

GAO

Annual Report to the Chairmen,
House and Senate Committees
on Appropriations



January 1992

STATUS OF OPEN
RECOMMENDATIONS

Part B: Improving
Resources, Community,
and Economic
Development Programs





United States
General Accounting Office
Washington, D.C. 20548

Comptroller General
of the United States

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January 15, 1992

The Honorable Jamie L. Whitten
Chairman, Committee on Appropriations
House of Representatives

The Honorable Robert C. Byrd
Chairman, Committee on Appropriations
United States Senate

This is our annual report that summarizes the findings and open recommendations resulting from the General Accounting Office's (GAO) audits and other review work in federal departments and agencies on which satisfactory legislative or administrative actions have not yet been completed. To encourage prompt, responsive actions on its recommendations, GAO systematically follows up on them and annually reports on the status of open recommendations. This report, presented in four parts, contains information on a total of 2,334 GAO recommendations that were open as of September 30, 1991.

We are sending copies of this report to the Office of Management and Budget and federal departments and agencies, so that they may respond to inquiries about these issues during appropriations and oversight hearings. We are also sending copies to Chairpersons and Ranking Minority Members of all House and Senate committees and subcommittees to better inform them of the status of GAO's open recommendations.

A handwritten signature in cursive script that reads "Charles A. Bowsher".

Charles A. Bowsher
Comptroller General
of the United States

Preface

This report provides information on the status of GAO's recommendations that have not been fully implemented. The report is intended to help congressional and agency leaders determine the actions necessary to achieve the desired improvements in government operations. Congressional leaders, in particular, may find this information useful in preparing for upcoming appropriations and oversight activities.

In recent years, GAO has issued a greater number of products, resulting in more recommendations. To accommodate this increased number of recommendations and enhance the report's usefulness, the report is presented in four parts:

- Part A: National Security and International Affairs Programs (GAO/OP-92-1A);
- Part B: Resources, Community, and Economic Development Programs (GAO/OP-92-1B);
- Part C: Human Resource Programs (GAO/OP-92-1C); and
- Part D: Justice, General Government, Financial and Information Management and Evaluation Programs (GAO/OP-92-1D).

Although the contents page includes all four parts, the sections that are highlighted are the ones that are found in that particular report part.

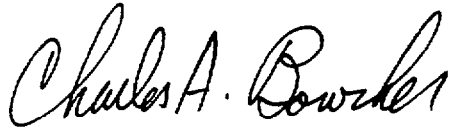
GAO's products with open recommendations are arranged by issue area within major budget function categories. Each issue area section begins with a summary of the impact of GAO's work and key open recommendations.

Each part of this report also includes two indexes that list the products contained in all four parts. Readers may use the "Committees of Jurisdiction" index to identify GAO products with findings and recommendations made to agencies for which committees have appropriation and oversight responsibility. Readers may use the "Recommendation Addressee" index to identify the same information by the agency to whom recommendations were addressed.

To help readers find information easily, the back cover of each part includes a "thumb index" that identifies the budget function categories and the two indexes. For example, to obtain pertinent information on defense programs, locate the budget category titled "National Defense (050)" in Part A.

The description of each GAO product includes the name and telephone number of a GAO manager to contact for additional information or assistance. Refer any information or questions not related to a specific product or recommendation to GAO's Office of Congressional Relations, (202) 275-5739.

Users desiring other parts of the report may order them by calling (202) 275-6241. Please direct comments, questions, or suggestions for improving this report to Chris Fossett, Office of Policy, (202) 275-1970.

A handwritten signature in black ink, reading "Charles A. Bowsher". The signature is written in a cursive, flowing style.

Charles A. Bowsher
Comptroller General
of the United States

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Alphabetical Listing of Budget Function Categories

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600, 650, 700	Income Security	C; 585
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Example

Sample Entry

GAO Issue Area	Energy
Title	Gasoline Marketing: Consumers Have Limited...
Product Number/Date/ GAO Contact	RCED-90-50, 04/16/90 GAO Contact: Victor S. Rezendes, (202)275-1441
Background	Background Pursuant to a congressional request, GAO reviewed the Federal Trade Commission's (FTC) and the Environmental Protection Agency's (EPA) implementation of gasoline octane certification and posting requirements.
Findings	Findings GAO found that: (1) FTC and EPA did not monitor compliance with octane posting requirements or use octane test results to prosecute violators; (2) there were no federal controls to...
Recommendations to Congress	Open Recommendations to Congress Recommendation: Congress should amend the Petroleum Marketing Practices Act (PMPA) to include octane certification and posting for gasoline-alcohol blends and other alternative motor fuels that may become available to reduce air pollution. Status: Action in process. Congressional Action: The Subcommittee on Energy and Power, House Committee on Energy and Commerce, held hearings on the report on June 20, 1990, and on June 21, 1991. The hearings...
Recommendation Status	
Congressional Action	
Recommendations to Agencies	Open Recommendations to Agencies Recommendation: The Chairman, FTC, and the Administrator, EPA, in consultation with the appropriate congressional committees and the... Addressee: Environmental Protection Agency Status: Action in process. EPA and FTC have initiated actions to determine the proper federal and... Addressee: Federal Trade Commission Status: Action in process. EPA and FTC have initiated actions to determine the proper federal and state roles and options that may effectively satisfy the PMPA requirements to ensure consumers of accurate octane postings.
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Energy

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Energy

Issue Area Summary: Energy

Impact of GAO's Work

Federal energy policies and programs have a major impact on the nation's economy and national security. As has been demonstrated, the economic consequences of energy disruptions can be tremendous and widespread. The federal focal points for energy programs are the Department of Energy (DOE) and its related agencies, including the Power Marketing Administrations, the Federal Energy Regulatory Commission (FERC), and the Nuclear Regulatory Commission (NRC).

Because of the long-standing policy of maintaining civilian control over nuclear weapons production, the largest portion of DOE's budget—48 percent—is devoted to research, development, and production of nuclear weapons. In over 60 reports and testimonies published over the last decade, we have called attention to the mounting problems facing DOE's nuclear weapons complex. This work includes (1) identifying serious, costly, and widespread environmental, safety, and health problems at DOE facilities; (2) calling for and evaluating independent oversight of DOE's nuclear operations; and (3) making recommendations to DOE to strengthen management and oversight of the contractors it uses, at a cost of over \$16 billion annually, to operate its facilities.

DOE, as well as FERC and NRC, also develops and implements federal energy policy and programs. DOE implements its energy policy primarily through its research and development activities, which account for \$3.7 billion, or almost 19 percent, of its budget. We have reviewed many of these key programs, such as the Clean Coal Technology Program and the Superconducting Super Collider Program.

Other DOE programs include regulating the energy industry, disposing of nuclear waste, filling the Strategic Petroleum Reserve, and providing electricity through the Power Marketing Administrations. Here again, we have been active by, for example, reviewing development of the permanent repository for nuclear waste and making recommendations to improve the functioning of the Strategic Petroleum Reserve.

Finally, we have reported on broader energy policy issues, such as the increasing vulnerability of the United States to oil supply disruptions and the critical need for a national energy strategy.

Key Open Recommendations

Pretreatment Modifications at DOE Hanford's B Plant

In June 1991, we reported that DOE's B Plant could not meet current environmental regulations. Also, while DOE was aware of B Plant's compliance problems, it continued to modify the plant to pretreat hazardous wastes. We recommended that DOE cancel all projects to upgrade B Plant for pretreatment and rejustify any additional expenditures. (GAO/RCED-91-165, see p. 246.)

Classified Documents at Livermore	In February 1991, we reported that as of January 1991, over 10,000 secret documents could not be located by DOE's Lawrence Livermore National Laboratory, accountability for such documents was inadequate, and DOE had not provided effective oversight. We recommended several measures intended to improve DOE's oversight of classified document programs at Livermore and other DOE facilities. DOE concurred with the report recommendations and is currently taking corrective action(s). These actions, however, have not been fully implemented. (GAO/RCED-91-65, see p. 240.)
Nuclear Waste Disposal Fees	In June 1990, we recommended that the Congress amend the Nuclear Waste Policy Act to authorize DOE to automatically adjust disposal fees for inflation. As of October 1991, the Congress had not amended the act. Also, while DOE initially agreed with our recommendation, it subsequently reversed its position. (GAO/RCED-90-65, see p. 229.)
Clean Coal Technology Program	In March 1990, we suggested that further proposals for demonstrating clean coal-burning technologies not be selected for funding until DOE obtained more results from ongoing projects. Although Public Laws 101-302 and 101-512 delayed further project selections until September 1991, further delays will be needed to give DOE time to collect the necessary information to award the remaining funds to the most promising technologies. (GAO/RCED-90-67, see p. 223.)
Gasoline Octane Labeling	In April 1990, we recommended that the Congress amend the Petroleum Marketing Practices Act to make it clear that states could enforce octane posting requirements and that the Federal Trade Commission (FTC) and the Environmental Protection Agency (EPA) look for other ways, including state involvement, to enforce the act. EPA and FTC have begun to discuss alternative ways to enforce the act, and the Subcommittee on Energy and Power, House Committee on Energy and Commerce, has approved draft legislation to provide for states' broader involvement; neither of these actions, however, has been completed. (GAO/RCED-90-50, see p. 227.)
Decision to Restart the Plutonium-Uranium Extraction (PUREX)	In June 1990, we recommended that the Secretary of Energy not restart the PUREX plant at the Hanford site until he had determined that the plant was needed and all safety-related problems we had identified had been addressed. DOE is evaluating our recommendations. (GAO/RCED-90-207, see p. 230.)
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Environment, Safety, and Health: Environment and Workers Could Be Better Protected at Ohio Defense Plants

RCED-86-61, 12/13/85 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) effectiveness in protecting its workers, the community, and the environment at three of its defense production facilities in Ohio.

Findings

GAO noted that: (1) in two previous reports, it recommended that DOE develop a system to independently verify environmental monitoring data reported by contractors; and (2) DOE did not adopt the recommendation because it believed the contractors' quality assurance programs provided an effective method for ensuring data reliability. GAO found that: (1) each Ohio contractor collects, evaluates, and reports its own radioactive air and water releases; (2) quality assurance programs help ensure that water and air samples are accurately analyzed, but do not verify that data collected are adequate; (3) each plant had environmental problems which resulted in groundwater, soil, or drinking water contamination; (4) two of the plants were not in compliance

with hazardous waste laws; and (5) one of the plants was not in compliance with state permits because it had not completed two of four pollution control projects. GAO also found that: (1) the contractors did not always follow the DOE radiological monitoring guide, which recommended that they monitor on-and off-site wells to assess environmental impacts of plant operations; (2) DOE did not adopt the recommendation that it make radiological monitoring guides mandatory for all DOE facilities because it believed contractors would lose flexibility in designing their monitoring programs; (3) contractors received sizable fees even though environmental safety and health (ES&H) problems existed; and (4) DOE appraisal programs were not identifying major ES&H problems.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should require that radiological monitoring guides be mandatory for all DOE facilities.

Status: Action in process. Estimated completion date: 04/92. Work continues on the issuance of a draft rule and regulatory guide. In the interim, DOE monitoring and surveillance requirements were published as a DOE guidance document supporting DOE 5400.5 in April 1991. The target close date is the issuance of the final rule, expected in 1992.

Recommendation: The Secretary of Energy should develop a coordinated DOE/state/contractor system to verify contractor-reported data.

Status: Action in process. Estimated completion date: 04/92. DOE continues to negotiate agreements in principle to implement an independent data verification program. Rather than issue guidance on agreements in principle, DOE is revising DOE 5400.1 to incorporate the agreement in the principle data verification process as part of the order. DOE expects to issue the order by the end of the second quarter 1992.

Nuclear Safety: Safety Analysis Reviews for DOE's Defense Facilities Can Be Improved

RCED-86-175, 06/16/86 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reported on the adequacy of the Department of Energy's (DOE) safety analysis reviews (SAR) for its existing nuclear defense facilities. GAO examined eight facilities to determine the effectiveness of DOE efforts to protect workers and the environment.

major accident; (2) the reviews' safety design criteria varied considerably between the facilities; (3) the reviews used different approaches to identify and analyze potential accidents at DOE facilities, with some approaches being more comprehensive than others; and (4) DOE approved the reviews internally, which precluded an independent review process.

reviews, outlining appropriate methodologies and assumptions to be used in analyzing accidents and their consequences.

Status: Action in process. A draft proposed rule is being circulated for concurrence for publication in the Federal Register. A safety guide will go to final form after receipt and resolution of public comments on the rule. A related DOE order incorporating the substance of the rule and safety guide is being circulated for concurrence. The order is expected to be issued in 1992. The safety guide will replace the order.

Findings

GAO found that: (1) DOE did not approve the reviews for three of the eight facilities, each of which had the potential for significant on-site or off-site releases of radioactive material in a

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should develop more consistent requirements to be followed in preparing

Nuclear Energy: Environmental Issues at DOE's Nuclear Defense Facilities

RCED-86-192, 09/08/86 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO: (1) identified key environmental issues at nine Department of Energy (DOE) nuclear defense facilities; and (2) evaluated the status of DOE efforts to strengthen its environmental, safety, and health oversight programs.

levels higher than the proposed standards; (2) although six facilities have soil contamination in unexpected areas, including off-site locations, DOE sees a potential public health threat at only one of the facilities; (3) four facilities are not in full compliance with the Clean Water Act; (4) to obtain permits under the Resource Conservation and Recovery Act (RCRA), all nine facilities are significantly changing their waste disposal practices by closing existing disposal facilities or building new treatment facilities; and (5) it may cost

over \$1 billion to bring the facilities into full compliance with environmental laws and obtain the necessary permits.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should establish a groundwater and soil protection strategy that would reflect DOE policy on the extent to which groundwater and soil can become contaminated and include specific guidelines, to the extent practical, to

Findings

GAO found that: (1) eight facilities have groundwater contaminated with radioactive or hazardous substances at

protect groundwater and soil around DOE facilities.

Status: Action in process. Estimated completion date: 03/92. The DOE

groundwater strategy will be met by revising DOE 5400.1 to merge the DOE groundwater protection management program with the DOE groundwater

monitoring program. The issuance of DOE 5400.1A and any necessary guidance information is expected by the second quarter of 1992.

Uranium Enrichment: Congressional Action Needed To Revitalize the Program

RCED-88-18, 10/19/87 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

In response to a congressional request, GAO assessed the problems of the Department of Energy's (DOE) uranium enrichment program and identified options to revitalize it.

Findings

GAO found that: (1) the program's financial problems include \$8.8 billion in unrecovered costs, multibillion-dollar payments for unused power, market uncertainties due to ongoing litigation, and potentially large decommissioning costs; (2) DOE proposed to write off its unproductive assets, which would leave about \$3.4 billion in unrecovered costs; (3) price flexibility would allow DOE to balance cost recovery objectives with other program objectives; (4) DOE lowered its production levels to meet the objectives even though the continued low production would cost more than \$80 million over the next few years; and (5) DOE proposed to restructure the program as a federal corporation to

increase competition, free it from budget restrictions, and permit flexible pricing.

Open Recommendations to Congress

Recommendation: In order to place the enrichment program on firm financial footing, Congress should enact legislation to define a reasonable amount of costs the program needs to recover. In defining the amount of costs to be recovered, Congress should allow the write-off of unproductive assets and consider freezing total interest charges.
Status: Action in process.

Recommendation: In order to place the enrichment program on firm financial footing, Congress should enact legislation to provide the enrichment program with sufficient budget and management flexibility to ensure that optimum production schedules are followed and long-term customer commitments are not compromised.
Status: Action in process.

Recommendation: In order to place the enrichment program on firm financial footing, Congress should enact legislation to allow DOE sufficient flexibility in setting its pricing strategy to allow it to meet market competition.
Status: Action in process.

Recommendation: In order to place the enrichment program on firm financial footing, Congress should enact legislation to require that DOE include future decontamination and decommissioning costs in its base of costs to be recovered.
Status: Action in process.

Congressional Action: As of late 1991, the Senate had passed a bill, S. 210, and the House was considering several bills that would restructure the DOE enrichment program as a government corporation with flexible pricing authority. The bills would also establish a decommissioning fund.

Nuclear Health and Safety: Oversight at DOE's Nuclear Facilities Can Be Strengthened

RCED-88-137, 07/08/88 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

In response to a congressional request, GAO examined the Department of Energy's (DOE) environment, safety, and health (ES&H) activities, including: (1) the possibility that DOE could reduce the visibility and management it currently gives to safety and health issues; (2) legislatively mandated independent oversight of DOE nuclear facilities; and (3) unclear safety standards.

legislatively mandated, DOE could relegate these issues to a level that would not provide top management attention; (3) although DOE created an advisory committee on nuclear facility safety, it did not meet GAO criteria for effective and independent oversight; and (4) since DOE did not determine what commercial safety standards were applicable to its nuclear facilities, it could not determine if its facilities were safe compared to commercial nuclear facilities.

continued operation of existing facilities and to use as baseline safety criteria for developing its future strategy for the defense complex. This revision should include a formal process to: (1) clearly identify the commercial standards, guides, and codes that should be applied to DOE nuclear facilities; and (2) justify when a standard is not met.

Status: Action in process. Comments on the draft proposed nuclear safety rules were resolved and a final draft is being circulated for concurrence prior to issuance with a Notice of Proposed Rulemaking. Drafts of a proposed nuclear safety policy statement and a proposed backfit policy statement are included with the proposed rules. Orders related to the rules are being issued prior to final rulemaking.

Findings

GAO found that: (1) DOE created an Assistant Secretary for ES&H in 1985 to oversee the operations and contractors responsible for its nuclear defense facilities; (2) since the health and safety functions of the office were not

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should revise DOE orders to establish meaningful safety standards and implementation policies to guide

Electricity Supply: What Can Be Done to Revive the Nuclear Option?

RCED-89-67, 03/23/89 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO studied the future of nuclear power, focusing on: (1) problems preventing new initiatives in commercial nuclear power; (2) actions which could revive nuclear power; and (3) the status of government and industry efforts to revitalize the use of nuclear power.

Findings

GAO found that: (1) public and utility concerns about the feasibility of using nuclear power have risen due to oil embargoes, recession, inflation, decreased electricity demand, industrial accidents, and poor utility management; (2) although public opinion largely supported nuclear power's critical role in the nation's energy future, worst-case

industrial accidents and environmental, health, and safety problems strengthened public opposition to nuclear power; (3) utility representatives believed that power plants generally had strong safety records; (4) utility representatives believed that they faced increased financial risk in building new power plants due to the Nuclear Regulatory Commission's (NRC) two-step licensing process, states disallowing the

recovery of construction costs, and the Department of Energy's (DOE) slow progress toward building a nuclear waste repository; (5) utilities' increasing reliance on such alternatives as imported electricity and oil- and gas-powered generators raised serious energy security concerns; (6) utility representatives believed that continued safe, efficient plant operations and a strong federal nuclear energy policy would increase public acceptance of nuclear power; and (7) NRC and DOE attempts to reform the licensing process, standardize plant designs, improve

reactors and testing models, and select a repository site lacked the necessary support and funding.

Open Recommendations to Congress

Recommendation: Congress should review the nuclear option within the broad context of the nation's energy security concerns and the changing nature of the electric utility industry. As it reviews the nation's nuclear energy policy, Congress should consider enacting legislation to reform the

licensing process into a more predictable procedure and promoting utilities' use of NRC-preapproved standardized designs. It could also reevaluate the goals and objectives of existing federal nuclear research and development efforts.

Congressional Action: Congress has not initiated a broad-based review of the nuclear option within the context of a national energy strategy. However, the Senate Energy and Natural Resources Committee is considering national energy policy legislation which would promote new reactor designs and one-step licensing.

GAO's Views on DOE's New Production Reactor Selection Process

T-RCED-89-46, 05/24/89 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

GAO discussed the Department of Energy's (DOE) new production reactor selection process. GAO found that: (1) DOE recommended a two-reactor strategy that will provide tritium for national defense purposes in 12.5 years, but it did not provide Congress with information concerning the total time necessary to construct and obtain tritium from the two suggested reactors or the actions required to ensure reliability for at least 10 years; (2) some cost estimates were inaccurate because DOE used unrealistic assumptions; (3) the DOE safety review process was uncertain; and (4) DOE did not provide

an in-depth or realistic analysis of schedule, costs, and benefits associated with its acquisition strategy. GAO believes that: (1) future operation of the reactors depends on resolving numerous technical and resource problems; (2) DOE must analyze the condition and remaining usefulness of each reactor; and (3) environmental challenges and construction risks may increase the schedules for new production reactors.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should, prior to reaching a final

decision on the new production reactors, now scheduled for late 1991, provide Congress with an in-depth analysis of schedule, costs, and benefits of each option.

Status: Action in process. DOE issued a draft environmental impact statement in April 1991. The final environmental impact statement is scheduled to be released in late 1991 when a decision on new production reactors will be made. A cost and schedule review is also underway and is expected before the decision is made in late 1991.

Nuclear Regulation: NRC's Decommissioning Procedures and Criteria Need to Be Strengthened

RCED-89-119, 05/26/89 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

In response to a congressional request, GAO assessed Nuclear Regulatory Commission (NRC) actions to ensure that operators of fuel-cycle facilities provide for eventual decommissioning, including: (1) the actions that licensees take to comply with NRC residual radiation guidelines; and (2) NRC assessments of facilities prior to terminating licenses.

Findings

GAO found that: (1) NRC fully or partially released two sites for unrestricted use where radioactive contamination was higher than its guidelines allowed; (2) it could not determine whether similar situations occurred at six other sites because licensee cleanup information was sometimes incomplete, ambiguous, or nonexistent, and NRC did not always have information about licensee decontamination activities; (3) NRC regulations did not specify how long either it or licensees should retain decontamination information; (4) licensees did not initially decontaminate their facilities to meet NRC guidelines; (5) although NRC required licensees to decontaminate facilities below its guidelines, 11 of 19 decommissioning plans would not meet that requirement; (6) although NRC required licensees to retain records on the radioactive wastes they buried, five of the eight cases reviewed involved buried waste on-site, but four of the licensees did not keep or complete disposal data; (7) NRC did not require licensees to monitor groundwater or soil contamination from

buried waste, but five licensees found groundwater contaminated with radioactive substances at levels higher than drinking water standards allowed; and (8) although NRC believes that it can require former licensees to conduct additional cleanup activities, it does not have regulations to address the actions it can take. GAO also found that: (1) because the Environmental Protection Agency was responsible for developing residual radiation standards, but did not expect to finalize them until 1992, NRC used guidelines it developed to determine whether to terminate a license; and (2) a professional group that also developed residual radiation standards proposed some levels 3 to 50 times higher and some levels 3 to 5 times lower than NRC guidelines.

Open Recommendations to Agencies

Recommendation: To enhance NRC regulatory oversight of nuclear facilities' decommissioning efforts, the Chairman, NRC, should require licensees to specifically list in one document all land, buildings, and equipment involved with their licensed operations.

Status: Action in process. Estimated completion date: 05/92. NRC plans to develop regulations to improve licensees' recordkeeping. NRC estimates that the final regulations will be issued in mid-1992.

Recommendation: To enhance NRC regulatory oversight of nuclear facilities' decommissioning efforts, the Chairman, NRC, should ensure that the licensees

decontaminate their facilities in accordance with NRC guidelines before NRC fully or partially releases a site for unrestricted use.

Status: Action in process. Estimated completion date: 03/93. NRC plans to revise its guidance to clarify the scope of licensees' radiological surveys and expects to issue a final regulatory guide by early 1993.

Recommendation: To enhance NRC regulatory oversight of nuclear facilities' decommissioning efforts, the Chairman, NRC, should determine if NRC residual radiation criteria should be revised on the basis of the standards proposed by the Health Physics Society Standards Committee.

Status: Action in process. Estimated completion date: 01/92. On March 19, 1991, NRC directed its staff to prepare for its review a proposed rule on decommissioning criteria. The staff is to consider the residual radiation standards proposed by the Health Physics Society Standards Committee. The staff expected to send the proposed rule to NRC around January 1992, but the proposed rule is currently on hold pending NRC resolution.

Recommendation: Since NRC believes that it has authority to require additional cleanup activities after terminating a license and to ensure that it has a mechanism to enforce orders requiring such activities, the Chairman, NRC, should act expeditiously to issue regulations governing such actions. In the interim, the Chairman should also ensure that all contamination at a site

has been cleaned up so that it is below the levels that NRC guidelines allow before releasing all or part of a site for unrestricted use.

Status: Action in process. NRC is considering the need to modify its

regulations to clarify that it can require a former licensee to conduct additional cleanup activities. In April 1990, NRC approved proposed procedural rules for publication and public comment. NRC has now decided to postpone issuing a

final rule until it has considered all options for addressing how to reopen a terminated license. Action is expected to be completed in late 1991.

Nuclear Nonproliferation: Better Controls Needed Over Weapons-Related Information and Technology

RCED-89-116, 06/19/89 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO examined the Department of Energy's (DOE) controls over unclassified nuclear weapons information and technology developed by its three weapons laboratories.

Findings

GAO found that: (1) of the 39,000 reports DOE produced in 1986 and 1987, 60 percent were available to the public; (2) 68 percent of recipients of 30 randomly selected reports were from overseas; (3) between October 1985 and December 1987, the laboratories recorded over 2,000 data requests and honored about 1,700; (4) DOE did not require laboratories to track the number of requests or the information provided and had no systematic method to determine the information that proliferation-risk countries obtained from the laboratories;

(5) one of the laboratories developed a system to track direct requests, but only one of the other two laboratories provided such information; (6) the laboratories lacked DOE guidance for identifying whether specific technological or programmatic material met criteria as unclassified controlled nuclear information under a 1981 legislative mandate; (7) DOE was exempt from most controls that effectively regulated the private sector's export of nuclear-related technology and information; (8) DOE questioned its authority to restrict dissemination of unclassified information without specific legislation exempting export-controlled information from Freedom of Information Act requests; (9) proliferation-risk countries routinely obtained U.S. hardware that had both nuclear weapons and commercial applications; and (10) foreign countries circumvented U.S. export controls over

materials, including sensitive computer codes, by obtaining them through other foreign countries which did not adequately control export of U.S. material.

Open Recommendations to Agencies

Recommendation: To help minimize the risks associated with the free dissemination of unclassified but sensitive nuclear-related information and better protect national security, the Secretary of Energy should seek a legislative exemption from the Freedom of Information Act for unclassified data categorized by DOE as export-controlled information.

Status: Action in process. DOE agrees that a legislative exemption could be an effective tool to control information dissemination and has this matter under active consideration.

Nuclear Waste: DOE's Management of Single-Shell Tanks at Hanford, Washington

RCED-89-157, 07/18/89 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) management of its Hanford, Washington, site's underground single-shell waste storage tanks containing radioactive and nonradioactive hazardous liquid and solid wastes from nuclear materials production.

Findings

GAO found that DOE: (1) through 1988, identified definite or possible leaks in 66 of 149 single-shell tanks, with an estimated leakage of about 750,000 gallons; (2) in 1987, completed an environmental impact statement for waste disposal, but deferred decisions until the issuance of a supplemental environmental statement in 2000; (3) signed a tripartite agreement with the Environmental Protection Agency and Washington for the removal of feasibly pumpable liquid waste from single-shell tanks by 1996 and for final disposal or removal of any such remaining waste by 2018; (4) did not collect data upon which to sufficiently base management decisions, establish program priorities, or take remedial actions; (5) lacked convincing evidence to support its assertions that the tank leaks had extremely low or nonexistent environmental impact; (6) reduced the volume of single-shell tanks' liquid waste by solidifying liquids or pumping them

from tanks; (7) could further reduce the risk of future tank leaks by accelerating its liquid-pumping program and providing better ground covering in the tank farm areas; (8) cited a lack of convincing data indicating problems with accelerated movement of wastes as a reason for not placing new ground surface materials over the tank farm's gravel surface; and (9) repeatedly emphasized the production of nuclear materials to the detriment of environmental concerns.

Open Recommendations to Agencies

Recommendation: To minimize the environmental effects of tank leaks on the surrounding soil and, eventually, on the groundwater, the Secretary of Energy should conduct a data-gathering program sufficient to assess the risks and extent of groundwater contamination from tank leaks of mobile, nonradioactive contaminants and mobile, long-lived radioactive substances.

Status: Action in process. DOE hired additional staff and installed an automated system to analyze data trends. The next phase will be development of the software/systems requirements document. New groundwater wells are being drilled, but sampling and analysis are on hold. Funds will not be available until fiscal year (FY) 1993 to reinvestigate leak

plumes. There is no estimated completion date.

Recommendation: To minimize the environmental effects of tank leaks on the surrounding soil and, eventually, on the groundwater, the Secretary of Energy should assign appropriate resources and priority to the single-shell tank pumping program to ensure that: (1) at a minimum, all feasibly pumpable liquid is removed from the tanks by 1996; and (2) the 1996 goal is not used to delay removal of liquid that could be pumped before 1996.

Status: Action in process. Estimated completion date: 09/96. The Interim Stabilization Program to remove all feasibly pumpable liquids from the tanks is underway and scheduled for completion by the end of FY 1995 for all tanks, except two; they will be pumped by the end of FY 1996. The Hanford Tri-Party Agreement milestones for FY 1991 and 1992 have been revised because of questions concerning explosive gases.

Recommendation: To minimize the environmental effects of tank leaks on the surrounding soil and, eventually, on the groundwater, the Secretary of Energy should develop specific plans to replace the gravel surfaces at the tank farms with a less permeable material and promptly replace the gravel surfaces if ongoing studies indicate that these surfaces could promote the movement of waste toward the groundwater.

Status: Action not yet initiated.

Nuclear Waste: Storage Issues at DOE's Waste Isolation Pilot Plant in New Mexico

RCED-90-1, 12/08/89 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) 5-year program for demonstrating its Waste Isolation Pilot Plant's (WIPP) capacity for safe disposal of transuranic (TRU) wastes produced by DOE atomic energy defense activities.

Findings

GAO found that: (1) DOE established the 5-year test program to help determine WIPP compliance with 1985 Environmental Protection Agency (EPA) standards by conducting experiments involving brine seepage, gas generation, and other technical issues; (2) pursuant to a court order, EPA planned to issue revised standards in 1991; (3) DOE also planned to demonstrate safe waste handling, transport, and storage operations by storing 18,300 drums over 3 years, beginning in 1990; (4) DOE would have to remove or rehandle wastes it stored under the demonstration program if it determined that WIPP did not meet compliance standards; (5) the National Academy of Sciences (NAS) recommended that DOE address such issues as waste disposal contingencies, merits of early storage, noncompliance risks, and technical justification for experiments, before starting the demonstration program; (6) early waste storage at WIPP would enable DOE to begin removing wastes from its aging defense facilities, most of which had limited storage space; (7) two states opposed additional storage at their defense facilities and sought prompt removal of existing wastes; (8) although

DOE had not issued its test plan in final form, NAS agreed that the proposed experiments on gas generation should begin without delay; and (9) DOE was seeking legislation to permanently withdraw the WIPP site from public use and authorize waste storage.

Open Recommendations to Congress

Recommendation: If DOE adopts the GAO recommendations, Congress should consider the material that DOE provides in deciding on the future of WIPP. If DOE does not accept the recommendations, Congress may wish to require DOE to provide it with such material.

Status: Action in process.

Recommendation: Congress may wish to include a provision in land withdrawal legislation that would specify the amount of TRU wastes DOE can store in WIPP before determining that the facility complies with EPA disposal standards.

Status: Action in process.

Recommendation: Congress may wish to make permanent land withdrawal conditional upon a positive determination of compliance.

Status: Action in process.

Congressional Action: Congress has not yet completed action concerning land withdrawal for the DOE WIPP facility. Congressional action on land withdrawal legislation is expected to be completed in late 1991 or early 1992.

Open Recommendations to Agencies

Recommendation: To ensure that Congress has relevant information to decide on the DOE request for authority to store TRU wastes in WIPP for demonstration purposes, the Secretary of Energy should analyze and report to Congress on contingency plans for the disposition of any TRU waste stored in WIPP in the event that DOE eventually determines that the facility, as currently designed, does not meet EPA disposal standards.

Status: Action taken not fully responsive. The agency agreed with this recommendation and issued a Waste Retrieval Plan in May 1990. The Plan addresses the technical aspects of waste retrieval from WIPP; however, the Plan does not state where the retrieved wastes would be stored. Instead, it describes storage alternatives and the decisionmaking process to be used to identify one or more specific storage facilities.

Recommendation: To ensure that Congress has relevant information to decide on the DOE request for authority to store TRU wastes in WIPP for demonstration purposes, the Secretary of Energy should analyze and report to Congress on options for continued temporary storage of TRU waste at other DOE defense facilities while DOE is completing its assessment of WIPP compliance with EPA standards.

Status: Action in process. The agency agreed with this recommendation. It added that it is evaluating various

options for storage of TRU waste generated at Rocky Flats. Options include interim storage at either DOE or

Department of Defense sites, as well as development of a storage site by the private sector. No report on this issue

has been issued for congressional consideration.

Federal Electric Power: Views on the Sale of Alaska Power Administration Hydropower Assets

RCED-90-93, 02/22/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) proposed sale of the Alaska Power Administration's (APA) assets, focusing on whether the APA divestiture method would: (1) allow the government to fully recover APA costs; and (2) reveal the full value of APA assets to potential purchasers.

Findings

GAO found that: (1) APA sales agreements benefited APA ratepayers at the expense of taxpayers; (2) the bids that APA received probably did not reflect the full market value of its assets, since APA limited the sale to

current purchasers of APA power, and to certain state and local concerns; (3) the APA present-value pricing method limited taxpayers' cost recovery by not assuming the assets' residual value following federal loan repayment; (4) the pricing method did not consider that the Department of the Treasury would not recover all interest costs of its loan to APA, since federal power interest rates were usually below the Treasury's borrowing rates; and (5) unresolved possible costs included obtaining rights-of-way across private and Native American lands, and \$5.8 million for the completion of a construction project.

Open Recommendations to Congress

Recommendation: If Congress wishes to pursue the divestiture of APA assets and believes the sale of APA assets should be accomplished through a balancing of ratepayers' and taxpayers' interests, it should reject the administration's proposal and direct DOE to identify sales proposals that better balance ratepayers' and taxpayers' interests.

Congressional Action: DOE will send the proposed legislation to the Office of Management and Budget for clearance, which is expected in late 1991. The DOE Office of the General Counsel will send legislation to Congress thereafter. Congress will act when it receives the proposed legislation.

Fossil Fuels: Pace and Focus of the Clean Coal Technology Program Need to Be Assessed

RCED-90-67, 03/19/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) evaluation and selection of project proposals under the second round of the Clean Coal Technology (CCT) Program.

Findings

GAO found that: (1) DOE formed a board to develop proposal evaluation and selection criteria and evaluate proposed projects; and (2) DOE developed evaluation criteria in accordance with congressional and other program

guidance. GAO also found that: (1) DOE picked 16 projects that represented the highest-ranked proposals for the range of technologies it included, but DOE rated 12 of the 16 projects weak in meeting 1 or more comprehensive evaluation criteria, acid rain reduction criteria, or

technical readiness criteria; (2) half of the 48 proposals that DOE evaluated fared poorly against 3 or more of the evaluation criteria; and (3) 14 of the 32 projects that DOE did not select had better potential for reducing acid-rain-causing emissions than the 9 weakest projects DOE selected.

Open Recommendations to Congress

Recommendation: Given the current status of projects in the CCT Program and in view of the Nation's current

budget constraints, Congress may wish to consider amending the CCT provision of Public Law 101-121 to direct DOE to delay requesting proposals and selecting projects for rounds four and five of the program until it obtains additional demonstration results from projects already in the program.

Congressional Action: Public Law 101-512, November 5, 1990, directed DOE to issue its fifth solicitation for project proposals under the CCT program by March 1, 1992, and to select the projects by 8 months after the date of the solicitation. The Senate Appropriations

Subcommittee on the Interior has indicated that it would allow DOE to delay issuing the solicitation for round-five project proposals from March 1, 1992, to August 10, 1992, to allow more time for determining the type of projects to fund. It also is calling for a sixth solicitation to fund projects with uncommitted funds left over from previous solicitations.

Nuclear Regulation: The Military Would Benefit From a Comprehensive Waste Disposal Program

RCED-90-96, 03/23/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO compared the Army's, Navy's, and Air Force's low-level radioactive waste disposal practices.

Findings

GAO found that: (1) the Department of Defense (DOD) lacked a comprehensive waste disposal program; (2) none of the three services had complete information on the amounts or types of low-level radioactive waste generated or disposed of; (3) the Navy lacked a low-level radioactive waste disposal program, while the Air Force participated in the Army's disposal program; (4) the services' stockpiling of waste, pending long-term disposal at three commercial sites, increased the potential for accidental releases of waste similar to that which occurred at Wright-Patterson Air Force Base (AFB) in 1986; (5) commercial sites have periodically

banned the Army and the Air Force for failure to comply with federal and state waste packaging and shipping requirements; (6) compliance problems could worsen after 1993, when there could be as many as 16 different interstate compact and state disposal requirements; (7) significant differences existed among and within the services regarding waste disposal management expertise and training, volume-reduction techniques, and use of cost-effective methods; (8) commercial sites' surcharges and penalties resulted in DOD paying almost twice the actual cost of waste disposal; and (9) two of the three commercial sites will close by December 1992, increasing the likelihood that DOD will store waste or seek exemptions to dispose of waste outside each generator's region if no other sites become available.

Open Recommendations to Agencies

Recommendation: To ensure that all DOD installations appropriately manage and dispose of low-level radioactive waste and reduce the potential for another incident similar to the one at Wright-Patterson AFB, the Secretary of Defense should establish uniform policies and procedures for the program and institute a mechanism to ensure compliance throughout DOD with the requirements.

Status: Action in process. DOD concurred and stated that uniform guidance on radiation problems will be developed. DOD did not state an estimated date for completing this action.

Recommendation: To ensure that all DOD installations appropriately manage and dispose of low-level radioactive waste and reduce the potential for

another incident similar to the one at Wright-Patterson AFB, the Secretary of Defense should develop an inventory of the amounts and types of low-level

radioactive waste that are stored or buried at all installations.

Status: Action in process. DOD partially concurred. DOD agreed that an inventory of low-level waste should be

made, but not by the Secretary of Defense. The individual military services are inventorying their respective wastes. When this is expected to be completed was not stated.

Nuclear Health and Safety: Need for Improved Responsiveness to Problems at DOE Sites

RCED-90-101, 03/28/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO provided information about the Department of Energy's (DOE) and its contractors' responsiveness to DOE technical safety appraisals and environmental surveys of contractor-operated facilities and sites.

Findings

GAO found that: (1) DOE has conducted 48 technical safety appraisals of facilities and operations at DOE sites between 1986 and the present; (2) DOE has conducted environmental surveys at 37 sites between 1985 and the present; (3) the appraisals and surveys identified over 1,700 safety and health problems and almost 1,300 environmental problems at the sites; (4) DOE and its contractors resolved 591, or 34 percent, of identified health and safety problems, including 46 of the 113 highest-priority problems; (5) DOE has not completely resolved any of the identified environmental problems, many of which it characterized as very serious and complex; and (6) the DOE computer-assisted tracking system did not include all of the important information necessary to provide a comprehensive picture of identified environmental, safety, and health (ES&H) problems.

Open Recommendations to Agencies

Recommendation: To reaffirm DOE commitment to ES&H problem identification and correction, the Secretary of Energy should require that an overall management plan be developed with clear goals and time frames for: (1) resolving DOE sites' ES&H problems identified in technical safety appraisals and environmental surveys; and (2) following up to verify that corrective actions are adequate, in order to help hold line management and oversight officials at headquarters and in the field more accountable for accomplishing those tasks.

Status: Action in process. An ES&H Information Management Network Implementation Plan was signed by the Secretary of Energy on September 21, 1990. The Network Plan is being revised to incorporate the DOE comments and will be provided to the Secretary for approval in the fourth quarter of fiscal year 1991.

Recommendation: To reaffirm DOE commitment to ES&H problem identification and correction, the Secretary of Energy should require that the computer-assisted tracking system be systematically expanded, by establishing

an overall management plan and milestones, to include more comprehensive data for the use of DOE line management and oversight officials in monitoring sites' ES&H problems. **Status:** Action in process. The expanded management network is being developed through a joint effort between environment and health and defense programs. The Tiger Team Reporting System containing assessment reports and action plans is online and available through the Safety Performance Management System. The Network Plan is being revised to incorporate DOE comments and provided to the Secretary for approval in the fourth quarter of FY 1991.

Recommendation: As the capabilities of the computer tracking system are enhanced, the Secretary of Energy should promote the system's use at various management levels throughout DOE to help ensure timely correction of ES&H problems.

Status: Action in process. The Network Plan is being revised to incorporate the DOE comments and will be provided to the Secretary in the fourth quarter of FY 1991.

Nuclear Safety: Concerns About Reactor Restart and Implications for DOE's Safety Culture

RCED-90-104, 04/12/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) efforts to restart three nuclear production reactors at the Savannah River site in South Carolina.

Findings

GAO found that: (1) the site contractor submitted a restart plan to DOE that detailed actions needed for restart; (2) the plan proposed to restart one reactor in September 1990, and the other two in December 1990 and March 1991, respectively; (3) as of March 1990, the contractor was revising the plan to assess the effects of tasks added to restart requirements; (4) DOE planned to announce a restart schedule in April 1990; (5) the contractor planned to make safety, operational, and management changes by fall 1990, which could cause additional restart delays; (6) potential delays ranged from 1.5 months to over 2 years; (7) DOE needed to improve employee attitudes toward safety at the site; (8) the contractor intended for the plan and associated activities to address safety issues; and (9) the contractor

prepared a management policy statement describing implemented or planned culture changes, but the policy lacked a plan for measuring the success of those changes.

Open Recommendations to Agencies

Recommendation: To achieve the desired safety culture change in Savannah River reactor operations, the Secretary of Energy should require that Westinghouse prepare a comprehensive, integrated implementation plan with specific tasks, milestones, and measurement indicators.

Status: Recommendation valid/action not intended. DOE indicates that Westinghouse's Reactor Operations Plan includes a discussion of the culture change program. Further, DOE will issue a Safety Evaluation Report (SER) to document the results of the DOE review of the readiness of the reactors for restart. No separate plan is intended.

Recommendation: DOE should review the Westinghouse plan to ensure that it

is complete and then formally approve it.

Status: Recommendation valid/action not intended. DOE believes that the integration of the safety culture change into the restart activities is essential to make the change effective. DOE does not agree that a separate plan with specific tasks, milestones, and measurement indicators is necessary; in fact, the development of a separate plan could confuse the issue, according to DOE.

Recommendation: To ensure that safety culture is changed DOE-wide, the Secretary of Energy should develop a departmentwide plan for bringing about the needed changes in the safety culture in DOE and for contractors at other DOE nuclear facilities, to include measurement indicators.

Status: Recommendation valid/action not intended. DOE agrees that the safety culture of both federal and contractor employees must be improved, however, the DOE position is that this must be accomplished through "top down" emphasis on a safety culture, award fee determination, and ongoing training. No separate plan is intended.

Gasoline Marketing: Consumers Have Limited Assurance That Octane Ratings Are Accurate

RCED-90-50, 04/16/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Federal Trade Commission's (FTC) and the Environmental Protection Agency's (EPA) implementation of gasoline octane certification and posting requirements.

Findings

GAO found that: (1) FTC and EPA did not monitor compliance with octane posting requirements or use octane test results to prosecute violators; (2) there were no federal controls to ensure that gasoline octane postings were accurate; (3) over 9 percent of the gasoline sampled between 1979 and 1987 misstated octane ratings by more than one-half point; and (4) one-time tests of gasoline octane levels in states that did not have an octane testing program revealed that mislabelling ranged from 22 to 53 percent. GAO also found that: (1) there was more potential for mislabelling to occur at distributors or retail stations than at refineries, pipelines, or bulk terminals because those locations lacked extensive quality control programs to test octane ratings; (2) FTC limited octane ratings to traditional gasoline fuels and excluded newer gasoline-alcohol blends from posting requirements; and (3) legislation authorized only limited civil remedies and penalties for mislabelling violations.

Open Recommendations to Congress

Recommendation: Congress should amend the Petroleum Marketing

Practices Act (PMPA) to include octane certification and posting for gasoline-alcohol blends and other alternative motor fuels that may become available to reduce air pollution.

Status: Action in process.

Recommendation: Congress should amend PMPA to make it clear that states may employ a range of remedies broader than those available under PMPA to enforce octane posting requirements.

Status: Action in process.

Congressional Action: The Subcommittee on Energy and Power, House Committee on Energy and Commerce, held hearings on the report on June 20, 1990, and on June 21, 1991. The hearings covered legislation which the Subcommittee introduced to ensure accurate octane posting of gasoline and alternative fuels and to give states broader authority to enforce octane postings. The Subcommittee is expected to consider legislation in late 1991.

Open Recommendations to Agencies

Recommendation: The Chairman, FTC, and the Administrator, EPA, in consultation with the appropriate congressional committees and the states, should develop and assess the options that could be employed to monitor compliance with the PMPA octane certification and posting requirements. Such options should include a total federal role, joint federal-state roles, and a total state role in implementing PMPA

requirements. This analysis should include, among other things, the benefits and costs of the various options, including necessary control measures, as well as milestones for their implementation.

Addressee: Environmental Protection Agency

Status: Action in process. EPA and FTC have initiated actions to determine the proper federal and state roles and options that may effectively satisfy the PMPA requirements to ensure consumers of accurate octane postings. These actions are still underway.

Addressee: Federal Trade Commission
Status: Action in process. EPA and FTC have initiated actions to determine the proper federal and state roles and options that may effectively satisfy the PMPA requirements to ensure consumers of accurate octane postings. FTC is conducting octane mislabelling investigations, and in March 1991 started a multiyear survey of gasoline distributors to determine compliance with the octane certification and posting requirements.

Recommendation: The Chairman, FTC, and the Administrator, EPA, in consultation with the appropriate congressional committees and the states, should report the results of their evaluations and their recommendations, along with funding requirements and recommendations for any needed legislative changes, to Congress.

Addressee: Environmental Protection Agency

Status: Action in process. EPA and FTC plan to apprise the appropriate

congressional committees of the results of their efforts to determine the proper federal and state roles and options for satisfying the requirements of the PMPA. These actions are still underway. Addressee: Federal Trade Commission

Status: Action in process. EPA and FTC plan to apprise the appropriate congressional committees of the results of their efforts to determine the proper federal and state roles and options for satisfying the requirements of PMPA. In

June 1990, FTC made some recommendations to Congress, and is continuing to make assessments and develop options. It will advise the appropriate committees when this information is completed.

Nuclear Security: DOE Oversight of Livermore's Property Management System Is Inadequate

RCED-90-122, 04/18/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO determined the extent of property losses at the Department of Energy's (DOE) Lawrence Livermore National Laboratory (LLNL) and assessed the adequacy of LLNL controls over government-owned property.

Findings

GAO found that: (1) LLNL could not account for or locate a substantial number of government-owned items in its custody; (2) an internal inventory determined that the missing property had an acquisition value of over \$45 million; (3) LLNL had lost accountability over about 14 percent of certain high-value theft-prone items, worth about \$2 million when acquired; and (4) despite the substantial number of missing items, the contract between DOE and the LLNL contractor protected the contractor against liability for such losses. GAO also found that: (1) LLNL property controls did not ensure that government-owned property was adequately safeguarded against theft, unauthorized use, or loss; (2) LLNL had no policies and procedures for controlling items with an acquisition cost below \$1,000 and gathered no consistent data on those items, which

made it difficult to identify how many items LLNL bought; (3) LLNL did not independently verify government-owned inventories of precious metals that were in the custody of subcontractors, making it difficult for LLNL to verify reported consumption of the metals; (4) DOE did not provide adequate oversight of the LLNL property management system and allowed the contractor to prescribe the terms of the contract; (5) DOE neither required LLNL to conform with DOE property management regulations nor approved the LLNL property management system; and (6) DOE did not develop or provide guidance to LLNL spelling out the criteria for performance of property management functions.

Open Recommendations to Agencies

Recommendation: To enhance accountability over government-owned property at LLNL, the Secretary of Energy should direct the San Francisco Operations Office Manager to provide appropriate written directives to the University of California to safeguard and protect government property in the university's possession or custody as provided for in the current contract. Status: Action in process. DOE agreed with the recommendation. Efforts are

currently being taken to develop a "mutually approved" property management system. Property management instructions, policies, and procedures are also being developed.

Recommendation: To improve oversight of the LLNL property management system, the Secretary of Energy should direct the San Francisco Operations Office Manager to identify areas, including internal control weaknesses, in the laboratory's current property management system that do not provide the same level of protection for government-owned property as that which is provided by federal and departmental regulation. Following identification of those weaknesses, the San Francisco Operations Office, should, as required by regulation, advise the laboratory of the deficiencies that need to be corrected, and establish an agreed upon time frame for mutually resolving and completing the corrective actions. Status: Action in process. DOE agreed with the recommendation. In response, DOE directed the laboratory to review all open audit findings, develop appropriate milestones, and implement related recommendations. The DOE San Francisco Operations Office is currently evaluating the laboratory's progress in correcting the outstanding deficiencies.

Recommendation: To improve oversight of the LLNL property management system, the Secretary of Energy should direct the San Francisco Operations Office Manager to develop and provide written guidance to the laboratory, spelling out the criteria for performance or property management functions.

Status: Action in process. DOE agreed with the recommendation and stated that written guidance detailing criteria for performance of the property management function is being developed.

Recommendation: To improve oversight of the LLNL property management system, the Secretary of Energy should direct the San Francisco Operations Officer Manager to clearly define, in conjunction with LLNL, written terms and provisions of the agreed-upon mutually approved system.

Status: Action in process. DOE agreed with the recommendation. Efforts are currently being taken to develop a "mutually approved" property management system. Property management instructions, policies, and procedures are also being developed.

Recommendation: To improve oversight of the LLNL property management system, the Secretary of Energy should direct the San Francisco Operations

Office Manager to correct the deficiencies identified during its appraisals of the LLNL property management system, as well as those internal control weaknesses GAO identified during this review. These include, among other things, the need to: (1) tag, mark, or otherwise identify as government property all items of equipment that the laboratory requires for use in its weapons and energy research and development programs; (2) independently verify the consumption of precious metals, such as gold and platinum, held by laboratory employees and precious metal inventories held by laboratory subcontractors; (3) establish and implement physical controls to prevent laboratory employees and subcontractors from removing government property from the laboratory without proper authorization; and (4) establish a loss ratio standard for all non-capital equipment.

Status: Action in process. DOE agreed with the recommendation and stated that all the identified deficiencies will be corrected. As a first step, the San Francisco Operations Office is developing a computer system which will be used to monitor and track the deficiencies and related corrective actions. Policies and procedures are also being developed which should address a number of the identified deficiencies.

Recommendation: To improve oversight of the LLNL property management system, the Secretary of Energy should direct the San Francisco Operations Office Manager to include its standard property management provision in the contract with the University of California when the contract is renegotiated in 1992.

Status: Action in process. DOE agreed with the recommendation. The DOE San Francisco Operations Office is currently developing its contract renegotiation strategy which includes the addition of the standard property management provision.

Recommendation: To enhance accountability over government-owned property at LLNL, the Secretary of Energy should direct the San Francisco Operations Office Manager to modify the contract with the university in 1992 by identifying additional circumstances under which the contractor will be held liable for the loss of government-owned property in its custody.

Status: Action in process. DOE agreed with the recommendation and stated that when the contract is reconsidered in 1992, negotiations will address the circumstances under which a selected contractor should be held liable for the loss of government-owned property in its custody.

Nuclear Waste: Changes Needed in DOE User-Fee Assessments to Avoid Funding Shortfall

RCED-90-65, 06/07/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a legislative requirement, GAO provided information on the

Department of Energy's (DOE) efforts to implement nuclear waste legislation.

Findings

GAO found that: (1) the nuclear waste program might be susceptible to future budget shortfalls; (2) without a fee

increase, the civilian waste part of the program might be underfunded by at least \$2.4 billion; (3) DOE has neither paid its share of costs nor disclosed this liability in its financial records; (4) DOE estimates did not adequately recognize program uncertainties; (5) DOE intends to address one major cost uncertainty by indexing the civilian disposal fee to the inflation rate; and (6) DOE did not use a realistic inflation rate as its most probable scenario in assessing whether user fees were adequate.

Open Recommendations to Congress

Recommendation: Congress should amend the Nuclear Waste Policy Act of 1982 to authorize the Secretary of Energy to automatically adjust the nuclear waste disposal fee that utilities pay into the Nuclear Waste Fund on the basis of the annual rate of inflation.

Congressional Action: The Subcommittee on Energy and Power, House Committee on Energy and Commerce, is considering acting on the GAO legislative recommendation in new comprehensive energy policy legislation.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should record DOE liability for its share of waste program costs in DOE

financial records and reports, and recognize the amount owed by DOE in the annual financial statements of the Nuclear Waste Fund. Finally, the Secretary should include the government's contingent liability for future defense waste disposal costs in DOE financial records and reports. **Status:** Action in process. DOE agreed in principle with the recommendation. DOE stated that it was working with GAO policy staff to obtain guidance to ensure that implementation will be consistent with other central agency requirements. DOE disclosed its defense waste cost share in its latest cost estimate and fee-adequacy reports, and in its annual report to Congress.

Recommendation: To make the annual cost estimates of the nuclear waste management program more reliable and useful, the Secretary of Energy should ensure that the estimates include the costs of all major facilities, tasks, and activities or, if excluded, explain the rationale for such exclusion.

Status: Action taken not fully responsive. Based on the review of the DOE November 1990 fee-adequacy report, it appears that DOE action was not fully responsive; however, to confirm this will require a detailed followup, which is now underway.

Recommendation: To make the annual cost estimates of the nuclear waste

management program more reliable and useful, the Secretary of Energy should have estimates made for additional scenarios, such as program delays and a finding that Yucca Mountain would not be suitable for a repository.

Status: Recommendation valid/action not intended. Although DOE said that it already does what GAO recommended, it does not believe that the results should be made public. GAO believes that the information would be of interest to Congress and others. In its November 1990 fee-adequacy report, DOE stated that it does not believe these scenarios are sufficiently definable to be considered in its fee assessment.

Recommendation: To make the annual cost estimates of the nuclear waste management program more reliable and useful, the Secretary of Energy should ensure that all major categories of the estimates include adequate provision for contingencies and that the total portion of the estimates devoted to contingencies be disclosed.

Status: Action taken not fully responsive. The DOE cost analysis report adopted the recommendation to disclose the amount of contingencies in its estimate of repository costs (\$1.8 billion, or 26 percent of total costs), but did not identify an explicit contingency for development and evaluation costs.

Nuclear Health and Safety: DOE Has Not Demonstrated That Restarting PUREX Is a Sound Decision

RCED-90-207, 06/29/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the shutdown and

planned restart of the Plutonium-Uranium Extraction plant (PUREX) at

the Department of Energy's (DOE) Hanford Site in Washington.

Findings

GAO found that DOE has not: (1) demonstrated that restarting PUREX would be a sound decision; (2) demonstrated that a need exists for weapons-grade plutonium from PUREX; (3) determined the need for a supplemental environmental impact statement for PUREX; (4) required that all identified deficiencies in the final safety analysis report be corrected before the planned restart date; and (5) adequately addressed PUREX staff turnover and training problems.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should determine at this time whether PUREX should be restarted at all.

Status: Action in process. DOE is currently studying possible future uses for the PUREX plant, including whether it should be used to process over 2,100 metric tons of on-site spent fuel as waste. These studies will not be completed for at least 2 years.

Recommendation: If the Secretary of Energy decides to continue with plans to restart PUREX, a supplemental environmental impact statement should be prepared before restart. As part of

this process, DOE should demonstrate that PUREX is the best alternative for disposition of spent fuel as waste. Detailed technical, engineering, and cost analyses should accompany DOE final decisions.

Status: Action in process. Estimated completion date: 10/92. DOE is conducting a study of the environmental hazards associated with the PUREX plant, as well as studying alternative waste plans for the 2,100 metric tons of on-site nuclear wastes. A final decision is expected in late 1992.

Recommendation: The Secretary of Energy should prohibit restart of PUREX until all of the identified safety- and training-related concerns have been corrected or adequately addressed. This would include making corrections to the PUREX final safety analysis report so that it is in full compliance with DOE orders.

Status: Action in process. DOE commented that, in accordance with established departmental policies, PUREX would not be restarted without first ensuring the department's ability to operate the plant safely. The decision to restart PUREX has been postponed for at least 2 years pending environmental and other studies.

Recommendation: The Secretary of Energy should prohibit restart of

PUREX until all of the identified safety- and training-related concerns have been corrected or adequately addressed. This would include requiring the PUREX contractor to demonstrate how it plans to maintain technical and operation staff skills intact until the plant is restarted.

Status: Action in process. DOE commented that, in accordance with established departmental policies, PUREX would not be restarted without first ensuring the department's ability to operate the plant safely. The decision to restart PUREX has been postponed for at least 2 years pending environmental and other studies.

Recommendation: The Secretary of Energy should prohibit restart of PUREX until all of the identified safety- and training-related concerns have been corrected or adequately addressed. This would include making implementation of an additional shift a requirement so that adequate time for needed training can be better ensured.

Status: Action in process. DOE commented that, in accordance with established departmental policies, PUREX would not be restarted without first ensuring the department's ability to operate the plant safely. The decision to restart PUREX has been postponed for at least 2 years pending environmental and other studies.

Nuclear Waste: DOE Needs to Ensure Nevada's Conformance With Grant Requirements

RCED-90-173, 07/09/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) program to provide

financial assistance to Nevada under the Nuclear Waste Policy Act of 1982.

Findings

GAO found that: (1) Nevada opposes the DOE Yucca Mountain project; (2) Nevada spent most of the \$32 million in

nuclear waste act grants properly, but used \$1 million of the funds for activities that were not authorized; (3) Nevada employed law firms that performed lobby activities between July 1986 and June 1989; (4) Nevada used grant funds to pay expenses incurred in suing DOE; (5) Nevada exceeded the congressional limit on the money it could spend on socioeconomic studies for the year ended June 1989; (6) Nevada used over \$150,000 in grant funds to pay expenses of the state's nuclear waste legislative committee; (7) Nevada has internal control weaknesses that place funds at risk; (8) DOE and Nevada have not

formally agreed to all of the terms of the grant amendments award documents; and (9) DOE did not resolve the disagreements over the lobbying provision before releasing grant funds, and it has not determined the best way to recover grant funds used for unallowable purposes.

Open Recommendations to Agencies

Recommendation: To better ensure that grant funds are adequately protected and that recipients of those funds comply with applicable laws, regulations,

court decisions, and grant provisions, the Secretary of Energy should determine the amount of grant funds expended for unallowable purposes, seek repayment of unallowable expenditures, and, if timely repayment is not forthcoming, recover those expenditures by withholding the amount due from the state's subsequent grant award.

Status: Action in process. DOE is in the process of determining the amount of grant funds Nevada expended for unallowable purposes and stated that once this process is completed, it will aggressively seek repayment.

Energy Management: DOE Controls Over Contractors' Use of FTS Are Inadequate

RCED-90-184, 07/17/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO examined the Department of Energy's (DOE) controls over contractors' use of the Federal Telecommunications System (FTS).

Findings

GAO found that: (1) DOE policies make supervisors responsible for preventing misuse of the FTS lines assigned to their units; (2) DOE has neither developed procedures to guide supervisors in carrying out this function nor provided information about the calls made over their FTS lines; (3) DOE can not develop more effective controls over FTS use until it establishes a Privacy Act system of records for its detailed information;

and (4) DOE could devise a cost-effective method for reviewing FTS telephone calls and for following up on possible unofficial calls.

Open Recommendations to Agencies

Recommendation: To ensure that contractors are using FTS only for official purposes, the Secretary of Energy should direct the Assistant Secretary for Management and Administration to establish an FTS call-control program which includes appropriate DOE-wide procedures and management controls, for both users and supervisory personnel, on the use of FTS as well as the financial and disciplinary consequences of abuse.

Status: Action in process. DOE issued interim guidance in January 1991 and is in the process of approving final guidance it plans to issue in late 1991.

Recommendation: To ensure that contractors are using FTS only for official purposes, the Secretary of Energy should direct the Assistant Secretary for Management and Administration to establish an FTS call-control program which includes specific procedures for monitoring and reporting to management on the effectiveness of the FTS call-control program.

Status: Action in process. DOE issued interim guidance in January 1991 and plans to have monitoring and reporting procedures in place by late 1991.

Energy R&D: Conservation Planning and Management Should Be Strengthened

RCED-90-195, 07/30/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) energy conservation research and development (R&D) program, focusing on planning and management improvements that would increase program effectiveness.

Findings

GAO found that: (1) energy conservation R&D funding and staff declined substantially in 1980, reflecting the administration's view that conservation research should be conducted primarily by the private sector; (2) the 1991 budget request reflects a 9-percent funding reduction; (3) the DOE multi-year conservation R&D plan did not provide

detailed information on proposed individual projects and milestones; (4) DOE has not steadily promoted technology transfer activities that effectively promote the commercialization of R&D efforts; (5) independent peer reviews of R&D activities could help ensure the continuing relevance of ongoing research activities and sharpen management decisionmaking; and (6) DOE may inadvertently overlook some relevant critical review recommendations or fail to implement them in a timely manner.

Open Recommendations to Agencies

Recommendation: To ensure that conservation R&D programs continue to

receive independent reviews under the revised organizational structure of the Office of Conservation and Renewable Energy, the Secretary of Energy should require the cognizant deputy assistant secretaries to implement independent peer reviews annually and to examine peer review recommendations as part of the Office's multi-year R&D planning process.

Status: Action in process. The DOE Conservation Assistant Secretary has instructed program offices to set aside appropriate program resources to evaluate programs consistent with GAO recommendations. The Office of Planning and Assessment plans to issue evaluation guidelines by late 1991.

Hydroelectric Dams: Issues Surrounding Columbia River Basin Juvenile Fish Bypasses

RCED-90-180, 09/06/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO evaluated the Army Corps of Engineers program for assisting fish migration past certain river dams, focusing on the Corps': (1) use of benefit and cost analysis and a computer model to estimate benefits; (2) consideration of other factors in its benefit estimates; and (3) consideration of the views of outside

groups in deciding against constructing the bypasses.

Findings

GAO found that: (1) the Corps developed a computer model to estimate the number of additional adult fish that would return from the ocean if it constructed the proposed bypasses; (2) local agencies, tribes, and others noted model limitations, and researchers

concluded that data limitations rendered the model inadequate for making precise economic benefit determinations; (3) the Corps acknowledged the model's data shortcomings and reliability problems; (4) the Corps did not recognize the proposed bypasses' potential for increased revenues through different electricity generation methods; (5) regulations did not require the Corps to consider noneconomic factors in

constructing the bypasses, and it did not consider such potential benefits as the cultural and religious value of fish to Indian tribes; (6) the Corps did not adequately involve appropriate agencies in conducting planning studies as required; (7) the Corps could experience difficulty in establishing a mitigation objective, since comprehensive data on fish migrations prior to dam construction did not exist; and (8) the Corps' ability to base bypass construction decisions on cost-effectiveness may be limited, since information about bypass effectiveness was scarce and inconclusive.

Open Recommendations to Agencies

Recommendation: The Secretary of the Army should direct the Chief, Corps of Engineers, in consultation with the Northwest Power Planning Council (NWPPC), fish and wildlife agencies, Indian tribes, and other interested parties, to: (1) establish a mitigation objective for damage to anadromous fish populations in the Snake and Columbia Rivers; and (2) determine which measures, such as bypass facilities, are necessary to meet this objective. The objective should be in specific terms of how the fish populations will be measured.

Status: Action in process. According to the Army, the Corps is in the process of developing mitigation objectives, etc. The Army will be performing a follow-up

review of the Corps' progress in addressing GAO recommendations. Action is expected to be completed by late 1991.

Recommendation: If estimates of the benefits of proposed projects for increasing the survival of juvenile fish in the Columbia River Basin are made in the future, the Secretary of the Army should direct the Chief, Corps of Engineers, to consult with NWPPC, fish and wildlife agencies, Indian tribes, and other interested parties in carrying out those actions.

Status: Action in process. According to the Army, the Corps is in the process of contacting NWPPC and others for future input on estimates of benefits of proposed projects. Action is expected to be completed by late 1991.

Nuclear Energy: Consequences of Explosion of Hanford's Single-Shell Tanks Are Understated

RCED-91-34, 10/10/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO evaluated the potential for ferrocyanide explosions in underground tanks containing high-level waste at the Department of Energy's (DOE) Hanford site.

Findings

GAO found that: (1) DOE lacked sufficient information for judging the probability of a ferrocyanide explosion, and not enough was known to rule out the possibility of a spontaneous explosion; (2) the Hanford environmental impact statement understated the

potential consequences of a ferrocyanide explosion; (3) a ferrocyanide explosion could contaminate large areas within and possibly beyond site boundaries and result in high-level radiation exposure at levels with significant radiation-induced cancer consequences; (4) a DOE task force agreed with a GAO assessment that the respirable fraction of radioactive particles produced by an explosion would be higher than originally thought and recommended additional studies; and (5) in response to Defense Nuclear Facilities Safety Board recommendations, DOE planned to study possible chemical reactions that could cause heat generation in the storage

tanks, improve temperature measurements, and test radiation stability of ferrocyanide precipitates and the energetics of ferrocyanide reactions.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should direct the DOE Richland Operations Office to implement the recommendations made by the DOE Ad Hoc Task Force on September 20, 1990.

Status: Action in process. Estimated completion date: 04/95. The studies recommended by the DOE Ad Hoc Task

Force and the GAO consultant have been incorporated in a draft entitled, "Integrated Program Plan for Stability

of Hanford Tanks Containing Ferrocyanide Wastes", dated January 10, 1991. Because of the time required to

perform the analytical and experimental programs, this recommendation will not be closed out until April 30, 1995.

Nuclear Safety: Potential Security Weaknesses at Los Alamos and Other DOE Facilities

RCED-91-12, 10/11/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO examined: (1) the adequacy of security at the Los Alamos National Laboratory and other Department of Energy (DOE) facilities; (2) DOE oversight of contractor security forces; and (3) the feasibility of establishing federal security forces at DOE facilities.

Findings

GAO found that: (1) DOE did not assess the adequacy of the replacement force at Los Alamos until 6 weeks after contractor personnel went on strike; (2) during the strike, DOE waived medical and physical fitness requirements for the replacement force, and many personnel failed to meet 1 or more of the 12 minimum required skills; (3) DOE sites were not prepared for such strikes; (4) security force training and certification documents were incomplete, inaccurate, or missing, indicating that potential security problems existed; (5) 75 percent of the regular security force lacked one

or more of nine skills needed to ensure a minimum level of protection; (6) DOE inspections identified recurring and similar weaknesses, yet rated only one security program as unsatisfactory; (7) DOE lacked specific criteria for rating facility security; (8) DOE lacked an effective system to track corrective actions taken as a result of inspection findings; (9) contractors provided security forces at all but one DOE facility; and (10) labor and benefit costs for a federal security force would be at least \$15 million less per year than contract costs, and federal employees could not legally strike.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should ensure that security force members receive all required training and institute a mechanism to ensure that contractors document and retain this information.

Status: Action in process. DOE is developing a regulation, under the

federal rulemaking process, to specify mandatory initial and periodic training requirements. DOE plans to revise its security orders, subsequent to completion of the rulemaking process, to specify the minimum training records required to be maintained by job task area. The final rule is close to being published in the Federal Register.

Recommendation: Because significant savings may be realized by having federal rather than contract employees provide security services, the Secretary of Energy should conduct an in-depth analysis of the relative costs of federal and contract security services across the nuclear weapons complex and convert to federal forces at locations where it is cost-effective to do so.

Status: Action in process. DOE is conducting an analysis of federal versus contract security services across its nuclear weapons complex. After DOE completes its analysis, DOE plans to determine the most operationally cost-effective method.

Natural Gas: Opportunities for Federal Cost Savings Through Competitive Purchases

RCED-91-35, 10/23/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

GAO reviewed natural gas purchases by an Air Force base and two veterans medical centers to determine: (1) the extent to which the agencies used competitive procurement practices; (2) actual and potential cost savings from competitive procurement; and (3) why more agencies did not use competitive procurement practices.

Findings

GAO found that: (1) the military spent over \$345 million annually for natural gas, but only 63 of 600 military installations purchased it competitively; (2) federal civilian agencies spent over \$160 million annually for natural gas, but there was little knowledge on how they purchased it; (3) facilities that purchased gas competitively saved 10 to 30 percent on their gas costs; (4) four reviewed agencies could have reduced their natural gas costs by 11 to 22 percent over a 12-month period if they had purchased it competitively; and (5)

the Department of Defense (DOD) could save an estimated \$25 million to \$38 million, or 7 to 11 percent, on gas costs annually if it purchased gas competitively. In addition, GAO found that more agencies did not buy natural gas competitively because they lacked: (1) awareness of this purchase option; and (2) time, staff resources, and technical expertise for evaluating the various options available and for managing the competitive bid process. GAO also found that: (1) the General Services Administration (GSA) planned to initiate a program to assess federal civilian agency potential to procure natural gas competitively; and (2) in January 1990, DOD established a program to increase natural gas competitive purchasing by centralizing and expanding wellhead purchases.

Open Recommendations to Agencies

Recommendation: On the basis of comparative analysis, GSA should

recommend a gas-purchasing strategy to agency users, actively assist in its achievement, and maintain data showing results of the analysis.

Status: Action in process. GSA has analyzed data on federal civilian agencies facilities' natural gas usage. GSA has recommended a gas-purchasing strategy to some agency users. GSA plans to recommend a gas purchasing strategy to other agencies.

Recommendation: The Administrator of General Services should monitor GSA initiatives to assess the potential for competitive natural gas procurement in the federal civilian agency sector to ensure that opportunities to reduce federal natural gas expenditures are fully realized.

Status: Action in process. On June 28, 1991, GSA summarized the action taken in response to GAO recommendations. This letter discussed the status of GSA initiatives to assess the potential of federal civilian agencies to procure natural gas competitively.

Oil Reserve: Some Concerns Remain About SPR Drawdown and Distribution

RCED-91-16, 11/28/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO examined the Department of Energy's (DOE) Strategic Petroleum

Reserve (SPR) drawdown plans, focusing on: (1) DOE capability for withdrawing and distributing SPR oil; (2) SPR compliance with pipeline safety requirements; and (3) the status of DOE

actions to correct problems previously identified by GAO.

Findings

GAO found that: (1) DOE estimated that it could withdraw and distribute SPR oil at a maximum sustainable rate of approximately 3.5 million barrels per day for 90 days; (2) if DOE withdrew SPR oil at the maximum achievable rate, the bulk of oil would be drawn down within 200 days; (3) DOE could not reach its downgrade goal of 4.5 million barrels per day until it completed planned drawdown and distribution enhancements and stored enough oil at one of its sites to support its planned drawdown rate; (4) crude oil prices could be almost \$5 per barrel higher if the withdrawal rate were 2.5 million instead of 3.5 million barrels per day; (5) insufficient availability of U.S.-flag tankers could hamper SPR drawdown and distribution; (6) DOE and oil industry officials believed that there were not enough U.S. tankers available to move the amount of oil at the higher drawdown rates; (7) DOE voluntarily attempted to comply with Department of Transportation (DOT) pipeline safety standards; (8) pipeline operation problems during drawdown could have severe economic and environmental impacts; (9) SPR contractors failed to perform right-of-way and erosion control equipment inspections as frequently as required and to retain pipeline repair records; and (10) SPR was not in full compliance with DOT safety standards. In addition, GAO found that DOE

implemented several prior GAO recommendations involving: (1) conducting 20 drawdown-related tests between 1986 and 1989; (2) completing automated controls to operate valves and pumps and monitor control equipment; (3) developing a program to identify pipeline conditions and needed corrective actions; and (4) developing a logistics support system to ensure an adequate supply of spare parts.

Open Recommendations to Congress

Recommendation: Because of the likelihood that Jones Act waivers will be needed to move SPR oil expeditiously and the current uncertainties about whether the waiver review process will ensure prompt action on individual waiver requests, Congress may wish to consider granting standby blanket waiver authority that would allow the President to waive the Jones Act requirement if delays resulting from the case-by-case review process were limiting DOE ability to draw down SPR.

Congressional Action: This remains a critical issue. Congress, however, has not yet taken action.

Open Recommendations to Agencies

Recommendation: To examine the effectiveness of the expedited waiver

review process, the Secretary of Energy should direct the Assistant Secretary for Fossil Energy to work with the Maritime Administration and the Department of the Treasury to develop a realistic test that would simulate agency actions to process the number and type of waiver requests expected during SPR drawdowns of various rates.

Status: Action in process. DOE will explore the feasibility of conducting a realistic test of the expedited waiver review process.

Recommendation: To increase the certainty that SPR pipelines will operate safely and reliably as designed, the Secretary of Energy should direct the manager of the Oak Ridge Operations Office to assign specific responsibility for ensuring compliance with federal safety standards to the recently designated SPR Pipeline Manager and ensure that needed procedures and information systems are developed to monitor contractor operations.

Status: Action in process. DOE assigned the responsibility for ensuring SPR compliance with federal pipeline safety standards to the SPR Pipeline Manager. Procedures to monitor contractor operations are to be developed and implemented by late 1991.

Energy Management: Better DOE Controls Needed Over Contractors' Discretionary R&D Funds

RCED-91-18, 12/05/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the discretionary research and development (R&D) activities of three Department of Energy (DOE) laboratories and the DOE need for, uses of, and management controls over those activities.

Findings

GAO found that: (1) DOE had specific authority to approve laboratories' reasonable use of funds for discretionary R&D activities; (2) DOE had statutory authority to use laboratory operating funds to conduct R&D projects at the discretion of the laboratory directors; (3) the DOE order regarding the use of exploratory R&D funds was not clear enough to ensure that laboratories used funds appropriately; (4) DOE did not evaluate laboratories' discretionary R&D activities to determine the extent to

which results benefited DOE programs; and (5) DOE lacked effective controls over laboratories' administration and use of discretionary funds.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should periodically assess the relative benefits and costs of past discretionary R&D activities. This could be done by including a requirement that the annual reports on discretionary R&D submitted by the laboratory directors be reviewed by the various DOE program offices in order that they may judge the value of past discretionary activities to their programs and provide feedback to the Assistant Secretary for Defense Programs. Further, this input by the program offices could be considered by the Assistant Secretary in recommending to the Secretary a

discretionary R&D funding ceiling for each laboratory.

Status: Action not yet initiated.

Recommendation: The Secretary of Energy should direct the Director, Office of Budget, to establish the necessary controls to ensure that DOE laboratories' assessment of funds for discretionary R&D complies with applicable provisions in appropriation and authorization acts.

Status: Action in process. According to the DOE response to this report, it has taken some action to establish the controls necessary to ensure that the use of funds complies with applicable provisions in appropriation and authorization acts. To date, GAO has been unable to review all of the documentation of this action. GAO will review this documentation while preparing an accomplishment report on DOE actions.

Energy Management: DOE Needs to Better Implement Conflict-of-Interest Controls

RCED-91-15, 12/26/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) controls over conflicts of interest in subcontracts awarded by its research centers, focusing on: (1) DOE policies and procedures for identifying

and avoiding conflicts of interest; and (2) implementation of those policies.

Findings

GAO found that: (1) DOE regulations relied on subcontractors' self-reporting for identifying possible conflicts of

interest; (2) DOE research centers did not properly implement conflict-of-interest determination policies and procedures; (3) the Albuquerque operations office improperly allowed the Los Alamos and Sandia research centers to review subcontracts for conflicts of interest resulting in three cases of

possible conflicts of interest; (4) Albuquerque failed to verify the accuracy of subcontractors' certifications; (5) Sandia's practices did not follow DOE regulations or approved procedures; (6) Los Alamos and Sandia failed to document their conflict-of-interest decisions; (7) DOE headquarters and the Albuquerque operations office failed to exercise proper oversight to ensure avoidance of conflict of interest; and (8) as a result of this review, Albuquerque began to bring its practices into compliance with DOE regulations. In addition, GAO noted that it was unable to test whether policies and procedures were effective, since Albuquerque had not properly implemented them.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should ensure that the Albuquerque operations office has sufficient resources to carry out its conflict-of-interest responsibilities.

Status: Action in process. DOE is assessing the number of cases involving conflicts to determine whether resources are adequate to perform the function. Results of a study at the Kirkland and Los Alamos area offices were to be submitted to management for review and analysis.

Recommendation: The Secretary of Energy should determine whether the conflict-of-interest problems identified at the Albuquerque operations office exist at other operations offices.

Status: Action in process. DOE revised its criteria for assessing the application of conflict determinations by each contracting office. DOE plans to recommend corrective action, where appropriate, and track implementation.

Recommendation: The Secretary of Energy should ensure that the Director of Procurement, Assistance, and Program Management revises DOE headquarters' oversight procedures so that they rely less on self-disclosures by the operations offices to identify

problems with the implementation of conflict-of-interest policies and procedures.

Status: Action in process. DOE agreed to strengthen its procedures for oversight of the operations offices' management of conflict-of-interest issues. If the operations offices do not perform adequately, the procurement executive will take corrective action.

Recommendation: The Secretary of Energy should direct the Manager, Albuquerque operations office, and the managers of its other operations offices, if appropriate, to take the necessary measures to ensure that conflict-of-interest decisions are well documented.

Status: Action in process. DOE stated that when a field activity is less than satisfactory, corrective action will be taken. DOE stated that the Procurement Office at headquarters will address conflict-of-interest issues in its procurement management and acquisitions reviews.

Nuclear Materials: Decreasing Tritium Requirements and Their Effect on DOE Programs

RCED-91-100, 02/08/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO provided information on the adequacy of the Department of Energy's (DOE) tritium supplies, focusing on its ability to meet current and future defense tritium requirements for nuclear weapons and the effect of changes in those requirements on DOE programs.

Findings

GAO found that: (1) DOE obtained most of its tritium from reactors currently shut down for safety upgrades and from returned tritium from the nuclear weapons stockpile; (2) since 1988, the actual and projected number of weapons in the stockpile has decreased significantly, resulting in reduced future tritium requirements; (3) sufficient tritium supplies existed to meet the anticipated requirements for the nuclear

weapons stockpile for the next several years; (4) further retirements of weapons, in addition to those already planned, and negotiations of reduction treaties could further reduce future tritium requirements; (5) tritium requirements could decrease even more if the projected number of nuclear warheads is further reduced by additional unilateral retirements or the signing of an arms reduction treaty; (6) the decreased requirements provided

additional time for DOE to evaluate outstanding safety and environmental issues before restarting the closed reactors; (7) DOE did not plan to further delay the scheduled 1991 restart of the first reactor, in spite of the decreases in tritium requirements; and (8) the estimated cost of two reactors DOE planned to build was \$6.8 billion. DOE reported that, due to the high cost, it

would build only one reactor, while leaving the option of constructing the second reactor open.

Open Recommendations to Congress

Recommendation: Congress should consider carefully the appropriate level of funding for further development of

new reactor technologies with a view toward minimizing outlays while asking DOE to study whether other technologies may be better suited for the production of tritium in view of the decreased tritium requirements.

Congressional Action: There has been no congressional action to date.

Nuclear Security: Accountability for Livermore's Secret Classified Documents Is Inadequate

RCED-91-65, 02/08/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) Lawrence Livermore National Laboratory's controls over weapons research documents, focusing on the: (1) extent of missing classified documents; and (2) adequacy of classified document accountability.

Findings

GAO found that: (1) a recent internal inventory identified 12,000 missing secret documents covering a wide range of subjects; (2) since the laboratory did not assess the missing documents' potential for compromising national security, neither the laboratory nor DOE could provide assurance that classified information had not been compromised; (3) an ongoing reconciliation effort located 2,000 missing documents; (4) laboratory accountability for secret documents was inadequate; (5) approximately 108 laboratory groups managed and controlled secret documents using a variety of classified document accountability systems; (6) due

to varied accountability practices, the laboratory could not ensure effective document management; (7) laboratory management was implementing a centralized computer data base to ensure effective document control; (8) the laboratory did not keep accurate records showing the location and disposition of all accountable classified documents due several recordkeeping weaknesses; and (9) DOE failed to provide adequate oversight of the laboratory's secret document control program.

Open Recommendations to Agencies

Recommendation: To improve oversight of the laboratory's secret document program, the Secretary of Energy should direct both the Director, Office of Security Evaluations, and the San Francisco Operations Office Manager, to use sound statistical samples when assessing the adequacy of accountability over secret documents.

Status: Action in process. DOE concurred with the recommendation and stated that it is reviewing a sampling

methodology for conducting accountability.

Recommendation: To improve oversight of the laboratory's secret document program, the Secretary of Energy should direct both the Director, Office of Security Evaluations, and the San Francisco Operations Office Manager, to expand their audit coverage to include an assessment of the adequacy of the laboratory's secret document control policies and procedures and how well they are being implemented.

Status: Action in process. DOE concurred with the recommendation. A certification class for document custodians is being developed and a new internal audit system is planned. Plans also call for the annual field office survey to be expanded to include an assessment of all implemented and planned procedures and upgrades.

Recommendation: Because of the magnitude of the secret document control accountability problem at the laboratory, the Secretary of Energy should require the Director, Office of

Security Evaluations, to include an assessment of the laboratory's secret document program in its security inspections at least until such time that DOE is assured that a sound secret document accountability system is in place.

Status: Action in process. DOE concurred with the recommendation. The Office of Security Evaluations, under revised procedures, will review classified document controls at all high-priority facilities. The Livermore laboratory is a high-priority facility and is subject to a comprehensive inspection at 3-year intervals. The next inspection of the laboratory is scheduled for 1992.

Recommendation: The Secretary of Energy should direct the San Francisco Operations Office Manager to ensure the immediate implementation of the requirements of 32 C.F.R. section 2001.47 for assessing the potential for compromise to the national security of the identified missing secret documents.

Status: Action in process. DOE concurred with the recommendation. An initial assessment of the potential for compromise to national security has been completed for the missing documents. However, the DOE San Francisco Field Office has requested additional information on documents dated within the last 5 years.

Recommendation: Because the recent findings of both the safeguards and security task force and the Federal Managers' Financial Integrity Act report indicate problems with classified document controls DOE-wide, the Secretary of Energy should implement the above recommendations at other DOE facilities and offices, as appropriate.

Status: Action in process. DOE concurred with the recommendation. DOE plans to conduct a 100-percent inventory of classified documents department-wide. It also plans to implement automated control systems, improve sampling techniques, and enhance inspection and audit procedures for classified documents.

Federal Electric Power: Effects of Delaying Colorado River Storage Project Irrigation Units

RCED-91-62, 03/22/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO provided information on the effects of the Bureau of Reclamation's and the Department of Energy's (DOE) exclusion of the hydropower rate of irrigation construction costs for certain projects within the Colorado River Storage Project (CRSP).

Findings

GAO found that: (1) the exclusion of participating projects' costs resulted in lower CRSP power rates and revenues than would otherwise exist; (2) such exclusion would not materially affect the required repayment of CRSP costs or the ultimate development of water resources within the Upper Colorado River Basin; (3) rescheduling the indefinite projects

did not affect the cost recovery of the remaining participating projects, and the U.S. Treasury would recover its investment within the required 50 years; (4) 13 of 19 participating projects, and portions of another project, were or would be constructed; (5) irrigation construction costs for the indefinite participating projects totalled about \$1.24 billion, a cost excluded from the power rate calculation; (6) the estimated irrigation construction cost of all authorized Central Utah Project (CUP) units was \$1.1 billion; (7) the Bureau and DOE excluded the cost of indefinite participating projects from power rate calculations because power users were concerned that they were paying for projects that would never be built; (8) excluding the estimated costs of indefinite CRSP projects from the power

rate calculation was not precluded by law; and (9) none of the information provided to Congress identified which CRSP participating projects were included in the current electric power rate calculation or why some projects were excluded.

Open Recommendations to Agencies

Recommendation: The Secretary of the Interior should direct the Commissioner, Bureau of Reclamation, to provide the Subcommittee on Water, Power and Offshore Energy Resources, House Committee on Interior and Insular Affairs, at the beginning of each calendar year, with a schedule comparing the original estimated cost, indexed for inflation, and the current

estimated cost for each CRSP authorized participating project, regardless of the project's construction status.

Status: Action in process. Interior concurs with the recommendation. The Bureau of Reclamation will provide the information to the Subcommittee when the President's budget is submitted to Congress.

Recommendation: The Secretary of the Interior should direct the Commissioner, Bureau of Reclamation, to provide the Subcommittee on Water, Power and Offshore Energy Resources, House Committee on Interior and Insular Affairs, at the beginning of each calendar year, with explanations of significant differences between the indexed and current costs.

Status: Action in process. Interior concurs with the recommendation. The Bureau of Reclamation will provide the information to the Subcommittee when the President's budget is submitted to Congress.

Recommendation: The Secretary of the Interior should direct the Commissioner,

Bureau of Reclamation, to provide the Subcommittee on Water, Power and Offshore Energy Resources, House Committee on Interior and Insular Affairs, at the beginning of each calendar year, with a schedule showing, for each CRSP authorized project, the estimated irrigation construction cost included in the power rate calculation and the estimated irrigation construction cost excluded from the power rate calculation.

Status: Action in process. Interior concurs with the recommendation. The Bureau of Reclamation will provide the information to the Subcommittee when the President's budget is submitted to Congress.

Recommendation: The Secretary of the Interior should direct the Commissioner, Bureau of Reclamation, to provide the Subcommittee on Water, Power and Offshore Energy Resources, House Committee on Interior and Insular Affairs, at the beginning of each calendar year, with an explanation for any irrigation construction costs that are

excluded from the power rate calculation.

Status: Action in process. Interior concurs with the recommendation. The Bureau of Reclamation will provide the information to the Subcommittee when the President's budget is submitted to Congress.

Recommendation: The Secretary of the Interior should direct the Commissioner, Bureau of Reclamation, to provide the Subcommittee on Water, Power and Offshore Energy Resources, House Committee on Interior and Insular Affairs, at the beginning of each calendar year, with an explanation for significant changes in costs included in the power rate calculation that have occurred since the date of the previous schedule provided to the Subcommittee.

Status: Action in process. Interior concurs with the recommendation. The Bureau of Reclamation will provide the information to the Subcommittee when the President's budget is submitted to Congress.

Nuclear Nonproliferation: Controls Over the Commercial Sale and Export of Tritium Can Be Improved

RCED-91-90, 03/25/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO examined the adequacy of the Department of Energy's (DOE) and the Nuclear Regulatory Commission's (NRC) existing controls on the commercial sales and exports of tritium.

Findings

GAO found that: (1) DOE and its contractor-operated Oak Ridge National Laboratory (ORNL) were slow to investigate the major shipper-receiver and internal tritium discrepancies that allegedly occurred at ORNL in July and August of 1988; (2) DOE, ORNL, and other investigators identified a lack of appropriate ORNL management and DOE oversight as underlying causes of

tritium discrepancies; and (3) NRC performed limited monitoring of tritium end use because it considered tritium less strategic than special nuclear materials.

Open Recommendations to Agencies

Recommendation: The Chairman, NRC, should analyze the advantages and

disadvantages of establishing a limit on the size of individual shipments that are allowed under tritium licenses, particularly as they relate to ensuring that the amount sent in a single shipment cannot be used as a booster in a nuclear weapons device if stolen or otherwise diverted.

Status: Recommendation valid/action not intended. NRC had previously told Congress in hearings that controls over

tritium were adequate, and continues to state that this type of analysis is not necessary because tritium by itself cannot produce a bomb; it is only a booster for a fission bomb. NRC considers this adequate protection. GAO does not agree.

Recommendation: The Chairman, NRC, should pursue, with the aid of the Department of State, obtaining written

agreements from recipient countries for notification and approval of retransfer of exported U.S. tritium.

Status: Action in process. NRC and State are negotiating with other countries which produce and use or export or import tritium to agree to written agreements with regard to retransfer. This process may take a year or two to complete.

Nuclear Nonproliferation: DOE Needs Better Controls to Identify Contractors Having Foreign Interests

RCED-91-83, 03/25/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed whether the Department of Energy (DOE) and three of its weapons laboratories complied with DOE regulations and procedures designed to protect the United States against uncontrolled transfers of nuclear weapons-related technology or material to foreign entities that owned, controlled, or influenced (FOCI) U.S. companies performing classified work for DOE.

Findings

GAO found that: (1) DOE and its government-owned contractor-operated weapons laboratories did not fully comply with DOE regulations and procedures aimed at determining contractors' subjectivity to foreign interests and preventing associated risks; (2) the Department of Defense (DOD) did not follow FOCI procedures for 98 percent of the classified contracts it awarded from October 1987 through March 1990 that were subject to such procedures; (3) none of the eight DOE

field operations offices completely complied with FOCI procedures when awarding management and operating contracts; (4) DOE regulations for determining whether contractors were subject to FOCI were inadequate; (5) such regulations required DOE contracting officers to make national security determinations, even though DOE safeguards and security officials were more qualified to make such pertinent determinations; (6) numerous DOE FOCI requirements were burdensome, and some were inconsistent with DOD regulations for determining whether DOD contractors were subject to FOCI, causing confusion among contractors working on both DOE and DOD classified contracts; (7) DOE internal control weaknesses caused numerous problems in safeguarding classified matters; and (8) all three DOE weapons laboratories lacked adequate data systems to accurately identify all classified contracts.

Open Recommendations to Agencies

Recommendation: To increase the effectiveness of regulations for preventing foreign access to classified information and lessen the burdensome nature of FOCI reviews, the Secretary of Energy should revise DOE acquisition regulations to transfer FOCI determination responsibility from contracting officers to Office of Safeguards and Security (OSS) personnel.

Status: Action in process. DOE has initiated changes to its regulations that would remove the FOCI determination authority from its contracting officers.

Recommendation: To increase the effectiveness of regulations for preventing foreign access to classified information and lessen the burdensome nature of FOCI reviews, the Secretary of Energy should revise DOE acquisition regulations to require a FOCI determination only before awarding a classified contract to an uncleared company.

Status: Action in process. DOE is revising its acquisition regulations to reduce the need for a separate FOCI determination before each contract award.

Recommendation: To increase the effectiveness of regulations for preventing foreign access to classified information and lessen the burdensome nature of FOCI reviews, the Secretary of Energy should revise DOE acquisition regulations to require all cleared contractors working with classified matter to update their FOCI information as directed by OSS, or at least every 5 years.

Status: Action in process. DOE is revising its acquisition regulations to reduce FOCI review requirements.

Recommendation: To provide more consistency in FOCI regulations governmentwide, the Secretary of

Energy should explore the feasibility of entering into an interagency agreement with DOD that would result in DOE acceptance of DOD FOCI determinations. **Status:** Action in process. DOE is in the process of exploring the feasibility of accepting a DOD FOCI determination.

Recommendation: To strengthen DOE FOCI internal controls, the Secretary of Energy should require management and operating contractors to maintain reliable computer-based systems that identify all classified contracts.

Status: Action in process. DOE plans to implement this recommendation by identifying all classified contracts in its facility data and approval record data base.

Recommendation: To provide more consistency in FOCI regulations governmentwide and strengthen DOE FOCI internal controls, the Secretary of

Energy should develop written guidelines for OSS reviews of FOCI questionnaires.

Status: Action in process. DOE plans to develop a DOE FOCI order that will provide guidelines for safeguard and security reviews of FOCI questionnaires.

Recommendation: To strengthen DOE FOCI internal controls, the Secretary of Energy should revise the current FOCI questionnaire to include: (1) additional questions applicable to contracts with individual consultants; (2) a penalty notice on false, misleading, or incomplete statements; and (3) a requirement to identify all affiliated parent companies.

Status: Action in process. DOE is revising its acquisition regulations to make the recommended internal control improvements.

Nuclear Health and Safety: More Attention to Health and Safety Needed at Pantex

RCED-91-103, 04/15/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO examined key safety and health problems at the Department of Energy's (DOE) contractor-operated Pantex Plant, to determine its need for external safety oversight.

Findings

GAO found that: (1) Pantex cited a lack of personnel for its failure to complete more than half of the safety analysis reports (SAR) needed to ensure plant safety; (2) a DOE team of specialists identified several deficiencies in the

plant's radiation protection program, including inadequate staffing, training, and procedures designed to protect workers and the environment from radiation; (3) the Occupational Safety and Health Administration (OSHA) found that Pantex had 168 violations of worker protection that had the potential to result in death or serious physical harm; (4) radiation accidents and incomplete SAR raised questions about the adequacy of Pantex's attention to safety and health; (5) Pantex had one of the highest injury/illness and lost workday rates in the DOE weapons complex; and (6) since Pantex

demonstrated the same types of safety and health problems as those at other DOE facilities, external oversight was needed to ensure the safety of its defense nuclear operations.

Open Recommendations to Congress

Recommendation: Given the circumstances that now surround Pantex, Congress may wish to reconsider including Pantex among other DOE nuclear facilities that are subject to independent, external safety oversight

by the Defense Nuclear Facilities Safety Board.

Congressional Action: Legislation has been introduced to include Pantex among other DOE nuclear facilities that are subject to oversight by the Defense Nuclear Facilities Safety Board.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should direct Pantex to expedite completion of its safety analysis reports, taking into consideration their hazard ranking.

Status: Action in process. DOE plans to complete its safety analysis reports by the end of calendar year 1993.

Nuclear Security: Property Control Problems at DOE's Livermore Laboratory Continue

RCED-91-141, 05/16/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) Lawrence Livermore National Laboratory's (LLNL) claim that it found approximately 99 percent of the inventory it previously reported as missing, focusing on: (1) the accuracy of LLNL claims; (2) whether controls over government-owned property at the laboratory were strengthened; and (3) the adequacy of DOE property control oversight.

Findings

GAO found that: (1) the LLNL claim was inaccurate, since it excluded missing non-capital equipment purchased prior to 1985 from its analysis and it used a different basis than GAO did for calculating and reporting missing item percentages; (2) taking the differences into consideration, LLNL actually located only 3 percent of the inventoried equipment, acquired at a cost of \$26.8 million, and 13 percent of the inventoried equipment, acquired at a cost of \$18.6 million, remained missing; (3) the LLNL property management policy manual lacked property

accountability controls over all non-capital equipment; (4) DOE oversight of changes in laboratory property controls was inadequate; and (5) the DOE San Francisco Operations Office approved the LLNL property management policy manual without ensuring that it complied with federal and departmental regulations.

Open Recommendations to Agencies

Recommendation: To ensure full compliance with the recommendation GAO made in its April 1990 report, the Secretary of Energy should direct the San Francisco Operations Office Manager to perform a detailed written analysis of the laboratory's property management policies and compare the levels of control provided by them with the levels of control inherent in federal and departmental property management regulations. This analysis should then be used as a basis for making changes to the laboratory's proposed property management system, consistent with the federal and departmental requirements. **Status:** Action in process. DOE has concurred with the report

recommendations and is currently taking corrective actions. These actions, however, have not been fully implemented.

Recommendation: The Secretary of Energy should direct the San Francisco Operations Office Manager to demonstrate, through a risk assessment and cost/benefit analysis, the appropriateness of eliminating accountability controls over the non-capital equipment previously accounted for in the laboratory's property management data base. To the extent that this analysis identifies non-capital equipment that should be accounted for and controlled, then the Operations Office should work with the laboratory to ensure proper accountability, such as setting an appropriate dollar threshold and adding the appropriate items to the laboratory's property management data base.

Status: Action in process. DOE has concurred with the report recommendations and is currently taking corrective actions. These actions, however, have not been fully implemented.

Nuclear Waste: Pretreatment Modifications at DOE Hanford's B Plant Should Be Stopped

RCED-91-165, 06/12/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) plans to modify its Hanford Site B Plant in Washington to pretreat mixed high-level radioactive waste before the vitrification process to turn it into glass.

Findings

GAO found that: (1) although DOE was aware that the plant had not met specific federal or DOE regulations since 1987, it failed to timely discuss the compliance problems with Washington; (2) although the plant did not comply with regulatory requirements, DOE considered modification less costly than construction of a new facility; (3) despite a March 1991 recommendation by Washington that DOE abandon plans to establish the plant as a pretreatment facility, DOE continued to modify B Plant for that purpose; (4) the process DOE was developing for pretreating

approximately 75 percent of its high-level waste could cause extensive corrosion to the plant's embedded waste pipes; (5) DOE was reevaluating B Plant's viability as a pretreatment facility, alternative pretreatment processing options, and alternative pretreatment facilities; (6) a DOE assessment of vitrification process risks suggested that B Plant would not meet federal environmental requirements; (7) DOE believed that its noncompliance was due to the absence of double containment for pipes, tanks, and other processing facilities; and (8) even though DOE halted modification projects totalling more than \$400 million, it continued pretreatment projects totalling about \$43 million.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should direct the Manager of the DOE Richland Operations Office to cancel all projects designed primarily to

upgrade B Plant as a pretreatment facility and shift the funds for those projects to developing an acceptable alternative.

Status: Action not yet initiated.

Recommendation: The Secretary of Energy should direct the Manager of the DOE Richland Operations Office to ensure that only projects designed to support waste encapsulation and storage facility operations are continued.

Status: Action not yet initiated.

Recommendation: The Secretary of Energy should direct the Manager of the DOE Richland Operations Office to develop an approach for making decisions on environmental projects that: (1) takes into account all available information; (2) is premised on full compliance with environmental regulations; and (3) requires open communication with the appropriate regulators.

Status: Action not yet initiated.

Nuclear Security: DOE Original Classification Authority Has Been Improperly Delegated

RCED-91-183, 07/05/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO examined the Department of Energy's (DOE) use and authorization of contractors to make original

classification determinations about national security information.

Findings

GAO found that: (1) DOE granted original classification authority on a selective basis, but had granted such

authority to persons in senior-level positions at facilities dealing with large volumes of classified information, including government-owned, contractor-operated (GOCO) laboratories; (2) as of May 1991, 142 persons, including over 50 contractor employees, had original classification authority; (3) 14 percent of those authorized contractor employees had top-secret level classification authority; (4) contractor employees made 3 top-secret determinations and 189 secret or confidential determinations between fiscal years 1985 and 1990, while DOE personnel made a total of 3,091 original classification determinations during that period; (5) although an executive order limited classification authority to agency heads and their subordinates, DOE believed that its long-standing unique

relationship with GOCO facilities and adequate controls to review determinations justified granting such authority to contractors; (6) the National Security Council recommended that DOE reconsider its authorization policy after identifying such delegations during a 1986 site visit, but did not follow up on the recommendation during its 1988 visit; and (7) DOE did not know the extent to which it reviewed or approved contractor classification determinations. GAO believes that misclassification of information could potentially seriously impact and threaten U.S. national security interests.

Open Recommendations to Agencies

Recommendation: To comply with the requirements of Executive Order 12356, the Secretary of Energy should immediately revoke the original classification authority for national security information that has been delegated to contractor employees.
Status: Action not yet initiated.

Recommendation: To better ensure that the nation's security interests are being adequately protected, the Secretary of Energy should identify all original classification decisions that have been made by contractors and independently determine and implement the appropriate classification actions needed in those instances.
Status: Action not yet initiated.

Oil Reserve: Impact of NPR-1 Operations on Wildlife and Water Is Uncertain

RCED-91-129, 08/01/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the basis for the disagreements between the Department of Energy (DOE) and its Argonne National Laboratory relating to Argonne's development of a supplemental environmental impact statement (SEIS) for Naval Petroleum Reserve No. 1 (NPR-1), focusing on: (1) the DOE Naval Petroleum Reserves-California (NPRC) and Argonne positions on NPR-1 impacts on endangered species and groundwater quality and how SEIS would discuss those uncertainties; and (2) NPR-1 compliance with environmental laws and regulations governing endangered

species, wastewater disposal, and historic preservation activities.

Findings

GAO found that: (1) between 1981 and 1989, the number of foxes living free within the NPR-1 study area decreased from 164 to between 44 and 58; (2) Argonne concluded in a SEIS draft that NPR-1 operations could have contributed to the decline of foxes in that area; (3) NPRC and Argonne staffs disagreed about how SEIS should describe the effects of NPR-1 operations on endangered foxes and nearby groundwater, primarily due to a lack of definitive data; (4) in September 1990, NPRC notified Argonne that DOE would

prepare final SEIS, but it was unclear to what extent DOE would use Argonne's data and views; (5) DOE and others were conducting research that could provide additional data on factors affecting the fox population and wastewater migration; (6) DOE has not ensured that NPR-1 operations comply with the Endangered Species Act and the National Historic Preservation Act's regulations; (7) Argonne concluded in a June 1990 SEIS draft that NPR-1 operations violated California wastewater disposal requirements for sumping, but DOE believed that NPR-1 had not violated the requirements, and the state had not made a determination on that issue; (8) factors contributing to the noncompliance included NPRC

officials' lack of knowledge regarding environmental requirements, noncoordination with federal and state agencies having environmental responsibilities, and mismanagement, which could result in legal action, fines, or a temporary shutdown; and (9) NRC is taking action to address the problems, but unless DOE improves its management controls, similar problems may continue to exist.

Open Recommendations to Agencies

Recommendation: To improve compliance at NPR-1 with environmental requirements, the Secretary of Energy should direct the Deputy Assistant Secretary for Naval Petroleum and Oil Shale Reserves to keep abreast of environmental requirements affecting NPR-1 operations

by periodically reviewing pertinent environmental laws and regulations and coordinating with officials of cognizant state and federal agencies to ensure that both DOE and contractor staff comply with those requirements.

Status: Action not yet initiated.

Nuclear Waste: Hanford Single-Shell Tank Leaks Greater Than Estimated

RCED-91-177, 08/05/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO determined whether the Department of Energy (DOE) or its Hanford, Washington, site contractor fully disclosed the volume of waste that leaked from the site's underground single-shell storage tanks.

Findings

GAO found that: (1) DOE estimated that 750,000 gallons of liquid waste leaked from 66 shell tanks, but did not include the volume of cooling water that had been added to the tanks, some of which could have leaked; (2) DOE historically did not include cooling water that could

leak from the tanks in its tank leak studies; (3) DOE noted that it added cooling water to a single tank and that some did leak, but did not provide any volume figures; (4) the contractor's estimate indicated that only 5,000 gallons of waste leaked from that tank, but records indicated that more than 500,000 gallons of contaminated cooling water leaked from the tank; (5) as of February 1991, the contractor estimated that between 50,000 gallons and 800,000 gallons of the cooling water added to the tank between February 1971 and December 1978 could have leaked; and (6) in October 1990, DOE directed the contractor to examine past records to determine the amount of liquid waste

that could have leaked from the 66 tanks classified as assumed leakers, including the aforementioned tank.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should direct the Manager of the DOE Richland Operations Office to: (1) incorporate the best current estimates of cooling water leaks into its estimate of total tank leaks; and (2) revise that estimate as additional information becomes available through the tank-by-tank analysis currently being developed.

Status: Action not yet initiated.

Uranium Enrichment: DOE Needs to Pursue Alternative AVLIS Deployment Options

RCED-91-88, 08/08/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

GAO reviewed the Department of Energy's (DOE) demonstration and deployment of the atomic vapor laser isotope separation (AVLIS) program, and the building of an AVLIS plant, focusing on technical, program, and economic issues.

Findings

GAO found that: (1) independent experts believe that the AVLIS demonstration program will be successful, but the program will not provide the specific cost information needed for a complete evaluation of deployment by the end of 1992 due to unresolved technical issues; (2) by November 1992, DOE will not have fully demonstrated the processes needed to effectively integrate AVLIS into the existing nuclear fuel cycle; (3) such program activities as plant licensing and site selection and preparation will delay AVLIS plant construction beyond 1993; (4) DOE stopped most AVLIS program activities for fiscal year (FY) 1992 in anticipation of the formation of a government corporation to complete such activities, but DOE has not developed any contingency plan for deploying the

AVLIS technology should a government corporation not be formed; (5) an updated and expanded uranium enrichment market analysis is needed before any decision is made about building an AVLIS plant; and (6) DOE stopped a planned program that was to obtain private companies' expertise in deploying a commercial plant.

Open Recommendations to Congress

Recommendation: As Congress considers proposed legislation that would restructure the DOE uranium enrichment program as a government corporation, it could also consider transferring responsibility for AVLIS to the new corporation. This would require the new corporation to convince private financiers to invest in AVLIS and could reduce the government's financial risk. It would also help ensure that the decision on building an AVLIS plant is based on commercial concerns.

Congressional Action: The Senate passed a bill, S. 210, that would transfer AVLIS to a new government uranium enrichment corporation. Cognizant House committees were also considering similar legislation.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should update the AVLIS demonstration plan to realistically reflect revised program goals and remaining technical development work. The plan should also provide for an independent cost analysis and allow and promote private industry's access and participation in the development program to enhance future deployment options. Finally, the updated plan should identify other deployment options should a government corporation not be established. In particular, DOE should examine options encouraged by the National Competitiveness Technology Transfer Act of 1989.

Status: Action in process. DOE plans to revise its AVLIS demonstration plan in FY 1992.

Recommendation: The Secretary of Energy should include a market analysis in the revised AVLIS demonstration plan.

Status: Action in process. DOE plans to revise its AVLIS demonstration plan in FY 1992.

Energy Management: Using DOE Employees Can Reduce Costs for Some Support Services

RCED-91-186, 08/16/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) support service contracting practices, focusing on: (1) the overall cost and use of such contracts; (2) the adequacy of controls to ensure that DOE support service contracts are cost-effective; and (3) whether work performed on selected support service contracts could be performed less expensively by federal personnel.

Findings

GAO found that: (1) in fiscal year (FY) 1990, DOE obligated \$522 million for support service contracts, a 56-percent increase from FY 1986; (2) the Office of Management and Budget's (OMB) guidance on support service contracting does not uniformly require agencies to compare contract and in-house performance costs to determine which is more cost-effective; (3) DOE awarded few support service contracts on the basis of cost comparisons, since it could not get additional staff to perform the work in-house because of personnel ceilings; (4)

although DOE guidelines for managing support service contracts limit the duration of each contract to 5 years, the guidelines do not limit how long an activity can be performed under successive support service contracts; (5) DOE policy does not require cost comparisons or establish other controls over assessing whether DOE support service contracts are cost-effective; (6) for 11 of the 12 contracts reviewed, DOE use of support service contracts cost \$5 million more than federal employees would have cost; and (7) recent actions indicate that OMB may be willing to consider requests for additional staff if the requests adequately justify claimed cost savings.

Open Recommendations to Agencies

Recommendation: To ensure that DOE support service activities are conducted in a cost-effective manner, the Secretary of Energy should require DOE units to conduct cost comparisons before awarding or renewing support service contracts and regularly review existing

contracts to ensure that they are cost-effective.

Status: Action not yet initiated.

Recommendation: To ensure that DOE support service activities are conducted in a cost-effective manner, the Secretary of Energy should use the results of cost comparisons to support requests for additional staff from OMB for converting any contracts determined to be less expensively performed in-house, except where other reasons exist for continuing the work under contract, and if the conversions are approved by OMB, DOE should reduce its support service contracting budget by a corresponding amount.

Status: Action not yet initiated.

Recommendation: To ensure that DOE understands the OMB position about converting costly support service contracts, OMB should issue guidance documenting the position and any additional information that would be needed to justify conversions, such as information about the type of cost comparisons DOE should perform.

Status: Action not yet initiated.

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Environmental Protection

Issue Area Summary: Environmental Protection

Impact of GAO's Work

Twenty years after the federal government assumed a major role in ensuring environmental protection, public expectations remain high. According to public opinion polls, Americans believe that environmental protection is so important that improvements should be made regardless of cost. Yet, there are considerable constraints to meeting these expectations. With increasing federal fiscal constraints, state and local governments are being asked to assume a larger share of the burden for environmental services. But they also face financial difficulties, and industry's environmental costs continue to grow.

For the Environmental Protection Agency (EPA), the federal agency charged with carrying out the nation's environmental laws, resource problems are particularly acute because the agency's budget has not kept pace with the increased scope of its responsibilities. Over the last 10 years, even as numerous federal environmental programs were mandated, EPA's operating budget (which covers everything other than the Superfund program and construction grants for sewage treatment plants) has not grown at all, in real terms, and in fact, has returned to 1980 levels.

Against this backdrop, GAO has tried to identify opportunities to make environmental policies, as well as individual programs, more cost-effective and efficient. In June 1991, we advocated that EPA and the Congress undertake several efforts aimed toward this goal. We recommended that priorities be accorded to environmental problems on the basis of scientific assessments of their risk to health and the environment, rather than on the basis of perceptions of risk on the part of the public, which are not necessarily well-informed. We also recommended greater use of nonregulatory approaches to pollution control, such as market mechanisms and pollution prevention, and we highlighted the need to consider the financing requirements of local governments. (GAO/RCED-91-97, see p. 300, and GAO/RCED-88-101, see p. 264.)

Building on the work of our 1988 general management review of EPA, we again emphasized the importance of developing measures of program effectiveness that are related to environmental outcomes rather than just activities. Many of the recommendations from our individual program reviews also are aimed at correcting programmatic weaknesses through better planning and management. While EPA has generally been receptive to our recommendations and has revised its strategic planning and budgeting process, in many cases the agency has not carried its corrective actions all the way through. Moreover, because many of the changes are long-term, it may be some time before their effects are noticed.

Key Open Recommendations

Enforcement Policy and Practices

Despite a long-standing agency policy that penalties for significant violations of environmental laws and regulations must be at least as great as the amount by which a company would benefit by not being in compliance, there is little evidence that EPA calculates or assesses this economic benefit. Various factors, in fact, deter regulatory officials from following EPA's policy, including different enforcement philosophies, budgetary pressures to settle cases quickly, and concerns about jeopardizing local businesses. We recommended a number of actions that EPA could take to improve its oversight of both state and regional penalty practices and to better ensure accountability for following the agency's penalty policies. (GAO/RCED-91-166, see p. 299.)

Hazardous Waste

For the past 2 years, we have been investigating EPA's efforts to improve the quality of information on hazardous waste generation and the use of information in management decisions. We focused on how better information could be developed. In February 1990, we made several recommendations dealing with the internal process for developing information systems, specifically noting that quantitative measures should be used to describe waste characteristics and a true general classification system should be developed for treatment technologies. (GAO/PEMD-90-3, see p. 277.)

Chemical Testing

In a 1990 review, we found that since the enactment of the 1976 Toxic Substances Control Act that authorized EPA to ban or restrict the use of unsafe chemicals, less than 1 percent of 60,000 chemicals had been considered for testing. After examining EPA's testing program, we recommended that the agency develop overall objectives for the program and a strategy for achieving them, identifying, among other things, the universe of chemicals and the pace at which they will be addressed. We also recommended that the Congress require preparation of such a strategy. (GAO/RCED-90-112, see p. 282.) In a related review, we recommended that EPA develop and put into place criteria and a methodology for determining when chemicals present significant or unreasonable risks and should be regulated. (GAO/RCED-91-136, see p. 302.)

Drinking Water

As we reported last year, EPA's program to protect drinking water supplies continues to have serious shortcomings. In a 1990 review, we found that violations of drinking water requirements were going undetected, those that were being detected were not being reported to EPA, and enforcement was neither timely nor effective in bringing water systems back into compliance. We recommended various measures to improve compliance, including more reliable internal controls to detect and deter intentional falsification of water-sampling data. (GAO/RCED-90-127, see p. 284.)

Pesticide Regulation

To establish safe levels of pesticide residues in food, EPA estimates dietary exposures to pesticides on the basis of the Department of Agriculture's nationwide food consumption survey, conducted every 10 years. We concluded, however, that because of small sample sizes and very low response rates, it was unlikely that the data obtained from the 1987-88 survey were adequate for EPA's use in calculating reliable exposure estimates for various subpopulations, such as nursing infants and pregnant women, in which only a small number of people had been surveyed. We recommended that to protect these subpopulations, EPA calculate the precision level of its exposure estimates and use the information to determine the validity of both new and existing tolerance levels. (GAO/RCED-91-125, see p. 297.)

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Recommendations:
Environmental Protection**

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Hazardous Waste: Environmental Safeguards Jeopardized When Facilities Cease Operating

RCED-86-77, 02/11/86 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO determined the extent to which: (1) owners and operators of hazardous waste facilities have declared bankruptcy and thereby avoided paying closure and post-closure costs for their facilities; (2) financial assistance requirements ensure that sufficient funds will be available to close and provide post-closure care at such facilities; (3) facilities that cease operations are inspected for compliance with closure requirements; and (4) the Environmental Protection Agency (EPA) and states are taking enforcement action for violations of those requirements.

Findings

GAO found that: (1) according to state and territorial officials, 74 hazardous waste facilities have filed for bankruptcy; (2) while bankruptcy law provides for the enforcement of environmental regulations over creditor claims, various courts have given EPA and state environmental interests equal status with other unsecured creditors, thereby hindering efforts to force responsible parties to properly close their facilities; (3) in cases it reviewed,

courts restricted EPA or state efforts to obtain proper closures in three cases; (4) it could not assess the adequacy of new EPA and state financial assurance requirements that are designed to ensure that hazardous waste firms are strong enough to pay closure and post-closure costs; and (5) it is difficult for states to assess the financial condition of interstate hazardous waste facility operators. GAO also found that: (1) about 37 percent of the facilities that EPA inspected either during or after closure violated EPA regulations; (2) only 46 percent of the operators in states it reviewed had submitted financial assurance documents; (3) 34 percent of the financial assurance statements submitted were deficient; and (4) in many cases, EPA did not take adequate enforcement actions against operators committing financial assurance or closure violations.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should monitor and periodically reevaluate hazardous waste facility closures and the implementation of corrective action activities to ensure that

the trust fund and the financial test are providing adequate assurance that funds will be available.

Status: Action in process. Estimated completion date: 10/92. On July 1, 1991, EPA proposed regulations amending the requirements governing the use of the financial test for closure, post-closure, and third-party liability. According to EPA, the revised criteria for the financial test should act as a better indicator for screening out potential bankrupt firms. EPA also is obtaining annual data on each facility's financial assurance mechanism.

Recommendation: The Administrator, EPA, should develop and implement a system for providing a centralized review of all multi-state financial tests.

Status: Action in process. Estimated completion date: 10/92. EPA is evaluating the possibility of automating the financial test as a means of making a centralized review of financial test submissions possible. As part of its proposed financial test rulemaking published on July 1, 1991, EPA is soliciting the views of interested parties on the need for an automated system and how one might be implemented.

Nonagricultural Pesticides: Risks and Regulation

RCED-86-97, 04/18/86 GAO Contact: Richard L. Hembra, (202)275-6111

Background

In response to congressional requests, GAO reported on the Environmental Protection Agency's (EPA) efforts to determine the: (1) risks associated with the use of nonagricultural pesticides; (2) extent of public information concerning such risks; and (3) requirements for professional pesticide applicators to protect the public from misuse.

Findings

The chronic health risks associated with nonagricultural pesticides are uncertain because EPA has not reassessed them in accordance with current standards. GAO found that EPA: (1) as of September 30, 1985, had done preliminary assessments on 18 of the 50 chemicals and found that, for 17, it did not have enough

chronic toxicity data to complete the assessments; and (2) does not plan to require chronic toxicity testing of all nonagricultural chemicals because it believes that exposure to some pesticides is not significant enough to cause chronic effects in humans, regardless of their toxicity. Environmental groups believe that pesticide labels should state that chronic health risks have not been fully assessed, so that the public can make better choices about pesticide use. However, industry representatives oppose public disclosure because they fear adverse economic effects. The Insecticide, Fungicide, and Rodenticide Act authorizes EPA to take enforcement action against pesticide manufacturers' claims that pesticides are safe, but EPA has taken few such actions. The Federal Trade Commission (FTC), under its authorizing legislation, can act against

distributor and applicator claims, but FTC believes that EPA is better able to handle such claims, because of its expertise and specific legislative authority.

Open Recommendations to Congress

Recommendation: Congress may wish to consider whether the: (1) public should be notified when public places are treated with pesticides; and (2) federal government should have a role in ensuring that the public is notified. **Congressional Action:** Congress reauthorized the major pesticide law in September 1988. This law includes provisions to accelerate the testing, reassessment, and reregistration of older pesticides.

Pesticides: EPA's Formidable Task To Assess and Regulate Their Risks

RCED-86-125, 04/18/86 GAO Contact: Richard L. Hembra, (202)275-6111

Background

In response to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) assessment and regulation process for the health and environmental effects of pesticides.

Findings

GAO noted that EPA: (1) has not received test and evaluation data on the adverse health and environmental

effects of most of the currently registered pesticide products; (2) may conduct a special review to determine the risks and benefits of potentially hazardous pesticides to decide if regulatory action to cancel or restrict the pesticides is needed; and (3) is responsible for determining the maximum amount of pesticide residue that can be safely left in foods, the risks of the inert ingredients that propel, dilute, or stabilize the active ingredients,

and the cancer-causing potential of pesticides. GAO found that EPA: (1) will continue its reassessment and reregistration efforts into the next century because of the magnitude and complexity of the tasks involved; (2) is implementing changes to speed up its special review process; (3) is experiencing difficulty in obtaining test data on the effects of some inert ingredients; and (4) has encountered legal inconsistencies with respect to the allowable uses of

cancer-causing pesticides in variable situations.

Open Recommendations to Congress

Recommendation: Congress may wish to consider the advantages and disadvantages of the following alternatives for regulating carcinogenic food-use pesticides: (1) amending the Food, Drug and Cosmetic Act (FDCA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to prohibit the setting of tolerances and all food uses of

carcinogenic pesticides, in raw agricultural commodities and as food and feed additives, to require EPA to revoke the existing tolerances for carcinogenic pesticide residues, and to cancel the pesticide registration of these uses; and (2) amending FDCA to lift the Delaney Clause's ban on carcinogens as it relates to pesticides, and instead specify that either a risk-benefit or minimal-risk approach be used for setting tolerances for all food uses of carcinogenic pesticides.

Congressional Action: The Federal Insecticide, Fungicide, and Rodenticide

Act Amendments of 1988, signed into law on October 25, 1988, accelerates reassessment of pesticides and incorporates many features of the report's "Matters for Consideration" by Congress. The new law gives EPA additional funds for conducting assessments and 9 years to complete the task. Other pesticide reforms, including several addressed in this report, were considered by Congress, but the issues involved could not be resolved in time for passage by the 100th Congress.

Pesticides: Need To Enhance FDA's Ability To Protect the Public From Illegal Residues

RCED-87-7, 10/27/86 GAO Contact: Richard L. Hembra, (202)275-6111

Background

In response to a congressional request, GAO reviewed the Food and Drug Administration's (FDA) activities to protect the public from exposure to illegal pesticide residues in the domestic food supply under the Food, Drug, and Cosmetic Act, specifically its: (1) monitoring of the nation's domestic food supply for illegal residues; and (2) efforts to prevent food containing illegal residues from reaching the market.

Findings

GAO noted that, since FDA could not monitor all food that might contain illegal pesticide residues, it designed its monitoring program to selectively spot-check a very small amount of

domestically produced food and remove food that it found to contain illegal residues. GAO found that the FDA pesticide monitoring program has two major shortcomings because FDA does not: (1) regularly test food for a large number of pesticides that might be present in food, including a number of pesticides that, according to FDA, require continuous or periodic monitoring because they are known as potential health hazards and are likely to be used; (2) prevent the marketing of most of the food that contains illegal pesticide residues; and (3) penalize growers who market food with illegal pesticide residues when FDA is unable to remove it from the market.

Open Recommendations to Congress

Recommendation: In view of the difficulties that FDA faces in trying to use existing authorities to prevent the marketing of domestic food containing illegal pesticide residues and the need to provide a strong deterrent against such shipments, Congress may wish to give FDA legislative authority to assess civil penalties against growers of such food when it is not removed from the marketplace.

Congressional Action: GAO briefed congressmen and staff of several committees. The House Committee on Energy and Commerce is considering introducing amendments to the Food, Drug and Cosmetic Act in response to the GAO report.

Hazardous Waste: Groundwater Conditions at Many Land Disposal Facilities Remain Uncertain

RCED-88-29, 02/18/88 GAO Contact: Richard L. Hembra, (202)275-6111

Background

In response to a congressional request, GAO reviewed the: (1) problems the Environmental Protection Agency (EPA) and states experienced in obtaining and using hazardous waste facility groundwater monitoring data; and (2) actions EPA took to address the problems.

Findings

GAO found that: (1) 39 of the 50 land disposal facilities it reviewed had not achieved the groundwater monitoring goals EPA established for facility operations; (2) EPA program managers did not develop data quality objectives for groundwater monitoring until 1986;

(3) after internal review, EPA set funding for the development of data quality objectives, training, and quality assurance at \$270,000; (4) although a task force report recommended actions to improve the groundwater monitoring program, including the development of technical guidance, EPA has not issued any new technical requirements; and (5) EPA has established few quality control mechanisms to ensure the accuracy of the operator-provided data.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should develop data quality objectives for the Resource Conservation

and Recovery Act of 1976 (RCRA) groundwater monitoring program specifying the type, amount, and quality of data needed for regulatory decisionmaking. Once established, these objectives should be used to develop specific regulatory requirements and quality assurance/quality control mechanisms for the groundwater monitoring program.

Status: Action in process. EPA proposed regulations in January 1989 and February 1990 that address groundwater monitoring data quality objectives and assurance controls. EPA expects to issue a final rule on data quality objectives by the end of 1991.

Hazardous Waste: New Approach Needed to Manage the Resource Conservation and Recovery Act

RCED-88-115, 07/19/88 GAO Contact: Richard L. Hembra, (202)275-6111

Background

GAO discussed the Environmental Protection Agency's (EPA) progress in implementing Resource Conservation and Recovery Act (RCRA) provisions to determine whether EPA was: (1) identifying and regulating hazardous wastes; (2) ensuring RCRA facilities' compliance with regulatory controls; and (3) encouraging waste minimization.

Findings

GAO found that: (1) EPA made limited progress in identifying and regulating hazardous wastes due to its changing approaches, inadequate resources, and absence of systematic implementation procedures; (2) Congress enacted prescriptive amendments to RCRA with numerous deadlines that imposed specific controls if EPA failed to meet them; (3) EPA completed action on less than half of the 76 specific deadlines

Congress imposed, although it made some progress on the others; and (4) although EPA was developing a plan to specify waste identification tasks and identify needed resources, it had no timetable for completion or implementation. GAO also found that: (1) both private and government-owned facilities failed to comply with EPA regulations in the areas of groundwater monitoring, closure and postclosure, and financial assurance requirements; (2)

although EPA developed a strategy requiring 90-percent compliance by 1989, it did not hold its regions or states accountable for meeting the goal; (3) although EPA was working to determine, by the end of 1990, the need for a mandatory waste minimization program, it had no set overall quantifiable goals for waste reduction due to its lack of data; and (4) EPA has been unable to develop comprehensive and reliable data to assess hazardous waste legislation, evaluate trends in

regulatory compliance and waste minimization, and develop waste management priorities.

Open Recommendations to Congress

Recommendation: Congress may wish to amend RCRA to require EPA to undertake, in consultation with Congress, such a planning and management effort. The objective would be to establish measurable goals for

priority areas and a long-term strategy to achieve the goals. Congress may also wish to expand RCRA annual reporting requirements to include a report on EPA progress in attaining the established goals.

Congressional Action: Congress' intent is unknown at this time. Congressional action on reauthorizing RCRA has been delayed and is not expected until late spring 1992.

Environmental Protection Agency: Protecting Human Health and the Environment Through Improved Management

RCED-88-101, 08/16/88 GAO Contact: Richard L. Hembra, (202)275-6111

Background

GAO performed a management review of the Environmental Protection Agency (EPA) to determine how EPA can: (1) make and sustain management improvements to strengthen policy development; (2) better achieve program initiatives; (3) improve the integrity of management support systems; and (4) enhance planning for future environmental issues.

Findings

GAO found that EPA actions to increase managerial and operational effectiveness included: (1) managing programs and activities with emphasis on achieving measurable environmental results; (2) establishing more effective working arrangements with states; and (3) obtaining improved financial, management, and programmatic information to better set priorities, administer programs, and assess

programs. GAO also found that EPA: (1) lacked clearly defined goals for managing measurable environmental results; (2) has not ranked program priorities or made essential links between actions and desired results; (3) has made only limited progress in developing measures of environmental quality and linking them to program activities; (4) has numerous design and implementation problems and information gaps which limit its research effectiveness; (5) has achieved some success in balancing its oversight needs with states' needs for flexibility and autonomy; and (6) lacked fully developed data standards and data requirements and definitions across programs.

Open Recommendations to Congress

Recommendation: Congress should clarify how EPA and the states are to

share accountability for: (1) meeting national goals and objectives; (2) achievement of environmental results, efficient use of federal funds, and compliance with federal regulations within the individual delegated state programs; and (3) the consistency of programs and activities nationwide. Congress may need to make adjustments in the environmental statutes or the resources provided EPA and the states to carry out their respective roles and meet congressional expectations as to program accountability.

Congressional Action: EPA has several reviews in process to examine the EPA/state relationship, and plans to issue an agency policy after their completion. Congress should find this information helpful in deciding what action, if any, to take.

Open Recommendations to Agencies

Recommendation: To enhance and facilitate EPA efforts to manage for measurable environmental results, the Administrator, EPA, should: (1) develop a clear and cohesive statement of the policy goal to guide all parts of the agency in moving toward managing for measurable environmental results; (2) make clear the relationships between this policy goal and other agency goals and management themes and link them clearly to the annual priority list to establish a basis for tracking their progress in the agency's planning and budgeting systems; and (3) set and communicate clear concepts on how the policy goal relates to current legislation and proposed changes and to agency efforts in addressing environmental problems that cut across several environmental media, using risk assessment and management tools, and developing and using environmental measures and indicators of progress.

Status: Action in process. EPA is in the process of developing a new planning, budgeting, and accountability system that the agency believes will be responsive to this recommendation.

Recommendation: To better identify the most significant issues to be addressed in order to achieve an integrated, cross-media program for accomplishing measurable environmental results, the Administrator, EPA, should better utilize and build on the results of the Comparative Risk Project, Strategic Planning Initiatives, and initiatives for greater participation by regional offices and the states. This should include beginning the planning to undertake a second Comparative Risk Study in 2 or 3 years, when some of the data and analytical gaps have been filled.

Status: Action in process. The Comparative Risk Study is being

updated, and EPA has several other efforts underway or planned.

Recommendation: To better identify the most significant issues to be addressed in order to achieve an integrated, cross-media program for accomplishing measurable environmental results, the Administrator, EPA, should better utilize and build on the results of the Comparative Risk Project, Strategic Planning Initiatives, and initiatives for greater participation by regional offices and the states. This should include articulating decision rules for balancing efforts directed at human health and those aimed at preserving and maintaining the environment.

Status: Action in process. EPA has several efforts underway or planned that it believes are responsive to this recommendation.

Recommendation: To better identify the most significant issues to be addressed in order to achieve an integrated, cross-media program for accomplishing measurable environmental results, the Administrator, EPA, should better utilize and build on the results of the Comparative Risk Project, Strategic Planning Initiatives, and initiatives for greater participation by regional offices and the states. This should include undertaking risk studies in all 10 regions to build the analytical base for regional office participation in the development of the priority list and the Agency Operating Guidance.

Status: Action in process. Because of the recommendations' large number, scope, and interrelatedness, a strategy to assess EPA progress in implementing them is being developed. Several regional risk studies have been completed and others are planned.

Recommendation: To better identify the most significant issues to be addressed in order to achieve an integrated, cross-media program for accomplishing

measurable environmental results, the Administrator, EPA, should better utilize and build on the results of the Comparative Risk Project, Strategic Planning Initiatives, and initiatives for greater participation by regional offices and the states. This should include ensuring that, as priorities are refined through additional analysis, they are linked to proposals for legislative changes and reflected in budget formulation, the Agency Operating Guidance, allocation of resources to the regions, and accountability measures.

Status: Action in process. EPA is in the process of developing a new planning, budgeting, and accountability system that it believes will provide the recommended action.

Recommendation: To better identify the most significant issues to be addressed in order to achieve an integrated, cross-media program for accomplishing measurable environmental results, the Administrator, EPA, should better utilize and build on the results of the Comparative Risk Project, Strategic Planning Initiatives, and initiatives for greater participation by regional offices and the states. This should include using the waste system flow chart developed by the Office of Solid Waste and Emergency Response in its Strategic Planning Initiative as a technique to include more pollution sources and their pathways and receptors to permit wider consideration of cross-media transfers and possible solutions.

Status: Action in process. The recommended action is to be included in the new planning and budgeting system under development.

Recommendation: To better identify the most significant issues to be addressed in order to achieve an integrated, cross-media program for accomplishing measurable environmental results, the Administrator, EPA, should better

utilize and build on the results of the Comparative Risk Project, Strategic Planning Initiatives, and initiatives for greater participation by regional offices and the states. This should include utilizing the experience of the Near Coastal Waters Strategic Planning Initiative in developing strategies in other program areas. Specifically, the problem definition, consideration of options, and ranking system used to classify estuaries and near coastal waters by severity of problems can be adapted to better focus attention on sites with the most environmentally significant problems.

Status: Action in process. The recommended action is to be part of the EPA's new strategic planning system.

Recommendation: To better identify the most significant issues to be addressed in order to achieve an integrated, cross-media program for accomplishing measurable environmental results, the Administrator, EPA, should better utilize and build on the results of the Comparative Risk Project, Strategic Planning Initiatives, and initiatives for greater participation by regional offices and the states. This should include involving the regions more effectively in the development of agency priorities by having them develop and rank their own priorities and give a regional presentation at the annual planning meeting.

Status: Action in process. The recommended action is to be part of the EPA's new strategic planning system.

Recommendation: To provide better guidance for developing resource requirements and making trade-offs during budget formulation, developing operational plans and budgets, and selecting appropriate accountability measures, the Administrator, EPA, should revise the priority list to: (1) state priorities in measurable short- and long-term statements to provide the missing

link between policy guidance in the priority list, the Agency Operating Guidance, and managerial accountability; and (2) provide a way to determine relative importance by ranking the priority list.

Status: Action in process. EPA believes that its new planning, budgeting, and accountability system will be responsive to the recommendation.

Recommendation: To provide an operational link between work done and results to be achieved, as indicated by measurable priority statements, the Administrator, EPA, should refine planning system accountability measures by stating measures and objectives in terms that are both operational and measurable.

Status: Action in process. EPA is in the process of reviewing the measures in each program.

Recommendation: To provide an operational link between work done and results to be achieved, as indicated by measurable priority statements, the Administrator, EPA, should refine planning system accountability measures by including productivity goals in the measures as a way of assessing quality, timeliness, and efficiency of service delivery.

Status: Action in process. EPA is in the process of reviewing the measures in each program.

Recommendation: To better link decisions on what areas are of greatest importance to the agency, as indicated in the priority list, with the formulation of the future-year budget, the Administrator, EPA, should make greater use of existing flexibility to shift resources to higher-priority issues by consulting regularly with Congress to identify areas of flexibility under current law and gain congressional support where changes are needed.

Status: Action in process. EPA states that it is in the process of consulting with Congress on this issue.

Recommendation: To better link decisions on what areas are of greatest importance to the agency, as indicated in the priority list, with the formulation of the future-year budget, the Administrator, EPA, should make greater use of existing flexibility to shift resources to higher-priority issues by utilizing the Statutory Review Project to document existing areas of legislative flexibility, inform executives and managers, identify legislative barriers to be addressed, and prepare proposals for legislative changes required.

Status: Action in process. EPA is reviewing the Statutory Review Project.

Recommendation: To better link decisions on what areas are of greatest importance to the agency, as indicated in the priority list, with the formulation of the future-year budget, the Administrator, EPA, should make greater use of existing flexibility to shift resources to higher-priority issues by using flexibility consistent with current and proposed legislation to shift a percentage of the total agency budget annually from issues of lower priority to those of higher priority.

Status: Action in process. EPA has identified cases where budget funds can be shifted and reflected in the fiscal year (FY) 1991 budget request, but has not formalized this process.

Recommendation: To better link decisions on what areas are of greatest importance to the agency, as indicated in the priority list, with the formulation of the future-year budget, the Administrator, EPA, should make greater use of existing flexibility to shift resources to higher-priority issues by increasing the Administrator's options for shifting resources across media and

program offices by modifying the budget guidance to ask assistant administrators to submit, with their proposed budgets, information on how they would accomplish their work within a percent range of fewer resources in lower-priority activities and how additional resources could achieve greater measurable results in higher-priority activities.

Status: Action in process. The recommended action was taken in developing the FY 1991 budget request, but has to be formalized for upcoming years.

Recommendation: To better link decisions on what areas are of greatest importance to the agency, as indicated in the priority list, with the formulation of the future-year budget, the Administrator, EPA, should make greater use of existing flexibility to shift resources to higher-priority issues by refocusing the lead region approach to reflect cross-media planning and budgeting and to enhance regional participation in budgeting.

Status: Action in process. EPA is revising its planning and budgeting systems to incorporate regional input.

Recommendation: To ensure that operational planning drives the development of operating budgets and to improve linkages between agency planning and budget systems so that resource allocation supports accomplishment of the Administrator's priorities, the Administrator, EPA, should correct the timing of the development of operating budgets, including the use of work-load models for allocating regional resources, so that the development of operational plans to carry out the Agency Operating Guidance precedes allocation of resources.

Status: Action in process. EPA is considering the recommended action as

part of its new planning and budgeting system.

Recommendation: To ensure that operational planning drives the development of operating budgets and to improve linkages between agency planning and budget systems so that resource allocation supports accomplishment of the Administrator's priorities, the Administrator, EPA, should build institutional mechanisms between the Office of Policy, Planning, and Evaluation and the Office of Administration and Resources Management by: (1) combining annual guidance for operational planning and developing operating budgets into a single document that clearly links the two; and (2) instituting joint reviews of proposed plans and budgets by the Office of Policy, Planning, and Evaluation and the Comptroller's Office to ensure that the two processes are serving their appropriate roles in supporting the priority list.

Status: Action in process. EPA is attempting to implement the recommended action through the establishment of media teams and high level consultations.

Recommendation: To ensure that operational planning drives the development of operating budgets and to improve linkages between agency planning and budget systems so that resource allocation supports accomplishment of the Administrator's priorities, the Administrator, EPA, should correct the current lack of integration of planning and budgeting in the Resource Planning and Budgeting Manual and the Strategic Planning and Management System (SPMS) Reference Paper by issuing a joint, comprehensive, consistent document or correcting and more adequately reflecting both systems in separate documents on each.

Status: Action in process. EPA is in the process of integrating its Resource

Planning and Budgeting Manual and SPMS Reference Paper.

Recommendation: To more fully utilize its reprogramming authority to shift resources to priority issues during the execution phase of the management cycle and better link oversight activities regarding the achievement of planned goals, including planning system targets, and the use of resources, the Administrator, EPA, should revise the Resource Planning and Budgeting Manual to stress the use of reprogramming as a method of responding to agency priorities. For example, the section on reprogramming, as it applies to budget execution, needs to emphasize its use as a way to shift funds to priority list areas.

Status: Action in process. EPA has decided to issue periodic guidance on the use of reprogramming to respond to agency priorities.

Recommendation: To more fully utilize its reprogramming authority to shift resources to priority issues during the execution phase of the management cycle and better link oversight activities regarding the achievement of planned goals, including planning system targets, and the use of resources, the Administrator, EPA, should use the quarterly planning system reviews as a combined progress review on performance targets and review of resource utilization to identify opportunities to reprogram funds from lower to higher priorities. This could include: (1) considering issues in the priority list for the operating year, as well as for the future fiscal year, as candidates for resource shifts in quarterly reviews with national program managers and review sessions with regional offices; and (2) reviewing the extent to which various levels of management are using reprogramming

to move resources from lower-priority areas to higher-priority issues.

Status: Action in process. EPA is establishing the procedures for using the quarterly review process in the second and third quarters to identify areas that may need reprogrammed funds.

Recommendation: To revitalize and better direct EPA efforts to identify environmental measures, as a way of achieving its goal of managing for measurable environmental results, the Administrator, EPA, should adopt the framework for organizing and collecting management and environmental data and concentrate agency efforts on identifying and testing the best available measures. The process should include assigning specific responsibility for the effort and establishing time frames for completion, allocation of resources, and peer review or oversight.

Status: Action in process. Specific responsibility and time frames for development of environmental measures are to be required in strategic plans and tracked in agencywide management information systems.

Recommendation: To revitalize and better direct EPA efforts to identify environmental measures, as a way of achieving its goal of managing for measurable environmental results, the Administrator, EPA, should adopt the framework for organizing and collecting management and environmental data and concentrate agency efforts on identifying and testing the best available measures. The process should include assessing the progress being made in Region 10, on the Conservation Foundation project, and the work at Corvallis Laboratory to determine how they can contribute to measurement identification and implementation.

Status: Action in process. EPA is in the process of assessing the progress in Region 10, on the Conservation

Foundation, and the work at the Corvallis Lab.

Recommendation: To revitalize and better direct EPA efforts to identify environmental measures, as a way of achieving its goal of managing for measurable environmental results, the Administrator, EPA, should adopt the framework for organizing and collecting management and environmental data and concentrate agency efforts on identifying and testing the best available measures. The process should include revisiting its past surveys and data collected as part of its operating and monitoring activities, as well as similar data collected by states and other federal agencies, to determine if these data might be appropriate for use in assessing program results.

Status: Action in process. EPA is in the process of reviewing past surveys and state data to determine their relevance to efforts to develop environmental measures.

Recommendation: To revitalize and better direct EPA efforts to identify environmental measures, as a way of achieving its goal of managing for measurable environmental results, the Administrator, EPA, should adopt the framework for organizing and collecting management and environmental data and concentrate agency efforts on identifying and testing the best available measures. The process should include recognizing the vulnerability of monitoring and survey activities to budget reductions when making decisions relating to the expansion, termination, or reduction of these activities.

Status: Action in process. EPA believes that the requirement for measures in strategic plans and tracking their development will help reduce the vulnerability of monitoring and survey activities to budget reductions.

Recommendation: A necessary step in evaluating program effectiveness is to link program activities to measures of environmental quality and to decisions on allocation and targeting of resources. The Administrator, EPA, should begin taking the steps necessary to link program and monitoring activities to environmental indicators. Efforts underway in Region 4 appear to provide a good starting point.

Status: Action in process. EPA is developing a new agencywide planning, budgeting, and accountability system that is to link program and monitoring activities to environmental indicators.

Recommendation: To ensure the continued strengthening of a sound analytic base needed for assessing and managing environmental risks, the Administrator, EPA, should identify the critical research needs for implementing the initiative of managing for measurable environmental results and establish a process or structure to ensure that these needs are met.

Status: Action in process. The EPA Office of Research and Development is working with the program offices to integrate research and development plans into each program's strategic plans. The strategic plans are to provide for development and use of environmental indicators.

Recommendation: To ensure the continued strengthening of a sound analytic base needed for assessing and managing environmental risks, the Administrator, EPA, should assess the status of methods and activities for determining exposure, particularly human exposure, to pollutants, to provide a basis for deciding the additional research needed to develop and use effective methods.

Status: Action in process. The EPA new "core" research program is to develop a

national data base on the extent and nature of human exposure to pollution.

Recommendation: To ensure the continued strengthening of a sound analytic base needed for assessing and managing environmental risks, the Administrator, EPA, should establish a long-range research planning process for addressing research needs. As part of this effort, the Administrator should evaluate the present Research Committee process of developing the agency's research agenda with a view toward determining how it can be revised to ensure a proper balance between the agency's short- and long-term research needs.

Status: Action in process. EPA has established a Research Strategies Council and a Multi-Media Planning Group to help balance short-term and long-term research needs. It is also evaluating agency environmental and health research needs.

Recommendation: To ensure that the goal and initiatives of managing for measurable environmental results are being implemented, monitored, and accomplished, and to implement the previous recommendations, the Administrator, EPA, should establish an organizational focus as a way for providing the leadership to ensure the successful implementation and achievement of the initiative. A focal point could be an individual, a group, or an office designated as responsible for seeing that the necessary policies, procedures, processes, and systems are developed, implemented, monitored, and revised to ensure that progress is being made in effectively achieving the initiative.

Status: Action in process. The EPA Office of Policy, Planning, and Evaluation is to serve as the focal point through its management of the new planning, budgeting, and accountability system.

Recommendation: To help sustain and advance current EPA efforts to establish a more effective federal/state relationship in carrying out national environmental programs, the Administrator, EPA, should identify cases of individual state transaction review by EPA and reassess whether such procedures are essential. If the procedures are not essential or can be substituted for with other monitoring techniques, they should be eliminated. **Status:** Action in process. Several EPA offices are in the process of reviewing oversight of the states to identify monitoring activities that are essential.

Recommendation: To help sustain and advance current EPA efforts to establish a more effective federal/state relationship in carrying out national environmental programs, the Administrator, EPA, should, to the extent feasible, provide multiyear, instead of the current annual, guidance to the states and work with Congress to consider providing multiyear financial assistance.

Status: Action in process. EPA is reviewing its oversight of the states, and the Administrator plans to issue an EPA/state policy based on the results.

Recommendation: To help sustain and advance current EPA efforts to establish a more effective federal/state relationship in carrying out national environmental programs, the Administrator, EPA, should improve evaluations of state program performance, especially with regard to incorporating the measurement of environmental results. In communicating and addressing performance problems, the Administrator should stress the type and amount of improvement needed and options available to the states to take corrective action.

Status: Action in process. EPA is reviewing its oversight of the states, and

the Administrator plans to issue an EPA/state policy based on the results.

Recommendation: To help sustain and advance current EPA efforts to establish a more effective federal/state relationship in carrying out national environmental programs, the Administrator, EPA, should establish specific guidelines as to when and under what circumstances EPA will begin action to take back delegated program authority. These guidelines should be communicated to both agency staff and the states for use in cases where evaluations find that state performance is poor.

Status: Action in process. EPA is reviewing its oversight of the states, and the Administrator plans to issue an EPA/state policy based on the results. According to EPA, the recommendation needs further analysis.

Recommendation: The Administrator, EPA, should take the lead in working with Congress and the states to reassess the current federal/state relationship and to determine whether a more comprehensive approach is needed to accomplish EPA, state, and congressional objectives and expectations for the partnership.

Status: Action in process. As part of its reviews of state oversight, EPA is considering the need for a more comprehensive approach to establishing a partnership with the states.

Recommendation: The Administrator, EPA, should take appropriate steps to develop a long-range, mission-based plan that focuses on the actual use and value of information in achieving EPA goals. Specifically, the plan should define the framework for developing a modern information resources management infrastructure, which will: (1) establish high-level management authority for planning, directing, and implementing

information resources management activities; (2) establish a data architecture that identifies the agency's data flows and relates its data assets to operational needs; and (3) further improve data and voice networks needed for the conduct of business at operational locations across the nation.

Status: Action in process. EPA is developing a long-range plan on the use and value of information necessary to achieve the agency's mission.

Recommendation: In modernizing and improving EPA financial activities, the Administrator, EPA, should institute an

annual audit of EPA financial statements.

Status: Action in process. EPA participated with GAO in performing audits of its financial statements for fiscal years 1987 and 1988, and is considering whether to continue annual audits on its own.

Water Pollution: More EPA Action Needed to Improve the Quality of Heavily Polluted Waters

RCED-89-38, 01/06/89 GAO Contact: Richard L. Hembra, (202)275-6111

Background

In response to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) Region X to determine: (1) how well EPA and the states implemented Clean Water Act requirements to clean up rivers that did not meet water quality standards after construction of treatment plants; and (2) what actions EPA and Oregon took to set stricter pollution limits on the Tualatin and South Umpqua Rivers.

Findings

GAO found that: (1) many states and EPA did not develop total maximum daily loads (TMDL) for many of the nation's most polluted waters; (2) EPA did not track development and implementation of TMDL for individual water segments or TMDL effectiveness in meeting state water quality standards; (3) state officials did not plan to set TMDL for water-quality-limited segments beyond their existing plans because they preferred to use the funds

to implement 1987 legislative water quality requirements; (4) although limited budgets and increased water pollution control requirements imposed difficulties on EPA and states, TMDL requirements provided a comprehensive approach to resolving all water pollution problems; (5) setting maximum levels could help to identify more effective and cost-efficient cleanup alternatives; (6) as a result of a consent decree, Oregon initiated actions to develop TMDL for 11 bodies of water and for 1 pollutant for the Tualatin River; and (7) Oregon planned to set TMDL for the remaining pollutant in the Tualatin River by the end of the year, and TMDL for the Umpqua River and eight other bodies of water by June 1993.

Open Recommendations to Agencies

Recommendation: To give a greater sense of direction to implementing the Clean Water Act's TMDL requirements, the Administrator, EPA, should require

that the planned Water Body Tracking System incorporate information on the requirements of section 303(d) to ensure that TMDL are developed and action taken to clean up waters that are still below the standards. The system should include, for example, information on waters which have been designated as water-quality-limited, whether TMDL have been set, the time frames for developing TMDL, and whether water quality standards have been met after implementing TMDL.

Status: Action taken not fully responsive. EPA has revised its Water Body Tracking System to include information on section 303(d) requirements. However, one of the key elements, time frames for developing TMDL, was not included. An EPA official indicated that time frames will be considered in the next update of the system.

Pesticides: Export of Unregistered Pesticides Is Not Adequately Monitored by EPA

RCED-89-128, 04/25/89 GAO Contact: Richard L. Hembra, (202)275-6111

Background

In response to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) implementation of the Federal Insecticide, Fungicide, and Rodenticide Act's (FIFRA) provisions regarding pesticide notification requirements.

Findings

GAO found that: (1) EPA lacked an effective program to monitor pesticide manufacturers' compliance with pesticide export notification requirements; (2) pesticide notices did not include sufficient and meaningful information for foreign governments to adequately identify pesticide products; (3) the EPA policy of exempting unregistered pesticide products because of their similarity and use hindered its efforts to monitor pesticide manufacturers' compliance with the notification requirements; (4) EPA received notices from about 26 percent of companies that exported 80 percent of unregistered pesticide products to the United States; (5) EPA lacked internal procedures for preparing and issuing notices to foreign countries and international organizations regarding significant action on individual pesticides; and (6) an EPA booklet on cancelled, suspended, or restricted pesticides was outdated, and foreign governments lacked current pesticide guidelines.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should take appropriate actions to strengthen EPA oversight of pesticide exports, including monitoring compliance with the notification requirements by matching export notice information with export production data.

Status: Action in process. EPA intends to evaluate compliance with the notification requirements, including methods to automate the process of matching export notice information to production data. EPA has also conducted some inspections to verify compliance and plans to develop a long-term inspection strategy. A circle of poison review is now underway which, among other things, will determine actions taken by EPA.

Recommendation: The Administrator, EPA, should take appropriate actions to strengthen EPA oversight of pesticide exports, including requiring manufacturers to improve the quality and type of information included in the export notices, such as reporting full chemical descriptions.

Status: Action in process. EPA plans to revise the FIFRA section 7 form on which companies report annual production. EPA is also proposing to clarify and expand the labelling requirements concerning ingredient statements. A circle of poison review is now underway which, among other things, will determine action taken by EPA.

Recommendation: The Administrator, EPA, should take appropriate actions to strengthen EPA oversight of pesticide exports, including changing EPA enforcement policy concerning an unregistered pesticide currently used for section 17(a) notices, which in effect exempts a large number of pesticides claimed to be similar to registered pesticides. Such a change would be consistent with the way EPA treats an unregistered pesticide used throughout the rest of the pesticide program.

Status: Action in process. EPA is proposing to amend the agency's policy regarding the procedures for exporting pesticides not registered for use in the United States. A circle of poison review is now underway which, among other things, will determine action taken by EPA.

Recommendation: The Administrator, EPA, should regularly provide this information to the Food and Drug Administration (FDA) to assist in its monitoring of pesticide residues on imported food.

Status: Action in process. EPA has met with FDA and the Department of Agriculture to discuss the best means to make available information on exported pesticides. No formal arrangement has been completed. A circle of poison review is now underway which, among other things, will determine action taken by EPA.

Recommendation: The Administrator, EPA, should develop internal criteria and procedures for determining whether and when to prepare and issue a notice

of regulatory action, including specifying what constitutes a significant action on a pesticide.

Status: Action in process. EPA is proposing to significantly expand these notifications to include regulatory actions affecting health and environmental concerns. A circle of poison review is now underway which, among other things, will determine action taken by EPA.

Recommendation: The Administrator, EPA, should establish guidance on section 17(a) transmittal procedures for sending notices to foreign governments. In addition, in cooperation with the Department of State, annually update and send both section 17(a) and 17(b) guidance to U.S. embassies.

Status: Action in process. EPA is proposing to amend the frequency and transmittal process of such notices. The

proposed changes also include amendments that will incorporate the notification procedures adopted internationally. A circle of poison review is now underway which, among other things, will determine action taken by EPA.

Guidelines Needed for EPA's Tolerance Assessments of Pesticide Residues in Food

T-RCED-89-35, 05/17/89 GAO Contact: Richard L. Hembra, (202)275-6111

Background

GAO discussed the Environmental Protection Agency's (EPA) methods for assessing potential risks of pesticide residues in food. GAO found that: (1) EPA used its Tolerance Assessment System to estimate dietary exposure to pesticide residues, but it did not establish a policy to assess tolerance levels on population subgroups with the highest potential exposure to pesticides; (2) EPA developed separate cancer risk estimates for the overall U.S. population, even though population subgroup exposure was higher in some cases; and (3) although EPA used residue data in assessments over a 2-year period, there were no guidelines for performing anticipated residue studies. GAO believes that: (1) consideration of all available information on cancer risks would increase the credibility of EPA regulatory decisions on carcinogenic pesticides; and (2) EPA should reevaluate the adequacy of anticipated residue data.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should separately estimate cancer risk for highly exposed subgroups, consider subgroups' risk in its decisions regarding carcinogenic pesticides, and report on the subgroups most at risk in its Federal Register notices for the establishment or change of a pesticide's tolerances.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should proceed now to establish a policy concerning whether, or in what circumstances, tolerance decisions are to be based on the most highly exposed subgroups.

Status: Action in process. EPA is drafting a policy paper concerning how subgroups will be taken into account in tolerance decisions. Time frames for this project are not currently available.

Recommendation: The Administrator, EPA, should establish guidelines as soon

as possible on the development and use of anticipated residue data to estimate exposure.

Status: Action in process. An EPA work group and contractor are developing a statistical guidance document for using anticipated residue data. Time frames for this project are not currently available.

Recommendation: The Administrator, EPA, should ensure that the guidelines for using anticipated residue data to estimate exposure also address the disadvantages of each type of data.

Status: Action in process. EPA plans to address strengths and weaknesses of several types of anticipated residue data in its statistical guidance.

Recommendation: The Administrator, EPA, should, once it develops guidelines, reevaluate any regulatory decisions it has made in the interim that were based on anticipated residue data.

Status: Action not yet initiated.

Drinking Water: Safeguards Are Not Preventing Contamination From Injected Oil and Gas Wastes

RCED-89-97, 07/05/89 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) Underground Injection Control (UIC) Program, focusing on: (1) whether evidence exists of drinking water contamination from injection wells used in oil and gas production, known as Class II wells, and if so, the causes and actions taken to prevent similar occurrences; and (2) the degree to which states have implemented program safeguards to protect against drinking water contamination.

Findings

GAO found that: (1) there were 23 cases of drinking water contamination, but the full extent of contamination was unknown; (2) EPA estimated that there

are about 1.2 million abandoned oil and gas wells in the United States, 200,000 of which may be improperly plugged, and 3 of the 4 states reviewed said that the numbers of improperly plugged wells are increasing; (3) most Class II wells operated before the UIC program, and most contamination cases involved existing wells, but EPA did not subject existing wells to the requirement to search and plug nearby improperly plugged wells; and (4) some states issued permits to operate Class II wells without evidence that the applicant had conducted pressure tests, and some have not finished reviewing files and pressure testing some of the existing wells.

Open Recommendations to Agencies

Recommendation: In order to better safeguard drinking water supplies from

contamination from Class II wells, the Administrator, EPA, should require that UIC program regulations or guidance be established for state- and EPA-administered programs to make existing wells subject to area-of-review requirements as are new wells.

Status: Action in process. Estimated completion date: 10/92. EPA has formed a federal advisory committee to look at area of review. EPA plans to issue a proposed rule on area of review by late 1992.

Recommendation: The Administrator, EPA, should establish a priority system to ensure that the regulatory agencies review those area reviews containing improperly plugged wells that pose the greatest environmental risks first.

Status: Action not yet initiated.

Air Pollution: EPA's Ambient Air Policy Results in Additional Pollution

RCED-89-144, 07/26/89 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO examined the Environmental Protection Agency's (EPA) use of pollution concentration estimates obtained from air quality dispersion models in carrying out its responsibilities under the Clean Air Act,

focusing on whether EPA policies: (1) on ambient air quality resulted in approval of increased emissions; and (2) ensured the consistent use of air quality models in regulatory decisions.

Findings

GAO found that: (1) the EPA policy that defined ambient air as that portion of the atmosphere, external to buildings, which had public access, resulted in higher emissions limits than otherwise permitted; (2) EPA did not consider any air above company-controlled property

as ambient air and exempted it from Clean Air Act requirements for air quality standards; (3) EPA stretched some policy decisions to allow some sources to increase emissions by acquiring additional land and restricting public access to it; and (4) there were four instances of noncompliance with EPA-recommended modelling policies and procedures, since EPA guidelines pertaining to model calibration were not

sufficiently detailed to promote consistent understanding among model personnel.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should review, and where necessary, revise the modelling guideline to more clearly and precisely identify

and prohibit unacceptable practices such as model calibration.

Status: Action in process. EPA is in the process of developing a Notice of Proposed Rulemaking on the Guidelines on Air Quality Models that will deal with model calibration.

Transportation Noise: Federal Control and Abatement Responsibilities May Need to Be Revised

RCED-90-11, 10/12/89 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO examined aircraft, highway, and railroad noise, focusing on the: (1) extent of the transportation noise problem; (2) status of the Environmental Protection Agency's (EPA) noise control activities and plans when it eliminated its program; and (3) current federal, state, and local noise control activities.

Findings

GAO found that: (1) an estimated 3.2 million people lived in areas generally incompatible for residential use because of aircraft noise, and aircraft, railroad, and highway noise levels significantly interfered with sleep, conversation and relaxation in normal environments; (2) under its noise program, EPA issued noise emission standards for trucks, motorcycles, and interstate motor and rail carriers, proposed aircraft noise regulations, and assisted state and local

governments in noise program development; (3) prior to eliminating its noise program, EPA planned to further lower transportation noise levels through additional regulations and more effort in assisting localities in land-use planning around transportation facilities; (4) the Federal Aviation Administration had a program that included aircraft noise standards, operating controls, and noise abatement assistance to airports, while the Federal Highway Administration required states to consider noise in planning and designing federally aided highway projects and provided funds for noise barrier construction along federal-aid highways; (5) state and local governments could not adopt their own noise controls for equipment and operations where EPA standards remained in effect; and (6) some states did not expand their noise control offices to assist localities with noise problems.

Open Recommendations to Congress

Recommendation: Congress may wish to reexamine the federal role with regard to transportation noise control and abatement. Key considerations for Congress are the extent of the transportation noise problem, local needs for assistance in dealing with them, and the cost of additional activities to carry out an increased federal role.

Congressional Action: The Subcommittee on Aviation, House Committee on Public Works and Transportation, held hearings during September 1990 on the economic impacts of a national aircraft noise policy. The Research and Development Subcommittee also held hearings on aircraft noise during September 1990. The Omnibus Budget Reconciliation Act requires the Department of Transportation to issue a national noise policy.

Air Pollution: National Air Monitoring Network Is Inadequate

RCED-90-15, 11/02/89 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) efforts to collect and report complete, accurate, and reliable air monitoring data, focusing on: (1) EPA progress in establishing a national monitoring network; (2) the condition of air monitoring equipment; and (3) the effectiveness of EPA quality assurance measures.

Findings

GAO found that EPA: (1) did not meet its own requirements to have a national air monitoring network in place by July 1982; (2) attributed the delay in network completion to its uncertainty about requiring state and local agencies to expand their networks and to insufficient federal, state, and local funds; (3) needed 42 more monitors to complete its network, although population changes could cause a need for additional monitors; (4) lacked an overall plan to identify and meet equipment replacement needs, although 68 percent of the monitors were over 7 years old, their estimated useful life; (5) relied on state and local agencies to make it aware of equipment needs; (6) estimated that it would cost \$7.1 million to replace aging monitoring equipment; (7) lacked an overall plan for helping states implement alternative funding programs for monitoring efforts; (8) inconsistently conducted biannual reviews and annual accuracy tests of monitors; (9) did not ensure that agencies provided valid, reliable

monitoring data; and (10) allowed state and local agencies to select the monitors to be tested for accuracy.

Open Recommendations to Agencies

Recommendation: In order to increase EPA assurance that air monitoring networks produce monitoring data that are as accurate, complete, and representative as possible, the Administrator, EPA, should develop a strategy for completing the national monitoring network, meeting future monitoring needs, and replacing aging monitoring equipment. As part of its strategy, EPA should work with state and local agencies to identify opportunities through existing Clean Air Act provisions, such as collecting permit fees, or through alternative sources, such as Florida's license fee assessments, to generate additional funds to purchase needed monitors.

Status: Action in process. EPA believes that sufficient systems are in place to ensure completion of the National Air Monitoring System (NAMS) network. EPA agrees to develop a strategy, by October 1992, for replacing the aging monitoring network and to encourage alternative and innovative funding sources.

Recommendation: In view of the importance of EPA quality control measures and to ensure that EPA managers realize the full potential of these measures, the Administrator, EPA, should direct EPA regional offices to comply with EPA requirements to audit

all state and local monitoring agencies at least once every 2 years and to complete the audits in accordance with EPA guidance on site inspections, data reviews, and identification of corrective actions.

Status: Action taken not fully responsive. EPA states that it will continue to strive for 100-percent compliance for regional office quality assurance audits. EPA states that this will be subject to fulfilling higher national priorities and the availability of sufficient funds.

Recommendation: In view of the importance of EPA quality control measures and to ensure that EPA managers realize the full potential of these measures, the Administrator, EPA, should direct the Director of the Atmospheric Research Exposure and Assessment Laboratory (AREAL) to systematically select monitors for inclusion in the National Performance Audit Program (NPAP) and require all state and local agencies to participate in the program.

Status: Action taken not fully responsive. In January 1990, EPA sent letters to all its regional offices listing 1990 NPAP participants and requesting that regional offices confirm that all agencies participated. EPA states that having AREAL select the monitors to be audited is cost-prohibitive.

Recommendation: In view of the importance of EPA quality control measures and to ensure that EPA managers realize the full potential of these measures, the Administrator, EPA,

should direct the Director of the Office of Air Quality Planning and Standards to clarify EPA guidance to state and local agencies on how the agencies are to

use Precision and Accuracy Reporting Systems results for validating air monitoring data.

Status: Action in process. EPA plans to review current guidance to state and local agencies to determine what, if any, clarification is needed.

Superfund: A More Vigorous and Better Managed Enforcement Program Is Needed

RCED-90-22, 12/14/89 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) enforcement of the Superfund program, focusing on: (1) its process for identifying liable and financially viable parties to hold responsible for cleaning up Superfund sites; (2) enforcement tools, including negotiations, unilateral administrative orders, and mixed funding and de minimis settlements; and (3) recovery of site cleanup costs.

Findings

GAO found that: (1) although the program's success depended largely on finding the liable parties to fund cleanups, EPA had not found the liable parties for one-third of the sites ready for cleanup; (2) many of the searches were incomplete because of data collection deficiencies and poorly conducted interviews; (3) although EPA took some corrective actions, it needed to keep better track of responsible party

information, systematically identify searches needing to be redone, and promote a toll-free hot line for reporting the identity of suspected responsible parties; (4) search delays due to staff shortages have hampered EPA efforts to find responsible parties willing to finance cleanups; (5) EPA used administrative orders only sparingly to force action or close lengthy negotiations; (6) a legislative requirement that orders were only enforceable upon demonstration of imminent and substantial endangerment was a barrier to EPA use of administrative orders; (7) EPA had collected only 35 percent of the costs it hoped to recover by 1991, because it considered cost recovery a low priority; (8) EPA regions issued letters demanding payment from 4 to 18 months late, which cost the government interest income and reduced the program's credibility; (9) EPA excluded various indirect costs totalling \$800 million from its definition of recoverable costs; (10) EPA cost recovery actions remained

uncertain because legislation did not specifically authorize recovery of indirect costs and court actions on the issue were inconsistent; and (11) although EPA planned greater program enforcement, staffing constraints contributed to many of the problems.

Open Recommendations to Agencies

Recommendation: To provide a systematic planning process to guide its initiatives for improving the management of the Superfund program, particularly its enforcement activities, the Administrator, EPA, should identify the resources required to meet the long-term measurable goals of the Superfund enforcement program.

Status: Action in process. EPA agreed that some detailed, objective assessments should be undertaken on the accuracy of the pricing factors used to determine staff resource requirements and it will consider implementing such an evaluation by late 1991.

Hazardous Waste: EPA's Generation and Management Data Need Further Improvement

PEMD-90-3, 02/09/90 GAO Contact: Kwai-Cheung Chan, (202)275-3092

Background

Pursuant to a congressional request, GAO evaluated the Environmental Protection Agency's (EPA) efforts to improve the quality of information it collected on hazardous waste generation and management capacity.

Findings

GAO found that EPA: (1) initiated 13 efforts to improve its previous data collection efforts, which primarily relied on joint federal-state programs that sometimes produced inconsistent, flawed, and incomplete hazardous waste information; (2) implemented information system development practices that were generally consistent with existing federal guidelines, although it needed to refine several data collection mechanisms to ensure the full integration of all data; (3) identified most of the categories of information it needed, although it lacked categories for information about Superfund site waste, other types of waste that would ultimately require management, and the disposal capacity of salt domes or other geologic formations; (4) generally improved the measurement instruments it used to obtain hazardous waste information, but could develop frameworks to help resolve remaining classification and measurement problems; (5) did not provide sufficient funding for states to collect and verify data; (6) was not planning to conduct future national surveys using probability sampling, although they had been the primary source of detailed national information; and (7) had limited

authority to require states to collect standard data or hazardous waste handlers to provide the detailed information it required.

Open Recommendations to Congress

Recommendation: In addition to the improvements EPA can make, GAO believes that a refinement in legislation may also be necessary to improve the quality of EPA information. Nonuniform data and procedures across the states, which are associated with a joint federal-state data collection effort under the Resource Conservation and Recovery Act, degrade the quality of information about hazardous waste. Under current law, responsibility for data collection, as well as other regulatory activities, is shared by federal and state governments. This problem could be corrected by separating the recordkeeping and reporting provisions of the act from other regulatory provisions and making EPA solely responsible for collecting the information required for developing and implementing the federal program. Uniform national data would then be assured, but states would retain the authority to add data elements and to use supplemental data collection mechanisms to support state needs.

Congressional Action: There has been no congressional action as of late 1991.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should direct the Assistant Administrator for Solid Waste and Emergency Response to take appropriate steps to enhance its information system development process and fully ensure that data collection efforts complement each other and support the program mission. Specifically, a comprehensive data collection plan should be developed. Steps should be taken to improve the assignment of responsibilities for planning and directing the development of information system components by increasing the authority of the central coordinating office to develop data collection efforts and ensure consistency. Finally, the life-cycle management system should be refined to ensure the complete and detailed analysis and documentation of each stage of the cycle for major system components.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should direct the Assistant Administrator for Solid Waste and Emergency Response to take appropriate and feasible steps to fill remaining information gaps, including the: (1) volumes of waste located at Superfund and corrective action sites that will ultimately require management capacity; (2) volumes of waste that will require management capacity under proposed regulations, including the large volumes of waste expected from cleanups of leaking underground storage tanks; and (3) potential disposal capacity of salt

domes and other geologic formations that are capable of preventing the migration of wastes.

Status: Action in process. EPA, based on the GAO report, is presently revising its data collection instruments to meet the recommendation.

Recommendation: The Administrator, EPA, should direct the Assistant Administrator for Solid Waste and Emergency Response to ensure that state data collection and quality control efforts receive fully adequate support and include specific indicators related to data collection and verification in the agency's mechanism for monitoring state performance.

Status: Action in process. EPA is presently planning to implement a nationally consistent format.

Recommendation: The Administrator, EPA, should direct the Assistant

Administrator for Solid Waste and Emergency Response to use probability sampling, rather than a census of waste handlers, whenever feasible, for routine national data collection and quality control, to ensure that EPA obtains the information necessary to develop regulations efficiently and without unnecessary data collection burden.

Status: Action in process. EPA has indicated to GAO that it intends to use statistical sampling in routine national data collection efforts.

Recommendation: The Administrator, EPA, should direct the Assistant Administrator for Solid Waste and Emergency Response to ensure that the toxic chemical release inventory reporting system complements other hazardous waste data collection efforts so that the data it provides on toxic chemical concentrations can be used to their maximum potential.

Status: Action in process. EPA is presently planning to implement this recommendation in revisions to the Biennial Report regulations.

Recommendation: The Administrator, EPA, should direct the Assistant Administrator for Solid Waste and Emergency Response to amend federal recordkeeping and reporting regulations so that states are required to collect and provide standard data elements in a disaggregated form and hazardous waste handlers are required to provide sufficiently detailed data.

Status: Action in process. EPA presently plans to revise its recordkeeping and reporting regulations so that states are required to collect and provide standard data elements in a disaggregated form, and handlers are required to provide detailed data.

Water Pollution: Serious Problems Confront Emerging Municipal Sludge Management Program

RCED-90-57, 03/05/90 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO assessed the Environmental Protection Agency's (EPA) development of a mandated municipal sludge management program, focusing on: (1) the status of EPA and state municipal sludge management efforts; (2) potential obstacles to permanent program implementation; and (3) key issues concerning EPA development of technical sludge standards.

Findings

GAO found that: (1) few states were willing to fully participate in the program because of limited resources, and participating states' programs omitted key responsibilities; (2) EPA had not completed its inventories of priority sludge-generating facilities; (3) EPA did not properly enforce or approve technical sludge standards; (4) overly stringent technical standards could eliminate most beneficial sludge uses; and (5) regulatory delays and uncertainties have inhibited states' participation in the interim program

and willingness to seek approval for the permanent program.

Open Recommendations to Agencies

Recommendation: To improve regions' and states' performance in the interim program and to lay the foundation for their implementation of the permanent program, EPA headquarters needs to build on its ongoing efforts to improve the way it tracks their performance. Specifically, the Administrator, EPA, should direct that modifications be made so that EPA can track the: (1) number of

permits that are required to include sludge conditions as well as the number that actually do include the conditions; and (2) content of the conditions, such as whether pollutant concentration levels are being included for different sludge use and disposal practices.

Status: Action in process. Estimated completion date: 06/92. EPA completed a feasibility study in January 1991 on whether the current permit compliance tracking system could also track sludge permit requirements. EPA plans to have its system in place to track sludge permit issuance, record permit limits, and store sludge monitoring data by summer 1992.

Recommendation: To improve the prospects for an effective permanent sludge program, the Administrator, EPA, should take measures to ensure

that a strong enforcement component is in place when the permanent sludge program begins. Among the key elements that should be included are: (1) criteria for significant noncompliance so that enforcement priorities can be determined; (2) criteria for timely and appropriate enforcement so that the type and timing of enforcement is known to both regulators and publicly owned treatment works; and (3) effective oversight of EPA regional and state enforcement efforts by headquarters. **Status:** Action in process. Estimated completion date: 01/92. EPA does not plan to formally establish criteria for significant noncompliance until after the final sludge regulations are issued, which is scheduled for early 1992.

Recommendation: In light of the long history of delays in issuing technical

sludge regulations, the prospect of continuing difficulties, and the significance of timely development of those regulations to the emerging national sludge management program, the Administrator, EPA, should closely track EPA progress in its efforts to promulgate them. Specifically, the Administrator should ensure that further delays are minimized as EPA incorporates the views of interested parties on the draft technical regulations it proposed in February 1989.

Status: Action in process. Estimated completion date: 01/92. Pursuant to a court order, the final sludge regulations will be promulgated in January 1992. EPA reports that it is on track to meet this date. This extension is reportedly due to Office of Management and Budget comments and subsequent delays.

Medical Waste Regulation: Health and Environmental Risks Need to Be Fully Assessed

RCED-90-86, 03/06/90 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO assessed: (1) selected states' infectious medical waste regulatory programs; and (2) the status of the Environmental Protection Agency's (EPA) implementation of the Medical Waste Tracking Act.

Findings

GAO found that the states': (1) generator regulations varied; (2) legislation or regulations generally defined what types of medical waste should be considered infectious and set appropriate requirements, but the definitions varied; and (3) inspection processes varied, and

the states conducted a limited number of inspections and took few enforcement actions. GAO also found that EPA issued regulations for a demonstration program which: (1) listed medical waste types to be regulated and specified tracking procedures; and (2) were criticized for including waste that did not present a substantial health risk and for not including some infectious items. GAO also found that EPA reported on extensive data gathering efforts for a required health hazard assessment, but realized that more research might be needed to assess the risks.

Open Recommendations to Agencies

Recommendation: To help ensure that concerns about mismanaged medical waste and the need for federal regulation are adequately addressed in a timely manner, the Administrator, EPA, should develop a plan to identify and fill the gaps in the data needed to determine the level of threat to public health and the environment posed by medical waste as soon as practicable.

Status: Action in process. Estimated completion date: 03/92. EPA will issue a final report to Congress on the nature of the medical waste problem and possible solutions, as well as results of the 2-year

demonstration tracking program. The final report is due September 1991, but EPA plans to release it in spring 1992.

Recommendation: To help ensure that concerns about mismanaged medical waste and the need for federal regulation are adequately addressed in a timely manner, the Administrator, EPA, should begin to develop a process for bringing together the Centers for Disease Control and other federal agencies, the medical and waste management industries, the states, environmental groups, and other parties, as appropriate, to obtain consensus on a definition of infectious waste and the other medical waste that needs to be regulated or receive other special attention.

Status: Recommendation valid/action not intended. EPA indicates that the agency has gathered comments from federal agencies on infectious waste definition, but believes it may not be necessary or realistic to expect that a consensus can be obtained. EPA is prepared to advise Congress on possible definitions should new medical waste legislation be considered.

Recommendation: The Administrator, EPA, should consider under what, if any, circumstances untreated infectious waste may be landfilled, and whether standard procedures or controls are needed to: (1) protect the health and safety of landfill workers at sites where it is allowed; and

(2) prevent pathogens from migrating to groundwater underlying the sites.

Status: Action in process. Estimated completion date: 03/92. EPA plans to address this issue in a final report to Congress on the medical waste problem and demonstration program.

Recommendation: The Administrator, EPA, should consider: (1) the impacts on receiving waters and public health from hospitals and other medical facilities discharging infectious waste to combined sanitary and storm sewers; (2) the occupational health risks to hospital and sewer system workers from exposure to those wastes; and (3) whether household disposal of medical waste to sewers presents similar environmental, public health, or occupational risks.

Status: Action in process. Estimated completion date: 03/92. EPA plans to address this issue in a final report to Congress on the medical waste problem and demonstration program. The report is due September 1991, but EPA expects to release it in spring 1992.

Recommendation: The Administrator, EPA, should consider: (1) what minimum temperature and residence time are needed to effectively incinerate infectious waste, and whether national standards are needed; (2) for what substances should air emission limits be established for medical waste incinerators, and whether the ash should be tested before it is landfilled; (3)

whether operators of medical waste incinerators should be certified; (4) whether the incinerators should be inspected at set intervals to determine if performance standards are being complied with; and (5) whether those siting medical waste incinerators should consider prevailing winds and nearby buildings.

Status: Action in process. Estimated completion date: 03/92. EPA plans to address this in the final report to Congress. EPA also plans to issue proposed standards for medical waste incinerators in September 1992.

Recommendation: The Administrator, EPA, should consider: (1) whether autoclaving is effective for all types of infectious wastes, or other treatment methods should be used for certain waste types; (2) what minimum temperature, residence time, and pressure should be maintained throughout the autoclaving process, and whether those conditions should be established by national standards; (3) what documentation of performance efficiency autoclave operators should be required to maintain; (4) how frequently autoclaves should be inspected; and (5) assurances that should be provided to landfill operators that infectious waste has been effectively autoclaved.

Status: Action in process. Estimated completion date: 03/92. These issues will be addressed in the EPA final report to Congress on medical waste.

Lawn Care Pesticides: Risks Remain Uncertain While Prohibited Safety Claims Continue

RCED-90-134, 03/23/90 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed: (1) the information that manufacturers, distributors, and professional applicators of lawn-care pesticides provided to the public about product safety; (2) federal enforcement actions taken against unacceptable advertising claims; and (3) the reregistration status of 34 widely used lawn-care pesticides.

Findings

GAO found that: (1) the lawn-care pesticides industry made prohibited product safety claims that differed substantially from claims the Environmental Protection Agency (EPA) allowed as part of product registration; (2) EPA cited limited resources and its focus on product misuse as reasons for

assigning a lower enforcement priority to such false and misleading claims; (3) EPA lacked an effective program for monitoring pesticide manufacturers' and distributors' compliance with registration requirements; (4) although the Federal Trade Commission (FTC) had authority to act against false and misleading safety advertising, it preferred to defer to EPA in such matters because of its expertise and legislative authority; (5) FTC believed that EPA was informally handling professional applicators' safety advertising, although EPA lacked authority to do so; (6) EPA remained at a preliminary stage in reassessing the risks of lawn-care pesticides under its registration program; and (7) EPA had not completely reassessed any of the 32 older lawn-care pesticides that were subject to reregistration.

Open Recommendations to Agencies

Recommendation: In order to protect the public from prohibited pesticide safety claims, the Administrator, EPA, should develop an enforcement strategy for monitoring lawn pesticide industry compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), section 12(a)(1)(B), that will make better use of EPA resources.

Status: Action in process. In May 1991, EPA testified that its 1990 pilot initiative has led to an expanded lawn pesticide effort involving national monitoring and enforcement activities. This effort will require states in the EPA pesticide enforcement program to conduct, in fiscal year 1992, 10 or more inspections of lawn service practices and take appropriate action as needed.

Nonhazardous Waste: Environmental Safeguards for Industrial Facilities Need to Be Developed

RCED-90-92, 04/12/90 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed: (1) industrial nonhazardous waste facilities' potential for groundwater contamination; and (2) Environmental Protection Agency (EPA) plans to revise its 1979 standards for industrial nonhazardous waste facilities.

Findings

GAO found that, between 1985 and 1987, more than 10 percent of industrial facilities: (1) handled small amounts of such hazardous wastes as arsenic, mercury, and strong acids; (2) failed to use environmental controls to prevent or detect groundwater contamination; and (3) violated state groundwater protection

standards. GAO also found that EPA did not: (1) revise facility standards by March 1988, as required, and made little progress in gathering data necessary to revise the standards; or (2) establish specific tasks or identify the resources necessary to assess and revise the standards.

Open Recommendations to Agencies

Recommendation: To give more focus to its statutory requirements to assess and revise the standards, the Administrator, EPA, should develop a formal strategy to fulfill those requirements. This strategy should establish the objectives, specific tasks to be completed, milestones for

completing the tasks, organizational responsibilities for carrying out the tasks, and required resources to carry out the strategy. In addition, the strategy should include an assessment of the standards for all industrial facilities, as required by the statute.

Status: Action in process. EPA agrees with the recommendation and developed

an Industrial Solid Waste Branch in January 1991. It is staffed by five people. They are beginning to work on the best approach for coming up with a long-term strategy for industrial nonhazardous waste. As a first step towards developing a strategy, the Branch is developing a questionnaire to collect detailed information on these wastes.

Toxic Substances: EPA's Chemical Testing Program Has Made Little Progress

RCED-90-112, 04/25/90 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO evaluated the Interagency Testing Committee's (ITC) and Environmental Protection Agency's (EPA) implementation of the chemical testing program under the Toxic Substances Control Act (TSCA).

Findings

GAO found that: (1) EPA and ITC had identified for testing less than 1 percent of the more than 60,000 chemicals in the TSCA inventory; (2) neither ITC nor EPA had produced a list of chemicals that did not require testing; (3) since the enactment of TSCA, EPA had completed test data for only six chemicals and had not finished assessing those; (4) ITC members' poor attendance may have contributed to its lack of crucial data it needed to make recommendations; (5) after proposing test rules, EPA continued to take an average of more than 2 years to make them final; and (6) the EPA and ITC testing program lacked overall objectives and a strategy for achieving them.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should exercise EPA data-gathering authority on behalf of ITC under section 8 of TSCA to obtain the data that ITC needs to make recommendations. This can be done in phases so that industry is not overburdened.

Status: Action in process. EPA will use the automatic TSCA Section 8(a) and 8(d) reporting requirement for all chemicals recommended for testing by ITC.

Recommendation: The Administrator, EPA, should work with ITC to improve its member participation.

Status: Action taken not fully responsive. EPA has initiated discussions with ITC member agencies, but has developed no specific approach for improving member participation.

Recommendation: The Administrator, EPA, should place a high priority on issuing final test rules by ensuring that adequate staff resources are devoted to

completing test rules within a reasonable time, such as the 12- to 18-month time frame GAO recommended in 1984.

Status: Action in process. EPA will attempt to clear the backlog of chemicals awaiting final rulemaking and improve timeliness. The first goal is to identify and process larger numbers of testing candidates more efficiently rather than move a few ITC nominations quickly.

Recommendation: The Administrator, EPA, should develop overall objectives for the chemical testing program and a strategy for achieving those objectives. The objectives should identify, among other things, the universe of chemicals EPA needs to address and the pace at which it plans to address those chemicals.

Status: Action in process. EPA is developing a testing strategy for the TSCA Section 4 program. The strategy will set the testing agenda and priorities for testing for the next decade.

Improvements Needed in the Environmental Protection Agency's Testing Programs for Radon Measurement Companies

T-RCED-90-54, 05/16/90 GAO Contact: Richard L. Hembra, (202)275-6111

Background

GAO discussed the Environmental Protection Agency's (EPA) voluntary Radon Measurement Proficiency (RMP) Program, which assessed the capabilities of companies providing radon measurement results to homeowners, and state efforts to control radon measurement companies. GAO noted that: (1) EPA envisioned RMP as a federal/state effort, with the federal government responsible for testing firms and encouraging them to adopt quality assurance procedures, and states providing further regulation or requiring participation in RMP and quality assurance programs; (2) the number of firms demonstrating proficiency through RMP increased from 24 in 1986 to about 660 in 1990; (3) RMP did not ensure that measurement results were accurate or that firms would not market measurement devices that had not been tested or that had failed testing; (4) many industry officials believed that RMP participation should be mandatory and that EPA should require firms to

establish quality assurance programs; (5) nine states had programs, five of which were mandatory, to certify, license, or accredit radon measurement companies, and all nine programs required RMP participation; (6) five of the programs had quality assurance requirements; (7) 20 other states may establish a program; and (8) lack of EPA guidance could be one reason why state program requirements varied.

Open Recommendations to Congress

Recommendation: Congress should provide EPA authority to require companies to participate in and successfully pass the RMP program before marketing their devices to the public.

Congressional Action: Proposed legislation to reauthorize the 1988 Indoor Radon Abatement Act, S. 792, is being considered by both the House and Senate. If enacted, the legislation would implement the GAO recommendation to

require measurement firms to participate in the RMP program.

Open Recommendations to Agencies

Recommendation: To ensure the development of state programs that provide a minimum degree of control and consistency over radon measurement companies, EPA should develop and issue guidance on the type of state programs and level of control it believes is needed at the state level in order to provide homeowners with adequate assurance that radon measurements are accurate.

Status: Action in process. According to agency officials, EPA is developing a complete guidance document that will describe a model radon measurement certification program. EPA draft guidance was issued for public comment to states and interested parties. The agency is evaluating the comments and expects to issue the guidance in final form in late 1991.

Hazardous Waste: Funding of Postclosure Liabilities Remains Uncertain

RCED-90-64, 06/01/90 GAO Contact: Richard L. Hembra, (202)275-6111

Background

In response to a congressional request, GAO studied options for managing liabilities associated with hazardous waste disposal facilities after closure.

Findings

GAO found that the Environmental Protection Agency (EPA): (1) requires facilities obtaining operating permits to design and construct disposal units with waste migration prevention measures; (2) officials have identified activities, such as extended postclosure care and long-term research, to reduce the potential for leakage after facilities close; and (3) established financial requirements to ensure that funds are available to pay for postclosure liabilities. GAO also found that EPA needs to: (1) develop a strategy to comprehensively obtain data on the effectiveness of current disposal requirements; (2) examine long-term postclosure issues, such as insurance and risk pooling, to better ensure funding of

postclosure liabilities; (3) implement a strategic plan for developing data and measures to assess postclosure risks, so that a postclosure funding mechanism can be better determined; and (4) pursue private and public funding options to better ensure that needed postclosure liability funds will be available.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should develop and implement a strategy to address the long-term effectiveness of current hazardous waste disposal requirements so that decisions can be made about postclosure liability funding mechanisms. Such a strategy should outline the activities EPA needs to undertake and complete to assess postclosure risks, require evaluations of actions to reduce such risks as extended postclosure care, and assess available alternatives for funding postclosure liabilities. The strategy should also

identify required EPA resources and establish time frames for completing such activities.

Status: Action in process. While EPA will not develop a detailed strategy as recommended by GAO, it is planning to initiate several activities, including rulemaking on liner/leak detection, to address shorter-term risks. EPA is considering a study to determine releases from land disposal sites and estimate the resultant liabilities, potential economic impacts, and potential taxpayer liabilities.

Recommendation: The Administrator, EPA, should periodically report to Congress its progress in obtaining the necessary data on the effectiveness of current disposal requirements and, as information becomes available, be prepared to take interim measures to provide greater public protection until more definitive data are developed.

Status: Action not yet initiated.

Drinking Water: Compliance Problems Undermine EPA Program as New Challenges Emerge

RCED-90-127, 06/08/90 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO assessed the Environmental Protection Agency's (EPA) implementation of the Safe Drinking

Water Act program, focusing on: (1) the extent to which community water systems complied with the act's requirements for monitoring water supplies and meeting drinking water standards; (2) EPA and state

enforcement programs' effectiveness in ensuring compliance; and (3) the potential impacts of new drinking water requirements.

Findings

GAO found that EPA studies showed that some violations at the water system level were not detected because of: (1) sampling errors by water system operators; (2) the increasingly technical nature of water sample collection; and (3) inadequately trained or inexperienced operators, particularly at small systems. GAO also found that: (1) some identified violations were not reported to EPA; (2) some states adopted policies suspending or restricting certain EPA monitoring requirements, resulting in water systems not performing all required tests; (3) key data needed to determine water system compliance relied on inadequate state tracking systems; and (4) EPA and the states will face increasing financial and regulatory burdens resulting from new drinking water standards.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should improve water systems'

compliance with program requirements by directing the Office of Drinking Water to evaluate state policies that suspend or restrict federal monitoring requirements and determine, within the constraints of the Safe Drinking Water Act, whether modifications should be made to existing regulations. Once those policies are evaluated, the Office should ensure that the states observe the final decisions and enforce the regulations. **Status:** Action in process. EPA headquarters officials will require EPA regions, as part of their fiscal year (FY) 1991 annual review of state programs, to look at compliance with federal regulations. EPA is working with states to expand their resource base to adequately implement EPA regulations.

Recommendation: To help ensure that state and EPA enforcement actions meet program requirements and are effective in encouraging water systems' compliance with drinking water program requirements, the Administrator, EPA, should take steps to increase the

prospect that appropriate state enforcement actions will return violating systems to compliance. Specifically, the Administrator should direct EPA regions to examine, as part of their annual program reviews, whether: (1) states relying on civil referrals have the resources and commitment needed within the state drinking water program office and the attorney general's office to ensure that such referrals will be acted upon; and (2) states relying on administrative orders have a workable procedure to implement them in a timely manner and have sufficient authority to assess penalties as part of the order.

Status: Action in process. EPA regions are to review state administrative order and civil referral processes during annual program reviews. EPA issued a report on state administrative penalty programs in January 1991. Regions are also monitoring the status of state civil referrals.

Air Pollution: EPA Not Adequately Ensuring Vehicles Comply With Emission Standards

RCED-90-128, 07/25/90 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the effectiveness of the Environmental Protection Agency's (EPA) efforts to control air pollution from motor vehicles, focusing on EPA efforts to: (1) identify vehicles exceeding emission standards before and after they are sold to the public; (2) ensure that such vehicles are returned to compliance; and (3) monitor state

programs to reduce motor vehicle emissions.

Findings

GAO found that: (1) all vehicles sold must be certified by EPA as capable of meeting federal emission standards throughout their useful life; (2) motor vehicles are responsible for over one-half of annual air pollutant emissions; (3) the EPA program for testing vehicles was not adequately identifying those that

would fail to meet emission standards; (4) EPA had little assurance that it was identifying all properly maintained in-use vehicles that were failing to meet emission standards; (5) EPA has reduced its testing of in-use vehicles and now tests only one-third of vehicles of the most recent model year; (6) between 1985 and 1987, less than one-half of the vehicles recalled for emission system problems were repaired; (7) EPA established a timetable for options to

increase the recall response rate; and (8) EPA did not routinely determine the effectiveness of all programs in meeting specified emission reduction requirements.

Open Recommendations to Agencies

Recommendation: In order to better prevent the sale of vehicles that in use fail to meet emission standards, and to better identify those already sold, the Administrator, EPA, should change the method for determining deterioration rates of emission systems to include the use of actual data from in-use vehicles to provide more accurate forecasts of whether vehicles will meet emission standards throughout their useful life. **Status:** Action in process. Estimated completion date: 09/95. EPA has initiated interim changes that allows automobile manufacturers an alternative procedure to certify vehicles, including tracking the in-use emissions

from vehicles. Beginning in model year 1996, EPA will adopt comprehensive changes in line with the recommendation.

Recommendation: In order to better prevent the sale of vehicles that in use fail to meet emission standards, and to better identify those already sold, the Administrator, EPA, should change the testing of in-use vehicles to include a sample of nontargeted vehicles and thereby provide more comprehensive coverage of the in-use motor vehicle fleet. **Status:** Action in process. EPA plans to increase testing during 1992.

Recommendation: In order to better prevent the sale of vehicles that in use fail to meet emission standards, and to better identify those already sold, the Administrator, EPA, should determine the appropriate level of testing necessary to ensure that noncomplying vehicles are identified and determine the

resources needed to fund any additional testing.

Status: Action in process. EPA plans to increase testing during 1992 and will assess the results to determine the extent of testing needed.

Recommendation: The Administrator, EPA, should select and implement options that would best increase recall response rates. If warranted, the Administrator should seek additional legislative authority to implement those options that are not currently within the Administrator's authority to implement. **Status:** Action in process. Estimated completion date: 11/92. EPA is currently publishing guidance requiring nonattainment areas to ensure that vehicle owners comply with automobile recalls before passing state emission tests. Because areas will have 1 year to comply, the earliest this guidance could take effect will be November 1992.

Disinfectants: EPA Lacks Assurance They Work

RCED-90-139, 08/30/90 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) regulation of the efficacy of disinfectants, focusing on: (1) controversies regarding EPA-recommended methods and performance standards for testing disinfectant efficacy; (2) EPA efforts to obtain objective research to resolve the controversies; (3) EPA internal controls to ensure the quality and integrity of registrant-submitted efficacy data; (4) EPA and states' post-registration efforts to ensure disinfectant efficacy; and (5)

the need and options for a laboratory to research and test disinfectant efficacy.

Findings

GAO found that: (1) EPA primarily relied on standard-setting organizations and the disinfectant industry to develop test methods and performance standards and generally accepted registrants' test methods and modifications without criteria or independent laboratory data to evaluate their validity; (2) EPA inadequately managed a cooperative agreement it had with a university to improve disinfectant test methods, and

subsequently made little progress in resolving controversies surrounding its acceptance of different methods and their differing results; (3) EPA reviewed registrant-submitted disinfectant data and performed laboratory inspections and data audits, but was not aware of most laboratories performing efficacy studies, and data reviewers and laboratory inspectors generally did not observe tests in progress and did not have access to physical evidence remaining from tests; (4) EPA did not enforce the efficacy claims of registered disinfectants; (5) EPA discontinued its limited enforcement testing program in

1982, primarily due to budget constraints; (6) although EPA relied on states, user groups, and the industry to enforce efficacy claims, few states and no user groups monitored efficacy, due to cost concerns; and (7) EPA lacked a strategy to channel complaints about potentially ineffective disinfectants and to take appropriate action against ineffective disinfectants.

Open Recommendations to Agencies

Recommendation: To increase the degree of certainty that disinfectant efficacy test methods and standards are valid, the Administrator, EPA, should develop a detailed plan, including cost estimates and milestones, to resolve the controversies surrounding existing methods and standards. The plan should include a research strategy that addresses problems with the alleged variability in test methods, adequacy of laboratory tests to simulate actual use, and the validity of performance standards.

Status: Action in process. EPA has set forth a strategy for test method research and has funded \$600,000 worth of work, but more research work will be necessary.

Recommendation: The Administrator, EPA, should convene the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel to assist in developing the plan and overseeing the research strategy direction and management.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should develop and publish a policy that establishes specific criteria for evaluating the validity of new disinfectant efficacy test methods and modifications to methods, including criteria for determining when independent laboratory data, such as

data from a collaborative study, are needed to demonstrate the validity of proposed methods and modifications. **Status:** Action in process. The agency has formed a work group to develop the criteria for approval of new test methods and modifications to test methods used to evaluate the efficacy of antimicrobial products.

Recommendation: To improve EPA controls over the quality and integrity of registrant-submitted data, the Administrator, EPA, should implement a preregistration testing program to verify selected disinfectant efficacy data. The Administrator could target preregistration tests on those claims that are of the greatest public health significance and products with suspected efficacy problems.

Status: Action in process. EPA is currently considering options for preregistration-testing programs to verify selected disinfectant efficacy data. The agency has signed an interagency agreement with FDA to do the testing on a temporary basis when EPA determines it is warranted.

Recommendation: To improve the effectiveness of the data review, laboratory inspection, and data audit programs, the Administrator, EPA, should: (1) direct the Laboratory Data Integrity Assurance Division (LDIAD) to identify all laboratories that have performed efficacy studies submitted to EPA to support disinfectant registrations and meet the LDIAD goal of inspecting those laboratories at least every 2 years; and (2) at a minimum, direct LDIAD to use the Office of Pesticide Programs Pesticide Document Management System, which contains the best available information for identifying the laboratories.

Status: Action in process. EPA will develop a comprehensive inspection scheme to target laboratories testing high volume disinfectants which, if

ineffective, could lead to significant public health consequences. EPA will also reexamine and improve, if appropriate, its procedures for determining which laboratories are performing disinfectant efficacy tests.

Recommendation: To improve the effectiveness of the data review, laboratory inspection, and data audit programs, the Administrator, EPA, should direct LDIAD to establish a check sample program as part of the laboratory inspection program to better assess the ability of laboratories to perform disinfectant efficacy tests.

Status: Action not yet initiated.

Recommendation: To improve the effectiveness of the data review, laboratory inspection, and data audit programs, the Administrator, EPA, should direct the Office of Compliance Monitoring to review its internal controls for ensuring that inspections and audits are processed on time. For example, the Office should ensure that inspectors and auditors are held accountable in their performance standards and appraisals for meeting processing time frames.

Status: Action in process. Current EPA performance standards for inspectors highlight the need for timely processing of inspection reports. EPA will reexamine the process by which personnel are judged on their performance of this requirement. Over the past year, EPA has revised and streamlined its procedures for determining which inspections justify full inspection reports, as opposed to summary reports.

Recommendation: To improve the effectiveness of the data review, laboratory inspection, and data audit programs, the Administrator, EPA, should direct the Office of Pesticide Programs and the Office of Compliance

Monitoring to: (1) develop and implement specific guidance for data reviewers, laboratory inspectors, and data auditors to follow; and (2) develop, publish for comment, and implement detailed policies and guidelines to decide what registration and enforcement action to take on the basis of findings from laboratory inspections and data audits.

Status: Action in process. EPA is in the process of preparing written guidance for data auditors for all studies newly covered by the 1989 amendments to the Good Laboratory Practices regulations.

Recommendation: In his next annual internal control report to the President, the Administrator, EPA, should report the lack of sufficient controls to ensure the quality and integrity of registrant-submitted disinfectant efficacy data as a material weakness.

Status: Action in process. The agency agreed to identify this issue as a potential vulnerability in the Administrator's next annual assurance letter to the President on internal management controls.

Recommendation: The Administrator, EPA, should include in his report to the President a plan delineating specific corrective actions and time frames.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should develop, publish for comment, and implement an enforcement strategy to ensure that marketed disinfectants work as claimed. This strategy should specify the: (1) mechanisms and procedures for identifying potentially ineffective disinfectants; (2) procedures for investigating and verifying complaints about potentially ineffective disinfectants, including, where necessary, the use of independent laboratory testing; and (3) criteria and procedures for initiating registration and enforcement action against disinfectants found to be ineffective.

Status: Action in process. EPA generally agrees with the recommendation and is taking steps to develop a national disinfectant enforcement strategy.

Recommendation: In light of federal budget constraints, the Administrator, EPA, should explore options for pooling

resources from the states, user groups, and industry to implement a national disinfectant efficacy enforcement strategy.

Status: Action in process. EPA will work with the states, other federal agencies, user groups, and academia in the development of such a strategy.

Recommendation: The Administrator, EPA, should develop a detailed cost-benefit analysis of alternatives for operating a laboratory facility to research and test the efficacy of disinfectants, including the option of charging fees to register disinfectants to help finance such a facility, and submit the results of its analysis to Congress so that Congress may weigh the advantages and disadvantages of various alternatives.

Status: Action in process. EPA states that the scope of what a laboratory undertakes to do for EPA in terms of testing or research will depend on its exact relationship to the agency and the funding available. EPA will assess its option with the understanding that GAO is recommending a very broad agency involvement in addressing disinfectant issues.

Air Pollution: Improvements Needed in Detecting and Preventing Violations

RCED-90-155, 09/27/90 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) efforts to: (1) detect when major stationary sources of air pollution violated air pollution control requirements; and (2) ensure that appropriate enforcement actions are taken when violations are found.

Findings

GAO found that: (1) EPA did not issue regulations implementing emission monitoring policy and did not develop criteria for determining the feasibility of using monitors; (2) air quality violations were 10 times more likely to be detected by emission monitors than by on-site

inspections; (3) EPA did not assess cash penalties in more than half of the significant violator cases at major stationary sources between fiscal years 1988 and 1989; (4) the joint EPA and state implementation plans did not require state and local agencies to assess penalties to eliminate the economic benefit sources obtained by not

complying with regulations; and (5) state and local programs typically assessed penalties to correct the cause of the violation.

Open Recommendations to Agencies

Recommendation: In order to more effectively implement the EPA emission-monitoring policy and achieve more widespread monitor use, the Administrator, EPA, should promulgate regulations that: (1) establish clear criteria for determining where

continuous emissions monitors are feasible for major stationary sources; and (2) require continuous emissions monitor installation and use at all major sources meeting those criteria.

Status: Action in process. Estimated completion date: 11/92. EPA has agreed to require continuous monitors at all major sources of air pollution as it develops new regulations required under the 1990 amendments to the Clean Air Act.

Recommendation: To better achieve the objective of ensuring that those who

violate the act's requirements do not gain financially from their actions, the Administrator, EPA, should use the enforcement authority available now and in the future under the amended Clean Air Act to overfile to the maximum extent possible to increase inadequate state and local penalties.

Status: Action in process. Estimated completion date: 11/94. EPA has agreed to include such requirements in its next round of state implementation plan revisions with state and local agencies.

Water Pollution: Improved Coordination Needed to Clean Up the Great Lakes

RCED-90-197, 09/28/90 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO examined the progress of the Environmental Protection Agency's (EPA) Great Lakes National Program Office in: (1) defining its role within EPA and involving other EPA offices in implementing a U.S.-Canada agreement about Great Lakes water quality; and (2) coordinating other federal agencies' efforts.

Findings

GAO found that the Program Office: (1) expanded its contacts with EPA regional offices and increased its funding for regional projects; (2) worked with the EPA Office of Marine and Estuarine Protection and individual estuary programs to help develop policies and activities affecting the Great Lakes; (3) entered into agreements with the EPA Office of Research and Development to fund a variety of research projects on

the Great Lakes; (4) improved its coordination of and cooperation with other federal agencies, resulting in progress in meeting many of the water quality agreement's provisions, although some difficult agreement annexes have been delayed; (5) cited resource limitations, state and local government responsibilities, and EPA regional office responsibilities for its limited role in helping in the development of remedial action plans and lakewide management plans; (6) established the U.S. Policy Committee in 1989 to improve coordination and cooperation among federal and state agencies and environmental groups in implementing the agreement; and (7) projected the Great Lakes' water quality problems would require massive research, cleanup efforts, and financial investments.

Open Recommendations to Agencies

Recommendation: To improve interagency coordination in dealing with the pollution problems of the Great Lakes, and in particular to speed progress on the development of remedial action plans and lakewide management plans, the Administrator, EPA, should request that the U.S. Policy Committee assess, identify, and recommend appropriate roles and responsibilities for the Great Lakes National Program Office and other organizations in developing those plans.

Status: Action in process. Estimated completion date: 10/92. EPA has a number of "high-priority" activities underway to deal with interagency coordination. Test activities have been completed. EPA hopes to have an action plan in place in fiscal year 1992 which describes ongoing future coordination activities. EPA also plans to continue its efforts with the U.S. Policy Committee.

Water Pollution: Greater EPA Leadership Needed to Reduce Nonpoint Source Pollution

RCED-91-10, 10/15/90 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed whether federal programs and activities inhibited state and local efforts to control nonpoint source water pollution, focusing on: (1) federal programs that may have inhibited state and local nonpoint source control efforts; and (2) actions the Environmental Protection Agency (EPA) could take to better focus federal efforts on reducing nonpoint source water pollution.

Findings

GAO found that: (1) Department of Agriculture and Forest Service program policies conflicted with objectives of the Clean Water Act, since many accepted practices contributed to soil erosion and water pollution; (2) information deficiencies restricted states' ability to educate landowners about pollution problems and control and determine the effectiveness of potential solutions; (3) states lacked the necessary technical information, federal guidance, and resources to control water pollution; (4) the sheer magnitude of nonpoint source pollution dwarfed the resources available to deal with it; (5) although greater reliance on and enforcement of land-use provisions could help to protect water quality, political sensitivity over such regulation remained a formidable barrier; (6) preventing such potential problems as harmful resource extraction and urban runoff should help to limit water pollution; and (7) resource constraints, inappropriate funding priorities, and funding shortages will make it difficult for EPA to strengthen

its efforts and take a leading role in coping with nonpoint source pollution.

Open Recommendations to Congress

Recommendation: In light of the importance of nonpoint source pollution as a primary cause of the nation's remaining water quality problems and the overwhelming emphasis of EPA resources devoted to point source programs, Congress may wish to consider allocating EPA water quality funding during the fiscal year (FY) 1992 budget process to provide greater emphasis on controlling nonpoint source pollution.

Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To address the nation's water pollution problem in a manner that better reflects the risks posed by nonpoint source pollution, the Administrator, EPA, should identify appropriate funding levels that will allow the agency to pursue key objectives of an effective nonpoint source agenda that have heretofore made little progress under existing funding constraints. Specifically, the Administrator should set funding levels that will allow EPA to accelerate its efforts to resolve problems arising out of conflicts between the policies of federal agencies and water quality goals.

Status: Recommendation valid/action not intended. Under the EPA FY 1992 budget request, no additional staff

resources will be available to implement the EPA nonpoint source agenda. Also, some of EPA nonpoint staff will be diverted to implement new responsibilities under coastal zone management legislation. The recommendation will be left open to see if Congress provides additional resources.

Recommendation: To address the nation's water pollution problem in a manner that better reflects the risks posed by nonpoint source pollution, the Administrator, EPA, should identify appropriate funding levels that will allow the agency to pursue key objectives of an effective nonpoint source agenda that have heretofore made little progress under existing funding constraints. Specifically, the Administrator should set funding levels that will allow EPA to accelerate its efforts to develop nonpoint source pollution criteria so the states can develop and implement nonpoint source water quality standards.

Status: Recommendation valid/action not intended. Under the EPA FY 1992 budget request, no additional staff resources will be available to implement the EPA nonpoint source agenda. Also, some of EPA nonpoint staff will be diverted to implement new responsibilities under coastal zone management legislation. The recommendation will be left open to see if Congress provides additional resources.

Recommendation: To address the nation's water pollution problem in a

manner that better reflects the risks posed by nonpoint source pollution, the Administrator, EPA, should identify appropriate funding levels that will allow the agency to pursue key objectives of an effective nonpoint source agenda that have heretofore made little progress under existing funding constraints. Specifically, the Administrator should set funding levels that will allow EPA to accelerate its efforts to develop monitoring techniques to help states determine the extent of their nonpoint source pollution problems and the effectiveness of corrective actions.

Status: Recommendation valid/action not intended. Under the EPA FY 1992 budget request, no additional staff resources will be available to implement

the EPA nonpoint source agenda. Also, some of EPA nonpoint staff will be diverted to implement new responsibilities under coastal zone management legislation. The recommendation will be left open to see if Congress provides additional resources.

Recommendation: To address the nation's water pollution problem in a manner that better reflects the risks posed by nonpoint source pollution, the Administrator, EPA, should identify appropriate funding levels that will allow the agency to pursue key objectives of an effective nonpoint source agenda that have heretofore made little progress under existing funding constraints. Specifically, the

Administrator should set funding levels that will allow EPA to accelerate its efforts to develop its program to educate the public about the health and environmental impacts of nonpoint source pollution.

Status: Recommendation valid/action not intended. Under the EPA FY 1992 budget request, no additional staff resources will be available to implement the EPA nonpoint source agenda. Also, some of EPA nonpoint staff will be diverted to implement new responsibilities under coastal zone management legislation. The recommendation will be left open to see if Congress provides additional resources.

Environmental Data: Major Effort Is Needed to Improve NOAA's Data Management and Archiving

IMTEC-91-11, 11/20/90 GAO Contact: Samuel W. Bowlin, (202)275-4649

Background

Pursuant to a congressional request, GAO assessed the National Oceanic and Atmospheric Administration's (NOAA) and the U.S. Geological Survey's (USGS) management, storage and archiving of environmental data collected by space and ground data collection systems.

Findings

GAO found that: (1) NOAA did not properly manage, store, or maintain its magnetic tapes, films, and paper records with valuable environmental data; (2) NOAA did not perform an agencywide census or inventory of its data and did not know how many or what data it had and where data were located; (3) poor management of magnetic tapes and film

could cause partial or total loss of recorded data, and NOAA noted that some data were already lost and damaged; (4) 22 of the 35 vaults storing over 200,000 of the 440,000 tapes and 370 million film records did not comply with more than half of federal regulations and industry tape management guidelines; (5) each data center facility operated at least one film or tape storage vault which met some of the National Archives and Records Administration's (NARA) regulations; (6) USGS and NOAA did not give adequate attention and support to managing and archiving environmental data; and (7) NOAA and USGS took immediate actions and planned long-term actions to correct the data management problems.

Open Recommendations to Agencies

Recommendation: The Secretary of Commerce should instruct NOAA officials responsible for the management of data to conduct a thorough inventory of all NOAA environmental data, including data on tapes, film, and paper, stored at NOAA centers and contractors, universities, research institutions, and other federal agencies.

Status: Action in process. Estimated completion date: 03/92. NOAA is implementing an Earth System Data Inventory.

Recommendation: The Secretary of Commerce should instruct NOAA officials responsible for the management

of data to copy valuable data from deteriorating media to archival quality media suitable for long-term retention of digital data, and release unneeded tapes, film, and paper records for reuse or disposal.

Status: Action in process. NOAA has proposed a data management initiative which, if approved by Congress, will begin migrating 20,000 tapes per year to improved media.

Recommendation: The Secretary of Commerce should instruct NOAA officials responsible for the management of data to archive valuable scientific data in vaults that meet NARA regulations.

Status: Action in process. Estimated completion date: 12/94. NOAA plans to obtain new facilities in North Carolina and Colorado to correct the major deficiencies identified in the report.

Recommendation: The Secretary of Commerce should instruct NOAA officials responsible for the management of data to develop and implement agencywide tape, film, and paper record management and maintenance standards which include all NARA regulations and appropriate National Institute of Standards and Technology guidelines.

Status: Action in process. NOAA is currently developing agencywide data management standards and guidelines.

Recommendation: The Secretary of Commerce should instruct NOAA officials responsible for the management of data to ensure that NOAA data management and archiving operations are allocated adequate resources to properly store and maintain environmental data holdings.

Status: Action in process. NOAA has requested additional funds in the fiscal year 1992 budget to obtain the resources required to improve data management and archiving operations.

EPA's Contract Management: Audit Backlogs and Audit Follow-up Problems Undermine EPA's Contract Management

T-RCED-91-5, 12/11/90 GAO Contact: Richard L. Hembra, (202)275-6111

Background

GAO discussed its review of the Environmental Protection Agency's (EPA) contract audit coverage and follow-up of audit findings, focusing on its audits of six large contractors. GAO noted that EPA: (1) heavily relied on contractor support to accomplish its mission, with contract obligations exceeding \$1 billion, about one-fifth of its total budget; (2) spent the most contract dollars on its Superfund program, with estimated obligations exceeding \$600 million; and (3) spent nearly 90 percent of its contract dollars on cost-reimbursable contracts with few cost-control incentives for contractors. GAO also noted that: (1) EPA had a serious backlog of incurred cost and financial audits; (2) contract closeouts

were untimely partly due to audit backlogs; (3) auditing agencies' low priority on incurred cost audits, the EPA Inspector General's (IG) audit coordination and management problems, resource limitations, and funding delays contributed to audit and closeout delays; (4) EPA needed timely audits to effectively manage contracts and to deter and detect waste, fraud, and abuse; and (5) EPA failed to develop a reliable audit follow-up system to track corrective action progress and identify weaknesses for management attention.

Open Recommendations to Agencies

Recommendation: To address more fully problems of contract auditing, the

Inspector General, EPA, should report the problem of obtaining timely audits of EPA contracts and any progress toward correcting it in the IG required semiannual reports to Congress.

Status: Action in process. IG will report problems in obtaining timely audits of EPA contracts in its semiannual reports to Congress.

Recommendation: To address more fully problems of contract auditing, the Inspector General, EPA, should develop a plan for auditing contracts that EPA audits, including identifying and requesting the resources required to reduce the audit backlog within a reasonable period and keep abreast of future requirements.

Status: Action in process. The EPA Contract Audit Task Force is developing a plan for improved audit coverage to be issued in October 1991. EPA will decide where to assume cognizance by late 1991 and has requested increased funding for contract audits.

Recommendation: The Administrator, EPA, should work with the other federal agencies, including the Office of Management and Budget (OMB), to

develop ways to expedite audit coverage of contractors for which EPA relies on other agencies to audit.

Status: Action in process. The EPA Contract Audit Task Force is developing a strategy to improve audit coverage, which includes better coordination with other federal agencies. OMB has also set up a contract audit task force. Action is expected to be completed by the end of 1991.

Recommendation: The Administrator, EPA, should develop written procedures for closing out expired contracts, including better defining closeout responsibilities and establishing time frames for meeting them.

Status: Action in process. EPA concurred and is currently developing closeout procedures for headquarters contracts and will expand this to other contracting locations by late 1991.

U.S. Food Exports: Five Countries' Standards and Procedures for Testing Pesticide Residues

NSIAD-91-90, 12/20/90 GAO Contact: Allan I. Mendelowitz, (202)275-4812

Background

Pursuant to a congressional request, GAO provided information on: (1) U.S. efforts to prevent or resolve trade disputes over pesticide use; (2) four Pacific Rim countries' and Australia's procedures for setting tolerance levels and testing for pesticides on U.S.-exported produce; and (3) those foreign governments' technical capabilities for pesticide testing.

Findings

GAO found that: (1) the United States made such multilateral, bilateral, and administrative efforts as establishing ad hoc technical working groups and task forces to resolve foreign countries' pesticide concerns; (2) the potential for trade disputes remained due to most foreign countries' lack of information on U.S. pesticide use; (3) Australia, Japan,

South Korea, Taiwan, and Thailand set tolerance levels for a number of pesticides, but conducted pesticide testing less routinely than the United States, and had varying monitoring standards and procedures; and (4) the five countries conducted pesticide residue testing at technically capable laboratories, but their use of various testing methods could contribute to variations in test results.

Open Recommendations to Agencies

Recommendation: To help reduce the likelihood and impact of future disruptions of U.S. agricultural exports caused by foreign concerns over pesticides, the Secretary of Agriculture should develop mechanisms for routinely providing U.S. trading partners with information on pesticides used on U.S.

exported produce. Such information should include U.S. pesticide use patterns, tolerances, and sampling and residue testing methods.

Status: Action in process. The agency agrees with GAO findings and is deciding what specific actions to take.

Recommendation: To help reduce the likelihood and impact of future disruptions of U.S. agricultural exports caused by foreign concerns over pesticides, the Secretary of Agriculture should establish ad hoc technical working groups with more U.S. trading partners to address technical problems related to agricultural trade, such as pesticide usage, and to resolve disputes over differences in standards and testing procedures.

Status: Action in process. The agency agrees with GAO findings and is deciding what specific action to take.

Pesticides: EPA Could Do More to Minimize Groundwater Contamination

RCED-91-75, 04/29/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO examined the Environmental Protection Agency's (EPA) efforts to: (1) assess pesticides' leaching potential in groundwater; (2) regulate those pesticides that could leach into groundwater; and (3) consider human exposure to pesticides in groundwater when setting and reviewing limits for pesticide residues in food.

Findings

GAO found that: (1) EPA made limited progress in assessing the leaching potential of the 16 pesticides it identified as groundwater contaminants in 1985; (2) 40 percent of EPA pesticide studies were unacceptable and may have to be redone, and it could be years before EPA has complete data to conduct comprehensive leaching assessments for those pesticides; (3) insufficient resources, staff shortages, low priorities, and ineffective policies addressing the potential for groundwater contamination contributed to the limited progress; (4) the EPA system for tracking data requirements and studies was unreliable; (5) EPA did not fully or consistently utilize the regulatory measures available to reduce groundwater contamination; (6) groundwater contamination was not among the specific criteria in the EPA regulation for initiating special reviews; (7) EPA plans to request that states develop management plans for pesticides that leach into groundwater; and (8) in setting and reviewing tolerances for pesticide residues in food, EPA did not routinely consider human exposure

resulting from pesticides in groundwater.

Open Recommendations to Agencies

Recommendation: To help prevent groundwater contamination, the Administrator, EPA, should promptly require a groundwater advisory for all pesticides known to leach into groundwater from normal agricultural use, to appear on labels under a prominent heading such as Groundwater Advisory, in order to alert the user to the problem.

Status: Action not yet initiated.

Recommendation: To help prevent groundwater contamination, the Administrator, EPA, should establish a percentage of the health advisory level as a criterion for prohibiting the use of a pesticide in any geographic area where the groundwater contamination from the normal agricultural use of that pesticide has reached that percentage.

Status: Action not yet initiated.

Recommendation: To help prevent groundwater contamination, the Administrator, EPA, should establish a pesticide's potential to leach or actual detection in groundwater as a criterion for requiring well setbacks.

Status: Action not yet initiated.

Recommendation: To minimize further groundwater contamination, the Administrator, EPA, should, after acceptable data are obtained and reviewed, conduct a complete leaching

assessment of pesticides with a potential to leach, and provide specific information to applicators concerning the conditions that promote the leaching of those individual pesticides, including the soil characteristics and climatic conditions.

Status: Action not yet initiated.

Recommendation: So that EPA can act preventively before contamination reaches potentially hazardous levels, the Administrator, EPA, should establish a criterion for initiating special reviews on the basis of pesticides' potential to contaminate groundwater.

Status: Action not yet initiated.

Recommendation: During special reviews, EPA should consider risks to water resources resulting from groundwater contamination, and even if levels of a pesticide found in groundwater are well below the level currently considered to present a health risk, EPA should consider the pesticide's presence in groundwater to be a risk.

Status: Action not yet initiated.

Recommendation: In order to ensure that total dietary exposure does not exceed safe levels, the Administrator, EPA, should, in setting and reviewing tolerances for pesticides found in groundwater or identified through studies as likely to leach into groundwater, assess and take into account potential human exposure from contaminated groundwater.

Status: Action not yet initiated.

Recommendation: To facilitate EPA ability to assess the leaching potential of known groundwater contaminants, the

Administrator, EPA, should review the relevant studies submitted by registrants for List-A pesticides, which include the

13 groundwater contaminants in this report, on a priority basis.
Status: Action not yet initiated.

Asbestos: EPA's Asbestos Accreditation Program Requirements Need Strengthening

RCED-91-86, 05/09/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the training and accreditation of asbestos inspection and abatement personnel, focusing on the: (1) status of state accreditation programs; and (2) adequacy of the Environmental Protection Agency's (EPA) Model Accreditation Plan.

Findings

GAO found that: (1) although legislation required states to establish an accreditation program by 1989, only 31 states had an accreditation program for all five asbestos disciplines; (2) although EPA reviews and approval of state programs were not mandatory, 18 states have voluntarily obtained EPA approval of their programs; (3) mandatory EPA approval of all state programs for all five disciplines would help to ensure that

the accreditation programs complied with EPA model plan minimum requirements; (4) there were a number of problems with school asbestos inspections, management plans, and abatement efforts, which state and local officials believed were linked to asbestos personnel's limited education and experience; and (5) the EPA model plan included no education or experience requirements.

Open Recommendations to Congress

Recommendation: To ensure that each state's asbestos accreditation program is designed in accordance with the EPA model program and covers at least all five EPA disciplines, Congress should consider requiring EPA approval of state accreditation programs, providing incentives to the states to assist them in starting programs, and setting a new

deadline for the states to establish accreditation programs.

Congressional Action: No congressional action has been taken or planned.

Open Recommendations to Agencies

Recommendation: To ensure the availability of qualified and experienced individuals to perform asbestos abatement activities properly, the Administrator, EPA, should assess the need for requiring individuals working in the asbestos professions to meet prequalification and experience standards. This assessment should be performed in conjunction with the revision of training requirements mandated by the 1990 law extending the accreditation program to public and commercial buildings.

Status: Action not yet initiated.

Air Pollution: EPA May Not Fully Achieve Toxic Air Deposition Goals

RCED-91-102, 05/10/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reported on toxic bioaccumulation and the extent to which air deposition contributes to this problem.

Findings

GAO found that: (1) air deposition of toxic pollutants, particularly in water, may significantly contribute to bioaccumulation problems; (2) American industry reported emitting about 2.4 billion pounds of toxic chemicals into the atmosphere in 1988; (3) bioaccumulation of certain chemicals has adverse impacts

on birds, fish, and other wildlife; (4) the Great Lakes, coastal estuaries, and other bodies of water are the areas most susceptible to bioaccumulation problems; (5) health effects of bioaccumulation appear to be manifested in the offspring of both human and wildlife populations rather than in adults; (6) toxic substances travel great distances in the atmosphere before being deposited and accumulated in different species; and (7) the Clean Air Act Amendments of 1990 require the Environmental Protection Agency (EPA) to assess and report on the air deposition problem, but data limitations may make it difficult to

develop a comprehensive report in 3 years.

Open Recommendations to Agencies

Recommendation: If EPA planning efforts show that EPA cannot fully achieve the 1990 Clean Air Act Amendments' requirements within the required time frames, the Administrator, EPA, should inform Congress of any anticipated delays or problems and suggest possible remedies.

Status: Action not yet initiated.

Hazardous Waste: Limited Progress in Closing and Cleaning Up Contaminated Facilities

RCED-91-79, 05/13/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) progress in completing closures and issuing post-closure permits at hazardous waste disposal facilities.

Findings

GAO found that: (1) nearly half of the facilities that treat, store, or dispose of hazardous waste have decided to close their operations because they are unable or unwilling to meet federal hazardous waste requirements; (2) EPA has made

only limited progress in closing and issuing post-closure permits to disposal facilities; (3) timely closure of facilities that have ceased operations is important because the closure process involves stabilizing the facility, which minimizes the further spread of contamination; (4) under the Superfund Program, EPA can compel responsible parties to clean up contamination or pay for cleanup; (5) disposal facilities scheduled for closure can pose a serious threat of groundwater contamination; (6) EPA has neither tracked nor assigned specific targets to the number of disposal closures to be completed; (7) the average cost of

cleaning up a Superfund site is \$26 million; (8) by eliminating or minimizing the spread of contamination, closure provides an important first step in protecting the environment; and (9) the Environmental Priorities Initiative does not include national criteria and a scoring system for ranking facilities on the basis of environmental threat.

Open Recommendations to Agencies

Recommendation: To minimize and control contamination at closing land disposal facilities, the Administrator,

EPA, should establish targets in its Strategic Targeted Activities for Results System for completing closure of land disposal facilities.

Status: Action taken not fully responsive. While EPA disagreed that targets should be established, it plans to take steps to improve its tracking of closure completions by making closure certification a reporting measure, and revising its monthly report on permit activities to include tracking completed closures.

Recommendation: To ensure that its new approach for evaluating the environmental threat posed by facilities

and for deciding which facilities to act on first for permits and corrective action achieves its intended goals, EPA should closely monitor the regions' and states' implementation of the new approach to ensure consistent interpretation and application.

Status: Action in process. Estimated completion date: 10/92. EPA has taken actions to ensure consistency in regions' interpretation and application of its national corrective action prioritization system by comparing the results among the regions. EPA is also developing a tracking system that includes beginning- and end-of-year plans to track and review regional office decisions.

Recommendation: As part of its monitoring, EPA should assess the need for further guidelines to define how the criteria of environmental significance, environmental benefits, and other considerations are to be weighed relative to each other in establishing the overall priority for which facilities should receive permits and corrective action.

Status: Action in process. EPA does not agree at this time with the recommendation, but plans to reevaluate its decision once it has had an opportunity to review how its regions were prioritizing facilities using the three criteria.

Pesticides: Food Consumption Data of Little Value to Estimate Some Exposures

RCED-91-125, 05/22/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO examined the reliability of the Environmental Protection Agency's (EPA) exposure estimates for safe pesticide levels and its reduced sample size, focusing on the adequacy of the Department of Agriculture's (USDA) 1987-88 food consumption survey data for EPA to estimate maximum dietary exposure to pesticide residues in food.

Findings

GAO found that: (1) budget constraints caused the reduction of the 1987-88 survey sample size by about one-third of the 30,770 individuals USDA surveyed in 1977-78; (2) survey limitations raised questions about its usefulness even for

large subpopulations; (3) EPA did not participate in the 1987-88 survey's sampling design; (4) EPA ability to adequately base tolerance assessments on exposure estimates for the five smallest subpopulations may have been compromised, since the sampling error for these groups ranged from nearly 70 percent to 175 percent of the estimate; (5) EPA did not determine precision levels for exposure estimates based on 1977-78 survey data; and (6) EPA based its tolerance decisions, in part, on exposure estimates that may have lacked the precision necessary for setting tolerances.

Open Recommendations to Agencies

Recommendation: In order to identify and protect all subpopulations at risk from pesticide residues, the Administrator, EPA, should require the agency to calculate the precision level of exposure estimates where appropriate and use this information to determine the validity of both new and existing tolerances.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should establish a work group to determine its food consumption data needs and consult with USDA to determine the best means of obtaining adequate data to meet those needs.

Status: Action not yet initiated.

Coastal Pollution: Environmental Impacts of Federal Activities Can Be Better Managed

RCED-91-85, 06/05/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO examined whether: (1) federal agency activities affecting coastal areas were undergoing required environmental reviews; and (2) such reviews ensured that all major environmental impacts were considered in the decisionmaking process.

Findings

GAO found that: (1) such federal activities as highway construction, harbor or river dredging, and federal land transfers had significant impacts on coastal zones; (2) coastal zone management officials noted that the environmental review processes provided adequate information to assess the environmental impacts of proposed federal activities; (3) state and federal coastal zone officials disagreed on whether certain federal agency activities were subject to environmental review requirements and on the adequacy of environmental reviews involving indirect impacts; (4) comprehensive plans that addressed regional environmental goals and the infrastructure needed to support growth could help officials in assessing the cumulative impacts of federal

activities in coastal regions; (5) significant growth-related problems occurred in coastal areas where there was no comprehensive planning, or where such planning took place only after significant development occurred; (6) states with comprehensive plans for coastal areas were better equipped to assess the long-term, cumulative impacts of proposed activities; and (7) although coastal zone management statutes encouraged states to develop comprehensive plans, there was little guidance available to states on developing or using comprehensive plans to assess cumulative impacts.

Open Recommendations to Agencies

Recommendation: The Secretary of Commerce should direct the Administrator, National Oceanic and Atmospheric Administration (NOAA), to ensure that regulations currently being developed to implement the Coastal Zone Act Reauthorization Amendments of 1990 clearly address those activities that have historically been the subject of disputes between state coastal managers and federal agencies and stipulate whether such activities are normally expected to affect a coastal zone and are,

therefore, subject to the Coastal Zone Management Act consistency provisions.
Status: Action not yet initiated.

Recommendation: The Secretary of Commerce should direct the Administrator, NOAA, in consultation with the Council on Environmental Quality, to develop and issue additional guidance on how to conduct environmental assessments of the indirect impacts of proposed federal activities in the coastal zone.
Status: Action not yet initiated.

Recommendation: The Secretary of Commerce should direct the Administrator, NOAA, to improve assistance to the states on how to address the cumulative impacts of activities on the coastal zone. In this regard, NOAA should: (1) update and expand its existing guidance on how to develop comprehensive plans, with emphasis on identifying and assessing cumulative impacts; and (2) better facilitate the exchange of information between states on innovative and effective techniques for using comprehensive planning to better assess cumulative impacts.
Status: Action not yet initiated.

Hazardous Waste: Data Management Problems Delay EPA's Assessment of Minimization Efforts

RCED-91-131, 06/13/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) efforts to develop baseline and trend data to measure its progress in minimizing hazardous waste generation.

Findings

GAO found that: (1) EPA underestimated the complexity of developing baseline minimization data; (2) staffing and funding constraints and competing priorities limited EPA efforts to obtain minimization data; (3) EPA data collection instruments were badly designed; (4) over half of the states did not use the EPA-designed forms for collecting and reporting biennial data to EPA; (5) EPA did not include small-quantity generators in its surveys or reporting system; (6) EPA data did not account for changes in waste toxicity; and (7) EPA was beginning to redesign

its efforts to measure waste minimization.

Open Recommendations to Agencies

Recommendation: To build on current agency efforts to reassess its hazardous waste minimization data needs and how to meet them, the Administrator, EPA, should work with the states and industry to establish data requirements to meet current and future needs, including the specific data elements needed to fill critical information gaps for small-quantity generators, toxicity, and changes in production.

Status: Action not yet initiated.

Recommendation: To build on current agency efforts to reassess its hazardous waste minimization data needs and how to meet them, the Administrator, EPA, should develop a plan that sets out: (1) what data are already obtained in an adequate manner; (2) how additional data will be obtained; (3) who will be

responsible for data collection, analysis, and management; (4) what the time frames will be for the completion of these tasks; (5) what resources are needed; and (6) what the impact on time frames would be if the needed resources are not made available. To ensure that the planned approach to measuring waste minimization meets congressional needs and expectations, the plan should be made available to the cognizant congressional committees, which may want to explore the planned approach and options in more detail.

Status: Action not yet initiated.

Recommendation: To build on current agency efforts to reassess its hazardous waste minimization data needs and how to meet them, the Administrator, EPA, should, in exploring how best to obtain the needed data, consider the range of available options, including the biennial reporting system, special surveys, the Toxic Release Inventory, or a combination of these.

Status: Action not yet initiated.

Environmental Enforcement: Penalties May Not Recover Economic Benefits Gained by Violators

RCED-91-166, 06/17/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO examined the Environmental

Protection Agency's (EPA) penalty policies and practices.

Findings

GAO found that: (1) although total penalties assessed by EPA increased in fiscal year (FY) 1990, the amounts

showed little relationship to the economic benefit of the violations; (2) total penalties assessed by EPA in all of its programs increased from \$35 million in FY 1989 to \$61 million in FY 1990, but the absence of documentation made it impossible to calculate the amount EPA should have collected; (3) state and local authorities did not regularly recover the value of the economic benefit in penalties, and repeated violations occurred in the absence of penalties; (4) such factors as limited budgetary resources, program targets for settled cases, and concerns that high penalties would jeopardize local business deterred regulatory officials from following EPA penalty policies and recovering economic benefits; (5) EPA headquarters lacked sufficient information to oversee its regional office practices, and the organizational responsibilities for enforcement were diffuse, with 15 offices responsible for either setting or carrying out enforcement policies; and (6) EPA oversight of state penalty practices was limited, largely because EPA did not require the states to adopt its own civil penalty policy.

Open Recommendations to Agencies

Recommendation: To institute the internal controls necessary to ensure that the agency's uniform civil penalty policy is followed, the Administrator, EPA, should require that EPA regional offices provide information on administrative penalties for the Office of Enforcement's penalty reporting system and that they include, for civil judicial and administrative cases, initial calculations of economic benefit and gravity, subsequent revisions to these calculations, reasons for penalty reductions, and final penalty amounts.
Status: Action not yet initiated.

Recommendation: To institute the internal controls necessary to ensure that the agency's uniform civil penalty policy is followed, the Administrator, EPA, should identify, once the reporting system has been modified, the individuals or offices within the agency that will be responsible for monitoring penalty practices and for taking any corrective actions indicated.

Status: Action not yet initiated.

Recommendation: To institute the internal controls necessary to ensure that the agency's uniform civil penalty policy is followed, the Administrator, EPA, should require states, in their federally delegated air, hazardous waste, and water programs, to adopt economic benefit policies that are based on EPA uniform civil penalty policy and, in the interim, require economic benefit policies as conditions of annual programs.

Status: Action not yet initiated.

Recommendation: To institute the internal controls necessary to ensure that the agency's uniform civil penalty policy is followed, the Administrator, EPA, should require states, once they have adopted economic benefit policies, to report final calculations of economic benefit and gravity, subsequent revisions to these calculations, reasons for penalty reductions and final penalty amounts, as part of the enforcement information they now provide.

Status: Action not yet initiated.

Environmental Protection: Meeting Public Expectations With Limited Resources

RCED-91-97, 06/18/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

GAO provided information on approaches by the Environmental Protection Agency (EPA) and Congress to make environmental programs more cost-effective.

Findings

GAO found that: (1) EPA estimated that by 2000, the United States could be

spending \$160 billion annually on pollution control, almost 90 percent more than it spent in 1987; (2) the federal budget deficit restricted the government's ability to adequately address all the nation's environmental problems; and (3) although costly, environmental controls resulted in substantial and valuable benefits in human health, recreational opportunities, visibility, and

environmental integrity. GAO also found that: (1) the federal budget deficit and a growing list of environmental problems made it increasingly important that environmental policies reflect relative environmental and public health risks, as well as the feasibility and cost-effectiveness of various approaches to reduce those risks; (2) EPA needed to move beyond reliance on regulatory activities to measure its progress and

develop environmental indicators that could be linked to program objectives; (3) since the traditional environmental regulatory framework cannot resolve such problems as pollution from small diffuse sources and pollutants that cross from one environmental medium to another, supplementing traditional regulatory approaches with pollution prevention and market incentives would be more economical and effective in controlling and preventing pollution; and (4) since new federal environmental standards place much of the financial burden on local governments to administer and carry out programs, EPA should examine alternatives to addressing the financial needs of small communities in their efforts to comply with federal environmental requirements.

Open Recommendations to Congress

Recommendation: In authorizing and appropriating funds for EPA, Congress should take into account the EPA reordering of budget priorities reflecting relative risks to human health and the environment, as well as the costs and feasibility of reducing those risks.
Status: Action not yet initiated.

Recommendation: A unified environmental statute could significantly enhance EPA ability to set priorities and more effectively and efficiently address the nation's most

serious problems. Because of the enormous changes that such an act would entail in existing legislation, Congress may wish to consider establishing a study commission, such as that called for in House and Senate proposals, to create a Cabinet department of environmental protection, to evaluate the merits of integrating existing environmental legislation.
Status: Action not yet initiated.

Recommendation: As the 102nd Congress deliberates establishing a Cabinet department for the environment, it may wish to consider establishing a bureau or center for environmental statistics as a means to strengthen EPA ability to measure environmental results.
Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: In conjunction with the reauthorization of major environmental statutes, the Administrator, EPA, should work with Congress to develop legislation that reflects: (1) additional opportunities to achieve environmental goals through nonregulatory means; (2) ways in which those methods might complement or replace existing regulations; and (3) the most effective mixture of both approaches.
Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should report to Congress on: (1) the nature of the costs those localities face in paying for federal environmental requirements; (2) the availability of financing from nonfederal sources for those localities; (3) their expected funding shortfalls after financing from nonfederal sources; and (4) alternatives to reducing those shortfalls, including possible legislative or regulatory relief.
Status: Action not yet initiated.

Recommendation: Recognizing that the federal role in assisting small communities goes beyond EPA responsibilities, EPA should work with those other agencies to make sure that federal assistance is properly coordinated and targeted.
Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should work closely with Congress to identify opportunities for shifting resources from problems whose risks to human health or the environment are less severe to problems whose risks are greater.
Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should direct some portion of the agency's educational activities specifically toward informing the public about the relative seriousness of the nation's environmental problems.
Status: Action not yet initiated.

Toxic Substances: EPA's Chemical Testing Program Has Not Resolved Safety Concerns

RCED-91-136, 06/19/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) progress in implementing the Toxic Substances Control Act's (TSCA) requirement that it monitor the chemical industry's testing of potentially harmful chemicals, focusing on: (1) actions EPA took after receiving test data; (2) EPA management controls over test data; and (3) EPA dissemination of chemical test results.

Findings

GAO found that: (1) since enactment of TSCA in 1976, EPA has received health and environmental test results for only 22 chemicals, and has assessed the results for 13 of those chemicals; (2) although EPA concluded that three of those chemicals were dangerous, it did not take regulatory action because it believed that the chemicals did not pose significant or unreasonable risk; (3) EPA had no established criteria or methodology for determining when chemicals presented a significant or unreasonable risk; (4) there were numerous unnecessary delays in EPA assessments of chemical test results, with EPA averaging 7.7 years from recommending testing of a specific

chemical to completing its evaluation of test results; (5) lack of management control and attention and failure to timely resolve testing problems caused many of the delays; (6) EPA reported its limited chemical testing as a material weakness and instituted several actions to encourage voluntary testing, international cooperation, and more efficient coordination with the chemical industry; and (7) TSCA test results were not readily accessible to researchers, other regulatory agencies, or the interested public, and the EPA method for making test results available was not always effective.

Open Recommendations to Agencies

Recommendation: To ensure that EPA meets its responsibilities under TSCA to identify chemicals that present a significant risk of harm from cancer, gene mutation, or birth defects or unreasonable risk to human health or the environment, the Administrator, EPA, should establish criteria and methodology for determining when chemicals present risks that would trigger implementation of TSCA regulatory provisions. The criteria and methodology should include definitions

of significant and unreasonable risk and quantitative and qualitative measures to determine when such risks are present. **Status:** Action not yet initiated.

Recommendation: The Administrator, EPA, should provide for improved accountability and control over the chemical review process by implementing an information system to monitor the status of the chemicals being tested. Such a system should provide information on: (1) the current status and milestones for each chemical tested in the program; (2) the types of tests performed; (3) time frames for future actions required, and the test results; (4) summaries of EPA reviews of test results; and (5) the final disposition of the chemical. **Status:** Action not yet initiated.

Recommendation: The Administrator, EPA, should identify and implement additional ways to make TSCA test results readily available to federal and state regulatory agencies, research organizations, and other interested parties. Establishing peer reviews of chemical test results so that they can be included in major scientific data bases is an option that should be explored. **Status:** Action not yet initiated.

Air Pollution: EPA's Strategy and Resources May Be Inadequate to Control Air Toxics

RCED-91-143, 06/26/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO examined the Environmental Protection Agency's (EPA) efforts to implement the new toxic air pollution requirements of the Clean Air Act Amendments of 1990, focusing on EPA actions to: (1) develop a strategic plan for carrying out the requirements; and (2) obtain sufficient resources to meet its regulatory responsibilities within the set time frames.

Findings

GAO found that: (1) if properly implemented, the new regulatory process provided for in the act should substantially reduce air toxics emissions; (2) EPA has not requested sufficient funding to carry out the air toxics provisions within the mandated time frames; (3) the act calls for major sources of air toxics to install control equipment or change manufacturing processes sufficiently to reduce toxic emissions to levels at least as stringent as the levels already achieved by best-performing facilities; (4) not later than 8 years after establishing phase one standards, EPA must implement phase two to assess the remaining health and environmental risks and, if warranted, impose further controls to reduce emissions to safe

levels; (5) EPA plans to propose better initial regulations by consulting with external organizations and streamline its in-house review and approval processes by relying on less data before promulgating standards; (6) the use of generic measurement methods for as many as 144 of the 189 air toxics specified by the act may result in air toxics permits that are difficult to enforce in court; (7) the extensive use of maximum achievable control technology (MACT) categories and subcategories may define the groups so narrowly that the resulting standards will only validate the status quo and not result in any meaningful reductions in toxic emissions; (8) EPA failure to address cost and energy implications may adversely impact EPA efforts to hold meaningful consultations with industry and environmental groups and hamper EPA staff in implementing the act's objectives; (9) the strategic plan lacked sufficient details on the data needed and the actions, activities, tasks, and definitions of key terms and concepts necessary to ensure the agency's success in achieving the act's air toxics objectives; and (10) underfunding may significantly affect public health, since EPA scientists expect that 25 to 40 percent of sources will present significant risks of serious disease even after MACT standards are in place.

Open Recommendations to Agencies

Recommendation: To help ensure successful implementation of air toxics mandates in the Clean Air Act Amendments of 1990, the Administrator, EPA, should revise the EPA strategy for the timely accomplishment of the act's air toxics objectives to include all actions, activities, and tasks mandated or reasonably believed to be necessary to carry out the air toxics objectives of the act.

Status: Action not yet initiated.

Recommendation: To reasonably ensure successful implementation of air toxics mandates in the Clean Air Act Amendments of 1990, the Administrator, EPA, should submit appropriation requests to Congress for the funds necessary to fully implement the air toxics provisions within the act's mandated time frames. To facilitate decisionmaking, especially during periods of fiscal austerity, the Administrator, EPA, should present Congress with several scenarios depicting envisioned EPA progress at various funding levels.

Status: Action not yet initiated.

Toxic Chemicals: EPA's Toxic Release Inventory Is Useful but Can Be Improved

RCED-91-121, 06/27/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a legislative requirement, GAO reviewed the Environmental Protection Agency's (EPA) and the states' implementation of the Toxic Release Inventory Program, focusing on: (1) the availability and accessibility of the inventory to the public; (2) how the public, states, EPA, and other federal agencies used the inventory data; and (3) legislative and administrative options to improve the usefulness of the inventory.

Findings

GAO found that: (1) approximately 6.24 billion pounds of toxic chemicals were reportedly emitted into the air, land, and water or transferred to waste treatment, storage, or disposal locations in 1988; (2) since environmental managers lacked complete, long-term data on toxic pollutants in the air, land, and water, the success of federal environmental programs has been difficult to measure; (3) public availability of the inventory data prompted some companies to make public commitments to meeting corporate pollution reduction goals; (4) environmental and public interest groups extensively use the inventory and the federal and state agencies use the inventory to manage environmental programs; (5) the Toxic Release Inventory did not include information on emissions from sources other than the manufacturing sector or from manufacturing facilities with fewer than 10 employees, and did not include information on many widely used toxic chemicals; (6) EPA has initiated several

public outreach projects to inform the public about toxic pollution; (7) although users of the public data base expressed general satisfaction with the systems' usefulness, features, and cost, users were not assured of the inventory data's quality, since EPA used its limited inspection resources to identify facilities that failed to report data rather than to examine the quality of data already submitted; (8) at least 10,000 facilities have not submitted emissions reports and many small- to medium-sized facilities remain unaware of their obligation to report; and (9) although various EPA inspection strategies to identify nonreporters were not uniformly effective, EPA was taking enforcement action against nonreporters that submitted the required report after an inspection.

Open Recommendations to Congress

Recommendation: To make the Toxic Release Inventory a more comprehensive and useful picture of the level of toxic chemical emissions nationwide, Congress should amend the Emergency Planning and Community Right-to-Know Act (EPCRA) to require that federal facilities meeting the reporting criteria submit annual reports on their toxic emissions, taking into consideration the national security implications of having facilities report on the emission of some toxic chemicals.

Status: Action in process.

Recommendation: To strengthen EPA enforcement of the Toxic Release

Inventory Program, Congress should amend EPCRA to provide EPA with explicit authority to inspect facilities. **Congressional Action:** Legislation is pending in the House and Senate.

Open Recommendations to Agencies

Recommendation: To make the Toxic Release Inventory more comprehensive and useful, the Administrator, EPA, should review which additional sources of toxic emissions should report and which additional toxic chemicals should be added to the inventory. This review should consider: (1) the volume and type of toxic emissions from nonmanufacturers and from facilities with fewer than 10 employees; (2) emissions of widely used toxic chemicals not currently reported; and (3) the health and environmental effects of these emissions. EPA should establish goals, objectives, and time frames and determine the resources needed to complete this review.

Status: Action not yet initiated.

Recommendation: To make the general public more aware and knowledgeable of the Toxic Release Inventory, the Administrator, EPA, should develop a public outreach strategy that more effectively publicizes the availability of the data. In addition, EPA should clarify its role in interpreting the inventory data for the public.

Status: Action not yet initiated.

Recommendation: To better ensure the technical quality of the information in

the inventory is sound, the Administrator, EPA, should place greater emphasis on verifying the information submitted by facilities, particularly the emissions estimates. As part of this effort, the agency should expand assistance to states to help them develop their capacities to verify the data.

Status: Action not yet initiated.

Recommendation: Because strong, efficient enforcement is critical to ensure

industry's compliance with the inventory program's reporting requirements, the Administrator, EPA, should develop an effective regional inspection strategy to better identify nonreporters and issue national guidance for implementing this strategy.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should assess the costs and benefits to both EPA and the public of

making the various data formats available to the public.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should develop procedures to reduce the backlog of enforcement cases and clarify EPA headquarters' role in handling such cases.

Status: Action not yet initiated.

Air Pollution: New Approach Needed to Resolve Safety Issue for Vapor Recovery Systems

RCED-91-171, 06/28/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO determined Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA) actions to resolve safety issues associated with vehicle-based (onboard) vapor recovery systems.

Findings

GAO found that: (1) about 11 percent of the 5.1 million metric tons of hydrocarbon emissions attributable to motor vehicles annually come from gasoline vapors that escape into the atmosphere when vehicles are refuelled; (2) EPA believes that onboard systems, which capture refuelling vapors in the vehicle's fuel system, will be safe and pose no additional risk to motorists, and envisions gasoline-station-based, or stage II, technology as an interim step until onboard systems can be phased in; (3) NHTSA believes that stage II technology is a better alternative and maintains that onboard systems could compromise

motor vehicle safety by increasing the risk of fuel spillage and fires; (4) lack of a coordinated approach between EPA and NHTSA has delayed resolution of the onboard safety issue; (5) as of June 1991, or 5 months prior to a mandated deadline, the two agencies were far from agreeing on NHTSA concerns about the safety of onboard systems; (6) NHTSA believes it cannot fully assess or quantify the safety risk of onboard systems until it has performance data from consumer experiences with vehicles with such systems, but automobile manufacturers said they needed an onboard regulation to set design criteria and test procedures to complete onboard development efforts; (7) the alternative fuels the government will promote over the next several years could pose safety problems similar to those generated by onboard systems; and (8) EPA and NHTSA need to develop an approach that identifies each agency's roles and responsibilities, the test data and analysis needed to address safety

concerns, and the time frames for completing this analysis.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should go forward with the onboard regulation by November 1991, as required by the Clean Air Act Amendments of 1990, unless EPA determines that onboard systems pose an unreasonable risk to public safety.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, and the Secretary of Transportation should direct the Administrator, NHTSA, to develop a joint approach, or action plan, to perform a safety evaluation of manufacturers' onboard systems to identify and correct any safety defects or flaws well in advance of the 1996 model year so that an orderly phase-in occurs.

Addressee: Environmental Protection Agency

Status: Action not yet initiated.

Addressee: Department of Transportation

Status: Action not yet initiated.

Recommendation: EPA and NHTSA should work with the automobile industry during the 4 years between

promulgation of the regulation and the phase-in of onboard systems called for by model year 1996. At a minimum, this plan should identify the roles and responsibilities of each agency, the safety tests and analysis to be performed, what the analysis will

accomplish, and the time frames for performing the analysis.

Addressee: Environmental Protection Agency

Status: Action not yet initiated.

Addressee: National Highway Traffic Safety Administration

Status: Action not yet initiated.

Superfund: More Settlement Authority and EPA Controls Could Increase Cost Recovery

RCED-91-144, 07/18/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) Superfund settlement process, focusing on: (1) EPA success in obtaining cleanups of hazardous waste sites and recovering Superfund administration costs; (2) the adequacy of EPA controls over its settlement process; and (3) additional opportunities for EPA to improve its recovery of Superfund costs.

Findings

GAO found that: (1) since fiscal year (FY) 1987, the number and value of EPA settlements with responsible parties increased, but EPA lacked performance measures to show the extent to which settlements achieved program goals; (2) its survey of FY 1989 settlements indicated that EPA succeeded in getting potentially responsible parties (PRP) to perform 98 percent of the identified clean-up work valued at \$494 million and to pay 59 percent of the \$197 million in Superfund costs for sites covered by those settlements; (3) EPA FY 1989 settlements did not obtain or recover \$89 million, or about 13 percent, of the total amount required or expended for

cleanups, including related Superfund costs; (4) EPA performance measures did not provide a settlement evaluation context or an accountability basis; (5) its review of 19 settlements indicated that EPA generally failed to meet the required documentation standard, since EPA did not require its regions to document the settlement process; (6) EPA required a written postsettlement analysis to justify only some settlements, and did not require those analyses to compare settlement outcomes to initial expectations or to state the EPA rationale for accepting less than it anticipated; (7) the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) restricted EPA from assessing responsible parties interest charges on its program costs; (8) EPA could increase the costs it seeks from responsible parties, and in turn, its cost recoveries if it had the authority to charge interest at commercial lending rates; and (9) EPA could have accrued an additional \$25 million in interest by using a commercial lending rate on its FY 1989 expenditures.

Open Recommendations to Congress

Recommendation: To link the EPA settlement accomplishments more effectively with its goals, Congress should require the Administrator, EPA, to use performance measures that show the extent to which individual and multiple settlements have, during past and previous years, implemented the EPA chosen remedy and reimbursed EPA for Superfund's costs and report those measures periodically to Congress and the public.

Status: Action not yet initiated.

Recommendation: To enable EPA to recover the government's costs more fully, Congress should amend CERCLA to allow EPA always to: (1) accrue interest on its costs from the date funds are expended; and (2) charge an interest rate commensurate with commercial lending rates.

Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To improve internal controls in the Superfund program, the

Administrator, EPA, should implement explicit procedures for documenting the settlement process. At a minimum, those procedures should include requirements to document: (1) a realistic bottom-line position before beginning negotiations; and (2) key decisions and significant events occurring during negotiations, especially negotiating sessions with potentially responsible parties, changes in bottom-line positions and the reasons for them, and the results of internal meetings.

Status: Action not yet initiated.

Recommendation: To improve internal controls in the Superfund program, the Administrator, EPA, should implement explicit procedures for documenting the settlement process. At a minimum, those procedures should require the postsettlement analysis to include a comparison of the settlement outcome to bottom-line positions, including the EPA rationale for any deviations in those positions.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should require a written justification, or postsettlement analysis, for all proposed administrative settlements. Moreover, until corrective actions have been implemented, the Administrator, EPA, should include the lack of adequate documentation in the Superfund settlement process as a material weakness in its Federal Managers' Financial Integrity Act report.

Status: Action not yet initiated.

Recommendation: To enable EPA to pursue all potentially recoverable costs from responsible parties, the Administrator, EPA, should issue guidance to the regions for calculating interest appropriate for inclusion in settlement negotiations under its existing authority.

Status: Action not yet initiated.

Recommendation: To enable EPA to pursue all potentially recoverable costs from responsible parties, the Administrator, EPA, should ensure that regions consistently request and include all other agency Superfund costs, including those of the Agency for Toxic Substances and Disease Registry and the Department of Justice, in the costs that EPA seeks to recover in settlements with PRP.

Status: Action not yet initiated.

Recommendation: To enable EPA to pursue all potentially recoverable costs from responsible parties, the Administrator, EPA, should include administrative settlements with unrecovered costs and financially viable nonsettlers in the nonsettler tracking system.

Status: Action not yet initiated.

Water Pollution: Stronger Efforts Needed by EPA to Control Toxic Water Pollution

RCED-91-154, 07/19/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO examined the Environmental Protection Agency's (EPA) and states' efforts to implement the Clean Water Act (CWA) requirements for controlling water pollution, focusing on: (1) their efforts to identify waters impaired by toxic pollutants and to develop strategies to control discharges into U.S. waters; and (2) the extent to which existing water pollution control programs and activities control all types and sources of toxic pollutions.

Findings

GAO found that: (1) EPA and states failed to identify and target many of the nation's waters for cleanup due to such factors as ineffective monitoring, the lack of an all-inclusive priority pollutant list, and outdated cleanup strategies for impaired waters; (2) EPA targeted less than 3 percent of the 18,770 impaired waters it identified as impaired for more stringent regulatory controls or cleanup; (3) while EPA requires states to establish monitoring methods and procedures, EPA lacks an enforceable requirement

that specifies a toxic monitoring method or how often such monitoring should be done to identify toxic pollution; (4) EPA has been slow to develop and revise effluent guidelines for categories of industrial discharging toxic pollutants; (5) criteria developed by EPA and used by states to establish numeric discharge limits only covered a limited number of toxic pollutants which were not updated; (6) few states adopted numeric discharge limits for toxic pollutants in their water quality standards and discharge permits; (7) more stringent toxic pollution

controls could increase noncompliance with permit requirements, and make the enforcement burden greater; (8) although at least 30 states use such alternative financing mechanism as fees to generate revenue to support their programs, the revenue is only a small fraction of the funds needed; (9) some states were reluctant to use or rely on alternative financial mechanisms because they believed that the added cost of pollution control would result in industries moving to states without such mechanisms; and (10) EPA and some states have emphasized prevention strategies to correct pollution, but a number of barriers hinder greater use of such practices.

Open Recommendations to Congress

Recommendation: In light of existing resource constraints and barriers hindering greater use of innovative approaches to financing water pollution programs and preventing toxic

discharges to the nation's waters, Congress may wish to consider directing EPA to develop a pollutant-based discharger fee system that would: (1) generate additional revenue for water pollution programs; and (2) serve as an incentive for dischargers to use pollution prevention techniques to reduce or eliminate their toxic discharges.
Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To improve controls over the discharge of toxic pollutants to the nation's waters, the Administrator, EPA, should accelerate the development and revision of national effluent guidelines and criteria documents by focusing on the most harmful toxic pollutants being discharged to the nation's receiving waters. EPA should also follow through with its initial efforts to find alternative ways to obtain additional resources to support the

development of guidelines and criteria documents.

Status: Action not yet initiated.

Recommendation: To improve controls over the discharge of toxic pollutants to the nation's waters, the Administrator, EPA, should issue guidance directing states to conduct more ambient monitoring for toxic pollutants as part of the biennial water quality inventory reporting process and to assess the quality of a minimum percentage of their surface water miles during each biennial review cycle.

Status: Action not yet initiated.

Recommendation: To improve controls over the discharge of toxic pollutants to the nation's waters, the Administrator, EPA, should issue guidance on how and when states may grant variances for state water quality standards and for individual toxic discharge limits in permits.

Status: Action not yet initiated.

Pesticides: EPA's Repeat Emergency Exemptions May Provide Potential for Abuse

T-RCED-91-83, 07/23/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

GAO discussed the Environmental Protection Agency's (EPA) administration of the emergency-use exemption provision of the Federal Insecticide, Fungicide and Rodenticide Act, which allows states and federal agencies to use unregistered pesticides in an emergency without having to go through the EPA registration process. GAO noted that: (1) since 1978, EPA has granted over 4,000 specific and crisis unregistered pesticide exemptions; (2) in

fiscal year 1990, EPA granted almost 80 percent of the exemption requests for chemicals that had already received exemptions for that particular use, and approved another 18 percent of the repeat requests by not revoking crisis exemptions; (3) by granting repeat exemptions, EPA may put companies that register pesticides at an economic disadvantage compared with companies that are able to sell their chemicals for unregistered usage; (4) since unregistered pesticides do not go

through the EPA registration process, the extent of their effects on human health and the environment are unknown; and (5) the high number of repeat exemptions was due to a lack of criteria defining a complete registration application and nonspecific regulations precluding EPA from defining routine situations as emergencies.

Open Recommendations to Agencies

Recommendation: To help ensure that section 18 exemptions do not become routine, particularly as some pesticides are discontinued, EPA should: (1)

develop criteria to measure a chemical's progress towards registration; and (2) ensure that these criteria are distributed to the states and registrants of emergency-use pesticides.
Status: Action not yet initiated.

Recommendation: EPA should: (1) establish criteria that differentiate a chronic from an emergency situation; and (2) revise its regulations accordingly.
Status: Action not yet initiated.

Superfund: Public Health Assessments Incomplete and of Questionable Value

RCED-91-178, 08/01/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO assessed the quality and usefulness of the Agency for Toxic Substances and Disease Registry's (ATSDR) health assessments of Superfund sites.

Findings

GAO held that: (1) the quality of ATSDR health assessments suffered due to legislation requiring ATSDR to complete assessments for 951 sites in a little over 2 years; (2) although ATSDR met the deadline, it did so by labelling documents prepared prior to legislation as health assessments and conducting assessments without visiting sites; (3) later assessments improved technically, since ATSDR had fewer sites to assess and it relied less exclusively on Environmental Protection Agency (EPA) file information; (4) due to the deadline, ATSDR failed to conduct required quality control checks on its assessments and consult external sources to review the assessments; (5) ATSDR planned to review previously published assessments to ensure that they complied with legislative requirements and redrafted its health assessment guidance to require that future health assessments emphasize community health concerns

and consider existing community health statistics; (6) EPA did not find ATSDR health assessments useful, since the assessments duplicated information in EPA analyses and recommended actions EPA already planned or required, but EPA found ATSDR health consultations useful; (7) most of the state and local government officials and community representatives GAO contacted did not know about ATSDR health assessments of local sites and those who had seen the assessments did not find them useful; and (8) health assessments did not include adequate information to determine the need for more detailed health studies.

Open Recommendations to Congress

Recommendation: Congress may wish to consider reviewing the utility of ATSDR health assessments after allowing sufficient time for the new ATSDR health assessment procedures to take effect. If, at the end of this period, assessments have not proven useful, Congress may wish to reconsider whether the Superfund Amendments and Reauthorization Act requirement for an ATSDR assessment of the public health effects of each Superfund site should be continued.

Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To ensure consistently acceptable quality of health assessments, the Administrator, ATSDR, should develop a plan to update past assessments. The plan should include a time schedule for revising assessments and a statement of the resources needed to meet it and should ensure that the most potentially hazardous sites are re-examined in accordance with the agency's current guidance.
Status: Action not yet initiated.

Recommendation: To ensure consistently acceptable quality of health assessments, the Administrator, ATSDR, should arrange for at least a sample of future assessments to be reviewed by outside, independent public health professionals.
Status: Action not yet initiated.

Recommendation: To improve the usefulness of ATSDR assessments to EPA, the Administrator, ATSDR, and the Administrator, EPA, should set up an interagency work group to review how the value of ATSDR assessments to

EPA could be increased and duplicate analyses avoided.
Addressee: Environmental Protection Agency

Status: Action not yet initiated.
Addressee: Public Health Service:
Centers for Disease Control: Agency for
Toxic Substances and Disease Registry

Status: Action not yet initiated.

Waste Minimization: EPA Data Are Severely Flawed

PEMD-91-21, 08/05/91 GAO Contact: Kwai-Cheung Chan, (202)275-3092

Background

Pursuant to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) National Survey of Hazardous Waste Generators (NSHWG) data, focusing on data quality problems.

Findings

GAO found that: (1) EPA initially developed three national data sets to provide information about industry's progress in minimizing hazardous waste, but two sets failed to adequately integrate the data, making NSHWG the primary EPA data source; (2) survey data items measured waste-generation amounts only for 1985 and 1986, and some waste handlers believed that the use of those 2 years would not accurately represent the waste production trend; (3) one waste-generating firm suggested that the measure of hazardous waste generation standardized by production did not adequately document waste minimization progress; (4) a lack of correspondence between two items

measuring the amount of hazardous waste generated in 1986 suggested that the estimated waste-generation total was unreliable; (5) EPA indicated that it could not analyze the production process or waste source, since the survey's design limited its ability to obtain an adequate amount of detailed information; (6) between 1985 and 1986, 60 percent of the generator survey respondents did not report one or more of the data elements necessary to calculate a change in waste generation per unit of production; and (7) tracking progress on hazardous waste minimization for a longer duration would provide a more accurate estimate of program effects and establish trend lines.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should direct the Assistant Administrator for Solid Waste and Emergency Response to amend federal recordkeeping to ensure that the

information that EPA requests about hazardous waste minimization will be methodologically sound and readily accessible.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should direct the Assistant Administrator for Solid Waste and Emergency Response to devise waste minimization measures that account for the mix of production processes and for nonproduction activity that generates hazardous waste.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should direct the Assistant Administrator for Solid Waste and Emergency Response to investigate industry's perception of EPA efforts at measuring waste minimization and initiate changes as appropriate.
Status: Action not yet initiated.

Hazardous Waste: Improvements Needed in DOD's Contracting System for Disposal of Waste

NSIAD-91-131, 08/06/91 GAO Contact: Nancy R. Kingsbury, (202)275-4268

Background

Pursuant to a congressional request, GAO determined whether the Department of Defense (DOD) adequately ensured: (1) the capability of transportation and disposal contractors; and (2) that hazardous waste generated by DOD installations reached the proper disposal site.

Findings

GAO found that: (1) DOD installations arrange for the disposal of certain types of waste, and the Defense Reutilization and Marketing Service (DRMS) competitively procures contracts on behalf of installations for the disposal of remaining waste; (2) while DRMS has not experienced significant problems with most contracts, some of the small business contractors encountered performance or financial difficulties that resulted in contract defaults; (3) to avoid such defaults, DRMS planned to make experience a technical factor in

solicitations, reduce the scope of work awarded to small businesses, and form a review team to assess and resolve issues before determining bidder responsibility; (4) environmental legislation and courts have held DOD liable for contractors' mishandling of hazardous waste; (5) neither DRMS nor the DOD installations verified contractors' documentation regarding the arrival of waste at disposal facilities; (6) some contractors stored waste at interim facilities until they had a sufficient quantity for transportation and disposal, and some installations did not know where their hazardous waste was or what was being done with it; (7) neither DRMS nor the installations routinely performed on-site audits to ensure proper waste handling and disposal, and DRMS typically audited contractors only when it identified discrepancies; and (8) the Environmental Protection Agency and states varied in their monitoring of hazardous waste transportation and disposal contractors.

Open Recommendations to Agencies

Recommendation: The Secretary of Defense, through the Director, Defense Logistics Agency, should direct DRMS to: (1) issue disposal contracts that require transporters of hazardous waste to have disposal facilities send tracking manifests directly to the DOD generator; (2) consider tracking hazardous waste to final disposal by not allowing transporters to use interim storage; and (3) give high priority to audits of hazardous waste disposals. These changes to hazardous waste disposal procedures and practices should be required of all DOD installations.
Status: Action not yet initiated.

Recommendation: The Secretary of Defense should study the costs and the benefits of issuing separate contracts for transportation and disposal of hazardous waste.
Status: Action not yet initiated.

Air Pollution: Oxygenated Fuels Help Reduce Carbon Monoxide

RCED-91-176, 08/13/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed: (1) the extent to which the use of oxygenated fuels in motor vehicles has reduced carbon monoxide

(CO) levels in six cities; and (2) other measures those cities have taken to meet national CO standards.

Findings

GAO found that: (1) city officials reported that using oxygenated fuels during winter months reduced CO emissions by an estimated 10 to 20

percent; (2) the oxygenated fuels' economic attractiveness and convenience enhanced their widespread acceptance and use; (3) since state and local officials believed that no single CO reduction strategy would guarantee that cities met and maintained the national air quality standard for CO, cities used a variety of CO reduction measures and implemented programs to help prevent excessive CO levels in the future; (4) all six cities required vehicle inspection, maintenance, and emission testing programs; (5) two cities introduced programs to reduce the number of

single-occupant trips and vehicle miles travelled, and required employers to assess employee commuting habits and encourage employees to use alternate forms of transportation; (6) in addition to lowering current CO levels, one city enacted an ordinance requiring developers to report any effects their projects could have on the city's air quality and to incorporate pollution reduction measures into those projects; and (7) one city plans to reduce vehicle miles travelled by locating essential services and facilities within residential

areas and placing commercial centers on public transit lines.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should make maximum use of the carbon monoxide reduction experiences of the six cities in providing guidance to additional cities that will be using oxygenated fuels and in evaluating their required revised state implementation plans.

Status: Action not yet initiated.

Hazardous Waste: Management Problems Continue at Overseas Military Bases

NSIAD-91-231, 08/28/91 GAO Contact: Nancy R. Kingsbury, (202)275-4268

Background

Pursuant to a congressional request, GAO reviewed hazardous waste management at the Department of Defense's (DOD) overseas installations, focusing on whether DOD bases overseas were protecting humans and the environment.

Findings

GAO found that: (1) due to unclear and outdated DOD policy and service regulations, it was difficult to determine the extent to which overseas bases should comply with U.S. laws when host country hazardous waste laws either did not exist or were not as stringent as U.S. laws; (2) some overseas bases did not provide adequate oversight of their activities that generated hazardous waste, and Inspectors General, audit agencies, and commands did not provide sufficient oversight; (3) shortcomings in hazardous waste management policy,

training, and oversight have resulted in inadequate efforts to minimize the amount of hazardous waste being generated; (4) as of October 1990, 18 host country claims totalling \$21.8 million resulted from the improper handling, storage, or disposal of hazardous waste; (5) DOD accepted responsibility for portions of some of these claims and, as of October 1990, it had partially reimbursed some of the claimants for about \$50,000; (6) additional environmental pollution claims may be brought against U.S. forces at nearly 300 additional sites with an estimated settlement cost of \$111 million for one-third of the claims; and (7) inappropriate hazardous waste management practices at overseas bases may jeopardize political and defense relationships with host nations.

Open Recommendations to Agencies

Recommendation: The Secretary of Defense should improve the management of hazardous waste at overseas bases by: (1) clarifying the policy on whether U.S. bases overseas are to comply with U.S. environmental laws to protect human health and the environment when host country environmental laws either do not exist or are not as stringent as U.S. laws; and (2) ensuring that implementing service regulations conform with DOD policy.

Status: Action not yet initiated.

Recommendation: The Secretary of Defense should require the services to reevaluate their hazardous waste management programs at overseas bases to ensure that the services provide needed oversight by the applicable organizations not located at bases to

Environmental Protection

ensure compliance with host country or U.S. laws.

Status: Action not yet initiated.

Recommendation: The Secretary of Defense should require the services to reevaluate their hazardous waste management programs at overseas bases

to ensure that the services provide improved base-level management and oversight of the hazardous waste programs and operations.

Status: Action not yet initiated.

Recommendation: The Secretary of Defense should require the services to

reevaluate their hazardous waste management programs at overseas bases to ensure that the services provide required training in a timely and consistent manner.

Status: Action not yet initiated.

Natural Resources Management

Issue Area Summary: Natural Resources Management

Impact of GAO's Work

Natural resource assets on federal lands are vital for both economic and cultural reasons and involve vast amounts of energy fuels and other minerals, timber, rangeland, water, fish and wildlife habitat, recreation areas, areas of scenic beauty, historic and cultural sites, and artifacts.

Responsibility for managing and protecting natural resources on federal lands rests with the Department of the Interior, the Department of Agriculture's Forest Service, and the U.S. Army Corps of Engineers. Together, they own and control about one-third (700 million acres) of the country's land surface, even more of the country's subsurface mineral rights, rights to minerals beneath a billion acres of ocean floor, and 25,000 miles of inland and intercoastal waterways. For fiscal years 1990 and 1991, budget authorities for natural resources were about \$12.6 billion.

Our past recommendations cluster around two themes.

First, we believe that the soaring national debt, the protracted federal deficit crisis, and urgent unmet natural resource needs dictate that the nation receive a fair return for the sale or use of mineral, renewable, and other natural resource assets on federal lands. We have made numerous recommendations to the Congress and the administration that, if implemented, could increase federal revenues by as much as \$1 billion annually. Legislation, yet to be enacted, has been introduced and hearings held on all of our key legislative proposals.

Second, we believe that federal land-managing agencies must assume a more effective stewardship role over the natural and cultural resources they are responsible for. As such, we have made recommendations to Interior and Agriculture to restore the proper balance between preservation and other uses of renewable natural resources on public lands. Though the agencies have not always agreed with our positions, we continue to see positive signs that a change in philosophy is occurring.

Key Open Recommendations

Hard-Rock Mining on Federal Lands

Over the last several years, we have reported on several aspects of the Mining Law of 1872 and its administration and have made a number of recommendations to the Congress and the federal land-managing agencies. In March 1989, we recommended that the Congress eliminate the law's patenting provision to prevent valuable federal lands from passing into private ownership for a fraction of their value. This change would also preserve the government's opportunity to obtain revenues for minerals extracted from its lands. Legislation that would accomplish the intent of our recommendation was introduced in both the 101st and 102nd Congresses, but it has not been enacted. (GAO/RCED-89-72, see p. 325.)

In March 1989 and August 1990, we reported on unauthorized activities occurring on hard-rock mining claims. We recommended that to promote mineral development and ensure that claims are available to legitimate miners, the Congress require claim holders to pay the federal government annual holding fees in lieu of the existing annual work requirement. A similar proposal by the administration has twice been rejected by the Congress. (GAO/RCED-90-111, see p. 333.)

Federal Water Subsidies

In our October 1989 report on abuses of federal water subsidies, we recommended that the Congress amend the Reclamation Reform Act of 1982 to limit federally subsidized water to no more than 960 acres of leased and/or owned land being operated as one farm. In June 1990 and again in June 1991, the House overwhelmingly passed an amendment that included our legislative language. A different bill, intended to accomplish the same objective, has been introduced in the Senate, and hearings were held in September 1991 to obtain views on the various legislative proposals. (GAO/RCED-90-6, see p. 328.)

Our August 1991 report notes that federally subsidized water is used to grow federally subsidized crops and that Interior's programs for increasing agricultural production through inexpensive subsidized water appear inconsistent with Agriculture's programs for raising prices while limiting production. We recommended that, since Interior had begun renewing irrigation contracts for the same quantities of water, the Congress place a moratorium on the renewals and amend the authorizing act to explicitly allow contract renewals for lesser quantities of water and shorter periods of time. (GAO/RCED-91-175, see p. 353.)

Recreational Activities on Federal Lands

In 1989, concessioners on federal lands paid the government concession fees averaging about 2 percent of their gross revenues. The average rate of return for each federal agency ranged from 1.9 percent to 4 percent. In June 1991, we recommended that the Secretaries of the Interior, Agriculture, and Defense develop and present to the Congress a policy to achieve greater consistency in management of concession operations. (GAO/RCED-91-163, see p. 347.)

Similarly, in July 1991, we noted that Interior's Bureau of Reclamation had transferred lands, at no cost, to the city of Scottsdale, Arizona, which subsequently leased the lands to private commercial operators in exchange for a percentage of their gross revenues. Since similar agreements had been approved and additional ones were pending, we made three recommendations to protect future federal interests. (GAO/RCED-91-174, see p. 349.)

Below-Cost Timber Sales

In April 1991 testimony, we stated that the federal government was not recovering timber sale preparation and administration expenses resulting in below-cost timber sales. While the Forest Service had issued a draft policy to reduce such losses, it leaves gaps in a comprehensive approach to below-cost sales. We recommended three additional actions. (GAO/T-RCED-91-42, see p. 342.)

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Resources Management**

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Federal Land Acquisition: Land Exchange Process Working But Can Be Improved

RCED-87-9, 02/05/87 GAO Contact: James Duffus, III, (202)275-7756

Background

In response to a congressional request, GAO reviewed the programs that the Department of Agriculture's (USDA) Forest Service and the Department of the Interior's Bureau of Land Management (BLM) use to plan, negotiate, and implement land exchanges.

Findings

GAO found that the land exchange process is working well, since both BLM and the Forest Service: (1) have established and followed procedures governing land exchanges; and (2) notify and negotiate with state and local governments about exchange proposals early in the exchange process to avoid disagreements. GAO also found that: (1) both agencies need to consistently record

the costs of processing exchange proposals to ensure the best budgeting and planning decisions; (2) both agencies follow practices, such as adjusting appraised values to reach equal value, which the Federal Land Policy and Management Act (FLPMA) does not allow, since the government receives lands that are not equal to those it conveys; and (3) although pooling increased the agencies' effectiveness in disposing of scattered tracts of federal land for a desirable parcel, neither agency has evaluated pooling to determine whether its use is in the interest of the government and the public.

Open Recommendations to Agencies

Recommendation: The Secretaries of Agriculture and the Interior should

direct the Chief, Forest Service, and the Director, BLM, respectively, to evaluate the use of pooling to determine whether it is in their interest to continue using it. If pooling is continued, then the agencies should develop policies to promote and control its use.

Status: Action in process. Estimated completion date: 05/92. Both USDA and Interior have determined that pooling is a viable approach, however, due to congressional criticism of differences in the proposed regulations, they have been withdrawn and are being rewritten by BLM and the Forest Service to include common structure and terminology. Publication of the new proposed rule is expected by the end of 1991 and, for the final rulemaking, spring 1992.

Wildlife Management: National Refuge Contamination Is Difficult To Confirm and Clean Up

RCED-87-128, 07/17/87 GAO Contact: James Duffus, III, (202)275-7756

Background

In response to a congressional request, GAO reviewed the status of cleanup activities at the Kesterson National Wildlife Refuge to determine whether the federal government: (1) assessed the extent of contamination at refuges nationwide; (2) developed water quality criteria to protect wildlife and refuge

habitats from contamination; and (3) dealt with actual or potential contamination from agricultural drainage water or other sources.

Findings

GAO found that the: (1) Bureau of Reclamation stopped the flow of

contaminated water to the Kesterson refuge and prepared a phased cleanup plan to initially treat contamination in place, rather than dispose of it; (2) board responsible for protecting California's water resources rejected the phased plan and approved the concept of on-site disposal; and (3) cleanup will cost an estimated \$27 billion. GAO also found

that the Department of the Interior: (1) intensified efforts to identify contaminated refuges, since an Interior survey indicated that 85 of 430 refuges were or could be contaminated by agricultural drainwater or by municipal, industrial, or military activities; and (2) did not use survey techniques that would identify all contaminated refuges. GAO concluded that obstacles to identifying and cleaning up sites include the: (1) lack of water quality criteria to determine when contamination threatens wildlife and refuge habitats; (2) lack of federal regulatory authority over agricultural drainage water; and (3) lengthy process of identifying the party responsible for cleanup, deciding on a cleanup plan, and obtaining cleanup funds.

Open Recommendations to Agencies

Recommendation: The Administrator, Environmental Protection Agency (EPA), in close coordination with the Secretary

of the Interior, should develop water quality criteria for protecting wildlife and refuge habitats. If current resources and funding levels are insufficient for this program, the Secretary and the Administrator should submit estimates of the additional needs to Congress for consideration.

Status: Action in process. Estimated completion date: 05/92. EPA has established a Wildlife Criteria Development Program, which receives limited funds. This program is planning a workshop for spring 1992, at which time the development of water quality criteria for wildlife will be decided. Also, EPA is in the process of preparing a memo of understanding with the Fish and Wildlife Service in this area.

Recommendation: The Secretary of the Interior should evaluate the results of the ongoing studies to determine if agricultural drainage traceable to a single source is occurring elsewhere.

Status: Action in process. A comprehensive survey of all Interior-

sponsored or -managed irrigation projects has been completed. A total of 19 reconnaissance studies were undertaken. Seven were selected for detailed studies, of which four are scheduled for completion in fiscal year (FY) 1991.

Recommendation: If agricultural drainage traceable to a single source is occurring elsewhere, the Secretary of the Interior should work with the Administrator, EPA, in preparing a legislative proposal to amend the Clean Water Act to require that agricultural drainage traceable to a single source be subject to discharge permit requirements.

Status: Action in process. Interior is working with EPA in scoping the Clean Water Act Amendments. In the past, staffing limitations restrained this joint effort.

Cultural Resources: Problems Protecting and Preserving Federal Archeological Resources

RCED-88-3, 12/15/87 GAO Contact: James Duffus, III, (202)275-7756

Background

In response to a congressional request, GAO reviewed three federal agencies' management of archeological resources on federal lands to determine: (1) the extent of looting that has occurred; (2) what the agencies are doing to prevent looting of resources; and (3) what actions the agencies are taking to remove and properly preserve artifacts.

Findings

GAO found that: (1) looters are destroying valuable scientific information at archeological sites; (2) agency officials believe that enforcement efforts have prevented casual looting, but problems still exist with commercial looting for profit; and (3) although looting of artifacts from National Park Service (NPS) land has been minimal, the Bureau of Land Management (BLM) and the Forest Service are experiencing a high level of commercial looting. GAO

also found that: (1) funding constraints and staffing shortages have hampered agencies' ability to protect archeological sites; (2) the agencies were not taking necessary precautions to ensure the preservation of artifacts they sent to curators; (3) the agencies did not institute any procedures for determining the adequacy and ability of facilities responsible for curating artifacts, and seldom inspected the facilities; and (4) NPS has an estimated 15.5 million

uncataloged artifacts collected from both federal and nonfederal lands.

Open Recommendations to Agencies

Recommendation: The Secretaries of the Interior and Agriculture should direct the heads of the respective agencies to develop agencywide guidelines that: (1) provide field offices criteria on when to prepare looting incident reports, for example, amount of disturbance and how recently the incident happened; and (2) require field offices to periodically revisit recorded sites to update site records.

Addressee: Department of the Interior
Status: Action in process. The Interior Departmental Consulting Archeologist (DCA) has begun work on developing the agencywide guidelines. The DCA will convene a subcommittee of the Interagency Task Force on Archeological Rulemaking to obtain agency input in late 1991.

Recommendation: The Secretaries of the Interior and Agriculture should direct the heads of the respective agencies to develop plans for surveying those areas not scheduled for project development, including prioritizing these areas based on their archeological resource potential and then preparing a schedule for surveying those areas having the highest priority.

Addressee: Department of the Interior
Status: Action in process. A final rule will be published in the Federal Register before the end of 1991.

Recommendation: The Secretaries of the Interior and Agriculture should direct the heads of respective agencies to be consistent with other priorities for available funds and staff, and ensure

that a reasonable number of these surveys are carried out each year.

Addressee: Department of the Interior
Status: Action in process. A final rule addressing plans and schedules for surveys of federal lands not scheduled for development will be published in the Federal Register before the end of 1991.

Recommendation: The Secretary of the Interior should direct the Director, NPS, to finalize and issue the proposed regulation on curation and exchange of archeological collections promptly and ensure that it includes sections addressing agency internal controls over artifacts and combined or single-agency inspections of curatorial facilities having artifact collections from more than one federal agency.

Status: Action in process. Publication of the regulations in the Federal Register is expected before the end of 1991.

Recommendation: The Secretaries of the Interior and Agriculture should direct the heads of their respective agencies to coordinate to ensure that the curation regulation is implemented consistently with regard to requirements placed on nonfederal curatorial facilities.

Addressee: Department of the Interior
Status: Action in process. The final curation regulation will be published in the Federal Register before the end of 1991.

Addressee: Department of Agriculture
Status: Action not yet initiated.

Recommendation: The Secretaries of the Interior and Agriculture should direct the heads of their respective agencies to enter into an agreement whereby one or more qualified individuals are designated to conduct inspections of nonfederal curatorial facilities on behalf of the other agencies.

Addressee: Department of the Interior
Status: Action not yet initiated.

Addressee: Department of Agriculture
Status: Action not yet initiated.

Recommendation: The Secretaries of the Interior and Agriculture should direct the heads of their respective agencies to ascertain and request the funds and staff needed to establish complete and accurate records of artifacts removed from their lands and to inspect curatorial facilities in accordance with the regulation and implementing instructions.

Addressee: Department of the Interior
Status: Action not yet initiated.

Addressee: Department of Agriculture
Status: Action in process. The Forest Service issued a manual directive which strengthened the requirement for records on artifact collections. It has budgeted funds for fiscal year 1991 to improve its recordkeeping process. Informational needs and collection methods have been identified. An integrated information data base has been started which tracks the types of cultural resources geographically.

Recommendation: The Secretaries of the Interior and Agriculture should direct the heads of their respective agencies to use information included in the facilities' plans for correcting deficiencies noted during the agencies' initial inspection of these facilities, and summarize and report to Congress the: (1) magnitude of the deficiencies at nonfederal curatorial facilities; and (2) total cost and federal share of the cost of correcting these deficiencies.

Addressee: Department of the Interior
Status: Action not yet initiated.

Addressee: Department of Agriculture
Status: Action not yet initiated.

Cultural Resources: Implementation of Federal Historic Preservation Program Can Be Improved

RCED-88-81, 06/09/88 GAO Contact: James Duffus, III, (202)275-7756

Background

In response to a congressional request, GAO reviewed six agencies' compliance with the Historic Preservation Act of 1966 to determine the: (1) extent and consequences of noncompliance; and (2) actions needed to bring the agencies into compliance.

Findings

GAO found that: (1) the agencies did not fully comply with their historic preservation responsibilities; (2) federal historic properties were damaged or had significantly deteriorated as a result of the noncompliance; (3) the Secretary of the Interior did not establish an adequate training program for preservation staff; (4) the agencies failed to maximize the use of their historic buildings because they were unable to locate, account for, and nominate many

historic properties; (5) the agencies did not adequately protect, preserve, or maintain their historic properties, causing deterioration and damage; and (6) the agencies stated that they needed better guidance and support from Interior, as well as specific program funding to fulfill their responsibilities.

Open Recommendations to Agencies

Recommendation: The Secretaries of Agriculture and the Interior, the Administrators of General Services and Veterans Affairs, and the Postmaster General should: (1) ensure that the use of agency-owned or -managed historic properties is given preference over nonhistoric properties; (2) establish agencywide time frames regarding efforts to locate, inventory, and nominate their historic properties; and (3) emphasize through agency directives

that historic properties must be adequately protected, preserved, and maintained.

Addressee: Department of Agriculture
Status: Action in process. The Forest Service has issued internal directions for maximizing the use of historic buildings and guidance on evaluating the historic significance of administrative/support structures and survey lands containing historic properties. Final guidance on preferential treatment is projected for late 1991.

Addressee: Department of Veterans Affairs
Status: Action in process. Estimated completion date: 12/92. The Department of Veterans Affairs (VA) plans to publish guidance on preferential treatment by December 1992. It plans to inventory and nominate historic facilities by October 1994. Final VA-wide policy on preservation is scheduled for late 1991.

Wetlands: The Corps of Engineers' Administration of the Section 404 Program

RCED-88-110, 07/28/88 GAO Contact: James Duffus, III, (202)275-7756

Background

In response to a congressional request, GAO reviewed the Army Corps of Engineers' administration of section 404 of the Clean Water Act to determine the extent to which the Corps: (1) coordinated with federal resource agencies during the permit process; (2)

identified violations of permit conditions; and (3) imposed sanctions against those who failed to obtain required permits or violated permit conditions.

Findings

GAO found that: (1) although the Section 404 Program protected some wetlands, it did not regulate many activities, such as normal farming and wetlands draining, which caused most of the wetlands losses; (2) resource agencies believed that

the Corps could protect more wetlands if it delineated wetland boundaries more broadly and gave greater consideration to practicable alternatives to placing dredged and fill materials in wetlands; (3) neither the Corps nor the resource agencies maintained comprehensive information on the program's impact on wetlands; (4) although the Corps considered resource agency recommendations in issuing permits, in many cases its district offices did not require applicants to address recommendations and did not provide feedback to the agencies; (5) resource agencies rarely appealed cases when they disagreed with district offices because they believed that the appeal process was cumbersome and ineffective; (6) neither the Corps nor the

Environmental Protection Agency (EPA) had systematic surveillance programs to detect unauthorized activities on wetlands; (7) the districts did not investigate many suspected unauthorized activities for months and did not monitor issued permits for compliance with permit conditions; (8) the Corps rarely pursued civil or criminal remedies against violators and did not often suspend or revoke permits; and (9) EPA rarely used its authority, even though most violations involved failure to obtain permits.

Open Recommendations to Congress

Recommendation: Congress may wish to establish clearer criteria regarding the:

(1) scope of wetlands delineation under the program; (2) extent to which alternatives to filling wetlands must be considered; and (3) extent and circumstances under which cumulative impacts of permit decisions must be considered.

Congressional Action: The House Committee on Public Works and Transportation, Subcommittee on Investigations and Oversight, held hearings on the Section 404 Program in September, 1988. Army proposals to correct or clarify certain aspects of program administration are still under advisement, and these proposals will have a direct bearing on any proposed congressional action.

Endangered Species: Management Improvements Could Enhance Recovery Program

RCED-89-5, 12/21/88 GAO Contact: James Duffus, III, (202)275-7756

Background

In response to a congressional request, GAO examined possible implementation deficiencies under the Endangered Species Program to determine: (1) the extent of recovery of domestic threatened and endangered species; (2) federal agencies' progress in developing recovery plans; and (3) whether the agencies implemented their recovery plans.

Findings

GAO found that it was unable to measure program success because: (1) few domestic species were officially declared either extinct or recovered; (2) the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service

(NMFS) lacked centralized information on species' movement toward or away from recovery; (3) increased work loads and funding shortfalls hampered FWS and NMFS recovery efforts; (4) FWS did not adhere to its priority system for preparing and updating recovery plans, allocating funds, or tracking recovery activities; and (5) FWS concentrated its recovery funds on highly visible species and those species that were approaching recovery, rather than prioritizing the most endangered species and those actions needed to prevent future extinctions. GAO also found that: (1) the agencies had not initiated many planned recovery tasks; and (2) as of September 30, 1987, the agencies had approved plans for 56 percent of the domestic

species and had plans underway for an additional 18 percent.

Open Recommendations to Agencies

Recommendation: The Secretaries of Commerce and the Interior should direct the Directors, NMFS and FWS, respectively, to develop and maintain centralized information on the status of all listed domestic species.

Addressee: Department of Commerce
Status: Action in process. Estimated completion date: 03/92. NMFS has developed a manual centralized information system and has contracted for the development of a data base which will track the status of all domestic species and the recovery activities

surrounding those species. The system should be online by early 1992.

Recommendation: The Secretaries of Commerce and the Interior should direct the Directors, NMFS and FWS, respectively, to develop and maintain a

tracking system of all initiated recovery activities. Initiated tasks should be identified by recovery plan task numbers and, when possible, indicate implementation costs.

Addressee: Department of Commerce

Status: Action in process. Estimated completion date: 03/92. NMFS has contracted for the development of a tracking system of all recovery activities, including implementation costs, as well as the status of all domestic species. This system should be online by early 1992.

Federal Land Management: The Mining Law of 1872 Needs Revision

RCED-89-72, 03/10/89 GAO Contact: James Duffus, III, (202)275-7756

Background

In response to a congressional request, GAO reviewed various aspects of the Mining Law of 1872, focusing on the: (1) law's patent provision; (2) law's requirement that unpatented claim holders annually perform a minimal amount of work to develop their mineral claims; and (3) amendments needed to bring the law's provisions more in line with existing national natural resource policies.

Findings

GAO found that: (1) the work requirement no longer promoted mineral development, was difficult to enforce, and occasionally resulted in land damage; (2) much of the work was difficult to verify because there was often little or no physical evidence of the work performed and the work performed did little to bring the claims closer to development; (3) some claim holders needlessly scarred the land to make it appear that they complied with the annual work requirement; and (4) replacing the annual work requirement with an annual holding fee would reduce damage to federal lands, eliminate difficult annual work requirement certification and enforcement, and result

in clearance of more inactive, invalid, or abandoned claims. GAO also found that: (1) the government received less than \$4,500 for 20 patents issued since 1970 that had an estimated worth of between \$13.8 million and \$47.9 million; (2) as of October 1987, 265 patent applications were pending for more than 80,000 acres of public land; (3) if the government patented all of the land in the 12 sites reviewed, it would receive about \$16,000 for land appraised at between \$14.4 million and \$47.1 million; (4) although the Land Policy and Management Act requires that the government receive fair market value for disposable public lands, about 157,000 acres of public lands have passed into private ownership for the nominal mining law patent fee since 1978; and (5) the federal government has never collected revenues from the sale of hardrock minerals, as it does for fuel and common minerals, and loses the opportunity to do so when public lands pass into private ownership.

Open Recommendations to Congress

Recommendation: Congress should amend the Mining Law of 1872 to require claim holders to pay the federal government an annual holding fee in

place of the existing annual work requirement. In considering such an amendment, Congress should bear in mind the relationship of the annual work requirement to the patent provision of the Mining Law of 1872.

Status: Action in process.

Recommendation: Congress should amend the Mining Law of 1872 to eliminate the patenting of both hardrock minerals and the land required to mine them. This change would not only permit the land to remain under federal ownership, it would also provide the government the opportunity in the future to collect revenues for the hardrock minerals extracted.

Status: Action in process.

Recommendation: If Congress decides not to eliminate the patenting provision, it should either: (1) permit claim holders to patent only the minerals, thereby retaining the land in federal ownership; or (2) require that the federal government obtain fair-market value for the lands patented. Under either option, the claim holder still should be required to pay an annual holding fee.

Congressional Action: Both the House and Senate have reintroduced bills (H.R. 918 and S. 433) which would

substantially address all of the report's recommendations, and the President's 1992 budget proposed the holding fee

recommended by the report. In addition, the House appropriations bill included a

moratorium on patenting which was defeated in Congress.

Water Resources: Corps of Engineers' Drought Management of Savannah River Projects

RCED-89-169, 06/12/89 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the Army Corps of Engineers' management of the Hartwell, Russell, and Thurmond reservoirs in Georgia and South Carolina, focusing on the: (1) Corps' management of the reservoirs during the 1988 drought; (2) drought's effect on the reservoirs' ability to serve users; and (3) Corps' efforts to develop a drought contingency plan for the reservoirs.

Findings

GAO found that: (1) the Corps reduced releases from Lake Thurmond beginning in November 1987 and has maintained a constant release rate of 3,600 cubic feet per second since April 1988; (2) the levels of Lakes Thurmond and Hartwell were significantly affected by the drought; (3) the Corps gave water supply and quality maintenance the highest priority during the drought; (4) drought conditions severely curtailed recreational and hydropower uses of the reservoirs; and (5) the Corps was unable to generate sufficient hydropower to satisfy the Southeastern Power Administration's contractual obligations. GAO also found that the Corps: (1) had not completed its drought management plan when the current drought began; (2) did not

complete the plan until more than 8 years after a regulation required it and more than 3 years after the Corps' initial target date for plan completion; (3) could have better maintained lake levels had it timely completed the plan; (4) has not completed drought contingency plans for over two-thirds of its water resource projects nationwide; and (5) failed to consider downstream inflows or worst-case scenarios in its drought management plan for the Savannah River Basin.

Open Recommendations to Agencies

Recommendation: In order for the district to be better prepared to manage drought conditions in the Savannah River Basin, the Assistant Secretary of the Army (Civil Works) should require the Chief Engineer to improve the Savannah District's drought contingency plan by ensuring that the plan: (1) is based on thoroughly documented and current water supply needs; (2) includes downstream inflows in determining releases from the projects; and (3) includes actions to be taken in worst-case situations.

Status: Action in process. The Corps recognized the need to periodically review and update water supply needs to ensure that this information is current.

These needs will be periodically reviewed and revised as appropriate. Downstream inflows will be reanalyzed to ensure that these are properly accounted for, and that water releases will be consistent with the goal of achieving all project purposes.

Recommendation: So that the Corps is prepared nationwide to better manage ongoing and future drought situations, the Assistant Secretary of the Army (Civil Works) should direct the Chief Engineer to ensure that each district has drought contingency plans for all controlled reservoir storage projects, and that the plans are based on a thorough analysis of user needs, adjust release rate calculations to account for downstream inflows, and include worst-case situation plans.

Status: Action in process. Estimated completion date: 09/92. The Corps agreed that drought contingency plans are needed at all controlled storage projects, as required by its engineering regulations. It agreed to consider downstream inflows and worst-case scenarios in developing the drought plans. Completion of the remaining drought contingency plans nationwide will be accomplished by the end of fiscal year 1992 if sufficient funding is available.

California Desert: Planned Wildlife Protection and Enhancement Objectives Not Achieved

RCED-89-171, 06/23/89 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO assessed whether the Bureau of Land Management (BLM) appropriately considered wildlife interests in its management of the California Desert Conservation Area (CDCA).

Findings

GAO found that: (1) BLM is statutorily required to manage CDCA in accordance with the principles of multiple use, sustained yield, and resource protection; (2) BLM has worked to develop environmental area plans and habitat

management plans to implement its overall wildlife protection goals; (3) BLM has only completed half of its wildlife-related implementation plans; (4) BLM has not effectively implemented those plans it has developed; (5) for fiscal years 1982 through 1988, BLM wildlife funding was less than half that planned; (6) BLM has allowed such events as off-road vehicle races and recreation areas in critical wildlife habitats; (7) BLM has also allowed grazing and mining in threatened habitats; and (8) BLM opposed California's efforts to give certain threatened species greater protection.

Open Recommendations to Agencies

Recommendation: The Secretary of the Interior should direct the Director, BLM, to take those steps necessary to complete required wildlife areas of critical environmental concern plans and habitat management plans and then implement the action items included in them.

Status: Action in process. Twenty-two habitat management plans are underway. The BLM schedule is to complete one to two management plans per resource area per year. BLM is working to complete all plans by 1996.

Wilderness Preservation: Problems in Some National Forests Should Be Addressed

RCED-89-202, 09/26/89 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the Forest Service's management of its National Wilderness Preservation System lands, focusing on: (1) the extent of resource deterioration in wilderness areas; and (2) Service staffing and funding devoted to wilderness management.

Findings

GAO found that the Service: (1) managed about 32.5 million acres of National Wilderness Preservation

System lands, including 354 wilderness areas; (2) decentralized wilderness area management to the individual forest and district office levels, with oversight by regional offices and headquarters; (3) did not require wilderness managers to maintain comprehensive information on wilderness area conditions, although managers indicated that there was a considerable amount of unmet trail maintenance and reconstruction needs and campsite deterioration; (4) did not periodically inventory conditions in many wilderness areas and could not determine whether conditions were

improving or worsening; (5) had unnecessarily large or highly visible administrative and recreational facilities and structures in several wilderness areas, which did not comply with its policy to maintain low visibility; (6) did not maintain information about funding and staffing it devoted to management of individual wilderness areas; and (7) believes that staffing and funding have been inadequate to achieve its objectives, resulting in its not performing monitoring, data-gathering, trail maintenance, campsite cleanup, and public education tasks it believes

necessary to protect the wilderness areas.

Open Recommendations to Agencies

Recommendation: To improve administration of the National Wilderness Preservation System, the Secretary of Agriculture should direct the Chief, Forest Service, to consider the applicability of the limits of acceptable change method or other methods to assess changes in wilderness conditions. **Status:** Action in process. Forty additional trainers who can assist or

train local units in applying the limits of acceptable change concept were certified, and revisions to the Forest Service Manual will include an entire section on limits of acceptable change. The Manual revision is currently undergoing internal review and is expected to be completed late in 1991.

Recommendation: To improve administration of the National Wilderness Preservation System and provide Congress with current and accurate budget information, the Secretary of Agriculture should direct the Chief, Forest Service, in conjunction

with the development of baseline inventory information on the condition of individual wilderness areas, to compile information on the total funding and staffing needed to manage wilderness areas in a manner that will meet the objectives of the Wilderness Act.

Status: Action in process. Estimated completion date: 10/93. Forest Service field units will be pressed to complete Wilderness Implementation Schedules that will address such issues. This is a long-term process for some units.

Water Subsidies: Basic Changes Needed to Avoid Abuse of the 960-Acre Limit

RCED-90-6, 10/12/89 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the Bureau of Reclamation's implementation of the Reclamation Reform Act of 1982, which set a 960-acre limit on farm land eligible to receive federally subsidized water for irrigation purposes.

Findings

GAO found that, although the act's legislative history clearly showed congressional intent to provide federally subsidized water to a maximum of 960 acres of owned or leased land being operated collectively as one farm, the act: (1) did not actually address leased acreage; (2) used the term landholding instead of the terms farm or farming operation; and (3) did not address whether farmers could operate multiple landholdings as one farm while separately qualifying landholdings for

federally subsidized water. GAO also found that: (1) in response to the act, some farmers reorganized their farms into multiple, smaller landholdings that were individually eligible to receive federally subsidized water, although they continued to operate the landholdings collectively as a farm; (2) farmers reorganized their landholdings through partnerships, corporations, and trusts; (3) such landholding reorganizations reduced the federal government's 1987 revenues by \$1.3 million; and (4) although Congress amended the act in 1987 to require the Department of the Interior to audit individual or legal entities whose landholdings or farming operations exceeded 960 acres, farmers' reorganizations of their landholdings complied with the regulations.

Open Recommendations to Congress

Recommendation: If federally subsidized water to a given farm, farming operation, or landholding is to be limited to no more than 960 acres of leased or owned land, Congress should amend the Reclamation Reform Act of 1982 to apply the act's acreage limits to farms and farming operations as well as to individual landholdings. Specifically, Congress should amend section: (1) 202 to add a definition of farm or farm operations as follows: "The term 'farm' or 'farm operation' means any landholding or group of landholdings farmed or operated as a unit by an individual, group, entity, trust, or any other combination or arrangement. The existence of a farm or farm operation will be presumed, subject to contrary evidence, when ownership, operation, management, financing, or other factors,

individually or together, indicate that one or more landholdings are farmed or operated as a unit"; (2) 203 to include a farm or farm operation in the 960-acre limit now applicable only to a landholding; (3) 205 to include a farm or farm operation in the pricing provisions now applicable only to a landholding; (4) 214 so that the ownership and pricing limitations of reclamation law will apply

to a farm or farm operation operated by or for a trustee for one or more beneficiaries; and (5) 228 to require reporting by a farm or farm operation. **Congressional Action:** On June 20, 1991, the House voted to limit federally subsidized water to a given farm, farm operation, or landholding to no more than 960 acres of leased or owned land. The legislative language mirrored that

in the October 12, 1989 report but included factors exempt from being used to determine the existence of a farm operation. A different bill, intended to accomplish the same objective, has been introduced in the Senate, and hearings were held in September 1991 to obtain views on various legislative proposals.

Water Resources: Problems in Managing Disposal of Material Dredged From San Francisco Bay

RCED-90-18, 11/08/89 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed Corps of Engineers and Environmental Protection Agency (EPA) efforts to designate new disposal sites for dredged material in the San Francisco Bay area and ensure that environmental damage at existing ocean and bay disposal sites was within acceptable limits.

Findings

GAO found that: (1) the Corps has not designated needed disposal sites because it has not completed required environmental studies; (2) the Corps delayed the studies because EPA found that the Corps' 1988 feasibility study made questionable assumptions about safety in deciding not to study potential disposal sites beyond the continental shelf and included cost estimates generated by a model that had a mathematical error and several questionable factors; (3) the Corps agreed to reevaluate the geographic area for consideration, and the ocean site designation process was scheduled for completion by December 1991; (4) the

delays caused the Corps to defer two projects scheduled to start in fiscal year 1988, which, according to the Corps, postponed \$31.1 million in economic benefits; (5) problems existed in biological testing guidance, the Corps' quality assurance program, inspections, and monitoring efforts, indicating that the agencies did not have adequate assurance that environmental damage at existing ocean and bay disposal sites was within acceptable levels; (6) the agencies planned to issue revised testing guidance for ocean disposal by the end of calendar year 1989; and (7) the Corps was developing a management plan, to be completed in June 1992, for dredging and disposal operations which would detail inspection, surveillance, and monitoring programs.

Open Recommendations to Agencies

Recommendation: To prevent future delays in the process for designating ocean disposal sites, the Secretary of the Army should direct the Chief, Corps of Engineers, to: (1) evaluate alternative mechanisms for ensuring the safety of

disposal operations on and off the continental shelf; and (2) review and validate the model used as the basis for cost estimates.

Status: Action in process. The final draft of the Zone of Siting Feasibility report was released in March 1991. The report included safety and monitoring among operational considerations addressed. It recommended that disposal be limited to periods of certain wave heights and intervals. All identified constraints were surmountable by existing technology and should not prohibit ocean disposal in any areas being considered.

Recommendation: To ensure that disposal in the ocean or bay is limited to safe material, the Administrator, EPA, and the Secretary of the Army should reach agreement on, and issue revised guidance for, the biological testing needed to predict the toxicity of contaminated dredged material.

Addressee: Department of the Army
Status: Action in process. The revised manual includes the following substantive changes to procedures: (1) an amphipod test species required as the national standard for whole sediment

bioassays to ensure programmatic consistency; and (2) exposure time for bioaccumulation tests, where certain contaminants are present, was increased from 10 to 28 days.

Addressee: Environmental Protection Agency
Status: Action in process. Copies of the February 1991 revised testing manual, "Evaluation of Dredged Material

Proposed for Ocean Disposal," were provided to the EPA/Corps working group. Implementation is planned for late 1991.

Ocean Research Fleet: NOAA Needs to Plan for Long-Term Fleet Requirements

RCED-90-42, 11/13/89 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a congressional request, GAO provided information on the: (1) National Oceanic and Atmospheric Administration's (NOAA) research fleet's ability to carry out its current and future mission requirements; and (2) status of NOAA plans to modernize the fleet.

Findings

GAO found that: (1) 28 of 41 interviewed fleet users believed that NOAA fleet support was inadequate for their research needs, due to insufficient ship time, ship limitations, and ship equipment problems; (2) most fleet users reported accomplishing most or all of their objectives, but may have modified or reduced their objectives due to limitations; (3) most users reported not collecting the quantity and quality of data they would have liked for their research purposes, and believed that fleet support shortfalls adversely affected those who could benefit from their research; (4) NOAA program managers and fleet users projected a significantly increased demand for sea time beginning in 1990, and believed

that the demand would exceed NOAA capacity; (5) fleet users generally did not believe that new technologies would reduce the need for ship time or that other agencies would carry out NOAA research if NOAA were unable to do so; (6) although the NOAA fleet was generally in good condition for its age, many of the ships were nearing the end of their useful lives, and NOAA had delayed repairs, upgrades, and replacements due to funding limitations; (7) the estimated backlog of repairs was more than twice the amount of repair expenditures in fiscal year 1988; (8) NOAA projected that it would cost about \$83 million to upgrade ships, \$85 million to replace 4 ships, and \$120 million to build 7 additional ships; and (9) Congress is considering legislation requiring NOAA to modernize its fleet and authorize it to enter into multiyear contracts and lease agreements to provide some of the necessary fleet support.

Open Recommendations to Agencies

Recommendation: In order for NOAA to fulfill its mission effectively and

efficiently, the Secretary of Commerce should ensure that NOAA, with departmental approval and support, officially adopts a plan to provide long-term ship support to its users. This plan should, among other things, provide flexibility so that NOAA can, if provided by Congress, exercise multiyear contracting authority to experiment with long-term chartering and leasing arrangements. Such an experiment should be used to determine the effectiveness of these arrangements in providing some of NOAA future ship support.

Status: Action in process. Estimated completion date: 03/92. The agency completed an assessment of the science mission requirements, fleet character, and fleet size. The results of this assessment were used to develop a modernization plan for use in the submission for the fiscal year 1993 budget. The plan was completed in March 1991. The plan is currently undergoing Department of Commerce review and comment with approval pending.

Reclamation Law: Changes to Excess Land Sales Will Generate Millions in Federal Revenues

RCED-90-100, 02/01/90 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the Bureau of Reclamation's management of the sale of excess land under recordable contracts that allowed landowners to irrigate their excess lands from federal water projects at subsidized rates.

Findings

GAO found that: (1) excess land buyers could obtain significant profits under current reclamation law, because they could buy the land at dry-land value and sell it at fair market value after 10 years; (2) federal water resources projects increased fair market values because of the availability of irrigation water; (3) the fair market value of the remaining 90,000 of the 121,000 acres of excess lands under recordable contracts that had pending sales actions would result in profits of as much as \$206 million; and (4) the federal government could receive about \$100 million of those profits if amendments to the current reclamation law required Bureau approval of the land's fair market value.

Open Recommendations to Congress

Recommendation: In order for the federal government to obtain the

financial benefits from its construction of water resources projects, Congress should amend the Reclamation Reform Act of 1982 to require that excess land under recordable contract and excess land not under recordable contract but purchased to obtain federal project water be sold at a Bureau-approved fair market value, with the seller of the land receiving an amount equal to the dry-land value, plus improvements, and the U.S. Treasury receiving the balance. Specifically, Congress should amend Section 209(f)(2) of the Act by substituting "October 12, 1982 but before the enactment of the Reclamation Reform Act Amendments of 1990" for "the date of enactment of this Act." **Status:** Action not yet initiated.

Recommendation: In order for the federal government to obtain the financial benefits from its construction of water resources projects, Congress should amend the Reclamation Reform Act of 1982 to require that excess land under recordable contract and excess land not under recordable contract but purchased to obtain federal project water be sold at a Bureau-approved fair market value, with the seller of the land receiving an amount equal to the dry-land value, plus improvements, and the U.S. Treasury receiving the balance. Specifically, Congress should amend

Section 209(f) further by adding the following after (2): "(3) in the case of disposals of excess lands, including such land not under recordable contracts, made on or after the enactment of the Reclamation Reform Act Amendments of 1990, the disposal of excess lands to non-excess owners shall be for the fair market value of the land, which shall be paid to the excess owners except for fair market value related to the delivery of irrigation water, which shall be deposited in the Treasury of the United States as miscellaneous receipts. Upon such disposal the title to these lands shall be freed of the burden of any limitations on subsequent sale values which might otherwise be imposed by the operation of section 46 of the act entitled 'An Act to adjust water rights charges, to grant certain relief on the federal irrigation projects, and for other purposes,' approved May 25, 1926 (43 U.S.C. 423e)."

Status: Action not yet initiated.

Congressional Action: Legislation will be introduced as per the recommended language in the report. However, no date has been set as to when the amendment will be introduced.

Federal Land Management: Better Oil and Gas Information Needed to Support Land Use Decisions

RCED-90-71, 06/27/90 GAO Contact: James Duffus, III, (202)275-7756

Background

GAO analyzed: (1) how Bureau of Land Management (BLM) and Forest Service land-use plans address oil and gas issues and the social, economic, and environmental impacts of oil and gas development; and (2) stipulations the agencies used to reduce such impacts.

Findings

GAO found that: (1) 75 of 82 BLM and Forest Service land-use plans, and related environmental impact statements concerning lands having high oil and gas potential did not identify or address 1 or more of the 5 elements essential for assessing the environmental impacts of oil and gas activities; (2) in fiscal year 1988, BLM and the Forest Service approved 10 percent of permits without identifying all of the approval conditions necessary to protect other resources; (3) inadequate BLM and Forest Service land-use plans or environmental studies resulted in suspended leases and lost or delayed revenues, primarily on Forest Service lands; (4) BLM and the Forest Service estimated that foregone and delayed revenues far exceeded any reasonable estimated cost to develop such information for resource areas and forests with high oil and gas potential; (5) BLM has developed its needed oil and gas information by amending existing plans or preparing new ones, while the

Forest Service will decide on a case-by-case basis whether to amend or revise its plans or complete additional environmental studies; and (6) BLM and the Forest Service lacked adequate internal controls to ensure compliance with applicable regulations and guidance.

Open Recommendations to Agencies

Recommendation: To better ensure that the environmental impacts of oil and gas leasing and development on federal lands are adequately considered in land-use plans and at subsequent key decision points and that available resources are used efficiently, the Secretaries of the Interior and Agriculture should direct the Director, BLM, and the Chief, Forest Service, respectively, to provide clear guidance on how to address cumulative impacts in land-use plans and related environmental studies. In addition, the Chief, Forest Service, should be directed to clarify when the recently issued guidance can be met by amending the land-use plan, completing additional environmental studies, or supplementing the plan with additional information.

Addressee: Department of Agriculture
Status: Action in process. The Forest Service has draft guidance on cumulative impacts. It expects to publish this guidance in the Federal Register in late 1991.

Recommendation: To better ensure that the environmental impacts of oil and gas leasing and development on federal lands are adequately considered in land-use plans and at subsequent key decision points and that available resources are used efficiently, the Secretaries of the Interior and Agriculture should direct the Director, BLM, and the Chief, Forest Service, respectively, to establish an oversight and evaluation program to ensure that: (1) National Environmental Policy Act (NEPA) of 1969 requirements are adequately addressed, whether in land-use plans or other environmental studies, before leases are issued or permits to drill are approved; and (2) appropriate stipulations or conditions of approval are attached to leases and permits. As part of this program, the Director, BLM, and the Chief, Forest Service, should establish measurable goals and target dates to correct identified problems.

Addressee: Department of Agriculture
Status: Action taken not fully responsive. The Forest Service has developed an action plan and a memo of understanding with BLM. It has provided a training session to its regions regarding NEPA. Additionally, the Forest Service has drafted more detailed guidance as to how to complete environmental studies prior to leasing decisions. It plans to publish this guidance in the Federal Register in late 1991.

Federal Land Management: Unauthorized Activities Occurring on Hardrock Mining Claims

RCED-90-111, 08/17/90 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed unauthorized nonmining surface activities occurring on mineral mining claims on federally owned land managed by the Bureau of Land Management (BLM) and the Forest Service.

Findings

GAO found that: (1) out of 662,000 mining claims in Arizona, California, and Nevada, about 1,600 have known or suspected unauthorized activities occurring on them; (2) claim holders did not have to prove discovery of a valuable mineral deposit to maintain their claims, unless the government challenged the validity of their claims; (3) some claim holders are using their claims for unauthorized residences, illegal activities or speculative activities not related to legitimate mining; (4) unauthorized residences have resulted in several problems, including blocked access or rights-of-way, environmental eyesores caused by abandoned vehicles, dumped garbage, and unauthorized road construction; and (5) BLM and the Forest Service could act to reduce unauthorized activities on mining claims.

Open Recommendations to Congress

Recommendation: To discourage more claim holders not intent on developing their claims and more activities not incidental to mining, Congress should amend the mining law to require claim

holders to pay the federal government an annual holding fee that can be graduated over time. In establishing such a fee, a balance must be struck between an amount high enough to discourage those not intent on developing their claims from retaining existing claims and filing new ones, and an amount low enough not to discourage legitimate miners.

Congressional Action: Two bills have been introduced; S. 433, which provides for a holding fee as recommended, and H.R. 918, which provides for a holding fee as an alternative to development expenditures.

Open Recommendations to Agencies

Recommendation: To reduce the number of unauthorized activities on hardrock mining claims on federal land, the Secretaries of the Interior and Agriculture should direct the Director, BLM, and the Chief, Forest Service, respectively, to revise their surface management regulations to clearly state that residency and nonmining commercial activities are normally not authorized on hardrock mining claims, thereby shifting the burden of proof to the claim holder to show that an activity is incidental to mining.

Addressee: Department of the Interior
Status: Action in process. Interior is revising its recommendations along the lines GAO recommended. Proposed revised regulations are with the Interior Solicitor for approval before being sent to the Office of Management and

Budget. A target date for a final rule has not been established.

Addressee: Department of Agriculture
Status: Action in process. The Department of Agriculture (USDA) is revising its regulations as GAO recommended. The revisions are included in an overall revision to 36 C.F.R. 228 Subpart A. The regulations are with the USDA General Counsel, but no target for issuance has been established.

Recommendation: To reduce the number of unauthorized activities on hardrock mining claims on federal land, the Secretaries of the Interior and Agriculture should direct the Director, BLM, and the Chief, Forest Service, respectively, to jointly review the process for invalidating claims to determine whether changes, such as eliminating BLM review and approval of the Forest Service's mineral examinations, can make the process more efficient.

Addressee: Department of the Interior
Status: Recommendation valid/action not intended. Although BLM disagrees with the recommendation, GAO will await the outcome of the BLM/Forest Service study.

Addressee: Department of Agriculture
Status: Action in process. The Forest Service and BLM have begun a joint study of the process for invalidating claims. Little progress or agreement has been achieved, but the process continues with no clear target date for completion.

Recommendation: If any such revisions require legislative changes, the

Secretaries of the Interior and Agriculture should direct the Director, BLM, and the Chief, Forest Service, respectively, to submit the appropriate language to Congress for its consideration.

Addressee: Department of the Interior
Status: Action in process. The need for action depends on the results of the BLM/Forest Service study.
Addressee: Department of Agriculture

Status: Action in process. The need for action depends on the results of the BLM/Forest Service study.

Rangeland Management: Improvements Needed in Federal Wild Horse Program

RCED-90-110, 08/20/90 GAO Contact: James Duffus, III, (202)275-7756

Background

GAO reviewed the Bureau of Land Management's (BLM) efforts to: (1) manage wild horses on public rangeland in 10 western states; and (2) remove and dispose of excess wild horses under an adoption program.

Findings

GAO found that: (1) due to insufficient information, it could not determine how many horses ranges could support, the extent of degradation they caused, and the number of horses that should be removed from herd areas; (2) despite congressional direction, BLM did not base its removal of wild horses from federal rangeland on how many horses ranges could support; (3) BLM often did not accompany horse removals with a reduction in livestock grazing levels or effective range management, resulting in inhumane range conditions and exploitation; (4) the number of wild horses BLM removed exceeded its adoption program's capacity; (5) BLM terminated the program in September 1988 after negative publicity and congressional pressure, but did not rescind the regulations authorizing such adoptions; (6) many horses remained at prison facilities much longer than the 30 to 60 days needed to halter train them,

resulting in increased program costs; and (7) BLM took steps to tighten management of the halter training program, but did not establish standards for the training time or the number and quality of trained horses the prison facility should produce. GAO believes that: (1) BLM will not be able to meet its objective of limiting wild horse sanctuaries' financial support to their first 3 years of operation; and (2) BLM will either have to commit to a long-term financial commitment to the sanctuaries or be prepared to have the horses returned to its custody.

Open Recommendations to Agencies

Recommendation: To place the BLM wild horse removal process in the context of a more rational strategy of range improvement, the Secretary of the Interior should direct the Director, BLM, to expeditiously develop carrying capacity and range condition data in wild horse herd areas.

Status: Action in process. BLM is revising the Wild Free-Roaming Horse and Burro Management Considerations Manual (sec. 4710) and continuing development of its monitoring program. At present funding and staffing levels, it is unlikely it will develop range

condition data on most wild horse areas for several years.

Recommendation: To place the BLM wild horse removal process in the context of a more rational strategy of range improvement, the Secretary of the Interior should direct the Director, BLM, to, in locations where those data indicate that grazing-related damage is occurring, incorporate the requirement for intensive livestock management techniques in permit conditions to reduce the impact of this grazing on the range's resources. Where necessary and appropriate, BLM should also remove wild horses and reduce authorized domestic livestock grazing levels on the basis of the relative numbers of each species on the range.

Status: Action in process. BLM is implementing a comprehensive management plan throughout the state of Nevada, which takes into account forage availability and range condition. The process is 20 percent complete and will take 4-5 years to complete.

Recommendation: To place the BLM wild horse removal process in the context of a more rational strategy of range improvement, the Secretary of the Interior should direct the Director, BLM, to, after initial population adjustments

are made, conduct continued monitoring to maintain wild horse and domestic livestock population levels consistent with what the land can support. **Status:** Action in process. BLM is revising the Wild Free-Roaming Horse and Burro Management Considerations Manual and the Grazing Administration Manual. Implementation of an expanded monitoring effort will depend on funding and staffing availability.

Recommendation: To reduce the costs associated with the disposal of wild horses removed from public rangeland, the Secretary of the Interior should direct the Director, BLM, to establish an average length of time required to halter train a wild horse and an age range for horses best suited to be halter trained, and limit payment to the states to only

those horses that meet both those criteria.

Status: Action in process. A draft Bureauwide training handbook now being developed will establish the average length of time a horse should be in training. BLM expects to publish the handbook in late 1991.

Recommendation: To reduce the costs associated with the disposal of wild horses removed from public rangeland, the Secretary of the Interior should direct the Director, BLM, to develop a standard for determining that a horse has been halter trained as well as an inspection strategy to ensure that the standard is met before offering a horse for adoption.

Status: Action in process. The information called for in the

recommendation will be contained in the draft Bureauwide training handbook now being developed. BLM expects to publish the handbook in late 1991.

Recommendation: To reduce the costs associated with the disposal of wild horses removed from public rangeland, the Secretary of the Interior should direct the Director, BLM, to consider a variety of disposal options for unadoptable horses not currently being used and, where necessary, make recommendations for congressional consideration.

Status: Action in process. Estimated completion date: 09/92. The Wild Horse and Burro Advisory Board is expected to examine the question of unadoptable wild horses. The Board's report will not be available until sometime in FY 1992.

Mineral Revenues: Progress Has Been Slow in Verifying Offshore Oil and Gas Production

RCED-90-193, 08/31/90 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the Department of the Interior's actions to: (1) verify the accuracy of reported offshore oil and gas production; and (2) annually inspect certain offshore lease sites.

Findings

GAO found that: (1) Interior lacked a fully operational program for verifying that sites accurately reported all oil and gas production for royalty determination purposes, but the Minerals Management Service (MMS) recently initiated two programs aimed at verifying such reports; (2) as of July 1990, the MMS automated oil verification program

included all facility measurement points (FMP) in the Gulf of Mexico region, but none in the Pacific region due to computer problems, while MMS conducted the gas verification program exclusively in the Gulf region; (3) although MMS has not fully implemented either program, the first 6 months' results indicated that sites generally accurately reported the produced oil volume and preliminary gas production results noted only minor volume discrepancies; (4) although the Federal Oil and Gas Royalty and Management Act (FOGRMA) required Interior to annually inspect each lease site that produced or was expected to produce significant quantities of oil or gas or had a history of noncompliance,

MMS was not meeting the FOGRMA inspection mandate; (5) during 1989, the MMS Gulf region inspected almost all oil FMP, but inspected less than one-third of the gas meters; (6) in the Pacific region, MMS conducted production measurement and site security inspections at all 10 oil FMP and 8 of 9 gas FMP; and (7) MMS Gulf regional officials said that it inspected gas meters only if they were co-located with oil meters, and they were not necessarily those with the greatest production or those which had a history of noncompliance.

Open Recommendations to Agencies

Recommendation: Because of the need to ensure that the volume of oil and gas produced from federal leases is accurately reported for purposes of determining royalties, the Secretary of

the Interior should direct the Director, MMS, to complete the gas verification pilot program and move quickly to implement an ongoing production verification program. At a minimum, MMS should verify gas volumes for all high-producing leases and leases with a history of noncompliance, as well as

randomly verify production from a sample of the remaining leases.
Status: Action in process. MMS completed the gas verification pilot program and a MMS work group was considering what action to take next, but the recommendation appears to be a low priority.

Recreation Facilities: Weaknesses in the Corps' Procedures Highlighted by Arcadia Lake Dispute

RCED-90-185, 09/28/90 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the Army Corps of Engineers' design and construction of recreation facilities at the Arcadia Lake Project in Edmond, Oklahoma, focusing on the: (1) events that led to litigation between the Corps and its cost-share partner, the city of Edmond; and (2) Corps' new procedures for cost-share projects.

Findings

GAO found that: (1) Edmond refused to pay the Corps its 50-percent share for facility construction when project costs increased to 2.5 times the estimated cost; (2) the Department of Justice sued Edmond to force the city to pay its share of costs; (3) the underlying issues in the dispute were Edmond's approval of changes in project design and cost increases, the Corps' involvement of Edmond in project design and development, and the Corps' overestimation of visitors to the project; (4) the Corps' new procedures did not address the cost-share partner's approval of design and cost changes or involvement in project design and

development, but did improve the visitation estimate process; and (5) Edmond's design and construction concerns about the recreation facilities were still unresolved.

Open Recommendations to Agencies

Recommendation: To reduce the likelihood of future disputes about a cost-share partner's approval of changes in project design and cost, the Secretary of the Army should require the Chief, Corps of Engineers, to revise the Corps' procedures so that the Corps must obtain written notification from the cost-share partner's governing body that identifies those people having authority to legally obligate the partner.

Status: Action in process. The Department of Defense stated that the Corps' cost-sharing procedures will eliminate the potential for disputes similar to that at Arcadia Lake, and the Corps should be vigilant in ensuring that there is participation by appropriate non-federal officials in water resources project decisions. The first quarter of fiscal year 1992, the Secretary of the

Army will convene a study group to determine if any changes can be made.

Recommendation: To ensure that cost-share partners have the information they need to participate in project design and development, the Secretary of the Army should require the Chief, Corps of Engineers, to develop guidance for prospective cost-share partners that provides a clear understanding of the rights, roles, and responsibilities of both the partners and the Corps in designing and developing cost-share projects. The guidance should include, but not be limited to, information about the design options available and the partners' involvement in selecting from those options, as well as the Corps' approval process and the partners' role in the process.

Status: Action in process. The Corps' Sponsor's Information Kit pamphlet, which is to provide the project sponsors with information to better understand the project development process, was mailed to all major subordinate and district commands in November 1990. GAO will consider the effectiveness of the pamphlet on the recommendation in future related work.

Rangeland Management: BLM Efforts to Prevent Unauthorized Livestock Grazing Need Strengthening

RCED-91-17, 12/07/90 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO examined the Bureau of Land Management's (BLM) efforts to detect and deter unauthorized livestock grazing on public rangelands.

Findings

GAO found that BLM: (1) did not know the full extent of grazing trespass on its allotments, although such violations occurred frequently; (2) identified staffing shortfalls as a major obstacle in conducting a more effective trespass detection program; (3) had no systematic approach for detecting grazing trespass; (4) processed most trespass incidents informally and without penalties; (5) failed to assess required penalties in the most serious trespass cases; (6) did not have an adequate management information system to provide top management with comprehensive data about the effectiveness of trespass enforcement by field offices; and (7) failed to adequately document trespass case files.

Open Recommendations to Agencies

Recommendation: To improve the effectiveness of BLM grazing trespass detection and deterrence efforts, the

Secretary of the Interior should direct the Director, BLM, to either: (1) ensure that penalties are assessed for all non-willful trespass violations as provided for in BLM regulations; or (2) amend BLM regulations to establish a procedure for the informal resolution of non-willful trespass violations at the local level.

Status: Action in process. Estimated completion date: 01/92. The Director, BLM, will develop recommendations for modifying regulations for more reasonable and cost-effective resolution of non-willful trespass.

Recommendation: To improve the effectiveness of BLM grazing trespass detection and deterrence efforts, the Secretary of the Interior should direct the Director, BLM, to require that all trespass incidents including those now handled informally be documented and made part of the permanent trespass file.

Status: Action in process. Estimated completion date: 01/92. BLM is drafting modifications to the Unauthorized Use Handbook for handling all trespass, willful and unwillful.

Recommendation: To improve the effectiveness of BLM grazing trespass detection and deterrence efforts, the Secretary of the Interior should direct the Director, BLM, to ensure that field

staff impose the penalties required under BLM regulations for willful and repeated-willful grazing trespass.

Status: Action in process. Estimated completion date: 01/92. BLM is currently updating and strengthening the 4150 Unauthorized Use Handbook.

Recommendation: To improve the effectiveness of BLM grazing trespass detection and deterrence efforts, the Secretary of the Interior should direct the Director, BLM, to develop a management information system to provide timely, reliable, and adequate information on such things as: (1) the number of compliance visits conducted; (2) the number and level of violations identified; and (3) how each violation is resolved, including those resolved informally.

Status: Action in process. The Denver Service Center has been asked to evaluate opportunities to modify the current automated system, Grazing Authorization Billing System, to assist in trespass detection. Until an automated system can be implemented, BLM managers are required to keep manual files.

Parks and Recreation: Resource Limitations Affect Condition of Forest Service Recreation Sites

RCED-91-48, 01/15/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO assessed the Forest Service's maintenance of developed recreation sites, focusing on the: (1) extent and causes of the maintenance and reconstruction backlogs; (2) Service's site inventory system; and (3) effects of resource limitations on site maintenance.

Findings

GAO found that: (1) aging facilities, increased public use, and public demand for new or modernized facilities contributed to the maintenance and reconstruction backlogs at developed recreation sites; (2) funding and staffing levels failed to adequately meet daily operation and maintenance needs; (3) the deferral of needed maintenance resulted in such health and safety hazards as contaminated drinking water, disintegrating boat ramps, and unstable stairs and bridges; (4) without routine maintenance, the environmental damage caused by natural forces and human use and vandalism could accelerate site deterioration; (5) the Forest Service lacked a reliable system to monitor or report site maintenance and reconstruction needs; (6) the extent to which districts documented site conditions and backlog data varied widely, with 12 of the 20 districts unable to provide current and accurate backlog data; (7) the Service planned to implement a new recreation information management system to collect backlog data in 1991, but the new system's usefulness was questionable because of

the sources and types of data intended for the system; (8) between 1986 and 1989, the Forest Service closed 4 percent of the 12,915 sites that existed in 1986, but total recreation site capacity increased between 1972 and 1987; (9) resource limitations contributed to reduced or eliminated services and reduced quality of the recreational experience; and (10) to compensate for limited funds and staff, the districts used such other means as volunteer and cost-share programs to help operate and maintain developed recreation sites.

Open Recommendations to Agencies

Recommendation: To ensure that information is available to make informed decisions concerning the maintenance and reconstruction of developed recreation sites, the Secretary of Agriculture should direct the Chief, Forest Service, to develop and implement a servicewide system to accurately gather and record maintenance and reconstruction needs. To accomplish this, the Forest Service should establish a requirement to collect and record, at the district level, discrete site condition information, which when aggregated will yield reliable nationwide figures on maintenance and reconstruction needs. **Status:** Action taken not fully responsive. The system designed to collect discrete site condition information should be up and running by November 1991. However, the system will only operate in selected regions. There is no servicewide requirement

that the system be implemented by all regions.

Recommendation: To ensure that information is available to make informed decisions concerning the maintenance and reconstruction of developed recreation sites, the Secretary of Agriculture should direct the Chief, Forest Service, to develop and implement a servicewide system to accurately gather and record maintenance and reconstruction needs. To accomplish this, the Forest Service should install internal controls and develop guidelines on how to ensure the accuracy of reported backlog data. **Status:** Action in process. Estimated completion date: 09/92. The Forest Service is conducting a review of all factors that lead to inaccuracies. It is developing a comprehensive program that includes updating guidelines, developing training, and installing internal controls such as audit sampling.

Recommendation: To ensure that information is available to make informed decisions concerning the maintenance and reconstruction of developed recreation sites, the Secretary of Agriculture should direct the Chief, Forest Service, to develop and implement a servicewide system to accurately gather and record maintenance and reconstruction needs. To accomplish this, the Forest Service should require all its regions, forests, and districts to implement the system being developed by the regions once it is completed.

Status: Action taken not fully responsive. The Forest Service is not going to require any of the field offices

to implement the "Field RIM" system. Rather, the agency believes that each

region should implement a system which best meets its local needs.

Water Resources: Bonneville's Irrigation and Drainage System Is Not Economically Justified

RCED-91-73, 01/31/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO prepared a: (1) benefit-cost analysis of the Irrigation and Drainage (I&D) system of the Central Utah Project (CUP) Bonneville Unit; and (2) financial impacts analysis measuring the federal cost of not completing the I&D system.

Findings

GAO found that: (1) the federal government spent or was contractually obligated for a total of about \$320 million for the I&D system; (2) proposed

legislation providing for the completion of the system, with some changes, would cost an additional \$178 million in federal funds; (3) completion of the I&D system was not economically justified, since the U.S. economy would realize a benefit of only 28 cents for every dollar of project costs; and (4) the financial impacts on the federal government of not completing the I&D system ranged from savings of \$133 million, if Congress decided to reallocate sunk costs, to an additional cost of \$54 million if Congress decided to forgive the repayment of sunk costs.

Open Recommendations to Congress

Recommendation: In its deliberation on whether to complete the system, Congress will be considering other factors such as the I&D system's contribution to regional economic development. As part of its decision, Congress should consider the benefit-cost analysis and the financial implications of not completing the system.

Congressional Action: On June 20, 1991, the House authorized \$150 million for the construction of the I&D system. The Senate has not yet acted.

Indian Programs: Tribal Influence in Formulating Budget Priorities Is Limited

RCED-91-20, 02/07/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the Bureau of Indian Affairs' (BIA) Indian Priority System (IPS) budget formulation process, focusing on the: (1) development and implementation of the IPS process; (2) level of tribal involvement and influence in setting IPS budget priorities; (3) extent to which tribes contracted with BIA to carry out programs; and (4)

concerns tribes had regarding the IPS process.

Findings

GAO found that: (1) the BIA budget has averaged about \$1 billion annually over the past 10 years, with the operation of Indian programs budget component averaging about \$850 million a year and the IPS process averaging about \$275

million annually; (2) BIA changed various IPS programs based on administrative decisions or legislative directives without notifying area offices or tribes; (3) BIA could not explain why its current guidance provided tribes with a lesser role than earlier guidance in setting IPS budget priorities and funding levels; (4) tribal involvement in the IPS process varied depending on the tribes' relationship with BIA, changes in tribal

leadership, and political situations at the tribes' reservations; (5) although tribes exercised some control over budget formulation for contracted programs, they characterized their overall IPS involvement as inconsequential; (6) tribes were particularly concerned about the lack of adequate federal funding for their needs; and (7) BIA and tribal officials often cited federal trust responsibilities as a factor limiting tribal involvement in the IPS process.

Open Recommendations to Agencies

Recommendation: The Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to clarify the purpose of the IPS budget formulation process and the nature of tribal involvement desired in carrying out the process and communicate such clarification to BIA area and agency offices and Indian tribes. In clarifying

the process, the Assistant Secretary should address the concerns expressed by tribes relating to the programs subject to the process, such as the retention of funds by area and agency offices for executive direction and administrative services.

Status: Action in process. The BIA Reorganization Task Force subgroup is continuing its work. BIA had no firm final reporting date for the group.

Indian Programs: Use of Forest Development Funds Should Be Based on Current Priorities

RCED-91-53, 03/07/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the Bureau of Indian Affairs' (BIA) forestry program, focusing on BIA: (1) achievement of its timber harvest goals on commercial Indian timberland; (2) accomplishment of needed forest development; (3) controls over funds disbursement; (4) forestry program staffing since 1977; and (5) efforts to attract Indian foresters.

Findings

GAO found that: (1) tribes actively participated in developing multi-year forest management plans, and in planning and approving individual timber sales; (2) BIA experienced problems in keeping forest management plans current due to funding and staffing shortfalls and inability to obtain timely tribal involvement in developing plan components; (3) such factors as market conditions and compliance with

relevant federal laws affected the achievement of timber harvest goals; (4) the 1977 backlog of forest development needs was incomplete and imprecise, and failed to include over 300,000 additional acres of needed timber stand improvement; (5) while BIA data indicated that needed forest development had been completed for about one-half of the backlog acreage, data on individual reservation accomplishments were uncertain; (6) dedicated funding failed to address changing development needs because it was still targeted at reducing the 1977 backlog; (7) BIA improved its control over forest management deduction funds; (8) BIA forestry staff increased significantly since 1978; and (9) BIA had several headquarters and field-level programs to encourage Indians to study and train for the forestry profession.

Open Recommendations to Agencies

Recommendation: The Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to: (1) determine the most important and most cost-effective forest development needs consistent with current reservations' forest management plans and annual harvesting activity; and (2) annually rank those needs to support BIA budget requests for forest development funding. **Status:** Action in process. Estimated completion date: 01/92. The agency has agreed that funding should be used based on annual assessments of the most important and most cost-effective forest development needs, consistent with current reservation plans and harvesting activity. BIA has revised its guidance documents to implement the recommendation. The fiscal year 1993 budget will be the first that full implementation of the recommendation will be possible.

Public Land Management: Attention to Wildlife Is Limited

RCED-91-64, 03/07/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed federal wildlife management on public lands, focusing on: (1) whether the Forest Service and the Bureau of Land Management (BLM) appropriately considered wildlife interests during federal land use planning processes; and (2) the impact of federal management practices on wildlife conditions.

Findings

GAO found that: (1) no legislation existed that specified an appropriate level of consideration of wildlife interests in federal land management; (2) wildlife protection and enhancement activities received between 3 percent and 7 percent of available BLM and Service staffing and funding; (3) while BLM and the Service uniformly considered wildlife needs during land use planning, when conflicts occurred, the agencies frequently favored consumptive interests over wildlife needs; (4) BLM and the Service did not always implement actions to benefit wildlife that were included in land use plans; (5) data were not available to judge the overall effect

of BLM and Service policies and practices on wildlife conditions; (6) the agencies' land use priorities, budgets, and staffing met grazing, logging, and mining objectives first and provided for wildlife interests as circumstances permitted; and (7) BLM and the Service initiated efforts to provide more balanced consideration of wildlife needs in their management activities.

Open Recommendations to Congress

Recommendation: If Congress believes that wildlife is not receiving adequate consideration by the agencies as they balance public lands uses, it should spell out more explicit expectations in law, such as requiring both agencies to maintain viable populations of species on their lands.

Status: Action in process.

Recommendation: If Congress believes that wildlife is not receiving adequate consideration by the agencies as they balance public lands uses, it should specify that the agencies' appropriations should provide a greater share of funding for wildlife.

Status: Action in process.

Recommendation: If Congress believes that wildlife is not receiving adequate consideration by the agencies as they balance public lands uses, it should provide specific guidance and funding to the agencies for gathering wildlife and habitat inventory and monitoring information to provide the baseline data and status and trend information needed to determine the status of wildlife on public lands and the effect of the agencies' management, and require the agencies to periodically report the results of the monitoring to the Congress.

Status: Action in process.

Recommendation: If Congress believes that wildlife is not receiving adequate consideration by the agencies as they balance public land uses, it should revise the Oregon and California Lands Act to require multiple-use and sustained-yield management for various resources, including wildlife, on subject lands.

Status: Action in process.

Congressional Action: Legislation is being considered.

Forest Service Needs to Improve Efforts to Protect the Government's Financial Interests and Reduce Below-Cost Timber Sales

T-RCED-91-42, 04/24/91 GAO Contact: James Duffus, III, (202)275-7756

Background

GAO discussed the Forest Service's efforts to: (1) collect on defaulted timber sales contracts and reduce further defaults; and (2) reduce the number of below-cost timber sales. GAO noted that: (1) the Service collected about \$35 million of the \$302 million in damages that it assessed from defaulted contracts, and was taking steps to improve its collection processes; (2) the Service's key contracting measures were similar to other timber sellers' measures, although the Service and one federal timber seller returned or credited down payments or deposits before contractors substantially completed the contracts; (3) such practices lessened the Service's security in terms of access to funds in the event of a default; (4) in fiscal year 1990, the Service incurred timber-sale preparation and administration expenses of \$35.6 million that it could not recover as a result of below-cost timber sales; and (5) preparation and administrative costs

varied greatly by forest. GAO also noted that the Service issued a draft policy aimed at reducing losses caused by below-cost timber sales, but the policy left gaps in a comprehensive approach, since the Service: (1) would not subject many below-cost sales to review; (2) did not consider costs when setting minimum prices for advertised timber sales; and (3) did not timely evaluate whether the benefits of a below-cost sale justified the unrecoverable cost.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should direct the Chief, Forest Service, to retain the down payment until the contract is substantially complete.
Status: Action not yet initiated.

Recommendation: The Secretary of Agriculture should direct the Chief,

Forest Service, to expand the below-cost sales policy beyond forests as a whole, as presently proposed, to individual sales.
Status: Action not yet initiated.

Recommendation: The Secretary of Agriculture should direct the Chief, Forest Service, to define the minimum rate for timber sale bids as the cost of timber sale preparation and administration, and ensure that the sale price recovers those costs.
Status: Action not yet initiated.

Recommendation: The Secretary of Agriculture should direct the Chief, Forest Service, to amend the timber sale process to include a below-cost determination at the first decision point in the sale preparation process, so that, if the sale is not conducted, unnecessary preparation costs can be avoided. If a below-cost sale proceeds, the reasons should be documented.
Status: Action not yet initiated.

Wildlife Protection: Enforcement of Federal Laws Could Be Strengthened

RCED-91-44, 04/26/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed whether: (1) federal statutes and international treaties

provided sufficient authority to protect wildlife, particularly migratory waterfowl; and (2) the Department of the Interior's Fish and Wildlife Service

(FWS) adequately enforced those statutes and treaties.

Findings

GAO found that: (1) with the exception of the Migratory Bird Treaty Act and the Endangered Species Act, the 11 federal statutes and 5 international treaties provided sufficient enforcement authority for FWS; (2) the lack of warrantless search and seizure authority in the Migratory Bird Treaty Act hampered agents' efforts to investigate suspected violations; (3) the issue of whether hybrid species were protected under the Endangered Species Act of 1973 presented enforcement problems, since the only alternative to conclusively prove an animal's species was to destroy and examine it; (4) although new and amended legislation substantially increased FWS responsibilities for protecting species, the number of FWS special agents decreased by 9 percent; (5) due to insufficient funds, some special agents were deskbound and unable to perform their basic responsibilities for months at a time; (6) staffing and funding shortfalls resulted in the selective enforcement of wildlife protection legislation; (7) FWS lacked adequate information regarding the extent of suspected crimes it was unable to investigate and the effectiveness of its law enforcement methods; and (8) joint FWS-state investigations of large-scale illegal commercial operations and massive illegal harvesting of waterfowl worked well, but reductions in FWS staffing and operating funds, coupled with its focus on large-scale operations, rendered FWS unable to respond to many state requests for assistance.

Open Recommendations to Congress

Recommendation: Congress may wish to consider amending the Migratory Bird Treaty Act to provide warrantless search and seizure authority. As FWS suggests, Congress may wish to use language similar to that in the Lacey Act Amendments of 1981.

Congressional Action: No action has been taken to amend the Migratory Bird Treaty Act. Congress is not seriously considering amending the act at this time.

Open Recommendations to Agencies

Recommendation: To provide current and reliable information on the extent of crimes against wildlife, thus enabling FWS to better justify its funding needs and ensure that FWS law enforcement agents are able to perform their basic responsibilities, the Secretary of the Interior should direct the Director, FWS, to require FWS law enforcement management and agents to record: (1) all instances of suspected violations coming to their attention, including those that may not be investigated; (2) FWS handling of the suspected violations; and (3) the outcome of the investigations.

Status: Action in process. FWS plans to issue a memorandum by the end of 1991, requiring its law enforcement officers to report all known or suspected violations. In addition, FWS is redesigning its computer system to implement a

uniform, nationwide criminal reporting system managed by the Federal Bureau of Investigation.

Recommendation: FWS should use those records to: (1) periodically assess the extent of the suspected crimes against wildlife; (2) provide realistic estimates of staff and funds needed to adequately address the problem, and (3) include the estimates in annual budget requests.

Status: Action in process. FWS will continue to use statistics from its computer system as part of its budget submission. In addition, FWS regional law enforcement offices will, beginning in 1992, provide an annual report of those actual and suspected violations that are reported, but not investigated.

Recommendation: To provide current and reliable information on joint federal-state efforts to protect wildlife and to better justify the resources needed to continue the reciprocal relationship with the states, the Secretary of the Interior should direct the Director, FWS, to document: (1) all state requests for assistance in investigating suspected violations of wildlife protection laws; (2) FWS responses to the requests; and (3) the outcome of any investigations.

Status: Action in process. FWS will issue guidance by the end of 1991, requiring its law enforcement officers to collect such information. FWS is also redesigning its computer system to enable it to track reported or suspected violations of wildlife crimes regardless of whether an investigation is conducted.

Indian Programs: Lack of Internal Control at Two Special Law Enforcement Units

RCED-91-111, 05/15/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed two Bureau of Indian Affairs (BIA) law enforcement operations, focusing on its management of: (1) a confidential fund BIA used to pay informants; (2) overtime pay; (3) travel advances; and (4) sensitive equipment.

Findings

GAO found that BIA: (1) did not comply with federal requirements regarding controls over appropriated funds, and did not follow numerous management procedures; (2) improperly transferred funds to private bank accounts, and did not return unobligated funds to the Department of the Treasury at the end of each fiscal year, as required; (3) did not adequately account for and control fund disbursements; (4) did not comply with federal regulations requiring periodic reviews of administratively uncontrollable overtime (AUO) it paid to units and employees; (5) issued excessive travel advances to unit investigators and did not adjust or liquidate the advances, as regulations required; and (6) did not properly control sensitive equipment, such as weapons and surveillance equipment.

Open Recommendations to Agencies

Recommendation: To comply with legal requirements and to ensure appropriate control over, and use of, confidential funds, the Secretary of the Interior should direct the Assistant Secretary for

Indian Affairs to close all existing private bank accounts where confidential funds are being maintained. **Status:** Action in process. The agency has closed some accounts, is in the process of closing others, and will be transferring the funds to the Treasury.

Recommendation: To comply with legal requirements and to ensure appropriate control over, and use of, confidential funds, the Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to determine the unobligated balance of all confidential funds at the end of fiscal years 1986 through 1990, including interest earned, and return that balance to the Treasury. **Status:** Action not yet initiated.

Recommendation: To comply with legal requirements and to ensure appropriate control over and use of confidential funds, the Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to take the necessary steps to ensure that BIA management of confidential funds complies with Interior's current legal authority, BIA procedures, and the Comptroller General's Standards for Internal Controls in the Federal Government. To continue use of confidential funds, BIA might establish an imprest fund. **Status:** Action in process. Draft procedures have been developed by BIA to guide its control over and use of confidential funds.

Recommendation: To ensure proper payment of AUO to BIA Special Investigations Unit (SIU) and Marijuana

Eradication and Reconnaissance Team (MERT) criminal investigators, the Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to review the amount of AUO pay being provided and, for AUO pay previously provided, identify and take action to recover any improper payment. **Status:** Action in process. AUO amounts being paid have been reviewed, and AUO pay for some has been terminated, but no actions have been taken on recovery of improper payments.

Recommendation: To ensure proper payment of AUO to BIA SIU and MERT criminal investigators, the Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to take the necessary steps to ensure that investigators maintain proper records of overtime worked.

Status: Action in process. Analysis is ongoing, and AUO training will be instituted for supervisors.

Recommendation: To ensure proper authorization of quarterly travel for investigators and appropriate travel advances, the Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to take immediate action to liquidate outstanding travel advances provided to SIU investigators.

Status: Action in process. Some SIU travel advances have been liquidated.

Recommendation: Given the nature of the problems found at SIU and MERT and their potential to occur elsewhere, the Secretary of the Interior should direct the Assistant Secretary for Indian

Affairs to review the confidential funds, travel advances, overtime pay, and controls over sensitive equipment at other BIA law enforcement units to determine whether similar problems exist and, if so, to take corrective action. **Status:** Action in process. The agency has taken preliminary steps in response to this recommendation by performing an analysis of the lack of management

controls and requesting that all area offices close their confidential funds accounts.

Recommendation: To ensure proper authorization of quarterly travel for investigators and appropriate travel advances, the Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to take immediate action

to recover the outstanding travel advance from the SIU investigator who resigned from BIA employment.

Status: Action in process. The agency has obtained a copy of the initial advance check in preparation for pursuing repayment, since no personal contact with the individual had been made.

Indian Issues: Compensation Claims Analyses Overstate Economic Losses

RCED-91-77, 05/21/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the economic analyses supporting the Garrison Unit Joint Tribal Advisory Committee's (JTAC) recommendation that Indian tribes at the Fort Berthold Reservation and Standing Rock Reservation receive additional financial compensation for land the federal government acquired in 1949 and 1958 for a water resources project, focusing on: (1) the adequacy of the analyses conducted by tribal consultants; and (2) alternative methods of establishing a basis for financial compensation.

Findings

GAO found that: (1) the consultants overestimated the tribes' economic losses, since they made overly optimistic assumptions about the tribes' economic condition prior to the loss of their land; (2) neither consultant reduced the estimate of additional compensation by the total amount that Congress previously appropriated for the acquired lands; and (3) an alternative approach for considering additional compensation would be to consider the difference between the amount of compensation the tribes believed was warranted at the

time the land was taken and the compensation appropriated by Congress.

Open Recommendations to Congress

Recommendation: If Congress decides that additional compensation for the tribes is warranted, Congress should not rely on the JTAC recommendation for additional financial compensation.

Congressional Action: The Senate Select Committee on Indian Affairs has introduced a compensation bill and held hearings, including GAO testimony, on the proposed bill. The Committee plans to mark up the bill in late 1991.

Coal Mine Subsidence: Several States May Not Meet Federal Insurance Program Objectives

RCED-91-140, 05/28/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO examined: (1) the Department of the Interior's Office of Surface Mining Reclamation and Enforcement's (OSMRE) efforts to implement the federally assisted coal mine subsidence insurance program; and (2) six states' efforts to develop self-sustaining insurance programs.

also noted that low participation rates greatly increased the risk that a major subsidence event would threaten solvency; (4) OSMRE lacked effective management of federal grants and did not provide the oversight necessary to ensure that program objectives were met; and (5) OSMRE cited the limited funds involved and the resources needed to actively participate in state-administered programs as the reason for its passive grants management.

OSMRE, to follow the requirements of the OSMRE Financial Assistance Manual as it manages this grant program.

Status: Action not yet initiated.

Recommendation: As part of OSMRE enhanced oversight, the Director, OSMRE, should: (1) monitor the states' progress toward achieving self-sustaining programs; (2) encourage those actions that will enhance their prospects of achieving self-sustainability; and (3) as a last resort, terminate a state's grant if it becomes clear that a self-sustaining program is not obtainable. In particular, the Director should encourage states to automatically include subsidence insurance coverage in all property owner policies and inform mortgage lenders of the availability of the insurance.

Status: Action not yet initiated.

Findings

GAO found that: (1) after 5 years experience with the program, two of the six states that received grants may not be progressing toward self-sustainability; (2) state officials noted that their participation rates were too low to generate sufficient premium income to meet the insurance reserve requirement for anticipated claims; (3) state officials

Open Recommendations to Agencies

Recommendation: To ensure that states implement coal mine subsidence insurance programs that have a reasonable probability of achieving self-sustainability, the Secretary of the Interior should direct the Director,

Abandoned Mine Reclamation: Interior May Have Approved State Shifts to Noncoal Projects Prematurely

RCED-91-162, 06/07/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reported on the Department of the Interior's Office of Surface Mining Reclamation and Enforcement's (OSMRE) process for allowing states to spend federal surface coal mine reclamation funds to address noncoal reclamation problems, focusing on

whether OSMRE ensured that states met the certification requirements.

Findings

GAO found that: (1) the OSMRE certification review process did not ensure that states addressed all sites adversely affected by past coal mining practices prior to OSMRE approval of

state requests to use federal funds for noncoal reclamation; (2) OSMRE funded reclamation projects in accordance with Surface Mining Control and Reclamation Act of 1977 (SMCRA) priorities related to public health, safety, and general welfare, restoration of land and water resources and the environment, research and development, and public facilities and land; (3) to receive discretionary

funds, states needed to show that they had reclamation needs as reflected in a national inventory of abandoned coal mine land problem areas; (4) coal-related reclamation projects competed with noncoal reclamation sites for funds that were limited to state share monies; (5) when approving a certification request, OSMRE did not independently verify whether a state had addressed all priority-3 through -6 coal projects, relying on the governor's certification statement that all coal problems had been addressed; (6) the lack of OSMRE policy and guidance to address SMCRA certification requirements contributed to the confusion over certification; and (7) OSMRE did not effectively communicate

that states would lose further access to discretionary funds once the certification had been approved.

Open Recommendations to Agencies

Recommendation: The Secretary of the Interior should direct the Director, OSMRE, to adopt policies consistent with SMCRA and require reasonable assurance that all eligible coal projects, including priority-3 through -6 projects, have been addressed before approving state requests for certification. To assist its field offices and the states in accomplishing this, OSMRE should develop written policy and guidance on

how: (1) all coal reclamation projects are to be identified and addressed; and (2) OSMRE will verify a state's certification request.

Status: Action not yet initiated.

Recommendation: The Secretary of the Interior should direct the Director, OSMRE, to formally notify states of OSMRE policy regarding the implications of certification, which is a state can no longer share in the Secretary's discretionary funds once its request for certification has been approved.

Status: Action not yet initiated.

Federal Lands: Improvements Needed in Managing Concessioners

RCED-91-163, 06/11/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the: (1) laws and policies governing recreation concession operations on federal lands; (2) total number and types of concession agreements; (3) total return to the government from concession operations; and (4) federal recreation resources management practices of the National Park Service, Bureau of Land Management, U.S. Fish and Wildlife Service, Bureau of Reclamation, Forest Service, and Army Corps of Engineers.

Findings

GAO found that: (1) no single law authorizing concession operations existed; (2) none of the agencies maintained a complete data base identifying the number and types of

concession agreements; (3) it could not determine total compensation to the federal government for the use of its recreational resources, due to incomplete financial data and unreported nonfee considerations; (4) the agencies identified 11 different laws governing concession agreements and operations, many of which were agency-specific and allowed for broad discretion in establishing policies; (5) complete financial data were available for only 60 percent of over 9,000 concession agreements reported by the agencies; (6) some agencies permitted field offices to accept such nonfee compensation as capital improvements from concessioners, but the offices generally did not report such agreements to headquarters; (7) from those concessioners who reported complete financial data in 1989, the federal government received about \$35

million in concession fees, with gross concession revenues of about \$1.4 million, representing an average return to the government of about 2 percent; and (8) various fee approaches by the six agencies resulted in concessioners paying different fees to operate similar activities.

Open Recommendations to Agencies

Recommendation: The Secretaries of the Interior, Agriculture, and Defense should require the heads of the six agencies with the greatest amounts of recreation lands to develop and maintain centralized concessioner data that include: (1) the type of agreements; (2) the length of the agreement; (3) its expiration date; (4) the services provided; (5) gross receipts; (6) fees paid to the

government; and (7) the value of nonfee compensation. Once the agencies collect this information, they should develop and present to Congress a policy to

achieve greater consistency in the management of concession operations.
Addressee: Department of the Interior
Status: Action not yet initiated.

Addressee: Department of Agriculture
Status: Action not yet initiated.
Addressee: Department of Defense
Status: Action not yet initiated.

Mineral Resources: Increased Attention Being Given to Cyanide Operations

RCED-91-145, 06/20/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the environmental consequences of mining operations using cyanide to extract gold and other minerals from federal lands, focusing on the: (1) hazards of cyanide operations to wildlife and the environment; and (2) efficacy, implementation, and enforcement of existing laws and regulations governing cyanide extraction operations.

Findings

GAO found that: (1) as of January 1990, there were 119 active cyanide operations on federal land in Nevada, California, and Arizona, with 113 on lands managed by the Bureau of Land Management (BLM) and 6 on lands managed by the Forest Service; (2) cyanide operators reported over 9,000 cyanide-related wildlife deaths, mostly involving migratory waterfowl, between 1984 and

1990; (3) cyanide operators typically used hazing techniques to scare wildlife away from operations, but they were not as effective over the long term as covering or fencing cyanide ponds; (4) examination of 31 inadvertent cyanide discharges from operations indicated minimal environmental damage; (5) BLM, the Forest Service, state agencies, and other federal agencies had adequate authority to regulate cyanide operations and enforce laws to protect wildlife and the environment from their potential hazards, but there was little coordination among the agencies, and the agencies had varying reporting requirements regarding cyanide operations, discharges, and wildlife deaths; (6) in August 1990, BLM issued a cyanide management policy, and Nevada recently enacted legislation requiring operators to obtain permits for cyanide ponds and report wildlife deaths, but Arizona, California, and the Forest Service lacked overall cyanide

management policy; and (7) BLM required quarterly inspection of cyanide operations, but the states and the Forest Service did not have minimum inspection requirements.

Open Recommendations to Agencies

Recommendation: To better prepare the Forest Service to respond to the potential hazards of cyanide operations, the Secretary of Agriculture should direct the Chief of the Forest Service to develop and implement an agencywide policy specifically aimed at managing cyanide operations on Forest Service land. This policy should include: (1) minimum acceptable design requirements; (2) mandatory operator reporting of all cyanide-related wildlife deaths and cyanide solution discharges; and (3) regular inspections of all cyanide operations by trained staff.
Status: Action not yet initiated.

Bureau of Reclamation: Federal Interests Not Adequately Protected in Land-Use Agreements

RCED-91-174, 07/11/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the Bureau of Reclamation's land-use agreements with Scottsdale, Arizona, to determine whether the: (1) terms and conditions of the agreements are consistent with federal law; (2) activities approved under the agreements are consistent with applicable agency policies and guidance; and (3) potential exists for the Bureau to enter into similar agreements elsewhere.

Findings

GAO found that: (1) although the Bureau of Reclamation must approve development plans, it does not have adequate monitoring and oversight policies and procedures to ensure that lessees developed and operated facilities in accordance with the agreements; (2) in two separate agreements, transferring about 760 acres of land to Scottsdale for recreational development, local Bureau officials agreed to the long-term use of those lands with no compensation to the federal government, approved several for-profit activities, approved a reservation policy granting priority access to a select group of facility users and allowed private operators to set public-use fees without verifying the data used to set such fees; (3) Bureau instructions governing land-use agreements do not address the issue of

public access or public-use fees; (4) Scottsdale did not compensate the Bureau for the use of its lands because local Bureau officials decided that no fee compensation was warranted under the agreements, since leasing the lands supported the Bureau's goal of providing its land for recreation; and (5) the Bureau had authority to enter into agreements to promote the development of land in the public interest for recreation, but typically negotiated such agreements at the regional or local level and did not maintain centralized information, making it difficult to determine whether similar agreements were pending.

Open Recommendations to Agencies

Recommendation: In order to ensure that federal interests are adequately protected in any future agreements for the nonfederal use of Bureau lands for recreation, the Secretary of the Interior should direct the Commissioner of the Bureau of Reclamation to expeditiously establish policies and guidance on when and under what conditions: (1) the government should be compensated for the use of Bureau lands; (2) public access restrictions are permissible; and (3) private operators should be allowed to establish public-use fees.
Status: Action not yet initiated.

Recommendation: In order to ensure that federal interests are adequately protected in any future agreements for the nonfederal use of Bureau lands for recreation, the Secretary of the Interior should direct the Commissioner of the Bureau of Reclamation to expeditiously establish policies and guidance on what constitutes the appropriate development of lands in the public interest for recreation.
Status: Action not yet initiated.

Recommendation: In order to ensure that federal interests are adequately protected in any future agreements for the nonfederal use of Bureau lands for recreation, the Secretary of the Interior should direct the Commissioner of the Bureau of Reclamation to expeditiously establish policies and guidance on monitoring and oversight, including verification of limits placed on public-access restrictions and public-use fees established by private operators.
Status: Action not yet initiated.

Recommendation: Any future negotiation of agreements with nonfederal public entities or any approval of further development under existing agreements should be postponed until the Bureau has established and implemented the above policies and guidance.
Status: Action not yet initiated.

Trans-Alaska Pipeline: Regulators Have Not Ensured That Government Requirements Are Being Met

RCED-91-89, 07/19/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO examined the adequacy of regulatory oversight of the Trans-Alaska Pipeline System (TAPS), focusing on TAPS: (1) operational safety; (2) oil spill response capabilities; and (3) ability to protect the environment.

Findings

GAO found that: (1) several federal and state agencies had TAPS monitoring, oversight, and enforcement responsibilities; (2) regulators essentially accepted the pipeline operation contractor's reports regarding TAPS conditions and did not independently evaluate corrosion prevention and detection systems; (3) although aware of deficiencies in the corrosion prevention and detection systems, regulators did not direct the contractor to take action until after the contractor detected significant pipeline corrosion in 1989; (4) regulators conducted little oversight of terminal operations; (5) regulatory review of the oil-spill response plan was cursory until after the Exxon Valdez oil spill, after which federal and state regulators reevaluated oil-spill risks and response capabilities; (6) regulators do not plan to require the contractor to conduct a drill to fully test its response capabilities; (7) there was no long-term monitoring program to assess TAPS overall environmental impact, making it difficult to assess oil-spill impacts or to identify the most appropriate containment, clean-up, and disposal technologies; (8) regulators did not have adequate systems to carry out their

oversight responsibilities, did not dedicate sufficient staff for monitoring pipeline activities, and did not coordinate oversight activities to ensure comprehensive monitoring of all pipeline activities; and (9) several regulators assigned staff to a joint oversight office composed of federal and state agencies with statutory authority over TAPS.

Open Recommendations to Congress

Recommendation: To help ensure that sufficient funds are available to support improved oversight, Congress may wish to consider requiring Alyeska to fully reimburse the joint office for all reasonable oversight costs as it is now required to do for the Bureau of Land Management.

Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To ensure that TAPS is standing up to the special engineering design and operating requirements intended to lessen the potential for oil spills, the Secretaries of the Interior and Transportation should, in cooperation with the state of Alaska, reassess the adequacy of Alyeska's corrosion prevention and detection efforts, including: (1) the cathodic protection system intended to protect the pipeline from corrosion; and (2) plans to better detect and correct internal and external corrosion along the pipeline and at the Valdez terminal.

Addressee: Department of the Interior

Status: Action in process. The joint office has initiated an assessment of Alyeska's corrosion program.

Addressee: Department of Transportation

Status: Action in process. The joint office has initiated an assessment of Alyeska's corrosion program.

Recommendation: To ensure that TAPS is standing up to the special engineering design and operating requirements intended to lessen the potential for oil spills, the Secretaries of the Interior and Transportation should, in cooperation with the state of Alaska, require Alyeska to test its leak detection system at various levels of pipeline operations to determine what levels of leakage will trigger an alarm and decide if those leak detection threshold levels meet approved design levels.

Addressee: Department of the Interior

Status: Action not yet initiated.

Addressee: Department of Transportation

Status: Action not yet initiated.

Recommendation: The Secretary of the Interior, in cooperation with the state of Alaska, should improve monitoring and evaluation of Alyeska's efforts to assess and mitigate geologic hazards along the pipeline and at the terminal, including those intended to: (1) stabilize the rock slopes at the terminal and along mountainous sections of the pipeline; (2) safeguard permafrost; and (3) guard against potential damage to the pipeline as the result of river erosion.

Status: Action not yet initiated.

Recommendation: The Administrator, Environmental Protection Agency (EPA), should revise its regulations to ensure oversight of the integrity of crude oil storage tanks.

Status: Action in process. EPA is currently revising its regulations to ensure the oversight of the integrity of crude oil storage tanks.

Recommendation: To ensure that resources and equipment are adequate to respond to a large-scale leak and can be promptly mobilized and deployed, the Secretary of the Interior should, in cooperation with the state of Alaska, continue to periodically review and update all components of Alyeska's oil-spill contingency plan as was done for the April 1991 plan.

Status: Action not yet initiated.

Recommendation: To ensure that resources and equipment are adequate to respond to a large-scale leak and can be promptly mobilized and deployed, the Secretary of the Interior should, in cooperation with the state of Alaska, actively participate and observe Alyeska's oil-spill drills and training exercises and require that Alyeska address deficiencies identified during those drills.

Status: Action not yet initiated.

Recommendation: To ensure that resources and equipment are adequate to respond to a large-scale leak and can be promptly mobilized and deployed, the Secretary of the Interior should, in cooperation with the state of Alaska, require Alyeska to conduct a company-wide, full-scale drill that tests the leadership, coordination, communication, and equipment and personnel mobilization required to locate, contain, and clean up a large-scale oil spill.

Status: Action not yet initiated.

Recommendation: To ensure that the environmental impacts of TAPS are known and that contamination from future oil spills is minimized, the Secretary of the Interior should, in cooperation with the state of Alaska and Alyeska, review existing studies and rank research needs so that the available resources will be used to address the highest-priority environmental research needs and so that a long-term systematic monitoring strategy can be developed that assesses the pipeline's environmental impacts over time and the environmental consequences of oil spills.

Status: Action taken not fully responsive. The regulators, as part of the joint office, have begun to compile a list of existing studies. However, they have not reviewed these studies to identify areas needing further research, nor do they plan to develop a long-term monitoring strategy.

Recommendation: To ensure that the environmental impacts of TAPS are known and that contamination from future oil spills is minimized, the Secretary of the Interior should, in cooperation with the state of Alaska and Alyeska, establish realistic clean-up standards on the basis of acceptable levels of contamination.

Status: Action not yet initiated.

Recommendation: To ensure that the environmental impacts of TAPS are known and that contamination from future oil spills is minimized, the Secretary of the Interior should, in cooperation with the state of Alaska and Alyeska, determine the advantages of various technologies to effectively contain, clean up, and dispose of oil

spilled on water and on land, especially in arctic and subarctic conditions.

Status: Action not yet initiated.

Recommendation: The Secretaries of the Interior and Transportation and the Administrator, EPA, should, in coordination with the state of Alaska, ensure that the new joint office provides systematic, disciplined, and coordinated oversight of TAPS. At a minimum, this requires: (1) central leadership; (2) adequate funding; (3) firm commitments to participate from the primary regulators of TAPS; and (4) clear and enforceable requirements, adequate numbers of well-trained staff, and coordination among the responsible federal and state agencies.

Addressee: Department of the Interior
Status: Action in process. The joint office has obtained firm commitments from four of five regulators (not EPA). It has a more systematic and coordinated oversight approach. However, there still is no central leadership or secured funding.

Addressee: Department of Transportation
Status: Action in process. The joint office has obtained firm commitments from four of five regulators (not EPA). It has a more systematic and coordinated oversight approach. However, there still is no central leadership or secured funding.

Addressee: Environmental Protection Agency

Status: Action taken not fully responsive. EPA is more effectively coordinating with other regulators, but has not committed to full-time participation in the joint office. Central leadership and adequate funding are also still needed.

Wildlife Management: Problems Being Experienced With Current Monitoring Approach

RCED-91-123, 07/22/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the Forest Service's management indicator species approach to monitoring wildlife and their habitat in national forests, focusing on the cost-effectiveness and ultimate usefulness of this approach.

Findings

GAO found that: (1) although the management indicator approach is based on sound theory, several practical drawbacks exist which raise questions about whether data collected on selected species can provide the basis for drawing conclusions on overall habitat conditions; (2) the costs of monitoring indicator species populations were prohibitive, since the cost of monitoring

increased as the population of the species being monitored decreased or as the size of the habitat increased; (3) even when planned data collection efforts were completed using the management indicator species approach to monitoring, the data had limited usefulness because they revealed population changes without conclusively relating observed changes to overall habitat conditions or Service management actions; (4) although Service headquarters officials acknowledge that problems exist in field implementation of the management indicator species approach, they believe that these difficulties stem more from the application of the management indicator species principle than from fundamental weaknesses with the concept itself; and (5) Service headquarters is currently revising its

national direction on wildlife and wildlife habitat monitoring.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should direct the Chief of the Forest Service to fully consider the concerns GAO identified about the utility of the management indicator species approach to wildlife monitoring as the agency considers modification and clarification of the approach. During the ongoing agency examination of the Forest Service's monitoring approach, the needs and experiences of field staff responsible for implementing it should be solicited and reflected in any rules and guidance that are ultimately issued. **Status:** Action not yet initiated.

Water Resources: Corps Lacks Authority for Water Supply Contracts

RCED-91-151, 08/20/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a legislative requirement, GAO examined whether the Army Corps of Engineers has the legislative authority to operate nine water reservoirs for the purposes for which they are being managed.

Findings

GAO found that: (1) with one exception, the Corps has the authority to operate the nine reservoirs for the purposes for which they are being managed; (2) in that exception, the Corps improperly cited the Water Supply Act of 1958 in reallocating storage capacity to municipal and industrial (M&I) water

supply and entering into six long-term contracts to supply water to M&I users without expanding those reservoirs; (3) the authority under the Water Supply Act to supply water for M&I needs is limited to what may be accomplished through the construction or expansion of reservoirs, and the act does not provide authority to reallocate existing water storage capacity for M&I purposes at

reservoirs previously constructed or modified; and (4) the Corps used the act to enter into 38 water supply contracts, and was planning to enter into similar contracts in the future.

Open Recommendations to Congress

Recommendation: Congress should remove any supposed lack of clarity by amending the Water Supply Act to expressly prohibit the reallocation of existing water storage capacity under the act unless accompanied by the construction or expansion of reservoir storage capacity. Alternatively, if

Congress wants to allow the Corps to reallocate existing storage capacity, Congress should: (1) amend the Water Supply Act to provide the Corps with this authority; or (2) add M&I water supply as a project purpose or approve specific M&I water supply contracts on a case-by-case basis at individual reservoirs.
Status: Action not yet initiated.

Reclamation Law: Changes Needed Before Water Service Contracts Are Renewed

RCED-91-175, 08/22/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO: (1) identified environmental and water use problems associated with the irrigation practices carried out under the Bureau of Reclamation's water service contracts in the Central Valley Project (CVP); and (2) determined whether contract renewals would allow such problems to continue.

Findings

GAO found that: (1) agricultural drainage has degraded the quality of the San Joaquin Valley's water supply and soil, poisoning wildlife and threatening agricultural productivity with selenium accumulation and increasing salinity; (2) since most CVP water is dedicated to irrigation through water service contracts, the supply of water available for wildlife habitat is not adequate; (3) some farmers use CVP water to produce crops that are also eligible for subsidies under the U.S. Department of Agriculture's (USDA) commodity programs, causing Congress to express concern over the apparent inconsistency

between the Bureau's programs for increasing agricultural production through inexpensive subsidized water and USDA programs for raising prices while limiting production; (4) increased irrigation efficiency and conservation could reduce environmental degradation caused by agricultural runoff and drainage, while freeing water currently diverted for irrigation and other uses, but the low cost of federal irrigation water is a disincentive to increased irrigation efficiency; (5) the Department of the Interior believes that, since long-term renewal of contracts for the same quantities of water is nondiscretionary, it is not required to change its provisions as a result of environmental impact statements; and (6) continuing irrigation practices carried out under existing contract provisions compromise other national interests such as environmental protection and wildlife conservation.

Open Recommendations to Congress

Recommendation: To provide the Department of the Interior with greater flexibility to manage Bureau of

Reclamation water in CVP in the most effective and efficient manner, Congress should: (1) place a moratorium on all CVP contract renewals, while temporarily extending existing contracts; and (2) amend the 1956 act to explicitly allow contract renewals for lesser quantities of water and shorter periods of time so the Bureau can periodically assess water use.
Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: The Secretary of the Interior should determine the impacts of renewing CVP water service contracts for the same quantities of water, for long terms. This impact analysis should include: (1) an analysis of whether the water supply could be more effectively used to reduce environmental degradation and meet wildlife habitat needs and other emerging water needs in the state; and (2) a demonstration of the extent to which problems associated with water service contracts can be mitigated by changes in the contract

terms, including consideration of market mechanisms, to promote more efficient water use and conservation.
Status: Action not yet initiated.

Recommendation: The Secretary of the Interior should incorporate into renewed contracts changes in contract terms

identified as likely to mitigate problems associated with water service contracts.
Status: Action not yet initiated.

Water Subsidies: Views on Proposed Reclamation Reform Legislation

T-RCED-91-90, 09/12/91 GAO Contact: James Duffus, III, (202)275-7756

Background

GAO discussed four legislative proposals to amend the Reclamation Reform Act of 1982, which permits multiple landholdings to continue to be operated collectively as one large farm while individually qualifying for federally subsidized water. GAO noted that: (1) if the farm operations in the five case studies remain constant, each of the proposals could limit federally subsidized water to some or all of the operations; (2) three of the five large farm operations in the case studies could continue to receive subsidized water on land in excess of the 960-acre limit, under the House bill; (3) under the Senate bill, four of the five large farm operations would be able to continue to receive subsidized water on more than 960 acres; (4) three of the large farm operations could continue to receive subsidized water on land in excess of the 960-acre limit under the Bureau of Reclamation's draft bill; and (5) the Subcommittee's draft bill

could stop the flow of federally subsidized water to more than 960 acres in all five of the case studies. GAO believes that since farmers have ample financial incentive to reorganize their operations in response to any new reclamation legislation enacts, some farmers are likely to reorganize again to be eligible to receive additional federally subsidized water.

Open Recommendations to Congress

Recommendation: Any amending legislation enacted by Congress should be as clear as possible in limiting the acreage on which a farm or farm operation is eligible to receive federally subsidized water.

Status: Action not yet initiated.

Recommendation: The amending legislation should include a clear statement of purpose to provide the Bureau guidance in implementing the

new law. Such a statement might say that the purpose of the legislation is to stop the flow of federally subsidized water to owned or leased land over a maximum of 960 acres, or whatever limit may be established, and that multiple landholdings being operated collectively as one large farm cannot, in any event, receive subsidized water on more than the established acreage limit.
Status: Action not yet initiated.

Recommendation: Any factors or indicators explicitly excluded from consideration in determining the existence of a farm or farm operation should be clearly defined. Further, if certain factors are to be excluded from consideration in determining the existence of a farm or farm operation, the exclusion should only apply to consideration of the factors individually and not to their consideration in conjunction with other factors.
Status: Action not yet initiated.

Food and Agriculture (350)

Food and Agriculture

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Food and Agriculture

Issue Area Summary: Food and Agriculture

Impact of GAO's Work

Agriculture and related industries remain a major building block of the nation's economy—accounting for about 20 percent of the gross national product and about 20 percent of the civilian work force. The federal policies and programs that define American agriculture involve a broad array of activities. Major programs include supporting farm income and commodity prices, developing trade opportunities with other countries, providing farm financing, and ensuring that the food we eat is safe and is of high quality. The federal focal point for U.S. agriculture is the U.S. Department of Agriculture (USDA).

GAO influenced every title of the last comprehensive farm legislation—the Food, Agriculture, Conservation, and Trade Act of 1990—also known as the 1990 Farm Bill. Increasingly, the focus of our analyses has been driven by fundamental policy questions and budgetary issues. As a result, many of our reports have identified needs for major policy changes, as well as many opportunities for programs to run more efficiently and effectively. Our work has focused on the need to move U.S. agricultural programs and policies to better respond to changing world conditions and market forces.

In the past, the Congress and the Secretary of Agriculture have not been fully responsive to our major recommendations. Recently, however, many issues we have raised have been the subject of much dialogue and debate within the legislative and executive branches. We believe progress is being made on some of the key issues.

Key Open Recommendations

General Management Review of USDA Activities

We recommended that the Congress require USDA to develop a departmentwide strategic plan for trading in global markets to improve its marketing performance. Strategic planning would establish a firm organizational commitment, develop commonly accepted goals and programs, and reorganize agency resources. Such an effort would enhance USDA's ability to respond to changing world markets and would strengthen the U.S. position in world agricultural trade, especially in the growing area of value-added products.

We also recommended that the Congress work more closely with USDA management to identify cost-saving opportunities in USDA programs and services. Even modest reductions in the size of USDA's \$2.1 billion farm service delivery system could save millions of dollars.

USDA responded to our report by implementing a management-by-objective system to track progress on major goals. It has also established strategic plans for information resources and for its efforts to achieve work force diversity. Although USDA has taken action on some recommendations, it will need strong leadership from top managers to make needed changes and effectively fulfill its mission. (GAO/RCED-90-19, see p. 370.)

**Farmers Home Administration's
(FmHA) Role and Mission**

FmHA's financial condition continues to deteriorate, despite a general improvement in the overall agricultural economy, and FmHA faces fundamental questions about its ability to serve as a temporary source of credit while fulfilling its role as a lender of last resort. The Congress, therefore, needs to reevaluate FmHA's role in providing agricultural credit. (GAO/T-RCED-90-22, see p. 372.)

Market-Oriented Dairy Industry

A more market-oriented approach to dairy programs would provide a more lasting solution to periodic dairy surpluses and reduce federal expenditures. Therefore, the Congress should reduce federal involvement in an orderly way by phasing out the production incentive of the milk-marketing order program while continuing the use of a supply-demand adjuster (which automatically reduces price supports if surpluses are projected to exceed certain levels) to set price-support levels. (GAO/RCED-90-88, see p. 374.)

**Disaster Assistance to Producers of
Nonprogram Crops**

USDA was unable to verify the validity and the accuracy of much of the data it used to compute disaster payments to producers who suffered nonprogram crop losses in 1988 and 1989. If the Congress continues to provide disaster payments to those producers in the future, it should consider ways of ensuring payment integrity at reasonable costs. This could be done through legislation requiring producers to keep historic production, cost, and sales records. Such records could then serve as a basis for determining the extent of disaster payments. (GAO/RCED-91-137, see p. 391.)

Our recent work for the Senate Committee on Agriculture, Nutrition, and Forestry has focused on the comparison of the processes used by the Environmental Protection Agency (EPA) and the international organization Codex in determining legal standards for pesticide residues on food commodities. We found important differences between U.S. and Codex standards. Opportunities may exist to reconcile some of these differences. But EPA and USDA officials must conduct further analyses to determine the likely impact that differences in standards would have on U.S. trade interests and the likely effects that changes in present standards would have on U.S. health protection policies. (GAO/PEMD-91-22, see p. 396.)

Other USDA Programs

Over the past few years, we have issued a series of reports identifying the need for USDA to take steps to improve the accuracy of various forecasts used to estimate the outlays of farm support programs. Our recent study of the Farm Crop Insurance Corporation's (FCIC) price forecasts also indicated that important improvements needed to be made. In this review, we also came across a particular case regarding some questionable policies relating to the insurance of safflower crops in certain counties in California. We recommended that the FCIC Administrator take appropriate actions to improve internal controls to ensure that county crop insurance programs are actuarially sound. USDA and FCIC agreed to our recommendations; to date, however, they have made only limited progress in implementing them. (GAO/PEMD-91-27, see p. 392.)

USDA is responding to key open recommendations in our report on Forest Service's acquisition of a \$1.2 billion geographic information system. The Forest Service has been working with the MITRE Corporation to reassess the feasibility, costs, benefits, and organizational impact of alternatives and reassess and specify its functional and performance requirements for the system. The reassessments are expected to be completed in late 1991. The Congress should continue to withhold funding of the acquisition pending GAO's review of the Forest Service's reassessments. (GAO/IMTEC-90-31, see p. 377.)

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Crop Insurance: Overpayment of Claims by Private Companies Costs the Government Millions

RCED-88-7, 11/20/87 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO examined the Federal Crop Insurance Corporation's (FCIC) oversight and control of the loss adjustment practices of private reinsured companies.

Findings

GAO found that reinsured companies: (1) did not adjust 95 percent of 134 sample claims in accordance with FCIC policies and procedures; (2) should not have paid about 31 percent of the \$9.4 million in claims; (3) may have intentionally overpaid claimants; and (4) made

incorrect determinations of production guarantees, actual production, payment amounts, and program eligibility. GAO also found that FCIC: (1) improperly adjusted 62 percent of 37 sample claims; and (2) overpaid about 1 percent of those claims. In addition, GAO found that FCIC: (1) did not properly manage the loss adjustment processes of reinsured companies; (2) had inadequate oversight and control over such companies; and (3) did not screen reinsured claims for obvious errors, but recently began to systematically review the operations of reinsured companies.

Open Recommendations to Agencies

Recommendation: In order for FCIC to acquire the needed financial and programmatic oversight and control over the loss adjustment activities of reinsured companies, the Secretary of Agriculture should require the Manager, FCIC, to require repayment by reinsured companies of the \$3 million in overpaid claims found, in accordance with the terms of the reinsurance agreements. **Status:** Action in process. FCIC has collected about \$983,721 of the overpaid claims and is continuing to process repayments for the remaining claims.

Milk Marketing Orders: Options for Change

RCED-88-9, 03/21/88 GAO Contact: John Harman, (202)275-5138

Background

GAO reviewed several aspects of federal milk-pricing policies to determine how: (1) the milk marketing order program affects the U.S. dairy surplus problem; (2) to change the program to reduce incentives for milk production; and (3) such changes would affect the surplus and the program's ability to meet dairy policy goals.

Findings

GAO found that: (1) because dairy market conditions changed, the milk marketing order pricing policies no longer applied; (2) the federal milk

marketing system contributed to a milk surplus and benefited producers in some regions of the country at the expense of others; and (3) recent legislation provided that increases in production that resulted in annual federal dairy purchases of over 5 billion pounds would trigger a downward adjustment in the support price. GAO also found that: (1) the two basic strategies for changing milk marketing orders were controlling production and lessening government influence on milk prices; (2) the production control system would limit the quantity of milk that producers, singly and in total, could market at a given price, but could increase consumer

prices, create windfalls for current producers, bar entry for new producers, and impact production in the long run; (3) the options for reducing government influence would include establishing more basing points and eliminating grade-A and distance differentials, allocations, compensatory payments, and order-pricing provisions, while retaining supervision; and (4) eliminating pricing provisions would lessen the likelihood that the support price supply-demand adjuster would trigger price reductions in the future.

Open Recommendations to Congress

Recommendation: Congress may wish to consider establishing the goal of decreasing the federal role in milk pricing; working with the Department of Agriculture (USDA) to develop and

adopt legislation necessary to accomplish that goal; and directing the Secretary of Agriculture to: (1) monitor the conditions in the industry that result from changes to pricing policies; and (2) act, if necessary, to help the industry adjust.

Congressional Action: Individual members of the Senate and House have

expressed interest in implementing the recommendation, and congressional hearings have been held on the report. USDA is studying the issues, as requested by Congress. Congress will reconsider action based on the USDA information.

Food Stamp Program: Progress and Problems in Using 75-Percent Funding for Automation

RCED-88-58, 04/28/88 GAO Contact: John Harman, (202)275-5138

Background

In response to a congressional request, GAO reviewed the Department of Agriculture's (USDA) Food and Nutrition Service's (FNS) Food Stamp Program to determine: (1) what state information retrieval systems FNS had approved for 75-percent funding from fiscal year (FY) 1981 through FY 1986; and (2) whether the approved systems or projects complied with legislative mandates and met general functional requirements.

Findings

GAO found that: (1) FNS approved 51 requests, totalling \$66 million, from 33 states from FY 1981 through FY 1986; (2) FNS policy and approval of requests from 17 state agencies differed from requirements; (3) FNS policy allowed funding for all planning, design, development, or installation of the systems at the 75-percent level when the system was the state's initial attempt, or an upgrade or modification of existing systems for the Food Stamp Program; (4)

USDA regulations allowed 75-percent funding to develop automated program systems that did not achieve integration with the Aid to Families with Dependent Children Program, as mandated; (5) FNS approved funding for systems not expressly permitted in USDA regulations because it believed that they would eventually become part of the total automated system; and (6) there were no requirements for documenting system compliance.

Open Recommendations to Agencies

Recommendation: To help ensure that the Food Stamp Program's automated systems development approved for 75-percent federal funding meets the requirements set forth in USDA regulations, the Secretary of Agriculture should direct the Administrator, FNS, to: (1) amend Service Handbook 151, Automatic Data Processing (ADP) Advance Planning Document Handbook for state agencies, to direct that state agency requests for 75-percent funding

fully describe in their planning documents how the required program functional standards will be incorporated into the proposed automated Food Stamp Program system; (2) amend Service Handbook 103 to direct regional Food Stamp Program personnel to document their determination that each of the required program functional standards are met prior to approving requests for 75-percent funding; and (3) direct regional office personnel to implement the state agency request file records control system described in Service Handbook 103 to maintain a planning document control log and numbering system for related amendments and correspondence pertaining to each state agency's request for federal funding.

Status: Action in process. Because regulations have been published, work will begin and directions will be sent to FNS requiring funding requests to specify how ADP meets program requirements. The handbooks are expected to be published by the end of 1991.

ADP Systems: FDA Can Reduce Development Risks for Its Import Information System

IMTEC-88-42, 09/30/88 GAO Contact: Frank Reilly, (202)275-4659

Background

In response to a congressional request, GAO reviewed the Food and Drug Administration's (FDA) automated Import Support and Information System (ISIS) to determine whether FDA: (1) complied with government standards and regulations in developing ISIS; (2) ensured that ISIS would interface with the Customs Service's automated systems; (3) plans to use ISIS to collect data on imports FDA regulates; and (4) ensured that ISIS would be compatible with existing management systems.

Findings

GAO found that FDA: (1) failed to follow government standards requiring competitive procurement of computer

systems, system design, and interface requirements; (2) did not identify alternative system designs for management consideration; (3) postponed identifying interface requirements until after the system becomes operational; (4) plans to use ISIS to collect data only for those imports examined at the port of entry; and (5) believes that ISIS will be compatible with existing automated systems, such as the Laboratory Management System. GAO noted that, if FDA fails to identify and plan for its interface requirements, ISIS may be unable to interface with Customs' systems.

Open Recommendations to Agencies

Recommendation: The Secretary of Health and Human Services should take steps to ensure that FDA complies with department requirements to identify FDA requirements for an ISIS automated interface with Customs, and obtain an agreement on a plan to implement the automated interface. **Status:** Action in process. Estimated completion date: 09/92. At the request of Customs, the pilot project has been delayed until January-March 1992. This is due to implementation of previously scheduled enhancements to their systems necessitated by increased work load from a pilot program with the Fish and Wildlife Service, as well as Customs' internal needs.

Farmers Home Administration: Farm Loan Programs Have Become a Continuous Source of Subsidized Credit

RCED-89-3, 11/22/88 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed the Farmers Home Administration's (FmHA) farm loan graduation policies and procedures to determine: (1) whether FmHA followed legislative mandates to graduate successful borrowers; (2) the extent to which FmHA was a long-term source of credit; and (3) the amount of government

interest-rate subsidy and financial advantage FmHA borrowers received.

Findings

GAO found that: (1) many FmHA borrowers did not graduate to other credit sources because they lacked financial capability and few lenders expressed interest in refinancing their debts; (2) some FmHA county offices did

not comply with all aspects of the graduation review process; (3) FmHA lacked a clear operational definition of graduation, preventing consistent policy and practice application; (4) FmHA could not monitor or judge the success of its graduated borrowers, since it did not maintain reliable information on the results of its graduation efforts; (5) many FmHA borrowers have remained in the loan programs for extended periods due

to the depressed agricultural market and the lack of definition of the FmHA role as a temporary credit source; and (6) FmHA borrowers received loans that no other lender would provide and significant interest-rate subsidies at government expense.

Open Recommendations to Agencies

Recommendation: To help ensure that FmHA borrowers with potential for graduation to non-FmHA financing are identified and graduated when their economic conditions permit, the Secretary of Agriculture should direct the Administrator, FmHA, to develop and convey to all FmHA units a precise operational definition of graduation and

emphasize the importance of uniform application of that definition. **Status:** Action taken not fully responsive. FmHA has begun coordination to redefine graduation in FmHA Instruction 1951-F, section 1951.252(b). This definition will improve the graduation process and subsequent reporting accuracy. Also, priority has been placed on graduation by setting goals for field offices. GAO considers this recommendation to be a high-risk issue and plans to address it in a report to be released in early 1992.

Recommendation: To help ensure that FmHA borrowers with potential for graduation to non-FmHA financing are identified and graduated when their economic conditions permit, the Secretary of Agriculture should direct

the Administrator, FmHA, to collect and summarize accurate data on results of the borrower graduation process and distribute such results to all appropriate management levels so that FmHA is kept informed of the progress made in graduating borrowers to non-FmHA sources of credit.

Status: Action taken not fully responsive. The problem has been due to different interpretations of graduation by county offices. A more precise definition of the term should help resolve this problem. Also, data on graduation activity are being collected and made available to agency management on a monthly basis. GAO considers this recommendation to be a high-risk issue and plans to address it in a report in early 1992.

Crop Insurance: FCIC Should Strengthen Actual Production History Program Controls

RCED-89-19, 12/15/88 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed the Federal Crop Insurance Corporation's (FCIC) implementation of its Actual Production History (APH) Program, focusing on whether FCIC had adequate controls to ensure the accuracy of farmers' production guarantees.

Findings

GAO found that FCIC: (1) reinsured private companies under the APH program to insure farmers' crop production, based on individual farmers' certifications of production history; (2) found in a 1987 review of companies that 37 percent of policies had inaccurate

production guarantees, primarily due to overstated or understated production histories; (3) clarified its guidance to insurance companies for implementing the APH program, but did not change its policies or require farmers to provide actual production records during policy writing; (4) primarily relied on insurance companies to verify farmers' certifications of production history; (5) required insurance companies to sample policies and determine production guarantee accuracy, but did not require the companies to report the results of those checks; (6) required verification of guarantee accuracy only if the guarantee appeared to be unreasonable, and lacked criteria for establishing guarantee reasonableness; and (7) lacked

guidance for interpreting the significance of the results of sample checks or for taking action if the samples revealed frequent or widespread problems.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should require the Manager, FCIC, to establish criteria for interpreting the significance of the frequency of errors found during the required sampling of APH guarantees and for deciding the actions that should be taken if tolerances for acceptable levels of errors are exceeded.

Status: Action in process. Estimated completion date: 06/92. On August 15, 1990, FCIC informed GAO that the APH program has been designated a high-risk area and that open recommendations will be addressed while FCIC is reviewing the program in its entirety. Due to debates over the Farm Act of 1990 and the Appropriations Act for fiscal year 1991, the implementation of new procedures, planned for October 1991, has been delayed until June 1, 1992.

Recommendation: The Secretary of Agriculture should require the Manager, FCIC, to monitor the frequency of

certification-related errors and reduce reliance on the certification process if such errors do not decrease. The latter could be achieved by significantly tightening the current sampling procedures. For example, rather than sampling all production guarantees that are twice the local average, as is currently the procedure, FCIC could review all guarantees that are some determined percentage less than twice the local average. Additionally, FCIC could add sampling criteria that would require review of all guarantees that could result in potential losses above an established monetary amount. Such criteria would help ensure that

production guarantees for potentially large insurance claims are supported. A final alternative might be to completely eliminate the certification feature of the APH program and require all farmers to provide production data at the time a policy is written.

Status: Action in process. Estimated completion date: 06/92. On August 15, 1990, FCIC informed GAO that the APH program has been designated a high-risk area and that open recommendations will be addressed while FCIC is reviewing the program in its entirety. Changes resulting from this review will not be implemented until June 1992.

Farmers Home Administration: Sounder Loans Would Require Revised Loan-Making Criteria

RCED-89-9, 02/14/89 GAO Contact: John Harman, (202)275-5138

Background

In response to a congressional request, GAO examined the Farmers Home Administration's (FmHA) loan policies and practices to determine: (1) whether FmHA used adequate criteria to make and service loans; (2) how FmHA loan policies affected borrower equity; (3) whether security for FmHA loans was adequate; and (4) the potential impact of FmHA-proposed loan criteria on existing borrowers.

Findings

GAO found that: (1) FmHA analyses of its cash flow were overly optimistic, since it did not allow for unexpected expenses or equipment replacement and often overstated borrowers' repayment ability; (2) FmHA used extensive loan-servicing techniques, such as reducing interest rates and increasing repayment

periods, to keep borrowers current on their loans; (3) loan servicing usually increased the outstanding loan principal by adding unpaid interest to the principal, and created long-term debts; (4) increased debt and the declining value of collateral assets decreased borrowers' equity; (5) although FmHA required adequate security to ensure repayment for new loans, it did not have similar security requirements for serviced loans; (6) FmHA proposed stricter eligibility and loan criteria in 1987 to speed loan processing and improve loan portfolio financial management; (7) although the proposed criteria would have denied assistance to a large percentage of existing borrowers, FmHA attempted to define those farmers whom it could help or not help with its loans and identified borrowers' degree of risk; (8) FmHA withdrew the proposal due to congressional and public

concern over inadequate information on the proposal's impact and the denial of further assistance; and (9) Congress directed FmHA to reinstate the continuation policy that allowed existing borrowers to obtain additional loans without showing their ability to repay prior loans, but enacted new legislation that directed FmHA to consider reducing delinquent borrowers' debt if it was financially better for the government than liquidation.

Open Recommendations to Congress

Recommendation: Congress may wish to reconsider whether the continuation and debt-restructuring policies are the best means of assisting already heavily indebted farmers.

Congressional Action: Congress will be considering various changes to FmHA

debt-restructuring policies as a result of the 1990 farm bill provisions. Also, the debate on FmHA is expected to continue throughout 1991.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should direct the Administrator, FmHA, to develop regulations, in consultation with appropriate congressional committees, that improve the cash-flow analysis used in loan-making decisions by incorporating an allowance to cover contingencies and equipment replacement.

Status: Action in process. Estimated completion date: 01/92. FmHA is developing a study of the use of ratios as guides for sounder credit decisions. When completed, FmHA will present the results to Congress. FmHA expects to issue revised, final regulations by January 1, 1992.

Recommendation: The Secretary of Agriculture should direct the Administrator, FmHA, to develop regulations, in consultation with appropriate congressional committees, that protect the government's financial interests by requiring that, when servicing loans, county supervisors obtain security of equal or greater value than the serviced loan's outstanding principal or the best security interest available on all of the borrower's assets.

Status: Action in process. FmHA will continue to emphasize the taking of additional collateral, when available, or the best lien obtainable, to secure the unpaid balance of unsecured delinquent loans. In addition, regulations will be reviewed to determine how they may be strengthened to better protect the government's interest in servicing program loans.

Recommendation: The Secretary of Agriculture should direct the Administrator, FmHA, to pursue the development of more comprehensive loan-making criteria that assess an

applicant's financial solvency, profitability, liquidity, and repayment ability prior to making new loans. After FmHA develops new criteria and studies the effects on borrowers, as required by the Agricultural Credit Act, FmHA should, in consultation with appropriate congressional committees, determine where to draw the line between those financially troubled farmers who could be helped and those who could not be helped with FmHA financial assistance. This will improve the financial condition of the FmHA loan portfolio and assist borrowers by providing them with a more realistic assessment of their financial condition before they accept additional credit.

Status: Action in process. Estimated completion date: 01/92. FmHA is developing a study of the use of ratios as guides for sounder credit decisions. When the study is completed, it will be presented to Congress for consideration. FmHA expects to issue revised, final regulations by January 1, 1992, on loan-making criteria.

Farmers Home Administration: Implications of the Shift From Direct to Guaranteed Farm Loans

RCED-89-86, 09/11/89 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed the Farmers Home Administration's (FmHA) progress in implementing its congressionally authorized shift from direct to guaranteed farm loans and the overall impact on farm credit availability, focusing on: (1) the impact of the shift on borrowers, private lenders, and the government; (2) borrowers' financial conditions; and (3) whether program

problems contributed to losses on guaranteed loans.

Findings

GAO found that: (1) the total annual authorization for guaranteed farm loans increased from \$175 million to \$3.3 billion, while total obligations for the loans grew from about \$71 million in 1983 to about \$1.3 billion in 1988; (2) the increase in guaranteed lending resulted

from private lenders obtaining guarantees for their financially distressed customers; (3) only 2 percent of FmHA direct-loan borrowers obtained guaranteed loans, because their poor financial conditions made private lenders reluctant to give them even guaranteed loans; (4) the decrease in direct FmHA loans resulted from such factors as increased use of government farm program payments instead of credit to finance farm operations, fewer

borrowers, and reduced FmHA authorization for farm ownership loans; (5) although guaranteed loans help high-risk borrowers obtain private credit, they pay higher interest rates and loan fees and face a greater chance of liquidation if they default on their loans; (6) because recent congressional actions extended direct-loan eligibility, few of the borrowers will obtain guaranteed loans, direct-loan requests may not decline, and additional funding decreases may restrict credit availability for borrowers; (7) guaranteed loans help lenders finance borrowers who are poor credit risks, protect lenders against potential losses, and help the government keep some farm lending in the private sector and reduce outlays for new direct loans; (8) the government's financial exposure increased recently because the outstanding principal of guaranteed loans outpaced the decrease in that of direct loans; (9) losses on guaranteed loans have grown faster than guaranteed loan activities since 1984 and could exceed \$115 million in 1989; and (10) although adverse weather caused some losses, inadequate assessment of borrowers' financial conditions prior to loan approval and insufficient oversight of loan guarantees were major contributors to losses.

Open Recommendations to Agencies

Recommendation: To help control losses and improve management of the guaranteed farm loan program, the Secretary of Agriculture should direct the Administrator, FmHA, to develop, in

consultation with Congress, and implement more comprehensive guaranteed-loan-approval criteria that assess an applicant's financial solvency, profitability, liquidity, and repayment ability prior to approving loan guarantees.

Status: Action in process. Estimated completion date: 01/92. An FmHA contractor is completing a study of loan approval and borrower selection criteria. FmHA plans to present the results to Congress and expects to issue revised, final regulations by January 1, 1992.

Recommendation: To help control losses and improve management of the guaranteed farm loan program, the Secretary of Agriculture should direct the Administrator, FmHA, to establish in regulations the type and amount of security required for a guarantee and, if crops are accepted as the only security, require that crop insurance be obtained. **Status:** Action in process. FmHA is presently making changes to its farmer program guaranteed loan regulations to strengthen loan security requirements.

Recommendation: To help control losses and improve management of the guaranteed farm loan program, the Secretary of Agriculture should direct the Administrator, FmHA, to establish a range of loan guarantee percentages based on loan risk, with the higher guarantee percentages going to lower-risk loans.

Status: Action in process. Estimated completion date: 01/92. FmHA intends to address this issue based on the results of its study of loan approval and

borrower selection criteria. However, the Office of Management and Budget has directed FmHA to place the highest-percentage guarantee on the highest-risk loans, and FmHA plans to incorporate this principle into its guaranteed regulations.

Recommendation: To help control losses and improve management of the guaranteed farm loan program, the Secretary of Agriculture should direct the Administrator, FmHA, to enforce FmHA requirements for lender servicing of guaranteed loans and place greater emphasis on establishing the extent to which lenders' negligent servicing caused loan losses before determining the amounts to be paid as loss claims.

Status: Action taken not fully responsive. The agency's response indicates that existing training and internal reviews are adequate to address the recommendation.

Recommendation: To help control losses and improve management of the guaranteed farm loan program, the Secretary of Agriculture should direct the Administrator, FmHA, to establish in regulations procedures for recovering from defaulted borrowers amounts the government paid to lenders for guaranteed loan losses.

Status: Action in process. The agency's response indicates it is drafting a procedure change to strengthen the follow-up monitoring requirement. The agency is continuing to review its methods and options of maximizing recovery on guaranteed loan losses.

U.S. Department of Agriculture: Interim Report on Ways to Enhance Management

RCED-90-19, 10/26/89 GAO Contact: John Harman, (202)275-5138

Background

GAO assessed the Department of Agriculture's (USDA) management and potential organizational improvements.

Findings

GAO found that: (1) many major USDA agencies and programs are very mature and have developed traditions, views, and constituencies independent of USDA; (2) this organizational structure hampers USDA in its efforts to perform its mission, and strong ties between the agencies, Congress, and constituent groups have kept USDA from adjusting

to changes in the agricultural environment; (3) USDA struggles to deal with cross-cutting issues requiring coordination between its agencies, other federal agencies, and outside groups; and (4) USDA suffers from basic weaknesses in its human resource, information resource, management information, and financial management systems.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should adopt and implement a management agenda that: (1) clearly articulates management goals for the

department; (2) establishes specific short- and long-term strategies, priorities, and actions to achieve these goals; (3) establishes target dates; and (4) institutes evaluation systems for monitoring progress toward these goals. **Status:** Action in process. USDA has created a high-level policy council and instituted a management-by-objective system. Both of these actions partially address the recommendation. GAO is awaiting further USDA action. In addition, GAO issued a capping report addressing USDA actions in September 1991. This recommendation is reinforced in the capping report.

Milk Pricing: New Method for Setting Farm Milk Prices Needs to Be Developed

RCED-90-8, 11/03/89 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO determined whether the Minnesota-Wisconsin (M-W) price series was a reliable and appropriate adjuster of milk prices and whether it needed to be improved.

Findings

GAO found that: (1) the M-W price is becoming gradually less reliable as a measure of national supply and demand conditions for milk used for manufacturing, does not provide a valid

pricing mechanism over the long term, and is affected by local conditions; and (2) grade-B milk production and the number of grade-B purchasing plants in Minnesota and Wisconsin have declined significantly since the M-W price series was introduced. GAO evaluated five alternatives to the current price series, including: (1) a regulated grade-A manufacturing price series; (2) a deregulated grade-A price series; (3) a product formula; (4) an economic formula; and (5) an administratively determined price. GAO found that: (1) the first two options would reflect

national prices that would be generally unaffected by local conditions, but a deregulated grade-A price series would treat some producers unequally; (2) a product formula would be superior to an economic formula; and (3) an administered price alternative would not incorporate the desired price mechanism characteristics.

Open Recommendations to Agencies

Recommendation: In view of the declining importance of grade-B milk,

the Secretary of Agriculture should initiate efforts to develop and test an alternative pricing series.

Status: Action in process. In March 1990, the Department of Agriculture (USDA) announced plans to hold a hearing on this issue. USDA requested the agenda

report by May 31, 1990, and held hearings in late 1990. Alternative pricing series are under study. Action was expected to be complete late in 1991.

Administration of the Federal Ban on Exports of Unprocessed Federal Timber

T-RCED-90-8, 11/07/89 GAO Contact: James Duffus, III, (202)275-7756

Background

GAO reviewed the Forest Service's and Bureau of Land Management's (BLM) implementation of the federal ban on unprocessed federal timber exports. GAO found that: (1) although the Service's regulations made it difficult for firms to buy more Service timber to replace increased exports of private timber, BLM regulations allowed firms to increase their purchases and exports, over time, without limit; (2) neither agency regulated federal timber acquired through intermediaries to replace exported private timber; (3) the agencies' control mechanisms to monitor private timber export levels relied almost solely

on reports from purchasers; (4) the agencies generally did not test or audit the accuracy of purchaser reports and depended on firms to inform them of suspected violations; and (5) enforcement was difficult because the historical export levels were established by geographical area, which was often vaguely defined, and because the penalties for violations were limited.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture and the Secretary of the Interior should direct the Forest Service

and BLM, respectively, to institute improved internal controls which would include at least selected testing of information provided by the companies. **Addressee:** Department of Agriculture **Status:** Action in process. Passage of Public Law 101-382 on August 20, 1990, required that regulations be finalized no later than 9 months following enactment. The Forest Service has delayed beyond this time but expects action later in 1991.

Addressee: Department of the Interior **Status:** Action in process. The agencies plan to conduct a management control evaluation of the issue after regulations issuance late in 1991.

Food Assistance: USDA's Implementation of Legislated Commodity Distribution Reforms

RCED-90-12, 12/05/89 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a legislative requirement, GAO reviewed the Department of Agriculture's (USDA) implementation of legislated commodity distribution reforms at the Food and Nutrition Service (FNS), Agricultural Marketing Service (AMS), and Agricultural

Stabilization and Conservation Service (ASCS).

Findings

GAO found that: (1) USDA had implemented 25 of 31 legislated reforms by May 1989; (2) USDA attributed delays

in 10 of 16 mandated reforms to time-consuming regulatory clearance procedures, unrealistic implementation dates, reform complexities, difficulties in matching the reforms with differing program requirements, and efforts to ensure regulatory consistency; (3) USDA procedures and guidance for four of the

six reforms that were not implemented were incomplete; (4) the USDA reform completion plan was outdated and its expectations for finalizing some reforms were unclear; (5) no adverse impact was apparent from implementation delays, but some participating organizations cited concerns with USDA evaluation practices regarding inventory management and program monitoring; and (6) USDA cited staffing shortages, resource limitations, and an increasing program work load as constraints to evaluation guidance development.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should direct the

Administrator, FNS, in concert with the Administrators, AMS and ASCS, to develop a revised work plan for completing section 3's full implementation under the 1987 act. The plan should detail how and when USDA intends to complete all remaining actions that involve the full implementation of the commodity distribution program reforms required under section 3 of the act in a manner that provides for: (1) uniform and consistent application of the reforms at the federal, state, and local levels; (2) developing and issuing all USDA guidance needed by state distributing agencies to meet their responsibilities under the reforms, including their conduct of required testing and monitoring activities; (3) specifying the

responsibilities of FNS, AMS, and ASCS for any actions needed by these agencies to complete USDA formalization of procedures relating to its commodity field testing and recipient agency needs assessments; and (4) specifying deadlines for those agencies to complete their respective responsibilities.

Status: Action in process. Estimated completion date: 01/92. USDA has developed the final rules for this recommendation, and, after agency and Office of Management and Budget approval, USDA expects to publish the rules in early 1992.

Issues Surrounding the Role and Mission of the Farmers Home Administration's Farm Loan Programs

T-RCED-90-22, 01/25/90 GAO Contact: John Harman, (202)275-5138

Background

GAO discussed its examination of the Farmers Home Administration's (FmHA) farm loan programs. GAO noted that: (1) delinquent borrowers held about half of the \$23 billion in outstanding direct loan principal in the FmHA farm loan portfolio; (2) the FmHA farm loan programs had several material internal accounting control weaknesses involving inaccurate and incomplete property tracking information and an incomplete system for recording acquired property, and lacked a methodology for estimating loan losses; (3) FmHA lending policies resulted in the provision of loans to borrowers who were unable to repay them and who subsequently required extensive loan servicing; (4) FmHA has become a continuous source of subsidized

credit, rather than a source of temporary credit, for many borrowers; and (5) FmHA generally made guaranteed loans to existing commercial lenders and shifted few direct farm loan borrowers to guaranteed loans.

Open Recommendations to Congress

Recommendation: Congress may wish to reevaluate the current and future role of FmHA by examining whether the continuation and debt restructuring policies are the best means of assisting already heavily indebted farmers.

Status: Action in process.

Recommendation: Congress may wish to reevaluate the current and future role of

FmHA by examining at what point the cost of providing continuous credit assistance to financially marginal farmers, including the cost of loan losses, interest rate subsidies, and administrative expenses, will outweigh the benefits to the government, rural communities, and the farmer.

Status: Action in process.

Recommendation: Congress may wish to reevaluate the current and future role of FmHA by examining whether FmHA is to serve as a temporary source of credit, and if so, whether specific criteria should be developed, such as time limits or measurable financial improvement, to decide when a borrower has had sufficient opportunity to become

financially sound and be in a position to graduate to non-FmHA sources of credit.
Status: Action in process.

Recommendation: Congress may wish to reevaluate the current and future role of FmHA by examining whether it would

be more appropriate to provide other forms of assistance, such as job training, to aid in possible transition to other employment opportunities, for those borrowers who, after a period of time, show little or no prospect for succeeding.
Status: Action in process.

Congressional Action: The 1990 farm bill was signed into law in November 1990. The congressional debate on the bill directly covered the issues addressed in this testimony. During 1991, the House continued deliberations on the role of FmHA and related issues.

Farmers Home Administration: Use of Loan Funds by Farmer Program Borrowers

RCED-90-95BR, 02/08/90 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO submitted information on borrowers' use of Farmers Home Administration (FmHA) loan funds, focusing on: (1) four major types of farmer program loans during fiscal year 1988; (2) the extent to which farmers used loan funds to refinance existing debts; and (3) lenders' views on using FmHA loan guarantees.

Findings

GAO found that farmers mainly used: (1) direct farm ownership loans for purchasing property and refinancing; (2) direct farm operating loans for farm operating expenses, refinancing, and livestock and machinery purchases; (3) guaranteed farm ownership loans for

refinancing purchases and farm property, special equipment, or facilities purchases; and (4) guaranteed farm operating loans for farm operating expenses and refinancing. GAO also found that: (1) some commercial lenders used an FmHA guarantee to refinance existing debts; (2) guarantees improved lenders' security and portfolio quality; (3) lenders generally initiated the process of obtaining loan guarantees for borrowers; and (4) refinancing indicated that lenders were using guaranteed loans to enhance their loan security on existing debts.

Open Recommendations to Congress

Recommendation: Congress should consider the use of funds as it

deliberates on how FmHA fulfills its mission as the lender of last resort to the nation's farmers in the upcoming debate on the 1990 farm bill or other FmHA-related legislation. Issues that should be considered include the extent to which assistance continues to be used by FmHA and commercial lender existing customers versus new customers, and the level to which such assistance is used to refinance existing debts versus new credit purchases.

Congressional Action: The 1990 farm bill was signed into law in November 1990. The congressional debate on the bill directly covered the issues addressed in this report. During 1991, the House continued the debate on the role of FmHA and related issues.

Federal Dairy Programs: Insights Into Their Past Provide Perspectives on Their Future

RCED-90-88, 02/28/90 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed: (1) changes in the dairy industry over the last several decades; (2) the evolution of federal dairy programs; and (3) how federal dairy programs have affected dairy supplies.

increase milk production despite accumulating dairy surpluses; (4) net government purchases of dairy products significantly increased from \$251 million in 1979 to \$2.6 billion in 1983; and (5) efforts to reduce milk surpluses achieved only temporary success.

milk pricing. This could be accomplished by removing down allocation and compensatory payment provisions.

Status: Action in process.

Findings

GAO found that, although the number of farms declined substantially: (1) milk production increased from about 100 billion pounds in 1930 to about 146 billion pounds in 1988; (2) dairy production patterns increased in southwestern states by nearly 60 percent; (3) increases in price supports created incentives for farmers to

Open Recommendations to Congress

Recommendation: Congress should gradually decrease the federal role in milk pricing. This could be accomplished by establishing new basing points for calculating distance differentials.

Status: Action in process.

Recommendation: Congress should gradually decrease the federal role in

Recommendation: Congress should gradually decrease the federal role in milk pricing. This could be accomplished by eliminating the grade-A and distance differentials in federal orders.

Status: Action in process.

Congressional Action: Congress disagreed with the recommendation to use a supply-demand adjuster to set price support levels. Congress has asked the Department of Agriculture to study the three recommendations stated above.

U.S. Department of Agriculture: Need for Improved Workforce Planning

RCED-90-97, 03/06/90 GAO Contact: John Harman, (202)275-5138

Background

GAO reviewed the Department of Agriculture's (USDA) personnel management, focusing on the effectiveness of its workforce planning efforts.

primarily because it lacked an effective strategy for determining and meeting workforce needs; (2) USDA needed a departmental recruiting program to avoid intra-agency competition for the same personnel and to improve general awareness of USDA as an employer; (3) USDA needed to focus its recruitment efforts on employees with marketing management backgrounds to address agriculture's emergence as a consumer-driven economy; (4) inadequate employee

and supervisory training was responsible for many existing operational problems within USDA; (5) USDA was well behind most other federal agencies in affirmative action efforts; (6) most USDA agencies were developing personnel systems that were not comprehensive and did not address long-term needs; and (7) USDA policymakers were not taking the lead in developing workforce planning guidance and initiating a system for monitoring individual

Findings

GAO found that: (1) USDA was experiencing problems in recruiting, training, and managing its personnel,

agencies' planning systems to ensure department-wide compatibility.

Open Recommendations to Agencies

Recommendation: To assist agencies in building a quality work force to meet current and future challenges, the Secretary of Agriculture should make work-force planning a mandatory agency activity.

Status: Action in process. Estimated completion date: 01/92. USDA has established a committee to address each recommendation. The committees are meeting on a regular basis and plan to implement the recommendation. Committee proposals have been approved by the Secretary. Presently,

the department is working on linkage among agencies.

Recommendation: To assist agencies in building a quality work force to meet current and future challenges, the Secretary of Agriculture should develop work-force planning guidelines to, at a minimum, include the elements described in this letter to ensure that agency-level plans are well developed and provide consistent and uniform agency-wide data.

Status: Action in process. Estimated completion date: 01/92. USDA has established a committee to address each recommendation. Committees are meeting on a regular basis and plan to implement the recommendations. Committee proposals have been approved by the Secretary. Presently,

the department is working on linkage among agencies.

Recommendation: To assist agencies in building a quality work force to meet current and future challenges, the Secretary of Agriculture should identify resources within the Office of Personnel to develop a work-force planning framework and to carry out monitoring activities.

Status: Action in process. Estimated completion date: 01/92. USDA has established a committee to address each recommendation. Committees are meeting on a regular basis and plan to implement the recommendations. Committee proposals have been approved by the Secretary. Presently, the department is working on linkage among agencies.

FDA Drug Review: Postapproval Risks 1976-1985

PEMD-90-15, 04/26/90 GAO Contact: Kwai-Cheung Chan, (202)275-3092

Background

Pursuant to a congressional request, GAO assessed postapproval risks for drugs approved by the Food and Drug Administration (FDA) between 1976 and 1985, focusing on: (1) serious risks that arose after FDA marketing approval; and (2) whether the drugs and the review process contributed to those risks.

Findings

GAO found that: (1) between 1976 and 1985, FDA approved 198 drugs, and 51.5 percent of those drugs had serious postapproval risks; (2) FDA deemed all but six of the drugs to have benefits that outweighed their risks; (3) due to serious adverse reactions to certain drugs, FDA substantially changed the labelling for some of the drugs; and (4) the number of

serious postapproval risks was small compared to the number of adverse reactions that had been identified at the time of approval.

Open Recommendations to Agencies

Recommendation: The Commissioner, FDA, should establish formal systematic procedures to ensure that serious risks identified after a new drug has been approved are evaluated and used to enhance premarketing review of clinical trials and postmarketing surveillance of adverse reactions. GAO believes that such procedures would contribute to better and more timely labelling, in both the review process and postmarketing surveillance.

Status: Action not yet initiated.

Recommendation: For developing a system for capturing and analyzing postapproval risk information, GAO suggests that FDA should make an effort to introduce more quantitative risk analysis methods. To support such methods, the following kinds of information would be needed about a given drug: (1) the number of people exposed to the drug; (2) the proportion likely to be affected by the risk either for the general population or for specific subpopulations; (3) indicators reflecting the relative significance of fatalities and morbidity (including hospitalization, prolonged hospitalization, and permanent or temporary disability); and (4) the time period over which the population is exposed to the risk.

Status: Action not yet initiated.

Federal Timber Sales: Process for Appraising Timber Offered for Sale Needs to Be Improved

RCED-90-135, 05/02/90 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the Forest Service's and Bureau of Land Management's (BLM) process for appraising timber offered for sale.

Findings

GAO found that: (1) BLM and the Forest Service used the transaction evidence appraisal method to advertise timber sales because the method better estimated the timber's fair market value; (2) two of the Forest Service's main timber-producing regions used the residual value method because of limited staff resources and outdated data; (3) Forest Service regions received limited guidance and oversight from headquarters in implementing the appraisal method; (4) regions reduced their appraisal estimates to stimulate competition and compensate for any price inaccuracies; and (5) the Forest Service did not have adequate internal controls over the timber appraisal process. GAO also found that: (1) neither appraisal method ensured a minimum selling price that would adequately protect the government's interest and enhance revenues; and (2) BLM and the Forest Service advertised their fiscal

year 1988 timber sales for less than the costs of preparing and administering the sales.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should direct the Chief, Forest Service, to improve its timber process by improving the guidance to regions on developing and maintaining timber appraisal systems.

Status: Action in process. Estimated completion date: 10/92. Draft policy and standards were developed and will be included in training manuals, the Code of Federal Regulations, and the Forest Service handbook to be completed in late 1991.

Recommendation: The Secretary of Agriculture should direct the Chief, Forest Service, to improve its timber appraisal process by requiring routine headquarters monitoring of how well regional appraisal systems are approximating fair market value.

Status: Action in process. Estimated completion date: 10/92. Regional foresters will be required to certify forest performance. The system of review of 2400-17s is being developed.

Recommendation: In order to establish bid prices that better approximate fair market value, the Chief, Forest Service, should direct Regions 5 and 6 to switch to the transaction evidence appraisal method.

Status: Action in process. Estimated completion date: 10/92. Regions 5 and 6 are developing transaction evidence appraisal systems.

Recommendation: The Secretary of Agriculture should direct the Chief, Forest Service, to consider all timber sales costs in establishing advertised prices for timber sales.

Status: Action not yet initiated.

Recommendation: The Secretary of Agriculture should direct the Chief, Forest Service, to adopt the formal decisionmaking process described in this report as an integral part of its forthcoming guidelines and procedures regarding timber sales which do not recover costs.

Status: Action in process. Estimated completion date: 01/92. The Forest Service prepared draft formal below-cost guidelines on April 12, 1991. These guidelines are expected to be finalized in January 1992.

Geographic Information System: Forest Service Not Ready to Acquire Nationwide System

IMTEC-90-31, 06/21/90 GAO Contact: JayEtta Z. Hecker, (202)275-9675

Background

Pursuant to a congressional request, GAO assessed the Forest Service's plans to acquire a \$1.2-billion computer-based geographic information system (GIS) for its field sites nationwide.

Findings

GAO found that the Service: (1) was not ready to procure GIS nationwide; (2) did not analyze a full range of alternatives or adequately analyze alternatives for integrating GIS into its operations; (3) made assumptions that limited the alternatives it considered, and did not analyze the organizational impact of the alternatives; (4) did not estimate the dollar value of specific benefits it expected to achieve from GIS; and (5) did not adequately define its information and system performance needs. GAO believes that there is an increased and

unnecessary risk that GIS will not result in a cost-effective system.

Open Recommendations to Agencies

Recommendation: In order to reduce the risk that GIS may not satisfy mission needs, the Secretary of Agriculture should direct the Chief, Forest Service, to evaluate the feasibility, costs, benefits, and organizational impact of alternatives, including selective placement of GIS capabilities and associated analytical resources, to achieve mission-based objectives. The Service should demonstrate that the benefits of the selected alternative exceed projected costs.

Status: Action in process. The Forest Service contracted with the MITRE Corporation to conduct the congressionally directed review. MITRE is currently making its assessment and

examining existing documentation, analyses, and studies. This is expected to be completed in late 1991.

Recommendation: In order to reduce the risk that GIS may not satisfy mission needs, the Secretary of Agriculture should direct the Chief, Forest Service, to develop a more comprehensive functional requirements analysis that includes sources, flow, timing, accuracy levels, validation, and performance requirements for processing a complete range of data that include planned as well as existing data sources.

Status: Action in process. The Forest Service contracted with the MITRE Corporation to conduct the congressionally directed assessment. MITRE is currently making its assessment and examining existing documentation, analyses, and studies. This is expected to be completed in late 1991.

Food Safety: Issues USDA Should Address Before Ending Canadian Meat Inspections

RCED-90-176, 07/06/90 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed the Food Safety and Inspection Service's (FSIS) inspection procedures for Canadian meat, focusing on: (1) the process FSIS uses to determine that the Canadian inspection

system meets U.S. standards; (2) how current border inspection procedures differ from past procedures; (3) how changes in border inspection procedures between 1988 and 1989 affected the rejection rate, and how rejection rates are used to manage the import inspection program; and (4) whether U.S.

plants exporting meat to Canada are receiving satisfactory treatment under the Canadian import inspection system.

Findings

GAO found that: (1) in January 1989, FSIS implemented streamlined

inspection procedures for Canadian meat to ease its entry into the United States; (2) according to FSIS inspection data, rejection rates for Canadian meat were higher in 1989 than in 1988; (3) FSIS did not require a foreign country's controls and practices to be identical to those in the United States; (4) documentation in FSIS files was not adequate to independently review how FSIS determined the Canadian system's equivalency; and (5) FSIS would have to decide whether adequate import controls

would ensure the wholesomeness of Canadian meat.

Open Recommendations to Agencies

Recommendation: As part of the process for deciding whether to go forward with an open border test, the Secretary of Agriculture should direct the Administrator, FSIS, to investigate, as part of the equivalency review, the

reasons for the high rejection rates in 1989.

Status: Action not yet initiated.

Recommendation: As part of the process for deciding whether to go forward with an open border test, the Secretary of Agriculture should direct the Administrator, FSIS, if the open border test is approved, to incorporate into the evaluation plan an assessment of the impact of an open border on food safety.

Status: Action not yet initiated.

Farmers Home Administration: Changes Needed in Loan Servicing Under the Agricultural Credit Act

RCED-90-169, 08/02/90 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed the Farmers Home Administration's (FmHA) implementation of the debt servicing requirements under the Agricultural Credit Act of 1987.

Findings

GAO found that: (1) in January 1988, FmHA estimated that delinquent borrowers were past due on about \$9.6 billion in principal and interest payments; (2) FmHA borrowers who acted in bad faith were not eligible for the primary loan servicing options, but were eligible for net-recovery-value buy-out; (3) FmHA used the same servicing process for borrowers who acted in bad faith that it used for other borrowers in determining eligibility for restructuring and net-recovery-value buy-out; (4) borrowers could obtain additional loans at the same time their delinquent debt was being restructured; (5) FmHA did not include assets that were not pledged

as security for FmHA debts when computing the type and amount of debt relief for delinquent borrowers; (6) the debt reduction provisions apply only to borrowers who default on their loan payments, causing an incentive for nondelinquent borrowers to intentionally become delinquent; and (7) FmHA may be unable to deny servicing to borrowers who intentionally become delinquent.

Open Recommendations to Congress

Recommendation: In order to improve the quality of loans in the FmHA farmer loan program portfolio and the results of the FmHA debt servicing actions, prevent FmHA borrowers from repeatedly obtaining debt relief, promote fiscal accountability by FmHA borrowers, and limit the amount of debt relief provided to borrowers who receive primary loan servicing and net-recovery-value buy-out, Congress should amend the Agricultural Credit Act of 1987 (Public Law (P.L.) 100-233, January 6,

1988). This can be done by enacting provisions similar to sections 5 and 6 of H.R. 4077, which provide limitations on the net-recovery-value buy-out and restructuring options of the Agricultural Credit Act.

Status: Action in process.

Recommendation: To make it clear that bad-faith borrowers can not receive debt relief benefits and to discourage other borrowers from acting in bad faith, Congress should amend the Agricultural Credit Act of 1987 (P.L. 100-233, January 6, 1988). This can be done by enacting provisions similar to sections 2 and 5 of H.R. 4077, which require borrowers to act in good faith to be eligible to reacquire their farms through preservation servicing and to be eligible for net-recovery-value buy-out.

Status: Action in process.

Recommendation: Congress should amend the Agricultural Credit Act to require borrowers to act in good faith to be eligible to reacquire their farm

homestead through preservation servicing.

Status: Action not yet initiated.

Recommendation: To provide FmHA with authority to consider all assets of delinquent borrowers under consideration for debt reduction and to reduce the cost of debt write-downs and write-offs, Congress should amend the Agricultural Credit Act of 1987 (P.L. 100-233, January 6, 1988). This can be done by enacting a provision similar to section 4 of H.R. 4077, which allows FmHA to consider all assets of a borrower, other than those necessary for family living or farm operating expenses, in determining the value of restructured loans.

Status: Action in process.

Recommendation: Congress should amend the Agricultural Credit Act to allow FmHA to take into consideration

all assets of a borrower in determining the net-recovery-value buy-out amount.

Status: Action not yet initiated.

Congressional Action: The 1990 farm bill, which addresses most of the recommendations in this report, was signed into law in November 1990. FmHA is in the process of developing regulations to implement the 1990 farm bill provisions.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should direct the Administrator, FmHA, to revise existing regulations implementing the debt restructuring provisions of the Agricultural Credit Act to provide restructured borrowers with a 10-percent cash flow margin after servicing. This

margin should provide restructured borrowers with the minimum ability to meet unplanned expenses and equipment replacements.

Status: Action in process. The 1990 farm bill requires a 5-percent margin. FmHA is in the process of developing regulations to implement this requirement.

Recommendation: The Secretary of Agriculture should direct the Administrator, FmHA, to: (1) alert county offices that borrowers may intentionally become delinquent in an attempt to qualify for debt relief under the act; and (2) notify farmer program borrowers that intentionally causing delinquencies could disqualify them for debt relief under the act.

Status: Action not yet initiated.

Dairy Cooperatives: Role and Effects of the Capper-Volstead Antitrust Exemption

RCED-90-186, 09/04/90 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO provided information on the limited antitrust exemption provided to agricultural cooperatives under the Capper-Volstead Act, particularly as it pertains to the dairy industry.

Findings

GAO found that: (1) technological advances have improved dairy operations and expanded dairy farmers' marketing opportunities since enactment of the act; (2) federal milk price intervention through a dairy price support program and a milk marketing

order program reduced dairy farmers' risks; (3) many dairy herds remain relatively small, thereby limiting individual dairy farmers' bargaining strength; (4) the declining number of fluid milk processing plants has resulted in increased concentration of dairy farms over the past 60 years, and dairy cooperatives have played an increasingly important role in the milk industry; (5) the number of dairy cooperatives decreased from 2,458 in 1930 to 287 in 1988, in part due to mergers and consolidations; (6) although the percentage of marketing orders with over-order payments has been increasing over time, cross-sectional analyses

suggested no significant relationship between cooperative market power and over-order payments; and (7) while legislation required that cooperatives not abuse their antitrust exemption, the Department of Agriculture (USDA) conducted limited oversight of cooperatives.

Open Recommendations to Congress

Recommendation: Congress should closely monitor USDA actions and, if USDA does not initiate active monitoring of cooperative activities, Congress should consider assigning

regulatory responsibility for cooperative pricing activities to the Federal Trade Commission (FTC). If Congress assigns this responsibility to FTC, Section 20 should not be extended for subsequent fiscal years.

Congressional Action: Recommendation action is dependent on the success of actions taken by USDA. A period of monitoring of these actions is necessary

for Congress to determine whether other action is necessary.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should direct his contingency committee that oversees Capper-Volstead to actively monitor cooperative pricing activities.

Status: Action in process. USDA has proposed periodically reviewing available data to determine whether such data would indicate the exercise of market power through elevated prices. Action can not be considered complete until USDA has accomplished these reviews and GAO has had a chance to review them.

Information Resources: Management Improvements Essential for Key Agriculture Automated Systems

IMTEC-90-85, 09/12/90 GAO Contact: JayEtta Z. Hecker, (202)275-9675

Background

Pursuant to a congressional request, GAO reviewed the Department of Agriculture's (USDA) Agricultural Stabilization and Conservation Service's (ASCS) two major information resources management projects, focusing on: (1) the costs and schedule delays for the Grain Inventory Management System (GIMS) and Processed Commodity Inventory Management System (PCIMS); and (2) how ASCS monitored and managed disk capacity to determine upgrades for minicomputers in its county offices.

and the automation of unnecessary functions with no cost-saving potential; (4) poor contract management, interagency coordination, and some external factors contributed to system development problems; (5) since weaknesses existed in ASCS county office minicomputer disk capacity management, the ASCS request for \$258 million for future disk capacity requirements is based on current inefficient disk use; and (6) ASCS lacked reliable information to justify its request for interim computer equipment upgrades.

Open Recommendations to Agencies

Recommendation: Because of the management and oversight problems evident in ASCS automation projects, the Secretary of Agriculture should direct the Administrator, ASCS, to improve project management and oversight for new information systems development or enhancement projects by ensuring that: (1) information needs are sufficiently identified to describe the

scope and magnitude of software systems projects before advancing to the development phase; and (2) project size and scope are reasonably controlled. **Status:** Action in process. ASCS has started training its senior managers, project manager, and other staff in project management methodology and software packages.

Recommendation: Because of the management and oversight problems evident in ASCS automation projects, the Secretary of Agriculture should direct that the ASCS fiscal years 1990-1992 funding request for county office minicomputer upgrades, maintenance, software, and other equipment be reestimated and that any additional funding needed beyond the approximately \$26 million remaining in existing procurement authority be contingent upon correcting the flaws in ASCS forecasting to more accurately estimate equipment upgrade needs. **Status:** Action in process. ASCS has corrected flaws in its forecasting model used for estimating future equipment needs. ASCS is preparing a revised

Findings

GAO found that: (1) current cost estimates for the two commodity inventory systems amounted to approximately \$62 million, almost nine times the initial estimate of \$7 million; (2) ASCS misjudgment of user requirements resulted in its underestimation of both systems' size and scope; (3) the lack of management control over system design changes resulted in increased system complexity

estimate for fiscal years 1990-1992 funding using the new model.

Recommendation: Because of the management and oversight problems evident in ASCS automation projects, the Secretary of Agriculture should direct that approval of ASCS requests

for county office minicomputer equipment procurement authority for fiscal year 1993 and beyond be contingent upon its implementing a more effective disk capacity management program, as verified by the USDA Office of Information Resources Management.

Status: Action in process. ASCS has developed manual and automated processes to better manage disk capacity. It is in the process of implementing these processes and revising its estimate of minicomputer disk capacity funding needs for fiscal year 1993 and beyond.

Plant Germplasm: Improving Data for Management Decisions

PEMD-91-5A, 10/10/90 GAO Contact: Kwai-Cheung Chan, (202)275-3092

Background

GAO examined the Agricultural Research Service's (ARS) management of plant germplasm stores, focusing on: (1) ARS information collection and priority setting for germplasm management activities; (2) conditions that affect species' long-term survival; and (3) assessment of the effects of biotechnology applications.

Findings

GAO found that: (1) the information ARS gathered was often incomplete and not comparable across crops; (2) data provided by Department of Agriculture (USDA) crop advisory committees on crop vulnerability were often inadequate, since ARS provided neither funding nor detailed procedural guidance for collecting such data; (3) ARS determined germplasm priorities on the basis of information obtained from its own activities and the activities of outside groups, which often provided uncertain samples and noncomparable, inconsistent data; (4) ARS tried to fund at least the most important need of each crop advisory committee; and (5) ARS faced economic and political difficulties

in setting effective program priorities. GAO also found that conditions affecting crops' or species' long-term survival included: (1) the amounts and types of germplasm acquired by germplasm managers and other crop scientists; (2) locations of endangered plant species; (3) the condition of stored germplasm; (4) the amount, type, and availability of evaluation data and other information that described collected germplasm; (5) emphases on plant breeding and research programs with respect to objectives, rationale, and use of germplasm; (6) susceptibility and known resistance to disease, insects, pests, and other environmental stresses; and (7) the size of the genetic base of commercial crops and the range of genetic and species diversity. GAO believes that the use of its developed framework, which provides for the collection of data regarding survival influences and which suggests how such information can be analyzed, would allow ARS to collect uniform, comparable data on any crop, genus, or species.

Open Recommendations to Agencies

Recommendation: The Administrator, ARS, should determine which crops would most benefit from the full implementation of the GAO-proposed methodology, or a similar one that incorporates the same basic concepts, and implement it for those crops (perhaps four or five related crops in the first year). Although the costs associated with the survey implementation will probably compete for germplasm program funds, GAO believes that the methodology can supplement or replace current data collection efforts. Therefore, the survey costs will be at least partially offset by the valuable information obtained and the resulting effect on decisionmaking.

Status: Action in process. USDA is coordinating with Crop Advisory Committee chairmen to implement the GAO method. Currently, one committee is implementing the GAO method with its crop. Pursuant to the results of this demonstration and the availability of resources, further implementation is expected. The Denver Regional Office is providing technical assistance for these efforts.

U.S. Department of Agriculture: Strategic Marketing Needed to Lead Agribusiness in International Trade

RCED-91-22, 01/22/91 GAO Contact: John Harman, (202)275-5138

Background

GAO reviewed the Department of Agriculture's (USDA) management of marketing strategies to support its role in the changing international marketplace.

Findings

GAO found that: (1) the USDA production-oriented philosophy was not well suited for providing marketing leadership; (2) policymakers were attempting to reduce or eliminate trade barriers and create a flexible farm program to allow farmers to make planting decisions on the basis of consumer needs; (3) the United States spent significantly more on developing and promoting high-value agricultural products than most of its competitors and received less return on its marketing investment; (4) USDA lacked the proactive marketing programs and activities necessary to assist agribusiness in developing more effective marketing practices; (5) the four USDA agencies with trade management responsibilities sharply differed in strategic marketing perspectives, professional skills, and degree of interagency coordination; (6)

USDA lacked a departmentwide strategic marketing plan; and (7) the Foreign Agricultural Service (FAS) believed that the USDA management-by-objectives system's utility would remain limited without strong top management support and improved interagency coordination.

Open Recommendations to Agencies

Recommendation: To create an organizational environment in which strategic marketing can be adopted, the Secretary of Agriculture should convene a forum of USDA trade-related agencies to develop a coordinated strategic plan for implementing the USDA management-by-objectives initiative to expand both foreign and domestic markets.

Status: Action in process. FAS is the lead agency in preparing a departmental, multi-year agricultural trade strategy to promote exports.

Recommendation: To create an organizational environment in which strategic marketing can be adopted, the Secretary of Agriculture should direct the USDA trade-related agencies to

adopt a strategic marketing perspective in their mission statements.

Status: Action in process. FAS and the Agricultural Marketing Service are currently developing strategic plans.

Recommendation: To create an organizational environment in which strategic marketing can be adopted, the Secretary of Agriculture should encourage USDA trade-related agencies to achieve greater diversity of international agribusiness and marketing staff skills when addressing work-force planning.

Status: Action in process. FAS has expanded its recruiting efforts to include specialists in international economics, marketing, and business administration, as well as agricultural economics. The trade-related agencies' strategic plans will include an evaluation of staff skills needed.

Recommendation: The Secretary of Agriculture should develop an integrated departmentwide strategic marketing plan.

Status: Action in process. FAS is the lead agency in preparing a departmental, multi-year agricultural trade strategy to promote exports.

U.S. Department of Agriculture: Farm Agencies' Field Structure Needs Major Overhaul

RCED-91-9, 01/29/91 GAO Contact: John Harman, (202)275-5138

Background

GAO provided information on the Department of Agriculture's (USDA) management operations and practices, focusing on identifying incremental and structural ways to improve the overall management of the decentralized USDA field structure.

Findings

GAO found that: (1) although USDA initiated many agency-specific programs to improve government financial management, enhance productivity, and provide better service through technological innovation, procurement reform, and the effective management of government operations, it did not aggressively pursue field office collocation, consolidation, or reorganization; (2) USDA could make incremental improvements compatible with its existing field structure by collocating farm service agencies, and could save millions of dollars through resource sharing at collocated sites; (3) USDA neither tracked cost savings achieved through initiatives at collocated sites nor vigorously promoted additional initiatives at collocated offices; (4) consolidation of local office operations could result in additional cost savings and the same or more efficient service delivery; (5) farm agency managers believed that the benefits provided by incremental measures only marginally affected existing operations; (6) USDA believed that task force recommendations to integrate farm agencies nationally were too difficult to implement locally; (7) some efforts to

coordinate farm programs at collocated sites were not successful and could cost the federal government millions of dollars in improper payments; and (8) many state and local food and agriculture councils were unable to coordinate field activities.

Open Recommendations to Congress

Recommendation: Congress should consider working with USDA to take greater advantage of opportunities to consolidate local offices where farm clients may be served through a multicounty operation as or more efficiently and at less cost to the U.S. taxpayer.

Status: Action in process.

Recommendation: Now that Congress has completed its work on the 1990 farm bill, it should hold hearings to: (1) determine why USDA has not implemented its own task force's recommendations for integrating the farm agencies; and (2) explore the prospect of reorganizing those agencies in conjunction with congressional deliberations on the program and policy provisions of the 1995 farm bill.

Status: Action in process.

Open Recommendations to Agencies

Recommendation: To encourage collocated offices to provide convenient service to farmers and rural residents at the least cost to USDA, the Secretary of Agriculture should implement the

necessary management controls to ensure that: (1) cost-savings data are maintained on resource-sharing initiatives undertaken at each collocated office; and (2) the potential for additional cost savings at those locations is reported annually through the food and agriculture councils to the Secretary. The state and local food and agriculture councils should then work with USDA top management to develop strategic plans for implementing additional initiatives at the 2,040 USDA collocated offices nationwide.

Status: Action in process. USDA indicates that it will develop resource-sharing initiatives that should be undertaken at collocated offices. Food and agriculture councils will be requested to report annually on the status of resources at collocated offices.

Recommendation: To ensure that field office consolidations are undertaken where feasible in terms of cost savings and without disrupting program delivery, the Administrators of the Farmers Home Administration, Agricultural Stabilization and Conservation Service, and Soil Conservation Service, as well as other USDA agencies with significant field presence, should prepare annual reports to the Secretary of Agriculture and Congress identifying potential consolidation candidates on the basis of work loads and other relevant criteria. The Secretary should then use this information in working with Congress and other interested parties in carrying out consolidations.

Addressee: Department of Agriculture

Status: Action taken not fully responsive. The agency response is that farm field agencies continually pursue opportunities for consolidation. There was no mention of the annual report recommendation.

Addressee: Farmers Home Administration

Status: Action taken not fully responsive. The agency response is that

farm field agencies continually pursue opportunities for consolidation. There was no mention of the annual report recommendation.

Addressee: Soil Conservation Service

Status: Action taken not fully responsive. The agency response is that farm field agencies continually pursue opportunities for consolidation. There

was no mention of the annual report recommendation.

Addressee: Agricultural Stabilization and Conservation Service

Status: Action taken not fully responsive. The agency response is that farm field agencies continually pursue opportunities for consolidation. There was no mention of the annual report recommendation.

Food Safety and Quality: Stronger FDA Standards and Oversight Needed for Bottled Water

RCED-91-67, 03/12/91 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO assessed the adequacy of the Food and Drug Administration's (FDA) bottled water standards, focusing on the: (1) effectiveness of the FDA oversight program; (2) regulation of drinking water sold in interstate commerce; and (3) reliability of terms and graphics used on bottled water labels.

Findings

GAO found that FDA: (1) did not comply with the Federal Food, Drug, and Cosmetic Act's (FFDCA) requirement for timely action on setting maximum levels for bottled water quality standards; (2) exempted mineral water from those standards; (3) and some state regulators were not required to test for contaminants in bottled and mineral water which could have levels of potentially harmful contaminants not allowed in public drinking water; (4) did not make full use of state inspection and test results and could not ensure that bottlers and bottled water products met existing federal regulations and standards; (5) tested for 5 or fewer of 31

contaminants for which there were standards in 94 percent of the tests GAO reviewed; (6) did not have a complete inventory of bottlers, and lacked jurisdiction to inspect foreign bottling operations; and (7) could improve its oversight of bottled water firms and products by routinely using state inspection and testing results.

Open Recommendations to Congress

Recommendation: Given the FDA history of delays in setting bottled water standards within legislatively required time frames and in view of the additional standards the Environmental Protection Agency (EPA) plans to promulgate in the next few years, Congress may wish to revise section 410 of FFDCA to provide that primary public drinking water standards apply automatically to bottled water after 180 days unless FDA publishes in the Federal Register its reasons for a delay or an exemption from such standards. Alternatively, Congress might authorize EPA to set quality standards for all drinking water.

Congressional Action: Congress does not intend to act until FDA has the opportunity to take timely action on new EPA standards.

Open Recommendations to Agencies

Recommendation: To ensure the performance and reliability of required bottled water tests, the Commissioner, FDA, should seek legislation giving FDA specific authority to require domestic bottlers involved in interstate commerce and foreign bottlers to use laboratories that have been certified by federal or state agencies to analyze public drinking water or bottled water, or demonstrate that they can accurately test bottled water quality.

Status: Recommendation valid/action not intended. FDA believes requiring laboratory certification would be costly and not worth the benefits.

Recommendation: To ensure the performance and reliability of required bottled water tests, the Commissioner, FDA, should seek legislation giving FDA specific authority to require domestic

bottlers involved in interstate commerce and foreign bottlers to report to FDA the results of required chemical and radiological tests within 30 days, and violative results from all required tests within 48 hours.

Status: Recommendation valid/action not intended. FDA believes requiring bottlers to report test results would be burdensome and not worth the benefits.

Recommendation: The Commissioner, FDA, should revise FDA regulations to require that bottlers keep all self-monitoring records for at least 5 years, or since the last FDA inspection.

Status: Recommendation valid/action not intended. FDA believes requiring bottlers to keep records for at least 5 years would be burdensome and not worth the benefits.

Recommendation: To improve FDA oversight of bottled water, the Commissioner, FDA, should work with the states to routinely obtain state inspection and test results.

Status: Action in process. FDA agrees that greater use of state inspection results would improve oversight. FDA officials are working on a program to identify the reliability and availability of each state's inspection data.

Recommendation: To protect consumers from potentially contaminated bottled water, the Secretary of Health and Human Services should direct the Commissioner, FDA, to: (1) comply with section 410 of FFDCA, which requires timely setting of bottled water quality standards; and (2) develop and issue mineral water quality standards.

Status: Action in process. FDA is working to comply with section 410 of FFDCA and develop and issue mineral water quality standards. No time frame for completing these actions has been set.

U.S. Department of Agriculture: Improving Management of Cross-Cutting Agricultural Issues

RCED-91-41, 03/12/91 GAO Contact: John Harman, (202)275-5138

Background

GAO assessed the Department of Agriculture's (USDA) effectiveness in managing cross-cutting issues, focusing on ways to improve USDA management of such issues as: (1) food safety; (2) agricultural biotechnology; and (3) water quality.

Findings

GAO found that: (1) USDA lacked an approach for managing cross-cutting issues and management typically relied on ad hoc groups or individual agencies to develop policies and plans; (2) the three issues had narrowly focused or insufficiently defined policies and fragmented planning and monitoring efforts; (3) USDA instituted the Secretary's Policy Coordination Council to formulate departmental policy on issues requiring coordination across two

or more agriculture agencies or areas; (4) USDA implemented the President's management-by-objectives (MBO) system; (5) limited Council staff support and difficulties in defining Council, MBO, and other coordinating mechanisms' roles prevented USDA management from fully developing those initiatives into an integrated, comprehensive approach for managing multi-agency issues; (6) the lack of a comprehensive food safety policy and plan prevented the addressing of food safety concerns and duplicated efforts; (7) insufficient USDA guidance clarifying how agencies could balance researchers' and regulators' biotechnology views caused difficulties and delays in developing biotechnology research guidelines; and (8) the USDA broad water policy did not ensure agency actions.

Open Recommendations to Agencies

Recommendation: To develop a comprehensive and integrated approach for addressing cross-cutting issues, the Secretary of Agriculture should define clear and comprehensive goals and policies for all major cross-cutting issues to provide a basis for developing strategies for achieving the goals.

Status: Action not yet initiated.

Recommendation: To develop a comprehensive and integrated approach for addressing cross-cutting issues, the Secretary of Agriculture should strengthen coordination among USDA agencies by defining and clarifying the roles and relationships of the Policy Coordinating Council, USDA coordinating committees and offices, and the MBO system in setting policy,

planning and implementing activities, and monitoring progress.

Status: Action not yet initiated.

Recommendation: To develop a comprehensive and integrated approach for addressing cross-cutting issues, the Secretary of Agriculture should strengthen USDA monitoring and evaluation capability by integrating existing reporting and monitoring activities, such as the MBO system, the Policy Coordinating Council, and multi-agency committees.

Status: Action not yet initiated.

Recommendation: To develop a comprehensive and integrated approach

for addressing cross-cutting issues, the Secretary of Agriculture should enhance USDA capacity for strategic action by providing enough staff support for the Secretary's Policy Coordination Council to carry out its departmentwide responsibilities.

Status: Action not yet initiated.

Recommendation: To solve specific problems identified in food safety, biotechnology, and water quality, the Secretary of Agriculture should develop departmentwide food safety and agricultural biotechnology plans that articulate more specific USDA goals and policies. This effort could serve as the model for developing an integrated

departmental approach to managing cross-cutting issues.

Status: Action not yet initiated.

Recommendation: To solve specific problems identified in food safety, biotechnology, and water quality, the Secretary of Agriculture should expand the role of the USDA biotechnology committee to monitor and report on USDA overall progress in biotechnology. This expanded role could provide a model for other departmental efforts to create an integrated monitoring system.

Status: Action not yet initiated.

Forest Service: Better Reporting Needed on Reforestation and Timber Stand Improvement

RCED-91-71, 03/15/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO analyzed the reliability of the Forest Service reporting on national forest land: (1) needing reforestation or timber stand improvement; and (2) where reforestation or timber stand improvement activities have been successful.

Findings

GAO found that: (1) Service reports understated reforestation needs and did not always identify all needs resulting from forest fires and other natural disasters; (2) from fiscal years 1985 to 1990, reported reforestation needs rose from about 822,000 acres to over 1.2 million acres, while reported timber stand improvement needs decreased from 1.5 million to 1.2 million acres; (3)

the nine Service regions used several different methods to identify and report reforestation needs resulting from forest fires or other natural disasters; (4) each Service region followed its own criteria for defining timber stand improvement needs; and (5) none of the regions certified and reported all reforestation and timber stand improvement achievements, making it difficult for Congress to accurately assess the reforestation and timber stand improvement achievements.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should direct the Chief, Forest Service, to ensure that the additional guidance the Service is currently preparing on reforestation and

timber stand improvement needs instructs the regions to: (1) identify and report all reforestation needs resulting from forest fires or other natural disasters on a more consistent and timely basis; (2) identify and report all timber stand improvement needs on a more consistent and timely basis; and (3) report all timber stand improvement work planned for the coming year.

Status: Action in process. The agency concurred with the recommendation. Implementation is to be accomplished in late 1991.

Recommendation: The Secretary of Agriculture should direct the Chief, Forest Service, to improve guidance on the certification of reforestation achievements and permit forest technicians to certify those achievements.

Status: Action in process. The recommendation will be implemented in late 1991.

Recommendation: The Secretary of Agriculture should direct the Chief,

Forest Service, to improve guidance on the certification of timber stand improvement achievements and, in doing so, accept approvals of timber stand improvement contract payments as

certification of successful timber stand improvement achievements.
Status: Action in process. The recommendation will be implemented in late 1991.

Tongass National Forest: Contractual Modification Requirements of the Tongass Timber Reform Act

RCED-91-133, 03/28/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a legislative requirement, GAO reviewed the Department of Agriculture's compliance with the Tongass Timber Reform Act, focusing on the implementation of modifications to two long-term timber sale contracts to eliminate the contractors' competitive advantage over independent short-term contractors.

Findings

GAO found that: (1) the Forest Service made extensive revisions to the two long-term timber sale contracts, generally by adopting and modifying provisions from independent short-term timber sale contracts to meet the act's requirements; (2) all modifications to the long-term contracts, except purchaser road credits,

complied with the act's requirements; and (3) the modifications did not specify how the Service would perform environmental assessments or how large an area they would cover. GAO believes that: (1) although the contract modifications did not specify exactly how the Service would implement them, the modifications will require extensive additional effort on the part of the Service; and (2) the manner in which the Service implements the modifications will determine its compliance with the act's requirements.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should direct the Chief, Forest Service, to make the contract

modifications in purchaser road credits necessary to preclude the carrying forward of certain credits from one offering to another.

Status: Action not yet initiated.

Recommendation: The Secretary of Agriculture should direct the Chief, Forest Service, to add to the study required by section 301(e) a detailed description of the manner in which the Service will implement each requirement of section 301(c). In addition, the Secretary of Agriculture should include in the study an assessment of how the implementation actions would achieve the objectives of the act.

Status: Action not yet initiated.

Forest Service: Difficult Choices Face the Future of the Recreation Program

RCED-91-115, 04/15/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO provided information on the Forest Service's: (1) management of its recreation program; and (2) corrective actions in response to previous GAO recommendations.

Findings

GAO found that: (1) Service funding and staffing levels were not sufficient to bring recreational sites and areas up to Service plans and standards, resulting in a backlog of unmet needs; (2) despite its use of cost-sharing programs and volunteers to assist with maintenance and reconstruction work, the Service was unable to complete the needed work with the available resources; (3) the Service lacked uniform and consistent data on the condition of its recreational sites and areas or on its maintenance and reconstruction needs, making it difficult for Congress to fully assess the

future direction of the program; (4) the Service implemented actions to gather better data on the extent and severity of recreational sites and area conditions, enabling it to better manage the program and inform Congress of recreation program conditions and resource needs; (5) funding could be increased through appropriations, although that could be difficult in an era of fiscal constraint and competing demands; (6) the Service would require legislative changes to impose higher fees; (7) increasing the use of volunteers and cost-share programs could increase funds, but not to the level of the resources needed; (8) in lieu of funding increases, the Service could still meet its current maintenance standards if it reduced the number of sites and areas to be developed and maintained, but that action could further strain existing sites and areas due to increased use; and (9) the Service could lower its development and maintenance standards to more closely match the resources available,

but that could result in providing the public with a lower-quality recreational experience.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should direct the Chief, Forest Service, to develop a strategy to guide the future direction of its recreation program. This strategy should include recommendations on funding levels and sources, the number of sites and areas to be developed and maintained, and the standards to which those sites and areas should be maintained. The strategy should also describe the benefits, drawbacks, and costs associated with each alternative. **Status:** Action in process. Estimated completion date: 02/92. The Forest Service expects to complete its "America's Great Outdoors" initiative and strategy by February 1992.

Short-Term Forecasting: Accuracy of USDA's Meat Forecasts and Estimates

PEMD-91-16, 05/06/91 GAO Contact: Kwai-Cheung Chan, (202)275-3092

Background

Pursuant to a congressional request, GAO examined the accuracy of the Department of Agriculture's (USDA) short-term forecasts and estimates of meat production, prices, and inventories.

Findings

GAO found that: (1) between 1983 and 1988, overall bias error was less than 3 percent for all the USDA short-term cattle, hog, and broiler production and

price forecasts, and overall total error was less than 6 percent; (2) error rates were much higher and more varied when forecast accuracy was evaluated on an annual or monthly level instead of over a multiyear period; (3) droughts,

increased consumer demand for broilers, and the federal payment-in-kind, dairy diversions, and dairy termination programs affected the accuracy of USDA forecasts; (4) bias errors and total errors were relatively small for the National Agricultural Statistics Service's (NASS) estimates of cattle and hog inventories and broiler production between 1983 and 1989; (5) the use of other forecasts or estimates as benchmarks for comparison and analysis required some reconstruction, since historical information for other forecasts and estimates was not always retained or accessible; (6) the American Agricultural

Economics Association's production and price forecasts were more accurate than USDA forecasts of cattle production and cattle, hog, and broiler prices; (7) although benchmarks showed when improvement in forecast accuracy was needed, they did not indicate what should be done; (8) forecast errors could have implications for government policies, programs, and budget decisions; and (9) between 1983 and 1989, excess meat imports totalled 135.6 million pounds, because USDA used biased forecasts that underestimated actual production and imports.

Open Recommendations to Agencies

Recommendation: To improve meat production and price forecasts and estimates, the Secretary of Agriculture should direct the USDA World Agricultural Outlook Board and NASS to develop a process to more clearly identify, report, and correct bias errors when they occur and to provide better documentation of their procedures and assumptions.

Status: Action in process. USDA is presently implementing its plans for monitoring and evaluating short-term meat and poultry forecasts.

Forest Service: The Flathead National Forest Cannot Meet Its Timber Goal

RCED-91-124, 05/10/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO collected information on planned and actual amounts of timber offered for sale from the Flathead National Forest in northwestern Montana.

Findings

GAO found that: (1) the Forest Service fell short of its Flathead timber-offering goal for the last 5 years by about 37 percent; (2) the goal for timber sales in a forest plan may not exceed the allowable sale quantity (ASQ), the maximum amount that the forest can produce in perpetuity after giving balanced

consideration to other multiple issues in accordance with environmental standards; (3) the Flathead forest plan specified an ASQ of 500 million board feet (MMBF) for the first 5 years; (4) the Forest Service experienced difficulty in offering many proposed sales due to environmental organizations' concern over their effects on wildlife and water quality; (5) even if planned sales had met all environmental standards, the forest only had sufficient funding to prepare 443 MMBF; (6) the Flathead's continued inability to meet its original, unattainable ASQ-based goal will contribute to production cutbacks and mill closures as early as fiscal year 1990;

and (7) Flathead officials have no immediate plans to revise the present 10-year forest plan ASQ.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should direct the Chief, Forest Service, to revise the allowable sale quantity and related future goals for Flathead National Forest timber offerings as soon as possible.

Status: Recommendation valid/action not intended. The agency disagrees with the recommendation.

Food Distribution Program: USDA's Canned Beef and Pork Can Be Improved

RCED-91-81, 05/13/91 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed the quality of canned meat distributed by the Department of Agriculture (USDA) through its food distribution program, focusing on: (1) perceived product acceptability; (2) comparability to other similar federal and commercial products; (3) quality assurance procedures; (4) procurement standards and specifications; and (5) alternatives for aesthetic or other product improvements.

Findings

GAO found that: (1) although state distributing agencies generally accepted both the canned beef and pork items, they indicated dissatisfaction with the presence of such objectionable material

as blood vessels, connective tissue, and tendons; (2) USDA received complaints regarding other unappealing canned beef and pork characteristics, such as fat and salty taste; (3) canned beef and pork included 99 percent meat, of which no more than 18 percent could be fat, and up to 1 percent added salt; (4) USDA allowable fat content in its canned beef and pork was less than that of retail fresh lean ground beef, and the salt levels in other retail products were both lower and higher than they were in USDA canned beef and pork; (5) USDA inspected its canned beef and pork for wholesomeness under the same procedures it used for all meats intended for interstate trade; and (6) USDA could employ a number of alternative product specifications and processing methods to improve both products' appearance.

Open Recommendations to Agencies

Recommendation: To improve the physical characteristics of USDA canned beef and pork, the Secretary of Agriculture should revise product labels in conjunction with the Food and Drug Administration's nutrition labelling initiative to improve the content description and include nutrition information on the cans.

Status: Action in process. USDA agrees that new labels can improve its canned meat products. New labels are being prepared that will include an explanation on removal of fat, and that products are fully cooked in their own juices, and a ready-to-use recipe.

Agricultural Trade: Cooperator Conflict of Interest Regulation Needs Strengthening

NSIAD-91-217, 05/22/91 GAO Contact: Allan I. Mendelowitz, (202)275-4812

Background

Pursuant to a congressional request, GAO reviewed whether the U.S. Department of Agriculture's (USDA) conflict-of-interest regulation for the Cooperator Foreign Market Development Program, and the restructuring of the Purebred Dairy Cattle Association's International Marketing Development Council (IMDC) effectively addressed

conflict-of-interest situations for individual exporters.

Findings

GAO found that: (1) the association established IMDC to serve as the dairy livestock cooperator in the Cooperator Foreign Market Development Program, to develop international markets for U.S. dairy genetics; (2) the USDA

Foreign Agricultural Service (FAS) enacted regulations to prevent conflicts of interest by dairy livestock breeder organizations operating private for-profit export subsidiaries while participating in government-funded market development activities; (3) the regulations prohibited cooperators from exporting the agricultural commodities they promoted with project funds and using program

activities to promote private interests or conduct private business; (4) the regulations established sanctions for violations, but applied only to the cooperators and not their members; (5) since IMDC relied on a staff of its members to carry out its foreign market development activities, the potential for IMDC members to promote their interests while acting as cooperator staff existed; (6) FAS did not apply the export prohibition to individual cooperator members, since the loss of their export activities could result in decreased program funding, loss of expertise in developing market development

programs, and the loss of skilled staff able to demonstrate the uses of U.S. products overseas; and (7) the IMDC manual did not state what would happen if members failed to comply with FAS directives while conducting overseas market development activities.

Open Recommendations to Agencies

Recommendation: To ensure that cooperators effectively implement the conflict-of-interest regulation, since the current regulation does not specifically address sanctions for noncompliance by

members, the Secretary of Agriculture should direct the Administrator, FAS, to require that the cooperators establish: (1) appropriate internal controls to ensure that members of cooperators comply with the regulation; and (2) procedures specifying sanctions when members do not comply. These sanctions should include withholding member reimbursement for expenses and declaring members ineligible for continued participation in the program. **Status:** Action in process. Guidelines reflecting this change are being converted to regulations which should be finalized in the next 2 months.

Disaster Assistance: Problems in Administering Payments for Nonprogram Crops

RCED-91-137, 06/28/91 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed the Department of Agriculture's procedures for administering disaster assistance to crop producers that did not have federal price supports, focusing on the: (1) Agricultural Stabilization and Conservation Service's (ASCS) effectiveness in verifying producer-provided data; (2) methodology and supporting data state ASCS offices used to establish payment rates and expected nonprogram crop yields; and (3) difference between the levels of disaster payments provided and estimated production costs incurred.

Findings

GAO found that: (1) ASCS was unable to verify many of the producers' data on types of crops grown, numbers of acres planted, and actual crop production

harvested, primarily because disaster assistance legislation was not enacted until August of each year, and by the time the producers submitted their loss claims the evidence had generally been harvested and sold, or plowed under and destroyed; (2) ASCS lacked assurance that the \$1.8 billion in payments it made to producers of nonprogram crops were accurate and free from fraud, waste, and abuse; (3) adequate controls needed to verify producers' data may not be cost-effective to implement, since obtaining and verifying producers' crop data would be costly and still not ensure their accuracy; (4) in the 4 states GAO visited, about one-third of the payment rates and expected yields established on 378 nonprogram crops were based on the required 5 years of historical data; (5) since ASCS lacked legislative authority or funding to maintain historical data on payment rates and crop yields for nonprogram crops, efforts to establish

reliable rate and yield estimates for such crops will continue to be a problem for disaster assistance programs; (6) for 14 major nonprogram crops reviewed in 2 states, producers received disaster payments ranging from 80 percent to over 190 percent of costs incurred prior to harvest; (7) a legislative requirement that market-based payment rates be used as a basis for all payments led to unnecessarily high program costs for the federal government; and (8) although such excessive and inequitable disaster payments on nonprogram crops may encourage producers to change crop plantings in order to increase their payments, obtaining data on the cost of production for such crops would be costly.

Open Recommendations to Congress

Recommendation: If Congress continues to provide disaster assistance to producers of nonprogram crops, Congress should consider ways of ensuring payment integrity at reasonable costs. This could be done through legislation

that requires producers to keep historic production, cost, and sales records. Such records could then serve as a basis for determining the extent of disaster payments.

Congressional Action: The Food, Agriculture, Conservation, and Trade Act of 1990 continued disaster assistance

coverage for 1990 crop losses, and subsequent legislation extended coverage for 1991 crop losses. No funds have been appropriated, however, as of late 1991. Furthermore, the legislation does not specify what constitutes satisfactory evidence.

Crop Insurance: FCIC's Internal Controls on Safflower Coverage Must Be Improved

PEMD-91-27, 07/15/91 GAO Contact: Kwai-Cheung Chan, (202)275-3092

Background

GAO reviewed the Department of Agriculture's (USDA) response to allegations concerning the Federal Crop Insurance Corporation's (FCIC) management of California nonirrigated safflower crop insurance, focusing on internal control improvements FCIC could make in expanding coverage for existing crops or establishing new crop insurance programs.

Findings

GAO found that: (1) FCIC offered insurance in three California counties with a history of drought when it was unreasonable to expect the nonirrigated safflower crop to grow and allowed farmers to insure their crops more than once; (2) FCIC set the yield guarantee too high and the planting date too late in relation to normal precipitation in the area; and (3) the primary reasons for the incurred losses included weak internal

controls for expansion of county programs and FCIC inability to establish an actuarially sound program due to political pressure to offer insurance immediately. In addition, GAO found that, to improve internal controls, the FCIC compliance division recommended that the acting FCIC manager: (1) develop a realistic crop development and expansion program with specific responsibilities, as well as reasonable implementation time periods; (2) develop specific guidelines for establishing rates and yields for expansion as well as for new crop programs; (3) establish crop insurance committees comprising company representatives, FCIC representatives, and local agricultural experts to meet and comment on program proposals prior to implementation; and (4) develop procedures for follow-up and review of new expanded programs, using the field underwriting offices to the maximum extent possible to ensure that programs

are actuarially sound or to determine if such programs place FCIC at excessive risk. GAO also found out that, as of March 1991, FCIC had not implemented these recommendations.

Open Recommendations to Agencies

Recommendation: The Administrator, FCIC, should promptly evaluate the FCIC compliance division's recommendations and fully implement those that are needed as well as any other internal controls necessary to ensure that new and revised county crop programs are implemented in an actuarially sound manner.

Status: Action not yet initiated.

Recommendation: The Administrator, FCIC, should establish a specific implementation schedule.

Status: Action not yet initiated.

Nutrition Monitoring: Mismanagement of Nutrition Survey Has Resulted in Questionable Data

RCED-91-117, 07/26/91 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO examined the Human Nutrition Information Service's (HNIS) 1987-88 Nationwide Food Consumption Survey (NFCS), focusing on the: (1) methodological soundness of the 1987-88 survey; and (2) effectiveness of the Department of Agriculture's management of the contractor hired to conduct the survey.

Findings

GAO found that: (1) flaws in the methodology of the 1987-88 survey, deviations from the survey's original design, and lax collection and processing controls raised doubts about the quality of the data in the 1987-88 survey; (2) results from the survey were not representative of the U.S. population, since only 34 percent of the households in the basic sample provided individual intake data; (3) some households may have been discouraged by the length and complexity of the NFCS questionnaire and the absence of incentives to participate; (4) poor contract management contributed to cost overruns, delays, and the contractor's failure to complete certain contract tasks; (5) contract costs increased from \$6.2 million to \$7.6 million and contract completion was delayed by 2 years; (6) the contracting officer's representative frequently exceeded his authority by directing the contractor to forego certain

contract requirements and undertake unspecified work, and the contracting officer did not monitor the contract; and (7) the contractor did not complete key procedures required by the contract, which violated internal controls designed to protect the government from fraud, waste, and abuse.

Open Recommendations to Agencies

Recommendation: To address problems with the quality of the 1987-88 NFCS data, the Secretary of Agriculture should direct HNIS to disclose in all NFCS technical reports limitations that the expert panel finds in the NFCS basic sample data.

Status: Action not yet initiated.

Recommendation: To address problems with the quality of the 1987-88 NFCS data, the Secretary of Agriculture should direct HNIS to assess whether the data for the low-income sample were biased or otherwise poor in quality and, if so, disclose those limitations in all relevant technical reports.

Status: Action not yet initiated.

Recommendation: To minimize problems in future surveys, the Secretary of Agriculture, before requesting funds for another NFCS, should submit to Congress a report demonstrating that HNIS has developed efficient survey instruments and procedures that reduce

the burden on respondents, increase households' motivation to participate in NFCS, and meet essential data needs.

Status: Action not yet initiated.

Recommendation: To minimize problems in future surveys, the Secretary of Agriculture, before requesting funds for another NFCS, should submit to Congress a report describing a plan to ensure that the survey's data will be representative of the U.S. population.

Status: Action not yet initiated.

Recommendation: To minimize problems in future surveys, the Secretary of Agriculture, before requesting funds for another NFCS, should submit to Congress a report stating the steps to be taken and quality controls to be followed so that future surveys do not repeat the mistakes of the past.

Status: Action not yet initiated.

Recommendation: The Secretary of Agriculture should direct the Food and Nutrition Service and HNIS, in contracts for future surveys, to ensure that existing contracting procedures are followed and people are held accountable for carrying out their responsibilities. Particular attention should be given to contract planning, contract writing, compliance with the contracts' terms, and contract administration and monitoring by contracting officer's representatives and contracting officers.

Status: Action not yet initiated.

U.S. Department of Agriculture: Strengthening Management Systems to Support Secretarial Goals

RCED-91-49, 07/31/91 GAO Contact: John Harman, (202)275-5138

Background

GAO reviewed the Department of Agriculture's (USDA) financial, information, and human resources management systems to identify ways in which they could be improved.

Findings

GAO found that: (1) internal control and accounting weaknesses in USDA's financial management systems limit its capability to produce accurate financial information for its managers and report on the financial conditions of its programs, and increase the risk of mismanagement, fraud, waste, and abuse; (2) USDA lacks a senior department-level manager responsible for overseeing improvements in financial systems and plans for improving systems across agencies; (3) information systems do not provide USDA managers and decisionmakers with the critical information needed to enhance program operations; (4) without more attention to program managers' information needs, USDA-planned information resources management (IRM) expenditures of nearly \$4 billion over the next several years will only meet a limited number of managers' needs; (5) a lack of data-sharing between agencies, poor agency IRM plans, and limited IRM expertise compounded management information problems; (6) USDA recognizes the need for better information management, and has developed a strategic IRM plan to address those issues; (7) human resource management systems lack a comprehensive departmental approach to personnel issues, which prevents

USDA from addressing its work-force problems effectively; (8) USDA lack of central leadership and direction sometimes causes duplication of efforts by individual agencies carrying out work-force management activities; and (9) USDA has taken action to improve its management systems, but without strong central leadership and more solutions, those efforts will not adequately address underlying IRM weaknesses.

Open Recommendations to Agencies

Recommendation: To strengthen individual agency financial management, the Secretary of Agriculture should direct agency heads with major financial operations to: (1) establish an agency-level chief financial officer (CFO) position that reports directly to the agency head and has only financial management functions; and (2) provide the agency-level CFO with overall responsibility for an agency's financial management systems operation and improvement.
Status: Action not yet initiated.

Recommendation: To help develop better information for program management, the Secretary of Agriculture should charge the Office of Information Resources Management with responsibility for overseeing completion of the strategic IRM initiative.
Status: Action not yet initiated.

Recommendation: To help develop better information for program management, the Secretary of Agriculture should hold agencies accountable for adopting the IRM strategic planning initiative.
Status: Action not yet initiated.

Recommendation: To develop a strong work force that will meet current and future challenges in USDA, the Secretary of Agriculture and the Assistant Secretary for Administration should actively support the Office of Personnel as the central body responsible for ensuring a quality work force departmentwide by reaffirming the Office of Personnel's leadership role for human resource management departmentwide.

Addressee: Department of Agriculture
Status: Action not yet initiated.

Addressee: Department of Agriculture: Office of the Assistant Secretary for Administration
Status: Action not yet initiated.

Recommendation: To develop a strong work force that will meet current and future challenges in USDA, the Secretary of Agriculture and the Assistant Secretary for Administration should actively support the Office of Personnel as the central body responsible for ensuring a quality work force departmentwide by holding agency heads accountable for compliance with standards and personnel orders, such as mandatory use of the USDA training information system.

Addressee: Department of Agriculture
Status: Action not yet initiated.

Addressee: Department of Agriculture:
Office of the Assistant Secretary for
Administration

Status: Action not yet initiated.

Recommendation: The Secretary of
Agriculture should direct the Assistant
Secretary for Administration to establish

agency accountability for maintaining a
quality work force through tracking and
reporting of evaluations of program
effectiveness.

Status: Action not yet initiated.

Recommendation: The Secretary of
Agriculture should direct the Assistant

Secretary for Administration to assume
responsibility for addressing common
work-force problems in areas such as
training, recruiting, and work-force
planning to avoid duplication and to
provide centralized services when most
efficient.

Status: Action not yet initiated.

Federal Agricultural Mortgage Corporation: Potential Role in the Delivery of Credit for Rural Housing

RCED-91-180, 08/07/91 GAO Contact: John Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO provided information on the: (1) Federal Agricultural Mortgage Corporation's (Farmer Mac) actions to establish a secondary market for rural housing loans, including the development of standards to govern the quality of those loans; (2) Farmer Mac's potential role in facilitating the delivery of credit for rural housing; and (3) barriers Farmer Mac may face in facilitating the delivery of credit for rural housing.

Findings

GAO found that: (1) Farmer Mac has taken the necessary steps to sponsor a secondary market for rural housing loans, including developing credit underwriting, repayment, and security appraisal standards to qualify loans for the rural housing portion of Farmer Mac I, but it has not yet guaranteed any securities backed by pools of loans; (2) Farmer Mac's potential role in facilitating delivery of rural housing credit depends upon its ability to compete with existing credit alternatives; (3) Farmer Mac's legislative restriction to rural areas could allow

rural lenders and the Farm Credit System institutions better access to the home mortgage secondary market than is now available; and (4) Farmer Mac has misinterpreted its property value limit to be \$200,000, which is not consistent with its authorizing legislation. GAO also found that problematic issues that could affect Farmer Mac's ability to sponsor a secondary market to rural lenders include: (1) an unknown loan volume, which could make it difficult for poolers to justify a continued commitment to the program; (2) uncertainty about the pricing of both the original mortgage and the securities sold in the secondary market; (3) the administrative burden for originators participating in a secondary market; (4) the potential inability of poolers to form networks of lenders to meet a legislative requirement for geographically diverse loan pools; and (5) regulatory requirements lenders will have to meet if they choose to retain a subordinated participation interest in the loan or in the related pool of loans.

Open Recommendations to Congress

Recommendation: In view of Farmer Mac's continuing position that it will accept loans for properties that exceed the \$100,000 limit, Congress, through its oversight process, may wish to take measures to ensure that Farmer Mac will adhere to the limit. Alternatively, Congress may wish to consider authorizing a higher limit and direct Farmer Mac to establish region-specific loan caps within this higher limit to accommodate varying housing costs nationwide and to ensure that only moderately priced properties are included in Farmer Mac I pools.
Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: The President and Chief Executive Officer of Farmer Mac should accept only eligible loans for properties that have a purchase price of no more than \$100,000 (adjusted for inflation) to be consistent with its authorizing legislation. If Farmer Mac believes that the \$100,000 limit on the purchase price of rural housing prevents

eligible borrowers in certain high-cost areas from participating in Farmer Mac I, it should prepare a justification for

increasing the limit and seek authorization from Congress to do so.

Status: Action not yet initiated.

USDA Commodity Forecasts: Inaccuracies Found May Lead to Underestimates of Budget Outlays

PEMD-91-24, 08/13/91 GAO Contact: Kwai-Cheung Chan, (202)275-3092

Background

Pursuant to a congressional request, GAO examined the Department of Agriculture's (USDA) long-term commodity forecasts used in the President's budget process, focusing on the: (1) accuracy of those long-term supply and utilization forecasts, referred to as baselines; and (2) effect that forecast inaccuracies could have on outlay estimates in the President's January 1990 budget submission.

Findings

GAO found that: (1) USDA baseline forecasts, particularly those made 3 to 5 years in advance, exhibited both large total error rates and consistent bias error components; (2) weather, macroeconomic factors, and program and policy assumptions contributed to baseline forecast inaccuracies; (3) USDA forecasts for the first 2 years tended to be more accurate than GAO benchmarks, but GAO benchmarks for the third through fifth years showed less bias error than the USDA forecasts; and (4) if the bias error exhibited in long-term forecasts for crop years 1981

through 1988 continued, and if the 1985 farm bill provisions had been extended, costs for the commodity programs could have been \$19.5 billion higher than estimated in the President's January 1990 budget submission.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should specifically direct the World Agricultural Outlook Board to measure and report forecast accuracy of 5-year baselines, as well as develop and report on benchmark forecasts.

Status: Action not yet initiated.

International Food Safety: Comparison of U.S. and Codex Pesticide Standards

PEMD-91-22, 08/22/91 GAO Contact: Kwai-Cheung Chan, (202)275-3092

Background

Pursuant to a congressional request, GAO compared current U.S. and Codex Alimentarius Commission pesticide standards to determine the potential implications of such differences for U.S. trade and food safety.

Findings

GAO found that: (1) key areas where differences existed between the Codex and U.S. processes for establishing pesticide standards include the mix of pesticides included in each system, the use of good agricultural practices, pesticide and commodity definitions, data availability and interpretation,

treatment of carcinogenic pesticides, and the use of dietary risk exposure assessments; (2) the Codex system includes about 170 pesticides and, when commodity groupings are converted to individual commodities, over 3,300 pesticide-by-commodity maximum residue limits (MRL), compared to over 400 pesticides and 8,500 pesticide-by-commodity MRL in the U.S. system; (3)

MRL cannot be directly compared in about two-thirds of the Codex cases because the United States either has no standard or standards are defined differently; (4) less than half of the one-third of the pesticide-by-commodity combinations that can be compared are numerically the same; (5) among pesticides that the Environmental Protection Agency (EPA) rated as possible carcinogens, the U.S. had lower MRL in 55 percent of the cases; (6) differences between U.S. and Codex MRL for major U.S. agricultural exports

and imports showed that the United States had lower MRL for about 20 percent and Codex for 37 percent of the pesticide-by-commodity combinations; (7) the potential for restrictions on exports and imports and greater consumer exposure to pesticide residues will remain as long as differences in pesticide standards exist; and (8) the United States needs to systematically review and assess existing pesticide-by-commodity standards to determine if harmonization improvements can occur.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, in cooperation with the Secretary of Agriculture, should conduct further analyses to: (1) determine the likely effects that differences in standards would have on health and trade interests of the United States; and (2) set priorities for determining the extent of the scientific basis for differences in pesticide standards.

Status: Action not yet initiated.

Housing and Community Development (370, 450)

Housing and Community Development

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Housing and Community Development

Issue Area Summary: Housing and Community Development

Impact of GAO's Work

Federal housing and community development efforts focus on two related goals: (1) to provide safe, affordable, and decent housing to all Americans and (2) to support and revitalize economically depressed urban areas. While our nation is generally considered to have the best-housed people in the world, a host of economic and social problems have thus far denied full attainment of our national housing goals. These problems are reflected in the widening gap between the demand and supply of affordable, low-income housing; steadily declining rates of homeownership, particularly among younger families; and continued problems with homelessness. Contributing to these problems is the spread of economically distressed communities and their attendant high unemployment rates and low family incomes.

To deal with these conditions, the federal government has established a broad array of programs spread throughout many federal agencies, namely the Department of Housing and Urban Development (HUD); the Department of Veterans Affairs (VA) (Housing Program); the Department of Agriculture (Farmers Home Administration); the Department of Commerce; the Small Business Administration (SBA); and the Federal Emergency Management Agency (FEMA) (Disaster Assistance Program). Together, these agencies had budget authority for over \$30 billion in fiscal year 1991.

Affordable Rental Housing

We have focused on the effectiveness of federal strategies for increasing rental housing opportunities and reducing rent burdens for low-income families and individuals. In response to our work in the area of achieving more efficient use of housing vouchers and certificates, the Congress urged HUD to propose only one kind of rental assistance subsidy program—either vouchers or certificates—but not both. HUD subsequently did this and the Congress passed the legislation in 1991. HUD is now developing plans to merge the two programs.

Also, in response to our work, HUD has (1) developed a new methodology for obtaining current rental market data for use in determining subsidy payment rates, (2) made its budgeting processes for tracking vouchers and certificates more consistent, (3) implemented procedures to better ensure cost containment in providing housing for the elderly under the section 202 program, and (4) revised and improved its requirements for determining the feasibility of when properties can be sold to residents.

Homeownership Assistance

We also have reviewed the effectiveness of federal efforts to help low- and moderate-income individuals and families purchase homes through direct, insured, and guaranteed loans. Our major work in this area has included reviews of growing federal housing inventories, the actuarial soundness of the Federal Housing Administration's (FHA) mutual mortgage insurance fund, VA's home loan guarantee program, the management of FHA's single family mortgage insurance program, actions taken by HUD in response to the "scandals" of 1989, and Federal Home Loan Mortgage Corporation's (Freddie Mac's) management of its multifamily housing loan portfolio.

In response to our work, the Congress enacted legislation that will put FHA's single family mortgage insurance fund on a more actuarially sound basis. In addition, HUD is developing improved procedures for monitoring the status of FHA single family mortgages and VA is developing procedures to determine the most cost-effective way to sell properties that it acquires into its housing inventory.

Homelessness

We also have assessed public and private strategies for alleviating the problem of homelessness, including federal programs providing (1) emergency food and shelter, (2) mental health care, (3) permanent and temporary housing, (4) job training and education, and (5) alcohol and drug abuse treatment.

Our major work included reviews of the use of excess federal real and personal property for the homeless, the effectiveness of the transitional housing program, barriers to implementing key legislation aimed at helping the homeless, and a review of the effectiveness of the single room occupancy program. As a result of our work, the Congress amended the legislation making federal real property more available to the homeless, FEMA acted to ensure more timely funding of emergency food and shelter for the homeless population it serves, and HUD and the Department of Education have improved their monitoring of homelessness programs under the McKinney Act.

Economic Development

We have reviewed the effectiveness of federal financial, procurement, and other assistance programs in developing small businesses and revitalizing economically depressed urban areas through community development block grants (CDBGs). In addition, we have assessed the adequacy of federal disaster assistance in aiding communities and residents devastated by hurricanes and other natural disasters.

Our major work in this area has included reviews of the SBA loan collateral program, SBA's program in support of Small Business Investment Corporations, the management of SBA's minority business loan program, HUD's monitoring of how CDBG funds are being used, Commerce's management of its Minority Business Development Program, and the federal response to Hurricane Hugo and the Loma Prieta earthquake. Our work in this area has led HUD to improve its procedures for monitoring CDBG usage and has led to improvements in disbursement and control of grants provided to promote minority business in the Department of Commerce.

Other Issues

Our major work on issues other than housing and community development involved determining the extent of rate increases in cable television rates, progress in converting to a metric system, determining whether universities were overcharging for federally sponsored research, management of the National Oceanographic and Atmospheric Administration's (NOAA) research fleet, and management of ground fisheries by the National Marine Fisheries Service. Our work has led to heightened interest in reregulating the cable television industry, congressional debate on the need to get better cost control on federally supported research expenditures at universities, and development of a long-term plan for better managing NOAA's research fleet.

Key Open Recommendations

We reviewed the impacts of subsidy "layering" in providing incentives for development and preservation of rental housing for low- and moderate-income families. The "layering" effect is due to the availability of both HUD program subsidies and tax code subsidies (credits) for developers. Our work found that the cumulative effect of these subsidies was greater than needed, resulting in increased costs to the government. We recommended that the Congress consider restricting the use of tax credits to the most needy areas. (GAO/RCED-90-168, see p. 409.)

Further Actions Needed on Key Open Recommendations

While the Congress has reauthorized the tax credit program for an additional year, it also has required states to develop tax credit allocation plans that are to include priorities for targeting tax credits. State allocation plans that will be developed in 1991 should reflect this new requirement and will provide a basis for assessing whether this alternative action satisfies our recommendation.

Products With Open Recommendations: Housing and Community Development

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	Homelessness: HUD's and FEMA's Progress in Implementing the McKinney Act (RCED-89-50)	406
	Housing Programs: VA Can Reduce Its Guaranteed Home Loan Foreclosure Costs (RCED-89-58)	407
	Public Housing: Planned Kenilworth-Parkside Sale Raises Issues for Future Transactions (RCED-90-26)	408
	Rental Housing: Inefficiencies From Combining Moderate Rehabilitation and Tax Credit Subsidies (RCED-90-168)	409
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Enterprise Zones: Lessons From the Maryland Experience

PEMD-89-2, 12/15/88 GAO Contact: Robert L. York, (202)275-5885

Background

Pursuant to a congressional request, GAO studied the enterprise zone program in Maryland to identify issues for the possible development of a federal program, focusing on: (1) program cost offsets; (2) employment growth; (3) program effects on workers; (4) reductions in welfare dependence; and (5) the effectiveness of tax incentives and other local development strategies.

Findings

GAO found that: (1) both Maryland and proposed federal legislation sought to establish zones to promote private investment in economically distressed areas; (2) program-related increases in

employment could lead to net increases in economic activity and program cost offsets; (3) the Department of the Treasury estimated that a federal program could cost \$4.75 billion over the first 6 years of operation and assumed that the program would redistribute, but not increase, economic activity; (4) the employment growth experienced in the three Maryland zones investigated was not attributable to the program, making cost offsets or reductions in welfare dependence unlikely; (5) participating employers were more likely to consider market access and site characteristics than such program benefits as relaxed regulatory practices, financial inducements, and government assistance; and (6) participating employers were more likely to be

influenced by financial incentives in making hiring and investment decisions.

Open Recommendations to Congress

Recommendation: The GAO assessment of the Maryland experience does not show that enterprise zones are effective. If Congress decides to introduce a federal program along those lines, the program should be a modest demonstration rather than the large effort proposed in several bills.

Congressional Action: As a result of GAO testimony, the Chairman of the House Committee on Ways and Means proposed enterprise zone legislation, H.R. 102-11, limited to a demonstration project with mandated GAO evaluation.

Rental Housing: Housing Vouchers Cost More Than Certificates but Offer Added Benefits

RCED-89-20, 02/16/89 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a congressional request, GAO provided information on the: (1) costs of the Department of Housing and Urban Development's (HUD) section 8 existing certificate and housing voucher programs; and (2) adequacy of HUD fair-market rents and their impact on tenant rent burdens.

Findings

GAO found that: (1) although the voucher and certificate programs had

the similar goal of subsidizing private rental housing, state and local public housing agencies computed rent subsidies differently for the programs, since vouchers provided incentives for finding the most suitable housing; (2) HUD use of inconsistent budgeting approaches resulted in its misleading contention that vouchers were less expensive than certificates and its proposal to replace certificates with vouchers; (3) vouchers were actually more costly than certificates, since they provided higher subsidies to families

renting units for less than the fair-market rent; (4) the higher cost of vouchers would result in fewer families being assisted with vouchers than with certificates; (5) HUD planned to refinance 780,000 certificates scheduled to expire over the next 12 years with vouchers, at a cumulative cost of \$9.6 billion more than if it refinanced them with certificates; and (6) fair-market rents did not always accurately reflect actual market rents, due to HUD use of outdated or regionally nonspecific data, resulting in oversubsidies, high rent

burdens, or difficulty in locating affordable units.

Open Recommendations to Congress

Recommendation: Congress should consider establishing one rental assistance subsidy program. In doing so, it would need to evaluate the merits and drawbacks of several features that distinguish vouchers from certificates and adopt those features that best satisfy the programs' legislative intent of providing decent, safe, and affordable rental housing.

Congressional Action: In the Cranston-Gonzalez National Affordable Housing Act, November 28, 1990, Congress made the voucher and certificate programs more similar by reinforcing the rent

reasonableness rule for vouchers and by allowing certain certificate holders to rent above the fair-market rent. Congress passed legislation in 1991 making the programs more similar. HUD plans to merge programs are not yet complete.

Open Recommendations to Agencies

Recommendation: The Secretary of Housing and Urban Development should identify areas within defined housing markets where fair-market rents appear to be too high or too low and make necessary, timely adjustments to the fair-market rents. In identifying these areas, the process of setting and adjusting fair-market rents should include an analysis of data from HUD

field offices on tenant rent burdens, utilization rates of certificates and vouchers, and available rental market subsidies. Through this identification process, the Secretary may find that some of these areas are large enough to warrant their consideration as separate fair-market rent areas.

Status: Action in process. HUD has developed a new methodology that uses telephone surveys to obtain current and accurate rental market data. HUD, however, has not used this methodology yet because of funding constraints. HUD also has efforts underway to collect voucher/certificate utilization rates and rent burden data. GAO is currently evaluating these efforts and other fair-market rent issues.

Homelessness: HUD's and FEMA's Progress in Implementing the McKinney Act

RCED-89-50, 05/11/89 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a legislative requirement, GAO evaluated the Federal Emergency Management Agency's (FEMA) and the Department of Housing and Urban Development's (HUD) disbursement and use of appropriations for homeless assistance programs.

Findings

GAO found that: (1) FEMA increased its ability to provide year-round funding for its Emergency Food and Shelter program by extending its spending period and establishing plans for grant approval and review for more timely distribution; (2) HUD was generally timely in reviewing and approving funds

for its programs, although it disbursed only a limited amount of funds due to lengthy funding periods, recipients working on a reimbursable basis, and lack of applications; (3) poverty and unemployment data used to allocate FEMA and HUD funds did not always reflect community needs; and (4) HUD distributed Emergency Shelter grant funds to communities in proportion to their homeless populations, including some communities with few homeless persons. GAO also found that a national survey of 1987 Emergency Food and Shelter program recipients indicated that: (1) recipients cited unemployment, low wages, decreases in available subsidized housing, and increased housing costs as significantly

contributing to homelessness; (2) 40 percent of grant recipients provided shelter, with 26 percent going to children under 16 years of age and 63 percent to 17- through 55-year-olds; (3) 70 percent of recipients believed that overall demand for services increased between 1987 and 1988; (4) 46 percent believed that FEMA funds enabled them to provide more assistance; and (5) 80 percent were satisfied with FEMA requirements and guidelines.

Open Recommendations to Agencies

Recommendation: The Secretary of Housing and Urban Development should ensure the completion of departmental

efforts to: (1) develop methods for measuring the success of the Supportive Housing Demonstration (SHD) Program in facilitating the movement of homeless persons to independent living within a reasonable amount of time; and (2) establish procedures for reviewing work done by those processing grant

applications to ensure that program guidelines are consistently interpreted and applied. **Status:** Action in process. HUD awarded a contract on April 1, 1991, for an evaluation of the SHD Program. The overall objective of the HUD evaluation is to develop a complete understanding

of the character and impacts of the supportive housing program. Information obtained from the evaluation will be used to develop methods for measuring the success of the program. HUD expects to complete action in late 1991.

Housing Programs: VA Can Reduce Its Guaranteed Home Loan Foreclosure Costs

RCED-89-58, 07/12/89 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a congressional request, GAO reviewed the Department of Veterans Affairs (VA) Home Loan Guaranty Program, focusing on: (1) program effects of Deficit Reduction Act requirements that limited estimated VA losses per foreclosed property to the amount of guaranty on each property, and increased the percentage of foreclosed properties that VA sold for cash; and (2) whether VA could improve the property acquisition and disposition process to reduce program costs.

Findings

GAO found that: (1) VA limited its estimated loss to the guaranty amount to meet the act's requirements, but did not estimate the interest costs of holding property in inventory until the property was sold; (2) VA could have reduced its costs by about \$16.6 million in 1987, if it had considered interest costs; (3) VA could also have reduced losses incurred from declines in property value and from cash discounts offered for property resale by about \$25 million in 1987; (4)

cash sales for acquired properties increased from about 5 percent prior to the act to about 34 percent in 1987; (5) to increase cash sales, VA gave preference to cash offers that were equal to or greater than 90 percent of the property's listed price; (6) although cash sales had benefits, VA could have offset those benefits in some cases where buyers were willing to pay more than the listed price if VA financed the mortgage loan; (7) VA used third-party bidding in only 5 percent of its foreclosure sales in 1987; (8) the use of third-party bidding at foreclosure sales precluded VA from using its resources to hold and resell property, which avoided substantial depreciation on property costs; and (9) VA did not buy the least expensive title insurance policies on foreclosed properties.

Open Recommendations to Agencies

Recommendation: To ensure that VA property acquisition and disposition procedures result in the best financial interests of the government, the

Secretary of Veterans Affairs should determine the cost-effectiveness of the VA policy of always giving preference to qualified cash offers over offers requiring VA financing as part of the VA study on cash-sale incentives. **Status:** Action in process. VA developed a procedure to determine the most cost-effective way of selling properties. Testing of the new procedure is completed. VA expects to implement new procedures, nationwide, by late 1991.

Recommendation: To reduce the costs of the loan guaranty program, the Secretary of Veterans Affairs should, to improve the property acquisition and disposition process, encourage VA offices to obtain from lenders assurance of good and marketable title through the least expensive means available. If VA offices continue to obtain title insurance policies, they should purchase the least expensive policies.

Status: Action in process. VA is revising the regulation and expects to issue a field circular implementing new requirements in late 1991.

Public Housing: Planned Kenilworth-Parkside Sale Raises Issues for Future Transactions

RCED-90-26, 12/01/89 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

GAO reviewed the District of Columbia's pending sale of the Kenilworth-Parkside public housing property to the Kenilworth-Parkside Resident Management Corporation, focusing on: (1) its plan to initiate resident management corporation (RMC) sales of individual units to tenants; (2) capital-producing approaches RMC could pursue after attaining ownership; and (3) the potential effects of RMC financial mismanagement.

Findings

GAO found that: (1) the District of Columbia's plan did not determine the ownership share price and tenant ownership feasibility or establish a planned cooperative for financing tenants' share purchases; (2) the Department of Housing and Urban Development (HUD) was developing evaluation guidelines for resident ownership applications; (3) legislation did not restrict RMC partnerships for generating tax credits or RMC use of the property as collateral, but did preclude subdividing and selling surrounding, undeveloped land; (4) if RMC defaulted on mortgage loans, lenders could

dissolve RMC and acquire property ownership, thus changing the property's low-income status; (5) funding for any property renovations and operations after RMC acquire ownership will come from existing HUD programs; and (6) legislative policies and procedures for implementing RMC ownership programs need further development.

Open Recommendations to Congress

Recommendation: If Congress decides to extend the resident ownership legislation beyond September 30, 1990, it may wish to consider providing more specific guidance regarding whether: (1) limits on the time RMC may hold a property before commencing unit sales are needed; (2) RMC should be able to use the property for capital-producing activities; and (3) a method is needed to ensure that decisions made by HUD regarding the distribution of funds from other HUD programs to fund public housing homeownership are equitable and in keeping with the tenant ownership intent of the legislation.

Congressional Action: HUD planned regulations for resident homeownership under Section 123 of the Housing and Community Development Act have not

yet been drafted. Legislation was passed which partially addressed these recommendations. Future legislative activity is possible.

Open Recommendations to Agencies

Recommendation: At a minimum, the Secretary of Housing and Urban Development should direct the Office of Resident Initiatives to revise its guidelines to require: (1) an assessment of the feasibility of ownership by the families residing in a public housing development before the sale of the property to RMC takes place; and (2) that the public housing authority be given the first right to repurchase the property by satisfying any lien on the property in the event RMC is unable to meet its financial obligations.

Status: Action taken not fully responsive. HUD has completed action on part one of the recommendation by making changes to applicable agency guidelines. HUD plans to include part 2 in regulations not yet drafted. This provision is included in the Kenilworth-Parkside contract for resident homeownership.

Rental Housing: Inefficiencies From Combining Moderate Rehabilitation and Tax Credit Subsidies

RCED-90-168, 06/19/90 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a congressional request, GAO provided information on the financial implications of combining subsidies under the Department of Housing and Urban Development's (HUD) Moderate Rehabilitation Program and the Department of the Treasury's Low-Income Housing Tax Credit Program.

Findings

GAO found that: (1) developers for the eight projects it reviewed realized cash proceeds that exceeded their costs for acquiring and rehabilitating the properties; (2) the proceeds ranged from about \$3,800 to \$13,700 per unit and

represented 11 to 34 percent of the projects' acquisition and development costs; (3) developers generated the proceeds by selling their ownership interests in the projects along with the related tax credits and combining them with mortgage loans secured by moderate rehabilitation rental subsidies; (4) federal housing resources were used inefficiently on the projects; (5) by combining rehabilitation subsidies and tax credits, developers received more assistance than needed to ensure the projects' financial viability or to compensate them for their limited financial risk; (6) the use of both programs was questionable because the projects were located in areas with ample vacant units; and (7) recent

legislative changes prohibited joint use of the programs.

Open Recommendations to Congress

Recommendation: Congress may wish to consider restricting the use of tax credits generally to areas where vacancy rates are low for suitable units renting at or below the area's fair market rents. Congress could further require that any deviation from this policy by a state credit allocation agency be documented and subject to review by an authorized representative of the federal or state government.

Congressional Action: Congress is reauthorizing the Low-Income Tax Credit Program for 1 year.

Small Business: Low Participation in Set-Aside Program Expected for Sheltered Workshops

RCED-90-192, 08/06/90 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a legislative requirement, GAO provided information on the impact of allowing sheltered workshops to compete for small business set-aside contracts.

Findings

GAO found that: (1) data on sheltered workshops' participation in the set-aside program in fiscal year (FY) 1989 were

not available; (2) the Office of Federal Procurement Policy (OFPP) received agencies' computer data, including information on set-aside contracts awarded to sheltered workshops in FY 1990; (3) federal agency officials said that they could not determine the level of sheltered workshops' participation in the small business set-aside program because federal data were not available; (4) officials from organizations that represented sheltered workshops said

that workshops' participation was minimal; (5) sheltered workshop officials believe that the program's authorizing legislation is a major factor contributing to the low participation levels; and (6) federal agency officials responsible for monitoring the small business set-aside program said many sheltered workshops did not know they were eligible to participate.

Open Recommendations to Congress

Recommendation: If greater participation in the small business set-aside program is to be achieved, Public Law 100-590 needs to be modified to reduce or remove some of the barriers. Specifically, Congress may wish to consider: (1) designating a federal agency responsible for informing sheltered workshops about the set-aside program

and providing training on how to bid on federal contracts; and (2) allowing items supplied by workshops under set-aside contracts to be transferred to the list of items supplied exclusively by workshops under the Javits-Wagner-O'Day Program. If desired, the total dollar amount of contracts that can be transferred could be limited to a portion of the annual ceiling imposed by the existing legislation.

Congressional Action: No congressional action has been initiated to address the matters for congressional consideration. The House Small Business Committee wants to let the program develop so that more data will be available before taking any action. Staff from the Senate Small Business Committee stated that there is no support in the Senate at this time to make the recommended changes.

Homelessness: Action Needed to Make Federal Surplus Property Program More Effective

RCED-91-33, 10/09/90 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a congressional request, GAO provided information on the availability of surplus federal property for use by the homeless under title V of the McKinney Homeless Assistance Act.

Findings

GAO found that: (1) between January and June 1990, the Department of Housing and Urban Development found that 52 percent of 7,666 properties reviewed for potential use by the homeless were suitable; (2) although suitable, some listed properties were not available for nonfederal use; (3) the Department of Defense's (DOD) planned military base closures could increase the number of properties available to homeless assistance providers; (4) current procedures allowed homeless assistance providers to apply for suitable surplus property that was not yet available for such use; (5) the General Services Administration's (GSA) temporary regulation concerning excess and surplus property did not state when

property would be made available to providers; (6) the lack of adequate program publicity made it difficult for homeless assistance providers to become aware of available federal properties; (7) since there was no comprehensive federal guidance on how to obtain federal properties, assistance providers could not go to one source to learn how the program worked; (8) the surplus property program limits some providers' ability to arrange financing to rehabilitate existing structures or build new structures, since the property must be leased; (9) such leases could expose the government to potential liabilities from litigation by persons harmed by property defects; and (10) local jurisdictions could seek compensation for costs associated with changing the property from federal use to a facility for the homeless.

Open Recommendations to Agencies

Recommendation: The Secretaries of Health and Human Services and Defense and the Administrator of

General Services should review and amend as necessary the leasing or permitting instruments for properties to be leased for the homeless under Title V of the McKinney Act to require that the lessee hold the federal government harmless for any injury that occurs on the property, inspect the premises, and repair all hazardous conditions before allowing the public to enter. In addition, for property other than base closure property, the lease should state that the federal government assumes no service charges or fees that may be requested for the homeless facility.

Addressee: General Services Administration

Status: Action in process. Estimated completion date: 03/92. GSA has prepared a regulatory bulletin to be published in the Federal Register advising federal agencies of GAO recommendations concerning the need for certain clauses in homeless leasing and permitting instruments. GSA intends to publish an amendment to 41 C.F.R. 101-47 which will prescribe comprehensive formats for leases and

permits in granting interim uses of government-owned excess property.
Addressee: Department of Health and Human Services
Status: Action in process. The Department of Health and Human Services Office of the General Counsel (OGC) is reviewing the lease document and will revise it, as appropriate, consistent with other laws and regulations. OGC has not established a time frame for completion of this action.
Addressee: Department of Defense
Status: Action in process. DOD concurs with the recommendation with the exception of requiring the agency to repair all hazardous conditions before allowing the public to enter.

Recommendation: In addition to lease amendments, the Secretaries of Health and Human Services and Defense and the Administrator of General Services should obtain evidence of current insurance coverage by the lessee.
Addressee: General Services Administration
Status: Action in process. Estimated completion date: 03/92. GSA has prepared a regulatory bulletin to be published in the Federal Register advising federal agencies of GAO recommendations concerning the need for certain clauses, including evidence of insurance, in homeless leasing and permitting instruments.

Recommendation: The Administrator of General Services, as federal property manager, should inform the heads of other landholding agencies about the need to review their leases or permits should any Title V property under their jurisdiction be applied for.
Status: Action in process. Estimated completion date: 03/92. GSA has prepared a regulatory bulletin to be published in the Federal Register advising federal agencies of GAO recommendations concerning the need for certain clauses in homeless leasing and permitting instruments.

Homelessness: Access to McKinney Act Programs Improved but Better Oversight Needed

RCED-91-29, 12/28/90 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a congressional request, GAO reviewed federal agencies' administration of 14 programs established by the McKinney Homeless Assistance Act, focusing on: (1) actions to eliminate or reduce barriers to obtain and use program funds; (2) program oversight; and (3) program expenditures.

Findings

GAO found that: (1) the Departments of Housing and Urban Development (HUD), Health and Human Services (HHS), Education, and Labor (DOL) eased such barriers as requiring matching funds, environmental reviews, and time limits for program expenditures, to help assistance providers in obtaining and using funds; (2) HUD and Education failed to

adequately monitor their programs; (3) the Federal Emergency Management Agency (FEMA), Education, DOL, and HUD had efforts underway to improve monitoring and to evaluate programs, while HHS continued to rely on states to monitor and evaluate two of its block grant programs; (4) the five agencies were evaluating the effectiveness of most of their programs, although the lack of consistent data on program operations made evaluations difficult; (5) the agencies expressed concern that assistance providers did not timely spend funds, since several recipients had not spent significant portions of their grants; (6) reasons for nonexpenditure included time needed to award contracts for major building renovations, the uncertainty of federal funding, and community resistance; and (7) HUD, HHS, and Education modified program

regulations, issued guidance, and proposed legislative changes to ensure the timely expenditure of program funds.

Open Recommendations to Agencies

Recommendation: The Secretaries of Housing and Urban Development and Education should develop specific guidelines, conduct regular on-site visits, and require financial audits for all their McKinney Act programs.
Addressee: Department of Housing and Urban Development
Status: Action in process. Estimated completion date: 05/92. HUD provided written monitoring guidelines and related training to field staff during the period April through July, 1991. Guidelines for public housing authorities

are under development with expected issuance by mid-1992.

Recommendation: The Secretary of Health and Human Services should determine whether it is appropriate to increase the level of monitoring for the two HHS McKinney Act block grant programs.

Status: Action not yet initiated.

Recommendation: The Secretaries of Housing and Urban Development, Education, Health and Human Services, and Labor, and the Director, FEMA, should evaluate the effectiveness of all their McKinney Act programs to assess whether they are working as intended and to identify needed changes. The Secretaries and the Director, FEMA, should also develop evaluation guidelines to help assistance providers develop, document, and report consistent

and comprehensive program data that can be used to evaluate the effectiveness of the programs.

Addressee: Department of Housing and Urban Development

Status: Action in process. Estimated completion date: 02/93. HUD has initiated contractor evaluations of two of its McKinney Act programs. These are scheduled for completion in November 1992 and February 1993. A subsequent GAO report, RCED-91-200, September 9, 1991, concluded one of these evaluations will not be totally effective. HUD has not initiated overall effectiveness evaluations of two other programs, but they are the subject of more limited reviews.

Addressee: Department of Education

Status: Action not yet initiated.

Addressee: Department of Health and Human Services

Status: Action in process. HHS plans to or has initiated effectiveness evaluations of its McKinney Act programs that are not administered as block grants to states. The estimated completion dates for most of these evaluations are unavailable at this time. HHS maintains that program evaluation is a state responsibility for its McKinney Act block grant programs.

Addressee: Federal Emergency Management Agency

Status: Action in process. FEMA: (1) provided the Office of Management and Budget with an evaluation of its Emergency Food and Shelter program on December 10, 1990; (2) is in the process of completing another report based on program data collected during 1990; and (3) is developing evaluation guidelines to assist in the evaluation of the program's effectiveness.

Housing for the Elderly: HUD Policy Decisions Delay Section 202 Construction Starts

RCED-91-4, 01/14/91 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a congressional request, GAO reviewed the Department of Housing and Urban Development's (HUD) processing of section 202 projects for constructing rental housing for the elderly and handicapped, focusing on: (1) increases in project processing time; (2) the need for additional sponsor contributions to cover project development costs; (3) field offices' interpretation of cost-containment requirements; and (4) field offices' program administration.

Findings

GAO found that: (1) the average processing time for section 202, from reservation of funds to construction start, increased from 19.3 months in 1980 to 26.8 months in 1988; (2) processing time varied significantly among HUD field offices; (3) local rental market surveys frequently indicated that HUD fair-market-rent limits were too low, causing sponsors to perform time-consuming and costly project redesign or to contribute additional funds for projects; (4) field offices inconsistently interpreted cost containment requirements and increased project processing time when they

inappropriately used the requirements to reduce project costs to fair-market-rent limits; and (5) while some field offices developed effective processing procedures and practices, others did not.

Open Recommendations to Agencies

Recommendation: To better facilitate the timely completion of section 202 projects, the Secretary of Housing and Urban Development should establish fair-market rents (FMR) for section 202 projects at levels that reflect local rental markets to help improve processing time and also make it more likely that the

section 202 program will provide 100-percent sponsor financing for modestly designed housing.
Status: Action in process. Estimated completion date: 02/92. Regulations

developed to increase FMR to support market rents were finalized in May 1991. However, the National Affordable Housing Act, November 1991, converts 202 loans to a capital advance program,

thus eliminating FMR considerations. Regulations allowing borrowers in the pipeline to convert to the new program are expected to be finalized in early 1992.

Community Development: Oversight of Block Grant Monitoring Needs Improvement

RCED-91-23, 01/30/91 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

GAO reviewed how three Department of Housing and Urban Development (HUD) field offices monitored entitlement grantees of Community Development Block Grants (CDBG).

Findings

GAO found that: (1) inadequate supervisory and evidentiary control guidance contributed to HUD weaknesses in monitoring entitlement grantees; (2) audit working papers did not adequately document the conclusions reached during on-site monitoring or record the work performed; (3) supervisors rarely accompanied their staff during on-site reviews of grantees or examined the resulting documentation; (4) without adequate documentation, HUD could not ensure the detection of management problems or that staff did not duplicate previous

work; and (5) field offices did not fully use the information the Office of Inspector General (OIG) reports provided when planning on-site monitoring.

Open Recommendations to Agencies

Recommendation: To improve the overall effectiveness and efficiency of on-site monitoring of CDBG grantees, the Secretary of Housing and Urban Development should direct the Assistant Secretary for Community Planning and Development (CPD) to distribute to all field offices copies of all OIG systemic audit reports that identify emerging patterns of deficiencies in grantees' management practices or HUD oversight.

Status: Action in process. According to the Director of the Entitlement Communities Division, a staff member has been assigned the task of analyzing OIG audit reports. GAO will continue to

monitor this activity to determine that the reports are appropriately distributed.

Recommendation: To improve the overall effectiveness and efficiency of on-site monitoring of CDBG grantees, the Secretary of Housing and Urban Development should direct the Assistant Secretary for CPD to provide field offices with summaries of OIG audits of individual grantees, including findings that CPD and OIG believe may indicate new areas for HUD monitoring to emphasize or areas in which grantees' performance could improve.

Status: Action in process. According to the Director of the Entitlement Communities Division, a staff member has been assigned the task of analyzing OIG audit reports. GAO will continue to monitor this activity to determine that the summaries are appropriately distributed.

Federal Housing Administration: Monitoring of Single Family Mortgages Needs Improvement

RCED-91-11, 02/07/91 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

GAO reviewed the Federal Housing Administration's (FHA) Section 203(b) mortgage insurance program for single family homes, focusing on how FHA field offices monitored the processing and approval of program participant applications.

Findings

GAO found that: (1) because FHA lacked a comprehensive description of monitoring program activities, GAO identified and reviewed 25 monitoring activities which FHA used in its review of the mortgage credit, valuation, and loan management areas of the insurance program; (2) during fiscal year 1988, Tampa, Florida, and Los Angeles, California, field offices did not comply with 8 and 9, respectively, of 22 applicable monitoring procedures; (3) there was extensive noncompliance with

up to 10 of the field offices' applicable corrective action requirements because of lack of awareness of the requirements, nonexistent documentation, or unclear criteria; and (4) the lack of a single source or list of monitoring activities and internal controls made it difficult to determine the adequacy of headquarters' and regional offices' monitoring of the insurance program.

Open Recommendations to Agencies

Recommendation: In order to improve implementation of the Section 203(b) monitoring system and to provide the information necessary to determine if appropriate monitoring and corrective actions have been taken, the Secretary of Housing and Urban Development should direct the Assistant Secretary for Housing—Federal Housing Commissioner, to develop a concise,

easily updated list of the procedures for the Section 203(b) program's monitoring operation, indexed to more detailed guidance documents.

Status: Action in process. FHA is compiling a list of procedures. This list should be complete by late 1991.

Recommendation: In order to improve implementation of the Section 203(b) monitoring system and to provide the information necessary to determine if appropriate monitoring and corrective actions have been taken, the Secretary of Housing and Urban Development should direct the Assistant Secretary for Housing—Federal Housing Commissioner, to require documentation of the performance and results of all monitoring and corrective actions.

Status: Action in process. As part of the list of procedures to be completed by late 1991, FHA will require that performance of these procedures also be documented.

Public Housing: Management Issues Pertaining to the Buffalo Municipal Housing Authority

RCED-91-70, 03/01/91 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a congressional request, GAO reviewed the Buffalo Municipal Housing Authority's (BMHA): (1) voluntary 3-year compliance agreement with the Department of Housing and Urban Development (HUD) and whether

it could correct leasing practices that violated title VI of the Civil Rights Act of 1964; (2) reasons for its high vacancy rate; and (3) justification for its high number of employees.

Findings

GAO found that: (1) the agreement attempted to remedy BMHA title VI violations while taking into consideration the BMHA financial position and its high vacancy rate, but BMHA had not yet completely

implemented the agreement; (2) the agreement's effectiveness will depend on the value of individual incentives provided to tenants and housing developments, and whether BMHA will be able to attract more families to desegregated housing; (3) BMHA should not use its operating funds to pay for individual incentives; (4) implementing the agreement could adversely affect the BMHA financial condition and its ability to reduce its high vacancy rate, but HUD believed that the agreement balanced civil rights requirements with the financial requirements and the vacancy situation; (5) as of June 1990, about 1,300 of approximately 5,000 BMHA federally financed units were vacant; (6) many factors contributed to the high vacancy rate, primarily health hazards, undesirable conditions and locations, restrictive leasing policies, extensive modernization activities, and BMHA inability to promptly prepare vacant apartments for reoccupancy; (7)

HUD paid BMHA \$240,000 per month to subsidize the vacant units; and (8) although the BMHA staffing level was about 1.5 times higher than the average level for 10 similar housing authorities, HUD approved the BMHA staffing level as necessary to improve the management of its modernization program, address the vacancy problem, and provide increased security coverage.

Open Recommendations to Agencies

Recommendation: The Secretary of Housing and Urban Development, in implementing the voluntary compliance agreement, should not require BMHA to finance the individual software incentives from BMHA operating funds. Rather, if HUD chooses to implement those incentives, the Secretary should either seek alternative sources of funds or request that Congress explicitly

authorize the use of operating funds for this purpose.

Status: Action not yet initiated.

Recommendation: The Secretary of Housing and Urban Development, in monitoring implementation of the title VI voluntary compliance agreement, should evaluate the effects that the agreement has had on the BMHA financial position and vacancy situation in addition to its effects on desegregation. In making its evaluation and while monitoring, HUD should also ensure that the compliance agreement is compatible with its separate national initiative to reduce vacancy rates at public housing authorities where vacancies are unusually high. Should serious conflicts develop between title VI objectives and prudent management of BMHA, the Secretary and BMHA should negotiate appropriate adjustments to the compliance agreement.

Status: Action not yet initiated.

Disaster Assistance: Federal, State, and Local Responses to Natural Disasters Need Improvement

RCED-91-43, 03/06/91 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a congressional request, GAO examined the Federal Emergency Management Agency's (FEMA) performance in responding to Hurricane Hugo and the Loma Prieta earthquake in September and October 1989, focusing on state and local governments' and voluntary relief agencies' activities for California, North Carolina, Puerto Rico, South Carolina, and the U.S. Virgin Islands.

Findings

GAO found that: (1) preparedness problems were linked to weaknesses in state and local programs, as well as to weaknesses in FEMA assistance and overall guidance; (2) emergency management capabilities among the five states varied by the state government's organizational structure, training and staffing levels, frequency of exercise drills, and frequency of presidentially declared disasters; (3) the extent of preparedness ranged from a high level of preparedness in one state to a relatively low level of preparedness in U.S.

territories; (4) preparedness problems included inadequate planning and training for recovery, low participation by elected officials in training, inadequate or no standard operating procedures for response and recovery activities, and inadequate coordination between several federal agencies; (5) in four of the five states, relief agencies responded promptly and provided services and assistance that reflected an appropriate level of preparedness; (6) federal and state officials experienced problems in staffing and coordinating response activities, making immediate

response less efficient; (7) coordination difficulties were exacerbated by organizational and communications problems, resulting in delayed assistance, hampered processing of assistance requests, and duplicated assistance efforts; (8) state and federal agencies' recovery activities were inefficient, resulting in delayed assistance and duplicate payments for certain activities; and (9) FEMA had difficulty in addressing the housing needs of low-income disaster victims in one state and one U.S. territory.

Open Recommendations to Congress

Recommendation: Congress should either: (1) clarify whether section 402 of the Stafford Act authorizes FEMA to direct the Department of Housing and Urban Development (HUD) to assist state and local governments in rehabilitating or reconstructing housing for disaster victims; or (2) amend sections of the United States Housing Act of 1937 and the Housing and Community Development Act of 1974 to provide appropriations directly to HUD to fund housing assistance for disaster victims.

Status: Action not yet initiated.

Recommendation: Congress should consider providing FEMA with the authority to act as a first-response agency in situations where such assistance is warranted.

Status: Action not yet initiated.

Recommendation: Congress should consider amending section 408 to authorize FEMA to institute approaches such as eligible-created resources that provide permanent, rather than temporary, housing to disaster victims. Such authority should be available only when special circumstances make it

impracticable to provide temporary housing units.

Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To help ensure that local, state, and federal agencies are better prepared to respond to disasters, the Director, FEMA, should request state and local emergency management agencies to incorporate recovery activities into their emergency plans and help provide appropriate training to state and local disaster management personnel.

Status: Action in process. FEMA is working with the states to develop new training courses and materials for state and local personnel.

Recommendation: To help ensure that local, state and federal agencies are better prepared to respond to disasters, the Director, FEMA, should request that states establish monitoring systems to help ensure that local jurisdictions correct problems and weaknesses identified during emergency training exercises and drills.

Status: Action in process. FEMA is establishing monitoring systems and improving training programs to better incorporate lessons learned from exercises.

Recommendation: To help ensure that local, state, and federal agencies are better prepared to respond to disasters, the Director, FEMA, should periodically provide natural disaster training to FEMA headquarters and regional office staff who are not assigned to the disaster assistance program but who may be needed during large-scale natural disasters.

Status: Action in process. FEMA is revising training courses and providing on-the-job training opportunities.

Recommendation: To help ensure that local, state, and federal agencies are better prepared to respond to disasters, the Director, FEMA, should clarify, where appropriate, the roles and responsibilities of involved federal agencies by developing memoranda of understanding, or other suitable methods, to improve coordination with such agencies.

Status: Action in process. FEMA stated it has made major progress in better coordinating its efforts with those of 26 other agencies.

Recommendation: To help ensure that local, state, and federal agencies are better prepared to respond to disasters, the Director, FEMA, should improve the FEMA computer systems to help ensure that duplicate applications for assistance are immediately identified and that automated registration is available to other agencies for their use in administering disaster assistance programs.

Status: Action in process. FEMA is redesigning the individual assistance module of its Automated Disaster Assistance Management System.

Recommendation: To help ensure that local, state, and federal agencies are better prepared to respond to disasters, the Director, FEMA, should coordinate with the Secretary of Housing and Urban Development and other appropriate federal, state, local, and voluntary relief agencies to develop a suitable housing recovery plan for low-income victims.

Status: Action in process. FEMA is reevaluating its existing policy, procedures, and guidance, in part to give added emphasis to coordinating disaster response with overall efforts to provide low-income housing.

Assisted Housing: Utility Allowances Often Fall Short of Actual Utility Expenses (Vol. I)

RCED-91-40A, 03/26/91 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a legislative requirement, GAO provided information on how utility allowances are provided to assisted households and the extent to which the allowances cover utility costs.

Findings

GAO found that: (1) about 61 percent of public housing households and 79 percent of section 8 certificate households receive utility allowances; (2) the majority of the 9,500 households at 6 public housing agencies (PHA) did not pay 30 percent of adjusted income for rent and utilities; (3) the annual rent burden for an estimated 4,471 public housing household at 6 agencies averaged 30.5 percent, and averaged 36 percent for an estimated 5,015 section 8 households; (4) about 45 percent of the public housing households and 70 percent of the section 8 households had annual rent burdens exceeding 30 percent; (5) households were likely to find their utility expenses difficult to pay when monthly variations between allowances and expenses were large; (6) Department of Housing and Urban Development (HUD) reviews did not always disclose problems with PHA

monitoring of rent burdens; (7) PHA erred in calculating monthly adjusted income, rent, utility allowances, and for check-metered households, excess utility consumption charges; and (8) through greater management attention, HUD and PHA could increase the number of assisted households with rent burdens close or equal to 30 percent.

Open Recommendations to Congress

Recommendation: If Congress wishes to ensure a rent burden of exactly 30 percent for each assisted household, it will have to revise the United States Housing Act of 1937, as amended, to require that assisted households pay 30 percent of adjusted income for rent and utilities.

Congressional Action: No congressional action has been taken or is expected.

Open Recommendations to Agencies

Recommendation: The Secretary of Housing and Urban Development should direct the six PHA to correct the income, allowance, and rent determination errors. HUD should also

direct those PHA to reimburse those households whose rental contributions were too high because of PHA errors. **Status:** Action in process. Estimated completion date: 07/92. The agency is performing the action stated in the recommendation.

Recommendation: The Secretary of Housing and Urban Development should ensure that PHA review the reasonableness of their allowances annually, as HUD requires.

Status: Action in process. Estimated completion date: 07/92. The agency is setting out guidance for its field offices to ensure the recommendation is carried out.

Recommendation: The Secretary of Housing and Urban Development should determine whether HUD oversight of PHA utility allowance determinations is consistent with HUD policy. If this oversight is determined to be insufficient, the Secretary should require corrective action.

Status: Action in process. Estimated completion date: 07/92. The agency will include the recommendation in its periodic review of field office performance.

Minority Business: Minority Business Development Agency Needs to Address Program Weaknesses

RCED-91-114, 04/16/91 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a congressional request, GAO reviewed the Minority Business Development Agency's (MBDA) grant program management, focusing on: (1) procedures and practices for attracting, selecting, and managing special projects; and (2) MBDA response to previously identified management deficiencies in its Business Development Center and special projects programs.

Findings

GAO found that MBDA: (1) lacked adequate procedures for attracting, selecting, and managing special projects; (2) did not publicize special project grant fund availability or ensure that the projects complied with grant selection criteria; (3) did not require grantees to clearly define project goals; (4) lacked routine and effective project monitoring;

(5) based renewal decisions on insufficient information; (6) did not ensure that grants were audited regularly; (7) did not award any special projects in 1990 and was working on restructuring the program; (8) has been unresponsive to recommendations for correcting management deficiencies in its Center and special projects programs; and (9) grant funds and programs would remain vulnerable to fraud, waste, and abuse until MBDA effectively implemented actions to correct identified weaknesses.

Open Recommendations to Agencies

Recommendation: The Secretary of Commerce should pay particular attention to MBDA efforts at restructuring its special projects program to develop monitoring

guidelines specific to special projects to ensure compliance with grant terms and conditions.

Status: Action in process. MBDA is revising its program in order to prescribe monitoring guidelines. Action should be completed in late 1991.

Recommendation: The Secretary of Commerce should pay particular attention to MBDA efforts at restructuring its special projects program to develop appropriate criteria and guidance for evaluating renewal requests.

Status: Action in process. MBDA is revising its program order to prescribe post-evaluation criteria for renewal requests. Action should be completed in late 1991.

Small Business: Information on and Improvements Needed to Surety Bond Guarantee Programs

RCED-91-99, 04/23/91 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a congressional request, GAO reviewed the: (1) Small Business Administration's (SBA) management of its Surety Bond Guarantee (SBG) program between fiscal year (FY) 1987 and FY 1989; and (2) status of the SBA pilot Preferred SBG Program.

Findings

GAO found that: (1) SBG program data indicated that SBA guaranteed 33,408 bonds having a total contract value of \$3.9 billion between FY 1987 and FY 1989; (2) the number of guaranteed bonds remained at about 11,000 each year, and the value of contracts with

SBA bond guarantees increased from \$1.22 billion in 1987 to \$1.4 billion in 1989; (3) minority contractors obtained about 15 percent of the guaranteed bonds, but the amount of bond guarantees that they obtained declined from 1,749 to 1,666 between FY 1987 and FY 1989; (4) specialty sureties

underwrote 99 percent of all the guaranteed bonds; (5) SBA needed to improve the overall reliability of its SBG data, which could make it difficult to determine whether the new Preferred SBG program increased minority participation; (6) SBA was slow in implementing the pilot Preferred SBG program, issuing its first bond guarantee nearly 2 years after program authorization; and (7) SBA attributed the implementation delay to the lengthy process of drafting program regulations and consulting with the surety industry on establishing procedures for program administration.

Open Recommendations to Agencies

Recommendation: To ensure consistency among the 10 SBA regions and accurate reporting of SBG program management data, the Administrator, SBA, should ensure that the Office of Surety Guarantees' (OSG) planned updates to the standard operating procedure (SOP)

include guidance to field staff on what to do if the bond applications include no minority code classification.

Status: Action in process. SBA has submitted a notice to its regional offices containing procedures to be used when a minority code is not included on the bond application. The procedures are to be included in a revised draft SOP, which is to be issued in late 1991.

Recommendation: To ensure consistency among the 10 SBA regions and accurate reporting of SBG program management data, the Administrator, SBA, should ensure that the OSG-planned updates to SOP include instructions for documenting all entries made into the data base, such as annotating the source document.

Status: Action in process. SBA is considering creating a user's manual or reference guide specific to the procedures needed to collect and input data. A chronological sheet to monitor bond file activity is also being considered.

Recommendation: To ensure consistency among the 10 SBA regions and accurate reporting of SBG program management data, the Administrator, SBA, should ensure that the OSG-planned updates to SOP include procedures for verifying data being entered into the surety bond guarantee computer system.

Status: Action in process. A new computer system is being designed which will include specific data verification procedures. In the interim, specific procedures are being written into SOP.

Recommendation: To ensure consistency among the 10 SBA regions and accurate reporting of SBA program management data, the Administrator, SBA, should ensure that the OSG-planned updates to SOP include instructions for categorizing obligee types.

Status: Action in process. Obligor definitions are being developed. SBA regions will be notified on how to categorize certain obligor types.

Rental Housing: Implementing the New Federal Incentives to Deter Prepayments of HUD Mortgages

PEMD-91-2, 04/30/91 GAO Contact: Robert L. York, (202)275-5885

Background

Pursuant to a congressional request, GAO provided information about the likelihood that owners of low- and moderate-income rental housing stock will seek prepayments of mortgages insured under the National Housing Act.

Findings

GAO found that: (1) the precise number of properties eligible for prepayment was uncertain, ranging from a low of 334,000

family units to a high of 367,000; (2) the four studies it reviewed regarding the number of eligible properties did not use the same procedures in reaching their estimates, and Department of Housing and Urban Development (HUD) data bases had data errors that made it difficult to identify the units eligible for prepayment; (3) owners in low-supply, high-demand rental housing markets wanted to prepay their HUD-insured mortgages when they became eligible because of the increase in property

values, the limited return on investment, and the uncertain legislative environment; (4) none of the owners in the high-supply, low-demand markets intended to prepay and convert their properties to market-rate rentals because of stagnant or decreasing property values, high vacancy rates, and guaranteed rents; and (5) the lack of field personnel financial expertise and HUD headquarters guidance caused delays in processing applications for prepayments and could allow owners to

prepay if HUD can not provide incentives within 15 months after approving a plan of action.

Open Recommendations to Agencies

Recommendation: The Secretary of Housing and Urban Development should ensure that its regional and field office market economists participate in delimiting the relevant local markets, as defined in section 215(a)(2) of the Low-Income Housing Preservation and

Resident Homeownership Act of 1990, for the federal cost limits test and in determining whether there is an inadequate supply of decent, affordable housing for the windfall profits test.
Status: Action in process.

Recommendation: The Secretary of Housing and Urban Development should enhance HUD staff expertise in real estate finance through hiring, training, and contracting in order to ensure better and more timely negotiation of incentives.

Status: Action in process. HUD held training sessions in August and September 1991 and more are scheduled.

Recommendation: The Secretary of Housing and Urban Development should review current guidance being provided on negotiating incentive packages in light of the 1990 legislation, providing better guidance where necessary.
Status: Action in process. HUD issued a field handbook for title II on April 9, 1991, and is preparing one for title VI.

Radon Testing in Federal Buildings Needs Improvement and HUD's Radon Policy Needs Strengthening

T-RCED-91-48, 05/08/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

GAO discussed: (1) the Department of Housing and Urban Development's (HUD) radon-testing policy for HUD-assisted housing; and (2) federal agencies' efforts to reduce radon hazards at federal facilities. GAO noted that: (1) 22 agencies reported the results of radon testing at their facilities to the Environmental Protection Agency (EPA), including 10 that submitted partial results and were continuing to test buildings and some that were taking mitigation actions to protect federal workers; (2) some agencies did not use EPA-approved radon detectors, had significant detector losses, and did not follow EPA recommended testing procedures; (3) the agencies did not have procedures for retesting, since they did not anticipate the possibility of lost detectors, although it could affect the overall reliability of radon studies; and (4) HUD concluded that it needed to conduct a 4-year research program before it could design a cost-effective

policy for radon testing and mitigation, since it lacked information on testing radon in multifamily housing.

Open Recommendations to Agencies

Recommendation: EPA should work with all federal agencies to assess the adequacy of their testing procedures and advise the agencies on the aspects of their testing programs that need to be improved.
Status: Action not yet initiated.

Recommendation: In keeping with the legislative requirement to provide technical guidance to the agencies, EPA should develop guidance to resolve the issue of lost detectors.
Status: Action in process. EPA stated it would provide recommendations in its report to Congress to deal with lost detectors.

Recommendation: To assist HUD, EPA should begin immediately to develop specific guidance outlining testing and mitigation procedures for the multifamily buildings in the HUD inventory.
Status: Action not yet initiated.

Recommendation: Upon completion of the ongoing HUD/EPA research project that addresses radon distribution in four high-rise buildings, HUD and EPA should jointly assess the need for additional research and the need to revise the guidance for testing and mitigating in multifamily high-rise buildings in particular.
Status: Action not yet initiated.

Recommendation: HUD should redesign its policy to provide for testing and mitigation programs for HUD-assisted housing, as required by the McKinney amendments. Initially, the programs could be directed toward those buildings with only a few floors, since EPA

believes testing and mitigating procedures and techniques are well understood for such buildings.
Status: Recommendation valid/action not intended. HUD stated that it believed more research was needed before it could begin a program.

Recommendation: Upon completion of the ongoing HUD/EPA research project that addresses radon distribution in four high-rise buildings, HUD and EPA should jointly assess the need for additional research and the need to revise the guidance for testing and

mitigating in multifamily high-rise buildings in particular.
Status: Action not yet initiated.

Homelessness: Federal Personal Property Donations Provide Limited Benefit to the Homeless

RCED-91-108, 07/15/91 GAO Contact: John M. Ols, Jr., (202)275-5525

Background

Pursuant to a congressional request, GAO reviewed the availability of federal surplus personal property to homeless assistance providers, focusing on: (1) how extensively the donation program has assisted the homeless; (2) whether program features limit its effectiveness; and (3) whether program modifications could improve its effectiveness.

Findings

GAO found that: (1) the Federal Surplus Property Donation Program is not a significant source of aid to the homeless; (2) program features discouraging program use by homeless assistance providers include the types of items available for donation, the poor condition of potentially useful items, inconvenient federal and state distribution points, service and handling fees, the low priority assigned to homeless assistance providers in the

distribution process, and impractical reporting requirements; (3) 41 of 45 selected homelessness assistance providers relied more heavily on personal property donations from private sources than from the federal donation program; and (4) the current method of valuing donations at their original acquisition cost rather than at current value overstates the worth of many items, but because all items are valued on this basis, this method permits reasonable comparisons of assistance going to different groups.

Open Recommendations to Congress

Recommendation: If Congress believes that homelessness assistance providers should be given a higher priority in the surplus property donation program, Congress should allow homelessness assistance providers to receive property directly from federal distribution centers

concurrently with service educational activities, in addition to receiving it from state agencies for surplus property as they now do.

Congressional Action: Congress has not yet taken action.

Open Recommendations to Agencies

Recommendation: The Administrator of General Services should amend the regulations implementing the Federal Property and Administrative Services Act of 1949 to eliminate use restrictions on items with original acquisition costs below an appropriate amount. In determining this amount, the General Services Administration should weigh the government's need to prevent fraudulent use of donated items against the donees' need to minimize their administrative burden.

Status: Action not yet initiated.

Transportation (400)

Transportation

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Transportation

Issue Area Summary: Transportation

Impact of GAO's Work

This country's transportation sector is critical to the traveling public, the nation's economic growth, and the nation's ability to compete in a global environment. Comprising diverse elements ranging from air, land, water, and underground travel to pipeline and marine safety, and employing about one-tenth of America's work force, the transportation sector provides facilities and services and carries out activities that touch everyone's life.

Many challenges, however, face this sector. Transportation accidents claim almost 50,000 lives annually. Aviation, highway, and waterway systems are increasingly congested. Considerable portions of the infrastructure are obsolete or deteriorating. Transportation-related environmental effects, the effectiveness of security practices, and the need to strengthen U.S. transportation to remain competitive globally are of widespread concern. Demands are increasing for more and better public transit and rail service. At the same time, severe fiscal constraints require increased reliance on private resources and more efficient use of public resources to meet transportation needs.

On the basis of our reviews of transportation issues during the past few years, the Congress and the Department of Transportation (DOT) and its agencies have taken many actions to improve transportation safety and the efficiency and effectiveness of transportation policies and programs.

Transportation Safety

Our safety-related work influenced congressional and agency action to overhaul rail safety, aviation security, and highway safety rulemaking activities and to improve marine safety and the renovation of aging aircraft. The Federal Railroad Administration (FRA) hired more safety inspectors, reorganized and developed inspection coverage standards, and took action to better target high-risk inspection sites. In addition, legislation was passed requiring DOT to establish a hazardous materials shipper registration program and authorizing states to make rail hazardous materials inspections for FRA.

Other legislation strengthened controls to ensure correction of motor carrier safety violations, put limits on federal contracts with motor carriers with unsatisfactory fitness ratings, and required decontamination and other standards for trucks that haul both garbage and food. In addition, the Congress increased the Coast Guard's authority in marine safety matters and its efforts to reduce alcohol-related accidents.

Financial and Budgetary Matters

The Congress (1) authorized the Coast Guard to collect user fees for vessel inspection, vessel documentation, and marine licensing; (2) authorized passenger facility charges as an option to finance airport capital projects; and (3) required the Research and Special Programs Administration to improve its budgeting activities. It also decreased use of the General Fund and increased use of the Airport and Airway Trust Fund to finance Federal Aviation Administration (FAA) operations, adjusted FAA's budget requests for facilities and equipment to better meet actual needs, and required FAA to improve the linkage between its budget and its process for acquiring major projects.

Monetary Benefits

Our work resulted in about \$663 million in measurable monetary benefits in the last 2 years. Another \$3.2 million was recovered on the basis of our identifying additional reimbursable oil spill cleanup costs. In addition, there are the financial implications of lives saved, injuries prevented, and/or property and environmental damage averted through such efforts as encouraging use of passive restraints in light trucks and vans and recommending improvements in highway, rail, pipeline, and other safety activities.

Environmentally Related Issues

The Congress strengthened the Coast Guard's role in protecting the marine environment, broadened the nation's ability to contain and recover spilled oil, and established a \$1 billion liability trust fund to pay for federal spill response and prevention activities. It also enacted a national airspace noise policy and required FAA to issue an environmental impact statement and determine the Expanded East Coast Plan's effects on air safety.

Air Traffic Control Modernization

To improve planning and oversight, FAA revised its air traffic control modernization plan—called the Capital Investment Plan—to make it more comprehensive and began to reform its processes for procuring new air traffic control systems. For example, in line with DOT requirements, FAA now requires approved mission need statements before projects may be included in a budget request.

Surface Transportation

Our work influenced congressional deliberation of national highway and mass transit policies and program reauthorization. Consistent with our matters for congressional consideration, the recently passed surface transportation legislation reformulated federal and state roles and responsibilities to reduce states' administrative burdens, restructured financing strategies to enable intermodal investments and allow tolls on federal-aid roads, integrated congestion management with transportation planning and funding decision-making, and established preservation of the Interstate Highway system as a national goal.

Competition and Consumer Protection

Our analyses of competitive conditions and financial performance of the nation's airlines were instrumental in developing both legislation and regulations aimed at protecting the benefits of deregulation. The Congress used our work to draft passenger facility charges and other legislation designed to reduce barriers to effective airline competition. In addition, our analysis of the costs to airlines of legislation designed to phase out older, noisy aircraft was used in developing regulations covering the phaseout.

In the railroad area, our work showed that while conditions had improved for some railroads, many still earned inadequate returns and that railroads, in general, were at a competitive disadvantage in the intercity freight transport market.

Key Open Recommendations

Despite the many actions and initiatives taken by the Congress, DOT, and its agencies in response to our recommendations, some important recommendations remain open and warrant priority attention.

Aviation Safety

In our report on FAA oversight of aging aircraft repairs, we said that to ensure that 1,400 of the nation's oldest planes remain airworthy, FAA was requiring that the aircraft undergo extensive structural modification. If aircraft operators do not finish the job by the 1994 deadline, FAA could ground the planes. We recommended that FAA require airlines to report periodically on their implementation of the new rules. (GAO/RCED-91-91A, see p. 473.)

In our report on FAA's Service Difficulty Reporting program, we said that according to most major airlines and FAA engineers and inspectors we had contacted, the program's reports on aircraft malfunctions, which are intended to help airline and FAA personnel promptly correct conditions that could decrease air safety, were of little value because the information provided was not complete, timely, or useful. We recommended that FAA examine various alternatives for managing the program and select one that most effectively achieves the program's goals. (GAO/RCED-91-24, see p. 469.)

Air Traffic Control Modernization

Our report on FAA equipment maintenance at enroute centers—those facilities that control traffic between airports—showed that while hundreds of lower level equipment failures were logged into the computerized Maintenance Management System every week, FAA did not analyze these data to measure equipment-level performance. We recommended that FAA use existing computerized data to better forecast and prevent equipment failures. (GAO/RCED-91-179, see p. 483.)

In a report on FAA's Advanced Automation System, which is intended to modernize air traffic control computer systems, we recommended that FAA conduct an analysis to determine the optimal system alternative for area control facilities and terminal radar approach control facilities. The necessary study, being conducted by an FAA contractor, has not been completed. DOT continued to report this recommendation as a material weakness in its 1990 Federal Managers' Financial Integrity Act report. (GAO/IMTEC-89-5, see p. 438.)

**Highway and Mass Transit
Reauthorization**

Our report on preservation of the Interstate highway system and consolidation of the categorical highway programs contained recommendations to the Secretary of Transportation for action following reauthorization of federal-aid highway and mass transit programs. Specifically, we recommended that the Federal Highway Administration (FHWA) develop with the states measurable standards for maintaining the Interstate Highway system. We also recommended that as federal-aid highway responsibilities are transferred to the states, FHWA sample the decisions made by states with regard to final inspections and design exceptions to ensure adequacy of states handling new responsibilities, especially with regard to highway safety. (GAO/RCED-91-198, see p. 486; and GAO/RCED 91-147, see p. 484.)

**Information Resources
Management**

Our report on FAA's management of information resources included recommendations that FAA (1) appoint a top executive as the agency's senior information resources management (IRM) official, who would spend time solely on information resources activities, and (2) implement a senior-level executive IRM steering committee to guide the agency's efforts. The House Government Operations Committee has expressed particular interest in implementation of these recommendations. (GAO/IMTEC-91-43, see p. 477.)

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Department of Transportation: Enhancing Policy and Program Effectiveness Through Improved Management

RCED-87-3, 04/13/87 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the Department of Transportation's (DOT) changing role as its programs place greater reliance on state and local governments and the private sector to operate transportation systems, in order to: (1) assess DOT management; (2) analyze its problems; and (3) recommend improvements.

Findings

GAO found that: (1) DOT has made transportation safety one of its highest and most visible priorities, but needs a more systematic approach for measuring progress; (2) since grantees now have greater control over funds and more flexibility to select projects, DOT needs to resolve issues concerning program accountability; (3) to prevent loss of services due to budget reductions, DOT needs to modernize its financial, information resource management, and procurement systems; (4) DOT needs to improve its management of human resources to cope with changes caused by deregulation and the emphasis on deficit reduction; and (5) DOT needs to implement a strategic research and development (R&D) policy by linking R&D investment resources to DOT priorities and industry needs.

Open Recommendations to Agencies

Recommendation: To enhance and sustain the progress DOT has achieved in improving its management of safety programs and resources, the Secretary of

Transportation should ensure that current and accurate staffing standards (e.g. standard hours for completing program tasks) are used in formulating safety program budgets throughout DOT.

Status: Action in process. According to DOT, staffing standards have been or are being formulated for many safety areas within the Federal Aviation Administration (FAA), Federal Railroad Administration, Urban Mass Transportation Administration, and Research and Special Programs Administration. The expected completion date is not known.

Recommendation: The Secretary of Transportation should strengthen the DOT grant programs by reassessing and defining the DOT role in managing and overseeing its grants programs.

Status: Action in process. According to DOT, the Secretary, through issuing the National Transportation Policy in February 1990, together with follow-on initiatives now underway (phase 2), is looking at a wide variety of organizational and program functions. The expected completion date is not known.

Recommendation: The Secretary of Transportation should strengthen the DOT grant programs by developing a grants management strategy appropriate for carrying out that role.

Status: Action in process. According to DOT, the Secretary, through issuing the National Transportation Policy in February 1990, together with follow-on initiatives now underway (phase 2), is

looking at a wide variety of organizational and program functions. The expected completion date is not known.

Recommendation: Given the various mandates and continuing need to strengthen the integrity of the DOT financial, information, and procurement systems, the Secretary of Transportation should establish an agenda or action plan for short- and long-term improvements. The agenda GAO provided could be the basis for developing a blueprint for the future. GAO recognizes that many factors must be considered, yet it believes that with the Secretary's continued support and commitment, such a blueprint can guide the building and maintenance of sound financial, information, and procurement systems across DOT.

Status: Action in process. Estimated completion date: 09/92. DOT says that, as part of its agenda for financial and procurement system enhancement, it is moving towards full implementation of the departmental accounting system scheduled for completion in September 1992. In addition, the September 1990 report from the DOT Phase 2 Policy Advisory Committee set forth goals, recommendations, and an action plan for information resources management.

Recommendation: Because change management and strategic human resource management require sustained effort and attention over the long term, the Secretary of Transportation should take additional steps to focus on human resource management DOT-wide. These

steps should provide visibility and tangible evidence of top management commitment by establishing a prominent organizational focus for strategic human resource management at both the operating administration and Office of the Secretary of Transportation levels.

Status: Action in process. According to DOT, management commitment to, and specific institutional steps for, an effective human resources management program are outlined and described in the February 1990 Statement of National Transportation Policy/Strategies for Action and the September 1990 report from the DOT Phase 2 Policy Advisory Committee, which emphasizes improvements in several human resource management areas. The expected completion date is not known.

Recommendation: Because change management and strategic human resource management require sustained effort and attention over the long term, the Secretary of Transportation should take additional steps to focus on human resource management DOT-wide. These steps should develop a DOT-wide awareness of the importance and value of change management and strategic human resource management.

Status: Action in process. The September 1990 report of the DOT Phase 2 Advisory Committee set forth goals, recommendations, and action plans for various aspects of human resources management. According to DOT, it is considering a number of initiatives as part of phase 2. The expected completion date is not known.

Recommendation: Because change management and strategic human resource management require sustained effort and attention over the long term, the Secretary of Transportation should take additional steps to focus on human resource management DOT-wide. These steps should develop the selection, appraisal, reward, and development functions needed to support human resources management activities and spur management improvement.

Status: Action in process. Some actions have been taken, including the FAA pay demonstration program, an administrative management intern program, new awards, and an improved system to enhance award flexibility. According to DOT, it is considering a number of other initiatives as part of phase 2 of the National Transportation Policy. The expected completion date is not known.

Recommendation: To better integrate policy with program management and support system requirements, and to promote productive use of the information resources available to support policymaking, the Secretary of Transportation should: (1) establish a framework to direct and support the development, implementation, and monitoring of transportation policies, which would include the basic elements enumerated in table 6.1 of this report; and (2) initiate an assessment of DOT policy-related data requirements and responsibilities, including an inventory and evaluation of the data currently collected, data no longer collected, and the costs, if any, imposed by the unavailability of data, and the most cost-effective means of meeting DOT present and expected needs for transportation data collection and analysis.

Status: Action in process. The September 1990 report of the DOT Phase 2 Advisory Committee included goals, recommendations, and action plans related to several aspects of this recommendation. DOT will continue efforts to improve R&D activities linkage with secretarial priorities and industry needs, consistent with the framework established through the National Transportation Policy and follow-on initiatives. The expected completion date is not known.

Aviation Services: Automation and Consolidation of Flight Service Stations

RCED-88-77, 02/08/88 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) program to consolidate and automate its flight

service stations, focusing on: (1) whether the new automated system is performing all FAA-required services and the quality of those services; (2) the effect of technical problems experienced at the

automated stations; and (3) the effect of staff constraints on automated operations.

Findings

GAO found that the automated stations: (1) are performing all FAA-required services, although the manner in which they provide services has changed; (2) do not provide weather observations; and (3) are experiencing technical problems involving computer systems, telephone lines, data lines, and telephone and radio communications. GAO also found that: (1) FAA contracted for weather observation services in areas that permanently closed stations formerly served; and (2) FAA is testing an automated weather observing system to replace the observers. In addition, GAO found that staffing and consolidation constraints: (1) have delayed achievement of anticipated productivity gains; (2) have increased the number of stations with reduced hours that FAA has not been able to close; and (3) will

probably continue until consolidation is complete.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to not further reduce the flight service specialist work force until after the flight service stations are closed and performance standards and staffing levels can be developed for the automated stations. **Status:** Action in process. Estimated completion date: 12/94. Staffing standards for automated stations should be completed by late 1991. The FAA policy is that existing stations will not be consolidated until automated stations are equipped with Model 1 or Model 1 Full Capacity. As a result of legislation, consolidation schedules for 40 stations

have been modified to postdate delivery of Model 1 Full Capacity systems to the automated stations.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to ensure that the automated weather observing systems, acquired to replace contracted weather observers for areas formerly served by stations that have been closed, meet all FAA weather forecasting operational requirements.

Status: Action in process. Estimated completion date: 12/94. FAA Advisory Circular 150/5220-16, Automated Weather Observing Systems for Non-Federal Applications, contains all the requirements for weather forecasting. FAA is ensuring that actions meet weather forecasting operational requirements.

Microwave Landing Systems: Additional Systems Should Not Be Procured Unless Benefits Proven

RCED-88-118, 05/16/88 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) National Airspace System Plan, focusing on: (1) the justification and requirements for replacing improved instrument landing systems (ILS) with microwave landing systems (MLS); (2) potential MLS operational and economic benefits; (3) the MLS siting strategy; and (4) industry and user association views of ILS and MLS.

Findings

GAO found that FAA: (1) first justified its need for MLS in 1969, citing concerns about ILS reliability and limitations and projected large increases in air traffic volume; (2) planned to replace ILS with MLS, although it did not reassess its needs by taking into consideration substantial ILS improvements and lower-than-projected traffic volumes; (3) experienced significant delays and increased program costs for MLS production and testing; (4) has not adequately assessed potential MLS benefits or identified its limitations; (5) requested \$20 million to initiate a second MLS procurement and to develop the

avionics to demonstrate MLS benefits; (6) is developing plans to test MLS at two airports; and (7) developed its list of MLS implementation sites without considering test results, cost benefits, and user support. GAO also found that: (1) both national and international air carriers were generally satisfied with ILS capabilities; (2) regional and commuter airlines generally supported MLS; and (3) commercial and general aviation pilots' views toward MLS differed.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should require the Administrator, FAA, to reassess the requirements to replace ILS with MLS, recognizing improvements to ILS and current and expected air traffic growth. The reassessment should consider: (1) improved ILS reliability; (2) increases in the number of available ILS channels; (3) reduced ILS siting problems; and (4) the ability of aircraft to land using ILS in lower ceiling and visibility minimums than previously possible.

Status: Action in process. FAA concurred with this recommendation. A detailed plan for the second MLS procurement was approved by the Deputy Secretary on December 6, 1988, which provides for integration of the demonstration project into the overall MLS implementation strategy. A final report on FAA plans for MLS is scheduled for the end of calendar year 1991.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to demonstrate MLS benefits by testing the system in the challenging airport environments in which it is to be used. This should be

done before proceeding with further MLS procurements. The operational tests should involve: (1) wide-bodied aircraft; (2) landing at major hub airports having difficult and complex operating requirements; (3) both good and poor weather conditions; (4) both curved and segmented approaches; and (5) operating under the control of FAA traffic controllers and interfacing with the air traffic control environment. **Status:** Action in process. A detailed plan for the second MLS procurement, approved by the Deputy Secretary on December 6, 1988, provides for integration of the demonstration project into the overall MLS implementation strategy. The demonstration project consists of nine projects, which are all underway. A final report from the demonstration program is targeted for the end of calendar year 1991.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, not to proceed with the planned second MLS procurement unless the assessment of ILS improvements and air traffic growth, as well as the operational testing of MLS, has been completed. In the interim, FAA must accept delivery of 178 MLS and should use them: (1) in operational tests; (2) on some international runways, if

internationally scheduled airlines are willing to acquire the necessary on-board avionics; (3) at locations that qualify for a precision landing system, but where FAA can clearly show that ILS cannot be sited because of terrain or obstacles in the approach or missed approach path; and (4) at heliports.

Status: Action in process. The contract has been terminated for cause. Two replacement contracts for a limited number of commercial systems to satisfy the requirements for the demonstration program are underway. They will be deployed in the manner recommended by GAO. Action is expected to be completed by the end of 1991.

Recommendation: The Secretary of Transportation should require the Administrator, FAA, to take the action necessary to maintain ILS as the primary landing system nationally and internationally until the assessment, analysis, and demonstrations have been completed.

Status: Action in process. FAA continues to install and maintain ILS pending a final decision on MLS as a result of the demonstration program. A final report from the demonstration program is targeted for the end of calendar year 1991.

FAA Staffing: Improvements Needed in Estimating Air Traffic Controller Requirements

RCED-88-106, 06/21/88 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined the Federal Aviation Administration's (FAA) standards for estimating its air traffic controller staffing requirements, focusing on: (1)

whether the standards reasonably projected staffing requirements; (2) how FAA used the standards; and (3) how FAA can improve the standards and their use.

Findings

GAO found that FAA understated its staffing requirements, since: (1) its controller staffing standards did not adequately reflect work-load complexity, peak traffic conditions, actual operating

conditions at terminals and centers, attrition, and training needs; and (2) it used orders rather than computer models to determine its other personnel needs. GAO also found that: (1) Congress offset the possible impact of underestimated staffing needs by authorizing more staffing than FAA requested; (2) FAA adopted the current standards in 1981, but has not yet officially published or effectively communicated them to regional and facility managers; (3) FAA regional and facility managers used their own unvalidated processes and formulas for estimating staffing needs and did not use the current standards as management tools or for productivity measures; and (4) FAA has not revalidated or updated the current standards and has not established a process for doing so.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to revise the terminal and center staffing standards to better reflect actual field operations. **Status:** Action in process. New terminal radar approach and center standards have been completed and used for budget requests. The tower cab standards have been completed, but internal review and approval is not expected to be complete until the end of 1991.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to base its overhead staffing requirements on operational needs and facility work load. **Status:** Action in process. An action notice showing new terminal overhead and supervisory work-load standards has

been published. FAA is working on the action notice for the centers, which is expected to be completed by the end of 1991.

Recommendation: To improve the process it uses to determine air traffic controller staffing requirements, the Secretary of Transportation should direct the Administrator, FAA, to update the 1980 order on air traffic staffing standards to reflect the standards and process actually used by FAA.

Status: Action in process. FAA is revising its staffing standard order into three separate orders, one each for the terminals, centers, and flight service stations. The orders for the centers and terminals standards will be completed and used once revised overhead standards are finished. The order devoted to flight service stations is expected to be completed by the end of 1991.

Airspace Use: FAA Needs to Improve Its Management of Special Use Airspace

RCED-88-147, 08/05/88 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

In response to a congressional request, GAO evaluated the Federal Aviation Administration's (FAA) management of special-use airspace set aside for military training, focusing on its: (1) approval process for special-use proposals; and (2) monitoring of existing special-use airspace.

Findings

GAO found that FAA: (1) lacked adequate data to effectively manage special-use airspace areas and did not

require military services to provide such data; (2) did not establish guidance for its regions to reduce or eliminate inappropriate use of special airspace areas; and (3) planned to discuss its role in evaluating military environmental assessments in special-use proposals with the Council on Environmental Quality. GAO noted that, in 1987, two Navy staff studies on special-use airspace utilization showed that the Navy: (1) lacked a standard, centralized system for documenting and reporting its airspace usage; and (2) inefficiently and

inappropriately used special airspace areas.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to establish standards for measuring the effectiveness of special-use airspace utilization to develop a starting point for all regional discussion of modification or disestablishment of special-use airspace.

Status: Action in process. Guidance is being developed which will establish threshold usage levels triggering a detailed review of continued need

considering frequency of use and types of activities performed for the purpose of determining airspace modification or revocation. The estimated completion

date for the new guidelines is not known.

Air Traffic Control: FAA Should Define the Optimal Advanced Automation System Alternative

IMTEC-89-5, 11/30/88 GAO Contact: JayEtta Z. Hecker, (202)275-9675

Background

Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) plans to acquire the Advanced Automation System (AAS), focusing on FAA compliance with congressional direction to: (1) obtain more technical information and modify test plans before awarding the AAS acquisition contract; and (2) conduct a cost-benefit study.

Findings

GAO found that FAA complied with congressional direction to obtain more technical information regarding AAS by: (1) directing design contractors to perform risk-reduction activities and demonstrate how their chosen hardware and software technologies would meet performance requirements; (2) requiring the completion of additional tests before authorizing full controller work station production; and (3) reviewing the need to

simulate advanced en route automation functions and deciding not to simulate them before awarding the contract. GAO also found that the FAA cost-benefit study: (1) stated that modernizing the air traffic control computer system was a good investment; (2) concluded that the most cost-beneficial approach was to close about 180 terminal control facilities and consolidate their functions at 23 large centers; (3) did not fully analyze or properly compare a full range of alternatives, including nonconsolidation approaches, to its preferred system; (4) used an unsound methodology to estimate AAS benefits; (5) addressed potential safety improvements qualitatively; (6) estimated that AAS contract costs could total about \$3.3 billion, \$1.7 billion less than an independent cost analysis estimated; and (7) did not successfully control AAS design costs and opposed suggestions to adopt a design-to-cost goal to help control costs.

Open Recommendations to Agencies

Recommendation: To ensure that FAA completes a credible cost-benefit analysis and retains the flexibility to acquire the optimal alternative, the Secretary of Transportation should direct the Administrator, FAA, to conduct an analysis to determine the optimal terminal control alternative: (1) using the data supporting the recently completed cost-benefit study; and (2) comparing a full range of alternative system configurations, capabilities, and locations.

Status: Action in process. The Department of Transportation (DOT) continued to report this recommendation as a material weakness in its most recent Federal Managers' Financial Integrity Act report. DOT stated that the cost-benefit analysis would be completed soon.

Mass Transit Grants: UMTA Needs to Improve Procurement Monitoring at Local Transit Authority

RCED-89-94, 03/31/89 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO evaluated the Urban Mass Transportation Administration's (UMTA) oversight of the Southeastern Pennsylvania Transportation Authority's (SEPTA) procurement operations.

Findings

GAO found that: (1) an UMTA-hired independent consultant concluded that SEPTA procurement practices did not comply with federal requirements; (2) SEPTA established a task force to address problems the consultant identified, including lack of autonomy, inadequate written procedures, and competition restriction; and (3) UMTA planned to continue conducting pre-award reviews of proposed SEPTA contracts and will require SEPTA to report on its corrective actions. GAO also found that UMTA did not adequately monitor SEPTA procurement

operations, since it: (1) lacked adequate documentation to show that it conducted appropriate analyses and pre-award reviews of proposed SEPTA procurements; (2) limited its pre-award reviews to ensuring that SEPTA submitted the required supporting documentation and written justifications; (3) approved proposed procurements on the basis of the specific contract and did not review procurements for compliance with other procurement requirements; (4) concluded, from a triennial review that did not focus on procurement practices, that SEPTA maintained a competitive procurement system; and (5) did not require SEPTA annual audits to report on compliance with its procurement requirements.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the

Administrator, UMTA, to increase the emphasis on the procurement area during triennial reviews at SEPTA by including the reviews and tests of selected procurements needed to determine that proper procurement procedures are in place and being followed.

Status: Action in process. The triennial review at SEPTA was conducted in January 1990, and a letter of findings was issued on March 14, 1991. Because UMTA headquarters was reviewing SEPTA implementation of a 1988 procurement review recommendation, UMTA Region III did not review SEPTA procurement practices. UMTA headquarters is considering reviewing and testing selected procurements once SEPTA has approved practices in place. The expected completion date is not known.

Air Traffic Control: FAA's Implementation of Modernization Projects in the Field

RCED-89-92, 06/28/89 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO evaluated the Federal Aviation Administration's (FAA) progress in implementing the National Airspace

System (NAS) Plan, focusing on: (1) the adequacy of FAA headquarters planning for regional installation and integration of NAS equipment; and (2) whether FAA regions had sufficient information to

perform those tasks within established schedules.

Findings

GAO found that: (1) some headquarters implementation plans did not adequately identify regional tasks or project requirements; (2) FAA headquarters changed project requirements after regions began implementation; and (3) all of the projects it reviewed experienced some delivery delays, but in at least four cases, the delays allowed the regions sufficient time to prepare for implementation. GAO also found that: (1) the regions used separate information systems to manage various implementation tasks, and the systems frequently yielded data different from data that the headquarters systems produced; (2) regional information

systems included inaccurate data on delivery dates and could not accurately estimate staffing needs; (3) regional and headquarters project milestones were not comparable; and (4) FAA had no clear timetable for implementing the Regional Project Management Information System (RPMS), which it will require in order to estimate staffing for future regional NAS implementation projects.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to ensure that

project implementation plans conform to established FAA planning standards before they are issued.

Status: Action in process. FAA has developed a first-site implementation concept to deal with problems noted in the report. Detailed audit work on the approximately 150 modernization projects will be needed to see if FAA action is responsive. Because of continued delays in production, delivery of new systems to the field has been delayed. The expected completion date is not known.

Aviation Weather: FAA Needs to Resolve Questions Involving the Use of New Radars

RCED-90-17, 10/12/89 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO provided information about the Federal Aviation Administration's (FAA) progress in disseminating hazardous weather data from three new weather-related systems, focusing on: (1) FAA progress in disseminating hazardous weather data from three new weather-related systems, focusing on: (1) FAA progress in preparing the necessary operational procedures for the Airport Surveillance Radar (ASR-9) weather channel and the Terminal Doppler Weather Radar (TDWR); and (2) the status and availability of weather services FAA intended to provide through the Aeronautical Data Link.

Findings

GAO found that FAA: (1) did not implement formal procedures for transmitting ASR-9 weather data from controllers to pilots, although the first

ASR-9 radar was operational and FAA planned to deploy additional radars; (2) believed that controllers needed to experience basic changes in ASR-9 precipitation detection capabilities before it issued formal procedures, and did not believe that the absence of operational procedures hindered controllers' use of ASR-9, although controllers lacked guidance regarding how often to use ASR-9 or how to interpret the precipitation display; (3) did not require controllers to use ASR-9 weather information to reroute planes, although the improved weather detection capability could help controllers anticipate the need to reroute planes around adverse weather; (4) planned to install the first TDWR unit by June 1993, and install 47 additional units over the following 3 years; (5) is evaluating data dissemination

procedures as part of its TDWR operational testing, since it and the airline industry are concerned about the adequacy of using its current, less capable weather system's procedures to alert pilots of events identified by TDWR; and (6) planned to provide hazardous weather advisories through its Aeronautical Data Link, although its significant delay, due to its reliance on other delayed information systems, could require additional operational testing.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to evaluate, during subsequent operational tests of TDWR, the impact and efficiency of having controllers direct aircraft around

microbursts. The agency could then resolve the policy question concerning the dissemination of microburst

warnings and therefore implement the most effective operational procedures. **Status:** Action not yet initiated. FAA is awaiting final evaluations from the

National Aeronautics and Space Administration's Ames Research Laboratory on this issue.

Aviation Safety: FAA's Safety Inspection Management System Lacks Adequate Oversight

RCED-90-36, 11/13/89 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO evaluated the Federal Aviation Administration's (FAA) internal controls and management practices to ensure district offices' compliance with national work program guidance regarding aircraft maintenance and pilot training inspection requirements.

Findings

GAO found that FAA: (1) developed the computer-based Work Program Management Subsystem (WPMS) to serve as a management tool for recording inspection requirements, plans, and results; (2) lacked adequate oversight to detect district offices' inadequate implementation of national inspection guidance, failure to follow FAA inspection policies and practices, and entry of inaccurate and incomplete information into WPMS; (3) used

inaccurate and incomplete WPMS data in reporting its inspection accomplishments to Congress; (4) district staff did not enter into WPMS half of the inspections required for national work goals; (5) lacked adequate management oversight to ensure that district offices correctly entered data into WPMS; (6) planned to enhance WPMS hardware and software that did not address data accuracy problems; and (7) inspectors and supervisors who lack confidence in WPMS as an effective management tool to plan and record inspections have established their own handwritten or computer systems to perform the functions WPMS should perform.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the

Administrator, FAA, to provide adequate supervision, as required by internal control standards, to ensure that national FAA inspection policies are followed by local FAA staff who are responsible for implementing the required national work program. To aid in this supervision, the Secretary should direct the Administrator to establish adequate checks of data entered into WPMS to ensure that the information on inspections in the system is complete and accurate.

Status: Action in process. According to a Department of Transportation official, FAA is in the process of replacing old computer equipment with upgraded equipment. In fiscal year (FY) 1990, \$6 million was spent to replace old equipment, and \$4 million was earmarked for this effort in FY 1991. FAA expects to have all the new equipment in place by the end of FY 1994.

Railroad Safety: DOT Should Better Manage Its Hazardous Materials Inspection Program

RCED-90-43, 11/17/89 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO evaluated the: (1) effectiveness of the Federal Railroad Administration's (FRA) hazardous materials inspection program; and (2) extent to which the Department of Transportation's (DOT) Research and Special Programs Administration (RSPA) improved its Hazardous Materials Information System (HMIS) and established a program to register hazardous materials shippers.

Findings

GAO found that: (1) FRA inspectors' hazardous materials enforcement manual included outdated and contradictory inspection goals and guidance, did not describe ways for inspectors to identify and target high-risk shippers, and did not clearly delineate when inspectors should cite shippers and railroads for noncompliance or inspectors' authority

to issue violations at shippers' facilities; (2) FRA did not use information available from its sources or HMIS to target inspection resources at high-risk shippers and railroad facilities; (3) FRA inspectors generally focused on inspecting individual cars carrying hazardous materials, rather than reviewing the adequacy of shippers' or railroads' safety procedures; (4) FRA lacked adequate staffing to accomplish its objective of ensuring that shippers and railroads complied with RSPA regulations; (5) FRA cited budget restrictions as the primary reason for not actively seeking to fill six position vacancies or adding more positions; (6) FRA has not sought statutory authority to certify state inspectors to participate in its hazardous materials inspection program, although some states have adopted federal standards and shown an interest in assisting FRA; (7) HMIS did not include data about 23 of 96 railroad hazardous materials releases GAO reviewed; and (8) RSPA did not require

shippers to submit reports of hazardous materials releases, require post-investigation report updates, share accident and enforcement data with other agencies, or require major hazardous materials shippers to register.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FRA, to initiate a study of the staffing needs for realistic program implementation, considering the changes in objectives and procedures developed as a result of the recommendations in this report.

Status: Action in process. FRA is modifying the staffing model to better project needs and allocate resources, utilizing data from the regional inspection and quality improvement programs. The expected completion date is not known.

Drug Testing: Management Problems and Legal Challenges Facing DOT's Industry Programs

RCED-90-31, 11/27/89 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined the approach that the Department of Transportation (DOT) used to implement its transportation

industry drug-testing program, focusing on: (1) six transportation agencies' development of economic evaluations and the status of their programs; (2) whether the Office of the Secretary of Transportation (OST) provided sufficient

guidance to DOT agencies to ensure effective program implementation; (3) the legal issues of the implementing regulations; and (4) how proposed legislation compared with DOT drug-testing regulations.

Findings

GAO found that: (1) although regulations required transportation employers to begin drug testing by the end of 1989, three of the six agencies moved their implementation dates back from 1 to 4 months; (2) although the agencies' drug-testing programs covered similar types of safety-sensitive employees, they did not include such practices as providing comprehensive guidance to employers, reviewing employers' submission of drug-testing plans, and monitoring employer programs; (3) two of the six agencies' programs included each of those practices, while one did not include any of them; (4) one agency planned to monitor employer compliance but provided limited guidance to employers

and did not plan to review employer drug-testing plans; (5) the other two agencies provided employer guidance and planned to monitor employer compliance, but did not plan to review employer's programs; (6) OST did not provide the agencies with guidance on what program information to gather from employers in order to evaluate overall program success; (7) most of the union and employee association challenges to DOT drug-testing regulations ranged from the constitutionality of random drug testing to DOT basic statutory authority to mandate private-sector employee drug testing; and (8) the key differences between the proposed legislation and DOT regulations concerned requirements for alcohol testing and

penalties for employers who failed to comply with regulations.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct each administration to publish a specific penalty schedule for employers who do not comply with the drug-testing regulations.

Status: Action in process. The Federal Aviation Administration, Federal Railroad Administration, and Federal Highway Administration have published penalty schedules. Other administrations are developing rules. The completion date is not known.

Traffic Congestion: Trends, Measures, and Effects

PEMD-90-1, 11/30/89 GAO Contact: Kwai-Cheung Chan, (202)275-3092

Background

Pursuant to a congressional request, GAO reviewed traffic congestion in large and small metropolitan areas, focusing on: (1) the forces that affect traffic congestion, and how they shape its nature and severity; (2) how the Federal Highway Administration (FHWA) measured traffic congestion; (3) the credibility of FHWA urban freeway delay estimates; and (4) whether FHWA measured the effects of traffic congestion.

Findings

GAO found that: (1) the forces that shaped traffic congestion included trends in suburban development, the economy, the labor force, automobile use, truck traffic, and the highway infrastructure; (2) traffic congestion problems have

increasingly occurred in suburban and outlying rural areas; (3) random interruptions in traffic flow may have a greater effect on traffic delays than recurring congestion during peak traffic periods; (4) federal, state, and local transportation agencies measured traffic flow conditions through traffic density, average travel speeds, maximum service flow rates, traffic flow to facility capacity ratios, average daily traffic volume, and daily vehicle travel miles; (5) FHWA used an urban freeway delay model to estimate present and future congestion levels nationally and to rank the most severely congested metropolitan areas; (6) the model's omission of capacity improvements and its sensitivity to changes in freeway capacity raised questions about its accuracy; (7) information on potential environmental, economic, and human

stress effects was limited; (8) FHWA assigned dollar values to time and fuel wasted in traffic delays to quantify economic effects; and (9) laboratory tests on the health and environmental effects of motor vehicle emissions have shown that motor vehicles emit high levels of some pollutants under conditions associated with traffic congestion, while some studies have linked traffic congestion with physiological and behavioral changes.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FHWA, to review and, where appropriate, modify the collection, use, and analysis of traffic congestion data to ensure that accurate statistics on

congestion are available for policy decisions regarding freeway mobility. **Status:** Action in process. FHWA is still in the process of developing

recommendations to improve its analytical capabilities. The agency is in the process of developing nationwide measures of traffic congestion, which

will be implemented with related regulations during the 1991-1996 reauthorization period.

Aging Aircraft: FAA Needs Comprehensive Plan to Coordinate Government and Industry Actions

RCED-90-75, 12/22/89 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

GAO assessed the Federal Aviation Administration's (FAA) efforts to ensure the safety of aging commercial aircraft.

Findings

GAO found that FAA: (1) sponsored a June 1988 international conference on aging aircraft after an accident involving an aging aircraft's structural failure; (2) and the airline industry initiated many promising actions to respond to conference recommendations and hosted a second conference to discuss those actions; (3) lacked a comprehensive plan for coordinating and evaluating initiatives to ensure participants' awareness of all activities and facilitate oversight of joint initiatives; and (4) could use its resources

more effectively by developing hands-on aircraft inspection approaches to supplement paperwork reviews of maintenance records, analyzing trend data on aircraft maintenance and repair, and assessing the impact of the potential capacity shortage in the aircraft repair industry on the FAA inspection work force.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to develop a plan describing present and anticipated actions to meet the aging aircraft challenge, their time frames, and the resources necessary to complete those actions.

Status: Action in process. FAA is developing a plan that describes industry and government actions underway to meet the aging aircraft challenge. GAO reviewed a draft plan and found that it lacked critical information, such as staffing levels, resource and capacity limitations of regulatory action, and airline progress in making repairs. FAA has not indicated when the plan will be completed.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to report periodically to Congress on the progress toward accomplishing the plan's goals. **Status:** Action in process. After the plan is complete, FAA will update it on an annual basis and provide copies to Congress. FAA has not indicated when the plan will be completed.

Aviation Safety: Management Improvement Needed in FAA's Airworthiness Directive Program

RCED-90-94, 02/16/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the Federal Aviation

Administration's (FAA) oversight of its Airworthiness Directive Program, focusing on: (1) whether FAA oversight

is sufficient to determine airlines' compliance with directives; and (2) how

FAA safety information could be used to make the program more effective.

Findings

GAO found that: (1) the National Transportation Safety Board's (NTSB) accident investigations and FAA special inspections have shown significant noncompliance with airworthiness directives; (2) during routine inspections, FAA personnel were not always verifying compliance, since FAA inspection guidelines allowed inspectors too much discretion; (3) because inspectors reported only noncompliance, FAA did not have information on the number of program requirements applied by inspectors or the extent of compliance throughout the airline industry; and (4) FAA was not effectively using safety data to focus its limited resources on high-risk areas during routine inspections.

Open Recommendations to Agencies

Recommendation: To improve FAA management and oversight of the airworthiness directive program, the

Secretary of Transportation should direct the Administrator, FAA, to require a systematic testing for airworthiness directive compliance as part of each routine airline inspection. **Status:** Action in process. Estimated completion date: 01/92. FAA concurs in systematic airworthiness directive testing but believes that airworthiness testing of each airline inspection is not possible. FAA believes 3 of the 21 types of routine airline inspections are appropriate: aircraft records, airworthiness directive implementation or modification, and spot inspections. GAO believes that airworthiness compliance monitoring would be beneficial for at least four more types of inspections: major repairs and alterations, deferred maintenance programs, contract maintenance, and conformity inspections.

Recommendation: To improve FAA management and oversight of the airworthiness directive program, the Secretary of Transportation should direct the Administrator, FAA, to maintain and analyze compliance information to determine the extent of

airworthiness directive noncompliance and any additional actions necessary to ensure that airlines comply with airworthiness directives.

Status: Action in process. Estimated completion date: 01/92. FAA stated that it will specifically code three inspection areas, aircraft records, airworthiness directive implementation or modification, and spot inspections in its management information system. Also, a data base on airworthiness directive compliance will be developed. GAO believes that airworthiness compliance monitoring would be beneficial for four additional types of inspections.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to analyze and use available aircraft safety data as a management tool to focus the limited FAA inspection work force.

Status: Action in process. FAA announced, in September 1990, that it would use and analyze available aircraft safety data to help focus its inspection effort. FAA estimates that, by late 1991, it will have a prototype system in place to accomplish this.

Coast Guard: Better Process Needed to Justify Closing Search and Rescue Stations

RCED-90-98, 03/06/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a legislative requirement, GAO assessed the Coast Guard's process and criteria for closing search and rescue stations.

Findings

GAO found that the Coast Guard: (1) developed a list of 34 candidate stations for closure or reduction, basing its recommendations on past studies; (2) did not complete or maintain information on alternative sources of search and rescue assistance; (3) used misleading data in assessing stations' effectiveness in saving

lives; and (4) used incorrect information on stations' ability to maintain a 2-hour response time. GAO noted that the Coast Guard's decisions regarding station closures and reductions have historically been politically sensitive and difficult to defend.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should improve the process used in deciding on search and rescue (SAR) station closure and reductions by establishing formal instructions which identify the criteria to be applied in making closure decisions, direct decisionmakers to apply selection criteria consistently to all stations under consideration for closure, and require complete documentation on the basis of the selections.

Status: Action in process. The Department of Transportation generally agreed that the Coast Guard needs to improve and better document the process used in SAR station closure decisions. Possible guidelines are being researched for deciding a station closure or reduction. This effort, for which the expected completion date is not known,

will consider the multimission aspect of small boat stations. The recently completed small boat station staffing study is expected to bear on any guidelines developed.

Recommendation: The Secretary of Transportation should improve the criteria used in the selection process by adding, at a minimum, to the criteria a measurement of the impact that closures and reductions have on saving lives and carrying out other Coast Guard missions. **Status:** Action in process. The Coast Guard will be working toward improving the criteria used in making resource management decisions. However, a target completion date has not been established. As improved SAR station resource management criteria are developed and data bases are improved, the impact of station closings on life saving and other mission-critical requirements will be more accurately

estimated. Any station closure will consider the multimission aspect of these units.

Recommendation: The Secretary of Transportation should require that complete, current, and accurate data be made available and used in the application of the criteria.

Status: Action in process. Efforts are under way to ensure that the SAR station data base is updated in a timely fashion and contains the most complete, accurate, and current data available. These efforts, for which a target completion date has not been established, include establishing a computerized facility data base that will include information on station history case load and current staffing and resource levels. A simulation model is now being utilized to look at how stations are responding to SAR case loads.

Truck Safety: States' Progress in Testing and Licensing Commercial Drivers

RCED-90-78, 03/12/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed federal and state efforts to implement the Commercial Motor Vehicle Safety Act of 1986.

Findings

GAO found that: (1) at least 33 states indicated that they would have difficulty testing and licensing commercial truck drivers by the April 1, 1992 deadline; (2) most states experienced problems in making computer changes needed to connect to the national driver information system; (3) the Federal

Highway Administration (FHWA) did not develop specific action plans to ensure that states established commercial driver's license (CDL) programs and completed testing and licensing on time; (4) FHWA needed measures to ensure that drivers were not unduly penalized because states failed to meet the deadline; and (5) as of October 1989, only two states were testing and licensing commercial drivers under the new standards.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should be prepared to protect drivers who may not be tested and licensed because their states did not meet the April 1992 deadline. The Secretary could use the Commercial Motor Vehicle Safety Act's waiver authority to protect those drivers from fines and penalties until their states have completed testing and licensing.

Status: Action in process. FHWA told GAO that it considered it inappropriate to prepare plans to protect drivers not

licensed, because it believed such a plan would dissipate the momentum of states to meet the 1992 date. However, FHWA

indicated in March 1991 appropriations hearings that it was exploring the possibility of developing contingency

plans. FHWA did not indicate a completion date.

Preserving the Interstate System

T-RCED-90-68, 04/24/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

GAO discussed federal and state efforts to preserve the interstate highway system. GAO noted that: (1) in 1988, the Department of Transportation (DOT) classified the condition of 57 percent of interstate pavement as good, 31 percent as fair, and 12 percent as poor; (2) deteriorated pavement resulted in such societal costs as traffic delays, increased fuel costs, decreased productivity, and the potential for increased accidents, injuries, and vehicle damage; (3) although states were responsible for maintaining interstate pavement, some did not adequately fund or perform maintenance; (4) the Federal Highway Administration did not always ensure that states corrected identified maintenance deficiencies, even though some were safety-related; (5) states increasingly used Interstate Resurfacing, Restoration, Rehabilitation, and Reconstruction (4R) Program funds for reconstruction and lane widening to respond to worsening congestion; and (6) DOT estimated that states would use about 50 percent of the \$4.7 billion to \$6.1 billion needed annually in federal and state funds for interstate widening.

Open Recommendations to Congress

Recommendation: As the House Committee on Public Works and Transportation's Subcommittee on Surface Transportation deliberates the reauthorization of highway programs, it may wish to consider establishing national goals for the maximum acceptable levels of poor and fair pavement.

Status: Action in process.

Recommendation: As the House Committee on Public Works and Transportation's Subcommittee on Surface Transportation deliberates the reauthorization of highway programs, it may wish to consider redefining the range of activities eligible for Interstate 4R funding to encourage states to give more attention to maintenance activities directed at preserving the interstate pavement or resolving safety-related deficiencies.

Status: Action in process.

Recommendation: As the House Committee on Public Works and Transportation's Subcommittee on Surface Transportation deliberates the reauthorization of highway programs, it

may wish to consider emphasizing interstate priorities through maintaining the 90-percent federal cost share on those projects that have numerous beneficiaries, and decreasing the cost share on those projects that have a limited number of beneficiaries.

Status: Action in process.

Recommendation: As the House Committee on Public Works and Transportation's Subcommittee on Surface Transportation deliberates the reauthorization of highway programs, it may wish to consider requiring an assessment of the extent to which alternative transportation strategies are expected to alleviate the expected shortfall in interstate lane widening and associated costs.

Status: Action in process.

Congressional Action: As of late 1991, Congress was considering reauthorization of the federal-aid highway enabling legislation. Whether the recommended action would be included in the final bill and whether the reauthorization legislation would be enacted during the first session of the 102nd Congress was unclear at that time.

Railroad Safety: More FRA Oversight Needed to Ensure Rail Safety in Region 2

RCED-90-140, 04/27/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the effectiveness of the Federal Railroad Administration's (FRA) Region 2 hazardous materials inspection program.

Findings

GAO found that FRA Region 2: (1) did not establish inspection frequency goals and maintain complete, updated lists of hazardous materials inspection points; (2) did not inspect 70 percent of its inspection points in 1987 and 1988; (3) did not have enough inspectors to effectively carry out its inspection program; (4) inspectors prioritized inspections depending on risk, volume, type of hazardous materials, and safety

history; and (5) inspectors did not have sufficient knowledge of the scope of FRA inspection responsibilities or information on hazardous materials shippers. GAO also found that: (1) rail system assessments required more resources to evaluate rail safety training and operations; (2) routine inspections most often identified such problems as improper shipping documentation and tank car unloading and identification; (3) FRA relied on the rail industry to enforce speed rules and provided little oversight of railroad speed enforcement actions; and (4) FRA based its hazardous materials routing policy on whether the advantages of reducing public exposure outweighed the disadvantages of diverting traffic to unsafe tracks.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FRA, to reemphasize in Region 2 that inspectors add newly identified inspection points to their inspection-point lists and keep those lists updated so that the inspection goals and priorities can be set to maximize the use of scarce inspector resources.

Status: Action in process. All eight FRA regions have updated their inspection-point lists. As time allows, FRA plans to gather more details on each inspection point over the next few years. The expected completion date is not known.

Coast Guard: Magnitude of Alcohol Problems and Related Maritime Accidents Unknown

RCED-90-150, 05/24/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined the Coast Guard's efforts to reduce alcohol problems on commercial vessels, focusing on its: (1) procedures to screen merchant mariner applicants for alcohol abuse; and (2) readiness to enforce intoxication regulations. GAO also identified the number of: (1) applicants the Coast Guard rejected because of alcohol abuse;

and (2) maritime accidents attributable to alcohol.

Findings

GAO found that: (1) the Coast Guard's documentation and licensing process, which allowed it to screen merchant mariner applicants, was limited due to gaps in its legislative authority and insufficient procedures for collecting and verifying relevant information during

the screening process; (2) the Coast Guard's readiness to enforce intoxication regulations on vessels was limited because officers did not have the appropriate training or equipment to administer timely intoxication tests; (3) it could not determine the number of applications rejected because of alcohol abuse, the number of alcohol-related accidents, or other data on alcohol problems, due to the Coast Guard's lack of a reporting system; (4) the Coast

Guard did not require applicants or physicians to report medical problems resulting from alcohol use; and (5) over a recent 3-year period, 4,247 licensed merchant mariners were reported for drunk-driving violations. GAO also noted similarities and differences among the Coast Guard's and two other Department of Transportation (DOT) agencies' intoxication regulations.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Commandant, U.S. Coast Guard, to provide investigators with the necessary training and testing equipment so that

they are prepared to enforce the intoxication regulations.
Status: Action not yet initiated.

Recommendation: The Secretary of Transportation should direct the Commandant, U.S. Coast Guard, to improve management information and program effectiveness by collecting data on applications denied because of alcohol use, accidents in which alcohol was a contributing factor, violations of intoxication regulations, and results from reasonable-cause testing.
Status: Action in process. The Coast Guard will develop changes to its existing data collection procedures to collect the information described. The completion date is not known.

Recommendation: The Secretary of Transportation, in conjunction with the Department of Transportation's rulemaking process for the prevention of alcohol abuse, should determine whether existing differences in procedures among the transportation modes are reasonable or whether more effective results could be achieved by making the regulations more uniform.
Status: Action in process. DOT is exploring all aspects of the need for further regulation concerning use and abuse of alcohol in the various transportation modes through an advance notice of proposed rulemaking. It will fashion its regulatory course after deliberation on all relevant data available. The completion date is not known.

FAA Procurement: Major Data-Processing Contract Should Not Be Awarded

IMTEC-90-38, 05/25/90 GAO Contact: JayEtta Z. Hecker, (202)275-9675

Background

Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) Computer Resources Nucleus (CORN) project.

Findings

GAO found that: (1) FAA did not properly justify and plan CORN, which had major unresolved problems; (2) FAA claims about the causes of perceived problems with its Common System were poorly supported, as were its future requirements, raising doubts about the projects' justifications; (3) the FAA methodology for evaluating project technical and cost aspects was flawed and could have cost ramifications; (4) FAA cost estimates for the software

conversion to CORN and the amount of support needed for the conversion were unreliable; (5) the estimated time frame for the conversion doubled from 18 months to 3 years, which led to more cost growth; and (6) the conversion would not result in better management information.

Open Recommendations to Agencies

Recommendation: Because the CORN acquisition has not been adequately justified or planned and has major unresolved problems, the Secretary of Transportation should direct that the CORN contract not be awarded.
Status: Action in process. The FAA Administrator requested an independent

review of the CORN project in response to the report. Subsequent to the independent review, the Administrator cancelled the original solicitation and issued a new request for proposals.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to ensure that future procurements of this type and magnitude are properly justified and planned prior to contract award.
Status: Action not yet initiated.

Recommendation: Before proceeding with a comprehensive procurement similar to CORN, the Administrator, FAA, should ensure that existing system deficiencies are accurately and completely identified and a solution is

designed that addresses those deficiencies. Direct, periodic, systemwide monitoring, accomplished through the implementation of a computer capacity and performance management program for FAA general-purpose systems, should be used to determine the presence, extent, and causes of such performance problems as poor response times.

Status: Action not yet initiated.

Recommendation: Before proceeding with a comprehensive procurement similar to CORN, the Administrator, FAA, should ensure that the evaluation of vendors' proposals involves the use of a representative work-load sample.

Status: Action in process. FAA is acting to develop a more representative work load in evaluating vendors' proposals.

Recommendation: Before proceeding with a comprehensive procurement

similar to CORN, the Administrator, FAA, should ensure that planning for conversion includes an accurate inventory of the existing applications, an assessment of their continued need, and complete estimates of the cost and employee-years needed to support the conversion, including the extent to which qualified staff are available.

Status: Action in process. FAA has begun ensuring that more complete conversion planning is done.

Air Traffic Control: Ineffective Management Plagues \$1.7-Billion Radar Program

IMTEC-90-37, 05/31/90 GAO Contact: JayEtta Z. Hecker, (202)275-9675

Background

Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) Mode Select (Mode S) air traffic control surveillance and communication program.

Findings

GAO found that: (1) it had previously questioned FAA procurement practices and cited Mode S as a system for which FAA prematurely awarded a production contract; (2) FAA has not resolved Mode S technical problems, but expects the contractor to deliver the first fully capable system for deployment in 1993, 5 years later than planned; (3) technical

problems have led to extensive schedule delays; (4) FAA officials did not fully appreciate the severity of the problems until 1989; (5) FAA failed to analyze its requirements prior to buying 259 additional systems; and (6) FAA did not justify its investment in Mode S, because it did not properly analyze its requirements, consider alternatives, or evaluate system benefits and costs.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to cancel plans to replace remaining beacon radars with Mode S and to perform a thorough

analysis of requirements, alternatives, benefits, and costs. If the analysis supports replacing remaining beacon systems with Mode S, no decision to acquire additional Mode S systems should be made until the system is demonstrated to work and provide anticipated benefits.

Status: Action in process. The Department of Transportation (DOT) agreed with the recommendation and stated that no contracting activity for additional systems will begin until DOT acquisition justification requirements are satisfied. FAA is currently analyzing requirements, alternatives, benefits, and costs for replacing remaining beacon radars.

Serious Shortcomings in FAA's Training Program Must Be Remedied

T-RCED-90-86, 06/06/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

GAO discussed the Federal Aviation Administration's (FAA) training of its safety-related work forces, focusing on FAA progress in implementing its Flight Plan for Training. GAO noted that: (1) in 1989, 28,000 FAA employees attended training; (2) an increase in staff, the modernization of the air traffic system, and new safety inspection requirements resulted in a greater need for FAA to conduct training and improve its training methods; (3) so far, the FAA Flight Plan for Training, which cost \$406 million, has made little progress, primarily due to limited funding and the need for plan revisions; (4) internal appraisals and audits indicated that FAA did not evaluate training contracts promptly, which resulted in inadequate contractor performance and wasted money; and (5) FAA was not fully using

its training capability, since it had not established accountability for class attendance.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to develop criteria for determining priorities for its training modernization program, Flight Plan for Training.

Status: Action in process. All projects in the draft revised Flight Plan for Training have been prioritized into three categories: high, medium, and low. The priority of each project and the strategy for applying the priorities to determine funding allocations have been coordinated with the major organizations that have requirements

represented in the plan. FAA expects to finalize the plan by late 1991.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to clearly designate management accountability for ensuring the use of training slots.

Status: Action in process. The new FAA policy governing the administration of its training program will include provisions that clearly assign responsibility to regional training managers and operating division managers for ensuring that: (1) employees are appropriately assigned to attend training; (2) unneeded training slots are released on a timely basis; and (3) employees attend scheduled training. Action is expected to be completed by the end of 1991.

Transportation Infrastructure: States Benefit From Block Grant Flexibility

RCED-90-126, 06/08/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed five states' experiences in participating in the Federal Highway Administration's (FHWA) Combined Road Plan Demonstration Program, focusing on: (1) how states benefited from the plan's funding flexibility; (2) the plan's administrative advantages;

and (3) how states' administration of the Federal-Aid Highway Program compared with federal program administration.

Findings

GAO found that: (1) the ability to use pooled funds enabled three states to target funds toward higher-priority highway and bridge needs, but states

would like the program expanded to include funds from other highway programs; (2) the demonstration gave states the latitude to determine where and how they would spend selected federal funds, but certain legislative restrictions remained tied to the pooled funds; (3) Congress enacted spending requirements to ensure a minimum amount of state funding to certain

systems or areas, and state officials believed that having to comply with those limitations inhibited their ability to target pooled funds to their priority needs; (4) states also benefited by saving time and paperwork because of streamlined processes for approving, implementing, and completing federal aid projects; (5) states established a review process for exception requests that met FHWA approval, but since design exception approvals relied heavily on judgment, the impact of states' safety activities depended upon a qualitative assessment of actual state decisions; and (6) FHWA officials believed that there

was little safety risk in having the states perform final inspections, but believed states needed to strengthen their final inspection process to prevent negative safety impacts.

Open Recommendations to Congress

Recommendation: To maximize the funding and administrative flexibility provided by the Combined Road Plan demonstration program and to more closely approximate the block grant concept, Congress may wish to consider: (1) removing some or all of the title 23

legislative restrictions attendant to the use of funds eligible for the demonstration; and (2) expanding the list of eligible programs for the demonstration.

Congressional Action: As of late 1991, Congress was considering reauthorization of the federal-aid highway enabling legislation. Whether the recommended action would be included in the final bill and whether the reauthorization legislation would be enacted during the first session of the 102nd Congress were unclear at that time.

FAA Procurement: Competition for Major Data-Processing Project Was Unjustifiably Limited

IMTEC-90-71, 06/11/90 GAO Contact: JayEtta Z. Hecker, (202)275-9675

Background

Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) acquisition approach for its Computer Resources Nucleus (CORN) project, focusing on whether a key design requirement may have unnecessarily limited competition.

Findings

GAO found that: (1) the agency's original objective for the CORN procurement was to achieve full and open competition and innovative vendor proposals; (2) FAA decided to require a single architecture solution that would reduce operational costs and provide a technical data-base platform; (3) a single architecture would not meet these objectives; (4) the CORN

solicitation did not define key functional requirements for achieving its objectives, such as those pertaining to data accessibility; (5) FAA unjustifiably limited competition and restricted the range of solutions that vendors could offer; and (6) FAA dictated a system design that might not satisfy its needs.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to first fully specify FAA functional requirements that may need to be specified, including single entry of data, interrogation, accessing, and interchanging of data, and porting of software among different equipment.

In doing this, if FAA determines that the procurement should have restrictive provisions, then it should justify their inclusion. FAA should then allow the vendors to propose systems that they believe will best meet its requirements.

Status: Action in process. FAA has removed the restrictive single architecture requirement from the revised request for proposals.

Recommendation: FAA should plan to adequately test and evaluate vendors' proposals to determine how well they meet the stated requirements, at a reasonable cost and acceptable risk to the government.

Status: Action in process. FAA plans to test vendor proposals.

Coast Guard Acquisitions: Formal Criteria Needed to Ensure Project Manager Qualifications

RCED-90-178, 06/19/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

GAO assessed the Coast Guard's actions to increase the qualifications and tenure of acquisitions personnel.

Findings

GAO found that: (1) since 1985, the Coast Guard has taken steps to improve its managers' experience and training, but did not ensure that its project managers had the necessary skills to successfully manage major acquisitions; (2) in 1986, the Coast Guard established a panel to select project managers and focus on maintaining high standards of professionalism, ensuring that top performers received major projects, and enhancing project managers' prestige; (3) the panel had not yet formalized the selection criteria for project managers; (4) the Coast Guard took several steps to improve project managers' awareness of statutes, regulations, policies and procedures, and program management, primarily by ensuring that all project

managers took a 20-week management course, but had not established a formal training requirement; (5) the Coast Guard's tenure guidelines did not differentiate between project manager and other headquarters assignments, but project managers' tours were generally less than 4 years; and (6) since the Coast Guard experienced frequent turnover for project managers, it was working to establish civilian deputy project manager positions to provide more continuity, since civilians were not subject to military rotation policies.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Commandant of the Coast Guard to formalize the selection criteria regarding prior experience and education to ensure that, along with management skills necessary to ensure effective performance, all future project managers

selected have acquisition experience or acquisition training.

Status: Action in process. According to the Coast Guard, formal criteria for selecting project managers will be announced in late 1991. These new criteria are based on an ongoing Coast Guard study regarding what knowledge, skill, and abilities project managers should possess.

Recommendation: The Secretary of Transportation should direct the Commandant of the Coast Guard to institute a formal requirement that, once selected, all project managers have relevant training, consistent with their educational background and acquisition experience, before their tours begin.

Status: Action in process. In late 1991, the Coast Guard expects to announce that all newly selected project managers must complete a 20-week acquisition management course prior to being formally assigned to project manager positions.

Air Traffic Control: Smaller Terminal Systems' Capacity Requirements Need to Be Defined

IMTEC-90-50, 06/25/90 GAO Contact: JayEtta Z. Hecker, (202)275-9675

Background

Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) automated safety enhancements for air traffic

controllers at smaller terminal radar approach control facilities (TRACON), focusing on: (1) the extent of and reasons for delays in developing, testing, and deploying the Automated Radar

Terminal System (ARTS IIA) hardware and software; and (2) whether FAA adequately identified current and future computer capacity requirements for smaller TRACON.

Findings

GAO found that FAA did not: (1) properly manage the installation of safety enhancements at smaller TRACON, which caused a 3-year delay in ARTS IIA implementation; (2) require the ARTS IIA production contractor to perform integrated tests to determine whether various portions of the system worked together; (3) have a computer capacity and performance management program for smaller TRACON; and (4) understand current computer utilization or future computer capacity requirements for smaller TRACON. GAO also found that FAA: (1) awarded the production contract before completing system development and continued to change the system requirements after it awarded the contract; (2) had not established a capacity management program because smaller TRACON had not encountered capacity shortfalls; and (3) was uncertain whether ARTS IIA would meet the needs of smaller TRACON.

Open Recommendations to Agencies

Recommendation: Experience gained in implementing the ARTS IIA project can be used to prevent similar problems from occurring on future projects. The Secretary of Transportation should direct the Administrator, FAA, to improve management of future TRACON automation projects by awarding production contracts only after development is complete, controlling changes to operational software during

system development and production, and requiring contractors to perform integrated testing.

Status: Action in process. FAA said that it is taking action to ensure that production contracts are not awarded until development is complete and that a prototype system has successfully passed an operational test. This is part of a larger program to improve the acquisition process following Office of Management and Budget Circular A-109, Major System Acquisitions, guidelines. FAA added that mission needs will be carefully analyzed as will alternate solutions, requirements, and acquisition plans. These disciplines will be supplied to new programs, but programs now in advanced phases of the acquisition process are also being reviewed for compliance with this policy.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to implement a computer capacity and performance management program for ARTS IIA systems. This program should include an analysis of current system performance and future work loads, including predicted traffic levels and additional software functions to determine system requirements, as well as the potential performance of the enhanced system.

Status: Action in process. FAA said that it had completed a capacity and performance analysis using estimated track requirements. It said that UNISYS Corporation was developing a computer capacity and system performance monitoring program and that a critical

design review was completed with national implementation given during a January 1991 technical interchange meeting. It added that software release was scheduled for FAA delivery in October 1991, with system shakedown testing to be completed by March 1992.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to report the lack of a computer capacity and performance management program as a material control weakness under the Federal Managers' Financial Integrity Act until a program has been implemented.

Status: Action in process. According to FAA, the lack of a capacity and performance management program will be reported as a material weakness until implementation of the program is complete as discussed in response to the second recommendation.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to delay exercising the expansion contract option to procure additional computers until a computer capacity and performance management program is implemented and future capacity requirements are adequately defined.

Status: Action in process. According to FAA, the need to establish the computer system capacity requirements more accurately and definitively will be completed before exercising the ARTS IIA Interim Support Plan contract option for Mode C Intruder functionality.

Transportation Infrastructure: A Comparison of Federal and State Highway Laws

RCED-90-157, 06/27/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO compared federal and state wage, environmental protection, disadvantaged business, and highway design laws to determine whether five states' laws offered protections in areas equal to protections afforded by federal laws.

Findings

GAO found that: (1) all five states have laws that parallel the Davis-Bacon Act, with minor variations; (2) three of the five states have laws that parallel the Environmental Policy Act; (3) all five states established disadvantaged business contracting programs intended to encourage disadvantaged business participation in public works contracts;

and (4) neither federal nor state statutes contain substantive operative standards for highway design.

Open Recommendations to Congress

Recommendation: Congress may wish to consider maintaining the status quo, not exempting states from any of the federal compliance requirements that are currently a precondition for obtaining federal funding.

Status: Action not yet initiated.

Recommendation: Congress may wish to consider excusing states completely from compliance requirements, entrusting each state with the freedom to administer the federal funds according

to whatever rules and laws that state deems appropriate.

Status: Action not yet initiated.

Recommendation: Congress may wish to consider waiving some or all of the requirements for compliance with the laws but requiring states to demonstrate that they are providing an acceptable level of protection to such concerns as labor, the environment, minority businesses, and highway safety.

Recommendation: Congress may wish to determine what level of protection it is comfortable with and what safeguards would be necessary to ensure that states continue to enforce laws and programs that satisfy this standard.

Status: Action not yet initiated.

Truck Transport: Little Is Known About Hauling Garbage and Food in the Same Vehicles

RCED-90-161, 06/28/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined the practice of transporting municipal solid waste in multipurpose trucks that may also be used to carry consumer goods, such as food.

Findings

GAO found that: (1) over the past 2 years, municipalities in the Northeast have dramatically increased the amount of waste trucked to out-of-state landfills; (2) New Jersey reported that at least 32 out-of-state landfills have accepted truckloads of its garbage; (3) multipurpose trucks transport about 85 percent of all meat and fresh fruits and

vegetables consumed in the United States; (4) as the number and capacity of local landfills decrease, the demand for long-distance transport of garbage increases, and with it the likelihood of cross-hauling food and garbage; (5) federal health and food officials said they have no knowledge of any documented contamination having occurred in the United States from transporting food in trucks that

previously carried garbage; (6) federal health and food officials said that because they have found no instances of transport-related contaminants, their inspectors do not test trucks for contaminants; and (7) inspectors focus where experience has shown that food contamination might likely occur, such as food preparation, and would test a truck only if contamination were linked to it.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should take the steps needed, including seeking authorizing legislation if necessary, to develop regulations requiring that truckers maintain specific records of commodities carried in trucks that carry food. This recordkeeping could help food shippers identify trucks that may need more thorough inspections and facilitate any future research that Congress may require into the extent and nature of health risks.

Status: Action in process. The Sanitary Food Transportation Act of 1990 requires the Department of Transportation (DOT) to develop regulations concerning recordkeeping for commodities carried in

trucks that carry food. DOT has issued a notice of proposed rulemaking to solicit necessary information to develop regulations and is reviewing the information received. DOT will establish a completion date after its review.

Recommendation: The Secretaries of Agriculture and Health and Human Services (HHS), in consultation with the Secretary of Transportation and the Administrator, Environmental Protection Agency (EPA), should develop standards and guidelines for truck cleaning. Those measures would help minimize the potential risk of food contamination.

Addressee: Department of Transportation

Status: Action in process. The Sanitary Food Transportation Act of 1990 requires DOT to develop regulations for truck cleaning in consultation with HHS, EPA, and the Department of Agriculture (USDA). DOT issued a notice of proposed rulemaking to solicit necessary information to develop regulations and is reviewing the information received. DOT will establish a date for completing action after its review is completed.

Addressee: Department of Agriculture
Status: Action in process. The Sanitary Food Transportation Act of 1990 requires

DOT to develop regulations for truck cleaning in consultation with HHS, EPA, and USDA. DOT issued a notice of proposed rulemaking to solicit necessary information to develop regulations and is reviewing the information received. DOT will establish a date for completing action after its review is completed.

Addressee: Department of Health and Human Services

Status: Action in process. The Sanitary Food Transportation Act of 1990 requires DOT to develop regulations for truck cleaning in consultation with HHS, EPA, and USDA. DOT issued a notice of proposed rulemaking to solicit necessary information to develop regulations and is reviewing the information received. DOT will establish a date for completing action after its review is completed.

Addressee: Environmental Protection Agency

Status: Action in process. The Sanitary Food Transportation Act of 1990 requires DOT to develop regulations for truck cleaning in consultation with HHS, EPA, and USDA. DOT issued a notice of proposed rulemaking to solicit necessary information to develop regulations and is reviewing the information received. DOT will establish a date for completing action after its review is completed.

Motor Vehicle Safety: NHTSA Should Resume Its Support of State Periodic Inspection Programs

RCED-90-175, 07/05/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO evaluated the National Highway Traffic Safety Administration's (NHTSA) state motor vehicle inspection program, to determine whether: (1) a 1989 NHTSA report accurately represented the safety

benefits of state inspection programs; (2) available evidence indicates that state inspection programs reduce accidents; and (3) NHTSA appropriately carried out its responsibilities regarding inspection programs.

Findings

GAO found that: (1) periodic inspection programs improve the condition of the safety-related components of vehicles subject to inspection; (2) accidents involving vehicle defects occur less often

in states requiring periodic inspections; (3) state periodic inspection programs reduce the number of poorly maintained vehicles; (4) NHTSA issued a standard requiring states to inspect vehicles at least annually, and in 1973 issued specific standards for vehicle inspection; and (5) NHTSA intends to resume supporting periodic vehicle inspections.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct NHTSA to support periodic motor vehicle inspection through such actions as sponsoring research that would assist

states considering the initiation or reinstatement of inspection programs. **Status:** Action in process. Estimated completion date: 06/92. The American Association of Motor Vehicle Administrators (AAMVA) will review existing periodic motor vehicle inspection (PMVI) program criteria, prepare a report on existing high technology inspection equipment, and conduct PMVI research.

Recommendation: The Secretary of Transportation should direct NHTSA to support periodic motor vehicle inspection through such actions as assisting inspection states so that they share their experiences and adapt to changing automotive technology.

Status: Action in process. Estimated completion date: 03/92. AAMVA plans to review existing state procedures and guidelines and develop uniform procedures.

Recommendation: The Secretary of Transportation should direct NHTSA to support periodic motor vehicle inspection through such actions as promoting public awareness of the need to properly maintain the safety-critical components of vehicles.

Status: Action in process. Estimated completion date: 03/92. The AAMVA plan provides for developing a public PMVI information document.

Coast Guard: Reorganization Unlikely to Increase Resources or Overall Effectiveness

RCED-90-132, 07/12/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the proposals for alternative organizational placement of the U.S. Coast Guard, focusing on: (1) the organizational alternatives in terms of their likely impact on the Coast Guard's essential character, multimission capabilities, and funding; and (2) the actions the Coast Guard has taken and will need to take to ensure optimal use of available resources.

Findings

GAO found that: (1) the Coast Guard's budget increased from \$1.7 billion to \$3.1 billion between fiscal years 1980 and 1989; (2) the Coast Guard's budget growth was attributable to substantial funding assistance from sources outside

the transportation appropriation, most notably funds appropriated for national defense and drug interdiction; (3) while moving the Coast Guard or making it independent might enhance its effectiveness in certain functional areas, such steps were not likely to increase its available resources or enhance its overall effectiveness; and (4) the Coast Guard has yet to fully develop and implement a performance management system capable of determining how efficiently it uses resources and how well its programs are achieving their objectives.

Open Recommendations to Agencies

Recommendation: The Coast Guard has taken steps to develop performance

measures to improve the use of available resources. However, because of weaknesses in the design of many of those measures and an absence of followup by management to ensure their refinement and implementation, the measures are not currently used in a significant way in the management of the Coast Guard's activities or in top-level decisionmaking. Accordingly, the Secretary of Transportation should direct the Coast Guard to continue to improve its performance measures and use them in both the day-to-day management of programs and in higher-level decisionmaking for planning, programming, and budgeting. With a well-developed system of performance measures in place and serving as a foundation for an integrated planning, evaluation, and resource allocation

system, the Coast Guard would be in a much better position both to ensure the most effective and efficient use of the limited resources at its disposal and to more accurately determine and

persuasively argue its future resource requirements.
Status: Action in process. According to the Department of Transportation, the Coast Guard is continuing efforts to develop measures of effectiveness (MOE).

However, no specific targets or expected completion dates are set and no specific programs are cited as future subjects of MOE development. GAO has observed many weaknesses with MOE already in use.

Air Traffic Control: Continuing Delays Anticipated for the Advanced Automation System

IMTEC-90-63, 07/18/90 GAO Contact: JayEtta Z. Hecker, (202)275-9675

Background

Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) efforts to develop the Advanced Automation System (AAS), focusing on whether FAA was effectively managing the first key AAS phase, the Initial Sector Suite System (ISSS), in order to minimize program delays.

Findings

GAO found that: (1) FAA estimated that AAS would cost approximately \$5 billion; (2) FAA intended AAS to replace aging air traffic control computer systems with new hardware, software, and controller workstations; (3) 8 months after beginning work, FAA and the contractor task force reported a minimum 10-month delay in the ISSS software schedule, primarily due to unresolved requirements issues and inadequate schedule estimates, but

thereafter amended the delay projection to 13 months; (4) FAA and the contractor had not modified the contract to reflect the delay; (5) additional delays are likely, since FAA has still not resolved requirements issues and has identified new requirements; (6) FAA and the contractor planned to perform early demonstrations of software capabilities, but software delays made it difficult to fully realize the benefits of such demonstrations; (7) by failing to run early demonstrations, the contractor might not be able to identify problems and resolve them in a timely manner; and (8) FAA expects ISSS delays to negatively impact subsequent AAS phases.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to establish, with

IBM, a new and realistic schedule for AAS development and delivery. An analysis should be conducted immediately that assesses remaining tasks and determines realistic time frames for IBM to complete the development and delivery of ISSS, as well as the remainder of AAS. The analysis should include an appropriate safety factor, such as the time needed to conduct retesting and tuning of the system to meet performance requirements. The analysis should also explore the feasibility of revising the order of AAS implementation to expedite modernization of larger terminal radar approach control facilities.

Status: Action in process. The Department of Transportation concurred with the recommendation and stated that the contractor was preparing an analysis to assess remaining tasks and determine time frames to complete the remainder of the system.

Railroad Safety: New Approach Needed for Effective FRA Safety Inspection Program

RCED-90-194, 07/31/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the Federal Railroad Administration's (FRA) railroad safety inspection program, focusing on: (1) inspection coverage standards; (2) how FRA used data to target railroads for inspection; (3) follow-up actions taken on inspection results; and (4) uniformity in the application of safety regulations.

Findings

GAO found that FRA did not: (1) provide assurance that railroads were operating safely under the safety inspection program; (2) establish minimum inspection coverage standards defining the frequency of railroad inspections or standards for the size of the territory an inspector was expected to cover; (3) analyze existing inspection and accident data to target railroads for inspection; (4) require railroads to report actions taken to correct safety defects; (5) routinely perform follow-up inspections to determine whether safety defects were corrected; and (6) uniformly apply safety regulations, which resulted in FRA regions filing different numbers of violations for the same defective safety conditions.

Open Recommendations to Agencies

Recommendation: In order to make the FRA railroad safety inspection program more effective in ensuring that the nation's railroads are operating safely, the Secretary of Transportation should direct the Administrator, FRA, to

establish a minimum inspection coverage standard for each of its inspection disciplines and determine the number of inspectors necessary to achieve this standard of coverage. In determining the number of inspectors needed, FRA needs to determine the projected size of the state inspector work force and include this in its coverage analysis.

Status: Action in process. FRA is developing coverage standards for each inspection discipline and is quantifying the number of inspection points and the volume of activity at each point. These data will be used to determine inspector allocations and overall staffing needs. However, FRA has not yet completed the Regional Inspection Program data base to respond to this recommendation. The expected completion date is unknown.

Recommendation: In order to make the FRA railroad safety inspection program more effective in ensuring that the nation's railroads are operating safely, the Secretary of Transportation should direct the Administrator, FRA, to improve its National Inspection Plan by developing a methodology that incorporates past inspection results and prioritizes inspections on the volume of traffic on passenger and hazardous materials routes.

Status: Action in process. Estimated completion date: 01/92. FRA has changed its approach to the National Inspection Plan and is adding data as they become available. The new plan will allocate inspection time to high-risk railroads. The plan will have separate

parts for each inspection discipline and a separate plan for small railroads.

Recommendation: In order to make the FRA railroad safety inspection program more effective in ensuring that the nation's railroads are operating safely, the Secretary of Transportation should direct the Administrator, FRA, to use its safety data to target high-risk railroads and locations for routine inspections.

Status: Action in process. Estimated completion date: 01/92. On the basis of safety data, FRA will develop a risk profile for each railroad and quantify inspection priorities for the railroad. The revised National Inspection Plan will allocate inspections for high-risk railroads and locations.

Recommendation: In order to make the FRA railroad safety inspection program more effective in ensuring that the nation's railroads are operating safely, the Secretary of Transportation should direct the Administrator, FRA, to redefine the approach to system assessments by using existing inspection data to detect known areas of weakness and assign inspector resources to determine the underlying causes of those weaknesses.

Status: Action in process. Estimated completion date: 04/92. Draft assessment guidelines were discussed with FRA regional directors in April 1991.

Recommendation: In order to make the FRA railroad safety inspection program more effective in ensuring that the nation's railroads are operating safely, the Secretary of Transportation should

direct the Administrator, FRA, to complete system assessment follow-up reviews within the time frames established by FRA criteria.

Status: Action in process. Estimated completion date: 04/92. Follow-up criteria are included in the draft assessment guidelines discussed with FRA regional directors.

Recommendation: In order for FRA to ensure better uniformity of inspections, the Secretary of Transportation should direct the Administrator, FRA, to increase training, especially for new inspectors, and to issue formal guidance to inspectors reemphasizing the need for uniformity in citing violations.

Status: Action in process. Estimated completion date: 09/92. FRA hired a

Director of Training and Communications, who has developed a new training program. Also, FRA is revising its enforcement manuals to provide better guidance for the exercise of inspector judgment in the enforcement process. Some manuals have been issued. The remaining manuals are expected to be completed sometime in fiscal year 1992.

Air Traffic Control: The Interim Support Plan Does Not Meet FAA's Needs

RCED-90-213, 09/11/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO evaluated the Federal Aviation Administration's (FAA) planning and analysis in support of its Interim Support Plan (ISP), focusing on whether: (1) FAA adequately identified its requirements when developing ISP; and (2) the program was progressing in a manner that reflected its stated urgent nature.

Findings

GAO found that: (1) FAA inadequately identified ISP requirements; (2) FAA did not conduct a requirements analysis, as required by federal regulations and its own procedures; (3) FAA considered ISP as urgently needed, but ISP procurement and installation were behind schedule, indicating that FAA set unrealistic procurement and installation schedules; (4) FAA did not complete ISP assessment and approval until over a year after seeking congressional funds; (5) FAA

recently concluded that ISP was insufficient and was initiating programs costing at least another \$126 million to further expand capacity; and (6) since FAA was about 1 year behind its contracting schedule and about 3 years behind its installation schedule, it will be 1998 before the travelling public can benefit from ISP equipment.

Open Recommendations to Agencies

Recommendation: Because FAA has been developing additional interim projects, the Secretary of Transportation should direct the Administrator, FAA, to ensure that FAA properly applies its assessment and approval process and the Federal Information Resources Management Regulation (FIRMR), including conducting requirements analyses, to future projects before submitting them to Congress for funding.

Status: Action in process. Estimated completion date: 12/92. According to the Department of Transportation (DOT), FAA will apply its assessment and approval process and incorporate provisions of FIRMR, Part 201-30, as part of its process in acquiring new or additional information processing equipment. GAO plans to review the FAA requirements-setting process in 1992.

Recommendation: Because FAA has been developing additional interim projects, the Secretary of Transportation should direct the Administrator, FAA, to develop specific capacity, reliability, and maintainability requirements and goals for planning and assessing interim programs.

Status: Action in process. FAA has completed an analysis of how requirements are currently established. FAA is developing recommendations on how to improve this process. The planned completion date is not known.

Scenic Byways: A National Program, if Created, Should Be Small Scale

RCED-90-241, 09/28/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed various scenic byways designated by state and private organizations, focusing on the: (1) characteristics of selected byway programs and activities; (2) criteria for designating byways; and (3) issues raised by state and private officials concerning the creation of a national scenic byways program.

Findings

GAO found that: (1) states and private groups established most byways to promote tourism or preserve scenic beauty; (2) the characteristics, funding sources, management, and designation criteria of the 27 programs and activities reviewed in 10 states varied widely; (3) promotion techniques for byways involved maps, books, brochures, and signs; (4) states most often used general

state revenue, private-sector funding, and federal-aid highway funds to finance byway programs and activities; (5) designation criteria included accessibility, quality of scenery, historic value, and availability of attractions; (6) designation sometimes resulted in new roadside facilities, improved landscaping, and restrictions on commercial activities and outdoor advertising; and (7) byway officials wanted strong state and local involvement in any national scenic byway program, but supported federal funding and federal involvement in information sharing and promotion of byways.

Open Recommendations to Congress

Recommendation: If Congress decides to create a national scenic byway program, such a program should be of limited scope. The federal-aid highway program

already provides funds that can be used to make improvements to scenic byways on the federal-aid highway system. Any efforts to significantly expand federal-aid highway funding for byways may not be warranted at this time, given the need for funds to adequately address the nation's highway and bridge needs and the concerns that many state byway officials have over the creation of a large national program.

Congressional Action: As of late 1991, Congress was considering reauthorization of the federal-aid highway enabling legislation. Whether the recommended action would be included in the final bill and whether the reauthorization legislation would be enacted during the first session of the 102nd Congress was unclear at that time.

Truck Safety: Need to Better Ensure Correction of Serious Inspection Violations

RCED-90-202, 09/28/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO evaluated Federal Highway Administration (FHWA) and state actions to ensure that commercial motor vehicles correct identified safety violations.

Findings

GAO found that: (1) neither FHWA nor the states comprehensively tracked corrections of out-of-service violations; (2) preliminary results from FHWA-funded studies showed an overall noncompliance rate of 12 percent, and individual state

noncompliance rates varied from 9 to 53 percent; (3) internal control procedures to ensure compliance with out-of-service orders included reinspection, verification, and carrier certification; (4) most states failed to use adequate control procedures and document

results, and only five states used all three control procedures; (5) FHWA emphasized roadside inspections over control procedures; (6) drivers left unattended at inspection sites were more likely to honor out-of-service orders; (7) states failed to reinspect due to limited resources and operational restraints; (8) FHWA had limited ability to enforce carrier certification regulations, due to the voluntary nature of the Motor Carrier Safety Assistance Program (MCSAP); and (9) only about 40 percent of 1988 and 1989 inspection data was available due to multiple problems at the federal and state level. GAO also found that other actions to increase compliance included: (1) timely, state entry of data into a federal information system; (2) a 1-year license disqualification for the first offense; and (3) recording reinspection activity on inspection forms.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FHWA, to enforce program requirements that carriers certify violation correction and that states monitor carrier certifications, at least for all out-of-service violations. **Status:** Action in process. The states have adopted uniform Commercial Vehicle Safety Alliance guidelines that outline states' responsibilities for reinspection, verification, and carrier certification. FHWA issued a notice of proposed rulemaking in August 1991 that would establish procedures ensuring proper and timely correction of safety violations noted during inspections and require states to verify violation

correction. Action is expected to be completed by the end of 1991.

Recommendation: The Secretary of Transportation should direct the Administrator, FHWA, to encourage states to reinspect a sample of out-of-service orders, emphasizing those found by the state to be most likely to violate those orders.

Status: Action in process. The FHWA August 16, 1991, proposed rulemaking would require states to randomly reinspect motor vehicles or their drivers placed out-of-service at inspection sites. Issuance of a final rule is expected by the end of 1991.

Recommendation: The Secretary of Transportation should direct the Administrator, FHWA, to require FHWA inspectors and encourage state inspectors to verify a sample of out-of-service orders as a standard part of all carrier terminal visits to maximize MCSAP resources.

Status: Action in process. The FHWA August 16, 1991, proposed rulemaking would require FHWA and state inspectors to verify compliance with out-of-service orders during safety and compliance reviews at the motor carrier's place of business. Issuance of a final rule is expected by the end of 1991.

Recommendation: The Secretary of Transportation should direct the Administrator, FHWA, to encourage greater state use of the controls found to be effective by setting aside MCSAP funds for this purpose or by withholding MCSAP funding for states failing to do so in a reasonable time frame.

Status: Action in process. The FHWA August 16, 1991, proposed rulemaking

would require states to establish a program for verifying that out-of-service and other safety violations are corrected as a condition to receiving FHWA motor carrier safety funds. Issuance of a final rule is expected by the end of 1991.

Recommendation: The Secretary of Transportation should direct the Administrator, FHWA, to initiate a rulemaking procedure to add noncompliance with out-of-service orders to the Commercial Driver's License (CDL) serious traffic offense provisions that require a license disqualification.

Status: Action in process. FHWA is investigating making noncompliance with an out-of-service order a CDL serious traffic offense. Action is pending a review of state traffic laws and a determination of Department of Transportation statutory authority. No date for completing action has been established.

Recommendation: The Secretary of Transportation should direct the Administrator, FHWA, to modify inspection forms to accept reinspection information and to require separate repair person certification of out-of-service violations to provide more specific information on the correction of those violations.

Status: Action in process. The FHWA August 16, 1991, proposed rulemaking would require states to develop inspection reports that would provide for reinspection information showing that out-of-service and other safety violations have been corrected, and require the signature of the repair person. Issuance of a final rule is expected by the end of 1991.

Coast Guard: Anti-Reflagging Act Has Mixed Impact on U.S. Fishing and Ship Rebuilding

RCED-91-27, 10/25/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO evaluated provisions of the Commercial Fishing Industry Vessel Anti-Reflagging Act, focusing on the: (1) act's impact on the groundfish industry; and (2) Coast Guard's procedures for enforcing certain act prohibitions.

Findings

GAO found that: (1) the act's American control provisions had little impact on ensuring increased American control of the U.S. fishing industry, resulting primarily from the Coast Guard's interpretation of the act's grandfather clauses exempting vessels that were previously licensed and operating in U.S. coastal waters before the act's enactment; (2) the Coast Guard believed

that the grandfather exemptions remained with the vessels even if they were subsequently sold to foreign-owned companies, giving foreign-owned companies continued access to U.S. fisheries; (3) the act's prohibitions against foreign rebuilding of vessels used in U.S. fisheries were likely to have a significant impact, since the grandfather exemptions that allowed foreign rebuilding were tied to specific deadlines, all of which have passed; and (4) vessels rebuilt in a foreign country had to be delivered to the owners before July 28, 1990 to be eligible for U.S. fishery privileges, but after that deadline, owners who desired to rebuild their vessels and who wished to participate in U.S. fisheries would likely rebuild in U.S. shipyards.

Open Recommendations to Congress

Recommendation: The Anti-Reflagging Act's American control provisions have had little impact on ensuring that U.S. fishery operations are controlled by U.S. citizens. This is a result of the Coast Guard's interpretation allowing the grandfather exemption to remain with a vessel even if the vessel is subsequently sold to a foreign-owned company. Consequently, should Congress desire another result, it may wish to consider changes to the existing legislation.

Congressional Action: No action has been taken on the matter for congressional consideration; however, action is still possible.

Railroad Safety: FRA's Staffing Model Cannot Estimate Inspectors Needed for Safety Mission

RCED-91-32, 11/21/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO assessed the Federal Railroad Administration's (FRA) safety inspection program, focusing on the usefulness of the FRA computerized staffing model in developing staffing standards to determine the number of inspectors needed to satisfy the FRA safety mission.

Findings

GAO found that: (1) FRA did not know how many inspectors it needed to adequately cover the railroad industry because it lacked fully developed inspector staffing standards; (2) the FRA staffing model's estimate of staffing needs was highly dependent on historical data and budgetary factors, instead of on the staff needed to satisfy its safety

mission; (3) previous budget constraints limited the size of the FRA work force, and funding shortfalls prevented FRA from hiring enough staff to meet its authorized level; and (4) without incorporating inspection coverage standards or an inspection strategy to target high-risk railroads into its staffing model, FRA will not have adequate staffing standards to determine the

number of inspectors needed to satisfy its safety mission.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FRA, to develop staffing standards that determine the number of safety inspectors it needs to carry out its safety mission. Such standards should

include: (1) a method of calculating the number of inspectors it needs and distributing them by discipline to FRA regional offices; (2) inspection coverage standards that include information on the railroad operations needing inspections, the time required to perform inspections, and the frequency of inspections; and (3) a strategy of using available data to target routine inspections toward high-risk locations and railroads with poor safety records.

Status: Action in process. FRA has developed a new staffing model that will use data from the National Inspection Plan (NIP), Regional Inspection Program (RIP), and Quality Improvement Program (QIP) to determine the number of inspections needed and where they should be assigned. The model will not be complete until NIP, QIP, and RIP are finished. Accordingly, the estimated completion date is not known.

International Aviation: Implications of Ratifying Montreal Aviation Protocol No. 3

RCED-91-45, 12/03/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined how a proposed Montreal Aviation Protocol and its supplemental compensation plan for victims of international aviation disasters could affect the timeliness, cost, and level of compensation.

Findings

GAO found that: (1) under the protocol, and supplemental compensation plan, claimants would be required to prove only the amount of the losses that they suffered, which would reduce the time required to compensate accident victims; (2) legal costs would be lower under the

protocol and the supplemental compensation plan than they were under current international agreements; (3) the protocol and the supplemental compensation plan could increase the level of compensation for American victims of international aviation accidents; (4) Americans could be compensated more by having their damage awards decided in U.S. courts; and (5) the protocol was unlikely to jeopardize airline safety, since adverse economic impacts were the primary incentives for airlines to operate safely.

Open Recommendations to Congress

Recommendation: Because the current international agreements impose a heavy burden on American claimants trying to recover damages for international aviation accidents, the Senate may wish to ratify the protocol with the provision that the final version of the supplemental compensation plan conforms to Department of Transportation guidelines.

Congressional Action: On January 29, 1991, the Senate Committee on Foreign Relations favorably reported on Montreal Aviation Protocol No. 3. The protocol is expected to be considered by the full Senate in late 1991.

Highway Financing: Participating States Benefit Under Toll Facilities Pilot Program

RCED-91-46, 12/17/90 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the progress of the nine states participating in the Federal Highway Administration's Toll Facilities Pilot Program, focusing on: (1) project status, estimated construction costs, and start and completion dates; (2) obstacles the states encountered in starting their projects; (3) toll revenue effects on project financing; and (4) states' planned use of innovative toll collection techniques. GAO also provided information on two privately financed toll projects and a California program to test toll projects funded by public-private ventures.

Findings

GAO found that: (1) Delaware, Georgia, and Pennsylvania started construction projects, California, Florida, South Carolina, Texas, and West Virginia were involved in planning and other preconstruction activities, and Colorado decided not to participate unless it received federal funds specifically for the pilot project in addition to its regular apportionment; (2) although most states encountered limited opposition to tolls,

they had to overcome opposition related to neighborhood disruption and some legal and environmental obstacles; (3) toll financing provided states with an additional revenue source for road construction and maintenance; (4) a low federal funding share could encourage states to limit toll use to high-traffic roads; (5) such toll collection innovations as automated vehicle identification equipment could help relieve congestion at toll plazas; (6) Virginia, Illinois, and Missouri were considering privately financed toll road projects; and (7) California recently passed legislation to test public-private funding ventures for road construction.

Open Recommendations to Congress

Recommendation: If Congress decides to expand the use of tolls on the federal-aid highway system, it should consider setting the maximum federal funding share below that set for non-toll federal-aid highway construction. A lower federal funding share, such as the 35 percent provided under the pilot program, should generally encourage states to limit toll use to roads with a

high volume of traffic that generate sufficient revenue to make them financially feasible. A high federal funding share could lead to an overuse of tolls and cause the travelling public to reject tolls on federal-aid highways.

Status: Action in process.

Recommendation: If Congress decides to expand the use of tolls on the federal-aid highway system, it should consider encouraging the use of automated vehicle identification technology in collecting tolls by requiring states to include, as part of their project feasibility study, an analysis of whether it would be appropriate and beneficial to use this technology to collect tolls.

Status: Action in process.

Congressional Action: As of late 1991, Congress was considering reauthorization of the federal-aid highway enabling legislation. Whether the recommended action would be included in the final bill and whether the reauthorization legislation would be enacted during the first session of the 102nd Congress were unclear at that time.

Truck Safety: Improvements Needed in FHwA's Motor Carrier Safety Program

RCED-91-30, 01/09/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined the Federal Highway Administration's (FHwA) efforts to promote the safe operation of commercial motor vehicles, focusing on the progress FHwA made in: (1) rating motor carriers' safety fitness; and (2) ensuring that motor carriers with less than satisfactory safety fitness ratings correct their deficiencies.

Findings

GAO found that FHwA: (1) by May 1990, rated the safety fitness of about 84,300 of the approximately 213,000 active

interstate carriers; (2) did not expect to meet its September 30, 1992 deadline for rating all carriers because of a constantly changing motor carrier universe and a limited number of safety investigators; (3) assigned less than satisfactory ratings to 70 percent of the carriers it evaluated; and (4) did not sufficiently ensure that motor carriers corrected deficiencies, failed to ensure that carriers submitted certification letters of corrected deficiencies, and performed limited and untimely follow-up compliance reviews of only 17 percent of carriers. GAO believes that legislation enacted in 1990, if properly implemented, would encourage carriers

to improve their safety management controls and correct their deficiencies.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FHwA, to develop an action plan for improving the timeliness of compliance reviews, especially those for carriers rated as unsatisfactory. **Status:** Action in process. FHwA plans to develop, in cooperation with the states, a plan with target dates for addressing safety review needs after the Surface Transportation Act is enacted. No completion date has been established.

FAA Information Technology: Complete Cost Data Not Provided to OMB

IMTEC-91-22, 01/18/91 GAO Contact: Jayetta Z. Hecker, (202)275-9675

Background

Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) compliance with the Office of Management and Budget's (OMB) requirement that it report data on the costs associated with the acquisition, operation, and use of such information technology as computer and communications systems.

Findings

GAO found that: (1) FAA did not submit all required data on information technology expenditures supporting the air traffic control system, since it believed that it was not required to report on those resources; (2) FAA identified only \$182 million in planned obligations for information technology systems for fiscal year (FY) 1991, although an internal report estimated FAA information technology investment at \$3 billion annually; (3) FAA omission

of information technology data resulted in a significant understatement of information technology activity and constituted a material internal control weakness under the Federal Managers' Financial Integrity Act of 1982; and (4) FAA stated that it had begun to identify a process to gather complete data on air traffic control systems information technology resources and expenditures.

Open Recommendations to Agencies

Recommendation: To underscore the importance of this omission and to comply with Circular A-11, the Secretary of Transportation should report the lack of complete information technology systems data as a material control weakness under the Federal Managers' Financial Integrity Act. This weakness should remain outstanding until FAA

fully complies with the requirements of OMB Circular A-11.

Status: Action in process. According to the Department of Transportation, FAA will work with the Office of the Secretary to include this issue as an identified material weakness.

Recommendation: The Secretary of Transportation should direct the Department's senior official for information resources management to evaluate FAA actions to comply with

OMB Circular A-11 prior to FAA submission of its FY 1993 budget. This evaluation should include determining if FAA has implemented appropriate processes to ensure that its information technology resources submission will result in complete and accurate data for its air traffic control systems.

Status: Action in process. The Department stated that an evaluation would occur, prior to the submission of the FAA FY 1993 budget, of the actions to be taken.

Pollution From Pipelines: DOT Lacks Prevention Program and Information for Timely Response

RCED-91-60, 01/28/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined federal efforts to prevent and respond to water pollution from petroleum pipeline spills.

Findings

GAO found that: (1) the Department of Transportation (DOT) did not establish a program to prevent water pollution caused by pipeline spills; (2) DOT delegated the responsibility for preventing water pollution from transportation and pipeline activities to the Coast Guard; (3) the Coast Guard had a program to prevent water pollution from vessels, but not from pipelines, and had not dedicated the necessary resources to establish such a program; (4) the Research and Special Programs Administration's Office of Pipeline Safety had a program to reduce the risk of pipeline accidents, but preventing water pollution was an incidental effect, not a specific goal of

the program; (5) DOT began to reevaluate the delegation of responsibility to the Coast Guard for pipeline pollution prevention; (6) federal agencies lacked information needed to adequately plan for pipeline spills and quickly stop and contain ongoing spills; and (7) no responsible federal agency knew the locations and operators of all petroleum pipelines.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should ensure that DOT establishes a program to prevent water-polluting spills from petroleum pipelines. When deciding which agency should implement such a program, the Secretary should consider the Coast Guard's experience in preventing pollution and the Office of Pipeline Safety's expertise in regulating pipeline safety.

Status: Action in process. DOT reported that, following the signing of the Executive Order delegating authorities and responsibilities stemming from the Oil Pollution Act of 1990, delegations of responsibility will be clearly laid out within DOT. In addition, several rulemaking actions to improve the existing DOT program to prevent spills, which DOT described in its response, are proceeding. The completion date is unknown.

Recommendation: Because information on pipeline locations and operators is needed for a timely response to petroleum spills, the Secretary of Transportation should ensure that a DOT agency: (1) collects information on the locations and operators of petroleum pipelines that could cause water pollution; (2) maintains the information in a form suitable for use in spill response; and (3) makes the information accessible to appropriate response officials.

Status: Action in process. DOT reported that rulemaking is proceeding which would require operators to prepare maps

and other appropriate information in a form suitable for use in emergency response. This information would be

provided, on request, to state officials. The completion date is unknown.

Coast Guard: Millions in Federal Costs May Not Be Recovered From Exxon Valdez Oil Spill

RCED-91-68, 03/05/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO provided information on the Exxon Valdez oil spill, focusing on: (1) the total spill-related costs reported as of June 30, 1990; (2) the extent of the oil carrier company's reimbursement to the government for spill-related costs through September 30, 1990; and (3) improvements needed in the reimbursement process in the event of future spills.

Findings

GAO found that: (1) the federal government, as of June 30, 1990, spent almost \$154 million on the spill, for which the carrier reimbursed it or was processing reimbursement of \$123 million; (2) through June 30, 1990, 10 federal agencies reported spending \$116.9 million for removal, \$22.6 million for damage assessment, and \$14.2 million for other spill-related costs; (3) four of those agencies accounted for 87 percent of total costs incurred, and the Department of Defense accounted for \$62.2 million, the largest portion; (4) as of September 30, 1990, the oil carrier company reimbursed the federal government for \$116.1 million of the \$153.7 million agencies reported they spent on the spill; (5) the Coast Guard's spill coordinator did not authorize for reimbursement a number of the agencies' activities, since it did not

believe that they were related to oil removal; (6) several agencies lost opportunities to obtain reimbursement from the Oil Spill Liability Trust Fund because of problems in tracking and billing their spill-related costs completely and accurately; (7) agencies estimated that future cleanup activities would require at least another \$26 million; and (8) the Department of Justice was considering civil litigation against the oil carrier company to recover damage assessment and restoration costs.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should, in establishing regulations to implement the Oil Pollution Act of 1990, provide a comprehensive description of the range of agency spill activities that constitute oil removal activities eligible for reimbursement from the current Oil Spill Liability Trust Fund. While such a description cannot be all-inclusive, given the differing circumstances of each spill, the key activities reimbursable for each agency represented on the national and regional response teams should be enumerated.

Status: Action in process. According to the Department of Transportation (DOT), the Coast Guard's implementing regulations will provide a broader, more

comprehensive range of removal activities which will be paid for by the Fund. The completion date is unknown.

Recommendation: The Secretary of Transportation should reexamine agencies' activities that have not been authorized for the Exxon Valdez spill, such as worker safety inspections, to determine whether recovery should be sought.

Status: Action in process. According to DOT, the Coast Guard will now consider bills for agencies' activities that supported the response effort that have not been previously considered. The completion date is unknown.

Recommendation: The Secretary of Transportation should develop procedures for quickly notifying agencies about the potential or actual use of the Oil Spill Liability Trust Fund.

Status: Action in process. According to DOT, the Coast Guard's implementing regulations will encompass the matter of agency notification. The completion date is unknown.

Recommendation: The Secretary of Transportation should prepare regulatory guidance or policies which clarify standards and methodologies that agencies should use in computing and recovering their spill costs from the Oil Spill Liability Trust Fund.

Status: Action in process. According to DOT, to the extent that standards and methodologies ensure that agencies' response actions are treated similarly, the regulatory guidance being developed to implement the Oil Pollution Act of 1990 will address that goal. Also, in developing the regulations dealing with reimbursements, the Coast Guard will solicit the assistance of affected federal agencies to ensure compliance with GAO

accounting principles. The completion date is not known.

Recommendation: The Secretary of Transportation should verify that agencies involved in the Exxon Valdez spill used appropriate standards and methodologies in computing spill costs and have agencies submit corrected billings, if necessary.

Status: Action in process. According to DOT, the Coast Guard has conducted some discussions with agencies to address whether previously uncertified activities should be reimbursed. Some additional costs were certified and some bills were reduced. Additional discussions concerning adjustments need to be held. The completion date is unknown.

Aviation Safety: Changes Needed in FAA's Service Difficulty Reporting Program

RCED-91-24, 03/21/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO evaluated the effectiveness of the Federal Aviation Administration's (FAA) Service Difficulty Reporting (SDR) program, focusing on: (1) the usefulness of SDR data to FAA and airline personnel; (2) factors affecting SDR usefulness; and (3) changes needed to improve the program.

Findings

GAO found that: (1) most users were dissatisfied with SDR and believed that it should not be continued unless FAA made major improvements; (2) airline reporting to the program varied significantly because of vague reporting requirements and concerns over public

access to malfunction reports; (3) inadequate data, poor timeliness, and lack of analysis resulted in low-quality SDR data; (4) FAA management's inattention contributed to SDR ineffectiveness; (5) airlines and FAA relied on manufacturers' data for safety information; and (6) a reliable SDR program could assist FAA in effectively allocating its limited inspection resources, and help Department of Transportation (DOT) analysts in reviewing activities related to airline flight delays. GAO also found that changes for improving the effectiveness and utility of SDR included: (1) continued FAA management and improvement of SDR in the short term; and (2) such long-term proposals as development of a manufacturer-based,

global reporting system or management of SDR by an independent entity.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to examine various alternatives for managing the SDR program and to select one that most effectively achieves the program's goals. In addition to the alternative of FAA continuing to manage the program, the Administrator should consider the feasibility of contracting with either the major engine and airframe manufacturers or a private, independent organization to manage the SDR program.

Status: Action not yet initiated.

Railroad Safety: Weaknesses Exist in FRA's Enforcement Program

RCED-91-72, 03/22/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined the adequacy of the Federal Railroad Administration's (FRA) enforcement program, focusing on its: (1) compliance with safety regulations; (2) implementation; and (3) timeliness in reviewing, transmitting, and settling penalties.

Findings

GAO found that FRA: (1) did not effectively ensure compliance with federal safety regulations through its enforcement program; (2) identified an increasing number of safety defects and

violations despite an overall decline in railroad equipment, track, and employment; (3) repeatedly identified the same types of safety problems at the same railroads, including defective track, cracked or broken bars, disregard of operating rules and practices, and unsafe locomotives; (4) inspectors did not uniformly apply safety rules and regulations; (5) did not timely review, transmit, and settle civil penalties, partly due to a backlog of about 24,000 violations; and (6) could adopt a speedier civil penalty process by having its regional offices formally notify railroads of violations and penalty assessments, and eliminating the need for the Office of Chief Counsel's review.

Open Recommendations to Agencies

Recommendation: To make the FRA railroad safety enforcement program more effective in helping to ensure future compliance, the Secretary of Transportation should direct the Administrator, FRA, to establish a penalty process that: (1) quickly notifies railroads of penalty assessments; (2) considers the railroad's compliance history when negotiating penalty settlements; and (3) settles civil penalty cases expeditiously.

Status: Action not yet initiated.

FAA Staffing: New Pay Act Offers Options to Bolster Maintenance Work Force

RCED-91-92, 04/02/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) shortage of technicians for maintaining the air traffic control (ATC) system, focusing on: (1) whether the shortages adversely affected ATC operations; and (2) FAA plans to increase its maintenance capability.

Findings

GAO found that: (1) FAA had been hiring new staff to replace retired technicians since 1987, but the 3- to 5-year training requirement and an increasing work load reduced FAA maintenance capability; (2) FAA took measures to preserve a reliable ATC system by relying more on contractors for equipment maintenance, increasing overtime usage, and reducing maintenance coverage; (3) although some operational problems have occurred,

overall system reliability and safety have not greatly deteriorated; (4) since 1987, ATC system outages caused only about 2 percent of total aircraft delays; (5) to further enhance its maintenance capability, FAA proposed to spend about \$118 million between fiscal years 1992 and 1996 to supplement its in-house maintenance technician work force with contractor personnel to maintain existing equipment as it installs modernized ATC systems; (6) FAA expected its maintenance work load to decline from 1991 through 1995; and (7)

since FAA developed its proposal, Congress authorized other financial incentives under the Federal Employees Pay Comparability Act of 1990 that could help FAA bolster technician staffing.

Open Recommendations to Agencies

Recommendation: Should additional maintenance technician support be needed, the Secretary of Transportation

should direct the Administrator, FAA, to use the most effective and cost-beneficial mix of contractor support and options authorized by the Federal Employees Pay Comparability Act of 1990.
Status: Action not yet initiated.

Freight Trucking: Promising Approach for Predicting Carriers' Safety Risks

PEMD-91-13, 04/04/91 GAO Contact: Robert L. York, (202)275-5885

Background

Pursuant to a congressional request, GAO provided information on whether certain economic or related factors could be used as predictors of accident rates in the freight-trucking industry.

Findings

GAO found that: (1) its analysis of data regarding 537 carriers indicated that 7 financial ratios showed promise as predictors of safety problems in the interstate trucking industry, but existing federal data bases were not adequate to

fully test those predictors; (2) federal collection of truck accident data was essentially independent of its gathering of economic data, and combining the two types of data from separate federal sources was generally impractical; (3) the federal calculation of accident rates for individual motor carriers did not adequately define industry segments or analyze safety trends over time; and (4) there was some evidence that interstate carriers in different markets or different financial situations posed different safety risks. GAO also found that factors affecting accidents rates included: (1) experienced truck drivers; (2) lower paid

drivers; (3) company size; and (4) truckers who were owner-operators.

Open Recommendations to Agencies

Recommendation: As a first step toward reducing the accidents of motor carriers, the Secretary of Transportation should direct the Administrator, Federal Highway Administration, to require that mileage data on motor carriers falling under safety regulations be obtained annually to improve accident analysis.
Status: Action not yet initiated.

FAA Registry Systems: Key Steps Need to Be Performed Before Modernization Proceeds

IMTEC-91-29, 04/09/91 GAO Contact: JayEtta Z. Hecker, (202)275-9675

Background

Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) modernization plans for its Airmen and Aircraft Registry Systems, focusing on whether FAA: (1) adequately defined user needs;

and (2) addressed other key system development steps before proceeding with planned equipment and services procurement.

Findings

GAO found that: (1) FAA failed to adequately define the needs of internal users or law enforcement agencies involved in drug interdiction; (2) FAA used inadequately defined and documented functional requirements, a

limited alternative systems design and configuration analysis, and a flawed cost-benefit analysis; and (3) the analyses were inadequate to support FAA plans and increased the risk of cost overruns and schedule delays.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the

Administrator, FAA, to, before soliciting a delegation of procurement authority and preparing a request for proposals: (1) define users' needs, within FAA and involved law enforcement agencies, and systems requirements, including functional requirements for interfacing with existing systems and performance requirements; and (2) subsequent to defining those requirements, consider a broad range of alternatives and prepare

cost-benefit analyses on those alternatives.

Status: Action in process. FAA is developing a comprehensive users' requirements report and reassessing its technical alternatives and cost-benefit study before soliciting a delegation of procurement authority.

Aviation Safety: Limited Success Rebuilding Staff and Finalizing Aging Aircraft Plan

RCED-91-119, 04/15/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO evaluated the Federal Aviation Administration's (FAA) progress in: (1) rebuilding the air traffic controller and safety work forces; and (2) developing a plan to address aging aircraft problems.

Findings

GAO found that: (1) FAA had rebuilt the air traffic controller work force since the 1981 strike, but the number of full-performance-level (FPL) controllers was still about 2,400 below pre-strike levels; (2) as of September 1990, only 10,800 controllers were FPL, and most facilities were below the FAA goal that 75 percent of the controller work force be FPL; (3) in June 1989, FAA initiated a 5-year pay

demonstration project to encourage experienced controllers to relocate or remain at the busiest air traffic facilities, but the project had limited success after almost 2 years; (4) to decrease the current 45-percent controller training failure rate and its associated costs of over \$13 million annually, FAA developed two projects to explore alternatives for screening and hiring controllers; (5) since the aviation inspector work force has grown from 1,500 in 1983 to 2,577 in September 1990 and is not expected to increase much beyond 3,000, FAA must use its current inspectors more effectively and provide them with better training; and (6) FAA has worked closely with the aviation community to improve the safety of the aging commercial transport fleet, but

has not yet completed a comprehensive plan to guide industry and government efforts to address aging aircraft concerns.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to take the necessary measures to complete the aging aircraft plan as soon as possible. The plan should: (1) identify the resources needed from industry and government; (2) address the economic implications of regulatory initiatives; and (3) measure airline progress in correcting known safety problems. **Status:** Action not yet initiated.

Smart Highways: An Assessment of Their Potential to Improve Travel

PEMD-91-18, 05/01/91 GAO Contact: Kwai-Cheung Chan, (202)275-3092

Background

Pursuant to a congressional request, GAO provided information on the potential of intelligent vehicle and highway systems (IVHS) technologies, focusing on: (1) the results of major IVHS studies; (2) current IVHS tests; and (3) possible barriers to effective IVHS deployment.

Findings

GAO found that: (1) although empirically based results were relatively sparse, the 38 studies reviewed demonstrated a high consensus that the implementation of IVHS technologies could result in reduced congestion, economic benefits, safety improvements, reduced fuel consumption, and air quality improvements; and (2) the nine IVHS operational tests underway emphasized the need for a federal role in ensuring effective IVHS evaluations, focused on near-term advanced traffic management systems, examined congestion reduction effects, and

featured some form of federal, local, or private cooperation. In addition, GAO found that the three major barriers to effective IVHS deployment included: (1) burdens associated with federal involvement, state and local level resource limitations, an uncertain consumer market, and possible liability problems; (2) institutional barriers concerning Department of Transportation (DOT) capabilities to execute the program, private-sector and public cooperation, and intergovernmental cooperation; and (3) technological barriers in setting technological standards.

Open Recommendations to Congress

Recommendation: Congress should explicitly note in IVHS legislation the goals of congestion, safety, the economy, energy, and the environment and, within this legislative guidance, require DOT to develop and execute research aimed at determining the role of IVHS

technologies in achieving these concurrent goals.

Status: Action in process.

Recommendation: Congress should consider requiring DOT, in IVHS legislation, to select, design, and evaluate high-priority operation field tests in accordance with a strategic IVHS research plan.

Status: Action in process.

Recommendation: Congress should include in IVHS legislation a requirement for an analysis of optimal funding options to achieving desired IVHS benefits and that such analysis include a consideration of alternative federal, local, and private partnership arrangements.

Status: Action in process.

Congressional Action: The highway reauthorization legislation, which was pending in late 1991, had several provisions related to IVHS and these reflect the report's recommendations.

Aircraft Maintenance: Additional FAA Oversight Needed of Aging Aircraft Repairs (Vol. I)

RCED-91-91A, 05/24/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined: (1) increases in demand for heavy airframe maintenance; (2) air

carriers' efforts to comply with new federal requirements for repairing aging aircraft; and (3) the Federal Aviation Administration's (FAA) oversight of air carriers' compliance with the new rules.

Findings

GAO found that: (1) the demand for airframe repair and maintenance during the 1990 through 1994 compliance period

will be much greater than FAA initially believed when it gave carriers 4 years to comply with airworthiness directives; (2) unverifiable data, extensive and unforeseen repairs, and additional maintenance work loads contributed to FAA underestimating the amount of repair work needed; (3) carriers noted that about 2,600 aircraft would be affected by structural or corrosion airworthiness directives by 1995, about twice the number affected by the structural airworthiness directives alone; (4) although carriers could begin repairing their oldest aircraft immediately, limited replacement parts, hangar space, and airframe mechanics delayed such work; (5) although 13 of 17 air carriers had written plans for complying with FAA rules, the lack of action by 9 carriers shows that they may not comply by the deadline; and (6) FAA did effectively oversee aging aircraft repairs.

Open Recommendations to Agencies

Recommendation: To improve FAA oversight of aging aircraft airworthiness directive compliance, the Secretary of Transportation should direct the Administrator, FAA, to require domestic Part 121 air carriers to submit periodic reports on their implementation of new FAA rules for aging aircraft. Each report should include: (1) descriptions of critical compliance obstacles; (2) an implementation schedule for each aging aircraft, including evidence of obtaining sufficient hangar space for the work; (3) evidence that replacement parts have been ordered, plans for obtaining compliance being impaired by parts unavailability; and (4) a status report on aircraft that have been brought into compliance, disposed of before doing the airworthiness directive work, newly acquired and will require the work, and kept in operation and will still need the work.

Status: Action not yet initiated.

Recommendation: The Secretary of Transportation should submit to the chairmen of the aviation authorization subcommittees in the House and Senate a semiannual report on the industry's progress in implementing FAA aging aircraft mandates. The report should discuss significant advances as well as shortfalls in the industry's progress and actions FAA is taking to mitigate any shortfalls.

Status: Action not yet initiated.

Recommendation: To improve FAA ability to respond in the event of widespread noncompliance with deadlines for completing structural airworthiness directive work, the Secretary of Transportation should direct the Administrator, FAA, to explore options for extending compliance deadlines on a case-by-case basis or granting alternative means of compliance. Alternatives should be considered only when warranted by resource shortages and when the airworthiness of each aircraft granted such waiver can be ensured.

Status: Action not yet initiated.

Highway Demonstration Projects: Improved Selection and Funding Controls Are Needed

RCED-91-146, 05/28/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO evaluated 66 Surface Transportation and Uniform Relocation and Assistance Act of 1987 (STURAA) demonstration projects in 8 states, focusing on: (1) their relationship to state and regional transportation plans; (2) progress and problems encountered in implementing such projects; (3) their estimated costs and impact on other

highway project funding; and (4) options for consideration if Congress includes demonstration projects in the 1991 federal-aid highway program reauthorization.

Findings

GAO found that: (1) the demonstration projects generally did not respond to states' and regions' most critical federal-

aid highway needs and were generally not included in state or regional transportation plans; (2) although \$549 million were authorized for the 66 projects, only \$198 million were obligated by 1991; (3) some of the unobligated funds may never be used due to the need for preliminary project development work, and provisions for recapturing or redirecting the funds; (4) funds needed to complete the 66 projects

exceeded the federal authorized funds and the anticipated state matching funds; (5) reasons for funding shortfall included unreliable cost estimates, inflation, and the fact that federal funds were never intended to cover the complete cost for 23 projects; and (6) if states had received 1987 demonstration project funds on the basis of their percentage share of federal aid highway program allocations, 35 states would have received an equal or greater share of highway funds.

Open Recommendations to Congress

Recommendation: In the future, if Congress funds highway demonstration projects, it may wish to consider adopting certain requirements, or a combination of requirements, to improve and control selection, such as: (1) limiting project selection to projects already incorporated into transportation plans; (2) restricting demonstration project selection to projects on a federal-aid highway system; (3) eliminating the authorization of specific funds for demonstration projects but permitting specific projects to be funded from

federal-aid highway programs; (4) imposing an overall funding cap for such projects; (5) allocating demonstration funds in line with a state's share of total federal-aid highway funds in line with a state's share of total federal-aid highway funds, and (6) reducing the federal share for demonstration projects.

Status: Action not yet initiated.

Recommendation: Congress should provide for the cancellation or redirection of federal funds for any existing or future demonstration projects that remain inactive 4 years after their authorization.

Status: Action not yet initiated.

Mass Transit Grants: Scarce Federal Funds Misused in UMTA's Philadelphia Region

RCED-91-107, 06/13/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

GAO reviewed the Urban Mass Transportation Administration's (UMTA) grants management practices, focusing on the UMTA Region III: (1) grants recipients' compliance with federal requirements; and (2) oversight of grantees.

Findings

GAO found that: (1) Region III grantees did not have effective financial, technical, and other management systems to ensure compliance with federal requirements or prevent the misuse of funds; (2) between 1988 and 1990, the UMTA Office of the Inspector General questioned \$61.5 million of Region III grantees' expenditures and found numerous violations of federal requirements; and (3) grantees' noncompliant and questionable activities

included rebudgeting of grants to other projects, failure to complete projects, and questionable expenditures. GAO also found that: (1) Region III reported that limited staff resources precluded closer grantee oversight, since its foremost priority was awarding new grants, not overseeing existing grants; (2) only one-third of grantees submitted required financial and progress reports to UMTA Region III, which did not ensure that it received, reviewed, or acted on reports; (3) UMTA triennial reviews of Region III grantees were too superficial to confirm the adequacy of their management systems; (4) Region III did not effectively use such grant-monitoring tools as procurement reviews, site visits, or single annual audits; (5) UMTA rarely used its enforcement authorities to require grantees to take corrective action; and (6) Region III grantees typically decided themselves whether to

continue projects or return misspent funds.

Open Recommendations to Agencies

Recommendation: To provide more focused and effective grant management and oversight and minimize the vulnerability of mass transit grants to waste and mismanagement, the Administrator, UMTA, should direct the Region III Manager to evaluate management control systems of new grant recipients to ensure that they are consistent with federal requirements.

Status: Action not yet initiated.

Recommendation: To provide more focused and effective grant management and oversight and minimize the vulnerability of mass transit grants to waste and mismanagement, the

Administrator, UMTA, should direct the Region III Manager to require that triennial reviews of existing grant recipients evaluate, analyze, and test compliance with federal requirements. Status: Action not yet initiated.

Recommendation: To provide more focused and effective grant management and oversight and minimize the vulnerability of mass transit grants to waste and mismanagement, the Administrator, UMTA, should direct the Region III Manager to track the submission and completeness of

grantees' quarterly reports and use the reports to identify cost, schedule, or performance problems. Status: Action not yet initiated.

Recommendation: To provide more focused and effective grant management and oversight and minimize the vulnerability of mass transit grants to waste and mismanagement, the Administrator, UMTA, should direct the Region III Manager to implement a system to track grantees' implementation of corrective actions recommended by various audit entities.

Status: Action not yet initiated.

Recommendation: To provide more focused and effective grant management and oversight and minimize the vulnerability of mass transit grants to waste and mismanagement, the Administrator, UMTA, should direct the Region III Manager to review project status to ensure that grantees are in compliance with federal requirements before UMTA approves additional funding requests and withhold funds until problems are corrected. Status: Action not yet initiated.

Coast Guard: Oil Spills Continue Despite Waterfront Facility Inspection Program

RCED-91-161, 06/17/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined federal efforts to protect the marine environment from petroleum pollution caused by oil spills from pipelines and waterfront facilities, focusing on whether the Coast Guard's: (1) responsibility for regulating and inspecting waterfront facilities was adequately defined; and (2) waterfront facilities inspection program reduced the risk of oil spills.

Findings

GAO found that: (1) although the Coast Guard implemented a program to regulate and inspect waterfront facilities, it did not meet its full responsibility, since it did not inspect portions of intrafacility pipes that transport oil between docks and tank storage areas; (2) since the 1971

memorandum of understanding between the Department of Transportation (DOT) and the Environmental Protection Agency did not clearly assign specific responsibility for the oversight of transportation-related pipes, neither agency inspected pipes between the first valve ashore and the storage tank areas; (3) pipes at 17 of the 23 facilities examined had not been inspected, and for the pipes examined, up to 56,700 gallons of oil could spill in the 3 minutes it would take to reach the shut-down valve; (4) neither local nor headquarters officials compiled the basic information needed to determine the effectiveness of their inspection efforts; (5) the Coast Guard could not determine the effectiveness of its inspection program on reducing the risk of oil spills, since such basic information as the types, severity, and frequency of deficiencies found by inspectors was not compiled and linked with information on the

causes of oil spills found by investigators; (6) inspectors identified 1 to 27 deficiencies in over 58 percent of the inspections; and (7) 57 percent of 1,402 spills investigated occurred during the transfer of oil between a facility and a vessel.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should ensure that waterfront facility pipelines transporting oil between the dock and storage tanks are inspected.

Status: Action not yet initiated.

Recommendation: The Secretary of Transportation should direct the Coast Guard to: (1) record and collect information on the results of its inspections, including the type, severity,

and frequency of deficiencies found, as well as information from its investigation of spills, such as

regulations that have not been complied with; and (2) use this information to set measurable goals, assess inspection

program effectiveness, and improve its inspection strategy and resource use.
Status: Action not yet initiated.

FAA Information Resources: Agency Needs to Correct Widespread Deficiencies

IMTEC-91-43, 06/18/91 GAO Contact: JayEtta Z. Hecker, (202)275-9675

Background

Pursuant to a congressional request, GAO reviewed: (1) the Federal Aviation Administration's (FAA) management of its information resources; and (2) whether FAA was acting to implement needed agency-wide corrective measures.

Findings

GAO found that: (1) since FAA has not always ensured that agencies effectively and efficiently acquired and managed computers, software, and related information resources, it has experienced problems in developing and acquiring new computer and communications systems and in operating and maintaining existing systems; (2) FAA failed numerous times to adequately define requirements, consider available alternatives, test systems before production, manage computer capacity, or ensure data reliability; (3) the FAA fundamental information resources management (IRM) program was ineffective and failed to minimize problems in acquiring and managing information resources; (4) the FAA IRM program suffered from a lack of top management involvement, an incomplete strategic plan, and inadequate application of accepted IRM practices; (5) the FAA strategic IRM

plan inappropriately excluded most of the agency's needs for information resources; (6) FAA managers did not always recognize the importance of following sound IRM practices and had inadequate knowledge, skills, and training to know how to apply them; and (7) in response to an independent review, FAA began to recognize many of its IRM problems and established an IRM Quality Task Force.

Open Recommendations to Agencies

Recommendation: The Administrator, FAA, should appoint a top executive as the agency's senior IRM official who will spend time solely on the information resources activities, and implement a senior-level executive IRM steering committee to guide the agency's efforts.
Status: Action not yet initiated.

Recommendation: The Administrator, FAA, should direct the agency's senior IRM official, with the advice of the senior-level executive IRM steering committee, to develop and complete a strategic IRM plan for FAA within the next 12 months that considers the information technology needs of the entire agency.
Status: Action not yet initiated.

Recommendation: The Administrator, FAA, should direct the agency's senior IRM official, with the advice of the senior-level executive IRM steering committee, to raise the level of knowledge and awareness of IRM in the organization by providing IRM training to program staff.
Status: Action not yet initiated.

Recommendation: The Administrator, FAA, should direct the agency's senior IRM official, with the advice of the senior-level executive IRM steering committee, to implement the requirements of applicable laws, regulations, and guidance in acquiring and managing information resources.
Status: Action not yet initiated.

Recommendation: The Secretary of Transportation should report the lack of a complete strategic IRM plan as a material weakness under the Federal Managers' Financial Integrity Act. This weakness should remain outstanding until the FAA segment of the Department of Transportation's strategic plan is modified to cover all of the agency's information resources.
Status: Action not yet initiated.

Railroad Safety: DOD Can Improve the Safety of On-Base Track and Equipment

RCED-91-135, 06/20/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined the safety of the Department of Defense's (DOD) railroad equipment, focusing on: (1) the condition of track systems on military installations; and (2) compliance with Federal Railroad Administration (FRA) safety standards.

Findings

GAO found that: (1) DOD has not adopted FRA safety standards or developed its own uniform safety criteria; (2) despite its noncompliance with FRA standards, DOD rail equipment did not pose a risk of failure, but could pose risks to operating personnel; (3) although the equipment did not meet FRA safety standards, Army and Navy officials noted that the on-base fleet was safe, since it operated under less stressful conditions than commercial equipment, but DOD lacked minimum safety standards commensurate with those less severe conditions; (4) 38 percent to 98 percent of the 3,441 rail cars assigned at 33 DOD installations were not roadworthy, as measured by FRA safety standards, due to a lack of safety appliances, defective brake systems, component defects, and use of restricted equipment, and none of the 24 locomotives reviewed complied with all applicable safety standards; (5) Army and Navy maintenance standards were vague and conflicting, and maintenance personnel did not know which standards to use; (6) DOD, the Army, and the Navy lacked established equipment safety standards to ensure

against fire hazards; (7) the Navy provided detailed blocking and bracing instructions for securing hazardous materials, but none of the three Army installations visited had developed such instructions; (8) at the seven installations visited, 76 percent of the derailments or other accidents were partially attributed to defective track; (9) track conditions were adequate for posted speed limits but routine preventive maintenance was generally not performed; and (10) Army and Navy officials noted that they lacked the funds or staff to inspect and maintain track to meet FRA requirements.

Open Recommendations to Agencies

Recommendation: To ensure the safe operation of the DOD on-base fleet, the Secretary of Defense should develop and implement departmentwide safety standards for operating and maintaining on-base rail cars that incorporate FRA safety appliance and brake system standards. The standards should define operating conditions that are consistent with the FRA dedicated service exclusion.

Status: Action not yet initiated.

Recommendation: To ensure the safe operation of the DOD on-base fleet, the Secretary of Defense should direct rail equipment inspectors in all services to inspect to the departmentwide standards, once they are developed.

Status: Action not yet initiated.

Recommendation: To help ensure the safe transport of hazardous material by rail on military installations, the Secretary of Defense should determine the specific Research and Special Programs Administration-required rail car components that are needed to provide an adequate margin of fire safety and require that all on-base cars transporting ammunition and explosives have such components within a reasonable period of time.

Status: Action not yet initiated.

Recommendation: To help ensure the safe transport of hazardous material by rail on military installations, the Secretary of Defense should direct the Army to establish technical guidance for blocking and bracing ammunition and explosives on rail cars and ensure that the guidance is followed at its weapons handling installations.

Status: Action not yet initiated.

Recommendation: To help ensure the safe transport of hazardous material by rail on military installations, the Secretary of Defense should direct the Army and Navy to establish and implement procedures to verify that hazardous cargo is properly secured before on-base movement.

Status: Action not yet initiated.

Recommendation: To ensure the safety of track on military installations, the Secretary of Defense should direct the Army and Navy to inspect and maintain tracks in compliance with FRA standards for the track classes associated with the posted train speeds on military

installations. Such compliance should encompass not only the physical condition of the track but also the

inspection frequency, repair frequency, and inspector qualification requirements that are included in FRA regulations.

Status: Action not yet initiated.

Airport Safety: New Radar That Will Help Prevent Accidents Is 4 Years Behind Schedule

T-RCED-91-78, 07/10/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

GAO discussed the Federal Aviation Administration's (FAA) new ground radar Airport Surface Detection Equipment (ASDE-3), focusing on: (1) delays associated with its installation; (2) the significance of problems uncovered during recent testing; and (3) the status of the FAA Runway Incursion Plan for enhancing ground safety at airports. GAO noted that: (1) the ASDE-3 deployment schedule has slipped almost 4 years and could slip even further due to software problems, changing requirements, and unforeseen performance problems; (2) in spite of its split-target problems, ASDE-3 performance during heavy rain or fog is superior to the old system; (3) further

delays in FAA deployment of ASDE-3 could occur, since some airports are not prepared to accept ASDE-3; (4) the new FAA approach to selecting airports for ASDE-3 installation does not consider historical information on runway incursions; (5) FAA failed to assign priorities to or estimate costs of the 44 Runway Incursion Plan projects; (6) although ASDE-3 is part of the FAA plan, it is not affected by FAA priority problems because it is under a production contract; and (7) FAA failure to set program priorities and funding levels could result in untimely completion of other projects, the dilution of available funds, and failure to give urgent problems the appropriate attention.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to factor into the FAA approach for locating ASDE-3 the experience of airports regarding the incidence of runway incursions, including the severity of the incursions.
Status: Action not yet initiated.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to establish priorities and set funding levels for the 44 projects in the agency's overall Runway Incursion Plan.
Status: Action not yet initiated.

Coast Guard: Adequacy of the Justification for Heritage Patrol Boats

RCED-91-188, 07/12/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the Coast Guard's proposed acquisition of Heritage class patrol boats, focusing on the Coast Guard's: (1) justification for the number and type of patrol boats needed to

complete its missions; (2) evaluation of alternatives to the Heritage design; and (3) support for production schedules and cost estimates for the Heritage boat.

Findings

GAO found that: (1) the Coast Guard did not adequately justify its project to acquire Heritage vessels, the acquisition had fallen behind schedule, and the vessels were not available when needed; (2) the Coast Guard did not closely

adhere to federal guidance for acquiring major systems and could not support its decision for the patrol boat fleet size and composition; (3) the Coast Guard did not complete competitive demonstrations of alternative designs before it selected the Heritage class patrol boat as its preferred fleet replacement; (4) the Coast Guard underestimated the time needed to design, develop, and produce a Heritage prototype, causing the date for acquiring the boats to slip from fiscal year (FY) 1990, as originally planned, to FY 1996; (5) as a result of such delays, the Coast Guard estimated that it might experience a shortfall of as many as 16 boats; (6) the current cost estimates of \$13 million for the Heritage prototype nearly doubled since the initial estimate of \$7.7 million; and (7) the Coast Guard is currently reevaluating the appropriate size and composition of the fleet, assessing the costs of renovating ports, and considering acquiring smaller, less expensive boats in place of some Heritage boats.

Open Recommendations to Congress

Recommendation: In view of the problems experienced since the inception of the patrol boat replacement acquisition, Congress may wish to consider making funding contingent upon the timely completion of the Coast Guard's ongoing studies and an adequate justification of the agency's patrol boat needs and acquisition strategy.

Congressional Action: Congressional action on this recommendation is not known.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Commandant of the Coast Guard to ensure that the ongoing patrol boat replacement project closely adheres to the A-109 guidance to minimize the inherent risks of acquiring major systems. Specifically, the Commandant should ensure that the ongoing

reevaluations: (1) accurately identify and justify the capabilities required to carry out patrol boat missions; (2) justify the identified fleet size and composition; (3) evaluate suitable, cost-effective alternatives; and (4) include accurate and up-to-date cost and schedule estimates for fleet replacements.
Status: Action not yet initiated.

Recommendation: The Secretary of Transportation should direct the Commandant of the Coast Guard to ensure that the ongoing patrol boat replacement project closely adheres to the A-109 guidance to minimize the inherent risks of acquiring major systems. Specifically, the Commandant should keep Congress informed regarding the progress of the reevaluations, providing results as they become available, including current estimates of the cost and time required to provide the fleet replacements and explanations of any significant deviations from prior estimates.
Status: Action not yet initiated.

Bridge Infrastructure: Matching the Resources to the Need

RCED-91-167, 07/22/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO compared the Department of Transportation's (DOT) current methodology for determining bridge needs with a level-of-service approach, focusing on: (1) which methods proved more useful for assessing the nation's bridge needs; and (2) the DOT reauthorization proposal to use a new methodology for identifying deficient bridges eligible for federal funding.

Findings

GAO found that: (1) the Federal Highway Administration (FHWA) used a sufficiency-rating methodology to determine that 238,000 bridges were deficient and that \$50.7 billion would be needed to address their problems; (2) the sufficiency-rating approach is inadequate for setting priorities among deficient bridges, since it does not identify the bridges that, if improved, afford the greatest level of service to the public or provide information on what bridge improvements can be made with existing

resources; (3) FHWA needs estimates were limited, and DOT did not provide policymakers with adequate information to identify critical bridge needs or to target federal funds to those highway systems with most critical needs; (4) some states have developed a level-of-service methodology for determining critical bridge needs and setting funding priorities; (5) the FHWA-proposed use of a level-of-service approach to identify deficient bridges would not rank bridges from the most to the least deficient; (6) using a level-of-service approach, 5,251

bridges could be improved at the \$8.3-billion investment level proposed for the apportioned bridge program; (7) primary and urban highway systems have the most critically deficient bridges; (8) while the DOT proposal would require states to spend at least 10 percent of bridge funds on local bridges, GAO analysis indicated that states would only need 1 percent of the proposed funding to improve those bridges; and (9) the level-of-service approach could be used to determine critical bridge needs and to target federal funds to each of the three bridge categories identified in the DOT reauthorization proposal.

Open Recommendations to Congress

Recommendation: As Congress considers reauthorization of the federal-aid highway program for fiscal year (FY) 1992 to FY 1996, and how to ensure the most effective use of federal bridge funds, Congress may wish to consider targeting federal bridge funds to those highway systems with the most critically deficient bridges on the basis of the level-of-service analysis discussed in this report.

Status: Action in process.

Recommendation: Congress may wish to consider requiring the Secretary of Transportation to update the GAO analysis in future biannual reports on

the condition of the nation's highways and bridges. This information will indicate progress made in addressing bridge deficiencies by highway system and help Congress to target bridges during reauthorization periods beyond FY 1996.

Status: Action in process.

Congressional Action: As of late 1991, Congress was considering reauthorization of the federal-aid highway enabling legislation. Whether the recommended action would be included in the final bill and whether the reauthorization legislation would be enacted during the first session of the 102nd Congress were unclear at that time.

Aviation Acquisition: Further Changes Needed in FAA's Management and Budgeting Practices

RCED-91-159, 07/29/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA): (1) progress in incorporating federal acquisition principles into its acquisition process; and (2) budgeting procedures for major acquisitions.

Findings

GAO found that: (1) since 1990, FAA has undertaken such acquisition reforms as appointing an executive director for acquisitions and revising its acquisition order to increase compliance with federal guidance; (2) such reforms were instrumental in FAA postponement of two premature production contract awards; (3) even though the new orders

should help FAA improve its acquisition process, the orders do not indicate the extent to which certain acquisitions will be exempt from federal acquisition processes; (4) although the new orders require every new major acquisition to have a mission needs statement that identifies project purposes and how the project meets FAA needs, the FAA fiscal year (FY) 1992 budget request includes \$116.7 million for 10 new projects that do not include such statements; (5) FAA failed to consistently follow federal acquisition regulations or its own criteria for budgeting acquisition activities; (6) FAA does not effectively link its budgeting with its acquisition process for major systems; (7) although FAA acknowledged in its FY 1992 budget request that it was requesting facilities and equipment (F&E) funding

for development activities, it did not state the full extent to which it would use F&E funds for such activities, define development work, or identify the projects' acquisition phases; and (8) FAA was reluctant to budget development activities in its research, engineering and development (RE&D) account, because of reductions to that account over the years.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to ensure that FAA consistently applies its new acquisition policy and procedures to its major system acquisitions. FAA should

continually reconfirm the mission of its projects to help eliminate any uncertainty associated with product development, and it should clearly indicate the progress of its acquisition projects through its acquisition and budget documents.

Status: Action in process. The House and Senate conferees on the transportation appropriations bill for FY 1992 agreed that a revised budget structure will be submitted as part of the FY 1993

President's budget and that this new structure will address concerns raised by GAO about the existing budget structure.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to work with the appropriate committees of Congress to develop and implement criteria for budgeting for major acquisition activities. Those criteria should segment

funding for major acquisitions according to the phases and milestones set forth in federal acquisition principles.

Status: Action in process. The House and Senate conferees on the transportation appropriations bill for FY 1992 agreed that a revised budget structure will be submitted as part of the FY 1993 President's budget and that this new structure will address concerns raised by GAO about the existing budget structure.

Highway Safety: Motorcycle Helmet Laws Save Lives and Reduce Costs to Society

RCED-91-170, 07/29/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO evaluated studies on the motorcycle helmet laws, focusing on the: (1) effectiveness of helmets in preventing fatalities and serious injuries; (2) impact of helmet laws on helmet usage and fatality rates; and (3) societal costs of helmet nonuse.

Findings

GAO found that: (1) 11 of 46 studies comparing helmeted with nonhelmeted accident victims found that helmeted riders had lower fatality rates; (2) surviving helmeted riders suffered 46 to 85 percent fewer incidences of severe, serious, and critical head injuries than nonhelmeted riders; (3) 9 studies indicated that helmet use under universal laws ranged from 92 to 100 percent, while unlegislated helmet use generally ranged from 42 to 59 percent; (4) 20 studies comparing motorcycle fatality rates under universal helmet laws found that fatality rates were 20 to

40 percent lower when universal helmet laws were in effect; (5) the decreases in fatality rates when laws were enacted were matched by comparable increases when the laws were repealed; (6) studies indicated that nonhelmeted riders were more extensive users of medical services and long-term care, and were more likely to die or lose earning capacity through disability; (7) data on the cost of medical services rendered to motorcycle accident victims were unclear, but studies showed that society pays for much of the care for accident victims through tax-supported programs or insurance premiums; and (8) studies on long-term accident costs indicated that costs could approach \$100,000 for persons with serious head injuries and \$300,000 for critical head injuries.

Open Recommendations to Congress

Recommendation: Because there is convincing evidence that helmets save lives and reduce society's burden of

caring for injured riders, Congress may wish to consider encouraging states to enact and retain universal helmet laws. Congress could return to the use of penalties, such as withholding of highway funds for noncompliance, the use of incentives, such as making additional funds available to states that have universal laws, or the use of a combination of penalties and incentives. **Congressional Action:** As of late 1991, Congress was considering reauthorization of the federal-aid highway enabling legislation, which, in both its House and Senate versions, included provisions to encourage states to pass mandatory motorcycle helmet use laws. Whether these provisions would be included in the final bill and whether the reauthorization legislation would be enacted during the first session of the 102nd Congress were unclear at that time.

Air Traffic Control: FAA Can Better Forecast and Prevent Equipment Failures

RCED-91-179, 08/02/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed: (1) how effectively the Federal Aviation Administration (FAA) identified and assessed equipment performance problems at its enroute centers, which control traffic between airports; and (2) ways in which FAA could better utilize its current maintenance data bases to manage its air traffic control (ATC) systems' maintenance effort.

Findings

GAO found that: (1) the FAA assessment of enroute center equipment performance was incomplete because it only analyzed overall system performance data, and failed to analyze specific equipment failures; (2) although FAA reported its enroute system to be about 99 percent reliable, it did not consider the fact that many of the aging equipment within those systems experienced problems; (3) although FAA procedures require centers to record all equipment failures in the Maintenance Management System data base, they failed to consistently do so; (4) from

August 1989 through July 1990, an analysis of one enroute center showed that the center experienced 1,935 equipment failures or malfunctions; (5) FAA relied on information from field maintenance personnel to assess equipment performance; (6) systems failed infrequently, primarily because FAA designed its enroute ATC system with redundant equipment to prevent one equipment failure from causing a full system outage; (7) as FAA equipment fails, the margin of error provided by redundancy and equipment failure risks increases, causing system performance to deteriorate; and (8) FAA can use system data to make management decisions based on a more thorough measurement of equipment performance, but in order for FAA to utilize such data to the fullest extent, it must address several data base problems by refining data definitions and reporting guidelines.

Open Recommendations to Agencies

Recommendation: In order to strengthen FAA equipment performance

analyses, the Secretary of Transportation should direct the Administrator, FAA, to refine the FAA Corrective Maintenance data base to make the data uniform and consistent, and add precise information to permit complete equipment maintenance analysis.

Status: Action not yet initiated.

Recommendation: In order to strengthen FAA equipment performance analyses, the Secretary of Transportation should direct the Administrator, FAA, to use the FAA Maintenance Management System data bases, including the Corrective Maintenance data base, to analyze and project equipment performance trends.

Status: Action not yet initiated.

Recommendation: In order to strengthen FAA equipment performance analyses, the Secretary of Transportation should direct the Administrator, FAA, to establish better management controls to ensure that technicians properly record information in maintenance data bases.

Status: Action not yet initiated.

Transportation Infrastructure: Preserving the Nation's Investment in the Interstate Highway System

RCED-91-147, 08/02/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined: (1) the condition of the Interstate Highway System; and (2) federal and state efforts to ensure its preservation.

Findings

GAO found that: (1) the Federal Highway Administration (FHWA) noted that over 40 percent of all interstate pavement was rated in fair or poor condition; (2) interstate conditions are not expected to improve beyond 1989 levels because future interstate investment needs significantly exceed funding levels, interstate capacity-enhancement needs will increasingly compete with preservation needs, and the Department of Transportation (DOT) has no goals for minimally acceptable interstate pavement conditions; (3) adequate and timely preventive maintenance could delay costly pavement reconstruction; (4) highways in four of the seven states GAO reviewed had significant maintenance backlogs that could adversely affect the structural integrity of roadways and bridges and the safety of the motoring public; (5) FHWA has not developed measurable criteria or standards for assessing the adequacy of state maintenance and weaknesses in the FHWA inspection process further weakened its oversight of state maintenance efforts; and (6) the Interstate Resurfacing, Restoration, Rehabilitation, and Reconstruction (4R) Program could affect how states

prioritize highway projects by funding such capital-intensive preservation activities as resurfacing and reconstruction at a 90-percent federal matching share and by not funding preventive maintenance.

Open Recommendations to Congress

Recommendation: In reauthorizing the federal-aid highway program, Congress may wish to consider directing the Secretary of Transportation to: (1) establish goals for the condition of the Interstate Highway System; (2) monitor state progress in meeting those goals; and (3) require minimum investment levels in interstate preservation projects on a state-by-state basis where Interstate pavement conditions fall below DOT condition goals.

Status: Action not yet initiated.

Recommendation: In reauthorizing the federal-aid highway program, Congress may wish to consider expanding the eligibility parameters of the Interstate 4R Program to include preventive maintenance activities directed at preserving the life of interstate pavement.

Status: Action not yet initiated.

Recommendation: In reauthorizing the federal-aid highway program, Congress may wish to consider directing the Secretary of Transportation to report to Congress on Interstate maintenance investment requirements and expenditures nationwide and on progress

in achieving adequate interstate maintenance and preservation.

Status: Action not yet initiated.

Congressional Action: As of late 1991, Congress was considering reauthorization of the federal-aid highway enabling legislation. Whether the recommended action would be included in the final bill and whether the reauthorization legislation would be enacted during the first session of the 102nd Congress were unclear at that time.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FHWA, to work closely with the states to develop measurable standards for maintaining the Interstate Highway System. These standards should become part of FHWA inspection and oversight processes for judging the adequacy of state maintenance on the interstate highways.

Status: Action not yet initiated.

Recommendation: The Secretary of Transportation should direct the Administrator, FHWA, to revise the FHWA Maintenance Review Manual to specify the: (1) desired level of detail for conducting inspections and for reporting inspection results; and (2) procedures for following up on identified deficiencies, particularly safety-related deficiencies.

Status: Action not yet initiated.

Air Travel: Passengers Could Be Better Informed of Their Rights

RCED-91-156, 08/12/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed airline passengers' rights regarding lost baggage, overbooked flights, and delayed, cancelled, or diverted flights.

Findings

GAO found that: (1) between January 1, 1990 and September 30, 1990, the rate of mishandled baggage reports was about 7 per 1,000 passengers and the rate of cases of involuntarily denied boarding was about 1 case per 10,000 passengers; (2) all major airlines' contracts of carriage parallel Department of Transportation (DOT) regulations on baggage and overbooking rules, but their provisions vary for rights that DOT regulations do not cover; (3) no major

airlines are liable for failing to operate a flight on schedule or for changing flight schedules, but many airlines' contracts grant certain amenities and services to passengers whose flights are cancelled or delayed; (4) DOT regulations permit airlines to incorporate key contract elements without stating their full text, but requires airlines to provide copies of any portion of the contract for public inspection at airports and ticket offices; (5) passengers may not be well informed of their rights and obligations, since some contract terms and conditions are complex and difficult to understand; (6) DOT complaint data showed that over half of consumer complaints from fiscal year 1985 to the present were related to flight delays and baggage problems; (7) consumer complaints filed with DOT against U.S. airlines have steadily

declined since 1987; and (8) DOT uses its complaint data base to identify and investigate patterns of unfair or deceptive airline practices, although during the past 3 years it has not identified any major passenger rights issues warranting enforcement action.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should, as part of the effort to better inform passengers of the extent of and limitations to their rights, update the DOT consumer information booklet and explore options, such as airport distribution, for a wider distribution of the booklet.

Status: Action not yet initiated.

Coast Guard: Oil Spill Liability Trust Fund Not Being Used to Pay All Allowable Costs

RCED-91-204, 08/12/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a legislative requirement, GAO reported on the: (1) Oil Spill Liability Trust Fund's receipts and disbursements as of March 31, 1991; and (2) status of activities underway to fully implement Oil Pollution Act of 1990 (OPA) provisions regarding the fund.

Findings

GAO found that: (1) as of March 31, 1991, the Oil Spill Liability Trust Fund had reached more than half of its \$1-billion limit and the Coast Guard had disbursed \$14.3 million from the fund; (2) the Coast Guard has not made payments from the fund for costs other than federal spill removal costs because the executive order delegating authority for

implementing other aspects of the fund had not been issued as of July 15, 1991; (3) federal agencies involved in oil spill removal may not be reimbursed for all allowable removal costs because the procedures the Coast Guard is using until it develops new regulations do not allow full response cost payments allowed under OPA; (4) the Coast Guard has not taken any steps, such as implementing interim regulations, to

allow agencies reimbursement for their nonincremental costs; and (5) Coast Guard procedures do not provide adequate guidance on federal oil spill removal activities or cost calculations.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should take steps to ensure that the Commandant of the Coast Guard implements the recommendations included in a previous

GAO report concerning improvements needed to make certain that federal spill-related removal costs are appropriately paid.
Status: Action not yet initiated.

Recommendation: The Secretary of Transportation should take steps to ensure that the Commandant of the Coast Guard establishes interim regulations incorporating the OPA provision for full reimbursement of all costs incurred by agencies and agency personnel not normally involved in spill

response, including the cost of their salaries.
Status: Action not yet initiated.

Recommendation: The Secretary of Transportation should take steps to ensure that the Commandant of the Coast Guard establishes, if delegated the authority by the President, interim procedures for the proper payment of damages to third-party claimants and the costs of initiating natural resource damage assessment studies.
Status: Action not yet initiated.

Transportation Infrastructure: Highway Program Consolidation

RCED-91-198, 08/16/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO: (1) provided a final evaluation of the Federal Highway Administration's (FHWA) Combined Road Plan (CRP) Demonstration Program; and (2) reviewed the administration's reauthorization proposal for the Federal-Aid Highway Program.

Findings

GAO found that: (1) all five states participating in the CRP demonstration considered the ability to use pooled funds toward their urban and rural highways and bridges and the assumption of additional responsibility for managing federal-aid highway projects as beneficial; (2) two states used the funding flexibility to redirect pooled funds for use on their urban and secondary highway systems, and the remaining three states elected to spend their funds on the programs to which the funds were originally directed; (3)

the delegation of administrative responsibilities to all five states resulted in time and paperwork savings; (4) the delegation of responsibility to states did not compromise safety; (5) the FHWA fiscal year (FY) 1990 mapping exercise designating a 150,000-mile national highway system disclosed that many of the 50 states found the system's size too limited, and inappropriate given that specific criteria for defining the system had not yet been established; (6) proposed highway authorizations for the federal-aid program allocated two-thirds of highway funding, \$43.5 billion, to the National Highway Program (NHP) and the remaining one-third, \$22.2 billion, to the Urban/Rural Program; and (7) during FY 1987 and FY 1990, 35 states spent a higher percentage of highway funds on major roads than the percentage these states would receive under the administration's proposal for NHP in FY 1992 to FY 1996.

Open Recommendations to Congress

Recommendation: If Congress provides for a national highway system, it may wish to consider requiring that such a system be defined on the basis of the objectives the system is intended to achieve.
Status: Action in process.

Recommendation: Should Congress also establish a mileage cap for the national highway system based on principal arterials, it may wish to provide that the cap be determined through an updated functional classification of such highways.
Status: Action in process.

Congressional Action: As of late 1991, both the Senate and House reauthorization bills for surface transportation programs provided for the establishment of a national highway system. Whether this provision would be

in the final bill and whether the reauthorization legislation would be enacted during the first session of the 102nd Congress were unclear at that time.

Open Recommendations to Agencies

Recommendation: If additional federal-aid highway responsibilities are transferred to the states, the Secretary of Transportation should direct the

Administrator, FHWA, to sample the decisions made by states in order to validate the adequacy of state procedures in handling the new responsibilities and to ensure that highway safety is not impaired.
Status: Action not yet initiated.

Traffic Management: Federal Policies to Encourage Low-Cost Approaches Need to Be Strengthened

PEMD-91-26BR, 08/28/91 GAO Contact: Kwai-Cheung Chan, (202)275-3092

Background

Pursuant to a congressional request, GAO evaluated federal efforts to encourage better management of the nation's highways through the use of low-cost transportation systems management (TSM) techniques, focusing on: (1) federal-aid funding incentives; (2) transportation planning requirements; and (3) technical assistance for innovative TSM practices.

Findings

GAO found that: (1) TSM encompasses low-cost techniques for improving the efficiency of surface transportation, including supply management techniques, which include traffic signal coordination and ramp metering, and transportation demand management techniques, which include carpooling and vanpooling; (2) federal efforts to achieve widespread TSM usage have not been fully successful; (3) over the last decade, the actual total expenditures for TSM with federal aid has remained small relative to total allocations; (4)

although the federal government has sought to promote better supply and demand management by including certain TSM projects under an incentive provision that included other operational improvements, the provision has not significantly influenced the amount of TSM implemented; (5) transportation planning requirements alone appear to be insufficient to guarantee that TSM and transportation demand management are implemented, due to local reluctance to fully embrace transportation demand management and an uncertain connection between transportation planning and any consequent project funding; (6) federal policy could further support innovative strategies to better manage traffic demand through ongoing technical assistance; and (7) due to 1990 Clean Air Act requirements, the need for technical assistance could increase greatly.

Open Recommendations to Congress

Recommendation: When reauthorizing the Surface Transportation Act and other related legislation, Congress should consider enhancing the federal role in encouraging traffic management techniques, including: (1) creating an incentive system that targets federal-aid highway funds specifically for transportation system management activities; (2) developing a planning process that highlights and gives funding priorities to low-cost approaches to congestion mitigation; and (3) establishing and funding a technical assistance program on innovative transportation demand management strategies.

Congressional Action: Reauthorization legislation, which was pending in late 1991, included the three recommended actions. Whether the provisions would be in the final bill and whether the reauthorization legislation would be enacted during the first session of the 102nd Congress were unclear at that time.

Coast Guard: Coordination and Planning for National Oil Spill Response

RCED-91-212, 09/25/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO provided information on the Coast Guard's activities and capabilities for ensuring that spilled oil is contained and recovered, focusing on; (1) the Coast Guard's efforts to coordinate with the private sector and others its plans to purchase oil spill response equipment to avoid unnecessary and wasteful duplication; (2) the new responsibilities the Oil Pollution Act of 1990 places on the private sector and the Coast Guard; and (3) whether those responsibilities call for a shift in emphasis in Coast Guard oil spill response activities.

Findings

GAO found that: (1) the Coast Guard is developing its equipment plans, for the most part, without preparing and using information on equipment currently owned by private contractors, regional cooperatives, and other federal agencies and also without considering those organizations' specific equipment

purchases and placement plans; (2) Coast Guard officials stated that they have a general knowledge of the available private-sector resources and are able to rely on the expertise and professional judgment of Coast Guard personnel in developing equipment plans; (3) the Coast Guard's plans to buy oil spill response equipment risk duplicating private-sector investments; (4) under the act, the Coast Guard is responsible for ensuring that the private sector develops the capability and constant readiness to contain and remove spills of all sizes; (5) as the Coast Guard confirms that industry is developing the capabilities mandated by the act to clean up its own spills, it can pursue a strategy under which it would gradually reduce its inventory of equipment for containing and removing private-sector spills and focus on industry's compliance with mandated responsibilities; (6) in recognizing its responsibilities under the act, industry is planning to spend nearly \$1 billion to acquire state-of-the-art response equipment, facilities, and

trained personnel; and (7) the act gives the Coast Guard the authority and means to ensure that industry takes the steps necessary to fulfill its obligations.

Open Recommendations to Agencies

Recommendation: To help ensure that the Coast Guard avoids unnecessary duplication in the purchase and placement of response equipment, the Secretary of Transportation should direct the Commandant of the Coast Guard to place a high priority on establishing a comprehensive inventory of existing private and public-sector response resources. The Commandant should also be directed to develop a policy requiring program officials to: (1) use this information in determining future response equipment purchase plans; and (2) closely coordinate the Coast Guard's equipment purchase plans with those of all major private- and public-sector response organizations.
Status: Action not yet initiated.

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