpark on that?

Mr. MEDINA. Yes, I have it right here.

Mr. DESANTIS. It is 17 million. Does that sound about right? Okay. Because we were looking, and if you look at the number of rounds per DHS employee, I guess we calculated about 1,290 rounds per DHS employee. But when we looked at the Army for fiscal year 2012, if you looked at the amount of rounds per U.S. soldier, it was about 347 rounds. Now, we did look at what was actually expended and there were 270 rounds used by DHS in the line of duty in fiscal year 2012. I don't have the number for the Army, but obviously I think we would all admit that they probably expended more than 270 rounds in the line of duty.

So I guess a citizen would look at this and say, why do you guys need to have three times more rounds per employee than the U.S. Army. What would you say?

Mr. MEDINA. I can't speak to what the U.S. Army does. But I can tell you that with respect to our law enforcement officers, they only have that weapon to protect their lives when they are out there working in the front lines. They can't call in air support, they can't contact a squad to come help them. All they have is that weapon, that one weapon that provides them with the security to maintain the safety of themselves and the folks that they are entrusted to protect. So they have to be proficient in the use of that weapon, at a very high level. Because they are operating in the United States

in a civilian law enforcement capacity, which is different from the military capacity.

But again, I can't speak to how the Army trains their folks and why they justify the number of rounds that they actually consume.

Mr. DESANTIS. The rounds I was talking about for the Army was just small arm rounds, but I understand what you are saying.

There are also news reports about, and this was something that I got asked by constituents about whether the DHS was starting to procure armored vehicles. This was on websites and put out. Is there any truth to that? Does DHS have armored vehicles? Is there a need for it? Has there been anything from the agency that would substantiate those reports?

Mr. MEDINA. We have some MRAPs, Mine Resistant Ambush vehicles. Not very many. They weren't procured, they were provided to us by the Department of Defense. We use them for special operations for officer rescue. In fact, one last year was extremely, extremely beneficial for us in a situation where it protected our officers from gunfire while we were involved in an operation. So yes, we do have some. But it is not very many. It is less than 30, I believe.

Mr. DESANTIS. My time is expired. Thank you, Mr. Chairman.

Mr. CHAFFETZ. Thank you. We will now recognize the gentleman from Nevada, Mr. Horsford, for five minutes.

Mr. HORSFORD. Thank you, Mr. Chairman.

I would like to focus for a moment about strategic sourcing under the Department. As we know, an assortment of agencies falls under the Department's umbrella; more than 45 percent of all Federal officers with firearm authority are working under DHS. The number of officers who are trained and certified in the use of firearms, the number is growing. From 2004 to 2008, the number of full-time officers in the U.S. Customs and Border Protection rose 33 percent. Over the same period, ICE officers rose 20 percent and Secret Service rose more than 9 percent.

Other DHS components with ammunition requirements, including the Coast Guard, Federal Air Marshal Service, and Federal Protective Service, are also growing. Border Patrol agents have more than doubled, from 10,000 agents in 2004 to over 21,000 agents in 2012. It would be reasonable to assume that as the number of DHS employees using firearms increases that the DHS would continue to procure more ammunition. But is it true?

Dr. Nayak, with the surge in DHS employees with firearms authority, did DHS spend more money on ammunition or buy more rounds from 2010 to 2012?

Mr. NAYAK. I would say under normal circumstances that is generally the case. What the determining factors are on the amount of ammunition we buy are two things. One, it is the level of staffing that we have, our footprint of those that are authorized to carry guns. So commensurately with that, as the footprint goes up, we are going to buy more rounds, because we are going to consume more rounds. But also, the other factor is how much training we are doing, how much basic training classes are going on. So to the extent that there is a lot of that going on, more round will be consumed. To the extent that that drops, less round are going to be consumed.

There was, again, a spike in 2010. That was a high year, and that might explain some of the Secretary's comments about 150 million, where we bought 148 and some change. That was a high year. And that was as a result of some issues that we had in 2009, where we couldn't get ammo, so we had to make up for it in that year. But if you look at 2011 and 2012, they are relatively consistent. We do have a reserve that we try to maintain to avoid fluctuations that the marketplace sometimes presents. It has been pretty steady now. We are pretty steady for our number of officers that we have.

Mr. HORSFORD. So despite the increase of DHS officers and agents, the budget for ammunition procurement declined from 2010 to 2012? Is that correct?

Mr. MEDINA. That is correct. It has actually gone down somewhat.

Mr. HORSFORD. And rounds purchased by the DHS declined in the same period?

Mr. MEDINA. That is correct.

Mr. HORSFORD. So the DHS' trend of purchasing less ammunition for more employees and more firearms training is far from a harbinger of government arms buildup?

Mr. MEDINA. That is correct.

Mr. HORSFORD. Thank you, Mr. Chairman.

Mr. CHAFFETZ. Thank you.

We will now recognize the gentleman from Tennessee, Mr. Duncan, for five minutes.

Mr. DUNCAN. Thank you very much, Mr. Chairman. I had to be at another hearing.

I just wonder, you probably have already covered this, but some people feel that because of an excessive amount of purchases by Federal agencies that has led to shortages and greatly increased prices. I would be interested to know what you said about that before I got here. I am sure you covered that. Does somebody want to explain that to me?

Mr. MEDINA. Sir, I can comment on that. We represent, DHS acquisition represents a very small percentage of the commercial market. In fact, one of our ammunition suppliers has put on their website that DHS does not impact what their current production for the commercial market is. And that in fact, the greatest issue that is concerning the commercial market is the fact that there is a tremendous demand on the commercial market. In fact, you can't even get rimfire ammunition. It is very hard to get. And we don't use any of that.

So it is just a tremendous demand by the commercial market. The DHS requirements for ammunition are a very little impact to those suppliers.

Mr. DUNCAN. It seems to me that you had purchased a very excessive amount, or the Federal Government as a whole has purchased a very excessive amount that is not really needed. I remember reading a few years ago that the average FBI agent, not counting practice, actually fired a bullet, 1.1 bullets in their entire career. I mean, most of these Federal agencies almost never fire a bullet in an actual gunfight. It seems to me that especially in times of tight budgets that this is one area that we should be greatly re-

ducing the amount of money that is being spent, instead of just letting all these officers fire basically for the fun of it.

Mr. DUNCAN. Thank you very much.

Mr. CHAFFETZ. Would the gentleman yield?

Mr. DUNCAN. Yes.

Mr. CHAFFETZ. Adding on to what he is saying, if you have, my understanding is on hand, on hand, in storage, we have more than 3,400 rounds per person in storage. Doesn't that strike you, does that strike you as excessive? Does that strike you as well, we need that many per person? Every single person that carries a gun in Homeland Security has more than 3,400 rounds sitting in storage?

Mr. MEDINA. What we do is, ammunition is ordered months ahead of time. Certain things happen when the ammunition comes in. In terms of the ordering process——

Mr. CHAFFETZ. I am asking you, what is a reasonable amount to have in storage?

Mr. MEDINA. We believe that what we have in storage, which is anywhere from 18 months to a two-year supply, is reasonable, because of market fluctuations we have experienced in the past.

Mr. CHAFFETZ. Are you telling me you have to have 3,400 rounds because it saves money?

Mr. MEDINA. It not only so much about saving money, it is that we have had issues getting ammunition from the vendors in the past. Because they could not pass our lot acceptance tests.

The other thing that happens is when a contract expires, it takes us about a year to get another contract. Matter of fact, right now we have one that we have to move quickly on, because it takes, and just the contracting process in and of itself, going through it doesn't guarantee you that you will have a successful offer. We have had to go back to the drawing board on 40 calibers more than once, because none of the ammunition that was submitted for the test in the solicitation would even function in our weapons.

So you end up in a situation where you have no supplier, you have to rely on what you have in your stores to run you through that period of time. That is why we believe we need a two-year supply, 18-month to two-year supply.

Mr. CHAFFETZ. I think that is one of the things that we need to go back and look at. We certainly want them to have the training that they need. But it does sound excessive to me to have hundreds of millions of round sitting in storage. It does seem a bit excessive.

My time is about to expire. I will now recognize the gentlewoman from New York, Mrs. Maloney, for five minutes.

Mrs. MALONEY. Thank you, and first, let me thank all the witnesses. Is this ammunition American-made?

Mr. MEDINA. Yes, it is, madam.

Mrs. MALONEY. It is American-made. How many companies make it?

Mr. MEDINA. There are generally three manufacturers that are capable of supplying us in terms of volume. Right now we have contracts, I believe, with two big suppliers.

Mr. NAYAK. Yes, I don't know the number of contractors, but we have about 17 that we have identified, yes, U.S. companies.

Mrs. MALONEY. You have 17 U.S. companies, and you have contracts with 2 of them. Could you submit to the record, to the chair-

man and ranking member a list of who these companies are and what their contracts are for?

Mr. MEDINA. Absolutely.

Mrs. MALONEY. And it has been widely reported, and I would like unanimous consent to put there newspaper articles in on this, in the Democratic memo for today, if I could, in the record?

Mr. CHAFFETZ. So ordered.

[The referenced information was not provided.]

Mrs. MALONEY. Thank you. But it has been reported around that the Department has accumulated 1.6 billion rounds of ammunition. I would like to ask Mr. Nayak, is that true or not true?

Mr. NAYAK. We have answered that, and it is not true.

Mrs. MALONEY. It is not true. Okay. So it has decreased to what? It was reported in the paper that I am putting in here, 1.9 billion, it has decreased to what? How much do you have in storage now? Like about five months rounds? Two hundred million?

Mr. NAYAK. In storage is two years worth of ammunition.

Mrs. MALONEY. Which is?

Mr. MEDINA. It is around 220 million .

Mrs. MALONEY. Why does the Department have any inventory at all? Can't they just order the ammunition as you need it? Why can't you just order it instead of having hundreds of millions of ammo sitting around?

Mr. MEDINA. I will answer that, Madam. It is because the ammunition that we buy, even though it is sort of COTS, commercial off the shelf, it is made specifically to our contract specifications. Ammunition has to go through, the duty ammunition, not training, but the duty ammunition has to go through an arduous process that ensures that that ammunition is going to be of the highest quality for our folks. They can only ship ammo to us from DHS-approved lots. That is why.

Mrs. MALONEY. Now, the ammunition off the shelf, doesn't that come from the 17 manufacturers in America?

Mr. MEDINA. It does, but they are generally made on different production lines. For example, our 40 caliber ammunition, which is the big one that I guess most people have commented about, it is the 450 million ceiling contract for five years, when we place an order against that contract, a delivery order, they will make a lot. It takes them several months to make a lot, because they have to buy the components separately, propellant and things.

Mrs. MALONEY. Could we do a contract that said, hey, we are going to order this once we use up the ammunition that we have in inventory sitting around? I guess my question is, what would happen if the Department simply stopped acquiring ammunition and just used up what you have on hand?

Mr. MEDINA. We would run out of ammunition.

Mrs. MALONEY. With 246 million rounds, you would run out of ammunition?

Mr. MEDINA. What would happen, madam, is that if we used up what we had in our reserves, and we placed an order at the point where we used up what we had in our reserves, it would take a another six months, at least six months, for the manufacturers to deliver ammo to us. So we would have a period of time there where we wouldn't have ammo.

We have to keep the pipeline of ammunition flowing so that our folks don't run out of ammo. That is why we have to, it is a constant turnover of ammo. And yes, we do have a reserve to make up for any unforeseen circumstances that might happen in the marketplace, or quality issues that might come up with a vendor, or a contract that might expire and we would have to have ammo to ensure that it could get us to the next contract.

Mrs. MALONEY. And according to the Congressional Research Services, which reviewed the Department's awards and solicitations and information provided to the subcommittee, the largest award made last year was for up to 450 million rounds of 40 caliber rounds for ICE. Does that mean the Department will take immediate delivery of 450 million rounds?

Mr. MEDINA. No, madam. That is just a ceiling. It is for five years. And it is up to 450. It is not that we are going to take delivery of 450 million rounds.

Mrs. MALONEY. What is the minimum amount the Department must purchase each year under the contract?

Mr. NAYAK. We can get that information to you. I don't have the exact minimum. Usually it is not very high. But we can get that.

Mr. MEDINA. It is in the neighborhood of 10,000. It is not much.

Mrs. MALONEY. And it appears that the Department actually used slightly more ammunition than it purchased in both fiscal years 2011 and 2012. Is that true? This is from the CRS report.

Mr. MEDINA. I will have to get that data for you.

Mr. CHAFFETZ. We thank the gentlewoman. We will certainly work to get that. It is also a number that I would like to see, what the minimums are as well.

We now recognize the gentleman from North Carolina, Mr. Meadows, for five minutes.

Mr. MEADOWS. Thank you, Mr. Chairman. And thank you for this hearing that obviously is addressing some of the questions that we have from back home. I don't know of any other issue that I have been called personally on, sent more personal emails on, than this particular issue. My colleague, my esteemed colleague, the gentleman from South Carolina, brought up a very valid point. It is a point of credibility, gentlemen. When you have people within your organization saying one thing and the truth of the matter is that is not borne out, it provides a real lack of credibility in terms of some of the things that you have disseminated. We need to rectify that and get to the truth here today and thank you for coming to help us with that.

Also, I want to bring out from a law enforcement standpoint, I enjoy the support and the counsel of my law enforcement groups back home. Regardless of party, they have typically done the right thing for the right reason consistently. So I look to you gentlemen to do the right thing for the right reason.

With that, I want to go on a little bit further. Mr. Medina and Mr. O'Carroll, I would ask you to hopefully illuminate us, why is there such a difference in terms of the amount of rounds operationally that we need between your two agencies, in terms of efficiency? Some thousand rounds per individual difference. Is one of you being more efficient or one being more accurate?

Mr. MEDINA. I can't speak to what Social Security has.

Mr. MEADOWS. They use a lot less, is that correct, Mr. O'Carroll?

Mr. O'CARROLL. That is correct, sir.

Mr. MEDINA. But I can tell you that the determinant factor on number of rounds that are used for operations is going to be the number of weapons that each officer is authorized to carry. And the number of times that they are going to qualify.

Mr. MEADOWS. So let's take aside, why are we storing so much that would be non-training ammo we are looking at? Aren't those in two different classifications from a procurement standpoint?

Mr. MEDINA. It comes from the same batch. It is all operational ammo, it is all duty ammo that we use for training and operations.

Mr. MEADOWS. So there is no difference?

Mr. MEDINA. They are not distinguishable. We use the same contract for both.

Mr. MEADOWS. All right, same contract. In terms of allocating and the number of resources that you have, obviously you go through training ammo at a much faster rate than you would operational ammo, I would hope?

Mr. MEDINA. It is true, and operational ammo gets cycled back into training after a period of time as well.

Mr. MEADOWS. So why are your standards different from Mr. O'Carroll's?

Mr. MEDINA. The only thing I can say is I am not sure what they authorize for weapons with their officers, if it is different from outs.

Mr. MEADOWS. So you use a SIG Sauer, is that correct? Is that what I heard earlier?

Mr. MEDINA. We use a SIG Sauer, but we also have other weapons that they are authorized to have, in addition to their SIG Sauer, like a secondary, a backup small type weapon that they are authorized. They are also authorized to have a rifle, depending on their duty assignment.

Mr. MEADOWS. But this s not rifle ammo that we are talking about.

Mr. MEDINA. It is all of it. It includes rifle.

Mr. MEADOWS. Go ahead, Mr. O'Carroll.

Mr. O'CARROLL. Mr. Meadows, in our case, in fact, one, we have one issue weapon that we have, we use the same weapon for our training, that is our one duty weapon on it. And quite frankly, as I explained before, with our amount of qualifications that we have with the weapon or the ammunition that they carry, I guess we are about 600 rounds per agent a year.

Mr. MEADOWS. Which is 1,000 less than what you do, Mr. Medina?

Mr. MEDINA. It isn't necessarily that way. It is just an average that you take, if you do the math. But it doesn't work out that way. Because we have folks that are assigned to specially authorized weapons.

Mr. MEADOWS. So you have to have a special kind of math to figure this out.

Mr. MEDINA. Well, it is, because there are folks who consume quite a bit less than that, and there are folks that consume quite a bit more than that. It just depends on the specific job assignment you are talking about.

For example, we have special response teams that use quite a bit more ammo than, say, an agent who works in an office. So they have a different complement of ammunition issued to them.

Mr. MEADOWS. I see my time is expiring. If you are going to restore credibility, what would you do at this point, Dr. Nayak, Mr. Medina, what do you think you need to do to restore credibility, where my people back home can start saying that they can rely on you to do the right thing for the right reason and not give all kinds of rhetoric?

Mr. MEDINA. I think one thing I would say is our organization is an open window. We have absolutely nothing here. We are very proud of what we have done, we think we have done a great job. And I welcome the folks to come see our facility.

Mr. MEADOWS. But they can't come. I am talking about my people back in North Carolina. How do we tell them that you are doing the right thing for the right reason?

Mr. MEDINA. I think it is just a matter of explaining it and putting out the information.

Mr. MEADOWS. I see my time is expired. I appreciate the chair's indulgence. I yield back.

Mr. CHAFFETZ. Thank you. We will now recognize the gentleman from Georgia, Mr. Collins, for five minutes.

Mr. COLLINS. Thank you, Mr. Chairman.

This has been fascinating and I apologize for coming in late. I had business on the Floor that we were dealing with.

The issue, though, and this comes up, it may have been explained a different way earlier, but I want to get back to this. Mr. Meadows and I actually border districts. I am northeast Georgia, he is the North Carolina side. So we share a lot of the same folks, folks that are family and we come in, we get a lot of questions. In fact, I even have with me today, because this has become such a hot topic, I have my legislative correspondent, one who deals with all the questions, and deals with all the correspondence, who gets this question every day. That question basically will run many different ways. But they are having a hard time buying ammo, they are going to stores and they can't get it. And then they read through reports, as has been talked about here before, that you are buying up all this ammo.

I am just going to ask you point black, for my folks back home, if they ask me, I will let you answer it. The issue with them buying ammo, would you say it is because of the contracts that you have out there right now, that you are intentionally buying up all this ammo to keep it out of the shelves?

Mr. MEDINA. Sir, it is not. We are not even affecting it anywhere near to what the market forces are.

Mr. COLLINS. And to go along with that, I had talked to ammo manufacturers, and they confirmed that. Then that gets me past these questions and gets to the next question. It has been sort of asked here. In light of all the questions that you have heard today, and a lot of the comparison, especially the military, which there has been some comparison here to why fire significantly more than active duty. I am a member of the Air Force Reserve still. There is such a constant hold, if you would, and close check on the

amount of rounds fired from our military. Even when they have to qualify and even when they have to train.

Can you explain to me, why does there seem to be much more need here in these agencies as compared to our military?

Mr. MEDINA. I can't explain what the military fires. All I know is I have a facility in Fort Benning, Georgia, and I actually live in Georgia. We train with the Rangers all the time down there in our facility. And they shoot quite a bit more rounds than what was mentioned here as what the Army shoots.

But I can tell you that from a Federal law enforcement standpoint, it is important for our officers to be trained and have confidence in their weapons, all the weapons that they are issued. Especially those folks that are in the special response teams, that have to engage themselves in high risk operations, which we have in ICE, and CBP has them as well. So it just goes to the level of proficiency and competence that we want our officers to have with their sidearm, which is all they have. They don't have everything else and all the resources that the military has when they go into a hostile environment.

Mr. COLLINS. I think one of the things we are doing here, and I think the question has been asked, the simple issue of are we being good stewards of American money. One of the problems I have right now, and this is probably going to get me calls, but that is fine, they will know where my office is. I am tired of coming into the Rayburn Office Building and seeing SUVs sitting out friend with their engines running and waiting on somebody to testify and come back out. That is a waste of money.

When you look at it here, it is the same kind of thing. Do we need the two-year supply? Do we need a two-year backup? Is there such a problem coming from the manufacturers?

I noticed a little bit of what you said about quality. If there is that kind of a quality problem here, then shouldn't we be looking at something else? Why are we having a quality issue, that you need two years worth of backup here? That is the problem that most don't understand. They don't understand why we need those two years. I know you have explained lag times and procurement times. But this is the issue, I think, from a stewardship standpoint. Do you understand the questions and what we are dealing with here today?

Mr. MEDINA. Sir, I do. And we have no hard and fast rule on a two-year. It is an 18-month to two-year supply. We built up a reserve because of the issues that we have had with deliveries and quality in the past.

Now, that is not to say that it might not change in the future, depending on what we can establish as a track record of reliability from our suppliers. But you have to remember, just as recently as 2009, we had issues. So we have had to make adjustments to what we store in our reserves because of the issues that we had in 2009.

Now, again, when you see a reserve, that is not wasted. That is going to be consumed. So it is not like ammunition is going to be thrown away. It is going to be consumed through training and operations.

Mr. COLLINS. And that has never been denied. I think the issue here is what we are looking at, and the question I asked earlier.

You have a perception issue. And we deal in perception. As I have said many times before, perception is reality to people. That is what we have to deal with here. There is a reality that we are buying these large contracts, I can't get my ammo at my local gun store or Walmart, it has to be the government taking my ammo. Then we look at it and see you have a two-year supply. Why do we need that much?

It goes back to stewardship. I appreciate the answers that you are giving. I think the understanding is, from our perspective, it is just a stewardship issue. A bottom line stewardship issue.

Mr. Chairman, I see my time is gone. I yield back.

Mr. CHAFFETZ. Thank you. We now recognize the gentleman from Arizona, Mr. Gosar, for five minutes.

Mr. GOSAR. Thank you, Mr. Chairman.

I am grateful for this hearing. And I have heard my colleagues ask some very important questions about why the Department of Homeland Security needs so much ammunition compared to other Federal law enforcement entities, compared to the Department of Defense. Further, I am troubled by DHS' lack of accountability and sometimes transparency, when it comes to answering direct questions about their ammunition procurement.

But being that so, people are more concerned with what they believe to be billions of rounds of ammunition, and because some websites and blogs have asserted the ammunition may be used to suppress civil unrest, I will take my questions in a slightly different question.

Dr. Nayak, I have quite a few questions here, taking us from point A to point B. So if we could be rather quick in our answers, I have a long way to go. I have heard references to DHS hoarding billions of rounds of ammunition. True or false?

Mr. NAYAK. False. I think Bert and I will probably take some of these questions.

Mr. GOSAR. Either one will be fine.

I know you explained in your testimony why certain people may have misunderstood the documents they based on these claims. Would you very briefly again explain what an indefinite delivery, indefinite quantity IQ contract is?

Mr. NAYAK. I will take that, thank you. Very briefly, it is a type of contract where you are buying something, there is a minimum order, there is a maximum ceiling. Usually there is a number of years, anywhere from one to five, even ten years of supply. And you use those when you are not exactly sure how much you will need, when you will need it over that period of time. That is why you have a minimum and a maximum.

And why even a maximum, the maximum is so that we can leverage the possibility to get a good deal for the taxpayer. That is kind of where my world comes into play, that is where the term strategic sourcing comes in. We have been able to, through our strategic sourcing program, and by leveraging volume, get very good deals for the taxpayer when we buy ammo.

Mr. GOSAR. Would you concur, Mr. Medina?

Mr. MEDINA. Yes, I would concur.

Mr. GOSAR. I heard the gentleman say before, when we are procuring these large inventories, are we also looking at the procure-

ment of the necessary backgrounds, like casings and gunpowder, to make sure there are ample supplies? We have problems here, and I have an ammo builder in Payson, Arizona. One of the problems they say they have is it increasingly harder to get brass, gunpowder, all the way along the line. It seems like if I am reading this right that you as an end source, looking at this from that standpoint, would want to make sure that there is ample supply of quality brass, quality parts.

Can you tell me what you look at and how you can make sure there are more ready supplies along those lines?

Mr. MEDINA. I can tell you that we don't get into the components because that is really the responsibility of the manufacturer.

Mr. GOSAR. Do you restrict any of those? Or do you know any agencies that are restricting that access?

Mr. MEDINA. No, I do not. Matter of fact, we actually recycle our brass. We do GSA auctions for our brass to try to save taxpayer money, and actually we are bringing money back in through that process.

Mr. GOSAR. I think it is very obvious from other agencies that we have really put a restriction in regard to ammo production.

Mr. MEDINA. Yes. We work really, really well with vendors, as I mentioned in my original testimony, with our ISO 2000 certified lab. We work real close with the vendors, and we share a lot of the technology aspects.

But with respect to the components, we don't. The big vendors that we normally deal with generally make their own components. That is usually what happens. Other than propellant. They actually generally buy propellant. But the projectiles and the cartridge casings they generally make them themselves.

Mr. GOSAR. It seems to me, as an end user you would be very familiar, that there is ample supplies of those. Have you addressed any of the aspects behind the scenes of the limits or supply negatives that we have seen in the marketplace? It makes a lot of difference to people in that business.

Mr. MEDINA. Well, there is really not a lot we can do, since we are essentially a consumer. We are subject to the same market fluctuations.

Mr. GOSAR. I understand where you are going with this, but you are not reading what I am asking you. In order to be an end product user, you have to make sure there are ample supplies of the supplies to build your end product. So you want to make sure the policies are in place not to restrict brass, not to restrict gunpowder.

How are we looking at that in that aspect to make sure there are ample supplies so that you get your product?

Mr. MEDINA. Those kinds of policy decisions are outside my lane.

Mr. GOSAR. I would suspect that we would start looking at that as part of our line of inquiry. There is a restriction in those aspects and it definitely affected you as the end user and does the economics of producing all the way across the board for everybody.

Thank you, Mr. Chairman.

Mr. CHAFFETZ. I thank the gentleman and now recognize the gentleman from Kentucky, Mr. Massie, for five minutes.

Mr. MASSIE. Thank you, Mr. Chairman, for this hearing on a very important issue. I think this gets to the heart and the purpose

and the mission of the Oversight Committee. When a department or an agency can't or doesn't give a straight answer to the press or the American public and the American public becomes frustrated, it is the mission of this committee to get the answers, and know in unambiguous terms, they deserve to know specifically how this ammo is being procured and in what quantities.

I have been here for an hour and 40 minutes and listened to a lot of testimony. But I still can't get my head around the numbers. Walk me through this. If we need 60 rounds per agent per quarter to qualify that is 240 rounds per agent per year to qualify on their firearms. Why do they need over 1,000 rounds, knowing that they rarely discharge their weapon in the line of duty?

Mr. MEDINA. I will speak from the standpoint of DHS. I won't say all of DHS, because there are different aspects of DHS.

Mr. MASSIE. If it is brief, that will be good.

Mr. MEDINA. It will be brief. It is a function of the weapons that they have. In our agencies, we have not just the qualification with multiple weapons, and it is two attempts to qualify plus practice. So for example, in ICE, it is 50 rounds, not 60, but they get two attempts to qualify with each weapon. They might have as many as three. If you are in special operations, you might have more weapons.

They also get, they have to do what we call advanced firearms training exercises quarterly that expends ammunition. It is much more than just 50 rounds, 60 rounds. It is quite a big number around the training.

Mr. MASSIE. Thank you very much. It was stated before that hollow points are generally used for practice. It was stated that they are safer because they don't over-penetrate. While that is true, the real reason to use hollow points is they are more lethal than the other rounds. I would want law officers in the line of duty to have the most lethal round they can have. Hollow points are designed to expand as they enter the body, causing maximum damage by tearing apart tissue and organs and transferring all of the energy of the bullet to the target.

Can you tell me in very certain terms that hollow points are actually cheaper than full metal jacket or just lead bullets to use for practice?

Mr. MEDINA. I can tell you from our standpoint, and we are always looking for a better price on everything. At the rate that we buy hollow points, we are buying them very cheap. It is essentially the duty ammo.

Mr. MASSIE. But if you were to buy them in the same quantity, which would be cheaper, hollow points or just regular lead bullets?

Mr. MEDINA. Well, we couldn't use regular lead bullets because we are shooting semi-automatic pistols. You have issues with that.

Mr. MASSIE. You'd have to go with a full metal jacket.

Mr. MEDINA. Yes. Ideally, you could probably get a cheaper price with full metal jacket. But the problem that we have, and we are trying to sort this out this year, the problem that we have is we don't have any, other than FLETC and just a small number of ranges out there, most of our folks have to train at ranges. They bring the ammo to these ranges at police departments or whatever. So the last thing we want is for our officers to mix duty ammo with

training ammo. We don't have the ability to control individual rounds.

Mr. MASSIE. But if you could, it would be cheaper?

Mr. MEDINA. It would be, sir. And one thing we are doing this year, we have an initiative that we have working, an acquisition issue that is part of the WACC, for what we call readily identifiable training ammunition. If we are successful with that, it could yield some higher savings.

Mr. MASSIE. I realize the Department of Homeland Security is a relatively new department. But it is an umbrella organization that represents several agencies that have been around for a while. So right now, just to put this in perspective, I think there are about 250 million rounds stockpiled by the Department of Homeland Security. That is almost one round per adult in the United States, just to put that in perspective. If we look back historically in the 1990s, the 1980s, the 1970s at these departments that have come under Homeland Security, what would be the equivalent number that was stockpiled in those decades?

Mr. MEDINA. I can't answer that, sir.

Mr. MASSIE. Does anybody have that answer today? Historically, are we stockpiling more rounds than we did in the 1980s or the 1990s?

Mr. MEDINA. I can't tell you that, but I would be willing to bet, if I were to do a data dig on it, that we are probably getting a better deal. Because we are doing more centralized acquisition.

Mr. MASSIE. Okay, I would like to get that answer in the record, if you could, for me.

Also, my final question, what is being done to ensure that this ammo doesn't find its way into the black market or, heaven forbid, to drug cartels, as in the recent gun walking scandal? If we find a round of ammunition, even at a gun show but possibly at the scene of a crime, how can we be sure that it didn't fall off the back of the truck at Department of Homeland Security?

Mr. MEDINA. We have internal controls over the ammunition issuance process, where at the field office level, we have what we call senior firearms instructors that are responsible and accountable for the inventory.

Mr. MASSIE. But there are no unique markings on these bullets or the casings, so that we know if they get into the black market or heaven forbid, go over the border?

Mr. MEDINA. The boxes have lot numbers.

Mr. MASSIE. Just the boxes? Not the shells themselves?

Mr. MEDINA. That is correct. The shells themselves would not have that.

Mr. MASSIE. If we are looking for accountability and we want to avoid any of these instances, wouldn't that be a good thing to do?

Mr. MEDINA. It would. It certainly would add some cost for a manufacturer to add a different type of marking to a cartridge.

Mr. MASSIE. Even just a head stamp?

Mr. MEDINA. Yes. It depends on the cartridge itself. In order for them to try to maximize their efficiency, they want to try to use as much of the components that are used in the commercial process now.

Mr. MASSIE. Thank you. My time is expired.

Mr. CHAFFETZ. We thank the gentleman. We look forward to following up with that.

We will now recognize the gentleman from Florida, Mr. Mica, for five minutes.

Mr. MICA. Thank you, Mr. Chairman.

First, if I may, with the subcommittee's indulgence, I want to take just a moment of personal privilege. I have two special guests with us today from my district, Christina McFarland in the back there, and her daughter and son, Connor and Chloe. Just raise your hands.

These are very special people. Her husband and their father was killed in Afghanistan. They are visiting us today. We are very pleased to welcome you and thank your family for its incredible sacrifice. Again, just a moment of personal privilege. Thanks so much, Mr. Chairman.

Mr. CHAFFETZ. Absolutely.

Mr. MICA. Now if I may, let me address some questions to Mr. Medina. One of the programs actually that is pretty prominent in Central Florida is simulation. I had to attend several other hearings at the same time. Have they talked about simulation and use for fire testing?

Mr. MEDINA. We have not discussed it here.

Mr. MICA. You have not discussed it today. Do you have a program in DHS for it?

Mr. MEDINA. We actually took this on as a Weapons and Ammunition Commodity Council initiative back, I believe, and I will have to do the research on it, in 2010, where we have an IDIQ contract for simulators. We have the ability for programs to buy them.

So while it doesn't replace all the live fire, and it can never, because the technology is not quite there yet, we definitely are big proponents of it.

Mr. MICA. See, I would have to differ with you dramatically. The military is saving hundreds of millions of dollars, in fact billions of dollars, with simulation. And most of our troops, how many of your troops are going into, or your personnel are going into combat daily? They are not firing those weapons actually in operational situations daily, are they?

Mr. MEDINA. No, they are not.

Mr. MICA. No. Most of what you are firing is in training, is that correct?

Mr. MEDINA. That is correct.

Mr. MICA. Almost all of it. There is absolutely no reason why you should not have an extensive simulation training. The ability to train personnel, whether it is military or law enforcement, with simulation, not using live fire, is it has incredible potential for saving and better training. You can't come before the committee and tell me that they don't have sophisticated systems or simulation that will equal their experience on the range.

Mr. MEDINA. Sir, I am a big proponent of that.

Mr. MICA. Do we have contracts?

Mr. MEDINA. We do.

Mr. MICA. What agencies do?

Mr. MEDINA. ICE established a contract, a DHS-wide contract back in 2010 for simulators. Now, the actual units are quite expensive.

Mr. MICA. You don't even have to buy them. You can lease them. And they can provide the training and the service.

Mr. MEDINA. Right. The only issue that they are having, in the military, with really expensive types of equipment and aircraft, for the simulations, and they get a lot of value for their buck out of that, but when it comes to small arms

Mr. MICA. Oh come on, don't tell me that. Twenty years ago I helped the Live Fire Testing program that the military, in fact, we started almost all the military's simulation with saving money and not firing live ammunition in training. Almost every penny of it. I know that for a fact.

Mr. MEDINA. Sir, FLETC is currently using simulations for some of the basic instruction, just to get a little bit more of the basic foundation.

Mr. MICA. I think you need to get beyond basic. Again, in a time in which we have incredible deficits, and I have seen some of the money that you are spending, is absolutely outrageous, on live fire testing. It can be done with simulation. They have the technology to properly train people.

Your folks aren't in a day to day combat situation like our military. So don't sit there and tell me that you cannot use this to a greater extent and save taxpayer money.

Mr. MEDINA. Sir, I certainly am a big proponent of simulation.

Mr. MICA. But how much money are you spending out of your budget for simulation? Can you provide that to the committee?

Mr. MEDINA. I can provide that.

Mr. MICA. I bet it is pennies on the dollar. And actually, if you turn that around, you can save probably 85, 90 percent of what you are spending on ammunition and live fire training by substituting it with simulation.

Mr. MEDINA. One of the problems we have with simulation, it doesn't replicate the recoil. Since we shoot handguns, unlike the military that mostly shoots——

Mr. MICA. Again, please don't tell me that. We started this program and followed this for 20 years. I think you are so far behind the times. Again, using the most expensive means of training, live ammunition. And you do not have to use that, and you can enhance their skills far greater in a whole host of experiences that you can't replicate at a range firing that weapon. Did you know that?

Mr. MEDINA. We do that. We use it for judgment.

Mr. MICA. I want to see exactly how much you are spending for every agency. In fact, Mr. Chairman, I know we are looking at other agencies too. I would like to see what they are spending as far as simulation versus live fire testing and have that made part of the record. Thank you. I yield back.

Mr. CHAFFETZ. I thank the gentleman. We now recognize the gentleman from Georgia, Mr. Woodall, for five minutes.

Mr. WOODALL. Thank you, Mr. Chairman. I appreciate the time.

Mr. Medina, I will tell you that the Meggitt Training Systems Group is located just north of FLETC there in my district. We wel-

come you down any time you are interested in pursuing some of their new products. It is really amazing.

Mr. MEDINA. Not far from where I am.

Mr. WOODALL. Thinking about contracting, though, that is what I had on my mind, consumables, is it typical for all of the consumables that we will use across a calendar year to be collected in one, two, three year increments in advance? Do we stockpile toner cartridges and batteries and other things in the same way that we stockpile ammunition?

Mr. NAYAK. I would say stockpile is not the right terminology. We put contracts in place that give maximum flexibility. If it were ideal, it would be just in time buying. So I am not saying that there is an inventory of a variety of consumables. But nobody stockpiles, frankly, nobody has space to stockpile.

Mr. WOODALL. I guess stockpile does have a connotation to it. But as I look at the numbers, it looks like we have about an 18-month supply of ammunition on hand at any one time. Is that a fair generalization?

Mr. NAYAK. We have mentioned it several times, yes.

Mr. WOODALL. But would that also be true of toner cartridges and batteries and other off the shelf items that we might procure?

Mr. NAYAK. The answer is no. You are not going to get a huge inventory of many items. There will be some inventory in certain places.

Mr. WOODALL. So take me through again the unique nature of coming from the deep south, where I do, we won't use the word stockpile either. But when there is a good sale at the sporting goods store, we will go down and buy enough round to get us through the next hunting season. What is the challenge that you all face in your procurement of ammunition that is different than your procurement of the rest of your consumables?

Mr. NAYAK. Okay. I think Mr. Medina has covered that a couple of times in sort of why we buy and have the 18-month supply. I put the contracts in place that make sure we get a good deal when we buy. But what Mr. Medina could answer——

Mr. WOODALL. That is actually why I wanted to talk about it with you from a procurement perspective. But you are in this business, right?

Mr. NAYAK. Yes.

Mr. WOODALL. It may be that I, as someone who has to go out and prosecute the mission each day, I may have a different set of priorities than folks who are in the professional procurement business. I may think that it takes two and a half years to get something done, you may tell me I can run down to Walmart and get it done myself. So I wanted to focus on you as a technician.

Mr. NAYAK. So just sharing what we shared earlier, there is a time in the procurement process, I didn't create the Federal Acquisition Regulation, created in 1984. There are lots of rules for a lot of good reasons. So it takes time to buy things. That is my world.

But then in this particular sector, my best understanding, Mr. Medina understands this a little bit better than I do, a lot better than I do, that community in terms of making ammunition, it takes time, and there are a lot of issues in terms of the delivery of it.

So there is the contracting time that it takes and then there is the time it takes to actually produce the ammo.

Mr. WOODALL. Is that your experience in procurement? Again, these are, so many of these are off the shelf items that Walmart procures, that we as individuals procure. Is it your experience that things of this commonly-used nature are frequently 18-month lead time items?

Mr. NAYAK. Not for toner cartridges and things like that. But ammo is different. There is just not a ton of producers of ammo in the Country.

Mr. WOODALL. So we buy as much as we can in advance because we are concerned as a Nation we won't get as much? Tell me about the limited supply. I have to have the same amount every year anyway. The producers are producing the same amount every year anyway. If there is a limited supply, buying more in advance would certainly reduce the supply available to everyone else. But I am not sure how it would advantage me as a government actor.

Mr. NAYAK. I put the contract in place that gives us the ability to buy over time and get a good deal. In terms of when to buy and how much to buy, I depend on the law enforcement community. I don't know how much ammo they need to do their training and operations.

Mr. WOODALL. And you will let a single contract for the entire scope of Federal Government? If we need a generic full metal jacket 9 millimeter cartridge, you will consolidate all of those orders across all agencies and put that out as one?

Mr. NAYAK. Sir, that is an excellent question. That goes to the point of strategic sourcing for the government as a whole. So for instance, we have, and this has been over a couple, two or three administrations, strategic sourcing is something that is here to stay, it is getting a good deal for the taxpayer, but office supplies, all government agencies use office supplies. GSA strategically source some contracts, and we try to use those contracts to drive prices down in that area.

If it were determined, for whatever reason, that there was something else that should be strategically sourced, where we could leverage the buying power of the entire government, it wouldn't be done out of my shop. I might be an executive agent for the government or a lead in it. And if we had a need for whatever that was, then we would participate in that particular government-wide buy.

Mr. WOODALL. Thank you very much. Thank you for your patience, Mr. Chairman.

Mr. CHAFFETZ. Thank you. The gentleman yields back.

I now recognize myself for five minutes. Mr. Medina, Dr. Nayak, are you aware of any shortages in Homeland Security? Are there any shortages of any ammunition in Homeland Security?

Mr. MEDINA. No, I am not aware of any.

Mr. CHAFFETZ. Is there any situation in any agency that you are aware of that does not have the supply that it needs for training?

Mr. MEDINA. Not that I am aware of.

Mr. CHAFFETZ. Is there anybody specifically within Customs and Border Patrol that doesn't have ammunition for training?

Mr. MEDINA. Not that I am aware of.

Mr. CHAFFETZ. So it is your understanding that they should have a fully supply to do all of their training requirements?

Mr. MEDINA. They surely should.

Mr. CHAFFETZ. I would like to ask unanimous consent to enter into the record, it is titled Ammunition Shortage for Border Patrol, it is from National Border Patrol Council Local 2554, talking about how they have been given notice that due to budget cuts, they will not be issued any ammunition this quarter for maintaining. Without objection, so ordered.

Mr. CHAFFETZ. Is there anything due to sequestration or budgets or anything else that is inhibiting the ability of law enforcement to go through its firearms training?

Mr. MEDINA. Not as far as I know. My understanding is that the current policy that allows for practice ammunition, subject to availability of ammunition——

Mr. CHAFFETZ. And we said that there is no shortage.

Mr. MEDINA. There is no shortage. But if you don't shoot as much in practice, then you have more in reserves, which means you have less to buy. I think there is an effort to save a little money. So there is no question about that.

Mr. CHAFFETZ. Let me read the question that I asked, and I do appreciate the answer, but I don't understand the answer. I want some clarification. I asked how to describe how Homeland Security planned to use their ammunition. Under Customs and Border Patrol, this is the answer. Approximately 70 percent of Customs Border Patrol ammunition is used for quarterly qualifications, mandated firearms training and advanced firearms training as well as testing and evaluation. I understand that. Don't have a problem.

Twenty percent of Customs and Border Patrol ammunition is allocated for maintaining CBP's operational posture. I am still not understanding why 20 to 30 percent of the ammunition is for operational posturing, and what happens to that ammunition?

Mr. MEDINA. Operational posturing means the ammunition that you need in order to work your day in, day out.

Mr. CHAFFETZ. But once you issue that ammunition, it is not as if every agent walks back and their clips are all emptied out, their magazine is empty.

Mr. MEDINA. Right. But that is just a number that is assigned to ammunition.

Mr. CHAFFETZ. But you testified earlier when we were asking some questions that you don't allow for the mixing and matching of training versus operational ammunition.

Mr. MEDINA. Well, it is the same kind of ammunition.

Mr. CHAFFETZ. No doubt. If you have a Glock, I have a Glock 23, 40 caliber round. You said you don't mix and match.

Mr. MEDINA. We do, it is the same ammo. If I issue you six magazines, a complement of ammunition for your Glock, and six magazines for your M4, and let's say three or four magazines for your Model 26 that you carry on your ankle, that is your complement of ammo plus some practice ammunition. That is what you might get issued.

Mr. CHAFFETZ. I still don't understand, if 70 percent is for training, I buy that.

Mr. MEDINA. Right.

Mr. CHAFFETZ. I just don't understand how 30 percent, because it says here, the remaining 10 percent is dedicated to maintaining ammunition reserves at both the national and local level. So if you keep adding 10 percent to the reserves year after year after year, you get to the point where you have an awful lot of ammunition in reserve.

Mr. MEDINA. There is a limitation to what we can keep in reserves. Obviously, certainly that is a function of space. Most of this stuff is in field offices that don't have the space. There is a limit, no question about it.

Mr. CHAFFETZ. I still don't understand what the operational ammunition, what happens to it. The word is that it is being taken to the black market, it is just being shot in the field, shooting who knows what, they are taking it home for their own personal use. And it is not as if we are missing 20 or 30 rounds here. We are talking on an annualized basis about tens of millions of rounds, just within Customs and Border Patrol. And then I go down to the border and the guys say, we get zero ammunition for training. They hand us a bag, literally a baggie right now with 60 bullets in it so they can do their quarterly qualify.

Mr. MEDINA. Ammunition that is issued for operational purposes, and that is the complement of ammo you get for your magazines and the weapons that you have, is then at some later point in time brought to the range and expended in training. That is what happens to it.

Mr. CHAFFETZ. I think the way we track this, the way we classify this, seems so different. What I appreciate from the Social Security Administration, again, I am patting them on the back, they can break it down per agent, per round. With all due respect, they got their act together. What I don't understand is, they are using 600 rounds per agent per year, you are using almost 1,000 round or more per agent per year.

I don't understand the differences. I recognize that somebody may be carrying three weapons, they may be carrying one weapon. But when you average it out and you look at the totality of it, it really doesn't make sense.

My time is expired. I now recognize the gentleman from Ohio, Chairman Jim Jordan.

Mr. JORDAN. Mr. Medina, your title says Assistant Director, National Firearms and Tactical Training Unit, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security. I have read your background and glanced at your background, you have extensive service, and we appreciate that, in training and law enforcement.

Mr. Nayak mentioned earlier the way this works is, you tell him what you need. You are the professional, you tell him what is required for the safety and the well-being and the training of the law enforcement people that you oversee. Is that how it works? You give him a recommendation then you guys consult and he makes the order?

Mr. MEDINA. Through the Weapons and Ammunition Commodity Council, what we do is we collect the requirements from the various components for their needs. This is when we are going to es-

tablish a contract. Now, in many cases we will have records of what we did.

Mr. JORDAN. In simple terms, Mr. Nayak, you have listened to what these guys say, you trust these guys, they are the professionals, they give you the numbers. And by and large, you are going to take their numbers. You said this earlier, that Mr. Medina is more of an expert in this area than you are, correct?

Mr. NAYAK. Yes.

Mr. JORDAN. So these are the professionals, these are the guys who have the background, this is what we need to keep our guys safe. So in 2012, our understanding is you ordered 103 million rounds, is that correct, fiscal year 2012?

Mr. NAYAK. I think it is a little bit more than 100 million.

Mr. JORDAN. Okay. What did you order this year?

Mr. NAYAK. I think so far it is 41 million rounds.

Mr. JORDAN. And you plan on ordering how much more the rest of the year, or you are going to stop there? What are you going to do?

Mr. NAYAK. We are getting out of my lane.

Mr. MEDINA. We are ordering more.

Mr. JORDAN. Okay. But it will probably be the same, but based on what you think is in the best interest?

Mr. MEDINA. It should be pretty close to what we expended last year.

Mr. JORDAN. Okay. Here is what I am getting at. Today there is a story, it is a headline on the Drudge website. I think it is a Washington Times story. It says, Sequestration, Tight Budgets means Department of Homeland Security is Going to Buy Less Ammunition. So again, I guess what I am asking is, is this going to in any way jeopardize the safety of, picking up where Chairman Chaffetz was, you say this may result in less training, shoot less rounds, which means they don't use up as many rounds, and you won't have to buy as much in the future. Is that going to in any way jeopardize the safety of the good men and women who serve our Country in uniform?

Mr. MEDINA. We are not going to do anything that is going to jeopardize the safety of the good men and women that serve this Country. We are looking at trying to be as efficient as possible.

Mr. JORDAN. This gets back to where I was an hour and a half or two hours ago, the credibility of the Department of Homeland Security. Mr. Medina, Mr. Nayak, are you aware of when the sequestration law was enacted and became part of the law? Do you know when that was signed into law? Mr. Medina, do you know?

Mr. MEDINA. I believe it was 1 March, is that correct?

Mr. JORDAN. That is when it took effect. When did it become law? Mr. Nayak, do you know?

Mr. NAYAK. Not the exact date. But I will tell you that we were planning for sequestration in advance and frankly, we know that budgets are tight. We respect it.

Mr. JORDAN. Do you think the Director of Homeland Security knew? Do you think Secretary Napolitano knew? Do you think she knew? August 2nd, 2011, so 20 months ago. To now say that, oh, you know what, the guys who wear the uniform and law enforcement people across this Country aren't going to get as much train-

ing hours because oh, and blame it on sequester, and the timing of this news story to happen the day you are coming to testify about a concern many Americans have that you have too much ammunition, doesn't make a whole lot of sense.

Again, it goes to this credibility concern that Mr. Gowdy and I have been talking about this morning, where you have 2,228 illegal detainees released, blame it on sequester, 8 of them were level 1 felons, blame it on sequester, oh by the way, Mr. Chaffetz is having a hearing today on the ammunition concerns that many citizens across this Country have about DHS, so we are going to buy less ammunition and blame it on sequester.

The American taxpayers understand you had 20 months to get ready for it. Again, it goes right to the credibility of Secretary Napolitano and this agency.

So when did you, Dr. Nayak, start planning for sequestration? Did you start on August 3rd, 2011? Or did you start on March 2nd, 2013? You said you adequately planned for it. That is a long time in there. Seems to me a professional, I guess I look at it this way. A lot of families, a lot of small business owners don't have 20 months to get ready for some difficulty that may impact their family, their business. But professionals running Federal agencies had 20 months to get ready and the day of the hearing, we get a headline that says, oh, sequester means we are going to buy less ammunition, potentially jeopardizing the safety of the people who work in our respective agencies? When did you start, Dr. Nayak?

Mr. NAYAK. First of all, thank you for your passionate inquiry. I would tell you that I grew upon in a small family business, so I complete understand budgets. And I can only speak to my lane within Homeland Security, and I guess I can speak for my boss, the Under Secretary for Management. But even before sequestration, we can kind of read the tea leaves. If things are tight in general, we are all taxpayers as well, and so we were looking at our budget for things that we could do to plan for not just sequester, but just overall good management.

Because we did that before sequester, when sequester came in our particular lane, we were in pretty good shape.

Mr. JORDAN. Did you guys give bonuses to the folks who work in your lane, to use your term, your metaphor? Did you give bonuses to people in 2011?

Mr. NAYAK. I am sure there were some minimal bonuses.

Mr. JORDAN. Did you give bonuses to your folks in 2012?

Mr. NAYAK. I can't speak to that.

Mr. JORDAN. Did you have travel to conferences in 2011?

Mr. NAYAK. We have tightened down on everything, including travel and conferences.

Mr. JORDAN. But you did it? What about 2012? Did you continue to have folks go to conferences and travel in 2012?

Mr. NAYAK. Very minimal, if anything.

Mr. JORDAN. Again, Mr. Chairman, I appreciate this hearing. But the credibility of Secretary Napolitano and how she runs this agency is, I think, in serious question. I yield back.

Mr. CHAFFETZ. Thank you. Does any other member have additional questions? We also have a second panel.

The gentleman is recognized, Mr. Bentivolio is recognized.

Mr. BENTIVOLIO. Thank you very much, Mr. Chairman.

Some really quick questions, and short answers would be sufficient. We talked to you, following up on the last conversation, last questioning, we talked about practice ammo, qualification ammo, operational ammo for an officer. Do you have an SRT, or a special response team in Social Security?

Mr. O'CARROLL. We don't.

Mr. BENTIVOLIO. Mr. Medina, you do, don't you?

Mr. MEDINA. Yes, we do.

Mr. BENTIVOLIO. Quite a few of them.

Mr. MEDINA. Yes.

Mr. BENTIVOLIO. During training, training is pretty intense?

Mr. MEDINA. It sure is.

Mr. BENTIVOLIO. Not unusual to fire maybe 500 rounds of ammunition or something along those lines?

Mr. MEDINA. It is not.

Mr. BENTIVOLIO. Not unusual at all is it?

Mr. MEDINA. No, it is not.

Mr. BENTIVOLIO. Do you teach combat pistol techniques?

Mr. MEDINA. We sure do.

Mr. BENTIVOLIO. Not unusual to fire 90 rounds, 200 rounds in the course of fire for training?

Mr. MEDINA. No.

Mr. BENTIVOLIO. How often do you do that? Four times a year, once a year?

Mr. MEDINA. SRTs train monthly. And sometimes twice a month.

Mr. BENTIVOLIO. So twice a month an officer could fire 500 rounds each training exercise?

Mr. MEDINA. They are not always live fire.

Mr. BENTIVOLIO. Sim rounds, correct?

Mr. MEDINA. Sometimes it is sim rounds, and sometimes it is, they are just actually doing CPB work. So no firing is involved.

Mr. BENTIVOLIO. So how often actually fire, putting rounds down?

Mr. MEDINA. They have to shoot a minimum quarterly with all their SRT issued weapons. But in some cases they may shoot monthly.

Mr. BENTIVOLIO. And they will do practice as well, won't they? Not unusual to find a dedicated officer out there doing it almost once a week?

Mr. MEDINA. That is correct.

Mr. BENTIVOLIO. I understand. Now I am starting to get a handle on where all this ammunition is. But my other question revolves around some of the line items. I am still going through it and still trying to wrap my head around it. But I am going to get to the point. I am going to ask you some very pointed questions, answer yes or no.

I have a lot of people calling me up and saying that there is all these conspiracies and so forth and so on, you have probably heard it, doomsday events, civil unrest, you are preparing for that. Do you have any operational plans in the event there is civil unrest that you are going to arrest innocent civilians and put them in FEMA camps? Do you have any plans like that?

Mr. MEDINA. No plans.

Mr. BENTIVOLIO. The answer is clear, you have no plans whatsoever.

Mr. MEDINA. None.

Mr. BENTIVOLIO. Great. How about anything else like that?

Mr. MEDINA. No plans at all.

Mr. BENTIVOLIO. Do you follow rules of engagement?

Mr. MEDINA. We have use of force law that we follow, it is Supreme Court decisions and yes, we do.

Mr. BENTIVOLIO. Very highly trained officer. So your job mainly is to protect, not for any conspiracy to overthrow the people of this Country?

Mr. MEDINA. That is correct.

Mr. BENTIVOLIO. Thank you very much. I yield back.

Mr. CHAFFETZ. Thank you. We recognize the gentleman from Georgia, Mr. Woodall.

Mr. WOODALL. Thank you, Mr. Chairman. I will be brief. This committee is holding a separate committee on health care transparency upstairs, very complicated issue, no one knows how much a heart bypass surgery costs or all the inputs that go into it. In this age of information exchange, folks want more information than they wanted five years ago or ten years ago. Understanding that five years ago or ten years ago it might have been sufficient to talk about training purposes and operational purposes and categorize things in that way, would you anticipate, any of you, seeing some of the terminology change and having some of these reports made in different ways? My colleague Mr. Bentivolio made a very pointed display there that I hope puts lots of people's minds at ease.

But why do we need to go down that road to begin with? If what we are doing is shooting 1,000 round apiece in training, let's say we shoot 1,000 rounds apiece in training. If what we are doing is taking our operational complement of ammunition and recycling it into training, let's say we are recycling it into training instead of expending it operationally. Again, a lot of folks get worked up about a lot of different things. The better course of action would be to prevent folks from getting worked up to begin with. Do you anticipate any change in the reporting standards that your agencies use? I will start with you, Mr. O'Carroll.

Mr. O'CARROLL. I am glad you brought this up, Mr. Woodall. One of the things we have been talking about is communication and basically getting the information out there to the public, to the members of Congress, to your constituents. One of the things we are finding that works very well and might be why I am here today was that when this hit the press, we went out immediately and we added up all the ammunition that we bought, all the ammunition that we fired, and we put it on our website. We put it out there with explanations for it. We found that by getting in front of the problem, and getting the information out, so when any of your constituents called, we said, go to our website, there is a complete explanation to it.

I have to say, they have used that a number of times in the Council of IGs as the way to use social media to get in front of a problem. Hopefully that is an answer to your thing of trying to get into the 21st century with our explanation out there and telling the

public, as opposed to having to have a hearing to draw this information out.

Mr. WOODALL. My mother sends me emails daily, Mr. Medina, about all the bad things she reads on the internet. I have yet to find one that is true, but it still takes up a lot of her time and energy to be worried about those things. Any plans at DHS?

Mr. MEDINA. Yes. We are working real closely with our Office of Public Affairs to head off any kind of issues that we might see that give an incorrect perception of the ammunition used or any of things that we do with respect to our duties.

Mr. WOODALL. Have we seen the kind of linkable public disclosure that Mr. O'Carroll describes at DHS?

Mr. MEDINA. I think we have had some responses, but I am not so sure that we have done anything like that on a website.

Mr. WOODALL. Do you think that would be worth the public relations folks' time?

Mr. MEDINA. Sure.

Mr. WOODALL. Thank you.

Dr. Nayak, I know it is not in your lane, but we care about how the people's money gets spent on the procurement side. Do you see more disclosure today? Do you see more disclosure coming tomorrow than what we have seen in years past?

Mr. NAYAK. Sir, from my world, we use the DHS internet. I have a strategic plan for procurement, the nine procurement offices, 1,422 people spending $13 billion. It is on the internet for every taxpayer to see. We have an annual progress report against that. It is out on the internet for every taxpayer to see. Nobody likes to have it come to a hearing, but I am happy to be here to answer the questions, happy to work with GAO. We will, at our level, provide all the information. As my colleague Mr. Medina said, we will defer to our Office of Public Affairs to use all the various techniques to get the word out.

Mr. WOODALL. I hope it validates your team, that their work does not go unnoticed, since it was there that folks originally looked to to get down this road we are today. Thank you for the work that you do. Thank you, Mr. Chairman.

Mr. CHAFFETZ. Thank you. I am also on the receiving end of your mother's emails. I tell her how much we appreciate those and her hourly input to the public process. Thank you.

[Laughter.]

Mr. CHAFFETZ. We will now recognize the gentleman from Massachusetts, the ranking member, Mr. Tierney.

Mr. TIERNEY. Thank you. As I said at the beginning of my opening remarks, I hate to think that this committee's agenda and schedule is going to be set by what hysteria shows up on the internet from time to time. I commend you, Mr. O'Carroll, for having the foresight to anticipate conspiracy theories and to get your stuff out there quickly enough that you might be one step ahead. Dr. Nayak and Mr. Medina, now that you are going to be apparently in a position to have to try to do that as well, good luck with that. I think they are probably not going to slow down, the conspiracy theories will think of another avenue to go on on that.

The only other comment I have to make generally on that is that the sequester situation is nothing short of legislative malpractice,

and it was committed by Congress. It wasn't committed by the people who are sitting at the table in front of us as witnesses or their agencies and departments. It was just an absolute failure on the part of Congress to be willing to step up and set priorities and determine where cuts were going to be made, or to make them in a balanced and reasonable way in conjunction with closing loopholes and revenues and other things of that nature.

To think that all of you should have thought way back in August of 2011 when there was a bill passed that said that sequester may eventually happen if the special committee didn't come to a conclusion to anticipate that that would have resulted in malpractice and you would actually get sequestration would have been some incredible foresight on your part. But I commend Dr. Nayak, Mr. Medina and Mr. O'Carroll for at least planning that it might happen on that respect. But it certainly is the case that no matter what you do in terms of that, you are still going to be cutting. You are still going to be having less programs and less situations than you had before. It is going to be painful.

But now people that caused it to happen just aren't going to own up to it. They are going to think it was some process thing and try to convince people they had nothing to do with it, when in fact they had everything to do with it. And it is the result it is because they can claim on one hand that everything the government does is waste, fraud and abuse, being apparently unable to show that, they want to make the cuts and then claim they had nothing to do with it and then go, oh, my God, isn't that terrible, they should have cut waste, fraud and abuse instead of what they are doing. Meanwhile, the sequestration order very clearly in the statute doesn't allow the kind of flexibility that everybody is running around claiming exists. It gets right down to the program and activity level. And you are stuck with it, with very, very little ability to move around on.

So if we all want to have a truth-telling session here, that is where it lays. I know you are doing the best that you can, I know that we probably can have some savings and maybe a little more transparency and get down that avenue. But I certainly regret the fact that it had to come to a full-blown hearing. On that basis I think we could have resolved it differently.

Dr. Nayak, you indicated early on that there was a GAO report coming out. What is the scope of that report?

Mr. NAYAK. The study is procurement of, it is to review the procurement of ammunition at the Department of Homeland Security.

Mr. TIERNEY. So it will address all the things that were discussed here today?

Mr. NAYAK. Yes.

Mr. TIERNEY. When is the estimated time of arrival of that report?

Mr. NAYAK. The study has begun. Or we have received the letter for the study to begin.

Mr. TIERNEY. Do you have any idea how long it is going to take?

Mr. NAYAK. I don't.

Mr. TIERNEY. No general experience with similar reports?

Mr. NAYAK. It depends on the depth and breadth of the study. But 30, 60 days.

Mr. TIERNEY. Thirty or 60 days, generally?

Mr. NAYAK. It depends.

Mr. TIERNEY. How many people, the number of people involved in your office in gathering all the documents needed to respond to the committee's request for documents?

Mr. NAYAK. It will depend on how far they go down.

Mr. TIERNEY. On the committee's request for documents prior to the hearing today.

Mr. NAYAK. Oh, for today. I am sorry, the question was?

Mr. TIERNEY. The number of people involved in gathering that information.

Mr. NAYAK. I would say roughly 20.

Mr. TIERNEY. Number of hours? Can you estimate?

Mr. NAYAK. I don't know. A lot of hours, a lot of people. All good questions.

Mr. TIERNEY. Mr. Medina? How many people involved in gathering documents for your hearing today?

Mr. MEDINA. I would say going back to the date that we received some of the original inquiries to get all this information, it was a large number of people. Because a lot of the information had to be gathered from field locations. So it was hundreds of people, lots of hours and certainly a lot of work.

Mr. TIERNEY. Mr. O'Carroll?

Mr. O'CARROLL. Well, amongst other things on it is that we used this as a learning exercise to make sure that we counted every one of our pieces of ammunition that we had out there. So we expended a good number of people on checking what we had, what we have in current amount. And I have to say we used it as a learning experience to figure out better ways to keep track of stuff. But we did put a significant number of people in that.

Mr. TIERNEY. Mr. Medina and Mr. Nayak, will at least that time expended be usable with respect to working with the GAO in compiling their report?

Mr. MEDINA. Yes, it will.

Mr. TIERNEY. So at least part of the way done on that work and that should be done to expedite that process? Thank you. I yield back.

Mr. CHAFFETZ. I thank the gentleman.

I happened to vote against the legislation that created the sequestration, as did the member from Massachusetts. It will be interesting to have others answer that question.

We are at the conclusion of this first panel. I want to thank each of you gentleman for your expertise, for your passion and commitment to the Country. I know that you are here and want to make it the very best that you can. As I like to say frequently, the United State of America is different from the rest of the world. We are open, we are transparent. We talk about these things. We have a difficult question, we ask it. We have people come and testify and we debate in light of the day. That is what the Congress is about, that is what this committee is here for. I think this has been very helpful in understanding a situation that a lot of people are very interested in.

So I appreciate your expertise, I appreciate your follow-up. The committee will stand in recess as we set the second panel. Thank you.

[Recess.]

Mr. BENTIVOLIO. [Presiding.] We welcome our second panel. Mr. Jon Adler is the National President, of the National Law Enforcement Officers Association.

Pursuant to committee rules, all witnesses will be sworn in before the testify. Please stand up and raise your right hand.

Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth?

[Witness responds in the affirmative.]

Mr. BENTIVOLIO. Let the record reflect that the witness answered in the affirmative.

Thank you. Please be seated.

In order to allow time for discussion, please limit your testimony to five minutes. Your entire written statement will be made part of the record.

STATEMENT OF JON ADLER, NATIONAL PRESIDENT, NATIONAL LAW ENFORCEMENT OFFICERS ASSOCIATION

Mr. ADLER. Thank you, Chairman Chaffetz, Chairman Jordan, Ranking Member Tierney and Ranking Member Cartwright, distinguished members of the subcommittee, in spirit.

[Laughter.]

Mr. ADLER. I appear before you today, my name is Jon Adler, and in my capacity as the National President for the Federal Law Enforcement Officers Association, the largest non-partisan, non-profit professional association exclusively representing Federal law enforcement officers, 26,000 coming from 65 different agencies, including the Social Security OIG as well as the DHS components.

Over the last 10 years, we have averaged 58,261 violent assaults committed against law enforcement officers. In this same time period, we have had 156 on average each year law enforcement officers dying in the line of duty, half of which from violent encounters with violent and dangerous subjects. In addition to that, you are probably aware, and by way of news media criticism, our shooting statistics hit ratios aren't as high as we would like them to be, and something we definitely all want to improve upon. By way of information, from my organization's attorneys, for this year, this calendar year, we are averaging one shooting incident per week with Federal law enforcement officers across the Country.

What I glean from that is, we need to improve both the quality and the frequency of our tactical training. That will not get done by dry firing, or dry firing alone.

By way of my background, not to waste time, but I have been in Federal law enforcement 22 years. I am a tactical instructor, I taught at FLETC, I am a charter member of the International Law Enforcement Educators Training Association. I have my masters degree in human resource and law enforcement training. Basically a training buff.

One thing I have learned from my experience, the saying holds true, you fight like you train. And you can basically substitute the word fight with policing. You police the way you train. If you are weak in one, you will inevitably be weak in the other.

Firearms, I listened to all the dialogue. What it comes down to, as I am sure both of you are already aware, there are two different aspects in the firearms training. We are talking about one, the basic marksmanship necessary, the mechanical, physical skills, the muscle memory, and two, the judgment. The judgment, the ability to identify and assess risk and respond to it accordingly. Those two things get addressed in training.

In terms of ammo consumption, one is very regimented. The PQC, pistol qualification course, which does vary, and I have learned today that the relevant components do qualify four times a year, which is good, may shoot different courses of fire. But on average, it is 50, 60 rounds per course of fire. What we have heard, and what holds true for the other law enforcement agencies that were not addressed today is, each time they go to the range, they will shoot an average of two courses of fire with the requisite number of rounds for that course of fire. Not to mention the ammo that they used, which I didn't include in my opening statement or written statement, for low-light shooting, tactical shooting, judgmental shooting and those types of training, where they will use their what I call street carry ammo as well.

In some instances I did mention in my written statement, it didn't really come up during the hearing, but the issue of frangible ammo. One gentleman did bring up the point of simulation versus live or street carry ammo. I think what he omitted, which is very relevant for all law enforcement agencies, is the category that falls in the middle, which is simunition training, the training we use which you could call, in effect, a paint round, where we create scenarios that would present use of force situations and we go through wearing protective gear and what you might call a fun house, but it is anything but fun. And we have role players and we put our law enforcement officers in situations where they have to make crack decisions to assess different scenarios and respond accordingly. That is critical training. And that wasn't addressed by the gentleman. But I throw that out there because that is a part of the training continuum in firearms.

So what it comes down to is, they are questioning how much ammo is really needed to achieve these objectives and what type of ammo. The part about accountability I will leave that to the components. But I obviously believe, and as a career or experienced instructor, you can't compromise accountability. We all know that. We should all embrace it and appreciate it.

Types of ammo, we were talking about the full metal jacket, the jacketed hollow point, and other rounds. I think we have covered that enough. Unless the gentlemen have questions on that, I will move past that right now.

In terms of Social Security, one thing I will say to get on the record during my time is that Social Security sometimes may be overlooked and minimized as simply an IG that investigates senior citizen fraud. In fact, the Social Security number in the hands of violent drug dealers and other violent criminals becomes dangerous contraband, and they do in fact, and I am pointing to where the Inspector General was sitting, get involved in investigations pursuing very violent criminals. So there is an absolute need for them to train as much as they do.

In terms of DHS, I will just say in closing that I would like the opportunity to address two questions that I don't think were necessarily addressed. One is the comparison between the military, although actually the gentleman, your questioning did elicit that. The difference between the requirements for our military versus law enforcement and the second comparing the DHS cabinet versus the individual law enforcement component within the Social Security IG, why there would be differences in the number of rounds used in training purposes.

I thank you for the opportunity to appear before you today. I will welcome any questions you may have.

[Prepared statement of Mr. Adler follows:]

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Retiree Director
STAN SCHWARTS
Public Affairs Officer
JENNY MATTINGSLEY

April 25, 2013

House Subcommittee on National Security
Chairman: The Honorable Jason Chaffetz
Ranking Member: The Honorable John Tierney

House Subcommittee on Economic Growth, Job Creation and Regulatory Affairs
Chairman: The Honorable Jim Jordan
Ranking Member: The Honorable Matthew Cartwright

Hearing: "The Procurement and Use of Ammunition by Federal Government Agencies"

Federal Law Enforcement Officers Association
Witness Statement: Jon Adler, National President

Chairman Chaffetz, Ranking Member Tierney, Chairman Jordan, Ranking Member Cartwright, Distinguished Members of the Committees, on behalf of the 26,000 membership of the Federal Law Enforcement Officers Association (FLEOA), I thank you for the opportunity to appear before you today. My name is Jon Adler and I am the National President of FLEOA. I am proud to represent federal law enforcement officers from over 65 different agencies. My testimony will primarily address the need for federal law enforcement agencies to acquire a sufficient amount of ammunition for both training and field purposes.

I've served in federal law enforcement for over 22 years, and I've taught tactical training both at the Federal Law Enforcement Training Center and in the field. Based on my experience and information I've acquired through FLEOA, I am aware that all federal agencies run their law enforcement officers through a pistol qualification course (PQC) at least once a calendar year; more than half run two PQC's per year. The PQC is intended to confirm that all federal officers maintain the basic minimal level of marksmanship required to safely carry and deploy a firearm.

The average course of fire for a PQC is 60 rounds. Typically, each Officer/Agent will fire two courses of fire during each qualification. In the course of a year, most federal officers fire a minimum of 240 rounds for the PQC. This does not include the special tactical units which fire a considerable higher number of rounds in training. In order to ensure operational readiness and officer safety, each Officer/Agent is required to leave the range with a fully loaded weapon and two fully loaded magazines: approximately 40 rounds per Officer/Agent.

All of the agencies carry semi-auto pistols with an average magazine capacity of 13 rounds. Each officer/agent carries a full magazine in their service weapon, as well as two full back up magazines. In many instances, Officers/Agents carry back up weapons as well, with varying ammunition capacity. Back up weapons are critical for enforcement operations and provide an alternative means of defense in the event of a primary firearm malfunction.

Regularly scheduled firearms training is critical to both and Officer/Agent safety, and the public safety. Law enforcement officers must maintain a minimal level of firearms proficiency to ensure they're capable of discharging their weapon in a safe and effective manner should they be confronted by a lethal threat. While violent criminals do not take pause to consider their surroundings or the prospect of hitting innocent bystanders, Officers/Agents do. In a real use of force situation, Officers/Agents will ultimately fall back on their training and experience. If the former is lacking, their performance may be lacking. This could result in unintended fatal consequences.

It is imperative that Officers/Agents use "street-carry" ammo (full metal jacket, hollow point ammo) during the PQC. There is no better way to assess the required level of marksmanship to ensure a base level of shooting skill. Some agencies use frangible ammo for tactical training purposes. While this type of ammo may be good for certain tactical drills, it should not be used for the PQC. Frangible ammo, due to its composition, is not as accurate as street-carry ammo, will cause a higher rate of malfunctions and has less of a recoil. Use of frangible ammo for PQC's also creates potential liability issues since it will not serve as an accurate indicator of the Officer/Agent's marksmanship with street-carry ammo.

Additionally, most federal agencies make ammo available for Officers/Agents to use during the time in between biannual PQC's. Officers/Agents are encouraged to use this ammo to improve upon their level of marksmanship, and further reinforce the essential shooting basics. Most federal Officers/Agents may go through their career without discharging their firearm. Nonetheless, they need to train for that event so their performance will enable them to survive while protecting those in harm's way.

According to FLEOA attorney's, the frequency of federal law enforcement shooting incidents continues to rise. In 2013, federal Officers/Agents are averaging one shooting incident per week. Due to proper training and firearm proficiency, the vast

majority of these shooting incidents are ruled justifiable. As was evidenced more recently during the pursuit of the Boston Marathon bombing terrorists, federal law enforcement officers need to maintain a level of preparedness to ensure optimum performance – and this was proven during the safe capture of the second suspect.

FLEOA recognizes and respects the need for the government to identify and eliminate wasteful spending. However, ensuring a federal law enforcement officer is properly trained and armed does not, and should not, fall into that category.

I thank you for your time and I'd be happy to answer any questions committee members may have.

Respectfully submitted,

Jon Adler

Jon Adler

Mr. BENTIVOLIO. Thank you, Mr. Adler.

When you were giving your testimony, it reminds me of something Patton once said: more sweat in training, less blood on the battlefield. Do you recall that?

Mr. ADLER. Yes, sir.

Mr. BENTIVOLIO. Do you believe that the Department of Homeland Security is procuring more ammunition than it needs? Why or why not?

Mr. ADLER. I think it is definitely, listening to the testimony, it is a very imperfect system. We have a lot of ammo that obviously was prioritized to go overseas to support our military troops and our overseas engagement. Understandably, myself, and other law enforcement instructors have had difficulty procuring ammo in our own individual agency roles. This tends to happen and coincide with our military action overseas. The companies can only produce so much ammo and that is obviously our absolute priority.

In terms of too much, what is the exact number? The theory is that we never want to get caught empty. We can't even come close to that. So there has to be a formula where we balance the amount we keep in storage and the amount we need for, as the phraseology was used, operational purposes. Are they storing too much? Well, they are not storing too much if they account for it and use it systemically. They would be storing too much if in fact they couldn't do those things and they couldn't account for it.

The last thing we want is we don't want the public to perceive us as some History Channel law enforcement hoarder group. We are not hoarders. We are doers. It is an action verb. So certainly, accountability goes a long way toward maintaining our credibility.

Mr. BENTIVOLIO. Are you familiar with the term forecasting when it comes to ammunition procurement?

Mr. ADLER. Yes, sir.

Mr. BENTIVOLIO. Can you tell us step by step, if you could, what steps you go through for forecasting future needs of ammunition for training as well as operational use and, well, we call them battle loads or basic loads of ammunition for operations?

Mr. ADLER. Yes, sir. You want to assess your current complement of law enforcement officers. You want to assess what you are anticipating hiring in terms of new officers coming on. And you also want to assess your anticipated attrition. In other words, you need to know how many bodies are going to need the ammo, as well as the incidents, the types of incidents where the ammo may be employed in a field capacity. So you have to assess both field carry as well as training needs. In order to do that, the starting point is, how many bodies do you have? If you don't have bodies, you don't need the bullets. But you do have to project and forecast.

Right now we are facing some economic challenges. So for fiscal year 2014, we are probably going to be limited in the universe of Federal law enforcement hiring. That would probably impact, or that should impact the amount of ammo we purchase.

Alternatively, we have to also assess what is going on in the field, the level of violent crime, the need for preparedness, the need to train. What we recently saw in Boston the capturing of the second suspect. Who was on scene first and who shot first? Federal law enforcement officers. The point being that, and what I am get-

ting from my own sources, from our attorneys, we are getting more involved in these shooting situations.

So my point being is, in this forecasting, you assess your current complement, what you are anticipating your complement being by way of attrition and/or hiring as well as the demands in the field, how much ammo are we expending in real situations out in the field, and what do we anticipate by analyzing the crime data made available to us.

Mr. BENTIVOLIO. Plus training, qualifications, quarterly training.

Mr. ADLER. Yes, that is the more scientific part. We know exactly what our PQC is. That should be defined on paper. So that you can mathematically quantify. The other part is a little bit more of a challenge.

Mr. BENTIVOLIO. Are you anticipating future cuts to the budget, where it might jeopardize your ammo procurement?

Mr. ADLER. I think what we are going to feel is maybe not the ammo itself but other equipment used in training. You may have to go out, you need new ear protection or eye protection, you need targets, obviously. You need flashlights when we do low-light training. I think everything has to be prioritized. Obviously the weapons and the ammunition come first. The ancillary equipment could be impacted by the budget cuts, absolutely.

Mr. BENTIVOLIO. Thank you very much. Now I will turn to the ranking member.

Mr. TIERNEY. Thank you very much.

Mr. Adler, thank you for coming here today. I hope you don't feel by the absence of some of the members that your testimony is any less important than others. Our members unfortunately have corresponding hearings and other situations that conflict. So they are bouncing back and forth on that.

But your opening statement and your answers to our questions will certainly be put on the record and be available for every member to take into account. I know the chairman joins me in thanking you for being here today and being patient enough to wait through the first panel as well.

I want to thank you also for the information you have given us. I think you have done it very concisely and you hit it right out of the park and told us what we need to know from your perspective on that. So I won't belabor you too much on those particulars, because I think you did a great job. But I want to just note that the cooperation level between law enforcement and the public has been extraordinarily high since the Boston Marathon incident, and the mutual respect for law enforcement and the public, both ways, has been especially high as well. I think that is deserved and people are very, very appreciative of the work that is done and the danger that officers are put in, and the sacrifice their families make. I think the Vice President spoke to that very eloquently yesterday, when I had the opportunity to be at Sean Collier's service at MIT. The Vice President spoke and talked very clearly about what families go through every time a law enforcement officer walks out the door. You always pray and hope that they are going to come back, but you never know on the basis of the weight that has on families as well as the officers.

Sean Collier certainly paid with his life, and Richard Donohue, another officer who is still in the hospital, hopefully recovering quickly, a testament to the work and the risks that officers take. So through you, to the rest of the law enforcement community, we want to express our appreciation for the work that you do as well as your testimony here today.

I really don't have any particular questions on your testimony, I think you gave us exactly what has to be considered as we make our calculations on the equipment. I won't go into my comments again on sequestration and the fact that when you do have to make adjustments to the equipment that you use in training or on the job, we have to be real careful that this inability of Congress to make a decision and set our priorities, based on some rational basis, instead of having these arbitrary and capricious cuts straight across the board, don't really adversely impact the safety of our men and women that are out there protecting us as well as the public safety.

Thank you, Mr. Adler, I appreciate it.

Mr. ADLER. Thank you, sir. If I may add, as a New Yorker and a career Yankee fan, I have never been so proud as to stand in Fenway Park in the field this past Sunday during the law enforcement appreciation game and event to pay tribute to Sean and all of our heroes, both fallen and still active. It was an honor to be there. Thank you for everything you do in the great State of Massachusetts as well as Boston and Watertown.

Mr. TIERNEY. It may be the end of a good round for me, because I know many people commented on the Yankees actually having Sweet Caroline sung during the game, which was very impressive and meant a lot. It was a very, very emotional time. It was good.

That may be, we may not be able to have a rivalry any more, we will just have to get along and play for the sake of playing. Thank you.

Mr. ADLER. Thank you, sir.

Mr. BENTIVOLIO. Mr. Adler, having worked in the past with law enforcement, both Federal and State, local level, I understand the heart of most of the officers I have worked with, that it is always been in the right place, there for the right reasons. I want to thank you, sir, for being here today and for everything you do in law enforcement. God bless you, and God bless all our officers out there, first responders.

I would like to thank all our witnesses for taking time from their busy schedule to appear before us. The committee now stands adjourned. Thank you.

[Whereupon, at 12:55 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

DARRELL E. ISSA, CALIFORNIA
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Opening Statement
Rep. John F. Tierney, Ranking Member

Subcommittee on National Security and Subcommittee on Economic Growth, Job Creation and Regulatory Affairs
Committee on Oversight and Government Reform
Joint Hearing on "Oversight of the Federal Government's Procurement of Ammunition"

April 25, 2013

Last year, both the Department of Homeland Security and the Social Security Office of Inspector General issued solicitations and awarded contracts to acquire what would seem, without more information, to be a large amount of ammunition.

Rumors and conspiracy theories began to spread almost immediately over the Internet.

Perhaps it was predictable that Sarah Palin would take advantage of the opportunity and feed these conspiracy theories with statements that the government was preparing for civil unrest.

But it is really disturbing that Senator Chuck Grassley would seize the opportunity to accuse the government of cornering the market on ammunition to drive up prices, as was reported in the Journal Express of Knoxville, Iowa, on February 21 this year.

Unsubstantiated, false conspiracy theories have no place here. Federal ammunition purchases are a fraction of the total ammunition market, and they have been decreasing in recent years.

Even the NRA distanced itself from these conspiracy theories when it issued a statement last August bluntly titled: "Federal Law Enforcement Agencies Buy Ammunition."

According to the NRA, "much of the concern stems from a lack of understanding of the law enforcement functions" at federal agencies. The NRA quotes from a Republican Member that the DHS purchase "really isn't that large of an order" when you consider their large law enforcement mission. The release goes even further to state, "there is no need to invent additional threats to our [gun owners'] rights."

The conspiracy theories even prompted the Department's supplier of ammunition to release a response on its website. It reads:

The Department of Homeland Security contract makes up a very small percentage of our total ammunition output. This contract is not taking ammunition away from civilians. The current increase in demand is attributed to the civilian market.

Since 2009, civilian sales of both guns and ammo have skyrocketed. In the wake of the Sandy Hook tragedy late last year, guns and ammo began flying off the shelves over concerns of new laws and restrictions.

The ammunition purchasing behavior of some gun owners, motivated perhaps by a fear of ammunition shortages, has in fact caused supply of ammunition to lag behind demand. As anyone with a cursory knowledge of economics knows, the result is an increase in price.

This appears to be having very real and very negative consequences on local law enforcement. Around the country police departments have been reporting shortages of ammunition, from a Sherriff's Department in Tennessee that reported reducing the bullets it provides to deputies for training to concerns in Oklahoma and Texas that some officers are patrolling the streets not fully equipped. I look forward to hearing from DHS and the Social Security Administration IG on the effects these shortages may have on law enforcement training and operations.

The recent events in Boston have demonstrated the importance of a highly trained, fully equipped police force. Early on the morning of April 19, police officers chased the brothers responsible for the Marathon bombings to Watertown, Massachusetts where a firefight ensued. Over the span of ten minutes, over 200 bullets were shot. Edward Deveau, the Watertown police chief stated, "And then for us, thank God, he [Tamerlan Tsarnaev] ran out of ammunition."

Although these events are thankfully not everyday occurrences, it is imperative that our officers be equipped to respond when they do. And according to our law enforcement officials, the ammunition purchases that are the subject of today's hearing are a necessary prerequisite for proper training and equipment.

Thank you, Mr. Chairman.

Contact: Jennifer Hoffman, Press Secretary, (202) 226-5181.

Statistics

DEPARTMENT OF HOMELAND SECURITY:

Based on information provided by DHS, their officers used between 1,290 to 1,614 rounds per officer in FY 2012.

- **In FY 2012, DHS used approximately 116 million (116,227,781) rounds of ammunition.** Approximately, 88 million (88,339,934) of that amount, or 75 percent, was used for training purposes. Approximately 28 million (27,887,847) was used for "operational purposes."
  - According to DHS, "operational purposes" means the use for "operational posture," which translates to ammunition out in the field with the officers and reserve ammunition out in the field.
- The **employee count provided to us by DHS indicated 90,079 employees.** However, not all of these employees are armed.
- ➢ **Using these numbers (116 million divided by 90,000 employees), that averages out to 1,290 rounds per DHS employee.**
  - *DHS has also indicated that the number of pistol-qualified/carrying DHS officers is more likely around 72,000 employees. Therefore, the number of rounds per DHS employee/officer (116 million divided by 72,000) would increase to 1,614.*
- In FY 2012, DHS purchased about 103 million (103,178,200) rounds of ammunition. This means that DHS as a whole used about 13 million more rounds than it purchased in FY 2012.
- As of April 15, 2013, DHS as a whole, had almost 246.5 million (246,451,611) rounds of ammunition on hand.

In FY 2012, DHS purchased approximately 103 million (103,178,200) rounds of ammunition at a cost of about $36.5 million ($36,535,910).

- This means in FY 2012, DHS spent about $2.82 per round of ammunition (103 million divided by $36.5 million).
- However, not all rounds of ammunition were of the same type and therefore did not cost the same amount.

CBP's average rounds of ammunition per agent as an example:

- **In FY 2012, CBP used almost 38 million rounds of ammunition** (23,358,285 for training and 14,550,803 for operational purposes) for training and operational purposes.
- ➢ With an employee count of 21,688 agents, that is **an average of 1,747 rounds per agent** (379,090,088 rounds divided by 21,688 agents).
- ➢ **For training purposes, this means that each agent used 1,077 rounds of ammunition.** (23,358,285 for training purposes divided by 21,688 agents).
- ➢ **For operational purposes, this means that each agent used 670 rounds of ammunition.** (14,550,803 for operational purposes divided by 21,688 agents).
- ➢ **In FY 2012, CBP purchased about 36.6 million** (36,475,000 rounds) **rounds of ammunition.** This would indicate that CBP purchased in FY 2012, about 1.4 million less rounds than it used.
- ➢ **However, as of April 15, 2013, CBP still had approximately 96 million** (96,522,479) **rounds of ammunition on hand.**

In FY 2012, there were 85 incidents of DHS officers firing their weapons in the line of duty. This accounted for approximately 320 rounds of ammunition used.

- ➢ **CBP accounted for 56 of those incidents and used 271 rounds in the line of duty.**

SOCIAL SECURITY ADMINISTRATION OIG:

Based on information provided by SSA OIG, it procured about 600 rounds of small arms ammunition per agent in FY 2012.

- **In FY 2012, SSA OIG procured about 174,000 rounds of .357 caliber ammunition.**
- **SSA OIG has 290 agents.**
- **These agents expel about 150 rounds of .357 caliber ammunition, four times a year, for qualification purposes. This equals about 600 rounds per agent** (150 rounds times four).
- Dividing 174,000 rounds by 290 agents, equals 600 rounds.
- **Since 1995, SSA OIG has reported only 2 rounds of ammunition being fired in the line of duty.**

USING THE ARMY AS A COMPARISON:

- **In FY 2012, the Army purchased about 391 million rounds of small arms ammunition** (391,291,000 to include 5.56 mm, 7.62 mm, and 9 mm).
- **In FY 2012, the Army end strength** for both active duty and reserve components **was about 1.1 million** (1,125,200).
- ➢ **This means that the Army allocated about 347 rounds of small arms ammunition per soldier in FY 2012.** (391 million rounds divided by 1.1 million soldiers). 302,752,000
- Having purchased about 391 million rounds of small arms ammunition in FY 2012 at a cost of about $303 million ($302,752,000), this averages out to about $1.29 per round.

Breakdown by DHS Agency:

CBP:

- There are 21,688 CBP officers (duties include activities relating to the arrival/departure of persons, conveyances, and merchandise at ports of entry) and 21,202 CBP agents (border patrol).[1]
- In FY 2012, CBP used almost 38 million (37,909,088) rounds of ammunition (23,358,285 for training and 14,550,803 for operational).
- **This would average to 883 rounds per CBP officer or agent in FY 2012.** (37,909,088 divided by 42,890 officers and agents).

FPS:

- FPS employs about 900 law enforcement security officers, criminal investigators, police officers, and support personnel.[2]
- FPS also employs about 15,000 contract guard staff to secure buildings.[3]
- In FY 2012, FPS used about 7.2 million (7,249,000) rounds of ammunition (5,798,400 for training and 1,449,600 for operational).
- **If FPS does provides ammunition for the contract guard staff, then in FY 2012, each armed FPS personnel and contract guard staff used on average 455 rounds (7,249,000 divided by 15,900).**
- **However, if FPS does not provide ammunition for the contract guard staff, then in FY 2012, each armed FPS personnel used on average 8,053 rounds (7,249,000 divided by 900).**

ICE:

- ICE employs about 6,700 special agents.[4]
- ICE also has an Enforcement and Removal Operations (ERO) division, which has 8,395 employees.[5] *[Note to Mr. Chaffetz: We are not sure if all of these 8,395 are armed agents or even duplicates of the 6,700 special agents.]*
- In FY 2012, ICE used about 28 million (28,061,000) rounds of ammunition (22,448,800 for training and 5,612,200 for operational).
- **If the 6,700 special agents are the only ones armed at ICE, then in FY 2012, each special agent used on average 4,188 rounds (28,061,000 divided by 6,700).**
- **If all 8,395 ERO employees at ICE are armed, then in FY 2012, each armed ICE employee (ERO and special agents) used on average 1,858 rounds (28,061,000 divided by 15,095).**

TSA:

- Transportation Security Officers (TSOs) are unarmed. Federal Air Marshalls (FAMs) are armed, but the number of FAMs is classified.
- In FY 2012, TSA used 12.6 million rounds of ammunition (8.2 million for training and 4.4 for operational).

Secret Service:

- The Secret Service employs about 6,500 people. 3,200 are special agents. 1,300 are Uniformed Division officers, and more than 2,000 are other technical, professional and administrative support.[6]
- In FY 2012, the Secret Service used almost 4 million (3,999,810) rounds of ammunition (2,133,570 for training and 1,866,240 for operational).

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[1] Based on DHS response to Senator Coburn's questions.
[2] http://www.dhs.gov/about-federal-protective-service
[3] http://www.dhs.gov/about-federal-protective-service
[4] http://www.ice.gov/about/offices/homeland-security-investigations/
[5] http://www.ice.gov/about/offices/enforcement-removal-operations/
[6] http://www.secretservice.gov/faq.shtml

- Assuming that special agents and Uniformed Division officers are the armed Secret Service employees, **each agent averaged 888 rounds in FY 2012** (3,999,810 divided by 4,500 special agents and Uniformed Division officers).

Homeland Security buying pricey ammo as department-wide cuts take hold

By Perry Chiaramonte
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The Department of Homeland Security is spending more and more on pricey hollow-point bullets for law-enforcement officers -- even as it plans to enforce furloughs and other cuts on Customs and Border Protection employees due to sequestration.

The Department of Homeland Security plans to buy more than 1.6 billion rounds over the next five years for training and on-duty purposes. They cite the numerous law enforcement agencies contained within the department with employees who carry weapons. But the purchases have led to criticism that the agency is spending money on bullets that can cost twice as much as regular ammo -- and questions over whether those bullets are really needed for training purposes.

"Obviously you want to know how a hollow point is going to cycle through your weapon," Scott McCurley, manager for Maryland-based Horst and McCann firing range and a former soldier for the U.S. Army, told FoxNews.com. "But I don't think there's much of a difference when training. One box of rounds per gun is enough. The cost outweighs the purpose."

It's unclear how many of the total rounds sought would be hollow-point, but a recent solicitation specifically called for 360,000 rounds of hollow-point bullets.

Rep. Leonard Lance, R-N.J., who last week wrote a letter to Homeland Security Secretary Janet Napolitano asking about the rationale for the purchases, also questioned the cost.

"With sequestration in effect, and the federal debt approaching a record $17 trillion, members of Congress like Leonard Lance believe our federal government should not be spending taxpayer dollars on the stockpiling of billions of rounds of ammunition," his chief of staff Todd Mitchell said in a statement to FoxNews.com. "That's why it's important for DHS officials to explain the need and foundation for this acquisition."

Others disagree, saying that it's important to use the same equipment during training as in the field.

"I have no idea why they would need 1.6 billion rounds, but the reality is that it is essential to train with the same ammo as you would use in real situations," Steven Howard, a Michigan-based attorney, and weapons and ammunition expert, told FoxNews.com.

A box of 25 rounds of hollow-point bullets can cost double the price of regular, full metal jacket bullets at up to $40 per box.

A statement issued from the Department of Homeland Security maintains the position the agency has taken in recent weeks.

"DHS routinely establishes strategic sourcing contracts that combine the requirements of all its components for commonly purchased goods and services such as ammunition, computer equipment, and information technology services. These strategic sourcing contracts help leverage the purchasing power of DHS to efficiently procure equipment and supplies," the statement reads.

The statement said one solicitation under the Federal Law Enforcement Training Center has a ceiling of up to 750 million rounds, which the department said allows "flexibility over the next 5 years for training of over 90 federal agencies."

"A separate 5-year department-wide contract allows the purchase of UP TO 450 million rounds of duty ammunition for our law enforcement officers and agents," the statement also reads. That contract applies to all DHS agencies except the Coast Guard, which uses Pentagon ammo contracts.

"With more than 100,000 armed law enforcement personnel in DHS, significant quantities of ammunition are used to support law enforcement operations, quarterly qualifications, and training, to include advanced firearms training exercises," the department said.

Howard notes that use of hollow-point ammo by law enforcement officers is more efficient and even safer for the public.

"It (hollow points) cuts down on ricochets which means few bystanders will be hit. Hollow points rarely go through one target," He said.

Officials at the Department of Homeland Security told FoxNews.com that the amount of ammunition is simply a "ceiling" or estimate and does not mean that DHS will buy or require the full amount of ammo. They also said that the number of rounds purchased annually by the department has remained steady since 2009 and that the amounts ordered are usually much less as they are purchased on an "as-needed basis."

During the fiscal year 2012, DHS purchased nearly 94 million rounds of ammo for use across the department except for the U.S. Coast Guard.

Ammunition is used on a quarterly basis within DHS in training and firearms re-qualification activities in addition to everyday duty among over 100,000 officers and agents.

The news of the intended ammo purchase comes at the same time as automatic budget reductions are set to take effect across the department, including at Customs and Border Protection. The division expects planned furloughs of employees, reductions to overtime and a hiring freeze to increase wait times at ports of entry, including international arrivals at airports.

Officials from CBP have said reductions to Border Patrol overtime will begin on April 7 and furloughs of all CBP employees are expected to begin in mid-April. The agency said "field locations" are reporting sporadic increases in wait times at airports and land border ports due to reduced primary staffing -- between March 14-20, the agency said nearly 200 flights experienced wait times of over two hours, and certain ports experienced wait times that were just as long.

"CBP is working diligently to analyze the Fiscal Year 2013 Appropriations bill and sequestration impacts, and is developing a plan to implement this budget in a way that minimizes the impact on operations and our workforce," a spokesperson said in a statement to Fox News.

But Sen. John Cornyn, R-Texas, blasted the administration for the CBP cuts. He said they "amount to nothing short of a calculated, willful neglect of what should be a president's top priority: protecting the homeland and keeping Americans safe."

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