



OFFICE of INSPECTOR GENERAL
NATIONAL RAILROAD PASSENGER CORPORATION

SEMIANNUAL REPORT to the United States Congress

October 1, 2015–March 31, 2016
Report # 53





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From the Inspector General



OFFICE of INSPECTOR GENERAL
NATIONAL RAILROAD PASSENGER CORPORATION



I am pleased to submit our latest *Semiannual Report to the United States Congress*. This report highlights the activities of our office for the six months ending March 31, 2016, pursuant to the Inspector General Act of 1978, as amended.

Throughout this reporting period, our work continued to address issues related to Amtrak's diverse programs and operations, including identifying opportunities to enhance its efforts to establish a program management office and to reduce significant risks associated with the procurement of long-distance passenger cars. We also discussed, both in reports and congressional testimony, opportunities to address internal control weaknesses affecting the company's management of their vehicle fleet and to reduce expenses.

Further, our investigative efforts addressed issues of employee misconduct and also uncovered a variety of illegal activities by employees, contractors, and others that resulted in indictments, convictions, fines and cost recoveries. For example, a contractor agreed to pay the United States \$580,000 to resolve allegations of cost mischarging on an Amtrak contract for construction management services involving the reconstruction of the Niantic River Bridge in Niantic, Connecticut.

I remain proud of our work and we are committed to continuing our independent focus on consequential issues concerning Amtrak—including matters of interest to Congress and American taxpayers. We trust that you will find this report informative.

A handwritten signature in blue ink that reads "Tom Howard".

Tom Howard
Inspector General

OIG Profile

Authority, Mission, Vision, and Focus Areas

Authority

The Inspector General Act of 1978 (Public Law 95-452, 5 U.S.C. Appendix 3), as amended in 1988 (P.L. 100-504), established the Office of Inspector General (OIG) for Amtrak to consolidate investigative and audit resources into an independent organization headed by the Inspector General to promote economy, efficiency, and effectiveness; and to detect and prevent fraud, waste, and abuse. Subsequently, the Inspector General Reform Act of 2008 (P.L. 110-409) amended and strengthened the authority of the inspectors general.

Mission

To provide independent, objective oversight of Amtrak's programs and operations through audits and investigations focused on recommending improvements to Amtrak's economy, efficiency, and effectiveness; preventing and detecting fraud, waste, and abuse; and providing Congress, Amtrak management, and Amtrak's Board of Directors with timely information about problems and deficiencies relating to Amtrak's programs and operations.

Vision

Amtrak OIG will operate as a model OIG, generating objective and sophisticated products that add value. Utilizing modern infrastructure and effective support systems, and following efficient, disciplined processes that meet the standards of the accountability community, our diverse and talented team will work professionally with,

OIG Profile

but independently from, Amtrak management (See *OIG Strategic Plan Fiscal Years 2013-2017*).¹

Focus Areas

We concentrate our audit and investigative work on seven focus areas. Depending on the work completed during a semiannual period, we may report on issues in one or more of the focus areas listed below.²

Asset Management. These activities relate to the use and maintenance of assets, including trainsets, support equipment, inventory, and real property.

Governance. This includes a system of management controls—including policies, processes, and people—which serves the needs of shareholders and other stakeholders by directing and controlling management activities with good business savvy, objectivity, accountability, and integrity.

Acquisition and Procurement. These activities include acquisition and procurement policies, procedures, and practices involving planning, project selection, contract award, implementation, and closeout.

Train Operations and Business Management. These activities are associated with operating passenger service, including delivering safe and cost-effective service.

Safety and Security. These programs and activities relate to the safety and security of assets, employees, and the train-riding public.

Information Technology. Management of information encompasses processes, policies, and procedures to acquire and use information tools to improve labor and asset productivity and deliver safe and reliable customer service.

Human Capital Management. This encompasses the development and implementation of human capital policies, procedures, and practices across the corporation.

¹ OIG-SP-2013-2017, *Strategic Plan Fiscal Years 2013-2017*,
https://www.amtrakoig.gov/sites/default/files/reports/strategic_plan2.pdf

² For complete definitions of these focus areas, see *Annual Audit, Inspection, and Evaluation Plan Fiscal Year 2014*.
https://www.amtrakoig.gov/sites/default/files/reports/fy2014_final_audit_and_evaluation_plan.pdf.



Significant Activities: Audits and Investigations

Congressional Testimony

Vehicle Fleet Management: Opportunities to Improve Utilization, Leasing Practices, and Fuel Card Oversight

(Report OIG-T-2016-006, February 26, 2016)

On February 26, 2016 the Inspector General testified before the Subcommittee on Transportation and Public Assets, Committee on Oversight & Government Reform, House of Representatives, on issues related to the company's management of its fleet of vehicles.

The testimony was based on three prior reports identifying recurring problems with the management and oversight of the vehicle fleet. Although the focus of these reports was vehicle fleet management, the root cause of the specific problems we identified were weaknesses in Amtrak's management controls, an issue we have repeatedly identified as the cause of operational and programmatic deficiencies throughout the company. The management control weaknesses affecting the vehicle management program are similar to those we have noted elsewhere in the company—ineffective internal control processes, inadequate policies and procedures, and fragmented oversight responsibilities.

The testimony focused on three areas where we believe that Amtrak has opportunities to improve its vehicle fleet management: fleet growth and utilization, costly leasing practices, and fuel card oversight.

- **Fleet growth and utilization.** The size of the vehicle fleet is increasing: from 2008 through June 2015, the company added 549 vehicles to its fleet, for a total of more

than 2,500 vehicles. At the same time the fleet has grown, we note that some vehicles appear underutilized. In May 2015, we identified 153 vehicles that consumed less than 15 gallons of fuel for the month, a strong indicator of underutilization. Redeploying underutilized vehicles to meet other departmental needs could help reduce the need to procure new vehicles.

- **Costly leasing practices.** There are opportunities for Amtrak to reduce costs by taking better advantage of the General Services Administration’s (GSA) federal fleet program—especially if it is able to use GSA vehicles to replace higher-priced, commercially leased vehicles. For example, GSA charges about \$320 per month for the same make and model of 8 trucks that Amtrak is leasing from a commercial vendor for the New Jersey High-Speed Rail Improvement Program at a cost of \$1,200 per month.

More rigorous lease-purchase analyses at the start of projects could help Amtrak avoid entering into costly long-term vehicle lease agreements. On the New Jersey High-Speed Rail Improvement Program, the company could have saved more than \$127,000 by purchasing, rather than leasing, 8 utility trucks for 44 months.

- **Strengthening fuel card oversight.** We identified systemic weaknesses in the internal controls for fuel procurement cards that resulted in more than \$95,000 in fraudulent fuel card transactions. The control weaknesses included departments not using sign in/sign out sheets for fuel cards, drivers not keeping vehicle use logs, and supervisors failing to retrieve fuel cards and vehicle keys from departing employees. We noted 23 instances in early 2015 of employees purchasing fuel that significantly exceeded the capacity of their vehicles’ fuel tanks—red flags for fraud, waste, and abuse.

Amtrak has developed, and is in the process of implementing, a company-wide vehicle fleet action plan to improve the management of its fleet and address many of the issues raised in our recent reports. At a high level, the plan includes a number of positive activities: establishing a Vehicle Fleet Governance Council, consolidating vehicle management responsibilities currently dispersed across several Amtrak divisions and operating units, improving budgeting and vehicle utilization practices, and updating

Significant Activities

policies and procedures. We are encouraged by the development of the plan and Amtrak's efforts to date; however, work on the activities in the plan is in the very early stages. Effective implementation will require management's sustained long-term attention and commitment to changing the status quo.

Asset Management

Asset Management: Observations on Vehicle Fleet Management

(Report No. OIG-MAR-2016-001, October 16, 2015)

The company has a fleet of about 2,500 vehicles to support its operations. These vehicles range from standard sedans, sport utility vehicles, and pickup trucks to railroad-specific vehicles, such as vehicles fitted with steel wheels for use on railroad tracks. The fleet of leased and owned vehicles is dispersed company-wide to provide a variety of construction, maintenance, security, and general transportation services. In fiscal year (FY) 2014, the company spent about \$3.1 million to acquire vehicles and about \$25 million to operate the fleet. The company's departments—principally Operations and Police—and the Automotive division—in Procurement and Logistics of the Finance department—share responsibility for managing the vehicle fleet program.

In the past few years, the company has experienced recurring weaknesses in vehicle fleet management. These weaknesses have been discussed in our reports, company monthly vehicle management exception reports, and an internal management review. These reports and recent data trends on the use and management of the vehicle fleet raise questions about the adequacy of vehicle fleet management controls in certain areas. For example:

- **The fleet has grown while some vehicles appear underutilized.** From April 2008 through June 2015, the size of the fleet increased by 28 percent. At the same time, 153 vehicles appear to be underutilized as evidenced by fuel purchase records.
- **Take-home vehicles have increased.** Since 2012, the number of vehicles employees take home has increased by about 20 percent.

Significant Activities

- **Some vehicle inspections are not being done as required.** Some critical safety and regulatory inspections of vehicles and drivers are past due.
- **Some vehicle costs appear high.** The company has entered into commercial leases for some vehicles that appear to be available for lease from the General Services Administration (GSA) at a lower cost. For example, the company leased nine stake trucks from a commercial vendor at a monthly cost of \$3,215 per vehicle; GSA had what appeared to be identical trucks available at a monthly cost of \$314.
- **Lease decisions are not always based on cost-benefit analysis.** The company does not require that a cost-benefit analysis be performed as part of the decision-making process on whether to lease or purchase a new vehicle. In some cases, constrained capital budgets sometimes result in the company using operating funds to lease a vehicle even though purchasing it would be more cost-effective in the long run.

Our work also showed inattention to previously identified control weaknesses and potential vulnerabilities to fraud, waste, and abuse. For example:

- **Lack of action on internal reviews.** The company has taken little action in response to management and control weaknesses identified by internal management reports. For example, the company did not respond to a 2013 Finance department review that identified significant control weaknesses in the company's processes for vehicle requisitioning, fleet utilization, fuel card oversight, and leasing.
- **Fuel tank overfills raise questions.** In April and May 2015, Engineering employees purchased significantly more fuel than the capacity of their vehicle's fuel tank (overfills) on 23 separate occasions. In addition, in February 2015, we reported on nine cases of employees fraudulently using fuel cards for non-fuel purchases or buying fuel for non-company vehicles from July 2008 through February 2015.

Significant Activities

- **Outdated policies and procedures.** The company's vehicle fleet management policies and procedures are out of date, inaccurate, and have not been rigorously enforced, as evidenced by our February 2015 report.
- **Personal driving records are not being checked.** The company does not have a policy to check the driving records of employees operating non-commercial vehicles, which represent about 80 percent of the company's fleet.

Recognizing some of the recent trends and recurring management control weaknesses, Procurement and Logistics was evaluating centralizing all vehicle fleet management functions within its organization to improve program controls and oversight. We recommended that as management evaluates its alternatives for improving vehicle fleet management, that they also consider the management control weaknesses identified in our report.

Larceny

December 2015 (Investigations)

On December 4, 2015, Louis A. Giangola, pleaded guilty in Connecticut Superior Court, Meridan, Connecticut to one count of Larceny, First Degree, and one count of Failure to Appear, and was sentenced to 5 years suspended, with 5 years of probation for each count, to run concurrently. Giangola was ordered to also pay \$28,000 in restitution to Amtrak. Our investigation revealed that Giangola purchased an Amtrak facility in North Haven, Connecticut on August 15, 1997, but failed to change the electrical service into his name and continued using the electricity that was being paid for by Amtrak since that time. The investigation further confirmed that Giangola not only used the power at the former Amtrak facility to run a business, but also had connected the power to another outbuilding on the property to run a separate business. The five year statute of limitations restricted the loss amount to the period from 2009 to 2014, which totaled \$28,860.

Asset Management: Additional Actions Can Help Reduce Significant Risks Associated With Long-Distance Passenger Car Procurement

(Audit Report No. OIG-A-2016-003, February 1, 2016)

The company contracted with CAF USA in 2010 to acquire 130 new single-level long-distance passenger cars, with a scheduled completion date of November 2014. These cars are intended to be used on its long-distance routes to replace aging baggage and diner cars and to augment sleeper car capacity. The company allocated \$343 million to this capital project, primarily from federal grant funds. With a renegotiated due date, the company has spent about \$195 million on the project as of December 31, 2015. To date, 70 baggage cars—the easiest car type to build—have been delivered.

The project has experienced significant delivery delays and they are likely to continue. Further, the delivery delays will increase the cost of the project beyond the original budget and the expected financial benefits associated with having the new cars in active service will not be realized as soon as anticipated.

Through December 2015, the delays have resulted in an estimated \$7 million increase in overall project costs and a deferral of about \$3.7 million in benefits the company expected to accrue from having the cars in revenue service. Our analysis indicates that cost increases and benefit deferrals will continue as the project falls further behind its original schedule. For example, because CAF unilaterally reduced its rate of production, the delivery of all the cars is scheduled for completion in March 2017—over two years beyond the original due date.

Delivery delays have been primarily caused by CAF's shortcomings in producing cars that meet the contract's quality requirements including:

- Weaknesses in CAF's process for identifying a variety of defects in the baggage cars.
- Quality issues with the initial construction of the diner, baggage-dormitory, and sleeper cars, which are more technically difficult to produce than the baggage cars.

Significant Activities

Amtrak has also experienced project management challenges in addressing these issues. While actions taken by the Mechanical department and Procurement office have led to improvements in the daily management of the project, other opportunities exist to improve project management and further mitigate risk by clarifying project accountability, enforcing contract terms, and developing a risk mitigation plan.

To address the risks associated with this project, we recommended several actions to continue to improve project management and address project challenges in a timely manner. Management agreed with our recommendations.

Asset Management: Observations on New Jersey High-Speed Rail Improvement Program (NJ HSRIP) Vehicle Management

(Report No. OIG-MAR-2016-005, February 19, 2016)

On October 16, 2015, we issued a Management Advisory Report on the company's management of its vehicle fleet. Based on Board member questions about information within that report, we followed up with another Management Advisory Report that details the company's management of vehicles assigned to a specific project: the New Jersey High-Speed Rail Improvement Program (NJ HSRIP).

Our reporting objective was to provide additional information and observations on the effectiveness of certain vehicle fleet management practices on the NJ HSRIP that may assist the company in developing and implementing plans to improve the oversight and management of its vehicle fleet.

Our review of vehicle management practices on the NJ HSRIP identified a number of opportunities for vehicle management improvements that could also inform the company's ongoing evaluation of company-wide vehicle management controls:

- Opportunities may still exist for the company to save as much as \$212,000 per year on the NJ HSRIP by leasing common vehicles such as pick-up and utility trucks from the General Services Administration (GSA). Of 38 vehicles that the company is commercially leasing for the NJ HSRIP, 26 are available through GSA's federal fleet program at significantly lower costs than the commercial

leases. The potential savings are dependent upon the terms of the existing leases and availability of GSA vehicles.

- The company could have saved an estimated \$127,240 by purchasing—rather than leasing—some vehicles on the NJ HSRIP. For example, the company is leasing 8 utility trucks for 44 months with an extended per-vehicle lease cost of \$52,800. By comparison, the company could have purchased the same vehicles new at a per-vehicle purchase price of \$36,895. In November 2015, when the leases were extended, the company performed a lease-vs-buy analysis, which indicated that it was no longer cost-effective to purchase the vehicles.
- The company is paying \$9,500 per month to commercially lease a vehicle to support overhead electrical work because it was not able to borrow an idle company-owned vehicle from another unit.
- For 24 vehicles leased at higher costs to support the NJ HSRIP, the company's written justification includes the statement that the project is "reimbursable," meaning that the lease costs would be covered by the NJ HSRIP grant, not by the company's operating budget.

We suggested that as the company continues to work to improve the management of its vehicle program, it look closely at ways to exercise effective fiscal controls over all publicly funded projects under company control, including those funded through special grants or external sources. We also suggested that it consider the potential opportunities to reduce vehicle leasing costs for the NJ HSRIP described in this report.

In written comments on a draft of this report, the company responded that it agreed with our observations. They indicated that the company would address our observations through an action plan developed in response to our previous report and by continuing to work with other end users.

Significant Activities

Ongoing Work—Asset Management

Review of Baltimore Penn Station Redevelopment Issues. Our objective is to assess the company's readiness to undertake and oversee a master development procurement approach to redevelop Baltimore Penn Station. In a January 19, 2016 letter, members of the Maryland congressional delegation requested that we clarify the opinions expressed in an October 20, 2015 letter to Senator Barbara A. Mikulski and share our views with the company's leadership.

Governance

Staged Car Collision in Train Accident

January 2016 (Investigations)

In April 2015, the United States Attorney for the District of South Carolina announced the indictment and arrest of James Duvall Love and Deon Dovell Roberts, for conspiracy to commit mail and wire fraud, causing a train wreck, and unlawful interference with a train operator. The indictment and arrest resulted from an investigation which determined that in the early morning hours of September 6, 2013, the two men parked a car in the path of an oncoming Amtrak train, got out of the car prior to the collision, and then returned to the car after the collision, feigning injury, all for the purposes of submitting bogus claims for personal injuries and other losses. On June 17, 2015, Love pleaded guilty to count 1 of the indictment and on November 2, 2015, Roberts pleaded guilty to the same charge. In pleading guilty, both individuals accepted responsibility for causing the train accident. On January 27, 2016, Love was sentenced to 46 months incarceration, with 3 years' probation and assessed a \$200.00 fine. On March 3, 2016, Roberts was sentenced to serve 21 months in prison with 3 years' probation and a special assessment of \$580.00. Additionally, both Love and Roberts were ordered jointly to pay \$46,690.27 in restitution to Amtrak. We investigated this case with the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms, the Allendale County Sheriff's Department and the Fairfax Police Department.

False Claims for Labor Rates

February 2016 (Investigations)

On February 23, 2016, a settlement agreement was entered into between the Department of Justice on behalf of the National Railroad Passenger Corporation (Amtrak) and the United States Department of Transportation, and URS Corporation AES, located in Rocky Hill, Connecticut. URS has agreed to pay the United States \$580,000 to resolve allegations of claims for funds submitted under an Amtrak contract to provide construction management services involving the reconstruction of the Niantic River Bridge in Niantic, Connecticut. The United States alleged that URS violated the contract by billing Amtrak at the maximum or “capped” labor rates allowed by the contract, rather than billing labor hours at actual rates. The alleged improper billings took place from 2007 through 2014 and totaled approximately \$422,000 in single damages and \$158,000 in False Claims Act damages. We conducted this investigation jointly with the US Department of Transportation OIG.

Fraud and Forgery

October 2015 (Investigations)

On October 22, 2015, Korey K. Sloan, an Amtrak employee pleaded guilty in the Circuit Court of Cook County, Illinois, to Wire Fraud and Forgery, and was sentenced to 24 months incarceration in federal prison. Sloan is serving the 24-month sentence concurrently with a 42-month federal sentence for tax evasion. Our investigation revealed that Sloan began his employment with Amtrak in June 2007, and was approved for a medical leave of absence on December 9, 2008, due to a non-work related illness. Between December 2008 and October 2012, Sloan submitted numerous medical forms to Amtrak and the U.S. Department of Labor reflecting forged signatures of his personal physician. On or about October 26, 2012, Sloan submitted a form with a forged physician’s signature certifying that he was qualified to return to work. This would have had the effect of reinstating company payments for his medical coverage. Additionally, the investigation found that Sloan, and his wife, Christie Caldwell, obtained U.S. Department of Housing and Urban Development (HUD) Section 8 housing benefits through making false representations to HUD. On August 5, 2015,

Significant Activities

Caldwell pleaded guilty to Wire Fraud and was sentenced to a 24-month period of probation. We investigated this case with the assistance of the HUD OIG.

Time & Attendance Fraud

October 2015 (Investigations)

In September 2014, we received information that an Amtrak employee was leaving work 2 to 2.5 hours early every day while being paid for an entire 10-hour shift. It was also reported that the employee was not completing the commercial vehicle logs for their hours of service as required for this employment position. Our investigation determined that the Amtrak employee did fail to maintain proper vehicle logs, and also falsely claimed 33 hours of work not performed, resulting in over \$900 of unwarranted pay. The employee was dismissed from the company on October 30, 2015.

Computer Misuse

October 2015 (Investigations)

In October 2015, we received allegations that an Amtrak employee was viewing or attempting to view nude or partially nude adolescents on his assigned company computer during his work hours. Our subsequent investigation found no evidence to support criminal violations with regard to sexual exploitation of minors. However, our investigation did reveal that the employee violated Amtrak policy with regard to information technology security and usage, in accessing, downloading, posting, uploading, or copying material that might be considered racially, culturally, or sexually sensitive or explicit. As a result of the investigation, the employee retired from Amtrak on February 27, 2016.

Violation of Amtrak Leave Policy

December 2015 (Investigations)

In October 2014, we received information alleging that an Amtrak employee may have been engaging in outside employment while out on a medical leave of absence (MLOA). The OIG investigation confirmed that the employee did not violate Railroad Retirement Board (RRB) prohibitions regarding claims for receiving sickness benefits because the

employee's outside employment was not within the period of time covered by his RRB compensation. However, in light of a potential labor agreement violation, we forwarded this matter to Amtrak management for review. On December 14, 2015, the Amtrak employee was counseled regarding proper procedures while on MLOA.

Alignment with Best Practices Could Improve Project Management Office Implementation

(Audit Report No. OIG-A-2016-002, December 16, 2015)

In FY 2015, the company spent nearly \$1.3 billion for capital projects intended to improve infrastructure and equipment. In July 2014 we reported that the company's management controls for capital projects were weak from project inception through completion. We recommended that management develop company-wide policies and procedures for project management and to flow them down to the department level. Management agreed and noted it was in the process of developing a Project Management Office (PMO) to better manage capital projects.

However, in December 2015, we found that the company made limited progress in establishing a company-wide PMO and significant opportunities still existed to improve the company's project management practices and procedures by implementing the following best practices: determining appropriate structure, developing clear governance rules, providing sufficient authority with independence from the project owner, ensuring roles mature over time, integrating the office within the organization, staffing the office with skilled, experienced, and well-trained personnel, developing and maintaining project management methodologies, proactively reviewing and reporting on project and portfolio performance.

While the company was in the process of hiring an individual to establish a company-wide PMO, some departments were implementing or improving their own department-level PMOs. These efforts create the risk of duplication and waste if the departments' policies are inconsistent with those eventually developed by the company-wide PMO. For example, the Information Technology PMO was working with a contractor to develop and implement updated project management methodologies. The Engineering Department also established a PMO. In contrast, the Mechanical department was

Significant Activities

waiting for a company-wide PMO before taking action. Until the company-wide PMO and policies and procedures are developed and implemented, the company will continue to face a high-risk environment for the effective stewardship over capital project resources.

We recommended that the Executive Vice President and Chief Operations Officer (1) incorporate best practices into the company-wide PMO policies and procedures, and (2) ensure department-level PMO initiatives are consistent with company-wide initiatives, to avoid waste while company-wide PMO policies are being developed. The Executive Vice President concurred with our recommendations and proposed actions that meet the intent of our recommendations.

Violation of Amtrak Policy

January 2016 (Investigations)

In March 2015, we received a letter from an anonymous source alleging that a senior manager within the Amtrak Police Department (APD) misused his position to benefit a relative who was also employed by the APD. The OIG investigation determined that the manager inappropriately intervened in matters on behalf of his relative. This action violated Amtrak policy with regard to ethical conduct, conflict of interest and employment of relatives. On January 16, 2016, Amtrak management informed us that the manager was disciplined for violating Amtrak policy.

Failure to Disclose Violent Criminal History

January 2016 (Investigations)

In August 2015, we received information that a former Amtrak Coach Cleaner had a violent criminal history, including arrests and convictions for assault and murder. When interviewed, he admitted to having a violent criminal history and failing to disclose this to Amtrak on his employment application. At the end of the interview, he voluntarily resigned, surrendered his Amtrak employment identification badge, and

was escorted off Amtrak property by a member of the Amtrak Police Department on January 14, 2016.

Fuel Card Fraud

February 2016 (Investigations)

We received allegations of irregular purchases by an Amtrak Engineering Safety employee. An investigation determined that there were fraudulent purchases made by the employee who used an Amtrak-issued GSA fuel card for personal purposes while he was on a medical leave of absence. On February 3, 2016, the Amtrak employee pleaded no contest to a misdemeanor theft charge at the Delaware Court of Common Pleas and received one year probation, a \$100 fine, and was ordered to pay restitution to Amtrak in the amount of \$880. The employee was dismissed from employment with Amtrak during the course of the OIG investigation.

Conspiracy to Commit Mail & Wire Fraud

February 2016 (Investigations)

We conducted an investigation jointly with the Federal Bureau of Investigation and the Housing and Urban Development OIG that led to the guilty plea of Bayway Lumber owner Robert Datillo to one count of conspiracy to commit mail and wire fraud. Datillo is co-owner of Bayway Lumber of Linden, New Jersey, who from 2007 to November 2015 conspired with others to defraud certain customers by engaging in fraudulent business practices, including overbilling, charging for more expensive items or larger quantities of items, and providing free items to employees of customers in return for their business. Employees of some of Bayway Lumber's customers, including Amtrak, the Plainfield Board of Education and a Bergen County company identified in the criminal information as "Company 1", were given a variety of items, including electronics, tickets to sporting events, merchandise and gift cards. Datillo recouped the cost of the items and additional profits by overbilling and fraudulent billing. Datillo admitted to defrauding Amtrak and other customers out of \$708,386. Datillo also conspired to provide certain customers, such as the Philadelphia Housing Authority, Con Edison, the New York Department of Corrections and the City of Newark, with

Significant Activities

lower-quality lumber than the customers ordered and paid for. The investigation is ongoing.

Governance: Quality Control Review of the Independent Audit of Amtrak's Consolidated Financial Statements for Fiscal Year Ended 2014

(Report No. OIG-A-2016-004, February 4, 2016)

The company contracted with the independent certified public accounting firm of Ernst & Young LLP to audit its consolidated financial statements as of September 30, 2014, and for the year then ended, and to provide a report on internal control over financial reporting and on compliance and other matters. Because the company receives federal assistance, it must obtain an audit performed in accordance with generally accepted government auditing standards.

As required by the Inspector General Act of 1978, we monitored the audit activities of Ernst & Young to help ensure audit quality and compliance with auditing standards. Our review disclosed no instances in which Ernst & Young did not comply, in all material respects, with generally accepted government auditing standards.

Employee Theft

March 2016 (Investigations)

In March 2016, a former Amtrak employee was arrested and indicted in the Circuit Court of Cook County, Illinois, for theft of Amtrak property. The employee was charged with taking Amtrak batteries and scrap metals to a recycling center in exchange for money. We investigated this case with the Amtrak Police Department. Judicial proceedings are pending.

Railroad Retirement Board Fraud

March 2016 (Investigations)

At the request of the U.S. Railroad Retirement Board (RRB) OIG, we jointly investigated former Amtrak employee Elias P. Banales for fraudulently collecting unemployment benefits from the RRB, while earning income through other employment. The investigation determined that Banales was employed by Autozone West, Inc. during the

period of November 9, 2009 through November 15, 2010 while collecting benefits from the RRB. On March 30, 2016, Banales pleaded guilty in United States District Court, Central District of California. Banales was sentenced to 1-year probation, fined \$500.00, and ordered to pay restitution in the amount of \$10,636.00.

Ongoing Work—Governance

Accounting for Business Lines of Operation. The objective of this audit is to assess the company's financial systems and quality of data used for allocating costs to the company's business lines of operation. We will also assess whether the company has implemented prior recommendations made by the Department of Transportation, OIG, in its March 27, 2013 report to improve the effectiveness of the company's cost accounting system.

Capital and Operating Budget Best Practices. The objective of this audit is to determine the extent to which the company is employing best practices in formulating annual operating and capital budgets to provide a sound basis for funding and investment decisions.

Accuracy of Host Railroad On-Time Performance Reporting Data. The objective of this audit is to review the reliability and accuracy of the company's reporting of host railroad on-time performance information.

Data Analytics. The objective of these audits is to assess the effectiveness of management controls in the company's business processes; identify opportunities to control risks and improve efficiency and effectiveness of business operations; and prevent, detect, and deter possible instances of fraud, waste, and abuse. We have three data-analytics audits underway aimed at— (i) identifying potential duplicate payments of medical claims of agreement employees, (ii) identifying potential fraud and abuse indicators in paid medical claims of agreement employees, and (iii) determining whether medical healthcare claims are only being paid for eligible agreement employees, and whether these benefits are coordinated with Medicare or other medical coverage.

Significant Activities

Monitoring the Work of Amtrak’s Independent Public Accountant (IPA) Conducting the FY 2014 A-133 Audit. The objective is to determine whether the IPA performed the single audit in accordance with generally accepted government auditing standards and the Office of Management and Budget Circular A-133.

Monitoring the Work of Amtrak’s IPA Conducting the FY 2015 Financial Statement Audit. The objective is to determine whether the IPA performed the audit of Amtrak’s Consolidated Financial Statements in accordance with generally accepted government auditing standards.

Monitoring the Work of Amtrak’s IPA Conducting the FY 2015 A-133 Audit. The objective is to determine whether the IPA performed the single audit in accordance with generally accepted government auditing standards and the Office of Management and Budget Circular A-133.

Assessing Management Controls Over the Utility Accounts for Sold or Transferred Real Estate Assets. Our objective is to evaluate the company’s management controls over utility payments when real estate assets are sold or transferred.

Acquisition and Procurement

Ongoing Work—Acquisition and Procurement

Assessing Management Controls on the Siemens Locomotive Technical Support Contract. The objective of this audit is to review the adequacy of contract oversight and administration, focusing on cost, schedule, and performance issues.

Assessing the Efficiency and Effectiveness of Management Processes for Utilizing Master Service Agreements. The objective of this audit is to assess the efficiency and effectiveness of the company’s use of master service agreements to procure professional services, such as information technology support staff and developing technology products for the company.

Assessing Contracts Funded by Amtrak’s Americans with Disabilities Act Program. Our objective is to assess the program’s use of competitive, market-driven contracts. The Fixing America’s Surface Transportation (FAST) Act of 2016 (Pub. L. No. 114-94) requires us to perform this review.

Assessing the Efficiency and Effectiveness of Management Processes for Overseeing the General Electric Diesel Locomotive Service Contract. The objective of this audit is to review the adequacy of contract oversight and administration, focusing on cost, schedule, and performance issues.

Train Operations and Business Management

Ongoing Work—Train Operations and Business Management

Review of the Operations Foundation Program. The objective of this audit is to review the program’s scope, estimated cost, implementation plan, progress, and oversight processes.

Positive Train Control Follow-up. The objective of this is to assess the ongoing efforts to implement PTC since our June 19, 2015 interim report on Positive Train Control, OIG-A-2015-013.

Review of Passenger Boarding Procedures. Our objectives are to evaluate the boarding procedures for passengers at Amtrak’s busiest stations and to compare the company’s procedures to those used by commuter railroads, international intercity passenger rail operators, and fixed guideway transit systems. Section 11213 of the Fixing America’s Surface Transportation (FAST) Act (Pub. L. No. 114-94) requires us to perform this review.

Significant Activities

Safety and Security

Ongoing Work— Safety and Security

Video Surveillance Systems. The objective of this audit is to assess the company's efforts to implement and utilize video surveillance systems.

Information Technology (IT)

Ongoing Work— IT

Assessing the Adequacy of Security for Publicly Accessible Web Applications.

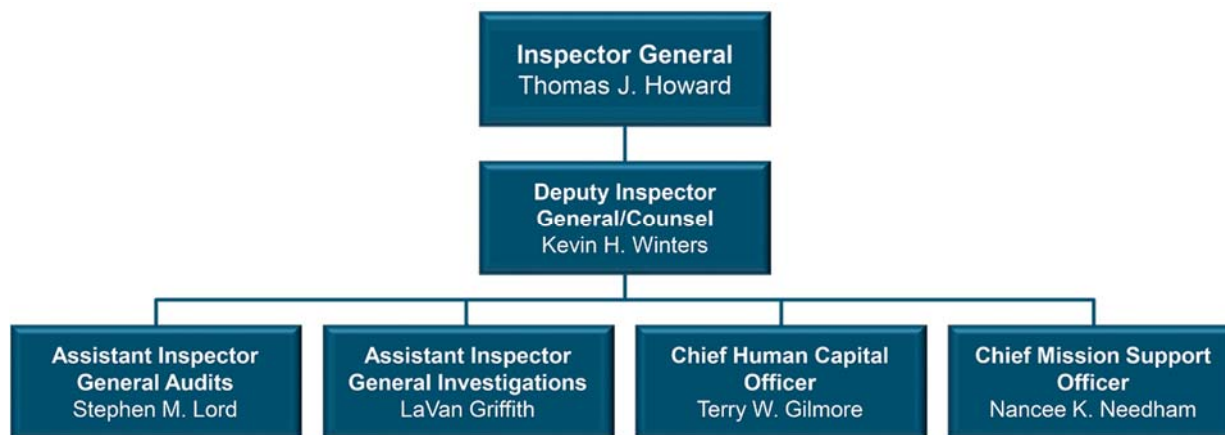
The objective of this audit is to assess the adequacy of security for publicly accessible web applications. We are performing this review in coordination with some members of the Council of Inspectors General on Integrity and Efficiency who are performing similar reviews of their organizations. The results of the audit will be provided in a report to company management and summarized in a report consolidating results of all participating Offices of Inspector General.



OIG Organization

OIG Organization

The OIG headquarters is based in Washington, D.C., with field offices in Boston, Chicago, Los Angeles, and Philadelphia.



The Inspector General provides policy direction and leadership for Amtrak OIG and serves as an independent voice to Congress and the Board of Directors by identifying opportunities and promoting solutions for improving the company's programs and operations, while preventing and detecting fraud, waste, and abuse.

The Deputy Inspector General/Counsel serves in the stead of the Inspector General, as required, and also leads the Office of Counsel, which provides legal assistance and advice to OIG senior management and supports audits, investigations, and special reviews. The Office of Counsel also coordinates OIG legal matters with external entities, such as the Department of Justice, Federal and State law enforcement, and may appear in court on behalf of the OIG and its employees.

Audits. This office conducts independent and objective performance and financial audits across the spectrum of support and operational activities. It produces reports on those activities aimed at improving the company's economy, efficiency, and effectiveness, while seeking to detect and prevent fraud, waste, and abuse.

Investigations. This office pursues allegations of fraud, waste, abuse, and misconduct that could affect the company's programs, operations, assets, and other resources. It refers investigative findings to the Department of Justice for criminal prosecution or civil litigation, or to management for administrative action. It also develops recommendations to reduce vulnerability to criminal activity.

Mission Support. This office provides expertise in financial management, procurement, administration, information technology, communications/edit, and quality assurance to support OIG operations.

Human Capital. This office ensures that the best qualified people are hired, developed, retained, and rewarded appropriately in accordance with the OIG's mission and values and applicable laws, rules, and regulations. It also ensures that an effective and efficient performance management system is implemented to provide employees with timely and meaningful feedback on performance.



Appendix 1 Fiscal Year 2016 Performance Measures (10/1/2015 – 3/31/2016)

Audit Results	
Products Issued	6

Advisory Functions	
FOIA ^a Requests Received	13
FOIA Requests Processed	5
Referred to Amtrak	9
Response Pending	0
FOIA Appeals Received	0
FOIA Appeals Processed	1
Legislation Reviewed	0
Regulations Reviewed	0

Investigative Results	
Financial Impact	
Recoveries/Restitution	\$666,206
Cases Opened	
Major Misconduct and General Crimes	11
Claims Fraud	2
Health Care Fraud	2
Contract and Procurement Fraud	3
Judicial and Administrative Actions	
Arrests	1
Indictments	2
Convictions	6
Criminal Referrals	15
Criminal Referrals Declined	10
Administrative Actions	7
Investigative Workload	
Investigations Opened	18
Investigations Closed	16
Hotline Contacts/Referrals	
Sent to Amtrak Management	149
Investigation Opened	3
Preliminary Investigation Opened	12
Customer Complaints	30
No Action Warranted	3

^a Freedom of Information Act.

Appendix 2

Appendix 2 Questioned Costs (10/1/2015 – 3/31/2016)

Audit Reports Issued with Questioned Costs			
Category	Number	Questioned Costs	Unsupported Costs
A. For which no management decision has been made by the commencement of the reporting period	—	\$—	\$—
B. Reports issued during the reporting period	—	—	—
Subtotals (A+B)	—	—	—
Less			
C. For which a management decision was made during the reporting period			
(i) dollar value of recommendations agreed to by management	—	—	—
(ii) dollar value of recommendations not agreed to by management	—	—	—
D. For which no management decision has been made by the end of the reporting period	—	—	—

Appendix 3 Funds Put To Better Use (10/1/2015 – 3/31/2016)

Audit Reports Issued with Funds to be Put to Better Use		
Category	Number	Dollar Value
A. For which no management decision has been made by the commencement of the reporting period	—	\$—
B. Reports issued during the reporting period	—	\$—
Subtotals (A+B)	—	\$—
Less		
C. For which a management decision was made during the reporting period		
(i) dollar value of recommendations that were agreed to by management	—	\$—
(ii) dollar value of recommendations that were not agreed to by management	—	—
D. For which no management decision has been made by the end of the reporting period	—	—

Appendix 4

Appendix 4 Audit Products

(10/1/2015 – 3/31/2016)

Listing of Issued Audit Reports						
Date Issued	Report Number	Report Title	Focus Area	Questioned Costs	Unsupported Costs	Funds to be Put to Better Use
10/16/15	OIG-MAR-2016-001	Asset Management: Observations on Vehicle Fleet Management	Asset Management	\$—	\$—	\$—
12/16/15	OIG-A-2016-002	Governance: Alignment with Best Practices Could Improve Project Management Office Implementation	Governance	—	—	—
2/1/16	OIG-A-2016-003	Asset Management: Additional Actions Can Help Reduce Significant Risks Associated with Long-Distance Passenger Car Procurement	Asset Management	—	—	—
2/4/16	OIG-A-2016-004	Governance: Quality Control Review of the Independent Audit of Amtrak's Consolidated Financial Statements for Fiscal Year Ended 2014	Governance	—	—	—
2/9/16	OIG-MAR-2016-005	Asset Management: Observations on New Jersey High-Speed Rail Improvement Program (NJ HSRIP) Vehicle Management	Asset Management	—	—	—
2/26/16	OIG-T-2016-006	Vehicles Fleet Management: Opportunities to Improve Utilization, Leasing Practices, and Fuel Card Oversight	Asset Management	—	—	—
Total				\$—	\$—	\$—

Ongoing Audit Projects	
Project Status	Number of Projects
Audit Projects In-process, as of 10/1/2015	15
Projects Postponed	2
Audit Projects Started Since 10/1/2015	13
Audit Products Issued Since 10/1/2015	6
Audit Projects In-process, as of 3/31/2016	20

Appendix 5

Appendix 5 Recommendations for Which Corrective Action Not Complete

Previous Audit Report Recommendations for Which Corrective Action Has Not Been Completed				
Report	Report Number/Date	Questioned Costs	Unsupported Costs	Funds to be Put to Better Use
Food and Beverage Service: Further Actions Needed to Address Revenue Losses Due to Control Weaknesses and Gaps	E-11-03 June 23, 2011	\$—	\$—	\$—
Americans with Disabilities Act: Leadership Needed to Help Ensure That Stations Served By Amtrak Are Compliant	109-2010 September 29, 2011	—	—	—
Wireless Network Security: Internal Controls Can Be Improved	OIG-A-2012-003 December 7, 2011	—	—	—
Strategic Asset Management Program: Opportunities to Improve Implementation and Lessons Learned	OIG-E-2012-012 May 31, 2012	—	—	—
Claims Program: Use of Best Practices Would Strengthen Management Controls	OIG-A-2012-016 August 14, 2012	—	—	—
American Recovery and Reinvestment Act: Some Questioned Invoice Charges and Minimal Benefit from Duplicative Invoice-Review Process	OIG-A-2012-021 September 21, 2012	—	—	—
Annual Financial Statement Audits: Observations for Improving Oversight of the Independent Public Accountant	OIG-A-2012-017 September 27, 2012	—	—	—

Previous Audit Report Recommendations for Which Corrective Action Has Not Been Completed				
Report	Report Number/Date	Questioned Costs	Unsupported Costs	Funds to be Put to Better Use
Management of Overtime: Best Practice Control Can Help in Developing Needed Policies and Procedures	OIG-A-2013-009 March 26, 2013	—	—	—
Information Technology: Opportunities Exist to Improve Services, Economies, and Contract Performance	OIG-A-2013-013 April 16, 2013	—	—	31,400,000
Real Property Management: Applying Best Practices Can Improve Real Property Inventory Management Information	OIG-A-2013-015 June 12, 2013	—	—	—
American Recovery and Reinvestment Act: Opportunities Exist to Recover Funds and Reduce Future Costs by Improving Procurement Policies	OIG-A-2013-016 July 29, 2013	596,345	—	—
Asset Management: Amtrak is Preparing to Operate and Maintain New Locomotives, but Several Risks to Fully Achieving Intended Benefits Exist	OIG-E-2013-021 September 27, 2013	—	—	—
Food and Beverage Service: Potential Opportunities to Reduce Losses	OIG-A-2014-001 October 31, 2013	—	—	175,200,000 ^a
Governance: Opportunities Exist to Improve the Travel Card Program and Reduce Risks	OIG-A-2014-005 April 18, 2014	—	—	—
Acquisition and Procurement: Closer Alignment with Best Practices Can Improve Effectiveness	OIG-A-2014-006 May 7, 2014	—	—	—

Appendix 5

Previous Audit Report Recommendations for Which Corrective Action Has Not Been Completed				
Report	Report Number/Date	Questioned Costs	Unsupported Costs	Funds to be Put to Better Use
Governance: Improved Policies, Practices, and Training Can Enhance Capital Project Management	OIG-A-2014-009 July 15, 2014	—	—	—
Asset Management: Opportunities Exist to Enhance Decision-Making Process for Utilization of Long-Distance Equipment	OIG-E-2015-001 October 23, 2014	—	—	—
Governance: Opportunities Exist to Improve the Efficiency of Procurement Practices for Goods and Services	OIG-A-2015-005 February 11, 2015	—	—	28,200,000 ^b
Safety and Security: Opportunities to Improve Controls Over Police Department Workforce Planning	OIG-A-2015-006 February 12, 2015	—	—	—
Acquisition and Procurement: Improved Management Will Lead to Acela Parts Contract Cost Savings	OIG-A-2015-008 March 10, 2015	85,000	—	37,000,000
Human Capital: Incentive Awards Were Appropriate, But Payment Controls Can Be Improved	OIG-A-2015-009 March 13, 2015	—	—	—
Information Technology: Reservation System Infrastructure Updated, but Future System Sustainability Remains an Issue	OIG-A-2015-010 May 19, 2015	—	—	—
Acquisition and Procurement: New Jersey High-Speed Rail Improvement Program Has Cost and Schedule Risks	OIG-A-2015-012 June 17, 2015	—	—	83,140,000

Previous Audit Report Recommendations for Which Corrective Action Has Not Been Completed				
Report	Report Number/Date	Questioned Costs	Unsupported Costs	Funds to be Put to Better Use
Safety and Security: Progress Made Implementing Positive Train Control, but Significant Challenges Remain	OIG-A-2015-013 June 19, 2015	—	—	—
TOTAL		\$681,345	\$—	\$354,940,000

^a \$58.4 million annually, projected over three years.

^b \$9.4 million annually, projected over three years.

Appendix 6

Appendix 6 Review of Legislation, Regulations, and Major Policies

Section 4(a)(2) of the Inspector General Act of 1978, as amended, provides that the Inspector General shall review existing and proposed legislation and regulations relating to programs and operations of such establishment. Also, the Inspector General shall make recommendations in the semiannual reports concerning the impact of such legislation or regulations on the economy and efficiency in the administration of such programs and operations administered or financed by such establishment—or the prevention and detection of fraud and abuse in such programs and operations.

During the last reporting period, the OIG continued its efforts to ensure the American taxpayers' dollars entrusted to Amtrak were protected by working with congressional staffs on a legislative initiative to make the "core" anti-fraud statutes under Title 18 of the United States Code applicable to Amtrak. These statutes are 18 U.S.C. 286 (conspiracy to obtain the payment or allowance of any false, fictitious or fraudulent claims); 287 (criminal false claims); 371 (conspiracy to defraud the United States); 641 (embezzlement of public money); 1001 (false or fraudulent statements); 1002 (possession of false papers to defraud the United States); and 1516 (obstruction of a federal audit with intent to deceive or defraud the United States).

During this reporting period, these Title 18 provisions were included with the passage of the Fixing America's Surface Transportation "FAST" Act (Pub. L. No. 114-94). With these provisions, the Amtrak OIG can now pursue a much broader range of federal remedies when investigating fraud involving Amtrak's programs and operations.

Applicability of these statutes to Amtrak will assist investigators conducting criminal and civil investigations in a variety of areas. Foremost are those involving mechanical and train service operations that are important to passenger safety, such as allegations of improper product substitution and counterfeit parts. Further, these statutes are a critical tool for enforcing possible wrongful false certifications on engineering and train hardware, rail infrastructure construction, employment applications, and injury and healthcare provider claims. Finally, the applicability of Section 1001 will permit the OIG to pursue criminal convictions against individuals that falsify or conceal any material facts, make materially false statements or representations, or make or use any false document(s) that contains any materially false or fraudulent statements.

Appendix 7 Peer Review Results

The *Dodd-Frank Wall Street Reform and Consumer Protection Act* (P. L. 111–203, July 21, 2010) requires that OIG include in its semiannual report to Congress the results of any peer review conducted by another OIG during the reporting period, or—if no peer review was conducted—a statement identifying the date of the last peer review. Also required is a list of all peer reviews conducted by the OIG of another OIG, and the status of any recommendations made to or by the OIG.

During FY 2016, our Office of Audits was the subject of a Council of the Inspectors General on Integrity and Efficiency (CIGIE) peer review by the Office of Personnel Management (OPM) OIG. OPM OIG determined that the system of quality control for our audit function has been suitably designed and complied with to provide reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Accordingly, OPM OIG provided a “pass” rating and made no recommendations. The report was released on January 29, 2016.

Our Office of Investigations was also the subject of a peer review during FY 2013 by the Nuclear Regulatory Commission (NRC) OIG. NRC OIG concluded that the system of internal safeguards and management procedures for the investigative function of the Amtrak OIG in effect for the year ending February 28, 2013, was in compliance with the quality standards established by CIGIE and the Attorney General’s Guidelines. These safeguards and our procedures provide reasonable assurance of conforming to professional standards in the conduct of investigations.

An external peer review of the Office of Investigations will be conducted by the Department of Interior OIG beginning in May 2016.

Appendix 8 Glossary of Terms, Acronyms, and Abbreviations³

Management Decision. The evaluation by management of the findings and recommendations included in an audit report and the issuance of a final decision by management concerning its response to such findings and recommendations, including actions that management concludes are necessary.

Questioned Cost. A cost that is questioned by the OIG because of (1) an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds; (2) a finding that, at the time of the audit, such cost is not supported by adequate documentation; or (3) a finding that the expenditure of funds for the intended purpose is unnecessary or unreasonable.

Recommendation that Funds Be Put to Better Use. A recommendation by the OIG that funds could be more efficiently used if management took actions to implement and complete the recommendation, including (1) reductions in outlays; (2) deobligation of funds from programs or operations; (3) withdrawal of interest subsidy costs on loans or loan guarantees, insurance, or bonds; (4) costs not incurred by implementing recommended improvements related to the operations of the establishment, a contractor, or grantee; (5) avoidance of unnecessary expenditures noted in pre-award reviews of contract or grant agreements; or (6) any other savings that are specifically identified. (*Note:* Dollar amounts identified in this category may not always allow for direct budgetary actions but generally allow the agency to use the amounts more effectively in the accomplishment of program objectives.)

Unsupported Cost. An unsupported cost is a cost that is questioned by the OIG because the OIG found that, at the time of the audit, the cost was not supported by adequate documentation.

³ All definitions are from the Inspector General Act of 1978, as amended.

Acronyms and Abbreviations

APD	Amtrak Police Department
CIGIE	Council of the Inspectors General on Integrity and Efficiency
FAST	Fixing America’s Surface Transportation
FOIA	Freedom of Information Act
FY	Fiscal Year
GSA	General Services Administration
HUD	U.S Department of Housing and Urban Development
IPA	Independent Public Accountant
IT	Information Technology
MLOA	Medical Leave of Absence
NJ HSRIP	New Jersey High Speed Rail Improvement Program
NRC	Nuclear Regulatory Commission
OIG	Office of Inspector General
OPM	Office of Personnel Management
PMO	Project Management Office
PTC	Positive Train Control
RRB	Railroad Retirement Board

Appendix 9 Reporting Requirements Index

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OIG MISSION AND CONTACT INFORMATION

Mission

The Amtrak OIG's mission is to provide independent, objective oversight of Amtrak's programs and operations through audits and investigations focused on recommending improvements to Amtrak's economy, efficiency, and effectiveness; preventing and detecting fraud, waste, and abuse; and providing Congress, Amtrak management and Amtrak's Board of Directors with timely information about problems and deficiencies relating to Amtrak's programs and operations.

Obtaining Copies of Reports and Testimony

Available at our website www.amtrakoig.gov

Reporting Fraud, Waste, and Abuse

Report suspicious or illegal activities to the OIG Hotline

www.amtrakoig.gov/hotline

or

800-468-5469

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