



Council of the
INSPECTORS GENERAL
on INTEGRITY and EFFICIENCY

July 21, 2016

Statement of CIGIE Chair in Support of Amtrak OIG and Inspector General Independence

On behalf of the community of Inspectors General, the Council of the Inspectors General on Integrity and Efficiency (CIGIE) expresses its strong support for the position of one of its members, the Inspector General of the National Railroad Passenger Corporation Office of Inspector General (Amtrak OIG), on the issue of Inspector General independence, which has been challenged in pending litigation. As a Designated Federal Entity under the Inspector General Act of 1978 (IG Act), the nature of Amtrak OIG's independent investigative authority is substantially identical to the authority entrusted to all federal Offices of Inspector General. Inspector General independence is the bedrock principle of the IG Act, and is central to the ability of all Inspectors General to effectively perform their mission.

The courts have consistently recognized the embodiment of this significant public policy set forth in the IG Act, *e.g.*, *DHS v. FLRA*, 751 F.3d 665 (D.C. Cir. 2014), including in the current litigation affecting Amtrak OIG, *Nat'l R.R. Passenger Corp. v. Fraternal Order of Police*, 142 F. Supp. 3d 82 (D.D.C. 2015). This matter is now pending on appeal in United States Court of Appeals for the District of Columbia Circuit, *Fraternal Order of Police v. Nat'l R.R. Passenger Corp.*, No. 16-7004. The critical issue in the case for the Inspector General community is whether Inspector General investigative procedures are determined exclusively by the Inspector General or are instead subject to modification by a collective bargaining agreement that was negotiated solely between Amtrak and its bargaining unit employees, both of which the Inspector General oversees. The above court decisions have held that Inspectors General must be permitted to establish their own investigative procedures to ensure their investigations are conducted independently, in a manner they determine to be necessary.

CIGIE is an independent entity established within the executive branch by the IG Act and includes 73 statutorily-created federal Inspectors General. Its mission is to address integrity, economy and effectiveness issues that transcend individual Government agencies and aid in the establishment of a professional, well-trained and highly skilled workforce in the Offices of Inspectors General.

Michael E. Horowitz
Chair