

ONE HUNDRED FOURTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

October 17, 2016

David L. Hunt  
Inspector General  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Dear Inspector General Hunt:

Inspectors General play an important part in protecting the integrity of government and safeguarding the public's trust. In order to provide honest and effective oversight, Inspectors General must have the freedom to be critical and forthright. Unfortunately, the growing interdependence of the Inspector General ("IG") and the Office of the Chairman of the Federal Communications Commission ("FCC" or "the Commission") is eroding the public's trust in the IG's Office. To that end, the Committee on Energy and Commerce ("the Committee") seeks information on the internal processes and procedures that govern the relationship between the Office of the Chairman and the Office of Inspector General.

The Committee is concerned with the apparent erosion of the Inspector General's independence by FCC action. Some particularly concerning examples include:

- Based on materials provided to the Committee, it appears that drafts of audits and reports may be shared with the Chairman's office before being finalized.
- The FCC's Office of Human Resources – a direct report to the Chairman's Office - has inserted itself into hiring decisions of the Inspector General's Office.<sup>1</sup>
- Recent FCC IG audit reports appear to be absent from the FCC's website. For example, in testimony before the Subcommittee on Communications and Technology on September 14, 2014, the Inspector General testified that his office

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<sup>1</sup> See Oversight of FCC Budget and Management: Hearing Before the H. Comm. on Energy and Comm., 113th Cong. (Sept. 19, 2014) (statement of David L. Hunt, Inspector General, Federal Communications Commission). <http://docs.house.gov/meetings/IF/IF16/20140917/102669/HHRG-113-IF16-Wstate-HuntD-20140917.pdf>.

would soon issue a report on the FCC's management of civil monetary penalties that was critical of the FCC.<sup>2</sup> Although dated March 30, 2015, the report does not appear on the FCC's website.

These facts and observations have led to proposals to amend the Inspector General Act of 1978 in order to establish an independent Inspector General for the FCC,<sup>3</sup> one insulated from acts of reprisal in the execution of its oversight of the agency.

In most agencies, the facts that precipitated congressional action would be cause for the Inspector General to take action to ensure that the agency is operating consistent with its statute and other Federal laws and regulations. However, there is growing concern that because the FCC Inspector General is appointed by, reports to, and is under the general supervision of the Chairman of the Commission that the IG is not free to provide the honest and independent criticism that is critical to the performance of the IG's oversight.<sup>4</sup>

In order to address our committee's concerns regarding the independence of the FCC's Office of Inspector General and the impact on accountability in the FCC's decision-making and management, we request, pursuant to Rules X and XI of the United States House of Representatives, information necessary to understand the practical and working relationship between the Office of the Chairman and the Inspector General. Accordingly, we request that you answer the following questions as soon as possible, but no later than October 31, 2016:

- (1) What mechanisms are in place to ensure that the Office of Inspector General is independent from the Office of the Chairman?
- (2) How is the Inspector General's annual fiscal budget derived and what role, if any, do the FCC's Office of Managing Director and the Office of the Chairman play in that process?
- (3) What is the role of the FCC's Office of Human Resources in the personnel decisions of the Inspector General's Office?
- (4) What is the role of the Chairman's Office in the drafting and release of reports and audits developed by the Inspector General's Office?
- (5) What is the role of the FCC's Bureaus and Offices in the drafting and release of reports and audits developed by the Inspector General's Office?
- (6) Does the Inspector General have the ability and necessary access to post information on the FCC's website? What procedures do you follow to make such postings?

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

<sup>3</sup> See e.g., FCC Reauthorization Act of 2015, 114th Cong. (2015), <https://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/114/BILLS-114hr-PIH-FCCReauthorization.pdf>.

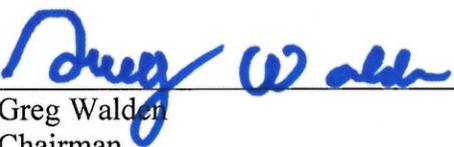
<sup>4</sup> See Federal Communications Commission, *Inspector General*, available at <https://www.fcc.gov/inspector-general>.

In addition, please provide the following documents as soon as possible, but no later than October 31, 2016:

- (1) All communications from January 1, 2012 to the present between the FCC and the FCC Office of Inspector General relating to edits, suggestions, observations, or comments on draft audits or reports produced by the Office of the Inspector General;
- (2) All communications from January 1, 2012 to the present between the FCC and the FCC Office of Inspector General relating to hiring decisions within the Office of Inspector General; and
- (3) All communications from January 1, 2012 to the present between the FCC and the FCC Office of Inspector General.

Should you have any questions you may contact David Redl of the Energy and Commerce Committee majority staff at (202) 225-2927.

Sincerely,

 _____ Fred Upton Chairman Committee on Energy and Commerce	 _____ Greg Walden Chairman Subcommittee on Communications and Technology
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Attachment

cc: The Honorable Frank Pallone, Jr., Ranking Member  
Committee on Energy and Commerce

The Honorable Anna G. Eshoo, Ranking Member  
Subcommittee on Communications and Technology