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Description of document: Department of Transportation (DOT), Office of Inspector General (OIG) letters to The Metropolitan Washington Airports Authority (MWAA), 2011-2012

Request date: 22-January-2014

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Source of document: Freedom of Information Act Request
Department of Transportation
FOIA Requester Service Center
1200 New Jersey Avenue, S.E., 7th Floor
Washington, DC 20590
Fax: 202-366-1975 (Attn: FOIA Requester Service Center)
[Online FOIA Request Form](#)

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**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

Office of Inspector General
Washington, D.C. 20590

November 18, 2014

RE: FOIA Control No: FI-2014-0035

This letter is in response to your Freedom of Information Act (FOIA) request received January 22, 2014, sent to the U.S. Department of Transportation (DOT), Office of the Inspector General (OIG). You requested copies of all letters from Department of Transportation, (OIG) to the Metropolitan Washington Airports Authority from 2012-2014.

Enclosed you will find the records responsive to your request. There were five pages of documents responsive to your request. All five pages are being provided in full without redactions or withholdings. This letter closes your FOIA request and no further action is contemplated regarding this matter.

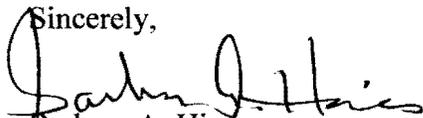
The FOIA gives you the right to appeal adverse determinations to the appeal official for the agency. The appeal official for the OIG is the Assistant Inspector General, Brian A. Dettelbach. Any appeal should contain all facts and arguments that you propose warrant a more favorable determination. Please reference the file number above in any correspondence.

Appeals to Mr. Dettelbach should be prominently marked as a "FOIA Appeal" addressed to: U.S. Department of Transportation, Office of Inspector General, 7th Floor West (J3), 1200 New Jersey Avenue, SE, Washington, DC 20590. If you prefer, your appeal may be sent via electronic mail to FOIAAPPEALS@oig.dot.gov. An appeal must be received within 45 days of the date of this determination and should contain any information and arguments you wish to rely on. The Assistant Inspector General's determination will be administratively final.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this message, please contact me at either (202) 366-1406 or by email at Barbara.Hines@oig.dot.gov and reference the FOIA control number above. You may also contact our FOIA Public Liaison, David Wonnemberg, at either (202)366-1544 or david.wonnemberg@oig.dot.gov to discuss any aspect of your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara A. Hines". The signature is written in a cursive style with a large initial "B".

Barbara A. Hines
Associate Counsel



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

Office of Inspector General
Washington, DC 20590

September 22, 2011

Quince T. Brinkley, Jr.
Vice President and Secretary
Metropolitan Washington Airports Authority
1 Aviation Circle
Washington, DC 20001-6000

Dear Mr. Brinkley:

It is my understanding that you have requested a written explanation of our authority to conduct the audit we announced on June 21, 2011.¹ As you may not be familiar with our authority and powers, we thought it would be appropriate to provide some information to you on the subject as it relates to the Metropolitan Washington Airports Authority (MWAA).

The objectives of our audit are to determine whether: (1) the policies and processes under which MWAA operates comply with the terms of the law and the lease between DOT and MWAA; and (2) MWAA's policies and processes are sufficient to ensure accountability and transparency of its Board's activities.

Prior to initiating this audit, my office reviewed our statutory authority to conduct this review and concluded that it is within our authority. We based this determination on our review of various sources including but not limited to the Inspector General Act. The Department of Transportation (DOT) Office of Inspector General (OIG) has broad authority with respect to programs and operations that receive financing from the Department, including commenting on existing and proposed legislation, recommending policies with respect to improving the economy and efficiency in programs and operations financed by DOT, and preventing fraud and abuse. We also have the responsibility and statutory duty to keep the Secretary and Congress fully and currently informed of these matters. As you know, this review was requested by two Members of

¹ On June 29, 2011, OIG audit staff held an entrance conference with MWAA officials and staff. I note that no concerns were raised by MWAA officials regarding OIG's authority to conduct this audit at this entrance conference.

Congress, and the interest of the Secretary, Congress, and the public in these matters is clear.

Under the Inspector General Act, OIG is also authorized to have access to all records available to DOT.² It is common for an OIG to examine agency contracts and use of agency property. A lease is, in essence, a contract that by which one owning real property grants to another the right to possess, use and enjoy it for a specified period of time in exchange for periodic payment of a stipulated price. Although leased to MWAA, the airports remain the property of the United States, and DOT OIG has the right to inquire as to how that property is being managed and airport revenue is being expended.

Congress entrusted valuable Federal property to MWAA, and DOT and Congress have a strong interest in ensuring that this property is properly and effectively managed. As you know, Dulles International and Reagan Washington National Airports are operated by MWAA and are owned by the United States. Until the 1987 lease transferred the operation of the airports to MWAA, they were directly operated by the Federal Aviation Administration, an operating administration of the U.S. Department of Transportation. This lease was authorized by Congressional legislation³ that provided that the United States Government has a *continuing* but limited interest in the operation of the airports.⁴ According to the statute, the Secretary of Transportation had recommended "transfer of authority from the Federal to the local/State level that is consistent with the management of major airports elsewhere in the United States."⁵

Our authority is consistent with the objectives of our audit and our records requests. The audit objectives directly relate to the requirements and intent of the Federal legislation authorizing the transfer of airport control to MWAA as well as other laws such as use of airport revenue. The 1986 legislation establishes requirements for the composition and operations of the MWAA Board of Directors (e.g., number of members, appointment authorities, residency requirements, rules regarding vacancy and removal, the number of votes required to take certain actions, and conflict of interest rules) in part to preserve public confidence in the Authority. Moreover, as stated above, one of the stated purposes of the legislation was to have MWAA follow management practices used by other major airport authorities. As part of our audit objectives, we therefore decided to review matters such as Board member travel expenditures and financial disclosure. The results of an OIG review of these issues could be of interest to the Secretary

² See, e.g., 49 U.S.C. § 47107(a), § 47122.

³ Pub. L. 99-500 (codified at 49 U.S.C. § 49101 *et seq.*).

⁴ 49 U.S.C. § 49101 (Findings).

⁵ *Id.*

and to Congress, not to mention the public which ultimately pays the fees and charges to the Authority.

In addition to Federal ownership of the airports, MWAA has received significant amounts of DOT grant funds. For example, in 2006, MWAA became the sponsor for the Dulles Corridor Metrorail Project, which not only will be built in part on land leased from DOT, but also includes a \$975 million DOT investment. Receipt of these and other DOT grants funds heightens DOT's interest in effective management practices by MWAA.

Moreover, as provided in Federal law and the lease of the airports to MWAA, all revenues generated by the airports shall be expended for the capital and operating costs of those two airports. Our office has conducted many audits concerning revenue use at airports across the country for many years. We have made numerous recommendations to FAA to improve oversight at particular airports as well as to improve overall oversight responsibilities. Nothing in the lease or laws specifically applicable to MWAA limits OIG's authority to conduct such reviews or obtain relevant records.

We hope that this resolves any concerns about our office's authority to conduct this review and we hope to gain the full cooperation of MWAA personnel.

Sincerely,



Omer Poirier
Chief Counsel
Office of Inspector General

cc: John E Potter, President and Chief Executive Officer, Metropolitan
Washington Airports Authority



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Office of Inspector General
Washington, DC 20590

January 20, 2012

Quince T. Brinkley, Jr.
Vice President and Secretary
Metropolitan Washington Airports Authority
1 Aviation Circle
Washington, DC 20001-6000

Dear Mr. Brinkley:

This is a follow up to my letter dated September 22, 2011, related to our authority to conduct the audit we announced on June 21, 2011. As stated in that letter, the Department of Transportation (DOT) Office of Inspector General (OIG) has broad authority with respect to MWAAs.

Our auditors' goal is to verify that copies of records previously provided to us are complete. If there are no differences between the originals and the copies already in our possession, we will not seek to retain additional documentation. It is my understanding that OIG auditors are requesting access to board of director travel folders and that you have expressed concern over the amount of personally identifiable information contained in those records. We note that the Washington Post has conducted several analyses of Board member travel records within the last few years.

I understand that you have expressed concern regarding potential public disclosure of personal information pertaining to Board members. Rest assured that the OIG handles significant amounts of sensitive and confidential information and takes its responsibility to protect personal information very seriously. When we receive Freedom of Information Act (FOIA) requests we assert FOIA exemptions to the maximum extent provided by law to protect the personal information contained in our audit work papers and other records. This includes Exemption 6, 5 U.S.C. § 552(b)(6), which exempts from public disclosure matters which would constitute a clearly unwarranted invasion of personal privacy" such as home addresses, personal financial account numbers, personal phone numbers.

