

OST

Report FS2024008 November 20, 2023

DOT's Policies and DNP Portal Use Are Not Sufficient To Comply With the DNP Initiative

Highlights

DOT's Policies and DNP Portal Use Are Not Sufficient To Comply With the DNP Initiative

Self-Initiated

Office of the Secretary of Transportation | FS2024008 | November 20, 2023

What We Looked At

To prevent Government agencies from making improper payments, the Do Not Pay (DNP) Initiative (the Initiative) requires the agencies to verify recipients' eligibility to receive payments in the U.S. Department of the Treasury's (Treasury) Working System databases before the release of Federal funds. The Initiative is authorized and governed by the Payment Integrity Information Act (PIIA) of 2019 and an Office of Management and Budget (OMB) memorandum. As part of the Initiative, the Treasury's Bureau of the Fiscal Service (BFS) developed the DNP Business Center, which provides agencies with a variety of ways to review recipients' eligibility in the databases prior to award and payment. In fiscal year 2021, the Department of Transportation (DOT) made approximately \$96 billion in payments to grant recipients, State and local governments, businesses, and individuals in support of DOT's mission. While we have annually audited DOT's compliance with PIIA, we have not assessed the Department's compliance with the Initiative. Therefore, we initiated this audit to assess the Department's internal controls for assuring compliance with the Initiative.

What We Found

We identified two internal control weaknesses that result in DOT's lack of compliance with the Initiative. First, the Department lacks policies and procedures to ensure ineligible recipients do not receive payments. Also, DOT is not using the DNP portal for pre-payment checks as OMB guidance and PIIA require.

Our Recommendations

We made two recommendations to help strengthen the Department's internal controls to comply with the Initiative. OST concurred with our recommendations. We consider the recommendations resolved but open pending completion of planned corrective actions.

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Memorandum

Date: November 20, 2023

Subject: ACTION: DOT's Policies and DNP Portal Use Are Not Sufficient To Comply With

the DNP Initiative | Report No. FS2024008

From: Dormayne "Dory" Dillard-Christian

Assistant Inspector General for Financial Audits

To: Chief Financial Officer, Department of Transportation

In fiscal year 2021, the Department of Transportation (DOT) made approximately \$96 billion in payments to grant recipients, State and local governments, businesses, and individuals in support of DOT's mission. To prevent the issuance of improper payments, the Do Not Pay (DNP) Initiative (the Initiative) requires Government agencies to verify recipients' eligibility to receive payments in the U.S. Department of the Treasury's (Treasury) Working System databases before the release of Federal funds. The Payment Integrity Information Act (PIIA) of 2019² and an Office of Management and Budget (OMB) memorandum³ authorize and govern the Initiative. As part of the Initiative, the Treasury's Bureau of the Fiscal Service (BFS) developed the DNP Business Center, which provides agencies with a variety of ways to review recipients' eligibility in the databases prior to award and payment.

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While we have annually audited DOT's compliance with PIIA, we have not assessed the Department's compliance with the Initiative, such as verifying recipients' payment receipt eligibility. Complying with the Initiative helps DOT protect Federal dollars and mitigate the risk of making payments to ineligible recipients. Therefore, we initiated this audit to assess the Department's internal controls for assuring compliance with the Initiative.

¹ This amount is based on the U.S. Department of the Treasury's (Treasury) Bureau of the Fiscal Service's (BFS) analysis of DOT's fiscal year 2021 payment files. Great Lakes St. Lawrence Seaway Development Corporation payments are not included in this amount because the Enterprise Services Center does not make these payments, and they are not recorded in Delphi which is DOT's accounting system.

² Pub. L No. 116-117 (March 2, 2020).

³ OMB, Transmittal of Appendix C to OMB Circular A-123, Requirements for Payment Integrity Improvement, March 5, 2021.

We conducted this audit in accordance with generally accepted Government auditing standards. Exhibit A details our scope and methodology. Exhibit B lists the organizations we visited or contacted, and exhibit C lists the acronyms used in this report.

We appreciate the courtesies and cooperation of DOT representatives during this audit. If you have any questions concerning this report, please contact me or Ingrid Harris, Program Director.

cc: DOT Audit Liaison, M-1

Results in Brief

DOT lacks policies and procedures and does not use the DNP portal as required to comply with the DNP Initiative.

While DOT management stated the Department's existing internal controls are sufficient to support compliance with the Initiative, we found two areas for improvement. First, DOT policy does not outline how its internal controls comply with the Initiative's requirements or define when and how to use the DNP portal in the Treasury's Working System. For example, the Department did not document its procedures for how Enterprise Services Center (ESC)⁴ staff should verify recipient eligibility in the DNP portal, which is an online search tool operated by the DNP Business Center. Second, DOT is not using the DNP portal in the Treasury's Working System as required due to leadership's lack of commitment to using the DNP portal. Before agencies issue payments, PIIA and OMB guidance requires each agency to review, as appropriate, the Treasury's Working System databases to verify the recipient is eligible. Yet the Department did not use the DNP portal to verify recipient eligibility prior to making fiscal year 2021 payments, except for a small number of same-day payments. As a result of DOT's lack of documented procedures and direction on how it should use the DNP portal, the Department is at an increased risk of making payments to ineligible recipients.

We are making two recommendations to strengthen DOT's internal controls to support compliance with the Initiative.

Background

The Initiative includes Federal resources designed to help agencies determine if recipients are eligible for payment. PIIA states that at a minimum and before issuing any payment or award, each executive agency shall review as appropriate PIIA databases that are part of the Treasury's Working System to verify payment and award eligibility. See table 1 for a description of the databases. According to OMB guidance, all agencies are required to use the Treasury's Working System to support their payment processes.

⁴The Enterprise Services Center (ESC) is DOT's financial management and information technology service provider.

Table 1. PIIA Databases in the Treasury's Working System

Database	Description
Death Master File (DMF), Public	DMF is a Social Security Administration (SSA) database, containing information about persons whose deaths were reported to SSA from 1962 to present. The Treasury's Working System uses a truncated version of SSA's DMF that is available to the public.
System for Award Management (SAM) Exclusions, Restricted	SAM exclusion records contain data for all active exclusion records entered by the Federal Government. These records identify parties excluded from receiving Federal contracts, certain subcontracts, and Federal financial and non-financial assistance and benefits.
Treasury Offset Program (TOP) Debt Check	TOP Debt Check is a data extract or subset of data contained in the TOP delinquent debtor database. It was created for the DNP system to help agencies deny Federal loans, loan insurance, and loan guarantees to entities delinquent on Federal non-tax debts and child support obligations (if allowed by agency statute and regulations).
Credit Alert System (CAIVRS)	CAIVRS is a shared database of defaulted Federal debtors. CAIVRS enables application processors for Federal credit benefits to identify individuals who are in default, have had claims paid on direct or guaranteed Federal loans, or are delinquent on other debts owed to Federal agencies.
List of Excluded Individuals and Entities (LEIE), Restricted	The LEIE is the Department of Health and Human Services Office of Inspector General's current record of individuals and entities excluded from receiving reimbursement from federally-funded healthcare programs for any goods or services provided.
Incarcerated Individuals ^a	This database contains information on incarcerated individuals under the jurisdiction of the U.S. Attorney General. It verifies recipients' eligibility for benefits, which are prohibited or adjusted for prisoners.

^a The incarcerated individuals' database is not yet available in the DNP portal.

Note: Other databases are added to the system by the Director of OMB or a designee.

Source: BFS

Using the DNP portal, agencies can access and screen recipient information in various databases to verify recipient eligibility prior to making payments. When recipient information is found in one of the databases, it does not mean the recipient should not be paid. However, finding recipients in a DNP database indicates they are potentially ineligible, and agencies may have to determine recipients' eligibility through internal policies and business processes.

The Office of the Secretary of Transportation's (OST) Office of Financial Management is responsible for implementing and overseeing the Initiative Departmentwide. Currently, OST has three users with access to two of the DNP portal databases. DOT's ESC accounts payable personnel also have DNP portal access for processing payments. Most payments are processed through BFS'

Payment Automation Manager (PAM).⁵ To begin the payment process, ESC generates DOT's payment files from its accounting system and submits the files through the PAM. The submitted payment files are automatically compared to death data sources,⁶ including the Death Master File. When the Department is notified a recipient is matched to a death data source at the time of payment, it then analyzes the match in the DNP portal and works with the Operating Administration as needed to adjudicate the payment. In some instances, ESC makes same-day payments that are processed directly into the Treasury's Secure Payment System (SPS).⁷ When ESC personnel process these payments, they manually verify recipient eligibility in the DNP portal databases.

DOT Lacks Policies and Procedures and Does Not Use the DNP Portal as Required To Comply With the DNP Initiative

During our assessment, we identified two internal control weaknesses that result in DOT not being in compliance with the Initiative. First, the Department lacks policies and procedures to ensure ineligible recipients do not receive payments. Also, DOT is not using the DNP portal for pre-payment checks as OMB guidance and PIIA require.

DOT Lacks Policies and Procedures To Comply With the DNP Initiative

The Department's policies and procedures are not sufficient to ensure ineligible recipients do not receive payments. While *DOT's FY 2021 Guidance Manual for OMB Circular A-123* defined the Initiative, it did not outline how the Department would implement the Initiative's requirements. DOT's updated *FY 2022 Guidance Manual for OMB Circular A-123* states that all agencies are required to use the Treasury's Working System to support their payment process but does not define who in the Department should use the system or when and how the system should be used. In addition, ESC's SPS Payment Requirements document—which describes the procedures for manually processing same-day payments through

⁵ The PAM is a payment processing system that accepts, validates, and certifies payment requests and makes disbursements for Federal agencies.

⁶ Death data sources are databases that contain information on deceased persons.

⁷ Federal Government agencies use the Secure Payment System (SPS) to schedule payments securely, certify those payments, and send the schedules to BFS electronically.

the Treasury's SPS—requires ESC personnel to verify recipients' eligibility by checking if they are in the DNP databases. However, ESC's document does not detail procedures for how ESC staff should verify recipient eligibility in the DNP portal.

According to the Government Accountability Office's (GAO), Standards for Internal Control in the Federal Government,⁸ management should implement control activities through policies. These standards also require organizations to periodically review the policies, procedures, and related control activities for continued relevance and effectiveness in achieving their objectives or addressing related risks. While the Department did not follow the GAO standards in this instance, DOT management determined its existing pre-award internal controls were sufficient to prevent payments from going to ineligible recipients. However, the lack of policies and procedures to comply with the Initiative increases the Department's risk of making payments to ineligible recipients.

DOT Did Not Use the DNP Portal To Verify Recipients' Eligibility Before Making Payments as Required

At the time of our review, DOT leadership was not committed to using the DNP portal as required by Federal law and OMB guidance. Although DOT officials asserted the Department had other internal controls that were sufficient to ensure payment integrity, the Department did not use the DNP portal to verify recipient eligibility prior to making payments in fiscal year 2021, except for a small number of same-day payments. PIIA states that agencies are required to review all payments for all programs and activities. Also, OMB guidance specifies that, at a minimum, each agency shall review as appropriate the databases within the Treasury's Working System to verify recipient eligibility before issuing payment. While DOT officials said they do not find the DNP portal valuable and that using it creates inefficiencies by slowing down the payment process, the officials did not provide analysis or support for this determination. Additionally, DOT leadership discouraged Operating Administration personnel from using the portal by referring them to a non-DOT Federal agency's database website instead.

DOT leadership's decision to not use the DNP portal puts the Department at an increased risk of making payments to ineligible recipients. For example, to test

⁸ GAO, Standards for Internal Control in the Federal Government (GAO-14-704G), September 2014.

⁹ DOT used the DNP portal to verify recipient eligibility prior to making 165 same-day payments from the 401,922 payments made in fiscal year 2021.

the recipient eligibility for payments made from October 1, 2020, through September 30, 2021, we asked BFS to perform a data analytics project with the DNP Business Center to screen DOT's payment files for entries matching the Treasury's Working System databases. The DNP Business Center's data analytics identified 7,032 payments—totaling approximately \$1.1 billion—to recipients who were identified in the TOP Debt and CAIVRS databases. As we previously stated, finding recipients in one of the databases does not mean they should not be paid but does indicate they are potentially ineligible for payment.

The DNP Business Center also identified data quality issues with fiscal year 2021 PAM files that, according to BFS, may impact DOT's ability to effectively screen payments or payees to determine recipient eligibility. For example, BFS identified 40,355 payments made by the Federal Transit Administration (FTA)—totaling \$24.4 billion with such issues. These payments had payee identification numbers from FTA's Transit Award Management System that were not in a format compatible with checking recipient eligibility in the portal. As a result, BFS was not able to screen these payments in their analysis. Contrary to the Initiative's intent, payments with an incompatible identification number cannot be matched to the taxpayer identification information in the databases and recipient eligibility cannot be verified as required. For BFS to match payments to taxpayer identification information, it needs the Department to provide taxpayer identification numbers (TIN) for the FTA's payments. Additionally, we requested business rules¹¹ from OST for BFS to consider when analyzing the Department's payment files. However, the Department did not provide any applicable business rules.

Conclusion

DOT spends billions of dollars each year to fulfill its mission. It is critical that the Department has adequately designed internal controls to prevent payments to ineligible recipients and safeguard DOT's assets. However, its existing internal controls are not sufficient to assure compliance with the Do Not Pay Initiative. Without effective internal controls in place, DOT is at continued risk of making payments to ineligible recipients.

¹⁰ Historical data on recipient payment eligibility in the DNP portal was only available to BFS and we were unable to independently review that information.

¹¹ A business rule is a set of specific criteria that indicates the propriety of a payment.

Recommendations

To strengthen internal controls to comply with the Do Not Pay (DNP) Initiative we recommend that the Office of the Secretary (OST):

- Assess the appropriateness of the databases in the DNP portal and document a reasonable justification for any databases that OST determines are not appropriate.
- 2. For those DNP portal databases that OST deems appropriate, develop, and implement policies and procedures to ensure recipient eligibility is verified in the DNP portal prior to making payment.

Agency Comments and OIG Response

We provided OST with our draft report on August 14, 2023, and received its response on September 28, 2023, which is included as an appendix to this report. OST fully concurred with our two recommendations and provided appropriate completion timeframes for each. Therefore, we consider both recommendations resolved but open pending completion of planned corrective actions.

While OST concurred with both of our recommendations, it indicated that we conflate PIIA requirements and interpret them to require each executive agency to verify the eligibility of every payment against the DNP databases prior to payment. Further, OST stated that neither PIIA nor OMB memoranda require agencies to review DNP databases to verify eligibility pre-payment. We disagree with OST's interpretation. Specifically, PIIA and OMB guidance, "requires each agency to review, as appropriate, the Treasury's Working System databases to verify the recipient is eligible." Also, in OST's response to our report, it acknowledges that PIIA requires each executive agency to review, as appropriate, the DNP databases to verify eligibility of the payment before issuing any payment. Moreover, OMB Memorandum M-21-19 states, "All agencies are required to use the Treasury Working System to support their payment process. At a minimum and before issuing any payment or award, each agency shall review as appropriate the databases within the Treasury Working System to verify eligibility of the payment." Regarding this requirement, OST's Office of General Counsel stated that based on the express inclusion of the language "as appropriate," DOT retains discretion to determine that reviewing the information in some of the enumerated databases is not appropriate for specific payments. However, our report notes that DOT did not provide its basis for not using most of Treasury's databases, other than stating it does not find the DNP portal valuable because it creates inefficiencies by slowing down the payment process.

For that reason, our recommendation is that OST assess the appropriateness of the databases in the DNP portal and document its justification for any databases not determined appropriate. OST concurred with this recommendation.

Further, OST stated that we did not consider key factors and, as written, our audit report misrepresents its internal control system and the potential risk portrayed. Specifically, OST states that we did not consider DOT's policy for suspension and debarment or DOT's direct financial system integration with General Services Administration's SAM, which identifies entities that are excluded from receiving Federal support such as contracts and financial assistance. However, while preaward internal controls are important, as announced and reiterated throughout our audit, our objective was to assess DOT's compliance with the DNP Initiative, such as verifying the recipient's payment receipt eligibility. Hence, because our audit focused on pre-payment, we did not review pre-award procedures and activities. Nonetheless, we acknowledge OST's concern that we did not consider its pre-award internal controls and may audit the subject matter later.

Actions Required

We consider both recommendations resolved but open pending completion of planned corrective actions.

Exhibit A. Scope and Methodology

This performance audit was conducted between May 2022 and August 2023. We conducted this audit in accordance with generally accepted Government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

To assess DOT's internal controls for complying with the Initiative, we reviewed relevant laws, OMB guidance, and departmental process documents. We interviewed key OST and ESC personnel to gain an understanding of their roles and responsibilities for complying with the Initiative and related processes. We interviewed officials from the Treasury's BFS DNP Business Center to obtain an understanding of the Initiative, the DNP portal, and the PAM process, as well as their roles in helping DOT verify recipient eligibility prior to payment.

We attempted to obtain the universe of fiscal year 2021 payment transactions from Delphi. DOT gave us summary payment information for fiscal year 2021 by mode and instructions on how to download the payment transactions from Delphi. We were able to validate the Department's summary payment information in Delphi. However, we found the individual transactions downloaded from Delphi did not have social security numbers (SSN), TINs, or any other unique identifiers. DOT noted that the SSNs and TINs were in Delphi, but we were not able to view them because we did not have the necessary level of access. The Department did not grant our request for additional access and suggested alternative methods to get the audit team the information needed. The only method acceptable to the audit team was DOT allowing BFS to access its PAM files and analyze them for us. As a result, we entered into an agreement with BFS's DNP Business Center to analyze the PAM files.

The DNP Business Center, on behalf of our office and in agreement with DOT, performed a data analysis on DOT's fiscal year 2021 payment files, which comprised 401,922 payments, totaling \$96,028,577,515. We were not able to independently review historical data for these payment files. As part of its methodology, the DNP Business Center first classified each payee in DOT's payment files into one of the following entity types: business (non-individual), sole-proprietor, or individual based on the TIN and name. The center then used a variety of methods to match DOT's payment file data to the databases available in the portal and provided us with detailed matching results by data source and entity type. In addition, the DNP Business Center discovered data quality issues with DOT's payment files. We could not verify the results of the data analytics project or determine the eligibility of the payments identified in its results. Therefore, we did not have any monetary findings in this audit report; instead, we used the DNP Business Center's results to support the control deficiencies we identified.

Exhibit B. Organizations Visited or Contacted

DOT Headquarters

Federal Aviation Administration

Federal Highway Administration

Federal Railroad Administration

Federal Transit Administration

Office of the Secretary of Transportation

Other DOT Offices

Enterprise Services Center, Oklahoma City, OK

Other Organizations

Department of the Treasury, Bureau of the Fiscal Service, Do Not Pay Business Center

Exhibit C. List of Acronyms

BFS Bureau of the Fiscal Service

CAIVRS Credit Alert System

DMF Death Master File

DNP Do Not Pay

DOT Department of Transportation

ESC Enterprise Services Center

FTA Federal Transit Administration

GAO Government Accountability Office

LEIE List of Excluded Individuals and Entities

OIG Office of Inspector General

OMB Office of Management and Budget

OST Office of the Secretary of Transportation

PAM Payment Automation Manager

PllA Payment Integrity Information Act of 2019

SAM System for Award Management

SPS Secure Payment System

SSA Social Security Administration

SSN Social Security Number

TIN Taxpayer Identification Number

TOP Treasury Offset Program

Exhibit D. Major Contributors to This Report

INGRID **HARRIS** PROGRAM DIRECTOR

SHIRELL **BUTCHER** PROJECT MANAGER

JAVIER **PEREZ** SENIOR AUDITOR

ADDISON LEE SENIOR AUDITOR

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Appendix. Agency Comments



of Transportation

From:

Memorandum

September 28, 2023

Subject: Management Response to the Office of Inspector General's Draft Report:

DOT's Policies and Do Not Pay (DNP) Portal Use Are Not Sufficient To

Comply With the DNP Initiative

VICTORIA BAECHER

Digitally signed by VICTORIA BAECHER

WASSMER

Date: 2023.09.28 16:58:46 -04'00'

Assistant Secretary for Budget and Programs and Chief Financial Officer

To: Dormayne "Dory" Dillard Christian

Victoria B. Wassmer

Assistant Inspector General for Financial Audits

The Department of Transportation (Department and DOT) embraces its leadership role in providing critical resources to the Nation's transportation systems, transportation employees, and public citizens in a timely fashion while maintaining public trust in DOT's stewardship of the funds it provides. Effective internal controls help ensure that federal programs fulfill their intended purposes, funds are spent effectively, and assets are safeguarded. DOT has a variety of rigorous internal controls to ensure that federal funds reach the correct recipients, prevent improper payments, and reduce the risk of fraud, waste, and abuse. The Do Not Pay (DNP) Initiative is one of many capabilities available to preserve the integrity of DOT programs and provide stewardship over the public's resources.

During our review of the draft audit report prepared by the Office of Inspector General (OIG), we noted that OIG did not consider many key factors and, as currently written, misrepresents our internal control system and the potential risk portrayed.

DOT complies with the Payment Integrity Information Act (PIIA) requirement concerning the DNP Initiative. Two PIIA requirements are:

PIIA Requirement #1: Each executive agency shall review all payments and awards for all programs and activities through DNP.

PIIA Requirement #2: Each executive agency shall review prepayment and

preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds. Before issuing any payment or award, each executive agency shall review, as appropriate, DNP databases to verify the eligibility of the payment and award.

The OIG conflates these PIIA requirements and interprets them to require each executive agency to verify the eligibility of every payment against the DNP databases prior to payment. However, neither PIIA nor Office of Management and Budget memoranda require agencies to review DNP databases to verify eligibility pre-payment. Per PIIA Requirement #1, DOT reviews all its payments through DNP and receives daily reports on whether any payment was potentially made to a deceased individual. The PIIA requirement to review all payments does not include specific pre-award or prepayment requirements. Per PIIA Requirement #2, DOT reviews relevant information on eligibility to determine program and award eligibility before the release of federal funds. PIIA's instruction that agencies review "relevant information" and DNP databases "as appropriate" provides agencies discretion on how and when to review their awards and payments to verify eligibility. PIIA does not require agencies to review DNP databases to verify eligibility pre-payment.

The Department employs its discretion by using a variety of policies and procedures, including DNP capabilities, to ensure awards and payments are made to eligible recipients. The OIG's audit focused entirely on the Department's use of the Department of Treasury's DNP Portal for prepayment activity and excluded DOT's use of prepayment and pre-award controls that reside outside the DNP Portal.

The entire ecosystem of internal controls is important to manage and assess the risk of awards being made to ineligible recipients and reduce improper payments. For example, the OIG did not consider DOT's policy for suspension and debarment or the Department's direct financial system integration with General Services Administration's System for Award Management (SAM), which identifies entities that are excluded from receiving federal contracts, certain subcontracts, and federal financial and non-financial assistance and benefits.

The Department concurs with the OIG's two recommendations, cited below, to improve the Department's implementation of the DNP Initiative.

Recommendation 1: Assess the appropriateness of the databases in the DNP portal and document a reasonable justification for any databases that OST determines are not appropriate. We plan to complete actions to address this recommendation by July 31, 2024.

Recommendation 2: For those DNP portal databases that OST deems appropriate, develop and implement policies and procedures to ensure recipient eligibility is verified in the DNP portal prior to making payment. We plan to complete actions to address this recommendation by December 31, 2024.

We appreciate the opportunity to review the OIG draft audit report. Feel free to contact

Daniel King, Director, Office of Financial Management, at (202) 366-5381 with any questions or requests for information.

U.S. Department of Transportation
Office of Inspector General

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https://www.oig.dot.gov/hotline hotline@oig.dot.gov (800) 424-9071

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