

**Congress of the United States**  
**Washington, DC 20515**

February 22, 2016

The Honorable John Roth  
Inspector General  
U.S. Department of Homeland Security  
245 Murray Drive, Building 410  
Washington, D.C. 20528

The Honorable Michael E. Horowitz  
Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW, Suite 4760  
Washington, D.C. 20530

Dear Inspector General Roth and Inspector General Horowitz:

On February 11, the Department of Justice Office of Inspector General released a report which outlined concerns about coordination between law enforcement components within the Department of Justice.<sup>1</sup> For example, according to the report, the Drug Enforcement Administration and U.S. Marshals Service “did not have policies that addressed when to contact [the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or ATF] about uncontrolled firearms transfers.”<sup>2</sup>

The report also references the DOJ OIG’s earlier findings that in Operation Fast and Furious and related matters, ATF “resisted efforts by U.S. Immigration and Customs Enforcement (ICE) to conduct independent or coordinated investigations even though ATF lacked sufficient resources to complete the work itself.”<sup>3</sup> We are concerned that issues of coordination continue not just between Department of Justice components, but also between Justice Department and Department of Homeland Security components.

A whistleblower recently alleged to our offices that ICE Homeland Security Investigations (HSI) agents in Tucson, Arizona failed to abide by a 2009 Memorandum of Understanding (MOU) between ICE and ATF. The MOU, signed on June 30, 2009 by then-Acting Director of ATF Kenneth Melson and then-Assistant Secretary of ICE John Morton, states:

ICE shall report to the appropriate ATF field office in a timely manner any intelligence received relating to attempted or planned violations of Federal firearms . . . laws/regulations within the investigative jurisdiction of ATF, including firearms . . . trafficking, and violations of laws or regulations by Federal Firearms Licensees (FFLs) . . . .<sup>4</sup>

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<sup>1</sup> Office of Inspector General, U.S. Department of Justice, *A Review of the Department of Justice’s and ATF’s Implementation of Recommendations Contained in the OIG’s Report on Operations Fast and Furious and Wide Receiver*, Oversight & Review Division 16-01 (Feb. 2016).

<sup>2</sup> *Id.* at 18 n.23.

<sup>3</sup> *Id.* at 2.

<sup>4</sup> Memorandum of Understanding between U.S. Immigration and Customs Enforcement and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (Jun. 30, 2009), at 2.

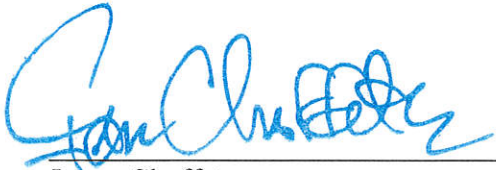
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According to the whistleblower, HSI agents failed to inform ATF in a timely manner that they were investigating an FFL for illegal firearms trafficking. The FFL allegedly received his firearms license from ATF as a result of a recommendation from HSI when the individual was acting as a confidential informant for HSI. For some period of time, the FFL in question possessed a manufacturer's license.

We request that your offices examine this specific case as well as the broader issue of how effectively Department of Homeland Security and Department of Justice law enforcement components are cooperating on the southwest border of the United States. In the interests of saving taxpayer funds, we believe this review would best be performed jointly.

Should you have any questions regarding this request, please contact Tristan Leavitt of the House Committee on Oversight and Government Reform staff at (202) 225-5074 or Katherine Nikas of the Senate Committee on the Judiciary staff at (202) 224-5225. Thank you for your prompt attention to this important matter.

Sincerely,



Jason Chaffetz  
Chairman  
House Committee on Oversight and  
Government Reform



Charles E. Grassley  
Chairman  
Senate Committee on the Judiciary

cc: The Honorable Elijah E. Cummings, Ranking Member  
Committee on Oversight and Government Reform, U.S. House of Representatives

The Honorable Patrick J. Leahy, Ranking Member  
Committee on the Judiciary, United States Senate

The Honorable Sarah R. Saldaña, Director  
U.S. Immigration and Customs Enforcement

Mr. Thomas Brandon, Deputy Director  
U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives