

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR  
MARGARET E. DAUM, MINORITY STAFF DIRECTOR

November 14, 2017

Mr. Paul Wiedefeld  
General Manager and Chief Executive Officer  
Washington Metropolitan Area Transit Authority  
600 5th Street, NW  
Washington, DC 20001

Dear Mr. Wiedefeld:

We recently wrote to the Washington Metropolitan Area Transit Authority Office of Inspector General (WMATA OIG) requesting information about its internal policies for releasing investigative findings to the public, as well as information relating to the independence of the WMATA OIG.<sup>1</sup> During that work, we received information that WMATA has failed to empower its OIG properly as an independent watchdog. We believe the safety and reliability of the WMATA system would benefit from an independent inspector general.

Based on Inspector General Cherrington's response, we are concerned WMATA OIG, through no fault of its own, is not sufficiently independent from WMATA, the entity it is tasked with overseeing. In particular, the WMATA OIG does not have an independent legal counsel and relies on WMATA's General Counsel for legal advice.<sup>2</sup> Further, the OIG apparently lacks authority to publish audit reports online without approval from a committee consisting of WMATA board officials.<sup>3</sup> In addition, according to the Inspector General, the OIG relies on WMATA's human resource capabilities for all personnel actions which, "in theory, could ensure OIG did not receive the best candidates [for employment]."<sup>4</sup>

The Inspector General also noted that it lacks separate procurement authority, which could "compromise independent investigations."<sup>5</sup> Finally, the OIG apparently does not have separate information technology (IT) infrastructure from WMATA. According to the Inspector General, this lack of IT separation could allow "any WMATA employee with appropriate administrative rights in the system [to] see what OIG is investigating or auditing."<sup>6</sup> This concern does not appear to be unfounded because, according to the Inspector General, "[a]bout 5 years

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<sup>1</sup> Letter from Chairman Ron Johnson and Ranking Member Claire McCaskill, Senate Committee on Homeland Security and Governmental Affairs to Geoffrey Cherrington, Inspector General, WMATA Office of Inspector General (Sept. 9, 2017).

<sup>2</sup> Letter from Geoffrey Cherrington, Inspector General, WMATA Office of Inspector General to Chairman Ron Johnson and Ranking Member Claire McCaskill, Senate Committee on Homeland Security and Governmental Affairs (Sept. 26, 2017) at 3.

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

<sup>4</sup> *Id.* at 4.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

ago, WMATA installed key stroke [*sic*] monitors on OIG computers, which required intervention from the General Manager/Chief Executive Officer to get removed.”<sup>7</sup>

The WMATA OIG must have full independence to be an effective auditing and investigative entity. During the process of responding to our letter, we learned that a WMATA employee suggested that Inspector General Cherrington show his response to the WMATA board before submitting it to the Committee. WMATA’s apparent control over the OIG appears to limit the OIG’s ability to act independently and may ultimately hinder effective oversight and transparency of the agency.

To assist the Committee in conducting oversight of this issue, we respectfully request a briefing on this topic and the following information and material:

1. Copies of all guidance, memorandums, or directives to WMATA personnel concerning interactions with the OIG.
2. Please explain how you have sought to ensure the WMATA OIG’s independence since you were appointed General Manager and Chief Executive Officer of WMATA in November 2015.
3. Please explain whether WMATA requires or expects the Inspector General to share his responses to Congressional inquiries with the Chairman or the Board of Directors before transmitting a response to Congress.
4. Please explain the responsibilities for WMATA’s Office of Quality Assurance, Internal Compliance and Oversight (QICO) and whether this office duplicates the responsibilities of the WMATA OIG.
  - a. Please also provide the annual budget for QICO.
  - b. If the annual budget for QICO is more than the annual budget for the WMATA OIG, please explain why WMATA believes that office should receive more funding than the OIG.

Please arrange a briefing with Committee staff and provide a response as soon as possible but no later than 5:00 p.m. on December 5, 2017, so that the Committee may begin to receive the requested information and material.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government.”<sup>8</sup> Additionally, S. Res. 62 (115th Congress) authorizes the Committee to examine “the efficiency and economy of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices . . . .”<sup>9</sup>

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<sup>7</sup> *Id.*

<sup>8</sup> S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

<sup>9</sup> S. Res. 62, § 12, 115th Cong. (2017).

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If you have any questions regarding this letter, please contact Scott Wittmann of the Committee's Majority staff at (202) 224-4751 or Phylcia Woods with Committee's Minority staff at (202) 224-2627. Thank you for your attention to this matter.

Sincerely,



Ron Johnson  
Chairman



Claire McCaskill  
Ranking Member