

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

July 28, 2009

The Honorable Thomas C. Carper
Chairman
National Railroad Passenger Corporation
60 Massachusetts Ave., NE
Washington D.C. 20002

Dear Mr. Carper:

The Committee on Oversight and Government Reform is conducting an investigation of potential interference with the independence of Amtrak's Office of Inspector General. To date, our investigation has revealed longstanding and serious conflicts between Amtrak management and the Inspector General, and major disputes about the role of the Inspector General within Amtrak. The former Inspector General, Fred Weiderhold, has documented actions by Amtrak and its Law Department that he claims compromise the statutory independence of the Inspector General, while the General Counsel, Eleanor Acheson, claims that the Office of Inspector General has compromised its own independence through inappropriate entanglement in day-to-day management decisions. While we continue to investigate these competing views, it is clear that the independence and autonomy of the Inspector General in Amtrak are at risk.

Given this background, we question the appointment of Lorraine Green, Vice President of Human Resources and Diversity Initiatives for Amtrak, as Interim Inspector General.¹ Ms. Green has been a member of Amtrak management for the past 12 years and intends to return to her former position when a new Inspector General is appointed.

We believe that the selection of a senior member of Amtrak management as Interim Inspector General undermines the statutory independence of the Office of Inspector General. Not only does Ms. Green's former (and possible future) position within Amtrak give an

¹ The Inspector General Act of 1978, as amended, does not make provision for temporary, interim, or acting Inspectors General. The designation of Ms. Green as "Interim" Inspector General appears to be a term adopted by Amtrak.

appearance that the independence of the Office of Inspector General has been compromised by Amtrak management, Ms. Green's actions during the time she has been serving as Interim Inspector General raise questions about her actual independence. We have become aware that as Interim Inspector General Ms. Green may have delayed an Inspection and Evaluation Report that evaluated her former department within Amtrak. We have also learned that Ms. Green has hired three consultants to review the organizational structure of Amtrak's Office of Inspector General and recommend changes. In addition to these consultants, Ms. Green has retained an attorney on a contract basis to serve as counsel to the Inspector General, instead of relying on the experienced counsel already serving within the Office of Inspector General. Finally, we learned that Amtrak management is convening a task force to recommend new protocols for information sharing between Amtrak's Law Department and the Office of Inspector General – in short, to resolve the very issues of independence that are in dispute, in the absence of a permanent Inspector General to defend the independence of the office and the principles of the Inspector General Act.

The Inspector General Act of 1978, as amended, requires that Offices of Inspector General be "independent and objective." The current arrangement does not meet that requirement. Under the circumstances, Amtrak's resources should be directed toward expediting the search for and appointment of a permanent, experienced, and independent Inspector General. In addition, to preserve an independent and objective Office of Inspector General, it is inappropriate to undertake a management review or reorganization of Amtrak's Office of Inspector General, or a renegotiation of agreements between the Inspector General and the Law Department, until a permanent Inspector General is appointed. Finally, because of the inherent conflicts of interest that prevent Ms. Green from acting as a truly independent Inspector General, we ask that the Chairman replace Ms. Green as Interim Inspector General with a senior executive from within the Office of Inspector General to serve until a permanent Inspector General is named.

Because we find this matter to be an immediate threat to the credibility and independence of the Office of Inspector General, please advise us of the actions you take in response to this letter no later than Friday, July 31, 2009.

Sincerely,



Edolphus Towns
Chairman



Darrell Issa
Ranking Member