

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5074
Minority (202) 225-5051

January 3, 2013

Mr. Scott Wilson
Inspector General
Federal Trade Commission
Office of Inspector General
Room 1110
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580

Dear Mr. Wilson:

The Federal Trade Commission is currently investigating whether Google has violated the Federal Trade Commission Act. Throughout the process, nonpublic information about developments in the investigation has been inappropriately shared with the media. It is believed that the Commission may be contributing to, or is the source of, this information. This is of concern because such leaks are prohibited by law and counterproductive to the investigative process. To determine whether the Commission, or its staff, has shared nonpublic information with the public or the press about the investigation of Google, I request the Office of Inspector General promptly investigate the matter.

The FTC Act¹ and the Commission's Operating Manual² preclude the Commission and its staff from disclosing nonpublic information to the public and the media. Moreover, information that may be disclosed must be "for attribution and on the record."³ Unfortunately, unnamed and anonymous sources have provided the media with nonpublic developments in the investigation of Google.⁴ Indeed, U.S. Senator Ron Wyden (D-OR) recently wrote to Chairman Jon Leibowitz raising concern that "it has continually been the case" that "confidential details of

¹ 15 U.S.C. § 41 *et seq.*

² See Federal Trade Commission Operating Manual, Public Information and Education, Chapter 17 Section .2.5, available at <http://www.ftc.gov/foia/ch17publicinformationandeducation.pdf>.

³ *Id.*

⁴ See Craig Timberg, *Google, FTC said to be near deal to end probe*, Wash. Post (Dec. 17, 2012); Sara Forden, *FTC Staff Said to Formally Recommend Google Patent Suit*, Bloomberg (Nov. 2, 2012); Diane Bartz, *Exclusive: FTC moving closer to Google antitrust case-sources*, Reuters (Oct. 12, 2012).

Mr. Scott Wilson

January 3, 2013

Page 2

internal discussions” about the investigation of Google have been revealed to the media.⁵ In addition, U.S. Senator John Kerry (D-MA) recently stated, “FTC investigations and settlement negotiations have, unfortunately, become poorly kept secrets. And . . . neither the commissioners nor the businesses subject to their jurisdiction can do their jobs well if their deliberations or investigations are manipulated or leaked for strategic advantage.”⁶ To discover the source of the leaks as well as the depth of nonpublic information disclosed, I request your office initiate an investigation as soon as possible.

Please have your staff contact Kristin Nelson or Christopher Hixon with the Committee Staff at 202-225-5074 if you have any questions about the request. Thank you for your attention to this matter.

Sincerely,



Darrell Issa
Chairman

cc: The Honorable Elijah Cummings, Ranking Minority Member

⁵ Letter from Hon. Ron Wyden, U.S. Senator to Chairman Jon Leibowitz, Federal Trade Commission (Nov. 26, 2012).

⁶ *Nominations Hearing before the S. Comm. on Commerce, Science and Transportation*, 112th Cong. (Dec. 4, 2012) (statement of Hon. John F. Kerry, U.S. Senator).