

ONE HUNDRED ELEVENTH 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) 225-5051
Minority (202) 225-5074

June 29, 2009

The Honorable Thomas Carper
Chairman of the Board of Directors
National Railroad Passenger Corporation
60 Massachusetts Avenue, NE
Washington, D.C. 20002

Dear Mr. Carper:

The Committee on Oversight and Government Reform has jurisdiction over the Inspector General Act, including recent revisions made by the Inspector General Reform Act of 2008, and the oversight provisions of the American Recovery and Reinvestment Act. As part of our review of the implementation of that legislation, we are concerned by recent reports of interference with the effectiveness and independence of the Amtrak Inspector General.

A 94-page legal analysis prepared for the Inspector General (IG) concluded:

[T]he Amtrak OIG's independence and effectiveness are being substantially impaired by a number of policies and practices at the corporation relating to Law Department oversight of OIG investigations, OIG personnel matters, and OIG funding. ... These policies and practices constitute significant impairments to the Amtrak OIG's effectiveness and its actual and perceived independence under the standards of the Inspector General Act, 5 U.S.C. app. 3 ("IG Act") as well as published guidance of the Office of Management and Budget ("OMB") and the Government Accountability Office ("GAO").

According to press reports, the Inspector General retired abruptly on June 18, 2009, after he presented this report to Amtrak officials. We understand that Amtrak has appointed a former Amtrak human resources executive, with no experience in the Inspector General community, to serve as acting Inspector General.

These reports cause us grave concern about the circumstances surrounding the Inspector General's departure. We are further concerned that the board and management of Amtrak have compromised the effectiveness of the Inspector General by interfering with the independence and authority that Congress has explicitly granted to the Inspector General by statute. Our concern is heightened by two specific factors.

First, the American Recovery and Reinvestment Act provided \$1.3 billion to Amtrak for infrastructure upgrades. To oversee that funding, the Act also provided \$5 million directly to the Amtrak Inspector General. However, the legal analysis found that Amtrak management claims that all expenditures of funds designated for the Inspector General must be approved by Amtrak management. In other words, the Inspector General may not use funds provided by Congress to investigate potential waste and fraud in stimulus programs without the consent of the organization being investigated. This is contrary to the clear intent of Congress and is unacceptable.

Second, the legal analysis found that Amtrak management has interfered with the Inspector General's authority to make personnel decisions for the Office of Inspector General, authority which is provided by the IG Act. Given this history, and the abrupt retirement of the Inspector General, we are concerned about the potential for management interference in the internal organization and personnel issues of the Office of Inspector General.

The Committee is investigating this matter pursuant to Rules X and XI of the Rules of the United States House of Representatives. Under Rule X, the Committee has jurisdiction over "any matter." We direct that you immediately preserve all records pertaining to this matter. To be clear, no such records shall be destroyed, modified, altered, deleted, removed, relocated, or otherwise negligently or intentionally handled so as to make them inaccessible to the Committee. Please note that if your practices involve the routine destruction, deletion, recycling, relocation, alteration, or removal of such materials, such practices should be halted immediately and all records should be preserved.

As an initial step in our investigation of the effectiveness and independence of the Amtrak Inspector General, we request separate briefings from Amtrak's General Counsel and the acting Inspector General regarding the issues raised in the letter and the circumstances surrounding the departure of the IG. Please contact Mike McCarthy with the Committee staff at (202) 225-5051 to make arrangements for this interview.

Sincerely,



Edolphus Towns
Chairman



Darrell E. Issa
Ranking Minority Member