

# FIREARMS AND MUNITIONS AT RISK: EXAMINING INADEQUATE SAFEGUARDS

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## HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT  
AND GOVERNMENT REFORM  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

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JULY 6, 2016  
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## CONTENTS

Hearing held on July 6, 2016 .....	Page 1
WITNESSES	
The Hon. Michael E. Horowitz, Inspector General, U.S. Department of Justice	
Oral Statement .....	5
Written Statement .....	7
Mr. Thomas R. Kane, Ph.D., Acting Director, Federal Bureau of Prisons	
Oral Statement .....	13
Written Statement .....	15
Mr. Steven A. Ellis, Deputy Director of Operations, Bureau of Land Management	
Oral Statement .....	20
Written Statement .....	22
Mr. Jeffery Orner, Chief Readiness Support Officer, U.S. Department of Homeland Security	
Oral Statement .....	25
Written Statement .....	27

### ADDITIONAL INFORMATION

1. Report from the Department of Treasury, Bureau of Alcohol, Tobacco & Firearms, titled, "Following the Gun: Enforcing Federal Laws Against Firearms Traffickers" entered by Rep. Carolyn B. Maloney of New York. The Report can be found online here; <http://everytown.org/wp-content/uploads/2014/08/Following-the-Gun-Enforcing-Federal-Laws-Against-Firearms-Traffickers.pdf>

2. Report conducted by the Departments of Justice, Homeland Security, and Defense, titled, "Report to the President Outlining a Strategy to Expedite Deployment of Gun Safety Technology." Entered by Ranking Member Elijah E. Cummings of Maryland. The report can be found online here: [https://www.whitehouse.gov/sites/default/files/docs/final\\_report-smart\\_gun\\_report.pdf](https://www.whitehouse.gov/sites/default/files/docs/final_report-smart_gun_report.pdf)



## **FIREARMS AND MUNITIONS AT RISK: EXAMINING INADEQUATE SAFEGUARDS**

**Wednesday, July 6, 2016**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,  
WASHINGTON, D.C.

The committee met, pursuant to call, at 10:04 a.m., in Room 2154, Rayburn House Office Building, Hon. Jason Chaffetz [chairman of the committee] presiding.

Present: Representatives Chaffetz, Mica, Jordan, Walberg, Amash, Gosar, Gowdy, Meadows, Mulvaney, Walker, Blum, Hice, Russell, Carter, Hurd, Palmer, Cummings, Maloney, Lynch, Connolly, Cartwright, Kelly, Lieu, Watson Coleman, Plaskett, and Welch.

Chairman CHAFFETZ. The Committee on Oversight and Government Reform will come to order. Without objection, the chair is authorized to declare a recess at any time.

I want to thank you all for being here. This is an important topic as we discuss firearms and munitions and examining the safeguards that may or may not be in place there. And that is of utmost concern, I think, to the public and certainly to the Congress. There have been reports and investigations, and I think this is a good opportunity to have a candid discussion with members asking questions.

Obviously, keeping a list on what government agencies own should be a routine practice. It is always fascinating to me that we, for instance, don't have an inventory of all the assets that the government owns, can't tell you how much real property they own, can't tell you exactly how many buildings that we own. You can't go online and say show me a list of these things.

There are some things that maybe shouldn't be out there in the public; I understand that. We don't want to let the adversary know the details of specifics regarding ammunition and munitions, but when you have a list and you are tracking it adequately, you know it is inventory. And you know when something is no longer there, if it goes missing, you know if you have a problem with theft. And when we are talking about guns and ammunition and even more powerful things than your regular .22, then you have got an issue that we need to discuss.

The Office of Personnel Management does not have a list of its servers, its databases or network devices, and then it lost information on 21 million Americans. GSA was trying to maintain an inventory of surplus firearms around the country, which was on an

Excel spreadsheet, and it lost 485 firearms, including grenade launchers, Uzis, and assault rifles.

Government-wide, Federal agencies purchased roughly \$1.5 billion worth of firearms, munitions, and equipment between 2006 and 2014. We need to make sure this is safeguarded and there is adequate auditing in place.

This past March, the Department of Justice inspector general released a report detailing the lack of proper inventory and control procedures at the Bureau of Prisons. The inspector general started its audit of armory practices after a bureau employee pled guilty to stealing flashbang stun munitions. When the IG reviewed seven of the 120 armories at BOP facilities, it found insufficient firearms and munitions controls and practices, which created increased risk of loss and theft. The audit discovered the records system that was used to track munitions did not record changes to the inventory, and forms used to check out munitions and firearms were incorrect and incomplete. And again, this was only at seven of these facilities. Again, without adequate tracking it is extremely difficult to maintain an inventory.

When onsite inventory counts were conducted at armories, auditors found actually inventory did not match what was reported. There are numerous instances where the inventory reports stated more or less than the actual amount of munitions present at the actual armory. The result of these discrepancies is that the only person who knows the correct count is the officer in charge of the armory, and we even question whether that is true.

The Bureau of Prisons is not alone, though, in its inventory trouble. And the release of Department of Justice inspector general report came only a short time after equally troubling finding at the Department of Homeland Security's at the safeguarding of firearms. In February 2016 multiple news agencies reported that during a 31-month period between 2012 and 2015, Homeland Security lost 165 firearms, along with more than thousands of badges and credentials.

When the committee reviewed the documentations for losses between 2012 and 2015, it was discovered the number of lost firearms actually exceeded 220, including at least one firearm known to have been later used in a violent crime. Loss of a single firearm is cause for concern. The loss of what amounts to roughly five a month is totally unacceptable.

This is especially concerning for a department charged with keeping our homeland secure, but it is not the first time Homeland Security has had issues with firearms inventory practices. In 2010 the DHS inspector general found that between fiscal years 2006 at 2008 the agency lost roughly 289 firearms. That means that in just 7 years Homeland Security has lost more than 500 firearms.

High-profile crimes connected with firearms lost by their agencies such as the Bureau of Land Management indicate that weak inventory accounting and controls are potentially widespread among Federal agencies.

It is abundantly clear that when it comes to Federal agency firearms, ammunitions, nobody is minding the store. It is a problem that must be fixed. That is why we are here today. And we appreciate the testimony and the interaction we will have.

Chairman CHAFFETZ. With that, I will now recognize the ranking member, Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman, and thank you for calling this hearing.

Last month, a deranged terrorist walked into a nightclub in Orlando and shot down 49 innocent people in one of the most devastating gun massacres in our nation's history. To say that our prayers go out to the families, while certainly true, is simply no longer enough. We do not have the right to remain silent. We cannot ignore them. We must act, and we must act now.

Every year about 12,000 Americans are killed with guns. I haven't even included the suicides. My hometown of Baltimore more than 300 were killed last year alone in shooting-related homicides. We as elected officials here in the Congress should be able to agree that suspected terrorists, suspected terrorists should not have guns.

The American people already agree, law-abiding gun owners agree, people who support the Second Amendment agree. But this proposal is opposed by the NRA, the gun manufacturers, and Republican leaders who will not allow a vote to close this terrorist loophole. Instead, Speaker Ryan announced plans this week to call up a phony bill endorsed by the NRA that continues to allow suspected terrorists, suspected terrorists, suspected terrorists to buy guns unless there is an arrest warrant against them. And now even that proposal has been put on hold.

Let me ask you this. If we ban a suspected terrorist from boarding a plane, why in the world would we let him walk across the street into a gun store and stock up on military-style assault weapons within 72 hours? It makes absolutely no sense. But that is what this NRA bill would do.

We here in Congress should also be able to agree that no convicted felon should have guns. If people are convicted of violent crimes, they should not be allowed to buy semiautomatic firearms, .50 caliber sniper rifles, or other types of deadly weapons. Having a background check for any gun changes hands is a commonsense proposal supported by a wide majority of Americans, including law-abiding gun owners and strong supporters of the Second Amendment. But again, the NRA, gun manufacturers, and their Republican supporters in Congress prevented this from happening.

We here in Congress should be able to support a Federal law against illegal gun trafficking by drug cartels or other criminal organizations. We have heard firsthand from law enforcement agents in testifying at this very witness table that the current statute is just a slap on the wrist. And they begged us to address it. They called it a toothless paperwork violation.

That is why Congresswoman Maloney and I introduced the Gun Trafficking Prevention Act. This bipartisan bill, cosponsored by Republicans, including Patrick Meehan, Michael Fitzpatrick, Scott Rigell, and Peter King, again, more than 100 cosponsors and supported by law enforcement organizations across the country. But that was more than 3 years ago, more than 3 years ago. Since that time many people have died, shot down with a gun.

Since then, there has not been one hearing, one markup, or one vote on our bipartisan proposal. Our bill, like so many other com-

monsense proposals, has been gathering dust because Republican leaders refuse to allow a vote.

Of course, Federal agencies must safeguard their firearms, which is the subject of today's hearing. Everyone on this panel agrees with that. Last year, a young woman Kate Steinle was killed by a convicted felon when a duty pistol that belonged to a ranger from the Bureau of Land Management—she was killed with it. The gun was stolen from his vehicle week earlier.

Of course, it is appropriate to examine crimes committed with Federal firearms that are lost or stolen and to identify improvements in the way Federal agencies keep their inventories. But we can no longer ignore the far more massive carnage caused by non-Federal guns every single day in this country.

There have been some very high-profile shootings, and these shootings cause people to demand action. But there are also many, many shootings every single day that do not get the attention. Directly across the street from me in Baltimore 30 feet from my house lives a young man named Rasaan Hammond. He is a 36-year-old who has a master's degree and he owns a sound studio in east Baltimore. His mother is the graduate dean emeritus of the Maryland Institute of Art.

Just last week, last week, Mr. Hammond was driving away from his studio in Baltimore when his car was shot at six times. One of the bullets entered his heart. And my neighbor of 20 years had the good fortune that his heart miraculously pumped the bullet into his aorta. Mr. Hammond was also shot in the arm. The doctors say that he will survive, he will be okay, and it is one in a 10 million chance that somebody could be shot in the heart and survive. Miraculously, the bullets were recoverable and he survived and is now recovering.

Police have not identified a suspect in this shooting, but this one example highlights the scope of this epidemic. That is that people just like young Mr. Hammond are gunned down every single day in our country, and many are not as lucky as he was.

As I close, the bottom line is that we do not want any suspected terrorists to get a gun, we do not want any felon to get a gun, and we do not want any trafficking organization to get guns. But there has been no credible action by Republican leaders to address these issues. The American people want us to move beyond false choice of no guns at all or the Wild West of firearms on demand. We can—yes, we can and we must make commonsense improvements on a bipartisan basis, and it is our solemn duty to act now to prevent the further loss of life of our own citizens.

And with that, Mr. Chairman, I thank you for the courtesy and I yield back.

Chairman CHAFFETZ. I thank the gentleman. I will hold the record open for 5 legislative days for any members who would like to submit a written statement.

I will now recognize our panel of witnesses. We are pleased to welcome the Honorable Michael Horowitz, inspector general of the United States Department of Justice; Mr. Thomas Kane, Ph.D., acting director of the Federal Bureau of Prisons; Mr. Stephen Ellis, deputy director of the Bureau of Land Management in the United States Department of the Interior; and Mr. Jeffery Orner, who is



the chief readiness support officer at the United States Department of Homeland Security. We welcome and thank you all for being here.

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

[Witnesses sworn.]

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

I think all of you had testified before Congress. If you will please limit your verbal comments to 5 minutes. We will give you some latitude obviously, but your entire written statement will be entered into the record.

Mr. Horowitz, you are now recognized for 5 minutes.

#### **WITNESS STATEMENTS**

##### **STATEMENT OF MICHAEL E. HOROWITZ**

Mr. HOROWITZ. Thank you, Mr. Chairman, Ranking Member Cummings, members of the committee. Thank you for inviting me to testify today.

The safety and security of Federal prisons remains one of the Justice Department's top management challenges, and the proper authorization, use, and tracking of BOP armory munitions and equipment are critical factors in ensuring the safety and security of our Federal prisons.

The OIG recently audited the BOP's munitions controls following an OIG investigation that resulted in a BOP special operations response team member pleading guilty to stealing stun munitions from a BOP facility. Our audit identified several weaknesses in BOP's policies and practices for safeguarding armory munitions and equipment, although we did find that BOP had not lost any firearms in those munitions facilities.

Specifically, we found weaknesses in BOP's controls over tracking, issuing, and reporting on both active and expired armory munitions and equipment, as well as institutions' compliance with existing policies. Significantly, we found that a BOP security officer can move inventory in and out of the armory and change information in the BOP's inventory data system without leaving any record that a change in inventory occurred.

We also found that information in the data system was neither complete nor accurate. Our audit also identified inventory errors that BOP institutions should have identified themselves during their quarterly physical inventories but did not. Additionally, the authorization and use of armory munitions and equipment was not always adequately documented.

Finally, we found that the BOP's controls are not adequate to ensure that only authorized armory munitions and equipment are stored in those armories. We identified unauthorized chemical agents and ammunition among BOP institutions' armory inventories. And in many instances, we were not able to determine if the munitions were authorized because BOP's lists of authorized munitions were outdated and otherwise inadequate. Our report made 14 recommendations to the BOP, and the BOP agreed with all of them.

The challenge of prison safety was further demonstrated in a report we issued last month assessing BOP's efforts to prevent contraband from being introduced into prisons. We found that recoveries of weapons, narcotics, and tobacco in BOP institutions had increased significantly. We also determined that BOP had not effectively implemented its staff search policy to deter staff introduction of contraband.

In a 2003 OIG report we recommended that BOP revise its policies to require searches of staff and their property when they enter prisons. More than 10 years—after more than 10 years of negotiation with its union, BOP implemented a new staff search policy in 2013. However, last year, the Federal Labor Relations Authority ordered BOP to stop using that 2013 staff search policy following a union challenge to it. As a result, more than 13 years after our 2003 report, BOP still has no comprehensive and effective staff search policy. We made 11 recommendations in our report to BOP to improve its ability to interdict prison contraband, and BOP again agreed with all of those recommendations.

Weapons in BOP prisons represent not only a life-threatening danger to BOP staff and inmates but also to those in law enforcement such as FBI, DEA, and OIG agents who investigate serious criminal conduct in Federal prisons. My office knows those dangers all too well. In June 2006 OIG and FBI agents were at a BOP prison to arrest six correctional officers on charges of smuggling contraband and sexual abuse of inmates when one of the corrupt correctional officers drew a firearm that should not have been in the prison and shot both a BOP staff member and OIG special agent Buddy Sentner. Agent Sentner returned fire, killing the corrupt correctional officer and likely saving the lives of fellow agents and innocent bystanders. The BOP staff member survived his wounds. Agent Sentner did not.

Such tragic events demonstrate the critical need for the BOP to have an effective staff search policy to keep dangerous contraband and weapons out of prison and to make sure it has sufficient measures to control and account for all of the munitions and other weapons that are legally kept in its armories.

This concludes my prepared statement. I'd be pleased to answer any questions the committee may have.

[Prepared statement of Mr. Horowitz follows:]



Office of the Inspector General  
United States Department of Justice

Statement of Michael E. Horowitz  
Inspector General, U.S. Department of Justice

*before the*

U.S. House of Representatives  
Committee on Oversight and Government Reform

*concerning*

"Firearms and Munitions at Risk: Examining Inadequate Safeguards"

July 6, 2016

Mr. Chairman, Congressman Cummings, and Members of the Committee:

Thank you for inviting me to testify regarding the Federal Bureau of Prisons' (BOP) management of armory munitions and equipment. The primary responsibility of BOP is to protect public safety by ensuring that federal offenders serve their sentences in prisons and other facilities that are safe and secure. The proper authorization, use, and tracking of armory munitions and equipment are critical factors in fulfilling this responsibility. Without such documentation and inventory of munitions and equipment, these items may be unaccounted for, which could potentially lead to serious consequences in the federal prison environment, or could lead to thefts and possibly misuse of these dangerous items.

As the Committee is aware, the Office of the Inspector General (OIG) conducts extensive oversight of BOP and has released numerous reports assessing the safety and security of staff and inmates and the rising costs associated with the federal prison system. Since 2004, the OIG has consistently included both the rising costs of the federal prison system and the safety and security of BOP staff and inmates in its annual report of the Top Management and Performance Challenges facing the Department of Justice.

Following an OIG investigation that resulted in a member of BOP's Special Operations Response Team pleading guilty to stealing stun munitions ("flash bang" devices) from the Administrative Maximum (ADX) Federal Correctional Complex Florence in Colorado during tactical training, the OIG conducted an audit to assess BOP's controls and practices for safeguarding armory munitions and equipment. We evaluated the accuracy of BOP armory inventories from fiscal year (FY) 2013 through December 2015, and conducted site-work at seven BOP armories. We found several deficiencies that increase the risk that armory munitions and equipment could be lost, misplaced, or stolen without being detected. The audit report, which we issued in March 2016, can be found on our OIG website at: <https://oig.justice.gov/reports/2016/a1617.pdf>.

In our report, we identified weaknesses in BOP's controls over tracking armory munitions and equipment but no significant issues with its tracking of firearms. Most significantly, we found that while BOP's armory inventory tracking system (SOS) provides current inventory data, including item descriptions, quantity, and locations within the facility, it does not capture data for tracking increases and decreases in inventory over time or the reasons for these changes. As a result, BOP security officers, who are responsible for the institutions' armories, can move inventory in and out of armories and change information in SOS without leaving any record of such changes. Moreover, expired munitions that have been stored for more than five years and remain on site are not required to be included in periodic inventory reports, further limiting what BOP knows about armory inventories and increasing the risk that armory munitions and equipment could be lost, misplaced, or stolen. This could present a serious threat to the safety and security at federal prisons, or elsewhere.

In addition to its SOS system, BOP uses the SENTRY Property Management System (SPMS) to track firearms and a select group of other items, such as communications and detection equipment. Items tracked in SPMS are subject to additional inventory controls that decrease the risk that firearms could be lost, misplaced, or stolen. However, we found discrepancies between SOS and SPMS that indicated that certain information in SOS is neither complete nor accurate. For example, in some cases SPMS identified certain items as disposed while the same items were listed as still in use in SOS. We determined that a primary cause of the discrepancies was the fact that BOP's requirements for tracking controlled property through SPMS are completely independent from the requirements for tracking armory munitions and equipment through SOS.

We also found that BOP did not always adequately document the authorization of the armory munitions and equipment and whether they were used. We identified a weakness related to the requirement that the authorizing official be listed on the equipment issue form. An individual completing the form, who is generally the Security Officer, is required to list the authorizing official. However, the authorizing official is not required to sign the form. Without the signature of an authorizing official, there is no way of knowing whether or not the use of the items listed on the equipment issue form was actually approved. Additionally, the equipment issue form requires the individual returning items to the armory to attest that all the expendable items, such as ammunition, that were removed from the armory were used, or if not, to list the items and quantities that were returned. Since the form only requires the initials of the person attesting to this information, in many instances we could not determine who initialed the form. However, when we were able to identify the individual making the attestation, we found that the majority of these forms were initialed by the Security Officer or other armory staff, not the person who checked out the items and had knowledge of what was actually expended outside of the armory. We also found that at four of the seven armories where we conducted site-work, the Security Officer did not use the required authorization form when personally removing items from the armory, despite a BOP requirement to the contrary.

Our audit also found that BOP's controls are not adequate to ensure that only authorized armory munitions and equipment are stored in its armories. We compared seven BOP armory inventories to BOP's list of authorized munitions and equipment and identified instances where BOP institutions were maintaining unauthorized chemical agents or ammunition. Further, we were not able to determine whether the majority of the chemical agents and stun munitions in the seven facilities we examined were authorized because, in most instances, the armories were using a product from a different manufacturer than what was identified in the authorized list, the names of the munitions on BOP's list of authorized munitions were outdated, or BOP's list lacked adequate descriptions to clearly match to existing materials.

Finally, at six of the seven institutions where we conducted site-work, we found that armory staff did not properly document the dates of periodic inventories and test fires, thereby creating the risk that items could have been erroneously

reported as having being inventoried or test fired. There were many instances where institutions predated or postdated their reports or used the same date for every item in the report. Our audit also identified inventory errors that BOP institutions should have identified during their quarterly physical inventories, but did not.

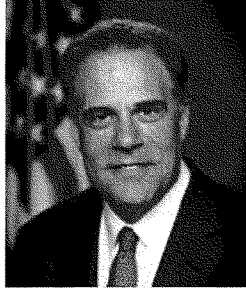
Our report made 14 recommendations to BOP to: improve BOP's tracking of armory munitions and equipment; reconcile BOP inventory databases on a regular basis; ensure that use of armory munitions and equipment is properly authorized and documented; ensure that Security Officers complete the requisite forms before removing anything from the armory; require that only authorized munitions and equipment are stored in its armories and unauthorized items are immediately removed; and update its policies with respect to minimum inventory and retention requirements. BOP agreed with all of our recommendations.

Prison safety and security remains an issue of utmost concern and one of the Department's top management challenges. The significance of this challenge was again demonstrated last month in a report we issued assessing BOP's efforts to prevent contraband from being introduced into BOP facilities. We found that, during the period of our review, recoveries of weapons, narcotics, and tobacco in BOP institutions increased significantly, while seizures of cell phones decreased slightly. For example, in FY 2014, BOP recovered 2,410 weapons in BOP institutions, a 5% increase from FY 2012. We also determined that BOP had not effectively implemented its 2013 staff search policy to deter staff introduction of contraband. In a report the OIG issued back in 2003, we recommended that BOP revise its policies to require searches of staff and their property when they enter institutions. After more than 10 years of negotiation with its union, BOP implemented a new staff search policy in 2013. However, in June 2015, the Federal Labor Relations Authority ordered BOP to stop using the 2013 staff search policy following a union challenge to it. As a result, more than 13 years after our 2003 report, BOP still has no comprehensive and effective staff search policy. In our review, we made 11 recommendations to BOP to improve its ability to interdict contraband and to ensure the safety and security of staff, visitors, and inmates. The report can be found on our OIG website at: <https://oig.justice.gov/reports/2016/e1605.pdf>.

Contraband in BOP prisons can represent not only a life-threatening danger to BOP staff and inmates, but also to those in law enforcement, such as Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and OIG agents, who investigate serious criminal conduct in federal prisons. My Office knows those dangers all too well. In June 2006, during attempted arrests by OIG and FBI agents of six correctional officers at a BOP prison on charges involving smuggling of contraband and sexual abuse of inmates, one of the corrupt correctional officers drew a weapon that should not have been in the prison and shot both a BOP staff member and an OIG Special Agent, William "Buddy" Sentner. Agent Sentner returned fire, killing the corrupt correctional officer and likely saving the lives of his fellow agents and innocent bystanders. The BOP staff member survived his wounds; Agent Sentner did not. Such tragic events

demonstrate the critical need for the BOP to have an effective staff search policy to keep dangerous contraband out of prison and to make sure it has sufficient measures to control and account for all of the munitions and other weapons that are legally kept in its armories.

This concludes my prepared statement, and I will be pleased to answer any questions that the Committee may have.



Michael E. Horowitz was confirmed as Inspector General for the Department of Justice (DOJ) by the U.S. Senate on March 29, 2012. He was sworn in as the fourth confirmed Inspector General on April 16, 2012.

As Inspector General, Mr. Horowitz oversees a nationwide workforce of more than 400 special agents, auditors, inspectors, attorneys, and support staff whose mission is to detect and deter waste, fraud, abuse, and misconduct in DOJ programs and personnel, and to promote economy and efficiency in Department operations.

Mr. Horowitz most recently worked as a partner at Cadwalader, Wickersham, & Taft LLP, where he focused his practice on white collar defense, internal investigations, and regulatory compliance. He also was a board member of the Ethics Resource Center and the Society for Corporate Compliance and Ethics. From 2003 to 2009, Mr. Horowitz served as a Presidentially appointed and Senate confirmed Commissioner on the U.S. Sentencing Commission. As Commissioner, he was instrumental in rewriting the guidelines for corporate compliance programs, and for fraud, antitrust, intellectual property, and money laundering offenses.

Mr. Horowitz previously worked for DOJ in the Criminal Division at Main Justice from 1999 to 2002, first as Deputy Assistant Attorney General and then as Chief of Staff. Prior to joining the Criminal Division, he was an Assistant U.S. Attorney for the Southern District of New York from 1991 to 1999. From 1997 to 1999, Mr. Horowitz was the Chief of the Public Corruption Unit, and from 1995 to 1997, he was a Deputy Chief of the Criminal Division. In 1995, he was awarded the Attorney General's Award for Distinguished Service for his work on a complex police corruption investigation.

Before joining the DOJ, Mr. Horowitz was an associate at Debevoise & Plimpton and clerked for Judge John G. Davies of the U.S. District Court for the Central District of California.

Mr. Horowitz earned his Juris Doctor, *magna cum laude*, from Harvard Law School and his Bachelor of Arts, *summa cum laude*, from Brandeis University.



Chairman CHAFFETZ. Thank you, Mr. Horowitz.  
Mr. Kane, you are now recognized for 5 minutes.

**STATEMENT OF THOMAS R. KANE**

Mr. KANE. Good morning, Chairman Chaffetz, Ranking Member Cummings, and members of the committee. I appear before you today to discuss the mission and operation of the Federal Bureau of Prisons and specifically our armory policies. We appreciate the committee's interest in this issue.

Our detailed response to your inquiry regarding lost and stolen firearms was provided on June 24, 2016, and our records indicate no lost, stolen, or missing weapons.

We also appreciate the considerable work of the OIG on their audit of Bureau armory ammunitions and equipment. We concurred with all 14 recommendations in the report and provided the first status update on June 21, 2016. The overall status of the report is now resolved with three closed recommendations, and we look forward to continuing to work with the OIG as we improve our systems for documenting and tracking munitions equipment in our armories.

I am honored to speak on behalf of the nearly 39,000 Bureau staff, law enforcement professionals who are correctional workers first and support the agency's mission and core values of respect, integrity, and correctional excellence.

Every day, when staff go to work at Bureau facilities around the country, they put the safety of the American people above their own. These dedicated public servants are committed to the highest standards of professionalism. Their courage, bravery, and sacrifice are essential to keeping our communities safe and our institutions secure.

As our nation's largest correctional agency, the Bureau houses approximately 195,500 inmates in our Federal prisons nationwide. Our mission, which dates back to the Bureau's establishment in 1930, is twofold. First, to protect society by confining offenders in prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure; and second, to ensure that offenders are actively participating in programs that will assist them in becoming law-abiding citizens.

We have had great success with respect to both parts of our mission. Our facilities are safe and secure, and the latest research indicates 34 percent of released Federal offenders are rearrested or have their supervision revoked within 3 years as compared to almost 68 percent of offenders released from State prisons. Those numbers are a testament to the quality of evidence-based programs our staff provide in an environment that promotes respect and self-improvement.

In support of our public safety mission, the Bureau maintains armories for emergency equipment that is made available as required for certain correctional posts, for particular emergency situations, and for training. In 2011, a Bureau staff member pled guilty to one count of transfer of a stolen flashbang device, which was taken during a Special Operations Response Team training exercise at Florence, Colorado. The staff member was terminated from the Bureau

and was sentenced to 6 months home confinement, 3 years' probation, and restitution for the value of the stolen goods.

The Bureau reported this incident to the Department of Justice's Office of Inspector General and cooperated fully in the investigation. We also took immediate steps to modify the armory tracking form for better accountability of the munitions taken out of and returned to the armory. Since that time, we have also made additional changes to the form, as recommended by the OIG, to further improve the accountability.

As I stated previously, the Bureau agrees with all 14 of the OIG report recommendations. The OIG has closed three recommendations, and the Bureau has recently completed two additional recommendations that will be reported to the OIG in our next status update. We are developing a national database that will strengthen and enhance our systems of control to support the remaining recommendations. We are confident that in addressing the issues identified in the report we will be enhancing the safety of our staff, inmates, and the public.

Chairman Chaffetz, Ranking Member Cummings, members of the committee, this concludes my formal statement. Thank you.

[Prepared statement of Mr. Kane follows:]



# Department of Justice

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STATEMENT OF

THOMAS R. KANE  
ACTING DIRECTOR  
FEDERAL BUREAU OF PRISONS

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
U.S. HOUSE OF REPRESENTATIVES

FOR A HEARING ON

FIREARMS AND MUNITIONS EQUIPMENT PRACTICES

PRESENTED

JULY 6, 2016

**Statement of Thomas R. Kane**  
**Acting Director of the Federal Bureau of Prisons**  
**Before the Committee on Oversight and Government Reform**  
**U.S. House of Representatives**  
**July 6, 2016**

Good morning, Chairman Chaffetz, Ranking Member Cummings, and Members of the Committee. I appreciate the opportunity to discuss the mission and operation of the Federal Bureau of Prisons (Bureau), and specifically our armory policies. In support of our mission to maintain safe and secure prisons, it is necessary for the Bureau to maintain armories. We appreciate the Chairman's interest in this issue and criminal justice reform as well as the importance of meaningful reentry programs to assist inmates in returning to our communities as law-abiding citizens.

Our detailed response to the Committee's letter regarding Bureau munitions inventories was submitted on June 24, 2016. In addition, we appreciate the considerable work of the Department of Justice's Office of Inspector General (OIG) on its March 2016 report entitled, "Audit of the Federal Bureau of Prisons' Armory Munitions and Equipment" (Report). We concurred with all 14 recommendations in the Report and provided the OIG with the first status report on the audit on June 21, 2016. The Report recommendations are focused primarily on how the Bureau can improve its systems for documenting and tracking munitions and equipment in its armories. As the Bureau implements the recommendations, we look forward to continuing to work with the OIG on this matter.

I am honored to speak on behalf of the nearly 39,000 Bureau staff – law enforcement professionals who are "correctional workers first" and support the agency's mission and core values of respect, integrity, and correctional excellence. Every day that staff go to work at Bureau facilities around the country, they put the safety of the American people above their own. These dedicated public servants are committed to the highest standards of professionalism. Their courage, their bravery, and their sacrifice are essential to keeping our communities safe and our institutions secure.

**OUR MISSION – A HISTORY OF PUBLIC SAFETY AND REENTRY**

As our Nation's largest correctional agency, the Bureau houses approximately 195,500 federal inmates in 122 federal prisons, 13 private prisons, and more than 200 community-based facilities nationwide. The mission of the Bureau, which dates back to the Bureau's establishment in 1930, is two-fold: to protect society by confining inmates in prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure and to ensure that inmates are actively participating in programs that will assist them in becoming law-abiding citizens when they return to our communities.

The Bureau has had great success with respect to both parts of our mission as measured by key indicators such as low rates of escapes, disturbances, assaults, and homicide. Additionally, the Bureau continues to work to reduce rates of recidivism. The latest research

indicates 34 percent of released federal inmates are rearrested or have their supervision revoked within three years, as compared to almost 68 percent of inmates released from state prisons.<sup>1</sup> Those numbers are a testament to the quality of evidence based programs our staff provide in an environment that promotes respect and self-improvement. Yet, there is still room for improvement and the Bureau is working diligently to further reduce recidivism. The Bureau continues to enhance our inmate programs while seeking new and innovative ways to support inmates so they have the best possible chance for a successful transition to the community.

#### **OUR POPULATION – PAST AND PRESENT**

The Bureau has faced some significant challenges, most notably the decades of significant growth in the inmate population. As you know, the Bureau does not control the number of inmates entering our system or the length of their incarceration. From 1980 to 2013, the inmate population rose almost ten-fold, from about 24,000 to nearly 220,000, its highest level ever. Almost half of the Bureau's population is serving sentences for drug offenses. Individuals serving sentences for weapons, burglary, immigration, aggravated assault, kidnapping, homicide, and weapons and sex offenses make up the remaining majority of our population.

#### **OUR PROGRAMS – REENTRY BEGINS ON DAY ONE**

We have a saying in the Bureau that reentry preparation begins on the first day of incarceration. Our dedicated law enforcement staff across the Nation are committed to this philosophy. Reentry is a critical component of our core mission to promote public safety because by helping the more than 41,000 federal inmates who return to our communities each year to live productive, law-abiding lives, we can reduce crime across the country, reduce prison overcrowding, and make our neighborhoods better places to live, work, and raise children. Staff in federal prisons offer a wide variety of programs to assist inmates in returning to our communities as law-abiding citizens, including: work opportunities; education and literacy programs; vocational training; treatment for substance use disorders; observance of faith and religion; psychological services and counseling; release preparation; and other programs that impart essential life skills that contribute to successful reentry. In addition to professional staff that provide discipline-specific programming in all of our prisons, each facility also has a Reentry Affairs Coordinator who works to identify specific resources available to these inmates upon release to assist them in their reintegration to the community.

#### **OPPORTUNITIES AND CHALLENGES**

In support of our public safety mission, the Bureau maintains armories for emergency equipment. This equipment is made available as required for certain correctional posts, for particular emergency situations, and for training. Each institution has a Security Officer who is responsible for controlling, maintaining, and inventorying armory munitions and equipment.

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<sup>1</sup> *Bureau of Justice Statistics*, "Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010," by Alexia Cooper, Matthew Durose, and Howard Snyder, April 22, 2014.

In 2010, it was discovered that a Bureau staff member had stolen approximately 10 flash bang devices (stun munitions) from the prison armory at the Federal Correctional Complex, Florence, Colorado. The Bureau's Office of Internal Affairs reported the incident to the Department of Justice's OIG, and the Bureau cooperated fully in the investigation. The staff member and an accomplice were indicted and later pled guilty to transferring a stolen firearm affecting interstate commerce. The staff member was terminated from the Bureau and was sentenced to six months home confinement, three years' probation, and restitution for the value of the stolen goods. Additionally, in response to the incident, the Bureau modified its Arms/Equipment Issue Form used to track armory items.

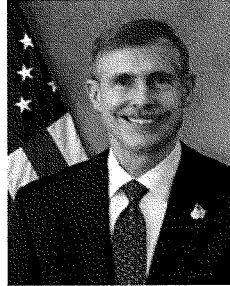
Following this incident, the OIG began an audit to assess the Bureau's controls over armory munitions and equipment, including the use of armory munitions and equipment for training. As noted above, in March 2016, the OIG released its Report. BOP has concurred with all 14 recommendations in the Report, which are focused primarily on how the Bureau can improve its systems for documenting and tracking munitions and equipment in its armories. Notably, the OIG report did not identify any Bureau firearms as lost, stolen, or missing.

On June 21, 2016, we provided a status update to OIG regarding the 14 audit recommendations. The OIG has notified us that the status of the audit is resolved, with three closed recommendations (i.e., recommendations 6, 8, and 9). Specifically, in completing these recommendations, we have: updated the Arms/Equipment Issue Form; updated the Correctional Services Manual (CSM) to include CS formulation quarts (o-chlorobenzalmalononitrile) to the list of authorized munitions; and obtained a letter of assurance from the Federal Correctional Institution, Tucson, related to disposal of 9mm, 115 grain ball ammunition. As we have explained to the OIG, we continue to move forward in completing the remaining recommendations, most of which will be addressed through our ongoing development of a new armory database. We are cooperating fully with OIG and look forward to completing the remaining responses to the OIG recommendations.

#### **CONCLUSION**

Chairman Chaffetz, Ranking Member Cummings, and Members of the Committee, this concludes my formal statement.

**Thomas R. Kane**



**Acting Director**

Thomas R. Kane, Ph.D., was appointed Acting Director for the Federal Bureau of Prisons (Bureau) effective January 10, 2016, until a successor for Director Samuels is named by Attorney General Lynch. Dr. Kane is a career public service administrator with 20 years of leadership experience within the agency, including his tour as Deputy Director and two extended periods as Acting Director.

During his career with the Bureau, which began in July 1977, he has served as a Senior Research Analyst, Director of Research, Chief of Staff to the Director, and Deputy Assistant Director for Administration. He was selected as Assistant Director for the Information, Policy, and Public Affairs Division (IPPA) in 1991, a position he held until being named Deputy Director for the agency in 2012. In 2014, Dr. Kane became Senior Advisor to the Director, a position he held until his current appointment.

Dr. Kane received his M.A. and Ph.D. in Psychology from the State University of New York at Albany. He has authored and contributed to numerous professional publications in the fields of corrections, criminology, and psychology.

Dr. Kane is a member of the American Correctional Association (ACA) and serves as Chair of the ACA Committee on Legislative Affairs, and is a member of the American Psychological Association.

Dr. Kane was elected a Fellow of the National Academy of Public Administration in 2007. He received the Attorney General's Medallion in 1992 and the Presidential Rank Award for Meritorious Service in 1997 and again in 2006.

Dr. Kane's many contributions and accomplishments will continue to serve the agency well into the future.

Chairman CHAFFETZ. Thank you, Mr. Kane.  
Mr. Ellis, you are now recognized for 5 minutes.

**STATEMENT OF STEVEN A. ELLIS**

Mr. ELLIS. Thank you. Good morning, Mr. Chairman, Mr. Ranking Member, and members of the committee. I am Steve Ellis. I'm the Bureau of Land Management's deputy director for operations. I appreciate the opportunity to discuss BLM's firearms management practices here this morning.

The dedicated men and women who make up the BLM law enforcement program play an integral role in ensuring public safety and fulfilling our agency's multiple use and sustained-yield mission. Every day our officers put themselves in harm's way to investigate vandalism and looting, support emergency response, and provide a safe environment for employees and the visitors to our nation's public lands.

Nationally, the BLM manages a wide variety of resources spread over 245 million acres of public land and 700 million acres of subsurface mineral estate. There are many Federal laws and regulations that guide BLM in managing these public lands. The BLM has been given specific resource protection of law enforcement responsibility to further that mission.

The BLM manages more than 10 percent of the Nation's surface area and yet has one of the smallest law enforcement organizations among the Department of Interior's bureaus. The BLM is roughly one law enforcement officer for every one million acres of public land that we manage.

The public lands managed by BLM are predominantly located in the Western United States, including Alaska, and consist of a very diverse landscape and resources. As a result, the specific duties of each BLM law enforcement officer can vary considerably. In all areas, BLM law enforcement officers work in cooperation with local sheriffs' offices, State agencies, and other Federal law enforcement agencies.

BLM has approximately 185 law enforcement rangers and 75 special agents on staff who enforce a wide range of laws and regulations in preventing, detection, and investigation of crimes affecting public lands resources. BLM provides each law enforcement officer with the necessary tools to protect themselves and others as they carry out their official duties.

The BLM is vigilant about its responsibility to control, secure, and safeguard firearms that its law enforcement officers are issued to carry out their duties and their responsibilities. The standard firearms issue for each officer is a semiautomatic pistol for primary duty carry, semiautomatic pistol as a backup weapon, a shotgun, and a semiautomatic rifle.

The Department of Interior outlines policies for firearms inventory, accounting, control, disposal, and destruction, as detailed in the Department's letter to the committee on this issue that was sent last month—transmitted last month. Those procedures are included in the Department manual and Federal regulations and GSA Federal property management regulations. Among other requirements, departmental policy mandates that the bureau perform a fiscal firearm inventory of issued firearms twice year.



On rare occasions, BLM's law enforcement officers may seize or confiscate firearms as part of criminal investigations or when an owner voluntarily surrenders them. Federal regulations, GSA guidelines, and Department of interior property management directives are also followed when BLM periodically disposes of or destroys seized or confiscated firearms and other firearms deemed unserviceable, excess, voluntarily relinquished, or abandoned and not suitable for government use.

In the event that a firearm is lost or stolen, BLM complies with departmental policies that mandate notification of the Department within 24 hours for all lost or stolen firearms. Documentation and investigation of each incident occurs. It's entered in the lost or stolen firearms National Crime Information Center database and entered each incident in the Department's internal affairs database.

Over the last 10 years, the BLM has reported one firearm lost and seven as stolen. Six of these were recovered. There was only one instance during that period in which a lost or stolen BLM firearm has been implicated in subsequent criminal activity. On June 27, 2015, a BLM officer's handgun was stolen from his personal vehicle in San Francisco, California. The theft was immediately reported in accordance with BLM's policies and procedures. The gun was confirmed to have been used in a shooting that occurred in San Francisco on July 1, 2015.

Thank you for the opportunity to provide testimony today, and I'd be glad to answer any questions you may have.

[Prepared statement of Mr. Ellis follows:]

**Statement of  
Steve Ellis  
Deputy Director, Bureau of Land Management  
U.S. Department of the Interior  
House Committee on Oversight and Government Reform  
“Firearms and Munitions at Risk: Examining Inadequate Safeguards”  
July 6, 2016**

Thank you for the opportunity to discuss the Bureau of Land Management’s (BLM) firearms management practices. The dedicated men and women who make up the BLM law enforcement program play an integral role in ensuring public safety and fulfilling our multiple use and sustained yield mission. Every day, our officers put themselves in harm’s way to investigate vandalism and looting, support emergency response, and provide a safe environment for employees and visitors to the public lands.

The BLM is proud of the work our law enforcement officers and our local and state partners accomplish on behalf of the American people. We are committed to strengthening our law enforcement partnerships throughout the West and to working with state, county, and local officials in the most productive ways possible.

**Background**

Nationally, the BLM manages a wide variety of resources spread over 245 million acres of public lands and 700 million acres of subsurface mineral estate. These public land resources include timber, forage, energy and minerals, recreation, wild horse and burro herds, fish and wildlife habitat, wilderness areas, and archaeological and paleontological sites. There are many federal laws and regulations that guide the BLM in managing the public lands, and the BLM has been given specific resource protection and law enforcement responsibilities that further our mission. The BLM manages more than 10 percent of the nation’s surface area yet has one of the smallest law enforcement organizations among the Department of the Interior’s bureaus. The BLM has roughly one law enforcement officer for every 1 million acres of public land.

The public lands managed by the BLM are predominantly located in the western U.S., including Alaska, and consist of extensive grassland, forest, high mountain, arctic tundra, and desert landscapes. Each of these landscapes has a diversity of resources. As a result, the specific duties of each BLM law enforcement officer can vary considerably. For example, in the southwestern desert, officers may spend a considerable amount of time dealing with large numbers of recreational off-highway vehicle users as well as archaeological resources crimes; officers along the southern border frequently contend with the effects of illegal border crossings and drug smuggling; officers in urban interface areas encounter a variety of trespass crimes that include arson and hazardous materials dumping; and officers in the northern states regularly deal with marijuana cultivation and illegal commercial outfitting activities. In all areas, BLM law enforcement officers work in cooperation with local sheriff’s offices, state agencies, and other federal law enforcement agencies.

**Firearms Management**

The BLM has approximately 185 Law Enforcement Rangers (uniformed officers) and 75 Special Agents (criminal investigators) on staff who enforce a wide range of laws and regulations in the prevention, detection, and investigation of crimes affecting public lands resources. The BLM provides each law enforcement officer with the necessary tools to protect themselves and others as they carry out their official duties. The BLM is vigilant about its responsibility to control, secure, and safeguard the firearms that its law enforcement officers are issued to carry out their duties and responsibilities.

The standard firearms issue for each officer is: 1) a semi-automatic pistol for primary duty carry; 2) a semi-automatic pistol as a back-up weapon; 3) a shotgun; and 4) a semi-automatic rifle. The Department of the Interior outlines policies for firearms inventory, accounting, control, disposal and destruction. As detailed in the Department's letter to the Committee on this issue, transmitted last month, those procedures are included in the Departmental Manual, in Federal Regulations, and in General Services Administration Federal Property Management Regulations. Among other requirements, Departmental policy mandates that bureaus perform a physical firearm inventory of issued firearms twice yearly.

On rare occasions, the BLM's law enforcement officers may seize or confiscate firearms as part of criminal investigations or when an owner voluntarily surrenders them. Under Departmental policy these firearms must be tracked and managed appropriately. Federal Regulations, GSA Guidelines, and Department of the Interior Property Management Directives are also followed when the BLM periodically disposes of or destroys seized or confiscated firearms and other firearms deemed unserviceable, excess, voluntarily relinquished, or abandoned and not suitable for government use.

In the event that a firearm is lost or stolen, the BLM complies with Department policies that mandate the following protocols: 1) notification must be provided to the Department within 24 hours for all lost or stolen firearms; 2) each incident must be thoroughly documented and investigated; 3) lost or stolen firearms must be entered into the National Crime Information Center database; and, 4) each incident must be entered into the Department's Internal Affairs database. Over the last 10 years, the BLM has reported one firearm as lost and seven as stolen. Six of these firearms were recovered. There is only one instance during that period in which a lost or stolen BLM firearm has been implicated in subsequent criminal activity. On June 27, 2015, a BLM officer's handgun was stolen from his personal vehicle in San Francisco, California. The theft was immediately reported in accordance with the BLM's policies and procedures. This gun was confirmed to be used in a shooting that occurred in San Francisco on July 1, 2015.

**Conclusion**

The BLM's diverse mission creates unique challenges for our agency's law enforcement personnel, who work diligently to provide a safe environment for the public and employees and who deter, detect, and investigate illegal activities on our nation's public lands. The BLM takes its responsibility to control, secure, and safeguard the firearms our law enforcement officers use and encounter while carrying out their law enforcement responsibilities very seriously. We look

forward to working with the Committee on this important issue. Thank you for the opportunity to present this testimony, and I would be glad to answer any questions you may have.

Chairman CHAFFETZ. Mr. Ellis, thank you.  
Mr. Orner, you are now recognized for 5 minutes.

**STATEMENT OF JEFFERY ORNER**

Mr. ORNER. Good morning, Chairman Chaffetz, Ranking Member Cummings, and members of the committee. Thank you for the opportunity to appear before you today.

I am Jeffery Orner, DHS's chief readiness support officer, a career civil servant with 35 years of experience in the Federal Government, including executive leadership positions at Department of the Navy, the Coast Guard, and DHS headquarters. My office provides policy and oversight of DHS's real estate, mobile assets such as vehicles and aircraft, environmental compliance, logistics, and personal property, including firearms. Our goal is providing our dedicated workforce nationwide with the operational tools and support they need to keep our nation safe and to be strictly responsible stewards of government resources as we carry out those missions. Today, I will discuss how the Department ensures accountability for firearms and ammunition.

DHS is the Nation's largest law enforcement agency. Firearms are critical tools for the men and women who perform the Department's various law enforcement missions on the borders, in our cities, and in the maritime domain. Any lost firearm is a very serious matter, and my office has placed strict controls on reporting requirements to ensure 100 percent accountability at all times.

The foundations of our program are personal accountability, rigorous internal controls, and comprehensive data that we use to continually improve our internal controls over the DHS firearms program. I am pleased to report that DHS has made significant progress in reducing the number of firearms lost each year. Since the inspector general reported on this issue in 2010, DHS's weapons portfolio has increased by 9 percent. However, at the same time we have cut our annual firearms losses by 28 percent. DHS annual firearms losses now stand at 69 annually out of a total inventory of more than 204,000 weapons. This represents a loss rate of approximately 3/100 of 1 percent of our inventory.

In performing our headquarters role we have significantly improved the management and oversight of firearms, as well as all accountable personal property and sensitive assets through implementing the first DHS-wide firearms policy in April 2010, which we updated again in 2013. We strengthened the DHS management directive covering personal property asset management in 2012, and we updated the DHS personal property asset management manual in 2013.

Through these governing documents, we have established strict accountability procedures that clearly guide how our operational components are to process lost, damaged, or stolen property, including firearms. For example, those procedures require immediate internal notifications, as well as external alerts to law enforcement authorities in the event of any lost or stolen firearms, law enforcement badges and credentials, or other mission-critical assets. Departmental policy also requires our components to establish internal policies to ensure proper accountability, tracking, loss reporting, and safeguarding of all firearms.

In addition to improved policy and procedures, we also enhanced our data systems. Since 2012, department-wide reporting and tracking of lost, damaged, destroyed, and stolen government property has greatly improved with increased visibility of our data. For example, we moved from a system of manually combining multiple spreadsheets into one form to a real-time database that is updated directly by our operational components and is visible to my staff at headquarters. This enables DHS to monitor compliance with policy and procedures for firearms and other accountable assets through a monthly scorecard measure utilizing standards derived from the American Society for Testing and Materials.

Although it's clear we've made progress in reducing the number of lost and stolen firearms, the loss of any firearm is unacceptable. At the same time, it is important to understand that unlike the military, which generally does not allow its members to take firearms off base and usually stores them in a secure armory, DHS law enforcement personnel are seldom without their weapon. They take them home with them, carry them in their vehicles, and employ them in a very austere, demanding environment because they are always on call to respond.

One example of such a loss involves a U.S. Border Patrol officer stationed in Arizona near the southern U.S. border. The officer's home was burglarized and his service weapon, a pistol, which was secured in a CBP-issued lockbox, was stolen. In this case, as in other similar cases, it could be surmised that the officer and his residence were known in the community, thereby making his residence an optimal target for such a theft.

Given the environment in which our law enforcement agents operate, it is very difficult to ensure all losses—to eliminate all losses. However, when the losses occur, our procedures are very clear. The officer's supervisor is notified within 2 hours, as is local law enforcement. This initiates a chain of events leading up to a formal report, a survey being completed, and a lost, damaged, or destroyed report, which is sent to my office where the information is loaded into our data system and incorporated into our scorecard measures of loss rates, submission timelines, and adjudication timelines. Follow-on investigations and any disciplinary actions are determined by each operational component by the operational chain of command.

The Department takes very seriously its role as a steward of government resources, and we will continue to evaluate our current policies and procedures, and we will continue to identify areas for improvement and to act on those.

Thank you for the opportunity to give my opening statement today. I look forward to answering your questions.

[Prepared statement of Mr. Orner follows:]

27

**Statement of**  
**Jeffery Orner**  
**Chief Readiness Support Officer**  
**Department of Homeland Security**

**Before the**  
**U.S. House of Representatives**  
**House Committee on Oversight and Government Reform**

**Wednesday, July 6, 2016**  
**2154 Rayburn House Office Building**

Good morning, Chairman Chaffetz, Ranking Member Cummings and Members of the Committee. Thank you for the opportunity to appear before you today.

I am Jeffery Orner, DHS's Chief Readiness Support Officer, a career civil servant with 35 years of experience in Federal Government, including executive leadership positions at the Department of the Navy, the Coast Guard and DHS headquarters. My office provides policy and oversight of DHS real estate, mobile assets such as vehicles and aircraft, environmental compliance, logistics, and personal property including firearms. Our goal is providing our dedicated workforce nationwide with the operational tools and support they need to keep our nation safe and to be strictly responsible stewards of government resources as we carry out our missions. Today I will discuss how the Department ensures accountability for firearms and ammunition.

DHS is the nation's largest law enforcement agency. Firearms are critical tools for the men and women who perform the Department's various law enforcement missions on the borders, in our cities and in the maritime domain. Any lost firearm is a very serious matter, and my office has placed strict controls and reporting requirements to ensure 100% accountability at all times. The foundations of our



program are personal accountability, rigorous internal controls, and comprehensive data that we use to continually improve the internal controls over the DHS firearms program.

I am pleased to report that DHS has made significant progress in reducing the number of firearms lost each year. Since the Inspector General reported on this issue in 2010, DHS's weapons portfolio has increased by 9%. However, at the same time we have cut our annual firearms losses by 28%. DHS's average annual firearms losses now stand at 69 out of a total inventory of more than 204,000. This represents a loss rate of approximately 3/100<sup>ths</sup> of 1 percent.

In performing our headquarters role, we have significantly improved the management and oversight of firearms as well as all accountable personal property and sensitive assets through:

- implementing the first DHS-wide Firearms Policy in April 2010, which was updated again in 2013.
- strengthening DHS Management Directive 119-03, *Personal Property Asset Management Program* (June 2012),
- updating the DHS Personal Property Asset Management Manual (September 2013)

Through these governing documents, we established strict accountability procedures that clearly guide how Components are to process lost, damaged, or stolen property including firearms. For example, these procedures require immediate internal notifications as well as external alerts to law enforcement authorities in the event of lost or stolen firearms, law enforcement badges and credentials, or other mission critical assets. Departmental policy also requires Components to establish internal policies to ensure proper accountability, tracking, loss reporting, and safeguarding of all firearms.

In addition to improved policy and procedures, we also enhanced our data systems. Since 2012, Department-wide reporting and tracking of lost, damaged, destroyed, and stolen government property has greatly improved with increased visibility of data. For example, we have moved from a system of manually combining multiple spreadsheets into one form to a real-time database that is updated directly by the operational Components. This enables DHS to monitor compliance with policy and procedures for firearm and other accountable assets through a monthly scorecard measure utilizing standards derived from the American Society for Testing and Materials.

Although it's clear we've made progress in reducing the number of lost and stolen firearms, the loss of any firearm is unacceptable. At the same time, it's important to understand that unlike the military, which generally does not allow its members to take firearms off base and usually stores them in a secure armory, DHS law enforcement personnel are seldom without their weapon. They take them home with them, carry them in their vehicles and employ them in very austere, demanding environments because they are always on call to respond.

An example of one such loss involves a U.S. Border Patrol Officer stationed at the Nogales Station in Arizona, near the southern U.S. border. The Officer's home was burglarized and his service weapon (pistol), which was secured in a CBP issued lock box, was stolen. In this case as in others, it could be surmised that the Officer and his residence were known in the community, thereby making his residence an optimal target for such a theft. Given the environment in which our law enforcement agents operate, it is very difficult to eliminate all losses. However, when losses occur, the procedure is clear. The officer's supervisor is notified within two hours, as is local law enforcement. This initiates a chain of events leading up to a Report of Survey being completed and a "Lost, Damaged or Destroyed Report" sent to our office where the information is loaded into our data system and incorporated into our scorecard measures which include loss rates,

submission timeliness and adjudication timeframes. Follow-on investigations and any disciplinary actions are determined by each Component.

The Department takes seriously its role as a steward of government resources and we will continue to evaluate our current policies and procedures to identify any areas for improvement.

Thank you for the opportunity to give my opening statement today. I look forward to answering your questions.

Chairman CHAFFETZ. Thank you. I now recognize myself for 5 minutes.

Mr. Horowitz, you have done some good, thorough work with the Federal Bureau of Prisons. They have, according to Mr. Kane, accepted all of those recommendations, but what about the implementation? Where are we at with the actual implementation?

Mr. HOROWITZ. About 2 weeks ago we got an update report from BOP requesting as to four of the recommendations that we close them. We agreed that three could be closed. We disagreed on the fourth. And so at this point, 11 of the 14 remain open, and we would expect an update within 90 days from BOP on its progress on all 11 remaining items.

Chairman CHAFFETZ. Is that behind schedule, ahead of schedule, what you anticipate?

Mr. HOROWITZ. Generally speaking, it's consistent with the schedule we require of components that within 6 months we have made substantial progress towards closing recommendations.

Chairman CHAFFETZ. And, Mr. Kane, you are committed to implementing all of those? It is one thing to accept the recommendations? It is another thing to actually implementing it.

Mr. HOROWITZ. We are, Mr. Chairman, absolutely.

Chairman CHAFFETZ. All right. Mr. Ellis, we have sent you a letter back in March trying to get an assessment of the ammunition, weapons that the BLM has in inventory. We have yet to get that. You have approximately 260 rangers and special agents, right?

Mr. ELLIS. That's correct.

Chairman CHAFFETZ. And you are sitting next to Mr. Orner, who has hundreds of thousands of employees at the Department of Homeland Security. How many weapons, what types of weapons, and how much ammunition does the BLM have?

Mr. ELLIS. We have approximately 1,000—approximately 1,480 firearms, and of those, 1,040 are issued to law enforcement officers. I mentioned in my testimony four weapons per officer, and we have about—with 185 rangers, 75 agents, four weapons each, that's 1,040 issued. There are at least 440 that are unissued. Of those, there are—approximately 290 are suitable for use, 150 unsuitable for use. Of those that are unsuitable, about 30 of those are training weapons, and at least about 120 that are damaged or old.

Chairman CHAFFETZ. When will this committee get a written record of your current inventory and the things that we had requested back in our March 9 letter? When will we get that answer?

Mr. ELLIS. Okay. It's my understanding, Mr. Chairman, that the Department provided a great deal of information in response to your questions, and it —

Chairman CHAFFETZ. You copied your personnel manual and sent it to us. That is not what I am looking for. The letter was very specific. I shouldn't have to send you a couple letters and have a hearing to finally start to hear some numbers. It can't be that difficult. And if it is that difficult, that highlights the problem that you can't just go somewhere and print out the current inventory and what the inventory has been for the last few years.

Mr. ELLIS. Well, if there's some additional information, Mr. Chairman, that we need to provide, I'll look into it.

Chairman CHAFFETZ. Okay. Go back and look at the letter of March 9. I want to know when I will have not significant but I want 100 percent of the response to that letter. When is it reasonable to get a response to that letter?

Mr. ELLIS. I will get back to the committee on the information that you requested. As I indicated it —

Chairman CHAFFETZ. What does that mean? I mean, boy, that is generous of you, but should I issue a subpoena? Is that what you need? Do you need a subpoena?

Mr. ELLIS. No.

Chairman CHAFFETZ. How about this. I will issue a subpoena by the end of the week unless you provide the information.

Mr. ELLIS. Okay. We will look into providing you the information.

Chairman CHAFFETZ. So you do have information. You do have data. You just have been unwilling to share it with the committee. This is what is ridiculous. Why should I as the chairman and the other members of this committee, why should I have to sign a subpoena? Why is this a difficult exercise?

Mr. ELLIS. We—Mr. Chairman, as I said, we will—I will be happy to look into the information that you requested, that you indicated is not —

Chairman CHAFFETZ. When did you first know that I sent Mr. Kornze a letter? When did you first understand that?

Mr. ELLIS. I cannot tell you what the exact date is. I see a lot of —

Chairman CHAFFETZ. Your first clue should have been that we sent a letter, the second clue should be that there were other letters, and then there should be another clue that we had a hearing and then we rescheduled this hearing. So you have no excuses not to have this information at your fingertips and be able to provide it in writing to this committee.

Mr. ELLIS. Mr. Chairman, I know there was a response that was sent to you from the Department.

Chairman CHAFFETZ. Part of it was a copy of your personnel manual. That was not what we asked for in the letter. Look, get it to us by the end of the week. If we don't have it by noon on Friday, I will issue a subpoena. Is that fair?

Mr. ELLIS. Fine.

Chairman CHAFFETZ. Is what?

Mr. ELLIS. I—there's a letter that —

Chairman CHAFFETZ. Did you say fine? What did you say?

Mr. ELLIS. Yes, fine, fine. I understand. There's a letter that the Department sent to you on June 14, 2016, that does summarize the firearms of the various agencies in the Department.

Chairman CHAFFETZ. We want the specifics of it. Just go back and read the letter, and then I want you to tell me and I want Mr. Kornze to tell me, who I find to be a very nice gentleman, but I need some competency here and actually providing that information to this committee in its totality, not significant, but its totality.

My time is expired. I have other questions, but let's recognize Mr. Lynch of Massachusetts for 5 minutes.

Mr. LYNCH. Thank you, Mr. Chairman. And I share your frustration with the lack of information, so maybe we could work together on that subpoena.

I do want to ask you, Mr. Orner, and maybe Mr. Horowitz you could jump in here. We are talking about the custody of firearms, and we have a bill on the Floor maybe later today and tomorrow that ties in with DHS in a direct way. The bill would prevent anyone on the terrorist watch list from obtaining a firearm, but the language of the bill requires that there be probable cause.

Now, that is a pretty high standard, and I am concerned that in many cases we do not require probable cause. We require reasonable cause for somebody to be placed on the terrorist watch list. So we have a reasonable suspicion that this person might be engaged in terrorist-related activity.

But the bill would require, in order to stop that person from purchasing a firearm, a higher standard. In other words, DHS or the Joint Terrorism Task Force or the FBI would have to have probable cause, a higher standard, in order to stop a person who is on the terrorist watch list or on the no-fly list from purchasing a firearm.

Now, Mr. Orner or Mr. Horowitz, would you hazard an estimate of the efficacy of that provision of requiring probable cause to block somebody who is on the terrorist watch list but we don't necessarily have probable cause, we have reasonable cause, what the impact of that provision might have on the safety of the American public?

Mr. ORNER. Congressman, that is a critical issue. However, I am responsible for the Department's real and personal property and for

Mr. LYNCH. And you are an advisor, too, though, sir, right?

Mr. ORNER. I do not have professional involvement in the issue. The Department would be happy to provide you with a witness who can address that, but I can only discuss our property-related programs. I'm sorry.

Mr. LYNCH. You can't blame a guy for fishing, though, right?

Mr. ORNER. No, you can't.

Mr. LYNCH. Okay. Mr. Horowitz?

Mr. HOROWITZ. Congressman, we obviously are not involved as DHS and the Department is in maintaining the terror watch list. We've done oversight work on how the FBI maintains the terror watch list —

Mr. LYNCH. All right.

Mr. HOROWITZ.—but on the question of what standard to —

Mr. LYNCH. Yes.

Mr. HOROWITZ.—to include, that's not something that, as a policy matter —

Mr. LYNCH. All right, Mr. Horowitz. All right. You have suffered enough. Let me ask you something you might know about. In my experience, I spend a fair amount of time in the prisons in my district briefly, and in most cases there is fairly good coverage of cameras. There is, obviously because of prison violence, accusations against corrections officers, contraband, so most of the prisons that we visit have strong surveillance.

And I am just wondering, you know, you have got this armory and you yourself in your testimony admitted that there is no record really of munitions going into an armory, leaving an armory, there is no written record, and I am just worried—I am concerned about—what is the status of our surveillance, our camera surveillance at those facilities if you could enlighten the committee.

Mr. HOROWITZ. A very significant issue, Congressman, that we—because of the munitions issue, as you laid out, and what we just found in our contraband report from a couple of weeks ago that I referenced, one of the significant weaknesses in the BOP system is known areas in institutions where correctional officers and inmates who might want to engage in wrongdoing know they can go and not be on camera.

That relates to firearms issues, that relates to drug dealing, that relates to other contraband trafficking, and it also relates to a big issue for our office, which are alleged civil rights violations. We are responsible in my office investigating allegations that Federal corrections officers abused inmates. And the FBI is responsible for investigating inmate-on-inmate abuse.

And what we often find is whether we can make those cases and address those alleged civil rights violations turns largely on whether the action—the alleged events took place in an area where there was good camera coverage or not. And as I —

Mr. LYNCH. Yes.

Mr. HOROWITZ.—you might suspect, oftentimes inmates or correction officers who want to engage in that kind of conduct know where to go so they're not on camera. That's a very significant issue the BOP needs to address.

Mr. LYNCH. Okay. I see my time is expired unless, Mr. Orner, you want to add anything to that.

Mr. ORNER. No, Congressman.

Mr. LYNCH. Okay.

Mr. ORNER. I will stand by my answer.

Mr. LYNCH. All right. Thank, sir. Thank you. I yield back. Thank you for your courtesy, Mr. Chairman.

Mr. PALMER. [Presiding] The gentleman's time is expired.

The chair now recognizes the gentleman from Michigan, Mr. Walberg, for 5 minutes.

Mr. WALBERG. Thank you, Mr. Chairman, and I appreciate the opportunity to have this hearing because certainly with all the posturing that is going on about the Second Amendment and about use of firearms, we certainly can agree that the Second Amendment is part of the Constitution, but any violation of law, illegal activity, criminal activity relative to firearms has to be treated that way. And certainly we should not be adding to the potential of criminal activity by not having secure usage and storage of government-supplied firearms, and so I appreciate the panel being here.

Mr. Orner, what are ICE's requirements for how officers secure firearms in their parked vehicles?

Mr. ORNER. As I noted in my opening testimony, we take this issue very seriously, and we have comprehensive data about the program. And we examine those data for trends. One of the things we noted several years ago was that the majority of our lost weapons are in fact stolen, and most of those are in fact stolen from ve-



hicles. When we saw that trend, what we did was put in place at ICE and at our other components a requirement that any officer who is permitted to carry a weapon in a vehicle now has a gun locker in that vehicle. And that is in place at ICE and department-wide.

Mr. WALBERG. With all the subcomponents as well?

Mr. ORNER. Yes.

Mr. WALBERG. I assume that part of that is a locked vehicle along with the locker?

Mr. ORNER. The locked vehicle, the locker, and yes, any magazines or components of the—associated with the weapon are required to be in that gun locker.

Mr. WALBERG. And that has been a policy subcomponent-wide for how long?

Mr. ORNER. Just about 2 years.

Mr. WALBERG. About 2 years?

Mr. ORNER. I can't give you the exact date but it was roughly 2 years.

Mr. WALBERG. What administrative actions, if any, have been taken against the officer involved in the situation, the lost weapon that led to the Ramos killing back in 2013? Or 2015, excuse me.

Mr. ORNER. Disciplinary action is handled by the operational chain of command. I am not a part of the operational chain of command, so I don't have an involvement in individual disciplinary actions.

Mr. WALBERG. But I assume you know what took place. Could you inform us of that?

Mr. ORNER. I'm aware of the tragic incident, of course, but I do not know the—that individual action. I can get that—I can get back to you on that.

Mr. WALBERG. I would appreciate that if you could supply that to us, though I would hope that in evaluating your efforts to secure firearms, we would also have an understanding of how it is working and what has taken place as far as actions, administrative action against officers that, for one reason or another, lose their firearms.

Did the incident lead to any changes in ICE protocols related to securing firearms, and have those changes been applied to other DHS components?

Mr. ORNER. That particular incident didn't lead to policy changes. It led to more scrutiny and a new look at the implementation of our current policy.

Mr. WALBERG. So I guess I go back again. What did we learn from that particular incident, and what changes have been made?

Mr. ORNER. Well, what we have learned is the criticality of securing officers' weapons in their homes and in their vehicles. Every

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Mr. WALBERG. Well, that is a given. That I would assume is a given.

Mr. ORNER. That is a given. Every individual case of a lost or stolen weapon is investigated. The actions taken as a result of those losses depend on the nature of the incident. Somebody who does not follow procedures and leaves a weapon sitting on the seat of a car, that would mandate a disciplinary action. On the other

hand, if you have, for example, a Coast Guard officer doing a boarding who is jostled and loses the weapon overboard, that's an entirely different type of situation although it's still a lost weapon. So the action taken is dependent on the nature of the incident and

Mr. WALBERG. I see my time is expired. Unless you are willing to give me a little bit of extra time, and I see you are not, so I understand that. Thank you.

Mr. PALMER. The gentleman's time is expired.

The chair now recognizes the ranking member, Mr. Cummings of Maryland.

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

Mr. Horowitz, based on your audit, you said that there are still 11 recommendations that have not been completed, is that right?

Mr. HOROWITZ. That's correct.

Mr. CUMMINGS. And what would you say—give me the top two or three that you are most concerned about. But I know you are concerned about all of them; I know that.

Mr. HOROWITZ. Yes. Well, there are a couple, primarily involves updating their inventory control systems because we found you couldn't track—you couldn't—when we compared what they showed in their monthly reports versus what they had in the institutions, oftentimes the numbers didn't match.

Mr. CUMMINGS. That is —

Mr. HOROWITZ. That such a basic issue —

Mr. CUMMINGS. Yes.

Mr. HOROWITZ.—that has to get fixed.

Mr. CUMMINGS. And how many guns are we talking about in total? Do you have any idea? In other words, I am trying to figure out how big the universe might be. It sounds like we don't have a handle on when it—because we don't have accurate information but —

Mr. HOROWITZ. I didn't put down the exact number of guns. I'd imagine Mr. Kane —

Mr. CUMMINGS. Would you know, Mr. Kane?

Mr. HOROWITZ.—can. Do you know how many guns we are talking about?

Mr. KANE. I do not know the number of guns, but they are not accounted for under the automated systems that Mr. Horowitz is referring to it this point.

Mr. CUMMINGS. Right.

Mr. HOROWITZ. The inventories that I'm referring to, the firearms are tracked in a separate manner, which is why when we check those, we found no lost firearms because they actually did track the firearms. Our concern are what are called expendables, which is ammunition —

Mr. CUMMINGS. Yes.

Mr. HOROWITZ.—in other words, things that you use up in some way, chemical agents, stun munitions, those kind of things that once you use them, they're no longer in inventory. That was the problem BOP had. They weren't keeping control and understanding what they were using versus what might have been stolen, for example.

Mr. CUMMINGS. So, Mr. Kane, you had told the chairman you would be getting those 11 items done. When do you plan to do that, how soon? Because one thing I have learned about being around here for 20 years that folks just put stuff off and put stuff off and wait for another Congress, and things never get done.

Mr. KANE. Thank you —

Mr. CUMMINGS. So I would like to have some date.

Mr. KANE. Okay. Thank you, Mr. Cummings. The safety and security of the public, the staff, and the institutions and the inmates is our highest priority, and we're working very actively —

Mr. CUMMINGS. You are not answering my question, sir. Just answer —

Mr. KANE. We're working with the OIG on the new automated

Mr. CUMMINGS. Can you give me some deadlines? Give me 6 months. Tell me something.

Mr. KANE. We expect to be able to test that new system in early winter.

Mr. CUMMINGS. Early winter?

Mr. KANE. Yes, sir.

Mr. CUMMINGS. All right. Because I'm going to ask the chairman to call you back.

Mr. KANE. That's fine.

Mr. CUMMINGS. Because I realize that is the only way we get things done sometimes.

Mr. KANE. That's fine, sir.

Mr. CUMMINGS. Inspector General Horowitz, do you agree that the inventory controls alone will not prevent Federal firearms from being used by criminals?

Mr. HOROWITZ. That's correct.

Mr. CUMMINGS. And why do you say that?

Mr. HOROWITZ. Tracking the weapon is obviously different from preventing their improper use.

Mr. CUMMINGS. Well, you know, I support the President's efforts to explore gun safety technology or smart guns that would require fingerprint verification. Mr. Chairman, in April the Department of Justice Homeland Security issued a report outlining the administration strategy, and I ask that that report be entered into the record.

Mr. PALMER. Without objection —

Mr. CUMMINGS. Thank you —

Mr. PALMER.—so ordered.

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

That report states that this technology could "prevent use of an officer's weapon if it fell into the wrong hands and it might discourage theft of such weapons in the first place. These developments could in turn shrink the supply of stolen firearms to the secondary black market, curtailing a dangerous source of weapons for criminals." I would venture to guess that many of the guns used to murder people in my district to harm people are stolen guns, not from Federal agencies but stolen.

Mr. Orner, given all of the potential of the smart technology, do you agree that it is at least worth exploring as one of the many

solutions that could help prevent criminals from doing harm with stolen Federal firearms?

Mr. ORNER. I certainly think that that's an issue worthy of evaluation. I'm reliant on the marketplace, and those types of technologies to my knowledge aren't in the marketplace today. But as it's evaluated as it's become available, we will of course take a very close look at that, and we will determine in which of our operations such technologies will be efficient and effective and will improve the safety of the weapon.

Mr. CUMMINGS. I see my time is up. I yield back.

Mr. PALMER. The gentleman yields.

The chair recognizes Mr. Hice of Georgia for 5 minutes.

Mr. HICE. Thank you, Mr. Chairman.

Mr. Orner, let me just continue on here. Obviously, we are talking hundreds of weapons that have been stolen or somehow lost over the last several years. Do you have any idea how many of those weapons were used in crimes?

Mr. ORNER. The only crime I'm aware of is the one that the chairman noted. I do not know that, but we will get back to you. We can go back to the National Criminal Investigation database.

Mr. HICE. Have any of the firearms been recovered?

Mr. ORNER. Yes. We regularly recover firearms.

Mr. HICE. How many?

Mr. ORNER. Well, for example, in 2015 we reported 72 lost firearms. We would now adjust that number to 56 to account for those recoveries.

Mr. HICE. All right. So there are still 56. I mean, this is unacceptable. There have been people killed in America with weapons that were stolen or lost, whatever the case may be, by Federal agents. And the Customs and Border Patrol seems particularly egregious with this. Why does CBP stand out?

Mr. ORNER. I think it has something to do with the nature of their operations. You have agents in the field sometimes running through vigorous environments.

Mr. HICE. That is not an excuse to lose a weapon.

Mr. ORNER. There's no excuse for losing a weapon, Congressman.

Mr. HICE. So my question is why are they the worst at losing their weapons?

Mr. ORNER. The size of the organization and the nature of their mission would be the reasons. There is still no excuse for losing a weapon.

Mr. HICE. Well, your answer frankly makes no sense. What in the world does failure to properly secure a weapon mean? If it is as you state inexcusable, there is no excuse to be losing a weapon, and yet the CBP continues to lose weapons. They are the worst at it. Why can they not secure a weapon? What does failure to properly secure a weapon mean?

Mr. ORNER. We have very detailed procedures on —

Mr. HICE. That is not my question.

Mr. ORNER. It means you did not follow established procedures. For example —

Mr. HICE. So why is following directions so difficult? Where are we dropping the ball here?

Mr. ORNER. Overwhelmingly, our agents in the field do follow direction.

Mr. HICE. Well, overwhelmingly, a sizable number of them evidently don't follow direction. And we have got to get to the bottom of this. It is inexcusable for Americans to have to fear being injured or killed by weapons that were issued to government agents who are incapable of properly handling their weapon. Would you agree with that?

Mr. ORNER. I would agree that any case of improperly handling a weapon is unacceptable. Seventy-five percent of our weapons losses were in fact thefts.

Mr. HICE. All right. Well, I mean, that just poses more—that doesn't help at all. I mean, how are guns continually being stolen? It just goes on and on here just trying to wrap my mind around this.

Mr. Kane, let me jump over to you. What is a cause of the numerous inventory errors that OIG has pointed out?

Mr. KANE. It's the outdated systems that we are now replacing, and when they were constructed, they were built to serve the local institution, and now we're moving toward a national database that will allow national centralized auditing of regular reports, et cetera, in addition to digital logs of —

Mr. HICE. So is that going to help you determine what is in inventory error versus what kind of weapon or ammunition has been stolen or missing?

Mr. KANE. Other audits that are done in this part of the ongoing work of the Bureau of Prisons will check to see if those kinds of errors are occurring. And —

Mr. HICE. So is that a yes or a no? Are we going to be able to determine the difference between an inventory error and that which is stolen or missing? It is not a difficult question. That is what inventory is all about. We have got to know where these ammunitions and weapons are going.

I see that my time is expired, Mr. Chairman. I thank you. But we have got to get to the bottom of this. Americans should never fear the irresponsibility of our government agents who are incapable of keeping properly a weapon issued by our government.

And with that, Chairman, I yield back. Thank you.

Mr. PALMER. The gentleman's time is expired.

The chair recognizes the gentlewoman from New Jersey, Mrs. Watson Coleman, for 5 minutes.

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman.

Although I doubt that anyone would disagree with making sure that Federal firearms are secure, this hearing seems to me to be a bit of a red herring. In the midst of the conversations sparked by last week's Democratic sit-in, in the midst of calls to make commonsense changes to our nation's gun laws, in the midst of public agreement on the two things that Democrats asked for a vote on—no-fly, no buy, and closing loopholes in background checks—we are having a hearing about guns. But it is about a tiny fraction of guns and certainly not the guns causing the majority of the problems.

Even the title of today's hearing is misleading because while there are a variety of inadequate safeguards when it comes to firearms in our nation, Federal weapons seem pretty low on the list.

It may be more worthwhile, for example, to bring NIH in to examine the impact of the congressionally imposed and the NRA-endorsed ban on studying the impact of gun violence.

I think our time would also be much better served with witnesses from the Justice Department or the FBI to talk about bullet stockpiles and how to track large ammunition purchases so that we can prevent mass shootings and make daily gun violence a little less frequent. I know for a fact that I would love to ask about my own Stop Online Ammunitions Sales Act.

In Connecticut alone, there are more than 51,000 registered assault rifles. One hundred and seventy-nine of them are owned by one individual. And according to one 2014 estimate, nearly one million assault weapons have gone unregistered in New York. So I would love to hear from witnesses who could tell me more about what these owners typically do with these weapons and maybe something more about how we can ensure that they remain out of the wrong hands.

All of that is to say that I hope that this hearing isn't the end of our examination of inadequate safeguards, Mr. Chairman, because if it is, then I believe that it is our work that is inadequate.

Thank you. I yield back.

Mr. PALMER. Will the gentlewoman yield? Will the —

Mrs. WATSON COLEMAN. I yielded back.

Mr. MULVANEY. I thank the chairman. I yield to the gentleman from North Carolina, Mr. Meadows.

Mr. MEADOWS. I thank the gentleman from South Carolina. And so let me follow up with my esteemed colleague opposite. I can assure her that this hearing is part of a series of hearings that we have had dating back long before some of the tragic events. She will recall obviously we have had GSA and a number of others that were in, and I have a strong commitment to work in a bipartisan way to continue not only the work that we have started many, many months ago but to continue to work on an inventory and control process that would address that. And so I just wanted to let the gentlewoman know of not only our previous efforts but our continuing efforts to address that.

So let me go ahead and go to some of the issues —

Mrs. WATSON COLEMAN. Will the gentleman yield?

Mr. MEADOWS. Sure, without a doubt.

Mrs. WATSON COLEMAN. Thank you. I certainly appreciate that, and I look forward to our working in a bipartisan way on this issue. At the end of the day I think our actions speak louder than words, and that as we approach these hearings in the future and we bring people before us, that I would like very much to get at the issue that is plaguing our communities both in mass killings and in individual lives that are lost daily, particularly in the urban communities and the poorer communities. The issue of —

Mr. MEADOWS. Reclaiming my time. I appreciate your comments.

Mrs. WATSON COLEMAN. Thank you.

Mr. MEADOWS. All I am saying is that this is a long-standing process of which this committee has taken seriously long before some of the most recent political events that have sparked some of this controversy.

And so let me come back to some of the issues at hand that seem to be systemic. And gentlemen, you are here this morning because of your inventory and your systems being deplorable. There is no other word to describe them other than to suggest that the lack of controls at your agencies need not only great work but systemic work to make sure that we can keep track of them. Would you all agree with that?

Mr. KANE. [Nonverbal response.]

Mr. MEADOWS. I see, Mr. Kane, you are shaking your head yes. Mr. Orner, all of you would agree that you have systemic problems that need of major, major work. So let me ask you a little bit further because one of my concerns, the gentlewoman mentioned about the rounds of ammunition, and I honestly get questioned more from DHS with regards to rounds of ammunition and why you purchased so much only having, I guess, officially according to open the books—and Dr. Coburn, who I hold in very high regard, he said that there has only been 881 times that DHS has actually fired their weapon in terms of official capacity, but yet you have purchased 1.7 billion rounds of ammunition. Why such a huge inventory of ammunition?

Mr. ORNER. We use a strategic sourcing on the purchasing of ammunition to get the best price. The numbers you quote —

Mr. MEADOWS. But —

Mr. ORNER.—are contract ceilings, not the amount that is actually purchased.

Mr. MEADOWS. But if we go to the amount that you actually contract, I have looked into this dating back 3 or 4 years. So let me shift to something else. Can you tell me why DHS would have acquired 4,700 bayonets?

Mr. ORNER. I am not familiar with the issue of bayonets, and I will —

Mr. MEADOWS. Well, it —

Mr. ORNER.—get back to you on that. I suspect it's ceremonial units, but I'm going to have to get back to you.

Mr. MEADOWS. Forty-seven hundred bayonets —

Mr. ORNER. That may also be —

Mr. MEADOWS.—in ceremonial units for DHS?

Mr. ORNER. That may also be a contract ceiling, but I will get back with you with the data on that. And on the issue of in ammunition, we do issue an annual comprehensive report on the purchase —

Mr. MEADOWS. Yes, I am very familiar with it. I am very familiar with it. So let me ask you in terms of coding because I'm going to come to you, Mr. Kane, very quickly, on coding as well. Can you tell me why you would code something to show that it was a procurement type for firearms code that in there—it was for the “cable dude.”

Mr. ORNER. For the what?

Mr. MEADOWS. Cable dude.

Mr. ORNER. Did we code it that way?

Mr. MEADOWS. Yes. Would you say that that is something that should be used as a firearm code?

Mr. ORNER. Absolutely not and it —

Mr. MEADOWS. So you are starting to get my point.

So, Mr. Kane, let me come to you because I am just as concerned that you have inmate clothing at \$67,000 worth that is coded as body armor. Why would that be?

Mr. KANE. I have no idea, sir.

Mr. MEADOWS. Or feminine hygiene products worth \$15,000 coded as body armor? Any reason why the Bureau of Prisons would do that?

Mr. KANE. No, none that I know of it.

Mr. MEADOWS. We also have that you had \$113,000 worth of food that you coded as chemical weapons and equipment. Does that make sense?

Mr. KANE. It does not.

Mr. MEADOWS. Okay. I think we are all getting my point I believe at this point. If you can't code it right, the best new system in the world isn't going to fix the problem. And so what we need is real accountability, real coding, and a real inventory system that honestly you could probably put on QuickBooks today and do better than what we are doing.

And with that I yield back, Mr. Chairman.

Mr. PALMER. The gentleman yields.

The chair now recognizes the gentleman from Pennsylvania, Mr. Cartwright, for 5 minutes.

Mr. CARTWRIGHT. Thank you, Mr. Chairman.

And thanks to you, Inspector General Horowitz, for being here today —

Mr. HOROWITZ. Thank you.

Mr. CARTWRIGHT.—and for your good work bird-dogging the Bureau of Prisons and watching how they handle their firearms. This is work that reminds us how important it is to make sure our Federal agencies effectively, efficiently, and safely manage their firearms. The reason we do this, of course, is that when guns get into the wrong hands, they can have devastating effects on our communities. The tragic massacre in Orlando that is not yet a month old acutely reminds us of this, and my heart breaks for those families.

Inspector General Horowitz, given your investigative expertise, when looking for solutions to problems, why is it important to consider all contributing factors?

Mr. HOROWITZ. Well, when we look at issues, one of the things that's important to us when we issue a report is to be prepared to answer questions about whatever the potential factor could be using the inventory and the issues here today. For example —

Mr. CARTWRIGHT. Sure. To get to the whole truth, and I totally

Mr. HOROWITZ. Try and make sure we get the whole story.

Mr. CARTWRIGHT.—agree with that. For example, we have to make sure our background check systems have the appropriate information in place so we can actually make sure that people who are prohibited from having guns actually do not have guns. That is why I support the administration's efforts in this area. Attorney General Lynch has written the States on how important it is that they share relevant information so that the background check system can be accurate. The FBI is overhauling the system to make it more efficient in order to improve processing times. Even the Social Security Administration is working to make sure appropriate



information is shared with background checks system about people prohibited from getting guns for mental health reasons.

Again, what are we doing here in Congress? Well, we are trying to change the subject. Just a few weeks ago, House Republican leadership blocked Democratic efforts to bring legislation to the Floor that would prevent suspected terrorists from buying guns. Somebody needs to pinch me. Why would you prevent a bill like that from coming to the Floor? They wouldn't even allow a vote.

Even now, even now after Americans across this country have protested, Speaker Ryan won't agree to hold a vote on meaningful gun violence measures. Instead, Speaker Ryan will allow a vote only on a proposal that was written by the National Rifle Association and rejected by the Senate, and even this now, even this deficient measure is being pulled back. It is unacceptable. There is still no action on legislation that would help improve our background checks, which is critically needed to keep guns out of the wrong hands.

Mr. Orner, if we can stop the flow of guns to criminals, would this help support DHS's efforts to keep our nation safe?

Mr. ORNER. As a general statement, the obvious answer is yes.

Mr. CARTWRIGHT. It is obvious, and I thank you for that. We have smart reform-minded solutions right at our fingertips that could help keep guns out of the wrong hands. I urge my colleagues on the other side of the aisle to give these solutions a chance and at least bring them up for a vote.

With that, I yield back, Mr. Chairman.

Mr. PALMER. The gentleman yields.

I would just like to point out and remind the committee that this topic, this hearing topic again back in February with a hearing that we had with the GSA regarding Federal agencies' handling of firearms. This committee sent letters to 34 agencies for information on their firearms inventories and how they are handling them, and I will also say that this discussion will continue.

The chair now recognizes the gentleman from Arizona, Mr. Gosar, for 5 minutes.

Mr. GOSAR. Thank you, Mr. Chairman.

Inspector General Horowitz, good seeing you again.

Mr. HOROWITZ. Thank you.

Mr. GOSAR. In March 2016 you released a report showing you audited three BOP armories in my home State of Arizona: FCI Phoenix, FCI Tucson, and USP Tucson. Did your audit find that firearms and munitions were secure in those three locations?

Mr. HOROWITZ. We found that they had kept track of the firearms, but we still found the inventory control issues that we found more broadly.

Mr. GOSAR. Any other findings that you feel are important in regards to those three facilities?

Mr. HOROWITZ. Well, broadly speaking, what we found at the institutions generally was we couldn't reconcile the monthly inventories with the actual inventories when we were doing it. So we didn't have confidence in understanding how that discrepancy—those discrepancies occurred, whether it meant a poor tracking system or whether it meant something worse like people stealing or taking improperly various munitions.

Mr. GOSAR. Got you. Now, you testified in fiscal year 2014 the Bureau of Prisons recovered 2,410 weapons in BOP institutions, a 5 percent increase from the fiscal year 2012. That is an astronomical number in that many weapons shouldn't even be making their way into these secure prisons. It begs to highlight this. Can you quickly reiterate some of the important recommendations your office made to prevent contraband and firearms from making their way into the BOP facilities?

Mr. HOROWITZ. Absolutely, Congressman. This is a very important issue, and primarily, they involve tracking the contraband that's found because BOP doesn't know in a big-picture way how it might be getting—this contraband might be getting into institutions. Staff search is a very important part of this. There is not an effective staff search policy at the BOP. We talked about that 13 years ago in 2003.

Sadly, as the incident I recounted involving our own agent who lost his life at a BOP institution when a corrupt correctional officer had a weapon in the prison that he should not have had in there, used that firearm to shoot and kill Buddy Sentner, Agent Buddy Sentner, and shot but survived fortunately BOP staff member. There needs to be an effective staff search policy.

There needs to be better camera systems. As I mentioned earlier in response to Congressman Lynch's question, there needs to be tracking of what is occurring in the institution. BOP needs to do a better job on their new technologies they are using to their credit, but what we found when we went out to institutions was that the correctional officers and staff didn't understand fully how to use the tracking technology and the new technologies were being used, also how to use them consistent with the Prison Rape Elimination Act, which requires various steps to be taken before x-raying various people going into institutions. So we had a number of findings that we think BOP needs to take to address these issues.

Mr. GOSAR. Mr. Kane, were you paying particular attention to that?

Mr. KANE. Absolutely, we are, Mr. Congressman, and it we —

Mr. GOSAR. So some of the things that were brought up 13 years ago, why are we still even talking about them today?

Mr. KANE. We have actually made changes in policy, as Mr. Horowitz referenced earlier, in 2013, and another update concurred with by our union this spring in 2016. But the OIG identified additional potential improvements. We agree, and we are going to actively pursue them.

Mr. GOSAR. So, Mr. Ellis, were you paying attention?

Mr. ELLIS. Yes, sir.

Mr. GOSAR. Because it seems like all I get and this committee gets from you is doubletalk in regards to inventories, numbers. You know, we get handbook, pieces copied out of handbooks. So I want to ask you again, were you paying attention?

Mr. ELLIS. Yes, I might respond to your question, too, is one, the BLM does an inventory of their firearms every 6 months. We last did one—let's see, was it last January—and recently completed one here it would be at the end of June.

In regards to the question about the information that you get back, what I—I might say that the committee —

Mr. GOSAR. Okay. Let me interrupt you. I have got a limited amount of time. Do you know how many firearms have been lost since 2005 from the BLM?

Mr. ELLIS. I do.

Mr. GOSAR. How many?

Mr. ELLIS. We've had eight firearms lost. One was lost in the mail, seven were stolen. Of these —

Mr. GOSAR. And how many were ultimately recovered?

Mr. ELLIS. Six were recovered.

Mr. GOSAR. Do you know how many of these lost firearms are actually connected to any criminal activity?

Mr. ELLIS. One that we're aware of, one.

Mr. GOSAR. Well, I am running out of time here, Mr. Chairman, but thank you very much. I yield back.

Mr. PALMER. The gentleman yields.

The chair recognizes the gentlewoman from New York, Mrs. Maloney, for 5 minutes.

Mrs. MALONEY. Thank you for having this hearing. It is a truly serious, serious issue. Some of my colleagues and I just came from a meeting with 91 people, the average number of people who die each day, each day from gunshot wounds in our great country, and they were all people who had lost their loved ones and been shot themselves. I mean, it was heartbreaking, absolutely heartbreaking.

And on June 21 in the city that I represent, New York, there was a van coming into the city that had a broken window so they stopped the van and they opened up the van and it was filled with machine guns, grenades, and a whole cache of weapons coming in to the city of New York.

So really I want to thank you for looking at the Federal firearms inventories. I think it is important. But I would say it is a small drop in the bucket given the amount of guns that are in our country. Believe me, if guns made people safer, we would be the safest nation on earth. And one report showed that since 1968 our country has lost more men and women to gun violence than we have lost in all of the combined wars that we have experienced, including the great war for our independence that we just celebrated last weekend.

So I want to talk about this, and I am glad you are looking at it, but I think it should be looked at in a broader way. The Department of Homeland Security is the largest law enforcement agency in the country, and of the 21 agents responding to it, the agencies responding to the Department of Homeland Security, they reported the highest number of lost, stolen, or missing weapons was an average of 69 per year. Now, that is important, but there may have been 69 weapons in that van that they stopped going into New York. I mean, it is a huge problem. In contrast, over 230,000 guns are stolen each year during burglaries from private citizens.

So I would like to ask Mr. Horowitz, given these numbers and given your investigative experience searching for solutions to problems, would you agree that non-Federal firearms also affect our communities?

Mr. HOROWITZ. We've certainly had situations where non-Federal firearms have affected communities. The example I gave earlier

where our agent was shot trying to arrest the corrupt correctional officer was shot using an unauthorized firearm.

Mrs. MALONEY. Well, actually, some of your agents testified before this Congress several years ago and asked for us to make trafficking in guns illegal, make it a felony. It is not even a felony now. How dumb can we be? And to increase the penalties on straw purchases. And they said, look, we want stricter gun enforcement laws to protect ourselves. This one agent testified that they don't even bother to go after gun traffickers because there is really no penalty. It is not even a felony.

So, you know, straw purchasing is buying guns for people who are prohibited from purchasing them. And in 2000 the Bureau of Alcohol, Tobacco, and Firearms examined its gun trafficking investigations and reported that straw purchasing from Federal licensed dealers was involved in nearly half of the ATF investigations studied and connected to over 25,000 firearms.

So I would like to have this report entered into the record, which I think is called "Following the Gun: Enforcing Federal Laws against Firearms Traffickers." Could I have unanimous consent to place it in the record?

Mr. PALMER. Without objection, so ordered.

Mrs. MALONEY. And this point out that straw purchasers and trafficking is a huge problem, and the chairman and I—not the chairman but the ranking member—we hope the chairman will join us—but the ranking member and a number of us on this committee introduced legislation making trafficking in guns a felony and increasing the penalty for straw purchasers. This would make our agents safer. This would make our people safer.

And I just am really imploring my colleagues to not only follow up on this important report that has been done but to also respond by supporting this bill. Practically every law enforcement group in the country endorsed it because it said it would make their agents safer.

And we are in an epidemic. We are losing too many people. I had to leave a speak-out of mothers and fathers who had lost their children dying in their arms from gunshot wounds because it was too horrible to listen to. And it is preventable if we could just crack down not only on the number lost from the agencies but the number stolen from homes, the number that are given to mentally ill, deranged terrorists, people —

Mr. PALMER. The gentlewoman's time has expired.

Mrs. MALONEY.—and let's just join hands and work together to get the guns out off the streets, no fire, no buy, and comprehensive background checks. It is common sense.

Thank you. I yield back.

Mr. PALMER. The gentlewoman yields.

The chair now recognizes the gentleman from Oklahoma, Mr. Russell.

Mr. RUSSELL. Thank you, Mr. Chairman. And, gentlemen, thank you for being here today.

What training do agents receive on properly securing their firearms? Whoever would like to go first. Mr. Kane?

Mr. KANE. Our officers are issued firearms in very limited circumstances, but they also do use them during training. They're

issued from our armories and returned to our armories. They are tracked in a system, as Mr. Horowitz indicated, that is effective in maintaining accurate inventories of firearms. We have not lost or had any stolen since 2005, the time the research suggested by or requested by the committee.

But our training begins in basic training. We have annual training. We do training in disturbance-control sorts of events, et cetera, and all of those types of training include that sort of focus in instruction.

Mr. RUSSELL. And I realize that the Bureau of Prisons has arms room issuance of firearms, you know, for their duties, so we would expect a stricter control.

Mr. Ellis, what type of training do the BLM agents receive, seeing as how they have their firearms with them 24 hours a day?

Mr. ELLIS. That's—yes. Congressman, our law enforcement officers are rangers, uniformed officers, and they're special agents. It all starts with their—what's called—well, their basic training, FLETC, 16 weeks of training for the Federal Law Enforcement Training Center. When they qualify on the job every 6 months on these weapons, you know, they receive, you know, additional training.

And also, we have what we call our general orders, and our general orders cover the requirements for securing firearms, say in vehicles, in your residence if you have them in your residence. That's all covered in our general orders —

Mr. RUSSELL. Okay.

Mr. ELLIS.—and they're all educated on these general orders.

Mr. RUSSELL. And, Mr. Orner, in the various sub-agencies of DHS, I am assuming that there is some type of requirements to maintain possession of your firearm?

Mr. ORNER. Absolutely, Congressman. Anybody who is issued a firearm in the Department of Homeland Security must first go through training. There is, of course, requalification training on a regular basis. The content of the training that officers are required to take varies depending on the mission of the component of which they are a part. So if you'd like, I can give you a —

Mr. RUSSELL. Well, I think it is important —

Mr. ORNER.—comprehensive list of those.

Mr. RUSSELL.—to notice that because it appears we have some training deficiencies with retention of firearms, with leaving firearms in a vehicle instead of on your person or not having them as a part of your duties. Maybe they would be left unattended. That is a serious breach of any trained officer, and so it goes to really another question. And to you, Mr. Orner, okay, we had 69 firearms lost for 204,000 in a particular year. What happened to the 69 agents that lost possession of their firearm?

Mr. ORNER. In every case the supervisor is notified of the loss within 2 hours —

Mr. RUSSELL. Okay. We got the loss. What discipline actions happen to the individuals? Are they commended? Are they disciplined? Are they fined? Are they removed? Surely there must be some penalty for such a grievous violation.

Mr. ORNER. The nature of the discipline depends on the circumstances of the loss. They're—each one of those losses is inves-

tigated by the operational chain of command who takes the appropriate action. I don't have a personal involvement. It wouldn't be appropriate —

Mr. RUSSELL. Well, we would like to see that. And of the 69, I personally would like to know how many of those officers were disciplined that it was due to neglect. We understand if somebody was overpowered or they were, you know, in the course of their duties or something of that nature.

I will say this: 24-hours-a-day duty or having possession of firearms every day is no excuse for their negligent care. Having served in battle in several different excursions around the globe, I never once under my command had any of my soldiers lose a firearm. I had some destroyed by combat actions, never had a soldier lose a single one. And I would suggest that at the root cause of much of this with firearms loss is proper care, proper training, and it also has to be proper discipline. If there are no ramifications, then it doesn't even seem to be something serious.

And, Mr. Chairman, with just a slight indulgence here, newsflash, it is a felony to make a straw purchase on a firearm. As the only firearms manufacturer in Congress, I can assure you for my Democratic colleagues that you cannot make a straw purchase without it being a felony. That just absolutely does not happen. And to this 30,000 number that we see every year of people that lose their lives to firearm homicide, let's not forget that 63 percent of those are suicide.

Let's have the debate, but let's use real facts, let's use real discussions, and let's quit hampering this hearing on things that need to be addressed in a separate way. And I would welcome and champion anyone you want to put up —

Mr. PALMER. The gentleman's time has expired.

Mr. RUSSELL.—on that issue. And with that, Mr. Chairman, I yield back. Thank you.

Mr. PALMER. The gentleman's time has expired.

The chair now recognizes the gentlewoman from the Virgin Islands, Ms. Plaskett.

Ms. PLASKETT. Thank you, Mr. Chairman. And thank you, Mr. Russell. So I guess you are in favor of us having Floor debates on these issues, and that is great hearing that coming from your side. We would like to have those sooner rather than later.

Mr. RUSSELL. Will the gentlelady yield for a question?

Ms. PLASKETT. It wasn't a question. I was just making a statement so —

Mr. RUSSELL. Well, would you just yield for a simple question?

Ms. PLASKETT. Sure.

Mr. RUSSELL. Just one question. Does that include showing proper respect to the esteemed chamber that we obey by the rules that we dictate for this wonderful republic of ours and that we conduct ourselves in a similar manner where that type of discussion could occur? Would you agree to that?

Ms. PLASKETT. I would agree to that, and I have agreed to that, and I believe the Democrats have done that when this body also has respect for itself by bringing those things to debate and to the Floor and not disrespecting the American people by manipulating the rules so that that doesn't happen.

Mr. Horowitz, the committee appreciates the work that went into the audit over the course of the 3 years in the seven facilities, and the committee itself is in the middle of its own investigation of inventory practices. About 33 agencies received a letter from Chairman Chaffetz requesting the documents, and thus far, 22 have responded. Many of these agencies have either no losses or recovered all lost weapons, and that is really great news.

From the responses we have received, it appears that the vast majority of firearms losses result from theft from a Federal agent, including vehicle and home break-ins. What are the best practices, Mr. Horowitz, for reduction of incidence of theft?

Mr. HOROWITZ. I think there are several steps that agencies can take. First of all, having proper policies and training in place is critical. We've found in looking at the BOP, for example, they had several policies in some places that were, we thought, best practices, but that was institution by institution. It was not at a broader level.

We think, in addition, making sure that the proper equipment is provided to agents so, for example, if they're going to be in their car, government car, they should have an appropriate storage locker if they're going to have a place to leave their firearm. They should not be leaving it obviously unsecure in a car. Those are some of the things that just off the top of my head that I think —

Ms. PLASKETT. And are there penalties in place for individuals or Federal agents who do not follow those procedures, and have they been put on those individuals that break those rules?

Mr. HOROWITZ. There are disciplinary policies. We would oversee the ones at the FBI, DEA, ATF, the Bureau of Prisons, and the Marshals, which are DOJ components, and I can certainly get back to you on what the most recent numbers look like from those agencies in terms of discipline for any lost firearms.

Ms. PLASKETT. Okay, great. And the inventories, you do believe that all inventories should submit to occasional audits, correct?

Mr. HOROWITZ. Absolutely.

Ms. PLASKETT. And does that happen? How does that happen?

Mr. HOROWITZ. At the BOP where we did this review it doesn't happen regularly in the sense that there's really no historical audit that can be done because of the way the current tracking system is kept. A real audit would look at the change in inventory over time. That can't be done in the way the current system is fashioned but hopefully will be in the revised system.

Ms. PLASKETT. And when will that revision go into effect?

Mr. KANE. We are planning to begin testing the new system in early winter 2017.

Ms. PLASKETT. And why not sooner?

Mr. KANE. It's a complicated system to put together. We're working directly with OIG staff to satisfy all requirements. And we—we're working very hard already to get it done.

Ms. PLASKETT. So next spring you will be able to give us some outcomes of what that inventory, when you begin testing it, might have looked like?

Mr. KANE. Yes, we expect we will.

Ms. PLASKETT. Okay. Thank you. One of the other things the ATF says that there are currently—just a moment—sir, the num-

ber of agencies that have not reported their numbers, so we got from others, were you not able to conduct an extensive review for every Federal agency? How many agencies can you review did you say, Mr. Horowitz?

Mr. HOROWITZ. We would have oversight over the DOJ, the Justice Department agencies —

Ms. PLASKETT. Right.

Mr. HOROWITZ.—so the law enforcement components there being FBI, DEA, ATF, Marshals —

Ms. PLASKETT. Who do you think have the most law enforcement or have the largest number of Federal guns or ammunitions or arsenal?

Mr. HOROWITZ. I believe the Department of Homeland Security has the largest total number.

Ms. PLASKETT. Mr. Orner, would you agree with that?

Mr. ORNER. Yes, I would agree with that.

Ms. PLASKETT. And —

Mr. ORNER. We do have the largest number. We have 204,000 weapons.

Ms. PLASKETT. And of that, how many have you had losses or thefts?

Mr. ORNER. Losses or thefts over the last 4 years averages 69 of the 204,000.

Ms. PLASKETT. Okay. Thank you. I have run out of time. Thank you very much, Mr. Chairman.

Mr. PALMER. The gentlewoman yields back.

The chair recognizes the gentleman from South Carolina, Mr. Gowdy, for 5 minutes.

Mr. GOWDY. Thank you, Mr. Chairman. I had some questions and observations for the inspector general for the Judicial Department because I am a big fan of his and I always enjoy when he comes before Congress. And then my friend from Oklahoma said something that caused me to kind of divert my thinking a little bit, and I want to, first of all, tell my friend from Oklahoma thank you for your service to our country well before you ever came to Congress.

You mentioned straw purchasers, and of course a straw purchaser is someone who purchases a firearm on behalf of someone who has been prohibited, and that kind of got me thinking, well, I wonder how long the list of prohibited persons is. And I was wondering from my friend from Oklahoma, it is already, I believe, against the law for persons who have been convicted of felonies to purchase firearms and ammunition, is that right?

Mr. RUSSELL. Yes, it is illegal, and it is also illegal to make straw purchases. It comes with a 10-year minimum prison sentence.

Mr. GOWDY. You know what I found striking, there is actually a pretty long list of people who can't purchase firearms, any kind of firearm or ammunition: those who used controlled substances, those who have been court-martialed, those that are not here legally, those that have overstayed visas, those that are subject to a restraining order in a domestic violence case. They already can't possess firearms, any kind of firearm. So that got me wondering, to my friend from Oklahoma. I wonder how this administration is doing enforcing the current laws that are on the books for all of



those categories of prohibited persons. Does my friend know whether prosecutions are up or down over the last 8 years?

Mr. RUSSELL. Actually, the prosecutions are down, sadly to say. The administration has not supported the "Don't Lie for the Other Guy" campaign, which the Bureau of Alcohol, Tobacco, and Firearms and the FBI both support, as well as all responsible gun manufacturers and Federal firearms licensees. This is a real problem, and the administration has not supported the efforts. It would go a long way if we saw a different policy.

Mr. GOWDY. And, you know, I find that stunning. I guess I find it stunning at a logical level why you would ask for more tools when you are not using the tools that you currently have. And I would encourage all of my friends to look at the prosecution levels for 18 USC 922(g) crimes, firearms violations, look at the level of prosecution for the last 8 years under this administration, and you will see that gun prosecutions have gone down.

So I am trying to figure out how another law that you are not going to enforce is going to make us safer. And to my friend from Oklahoma, I am struggling to follow the logic.

Mr. RUSSELL. Well, I would agree. In fact, with regard to the no-fly list, you know, they say if you are a terrorist, you shouldn't be able to buy a firearm. Newsflash: You can't. Four hundred thousand are on the terror watch list. Over 97 percent of those are foreigners. They are prohibited from purchasing firearms. You have to be a U.S. citizen or permanent U.S. resident and 90 days in residence at your current address to even have a firearm transferred. Otherwise, it is denied.

So there is a lot of bad information. Of the 3 percent that remains, a fraction of that ends up being on the no-fly list, and of that, it will trigger what they call a Federal prohibiter likely going to be denied or delayed at a minimum and the FBI is notified for further investigation. This is tantamount to like saying, well, we need to stop murder. Why don't they make a law to stop murder? Newsflash: We have. People still are sinful and commit crimes.

Mr. GOWDY. Well, I am pretty sure we have laws against narcotics trafficking, too, and I have not noticed that going away in part because of a porous border but for other reasons as well.

And in conclusion, my friend from Oklahoma, I notice the Governor of Virginia has begun a campaign to restore the rights of persons who have been convicted. It is a restoration of rights. I guess if that is what Virginia wants to do, that is what Virginia can do, but I would hasten to add, those persons have already been afforded due process. They were convicted. They were either convicted by a jury of their peers or they stood in front of a judge and admitted that there was proof beyond a reasonable doubt on every element of the crime. So they have already been afforded due process, and yet the Governor of Virginia wants to restore their rights. And some of those same folks are now arguing to take away rights of folks who have had no due process whatsoever. Can the gentleman from Oklahoma help me understand that?

Mr. RUSSELL. It is hard to fathom. I would think in cases where you have legitimate pardons by a Governor and evidence has been brought to bear, then obviously we would have constitutional rights

restored. Apart from that, I think that that is going down the wrong path.

It is also worth noting in our gun violence that we see in actual murders with firearms, they have decreased 9 percent since 2010, they have decreased 10 percent since 2005, 20 percent since 1995. Last year, the last statistical data year that we had, of the 8,124 murders committed with firearms, only 248 were done by rifles of any type. That was nearly half what it was for blunt force objects or clubs or things of that nature. Again, we have a lot of data that is being thrown out as inaccurate, but in the true communist textbook fashion, say it often enough and repeat it often enough, it becomes believed, and what is alive becomes truth.

Mr. GOWDY. Well, I thank my friend from Oklahoma, and I thank the chairman for his indulgence, and we would yield back.

Mr. PALMER. The gentleman yields.

The chair now recognizes Mr. Connolly from Virginia for 5 minutes.

Mr. CONNOLLY. Thank you, Mr. Chairman.

Surely my colleague did not mean to suggest that those of us who have a different opinion on guns are communists.

Mr. RUSSELL. Of course not.

Mr. CONNOLLY. Thank you. Mr. Horowitz, how many firearms are lost or unaccounted for every year in Federal possession?

Mr. HOROWITZ. Congressman, I don't have the total number across all Federal agencies with me. I can certainly get that —

Mr. CONNOLLY. Well —

Mr. HOROWITZ.—to you.

Mr. CONNOLLY.—is it in the millions?

Mr. HOROWITZ. I don't even have an estimate.

Mr. CONNOLLY. Does anyone on the panel know? Well, surely it is dwarfed by the number of firearms lost in private hands, is it not? Anybody? Well, there are 230,000 private firearms lost or stolen every year. Does that sound right to anybody on the panel or

Mr. HOROWITZ. I have no data on that, Congressman.

Mr. CONNOLLY. Well, Mr. Horowitz, the point of this hearing by the majority, references to communism notwithstanding, is to try to prove that the Federal Government is reckless, and even by implication, talking about repetition of untruths, that the Federal Government might itself be culpable frankly for gun violence and gun deaths in America. And therefore, it is relevant to the topic to understand what percentage total firearms possessed by the Federal Government, and of that total, how many are lost or unaccounted for relative to the number of guns in private hands throughout the country that are lost or stolen every year. And it is rather self-evident that the latter dwarfs the former. And being prepared for that argument might have been helpful as you all prepared to come here today on a subject that has been in the headlines.

I just came from the steps of the Capitol to have a colleague talk about a point of view on guns as a lie that gets repeated like the communists did. I would welcome bringing some of my colleagues who apparently hold that view to the steps of the Capitol where we heard a mother describe her estranged husband, drunk and abu-

sive, came to the home, shot her multiple times and killed her 10-year-old daughter, who died in her arms as her mother held her trying to understand and still recovering from the trauma, of course, of that incident. He got a gun online with no background check, no approval, not from the Federal Government, easy to possess by getting online.

Here in the Congress, we had a sit-in last week not for the sake of making a political point but for the sake of trying to give witness to tens of thousands of victims of gun violence in America, the overwhelming majority of whom were felled by guns in private hands, some legal, some not, some stolen, some purchased. And this is an epidemic in the United States. We are losing over 30,000 people a year to gun violence not because of the Federal Government losing weapons.

So in that sense I don't know whether this hearing is doing us a service to the greater debate, but I certainly want to assert as vigorously as I can that this is a point of view that is growing and that is not based on falsehoods or distortions. It is based on the underlying fact that every 2 years we lose more Americans to gun violence in this country than we did in the entirety of the Vietnam War.

I yield back.

Mr. PALMER. The gentleman yields.

I now recognize myself for questions, and would just like to point out that among those who were lost to gun violence, according to the FBI statistics, 11,900 and something were homicides and less than 8,200 were related to gun violence.

Mr. Ellis, in July of 2015 an illegal foreign national five-time deportee from Mexico stole a Bureau of Land Management ranger's gun and shot and murdered 31-year-old Kate Steinle who died in her father's arms. How did the shooter manage to steal that firearm?

Mr. ELLIS. Well, first of all, Mr. Chairman, very tragic, very tragic incident, and —

Mr. PALMER. Just for the sake of time just answer the question.

Mr. ELLIS. My understanding is that the BLM law enforcement officer had that weapon in his personal vehicle that he was driving to Helena, Montana.

Mr. PALMER. Was the vehicle locked or did they break into it?

Mr. ELLIS. It's my understanding the vehicle was locked and it was broken into.

Mr. PALMER. Okay. Are the BLM rangers required to undergo training for firearm management?

Mr. ELLIS. They are.

Mr. PALMER. Okay. Let me point out that they are required to attend special firearm training held by the Federal Law Enforcement Training Center, and after the training is complete, the rangers complete a second field training and evaluation program where they learn the job and several duty locations across the States. Annual and quarterly training is also required for firearms, defensive tactics, physical fitness, and other job skills. In other words, the ranger is responsible for his assigned firearm, isn't that true?

Mr. ELLIS. Rangers are responsible —

Mr. PALMER. And other equipment while off duty. Department of Interior departmental manual part 446, chapter 10, requires that each law enforcement officer is responsible for ensuring the security of his or her assigned firearm and other defensive equipment while on or off duty. And further, BLM's own manual, handbook, 1112-2 on safety and health for field operations, topic 17.6, requires that all firearms, when not in active use, shall be stored in a secure place out of sight under lock and key. Firearms will be unloaded prior to storage.

Considering what happened and the tragic nature of events after the theft of the firearm, was that ranger disciplined?

Mr. ELLIS. Mr. Chairman, the ranger was not disciplined and

Mr. PALMER. Why not? That is in direct violation of your handbook.

Mr. ELLIS. After this incident, the BLM investigated why. Myself and many of us wanted to know how did this happen. At the time we did not have a policy in place for POVs. That's personally operated vehicles. We now have a policy in place that —

Mr. PALMER. So this policy just—you are telling me that this manual policy that I just read you was put in place after Kate Steinle was murdered?

Mr. ELLIS. No, there's policy—there's a general order 15 that covers government vehicles —

Mr. PALMER. No, I asked you —

Mr. ELLIS.—this was not covered —

Mr. PALMER. I am asking you, now answer the question. BLM's manual handbook 1112-2 on safety and health for field operations, topic 17.6, was that in place before Kate Steinle was murdered?

Mr. ELLIS. All —

Mr. PALMER. The answer is yes. I mean, you know your own policy, don't you?

Mr. ELLIS. Mr. Chairman, the policy that was in place for personal vehicles essentially required the locking of the vehicle. The individual had the vehicle locked. It was broken into. The firearm was not secured to a hard point in the vehicle —

Mr. PALMER. Was it loaded?

Mr. ELLIS. The policy —

Mr. PALMER. Was the firearm loaded?

Mr. ELLIS. Now—the policy now requires that.

Mr. PALMER. I am asking you was the firearm loaded?

Mr. ELLIS. I do not know the answer to that.

Mr. PALMER. Let me ask you this. You say that standard firearms issue for each officer is a semiautomatic pistol for primary duty carry, a semiautomatic pistol as a backup weapon, a shotgun, and a semiautomatic rifle. Would you describe that rifle?

Mr. ELLIS. It's a semiautomatic rifle. I don't—I cannot tell you

Mr. PALMER. What caliber? What caliber?

Mr. ELLIS. It's my understanding it's similar to AR-15.

Mr. PALMER. Okay. So it is an AR-15, but the Federal inventory does not list that as an assault weapon. It lists it, properly so, as a semiautomatic rifle, is that correct?

Mr. ELLIS. Well, it is a semiautomatic rifle, so —

Mr. PALMER. That is right.

Mr. ELLIS.—my understanding, we have no automatic rifles, no automatic pistols, no automatic firearms in the BLM inventory.

Mr. PALMER. I thank you for making that distinction between what is or is not an assault weapon. I yield back.

I now recognize the gentleman from California, Mr. DeSaulnier, for 5 minutes.

Mr. DESAULNIER. Thank you, Mr. Chairman. I want to commend, at the same time find it difficult in giving the benefit of the doubt to reconcile what the majority would like to do here in terms of pursuing best practices on storage and inventory control on Federal public safety agencies and our inability to have an honest non-emotive if possible evidence-based debate about how we can deal with gun safety and violence in this country.

I find it ironic that the history of the NRA started as a gun safety organization where perhaps 50, 60 years ago we could have that kind of discussion where the IG and the National Laboratories could investigate what is the best way to drop gun violence and increase gun safety, whether it is proper funding for prosecutors or laws that are effective or oversight. I for one would enjoy being part of that discussion and just remind and submit for the record if possible a letter that over 100 of us signed to the Republican leadership to continue or re-instigate the funding for Center for Disease Control funding around gun violence. And would ask that that be entered into the record.

Mr. DESAULNIER. I want to quote from an extensive article that was in the San Jose Mercury News being from the bay area as part of a bay area news group investigation, and it started after the Kate Steinle incidence, which I assume, Mr. Ellis, was the one exception to lost guns that you mentioned. At a previous questioning you said that there were eight lost guns, and that was the one that unfortunately ended up in a tragedy, as you said, is that correct, sir?

Mr. ELLIS. Yes.

Mr. DESAULNIER. So quoting from the San Jose Mercury's story, a year after a bullet from a Federal agent's stolen gun killed 32-year-old Kate Steinle, who I will mention was once a constituent of mine, on a San Francisco pier, this news organization surveyed more than 240 local, State, and Federal enforcement agencies and discovered an alarming disregard, disregard for the way many officers from police chiefs to cadets to FBI agents safeguard their weapons.

Their guns have been stolen from behind car seats, glove boxes, swiped from gym bags, dresser drawers, and under bed. They have been left on tailgates, car roofs, and even atop a toilet paper dispenser in a car dealership's bathroom. One officer forgot a high-powered assault rifle in the trunk of a taxi.

In all, since 2010 at least 944 guns have disappeared from police agencies, State, Federal, and local, across California, an average of one almost every other day, and fewer than 20 percent have been recovered. "You just can't leave a gun alone in a vehicle," said retired FBI agent Jim Wedick. "You just can't do it. It has to be in a compartment or in chains an inch thick wrapped around a lead box because God forbid someone gets hurt."

The extensive investigation goes on to talk about the lack of proper inventory control in Federal agencies, also in State and local. So I have started to work my office on a bill to address this. In talking to police chiefs in many of your departments and to rank-and-file, there are some issues that consistently come up, including—and sort of this goes to the earlier discussion about laws that aren't enforced—but the disincentive or the incentive for best practices.

So in the quote, the quote was “disregard for the way many officers”—now, we are all humans. If there isn't a proper disincentive, Mr. Horowitz, which my colleague, Mr. Russell, brought up in his comments, people need to be disciplined sometimes. If what we have got anecdotally is agents from your agencies know that there are colleagues who don't really follow best practices.

So, Mr. Horowitz, what do we do to discipline people? And, Mr. Ellis, as a follow-up, what did you do in this instance or at any instance to actually discipline the individual agents?

Mr. HOROWITZ. Congressman, I couldn't agree with you more. There has to be consistent discipline. It's—there's got to be follow-through. One of the frustrations we've had as an IG office over the years is the failure to follow through on discipline by the agencies when we find issues. We've issued many reports, as you know, on that issue. And so I think there has to be two things. I think the inspectors general need to continue to call out failures to follow rules by the agencies that we oversee, and Congress needs to ask the hard questions when that—when those failures occur.

Mr. DESAULNIER. Mr. Ellis? And I will say this came up in the previous investigations about DEA officers overseas, that they didn't think there was going to be any punishment, and in fact, a lot of them actually got promoted and all of them continued to serve in Federal service.

Mr. Ellis, briefly?

Mr. ELLIS. Congressman, when a firearm is lost or stolen, we do an investigation. If that —

Mr. DESAULNIER. No, the question was, was the individual disciplined?

Mr. ELLIS. If the investigation shows that a policy was violated, we issue a disciplinary action.

Mr. DESAULNIER. I will take that that he was not disciplined.

Mr. ELLIS. This individual in this particular instance was not disciplined because we did not find where he violated a policy. We did have an instance where a law enforcement officer was disciplined when a firearm was stolen from his residence that was not following the policy. Actually, the law enforcement officer resigned so the disciplinary action was never enacted because the law enforcement officer left the agency.

Mr. DESAULNIER. Thank you, Mr. Chairman.

Mr. PALMER. Thank you, Mr. DeSaulnier.

I want to follow up on your line of questioning there. For what purpose was the BLM ranger in San Francisco?

Mr. ELLIS. The BLM ranger was in San Francisco, as I indicated earlier, was on his way to an assignment in Helena, Montana.

Mr. PALMER. Okay. So it was official or unofficial for him to be in San Francisco?

Mr. ELLIS. It was official business. You know, from his duty station to Helena, Montana, that was between the two.

Mr. PALMER. Let me ask you this. When you assign agents to a particular locality, whether they are assigned to the locality or in this case passing through on their way to another assignment, are they required to comply with State laws?

Mr. ELLIS. Well, sure, they—Federal and State law, yes, when they —

Mr. PALMER. So —

Mr. ELLIS.—when they —

Mr. PALMER. Mr. Ellis, are you aware that under California's penal code 25610 a gun transported in a car must be kept in the trunk or within a locked container?

Mr. ELLIS. I am not.

Mr. PALMER. You are not aware of that. So do you know whether or not the BLM ranger had the gun in the trunk in a locked container?

Mr. ELLIS. It's my understanding that the firearm was under the seat on the driver's side, the firearm that was stolen.

Mr. PALMER. So the answer is he was not in compliance with California State law? That would be—the answer is yes.

Mr. ELLIS. No, what I would say is it's my understanding the weapon was in a pack under the seat on the driver's side.

Mr. PALMER. So the answer is no, he was not complying with California State law. Didn't BLM also break California law? Would that be your understanding, and would they not be subject to penalties under California State law?

Mr. ELLIS. Mr. Chairman, I'm not familiar with the California State law, I'm not an attorney, but what I can tell you —

Mr. PALMER. Is it not your responsibility, though, to make sure that your rangers at least have a working knowledge of the State laws in which they are working or passing through?

Mr. ELLIS. Well, I would expect that they would. I think that, you know, it would be difficult for them to understand the laws and the rules in every community, you know, that they're passing through.

Mr. PALMER. I —

Mr. ELLIS. I would hope that they would have an understanding —

Mr. PALMER. I don't expect them to be experts, but you have a responsibility to make sure that your agents comply with State and Federal law. You said that at the outset when I first brought this up, but you clearly didn't.

I would like to recognize the ranking member, Mr. Cummings from Maryland.

Mr. CUMMINGS. All I can say is we can do better, Mr. Kane and all of us. I mean, we can do better. It seems like it is kind of hard, wouldn't you agree, Mr. Horowitz, if we can't keep up with the bullets, to keep track? Do you think it is that difficult to get this done? I mean, what —

Mr. HOROWITZ. It's not. It's a standard inventory control system that needs to be built to track the munitions.

Mr. CUMMINGS. Well, we are going to follow up on this. And, Mr. Horowitz, I forgot to tell you I want to thank you for all your work on the IG bill. You are a real trooper —

Mr. HOROWITZ. Thank you.

Mr. CUMMINGS.—and we depend so much on what you all do. And again, I want to thank you. We think it is good, and the bill goes in the right direction and hopefully it helps you.

Thank you all very much.

Mr. PALMER. I would like to associate myself with Mr. Gowdy's remarks in regard to Mr. Horowitz. I appreciate the great work that you have done. I also appreciate each of the witnesses. I want to thank you for your testimony today and for the members of the committee that participated.

If there is no further business, this hearing is adjourned.

[Whereupon, at 12:08 p.m., the committee was adjourned.]

