

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

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October 2, 2019

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


Dear Mr. Horowitz:

Enclosed are post-hearing questions that have been directed to you and submitted to the official record for the hearing that was held on Wednesday, September 18, 2019, titled "Overseeing the Overseers: The Council of the Inspectors General @ 10 Years."

In order to ensure a complete hearing record, please return your written response to the Committee on or before Wednesday, October 16, 2019, including each question in full as well as the name of the Member. Your response should be addressed to the Committee office at 2157 Rayburn House Office Building, Washington, D.C. 20515. Please also send an electronic version of your response by email to Josh Zucker, Assistant Clerk, at [Joshua.Zucker@mail.house.gov](mailto:Joshua.Zucker@mail.house.gov).

Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Elisa LaNier, Chief Clerk, at (202) 225-5051.

Sincerely,



Gerald E. Connolly  
Chairman  
Subcommittee on Government Operations

Enclosure

cc: The Honorable Mark Meadows, Ranking Member

**Questions for Mr. Horowitz**  
Inspector General  
Department of Justice  
Chairman, Council of the Inspectors General on Integrity and Efficiency (CIGIE)

**Questions from Chairman Gerald E. Connolly**

September 18, 2019, Hearing: "Overseeing the Overseers: The Council of the Inspectors  
General @ 10 Years "

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1. You testified at the hearing that CIGIE hopes to implement an open recommendations database on its Oversight.gov platform. What is the timeline for the release of that database?
2. What can Congress do to help facilitate the release of that database?
3. How important is the peer review system to the integrity of the Inspector General (IG) community?
4. In June, reports emerged that the acting IG at the Department of Homeland Security failed to follow accepted auditing standards that led to removal of 13 IG reports. It's important for Congress and the public to know which IGs are meeting or exceeding standards and which ones need help or new leadership. Could CIGIE assist in this area by posting to Oversight.gov the results of current IG peer reviews and also list when IG offices are scheduled for their next peer review?
5. Would codifying Oversight.gov be helpful to the IG community?
6. Would it be helpful to you in your capacity as the Chairman of CIGIE to know trends in allegations of wrongdoing against specific offices of inspectors general?
7. Has CIGIE worked to incentivize or facilitate collaboration across the IG community around information technology, human resources, procurement, financial services, legal services, or any other potential opportunities beyond Oversight.gov?
8. What are the biggest hurdles to establishing these types of collaborative solutions and how can Congress help CIGIE foster and grow such opportunities?
9. We see CIGIE as being a hub of IT solutions and best practices for the IG community. In fact, you have a very capable Technology Committee within CIGIE. Does it concern you when IGs host their information on the servers of their affiliated agency?
10. What can Congress do to help CIGIE serve as a best practices technology hub and a champion of finding ways to work across the community to find solutions, particularly in this area?

**Questions for the Record – Submitted by Ranking Member Mark Meadows**

Subcommittee on Government Operations

Hearing: "Overseeing the Overseers: Council of the Inspectors General on Integrity and Efficiency @ 10 Years"

Hearing Date: September 18, 2019

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**Questions for Inspector General Michael Horowitz:**

1. When an OIG issues a report, what are the CIGIE best practices for supporting public reports with sources?
  - a. Are OIGs required to footnote or otherwise cite sources in a public report?
  - b. Are OIGs required to keep a log of all source materials used in their reports?
  - c. Would it be unusual for an OIG to not cite sources in a public report?
  - d. Would it be unusual for an OIG not to keep a readily available source log supporting a public report?
  - e. What action would CIGIE take if an OIG did not keep source logs?
  - f. What action would CIGIE take if OIG was unable to identify supporting documents or evidence relied upon in a public report?
  - g. What action would CIGIE take if an OIG could not swiftly produce a source log for a public report to a Congressional committee upon request?
  - h. If sources for OIG reports cannot be readily found, would CIGIE require an OIG to retract a public report?
    - i. If the report is not retracted, what other actions would CIGIE take to ensure the accuracy and integrity of OIG reports?
2. What is the CIGIE recommended best practice for internal review of reports before public release?
  - a. Does CIGIE have recommendations for specific processes to ensure integrity of OIG public reports?
3. What is the role of Congressional oversight to OIGs, including OIGs public reports?
  - a. Are there any OIG investigative materials you believe should be withheld from a Congressional request to support an OIGs public report?

4. Do you believe OIGs, outside the Department of Justice or other law enforcement OIGs, should be conducting constitutional analysis of an unsettled area of law?
5. Would it be appropriate for an OIG to make a recommendation to an agency when a legal case is pending before a court on the same issue?
  - a. Do you believe an agency could effectively address an OIG recommendation if active litigation is pending on the same issue?
  - b. Is it appropriate for an OIG to make a recommendation to an agency which is outside the agency's core competency and mission?
6. What is the best practice for OIGs to solicit and evaluate input from outside experts?
  - a. What is an OIGs responsibility if an outside expert provides evidence which directly contradict a factual assertion in an OIG public report?
  - b. How would CIGIE respond if an outside expert provided evidence that an OIGs assertions in a public report are wrong?
    - i. Would CIGIE consider disciplinary action for the OIG or OIG staff?
    - ii. Would CIGIE direct the OIG to retract the report?

**Questions for the Record – Submitted by Representative Thomas Massie**

Subcommittee on Government Operations

Hearing: Overseeing the Overseers: Council of the Inspectors General on Integrity and Efficiency @ 10 Years”

Hearing Date: September 18, 2019

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**Questions for Inspector General Michael Horowitz:**

1. For the most recent five years that you have the available data, please provide the following:
  - a. The number of initial denials of the National Instant Criminal Background Check System (NICS), including the race and gender of those denied.
  - b. Please provide the number of denied cases which were:
    - i. not referred to field, including data on race and gender of those denied;
    - ii. overturned, including data on race and gender of those denied; or
    - iii. canceled, including data on race and gender of those denied.
  - c. Regarding NICS denial cases declined by ATF field offices, please provide data broken down by race and gender:
    - i. No prosecutive merit;
    - ii. Federal or state guidelines not met;
    - iii. Not a prohibited person.
2. For the last five years, please provide a list of the cases where a NICS background check was denied which resulted in prosecution.
  - a. For those cases prosecuted, please provide available data on:
    - i. Prosecutions which resulted in a guilty plea;
    - ii. Prosecutions which resulted in conviction means other than a guilty plea;
    - iii. Prosecutions which resulted in an outcome of not guilty.
3. To the greatest extent possible, please supply the Committee with as much detail as possible about the cases involving denied firearm purchases including:
  - a. Crime committed which resulted in a denial;
  - b. Type of conviction which resulted in a denial;
  - c. Any anomalies which resulted in a denial.