

GAO

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



January 1993

**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, 1993

The Honorable William H. Natcher
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 2,522 GAO recommendations that were open as of September 30, 1992.

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 Chairs and Ranking Minority Members of all House and Senate committees and subcommittees to better inform them of the status of GAO's open recommendations.

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.

The report is presented in four parts:

- Part A: National Security and International Affairs Programs (GAO/OP-93-1A).
- Part B: Resources, Community, and Economic Development Programs (GAO/OP-93-1B).
- Part C: Human Resource Programs (GAO/OP-93-1C).
- Part D: Justice, General Government, Financial and Information Management, and Evaluation Programs (GAO/OP-93-1D).

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. The product titles are listed alphabetically.

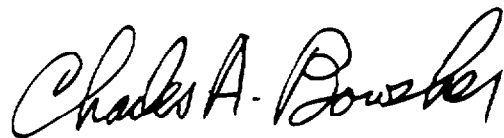
Each part of this report also includes two indexes that list the products contained in all four parts. Readers may use the "Committee of Jurisdiction" index to identify GAO products with findings and recommendations made to agencies for which committees have appropriation and oversight responsibility. 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 information or assistance. Refer any information or questions not related to a specific product or

recommendation to GAO's Office of Congressional Relations on
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 Christine Fossett, Office of Policy, on
202/275-1970.

A handwritten signature in black ink that reads "Charles A. Bowsher". The signature is written in a cursive style with a large, prominent initial "C".

Charles A. Bowsher
Comptroller General
of the United States

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Alphabetical Listing of Budget Function Categories

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270	Energy and Science Issues	B; 207
990, 998	Financial Management and Information Systems	D; 891
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250	General Science, Space, and Technology	A; 191
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370, 450	Housing and Community Development	B; 423
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050	National Defense	A; 1
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400	Transportation	B; 455

Example

Sample Entry

GAO Issue Area	Natural Resources Management
Title	Federal Land Management: Unauthorized Activities...
Product Number/Date/ GAO Contact	RCED-90-111, 08/17/90 GAO Contact: James Duffus, III (202)276-7766
Background	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	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 .
Recommendations to Congress	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.. Status: Action in process.
Recommendation Status Congressional Action	Congressional Action: Two bills have been introduced, S. 433, the "Mining Law Reform Act of 1991," which provides for a holding fee as recommended, and...
Recommendations to Agencies	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...
Recommendation Addressee (when more than one Addressee)	Addressee: Department of the Interior Status: Action in process. Estimated completion date: 06/93. Interior is revising its regulations along the lines GAO recommended. In September 1992, Interior issued a proposed rule...
Recommendation Status Status Comments	Addressee: Department of Agriculture Status: Action in process The Department of Agriculture (USDA) is revising its regulations and including them in an overall revision to 36 C.F.R..

Energy and Science Issues

(Budget Function 270)

Energy and Science Issues

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Energy and Science Issues

Issue Area Summary

Impact of GAO's Work

With under 5 percent of the world's population, the United States produces one-fourth of the world's economic output. The production of energy and its use for manufacturing, transportation, and residential and commercial purposes is crucial to this level of economic activity. The Department of Energy (DOE), with an annual budget approaching \$20 billion, is the focal point for federal energy policies and programs that affect the nation's economy and security. In 1992, DOE spent about \$2.7 billion on science and technology programs—notably the Superconducting Super Collider project—that are intended to support energy policy objectives. In addition, DOE manages research, development, production, security, and environmental restoration and waste management activities related to nuclear weapons. The economic and safety-related regulatory activities of the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC) also affect the supply and demand for energy. For example, utilities' revenues from the sale of electricity are about \$170 billion annually; FERC regulates interstate sales of electricity, and NRC regulates electricity generation by nuclear power plants.

DOE's primary means for implementing its energy policy is research, development, and demonstration of technologies intended to increase energy efficiency, secure future energy supplies, and enhance environmental quality. In fiscal year (FY) 1992, these programs accounted for over \$3 billion. We have recommended improvements in several programs, such as clean coal technology and disposal of waste from civilian nuclear power plants. We have also helped the Congress evaluate related legislative proposals to, for example, encourage the use of alternative motor fuels, restructure the Department's uranium enrichment program, and index the fee that DOE charges for nuclear waste disposal services to the rate of inflation.

DOE spent over \$12 billion (about 60 percent) of its FY 1992 budget on its nuclear weapons activities and facilities. With the end of the cold war and the signing of arms reduction treaties, DOE's mission of rapidly producing nuclear weapons has changed to managing numerous retired weapons and consolidating and cleaning up its aging nuclear facilities. Our work on these issues has contributed to DOE's decision to delay, then cancel, building a new tritium production reactor. This has resulted in a \$400 million savings in FY 1992 and is expected to save about \$1 billion over the next 3 years. Our work has also helped DOE decide not to upgrade an outmoded waste treatment facility at its Hanford, Washington, site at a 1-year savings of \$42 million. Finally, in several reports, we have recommended ways for DOE to strengthen the management and the oversight of its contractors, which operate its nuclear weapons complex and other facilities and cost the Department over \$16 billion annually. For example, our recommendation for improved controls over funds obligated to major contractors, but not spent, may save \$189 million in FY 1993 and much more in the near future.

By supporting basic research and stimulating technology innovation and commercialization activity, federal science and technology policies and programs within DOE and other agencies can have major effects on the nation's economic growth and competitiveness in global markets. For example, the federal government has long played a prominent role in supporting basic research at universities and federal laboratories. It also has sought to stimulate technology innovations and commercialization activity through means such as participation in SEMATECH (Semiconductor Manufacturing Technology Consortium—a government-industry group focused on regaining U.S. leadership in semiconductor manufacturing) and technology transfer programs at federal laboratories and universities. We have recommended improvements in many of these initiatives.

Key Open Recommendations

Support Services Contracting

In August 1991, we made recommendations to DOE and the Office of Management and Budget (OMB) that could reduce the cost of DOE's support services contracts by \$50 million to \$100 million annually. DOE has taken some recommended actions, such as conducting cost comparisons before contracting for support services. Although OMB is also taking actions, additional time is needed to determine if DOE's and OMB's actions will be adequate. (GAO/RCED-91-186, see p. 226.)

Nonstandard Contract Clauses

In December 1991, we recommended that DOE include standard procurement and property management clauses in its contracts with the University of California for operating three national laboratories. DOE has agreed that standard clauses are desirable to protect the government's interests but is still negotiating the terms of the 5-year contract extensions. (GAO/RCED-92-75, see p. 223.)

Environmental Restoration Management Contracting

In August 1992, we reported that DOE needed criteria for measuring the effectiveness of its proposal to hire a contractor to manage its program to restore the environment at its nuclear facilities. Also, DOE needed to obtain enough qualified staff to oversee a 5-year test of this management concept. As of late 1992, DOE had not responded to our recommendations. (GAO/RCED-92-244, see p. 219.)

Management of Cleanup Technology

In April 1992, we reported that DOE had not established management tools (such as measurable performance goals, technology-development project cost and schedule estimates, and decision points for determining when to continue or discontinue these projects) for ensuring that its program for developing cleanup technologies was effective. DOE is beginning to implement our recommendations. But completing these actions will take some time. (GAO/RCED-92-145, see p. 216.)

Defense Waste Processing Facility

In June 1992, we recommended that DOE assess and compare the existing and alternative pretreatment technologies at the Defense Waste Processing Facility at the Savannah River site in South Carolina to determine whether DOE should accelerate its plans to replace the existing technology. DOE assessments of this alternative method have shown that it may, among other things, reduce operating costs and eliminate a combustible gas in the pretreatment process. As of late 1992, DOE was evaluating our recommendation. (GAO/RCED-92-183, see p. 251.)

Security Information Resources

In October 1991, we reported that DOE's ability to ensure an effective security program for classified information and material was hampered by limited analytical capabilities and unreliable data found in key DOE security information systems. DOE is in the early stages of developing a response to our key open recommendations that it make a single security organization responsible for (1) coordinating the planning and the management of security information resources and (2) making a comprehensive, strategic assessment of DOE's security information and information technology needs. (GAO/IMTEC-92-10, see p. 220.)

Nuclear Waste Storage

In September 1991, we reported that DOE probably would not meet its goal of developing a storage facility for civilian nuclear waste by 1998. We recommended that, because of the potential implications of not meeting this goal, including legal challenges by utilities, DOE develop contingency plans and make them publicly available. DOE said that it did contingency planning but did not publicly disclose the contents. (GAO/RCED-91-194, see p. 256.)

Gasoline Octane Labeling

In our April 1990 report, we recommended that the Congress amend the Petroleum Marketing Practices Act to make it clear that states were authorized to enforce the act and that the Federal Trade Commission (FTC) and the Environmental Protection Agency (EPA) should 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 House-passed energy legislation would provide for states' broader involvement. Neither of these actions, however, had been completed as of late 1992. (GAO/RCED-90-50, see p. 233.)

Universities' Indirect Costs

In August 1992, we reported that the government had been charged millions of dollars for unallowable, questionable, or improperly allocated indirect costs for federally sponsored research at universities. We recommended that OMB designate a single agency to negotiate indirect cost rates and examine ways to more directly involve the university community in evaluating alternative reimbursement methods. OMB is considering our recommendations. (GAO/RCED-92-203, see p. 231.)

Access to Federally Funded Research Results

In May 1992, we reported that growing interactions between universities and businesses increased the potential for conflicts of interest or other relationships that might give a business an unfair advantage in commercializing the results of federally funded research. We recommended that the Department of Health and Human Services (HHS) and the National Science Foundation (NSF) require that their grantees have procedures in place to manage potential conflicts. Both HHS and NSF are proposing regulations to make this happen. (GAO/RCED-92-104, see p. 260.)

SEMATECH Consortium

SEMATECH's members will play a critical role in determining whether the U.S. semiconductor supplier base can be revitalized. Therefore, in September 1990, we recommended that the Congress closely monitor the commitment of SEMATECH's members to developing closer long-term working relationships with their suppliers and make further funding for SEMATECH contingent upon the members following through with this commitment. With reauthorization considerations pending for SEMATECH, this remains a matter for congressional consideration. (GAO/RCED-90-236, see p. 230.)

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Cleanup Technology: Better Management for DOE's Technology Development Program

RCED-92-145, 04/10/92 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 Technology Development (TD) Program, focusing on ways that DOE can increase the program's effectiveness.

Findings

GAO found that: (1) DOE established the TD Program as part of its efforts to clean up the environment; (2) although DOE has begun to implement the TD Program and fund major research and development projects, it has not established measurable performance goals, determined the cost of accomplishing those goals, or ensured that the research and development projects continue to be beneficial; and (3) for fiscal year (FY) 1992, DOE is planning to receive about \$303 million in

funds for the program, and is requesting about \$315 million for FY 1993. GAO believes that, without fundamental management tools: (1) DOE will have difficulty clearly determining its objectives, how to achieve them, and when it has achieved them; and (2) Congress will have difficulty determining TD Program investment and funding needs.

Open Recommendations to Agencies

Recommendation: To help ensure the effectiveness of the TD Program, the Secretary of Energy should establish measurable performance goals for the program that include identifying the limitations of conventional cleanup technologies and how DOE plans to improve on these limitations.

Status: Action in process. DOE is finalizing a management plan that will incorporate GAO recommendations.

Recommendation: To help ensure the effectiveness of the TD Program, the Secretary of Energy should establish overall costs and schedules for the program's projects, including the integrated demonstration projects.

Status: Action in process. DOE is finalizing a management plan that will incorporate GAO recommendations.

Recommendation: To help ensure the effectiveness of the TD Program, the Secretary of Energy should develop explicit decision points for determining when to continue or discontinue the program's projects in order to justify the projects' continuation or termination.

Status: Action in process. DOE is finalizing a management plan that will incorporate GAO recommendations.

Department of Energy: Better Information Resources Management Needed to Accomplish Missions

IMTEC-92-53, 09/29/92 GAO Contact: JayEtta Z. Hecker, (202)512-6416

Background

GAO reviewed the Department of Energy's (DOE) information resources management (IRM) program in selected mission areas, focusing on whether: (1) information shortfalls interfere with fulfillment of managers' responsibilities; (2) DOE strategic IRM planning is linked

to strategic mission planning; and (3) management control over acquisition and operation of information systems ensures compliance with applicable policies and requirements.

Findings

GAO found that: (1) DOE managers' abilities to fulfill their mission responsibilities are hampered by the inaccessibility of essential information, although DOE has many manual and automated information systems; (2)

deficiencies include inadequate information systems, nonintegrated systems, lack of information timeliness, inaccurate, inconsistent, inaccessible, or insufficient data, limited analytical systems capabilities, and overlapping or duplicative systems, all of which waste resources; (3) DOE information resource investments are not focused on meeting strategic mission objectives because DOE has not linked its IRM planning to its strategic mission planning; (4) IRM planning is left to individual offices and contractors that have only parochial interests; (5) DOE does not clearly assign to the legislatively mandated designated senior official (DSO) the responsibility to prepare a strategic IRM plan that is linked to mission planning or authority over IRM planning activities; (6) headquarters program managers are unclear as to their responsibility and authority to control IRM planning activities, and do not consider strategic information resource needs in their mission planning; (7) senior DOE officials recognize the need to revise the IRM planning process to link it to mission planning and have included objectives to strengthen the IRM planning process in the DOE initiative to strengthen the IRM program; (8) internal controls are weak and are not always corrected when detected because control responsibilities are unclear and authority is limited; (9) DSO authority to require corrective action is not defined; (10) the Secretary has not identified IRM

planning and control deficiencies as material internal control weaknesses, so they do not receive the emphasis that they need from top management; and (11) DOE recognizes the need to strengthen its IRM program and has implemented an initiative to do so.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should work with senior program managers and the DSO to develop a clear vision of how better information and improved IRM can contribute to accomplishing critical missions, and commit the Department to making the vision a reality by, for example, establishing an executive-level committee—consisting of top program managers and the DSO—to oversee IRM improvements.

Status: Action not yet initiated.

Recommendation: The Secretary of Energy should clarify program manager and DSO responsibilities and authority to plan and control information resources throughout the Department, ensure that these managers are knowledgeable about their roles and responsibilities, and ensure that adequate staff with appropriate management and technical skills are available to implement improved IRM practices.

Status: Action not yet initiated.

Recommendation: The Secretary of Energy should hold the DSO and program office managers accountable for (1) linking the IRM planning process to the Department's strategic mission planning process and preparing strategic and tactical plans—including information system architectures—that support the Department's strategic mission objectives; and (2) revising IRM policies, procedures, and processes to strengthen management control over headquarters, field office, and management and operations contractor IRM activities.

Status: Action not yet initiated.

Recommendation: The Secretary of Energy should identify IRM deficiencies as a material internal control weakness under the Federal Managers' Financial Integrity Act (31 U.S.C. 3512) and require the DSO and program managers throughout the Department to identify specific internal control weaknesses that hinder their ability to manage information resources. IRM activities should continue to be reported as a material internal control weakness until the Secretary has reasonable assurance that information resources are being applied efficiently and in accordance with laws, regulations, and policies.

Status: Action not yet initiated.

DOE Management: Better Planning Needed to Correct Records Management Problems

RCED-92-88, 05/08/92 GAO Contact: James E. Wells, Jr., (202)512-6868

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) actions in response to a December 1988 evaluation of the DOE records management program by the National Archives and Records Administration (NARA).

Findings

GAO found that: (1) the NARA evaluation found over 30 deficiencies, involving insufficient DOE attention to sound records management principles and practices, especially in the areas of documenting decisions and activities, inventorying and scheduling records, educating its employees, and protecting its records from inappropriate removal; (2) DOE facilities did not comply with federal and departmental environmental training requirements, since none of the seven contractors visited by the Inspector General had adequate documentation or recordkeeping systems for hazardous waste training; (3) for over a year, DOE had not taken action on the NARA recommendations, primarily because of insufficient staff and high turnover in the DOE Records and Reports Management Branch; (4) since reorganizing that branch, DOE has acted

on some of the NARA recommendations by increasing branch staff and resources, increasing communications between branch and field office records officers, and drafting revisions to its records management orders to include changes that NARA recommended; (5) after issuing its revised records management orders, DOE will have to implement adequate documentation practices and train employees at all levels of its operations, perform comprehensive inventories of all its records, develop new disposition schedules for those records, and establish procedures to prevent the removal or destruction of official records when employees leave DOE or its contractors; and (6) DOE has not developed plans for how it will address the remaining concerns NARA raised about its records management program.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should direct the head of each headquarters and field office to develop plans for correcting the remainder of the deficiencies that NARA found in the DOE records management program. Those plans should include specific

priorities, goals, and target dates for correcting the deficiencies noted in the NARA evaluation and should identify the amount of work remaining at each headquarters, field, and contractor office.

Status: Action in process. DOE is preparing an action memorandum to its heads of headquarters and field offices asking them to develop plans for correcting the remaining deficiencies cited in the NARA 1988 report. No expected completion date has been established.

Recommendation: The Secretary of Energy should direct the DOE Records and Reports Management Branch to provide guidance on the plans' development, review those plans, and monitor their implementation until DOE has fully responded to NARA concerns. **Status:** Action in process. DOE has agreed to provide continuing guidance on the plans' development, establish short reporting periods suitable for ongoing review and progress monitoring, and oversee implementation actions until all recommendations have been implemented to NARA satisfaction. DOE anticipates many years of work to complete actions. No expected completion date has been established.

DOE Management: Impediments to Environmental Restoration Management Contracting

RCED-92-244, 08/14/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO evaluated the Department of Energy's (DOE) proposed contracting approach for cleaning up contaminated nuclear weapons sites, focusing on: (1) the goals DOE established for environmental restoration management contractors (ERMC); and (2) DOE preparations to implement pilot tests.

Findings

GAO found that: (1) DOE decided to test the ERMC concept, which it developed in response to concerns that current contractors were not sufficiently reducing cleanup costs, at two nuclear weapons sites; (2) experienced ERMC would focus solely on the environmental restoration of a site, subcontracting

everything except the management and oversight of the cleanup; (3) DOE has set as goals for ERMC the hiring of more contractors with expertise in cleaning up sites under two specific environmental laws, improving management control of the environmental restoration program, reducing cleanup costs, and facilitating a more timely restoration of the sites, but DOE might not be able to achieve these goals; and (4) DOE is not prepared to implement the ERMC concept because of lack of evaluation criteria and trained staff to oversee the contractors closely.

Open Recommendations to Agencies

Recommendation: To improve the implementation of the ERMC pilot test, the Secretary of Energy should direct

the Assistant Secretary for Environmental Restoration and Waste Management to prepare and execute a plan for evaluating the pilot tests. The evaluation plan should establish specific objectives for the ERMC pilot test, criteria for judging its success, data that will be needed to conduct the evaluations, and time frames for conducting the evaluations.
Status: Action not yet initiated.

Recommendation: The Secretary of Energy should direct the Assistant Secretary for Environmental Restoration and Waste Management to identify the staffing and training needs for overseeing the pilot tests, and prepare and execute a plan for acquiring and training the necessary staff.
Status: Action not yet initiated.

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. **Status:** Action in process. As of August 1992, the House and Senate had passed comprehensive energy policy bills that would in some ways encourage the nuclear option. For example, the House bill would allow one-step licensing for nuclear plants. A conference committee was to resolve differences between the bills in late 1992.

Energy Information: Department of Energy Security Program Needs Effective Information Systems

IMTEC-92-10, 10/22/91 GAO Contact: JayEtta Z. Hecker, (202)512-6416

Background

Pursuant to a congressional request, GAO reviewed information systems that support the Department of Energy's (DOE) security program, focusing on whether: (1) key information systems provide security managers with the information they need to ensure an effective security program; and (2) changes are needed to improve more efficient and effective systems.

Findings

GAO found that: (1) although the Office of Safeguards and Security's (OSS) information systems contain departmentwide data on security weaknesses and incidents, they lack the capability to analyze the data because the software was not designed to identify patterns and trends; (2) the Office of Security Evaluations' information system that tracks security weaknesses is also unable to analyze data for

patterns and trends; (3) most field offices and most of the 10 security contractors reviewed lacked automated information systems to analyze security incident data; (4) because they receive raw data, security managers found it difficult to identify patterns and trends, hindering their ability to ensure that the security program is effective; (5) OSS managers may be unable to determine whether security weaknesses or incidents are efficiently and effectively resolved because the data in the headquarters systems are often unreliable; (6) DOE is operating incompatible security information systems that are unable to electronically exchange data; (7) DOE has not performed a comprehensive assessment of its information and information technology needs to achieve its security mission and related long-term objectives; and (8) although DOE has attempted to solve security information needs, its efforts have been uncoordinated and driven by individual

contractors, field offices, and headquarters security offices.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should assign to a single organization the leadership responsibility to plan and manage security information resources departmentwide and ensure that this organization has the authority to integrate and reconcile the needs of various security organizations. **Status:** Action in process. DOE recognizes that OSS should have leadership responsibility for security information departmentwide. However, DOE has concluded that the responsibility needs to be shared with the senior information resources management (IRM) official until OSS obtains the authority, funding, and staff to establish an IRM support section.

DOE has not set a target date for full implementation.

Recommendation: The Secretary of Energy should direct this organization to work with responsible program offices, field offices, contractors, and departmental IRM officials to: (1) make a comprehensive, strategic assessment of departmentwide information and information technology needs for the security program; and (2) develop an information architecture that efficiently

and effectively supports departmentwide missions and goals.

Status: Action in process. DOE has established a working group to assess strategic information and technology needs and to develop an information architecture. DOE has not set a target date for full implementation.

Recommendation: The Secretary of Energy should ensure that the Director of Administration and Human Resources Management, the designated senior IRM official, provides the leadership needed

to: (1) link security information planning activities to the DOE overall strategic IRM planning process; and (2) ensure that responsible managers acquire and implement information systems that conform to the data and technology requirements of the architecture.

Status: Action in process. DOE has agreed to link security information planning to its long-term IRM planning process and to develop a plan of action to modernize security information systems. DOE has not set a target date for completion.

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 in process. DOE is conducting a comprehensive evaluation of the overall results, as well as the benefits and costs associated with the laboratories' discretionary R&D activities. DOE intended to complete this evaluation in late 1992.

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 taken not fully responsive. DOE believes that it has an adequate system in place to ensure compliance with applicable provisions of appropriation and authorization acts. DOE disagrees with GAO assessment of two acts which are the basis for this recommendation. DOE intends no further action on this recommendation.

Energy Management: Better Federal Oversight of Territories' Oil Overcharge Funds Needed

RCED-92-24, 02/21/92 GAO Contact: James E. Wells, Jr., (202)512-6868

Background

Pursuant to a congressional request, GAO reviewed the planned and actual uses of \$68 million from two oil overcharge cases, made available to five U.S. insular areas, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, focusing on: (1) the amount of funds the territories have spent, and whether they have accurately reported expenditure information to Congress; and (2) whether the Departments of Energy (DOE) and Health and Human Services (HHS) have adequate monitoring procedures to ensure that the territories use oil overcharge funds in accordance with legislative and judicial requirements.

Findings

GAO found that: (1) as of June 1990, the territories had developed plans for spending about \$52 million of the \$68 million in available funds; (2) before April 1991, DOE provided quarterly reports to Congress on the territories' planned and DOE-approved uses of funds, but the reports did not include information on the amounts actually spent; (3) both DOE and HHS have established procedures to monitor the uses of oil overcharge funds, but their monitoring practices provide limited assurance that the funds are adequately accounted for and that improper uses of funds are identified, since DOE field offices do not always follow the

monitoring guidance issued by DOE headquarters, DOE does not plan to monitor nongrant projects, and HHS performs limited reviews of Low-Income Home Energy Assistance Program expenditures; (4) the Office of Management and Budget has taken actions to require that oil overcharge funds be included in the independent audits performed under the Single Audit Act of 1984; and (5) as of June 1990, the territories had spent about \$23 million of the available funds, and the territories' plans for spending an additional \$29 million were delayed by administrative, legislative, and procedural delays.

Open Recommendations to Agencies

Recommendation: The Secretary of the Energy should direct the Assistant Secretary for Conservation and Renewable Energy to review the territories' submission of audit reports mandated by the Single Audit Act of 1984 to determine the extent to which the reports ensure compliance with requirements governing the use of oil overcharge funds. This review should include funds used for both grant and nongrant programs.

Status: Recommendation valid/action not intended. DOE has issued two legal opinions stating that the oil overcharge funds are not federal funds. As a result, DOE has determined that the oil overcharge funds are not subject to the Single Audit Act and do not require

additional review by DOE to determine compliance with the act.

Recommendation: The Secretary of Energy should direct the Assistant Secretary for Conservation and Renewable Energy to require agency staff to carry out reviews of the territories' compliance with requirements governing the accounting and use of oil overcharge funds as needed to supplement the Single Audit Act audits.

Status: Recommendation valid/action not intended. DOE has issued two legal opinions stating that the oil overcharge funds are not federal funds. As a result, DOE has determined that the oil overcharge funds do not require any additional review by DOE to supplement Single Audit Act reviews.

Recommendation: The Secretary of Energy should direct the Assistant Secretary for Conservation and Renewable Energy to review states' accounting and uses of oil overcharge funds to determine if similar weaknesses found in the territories exist, and implement appropriate corrective actions.

Status: Recommendation valid/action not intended. DOE plans to continue its policy of only reviewing states' and territories' uses of funds for those funds used in the federal energy grant programs, where the rules of the programs used apply.

Energy Management: Contract Audit Problems Create the Potential for Fraud, Waste, and Abuse

RCED-92-41, 10/11/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO examined the Department of Energy's (DOE) contracting practices, focusing on: (1) audit coverage of DOE management and operating (M&O) contractors and DOE contracts; (2) the problems that may occur when contract audits are not performed; and (3) factors that have impeded contract audit coverage.

accurate, allowable, and reasonable; (2) many of the internal auditors working for M&O contractors are not performing the required allowable-cost audits; (3) since many non-M&O contracts go unaudited for years, DOE does not know if it pays fair and reasonable prices for such contracts and whether the costs claimed are accurate and allowable; and (4) lack of guidance, procedures, and aid to offices in monitoring contracts has hindered appropriate audit coverage.

contract audit activities, the Secretary of Energy should develop and implement guidance on establishing target dates for accomplishing all needed contract audit activities and a procedure for tracking progress against those target dates. **Status:** Action in process. DOE will establish target dates for completion of audits and track progress against the time frames. On November 22, 1991, DOE sent a letter to all contracting activities reminding them about regulatory requirements for requesting audits. DOE is also developing a computer program for tracking purposes. DOE hoped to have the tracking program in place by late 1992.

Findings

GAO found that: (1) due to staffing and resource limitations, DOE has not provided the necessary cyclical audit coverage it established to determine whether costs from M&O contractors are

Open Recommendations to Agencies

Recommendation: To aid operations offices and M&O contractors in monitoring and following up on all

Energy Management: DOE Has an Opportunity to Improve Its University of California Contracts

RCED-92-75, 12/26/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO examined the Department of Energy's (DOE) use of nonstandard contract clauses in laboratory management and operating (M&O) contracts with a university, focusing on: (1) the impact of the nonstandard procurement and property management clauses; (2) other nonstandard clauses that may limit DOE ability to effectively oversee the contracts; and (3) DOE plans

to require the inclusion of standard clauses in new contracts with the university.

Findings

GAO found that: (1) nonstandard clauses in DOE contracts with the university provide DOE with less authority to direct changes in procurement and property management; (2) with nonstandard clauses, laboratories only

make the changes they agree with and can delay or avoid implementation of DOE recommendations; (3) nonstandard clauses have also resulted in costly vehicle leases that DOE did not approve and contributed to a 5-year disagreement between DOE and the laboratory regarding the appropriate size of the vehicle fleet; (4) other nonstandard clauses hinder DOE ability to provide effective oversight of costs and to set requirements for internal audits; (5)

DOE tried to make changes in contracts in 1987 and 1990, but was unsuccessful because the university would not accept standard clauses; and (6) DOE is attempting to negotiate contracts again and the university has indicated a willingness to accept some standard clauses.

Open Recommendations to Agencies

Recommendation: To ensure that adequate policies, procedures, and

controls are in place to protect the government's interests, the Secretary of Energy, should require that the new M&O contracts with the University of California contain the standard DOE procurement and property management clauses.

Status: Action in process. DOE is currently negotiating new M&O contracts with the University of California.

Recommendation: To ensure that adequate policies, procedures, and

controls are in place to protect the government's interests, the Secretary of Energy, should require that deviations from any other standard clauses provide DOE with authority at least equivalent to that provided in DOE standard clauses.

Status: Action in process. DOE is currently negotiating new M&O contracts with the University of California.

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. Results of a study at the Kirkland and Los Alamos area offices identified fewer cases of potential conflicts than previously estimated. The DOE Albuquerque Operations Office is working with its area offices to streamline the time consuming process of reviewing potential conflict-of-interest situations.

Energy Management: Systematic Analysis of DOE's Uncosted Obligations Is Needed

T-RCED-92-41, 03/24/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

GAO discussed the Department of Energy's (DOE) analysis of uncosted obligations made to contractors for goods and services not yet provided. GAO noted that DOE: (1) obligated about \$17.6 billion to its contractors in fiscal year (FY) 1990, with \$14 billion going to long-term management and operating contracts; (2) obligates contract funding at the beginning of each fiscal year, sometimes before developing specific programmatic plans for the funds; (3) had, at the end of FY 1991, about \$9.7 billion in uncosted obligations, a \$2.4 billion increase from FY 1989; (4) agrees with the Office of Management and Budget that analysis of uncosted obligations is important in ensuring appropriate program funding and use of carry-over funds; (5) had some uncosted obligations representing binding, contractual commitments, while other uncosted obligations appeared to result from project delays, terminations, and

contingencies; (6) lacks an effective process, guidance or directives, experienced staff, and internal controls to ensure that units systematically analyze uncosted obligations during the budget formulation process; (7) field offices did not review uncosted obligations as part of the FY 1993 budget formulation process, citing staffing constraints and the potential unavailability of those funds for the next budget year; (8) does not receive or collect periodic commitment information for its uncosted obligations; and (9) has not defined operating fund commitments or a clear policy for determining how much prefinancing contractors should be allowed to maintain.

Open Recommendations to Agencies

Recommendation: To correct shortcomings in the DOE analyses of uncosted obligations, the Secretary of

Energy should direct the Chief Financial Officer to develop controls to ensure that analyses of uncosted obligations are performed as part of the DOE budget formulation process. This should include: (1) guidance to DOE units on the need for analyses of uncosted obligations and direction on how to perform the analyses; (2) policies defining operating fund commitments and setting forth the levels of funding for contractor prefinancing that DOE believes should be included in DOE budget requests; and (3) controls to ensure that analyses of uncosted obligations are performed DOE-wide.

Status: Action in process. The DOE Acting Chief Financial Officer has initiated actions to respond to the recommendation. Manuals and policies are currently in draft format.

Energy Management: Tightening Fee Process and Contractor Accountability Will Challenge DOE

RCED-92-9, 10/30/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO provided information on the Department of Energy's (DOE) appraisal process for management and operating contractors, focusing on the: (1)

effectiveness of DOE use of performance objectives to set expectations and evaluate contractor performance; (2) effectiveness of DOE use of data from on-site reviews to evaluate contractor performance for award fee purposes; and

(3) effect of new DOE award fee regulations on the performance evaluation and award determination process.

Findings

GAO found that: (1) the Albuquerque Field Office's use of performance objectives does not result in effective evaluations of contractor performance or effectively communicate DOE expectations to contractors; (2) Albuquerque's contractor performance objectives are often very broad and provide no criteria or standards against which to evaluate contractor performance; (3) DOE has managed its contractors by establishing broad objectives and relying on contractors to plan and carry out the programs; (4) since Albuquerque does not ensure that contractors take prompt action to correct identified deficiencies, a contractor's failure to implement recommendations may not only go unnoticed by

Albuquerque officials, but also may not affect the contractor's performance evaluation; (5) the new DOE award fee policy is designed to make contractors, rather than the government, accountable for costs that could have been avoided by prudent contractor action; and (6) because of the magnitude of the changes needed, contractors may be eligible for increased compensation long before DOE is able to fully implement the accountability requirements.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should ensure continued improvement in the performance evaluation and award determination

processes by: (1) requiring that specific, measurable performance objectives be developed; (2) developing procedures to communicate to the contractor what is expected and how it will be measured; and (3) establishing procedures to ensure that those requirements are implemented consistently by all DOE organizations that take part in the award fee process.

Status: Action taken not fully responsive. Initially, DOE concurred, indicating that it was carrying out similar recommendations made by an internal review. DOE now indicates the only action needed was the continuation of the policies and practices already implemented. These policies and procedures, however, existed during the period reviewed and did not prevent the problems identified.

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 taken not fully responsive. Effective October 1, 1992, DOE required units to conduct a cost comparison prior to awarding or renewing support service contracts. However, because of uncertainty about whether OMB will require a more detailed analysis to justify additional federal positions and the existing hiring freeze that will preclude any increase in personnel, DOE will only commit to requiring comparisons for 1 year.

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. DOE has indicated that it intends to use the results of selected cost comparisons to justify staffing increases to OMB. However, DOE cannot act on this recommendation until cost comparison results become available. Action may also be influenced by ongoing negotiations between DOE and OMB.

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 in process. OMB does not intend to issue additional guidance about converting contracts. However, OMB has indicated its willingness to experiment with ways to streamline OMB Circular A-76 and has agreed to discuss alternative approaches with DOE. Resolution of this recommendation depends on the outcome of these meetings.

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 develop a coordinated DOE/state/contractor system to verify contractor-reported data.

Status: Action in process. Estimated completion date: 06/93. DOE will

formalize the recommendation through revisions to DOE Order 5400.1. Issuance

of the order is expected by the end of the second quarter 1993.

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 from the hydropower rate of irrigation construction costs for certain projects within the Colorado River Storage Project (CRSP).

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.

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 and to the Department of the Interior by late 1992.

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

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. The Department of the Interior concurs with the recommendation. The Bureau of Reclamation will provide the information to the Subcommittee and Interior by late 1992.

Recommendation: The Secretary of the Interior should direct the Commissioner, Bureau of Reclamation, to provide the

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 and to the Department of the Interior by late 1992.

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 and to the Department of the Interior by late 1992.

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 and to the Department of the Interior by late 1992.

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.

Status: Action in process.

Federal Research: Assessment of the Financial Audit for SEMATECH's Activities in 1989

RCED-91-74, 04/30/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

In response to a legislative requirement, GAO reviewed a certified public accountant's audits of the financial statements of the Semiconductor Manufacturing Technology Consortium (SEMATECH), a consortium of 14 U.S. semiconductor manufacturers and the Department of Defense (DOD).

Findings

GAO found that: (1) at least two SEMATECH member companies have included a portion of their SEMATECH contributions for reimbursement as government contract overhead costs, and while this is in accordance with government cost accounting principles, it indirectly increases the federal government's overall support for SEMATECH research and development (R&D) activities; (2) SEMATECH declined to disclose that it was making postemployment payments to its former chief operating officer, citing their

immateriality to the financial statements; (3) SEMATECH erroneously computed depreciation using the double declining balance method instead of the straight-line method for \$44 million of \$175 million it spent on manufacturing and research facilities; (4) SEMATECH understated depreciation expenses for specialized manufacturing equipment in 1989 because it applied different depreciation methods for the equipment's installation costs, instead of depreciating installation costs in the same manner as the installed capital; and (5) the records presented fairly the financial position of SEMATECH in conformance with generally accepted accounting principles.

Open Recommendations to Congress

Recommendation: If federal participation in SEMATECH is reauthorized, Congress may wish to take into account, in determining the

appropriate level of federal funding, the indirect cost reimbursements that some SEMATECH members receive for their SEMATECH contributions. Congress also may wish to consider this issue for any other jointly funded consortium that includes federal contractors or grantees. **Status:** Action in process. S. 1327, which addresses cost reimbursement for members of the critical technology consortia, was introduced in the 102nd Congress. The Senate Appropriations Subcommittee on Defense has requested additional information from SEMATECH's member companies on the extent to which they have included SEMATECH contributions in overhead on government contracts they hold. A GAO survey of the 14 member companies indicated that it is not a major problem. Only two companies stated that they have charged a substantial portion of their SEMATECH contributions to government overhead and one of those companies withdrew from SEMATECH in 1992.

Federal Research: SEMATECH's Efforts to Strengthen the U.S. Semiconductor Industry

RCED-90-236, 09/13/90 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO assessed the Semiconductor Manufacturing Technology Consortium's (SEMATECH) efforts to strengthen U.S.

suppliers of equipment and materials for the semiconductor manufacturing industry.

Findings

GAO found that: (1) by 1989, Japanese firms had captured 4 of the top 5 semiconductor equipment-supplier positions, while only 4 U.S. companies

were among the 10 largest suppliers; (2) many U.S. semiconductor equipment suppliers are faced with a declining market share and the need to reinvest at a high rate to remain technologically competitive; (3) U.S. materials suppliers' market share declined from 25 percent in 1984 to 17 percent in 1988; (4) surveys indicated that the problems that led to the competitive decline of the U.S. suppliers of semiconductor equipment and materials were in areas where their Japanese competitors had distinct advantages; (5) the high cost of capital in the United States was the most significant factor diminishing the competitiveness of U.S. suppliers; (6) ineffective relationships between semiconductor manufacturers and their suppliers also contributed to the

declining competitiveness of U.S. suppliers; (7) to be competitive internationally, U.S. suppliers need to overcome Japanese trade and cultural barriers, establish a sales network, and offer technologically superior products; (8) SEMATECH increased its efforts to assist U.S. semiconductor equipment and materials suppliers in response to their declining competitiveness; (9) despite those efforts, a broader range of initiatives, in addition to the SEMATECH program, is needed to significantly strengthen U.S. suppliers; and (10) senior executives from 28 of the 31 U.S. suppliers supported SEMATECH efforts to address their needs, but 16 of the companies were uncertain whether SEMATECH would significantly strengthen the U.S. supplier industry.

Open Recommendations to Congress

Recommendation: Because SEMATECH members will play a critical role in determining whether the U.S. semiconductor supplier base can be revitalized, Congress may wish to closely monitor the commitment of the SEMATECH members to developing close long-term working relationships with their suppliers and make further federal funding for SEMATECH contingent upon the members' following through with this commitment.

Status: Action in process. The House Committee on Science, Space, and Technology is overseeing the SEMATECH program. It tentatively planned to hold an oversight hearing in late 1992.

Federal Research: System for Reimbursing Universities' Indirect Costs Should Be Reevaluated

RCED-92-203, 08/26/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO examined how the federal government reimburses universities for overhead, or indirect costs, related to federally funded scientific research.

Findings

GAO found that: (1) due to inadequate federal guidance, oversight, and weak internal controls at the universities, the government has been charged millions of dollars for unallowable, questionable, or improperly allocated indirect costs; (2) recent disclosures of inappropriate charges have spurred corrective actions, the Office of Management and Budget

(OMB) has revised OMB Circular A-21, and universities have initiated their own indirect cost reviews to address identified problems; (3) the actions were appropriate to deal with the immediate problems, but they could contribute to an increase in indirect costs because universities are likely to pass on to the government a portion of the costs incurred to improve their accounting systems and internal controls; (4) the depth and persistence of the problems make this an opportune time to consider fundamental changes to the existing reimbursement system; and (5) a multiagency task force is addressing the need for such changes.

Open Recommendations to Agencies

Recommendation: The Director, OMB, should designate a single cognizant federal agency, using a consistent approach, to negotiate indirect cost rates for federally sponsored research at universities.

Status: Action not yet initiated.

Recommendation: OMB should examine ways to more directly involve a cross section of the university community in the work of the task force, either through direct membership or as a separate advisory committee, in

evaluating alternative methods (including, but not limited to, ones GAO identified) for reimbursing universities

for indirect costs related to federally sponsored research.

Status: Action not yet initiated.

Fossil Fuels: Improvements Needed in DOE's Clean Coal Technology Program

RCED-92-17, 10/30/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the status and progress of the demonstration projects funded under approved cooperative agreements in the Department of Energy's (DOE) Clean Coal Technology (CCT) Program.

Findings

GAO found that: (1) 15 of the 32 ongoing funded projects have experienced delays, cost increases, and reductions in scope; (2) most ongoing projects have not progressed far enough for DOE to assess whether they will ultimately achieve their performance objectives and, as of September 1991, only three projects had completed the demonstration phase; (3) DOE invested about \$21.2 million in 5 of the 13 projects that had been withdrawn from the program; (4) DOE funded some projects that may have limited potential for return on the federal investment, since those projects' technologies may have been commercialized without federal assistance; (5) it was questionable whether DOE had done all that it could to ensure that its investment was adequately protected, since it continued to fund some projects that were experiencing financing problems and were eventually withdrawn from the program; (6) DOE improved its management controls over project costs and incorporated a new policy on project funding to require justifications for

additional funding; and (7) DOE began developing procedures for independently reviewing sponsors' final project reports to ensure that they include sufficient and accurate information for potential users of the technologies, and plans to complete the procedures by late 1991.

Open Recommendations to Agencies

Recommendation: To obtain maximum benefits from CCT Program funds, the Secretary of Energy should direct the Assistant Secretary for Fossil Energy to include as a factor in project selection decisions an assessment of whether the technology to be demonstrated is likely to be commercialized without federal assistance and avoid selecting technologies that could advance in the marketplace without federal funding.

Status: Recommendation valid/action not intended. DOE contends that it cannot determine whether a technology is likely to be commercialized without federal funds. GAO believes that DOE can and should make such an assessment before selecting a project, and GAO has provided its views on the need for this recommendation to the congressional subcommittee that requested the review.

Recommendation: To obtain maximum benefits from CCT Program funds, the Secretary of Energy should direct the

Assistant Secretary for Fossil Energy to determine that the potential market for the proposed technology is large enough to warrant demonstrating the commercial application of the technology with federal funds.

Status: Action taken not fully responsive. DOE believes that the goal of the recommendation is being achieved by its current procedures. However, GAO continues to believe that DOE should evaluate the potential incremental benefits of investing federal funds in individual projects and select those with the largest potential payoff.

Recommendation: To obtain maximum benefits from CCT Program funds, the Secretary of Energy should direct the Assistant Secretary for Fossil Energy to make projects ineligible for selection if their financing or economic viability is in doubt.

Status: Action taken not fully responsive. The GAO report acknowledged that DOE has increased the weight given to financial viability considerations in selecting projects and taken other actions that are steps in the right direction. However, the recommendation is still needed because DOE continues to rank all projects for selection consideration, regardless of their financial situation.

Recommendation: The Secretary of Energy should direct the Assistant

Secretary for Fossil Energy to analyze the effect that recoupment provisions have had on industry participation in the CCT Program and the likelihood of recovering the federal investment. On the basis of this analysis, DOE should reevaluate its recoupment policy to determine whether it should be strengthened to provide greater assurance that the federal investment in successfully demonstrated technologies will be recovered.

Status: Action in process. Estimated completion date: 05/94. DOE agrees with this recommendation and has begun a

reevaluation of its recoupment policy. The study will include data from the results of the fifth solicitation for project proposals and is expected to be completed by May 1994. The completion date coincides with the timing of a report that DOE is required to provide Congress on unobligated funds that could be available for a sixth solicitation.

Recommendation: The Secretary of Energy should direct the Assistant Secretary for Fossil Energy to complete the development of procedures for

assessing and reporting on the adequacy of sponsors' final project reports.

Status: Action in process. DOE is establishing a new concept called a "post-project assessment report," which will discuss DOE independent assessment of a technology, the success of the demonstration in collecting needed data for commercialization, and the expected costs and environmental benefits. When implemented, this procedure and publicly available report should fulfill the objective of the recommendation.

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. In May 1992, the House of Representatives approved legislation, which was pending agreement by the House and Senate energy conferees in late 1992.

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. The Corps plans to have a preliminary report by December 1992, followed by a detailed analysis of alternatives in 1993 through 1994.

Natural Gas: Factors Affecting Approval Times for Construction of Natural Gas Pipelines

RCED-92-100, 02/26/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Federal Energy Regulatory Commission's (FERC): (1) process for approving applications for constructing natural gas pipelines; and

(2) efforts to streamline the approval process.

Findings

GAO found that: (1) between October 1, 1987, and February 28, 1991, FERC

approved 171 applications to construct new natural gas pipelines and related facilities, with a median processing time of 344 days; (2) major factors lengthening application processing time include unresolved policy issues, multiple-applicant pipeline projects, time-

consuming environmental reviews, incomplete applications, and interventions or protests against the proposed projects; (3) FERC takes an average of 166 days to approve applications that do not include any of those significant factors; (4) to expedite pipeline construction approval, FERC places time limits for filing potentially competitive applications, uses a two-phase decision approach limiting consideration of competitive issues, requires less market and supply data if applicants accept more risk for cost

recovery, and conducts early conferences to resolve technical issues; and (5) FERC and Congress are considering new regulations and legislation that would limit the level of review for some applicants and streamline the approval process.

Open Recommendations to Agencies

Recommendation: The Chairman, FERC, should enter into interagency agreements with federal agencies that:

(1) resolve potential generic issues; (2) spell out the duties and responsibilities of each party with respect to environmental reviews for natural gas pipelines; and (3) establish time frames for completing those duties and responsibilities.

Status: Action not yet initiated. FERC does not agree with this recommendation and has not taken any action.

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, DOE does not expect this recommendation to be closed out until April 30, 1995.

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.

Findings

GAO found that: (1) eight facilities have groundwater contaminated with radioactive or hazardous substances at 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 protect groundwater and soil around DOE facilities.

Status: Action in process. Estimated completion date: 06/93. DOE will formalize the recommendation through revisions to DOE Order 5400.1. Issuance of the order is expected by the end of the second quarter 1993.

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. 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 was 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 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 studies. DOE is currently developing an environmental statement that discusses the processing of existing irradiated fuel inventories remaining from past N-reactor operations.

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. No further action can be taken until the environmental impact statement on PUREX is completed.

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 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 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. Estimated completion date: 12/93. DOE plans to complete its safety analysis reports by the end of calendar year 1993.

Nuclear Health and Safety: More Can Be Done to Better Control Environmental Restoration Costs

RCED-92-71, 04/20/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO examined the: (1) degree of cost growth associated with the Department of Energy's (DOE) environmental restoration program; and (2) steps DOE can take to better manage and control cost growth.

Findings

GAO found that: (1) since DOE has not updated or revised its 1988 total cost estimate for completing all environmental restoration work, GAO could not determine the aggregate cost growth associated with the environmental restoration program; (2) a comparison of DOE 5-year plans shows a 48-percent increase over the past 2 years in estimated funds necessary for fiscal years 1991 through 1995; (3) a detailed cost history for certain subprograms shows that between 1988 and 1991, overall estimated costs increased 61 percent; (4) DOE lacks such important

management tools as comprehensive performance baselines for individual projects, a process for consistently estimating project costs, an information system capable of monitoring project-specific cost growth, and a system for sharing lessons-learned information; and (5) to better control cost growth, DOE has implemented initiatives to conduct program cost reviews, develop procedures that require preparing documentation to support cost estimates, and institute cost estimating review procedures.

Open Recommendations to Agencies

Recommendation: To improve the management of the environmental restoration program and better control cost growth, the Secretary of Energy should establish a reliable management information system that will monitor the degree of and the reasons for environmental restoration cost growth

and resolve any incompatibility between this system and individual information systems being developed by DOE field offices.

Status: Action in process. DOE is currently expanding its capability to monitor changes in environmental restoration cost.

Recommendation: To improve the management of the environmental restoration program and better control cost growth, the Secretary of Energy should, once the lessons-learned environmental restoration information system is developed, monitor its use to ensure that bad as well as good experiences are entered into the system and that mistakes are not repeated because the system is not used. **Status:** Action in process. DOE is developing mechanisms to ensure that lessons learned are entered into an information system and the system is utilized prior to the start of new projects.

Nuclear Health and Safety: Mortality Study of Atmospheric Nuclear Test Participants Is Flawed

RCED-92-182, 08/10/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO provided information on a National Academy of Sciences report on nuclear test participants, focusing on: (1) the accuracy of the participant and radiation exposure data that were supplied to the Academy; (2) when and how inaccuracies in the data occurred and were discovered; and (3) what actions have been taken to correct the data and update the 1985 mortality study.

Findings

GAO found that: (1) the Defense Nuclear Agency (DNA) has consolidated and refined participant nuclear test series

data bases and comparisons of preconsolidation and postconsolidation data show inaccuracies; (2) DNA discovered through its comparison that about 15,000 of the 47,435 individuals assessed did not participate in the tests and about 28,000 participants were not included in the study's results; (3) the inaccuracies resulted from pressures to complete the work, inexperienced data gatherers, and difficulties in obtaining complete and accurate records; (4) DNA radiation data provided to the National Academy of Sciences were understated and contained inaccuracies due to exposure data being incorrectly transcribed; (5) despite discussions between DNA and the Academy, data inaccuracies continue, and the data can

be used for approximations only; and (6) DNA is contracting with the Academy for follow-up study.

Open Recommendations to Agencies

Recommendation: The Secretary of Defense should require the Director, DNA, to notify veterans groups, researchers, and the general public that the conclusions reached in the 1985 National Academy of Sciences mortality study may not be valid because of inaccuracies found in the participant data used in performing the study and that the study is being redone.

Status: Action not yet initiated.

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. Secretary Watkins affirmed that it is the

responsibility of the program secretarial offices (PSO) to track ES&H corrective activities to closure. Development of a departmentwide ES&H information management network will be halted, and efforts will be shifted to the improvement of tracking systems within individual program offices.

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 Assistant Secretary for Environment, Safety and Health is continuing to work closely with the Office of the Under Secretary in its efforts to implement a tracking system to report all immediate concerns to the Secretary on a monthly basis.

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 Office of the Assistant Secretary for Environment, Safety and Health is monitoring individual program office computer tracking systems.

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 by the DOE Office of the General Counsel.

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: Recommendation valid/action not intended. State is now recommending a status quo approach. It does not want to be aggressive with the other countries. Thus, the situation that prompted the recommendation will remain unchanged. With more smaller countries (Middle East, North Korea, etc.) getting nuclear weapon capability, this recommendation becomes even more important.

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 entities that are foreign 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) DOE 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 Department of Defense (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. OSS submitted proposed changes to the DOE Acquisition Regulation on September 16, 1991, to the DOE Office of Procurement, Office of Policy, PR-121, which, when approved, will transfer FOCI determination responsibility from the contracting officers to OSS personnel. In the interim, DOE has issued an acquisition letter, dated March 4, 1992, that officially transfers responsibility.

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. In the interim, DOE has issued an acquisition letter, dated March 4, 1992, that provides for this requirement.

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 require FOCI information updated as directed by OSS or at least every 5 years. In the interim, DOE has issued an acquisition letter, dated March 4, 1992, that provides for this requirement.

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. The federal government is currently working toward standardizing security policies and procedures and DOE is participating in that effort through the National Industrial Security Program FOCI subgroup. That subgroup is attempting to develop a single, integrated security program for FOCI.

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. OSS is in the process of formally asking DOE Office of Procurement to direct its field offices to ensure that the management and operating contractors maintain systems identifying all their classified contracts.

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 has incorporated guidelines for safeguard and security reviews of FOCI questionnaires in draft order 5639.10,

which is in circulation to headquarters elements and field offices for informal comments.

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 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. NRC plans to develop regulations to improve licensees' recordkeeping. NRC published a proposed rulemaking for comment regarding this matter in the Federal Register in October 1991. NRC estimates that the final regulations will be issued by late 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: 09/93. NRC is revising its guidance to clarify the scope of licensees' radiological surveys and expects to issue a final regulatory guide by the end of fiscal year (FY) 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: 10/93. On March 19, 1991, NRC directed its staff to prepare a proposed rule on decommissioning criteria. The staff is to consider the residual radiation standards proposed by the Health Physics Society Standards Committee. On April 15, 1992, NRC approved a plan to conduct a rulemaking on radiological criteria for decommissioning. NRC staff estimates

that it will publish a proposed rule by October 1993.

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. New regulations became effective on September 16, 1991, that address NRC authority to require additional cleanup after a license is terminated. NRC is also reviewing all terminated licenses to determine whether all nuclear material and waste were safely disposed. This effort is scheduled for completion in early FY 1993.

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. The U.S. Army handbook is being revised and will serve as the basis for DOD-wide procedures. 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 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 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. Publication of the final rule is being held in abeyance due to the presidential freeze on rulemaking.

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 has conducted an analysis of federal versus contract security services across its nuclear weapons complex. DOE finalized its analysis and issued a report

regarding this matter around May 1992. The report, recommending no further action, is being reviewed by the DOE Office of Safeguards and Security. DOE did not state a date for completing this action.

Nuclear Science: Consideration of Accelerator Production of Tritium Requires R&D

RCED-92-154, 06/15/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

In response to a congressional request, GAO provided information on tritium production using an particle accelerator, focusing on the: (1) current status of accelerator concept; and (2) extent to which the Department of Energy (DOE) has considered the accelerator concept.

Findings

GAO found that: (1) due to a lack of DOE funding, the particle accelerator's capability for tritium production remains unknown; (2) although the use of a particle accelerator may present safety and environmental advantages over the use of nuclear reactors, DOE has not explored or resolved technological issues and continues to

rely on the proven reactor technology for tritium production; (3) the reduction of nuclear weapons stockpiles has lessened the urgency for tritium, which allows time for reevaluating and comparing particle accelerator capabilities with reactor options; and (4) to sufficiently compare accelerator capabilities with reactor capabilities, DOE will need a funded research and development program.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should ensure that the accelerator concept is given full consideration when the advantages and disadvantages of possible tritium

production options are compared. This concept would require research and development funding to better understand the feasibility and practicality of using an accelerator to produce tritium. Any program should be structured to provide timely and sufficient information for assessing the accelerator as an option in the decision on new tritium production capacity, which DOE currently has scheduled for August 1993. Now that the urgency for new tritium production capacity has been reduced, DOE should ensure that sufficient time is allowed to study and consider the technology options and their potential benefits before a final decision is made.

Status: Action not yet initiated.

Nuclear Science: Monitoring Improved, but More Planning Needed for DOE Test and Research Reactors

RCED-92-123, 07/15/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO provided information on the Department of Energy's (DOE) nondefense-related nuclear facilities, focusing on: (1) DOE management and long-range planning for replacement of potentially dangerous and aging reactors; and (2) the safety and operating condition of research reactor facilities.

Findings

GAO found that: (1) DOE has no plans for the retirement or replacement of its aging nondefense research and test reactors; (2) diminishing demand and increasing operating costs force DOE to decide which research and test reactors

to maintain or replace; (3) considering the relatively small number of reactors and specialized reactor functions, formal long-range retirement or replacement plans are unnecessary; (4) deterioration of reactors causes safety problems, reduces reactor performance, increases operating safety costs and causes gaps in service to researchers; and (5) DOE safety oversight of nondefense reactors is improving, but continued problems exist.

Open Recommendations to Agencies

Recommendation: To avoid possible degradation in safe operation, increased operating costs, degradation in performance, and gaps in needed reactor

service, the Secretary of Energy should require that the manager of DOE test and research reactor facilities develop a long-range plan for the timely retirement or replacement of aging reactors. In their analysis of the possible need to eventually replace the Department's two older operating category "A" test reactors, DOE planners should consider the cost and benefits of using the Fast Flux Test Facility, now on standby, as a possible replacement rather than constructing a newer, more extensive reactor.
Status: Action not yet initiated.

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.

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.

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 DOE San Francisco Field Office conducted a damage assessment of DOE secret documents in July 1992.

Open Recommendations to Agencies

Recommendation: Because of the magnitude of the secret document

Status: Action in process. DOE concurred with the recommendation.

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.

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 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. Contract negotiations began in the fall of 1991 and a contract is expected to be signed by late 1992. DOE officials have indicated they will try to get the standard property clause in the new contract.

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

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. Contract negotiations began in the fall of 1991

and a contract is expected to be signed by late 1992. DOE officials have indicated that they will attempt to expand the accountability of the university for property losses. The DOE San Francisco Field Office directed

LLNL to develop and implement appropriate procedures. The field office also issued property management instructions.

Nuclear Security: Weak Internal Controls Hamper Oversight of DOE's Security Program

RCED-92-146, 06/29/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) practice of granting exceptions to its nuclear safeguards and security orders, focusing on: (1) the number of exceptions that DOE has approved; (2) whether DOE follows its procedures for reviewing and approving exceptions; and (3) the type of internal control system DOE uses for monitoring individual exceptions.

Findings

GAO found that: (1) DOE does not know how many exceptions it has approved because it has decentralized its handling of exception requests and does not have sufficient information to determine how many exceptions it has approved; (2) DOE used a contractor to attempt to

identify DOE headquarters-approved exceptions and determined that it had approved 242 of 312 exception requests, but DOE did not validate or verify that count; (3) it could not determine whether DOE followed established procedures for reviewing and approving exceptions because of incomplete or unavailable records; (4) there is no data base for monitoring and following up on individual exceptions; (5) DOE is unable to evaluate field offices' compliance with safeguards and security orders; and (6) DOE plans for an automated tracking system do not include an assessment of DOE information needs.

Open Recommendations to Agencies

Recommendation: To correct the identified internal control deficiencies,

the Secretary of Energy should direct the Office of Safeguards and Security to institute effective documentation and recordkeeping controls for exceptions, in line with the GAO "Standards for Internal Controls in the Federal Government."

Status: Action not yet initiated.

Recommendation: The Secretary of Energy should direct the Office of Safeguards and Security to incorporate a strategic assessment of departmentwide information needs for exceptions information into the broader security information resource management planning process currently under way.

Status: Action not yet initiated.

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. **Status:** Action in process. In accordance with the July 10, 1991, request of the Chairman, Subcommittee on Energy and Power, House Committee on Energy and Commerce, GAO followed up on the

actions taken to implement the recommendations, including the recommendation to amend the 1982 act (see GAO/RCED-92-165). Legislation is pending that would require DOE to: (1) adjust fees based on an inflation indexing system; and (2) develop a plan to pay its share of program costs by January 1, 2010 (see H.R. 776, the National Energy Efficiency Act of 1991).

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 and plans to make the necessary entries on its fiscal year 1992 financial statements. 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 in process. Based on the review of the DOE November 1990 fee-adequacy report, it appears that DOE action was not fully responsive; however, officials told GAO that the recommendation will be implemented when its next report is issued later this year.

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 in process. 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. DOE is studying this matter.

Nuclear Waste: Defense Waste Processing Facility-Cost, Schedule, and Technical Issues

RCED-92-183, 06/17/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO provided information on: (1) the current status of the Defense Waste Processing Facility (DWPF) and other facilities that treat radioactive waste and transform it into a more stable glass form; and (2) cost, schedule, management, technical, and other issues that may affect the DWPF program.

Findings

GAO found that: (1) the DWPF program has experienced cost increases and is behind schedule, which is due in large part to ineffective management; (2) the

supporting facilities critical to DWPF operation are experiencing similar problems; (3) the Department of Energy (DOE) focused on management problems in its reviews and assessments in 1991 and has since attempted to improve the situation; (4) because of current and potential technical problems, further cost and schedule changes are possible; (5) the two critical DWPF pretreatment processes continue to have problems and, although DOE is acting on the situation, a more thorough investigation is needed; and (6) since 1989, DOE has not presented Congress with adequate information on the DWPF program's cost increases and schedule slippages,

but has plans underway to provide the information in the future.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should direct that an assessment and comparison of the ion-exchange process (IXP) technology and the in-tank precipitation (ITP)/process/precipitate hydrolysis process (PHP) be prepared to determine whether DOE should accelerate its planned efforts to replace ITP/PHP with IXP.

Status: Action not yet initiated.

Nuclear Waste: Development of Casks for Transporting Spent Fuel Needs Modification

RCED-92-56, 03/13/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed Department of Energy (DOE) efforts to implement transportation-related activities under the Nuclear Waste Policy Amendments Act of 1987, which requires DOE to investigate Yucca Mountain, Nevada, as a potential site for the permanent

disposal of nuclear waste in an underground repository and to construct a repository at the site if it finds that the site is appropriate.

Findings

GAO found that: (1) in 1988, a utility association concluded that DOE was moving too fast with its Cask

Development Program, since the spent-fuel storage conditions that DOE was designing the casks for might materially change by the time DOE was able to begin shipping utilities' spent fuel; (2) the utility industry recommended that DOE reassess the scope and timing of its Cask Development Program and, at most, design a truck cask only, due to

uncertainty regarding the development of a Monitored Retrievable Storage (MRS) facility, uncertainty over the length of time needed before a repository will be completed, and concerns about the proposed casks and how the transportation system would interface with nuclear power plants; (3) DOE intends to resolve technical and operational concerns regarding its preliminary cask designs during the final design phase; (4) due to concerns that the combined weight of the truck cask and the truck that would haul the cask might exceed the weight limit for highways, DOE is considering hardware and operational options to reduce total transporter system weight; (5) it is unlikely that DOE will be able to develop a MRS facility by 1998 because states and Indian tribes are reluctant to host facilities for storing or disposing of highly radioactive wastes; and (6) the uncertainty regarding MRS facility development and the current extended repository schedule gives DOE ample time to address unresolved technical and operational cask development issues before committing to specific cask designs.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should limit funding for the cask-system development program to the amount necessary to complete final-design work planned for fiscal year 1992 on the casks currently being developed.

Status: Recommendation valid/action not intended. DOE disagreed with this recommendation on the basis that a storage facility could be operational by 1998 that must be supported by adequate transport capability. However, DOE also stated it has put its cask development activities on hold for technical reasons and will not submit final cask designs to the Nuclear Regulatory Commission (NRC) for certification until the technical concerns have been satisfactorily resolved.

Recommendation: The Secretary of Energy should refrain from submitting the final design of any cask to NRC for certification at least until DOE has demonstrated that a state or tribe has agreed, in principle, to host a MRS facility at a specific site.

Status: Recommendation valid/action not intended. DOE disagreed with this recommendation on the basis that, if the need for casks is delayed, it would be more logical and cost-effective to halt cask development after cask design certification but before cask fabrication.

Recommendation: In conjunction with this pause, the Secretary of Energy should factor into cask designs nuclear industry transportation experience, the final results of the DOE facility interface study, and the unique features of certain spent fuel from boiling water reactors.

Status: Action in process. DOE concurred with this recommendation and stated this is being done through an independent assessment of cask designs.

DOE added that any appropriate redesign of the casks needed because interface requirements will be completed before the designs are submitted to NRC for certification.

Recommendation: In conjunction with this pause, the Secretary of Energy should assess, in the absence of a MRS facility, the potential effects of utilities' actions to expand their on-site spent-fuel storage capacity on the cask systems development program.

Status: Action not yet initiated. DOE concurred that the effects on its cask development program of utilities' actions to expand on-site storage capabilities need to be assessed and considered. DOE added that it will consider the need for such an assessment during the first half of 1993.

Recommendation: In conjunction with this pause, the Secretary of Energy should determine whether the truck cask, in combination with its tractor and trailer, is too heavy and, if so, the most cost-effective approach to reducing the weight.

Status: Action in process. DOE concurred and stated that this issue is being addressed through an independent reassessment of its cask designs. According to DOE, the cask designs will not be submitted to NRC for certification until any outstanding design issues have been resolved.

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 lobbying 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 has determined the amounts of grant funds spent by Nevada for unallowable purposes and has also determined that the state should repay \$75,266 of the unallowable costs. To this end, DOE has billed Nevada. If Nevada has not paid the bill by the award of the next grant, DOE intends to offset the grant award by this amount.

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. DOE agreed with this recommendation, but believes that it is too early to make a decision on interim covers for the tanks. An engineering study has been completed that identifies and evaluates alternatives for covering the tanks if other studies indicate that it is necessary.

Nuclear Waste: DOE's Repository Site Investigations, a Long and Difficult Task

RCED-92-73, 05/27/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a legislative requirement, GAO reviewed the Department of Energy's (DOE) civilian radioactive waste management program, focusing on: (1) DOE efforts to investigate the Yucca Mountain, Nevada, site; (2) DOE efforts to ensure the early identification, primarily through surface-based tests, of any conditions that could disqualify the

site; and (3) the effects of delays in DOE obtaining environmental permits from Nevada.

Findings

GAO found that: (1) between fiscal years 1989 and 1991, DOE spent about \$523 million on the Yucca Mountain project; (2) although DOE could not begin any

new work at the site to support a potential license application until after it received a permit from Nevada in June 1991, the inability to obtain a permit sooner did not significantly affect program progress because DOE needed to develop quality assurance programs that were acceptable to the Nuclear Regulatory Commission (NRC), finish developing technology for dry drilling,

and redesign the exploratory studies facility before it could begin to comprehensively implement its December 1988 site characterization plan; (3) DOE has not yet developed a cohesive approach to identifying conditions that, if present, could disqualify the site for a repository; (4) the first DOE effort to identify high-priority tests and determine how to evaluate site conditions focused primarily on potential adverse site conditions included in NRC regulations but, after a year, DOE decided to use its own guidelines to judge site suitability; (5) in March 1991, DOE issued a report ranking broad issues to be studied, but decided to develop a new ranking method; (6) DOE has not obtained public comment on proposed approaches for establishing testing priorities and evaluating site suitability; (7) problems in obtaining the environmental permits necessary to conduct work at the Yucca Mountain site have prevented DOE in

the last 4 years from conducting site activities necessary for site characterization; (8) DOE applied for three permits needed to resume investigations, but Nevada delayed acting on the applications due to pending litigation which was ultimately resolved in favor of DOE; and (9) since continuing difficulties in obtaining permits could significantly delay program completion, DOE has proposed legislation that takes away Nevada's permit-processing responsibility.

Open Recommendations to Agencies

Recommendation: To help DOE build public trust in its civilian nuclear waste management program through the dissemination of information, the Secretary of Energy should, in addition to obtaining comments from the public, NRC, and others on the DOE methodology for evaluating Yucca

Mountain, obtain comments on the proposed DOE approach for site characterization, including its plans for: (1) prioritizing site characterization tests; (2) funding such tests; and (3) scheduling surface-based and underground tests. **Status:** Recommendation valid/action not intended. DOE stated that it has already established and implemented a policy for obtaining comments on its approach to site characterization.

Recommendation: To help avoid, or possibly withstand, a legal challenge, the Secretary of Energy should, before officially adopting the site evaluation method, obtain an opinion from the DOE Office of the General Counsel that the methodology legally conforms to DOE siting guidelines.

Status: Action in process. The DOE Office of the General Counsel is currently reviewing the site evaluation method to ensure that it legally conforms to DOE siting guidelines.

Nuclear Waste: Improvements Needed in Monitoring Contaminants in Hanford Soils

RCED-92-149, 07/06/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO examined the Department of Energy's (DOE) programs to monitor and characterize contamination in the vadose zone, which is the unsaturated soil above the groundwater table, at the DOE Hanford site, focusing on: (1) how effective existing DOE vadose zone programs have been; (2) how successful DOE has been developing a strategy for improving its programs; and (3) whether additional use of electronic radiation detection technology could save money

and reduce health and safety risks during the cleanup.

Findings

GAO found that: (1) existing vadose zone programs are ineffective because of limited funding, an absence of modern equipment, and inability to detect new leaks quickly or determine the extent of contamination beneath the soil's surface; (2) DOE has not developed a strategy for coordinating its various vadose zone activities; (3) a strategy is needed to ensure that adequate money and effort

are placed into improving programs and that DOE and contractor efforts are well coordinated; and (4) use of electronic radiation detection technology can cut the costs of environmental cleanup and reduce the risks of contaminating groundwater and exposing workers to radiation.

Open Recommendations to Agencies

Recommendation: To improve the vadose zone monitoring effort, the Secretary of Energy should direct the

Manager of the DOE Richland Field Office to review and update current monitoring procedures. This effort should require periodic calibration of the monitoring probes, use of appropriate logging speeds, and correction of radiation measurements.

Status: Action not yet initiated.

Recommendation: To improve the vadose zone monitoring effort, the

Secretary of Energy should direct the Manager of the DOE Richland Field Office to develop and implement the vadose monitoring plan called for in Hanford's Groundwater Management Protection Plan. This plan should include: (1) an integrated management approach; (2) a strategy for modernizing existing vadose zone equipment; (3) a timetable, which should be tied to Hanford's cleanup schedule, for

acquiring equipment and implementing program improvements, such as the installation of the calibration models; and (4) an approach for tracking the migration of contaminants from the active and inactive liquid waste disposal sites.

Status: Action not yet initiated.

Nuclear Waste: Operation of Monitored Retrievable Storage Facility Is Unlikely by 1998

RCED-91-194, 09/24/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the alternatives of storing spent nuclear fuel exclusively at utility reactor sites or transferring the waste to a federal facility for monitored retrievable storage (MRS), focusing on the: (1) likelihood of an MRS facility operating by 1998; (2) legal implications if the Department of Energy (DOE) is unable to take delivery of wastes in 1998; (3) propriety of using the Nuclear Waste Fund to pay utilities for on-site storage capacity added after 1998; (4) ability of utilities to store their waste on-site until a repository is operating; and (5) relative costs and safety of the two storage alternatives.

Findings

GAO found that: (1) DOE requested \$100 million over the next 3 years to develop an MRS facility by 1998; (2) it is unlikely that an MRS facility will be operating by 1998, since the nuclear waste negotiator expects the negotiating and approval process to take considerable time, and Indian tribes and states are reluctant to

host MRS facilities; (3) some utilities maintain that, if DOE cannot take delivery of waste by 1998, they will sue DOE; (4) DOE lacks a contingency plan in case it cannot begin accepting waste by 1998; (5) although some utilities argue that they are entitled to compensation from the Nuclear Waste Fund to store waste added after 1998, DOE maintains that federal legislation prohibits using the fund for that purpose; (6) utilities do not need an MRS facility to prevent premature plant shutdowns because of inadequate storage capacity, since evidence indicates that virtually all utilities have the capacity to store their wastes at nuclear plant sites through their licensed 40-year operating lives; (7) in the event that a utility cannot store all of its waste, DOE could provide utility-funded storage at an existing federal facility if Congress renewed the federal interim storage authority; and (8) studies have concluded that there are small differences between the costs and safety of storing waste at an MRS facility or at nuclear plants.

Open Recommendations to Congress

Recommendation: Congress may wish to explore, through oversight hearings, whether additional legislation is desirable to address the likelihood that DOE will be unable to begin accepting for storage or disposal utilities' nuclear waste by 1998. In any such inquiry, Congress may wish to consider the issue of equity in reimbursing utilities for their additional storage costs.

Status: Action not yet initiated.

Recommendation: Congress should withhold any future funds requested by DOE for site-related activities at least until DOE has demonstrated that a state or tribe has agreed, in principle, to host a facility at a specific site.

Status: Action not yet initiated.

Recommendation: To provide a safety net in the unlikely event that a utility would have to shut down a reactor because it could no longer accommodate its spent fuel onsite, Congress should reinstate the contract authority under

the federal interim storage provision of the 1982 act, which would allow DOE to provide limited storage at an existing federal facility at the utility's expense. **Status:** Action in process.

Recommendation: In future debates on the need for and value of an MRS facility, Congress may wish to consider utilities' capabilities to expand waste storage capacity at their nuclear plant sites and the cost and safety differences between expanded storage of waste at these plants and storage at an MRS facility. **Status:** Action not yet initiated.

Congressional Action: Congress has developed proposed legislation that would require DOE to review the need for interim storage for radioactive waste.

Open Recommendations to Agencies

Recommendation: The Secretary of Energy should develop plans for the possibility that the nuclear waste negotiator cannot find a site for an MRS facility and that DOE cannot accept utilities' nuclear waste in 1998. These plans should be discussed in the DOE revised mission plan for the nuclear waste program. The plans should

address DOE strategies for future MRS facility siting activities, working with utilities to amend the waste disposal contracts, or working with Congress on a legislative solution.

Status: Action taken not fully responsive. DOE agreed that contingency plans were needed but stated that its planning would be focused on developing "predecisional" internal planning documents raising options involved with each potential contingency. The documents would be available for higher-level management's use when contingencies arise. DOE, however, would not endorse an option prior to encountering an actual contingency.

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 in process. DOE decided against using B Plant as a pretreatment facility. Therefore, projects designed to upgrade the plant for this purpose are being reviewed prior to cancellation. To date, DOE has formally cancelled two projects and the remaining projects are still under review.

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 in process. Studies are in progress to resolve the technical and regulatory uncertainties related to pretreatment and other issues that could impact the high-level waste vitrification process at Hanford. DOE is reassessing

the authorized purpose of the projects currently funded for B Plant, including those to be used only for the waste encapsulation and storage facility.

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 Waste: Questionable Uses of Program Funds at Lawrence Livermore Laboratory

RCED-92-157, 05/28/92 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 use of nuclear waste funds to support independent research projects and to manage project activities for the Yucca Mountain, Nevada, underground repository site for permanent disposal of radioactive wastes.

Findings

GAO found that: (1) in fiscal year (FY) 1990 and FY 1991, Livermore used almost 5 percent of the \$32.5 million in nuclear waste funds it spent to finance independent research and development activities that were not directly related to the authorized purposes; (2) Livermore obtains independent research funds by charging overhead for work it performs for DOE, but neither DOE nor the laboratories reconcile nuclear waste fund assessments with independent research project expenditures; (3)

Livermore does not determine whether its independent research projects benefit the nuclear waste disposal program; (4) DOE maintains that independent research contributes to the vitality of laboratories and that federal programs must financially support such research; (5) the DOE Los Alamos National Laboratory diverted \$1.6 million in nuclear waste funds for independent research in FY 1990 and 1991, and the DOE Sandia National Laboratory intends to begin such diversion in 1992; (6) DOE deemphasis on waste package development has sharply decreased Livermore's spending on scientific and technical activities, although Livermore's management expenses for the decreased work load have remained constant; (7) DOE project managers stated that Livermore's project management costs reflected DOE increased emphasis on quality assurance, project control, and records and data management; and (8) Livermore did not adequately justify its noncompetitive award of 7 contracts totalling about \$1.8

million for Yucca Mountain project activities between FY 1988 and FY 1990.

Open Recommendations to Agencies

Recommendation: To ensure that nuclear waste funds are used only for activities directly related to the purposes of the nuclear waste act, the Secretary of Energy should take actions to ensure that nuclear waste funds are used by the laboratories only for authorized purposes. Such actions might include inserting language in contracts with DOE laboratories that either specifies the statutory restrictions on the use of nuclear waste funds or specifically exempts those funds from assessment for laboratory independent research.

Status: Recommendation valid/action not intended. The DOE General Counsel has issued an opinion that use of nuclear waste funds for laboratories' independent research and development activities is a valid cost to DOE of doing business with the laboratories. GAO does not agree.

Nuclear Waste: Status of Actions to Improve DOE User-Fee Assessments

RCED-92-165, 06/10/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) implementation of recommendations GAO made regarding DOE assessments of whether nuclear power plant operation fees cover the costs of the civilian nuclear waste disposal program.

Findings

GAO found that: (1) DOE does not agree that it should automatically adjust disposal fees on the basis of annual inflation rates, citing the need to consider all factors affecting the Nuclear Waste Fund's balance; (2) inflation accounts for about \$4.5 billion of the total \$12-billion increase in disposal costs between 1982 and 1988; (3) DOE estimates indicate that the Nuclear Waste Fund may already be underfunded by \$2.4 billion to \$4.1 billion; (4) DOE does not have adequate funding to both finance programs with present-day benefits and pay its share of projected waste disposal costs, but has not requested additional appropriations to pay its Fund debt; (5) if DOE waits

until 2015, its projected date for beginning waste disposal, to pay its Fund debt, it could owe about \$11.7 billion; (6) DOE fully implemented a recommendation to disclose its estimated \$3.8-billion to \$5.8-billion contingent liability for its share of program costs, but did not record its current actual liability of \$700 million in its financial statements; (7) the Nuclear Waste Fund's financial statements record about \$1.7 billion in receivables from utilities, but the statements do not disclose that some of these funds may not be collectible due to some utilities' financial conditions; and (8) DOE acted on recommendations to ensure the reliability and usefulness of annual cost estimates for the nuclear waste program, but did not implement a recommendation to ensure that its published estimates include all costs or explain their exclusion.

Open Recommendations to Agencies

Recommendation: To help ensure that DOE can dispose of its highly radioactive waste in accordance with its current

schedule, the Secretary of Energy, in cooperation with the Director, Office of Management and Budget, should: (1) develop a payment plan to pay DOE debt to the Nuclear Waste Fund by 2015 or sooner; and (2) request annual appropriations from Congress in accordance with such a plan.
Status: Action in process. DOE is awaiting results of a study before taking any action.

Recommendation: The Secretary of Energy should ensure that the financial statements of the Nuclear Waste Fund fully disclose the circumstances surrounding any uncertainties regarding the collectibility of the one-time fees owed by utilities, the potential impact on the fund resulting from any receivables that may be uncollectible, and any actions that DOE plans to take to deal with this matter.

Status: Action in process. Although there is disagreement between two DOE offices on this matter, proposed legislation is pending that would require DOE to submit a plan to Congress for paying the full DOE obligation to the Nuclear Waste Fund by January 1, 2010.

Technology Transfer: Federal Efforts to Enhance the Competitiveness of Small Manufacturers

RCED-92-30, 11/22/91 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO provided information on the: (1) technology needs of small manufacturers to improve their competitiveness; and (2) effectiveness of four federal programs, especially the Department of Commerce's Manufacturing Technology Centers Program, in addressing those needs.

Findings

GAO found that: (1) most state-of-the-art automated technologies developed at the National Institute of Standards and Technology (NIST) and other federal laboratories cannot effectively be used by small manufacturers, since such manufacturers generally do not have the resources or trained personnel to

incorporate such technologies into their operations; (2) the four federal programs have been only somewhat effective in addressing the technological needs of small manufacturers to improve their competitiveness; (3) three centers initially proposed to transfer advanced technologies from federal laboratories to small manufacturers, but found that their clients primarily needed proven technologies; (4) the three centers initiated 1,336 projects emphasizing proven technologies and saving several firms \$139 million through improved operations; and (5) only seven states provided direct consultation to manufacturers, the type of assistance experts considered most effective in helping manufacturers, and three of those states recently substantially reduced funding for their programs because of budget constraints.

Open Recommendations to Congress

Recommendation: Because the primary need of most small manufacturers for improving their productivity is to adopt proven technologies, Congress, in considering whether to expand existing, or initiate new, federal technology assistance programs, may wish to refocus the emphasis of such programs from transferring advanced, laboratory-based technologies to transferring proven, off-the-shelf technologies.
Status: Action not yet initiated. Congress has not initiated any action or held hearings on this matter to date, but legislation may be introduced in the 103rd Congress.

University Research: Controlling Inappropriate Access to Federally Funded Research Results

RCED-92-104, 05/04/92 GAO Contact: Victor S. Rezendes, (202)275-1441

Background

Pursuant to a congressional request, GAO surveyed the principal universities receiving technology development funding from the National Institutes of Health (NIH) and the National Science Foundation (NSF) to obtain information about the extent to which: (1) universities license federally funded technology; (2) foreign companies

participate in universities' industrial liaison programs; and (3) universities' policies and procedures prevent inappropriate access to research that could result from faculty or administrator conflicts of interest.

Findings

GAO found that: (1) during fiscal years 1989 and 1990, the 35 surveyed universities granted 197 exclusive licenses and 339 nonexclusive licenses for NIH- or NSF-funded technologies, earning \$29.3 million from exclusive licenses and \$52.7 million from nonexclusive licenses; (2) most of the

universities have substantially expanded their programs to transfer technology to businesses over the last decade; (3) although not necessarily inappropriate, the relationships between licensees and universities are becoming increasingly complex, with scientists owning licensees' stock and industrial liaison program members receiving exclusive licenses; (4) 24 of the 30 universities with industrial liaison programs reported having at least one foreign company member; and (5) industrial liaison program members frequently had advance access to research results. GAO also found that: (1) NIH and NSF rely on funding recipients to establish policies and procedures to resolve and report potential conflicts of interest, and do not review universities' policies and procedures; (2) 14 universities rely on faculty and other university members to voluntarily disclose potential conflicts of interest, while the other 21 universities require faculty to disclose outside interests or the existence of potential conflicts of interest; and (3) both NIH and NSF are considering alternatives to strengthen their guidelines for

universities and other funding recipients to better control potential conflicts of interest.

Open Recommendations to Agencies

Recommendation: The Secretary of Health and Human Services and the Director, NSF, should require that their grantees have procedures in place to effectively manage potential conflicts of interest. Such procedures should, at a minimum, require disclosure of specified types of outside interests to appropriate university representatives by: (1) investigators and other key personnel as part of the grant award process and annually thereafter for the duration of the grant; and (2) technology licensing personnel and others involved in making licensing decisions for technologies developed in whole or in part with NIH or NSF funding.

Addressee: Department of Health and Human Services (HHS)
Status: Action in process. Estimated completion date: 01/93. HHS concurs with the intent of this recommendation.

Addressee: National Science Foundation
Status: Action not yet initiated.

Recommendation: NIH and NSF should review their funding recipients' policies and procedures to ensure that they adequately address conflict-of-interest issues.

Addressee: National Institutes of Health
Status: Action not yet initiated. NIH concurs with the intent of the recommendation but has not developed a written corrective action plan.
Addressee: National Science Foundation
Status: Action not yet initiated.

Recommendation: NIH and NSF should develop policies that address the extent to which U.S. and foreign industrial liaison program members can be given advance access to research the agencies have funded.

Addressee: National Institutes of Health
Status: Action not yet initiated. NIH concurs with the intent of the recommendation but has not developed a written corrective action plan.
Addressee: National Science Foundation
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 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 update its demonstration plan. It has also adjusted its demonstration goals, conducted an Independent Cost Estimating staff review of projected production costs, and examined

alternative uses for the technology. Further, Congress has directed that DOE pursue predeployment activities in fiscal year 1993.

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

Status: Action in process. DOE is formally revising its demonstration plan. It has also pursued studies of alternative uses for AVLIS and ways to deploy AVLIS in the private sector. These studies, in part, addressed the market conditions under which AVLIS must compete.

Natural Resources and Environment

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Environmental Protection

Issue Area Summary

Impact of GAO's Work

Although public expectations remain high two decades after the Congress consolidated federal environmental protection responsibilities under the Environmental Protection Agency (EPA), little progress has been made by some measures. In every program area, EPA has a large backlog of unregulated or underregulated pollutants and industries. Only a handful of older pesticides have been reregistered and controlled. Similarly, since the Toxic Substances Control Act (TSCA) was passed in 1978, standards have been established for only a few potentially dangerous chemicals.

Furthermore, EPA's program for identifying, testing, and regulating these chemicals has significant problems. In the water area, EPA has only begun to develop a strategy for controlling nonpoint sources of pollution, the nation's major source of surface water pollution. In addition, the authorizing legislation for EPA's air program was completely revised in the face of the agency's mixed progress in regulating air pollutants. The progress in Superfund and the Resource Conservation and Recovery Act corrective action program has been painfully slow; few cleanup efforts have been undertaken, and the long list of sites continues to grow.

At the same time, EPA's operating budget has not kept pace with its increased statutory responsibilities. EPA has relied heavily on states and local governments to implement and monitor environmental regulations. Increasingly, however, they too face budget constraints that limit their ability to take on new responsibilities. Furthermore, without effective EPA oversight of state programs, EPA cannot ensure that such programs are achieving their objectives.

We have continued to support EPA efforts to make policies and programs more cost-effective and efficient in order to meet our nation's ambitious environmental objectives with increasingly limited resources. In particular, our work continues to point to EPA's need to: (1) set priorities for environmental problems on the basis of scientific assessment of their risk to health and the environment and (2) reflect those priorities in the budget. EPA has taken steps to assess relative risk and has acknowledged the need to link risk to funding priorities. But our work on the indoor air pollution and drinking water programs has indicated that EPA needs to make a greater effort to ensure that relative risk is reflected in budget priorities.

Finally, we have conducted a series of reviews on EPA's enforcement program, an essential component of an effective environmental regulatory system. An effective system of monitoring and penalizing violators is particularly important as compliance costs for governments and companies subject to the regulations increase. EPA has responded, in part, to our recommendations to establish the information management procedures and data bases to support its enforcement efforts, but further actions are needed.

Key Open Recommendations

Air Pollution

In October 1991, we reported that funding for EPA's indoor air pollution activities had not been commensurate with the serious health risks posed. Symptoms of indoor air pollution range from eye irritation, headaches, and fatigue to respiratory diseases and cancer. For example, the issue that was ranked 22nd in the EPA Science Advisory Board's study of relative health and environmental risks received more than four times as much funding in fiscal year (FY) 1990 as the indoor air pollution program, which was ranked 4th among 31 environmental issues. We reviewed seven other federal agencies that are also responsible for addressing indoor air pollution problems. These agencies had made little contribution to the indoor air pollution program because they lacked the resources and a clear legislative mandate to guide their efforts. We recommended that EPA (1) examine its indoor air budget to ensure that funding for the indoor air program is consistent with its high health and environmental risks and (2) work with other federal agencies to clearly define the roles and responsibilities of each agency for addressing indoor air pollution. (GAO/RCED-92-8, see p. 303.)

Drinking Water

We stated in our 1990 report and subsequent testimony that many water systems (particularly smaller systems) violated requirements for monitoring water quality and meeting drinking water standards. Furthermore, states' and EPA's enforcement actions had often done little to deter such violations or return systems to compliance. In a 1992 review, we found that funding shortages at the federal, state, and water-system levels were a major contributor to the program's problems. But funding levels for EPA's drinking water program did not reflect the high health and environmental risks identified by EPA's Science Advisory Board. We urged the Congress, in light of the financial problems threatening the viability of the drinking water program and its vital importance in protecting human health, to consider, after consulting with EPA and other concerned parties, revising EPA's budget so that EPA could help fund state programs at levels needed to maintain the program's integrity. (GAO/RCED-92-184, see p. 283.)

Chemical Testing

Our work on the chemical-testing program mandated by TSCA culminated this year in a report and two testimonies on the program's failure to resolve chemical safety concerns. This work demonstrated chronic problems in the testing program, as evidenced by a lack of clear objectives and direction, the delayed review of potentially dangerous chemicals, and a paucity of regulatory decisions since TSCA's enactment in 1977. We recommended that EPA develop criteria and a methodology to provide accountability for the chemical review process and to ensure that chemicals are regulated on the basis of the risks they impose. While EPA has acted to establish a well-defined process for guiding employees in making decisions on whether chemicals present a significant risk, it has not taken the next step, which is to establish criteria and a methodology for determining whether the risk is unreasonable and whether certain chemicals should be regulated. We believe such a process is necessary to better assure EPA and the public that EPA's decisions are based on the dangers presented by the chemicals. (GAO/RCED-91-136, see p. 325.)

Asbestos Abatement and Control

Evidence suggests that inhaling asbestos fibers can cause cancer and other serious respiratory illnesses. Asbestos fibers are likely to enter the environment when asbestos-containing materials are disturbed. The Clean Air Act requires EPA to develop regulations to ensure that, whenever asbestos is removed or disposed of, emission control procedures or work practices are used to prevent or minimize the release of asbestos fibers. We have found that EPA has delegated day-to-day responsibilities for implementing asbestos removal and disposal regulations to state and local agencies. But many of these agencies are not performing all of the required asbestos-related activities. They attribute their difficulties in implementing asbestos programs to a lack of resources. We have recommended that, in light of the resource problem, EPA establish national standards for these programs that are based on a determination of the minimum acceptable requirements to protect public health. These standards would balance the requirements to protect public health with a realistic assessment of what delegated agencies could be expected to do, given current funding levels. EPA agrees with our recommendation and plans to revise its regulatory program. (GAO/RCED-92-83, see p. 278.)

Hazardous Waste

Little progress has been made by owners and operators in closing 837 hazardous waste land disposal facilities. If not properly closed and cleaned up, these facilities pose a threat to human health and the environment, particularly if groundwater is contaminated. At the beginning of FY 1992, EPA had certified only 31 percent as closed and had issued post-closure permits for only 11 percent. Failure to close the facilities seems directly related to whether the facilities have installed adequate groundwater-monitoring systems. We made a number of recommendations to EPA to ensure that adequate systems are in place. Recognizing that some owners and operators of these facilities could not or would not properly close their facilities, we recommended that EPA identify these facilities, ensure that adequate groundwater monitoring is in place, and take timely action to control or clean up any contamination. (GAO/RCED-92-84, see p. 297.)

**Department of Defense (DOD)
Hazardous Waste**

In 1991, we reported that DOD's policy on whether overseas bases had to comply with U.S. environmental laws was not explicit. We recommended that DOD clarify whether they must comply with U.S. environmental laws when laws in the host country do not exist or are less stringent. Also, we recommended that DOD ensure that implementation of military service regulations conform with DOD policy. DOD has issued guidance for overseas bases but regulations at the service and installation level are yet to be implemented. This year, we reported on DOD's program for upgrading underground storage tanks. We recommended that DOD accelerate leak testing and upgrading of tanks to the maximum extent practical. In addition, we recommended that DOD close tanks permanently that have been out of service greater than 12 months and identify any contamination that has occurred. (GAO/NSIAD-91-231, see p. 300, and GAO/NSIAD-92-117, see p. 294.)

International Environmental Issues

About 2,000 maquiladoras—Mexican companies that use imported materials to produce finished goods for export—are operating along Mexico’s border with the United States. Neither the United States nor Mexico has accurate and complete information on the number of maquiladoras that generate hazardous waste, the amount of such waste generated, or its final disposition. We have recommended that EPA and the U.S. Customs Service ensure that (1) both the binational data base on the generation and the disposal of hazardous waste and the tracking system for transboundary shipments are implemented effectively and in a timely manner and (2) the United States provide Mexico with information on hazardous waste shipments coming into the United States. (GAO/T-RCED-92-22, see p. 301.)

Mexico accounts for nearly one-half of all the fresh and frozen fruits and vegetables imported by the United States. If the North American Free Trade Agreement is approved, the level of imported food from Mexico is expected to increase. Mexico does not have a monitoring system to test for pesticide residues in food. Also a number of pesticides registered for use in Mexico on certain crops and for certain uses are not registered in the United States at all or are not registered for the same crops and amounts. We have recommended that EPA and the Food and Drug Administration work with Mexican officials to develop a strategy for resolving, where possible, differences between laws regulating pesticides and that they develop a strategy to work together to deal with the changing field of pesticide regulation. (GAO/RCED-92-140, see p. 311.)

Superfund

In 1992, we testified and reported on problems with EPA’s management of Superfund contractors, many of which design and implement cleanups at Superfund sites. EPA’s initial response to many of our recommendations has been positive. The agency has made organizational and procedural changes which, if fully implemented, should improve control over contractor charges. But EPA has not acted on our recommendations for reducing the government’s exposure to damage claims resulting from negligent contractor work, which could be as high as \$1.75 billion. In addition, EPA has not acted on our recommendation for maintaining better control over contractors’ conflicts of interest. We have reported that EPA needs to have more stringent controls to avoid conflicts of interest because its contractors may also have contracts with potentially responsible parties. (GAO/RCED-92-45, see p. 318.)

Superfund legislation requires that parties responsible for contaminating Superfund sites either clean up the sites or reimburse the government for cleanup costs. We reported in July 1991, however, that EPA was not measuring the success of its negotiations with responsible parties, despite a long-standing record of low-cost recoveries. Moreover, EPA negotiators were not documenting justifications for important negotiation decisions, such as settling for less than the full amount due the government. Recoveries were being held down, in part, by limitations that Superfund legislation places on the interest that EPA can charge responsible parties. We recommended that the Congress amend the statute to permit greater recovery of interest and require EPA to develop performance indicators for its settlements. In its response to our report, EPA said that it would review the documentation practices of its negotiators; as of late 1992, however, none of these recommendations had been implemented. (GAO/RCED-91-144, see p. 320.)

Pesticides

Health risks from food poisonings resulting from improperly used pesticides and pesticides once considered acceptable for food use contribute to a continuing concern about pesticide-contaminated food. To establish safe levels of pesticide residues in or on food, EPA estimates dietary exposure to pesticide residues using data from the Department of Agriculture's Nationwide Food Consumption Survey. But we have reported that because the survey covered a small sample and the response rate was low, these data are not adequate for calculating reliable exposure estimates for population subgroups in which only a small number of people were surveyed, such as nursing infants and pregnant women. We recommended that to identify and protect all groups from exposure to harmful pesticide residues, EPA calculate the reliability of exposure estimates and use this information to determine the validity of both new and existing residue limits, making changes as appropriate. (GAO/RCED-91-125, see p. 315.)

**Environmental Enforcement
Policies and Systems**

Although EPA believes its enforcement efforts are stronger than ever, we still have concerns about the implementation of enforcement policies and systems. 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 have recommended that EPA take a number of actions to improve its oversight of both state and regional penalty practices and to better ensure accountability for following EPA's penalty policies. (GAO/RCED-91-166, see p. 285.)

We examined information systems that EPA was developing to pull enforcement-related data together from across the agency. We found that deficiencies in system development, insufficient data management plans, and poor data quality were jeopardizing agency efforts to develop cross-media enforcement and correct a material internal control weakness in this area. Moreover, EPA lacked an agencywide information resource management strategy that would provide a necessary framework to support information systems for cross-media enforcement. While the enforcement information systems being developed by EPA provided some improvements in access to data across programs, the systems lacked the analytical capabilities needed to target and set priorities for enforcement actions and were too difficult for enforcement personnel to use. As we recommended, however, EPA has begun to address problems with the completeness and the accuracy of a data base that will include enforcement-related data from various EPA programs and is developing an information resource management strategy that would improve the quality and use of data to support its activities. (GAO/IMTEC-92-14, see p. 284.)

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Environmental Protection**

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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: 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. 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 is late 1992.

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 guidelines 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. The proposed changes, to be issued as Supplement B, are currently open for public comment. EPA anticipates issuance of the final rule by late 1992.

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.

Status: Action not yet initiated.

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 in process. EPA published the revised model plan for comment in the May 13, 1992, Federal Register. EPA decided not to include prequalification requirements in the plan based on the disruption they would cause to the state asbestos programs. EPA will publish an interim final plan for comment in late 1992. It is still possible for the requirements to be incorporated into the final plan.

Asbestos Removal and Disposal: EPA Needs to Improve Compliance With Its Regulations

RCED-92-83, 02/25/92 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO examined the Environmental Protection Agency's (EPA) implementation of Clean Air Act regulations governing the removal and disposal of asbestos during building renovation and demolition, focusing on EPA: (1) monitoring of building owners' and contractors' compliance with regulations; and (2) enforcement of the regulations when it detects violations.

Findings

GAO found that: (1) EPA generally delegates day-to-day responsibility and provides technical and financial assistance for implementing the regulations if state and local agencies requesting such delegation are capable of carrying out the program; (2) EPA compliance monitoring agreements with delegated agencies vary among regions; (3) 5 of the 14 delegated agencies GAO reviewed inspected fewer renovation and demolition projects than required by their grant agreements; (4) EPA has limited resources for monitoring projects in areas for which it is still responsible and conducts fewer inspections than the delegated agencies did; (5) delegated agencies do not follow EPA recommendations for annual inspection of all contractors submitting renovation or demolition project notifications; (6)

the EPA National Asbestos Registry System (NARS) data base does not accurately reflect delegated agencies' notification and inspection reports; and (7) delegated agencies generally do not perform other compliance monitoring actions, citing limited resources and competing requirements. GAO also found that: (1) delegated agencies do not always fully use their authority to assess penalties, even when they detect substantive violations; (2) EPA regions are reluctant to overfile delegated agencies' assessed penalties; and (3) EPA revision of its enforcement guidance, EPA implementation of new enforcement provisions of the Clean Air Act Amendments of 1990, and delegated agencies' actions to raise maximum penalty amounts should facilitate the assessment of more appropriate penalties that will deter violations.

Open Recommendations to Agencies

Recommendation: In light of the EPA asbestos program's resource problem, the Administrator, EPA, should establish national standards of performance for EPA regional offices and the delegated state and local agencies to meet in implementing the asbestos program. In recognition of the limited resources available, those standards should be based on the minimum levels of compliance monitoring needed to ensure

a viable program that protects public health. The standards should incorporate appropriate methods for targeting resources.

Status: Action in process. EPA is developing a performance standard for the regions to use in negotiating grant agreements with the delegated agencies. The standard is to be used in evaluating the performance of the delegated agencies.

Recommendation: In light of the EPA asbestos program's resource problem, the Administrator, EPA, should correct inaccuracies in the NARS data base and monitor the performance of EPA regional offices and the delegated state and local agencies to identify instances in which regions or agencies need special assistance to develop their capacity to operate a viable program for monitoring and enforcing federal asbestos regulations.

Status: Action not yet initiated. EPA does not believe that the NARS data base contains substantial inaccuracies, and that the system as a whole is reliable when comparing the proper figures. EPA does not plan to take additional action to correct the system, but said that it will monitor the performance of the delegated agencies. This action should be initiated when EPA completes development of the recommended standards.

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's 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. EPA is considering the possibility of having the SAP perform an advisory role in the evaluation of research designs for the development of test methodologies.

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 the Food and Drug Administration (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. The agency has not yet proposed to address this issue specifically, but may do so in the context of developing a comprehensive inspection scheme.

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 amendments to the Good Laboratory Practices regulations.

Recommendation: The Administrator, EPA, should include in the report to the President a plan delineating specific corrective actions and time frames.

Status: Action not yet initiated. EPA identified this element of its program as a material weakness in its December 20, 1991, letter to the President. Although

EPA did state that corrective action would be taken in 1992, a plan of action has not been specified.

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. It is in the process of working with FDA to test 40 disinfectant products.

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 not yet initiated. 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.

Drinking Water: Consumers Often Not Well-Informed of Potentially Serious Violations

RCED-92-135, 06/25/92 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO provided information on the quality and safety of the public drinking water supply, focusing on: (1) public water systems' compliance with and Environmental Protection Agency (EPA) and state enforcement of the Safe Drinking Water Act's requirements for notification of public drinking water safety violations; and (2) the requirements' effectiveness ensuring that the public is informed of violations, without unduly burdening water system operators.

Findings

GAO found that: (1) water system operators notified the public of only 58 of the 157 act violations that GAO identified and complied with the act's timeliness requirement in only 17 of those instances; (2) 103 of the remaining 140 violations posed serious long-term health risks; (3) limited involvement, oversight, and enforcement of public notification regulations by states and EPA contribute to noncompliance by water system operators; (4) difficulty in understanding and implementing public notification regulations by water system operators leads to further noncompliance; (5) public notices of violations often include confusing

technical language and omit pertinent preventive measures; and (6) focusing on more serious violations provides water system operators with a cost-effective opportunity for greater compliance with state and federal laws and regulations.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should require states to submit to EPA information on water systems' compliance with the public notification requirement for inclusion in the Federal Reporting Data System (FRDS).
Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should emphasize to regional and state drinking water officials that violations of the public notification requirements should be considered for enforcement action (beyond a routine reminder) pursuant to the agency's enforcement policy, even when the action would not be included in a broader enforcement action involving other program requirements.
Status: Action not yet initiated.

Recommendation: In order to inform the public about the violations of drinking water standards in a timely and effective manner, the Administrator, EPA, should work with states to identify methods

that states could use to help operators, particularly of small water systems, understand when public notification is required and what types of notice are required under different circumstances.
Status: Action not yet initiated.

Recommendation: In order to inform the public about the violations of drinking water standards in a timely and effective manner, the Administrator, EPA, should improve the agency's recommended and mandatory passages for notices by simplifying the language and presenting the passages in a way that highlights the health risks posed by violations.
Status: Action not yet initiated.

Recommendation: In order to inform the public about the violations of drinking water standards in a timely and effective manner, the Administrator, EPA, should improve the effectiveness of notification by: (1) allowing water systems the flexibility to choose, with the state's concurrence, the method most appropriate for their consumers; (2) requiring the use of more prominent space when newspaper notice is used; and (3) allowing water systems to consolidate notices for Tier II violations into a semiannual or annual report, thus focusing notification on more serious violations.
Status: Action not yet initiated.

Drinking Water: Inadequate Regulation of Home Treatment Units Leaves Consumers at Risk

RCED-92-34, 12/27/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the regulation, sale, and use of home water treatment units (HWTU), focusing on: (1) consumer and health concerns associated with HWTU; (2) the regulatory controls in place to protect the public from fraudulent claims or increased health risks; and (3) whether the Environmental Protection Agency (EPA) or other federal agencies should take additional steps to protect the public.

Findings

GAO found that: (1) dishonest HWTU marketers use such misleading sales practices as scare tactics, overstated HWTU capabilities, and false claims of government endorsement of their products; (2) ineffective HWTU pose health risks to consumers through continued exposure to contaminants; (3) consumers who need information on HWTU often do not receive it, since public education efforts regarding HWTU efforts focus on distributing information on request; (4) although several federal organizations have some jurisdiction over HWTU sale and use, no single authority exists to ensure that units perform as claimed; (5) although 21 states regulate some aspect of HWTU sales, installation, or use, only 3 states review HWTU test data before allowing sales; and (6) few HWTU manufacturers have had their units certified to meet voluntary product performance and promotion standards.

Open Recommendations to Agencies

Recommendation: To help consumers make informed decisions about purchasing HWTU, the Administrator, EPA, should direct the Office of Ground Water and Drinking Water to educate consumers about how to determine if they need HWTU and, if so, how to select the unit most appropriate for their needs. Options include providing public water systems with brochures they can include in water bills, encouraging state and local health departments and agricultural extension services to distribute the brochures in areas not served by public systems, and working actively with public media to disseminate objective information on home water treatment.

Status: Action not yet initiated. Upon issuance of the Memorandum of Agreement between EPA, the Federal Trade Commission (FTC), and the Consumer Product Safety Commission (CPSC), the agencies plan to publicize their efforts to protect consumers. They may follow up with some additional consumer education activities but have no definitive plans as yet.

Recommendation: The Administrator, EPA, in consultation with the Chairmen, FTC and CPSC, should develop and implement a coordinated federal strategy to better regulate the sale and use of home treatment units. Specifically, the agencies should develop ways to: (1) ensure that the units are effective, possibly through some type of certification to national performance standards; and (2) better protect

consumers from deceptive sales practices and potentially hazardous products, through stepped up enforcement of existing laws.

Status: Action in process. EPA is drafting a Memorandum of Agreement with FTC and CPSC that will set up a process for enforcement referrals and technical support to better protect consumers from deceptive sales practices. EPA and the other agencies have determined that they lack the necessary authority to establish performance standards or a certification program for home treatment units.

Recommendation: The Administrator, EPA, should direct the Office of Pesticides and Toxic Substances to act expeditiously to: (1) exempt from Federal Insecticide, Fungicide, and Rodenticide Act product registration requirements any water treatment units using chemicals such as silver to inhibit the growth of harmless bacteria within the unit; and (2) require establishment numbers appearing on treatment units to be preceded by the words Establishment Number rather than EPA Establishment Number.

Status: Action in process. Efforts to deregulate bacteriostatic units are contingent on allocation of resources, which have not yet been made available. The EPA Office of Prevention, Pesticides, and Toxic Substances has drafted a proposed rule clarifying data requirements for water purifiers, but the rule has been held up at OMB since the first of the year due to the presidential moratorium on federal regulations.

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.

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.

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. 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.

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

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

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

Status: Action not yet initiated. This recommendation may be addressed if, and when, EPA decides to implement other recommendations.

Drinking Water: Widening Gap Between Needs and Available Resources Threatens Vital EPA Program

RCED-92-184, 07/06/92 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a legislative requirement, GAO reviewed the Environmental Protection Agency's (EPA) drinking water program, focusing on: (1) issues GAO has already raised concerning the program; (2) funding and related

problems that have affected EPA's and states' ability to address these issues; (3) the new EPA strategy to set funding priorities; and (4) the effects that new strategies may have on protecting the public from contaminated drinking water.

Findings

GAO found that: (1) an earlier GAO report found that many drinking water quality violations were undetected and unreported by water systems due to sampling errors and intentional falsification of data; (2) the earlier report

showed that EPA regulatory enforcement was neither timely nor appropriate; (3) EPA has issued or will issue new regulations that will significantly increase program responsibilities for water systems; (4) EPA is dealing with worsening state funding problems by setting program priorities, including minimum state functions, EPA priorities, and state oversight priorities; and (5) EPA faces

problems with funding and program implementation, which will make it difficult for states to meet the priorities EPA has set.

Open Recommendations to Congress

Recommendation: In light of the financial problems threatening the viability of the drinking water program,

and its vital importance in protecting human health, Congress should, after consulting with EPA and other concerned parties, consider revising EPA's proposed fiscal year 1993 budget request to provide the minimum funding levels needed to maintain the integrity of the program.

Status: Action not yet initiated.

Environmental Enforcement: EPA Needs a Better Strategy to Manage Its Cross-Media Information

IMTEC-92-14, 04/02/92 GAO Contact: JayEtta Z. Hecker, (202)512-6416

Background

Pursuant to a congressional request, GAO reviewed: (1) whether the Environmental Protection Agency (EPA) is using sound methodologies to develop information systems that assemble cross-media information from different EPA environmental programs; and (2) impediments to the effective EPA management of information resources to meet users' needs for cross-media information.

Findings

GAO found that: (1) the methods used to develop the EPA Integrated Data for Enforcement Analysis (IDEA) phase one and the redesigned Facility Index System (FINDS) are not sound or fully consistent with federal guidance or EPA systems development policies and procedures; (2) EPA has not adequately documented the approximately 150,000 lines of instructions in the IDEA phase one software as required by Federal Information Processing Standards and has deployed IDEA phase one without a

test plan or adequately testing the system; (3) EPA did not specify users' requirements with respect to data accuracy, completeness, or timeliness in its FINDS redesign efforts, and did not adequately budget for the maintenance of the redesigned FINDS software; (4) EPA has demonstrated leadership in making the cross-media mission a high-priority management area, but EPA lacks a complete information resource management (IRM) strategy to achieve its mission; (5) the EPA cross-media IRM strategy lacks effective management mechanisms to plan, coordinate, and budget for cross-media IRM activities, lacks an agencywide information systems architecture and effective cross-media data management; and (6) until EPA completes its cross-media IRM strategy and develops the information systems needed to support its cross-media mission, it will not achieve its vision of protecting human health and the environment through more effective cross-media enforcement and agencywide assessment of risks and prevention of pollution.

Open Recommendations to Agencies

Recommendation: To better meet users' cross-media information needs and correct its material internal control weakness by developing IDEA and redesigning FINDS, the Administrator, EPA, should direct the Assistant Administrator for Enforcement to assess user needs for the IDEA system, including analytical capabilities to: (1) develop a formal test plan; (2) properly test existing software; and (3) document the IDEA system design and software before developing additional software for the system.

Status: Action not yet initiated.

Recommendation: To better meet users' cross-media information needs and correct its material internal control weakness by developing IDEA and redesigning FINDS, the Administrator, EPA, should direct the Assistant Administrator for Administration and Resources Management to address data quality problems in the FINDS redesign project by setting standards for

accuracy, completeness, and timeliness and by developing a plan for the maintenance of the system.
Status: Action in process. While EPA has not formally responded to this recommendation, the agency is assessing the completeness and accuracy of FINDS data. In addition, EPA is developing plans to implement a data standard for the spatial location of regulated facilities.

Recommendation: To better meet users' cross-media information needs and correct its material internal control weakness by developing IDEA and redesigning FINDS, the Administrator, EPA, should reinstate as a material internal control weakness the EPA inability to bring together data from across the agency for enforcement purposes until EPA demonstrates that its enforcement staff and managers are obtaining the information they need to set enforcement priorities, target enforcement, and conduct program oversight.

Status: Action not yet initiated.

Recommendation: To strengthen the EPA's overall ability to accomplish its cross-media mission, the Administrator, EPA, should complete the agency's cross-media IRM strategy by developing policies and guidance and instituting management procedures to plan, coordinate, and budget for cross-media information resources and activities.

Status: Action not yet initiated.

Recommendation: To strengthen the EPA overall ability to accomplish its cross-media mission, the Administrator, EPA, should complete the agency's cross-media IRM strategy by developing an agencywide information systems architecture that explains the structure of and communications among the agency's information resources that are needed to achieve its single- and cross-media missions.

Status: Action in process. While EPA has not formally responded to this recommendation, the agency recently

created an information management/data administration function with responsibility for defining an approach for developing an agencywide information architecture.

Recommendation: To strengthen the EPA overall ability to accomplish its cross-media mission, the Administrator, EPA, should complete the agency's cross-media IRM strategy by developing an agencywide plan to improve cross-media data quality including setting, implementing, and enforcing data standards and developing and maintaining a comprehensive data dictionary.

Status: Action in process. While EPA has not formally responded to this recommendation, the agency recently created an information management/data administration function with responsibility for developing mandatory data standards and defining, designing, and implementing an agencywide data dictionary.

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 taken not fully responsive. The EPA corrective action is limited to one-time issuance of guidance, with no sustained oversight of regional practices.

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: Recommendation valid/action not intended. EPA believes action is unnecessary, since it does not intend to institute a reporting system.

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: Recommendation valid/action not intended. EPA believes that while the recommendation merits further consideration, it would prefer that states voluntarily adopt an economic benefit policy, a position EPA has taken since 1986, with little result.

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: Recommendation valid/action not intended. EPA believes this would require a massive amount of data collection and development of a data base compatible in all states, but EPA already has such a data base in place and collects data from states.

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.

Status: Action not yet initiated. Although Congress has not addressed this broad issue, GAO will continue to bring it to the Congress' attention during deliberations on EPA appropriations and legislative reauthorizations.

Open Recommendations to Agencies

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. EPA is now planning to undertake a second comparative risk study.

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 not yet initiated. Although EPA recognizes the need to strike a balance, it has no plans for articulating rules on how to reach such a balance.

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. EPA has developed several geographic initiatives in which the agency has focused on specific water bodies or geographic regions to attempt to measure and control pollution from disparate sources and in various environmental media.

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. According to EPA officials, sites identified for remediation under the Superfund and hazardous waste programs are being evaluated and ranked according to risk, a process that may be extended, where it applies, to other programs.

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 developing environmental indicators that will ultimately be linked to accountability measures contained in its management accountability system.

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 developing environmental indicators as productivity or quality measures.

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 has attempted to emphasize areas of high risk in its budget but believes that Congress has given it less flexibility by earmarking funds.

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: Recommendation valid/action not intended. Although at one time EPA formed a committee to review the Statutory Review Project, no action is now intended.

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. The overall EPA strategic plan calls for strategic implementation of its statutory mandates, recognizing that these should not limit its risk reduction efforts. The agency's fiscal year 1994 budget guidance therefore directed program and regional officials to examine opportunities to redirect resources to risk-based activities.

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 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 redesigning its management

accountability system and has redesigned its planning and budgeting system.

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 provide guidance on available reprogramming flexibility and, through meetings and training sessions, inform program and regional office officials about the conditions for using this flexibility.

Status: Recommendation valid/action not intended. EPA is reluctant to use its reprogramming authority because of concerns about incurring the displeasure of its appropriations committees. Agency officials also feel that, while the concept is good, reprogramming is impractical, since it takes about 6 to 8 months before funds can be reprogrammed, leaving very little time in which to spend the funds.

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: Recommendation valid/action not intended. EPA is reluctant to use its reprogramming authority because of

concerns about incurring the displeasure of its appropriations committees. Agency officials also feel that, while the concept is good, reprogramming is impractical, since it takes about 6 to 8 months before funds can be reprogrammed, leaving very little time in which to spend the funds.

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:** Recommendation valid/action not intended. According to EPA officials, the agency no longer performs quarterly performance reviews.

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. EPA has assigned responsibility for overseeing the development of environmental indicators and performance measures to its Office of Policy, Planning and Evaluation, which is also responsible for evaluating available data sets. Program offices are developing their own indicators; two are complete.

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 not evaluating these earlier efforts but is applying their approaches to initiatives in the Chesapeake Bay and Great Lakes.

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 formed working groups with the U.S. Geological Survey, the National Atmospheric and Oceanic Administration (NOAA), and others to share environmental data.

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 plans to be a much stronger advocate for data collection and request small but important budget increases, according to agency planning officials.

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. The Water and Superfund programs have developed environmental indicators; other programs are working to develop indicators. Ultimately, EPA intends to build these into its management accountability system.

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 developing a strategic plan.

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's 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. These issues are intended to be addressed in the Office of Research and Development's strategic plan.

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 other monitoring techniques can be substituted, they should be eliminated.
Status: Action in process. The EPA Deputy Administrator convened a task force of EPA and state officials to make recommendations on improving state/EPA relations. Work groups have also been formed by several EPA regional offices.

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 not yet initiated. The EPA state capacity task force report by the state/EPA committee, recommends that multiyear resource plans be prepared in the future, but no action has been taken.

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 not yet initiated. The state/EPA task force recommended that EPA and the states develop a process for developing guidance on oversight for states, EPA regions, and headquarters.

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 not yet initiated. While the EPA/state task force recommended guidance on oversight, its recommendation does not touch on the issue of taking back delegated programs. GAO will continue to pursue this issue with EPA.

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. The EPA/state task force is addressing these issues, but no actions have been taken yet.

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 revising its long-range plan on the use and value of information necessary to achieve the agency's mission, and GAO will continue to monitor the agency's progress.

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.

Congressional Action: Congress has not taken action on GAO recommendations, but is aware of the need for long-term reforms and may enact changes in future legislation.

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 in process. EPA indicates that it agrees with this recommendation and is in the process of reauthorizing the Clean Water Act and the Resource Conservation and Recovery Act, and is pursuing a mix of regulatory and nonregulatory approaches.

Recommendation: The Administrator, EPA, should report to Congress on: (1) the nature of the costs localities face in

paying for federal environmental requirements; (2) the availability of financing from nonfederal sources for 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. Although EPA claims that better understanding state and local governments' capacity has been a major focus, it would want to discuss the outline of a potentially comprehensive report to ensure that it is a productive use of limited resources.

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 in process. EPA believes that, within its statutory constraints, it is carrying out this recommendation, working with both Congress and the Office of Management and Budget to try to align its budget with high-risk areas.

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. While EPA indicates a number of educational activities are underway, it is not clear whether any are specifically aimed at educating the public about relative risk.

Groundwater Protection: Measurement of Relative Vulnerability to Pesticide Contamination

PEMD-92-8, 10/31/91 GAO Contact: Kwai-Cheung Chan, (202)275-3092

Background

Pursuant to a congressional request, GAO evaluated the feasibility of differentially protecting groundwater from pesticide contamination based on the relative vulnerability of different geographic areas, focusing on the degree to which: (1) states and counties are uniform in their susceptibility to groundwater contamination; and (2) two common measures of relative vulnerability diverge in identifying areas that are susceptible to contamination.

Findings

GAO found that: (1) although the Environmental Protection Agency (EPA) has taken the position that the variation in statewide sensitivity to pesticide contamination of groundwater is too large for uniform state-level management of pesticides, it has not taken a stand on how large the within-state areas to be managed differently should be; (2) since the variability in hydrogeologic vulnerability does not become significantly smaller when moving from the national level to the

state and to the county levels, it generally makes no more sense to make distinctions between counties than it does to treat an entire state as a uniform area; (3) the lack of uniformity in vulnerability both between and within counties indicates that EPA risks undermining its differential protection philosophy if it permits states to differentially protect groundwater on the basis of county-level differences in vulnerability; (4) the system EPA endorses would target manifestly different areas for differential protection

than a system that included data on population exposure; (5) techniques which provide valid vulnerability assessments at the subcounty level are expensive when applied across an entire county; and (6) it is important for states to explicitly consider the number of groundwater users as a factor in the development of differential pesticide management plans.

Open Recommendations to Agencies

Recommendation: EPA should provide explicit guidance on how the states should determine the geographic scale at which vulnerability assessments must be conducted to achieve an adequate level of protection.

Status: Action in process. EPA is providing states with technical guidance documents which will, among other things, address the issue of the geographic scale for vulnerability assessments.

Recommendation: EPA should incorporate a measure of population use as a risk factor in determining which sources require special protection, thus removing the ambiguity on this point that currently exists in the proposed Pesticides and Ground Water Strategy. **Status:** Action in process. EPA will incorporate into its guidance documents that population factors are important to consider in targeting geographic areas for protective measures.

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. EPA believes that it is impractical to assess cancer risks for age subgroups, given the limitations of current methods and data. EPA is awaiting a National Academy of Sciences study on pesticide risks to children, and might revise its policy once the study is completed in late 1992.

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 has drafted a policy paper concerning how subgroups will be taken into account in tolerance decisions. However, before issuing a final policy statement, EPA is awaiting the results of the National Academy of Sciences study.

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. EPA expects to issue final guidelines in 1993.

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 EPA develops guidelines, reevaluate any regulatory decisions made in the interim that were based on anticipated residue data. **Status:** Action not yet initiated. After guidelines are completed, EPA intends

to review the methodologies used in previous decisions in light of the new guidelines. However, EPA will only reconsider previous regulatory decisions if major discrepancies are found between previous methodologies and the guidelines.

Hazardous Materials: Upgrading of Underground Storage Tanks Can Be Improved to Avoid Costly Cleanups

NSIAD-92-117, 05/13/92 GAO Contact: Nancy R. Kingsbury, (202)275-4268

Background

Pursuant to a congressional request, GAO reviewed the Department of Defense (DOD) program for handling its underground storage tanks, focusing on: (1) the type and number of tanks owned by DOD; and (2) DOD efforts to comply with both federal and state requirements, identify and prevent leaks and spills, and correct environmental damage from leaking tanks.

Findings

GAO found that: (1) in 1989, DOD owned 30,692 underground storage tanks (UST) in the continental United States, Alaska, and Hawaii that were subject to Environmental Protection Agency (EPA) or state regulations; (2) the services reported a lack of historical data and records on older tanks that raised questions about the inventory count; (3) there may have been thousands of additional DOD-owned tanks excluded from the inventory count, because they were excluded or deferred from current EPA regulations; (4) in April 1991, DOD collected more data and reported that it had about 24,000 regulated tanks and 17,000 unregulated tanks; (5) DOD made progress in meeting EPA leak-testing requirements by increasing its

compliance level to 78 percent in 1990; (6) DOD progress on upgrading and cleaning up UST has been limited due to a lack of funds and funding rules; (7) the Army, Navy, and Air Force have all issued policies that require full compliance with the new EPA tank standards and encourage the use of above-ground replacement tanks and upgrading single-walled tanks; (8) DOD lacks a comprehensive plan to improve its implementation of EPA regulations; and (9) over half of DOD UST are unregulated, which poses significant risks to public health and the environment.

Open Recommendations to Agencies

Recommendation: The Secretary of Defense should develop a comprehensive UST management plan that provides for compiling sufficient and accurate data and provides guidance on allocation of funding and other resources, including technical expertise to support the services' activities and Office of the Secretary of Defense's oversight of compliance with UST regulations. **Status:** Action not yet initiated.

Recommendation: The Secretary of Defense should direct the services to comply with the requirement to permanently close or remove inactive UST that have been out of service more than 12 months and determine if they have created any contamination. **Status:** Action not yet initiated.

Recommendation: The Secretary of Defense should direct the services to give more attention to the problem of leaking UST by accelerating leak testing and upgrading to the maximum extent practical. **Status:** Action not yet initiated.

Recommendation: The Secretary of Defense should direct the services to give more attention to the problem of leaking UST by assigning high priority to those UST posing the greatest risk, particularly those near underground drinking water supplies. **Status:** Action not yet initiated.

Recommendation: The Secretary of Defense should direct the services to give more attention to the problem of leaking UST by acting on high-risk UST that are currently deferred or excluded from EPA regulations. **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 in process. EPA is working with states and industry to define data requirements to meet information needs and proposed changes to the biennial reporting regulations that include a qualitative measure of toxicity reduction. EPA is conducting a waste minimization measurement project to address adjusting waste generation data for production and economic changes. EPA expects to issue an interim report.

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 determines: (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 in process. EPA completed its Resource Conservation and Recovery Act (RCRA) Waste Minimization Action Plan in May 1992 and plans to schedule a briefing for congressional committees in the near future on its biennial reporting system project plan and RCRA Source Reduction and Recycling Action Plan.

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 in process. EPA has established a work group that is examining the potential for linkage between the biennial reporting system and the Toxic Release Inventory. The work group plans to complete the initial phase by June 30, 1993.

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 reviewed,

courts restricted EPA or state efforts to obtain proper closures in three cases; (4) 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 could not be assessed; 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: 10/93. On July 1, 1991, EPA proposed regulations amending the requirements for the use of the financial test for closure, post-closure, and third-party liability. The revised criteria for the financial test should act as a better indicator for screening out potentially bankrupt firms. EPA is obtaining annual data on facility financial assurance mechanisms. Final action is not expected until October 1993.

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

Status: Action in process. Estimated completion date: 10/93. EPA is evaluating the possibility of automating the financial test as a means of making a centralized review of financial test submissions. As part of its proposed financial test rule 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. Final action is not expected until October 1993.

Hazardous Waste: Impediments Delay Timely Closing and Cleanup of Facilities

RCED-92-84, 04/10/92 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) inspection of closing land disposal facilities, focusing on the: (1) enforcement actions taken against facilities found in violation of the Resource Conservation and Recovery Act (RCRA); and (2) factors delaying the proper closing of those facilities.

Findings

GAO found that: (1) over a 5-year period, states conducted annual inspections 96 percent of the time for the 20 closing facilities; (2) states conducted 89 percent of the triennial inspections to determine the adequacy of facilities' groundwater monitoring systems as directed by EPA; (3) although those inspections disclosed serious violations that affected closure at 19 of the 20 facilities, EPA has revised its guidance by decreasing the number of inspections required because of resource constraints at the federal and state levels; (4) while none of the three states have conformed fully with the EPA enforcement policy, states' success in closing facilities has depended less on the type of enforcement action than the states' success in ensuring that facilities install adequate groundwater monitoring systems, which are necessary for certifying closure; (5) EPA has not determined how many closing facilities nationwide do not have adequate groundwater monitoring systems and, without such systems in place, the extent of the contamination threat is unknown; (6) once enforcement actions have been taken, lengthy negotiations

and appeals delay final resolution; and (7) EPA has not yet developed a plan to determine which facilities nationwide will close or established the best means of closing them.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should direct EPA regions and the states to obtain and maintain data on the status of closing land disposal facilities' groundwater monitoring systems and on barriers delaying or preventing their installation, as well as develop a plan to address those barriers in a timely fashion so that closure can be completed.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should direct EPA regions and the states to give a higher priority to closing land disposal facilities by annually conducting compliance inspections at those facilities, thereby ensuring that facilities do not have any violations that would significantly delay or prevent closure.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should direct EPA regions and the states to reinstate the requirement that groundwater monitoring inspections be conducted at least every 3 years at closing land disposal facilities once basic monitoring systems are installed to ensure that the systems are capable of providing necessary and basic information on the extent to which those

facilities pose a threat to human health and the environment and require cleanup.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should establish time frames for settling disagreements with owners/operators after enforcement orders are issued, and when such disagreements cannot be resolved and orders are appealed, evaluate the feasibility of establishing time frames for administrative hearings and for obtaining decisions in those hearings.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should develop guidance regarding when: (1) facilities should be allowed to attempt waste removal and how long those attempts should continue before facilities are instructed to revise their closure plans to close with waste in place; and (2) regions and states should request post-closure permit applications.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should develop and implement a plan that: (1) identifies those closing land disposal facilities not making reasonable progress toward properly closing and unlikely to comply with RCRA requirements; (2) determines who will install necessary groundwater monitoring systems and when they will be installed to provide basic information on the nature and extent of groundwater contamination; and (3) determines the best options for controlling and cleaning

up, in a reasonable time, those facilities that pose the greatest threat.

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.

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 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: 10/93. EPA has taken actions to ensure consistency in regions' interpretation and application of its

national corrective action prioritization system by testing it with a sample of 250 facilities among its 10 regional offices. EPA has also established beginning- and end-of-year reports to track and review regional prioritization decisions and is planning to conduct corrective action reviews.

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. Estimated completion date: 10/93. EPA has made clear in its guidance that environmental significance is the primary basis to be used in ranking the environmental priority of facilities. EPA is asking its regions in fiscal year 1993 to report information on how facilities are ranked, specifically the criteria used to evaluate environmental benefits and the progress made in limiting action on low- and medium-priority facilities.

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 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.

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 post-closure, 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.

Status: Action not yet initiated. Congress' intent is unknown at this time. Congressional action on reauthorizing RCRA may be delayed until 1993.

Hazardous Waste: U.S. and Mexican Management of Hazardous Waste From Maquiladoras Hampered by Lack of Information

T-RCED-92-22, 11/21/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

GAO discussed the United States' and Mexico's efforts to manage hazardous wastes produced by foreign companies located in Mexico, known as

maquiladoras. GAO noted that: (1) maquiladoras are required to ship hazardous wastes to the countries from which they obtain their source material, but waste can remain in Mexico if it can

be recycled and reused in accordance with Mexican law; (2) Mexico's Secretary of Urban Development and Ecology (SEDUE) enforces hazardous waste regulations by requiring facilities to

submit semiannual reports on the amounts and types of hazardous wastes generated and waste management and by conducting on-site inspections of maquiladora and hazardous waste facilities; (3) hazardous waste can be received at 19 U.S. points of entry, but the U.S. Customs Service has not established regulations governing the entry of such waste; (4) U.S. and Mexican laws regarding hazardous waste are generally similar, and Mexico is developing additional regulations that will make its regulations more compatible with U.S. regulations; (5) Mexico has taken steps to increase the SEDUE environmental protection budget and has increased its environmental protection staff; (6) neither the United States nor Mexico knows how many maquiladoras are generating hazardous wastes, the amount of hazardous waste generated, or the final disposition of such waste; and (7) until such

information is developed, the U.S. and Mexican governments will not be able to effectively implement a cooperative effort to track hazardous waste, as required in their Border Environmental Plan, to jointly solve pollution problems along the border.

Open Recommendations to Agencies

Recommendation: To ensure that the binational data base on the generation and disposal of hazardous waste and the tracking system for transboundary shipments are effectively implemented in a timely manner, the Administrator, Environmental Protection Agency (EPA), should work closely with SEDUE officials to jointly develop an implementation strategy that identifies the: (1) parties in each country responsible for the strategy's implementation; (2) resources available

to carry it out; (3) specific tasks needed to accomplish its goals; and (4) milestones by which those tasks must be accomplished.

Status: Action not yet initiated.

Recommendation: To help ensure that the United States can fully cooperate with Mexico and provide it with information on hazardous waste shipments coming into the United States, the Administrator, EPA, should work with Customs to develop a formal agreement to: (1) have Customs collect and forward to EPA copies of all hazardous waste manifests for shipments received from Mexican hazardous waste facilities; and (2) ensure that Customs requires complete manifests, including the name of the foreign generator and the amount and types of hazardous waste shipped, as a condition for the shipments' entry into the United States.

Status: Action not yet initiated.

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 programs; and (8) lack of EPA guidance could be one reason 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.

Status: Action in process. Proposed legislation to reauthorize the 1988 Indoor Radon Abatement Act, S. 792,

was passed by the Senate in March 1992. The legislation would implement the GAO recommendation to require measurement firms to participate in the RMP program. It is not known if the House will act.

Indoor Air Pollution: Federal Efforts Are Not Effectively Addressing a Growing Problem

RCED-92-8, 10/15/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO provided information on federal and state efforts to address indoor air pollution, focusing on: (1) the Environmental Protection Agency (EPA); (2) seven other federal agencies; and (3) eight states with active indoor air pollution programs.

Findings

GAO found that: (1) in implementing a provision of the Superfund Amendments and Reauthorization Act (SARA), EPA issued a report to Congress in 1989 that described four courses of action directed at research and two at developing guidelines and disseminating information on actions that can be taken to reduce indoor air pollution; (2) since

1986, EPA has increased the funds allocated to indoor air pollution, but funding levels are not commensurate with the high health and environmental risks of such pollution; (3) although the interagency Committee on Indoor Air Quality (CIAQ) was established under SARA to address indoor air issues, there has been limited commitment from the other agencies; (4) since CIAQ lacks a clear charter that defines the roles and responsibilities of other federal agencies and how the agencies will work together to address indoor air issues, some indoor air activities are not being accomplished; (5) many of the eight states with active programs concentrate on mitigating indoor air pollution through increased ventilation; and (6) EPA recognizes the need for research directed toward identifying additional sources and materials that emit harmful indoor air

pollutants and developing control strategies for biological pollutants, such as molds, bacteria, and dust mites, but the lack of funds may retard these efforts.

Open Recommendations to Congress

Recommendation: Given the priorities of the other federal agencies that have roles in addressing indoor air pollution and the increasing competition for limited funding, Congress, in debating the Indoor Air Quality Act of 1991, may wish to consider giving other federal agencies more specific mandates in this area.

Status: Action in process. A bill was introduced to specifically set rules of agencies relative to indoor air.

International Environment: Strengthening the Implementation of Environmental Agreements

RCED-92-188, 08/24/92 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO and the Congressional Research Service held a symposium on strengthening international environmental agreements, focusing on: (1) the availability of information on the implementation of international environmental agreements; (2) how this information can be used; and (3) whether incentives would help countries to implement these agreements.

Findings

GAO found that: (1) information on implementation of international environmental agreements is lacking due to the agreements' secretariats' dependency on self-reporting by the participants, who usually report late and incompletely; (2) both developed and developing countries have reporting problems; (3) the secretariats generally do not have the authority or resources needed to verify reported information or to independently monitor and assess participants' compliance; (4) better and more available implementation information can build public support for compliance and help direct multilateral aid and technical assistance to countries lacking the capacity to implement the agreements; and (5) because developing

countries generally lack resources, monetary and technical assistance incentives can increase their motivation to participate in and implement international agreements.

Open Recommendations to Congress

Recommendation: As a result of agreements reached at the United Nations (UN) Conference on Environment and Development, as well as those that could be developed as nations continue to address international environmental problems, Congress will have a number of opportunities to consider means to strengthen both existing and future environmental agreements. At these points, Congress may wish to establish as a policy goal that agreements provide for more comprehensive information about nations' implementation and for greater public access to this information. **Status:** Action not yet initiated.

Recommendation: As agreements are presented for ratification, the Senate should make clear its interest in developing monitoring mechanisms to supplement countries' reports on implementation. These mechanisms could include: (1) independent fact-

finding by the secretariats, hearings or other information-gathering activities; and (2) opportunities for nongovernmental organizations to present and review information. **Status:** Action not yet initiated.

Recommendation: In providing authorization or appropriations for international institutions, such as the UN Environmental Programme, Congress should encourage these institutions or the secretariats they support to develop the mechanisms for monitoring the implementation of environmental agreements. **Status:** Action not yet initiated.

Recommendation: Congress may wish to pursue a goal of increasing developing countries' participation in agreements, as well as these countries' capacity to implement agreements. In addition to providing assistance under bilateral aid programs, Congress could encourage international institutions to provide financial and technical assistance to developing countries, both for participation in negotiations leading up to the agreements and their subsequent governance, and for implementation and the reporting of information once the agreements have been adopted. **Status:** Action not yet initiated.

Lawn Care Pesticides: EPA Needs to Assess State Notification Programs

RCED-91-208, 09/25/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO provided information on the kind of notice the public receives when commercial applicators apply pesticides.

Findings

GAO found that: (1) state notification requirements vary in terms of who should be provided with information, when the information should be provided, what information should be provided, and whether the information must be requested; (2) 23 states require commercial applicators to provide

notification when applying lawn care pesticides on residential sites, and as of April 1991, six additional states were considering requiring notification; (3) the primary notification methods include direct notification to customers, direct notification to neighbors upon request, and the posting of warning signs on treated lawns; (4) none of the 23 states that required notification had formally assessed the notification requirements' effectiveness; (5) EPA stated that they were aware of state notification programs, but lacked sufficient information to determine the programs' effectiveness; and (6) a lawn-care industry trade organization supported

states' efforts to require pesticide application notification.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, after collecting data on state notification programs, should analyze the data to the extent practical to determine the most effective programs and provide the results to all states. **Status:** Action in process. EPA is collecting data on state programs, and plans to report its findings to states by late 1992.

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.

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 that: (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. 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 was due September 1991, but EPA plans to send it to the Office of Management and Budget (OMB) for review by the end of calendar year 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. 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. EPA plans to address this issue in a final report to Congress on the medical waste problem and demonstration program. The report was due September 1991, but EPA expects to send it to OMB by the end of calendar year 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: 10/93. EPA plans to address this in the final report to Congress. EPA also plans to issue proposed standards for medical waste incinerators in October 1993. It does not

expect final regulations until February 1995.

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) what assurances should be provided to landfill operators that infectious waste has been effectively autoclaved.

Status: Action in process. These issues will be addressed in the EPA final report to Congress on medical waste.

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 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. **Status:** Action in process. S. 849, the Notification of Chemical Application Act of 1991, was introduced requiring commercial applicators of lawn-care chemicals to notify customers and

others, including neighbors, of planned pesticide application. The federal government would be responsible for implementing the law. If no action is taken this year, the sponsors of the legislation plan to push for enactment in the 103rd Congress.

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.

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.

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. Estimated completion date: 04/94. EPA chose four wastes for developing an approach to review and change standards for industrial D waste. EPA is collecting data to determine how to do risk assessments and characterization for the wastes and collecting information on pollution prevention, data bases, and types of facilities posing the most risks. EPA plans to complete this collection work by April 1994.

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

Open Recommendations to Agencies

Recommendation: To give more focus to the 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

Pesticide Monitoring: FDA's Automated Import Information System Is Incomplete

RCED-92-42, 12/31/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the status of the Food

and Drug Administration's (FDA) efforts to implement the Import Support and

Information System (ISIS) to automate its import monitoring operations.

Findings

GAO found that: (1) ISIS development has taken FDA significantly longer than it originally estimated; (2) FDA did not meet system development and implementation milestones due to unrealistic projections and unexpected technical difficulties and procurement problems; (3) the ISIS core will provide FDA with a limited data base for reviewing and evaluating its import monitoring operations and ISIS data entry requirements will prevent the system from attaining the expected efficiency gains; (4) to fully achieve ISIS objectives, FDA is planning to implement an interface with the Customs Service's Automated Commercial System (ACS) to electronically link the two systems; (5) the ISIS-ACS interface will provide FDA with up-to-date information on the volume of imported products coming from various nations, allow ISIS to collect import data on most shipments of FDA-regulated products, and improve FDA program efficiency by substantially reducing the amount of time needed for FDA personnel to manually enter such

data; (6) disagreements between FDA and Customs regarding system design have delayed the ISIS-ACS interface; and (7) although FDA plans to add screening and profiling modules to provide field personnel with additional data and guidance to improve their ability to identify violative products, it has not prepared detailed plans for developing and integrating them in the ISIS core.

Open Recommendations to Agencies

Recommendation: The Secretary of Health and Human Services should ensure that FDA develops, in coordination with Customs, detailed plans and milestones for implementing an electronic interface between ISIS and ACS nationwide.

Status: Action in process. FDA, in conjunction with Customs, has developed implementation milestones for the ISIS-ACS interface. FDA and Customs officials continue to work together to develop the detailed technical requirements required to implement the interface nationwide.

Recommendation: The Secretary of Health and Human Services should ensure that FDA develops detailed plans and milestones for implementing ISIS screening and profiling modules.

Status: Action in process. FDA has awarded a contract to develop the profiling module and plans to test the module in late 1992. FDA has partially implemented the screening module and will prepare a plan to develop and implement additional screening functions.

Recommendation: The Secretary of Health and Human Services should ensure that FDA informs Congress of its established target dates for implementing the interface and the screening and profiling modules and periodically updates Congress on its progress, including any deviations from those dates.

Status: Action in process. FDA will prepare periodic reports to inform Congress of the status of its efforts to implement the interface and the screening and profiling modules.

Pesticides: Adulterated Imported Foods Are Reaching U.S. Grocery Shelves

RCED-92-205, 09/24/92 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO provided information on the Food and Drug Administration's (FDA) pesticide monitoring program, focusing on whether: (1) federal deterrents are adequate to prevent pesticide-adulterated food from reaching U.S. grocery shelves; and (2) FDA is using its

resources to maximize detection of adulterated shipments.

Findings

GAO found that: (1) FDA has increased its testing of shipments for pesticide residues despite the fact that its staffing has not kept pace with the increased volume of inspections; (2) FDA-refused

shipments still reach U.S. markets because importers retain possession of suspect shipments; (3) FDA lacks the authority to enforce fines to importers for distributing adulterated food, and even when fines are paid, the monetary consequences to the importer are not heavy; (4) bond agreements between importers and the Customs Service are the main enforcement tool; (5) liquidated

damages are not meant to be a penalty for endangering public health and are not high enough, and importers often can avoid, reduce, or postpone paying damages; (6) the law provides only for criminal penalties, which are harder to obtain; (7) a few repeat offenders are responsible for the majority of violations and do not have to place their shipments in controlled storage; and (8) FDA could more effectively use its limited resources by controlling food shipments that are deemed more probable of violating regulations, restricting distribution of companion shipments of sampled shipments, and expediting the implementation of automatic detention on suspect importers.

Open Recommendations to Congress

Recommendation: To effectively deter importers from distributing pesticide-adulterated foods and to penalize them appropriately when they do so, Congress may wish to consider amending the Federal Food, Drug, and Cosmetic Act to add to the list of prohibited acts the distribution of sampled foods without FDA release.

Status: Action not yet initiated.

Recommendation: To effectively deter importers from distributing pesticide-adulterated foods and to penalize them appropriately when they do so, Congress may wish to consider amending the Federal Food, Drug, and Cosmetic Act to provide the Secretary of Health and Human Services with authority to (1) impose civil administrative penalties on importers who illegally distribute food shipments commensurate with the potential danger posed to public health and in an amount sufficient to deter such distributions and remove an importer's economic incentive for distributing adulterated foods; and (2) order importers who have repeatedly distributed shipments before FDA releases them to store sampled shipments in Customs-controlled warehouses until they are released.

Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To increase the effectiveness of FDA efforts to detain suspect shipments, the Secretary of

Health and Human Services should direct the Commissioner, FDA, to instruct districts to issue documentary sampling notices to ensure that shipments of the same food from the same grower arriving simultaneously with or soon after sampled shipments are not distributed until the sample is determined to be free of prohibited pesticide residues, with a reasonable deadline for the test results to be communicated to Customs and the importer.

Status: Action not yet initiated.

Recommendation: To increase the effectiveness of FDA efforts to detain suspect shipments, the Secretary of Health and Human Services should direct the Commissioner, FDA, to extend to the districts the responsibility for technical review and initiation of automatic detention without Center for Food Safety and Applied Nutrition approval when doing so is within the districts' technical capability.

Status: Action not yet initiated.

Pesticides: Better Data Can Improve the Usefulness of EPA's Benefit Assessments

RCED-92-32, 12/31/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO evaluated the Environmental Protection Agency's (EPA) benefit assessments of pesticides used on food, focusing on: (1) EPA use of such assessments during special reviews of already registered pesticides; and (2) the

extent to which EPA used adequate data, clarified limitations, and considered alternative pest-control measures.

Findings

GAO found that: (1) EPA primarily considers risk assessments in its reviews

of already registered pesticides, and uses benefit assessments in a secondary role to help it to decide to cancel or restrict certain pesticide uses; (2) the quality of benefit assessments suffered because of poor, imprecise, or missing data, misleading analyses that do not acknowledge limitations, and incomplete analyses that do not consider promising

pest-control alternatives; and (3) EPA could improve its benefits assessments by using more and better data on pesticide usage and comparative product performance, but EPA stated that it was difficult to obtain reliable data.

Open Recommendations to Agencies

Recommendation: So that benefit assessments can be more useful in regulatory decisionmaking, the Administrator, EPA, should develop, where cost-effective, ways to secure

adequate and reliable comparative performance data for chemical and nonchemical alternatives to be used in benefit analyses.

Status: Action in process. EPA is proposing to add requirements for generating comparative performance data to existing data requirement regulations. EPA is also revising its guidelines on how to conduct product performance studies.

Recommendation: So that benefit assessments can be more useful in regulatory decisionmaking, the

Administrator, EPA, should develop procedures to ensure that its benefit assessments fully disclose the limitations of data and the effect of those limitations on potential regulatory decisions.

Status: Action in process. EPA has always had a limitations section in its benefit assessments, and now plans to make limitations even more explicit. EPA is also continuing to make limits known to decisionmakers via oral briefings.

Pesticides: Comparison of U.S. and Mexican Pesticide Standards and Enforcement

RCED-92-140, 06/17/92 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO examined differences between U.S. and Mexican pesticide registration requirements, tolerance levels for food-use pesticides, and enforcement efforts.

Findings

GAO found that: (1) the United States and Mexico have similar requirements for pesticide registration and tolerance setting, but there are significant differences in tolerances for certain food-use pesticides; (2) both countries require pesticide registration applicants to provide extensive health and environmental information on pesticides proposed for food uses; (3) Mexico subjects Environmental Protection

Agency (EPA)-approved pesticides to less scrutiny, but sometimes requests additional pesticide data to account for Mexican climatic conditions; (4) U.S. and Mexican officials have formed a working group to address pesticide tolerance differences and set priorities; (5) the working group is not addressing pesticides for which both countries have set tolerances at different levels for the same commodities; and (6) while the Food and Drug Administration (FDA) has established a special monitoring program for imported Mexican produce, Mexico has limited monitoring capabilities and relies primarily on the private sector to monitor pesticide residues.

Open Recommendations to Agencies

Recommendation: To help ensure that pesticide tolerance differences between the United States and Mexico are kept at a reasonable minimum, the Administrator, EPA, and the Commissioner, FDA, should work with Mexican officials to develop a strategy for resolving, where possible, all types of pesticide differences. This strategy should also provide a long-term plan to deal with the continually changing field of pesticides.

Addressee: Environmental Protection Agency

Status: Action not yet initiated.

Addressee: Food and Drug Administration

Status: Action not yet initiated.

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 in process. Groundwater advisories were previously added to about 12 pesticides. EPA recently contacted the registrants of 4 pesticides identified in the GAO report to discuss voluntarily adding groundwater advisories to those pesticides. EPA is evaluating general criteria for groundwater advisories to determine whether there are additional cases in which label statements can alert users to potential risks.

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 taken not fully responsive. EPA does not support this recommendation, but prefers to have the states identify the geographic areas of

concern and devise specific, appropriate management measures. This approach is the framework of the EPA pesticides and groundwater strategy. This strategy adopts EPA policy for gauging the seriousness of pesticide detections in groundwater.

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 taken not fully responsive. Some information can be conveyed on labels, and some information needs to be delivered through training. EPA, the Department of Agriculture, and state extension services have prepared a training module for applicator certification. For the most serious threats, detailed state-level management programs will be needed. EPA did not specifically address the recommendation to conduct complete leaching assessments.

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: Recommendation valid/action not intended. EPA disagrees with the

recommendation and prefers to address cases with groundwater contamination as the primary concern through state management plans.

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: Recommendation valid/action not intended. EPA agrees that the tolerance system should consider

exposure through food and water when both exposures are likely to occur. EPA disagreed with the first method GAO recommended and believes that the second method recommended is in line with current agency practice.

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 (FDC) Act 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 the FDC act 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.

Status: Action in process. Legislation establishing a consistent, minimum-risk policy for setting tolerances for all food uses of carcinogenic pesticides, one of the GAO options, was introduced in the 102nd Congress. Further action is expected as the issue is currently being debated in Congress and should be resolved in the 103rd Congress as the courts have ruled against EPA's interpretation of the law. EPA was ignoring, in effect, the Delaney Clause.

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 has designed an automated Section 17 data base and has begun keying calendar year 1990 data. This will permit more automated comparisons of production and export data. However, EPA stated that a comparison of production and notification data would be of limited utility. GAO will follow up on this issue in a current review on the pesticide circle of poison.

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. In the revised Section 17 policy statement now with the Office of Management and Budget, EPA is requiring more information from manufacturers on notices such as CAS numbers and chemical descriptions. However, because of the President's moratorium on new regulations, the policy cannot be approved. GAO will follow up on this issue in a current review of the pesticide circle of poison.

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 revised policy will eliminate the exemption from reporting the export of pesticides similar to those already registered. GAO will follow up on this issue in a current review of the pesticide circle of poison.

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

Status: Action in process. EPA is proposing providing this information on a regular basis to FDA. It has received comments from FDA and is working on internal procedures to provide the data. However, because of confidential business information requirements, an exchange is in doubt.

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 revised policy provides for an expanded list of regulatory actions affecting health and the environment that will require a Section 17b notification.

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, EPA should annually update and send both Section 17(a) and 17(b) guidance to U.S. embassies.

Status: Action in process. EPA is proposing changes to the frequency and method of transmitting notices. For

foreign contacts, EPA plans to use individuals identified in the Food and Agriculture Organization's Prior Informed Consent Program. In March 1992, it sent its first Section 17b country notification under revised procedures. EPA plans an annual summary of regulatory actions and is preparing procedures.

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 in process. EPA has acquired the capability to calculate the precision level of estimated exposures,

but it is not prepared to use this capability until late 1992. The policy regarding when precision calculations would be appropriate will be formulated once EPA has determined the cost in computer time of performing such calculations.

Recommendation: The Administrator, EPA, should establish a work group to determine EPA food consumption data needs and consult with USDA to determine the best means of obtaining adequate data to meet those needs.

Status: Action in process. EPA has designated a representative to the Interagency Board for Nutrition Monitoring and Related Research that is co-chaired by the USDA and the Department of Health and Human Services. Through the board and direct contact with USDA, this representative is communicating EPA data needs that might be satisfied in future food consumption surveys.

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.

Status: Action not yet initiated. GAO briefed members of Congress and the 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.

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: 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 in process. EPA views existing testing protocols as applicable to HUD housing. However, EPA and HUD expect to enter into an interagency agreement whereby EPA will provide technical assistance and testing and mitigation guidance for HUD housing. HUD and EPA expect to formalize the agreement in late 1992.

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.

Addressee: Environmental Protection Agency

Addressee: Department of Housing and Urban Development

Status: Action in process. In response to a congressional directive, EPA and HUD are discussing an interagency agreement to prepare testing and mitigation guidance. Guidance is expected to be completed by the end of 1994.

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: Action in process. HUD stated that it believed more research was needed before it could begin a program. In response to a congressional directive, HUD plans to begin initial testing of HUD-owned housing with view to expanding to other housing at a future date. HUD expects the testing to be completed in the spring of 1993, mitigation in 1994, and completion by the end of 1994.

Superfund: EPA Could Do More to Minimize Cleanup Delays at the Clark Fork Sites

RCED-92-20, 11/21/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO assessed the progress and problems of the Environmental Protection Agency's (EPA) cleanup of the Clark Fork Superfund sites in Montana, focusing on the: (1) extent and cost of cleanup work; (2) adequacy of cleanup plans; and (3) effectiveness of EPA efforts to recover cleanup costs.

Findings

GAO found that: (1) only 2 of the 4 sites' 23 operable units have been cleaned up completely, and studies at 3 sites did not result in appropriate cleanup remedies; (2) EPA and a private firm spent \$54

million on cleanup activities, but they only spent \$24 million on cleanup studies; (3) the 1988 Clark Fork master plan to coordinate cleanup work did not provide workable sequencing of cleanup activities, but the 1990 plan addressed those limitations; (4) further cleanup delays are likely because of disagreements over soil cleanup levels, EPA model provisions for cleanup agreements, and public concerns over cleanups for selected units; and (5) staffing shortages, poor cost documentation, and an inefficient accounting system have hampered EPA cost identification activities and prevented it from taking timely cost recovery action on the \$33 million it spent at the sites.

Open Recommendations to Agencies

Recommendation: To improve its strategy for monitoring implementation of the Clark Fork master plan, the Administrator, EPA, should require Region 8 and its Montana office to include provisions in its strategy for: (1) assessing viable alternatives for avoiding or minimizing slippages in milestones; and (2) periodically notifying the public of its progress in meeting milestones, including slippages and the steps EPA is taking to deal with them.

Status: Action not yet initiated.

Superfund: EPA Has Not Corrected Long-Standing Contract Management Problems

RCED-92-45, 10/24/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) response to prior GAO recommendations that EPA strengthen its management of Superfund contracts, focusing on recommendations that EPA: (1) control contractor costs; (2) set contractor indemnification and conflict-of-interest policy; and (3) develop a plan to reduce its backlog of unaudited Superfund contracts.

Findings

GAO found that EPA: (1) still does not require its regional offices to prepare cost estimates of cleanup studies and as a result the regions are too dependent on the contractors' own cost proposals; (2) does require Superfund managers to review contractor invoices for reasonableness, but contracting officials in two of the four regions examined estimated that project managers were conducting invoice reviews for only about half of their contractor's invoices; (3) has not corrected the problem of excessive contractor indemnification and is still not tracking the contractors' efforts to obtain private insurance; (4) established a four-person conflict-of-interest unit to develop agency policy and guidance, but most of the previously reported problems continued to exist; (5) is developing a plan to increase contract audits and has requested increased funding to reduce a backlog, but due to proposed staffing and budget cuts, increased coverage is doubtful; and (6) has acknowledged many of the problems GAO has reported, but has not addressed

them sufficiently to actually correct the problems.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should require contracting officials to document negotiations with contractors on the price of remedial studies, explaining the basis of the agreed-upon price and any significant deviations from the government's estimate.

Status: Action in process. EPA is drafting guidelines that will require documentation of Independent Government Estimates negotiations.

Recommendation: The Administrator, EPA, should require that all regions attempt to negotiate amendments to Alternative Remedial Contracts Strategy (ARCS) contracts to implement the EPA policy of denying award fees to contractors with less than satisfactory performance ratings.

Status: Action not yet initiated. EPA is reviewing some legal issues surrounding the modification of contracts to deny award fees.

Recommendation: With respect to ARCS contractors' program management costs, the Administrator, EPA, should terminate or reduce the scope of any ARCS contracts with excessive program management costs.

Status: Action in process. EPA has terminated one contract and is terminating a second. It is also working with its contractors to reduce these costs

to 15 percent of the contracts' annual costs as directed by Congress.

Recommendation: A 1989 report on contractor indemnification recommended that the Administrator, EPA, should limit the potential exposure facing Superfund by: (1) placing a dollar limit on new indemnification agreements and attempting to negotiate limits on existing agreements; (2) identifying and testing options for providing indemnification that include incentives making it competitively unattractive to obtain more indemnification than is needed; and (3) enforcing the Superfund Amendments and Reauthorization Act's requirements for proof of uninsurability to obtain and retain indemnification. GAO believes that these recommendations should be implemented.

Status: Action in process. EPA has drafted a new indemnification policy, but it is too early to determine whether the final policy will be fully responsive to GAO recommendations.

Recommendation: A 1989 report on preventing contractor conflicts of interest recommended that EPA: (1) check compliance with EPA requirements for avoiding, neutralizing, and mitigating conflicts of interest as part of its review of contractors' performance; (2) direct contracting officers to follow requirements for documenting actions taken to resolve conflicts and actions taken on contractors' requests to work for private parties; and (3) provide contractors and contracting officers with additional

written guidance for avoiding conflicts, including guidance on the information that contractors should include in their requests for private-party work and the importance that contracting officers

should place on this information when evaluating these requests. These recommendations should also be implemented.

Status: Action in process. EPA plans to send out additional guidance to contractors and contracting officers, but the agency has not yet done so.

Superfund: EPA Needs to Better Focus Cleanup Technology Development

T-RCED-92-92, 09/15/92 GAO Contact: Richard L. Hembra, (202)275-6111

Background

GAO discussed the Environmental Protection Agency's (EPA) efforts to foster new treatment technologies to clean up hazardous waste sites, focusing on: (1) innovative technologies that have been demonstrated, selected, or used for Superfund cleanup sites; and (2) EPA efforts to reduce barriers to the development and use of innovative technologies. GAO noted that: (1) EPA has planned 119 field demonstrations of innovative technologies and has completed 59; (2) the selection of innovative technologies for site cleanups sharply increased since fiscal year 1986, but only 10 percent of cleanup actions has been completed; (3) one barrier to innovative technology development and use involved EPA failure to systematically assess site cleanup needs and match new technologies to specific site requirements, which EPA has

attempted to correct by starting to assess its cleanup needs, and discussing technology needs with private site-cleanup firms; (4) contractors and investors were reluctant to use innovative technologies because cost and efficacy data were lacking, and although EPA has tried to assist in collecting and disseminating such data, substantive data are still limited; and (5) legal requirements, regulations, and agency policies discourage contractors from using innovative technologies, and EPA is working on lessening regulatory burdens and providing more facilities for test sites.

Open Recommendations to Agencies

Recommendation: To better focus cleanup technology development, the Administrator, EPA, should

systematically determine site problems and technology needs for the cleanup of Superfund, Resource Conservation and Recovery Act, and underground storage tank sites.

Status: Action not yet initiated.

Recommendation: To better focus cleanup technology development, the Administrator, EPA, should develop a plan that prioritizes cleanup and resulting research needs.

Status: Action not yet initiated.

Recommendation: To better focus cleanup technology development, the Administrator, EPA, should target solicitations to specific areas in need of technology development.

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 cleanup 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 Agencies

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 in process. EPA plans to develop guidance that will address postsettlement procedures, however, it does not plan to report this matter as a material weakness in its Federal Managers' Financial Integrity Act report.

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 in process. EPA plans to continue working with its regions and other federal agencies to ensure that all costs are pursued in cost recovery actions.

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 in process. EPA plans to ensure that the tracking system includes administrative settlements with unrecovered costs and financially viable nonsettlers.

Superfund: Problems With the Completeness and Consistency of Site Cleanup Plans

RCED-92-138, 05/18/92 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO compared hazardous waste site cleanups managed by the Environmental Protection Agency (EPA) with those managed by potentially responsible parties (PRP) to evaluate: (1) similarities between remedies at EPA- and PRP-managed cleanups; (2) the completeness and consistency of selected cleanup plans and Records of Decisions (ROD) documenting cleanup decisions and remedies; and (3) the effectiveness of EPA Superfund Program management information systems in monitoring and evaluating cleanups.

Findings

GAO found that: (1) EPA believed that PRP-managed cleanups used waste treatment, rather than containment, methods in about the same percentage of cleanups as in EPA-managed cleanups; (2) analysis of ROD for fiscal years 1987 through 1990 showed that PRP contained waste in 43 percent of cleanups, while EPA contained waste in about 25 percent of its cleanups, regardless of site characteristics; (3) ROD based on PRP-conducted site studies consistently included more waste containment techniques than did ROD

based on EPA-conducted site studies; (4) ROD frequently lacked key information detailing cleanup plan objectives, proposed cleanup levels, and the selected cleanup remedies and cleanup goals that were specified in ROD varied considerably; (5) ROD frequently did not adequately explain and justify remedy selection and approval and did not always specify the selected remedy; (6) EPA regional offices do not consistently follow EPA guidance on documenting changes to ROD; (7) EPA has begun initiatives to decrease variations in cleanup goals, improve the consistency of risk assessments, develop new ROD guidance, and implement ROD quality reviews; (8) EPA has several information systems containing some Superfund cleanup data, but the systems are not automated and no one system contains all of the information needed for EPA to monitor trends or analyze ROD; and (9) EPA information systems also contain inaccurate, incomplete, and unreliable data.

Open Recommendations to Agencies

Recommendation: To improve the consistency and completeness of ROD and ensure that ROD guidance is followed and that ROD changes are

publicized and documented, the Administrator, EPA, should direct regional administrators to approve only cleanup plans that adequately specify the cleanup goals and remedy, and provide justification for cleanup goals not set.

Status: Action not yet initiated.

Recommendation: To improve the consistency and completeness of ROD and ensure that ROD guidance is followed and that ROD changes are publicized and documented, the Administrator, EPA, should set deadlines for documenting changes to the cleanup selected in ROD.

Status: Action not yet initiated.

Recommendation: Because of the importance cleanup remedy selection has to the Superfund Program in protecting human health and the environment, the Administrator, EPA, should establish a cleanup remedy data base incorporating the key elements in the agency's ROD to allow EPA management to quickly and thoroughly analyze the EPA remedy selection process and to assist the agency in its development and implementation of the standardization of remedies to speed cleanups.

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 in process. The Subcommittee on Oversight and Investigations has requested that GAO reexamine ATSDR next year.

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 (TRI) 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 TRI 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 system's 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 TRI 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 TRI Program, Congress should amend EPCRA to provide EPA with explicit authority to inspect facilities. **Status:** Action in process.

Congressional Action: Legislation is pending in the House and Senate. Reauthorization of the Toxic Substances Control Act is expected in Spring or Summer 1993 and may result in legislative changes relevant to the report's recommendations.

Open Recommendations to Agencies

Recommendation: To make the TRI 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 in process. EPA has expanded information collected under the TRI, added chemicals to the TRI list, and is evaluating whether the TRI reporting process should include additional industries and chemicals. EPA is also determining priorities for

obtaining timely, useful, and precise TRI data.

Recommendation: To make the general public more aware and knowledgeable of the TRI, 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 in process. EPA is conducting an evaluation of the TRI public outreach program. The agency will review its outreach guidance and revise it as necessary.

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 in process. EPA plans to expand its site visit evaluations to better understand the TRI release estimates' quality and to improve data quality through programs for industry outreach, technical assistance, and technical-transfer activities. EPA is preparing data quality inspection guidance. EPA has pilot grant programs underway focusing on state cooperation in assessing and enforcing accurate TRI reporting.

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 in process. EPA is implementing an enforcement targeting system in each of its regions to identify facilities not meeting TRI reporting requirements. The agency plans to develop national guidance on establishing an inspection targeting strategy for nonreporters.

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 in process. EPA is evaluating the TRI public outreach program, including how and to what extent each of the data formats is being used.

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 in process. EPA will manage the enforcement backlog by prioritizing cases and developing communication strategies. EPA is developing national enforcement response policy guidance and a compliance monitoring strategy for prioritizing enforcement cases developed from the targeting system being implemented in its regions.

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 has expressed its intent to use Section 8(a) and 8(d) for most ITC recommended chemicals.

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 is working on the backlog.

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 master testing strategy will set the testing agenda and priorities for testing for the next 2 years.

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 resolve testing problems in a timely manner 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:** Recommendation valid/action not intended. EPA believes the development of criteria to determine unreasonable risk is extremely difficult if not impossible. In hearings on March 18, 1992, however, the Subcommittee on Environment, Energy, and National Resources encouraged EPA to comply with the recommendation.

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 in process. EPA is establishing a management information system to monitor the status of chemicals being tested. EPA expects the system to be operational some time in fiscal year 1993.

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 Department of Agriculture agrees with GAO findings and is deciding what specific actions to take. GAO expects the agency to implement this recommendation.

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 Department of Agriculture agrees with GAO findings and is deciding what specific action to take. GAO expects the agency to implement the recommendation.

Waste Minimization: Major Problems of Data Reliability and Validity Identified

PEMD-92-16, 03/23/92 GAO Contact: Kwai-Cheung Chan, (202)275-3092

Background

Pursuant to a congressional request, GAO evaluated the quality of the Environmental Protection Agency (EPA) data used to determine the need for mandatory waste minimization

requirements, focusing on: (1) the degree and causes of measurement error in the EPA National Survey of Hazardous Waste Generators; (2) how to reduce or eliminate those errors; and (3) how to minimize future problems.

Findings

GAO found that: (1) the EPA baseline hazardous waste minimization data are fraught with reliability and validity problems that are severe enough to limit the data's usefulness in examining the

extent of waste minimization progress; (2) EPA has not sufficiently defined several concepts, terms, and questions used in its survey instruments, causing respondents to make an array of individual judgments when completing waste minimization questionnaires; (3) since EPA has not refined the Resource Conservation and Recovery Act (RCRA) categories that use codes to profile hazardous waste types, it cannot accurately profile the extent and determinants of minimization for specific hazardous wastes; (4) the lack of stringent EPA reporting requirements has caused company recordkeeping systems to vary greatly in quality and accessibility; (5) due to the lack of sufficient recordkeeping capabilities, individual respondents are led to make judgments and estimations of data that may not be representative of information collected; (6) because data on waste stream production amounts are flawed, EPA does not accurately characterize production mix as it relates to waste output; (7) such nonproduction activities as research and such one-time events as spill cleanups generate waste, but are not accounted for by production activities; and (8) due to such ambiguities, EPA waste minimization data cannot be adjusted to account for

imperfect measurement, and waste minimization progress cannot be ascertained.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should direct the Assistant Administrator, Solid Waste and Emergency Response, to investigate alternatives to the production mix measure in order to accurately depict the extent of waste minimization progress.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should direct the Assistant Administrator, Solid Waste and Emergency Response, to clarify waste stream definitions by making RCRA waste code categories more definitive.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should direct the Assistant Administrator, Solid Waste and Emergency Response, to clarify regulatory status so that respondents do not confuse RCRA-defined hazardous wastes, hazardous wastes exempt from RCRA, and wastewater.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should direct the Assistant Administrator, Solid Waste and Emergency Response, to request that hazardous-waste-generating industries define waste minimization programs to ensure that goals, budgeting, incentive programs, use of technical assistance, and assessments are well delineated.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should direct the Assistant Administrator, Solid Waste and Emergency Response, to request that hazardous-waste-generating industries maintain recordkeeping systems that provide sufficient detail on goals, activities, and progress of waste minimization activities.

Status: Action not yet initiated.

Recommendation: The Administrator, EPA, should direct the Assistant Administrator, Solid Waste and Emergency Response, to conduct site visits of a sample of hazardous waste generators in order to maintain quality assurance and control in waste minimization program activities.

Status: Action not yet initiated.

Water Pollution: More Emphasis Needed on Prevention in EPA's Efforts to Protect Groundwater

RCED-92-47, 12/30/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO assessed the Environmental Protection Agency's (EPA) efforts to prevent groundwater contamination, focusing on: (1) its emphasis on

contamination prevention activities; and (2) major barriers inhibiting implementation of a preventive approach.

Findings

GAO found that: (1) the groundwater contamination prevention strategy EPA designed in 1984 has made limited progress due to ineffective agency coordination of policies and programs,

ineffective management and accountability systems, and priorities and resource allocations that favored remediation rather than prevention; (2) states maintained that EPA provided inadequate grant assistance and technical guidance for their efforts to prevent and clean up contamination; (3) EPA finalized a new strategy in July 1991 and is taking steps to establish mechanisms to improve program coordination and policy integration, improve management and accountability systems, improve annual groundwater activity planning and evaluation, and collect additional state groundwater data; (4) the new strategy more clearly defines EPA policy and places more emphasis on prevention activities and a comprehensive approach for managing groundwater resources; (5) the continued heavy orientation of available funds on remedial rather than preventive activities and the generally limited availability of resources will continue to limit progress in implementing the strategy; (6) while the new strategy includes initiatives for increasing financial and technical assistance for

states, it is unlikely that EPA will be able to provide all of the needed assistance; and (7) EPA may be able to obtain further financial assistance for preventive activities by shifting groundwater-related grants initially intended for remedial activities to preventive activities.

Open Recommendations to Congress

Recommendation: Because of the heavy emphasis of EPA resources devoted to remediation activities and the need to shift groundwater-related resources toward prevention activities, Congress may wish to consider providing greater emphasis on preventive groundwater-related activities as it considers funding for EPA groundwater-related programs during the 1993 budget process.

Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To promote an improved balance between prevention

and remediation in state groundwater-related programs, the Administrator, EPA, should work with the states to develop ways in which some of their existing groundwater-related grant programs can be reoriented to provide greater emphasis on preventive activities. Where congressional approval is needed, EPA should work with the cognizant authorizing and appropriations committees in the 1993 budget process to reorient funding priorities to provide greater emphasis on preventive activities.

Status: Action in process. Under the new EPA Groundwater Strategy for the 1990s, EPA expects to focus on groundwater contamination prevention. EPA plans to use a Clean Water Act Section 106 groundwater set-aside to develop and implement Comprehensive State Groundwater Protection plans in the fiscal year 1993 budget and beyond. EPA is in the early stages of implementing the new strategy and its effort to shift priorities to prevention is unknown.

Water Pollution: Nonindustrial Wastewater Pollution Can Be Better Managed

RCED-92-40, 12/05/91 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO examined: (1) the range, sources, and seriousness of pollutants found in nonindustrial wastewater; (2) local and state governments' strategies and programs to better manage and control those pollutants; and (3) federal options that might encourage or require better

management and control of those pollutants.

Findings

GAO found that: (1) household wastewater accounts for about 15 percent of the regulated toxic pollutants entering treatment plants, and the Environmental Protection Agency (EPA) estimates that as industrial discharges

decrease, the proportion of household and commercial pollutants will increase and ultimately account for almost two-thirds of the toxic metals discharged to treatment plants; (2) EPA has focused little attention on assessing or controlling nonindustrial sources of toxic pollutants discharged to sewage treatment plants; (3) state and local programs to keep nonindustrial pollutants from entering treatment

plants range from public education efforts to product bans; and (4) EPA efforts to better manage and control nonindustrial wastewater pollution have been limited to providing guidance and information on methods to assess and prevent nonindustrial wastewater pollution to states and the public.

Open Recommendations to Agencies

Recommendation: On the basis of the information reported to EPA, the

Administrator, EPA, should determine whether further regulatory actions are needed to reduce nonindustrial wastewater pollution. Such action could include: (1) requiring treatment plants to implement source control programs (e.g., regulating additional industrial and commercial discharges and establishing programs to collect household hazardous wastes); and (2) exercising EPA authority under the Toxic Substances Control Act to restrict or ban substances, or require manufacturers to place

warning labels on their products to alert consumers of the products' risks. **Status:** Action not yet initiated. EPA responded that, as a result of its efforts, should it determine additional nonindustrial source controls are necessary, it will develop appropriate and cost-effective measures. Depending on the extent of identified problems, these measures may include revising discharge permits, regulatory initiatives, or product bans.

Water Pollution: Pollutant Trading Could Reduce Compliance Costs if Uncertainties Are Resolved

RCED-92-153, 06/15/92 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO provided information on the cost-effectiveness of pollutant trading, focusing on: (1) projects currently using pollutant trading to reduce pollution at specific locations; (2) potential barriers to wider use of pollutant trading; and (3) Environmental Protection Agency (EPA) efforts to implement a nationwide trading program.

Findings

GAO found that: (1) pollutant trading has been confined to four localized efforts to address water pollution; (2) three projects provide for trading between point and nonpoint sources, and the fourth project permits trading only between point sources; (3) in the one trade so far, a point source installed

sewers to control nonpoint-source pollution and received a discharge credit; (4) impediments to wider use of pollutant trading include its ambiguous legal status under the Clean Water Act and complexities surrounding a workable trading systems; (5) institutional structures, adequate data, and enforcement mechanisms are needed to establish wider use of pollutant trading; and (6) EPA has begun to address barriers to trading and is considering drafting guidelines to encourage pollutant trading.

Open Recommendations to Congress

Recommendation: If Congress wishes to see trading employed on a wider basis, it may want to address the concerns that some have raised about trading's legal status under the Clean Water Act. This

could be accomplished by amending the act to explicitly authorize trading. **Status:** Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To help resolve some of the remaining questions and concerns surrounding pollutant trading, the Administrator, EPA, should assist others in initiating demonstration projects specifically designed to test alternative approaches to pollutant trading. EPA should then develop detailed and specific guidance—based in part on these demonstration projects—to help others considering trading projects. **Status:** Action not yet initiated.

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 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: 03/93. EPA anticipates that it will have an enforcement component in place addressing the key elements by December 1992 or March 1993. If EPA meets this goal, it will have the enforcement components in place before compliance with the permanent sludge program is required in August 1993.

Water Pollution: State Revolving Funds Insufficient to Meet Wastewater Treatment Needs

RCED-92-35, 01/27/92 GAO Contact: Richard L. Hembra, (202)275-6111

Background

Pursuant to a congressional request, GAO reviewed the states' implementation of the Environmental Protection Agency's (EPA) State Water Pollution Control Revolving Fund (SRF) Program, which shifts the responsibility for financing wastewater treatment needs to the states and authorizes the federal government to provide SRF

capitalization grants for 6 years, focusing on whether: (1) statutory or regulatory changes are necessary to increase program efficiency and effectiveness; and (2) SRF can meet the nation's wastewater treatment needs.

Findings

GAO found that although the SRF Program is structurally sound, a number

of statutory provisions and administrative problems may impede efficient and effective implementation, including: (1) restrictions on using SRF to purchase land necessary for a wastewater treatment facility; (2) a lack of financial expertise in EPA regions to assist and oversee state programs; (3) limitations on using SRF to cover states' administrative costs; and (4) a maximum loan term that, in many cases, can be

shorter than the estimated design life of SRF-financed plants and equipment. GAO also found that: (1) even if EPA made such statutory and administrative modifications, states could only expect to meet about 31 percent of the nation's wastewater treatment needs through SRF by 2001; (2) the overall percentage of treatment needs that the states will meet is actually much lower than 31 percent because EPA does not include many SRF-eligible needs in its survey; (3) because of limited SRF funds for meeting large investment needs, few states are using the funds to meet nonpoint-source pollution control and estuary protection needs; (4) some SRF statutory requirements increase costs disproportionately for small communities, making it more difficult for them to qualify for SRF assistance; and (5) provisions of the Tax Reform Act which limit the issuance of tax-exempt bonds and competition for limited resources significantly affect the ability of state and local governments to finance wastewater treatment plants.

Open Recommendations to Congress

Recommendation: Congress may wish to consider amending the Clean Water Act to authorize EPA to allow states that have demonstrated that they have controls in place to determine how much land is necessary and should be financed through SRF for particular projects.
Status: Action not yet initiated.

Recommendation: Congress may wish to consider amending the Clean Water Act to allow states to extend the loan term

to correspond with the design life of the plant and equipment being financed.
Status: Action not yet initiated.

Congressional Action: No congressional action is expected this session to amend the Clean Water Act. However, action on the GAO recommendations may occur in the next session. During the 102nd Congress, a bill was introduced that would extend the eligibility of land to include all that is necessary for a project, and extend loan terms to 40 years for innovative projects.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should compare the skills of regional staff currently managing the SRF Program with the skills needed, develop a plan to meet those needs through training and hiring, and include those needs in the agency's proposed budget.

Status: Action not yet initiated. The agency agreed to implement this recommendation; however, it believes needed skills can be developed within current budget levels by shifting and training existing regional staff.

Recommendation: The Administrator, EPA, should, on the basis of an assessment of the impacts of the 4 percent allowance for administrative costs, determine if any states should be allowed to use more of their SRF funds to cover administrative costs. In addition, EPA should assess the impact of total reliance on fees and state appropriations after federal

capitalization grants end and determine whether Congress should be asked to amend the statute to allow states to use some portion of their SRF funds to cover administrative costs.

Status: Action not yet initiated. EPA agreed to assess the potential impact of relying on appropriations and fees after the capitalization grants end, but downplayed the problem under the current 4-percent allowance.

Recommendation: The Administrator, EPA, should develop models to provide more comprehensive estimates of needs, including needs associated with nonpoint-source pollution and estuary protection.

Status: Action in process. EPA is developing models to generate needs estimates for Combine Sewer Overflow, stormwater, and nonpoint-source pollution.

Recommendation: The Administrator, EPA, should use the analysis of the Environmental Financial Advisory Board's working groups as a starting point for developing a long-term strategy to help state and local governments close the gap between needs and available resources to meet water quality goals set forth in the Clean Water Act. In particular, the Administrator should develop a plan to help small communities meet their wastewater treatment needs.

Status: Action in process. The Office of Water plans to make a series of recommendations to address the gap between needs and resources.

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 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 mechanisms 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.

Workplace Accommodation: EPA's Alternative Workspace Process Requires Greater Managerial Oversight

GGD-92-53, 03/18/92 GAO Contact: Bernard L. Ungar, (202)275-5074

Background

Pursuant to a congressional request, GAO provided information on the Environmental Protection Agency (EPA)

decision to allow one of its headquarters employees to work in her home rather than in her assigned office workspace, focusing on the: (1) background and scope of the EPA alternative workspace

(AWS) approval process; and (2) the grievance the employee filed concerning problems she reportedly experienced while working at home.

Findings

GAO found that: (1) EPA established its AWS policies and procedures in 1988 to allow employees alternative work locations or assignments as an accommodation to their health problems; (2) between November 1988 and November 1991, 34 headquarters employees received approval for AWS as a health-related accommodation, and 18 of those 34 AWS employees were authorized to work in their homes; (3) the EPA headquarters employee who sought AWS through the established approval process reported experiencing health-related problems in her originally assigned office and in two alternative office work locations between July 1990 and November 1990; (4) EPA authorized the employee to work at home beginning in December 1990 and she was still working at home as of late February 1992; (5) in February 1991, the employee filed a grievance concerning various work-related problems, including dissatisfaction with the nature of her work-at-home assignment, lack of access to certain work information, supplies, and computer equipment, and her belief that certain management officials were treating her unfairly; (6) although the employee was still dissatisfied with her

treatment by management officials, she elected to withdraw her grievance in May 1991 because she had virtually completed her work assignment on which her grievance had largely been based; and (7) EPA internal controls over AWS are insufficient to protect the government's interests, since AWS administration is dispersed among several offices, there is no overall managerial control or oversight, and documentation and reevaluation requirements are unclear.

Open Recommendations to Agencies

Recommendation: The Administrator, EPA, should direct the Assistant Administrator for Administration and Resources Management to strengthen managerial control and oversight over the AWS process by vesting a single EPA office or official with express authority and overall responsibility for developing and implementing agencywide AWS policies and procedures and for overall management of the AWS process.

Status: Action in process. EPA is developing a revised policy to designate the Director of EPA Safety, Health, and

Environmental Management Division (SHEMD) as the official with overall responsibility for the AWS process. However, the policy cannot be implemented until EPA has negotiated the applicable procedures with its unions.

Recommendation: The Administrator, EPA, should direct the Assistant Administrator for Administration and Resources Management to strengthen managerial control and oversight over the AWS process by developing and implementing an agencywide policy requiring that all current and future AWS employees undergo periodic medical reevaluations by the employee health unit physician or other appropriate medical authority as a condition of continuing in AWS for health-related reasons, consistent with the medical documentation requirements of 5 C.F.R. 339.

Status: Action not yet initiated. EPA plans to establish and implement mandatory AWS reevaluation procedures. However, the policy cannot be implemented until EPA has negotiated the applicable procedures with its unions.

Natural Resources Management

Issue Area Summary

Impact of GAO's Work

Natural resources 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 1992 and 1993, budget authorities for natural resources were about \$15 billion.

Our past recommendations cluster around two themes.

First, we believe that the nation should 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 executive branch 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 be more effective stewards over the natural and cultural resources that they are responsible for. We have made recommendations to the Departments of Interior and Agriculture to restore the proper balance between conservation 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

In March 1989, we recommended that the Congress eliminate the law's patenting provision that allows valuable federal land to pass into private ownership or, should the Congress decide not to eliminate this provision, amend the law to require that the federal government obtain fair market value for the land patented. Legislation that would accomplish the intent of our recommendations was introduced in the Senate and House in both the 101st and 102nd Congresses. The authorizing committees are considering comprehensive mining law revision. (GAO/RCED-89-72, see p. 345.)

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 August 1991, we reported on problems associated with irrigation practices carried out under water service contracts in California's Central Valley Project. We recommended that the Congress place a moratorium on renewing irrigation contracts and amend the authorizing act to explicitly allow contract renewals for lesser quantities of water and shorter periods of time. The 1992 omnibus water bill sent to the President for signature in late 1992 generally included our recommendations. (GAO/RCED-90-6, see p. 369, and GAO/RCED-91-175, see p. 361.)

Recreational Activities on Federal Lands

In June and July 1991 and May 1992, we made several recommendations toward achieving greater consistency in managing recreation concession operations on federal lands and protecting future federal interests. Several bills were introduced during the 102nd Congress to reform concession operations, but little action has been taken. Concession reform legislation is expected to be reintroduced because of the number of large concession contracts coming up for renewal. (GAO/RCED-91-163, see p. 347; GAO/RCED-91-174, see p. 342; and GAO/T-RCED-92-66, see p. 356.)

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. The Forest Service has developed a below-cost policy that addresses our recommendations; however, its implementation has been delayed because of its potential economic impact. We also recommended two additional actions. (GAO/T-RCED-91-42, see p. 349.)

Products With Open Recommendations: Natural Resources Management

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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 in process. Interior included the recommended policy and guidance in a proposed rule issued November 8, 1991. The final rule is anticipated in late 1992.

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 in process. Interior included the recommended guidance in a proposed rule issued November 8, 1991. The final rule is anticipated in late 1992.

Bureau of Indian Affairs: Long-Standing Internal Control Weaknesses Warrant Congressional Attention

RCED-92-118, 05/08/92 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the Bureau of Indian Affairs' (BIA) implementation of its Social Services Program, focusing on whether BIA consistently applied internal controls in the general assistance and burial assistance program components.

Findings

GAO found that, in the general assistance program component, BIA: (1) did not document whether assistance recipients were also receiving assistance through the Aid to Families with Dependent Children or Supplemental Security Income programs; (2) made multiple payments to the same individual; (3) inconsistently computed prorated payments, due to area offices' different interpretations of BIA

guidance; and (4) does not adequately control access to its computerized payment system or properly separate the duties of program staff, making the system vulnerable to fraud and waste. GAO also found that, in the burial assistance program component, BIA: (1) did not verify or document the available resources of decedents before approving assistance payments; and (2) inconsistently required documentation and allowed different levels of compensation for burial expenses. In addition, GAO found that BIA: (1) has not established or maintained key internal controls for either program component regarding eligibility determinations, employee supervision, computer system access, or payment reviews; (2) has not successfully corrected long-standing internal control weaknesses and has reprogrammed quality control staff resources for other

program purposes; and (3) needs to take immediate corrective action to resolve those weaknesses and demonstrate an agencywide commitment to establishing and maintaining effective internal controls.

Open Recommendations to Congress

Recommendation: The cognizant Senate and House committees should consider requiring BIA to: (1) develop a comprehensive management or strategic plan with measurable objectives and milestones and specific organizational responsibilities delineated within the organization for correcting systemic internal control weaknesses; and (2) periodically report to Congress on its progress in meeting the plan's progress. **Status:** Action not yet initiated.

Bureau of Reclamation: Central Valley Project Cost Allocation Overdue and New Method Needed

RCED-92-74, 03/31/92 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed how the Bureau of Reclamation allocates construction costs for the Central Valley Project (CVP), the Bureau's largest water resource project.

Findings

GAO found that: (1) the Bureau gave limited attention to the congressional mandate to implement an updated cost allocation study by January 1988, mainly because of funding and staffing constraints; (2) the Bureau included inappropriate costs and made

questionable estimates of project benefits and alternative costs in its 1988 draft study, and public comments on the study cited similar concerns; (3) the Bureau charges rates to its CVP water users that are based on the cost allocation percentages it developed in 1970 and updated in 1975; (4) delays in properly allocating CVP costs could result in the

government recouping less of its capital investment, because the value of the dollar received years later will be less than if those dollars were timely received; and (5) although the Bureau has agreed to explore alternate allocation approaches it continues to rely on its current methodologies, which could cause additional delay in developing an acceptable cost allocation.

Open Recommendations to Agencies

Recommendation: To complete the CVP cost allocation expeditiously, the Secretary of the Interior should direct the Commissioner of the Bureau of Reclamation to use less costly and more timely methodologies to update the CVP cost allocation study. GAO has suggested two approaches: (1) allocating joint costs in direct proportion to specific costs; or

(2) allocating joint costs on the basis of use.

Status: Action in process. Estimated completion date: 09/93. The Department of the Interior concurs with the recommendations. The Bureau of Reclamation is completing the CVP cost allocation-based units current method, as well as one of the approaches recommended by GAO. The Bureau will then assess the results of both methods and determine which methodology is most appropriate.

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.

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.

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

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 in process. Revisions are being made to current Bureau policy and regulations to address this issue. Completion of revisions is targeted for late 1992.

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 in process. Revisions are being made to current Bureau policy and regulations to address this issue.

Completion of revisions is targeted for late 1992.

Coastal Barriers: Development Occurring Despite Prohibition Against Federal Assistance

RCED-92-115, 07/17/92 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO provided information on: (1) development in Coastal Barrier Resources System (CBRS) since the enactment of the Coastal Barrier Resources Act (CBRA); (2) the extent to which federal financial assistance is being prohibited within CBRS; (3) the effectiveness of federal agency processes to certify compliance with CBRA; and (4) the types and impact of federal regulatory activities within CBRS.

Findings

GAO found that: (1) 9 of 34 CBRS units have significant development underway since CBRA enactment; (2) particularly attractive CBRS units are prone to private development due to geographical makeup, accessibility, and a lack of alternative developable coastal land; (3) development on coastal barriers interferes with land mass movement, wildlife habitat, and inland protection from storms; (4) the Air Force and the Federal Emergency Management Agency (FEMA) provided assistance to property owners within CBRS, contrary to CBRA prohibitions; (5) federal agencies did not comply with certification process requirements or implement revised

regulations for the certification process; and (6) the cumulative effect of added CBRS units and permits for dredging or filling threatens wetlands and adjacent aquatic habitats.

Open Recommendations to Agencies

Recommendation: To ensure that federal flood insurance policies are not written for properties in CBRS units, the Director, FEMA, should identify and cancel all ineligible federally underwritten flood insurance policies that now exist in CBRS units.

Status: Action not yet initiated. FEMA is studying the feasibility of using scientific mapping to determine the location of CBRS unit properties by latitude and longitude coordinates through the use of digital information from satellites.

Recommendation: To ensure that federal flood insurance policies are not written for properties in CBRS units, the Director, FEMA, should establish procedures to ensure that such policies are not underwritten in the future.

Status: Action not yet initiated. Satellite mapping will be studied as a means to better identify CBRS unit properties so

that FEMA will not underwrite inappropriate policies.

Recommendation: To correct the inappropriate granting of financial assistance at Eglin Air Force Base, the Secretary of the Air Force should determine the fair market value of the land easement and undertake to obtain that value from the Mid-Bay Bridge Authority.

Status: Action not yet initiated. The Air Force disagreed with the GAO recommendation.

Recommendation: The Secretary of the Interior, as the agency head charged with providing a designee to serve as the chairperson for the Coastal Barriers Task Force, should promptly name his designee and encourage the other 10 agencies to promptly name their designees and direct the designated chairperson to promptly convene the task force to begin its work.

Status: Action not yet initiated. The Department of the Interior has deferred action on the task force until such time as Congress provides funding for the task force to do its work.

Recommendation: The Secretary of the Air Force should ensure that future Air Force actions are consistent with the

CBRA attempt to discourage development on certain coastal barriers

by prohibiting new federal expenditures and financial assistance.

Status: Action not yet initiated. The Air Force disagreed with the GAO recommendation.

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: 01/93. Both USDA and Interior have determined that pooling is a viable approach and have jointly revised and reissued their new land exchange regulations to include common structures and terms. The new proposed rule was published on October 2, 1991. However, due to the President's 90-day moratorium on federal regulations and the consequent backlog, the final rulemaking is not expected until January 1993.

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 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.
Status: Action in process.

Congressional Action: During the 102nd Congress, both the House and Senate reintroduced bills which would substantially address all of the report's recommendations. The House-passed 1993 Interior appropriations bill includes a moratorium on patenting. The Senate version allows patenting but requires payment of fair market value for the land. Patenting still remains an issue but the fiscal year 1993 appropriations act for Interior does require payment of an annual \$100 per claim holding fee.

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.

Status: Action in process. Two bills have been introduced; S. 433, the "Mining Law Reform Act of 1991," which provides for a holding fee as recommended, and H.R. 918, the "Mineral Exploration and Development Act of 1991," which provides for a holding fee as an alternative to development expenditures. The 1993 Interior appropriations bill, as passed by the House and Senate, also provides for a \$100 holding fee.

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. Estimated completion date: 06/93. Interior is revising its regulations along the lines GAO recommended. In September 1992, Interior issued a proposed rule (43 C.F.R. 3715) that addresses the GAO recommendation. The final rule is anticipated in early 1993.

Addressee: Department of Agriculture

Status: Action in process. The Department of Agriculture (USDA) is revising its regulations and including them in an overall revision to 36 C.F.R. 228 Subpart A. No target date for issuance has been established. The Forest Service, as an alternative to the regulations, is developing a new chapter for the Manual System to achieve the same purposes. A draft has been prepared, but there is no established date for final issuance.

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.

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. The Service is considering allowing BLM to do all mineral evaluations and not

doing any itself. The Service plans to make its decision within several months.

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.

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) the agencies could not determine total compensation to the federal government for the use of federal 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 the agreement; (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 in process. The agency is participating in a Concessions Task Force which also includes the Departments of Agriculture and Defense. Development of a common set of data-reporting elements and procedures and a central data network was recommended in the task force's draft report. Finalization of the draft report is not expected until after January 1993.

Addressee: Department of Agriculture
Status: Action in process. The agency is participating in a Concessions Task Force which also includes the Departments of the Interior and Defense. Maintaining centralized concessioner data was one of the recommendations in the task force's draft report. Finalization of the draft report is not expected until after January 1993.

Addressee: Department of Defense
Status: Action in process. The agency is participating in a Concessioner Task

Force which also includes the Departments of the Interior and Agriculture. Maintaining centralized

concessioner data was one of the recommendations in the task force's draft report. Finalization of the draft

report is not expected until after January 1993.

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 consider all timber sales costs in establishing advertised prices for timber sales.

Status: Action in process. The Forest Service has drafted a below-cost policy which addresses the recommendation to consider all timber sale costs in

establishing advertised prices for timber sales. However, the administration has delayed issuing this policy because of its potential economic impact.

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. The Forest Service has drafted a below-cost policy which addresses the recommendation that it adopt the formal decisionmaking process described in the report as an integral part of its forthcoming guidelines and procedures regarding timber sales that do not recover costs. However, the administration has delayed issuing this policy because of its potential economic impact.

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 downpayments 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 evaluate on a timely basis 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 downpayment until the contract is substantially complete.

Status: Action in process. The Forest Service will develop and publish for comment a proposed rule as soon as possible that would retain the downpayment until the contract is substantially complete and eliminate the transfer or refund of the downpayment.

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 in process. The Forest Service has drafted a below-cost policy which addresses the recommendation to consider individual timber sales. However, the administration has delayed issuing this policy because of its potential economic impact.

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 in process. The Forest Service has informed GAO that it plans to implement the recommendation regarding the establishment of a new minimum bid policy. However, it is attempting to reduce the costs of preparing and administering timber sales prior to implementing a new minimum bid policy.

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 in process. The Forest Service has drafted a below-cost policy which addresses the recommendation to make a determination early in the timber sales process. However, the administration has delayed issuing this policy because of its potential economic impact.

Forest Service Timber Sales Program: Questionable Need for Contract Term Extensions and Status of Efforts to Reduce Costs

T-RCED-92-58, 04/28/92 GAO Contact: James Duffus, III, (202)275-7756

Background

GAO discussed the Forest Service timber sales program, focusing on: (1) a regulation allowing for timber sales contract extensions in the event of drastic price reductions for wood products; and (2) the Service's efforts to reduce the program's costs. GAO noted that: (1) the Service did not adequately evaluate the costs and benefits of allowing contract extensions; (2) the regulation is inconsistent with other federal agencies' and states' regulations on timber sales contract extensions; (3) in implementing the regulation, the Service used a formula that included data that were not adjusted to account for seasonal price fluctuations; (4) the Service allowed contracts that already reflected falling prices to be eligible for

extension; and (5) the Service established two task forces to review timber sales program costs and make recommendations to reduce program costs.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should direct the Chief, Forest Service, to reexamine the need for this regulation. The reexamination should evaluate the costs and benefits to the government of granting the current extensions. The evaluation should also consider the availability of the contract provision providing for automatic timber price reductions in the event of sharp drops in wood product prices.

Status: Action in process. Agriculture is in the process of drafting a proposed policy rule.

Recommendation: If the Forest Service, in its reexamination, finds that the regulation is justified, the Secretary of Agriculture should direct the Chief, Forest Service, to: (1) stop using the Bureau of Labor Statistics' unadjusted indexes in reaching determinations that wood product prices have drastically declined; and (2) make eligible only those contracts that do not already reflect falling prices.

Status: Action not yet initiated. If Agriculture finds that the regulation is justified it will publish a proposed rule along the lines GAO suggested.

Great Lakes Fishery Commission: Actions Needed to Support an Expanded Program

NSIAD-92-108, 03/09/92 GAO Contact: Joseph E. Kelley, (202)275-4128

Background

Pursuant to a congressional request, GAO reviewed the Great Lakes Fishery Commission's sea lamprey control programs, focusing on the Commission's: (1) consideration of the potential harmful effects of its sea lamprey control actions; (2) progress in adopting nonchemical sea lamprey control

methods; and (3) use of increased funding for research for alternative control methods.

Findings

GAO found that the Commission: (1) endorses an ecosystem management approach that considers the potential impact of its control methods and seeks

input from fishery experts regarding its activities; (2) has set a goal of reducing its use of lampricides to 50 percent of 1991 levels by 2000; (3) for fiscal year (FY) 1992, requested a \$1.9-million increase over its FY 1991 budget, but some Canadian fishery officials believe that the Commission has not adequately justified its request for lampricide

stream treatments; (4) is developing a formal protocol for gathering and analyzing data on sea lamprey populations to address such concerns; (5) has allocated few resources to developing alternative control methods, citing limited research funding levels, lack of time, and the success of its chemical control program; (6) has employed barrier dams and the release of sterilized male sea lamprey as alternative control methods; (7) included in its FY 1992 budget request \$1.5 million for those two alternative control techniques and \$2.5 million for alternative control research, but neither the U.S. nor Canadian governments fully met the budget request; (8) has not developed a detailed strategic plan for its alternative control research; (9) uses informal monitoring procedures to manage its small research program, but those would be inadequate for a larger research program; and (10) has not begun to plan for the tests and studies necessary to reregister the lampricides, and has made only limited attempts to locate additional suppliers and ensure the long-term availability of the chemicals.

Open Recommendations to Agencies

Recommendation: The Secretary of State, working in conjunction with appropriate officials from the government of Canada, should ensure that the Great Lakes Fishery Commission develops a comprehensive strategy for its alternative control research that describes, to the extent practicable, the projected research cost, the amount of research already available, the practicality, possible environmental consequences, and general research completion time frames for each proposed sea lamprey control method or area of research.

Status: Action in process. Estimated completion date: 06/93. State is providing comments on the strategy of alternative control research to the Commission.

Recommendation: The Secretary of State, working in conjunction with appropriate officials from the government of Canada, should ensure that the Great Lakes Fishery Commission improves monitoring of

research activities by appointing a full-time research administrative officer to establish a system to track project milestones and report dates and develop oversight procedures for an expanded research program.

Status: Action in process. Estimated completion date: 06/93. The Commission has hired a research administrative officer to monitor research activities. However, the officer is currently working on reregistering lampricide chemicals, not research monitoring.

Recommendation: The Secretary of State, working in conjunction with appropriate officials from the government of Canada, should ensure that the Great Lakes Fishery Commission develops a plan and system for reregistering the lampricide chemicals that includes an estimated budget by year.

Status: Action in process. Estimated completion date: 06/93. State is working with the Commission and the Department of the Interior to develop the lampricide chemical reregistration plan.

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.

Status: Action in process. The Senate Select Committee on Indian Affairs has

introduced a compensation bill and held hearings, including GAO testimony, on the proposed bill. The Committee revised the original bill and, on November 29, 1991, referred the bill (S. 168, the Three Affiliated Tribes and Standing Rock Sioux Tribe Act) to the full Senate for their consideration. The Senate has not yet considered the bill.

Indian Programs: BIA and Indian Tribes Are Taking Action to Address Dam Safety Concerns

RCED-92-50, 02/11/92 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed dam safety on Indian reservations, focusing on: (1) the Bureau of Indian Affairs' (BIA) progress in implementing the Department of the Interior's Safety of Dams (SOD) Program; and (2) whether BIA is making efforts to resolve problems limiting program progress.

Interior Inspector General's 1989 report, Congress authorized funding for additional staff for dam safety activities and instructed Interior not to direct BIA program funds to fire suppression activities; (3) to enhance overall SOD program management, Interior plans to establish recordkeeping and information-reporting requirements to obtain needed program status information from area offices; (4) as of July 1991, BIA has contracted or negotiated contracts with tribes to manage SOD program activities at 55 of the 67 BIA priority dams and corrective actions were underway at 44 of the 53 dams that the Bureau of Reclamation had inspected for safety; and (5) Interior cited inadequate BIA progress in fulfilling SOD program objectives as the reason it proposed to transfer BIA program funding and SOD program responsibilities to Reclamation in its fiscal year 1991 and 1992 budget requests. GAO believes that, considering its proposal to transfer program

responsibilities, Interior should examine how the transfer will: (1) impact federal Indian self-determination policies; and (2) improve Interior's ability to fulfill SOD program objectives.

Findings

GAO found that: (1) BIA has failed to fulfill its SOD program responsibilities to address or identify potential dam safety deficiencies in a timely manner due to limited staff resources, time spent encouraging tribes to enter into dam management contracts, the lack of an adequate management information system, a temporary diversion in priorities, and limited oversight of field office activities; (2) in response to the

Open Recommendations to Agencies

Recommendation: The Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to develop and put in place a recordkeeping and reporting system for the SOD Program that will provide the information needed to effectively manage program activities and measure progress in completing the corrective action process according to established requirements and priorities. **Status:** Action in process. The process of developing a formal management information system has been started. A framework for an interim system has been developed and is being used.

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 their 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 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 in process. The Interior Inspector General's Office investigative findings have been turned over to the U.S. Attorney but additional

investigation/interviews continue. However, BIA is determining the end of year balances for the accounts and will be returning funds to the Treasury.

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 Special Investigative Unit investigator who resigned from BIA employment.

Status: Action in process. Although the employee agreed to repay the debt through a deduction from retirement funds in June 1991, no funds have been recovered. BIA requested a \$6,000 recovery of debt due to the United States in April 1992 but the request contained erroneous information and could not be processed by the Office of Personnel Management.

Mineral Resources: Federal Helium Purity Should Be Maintained

RCED-92-44, 11/08/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO examined various proposals on how the Department of the Interior's Bureau of Mines could best meet federal needs for helium, focusing on how the

accelerated degradation of stored federal helium could result in additional costs to the government.

Findings

GAO found that: (1) because the Bureau is not restricting the rate at which helium is being extracted from Cliffside, a natural gas field in Amarillo, Texas,

the purity of the remaining helium cloud is being degraded faster than would otherwise occur; (2) Bureau engineers and a petroleum engineering consulting firm agreed that accelerated degradation could be avoided by restricting total extractions from Cliffside to 3 million cubic feet of helium daily; (3) the Bureau can restrict the rate at which privately owned helium can be extracted from Cliffside, under the terms of its storage contracts with private companies, but has not imposed such a restriction, pending a review of a fiscal year (FY) 1989 Bureau study; (4) daily total extractions from Cliffside exceeded 3 million cubic feet 13 percent of the time during a 2-year period from April 1989 to April 1991; and (5) if the helium cloud continues to be degraded at the current

rate, the Bureau will incur additional costs of as much as \$23.3 million in FY 1991 dollars to extract and refine federal helium from Cliffside through FY 2050.

Open Recommendations to Agencies

Recommendation: So that the helium cloud at the Cliffside field can be maintained at the highest level of purity possible, thereby avoiding additional Bureau costs to extract and refine federal helium, the Secretary of the Interior should require the Director of the Bureau of Mines to complete his review of the Bureau's 1989 study and any related documentation, including that which private industry can provide, and, if warranted, specify an acceptable

extraction rate. If an extraction rate is specified, the Bureau should either: (1) restrict private company extractions of helium from Cliffside so that they do not cause total daily extractions to exceed this rate; or (2) impose a charge on the private companies that store helium in Cliffside each time their extractions, combined with Bureau extractions, exceed the established acceptable rate. **Status:** Action in process. Interior's Bureau of Mines has agreed to either assess appropriate charges or restrict access to storage depending on consultations with private companies storing helium at Cliffside. A meeting with the companies was held in April 1992 and the companies prefer a charge to a restriction.

Mineral Resources: Interior's Use of Oil and Gas Development Contracts

RCED-91-1, 09/17/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO evaluated the use of development contracts by the Bureau of Land Management, acting on behalf of the Secretary of the Interior, in its onshore federal oil and gas leasing program, focusing on whether the contracts: (1) entered into or approved since 1986 satisfy the legal requirements for development contracts; and (2) have had adverse effects on small oil and gas producers.

Findings

GAO found that: (1) the 10 contracts entered into or approved by Interior since 1986 do not satisfy the legal requirements for development contracts

because those contracts are for oil and gas exploration on largely unleased federal lands, rather than for developing existing leases; (2) rather than being between lessees and lease operators, 9 of the 10 contracts are between Interior and lease operators, and in all 10 contracts the sole parties, other than the Interior, are the operators; (3) by designating the 10 contracts as development contracts, Interior has enabled the contract parties to accumulate lease acreage that exceeds the statutory acreage limitation, resulting in increased concentration of control over federal oil and gas resources and preventing other parties who wish to obtain federal oil and gas leases and participate in developing these resources from doing so; and (4) although Interior

believes that the 10 contracts are in the public interest, since they promote exploration for and development of federal oil and gas resources that otherwise might not have been accomplished, using development contracts in this manner equates to rescinding the statutory acreage limitation for the 9 major and large independent oil companies that have exceeded acreage limitations in the states where they have contracts.

Open Recommendations to Congress

Recommendation: Congress should amend the mineral leasing acts to expressly permit or prohibit Interior to enter into or approve development

contracts for exploration for oil and gas on largely unleased federal lands or to

increase or remove the acreage limitation.

Status: Action not yet initiated.

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 generally sites 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 they inspected gas meters only if they were co-located with oil meters, and they were not necessarily those with the greatest production or those that 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. Estimated completion date: 03/93. MMS completed the gas verification pilot program. MMS formed a task force to design a functional and operable gas verification system. The target date for an operational system is early 1993.

National Park Service: Policies and Practices for Determining Concessioners' Building Use Fees

T-RCED-92-66, 05/21/92 GAO Contact: James Duffus, III, (202)275-7756

Background

GAO discussed the fees that National Park Service (NPS) concessioners pay for using federally owned facilities. GAO noted that: (1) NPS does not maintain data on concession agreements that include the use of federally owned facilities; (2) in 1990, there were about 150 agreements involving concessioners' use of about 1,400 federally owned facilities; (3) those concessioners' gross revenues ranged from \$6,300 to \$83 million, and fees paid totalled about \$1.2 million; (4) NPS receives some nonfee compensation from concessioners, but the value of that compensation is unknown; (5) NPS does not have specific building use fee policies, except for its requirement that fees be determined in accordance with acceptable industry practices; (6) NPS field officials generally did not obtain independent appraisals of the fair value return of concessions; (7) NPS does not have adequate guidance on the use of set-aside accounts, which represent funds that concessioners set aside to maintain the federally owned facilities they use; and (8) NPS could not

determine whether it was receiving a fair return for concessioners' use of federally owned facilities.

Open Recommendations to Agencies

Recommendation: With regard to building use fees, the Secretary of the Interior should direct the Director, NPS, to develop complete and centralized data on: (1) the number of concession agreements that involve the use of federally owned facilities; (2) the number of facilities used by concessioners; (3) the building use fee paid by the concessioner; and (4) the value of nonfee compensation from either set-aside accounts or contractual agreements.

Status: Action in process. Estimated completion date: 09/93. NPS currently has a data base of all concession agreements, including those in which federally owned facilities are being used. This data base does not include commercial use license agreements. The Concession Division will modify the existing data base so that specific

information can be retrieved on agreements in which federally owned facilities are being used, as well as on the individual facilities.

Recommendation: The Secretary of the Interior should direct the Director, NPS, to develop specific policies, methodologies, and guidelines on how to: (1) best determine building use fees; and (2) establish, administer, and track set-aside accounts, as well as other contractual agreements for repairs, maintenance, and improvements to federally owned facilities used by concessioners.

Status: Action in process. Estimated completion date: 09/93. The Concession Division will develop, in coordination with the Accounting Operations Division, a tracking system to determine the amount of fees actually paid. This data base does not include information on those businesses that are operating under commercial use licenses. Additionally, information from the field on the existence of all set-aside accounts has been requested.

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 are 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 are 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 are 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 are 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.

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 nonwillful trespass violations as

provided for in BLM regulations; or (2) amend BLM regulations to establish a procedure for the informal resolution of nonwillful trespass violations at the local level.

Status: Action in process. The Director, BLM, developed recommendations for modifying regulations for more reasonable and cost-effective resolution of nonwillful trespass. These are included in modifications to the BLM 4150 Unauthorized Use Handbook and Instruction Memo (IM) 91-324. GAO has requested copies of the updated handbook for review.

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. BLM changed the 4150 Unauthorized Use Handbook for handling all trespass, willful and nonwillful, also covered in IM 91-324. BLM will send GAO the IM and Handbook changes for review.

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. BLM changed the 4150 Unauthorized Use Handbook and issued IM 91-324. GAO has requested copies of the updated handbook for review.

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. Estimated completion date: 06/93. The Denver Service Center has been asked to evaluate opportunities to modify the current automated system, Grazing Authorization Billing System (GABS). Until an automated system can be implemented, BLM managers are required to keep manual files. GABS modifications are outlined in IM 91-324. Interior is reviewing the feasibility of implementing changes by June 1993.

Rangeland Management: BLM's Hot Desert Grazing Program Merits Reconsideration

RCED-92-12, 11/26/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO examined the Bureau of Land Management's (BLM) management of the federal livestock grazing program in the Southwest desert areas, known as hot deserts, focusing on the program's environmental and budgetary costs and benefits.

Findings

GAO found that: (1) current livestock grazing activity on BLM allotments in hot desert areas imposes the risk of long-

term environmental damage to the hot deserts and does not generate sufficient revenues to provide for adequate management; (2) there was evidence of grazing damage occurring on BLM lands, as well as evidence of livestock grazing's adverse impact on several endangered wildlife species; (3) some damaged lands may take decades to recover if they recover at all; (4) the current level of BLM spending is insufficient to perform all necessary range management tasks; (5) although the 1,000 operators who hold livestock grazing permits generate little net income from ranching public

lands, they highly value the ability to maintain a traditional ranching lifestyle; (6) BLM lacks the staff resources and data to know if damage is occurring on many hot desert allotments and is not in a position to change an operator's authorized grazing level should a change be warranted; and (7) the cattle and sheep inventories in hot desert regions account for no more than 1.6 percent and 3 percent, respectively, of the national inventory.

Open Recommendations to Congress

Recommendation: Congress may wish to consider providing more funds for BLM to monitor livestock grazing in the hot deserts, recognizing that increased monitoring will lead to better livestock grazing decisions on more allotments. The resulting higher overall monitoring costs could be offset, at least in part, through an increase in grazing fees, which would provide greater revenues to the Treasury from this activity.

Status: Action in process.

Recommendation: Congress may wish to consider eliminating operators' preferences, thereby giving BLM the opportunity to adjust authorized grazing activity on hot desert allotments on the basis of the amount of forage actually available each season. While staff and budget requirements may not change, the risk to the environment should decrease as BLM seasonally adjusts the level of grazing.

Status: Action not yet initiated.

Recommendation: Congress may wish to consider discontinuing livestock grazing in hot desert areas. This option would free the resources that BLM now spends

to manage livestock grazing in hot deserts for use in other areas of the country where the environmental risks are lower and productivity is higher. Some range resources would still be necessary in the hot deserts to protect against livestock trespass and to perform other duties.

Status: Action not yet initiated.

Congressional Action: During the 102nd Congress, the House passed a bill to increase grazing fees and the Senate tabled a bill to increase grazing fees. A grazing fee increase, however, was not included in the fiscal year 1993 appropriations bill.

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 has almost completed revisions to the Wild Free-Roaming Horse and Burro Management Considerations Manual (sec. 4710) and is 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 more than 30 percent complete and will take 3 to 4 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 has almost completed revisions to 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. The revised BLM manual on wild horse training establishes a 45-day halter training

period as well as a 5- to 9-year-old age range for horses best suited to be trained. The manual was revised on September 10, 1991. New training agreements were established with four states and GAO is waiting to receive copies in order to review the payment plan.

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. The Wild Horse and Burro Advisory Board issued a report on unadoptable wild horses in January 1992. BLM has adopted many of the Board's recommendations and is in the process of developing a strategic plan for implementation. A meeting is scheduled for late 1992, after which GAO will receive a copy of the plan.

Rangeland Management: Interior's Monitoring Has Fallen Short of Agency Requirements

RCED-92-51, 02/24/92 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO examined the Bureau of Land Management's (BLM) performance in: (1) monitoring the impact of grazing on range conditions; and (2) taking action to change grazing conditions when needed.

Findings

GAO found that: (1) BLM has only collected monitoring data for half of the 14,000 allotments that it should have completed within the last 5 years; (2) although BLM focused its limited monitoring attention on high priority allotments, it did not complete required monitoring within the required 5-year

time frame for more than 300 allotments; (3) for 14 percent of the allotments BLM collected long-term trend data, but not the more specific short-term data needed to identify specific corrective actions; (4) BLM has not used its monitoring data to change grazing levels or practices; (5) BLM range managers attribute their inability

to perform required monitoring and utilize data to staff shortages and the need to perform higher priority range management tasks; and (6) BLM grazing management decisions have lacked adequate documentation to support them.

Open Recommendations to Congress

Recommendation: A better balance between the scope of the federal grazing

program and the resources available to manage it is needed if BLM is to meet all of its rangeland management responsibilities. To achieve this objective, Congress may wish to consider: (1) reducing the scope of the existing grazing program, thereby reducing BLM range management responsibilities; or (2) funding an increase in BLM range management resources. One option for offsetting the additional annual appropriations that would be necessary to increase BLM range management

resources is to increase federal grazing fees.

Status: Action in process. During the 102nd Congress, the House has passed a bill to increase grazing fees and the Senate tabled a bill to increase grazing fees. A grazing fee increase, however, was not included in the fiscal year 1993 appropriations bill.

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 in process. The 1992 omnibus water bill that was sent to the President for signature in late 1992 generally included our recommendations.

Open Recommendations to Agencies

Recommendation: The Secretary of the Interior should determine the effects 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 in process. Interior currently has environmental impact analyses underway for current contract renewals and the Bureau of Reclamation is developing a strategy and schedule for completing environmental review for remaining contracts.

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 in process. Interior concurs with the recommendation but has not yet completed analyses. Interior states, however, that provisions covering the right to long-term renewal and quantity of water are not subject to change except as required by applicable law.

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 incorporating the recommended language in the report. However, no date has been set for introducing the amendment.

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 participation by appropriate nonfederal officials in water resources project decisions. In April 1992, the Secretary of the Army convened a study group to determine if any changes could be made.

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, cleanup, 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 funded an assessment of Alyeska's corrosion and cathodic protection programs. The office expects Alyeska to respond to a draft report and expects to finalize the report at that time.

Addressee: Department of Transportation

Status: Action in process. The joint office has funded an assessment of Alyeska's corrosion and cathodic protection programs. The office expects Alyeska to respond to a draft report and expects to finalize the report at that time.

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 in process. The leak detection system was tested in December 1991. Regulators witnessed the testing, which was only at one level. They have decided that further testing is warranted at various levels and expect to test the system again.

Addressee: Department of Transportation

Status: Action in process. The leak detection system was tested in December 1991. Regulators witnessed the testing, which was only at one level. They have

decided that further testing is warranted at various levels and expect to test the system again.

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 in process. The joint office is in the process of reviewing earthquake and fault monitoring plans as well as glacier monitoring.

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 revising its regulations to ensure the oversight of the integrity of crude oil storage tanks.

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 cleanup standards on the basis of acceptable levels of contamination.

Status: Action taken not fully responsive. The joint office indicated that each site requiring cleanup will be evaluated on a case-by-case basis.

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 in process. The joint office, in conjunction with Alyeska, is evaluating various cleanup technologies.

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 taken not fully responsive. The joint office has obtained firm commitments from four of five regulators (not EPA). It is developing an overall TAPS monitoring plan. However, there still is no central leadership or secured funding.

Addressee: Department of Transportation
Status: Action taken not fully responsive. The joint office has obtained firm commitments from four of five regulators (not EPA). It is developing an overall TAPS monitoring plan. 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.

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 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.
Status: Action in process. On June 20, 1991, the House authorized \$150 million for the construction of the I&D system as part of an omnibus water bill. In April 1992, the Senate also authorized \$150 million for the construction of the I&D system as part of its water bill. Differences between the House and Senate bills will be addressed in conference.

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. The Department of Defense disagreed with the report's findings and recommendations. Congress has not acted on the recommendation.

Water Resources: Corps' Management of Ongoing Drought in the Missouri River Basin

RCED-92-4, 01/27/92 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed the Army Corps of Engineers' management of the Missouri River reservoir system under drought conditions between 1988 and 1990, focusing on: (1) whether the Corps followed a drought contingency plan; and (2) how the Corps set plan operating priorities.

Findings

GAO found that: (1) between 1988 and 1990, the Corps followed a drought contingency plan when releasing water from the reservoir system; (2) the plan reduced winter release rates, shortened navigation seasons on the Missouri River, reduced navigation channel water levels, and reduced the amount of water usually released under normal operating conditions by 17 percent; (3) the drought

and the Corps' response to it adversely impacted all of the reservoirs' purposes except flood control; (4) the Corps' drought contingency plan did not reflect the Missouri River Basin's current economic condition, because the Corps based the plan on outdated, invalid assumptions regarding the amount of water needed for navigation and irrigation; (5) the Corps is reviewing its operation of the Missouri River reservoir system and updating the Missouri River Division's Master Manual; (6) the Corps believes that it must continue to give recreation a lower operating priority than other authorized purposes, even if this low priority results in decreased system benefits, unless it obtains congressional approval to change existing operating priorities; and (7) three states filed a federal lawsuit questioning whether the Corps' drought contingency plan conserved the

reservoir's water and equitably distributed the negative impacts of the drought among all reservoir water users, particularly between the upper basin's recreation industries and the lower basin's navigation industry.

Open Recommendations to Congress

Recommendation: To ensure that the Corps maximizes the economic and other benefits of all authorized purposes of the Missouri River reservoir system and other Corps water projects, Congress should consider enacting legislation to require the Corps to establish operating priorities for its reservoir projects on the basis of the economic, environmental, social, and other benefits to be derived from all authorized project purposes.

Status: Action not yet initiated.

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 completed the plan in a timely manner; (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: 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. The Corps' Headquarters Office of Hydraulics and Hydrology staff reported on September 11, 1992, that of the 334 Drought Contingency Plans that need to be completed under Corps Regulation ER 1110-2-1941, dated September 15, 1981, 262 have been completed. The remaining 72 are about 90 percent complete and will be completed by late 1992.

Water Resources: Future Needs for Confining Contaminated Sediment in the Great Lakes Region

RCED-92-89, 07/17/92 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO reviewed: (1) the status of the confined disposal facilities (CDF) currently being used in the Great Lakes to store contaminated dredged sediments; (2) the long-term need for CDF in the region; and (3) difficulties in locating sites for future CDF.

Findings

GAO found that: (1) most federally funded CDF will be filled to capacity by 2006, and funding for new, replacement, and expanded CDF is undergoing a policy and legal review; (2) pollution control efforts in the Great Lake region need improvement, since past efforts have not eliminated or cleaned up

sediment contamination; (3) future sediment testing guidelines will be stricter and will increase the need for CDF; (4) economically feasible alternatives to CDF are limited and costly; (5) delays in finding acceptable sites for CDF have delayed dredging and navigation in some Great Lakes harbors and channels; (6) the Army Corps of Engineers' disagreement with state water quality standards has deferred and reduced dredging in the Great Lakes; and (7) increased CDF costs and site maintenance may be a long-term responsibility of local sponsors.

Open Recommendations to Agencies

Recommendation: To provide Congress and local sponsors with information that would be useful in deliberations on the problem of future dredging and disposal of contaminated material in the Great Lakes, once the revised sediment testing guidelines and criteria are issued, the Chief, Army Corps of Engineers, should estimate the needed CDF capacity. The estimates should include: (1) detailed projections of the volume of contaminated material to be generated by future Great Lakes dredging projects; and (2) the capacity, locations, and cost of new or replacement CDF that will be needed in the Great Lakes for the foreseeable future.

Status: Action not yet initiated.

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. **Status:** Action in process. 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 GAO 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, was introduced in the Senate, and hearings were held in September 1991 to obtain views on various legislative proposals. In 1992, the Senate approved its own water bill that does not include any language to limit federally subsidized water to more than 960 acres of owned or leased land. These limits were not included in the 1992 omnibus water bill that was sent to the President for signature in late 1992.

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 on Water, Power, and Offshore Energy Resources' 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.

Congressional Action: In April 1992, the Senate approved an omnibus water bill that does not include any reclamation reform language limiting federally subsidized water to no more than 960 acres of owned or leased land. The Senate began conference meetings with House members regarding differences between the House and Senate water bills in September 1992, but does not plan to add language addressing reclamation reform.

Wetlands Preservation: Easements Are Protecting Prairie Potholes but Some Improvements Are Possible

RCED-92-27, 11/07/91 GAO Contact: James Duffus, III, (202)275-7756

Background

Pursuant to a congressional request, GAO provided information on the enforcement of protection easements under the Fish and Wildlife Service's (FWS) Small Wetlands Acquisition Program (SWAP), which serves to preserve wetlands and increase waterfowl production.

Findings

GAO found that: (1) in the four FWS wetland management districts reviewed, FWS is providing reasonable assurance that violators will be detected by keeping accurate and current documentation on the wetlands to be protected, keeping landowners and tenants on lands with wetlands easements informed of the terms of the easements, and performing annual aerial surveillance of the wetlands under easement followed by on-the-ground inspections of suspected violations; (2) FWS officials in two of the districts reviewed estimated that significantly less than 1 percent of the total acreage under easement is damaged each year; (3) although some damaged wetlands may never again sustain the many varieties of life forms that existed before the damage occurred, almost all damaged wetlands are restored to be productive habitat for ducks, usually

through voluntary compliance by the landowners or tenants; (4) despite its success, SWAP alone cannot stem the decline in migratory waterfowl and wetlands; (5) drought, predation, farming practices, and illegal harvesting contribute to the continuing decrease in North America's duck population, and wetlands continue to be lost to agriculture, development, and other uses; and (6) SWAP weaknesses included some FWS district offices' failure to routinely document waterfowl's use of wetlands, timely restore damaged wetlands, and issue notices and assess fines to easement violators.

Open Recommendations to Agencies

Recommendation: To improve the effectiveness of SWAP, the Secretary of the Interior should direct the Director, FWS, to establish procedures to ensure that wetland management district offices responsible for the program document the extent to which waterfowl are using wetlands.

Status: Action in process. FWS has begun to use a waterfowl production survey that will, when completed, cover the entire Prairie Pothole region of the United States. This is an alternative action that will respond to the recommendation.

Recommendation: To improve the effectiveness of SWAP, the Secretary of the Interior should direct the Director, FWS, to issue agencywide timeliness standards for: (1) performing on-the-ground inspections of suspected violations; (2) contacting landowners or tenants once violations have been confirmed; (3) completing restoration; and (4) following up to ensure that restoration is satisfactory. Exceptions to those standards should be documented and approved by the head of the responsible wetland management district office.

Status: Action in process. Specific guidance regarding easement monitoring and enforcement efforts will be included in annual Work Activity Guidance by late 1992, under the signature of the Director, FWS.

Recommendation: To improve the effectiveness of SWAP, the Secretary of the Interior should direct the Director, FWS, to issue guidance that specifies the circumstances under which easement violators should be issued violation notices and assessed fines.

Status: Action in process. Supplemental guidance emphasizing the importance of consistent and timely application of easement management guidelines will be issued by the Director, FWS, by late 1992.

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.

Status: Action in process. Several legislative proposals to amend the Section 404 Clean Water Act regulatory permit program are before Congress. The issue of wetlands protection continues to be extremely complex.

Open Recommendations to Agencies

Recommendation: In order to provide Congress and others with information on the effects of the Section 404 Program for restoring and maintaining integrity of the nation's waters and to provide for more consistent management of the

program, the Secretary of the Army should direct the Chief, Corps of Engineers, to develop a data reporting mechanism that will enable the Corps to provide baseline information on the extent to which the granting of Section 404 permits is protecting or resulting in the filling of wetlands and otherwise restoring and maintaining the integrity of the nation's waters.

Status: Action in process. The Corps of Engineers reconsidered its position and now has advised its district offices that baseline information on the program's impact will be required as part of the agency's quarterly reporting system.

Recommendation: In order to provide Congress and others with information on the effects of the Section 404 Program for restoring and maintaining the integrity of the nation's waters and to provide for more consistent management of the program, the Secretary of the Army should direct the Chief, Corps of Engineers, to work with the resource agencies to develop consistent definitions and procedures for implementing basic program requirements, such as considering practicable alternatives, assessing cumulative impacts, and making wetland delineations.

Status: Action in process. Although it was thought that the issue of wetlands delineations was settled at one time, the White House Domestic Policy Council has revisited the issue and, at the present time, the manner in which wetlands should be delineated is embroiled in controversy. The issues of practicable alternatives and cumulative

impacts are being addressed by the Corps of Engineers and EPA.

Recommendation: In order to provide for a more effective public interest review in which environmental and developmental concerns receive full consideration, as required by law, the

Secretary of the Army should direct the Chief, Corps of Engineers, to develop, with the participation of the resource agencies, a mutually acceptable and simplified process under which district engineer permitting decisions can be appealed.

Status: Action in process. The appeals process under the program has been revised between the Corps and two agencies—EPA and the Department of Commerce. The Corps and the Department of the Interior are still negotiating an agreement regarding the appeals process.

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. Proposed revisions encountered coordination problems with the update of the Manual's entire wilderness management section, but completion is due late in 1992.

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.

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 that 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 costs 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 in process. The Department of Agriculture plans to clarify its desired approach to monitoring through issuing a rule on forest planning. This rule has not been issued yet.

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.

Status: Action not yet initiated. 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. Estimated completion date: 03/93. FWS issued a memorandum on March 17, 1992, requiring its officers to report all known or suspected violations. In their 1992 annual reports, FWS regional law enforcement offices will include statistics on all reported violations, including those not investigated. FWS also redesigned its computer system, which will have the capability to interface with the FBI nationwide criminal reporting system.

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. Estimated completion date: 03/93. FWS issued guidance on March 17, 1992, requiring its law enforcement officers to collect such information. The redesigned FWS computer system, now scheduled for implementation in spring 1993, will provide the capability to track reported or suspected violations of wildlife crimes, regardless of whether an investigation was conducted.

Food and Agriculture

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Food and Agriculture

Issue Area Summary

Impact of GAO's Work

The food and agriculture industry is a major contributor to the nation's gross national product, employing 20 percent of the work force and generating 16 percent of the total output. The United States is the world's largest agricultural exporter, shipping almost \$40 billion in food and fiber each year. The federal policies and programs that define American agriculture involve a broad array of activities. Major programs include supporting farm income and commodity prices and trying to meet consumer food needs; developing trade opportunities with other countries; providing farm financing; and ensuring that the nation's food is safe and nutritious and of high quality. The federal focal point for U.S. agriculture and these programs is the U.S. Department of Agriculture (USDA).

The world market situation is changing and budgets are constrained. As a result, many of our reports have identified needs for program redirection, opportunities for programs to run more efficiently and effectively, and needs for improvements in USDA's operations to better respond to changing world conditions.

In 1992, issues that we raised were the subject of debate within the food and agriculture sector, government, and consumer circles. The Congress and the Secretary of Agriculture considered major reforms in the agriculture area. Progress is being made on some key issues. For example, our examination of information technology issues at several USDA agencies, including the Farmers Home Administration (FmHA) and the Agricultural Stabilization and Conservation Service (ASCS), stressed the need to effectively plan before spending scarce resources. As a result of our work at FmHA, the agency stopped all major automation program expenditures until a long-range business plan and supporting strategic information resources management plan are completed. Consequently, FmHA's fiscal years (FY) 1992 and 1993 automation budget requests were reduced by \$158 million. Also, because of our work at ASCS, the agency reduced its planned expenditures for computer equipment by \$43 million. In addition, Congress cut USDA's FY 1993 automation funding by \$5 million and directed that the farm service agencies delay their automation procurement plans until USDA's future structure was determined. The Congress should continue to delay funding until USDA completes its plans.

Key Open Recommendations

General Management Review of USDA Activities

In a series of management reviews of USDA, we made a number of recommendations specific to departmental structures and strategies that, if implemented with strong secretarial leadership and congressional support, would result in needed improvements. We recommended that farm agencies' field structure be given a major overhaul; management of cross-cutting agricultural issues be improved; management systems—financial, informational, and human resource—be strengthened; and USDA be revitalized to meet new challenges and increased responsibilities in nutrition, international trade, and resource conservation issues.

In April, June, and July 1992, the Senate and House Committees on Agriculture included our testimony on USDA management problems in several hearings on streamlining USDA and its field structure and related management and organizational improvements. Members of both committees introduced related bills aimed at streamlining USDA. In addition, USDA officials met with us to discuss ways to improve management systems. Subsequently, the Secretary established a joint USDA-Office of Management and Budget task force to examine options for streamlining USDA and other management improvement matters. The task force plans to issue its report in December 1992. It is anticipated that in 1993 the Congress will hold additional hearings.

In March 1992, the Secretary of Agriculture told us that he was committed to reforming USDA management and that senior officials were analyzing numerous suggestions and audits, including our reports, to determine the best ways to do this. But he said that these improvements could not be accomplished overnight. The Secretary also has directed the establishment of the Secretary's Management Agenda as an ongoing USDA-wide tracking system to monitor key management issues, goals, and objectives. This system will track all management improvements recommended by us and others. Over the next several years, we will continue to monitor USDA's progress in making these general management improvements. (GAO/RCED-91-49, see p. 419; GAO/RCED-91-41, see p. 415; and GAO/RCED-91-9, see p. 413.)

FmHA Role and Mission

As much as 60 percent of FmHA's \$24 billion in loans to the nation's farms is held by problem borrowers who may not meet some of their loan obligations. 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 and mission of providing agricultural credit. The Congress should consider some broad parameters for FmHA's operations, including the establishment of guidance concerning (1) the level of loan losses that it is willing to accept; (2) the length of time that an FmHA borrower can expect to receive assistance before being graduated from the program; and (3) the types of assistance, if any, that should be made available to unsuccessful borrowers who want to leave farming. (GAO/RCED-92-86, see p. 394.)

Changing Agricultural Markets and Mechanisms

In recent work, we have examined the following two questions: How can federal resources be better used to transition agriculture to a more market-oriented sector? How can the federal structure that administers agricultural programs be changed to better meet agricultural needs in the 21st century?

Regarding dairy programs, we believe that a more market-oriented approach would provide a more lasting solution to periodic dairy surpluses and would reduce federal expenditures. To accomplish this, the Congress could 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. 398.)

We have also examined the Packers and Stockyards Administration's (PSA) role in livestock market competitiveness. Because of increased concentration in the meat-packing industry, PSA's monitoring activities are more important to maintain integrity and clear-cut market signals. The Secretary of Agriculture should determine a feasible and practical approach for monitoring the activity in regional livestock markets by collecting and analyzing additional market data. To address this recommendation, PSA has commissioned a packer concentration study that will aid in defining regional procurement markets. Meanwhile, PSA is revising regulations and increasing its monitoring activities. (GAO/RCED-92-36, see p. 411.)

Limits on Deficiency Payments to Individuals

Although the Agriculture Reconciliation Act of 1987 limited the amount of deficiency payments that an individual could receive, the total reduction in payments was much less than estimated. The amendments allowed an individual to receive up to \$50,000 annually through his or her own farming operation and up to \$50,000 through ownership in two entities, for a total of \$100,000. If the Congress wants to further tighten payment limits as a means of reducing program costs, it may wish to have the \$50,000 payment limit apply to an individual for all payments, whether they are payments made directly or payments made through ownership in entities. (GAO/RCED-92-2, see p. 387.)

Revamping the Federal Food Safety Inspection System

Our comprehensive evaluation of the federal food safety inspection system found that it was inconsistent, inefficient, and ineffective. We concluded that a uniform, risk-based inspection system was needed to ensure a safe food supply. We recommended that the Congress hold oversight hearings to review the numerous laws and agencies involved and to evaluate options for revamping the federal food safety system, such as (1) creating a single food safety agency to administer a uniform set of food safety laws or (2) having a panel of experts develop a model inspection system based on public health risks and adequate enforcement powers. The model inspection system would facilitate broad-based agreement on preferred legislative and organizational changes needed to achieve a more rational and effective food safety system. (GAO/RCED-92-152, see p. 405.)

Our recent review of the Food and Drug Administration's (FDA) and states' controls over animal drug residues in milk demonstrated the need to move toward a more refined inspection program. States routinely test for only 4 drugs, while up to 82 drugs that may leave residues in milk may be in use. Lacking federal leadership, some states and parts of the dairy industry have taken actions on their own. While commendable, these efforts do not provide sufficient assurance that milk is free of excess residues. We recommended that FDA develop a comprehensive strategy to monitor residues in milk to optimize states' and industry's monitoring and integrate federal, state, and industry testing. (GAO/RCED-92-209, see. p. 401.)

Our review of the federal government's efforts to collect pesticide residue data for making critical pesticide regulatory decisions also demonstrated the need for a coordinated effort. We recommended (1) conducting an interagency evaluation of current data collection activities, (2) formalizing interagency agreements with FDA and the Environmental Protection Agency (EPA) on how the program can most efficiently provide statistically reliable data to support interagency pesticide responsibilities, and (3) constructing an information technology strategy and plan for the program. Since March 1992, USDA has been pursuing a memorandum of understanding with FDA and EPA on general program objectives, direction, and responsibilities. Also, a contract has been awarded to begin developing elements of an information management plan for the pesticide residue data. (GAO/IMTEC-92-11, see p. 408.)

Crop Price Forecasts

The report on the accuracy of independent price forecasts for crop insurance was issued in December 1991. We found that (1) corn, wheat, and soybean price forecasts had exhibited large bias errors that exceeded those of available alternative forecasts and (2) USDA would have spent about \$194 million less if it had used the forecasts made by the World Agricultural Outlook Board (WAOB) over crop years 1983 to 1989. We identified other forecasting and program cost issues that we believe affect the actuarial soundness of USDA's program. We recommended that USDA, to the extent possible, use available WAOB crop price forecasts since they had been shown to be more accurate than USDA's. We also recommended an assessment of the cost-effectiveness of conducting additional forecasts and determining actual crop prices on specialty crops for which such information was not then available. (GAO/PEMD-92-4, see p. 390.)

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ADP Systems: FDA Can Reduce Development Risks for Its Import Information System

IMTEC-88-42, 09/30/88 GAO Contact: Frank Reilly, (202)512-6408

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 became 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. At the request of Customs, the pilot project has been delayed until late 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.

Agriculture Payments: Effectiveness of Efforts to Reduce Farm Payments Has Been Limited

RCED-92-2, 12/05/91 GAO Contact: John W. Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed whether: (1) amendments to the Food Security Act of 1985 effectively prevented producers from avoiding the \$50,000 payment limit and reduced program payments; and (2) the Department of Agriculture's (USDA) computer systems effectively monitor and enforce payment limit requirements.

Findings

GAO found that the Food Security Act of 1985 limited deficiency payments, which are designed to protect agricultural producers when crop prices fall below an established target price, to \$50,000 per person. GAO also found that the 1987 amendments had a very limited effect in reducing payments, since: (1) the amendments allowed equitable reorganizations under which farmers could reorganize their farming

operations, within a specified time period, to avoid any reductions in their total payments; (2) USDA required that only 50 percent of a corporation's ownership provide significant contributions of personal labor or active personal management for the corporation to meet the requirement that it be actively engaged in farming; and (3) individuals could qualify for payments from up to three eligible entities. In addition, GAO found that: (1)

because the amendments' provisions worked against one another, the provisions only reduced 1989 program payments by \$3.4 million; (2) according to a USDA report, 12 of the 52 farming operations reviewed reorganized their business structures to avoid losses in payments; and (3) USDA computer systems effectively monitor and limit payments to producers.

Open Recommendations to Congress

Recommendation: If Congress wants to further tighten payment limits as a means of reducing program costs, it may wish to consider having the payment limit apply to individuals only, with payments limited to \$50,000 for individuals actively engaged in farming whether those payments: (1) are earned from their own operations; or (2) are

attributed to them as owners in one or more entities. A higher limit could be established for specific crops that would not be considered economically viable if held to the \$50,000 limit.

Status: Recommendation valid/action not intended. GAO sent a letter to USDA on August 21, 1992, that raised additional \$50,000 payment questions. No congressional action is anticipated at this time.

Commodity Programs: Should Farmers Grow Income-Supported Crops on Federal Land?

RCED-92-54, 01/15/92 GAO Contact: John W. Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed the Department of Agriculture's (USDA) income support program, focusing on: (1) the basis for the government's policy of allowing lessees to participate in the income support program; and (2) estimates of payments USDA made to lessees during crop years 1988 and 1989.

Findings

GAO found that: (1) the government allows federal lessees to grow crops eligible for support payments; (2) the government established the policy because the demand for U.S. crop exports was strong and it wanted to encourage increased production to meet demand; (3) the federal lessees policy conflicts with the objectives of the USDA

acreage reduction and environmental programs by making more farm land available for production; (4) in crop years 1988 and 1989, the government paid \$3.2 million in supplemental income to federal lessees for crops that were not needed, and \$350,000 to federal lessees who agreed to produce income-supported crops; (5) the government is paying more than necessary, because the government owns the land and can prohibit production by modifying its current policy instead of using financial incentives; and (6) in 1982, USDA determined that production from federal lands was no longer needed, but continued the federal lessees policy because the small amount of production from those lands would not affect national supplies, and with the agricultural industry in a downturn,

rural communities depended on those farmers' income.

Open Recommendations to Agencies

Recommendation: The Director, Office of Management and Budget (OMB), should modify the government's federal lessees policy: (1) to prohibit lessees from growing income-supported crops whenever a prohibition is consistent with national agricultural production and environmental goals; and (2) prohibit federal lessees from receiving the 92-percent payment for not growing crops on federal land. In implementing those policy changes, the Director should determine if a transition period is needed for federal lessees to adjust to the changes.

Status: Action not yet initiated.

Crop Insurance: FCIC Should Strengthen Actual Production History Program Controls

RCED-89-19, 12/15/88 GAO Contact: John W. 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) found in a 1987 review of companies that 37 percent of policies had inaccurate production guarantees, primarily due to overstated or understated production histories; (2) 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; (3) primarily relied on insurance companies to verify farmers' certifications of production history; (4) required insurance companies to sample policies and determine production guarantee accuracy, but did not require the companies to report the results of those checks; (5) required verification of guarantee accuracy only if the

guarantee appeared to be unreasonable, and lacked criteria for establishing guarantee reasonableness; and (6) 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. The FCIC task force gave recommendations to the Manager, FCIC, in August 1992. Implementation was planned for June 1992, but has been delayed to the end of 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. The FCIC task force gave the recommendations to the Manager, FCIC, in August 1992. Implementation was planned for June 1992, but has been delayed to the end of the year.

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 in process. FCIC plans to: (1) continue developing a prototype crop program development cycle system; (2) contract a review of its actuarial methods; (3) establish/revise rate and yield guidelines; and (4) implement a document flow and quality control system.

Recommendation: The Administrator, FCIC, should establish a specific implementation schedule.

Status: Action in process. Planning efforts should be completed in 1992.

Crop Insurance: Inaccurate FCIC Price Forecasts Increase Program Costs

PEMD-92-4, 12/13/91 GAO Contact: Kwai-Cheung Chan, (202)275-3092

Background

Pursuant to a congressional request, GAO examined the accuracy of the

Federal Crop Insurance Corporation's (FCIC) independent price surveys, focusing on how: (1) inaccuracies in the forecast affect FCIC program costs; and

(2) FCIC can improve its forecast accuracy.

Findings

GAO found that: (1) bias errors showed that FCIC forecasts for corn and wheat overestimated actual prices by an average of 10 percent and 6 percent, respectively, and underestimated actual prices for soybeans by about 2 percent; (2) during crop years 1983 through 1989, FCIC final price forecasts for wheat and corn were less accurate than alternative benchmarks with respect to bias error measures; (3) if FCIC had used the World Agricultural Outlook Board's (WAOB) forecasts for crop years during fiscal year (FY) 1983 to FY 1989, it could have saved \$194 million in program costs, since WAOB forecasts were more accurate than the FCIC forecast; (4) FCIC could have incurred \$54 million in additional costs if it had used its future market forecasts for crop years FY 1983 to FY 1989; (5) if FCIC had used the forecast recommended by the Actuarial and Underwriting Service for crop years during FY 1983 to FY 1989, it could have saved \$167 million in program costs; (6) FCIC forecasting lacks an effective management process to identify sources of forecasting error, maintain data records, and document and validate forecasting methods; and (7) FCIC could save up to 5 percent of its program costs if FCIC deducted the harvest costs lost by farmers.

Open Recommendations to Agencies

Recommendation: The Manager, FCIC, should, to the extent possible, use

available WAOB crop price forecasts because they have been shown to be more accurate.

Status: Action in process. FCIC is studying ways to use available WAOB price forecasts on insurable commodities.

Recommendation: The Manager, FCIC, should determine the feasibility of using or making forecasts prepared later in the year, closer to the insurance closing date.

Status: Action in process. FCIC has begun to study the feasibility of using forecasts prepared at a date closer to the insurance sales ending date.

Recommendation: The Manager, FCIC, should use price differentials for any crop where available.

Status: Action in process. FCIC is examining the accuracy of the Agricultural Stabilization and Conservation Service price differentials and the administrative/cost implications that would be associated with using them.

Recommendation: The Manager, FCIC, should implement a stronger forecast management process.

Status: Action in process. FCIC will assess the feasibility of creating additional crop yield and price estimates.

Recommendation: The Manager, FCIC, should develop a more effective method for deducting harvest costs for participants who have total losses yet do not have to harvest a crop.

Status: Action in process. FCIC will study the feasibility of modifying current procedures to address the value of the crop at the point of sale versus at the point where the crop is in the field.

Recommendation: The Secretary of Agriculture should direct the Assistant Secretary for Economics to assess the cost-effectiveness of conducting additional forecasts and determining actual crop prices on specialty crops for which such information is currently not available.

Status: Action in process. USDA is conducting a review and a preliminary report should be available in late 1992.

Recommendation: WAOB should make the forecasts, and the National Agricultural Statistics Service should prepare actual seasonal average prices for crops that FCIC insures.

Addressee: Department of Agriculture: National Agricultural Statistics Service
Status: Action in process. An assessment is being conducted.

Addressee: Department of Agriculture: World Agricultural Outlook Board
Status: Action not yet initiated. WAOB claims it is not currently set up to establish price elections for many non-program crops covered by FCIC. WAOB has begun discussions with FCIC regarding greater participation by WAOB in making forecasts.

Dairy Cooperatives: Role and Effects of the Capper-Volstead Antitrust Exemption

RCED-90-186, 09/04/90 GAO Contact: John W. 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.

Status: Action not yet initiated. 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 cannot be considered complete until USDA has accomplished these reviews and GAO has had a chance to review them.

Data Collection: Opportunities to Improve USDA's Farm Costs and Returns Survey

RCED-92-175, 07/30/92 GAO Contact: John W. Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed the Department of Agriculture's (USDA) Farm Costs and

Returns Survey (FCRS), focusing on: (1) FCRS scope and design, as they affect the quality and reliability of the data generated; (2) USDA procedures for

granting access to unpublished data; and (3) USDA communication with users of FCRS data.

Findings

GAO found that: (1) USDA methods for conducting FCRS may limit the quality and reliability of data for estimating farmers' expenditures and incomes; (2) the budget for producing and administering FCRS in fiscal year 1991 was \$6.24 million; (3) FCRS response rates are overstated by 6 percent because USDA includes individuals who do not qualify as farmers; (4) failure to determine whether nonrespondents differ from respondents possibly generates biased results; (5) the policy of inputting answers to unanswered questions may lead to inaccurate data; (6) the USDA definition of farms results in an inefficient use of resources; (7) the USDA policy on access to unpublished data causes confusion among data users; and (8) USDA communication with land grant university researchers and other users needs improvement.

Open Recommendations to Agencies

Recommendation: So USDA can improve the overall quality and reliability of FCRS and the estimates it generates, the Secretary of Agriculture should adopt a method of calculating response rates that excludes those individuals who do not qualify as farm operators.

Status: Action not yet initiated.

Recommendation: So USDA can improve the overall quality and reliability of FCRS and the estimates it

generates, the Secretary of Agriculture should minimize potential bias in the estimates by determining if nonrespondents to FCRS are significantly different from respondents.

Status: Action not yet initiated.

Recommendation: So USDA can improve the overall quality and reliability of FCRS and the estimates it generates, the Secretary of Agriculture should evaluate the level of data editing/imputation that occurs in the survey.

Status: Action not yet initiated.

Recommendation: So USDA can improve the overall quality and reliability of FCRS and the estimates it generates, the Secretary of Agriculture should change the definition of a farm to eliminate from FCRS those small farms that have little impact on the overall financial conditions of U.S. farms or develop less costly methods for obtaining data on small farms less frequently, such as using a shortened mailed version of FCRS or a telephone survey once every 5 years.

Status: Action not yet initiated.

Recommendation: To better inform all users of FCRS about the data's integrity, the Secretary of Agriculture should, after taking the steps GAO recommended for improvements, publish information on the methodology USDA used to calculate response rates, the level of data editing/imputation that exists, and the similarity between respondents and nonrespondents,

together with information on any bias in FCRS estimates.

Status: Action not yet initiated.

Recommendation: To close the communication gap that currently exists between USDA and non-USDA users of FCRS data, the Secretary of Agriculture should establish with data users additional lines of communication devoted specifically to discussing concerns about FCRS.

Status: Action not yet initiated.

Recommendation: To reduce the concerns that currently exist regarding the granting of and limitations on access to unpublished FCRS data, the Secretary of Agriculture should establish written criteria that clearly state how decisions for granting or denying access to data on specific commodities are made.

Status: Action not yet initiated.

Recommendation: To reduce the concerns that currently exist regarding the granting of and limitations on access to unpublished FCRS data, the Secretary of Agriculture should work with non-USDA researchers to lessen the burden of using the data. In doing so, the Secretary may wish to conduct a pilot program that provides access to unpublished FCRS data at a location outside Washington, D.C., while still maintaining the same rules regarding confidentiality that apply to accessing FCRS data at Economic Research Service headquarters.

Status: Action not yet initiated.

Farmers Home Administration: Billions of Dollars in Farm Loans Are at Risk

RCED-92-86, 04/03/92 GAO Contact: John W. Harman, (202)275-5138

Background

GAO reviewed the Farmers Home Administration's (FmHA): (1) direct and guaranteed loan programs; and (2) management of farm properties obtained as a result of federal loan defaults.

Findings

GAO found that: (1) almost \$14 billion, or about 70 percent of the FmHA direct loan portfolio, is at risk, since the loans are held by delinquent borrowers or by borrowers whose debts had been rescheduled because of repayment difficulties; (2) FmHA estimates potential losses of \$1.2 billion, or about 28 percent of its guaranteed loan program, but plans to revise its loss-projection formula; (3) in the direct loan program, field lending officials did not comply with FmHA loan-making and loan-servicing standards established to safeguard federal financial interests; (4) FmHA loan-making and servicing policies, some congressionally directed, increase the government's risk of losses; (5) in the guaranteed loan program, FmHA lending officials approved guarantees without obtaining proof of borrowers' creditworthiness and inadequately monitored commercial lenders' loan-servicing; (6) FmHA policies permitting commercial lenders to refinance existing farm debt and obtain maximum-rate guarantees for most loans, regardless of risk, encouraged lenders to shift their high-risk farm debt to the government; (7) FmHA estimated that, as of September 30, 1991, it had acquired about 3,100 farms from borrowers who had not

repaid their loans; (8) FmHA did not ensure proper maintenance of the properties in its inventory; (9) legislative mandates regulating property sales limit FmHA returns on the properties and increased holding costs; and (10) management weaknesses contributing to the longstanding loan management problems include poor management information systems and weak financial controls.

Open Recommendations to Congress

Recommendation: To strengthen FmHA direct loan-making policies, Congress should amend the Consolidated Farm and Rural Development Act to: (1) prohibit direct loans to previously delinquent borrowers whose direct loans were bought out with debt write-off or restructured with debt write-down; and (2) eliminate direct loans under the continuation policy to currently delinquent borrowers.
Status: Action not yet initiated.

Recommendation: To strengthen FmHA direct loan-servicing policies and to limit the amount of debt that can be accumulated through rescheduling and reamortizing loans, Congress should amend the Consolidated Farm and Rural Development Act to: (1) limit a borrower whose debt is 180 days or more overdue to one restructuring action; and (2) require that a borrower repay the interest portion of the loan payment as a condition of rescheduling or reamortizing loans that are less than 180 days delinquent.

Status: Action not yet initiated.

Recommendation: To protect the government from excessive losses on FmHA guaranteed loans, Congress should amend the Consolidated Farm and Rural Development Act to require FmHA to establish and implement a range of guarantees that places the highest percentage guarantee on the least risky loan and a lower percentage guarantee on the most risky loan. At a minimum, this could include limiting the guarantee percentage on certain loans: (1) used for refinancing existing debt; or (2) made to a commercial lender's existing borrowers.
Status: Action not yet initiated.

Recommendation: To strengthen FmHA loan-making standards, Congress should amend the Consolidated Farm and Rural Development Act to prohibit loan guarantees for borrowers: (1) whose defaulting on previous guaranteed loans resulted in FmHA paying commercial lenders' loan loss claims; or (2) whose direct loans were bought out with debt write-off or restructured with debt write-down.
Status: Action not yet initiated.

Recommendation: To improve the quality of FmHA properties that are used for program purposes, Congress should amend the Consolidated Farm and Rural Development Act to change the definition of suitable property to reflect only properties that FmHA considers to be viable, independent farming units for the locale.
Status: Action not yet initiated.

Recommendation: To increase FmHA returns from sales of suitable farm inventory properties and reduce the amount of time that properties remain in inventory, Congress should amend the Consolidated Farm and Rural Development Act to require that FmHA use competitive methods in selling such properties to targeted purchasers.
Status: Action not yet initiated.

Recommendation: In clarifying the FmHA role, Congress should establish some broad parameters for FmHA operations that earlier recommendations have not addressed. In establishing these parameters, Congress should specify acceptable ranges of losses for FmHA direct and guaranteed loan programs.
Status: Action not yet initiated.

Recommendation: In clarifying the FmHA role, Congress should establish some broad parameters for FmHA operations that earlier recommendations have not addressed. In establishing these parameters, Congress should specify limits for the length of time that borrowers may receive FmHA financial assistance.
Status: Action not yet initiated.

Recommendation: In clarifying the FmHA role, Congress should establish some broad parameters for FmHA operations that earlier recommendations have not addressed. In establishing these parameters, Congress should specify the type and extent of assistance, if any, that should be made available to help unsuccessful borrowers obtain other employment.
Status: Action not yet initiated.

Recommendation: In clarifying the FmHA role, Congress should establish some broad parameters for FmHA operations that earlier recommendations have not addressed. In establishing these parameters, Congress should specify the extent that loan funds can be used by

customers already holding loans made or guaranteed by FmHA and by new customers, such as beginning farmers.
Status: Action not yet initiated.

Recommendation: In clarifying the FmHA role, Congress should establish some broad parameters for FmHA operations that earlier recommendations have not addressed. In establishing these parameters, Congress should specify the extent that loan funds can be used to refinance existing debts and for new credit purchases.
Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To increase compliance with existing standards for making and servicing direct loans, the Secretary of Agriculture should direct the Administrator, FmHA, to develop and implement a system that will ensure that lending officials adhere to FmHA loan-making and loan-servicing standards.
Status: Action not yet initiated.

Recommendation: The Secretary of Agriculture should direct the Administrator, FmHA, to require that all direct loan applications or, if resources do not permit, a randomly selected sample of such applications be reviewed by state offices before they are finally approved.
Status: Action in process. Some state FmHA offices are reviewing loan applications but FmHA has yet to make this practice common to all states.

Recommendation: To strengthen FmHA lending policies, the Secretary of Agriculture should direct the Administrator, FmHA, to develop more comprehensive loan-making criteria for direct loans that go beyond the current emphasis on cash flow and that assess an applicant's financial solvency,

profitability, liquidity, and repayment ability before a new loan is made.
Status: Action in process. FmHA is now requiring a more comprehensive analysis of an applicant's farming business.

Recommendation: To strengthen FmHA direct loan-servicing policies, the Secretary of Agriculture should direct the Administrator, FmHA, to develop a method for calculating the average holding period that reflects normal property market conditions in servicing delinquent borrowers' debts.
Status: Action not yet initiated.

Recommendation: To strengthen FmHA direct loan-servicing policies, the Secretary of Agriculture should direct the Administrator, FmHA, to require security for serviced loans that at least equals the loan's outstanding principal or that provides the best security interest available on all of the borrower's assets.
Status: Action in process. FmHA is developing regulations to improve its collateral position.

Recommendation: To increase compliance with existing standards for making and servicing guaranteed loans, the Secretary of Agriculture should direct the Administrator, FmHA, to develop and implement a system that will ensure that lending officials adhere to FmHA loan-making and loan-servicing standards.
Status: Action not yet initiated.

Recommendation: The Secretary of Agriculture should direct the Administrator, FmHA, to require that all guaranteed loan applications or, if resources do not permit, a randomly selected sample of such applications be reviewed by state offices before loan guarantees are finally approved.
Status: Action in process. Some states are reviewing applications but not all.

Recommendation: To strengthen FmHA lending policies, the Secretary of Agriculture should direct the Administrator, FmHA, to develop more comprehensive loan-making criteria for guaranteed loans that assess an applicant's financial solvency, profitability, liquidity, repayment ability, and repayment history before a loan guarantee is approved.

Status: Action in process. An FmHA task force is currently reviewing internal controls for guaranteed loans.

Recommendation: To improve management control over FmHA farm inventory properties, the Secretary of Agriculture should direct the Administrator, FmHA, to centralize property management functions at the FmHA state office level.

Status: Action in process. FmHA is experimenting with centralized property management functions.

Recommendation: To provide accurate information for property management, the Secretary of Agriculture should

direct the Administrator, FmHA, to place high priority on completing Acquired Property Tracking System corrections and conducting full testing to ensure that these efforts have been successful.

Status: Action in process. FmHA is revising its Acquired Property Tracking System in hope of correcting long-standing problems.

Farmers Home Administration: Changes Needed in Loan Servicing Under the Agricultural Credit Act

RCED-90-169, 08/02/90 GAO Contact: John W. 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: 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: 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.

FDA Regulations: Sustained Management Attention Needed to Improve Timely Issuance

HRD-92-35, 02/21/92 GAO Contact: Mark V. Nadel, (202)512-7119

Background

Pursuant to a congressional request, GAO reviewed problems that the Food and Drug Administration (FDA) needs to address in its efforts to improve its rulemaking process, focusing on: (1) the number of FDA regulations that are either under development and review or in pending status awaiting further FDA action because the regulations have been published in the Federal Register as proposed rules, but not issued in final form; (2) the general causes for delays in issuing regulations; (3) FDA plans to issue regulations in a more timely manner; and (4) areas for improvement in the FDA system for managing its regulation work load.

Findings

GAO found that: (1) as of April 1991, FDA had 388 regulations that it had begun to develop, but had not completed or published in the Federal Register as final regulations; (2) of the 388 regulations, 87 regulations were under development and review at the 5 FDA centers, and 301 regulations were published as proposed rules to obtain

public comment; (3) 271 of the 301 proposed regulations had been pending for more than 5 years; (4) the processing time for high-priority regulations is long, because such regulations require approval from both the Department of Health and Human Services (HHS) and the Office of Management and Budget (OMB); (5) factors that delay the issuance of regulations include the emergence of significant problems during the development process that require reevaluation of previous agreements on regulation content, required FDA, HHS, and OMB reviews, lack of resources, and the need to coordinate with other agencies; (6) high-level management involvement helps to ensure that regulations are issued relatively quickly; (7) FDA lacks an effective, agencywide comprehensive automated tracking system for regulations management; (8) in August 1991, FDA announced an initiative to focus management attention on the rulemaking process, streamline the process to the extent possible, and develop information systems to effectively manage the process; and (9) FDA also established a Regulations

Council to oversee, direct, and manage the agency rulemaking process.

Open Recommendations to Agencies

Recommendation: To improve internal management oversight of the FDA regulation process, the Commissioner, FDA, should develop a single automated regulation tracking system that: (1) monitors the progress being made on all regulations under development within the five FDA centers; (2) generates recurring reports to top agency officials and center directors; and (3) serves as the primary basis for identifying delays in issuing regulations and initiating appropriate actions, when necessary, to overcome internal delays in the development of individual regulations. **Status:** Action in process. FDA has begun analyzing requirements for an agencywide regulations tracking system. The agency expects to have its analysis completed by late 1992. Based on this analysis, FDA plans to design and implement as quickly as possible a tracking system that best meets the agency's needs.

Federal Dairy Programs: Insights Into Their Past Provide Perspectives on Their Future

RCED-90-88, 02/28/90 GAO Contact: John W. 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 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 remaining three recommendations.

Recommendation: Congress should gradually decrease the federal role in

Food Assistance: USDA's Implementation of Legislated Commodity Distribution Reforms

RCED-90-12, 12/05/89 GAO Contact: John W. 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. USDA has developed the final rules for this recommendation, and has submitted them to the Office of Management and Budget for approval. However, due to the governmentwide moratorium on new regulations, the approval and final issuance of the rules have been delayed.

Food Safety and Quality: FDA Can Improve Monitoring of Imported Cheese

RCED-92-210, 07/06/92 GAO Contact: John W. Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed: (1) the health risks presented by imported cheeses; (2) the Food and Drug Administration's (FDA) efforts to regulate the safety of domestic and imported cheeses; and (3) concerns about the FDA import program.

Findings

GAO found that: (1) FDA generally categorizes cheeses, especially soft and semi-soft styles, as high-risk food because they are susceptible to contamination by potentially fatal bacteria; (2) about 35 percent of all cheeses imported to the United States are soft or semi-soft types, which are highly susceptible to microbial contamination because of their high moisture content; (3) products from some

exporting countries have had a higher incidence of bacteriological contamination than other countries and have been refused entry more frequently because those countries did not have food safety standards similar to those in the United States; (4) FDA has worked with exporting countries, such as France and Italy, whose cheese products have had higher violation rates, to develop certification programs for testing cheese exported to the United States; (5) under the French certification program, the government inspects cheese manufacturing facilities exporting to the United States and certifies that the facilities are listeria-free; (6) the effectiveness of the French certification program is unknown because FDA has not formally monitored the program and does not maintain sufficient data on cheese imported under the program; and (7) there are a number of problems with

the FDA inspection procedures for imported foods, such as low sampling rates, which do not provide adequate inspection coverage, making comprehensive monitoring of certification programs even more critical.

Open Recommendations to Agencies

Recommendation: Because of the lack of information on the effectiveness of the FDA certification program with France, the Secretary of Health and Human Services should direct the Commissioner, FDA, to develop a formal program to monitor the French certification agreement for imported soft cheese, as well as other certification programs, as appropriate. **Status:** Action not yet initiated.

Food Safety and Quality: FDA Needs Stronger Controls Over the Approval Process for New Animal Drugs

RCED-92-63, 01/17/92 GAO Contact: Flora H. Milans, (202)254-6100

Background

Pursuant to a congressional request, GAO reviewed the Food and Drug Administration's (FDA) efforts to ensure the accuracy and integrity of new animal drug data that animal drug manufacturers provide as part of the approval process for new animal drugs.

Findings

GAO found that: (1) FDA cannot ensure that animal drug manufacturers provide accurate data, because its data reviewers lack adequate training on the new review process and because its Bioresearch Monitoring Program (BMP), which it uses to detect fraudulent data, lacks adequate regulations, does not provide for timely or sufficient inspections, and has an inadequate management information system; (2) although FDA established BMP to inspect at least one study for each new animal drug approval, between fiscal years 1985 and 1990, FDA did not conduct any inspections to verify the accuracy and integrity of data supporting 54 percent of new approved drugs for food-producing animals; (3) although FDA can improve the BMP program, it may be unable to conduct a sufficient number of inspections due to competing priorities for inspection resources; (4) FDA inability to approve new animal drugs for food-producing animals on the basis of valid, accurate data, as required by the Federal Managers' Financial Integrity Act (FMFIA), constitutes a material internal control weakness and hinders FDA ability to fulfill its mission to protect the

health and safety of animals and people; and (5) the Department of Health and Human Services also has not complied with FMFIA because it has not fully assessed FDA internal controls for approving new animal drugs, and, as a result, has failed to identify or report any material weaknesses in this program.

Open Recommendations to Congress

Recommendation: Congress should consider the larger policy issue of whether the existing approval process for new animal drugs should be supported by user fees, regardless of the need to expand the number of bioresearch monitoring inspections. Furthermore, if Congress authorizes user fees for approving new animal drugs, it should consider earmarking those funds for FDA to conduct this program.
Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To improve FDA controls over the accuracy and integrity of new animal drug data, the Commissioner, FDA, should direct the Director, Center for Veterinary Medicine (CVM), to propose regulations detailing the responsibilities of sponsor/monitor and clinical investigators.
Status: Action in process. Proposed regulations are under development and, for the interim, draft guidelines have been prepared.

Recommendation: To improve FDA controls over the accuracy and integrity of new animal drug data, the Commissioner, FDA, should direct the Director, CVM, to establish criteria for the number of pivotal studies that should be inspected as part of the new animal drug approval process.
Status: Action not yet initiated.

Recommendation: To improve FDA controls over the accuracy and integrity of new animal drug data, the Commissioner, FDA, should direct the Director, CVM, to require drug sponsors to provide adequate advance notification before shipping drugs for clinical trials in order to allow FDA to conduct inspections while trials are ongoing.
Status: Action not yet initiated.

Recommendation: To improve FDA controls over the accuracy and integrity of new animal drug data, the Commissioner, FDA, should direct the Director, CVM, to improve the CVM management information system by developing: (1) a system that can track all inspections and sponsor-submitted studies performed throughout the drug approval process; and (2) system standards, procedures, and documentation, for ensuring uniform, accurate, and complete data in the bioresearch monitoring data base.
Status: Action in process. Estimated completion date: 03/93. The agency is developing a data base.

Recommendation: If, after taking actions to improve controls over new animal drug data, FDA can document

that it needs additional resources to expand its inspection activities for approving new animal drugs, the Secretary of Health and Human Services should consider asking Congress for additional funding or specific authority to charge user fees earmarked to pay for the expenses of approving new animal drugs, including the costs of conducting bioresearch monitoring inspections.

Status: Action in process. The agency is working with members of Congress to develop a fee structure for drug approvals.

Recommendation: The Secretary of Health and Human Services should include the FDA lack of sufficient controls to ensure the accuracy and integrity of sponsor-submitted animal

drug data as a material weakness in his next internal report to the President, as required by the Federal Managers' Financial Integrity Act.

Status: Action in process. An evaluation of the approval process is under way and any material weaknesses will be reported as required.

Food Safety and Quality: FDA Strategy Needed to Address Animal Drug Residues in Milk

RCED-92-209, 08/05/92 GAO Contact: John W. Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed: (1) states' and the Food and Drug Administration's (FDA) control of animal drug residues in milk; and (2) the FDA extra-label drug use policy.

Findings

GAO found that: (1) FDA is responsible for approving new animal drugs, monitoring the distribution of drugs, and determining the safety of food products from treated animals; (2) by law, use of an animal drug in a manner inconsistent with its approved labelling is illegal; (3) under the FDA extra-label use policy, only veterinarians are allowed to use drugs in an unapproved manner, and only in emergencies; (4) states do most required monitoring, enforcement, and other regulation, while FDA ensures that states comply with all rules and regulations; (5) although reliable data are unavailable, approved and unapproved use of drugs on dairy cows is thought to be widespread; (6) states routinely test for only 4 of 82 drugs that could leave residues; and (7) states and the dairy industry were to expand their

testing for drug residues, but FDA did not meet deadlines for recommending additional tests, and additional screening methods will not be available before 1993. GAO also found that: (1) limited enforcement of the extra-label use policy undermines FDA control of animal drugs; (2) veterinarians must rely on available information and their best judgment and experience in extra-label use cases, but may lack adequate information; (3) FDA cannot ensure that extra-label use conditions are followed by veterinarians because it does not routinely monitor compliance or have the ability to detect all residues; (4) drug manufacturers may have little incentive to obtain approval for new drugs and uses due to veterinarians' indiscriminate use and FDA inability to enforce its policies; and (5) proposed legislation to legalize extra-label use may provide a further disincentive to manufacturers.

Open Recommendations to Agencies

Recommendation: To better ensure the safety of the nation's milk supply, the Commissioner, FDA, should develop a

comprehensive strategy to monitor milk for animal drugs that optimizes state and industry monitoring under the Milk Ordinance, outlines FDA offices' roles and responsibilities, and integrates the various efforts to improve milk monitoring. The strategy should, at a minimum, include: (1) developing an action plan to implement the 1991 revisions to the Milk Ordinance, focusing on those drugs that pose the greatest threat to the safety of the nation's milk supply; (2) resolving which types of test methods and what level of precision are necessary for the states and industry to use under the Milk Ordinance; (3) conducting a cost-benefit analysis of FDA updating older regulatory methods rather than trying to compel drug manufacturers to update their older methods; and (4) reexamining the objectives and mission of the FDA monitoring program to determine its relationship to state and industry testing under the Milk Ordinance and the costs and benefits of this program versus increased funding for other efforts needed to implement the revisions to the Milk Ordinance.

Status: Action not yet initiated.

Recommendation: Because insufficient data are available to fully address some of the difficult public policy and animal welfare issues related to extra-label use of approved drugs on food-producing animals, the Commissioner, FDA, should request that the new National Academy of Sciences' panel on animal health and veterinary medicine give priority to evaluating the need for extra-label uses and whether veterinarians have sufficient information to make informed decisions on the efficacy and safety of extra-label uses. The Academy could also explore alternatives for FDA to take enforcement actions when drugs are used in an illegal manner on food-producing animals.

Status: Action not yet initiated.

Recommendation: The Commissioner, FDA, should revise the extra-label use policy to further restrict its use, such as to specifically preclude the use of drugs not approved for use in at least one food-producing animal species.

Status: Action not yet initiated.

Recommendation: The Commissioner, FDA, should obtain data on veterinarians' extra-label use and prescriptions of drugs to determine: (1) whether, and to what degree, the conditions of the policy are followed; and (2) whether to withdraw approval of a drug because its labelled directions are

not being followed in practice—that is, the drug is used extensively in an extra-label manner. FDA could consider several of the options discussed in this report for collecting the data.

Status: Action not yet initiated.

Recommendation: The Commissioner, FDA, should consider options, such as professional labelling, to develop an expedited approval process that would encourage animal drug manufacturers to seek approval of new dosage claims and proper withdrawal periods.

Status: Action not yet initiated.

Food Safety and Quality: Limitations of FDA's Bottled Water Survey and Options for Better Oversight

RCED-92-87, 02/10/92 GAO Contact: John W. Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed the adequacy of the Food and Drug Administration's (FDA) 1990 Bottled Water Survey, focusing on whether the FDA: (1) survey results were representative of the nation's bottled water supply; (2) tests covered all regulated contaminants; and (3) testing for unregulated contaminants was warranted.

Findings

GAO found that: (1) FDA did not base the 1990 bottled water survey on a probability sample or use any formal design that considered or estimated the cost of such a survey; (2) the survey did not provide an adequate basis for the FDA statement that bottled water was safe, since FDA only inspected 49

domestic bottled water plants and tested 112 domestic and imported water samples; (3) to control costs, FDA instructed its districts to test the selected samples for only 9 of 31 regulated contaminants; (4) FDA also tested for 11 unregulated contaminants to determine the level of bacteria present and to detect and quantify the level of volatile organic chemicals; and (5) the decision to test for unregulated contaminants was warranted because FDA was considering new standards for those contaminants, which included benzene, which received much media attention, and the cost of performing those tests was only about 4 percent of the total survey cost of \$850,000.

Open Recommendations to Agencies

Recommendation: The Secretary of Health and Human Services should improve FDA oversight of bottled water by reconsidering his decision regarding the prior GAO recommendations that relate to the use of certified laboratories and the retention of test records for a longer period of time.

Status: Recommendation valid/action not intended. FDA believes requiring laboratory certification would be costly and not worth the benefits. GAO believes certification is needed for improved oversight and need not be costly. The recommendation should remain open until Congress considers bottled water legislation.

Recommendation: The Commissioner, FDA, should develop a program, in cooperation with the international Bottled Water Association (BWA) and the National Sanitation Foundation

(NSF), to test the feasibility of using third-party inspection results. **Status:** Action taken not fully responsive. FDA supports more sharing of information among FDA, BWA, and NSF but has not concurred with

establishing a program to pilot test using third-party inspection results. The recommendation should remain open until Congress considers bottled water legislation.

Food Safety and Quality: Salmonella Control Efforts Show Need for More Coordination

RCED-92-69, 04/21/92 GAO Contact: John W. Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed the health threat posed by eggs contaminated with salmonella enteritidis bacteria, focusing on: (1) how the Department of Agriculture (USDA) and the Food and Drug Administration (FDA) coordinated efforts to address the salmonella problem; and (2) what additional actions are needed to control salmonella.

Findings

GAO found that: (1) USDA and FDA efforts to control salmonella outbreaks were initially stymied by questions of jurisdiction, a lack of scientific data about the nature of the problem, FDA resource considerations, and disagreement and coordination problems between the two agencies about what actions to take; (2) the coordination and cooperation difficulties were due to the present regulatory structure of split and concurrent jurisdictions; (3) USDA and FDA are working to restore working relationships for salmonella control, but the federal government has not agreed on a unified approach to address the problem; (4) the difficulties FDA and USDA had working together are not unusual among federal agencies responsible for food safety regulation;

and (5) egg safety cannot be ensured without additional controls beyond the current USDA program to test chicken flocks.

Open Recommendations to Congress

Recommendation: To better ensure effective interagency coordination and cooperation in cases where food safety issues and emergencies require joint agency action to address, Congress may wish to consider legislation establishing the structure for an interagency food safety task force that could be activated to address specific food safety issues and emergencies and that would be staffed and financed by federal agencies and organizations appropriate to the given situation being addressed. Such a structure could include the position of chairperson, empowered with the authority to direct resources and ensure action by interagency members. **Status:** Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To better ensure that the public health threat presented by salmonella-contaminated eggs is minimized throughout production,

distribution, and consumption, the Secretary of Agriculture and the Commissioner, FDA, should require the USDA/FDA Salmonella enteritidis (S.e.) Work Group to develop a comprehensive salmonella control program for eggs that employs Hazard Analysis Critical Control Point (HACCP) principles to identify and encompass all possible areas of bacterial contamination, and that implements methods to ensure control. **Addressee:** Food and Drug Administration **Status:** Action in process. A memorandum of understanding (MOU) was signed to guide USDA/FDA efforts to reduce incidence of S.e./egg-related food poisoning. The HACCP approach regarding eggs is being researched. **Addressee:** Department of Agriculture **Status:** Action not yet initiated.

Recommendation: To better protect more salmonella-susceptible sectors of the population, such as the ill, the elderly, infants, and pregnant women, the Secretary of Agriculture and the Commissioner, FDA, should work with other federal agencies, including the Office of Management and Budget and state governments, to encourage the use of pasteurized eggs, to the extent possible, in food assistance programs and in institutions such as hospitals and

elderly care facilities where the more salmonella-susceptible population sectors are served and to encourage the use of pasteurized eggs by restaurants and the food service industry.

Addressee: Food and Drug Administration

Status: Action in process. FDA has a number of ongoing efforts to encourage the use of pasteurized eggs by the food service industry, restaurants, and other institutions.

Addressee: Department of Agriculture

Status: Action not yet initiated.

Recommendation: To better protect more salmonella-susceptible sectors of the population, such as the ill, the elderly, infants, and pregnant women,

the Commissioner, FDA, should direct that the FDA Food Service, Sanitation and Retail Store Ordinances' model code, which is provided to the states as a guide for public health agencies in regulating the food service industry, be amended to recommend the use of pasteurized eggs by the food service industry.

Status: Action in process. Model codes were revised to recommend substitution of pasteurized eggs in lieu of shell eggs by the food service industry.

Recommendation: To better protect more salmonella-susceptible sectors of the population, such as the ill, the elderly, infants, and pregnant women, USDA and FDA, at a minimum, should

encourage the refrigeration of fresh eggs and where possible the substitution of pasteurized egg products in recipes at all federally operated hospitals, institutions such as prisons, restaurants, and in federal food assistance programs.

Addressee: Food and Drug Administration

Status: Action in process. FDA is encouraging egg refrigeration and substitution of pasteurized egg products at federal facilities and institutions, and nursing homes. Health care professionals, in general, also are encouraged to adopt this practice.

Addressee: Department of Agriculture

Status: Action not yet initiated.

Food Safety and Quality: Stronger FDA Standards and Oversight Needed for Bottled Water

RCED-91-67, 03/12/91 GAO Contact: John W. 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.

Status: Action not yet initiated. In a February 20, 1992, letter from the House Oversight and Investigations Subcommittee to FDA, the Chairman stated that the Subcommittee will draft legislation to ensure the availability of bottled water that is safe and fairly represented to the consumer.

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. In follow-on report RCED-92-87, February 10, 1992, GAO recommended that FDA reconsider its position on this recommendation.

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. In follow-on report RCED-92-87, February 10, 1992, GAO recommended that FDA reconsider its position on this recommendation.

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. In follow-on report RCED-92-87, February 10, 1992, GAO recommended that FDA reconsider its position on this recommendation.

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. FDA has developed a plan with milestones for increasing utilization of state bottled water inspection and test results.

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. Some standards have been issued; other standards are awaiting Office of Management and Budget approval.

Food Safety and Quality: Uniform, Risk-based Inspection System Needed to Ensure Safe Food Supply

RCED-92-152, 06/26/92 GAO Contact: John W. Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed the consistency, efficiency, and effectiveness of the federal food safety inspection system, focusing on: (1) the logic and consistency of federal food inspection systems; (2)

whether agencies used their inspection resources efficiently; and (3) whether agencies effectively coordinated their food inspection efforts.

Findings

GAO found that: (1) federal food inspection agencies, including the Food and Drug Administration (FDA) and the Food Safety and Inspection Service (FSIS), have diverse regulatory

approaches to inspecting foods that pose similar health risks; (2) food inspection agencies operate under differing enforcement authorities that in some cases adversely affect their ability to protect public health; (3) food processing firms under FDA jurisdiction are not required to register, making it difficult for FDA to identify all firms under its jurisdiction; (4) some food inspection agencies focus too much attention on low-risk products, while providing insufficient oversight for higher-risk food products; (5) FSIS has the legal authority to implement discretionary, risk-based inspections, but has not done so because of public and industry opposition to its proposed implementing regulations; (6) some food establishments are inspected by more than one agency, resulting in duplication of effort and wasted inspection resources; (7) while the food inspection agencies have entered into over 25 agreements to coordinate their efforts, agencies frequently do not make required referrals or notifications of problems they discover; and (8) those referrals that agencies do make do not always lead to timely investigations by the appropriate agency. GAO also identified three alternative approaches to revamping the food safety inspection system, including creating a single agency to administer a uniform set of food safety laws, creating a uniform set of food safety laws to be administered by the current agencies, and developing a model for a risk-based inspection system.

Open Recommendations to Congress

Recommendation: To provide consistent coverage of foods that pose similar risks, Congress may wish to consider amending the meat and poultry acts to include alternative meat and poultry products whose consumption has been increasing and that pose health risks similar to those products traditionally covered by the acts.

Status: Action not yet initiated.

Recommendation: To provide the federal regulatory agencies with the authorities they need to ensure a safe, high-quality food supply and to prevent unsafe food products from reaching U.S. consumers, Congress may wish to consider providing FDA with enforcement authority that is consistent with that of other food safety agencies, such as FSIS.

Status: Action not yet initiated.

Recommendation: To make more efficient use of federal food safety resources, Congress may wish to consider extending FSIS discretionary inspection authority and requiring FSIS to implement a discretionary inspection program for meat and poultry processors.

Status: Action not yet initiated.

Recommendation: To develop a uniform, risk-based inspection system, Congress should hold oversight hearings to evaluate options for revamping the federal food safety and quality system, including: (1) creating a single food safety agency responsible for administering a uniform set of food safety laws; (2) creating a uniform set of food safety laws that are administered by the current federal food safety agencies; or (3) establishing a blue-ribbon panel to develop a model for inspection and food safety enforcement based on the public health risks posed by the products and processes.

Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: The Secretaries of Agriculture, Commerce, and Health and Human Services should enter into agreements that require the agency most frequently visiting a food-processing plant to act as the lead federal inspection agency. The lead agency

would perform the inspection tasks, if any, required by the other agencies and request plants to make changes to comply with all federal food safety laws and regulations. However, when necessary, the lead agency would refer continuing violations to the responsible regulatory agency to pursue corrective action in the courts. In addition, the agency with regulatory responsibility would retain primary responsibility and inspect plants when warranted, such as to respond to consumer complaints or follow up on referrals made by other agencies.

Addressee: Department of Agriculture

Status: Action not yet initiated.

Addressee: Department of Health and Human Services

Status: Action not yet initiated.

Addressee: Department of Commerce

Status: Action not yet initiated.

Recommendation: To help ensure effective coordination between federal agencies with food safety and quality responsibilities, the Secretaries of Agriculture, Commerce, and Health and Human Services should evaluate and revise, as necessary, all current coordination agreements related to food safety and quality. Specifically, the Secretaries should direct the agency heads to revise the agreements, as necessary, to: (1) define the responsibilities of each agency; (2) require the referral of firms with unsanitary food-processing conditions or unsafe food products to all agencies with regulatory oversight or grading responsibilities; (3) specify how and when referrals should be made; and (4) identify the individual or office to which referrals should be made.

Addressee: Department of Agriculture

Status: Action not yet initiated.

Addressee: Department of Health and Human Services

Status: Action not yet initiated.

Addressee: Department of Commerce

Status: Action not yet initiated.

Recommendation: The Commissioner, FDA, and the Secretaries of Agriculture and Commerce should incorporate referral procedures into inspector manuals or handbooks to assist agency personnel in making referrals properly and in a timely manner.

Addressee: Department of Agriculture
Status: Action not yet initiated.

Addressee: Department of Commerce
Status: Action not yet initiated.

Addressee: Food and Drug Administration

Status: Action not yet initiated.

Recommendation: The Commissioner, FDA, should: (1) develop a formal system to track referrals received from other agencies; (2) establish minimum times for follow-up action on referrals; and (3) periodically advise the referring agencies of the status of active referrals.

Status: Action not yet initiated.

Recommendation: The Secretaries of Agriculture, Commerce, and Health and Human Services should direct the agency heads to periodically, but no less than annually, review their respective coordination agreements and update them when necessary.

Addressee: Department of Agriculture
Status: Action not yet initiated.

Addressee: Department of Health and Human Services

Status: Action not yet initiated.

Addressee: Department of Commerce
Status: Action not yet initiated.

Food Safety and Quality: USDA Improves Inspection Program for Canadian Meat, but Some Concerns Remain

RCED-92-250, 08/26/92 GAO Contact: John W. Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed the Food Safety and Inspection Service's (FSIS) procedures and practices for ensuring the wholesomeness of imported Canadian meat, focusing on: (1) Department of Agriculture (USDA) efforts to document that the Canadian meat inspection system is equivalent to the U.S. system; (2) analyzing inspection and rejection data for U.S. and Canadian meat crossing the border; and (3) alternative measures to strengthen USDA import inspection procedures for Canadian meat.

Findings

GAO found that: (1) although in its March 1992 summary report and supporting documentation, FSIS determined that the U.S. and Canadian

meat inspection systems were equivalent, various differences did exist, but FSIS did not consider them significant; (2) a peer review would have made the equivalency report more credible and the equivalency process less susceptible to future challenges, but scientists and public health experts from outside of USDA did not review the study; (3) Canada generally inspected twice as many U.S. meat products as the United States did Canadian meat products, due to differences between their inspection procedures; (4) rejection data showed no consistent pattern in the differences between the two countries' rejection rates; and (5) USDA and its Canadian counterpart have developed a plan to make the meat import reinspection systems more comparable by adopting suggested alternative measures for strengthening USDA import inspection procedures, and have agreed to harmonize reinspection

frequency and to ensure the equivalency of other procedures.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should seek a peer review of the equivalency determination process, including how best to assess foreign monitoring programs for animal drug residues, using FSIS review of the Canadian inspection systems as a test case.

Status: Action not yet initiated.

Recommendation: The Secretary of Agriculture should ensure proper controls over meat imports before reinspection as FSIS implements destination inspection for Canadian meat.

Status: Action not yet initiated.

Food Safety: USDA Data Program Not Supporting Critical Pesticide Decisions

IMTEC-92-11, 01/31/92 GAO Contact: JayEtta Z. Hecker, (202)512-6416

Background

Pursuant to a congressional request, GAO reviewed the Department of Agriculture's (USDA) Coordinated Pesticide Data Program to determine whether: (1) the program produces the data needed for making improved pesticide regulatory decisions; and (2) USDA has an effective strategy for managing program data.

Findings

GAO found that: (1) USDA launched the Coordinated Pesticide Data Program to provide better pesticide data that would be beneficial to it, the Environmental Protection Agency (EPA), and the Food and Drug Administration (FDA) in their regulatory responsibilities; (2) the program's key objectives are to collect comprehensive, statistically valid, and scientifically based pesticide usage and residue data and to provide EPA with data it can use in making pesticide reregistration decisions; (3) USDA components plan to collect pesticide usage and residue data for fruit and vegetable crops from several states; (4) USDA pesticide usage surveys are proceeding on schedule, and EPA and FDA have expressed satisfaction with the resulting data; (5) USDA pesticide residue data collection efforts are behind schedule, have been significantly reduced in scope from original plans, and will not yield statistically reliable results; (6) USDA underestimated the

complexities in planning and implementing activities and requirements for sampling methods, laboratory testing, and quality assurance; (7) USDA, EPA, and FDA lack an agreement as to program direction and assessment; and (8) USDA has not developed a strategy to determine whether available computer resources can adequately process or disseminate the data collected, and system requirements remain largely undefined.

Open Recommendations to Agencies

Recommendation: To help establish a better foundation for the success of the USDA Coordinated Pesticide Data Program, the Secretary of Agriculture, after completing the current data collection effort with the existing 6 states, 7 commodities, and 11 pesticides, should not proceed with further residue data collection activities until the Administrator, Agricultural Marketing Service (AMS), evaluates, in conjunction with EPA and FDA officials, the results of current data collection efforts.
Status: Action not yet initiated.

Recommendation: The Secretary of Agriculture should direct the USDA Office of Information Resources Management, working with the USDA components involved in the program, to develop and implement an information

technology strategy, plan, and implementation schedule that details how USDA will manage, process, and disseminate all pesticide data being compiled under the Pesticide Data Program.

Status: Action not yet initiated.

Recommendation: To help establish a better foundation for the success of USDA Coordinated Pesticide Data Program, the Secretary of Agriculture, after completing the current data collection effort with the existing 6 states, 7 commodities, and 11 pesticides, should not proceed with further residue data collection activities until the Administrator, AMS, reaches agreement with EPA and FDA on how the Pesticide Data Program can most efficiently provide statistically reliable data, meet users' needs, and support interagency pesticide responsibilities.

Status: Action not yet initiated.

Recommendation: To help establish a better function for the success of the USDA Coordinated Pesticide Data Program, the Secretary of Agriculture, after completing the current data collection effort with the existing 6 states, 7 commodities, and 11 pesticides, should not proceed with further residue data collection activities until the Administrator, AMS, documents those agreements with EPA and FDA.

Status: Action not yet initiated.

Freedom of Information: FDA's Program and Regulations Need Improvement

HRD-92-2, 10/11/91 GAO Contact: Janet L. Shikles, (202)512-7119

Background

Pursuant to a congressional request, GAO reviewed the Food and Drug Administration's (FDA) implementation of the Freedom of Information Act (FOIA).

Findings

GAO found that: (1) two FDA regulations were inconsistent with FOIA, and other such regulations did not accurately reflect the current state of the law, even though they had been superseded by Department of Health and Human Services (HHS) regulations that did; (2) the FDA practice of precluding immediate appeals of minor deletions of information from documents and requiring the requester to make a second request for the deleted information is unauthorized by FOIA, but FDA believes that this practice benefits requesters by giving them releasable information more quickly; (3) the FDA policy of releasing trade secrets unless the submitter intervenes in a lawsuit seeking their release is inconsistent with laws expressly prohibiting the unauthorized release of such information by FDA; (4) FDA regulations did not incorporate changes made by FOIA amendments or an executive order regarding processing fees and predislosure notifications; (5)

although FDA has generally complied with predislosure notification requirements, it may not be recovering all the FOIA costs to which it is entitled under the law; and (6) although the law did not set a time limit for providing information to a requester, in about 45 percent of the reviewed cases, FDA did not meet its 10-day notification requirement, but usually provided the information within 30 days.

Open Recommendations to Agencies

Recommendation: To strengthen FDA administration of its FOIA program, the Secretary of Health and Human Services should direct FDA to rescind its FOIA regulations concerning minor deletions and private-party interventions.
Status: Action not yet initiated.

Recommendation: To strengthen FDA administration of its FOIA program, the Secretary of Health and Human Services should direct FDA to update its regulations regarding fees and predislosure notifications to reflect the requirements of the law and executive order.
Status: Action in process. FDA has begun revising its regulations.

Recommendation: To strengthen FDA administration of its FOIA program, the

Secretary of Health and Human Services should direct FDA to better account for costs related to its FOIA activities so that FDA has greater assurance it is recovering through its fee charges all allowable costs.

Status: Action in process. FDA awarded a contract to determine if current FOIA billing techniques are assessing the full costs that current law and regulations allow FDA to collect for responding to FOIA requests, recommend cost-effective improvements in FDA billing practices, compare billing allowed by current regulations with what the law allows, and recommend any appropriate changes.

Recommendation: To strengthen FDA administration of its FOIA program, the Secretary of Health and Human Services should direct FDA to take measures that would better ensure that it complies with the statutory 10-day notification requirement.

Status: Recommendation valid/action not intended. FDA believes that it is doing an excellent job of complying with the statutory requirement for responding to FOIA requests. FDA attributes delays to several factors. These include a large workload, the large volume of requested material, the sensitivity of the records requested, a decentralized record storage system, and predislosure notification requirements.

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 in process. EPA, in setting U.S. pesticide standards, will take into consideration Codex standards and examine whether any existing differences could have effects on U.S. health or trade interests. In addition, EPA is involved in a project to set priorities for determining and resolving scientific differences in pesticide standards setting.

Milk Pricing: New Method for Setting Farm Milk Prices Needs to Be Developed

RCED-90-8, 11/03/89 GAO Contact: John W. 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. The Department of Agriculture (USDA) has completed a study of the alternative pricing series. USDA is evaluating the study.

Packers and Stockyards Administration: Oversight of Livestock Market Competitiveness Needs to Be Enhanced

RCED-92-36, 10/16/91 GAO Contact: Flora H. Milans, (202)254-6100

Background

Pursuant to a congressional request, GAO reviewed the Packers and Stockyards Administration's (PSA) role in monitoring and regulating the livestock and meat packing industries, focusing on: (1) how the livestock and meat packing industries have changed since the Packers and Stockyards Act of 1921; and (2) what role PSA plays in monitoring anticompetitive practices by meat-packing firms in their procurement of livestock.

Findings

GAO found that: (1) the percentage of the total number of livestock slaughtered by the largest meat packing firms has increased and there are fewer packing plants, but existing plants are larger; (2) the number of livestock producers has decreased and packers now purchase the majority of their

livestock directly from sellers without the services of large centralized stockyards; (3) current PSA monitoring methods include responding to complaints and initiating its own investigations, and do not provide the agency with sufficient information to effectively determine the existence or extent of anticompetitive behavior by packers in procuring livestock; (4) PSA devotes a majority of investigative resources to ensuring prompt and accurate payment to livestock sellers; and (5) PSA also enforces trade practice regulations, but industry representatives believe that the regulations have become outdated due to changes in livestock marketing.

Open Recommendations to Agencies

Recommendation: To enable PSA to adequately fulfill its responsibilities

under the Packers and Stockyards Act, the Secretary of Agriculture should determine a feasible and practical approach for monitoring the activity in regional livestock markets. In defining the relevant markets, PSA must determine the types of data and analysis it needs and the cost-effectiveness of obtaining and analyzing those data. Additional industry data required may include: (1) actual transaction prices relative to the quantity and quality of livestock and location of buying plant; (2) transportation costs associated with transactions; and (3) information on vertical coordination arrangements, by the type of transaction, and location of buyer and seller.

Status: Action in process. Agriculture does not totally agree with the recommendation but is in the process of implementing a monitoring approach.

Rural Development Administration: Patterns of Use in the Business and Industry Loan Guarantee Program

RCED-92-197, 07/29/92 GAO Contact: John W. Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO reviewed the Department of Agriculture's Farmers Home Administration (FmHA) Business and Industry (B&I) Loan Guarantee Program, focusing on: (1) which states and territories are using the B&I program and why some states are not; (2) types of industries receiving B&I loan guarantees; and (3) how the B&I program has impacted rural development.

Findings

GAO found that: (1) of the 50 states and 3 territories included in the B&I program, 26 states and territories did not use any of the funds allocated to guarantee B&I loans in fiscal year (FY) 1991; (2) FmHA staff in state offices active in the B&I program attributed the differences in how FmHA state offices use the program to the different attitudes and philosophies of the state

directors; (3) FmHA state office staff in 13 states that did not use the program cited such reasons as competition from other federal and state rural development programs, application costs that may be prohibitive to potential borrowers, and restrictive program regulations; (4) during FY 1989 through FY 1991, 45 percent of the loan funds guaranteed were used by the manufacturing sector, while other industries receiving guaranteed loan funds included retail and wholesale businesses and service industries; (5) 78 percent of the funds backed by B&I guarantees went to established businesses that primarily emphasized retaining existing employment in rural areas; (6) the impact of the B&I program is difficult to measure, because the data that FmHA maintains for monitoring and evaluating the B&I program are sometimes inaccurate and unsuitable for program evaluation; and (7) B&I loan guarantees may not be going to areas where unemployment is most widespread, since in FY 1989 through

FY 1991, 61 percent of the loan guarantees went to communities whose unemployment rate was below that of the state's nonmetropolitan rate.

Open Recommendations to Agencies

Recommendation: The Secretary of Agriculture should direct the Administrator, Rural Development Administration (RDA), to consider revising the regulations to allow the selective use of guarantees for activities related to tourism.

Status: Action not yet initiated.

Recommendation: The Secretary of Agriculture should direct the Administrator, RDA, to determine why the agency's information systems contain inaccurate and incomplete data and to correct existing problems so that RDA can effectively manage the program.

Status: Action not yet initiated.

Sustainable Agriculture: Program Management Accomplishments and Opportunities

RCED-92-233, 09/16/92 GAO Contact: John W. Harman, (202)275-5138

Background

Pursuant to a congressional request, GAO provided information on the Department of Agriculture's (USDA) efforts to encourage sustainable

agriculture, focusing on the USDA Sustainable Agriculture Research and Education (SARE) Program.

Findings

GAO found that: (1) nine USDA agencies manage numerous programs and activities that address various aspects of

sustainable agriculture, but management is fragmented, and non-USDA agencies participate in some of the activities; (2) the USDA sustainable agriculture policy expired in 1989, and activities are operating without a departmental policy to guide their efforts or resource use; (3) some SARE goals conflict with the goals of other agriculture programs; and (4) the legislatively mandated National Sustainable Agriculture Advisory Council has not yet met, and the Agricultural Council on Environmental Quality has met primarily on organizational issues. GAO also found that: (1) SARE has funded 183 projects with about \$39 million in combined federal, public, and private matching funds through 1991; (2) USDA was slow to request SARE funding, and its funding requests have continually been lower than the amount Congress allocates; (3) SARE has successfully involved farmers, nonprofit organizations, agribusiness, and public and private research and extension institutions in project review and selection activities, and has increased interest in and acceptance of sustainable agriculture; (4) there is effective information dissemination at the local, but not the regional or national, level for SARE projects, but USDA is

establishing a uniform system for reporting SARE program activities; and (5) SARE grant and audit procedures for funds control may not be sufficient to ensure that SARE funds are used as intended.

Open Recommendations to Agencies

Recommendation: To provide clearer direction to and coordination among USDA sustainable agriculture activities and to more effectively utilize USDA resources, the Secretary of Agriculture should ensure the active participation of the: (1) National Sustainable Agriculture Advisory Council in providing coordination of sustainable agriculture programs; and (2) Agricultural Council on Environmental Quality, which is to direct and coordinate environmental policies and programs, as mandated by the Food, Agriculture, Conservation, and Trade Act of 1990.

Status: Action not yet initiated.

Recommendation: To provide clearer direction to and coordination among USDA sustainable agriculture activities and to more efficiently utilize USDA resources, the Secretary of Agriculture should establish a departmental policy on sustainable agriculture and instruct

under and assistant secretaries to develop goals to implement that policy for sustainable agriculture. This policy should consider sustainable agriculture's interrelationship with other departmental programs and acknowledge the trade-offs that may be necessary as agriculture becomes more productive, competitive, and environmentally sound.

Status: Action not yet initiated.

Recommendation: To increase the impact of the SARE Program, improve its effectiveness, and help ensure its integrity, the Secretary of Agriculture should direct SARE Program management to establish guidance and systems to collect, evaluate, synthesize, and report the results of SARE research projects at regional and national levels.

Status: Action not yet initiated.

Recommendation: To increase the impact of the SARE Program, improve its effectiveness, and help ensure its integrity, the Secretary of Agriculture should direct SARE Program management to establish national standards for regional monitoring of SARE projects.

Status: Action not yet initiated.

U.S. Department of Agriculture: Farm Agencies' Field Structure Needs Major Overhaul

RCED-91-9, 01/29/91 GAO Contact: John W. 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.

Congressional Action: In April, June, and July 1992, the Senate and House Agriculture Committees held several hearings on streamlining and restructuring USDA and its field structure. As a result, the Secretary established a joint USDA and Office of Management and Budget task force to examine options for streamlining USDA and other management improvement matters. The task force is expected to issue its report in December 1992. It is anticipated that in 1993, Congress will hold additional hearings on this matter.

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. Estimated completion date: 06/93. USDA farm field agencies will continually pursue opportunities for consolidation and collocation. The Secretary established a

joint USDA and OMB task force to examine options for streamlining USDA and other management issues. The task force is expected to issue its report in December 1992. A new Secretary's Management Agenda has been established to track all management improvement goals.

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 in process. Estimated completion date: 06/93. USDA farm field agencies will continually pursue opportunities for consolidation and collocation. The Secretary established a joint USDA and OMB task force to examine options for streamlining USDA and other management issues. The task force is expected to issue its report in December 1992. A new Secretary's Management Agenda has been established to track all management improvement goals.

Addressee: Farmers Home Administration
Status: Action in process. Estimated completion date: 06/93. USDA farm field agencies will continually pursue opportunities for consolidation and collocation. The Secretary established a joint USDA and OMB task force to

examine options for streamlining USDA and other management issues. The task force is expected to issue its report in December 1992. A new Secretary's Management Agenda has been established to track all management improvement goals.

Addressee: Soil Conservation Service
Status: Action in process. Estimated completion date: 06/93. USDA farm field agencies will continually pursue opportunities for consolidation and collocation. The Secretary established a

joint USDA and OMB task force to examine options for streamlining USDA and other management issues. The task force is expected to issue its report in December 1992. A new Secretary's Management Agenda has been established to track all management improvement goals.

Addressee: Agricultural Stabilization and Conservation Service
Status: Action in process. Estimated completion date: 06/93. USDA farm field agencies will continually pursue

opportunities for consolidation and collocation. The Secretary established a joint USDA and OMB task force to examine options for streamlining USDA and other management issues. The task force is expected to issue its report in December 1992. A new Secretary's Management Agenda has been established to track all management improvement goals.

U.S. Department of Agriculture: Improving Management of Cross-Cutting Agricultural Issues

RCED-91-41, 03/12/91 GAO Contact: John W. 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 in process. Estimated completion date: 06/93. The Secretary has reinstated the Policy Coordination Council (PCC) and has directed PCC, chaired by the Deputy Secretary, to be responsible for oversight of all cross-cutting issues. Responsibilities for the existing cross-cutting issues have been assigned and initiatives have been developed for these issues as part of the Secretary's Management Agenda.

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 PCC, USDA coordinating committees and offices, and the MBO system in setting policy, planning and implementing activities, and monitoring progress.

Status: Action in process. Estimated completion date: 06/93. The Secretary has reinstated PCC and has directed PCC, chaired by the Deputy Secretary, to be responsible for oversight of all cross-cutting issues. Responsibilities for the existing cross-cutting issues have been assigned and initiatives have been developed for these issues as part of the Secretary's Management Agenda. Objectives have been defined and strategies developed.

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, PCC, and multiagency committees.

Status: Action in process. Estimated completion date: 06/93. The Secretary has reinstated PCC and has directed PCC, chaired by the Deputy Secretary,

be responsible for oversight of all cross-cutting issues. Responsibilities for the existing cross-cutting issues have been assigned and initiatives have been developed for these issues as part of the Secretary's Management Agenda. Objectives have been defined and strategies developed.

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 PCC to carry out its departmentwide responsibilities.

Status: Action in process. Estimated completion date: 06/93. USDA has acted to strengthen its management of cross-cutting issues. USDA plans to provide staff support for PCC. Two staff will be added to the Office of the Secretary beginning in fiscal year 1993 to assist in the cross-cutting oversight work.

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 in process. Estimated completion date: 06/93. USDA is developing a major initiative in food safety and is placing renewed emphasis on its biotechnology and water quality initiatives. It is developing a strategic framework in food safety that includes a departmentwide policy, long-range goals, an implementation plan, the President's Plan for Food Safety, a food safety information data base, and a new initiative to improve water quality.

U.S. Department of Agriculture: Interim Report on Ways to Enhance Management

RCED-90-19, 10/26/89 GAO Contact: John W. 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. Estimated completion date: 06/93. USDA has created a high-level policy council and instituted a management-by-objective system. Subsequent to this interim

report, GAO issued five final reports, including a September 1991 capping report. USDA developed a Secretary's Management Agenda and, in December 1992, a USDA and Office of Management

and Budget task force is expected to recommend further management and organizational improvements.

U.S. Department of Agriculture: Need for Improved Workforce Planning

RCED-90-97, 03/06/90 GAO Contact: John W. Harman, (202)275-5138

Background

GAO reviewed the Department of Agriculture's (USDA) personnel management, focusing on the effectiveness of its workforce planning efforts.

Findings

GAO found that: (1) USDA was experiencing problems in recruiting, training, and managing its personnel, 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 agencies' planning systems to ensure departmentwide compatibility.

Open Recommendations to Agencies

Recommendation: To assist agencies in building a quality workforce to meet current and future challenges, the Secretary of Agriculture should make workforce planning a mandatory agency activity.

Status: Action in process. Estimated completion date: 06/93. USDA has established a committee to address each recommendation. The 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. In addition, USDA developed a Secretary's Management Agenda to address the recommendations.

Recommendation: To assist agencies in building a quality work force to meet current and future challenges, the Secretary of Agriculture should develop workforce 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 agencywide data.

Status: Action in process. Estimated completion date: 06/93. 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. In addition, USDA developed a Secretary's Management Agenda to address the recommendations.

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 workforce planning framework and to carry out monitoring activities.

Status: Action in process. Estimated completion date: 06/93. 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. In addition, USDA developed a Secretary's Management Agenda to address the recommendations.

U.S. Department of Agriculture: Strategic Marketing Needed to Lead Agribusiness in International Trade

RCED-91-22, 01/22/91 GAO Contact: John W. 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. Estimated completion date: 06/93. FAS is the lead agency in preparing a departmental, multiyear agricultural trade strategy to promote exports. In addition, USDA developed a Secretary's Management Agenda, which will address all the recommendations in the GAO series of reports on the general management review of USDA.

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. Estimated completion date: 06/93. FAS and the Agricultural Marketing Service are currently developing strategic plans. In addition, USDA developed a Secretary's Management Agenda which will address all the recommendations in the GAO series of reports on the general management review of USDA.

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 workforce planning.

Status: Action in process. Estimated completion date: 06/93. 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. In addition, USDA developed a Secretary's Management Agenda to monitor USDA progress in implementing this recommendation.

Recommendation: The Secretary of Agriculture should develop an integrated departmentwide strategic marketing plan.

Status: Action in process. Estimated completion date: 06/93. FAS is the lead agency in preparing a departmental, multiyear agricultural trade strategy to promote exports. In addition, USDA developed a Secretary's Management Agenda which will address all the recommendations in the GAO series of reports on the general management review of USDA.

U.S. Department of Agriculture: Strengthening Management Systems to Support Secretarial Goals

RCED-91-49, 07/31/91 GAO Contact: John W. 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 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 workforce problems effectively; (8) USDA lack of central leadership and direction sometimes causes duplication of efforts by individual agencies carrying out workforce 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 in process. Estimated completion date: 06/93. The Secretary recognizes that stronger administrative management systems are needed. USDA is modernizing the accounting system at its National Finance Center, as well as specific agency systems. USDA is searching for qualified, experienced candidates to implement the Chief Financial Officers Act. USDA said that when appropriate personnel are in place, implementation will proceed.

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 in process. Estimated completion date: 06/93. The Secretary directed the development of a departmentwide IRM strategy and distributed it to its agencies to help them develop their IRM plans consistent with the overall plan. The agencies' IRM plans are expected in fall 1992. In July 1992, USDA initiated a single consolidated field office computer procurement policy. A joint USDA and Office of Management and Budget task force is examining options for streamlining USDA.

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 in process. Estimated completion date: 06/93. The Secretary directed that departmental oversight of automated systems be strengthened. Expert staff was provided to assist agencies in development and implementation of IRM plans that emphasize cross-agency coordination, data sharing, and better service to USDA clientele. The IRM planning process was streamlined in 1991, limiting the amount of information required and changing the focus of IRM.

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.

Status: Action in process. Estimated completion date: 06/93. USDA recognizes that stronger administrative management systems are needed. In March 1992, the Secretary told GAO that he is committed to reforming the management of USDA and that senior officials are analyzing numerous suggestions and audits to determine the best ways to make improvements. A Secretary's Management Agenda has been established to monitor departmental progress.

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 in process. Estimated completion date: 06/93. USDA recognizes that stronger administrative management systems are needed. In March 1992, the Secretary told GAO that he is committed to reforming the management of USDA and that senior

officials are analyzing numerous suggestions and audits to determine the best ways to make improvements. A Secretary's Management Agenda has been established to monitor departmental progress.

Addressee: Department of Agriculture: Office of the Assistant Secretary for Administration
Status: Action in process. Estimated completion date: 06/93. USDA recognizes that stronger administrative management systems are needed. In March 1992, the Secretary told GAO that he is committed to reforming the management of USDA and that senior officials are analyzing numerous suggestions and audits to determine the best ways to make improvements. A Secretary's Management Agenda has been established to monitor departmental progress.

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 in process. Estimated completion date: 06/93. USDA recognizes that stronger administrative management systems are needed. In March 1992, the Secretary told GAO that he is committed to reforming the management of USDA and that senior officials are analyzing numerous suggestions and audits to determine the best ways to make improvements. A Secretary's Management Agenda has been established to monitor departmental progress.

Recommendation: The Secretary of Agriculture should direct the Assistant Secretary for Administration to assume

responsibility for addressing common workforce problems in areas such as training, recruiting, and workforce planning to avoid duplication and to provide centralized services when most efficient.

Status: Action in process. Estimated completion date: 06/93. USDA recognizes that stronger administrative management systems are needed. In March 1992, the Secretary told GAO that he is committed to reforming the management of USDA and that senior officials are analyzing numerous suggestions and audits to determine the best ways to make improvements. A Secretary's Management Agenda has been established to monitor departmental progress.

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.

Status: Action in process. Estimated completion date: 06/93. USDA recognizes that stronger administrative management systems are needed. In March 1992, the Secretary told GAO that he is committed to reforming the management of USDA and that senior officials are analyzing numerous suggestions and audits to determine the best ways to make improvements. A Secretary's Management Agenda has been established to monitor departmental progress.

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 in process. USDA has calculated some initial measures of forecast accuracy and compared its forecasts with benchmark alternatives. Additional results are expected by the end of 1992.

Housing and Community Development

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Housing and Community Development

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Housing and Community Development

Issue Area Summary

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 the nation's national housing goals. These problems are reflected in the widening gap between the demand for 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 increase in economic distress in many 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 carried out by many federal agencies, namely the Department of Housing and Urban Development (HUD), the Department of Veterans Affairs (VA) (through the Housing Program), the Department of Agriculture (through the Farmers Home Administration), the Department of Commerce (through the Economic Development Administration and Minority Business Development Agency), the Small Business Administration (SBA), and the Federal Emergency Management Agency (FEMA) (through the Disaster Assistance Program). Together, these agencies had budget authority for over \$30 billion in fiscal year 1992.

Affordable Rental Housing

We have focused on the effectiveness of federal strategies for increasing rental housing opportunities for and reducing rent burdens on low-income families and individuals. Our major work in this area relates to housing the nonelderly mentally disabled with the elderly in public housing, efforts to link housing and supportive services to promote self-sufficiency, and the need to eliminate excess profit opportunities available to developers under the Farmers Home Administration's multifamily housing program.

As a result of our earlier work on more efficient use of housing vouchers and certificates, the Congress enacted legislation to make the programs more alike and HUD is preparing regulations to carry this objective even further. Also, HUD is now making timely adjustments to proposed fair market rents on the basis of current data. Finally, while reauthorizing the Low-Income Tax Credit Program, the Congress required that states develop tax credit allocation plans to include priorities for targeting the credits.

Homeownership Assistance

We also 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 included reviews of the Federal Home Loan Mortgage Corporation's (Freddie Mac) management of its multifamily housing loan portfolio, actions taken by HUD in response to the "scandals" of 1989, the Federal Housing Administration's (FHA) monitoring of single-family mortgages, and options for FHA in meeting the need for affordable multifamily housing.

In response to our work, Freddie Mac revised its multifamily loan underwriting process to enhance the reliability of appraisal information. Also, in response to our earlier work, VA expects to implement new procedures for determining the cost-effectiveness of alternative ways of selling properties.

Homelessness

We also assessed public strategies for alleviating the problem of homelessness, including (1) the donations of prepared food to the homeless, (2) the change in how HUD defines "homelessness" for program purposes, (3) the usefulness of the single-room-occupancy model in creating housing for homeless people, and (4) the extent to which certain federal expenditures on homelessness complied with legislative requirements.

As a result of our work, HUD and other agencies made it easier for assistance providers to gain access to certain federally owned surplus properties that could be used as facilities for the homeless. In addition, HUD (1) developed guidelines on monitoring supportive services provided to the homeless, (2) developed a method for measuring the success of the supportive housing demonstration program in facilitating the movement of homeless persons to independent living, and (3) issued instructions to transitional housing grantees that specify what data these grantees must report annually to HUD to provide the basis for evaluating the program. Finally, the Department of Education is contracting for an evaluation of the effectiveness of its program for adult education for the homeless.

Economic Development

We reviewed the effectiveness of federal financial, procurement, and other assistance programs in developing small businesses and revitalizing economically distressed urban areas. In addition, we assessed the adequacy of federal disaster assistance in aiding communities and residents devastated by hurricanes and other natural disasters.

In the small business area, we reviewed SBA's minority business development program and loan collateral liquidation and analyzed SBA's business loan portfolio and preferred lenders program, losses on individual SBA loans, and the use of surety bond waivers. As a result of our work, SBA is doing a better job of tracking financial assistance provided to small businesses and is reporting loan losses in its annual loss study more accurately. Also, SBA has improved its procedures for liquidating loan collateral and has placed more emphasis on improving its minority business program.

In the community development area, we assessed HUD's oversight of Dallas's community development block grant program, the Neighborhood Reinvestment Corporation's monitoring of local affiliates, and FEMA's efforts to assist the recovery from the Loma Prieta earthquake. As a result of our work, HUD is determining why some communities cannot use their block grant funds in a timely manner. Also, FEMA improved its staffing and other measures for responding to natural disasters. Finally, on the basis of our earlier work, the Minority Business Development Agency has restructured its special projects program to improve the way such initiatives are focused and awarded.

Key Open Recommendations

Regarding the Farmers Home Administration's multifamily housing program, we testified that it provided opportunities to developers to obtain excess profits. We recommended that the Congress eliminate such opportunities and identified three options for doing so. (GAO/T-RCED-92-63, see p. 446.)

We also issued a report on the experience of public housing agencies in housing the nonelderly mentally disabled with the elderly and the difficulties inherent in mixing these groups. We recommended that the Congress consider addressing this issue, on the basis of the information contained in that report and elsewhere, and noted that the Congress would need to balance the rights and the needs of both groups in a manner that was fair and equitable to persons with disabilities and the elderly. We also made several recommendations to the Secretary of Housing and Urban Development relating to screening applicants better and improving relations with local mental health service providers. (GAO/RCED-92-81, see p. 443.)

Following the recent disturbances in Los Angeles, congressional attention focused on efforts to rebuild the economies of the nation's cities, with special emphasis on the role of tax incentive enterprise zones. In our study of state enterprise zones, we found that the evidence did not show that they were effective in increasing employment or in providing offsets, such as reduced welfare expenditures, to the revenue losses associated with the tax incentives. Therefore, we recommended that before moving forward with a large-scale national enterprise zone program, the Congress consider undertaking a limited demonstration project implemented under a variety of different conditions and including a strong evaluation component. (GAO/PEMD-89-2, see p. 435.)

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Assisted Housing: Utility Allowances Often Fall Short of Actual Utility Expenses (Vol. I)

RCED-91-40A, 03/26/91 GAO Contact: Judy A. England-Joseph, (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 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. 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. 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. The agency will include the recommendation in its periodic review of field office performance.

Community Development: HUD Oversight of the Dallas Block Grant Program Needs Improvement

RCED-92-3, 11/27/91 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

Pursuant to a congressional request, GAO determined whether the Department of Housing and Urban

Development (HUD) provided adequate oversight of the Dallas Community Development Block Grant (CDBG) Program, focusing on HUD monitoring of the city's: (1) timely expenditure of

CDBG funds; (2) use of CDBG funds to enforce housing codes; (3) control over subrecipients; and (4) accounting and planning and administrative costs.

Findings

GAO found that: (1) HUD guidance on monitoring Dallas' timely use of CDBG funds fails to emphasize identifying the cause of slow project spending; (2) as a result, HUD failed to determine the reasons for Dallas' noncompliance with the CDBG timeliness standard and conditioned the city's entire 1989 and 1990 grants by requiring the city to either quickly spend its CDBG funds or risk losing them; (3) in response, Dallas reprogrammed some funds to lower-priority activities in an attempt to spend funds more quickly; (4) since HUD failed to monitor annual expenditures of more than \$2 million for code enforcement, it did not detect that Dallas improperly charged the CDBG program code to employees who did not work full-time on CDBG projects; (5) while HUD monitoring reports generally concluded that Dallas' subrecipient monitoring system was adequate, independent audit reports concluded that the system lacked such federally required features as formal, written monitoring procedures, adequate monitor supervision, or corrective action procedures; (6) HUD

did not take effective action to correct recurring delinquent subrecipient audit problems; and (7) although Dallas reported planning and administrative (P&A) expenses at 20 percent in 1990, which is the maximum amount permitted by federal legislation and CDBG regulations, the true P&A costs may be either unknown or understated, since HUD permitted Dallas to report similar subrecipients' expenses as P&A costs.

Open Recommendations to Congress

Recommendation: Since the use of subrecipients is increasing and HUD does not know the extent to which P&A expenses of subrecipients and subunits of local government would affect grantees' compliance with the 20-percent limitation, and although some additional resources may be necessary, Congress should consider requiring that HUD identify the amount of P&A costs that are now excluded from the 20-percent limitation. Further, if on the basis of this information, Congress believes the CDBG program's planning and

administrative expenses are excessive, appropriations could be revised to require that all CDBG planning and administrative costs be applied to the 20-percent limitation, regardless of who incurs them.

Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To improve the overall effectiveness of the CDBG program by ensuring that funds are spent on the highest-priority activities, the Secretary of Housing and Urban Development should require community planning and development monitors to identify the causes of grantee performance deficiencies affecting the timely use of CDBG funds in order to help ensure that appropriate corrective measures are devised and implemented.

Status: Action not yet initiated. HUD's Office of Block Grant Assistance has proposed a revision to the handbook, but has not yet received approval from HUD top management. The target date for revision is late 1992.

Community Development: Neighborhood Reinvestment Corporation Should Improve Program Management

RCED-92-174, 07/08/92 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

Pursuant to a congressional request, GAO provided information on the Neighborhood Reinvestment Corporation and its NeighborWorks organizations, focusing on: (1) the oversight of local neighborhood organizations; (2) grant management practices; and (3) competition requirements for

contracting for goods and professional services.

Findings

GAO found that: (1) 94 percent of the Corporation's 1992 budget came from federal appropriations totalling \$28.6 million; (2) the Corporation lacks assurances that program reviews and

financial audits receive adequate oversight; (3) poor oversight of grant management led to the Corporation's failure to detect grant funds being spent without necessary Corporation approval; (4) the Corporation lowered its competitive bid threshold to increase competition, but its threshold is still above that of most federal agencies; and (5) in 1991, the Corporation awarded six

noncompetitive contracts to former employees.

Open Recommendations to Agencies

Recommendation: The Executive Director, Neighborhood Reinvestment Corporation, should assess whether the

process to increase competitive bidding is effective, and, if found lacking, evaluate lowering the threshold for competitive bidding.

Status: Action not yet initiated.

Recommendation: The Executive Director, Neighborhood Reinvestment Corporation, should ensure that the

Corporation's administrative manual is revised to specifically require that the Executive Director approve all sole-source contracts awarded to former employees.

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: Judy A. England-Joseph, (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. (In this product, "states" refers to all five jurisdictions.)

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 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 of the Stafford Disaster Relief Act (P.L. 100-707) 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. Estimated completion date: 09/93. 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. Estimated completion date: 09/94. 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. Estimated completion date: 09/93. 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. Estimated completion date: 09/94. 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.

Earthquake Recovery: Staffing and Other Improvements Made Following Loma Prieta Earthquake

RCED-92-141, 07/30/92 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

Pursuant to a congressional request, GAO evaluated the Federal Emergency Management Agency's (FEMA) assistance efforts following the Loma Prieta earthquake in California in October 1989.

Findings

GAO found that: (1) FEMA regulations set 18 months as the period in which Public Assistance Program projects are to be completed, but 2 years after the Loma Prieta earthquake, a number of projects had not been completed; (2) FEMA and local jurisdictions had numerous disputes over the scope and cost of eligible repairs; and (3) disputes

and delays were due to lack of final regulations and specific guidance from FEMA on eligibility requirements, hazard mitigation measures, and historic building restoration. GAO also found that: (1) FEMA uses temporary staff for most of its relief work, relying on FEMA permanent staff detailees, a pool of its own reservists, Army Corps of Engineers staff, and technical assistance

contractors; (2) FEMA reliance on temporary staffing led to disputes and inefficiencies because of the high turnover in temporary staff and insufficient permanent personnel to train and supervise temporary staff; (3) FEMA has increased trained staff availability by increasing its permanent staff, increasing contractor professionals and hours, and obtaining engineers from

the Tennessee Valley Authority; and (4) procedural problems also caused disputes, delays, and inefficiencies.

Open Recommendations to Agencies

Recommendation: To help avoid differing interpretations of FEMA regulations and to expedite the provision

of federal disaster assistance in future earthquakes, the Director, FEMA, should clarify the agency's regulations to better specify whether and under what conditions FEMA will pay more than the replacement cost to restore historic structures.

Status: Action not yet initiated.

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.

Status: Action in process. As a result of GAO testimony, the Chairman of the House Committee on Ways and Means proposed enterprise zone legislation limited to a demonstration project with mandated GAO evaluation.

Federal Home Loan Mortgage Corporation: Abuses in Multifamily Program Increase Exposure to Financial Losses

RCED-92-6, 10/07/91 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

Pursuant to a congressional request, GAO examined whether the Federal Home Loan Mortgage Corporation's (Freddie Mac) procedures governing the purchasing and servicing of 35 Bronx, New York, multifamily mortgages adequately protected its investments.

Findings

GAO found that: (1) because of weak controls, Freddie Mac did not detect patterns of inaccurate and incomplete information in the appraisals and reports on the physical and financial condition of the properties that were provided by seller/servicers and, as a result, overfinanced 27 of the 35 Bronx properties by about \$5.4 million; (2) appraisals for the 35 properties included inaccurate information on the sales dates and prices of comparable properties used to estimate the market value of the appraised property, incomplete information on previous sales transactions on the appraised property, overstatements of the annual net income of the appraised properties, overestimates of expected annual net income and the appraised properties' physical condition and neighborhood, and understatements of the rates of

return that borrowers expected on their investments; (3) internal control weaknesses exist in Freddie Mac's multifamily program nationwide; (4) when it reinstates its multifamily mortgage purchase program in its Northeast Region, Freddie Mac plans to require that loan applications include certified engineering reports for buildings over 20 years old that address the condition of major building systems, copies and analyses of any commercial leases for the properties, and confirmation of the borrowers' rent registrations from the appropriate state agencies; and (5) improved controls to better detect inaccurate and incomplete information will reduce Freddie Mac's exposure to financial losses on the new mortgages it purchases and improve the servicing of existing mortgages.

Open Recommendations to Agencies

Recommendation: To ensure that key appraisal and servicing information submitted by seller/servicers on multifamily properties is accurate and complete, the Chief Executive Officer of Freddie Mac should direct program controls to be further strengthened by requiring seller/servicers to submit documentation verifying key appraisal

and servicing information. For appraisals, seller/servicers should be required to obtain, to the extent available, and include as part of the loan package, documentation verifying key information on the selling prices and dates of sale of comparable and appraised properties, rents, expenses, the physical condition of the properties, and the professional standing of appraisers. For servicing, the documentation and verification requirement should cover updated reports on maintenance problems, rental income and expenses, property sales and secondary mortgages, and the timeliness of borrower mortgage payments. The information should be verified with data obtained from independent sources such as public records, government agencies, and reputable data services, or with documentation such as audited financial statements, signed contracts, or cancelled checks.

Status: Action taken not fully responsive. Freddie Mac revised its multifamily loan underwriting process to include quality control measures which will enhance the reliability of appraisal information. However, there is no indication that it plans to address the recommendation on improving information on the servicing of multifamily properties.

Homelessness: Access to McKinney Act Programs Improved but Better Oversight Needed

RCED-91-29, 12/28/90 GAO Contact: Judy A. England-Joseph, (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.

Status: Action in process. HUD expects to issue written guidance on how to monitor the operation of single room occupancy (SRO) in late 1992 to HUD field offices and public housing authorities (PHA) responsible for oversight of section 8 SRO. It will include a section on monitoring

supportive services. HUD staff developed the guidelines, but no training on implementation can be scheduled for HUD field offices and PHA staff until the FY 1993 travel budget is approved.

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.

Status: Action in process. Estimated completion date: 06/93. In January 1992, Education awarded a contract for a national assessment of its Adult Education for the Homeless Program. The evaluation has been delayed because the Office of Management and Budget (OMB) had problems with the survey instrument for gathering program data from grantees. Revisions have been made and OMB approval is expected by late 1992.

Homelessness: Action Needed to Make Federal Surplus Property Program More Effective

RCED-91-33, 10/09/90 GAO Contact: Judy A. England-Joseph, (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. GSA has prepared a regulatory bulletin 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. GSA is currently in litigation.

Addressee: Department of Health and Human Services

Status: Action in process. Estimated completion date: 07/93. Although the agencies have produced draft provisions, new regulations cannot be issued because of President Bush's restrictions on issuing any new rules. GSA expects new language can be incorporated in 1993.

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. GSA is currently in litigation concerning this matter and has notified GAO that it will address this recommendation late in 1992.

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. GSA is currently in litigation concerning this matter and has notified GAO that it will address this recommendation late in 1992.

Homelessness: Federal Personal Property Donations Provide Limited Benefit to the Homeless

RCED-91-108, 07/15/91 GAO Contact: Judy A. England-Joseph, (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.

Status: Action not yet initiated. There are plans to submit legislation concerning this issue at a later date.

Homelessness: HUD Improperly Restricts Applicants for Supplemental Assistance Program

RCED-92-200, 08/13/92 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

Pursuant to a congressional request, GAO reviewed the Department of Housing and Urban Development's (HUD) Supplemental Assistance for Facilities to Assist the Homeless Program (SAFAH), focusing on: (1) whether the HUD selection process for awarding grants has complied with the Homeless Assistance Act; (2) information on recent HUD actions to improve the management of the program; (3) whether

grantees accomplished their SAFAH grant agreement objectives; and (4) whether the projects funded under the program are reaching the act's target populations.

Findings

GAO found that: (1) HUD changed the SAFAH selection process by limiting program activities, target populations, and eligible applicants; (2) HUD used its

SAFAH funding more effectively by reducing the number of applications it reviewed and grantees it monitored; (3) HUD does not have the authority to exclude any class of eligible applicant; (4) HUD has implemented initiatives to improve program management; (5) SAFAH grantees have met their agreements' objectives; and (6) fiscal year 1990 SAFAH programs were designed to reach the Homeless

Assistance Act targets, but HUD success in doing so has not been determined.

Open Recommendations to Agencies

Recommendation: For future SAFAH awards, the Secretary of Housing and Urban Development should not

eliminate any class of eligible applicants defined by the legislation unless legislative authority for doing so is obtained.

Status: Action not yet initiated.

Homelessness: HUD's Interpretation of Homeless Excludes Previously Served Groups

RCED-92-226, 08/12/92 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

Pursuant to a congressional request, GAO reviewed the Department of Housing and Urban Development (HUD) interpretation of the Homeless Assistance Act's definition of homeless, focusing on: (1) ambiguities in the HUD definition of homeless; and (2) the effects of the interpretation on persons who are deinstitutionalized, homeless and living with friends or family, and those living without accommodations in rural areas.

Findings

GAO found that: (1) HUD accepted applications for assistance from families,

individuals, and handicapped persons living on the street or in a shelter, facing eviction without a subsequent residence, or leaving an institution without a subsequent residence or the resources needed to obtain housing; (2) HUD clarified its interpretation of homeless for its programs, but there was still confusion about who was eligible to receive benefits; and (3) the recent HUD targeting policy eliminates some previously eligible groups, including the institutionalized mentally ill, persons who are living with friends or family or in substandard housing, and the rural homeless.

Open Recommendations to Agencies

Recommendation: The Secretary of Housing and Urban Development should ensure the completion of departmental efforts to establish more specific guidelines for defining homeless. These guidelines should clarify the terms "imminent," "of short duration," and "in the later stages" and should be specific enough to be consistently interpreted and applied.

Status: Action not yet initiated.

Homelessness: Single Room Occupancy Program Achieves Goals, but HUD Can Increase Impact

RCED-92-215, 08/27/92 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

Pursuant to a congressional request, GAO reviewed the Department of Housing and Urban Development's (HUD) Section 8 Moderate Rehabilitation Program for Single Room Occupancy (SRO) Dwellings for

Homeless Individuals, focusing on: (1) whether the program is meeting its goals; (2) HUD oversight of projects in development; (3) financial review procedures for SRO projects; and (4) the use of public housing agencies' (PHA) waiting lists to fill SRO vacancies.

Findings

GAO found that: (1) as of September 30, 1991, the SRO projects that were operating generally met program goals of providing decent housing for single homeless individuals, supportive

services, and unrestricted residency; (2) HUD has not maximized SRO program benefits because it has not ensured the timely opening of projects, and its financial reviews have not ensured that projects are soundly financed; (3) PHA that run SRO projects are required to develop and maintain waiting lists of applicants, but half of the projects did not use PHA lists, while some projects that used PHA lists reported problems with them; (4) HUD has not acted to either enforce or relax the PHA waiting list requirement; and (5) HUD has begun to correct SRO project monitoring problems, in particular by transferring program management responsibility to its Office of Special Needs Assistance Programs, which now manages all HUD homeless programs.

Open Recommendations to Agencies

Recommendation: The Secretary of Housing and Urban Development should direct the Office of Special Needs Assistance Programs to reexamine the three unopened SRO projects to be funded with fiscal year 1989 appropriations and for which HUD does not have contracts executed with PHA. This review should determine whether shifting or cancelling the SRO project subsidies would be in the best interest of the homeless and the government.
Status: Action not yet initiated.

Recommendation: The Secretary of Housing and Urban Development should direct the Office of Special Needs Assistance Programs, before committing subsidy funds, to expand the financial reviews of SRO projects to determine if

projects are financially feasible and have adequate financial resources to cover all projected rehabilitation and operating costs. Such a review should provide greater assurance that approved projects open in a timely manner.
Status: Action not yet initiated.

Recommendation: The Secretary of Housing and Urban Development should revise the current requirement for PHA-developed waiting lists for SRO projects so that local SRO operators have the option of filling vacancies from their own waiting lists. In conjunction with this action, the Secretary should instruct PHA to ensure that projects using their own lists fill vacancies fairly, giving priority to single homeless persons, and should incorporate this assessment into their routine monitoring visits to SRO projects.
Status: Action not yet initiated.

Housing Programs: VA Can Reduce Its Guaranteed Home Loan Foreclosure Costs

RCED-89-58, 07/12/89 GAO Contact: Judy A. England-Joseph, (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 1992.

Public and Assisted Housing: Linking Housing and Supportive Services to Promote Self-Sufficiency

RCED-92-142BR, 04/01/92 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

Pursuant to a legislative requirement, GAO reported on the implications of linking federal housing assistance to supportive services to promote economic self-sufficiency for lower-income families.

Findings

GAO found that: (1) the National Affordable Housing Act does not explicitly define the terms self-sufficiency and economic independence but implies that these conditions have been attained when a family under the Family Self-Sufficiency (FSS) Program no longer receives federal, state, or local assistance for housing; (2) proposed Housing and Urban Development (HUD) guidelines do not specifically require the public housing agency (PHA) to report how many participants have relinquished housing assistance or to indicate what alternatives to assistance housing FSS participants have found; (3) PHA and legal service organizations differ in their opinions over the proposed HUD exclusion of applicants' motivation as a criterion for selection (although some see the prohibition as fair, numerous PHAs believe that the HUD guideline may make the program more difficult to administer); (4) PHA must

rely on local service providers to obtain supportive services that FSS Program participants need such as job training and child care, and PHA do not receive any additional funds from HUD to pay for those services; (5) local job and housing markets may prevent some participants from achieving self-sufficiency, since jobs available to FSS participants do not pay enough to allow a family to live independently in their area, or participants may not be able to afford unsubsidized housing in some highly populated metropolitan areas; (6) many PHA believe that HUD reimbursement for the costs of administering the FSS Program will not be adequate to allow PHA to operate an effective program; and (7) although the proposed HUD guidelines do not require PHA to report the costs of administering the FSS Program, if HUD reimbursement does not cover those expenses, PHA may absorb the additional costs or run less effective programs.

require PHA, as part of their annual reporting on program results, to indicate how many FSS participants have relinquished housing assistance and what alternatives to assisted housing they have found, such as home ownership.

Status: Action in process. HUD agreed to include the recommended reporting items in its final program regulations.

Recommendation: The Secretary of Housing and Urban Development, in the final FSS program guidelines, should require PHA, in their annual reports, to provide information that would allow HUD to ascertain the effect of its prohibition against the use of motivation in selecting FSS participants. The information should: (1) indicate the extent to which families have complied with the terms of their contracts and the reasons for compliance or noncompliance; and (2) include data indicating how the selection process affected PHA ability to obtain supportive services.

Status: Action in process. HUD agreed to include the recommended reporting items in its final program regulation.

Open Recommendations to Agencies

Recommendation: The Secretary of Housing and Urban Development, in the final FSS program guidelines, should

Recommendation: The Secretary of Housing and Urban Development, in the

final FSS program guidelines, should require PHA to report the costs of administering the FSS Program and to provide detailed estimates of the costs required to operate a more effective

program. Those costs could be used as a basis for the HUD revision of the reimbursement for FSS administrative costs for both the public housing and section 8 programs.

Status: Action in process. HUD agreed to include the recommended reporting items in its final program regulations.

Public Housing: Housing Persons With Mental Disabilities With the Elderly

RCED-92-81, 08/12/92 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

Pursuant to a congressional request, GAO reviewed issues concerning housing nonelderly, mentally disabled persons in subsidized housing for the elderly, focusing on: (1) the problems associated with mingling the two populations; (2) screening mentally disabled applicants; (3) delivering mental health services, and the need for additional support services; (4) laws and regulations governing placement of mentally disabled persons in public and other subsidized rental housing; and (5) procedures used to place and evict tenants with mental disabilities.

Findings

GAO found that: (1) nonelderly, mentally disabled persons (NMDP) are a small percentage of the population occupying subsidized housing for the elderly, although the percentage is significantly greater in larger public housing agency (PHA) projects; (2) NMDP cause a disproportionate share of problems, and those problems take longer to resolve because PHA staff do not have mental health training; (3) the incidence of problems is increasing and varies by PHA size; (4) the numbers of NMDP in subsidized housing for the elderly may be increasing, due in part to lack of affordable housing and recent

antidiscrimination regulations; (5) PHA determine applicants' eligibility and suitability for public housing subject to HUD regulations, particularly antidiscrimination rules; and (6) revised HUD guidance gives PHA more freedom in the screening process, but PHA are still unsure whether their actions violate antidiscrimination laws. GAO also found that: (1) states are required to provide case management services to mentally ill individuals who also receive substantial amounts of public funds or services; (2) information on mental health and other community-based support services or on the sufficiency of funding is not available; (3) community support services and case management can prevent or lessen NMDP behavioral problems; (4) cooperative agreements between PHA and local mental health service providers help in case management by coordinating delivery of housing and support services; and (5) NMDP eligibility for subsidized housing for the elderly varies, but the issue is not specifically addressed in any program authorizing legislation.

Open Recommendations to Congress

Recommendation: In order to assist PHA in establishing cooperative agreements and coordinating service

delivery, Congress should consider providing appropriations for the public housing service coordinator position authorized under section 507 of the Cranston-Gonzalez National Affordable Housing Act of 1990.

Status: Action not yet initiated.

Recommendation: Congress should consider addressing the issue of housing the nonelderly mentally disabled with the elderly on the basis of the information contained in this and other reports and any congressional oversight hearings. Actions that Congress could consider include, but are not limited to, the options discussed in this report. In considering these actions, Congress will need to reconcile the rights and needs of both groups in a manner that is fair and equitable to both persons with disabilities and the elderly.

Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To assist PHA in screening all applicants, including those with mental disabilities, the Secretary of Housing and Urban Development should provide fair housing guidance that details the questions that can be asked of any applicant to public housing.

Status: Action not yet initiated.

Recommendation: To assist PHA in addressing the service needs of tenants with mental illness, the Secretary of Housing and Urban Development should require PHA to actively seek out mental health service providers for the purpose of entering into cooperative agreements for case management services.
Status: Action not yet initiated.

work with the Department of Health and Human Services to issue guidance now being developed for all PHA on establishing cooperative agreements with local mental health service providers. As planned, a model cooperative agreement should be included in such guidance.
Status: Action not yet initiated.

exist or are unable to enter into cooperative agreements because of insufficient resources. This information would begin to provide a nationwide assessment of the sufficiency of mental health services available to public housing tenants. It will also provide Congress, through HUD, with an initial assessment of the need for targeted resources. Such resources could enable PHA to contract directly for on-site delivery of case management services.
Status: Action not yet initiated.

Recommendation: To facilitate cooperative agreements for case management services, the Secretary of Housing and Urban Development should

Recommendation: The Secretary of Housing and Urban Development should direct PHA to report on situations where local mental health providers do not

Public Housing: Planned Kenilworth-Parkside Sale Raises Issues for Future Transactions

RCED-90-26, 12/01/89 GAO Contact: Judy A. England-Joseph, (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.

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.

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.
Status: Action taken not fully responsive. 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.

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

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

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 1 of the recommendation by making changes to applicable agency

guidelines. HUD plans to include part 2 in regulations that have not been finalized. This provision is included in the Kenilworth-Parkside contract for resident homeownership.

Rental Housing: Housing Vouchers Cost More Than Certificates but Offer Added Benefits

RCED-89-20, 02/16/89 GAO Contact: Judy A. England-Joseph, (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.

Status: Action in process. 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. Legislation to merge the programs has been introduced, but is unlikely to pass.

Rental Housing: Inefficiencies From Combining Moderate Rehabilitation and Tax Credit Subsidies

RCED-90-168, 06/19/90 GAO Contact: Judy A. England-Joseph, (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.

Status: Action in process. Congress is reauthorizing the Low-Income Tax Credit Program for 1 year.

Rural Rental Housing: Excessive Profits and Program Abuses in Multifamily Housing

T-RCED-92-63, 05/13/92 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

GAO discussed the Farmers Home Administration's (FmHA) Rural Rental Housing Program, focusing on whether: (1) developers are receiving more federal financial assistance than needed to encourage construction of multifamily housing projects; and (2) fraud and abuse exists within FmHA multifamily housing programs. GAO noted that: (1) developers receive more federal financial assistance than needed to encourage the

construction of multifamily housing projects primarily because developers are able to combine FmHA assistance with the Low-Income Housing Tax Credit; (2) three FmHA multifamily housing program project developers received excessive profits, representing 780 to 970 percent of their initial cash investments to build the projects; (3) an ongoing Department of Agriculture (USDA) investigation shows that the FmHA multifamily housing program is

high-risk and subject to fraud and abuse; (4) fraudulent and abusive activities include overstating construction costs, overcharging for project management and maintenance fees, diverting construction materials, and improper use of project funds; (5) within the last 5 years USDA has conducted 45 criminal investigations of alleged fraud in the program, resulting in 35 indictments and 26 convictions; and (6) fraudulent and

abusive activities exist primarily because of insufficient internal controls.

Open Recommendations to Congress

Recommendation: Congress should take the necessary steps to eliminate the excess profit opportunities now available to developers under the FmHA section 515 multifamily housing program. Some

alternatives for doing this would be to: (1) eliminate the maximum downpayment requirement on section 515 multifamily housing loans so that developers have more equity in the project; (2) restrict FmHA section 515 projects from receiving tax credits; or (3) institute some combination of both. Since the tax credit is set to expire in June 1992, Congress may wish to

consider this matter in its deliberations on renewing tax credits.
Status: Action in process. Legislation is pending in responsible committees that oversee tax and housing issues. The Senate bill raises downpayments; the House bill does not address the issue. The bills were to be discussed in conference. Tax issues are not addressed in current legislation.

Rural Rental Housing: Incentives Maintain Low-Income Housing but Clearer Guidance Needed

RCED-92-150, 06/23/92 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

Pursuant to a congressional request, GAO provided information on: (1) financial and other incentives offered by the Farmers Home Administration (FmHA) and their effect on preserving the FmHA rural rental housing inventory; (2) the types of incentives FmHA uses; and (3) the problems FmHA encounters in providing incentives.

Findings

GAO found that: (1) 140 FmHA projects either received financial incentives or were sold to nonprofit organizations, as authorized under the Housing and Development Act of 1987, to preserve low-income housing; (2) 5,870, or 4

percent, of the 160,000 eligible units were preserved through incentives totalling about \$69 million; (3) 129 of the 140 projects received equity loans, which are most attractive to borrowers because they are unrestricted and can be repaid by project revenues; (4) the increased rental assistance payments and increased rate of return on investment incentives were rarely used without equity loans; and (5) FmHA encountered problems in the appraisal methodology, which resulted in inequities in the distribution of financial incentives.

Open Recommendations to Agencies

Recommendation: To correct the problems encountered in the FmHA interim regulation and ensure that no further delays occur in implementing the final regulation, the Secretary of Agriculture should direct the Administrator, FmHA, to establish instructions and procedures for implementing the regulation and ensure that these procedures are distributed to FmHA state, district, and county offices as soon as the regulation is issued.
Status: Action in process. Regulations have been drafted and are in the clearance process within FmHA. FmHA plans to publish the regulations in the Federal Register by late 1992.

Small Business: Analysis of SBA's Preferred Lenders Program

RCED-92-124, 05/15/92 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

Pursuant to a congressional request, GAO reviewed the Small Business Administration's (SBA) Preferred Lenders Program, focusing on: (1) preliminary program results; (2) characteristics of preferred loans compared with other SBA-guaranteed business loans; (3) the geographic distribution of preferred loans; and (4) independent audit determinations of preferred lenders' compliance with SBA regulations.

Findings

GAO found that: (1) the Preferred Lenders Program has achieved better results than either the certified or regular loan programs, but most preferred loans have not reached the age when loans typically fail; (2) preferred lenders have not always complied with SBA rules and regulations; (3) the number of preferred loans has increased nearly every year since the program's inception in 1983; (4) loan processing takes one-third the time of loan

processing under the certified loan program, and one-quarter the time under the regular guaranteed loan program; (5) such efficiency helped SBA maintain a fairly stable volume of guaranteed lending despite reductions in staff; (6) the failure rate of preferred loans is only one-third that of loans made under other SBA guaranteed loan programs; (7) compared with other SBA-guaranteed loans, preferred loans are larger in dollar amount but have similar interest rates, receive the maximum SBA guarantee applicable to that program more often, and are typically made to businesses that are similar in terms of their organizational type and industry; (8) lending under the preferred loan program is concentrated geographically due to competition among lenders and regional economies' effect on the demand for loans; (9) recent Preferred Lenders Program audits identified problems with preferred lenders' loan making, use of loan proceeds, and inadequate collateral to secure loans; and (10) the 1990 SBA Federal Managers' Financial Integrity Act report identified SBA oversight of

preferred lenders as a material weakness.

Open Recommendations to Agencies

Recommendation: Because of the increasing volume of preferred loans and to ensure that SBA is aware of the performance of all lenders, the Administrator, SBA, should require the Assistant Administrators for Information Resources Management and for Financial Assistance to develop an automated process capable of compiling loan data on individual lenders and ensure that monitoring staff use this information when reviewing lenders' performance and renewing lenders' certification.

Status: Action not yet initiated. SBA is studying potential courses of action. A decision is planned for December 31, 1992, to either modify the existing system or develop a new system. Once the course of action is determined, action should be completed by September 30, 1993.

Small Business: Information on and Improvements Needed to Surety Bond Guarantee Programs

RCED-91-99, 04/23/91 GAO Contact: Judy A. England-Joseph, (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 anticipates having final draft of SOP by late 1992. This draft will contain guidance to field staff recommended by the GAO report.

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 plans to have a final draft SOP by late 1992. The draft will include instructions for documenting data base entries.

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. SBA plans to have a final draft SOP by late 1992. The draft will include procedures for verifying data entered into the system. OSG is working with the SBA Office of Information Resources Management to develop a new computer system.

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. SBA plans to have a final draft SOP by late 1992. The draft will include instructions for categorizing obligee types.

Small Business: Losses on Individual SBA Loan Programs Are Not Fully Disclosed

RCED-92-90, 04/17/92 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

Pursuant to a congressional request, GAO: (1) provided information on how the Small Business Administration (SBA) accounts for acquired collateral in reporting 7(a) Loan Program losses; and (2) reviewed whether SBA assigns proper

value to collateral from defaulted loans when making acquisition decisions.

Findings

GAO found that: (1) SBA does not include actual gains or losses on acquired collateral and costs associated

with the management and sale of acquired collateral in its annual loan loss study; (2) SBA records the actual gains and losses realized from collateral sales in separate asset disposition accounts; (3) SBA uses separate accounts to record and account for the acquisition and final sale of acquired collateral

because the final sale of collateral may take several months and SBA can more quickly resolve borrowers' loan accounts by using an assigned collateral value, rather than actual liquidation receipts; (4) SBA records the additional costs it incurs while managing and selling acquired collateral separately in general expense accounts; (5) SBA protective bids for acquiring collateral at foreclosure sales frequently do not reflect additional expenses associated with acquiring collateral and, as a result, SBA sometimes overvalues collateral and makes acquisition decisions that are not advantageous to the government; (6) inappropriate protective bid amounts

can also improperly reduce a borrower's outstanding debt; (7) SBA does not consistently comply with its standard operating procedures for acquiring loan collateral at forced liquidation sales; and (8) from the 7(a) Program's inception through 1989, total actual losses from the sale of acquired collateral were about \$168 million greater than SBA reported in the annual loss studies.

Open Recommendations to Agencies

Recommendation: To increase compliance with SBA procedures for determining bid amounts and assigning

collateral liquidation values, the Administrator, SBA, should ensure that all SBA liquidation personnel receive formal training in the valuation of collateral and SBA operating procedures. **Status:** Action in process. Based on the agency's 60-day letter to Congress, SBA agrees with this recommendation. SBA plans to establish a training program for all personnel involved in loan liquidation to improve their skill and knowledge in assessing the value of collateral in SBA possession.

Small Business: Low Participation in Set-Aside Program Expected for Sheltered Workshops

RCED-90-192, 08/06/90 GAO Contact: Judy A. England-Joseph, (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.

Status: Action not yet initiated. No congressional action has been initiated to address the matters for congressional consideration. The Senate and House Small Business Committees are waiting for the GAO final report on the Sheltered Workshop Program, which is due in late 1992 before deciding what, if anything, they should do in response to GAO matters for congressional consideration.

Small Business: Problems in Restructuring SBA's Minority Business Development Program

RCED-92-68, 01/31/92 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

Pursuant to a legislative requirement, GAO provided information on the Small Business Administration's (SBA) progress in implementing provisions of the Business Opportunity Development Reform Act of 1988, designed to remedy the problems which prevented the SBA 8(a) Program from developing firms owned by socially and economically disadvantaged individuals into viable businesses.

Findings

GAO held that: (1) during the first 11 months of fiscal year (FY) 1990, about 76 percent of all new applications that SBA approved or declined did not meet the act's requirement to process applications within 90 days, and the average processing time for those applications was 117 days; (2) as of October 1, 1991, SBA had approved or revised the required business plans of about 57 percent of the 3,922 firms in the program; (3) SBA has limited control over the equitable geographical distribution of 8(a) contracts because the act also directs SBA to award contracts to 8(a) firms recommended by procuring agencies, and such recommendations occur for about 95 percent of the 8(a) contracts offered; (4) of approximately 8,300 new 8(a) contracts awarded in FY 1990 and FY 1991, SBA awarded only 67 competitively; (5) missing and inaccurate data render the SBA Financial Information System inadequate, but SBA has been in the process of developing specific plans for correcting system weaknesses; (6) since SBA did not

track the various forms of assistance provided by contractors and others, SBA did not know the full extent of management and technical assistance provided to 8(a) firms; (7) due to higher-priority work and the turnover of key staff, SBA did not issue an approved form for 8(a) firms to report their use of paid consultants to obtain contracts until more than 2 years after the requirement took effect; (8) SBA did not know the amount of financial assistance it provided to 8(a) firms, since it did not collect such information; and (9) SBA did not routinely gather information on contract or bid protests involving 8(a) firms or challenges of firms' eligibility to continue participating in the 8(a) program, since there appeared to be few such protests or challenges.

Open Recommendations to Congress

Recommendation: While the Business Opportunity Development Reform Act of 1988 encourages the equitable geographical distribution of 8(a) contracts, SBA has limited control over such distribution because the act also directs the agency to award contracts to 8(a) firms recommended by procuring agencies. Because these two provisions appear to work against each other, Congress may wish to consider: (1) clarifying its intent in directing SBA to equitably distribute contracts; or (2) eliminating the directive from the act. **Status:** Action not yet initiated.

Recommendation: Should Congress decide to keep this directive, it may wish

to revise the act's provision that requires SBA to award contracts to the firms recommended by procuring agencies, in order to give SBA greater control over the distribution of the contracts. **Status:** Action not yet initiated.

Congressional Action: The House and Senate Small Business Committees are awaiting results of the GAO follow-on review of issues discussed in the January 1992 report.

Open Recommendations to Agencies

Recommendation: In order to ensure that the 8(a) program achieves its objective of promoting the development of small businesses, the Administrator, SBA, should direct the Associate Administrator, Office of Minority Small Business and Capital Ownership Development (MSB&COD), to determine the type and amount of management and technical assistance required by 8(a) firms, use this information to procure such assistance in the future, and work with the Office of Advocacy to develop objective criteria for better measuring the effectiveness of assistance provided under the 7(j) program to 8(a) firms.

Status: Action in process. MSB&COD is manually recording 7(j) assistance by type and amount for FY 1992 and plans to use advocacy and Office of the Inspector General assistance in developing better criteria for measuring effectiveness of 7(j) assistance.

Recommendation: In order to ensure that the 8(a) program achieves its

objective of promoting the development of small businesses, the Administrator, SBA, should direct the Associate Administrator, MSB&COD, to complete the development and implementation of written plans that detail the specific

tasks and time frames for actions to be taken to correct the problems with the 8(a) program's management information system.

Status: Action taken not fully responsive. Written plans and timetables

for implementing the information system remain general. SBA implementation of the new information system is being assessed in a follow-on review.

Small Business: SBA Needs to Improve Administrative Practices for Disaster Operations

RCED-92-144, 05/07/92 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

Pursuant to a congressional request, GAO examined certain administrative practices that the Small Business Administration (SBA) used in Puerto Rico and the Virgin Islands to help home and business owners obtain disaster assistance loans following Hurricane Hugo.

Findings

GAO found that: (1) in justifying an automatic reduction in per diem, SBA did not document that disaster employees could not obtain lodging or meals at reduced costs in part because it lacked information on what temporary employees had to pay for lodging; (2) during the 11 months the waiver was in effect, SBA did not review the waiver justification to determine if the

subsistence costs associated with long-term stays in Puerto Rico or the Virgin Islands had changed sufficiently to warrant discontinuing the waiver or adjusting the per diem rates; (3) per diem amounts that exceed employee costs are not taxable; (4) to comply with a legislative limitation on the amount of time it could reimburse temporary employees for per diem expenses in connection with any single disaster declaration, SBA transferred temporary employees to other disaster declarations when work for which they were qualified remained to be done at their current location; (5) SBA efforts reduced the amount of time needed to obtain disaster assistance loan checks from the Treasury; and (6) an insufficient number of adequately trained employees and the lack of forms and manuals contributed

to improper personnel practices during the Hugo operation.

Open Recommendations to Agencies

Recommendation: The Administrator, SBA, should direct the Comptroller, SBA, to amend the SBA Standard Operating Procedure (SOP) for travel to: (1) require that subsistence costs and any other factors used to justify waivers of the automatic reduction in per diem be fully documented; and (2) include guidance on when waivers should be reviewed to determine if and when they should be adjusted or discontinued. **Status:** Action in process. The SOP revision incorporating changes recommended by GAO are in the clearance process. SBA expects to issue the SOP revision by late 1992.

Small Business: Use of the Surety Bond Waiver Has Been Limited

RCED-92-166, 07/07/92 GAO Contact: Judy A. England-Joseph, (202)275-5525

Background

GAO provided information concerning: (1) the number of contracts awarded that used the Small Business Administration's (SBA) Surety Bond Waivers (SBW) Program; (2) the problems and limitations of SBA 8(a) Program implementation; (3) the impact of SBW Program regulations and procedures on contractor participation; (4) defense agency contracting officers and SBA 8(a) Program contractors problems in obtaining requested bond waivers; (5) the problems experienced when bond waivers were requested but not obtained; and (6) the performance of contractors on contracts that used bond waivers.

Findings

GAO found that: (1) the use of surety bond waivers has been limited, and in 1990 and 1991 SBA issued a total 13 surety bond waivers out of 2,820 eligible contracts; (2) 8(a) program provisions limit waiver use by requiring procuring agencies to select contractors that are already bonded; (3) the Department of Defense (DOD) awarded fewer 8(a) contracts due to delays in revisions of the Federal Acquisition Regulation; (4) potential SBA 8(a) Program use of surety bond waivers is unknown; (5) untrained SBA field office staff and limited SBA outreach efforts limited use; (6) lack of data provided to SBA and DOD impairs monitoring efforts; and (7) contractors that have been given bond waivers have performed satisfactorily.

Open Recommendations to Agencies

Recommendation: The Administrator, SBA, should direct the Associate Administrator, Minority Small Business and Capitol Ownership Development (MSB&COD), to require SBA field offices to use the annual updates of 8(a) firms' business plans to identify and report the number of developmental-stage contractors that are having problems obtaining the bonding needed for 8(a) contracts.

Status: Action not yet initiated.

Recommendation: The Administrator, SBA, should direct the Associate Administrator, MSB&COD, to provide training to field office staff responsible for implementing the bond waiver program.

Status: Action not yet initiated.

Recommendation: The Administrator, SBA, should direct the Associate Administrator, MSB&COD, to contact those civilian federal agencies that award 8(a) contracts to ensure that they are aware of the SBW Program.

Status: Action not yet initiated.

Recommendation: The Administrator, SBA, should direct the Associate Administrator, MSB&COD, to determine what SBW Program outreach efforts are being performed in field offices by incorporating questions on these efforts into the MSB&COD field offices' report on outreach activities, and if warranted, provide guidance to the field offices on any additional SBW Program outreach that needs to be performed.

Status: Action not yet initiated.

Recommendation: The Administrator, SBA, should direct the Associate Administrator, MSB&COD, to periodically provide DOD and civilian agencies with a list of all contractors in the developmental stage of the 8(a) program.

Status: Action not yet initiated.

Recommendation: The Secretary of Defense should extend the requirement that the military services submit quarterly SBW Program activity reports for the remainder of fiscal year (FY) 1992 and FY 1993 and ensure that all three defense agencies comply with the requirement.

Status: Action not yet initiated.

Recommendation: When considering reauthorization of the pilot SBW Program, Congress needs to be aware of the preferences given to bondable contractors in the current 8(a) program legislation and operating procedures. Specifically, the 8(a) legislation gives the procuring agency the ability to recommend to SBA the contractor that is to be used for a sole-source 8(a) contract. In most cases, the procuring agency recommends a contractor that is able to obtain bonding, which protects the government's interests and the interests of subcontractors and suppliers. Furthermore, 8(a) program operating procedures state that bondable contractors are to receive preference when SBA selects a contractor. As long as these preferences exist, the use of

bond waivers is unlikely to increase appreciably.

Status: Action not yet initiated. The Senate Small Business Committee is aware of limitations which the report

points out and will take action to eliminate these limitations when the program is reauthorized.

Supportive Housing: HUD Is Not Assessing the Needs of Elderly Residents

T-PEMD-92-12, 08/12/92 GAO Contact: Robert L. York, (202)275-5885

Background

GAO discussed the Department of Housing and Urban Development's (HUD) efforts to provide supportive housing for the elderly, focusing on: (1) the methodologies HUD uses in assessing elderly need for section 202 housing; and (2) the need for modernization of section 202 buildings. GAO noted that: (1) HUD neither collects data nor has a methodology for assessing section 202 residents' supportive service needs; (2) HUD considers section 202 supportive services as the responsibility of the Department of Health and Human Services (HHS), and there is inadequate cooperation between HHS and HUD; (3) the HUD lottery method of fund disbursement for

supportive services inadequately targets residents and fails to provide assistance for those in the greatest need; (4) HUD lacks data on resident frailty levels, which would assist in determining modernization and retrofitting needs, target identification and disbursement of limited funds, and providing for resident needs; and (5) limited HUD travel and staff funding impedes annual inspections and assessments of retrofitting requirements.

Open Recommendations to Congress

Recommendation: Congress may wish to request that the Secretary of Housing and Urban Development study the

feasibility of a more productive methodology by developing a uniform definition of need and a standardized instrument for measuring needs for supportive services.

Status: Action in process. Based on GAO preliminary findings, the Subcommittee on Housing and Consumer Interests of the House Select Committee on Aging added necessary language to amend related housing acts (H.R. 5334) in the 102nd Congress. In addition, the subcommittee plans to introduce a bill mandating HUD to implement the recommendations on the use of standardized instruments.

Transportation

(Budget Function 400)

Transportation

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Transportation

Issue Area Summary

Impact of GAO's Work

The U.S. transportation sector is critical not only to the traveling public but to the nation's economic growth and its 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 the lives of everyone.

Many challenges, however, face this sector. In 1991, transportation accidents claimed about 43,500 lives in the United States. Considerable portions of the infrastructure are obsolete or deteriorating. Aviation, highway, and waterway systems are increasingly congested. 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. And demands are increasing for more and better public transit and rail service. At the same time, despite increased federal funding over the past several years for transportation activities, severe fiscal constraints require increased reliance on private resources and more efficient use of public resources to meet transportation needs.

Over the past few years, our work has increasingly emphasized the transportation sector's international and intermodal aspects and has influenced the Congress and the Department of Transportation (DOT) to take many actions to improve transportation safety and the efficiency and effectiveness of transportation policies and programs.

Transportation Safety

As a result of our safety-related work, the Congress included several safety provisions in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. For example, ISTEA requires the National Highway Traffic Safety Administration to develop and then update a 5-year plan for testing all testable motor vehicle safety standards; prohibits the expansion of "longer combination vehicles" (generally defined as trucks with 3 trailers or 2 trailers that have a combined length longer than twin 28-foot trailers) to states not already allowing their use until more definitive safety data are available; provides for both incentives and penalties to encourage states to adopt or retain mandatory safety belt and motorcycle helmet laws; requires the Federal Transit Administration (FTA) to provide a comprehensive report on current transit safety conditions; requires DOT to issue regulations establishing sanctions and penalties, including loss of commercial driver's licenses, when drivers violate orders to go out of service until serious mechanical defects or driver deficiencies are corrected; directs the Federal Highway Administration (FHWA) to assess the effectiveness of private-sector training of entry-level truck drivers; and to help improve commercial motor vehicle safety data, requires states to participate in FHWA's Safetynet Program or lose eligibility for safety program grants.

In other safety actions related to our work, the Coast Guard (1) improved its efforts to help alleviate alcohol abuse in the maritime industry by providing its investigators with alcohol abuse training and by developing data on alcohol-related accidents and (2) implemented a comprehensive computerized system to track actions on recommendations from various reports and studies on marine safety to improve its tanker inspection program. The Federal Railroad Administration (FRA) improved its inspection planning to take into account available inspection resources and known risk factors. And in line with our suggestions following the Loma Prieta earthquake, FHWA and the California Department of Transportation took actions to improve the structural integrity of the San Francisco-Oakland Bay Bridge, and FHWA agreed to improve its data on the structural problems of other bridges in the region to better target its review activities.

Furthermore, we broadened our coverage of aviation safety by examining and reporting to the Congress on the Federal Aviation Administration's (FAA) oversight of the commuter and air taxi segments of the airline industry. Both have accident and fatality rates higher than those of major carriers operating large aircraft.

Financial, Budgetary, and Management Matters

In line with our recommendations, the Congress included provisions in the ISTEA legislation that (1) allow states to use federal interstate preservation funds for preventive maintenance that can save or delay significant future preservation expenditures, (2) set the federal funding share on toll highways below that set for comparable nontoll federal highway projects so that states are encouraged to limit toll use to roads with enough traffic to generate sufficient revenue to make them financially feasible, and (3) establish criteria that FTA must use for awarding grants for new transit projects and require FTA to issue guidelines for evaluating these criteria.

In addition, to prevent the Research and Special Programs Administration (RSPA) from reprogramming funds without congressional approval, the Congress funded each major RSPA function under a separate appropriations account and prohibited the transfer of RSPA employees to program support offices and activities. Furthermore, FAA established new budget categories to enable it and the Congress to better examine the progress, problems, and risks of acquisition projects; established the position of Chief Information Officer, who reports directly to the FAA Administrator and is responsible for both administrative and operational information resources; and significantly improved FAA planning for modernizing its Airmen and Aircraft Registry Systems, resulting in a better-defined systems solution that will be more conducive to meeting FAA's needs and those of external law enforcement agencies involved in drug interdictions and investigations. To help ensure that major systems are acquired on time, within budget constraints, and in accordance with federal procurement regulations, the Coast Guard established mandatory criteria for selecting project managers.

In response to our work and similar findings by DOT's Office of Inspector General on FTA's grant management activities, FTA developed and has begun to significantly restructure its oversight approach to include risk assessments of each grantee, detailed procedures for evaluating grantees' management controls, and a comprehensive enforcement scheme to ensure uniform and timely corrective actions.

Monetary Benefits

Our work resulted in about \$630 million in budgetary and other savings in the last year or so. In response to our finding that the Coast Guard's acquisition of Heritage Class patrol boats was not adequately justified, the agency reevaluated the project and terminated its plans to acquire 47 such vessels, resulting in savings of \$329 million. In connection with our work on the Exxon Valdez oil spill, the Coast Guard now includes employee retirement costs in its reimbursement rate for oil spill responses and took several actions to help ensure that federal agencies recover all appropriate response costs. This resulted in recoveries of about \$2 million in the Exxon Valdez case and the potential for additional recoveries in future spills. In addition, the Department of Justice used information we supplied in collecting a \$25 million fine against Exxon.

On the basis of our analyses of FAA's fiscal year (FY) 1992 budget requests, the House and Senate Committees on Appropriations reduced FAA's Facilities and Equipment request by \$107.4 million and its request for selected computer and communications systems by \$115.1 million. Many of these reductions were based on program delays that have removed the need for funding in FY 1992.

In line with our recommendations on the Computer Resources Nucleus—FAA's largest and most complex general-purpose data-processing acquisition to date—FAA canceled its original procurement strategy; issued a dramatically improved request for proposals; and then awarded a \$508 million contract, about \$1 billion less than originally planned. About \$52 million of this savings will be realized in FY 1992 and 1993. In addition, FRA officials cancelled a \$300,000 railroad productivity study after we advised them that the study significantly paralleled issues discussed in our report on railroad competitiveness.

Environmental Issues

On the basis of our work on marine pollution, the Coast Guard started assuming full responsibility for inspecting pipes that transport oil between docks and tank storage areas at waterfront facilities, which posed significant risks of water pollution. In addition, following our finding that abandoned vessels in the nation's waterways contributed to marine pollution and created illegal dump sites for hazardous materials, we assisted the Congress in drafting legislation to alleviate this problem.

Air Traffic Control Modernization

In line with our recommendations, FAA (1) completed a congressionally required study of the operational and economic benefits of microwave landing systems compared with those of alternative precision landing systems and now plans to procure additional microwave landing systems and (2) through a contractor, made a new cost-benefit study concluding that more consolidated air traffic control facilities would be needed than originally planned, thus adding assurance that the most cost-effective consolidation configuration will be implemented.

Surface Transportation

Our work contributed to deliberations on many of the national highway and mass transit policy and program reauthorization issues covered in ISTEA, including federal and state roles and responsibilities, alternative financing strategies, the deterioration of bridges and highways, the environmental impact of congestion, and an intermodal investment strategy to meet the nation's congestion relief and clean air goals. In response to our specific recommendations, ISTEA (1) restricts the use of federal interstate maintenance funding for capacity expansion so that more federal dollars will be available for Interstate preservation; (2) provides for an updated highway classification system, which will help ensure that the delineation of a National Highway System is guided by specific criteria; and (3) provides that many federally supported projects on highways not in the National Highway System be designed, constructed, operated, and maintained in accordance with state laws, regulations, and standards.

Competition, Communications, and Consumer Protection

Our analyses of the competitive conditions and financial performance of the nation's airlines continued to be instrumental in developing both legislation and regulations aimed at protecting the benefits of deregulation. For example, our reports and testimonies were used in drafting legislation regarding airlines' computer reservation systems. In addition, our analysis of competitive conditions in intercity bus service focused attention on the continuing decline in the availability of such service. In the communications area, where such technologies as videoconferencing and telecommunications are increasingly becoming a substitute for transportation, our work on the cable television and cellular telephone service industries contributed to congressional deliberations on legislation affecting those industries.

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 Research

In a report on FAA's Research, Engineering, and Development (RE&D) Program, we noted that FAA had not included resource estimates or delineated specific long-term projects in its RE&D plan. Furthermore, although the plan set research goals, the goals seemed to reflect the overall challenges facing FAA and the air transport system and cannot be achieved by the RE&D Program. We recommended that FAA include cost and staffing information in the plan and integrate the RE&D goals into other agency programs or adopt goals that the RE&D Program could itself achieve. (GAO/RCED-92-180, see p. 474.)

Aircraft Certification

In a report on FAA's efforts to coordinate the review and certification of new transport aircraft designs, we noted that the existing system was subject to differences of interpretation and duplication of activities that substantially increase costs for domestic and foreign manufacturers and result in the inefficient use of regulatory resources. In June 1992, FAA and foreign authorities agreed to an action plan to resolve these issues within specified time frames. We recommended that FAA monitor and report annually on the progress achieved with the plan; develop mechanisms to help prevent late design changes and duplication; and report the achievements, problems, and impact of the Aviation Rulemaking Advisory Committee to the Congress. (GAO/RCED-92-179, see p. 471.)

Aviation Safety

In testimony on the limited progress and uncertain future of FAA's program for measuring the safety of the aviation system, we recommended that FAA develop a detailed program plan that (1) provided for effective user involvement, (2) provided the requisite funding base for meeting program objectives, and (3) ensured the integrity of source data. (GAO/T-IMTEC-92-12, see p. 480.)

Air Traffic Control

In our report on FAA's maintenance of computer software used to control air traffic en route between airports, we recommended that FAA develop and implement a software maintenance plan that provides for (1) identifying the resources needed to maintain system software until the Advanced Automation System is implemented and (2) acquiring modern automated tools that can help FAA estimate the amount of effort required to maintain the system and correct software problems. FAA's actions in responding to these recommendations have not been fully responsive. Its resource estimates lack strategic focus, and it has wrongly concluded that modern automated tools that can assist in estimating maintenance efforts do not exist. (GAO/IMTEC-92-1, see p. 470.)

In reporting on the effectiveness of FAA's agencywide approach to computer capacity management and on how FAA could improve its practices to alleviate problems with existing systems, we recommended, among other things, that FAA (1) develop computer capacity management policies and procedures for its systems that required the implementation of capacity management programs for each system, particularly those most critical to aviation safety, and (2) develop or acquire automated tools to help it perform capacity management activities. (GAO/IMTEC-92-2, see p. 490.)

Information Resources Management (IRM)

Our report on FAA's management of information resources included recommendations that FAA (1) set up a senior-level executive IRM Steering Committee to guide the agency's efforts and (2) develop and complete a strategic IRM plan, with the advice of the steering committee, that considered the information technology needs of the entire agency. The House Committee on Government Operations has expressed particular interest in implementation of these recommendations. (GAO/IMTEC-91-43, see p. 493.)

Urban Transportation Planning

Our report on urban transportation planning recommended that for comparing highway and mass transit projects, the Secretary of Transportation develop criteria and related measures that (1) consider such factors as mobility, environmental quality, safety, cost-effectiveness, and social and economic objectives and (2) identify how these criteria and measures may be applied by transportation planners and decisionmakers. These criteria are needed to help states develop effective solutions, regardless of mode, to deal with congestion and air quality problems. (GAO/RCED-92-112, see p. 516.)

Disadvantaged Business Enterprises

In a report on the guidance and oversight of FHWA's disadvantaged business enterprise program, we recommended that the Secretary of Transportation develop a uniform order or instruction delineating federal eligibility policy for state highway agencies that certify disadvantaged businesses, including procedures to update such an order or instruction in a timely manner to reflect and highlight new or revised guidance. We also recommended that the Secretary designate an office with lead responsibility for such guidance and establish a monitoring system to better oversee how states make eligibility decisions. (GAO/RCFD-92-148, see p. 496.)

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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. Estimated completion date: 01/93. FAA is developing a plan that describes industry and government actions under way to meet the aging aircraft challenge. FAA expects to finalize and publish the plan in early 1993.

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. Estimated completion date: 01/93. After the plan is complete, FAA will update it on an annual basis and provide copies to Congress. FAA expects to finalize and publish the plan in early 1993.

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 en-route 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 en-route 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 en-route system to be about 99 percent reliable, it did not consider the fact that much 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 en-route 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 en-route 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 in process. Estimated completion date: 06/93. FAA has proposed three projects to address the recommendation. Target dates for two of the three projects were September 30, 1992. Completion of the third project, which will create a handbook and make software changes to provide guidance on proper data base procedures, is not expected to be complete until June 30, 1993.

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 in process. Estimated completion date: 10/95. FAA is exploring commercial analytical tools to extract data from the Maintenance Management System data base. FAA plans to complete its preliminary analysis by September 30, 1993. Developmental efforts are projected to continue through fiscal year 1995.

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 in process. Estimated completion date: 06/93. FAA is preparing a handbook and incorporating edit checks of Maintenance Management System log entries. Completion date for the handbook is June 30, 1993.

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. Estimated completion date: 09/93. The FAA

National Airspace System Transition Service established a working group to look at problems and develop solutions for the new systems' field transition process. According to the transition group's manager, this effort, expected to be completed by the spring or summer of 1993, will result in new guidance, or changes to existing guidance, including requirements for project implementation.

Air Traffic Control: Smaller Terminal Systems' Capacity Requirements Need to Be Defined

IMTEC-90-50, 06/25/90 GAO Contact: JayEtta Z. Hecker, (202)512-6416

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: 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. According to the Department, FAA completed an initial capacity and performance analysis using estimated track requirements. The Department added that UNISYS Corporation was in the process of developing a computer capacity and system performance monitoring program.

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 the Department, the lack of a capacity and performance management program will be reported as a material weakness until implementation of the program is complete.

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. The Department agreed that establishing the computer system capacity requirements

more accurately and definitively would be completed before exercising the ARTS IIA Interim Support Plan contract option for Mode C Intruder.

Air Traffic Control: Software Problems at Control Centers Need Immediate Attention

IMTEC-92-1, 12/11/91 GAO Contact: JayEtta Z. Hecker, (202)512-6416

Background

Pursuant to a congressional request, GAO examined the computer systems the Federal Aviation Administration (FAA) uses to safely control air traffic, focusing on: (1) the extent to which computer software problems affect FAA control of air traffic en route between airports; and (2) whether FAA actions to minimize and resolve those problems are timely and effective.

Findings

GAO found that: (1) since 1987, when FAA implemented new hardware, almost 4,000 system software problems have been reported and, as of June 1991, 1,600 problems remained unresolved; (2) FAA considers 74 percent of the unresolved problems to have the potential to adversely affect the air traffic control system; (3) software problems have remained uncorrected for an average of 18 months; (4) FAA effectiveness in reducing problems is limited because it uses temporary fixes for software problems instead of permanently revising software; (5) FAA attributes the backlog of software problems and continued reliance on temporary fixes to a lack of necessary resources; and (6) FAA has not developed a plan identifying the resources needed to maintain the en-route system until

modernization is completed and lacks the key tools to estimate the resources required for such maintenance.

Open Recommendations to Agencies

Recommendation: The Administrator, FAA, should direct that the current backlog of high-priority and medium-priority problems involving a significant risk to the air traffic system be resolved as soon as practicable.

Status: Action in process. The Department of Transportation (DOT) concurred in the recommendation and stated that FAA was in the process of pursuing expeditious resolution of software problems that could impact the operational effectiveness of current air traffic control systems.

Recommendation: The Administrator, FAA, should develop and implement a software maintenance plan that includes establishing standard time frames, based on problem severity and analysis of risk to the air traffic system, for resolving software problems.

Status: Recommendation valid/action not intended. DOT did not concur with the recommendation. It stated that establishing standard timeframes for resolving software problems is not practical.

Recommendation: The Administrator, FAA, should develop and implement a software maintenance plan that includes reducing the inventory of system patches, including establishing milestones for early reduction, and setting goals to minimize future patches.

Status: Action in process. DOT concurred in the recommendation and stated that FAA was in the process of working towards the goal of reducing the inventory of system patches.

Recommendation: The Administrator, FAA, should develop and implement a software maintenance plan that includes identifying the resources needed to maintain system software until the Advanced Automation System is implemented.

Status: Action taken not fully responsive. DOT stated that it concurred in the recommendation and has been identifying the resources needed to maintain software in annual budget submissions. However, as discussed in the GAO report, these annual submissions do not focus on the strategic planning required to address long-term resource needs.

Recommendation: The Administrator, FAA, should develop and implement a software maintenance plan that includes acquiring modern automated tools that

can assist in estimating the amount of effort required to maintain the system and correct software problems.

Status: Action taken not fully responsive. DOT stated that it partially concurred in the recommendation but believed that modern automated tools

were not available for its system. As discussed in the GAO report, tools are available that can assist in estimating the amount of maintenance effort.

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 in process. Estimated completion date: 02/93. DOT will update Fly-Rights and attempt to broaden its availability. As of February 1992, this was projected to take about 1 year.

Aircraft Certification: Limited Progress on Developing International Design Standards

RCED-92-179, 08/20/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO provided information on the

Federal Aviation Administration's (FAA) certification of commercial aircraft and its coordination with foreign aviation authorities, focusing on: (1) the benefits

of common international certification standards and practices; (2) the development of such standards and practices; and (3) the relationships

between authorities and manufacturers in the United States and Europe.

Findings

GAO found that: (1) the current aircraft certification process is inefficient and raises manufacturers' and users' costs because of different interpretations of regulations by FAA and the Joint Aviation Authorities (JAA) of Europe, which impose additional requirements and duplicate certification activities; (2) regulatory resources spent on duplicate activities could be used to address other safety issues; (3) common standards and practices would lower costs and increase safety; (4) statutory obligations and differing experiences or concerns lead to differences in regulations; (5) FAA and JAA have accomplished little in eliminating differences and duplication because they have not formulated a focused strategy or specific procedures to coordinate certification, and JAA has concentrated more on eliminating differences between its own members; (6) to improve harmonization, FAA has proposed, and JAA has concurred in, the development of a strategic plan establishing specific objectives and time frames, and a new certification approach; (7) the relationships between

certifying authorities and manufacturers in the United States and Europe differ in the charging of users' fees, the use of manufacturers' employees to do certification tests, the involvement of manufacturers in the rulemaking process, and the use of cost-benefit analyses of regulations; and (8) other factors, such as FAA alacrity in issuing regulations and its use of its regulation advisory committee, may also affect harmonization activities.

Open Recommendations to Agencies

Recommendation: To help ensure that the recent momentum in the harmonization effort results in the identification and resolution of regulatory differences and avoidance of duplication between FAA and JAA early in the aircraft certification process, the Secretary of Transportation should direct the Administrator, FAA, to monitor and annually report to the Secretary on the progress achieved relative to time frames established in the strategic plan and make programmatic changes as needed to ensure that the plan results in the resolution of regulatory differences.
Status: Action not yet initiated.

Recommendation: To help ensure that the recent momentum in the harmonization effort results in the identification and resolution of regulatory differences and avoidance of duplication between FAA and JAA early in the aircraft certification process, the Secretary of Transportation should direct the Administrator, FAA, to develop specific mechanisms, such as joint teams, to coordinate certification activities with JAA and prevent unnecessary duplication and late interpretational differences in certifying a transport airplane design.
Status: Action not yet initiated.

Recommendation: When submitting the Department's proposal to Congress for rechartering the Aviation Rulemaking Advisory Committee (ARAC), the Secretary of Transportation should direct the Administrator, FAA, to report on: (1) the results achieved through ARAC; (2) the problems encountered during its implementation; (3) FAA actions taken to overcome the problems; (4) effect of ARAC on FAA/JAA harmonization activities; and (5) the impact of ARAC on the FAA rulemaking process.
Status: Action not yet initiated.

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: 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 in process. FAA planned to submit a one-time report to the House and Senate aviation authorization committees in late 1992.

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 unforseen 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 in process. FAA plans to incorporate language into Airway Planning Standard Number One (APS-1) to explicitly consider runway incursions, in addition to economic and other facts, in locating ASDE-3s. However, FAA did not set a completion date for this effort.

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 in process. FAA is working with industry to set priorities for its Runway Incursion Plan. FAA is also assessing the costs of the 44 projects in the Runway Incursion Plan and determining how many airports would qualify for the plan's projects. The next edition of the FAA Runway Incursion Plan will be published after the fiscal year 1993 budget is finalized and will include priorities and funding profiles.

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.

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.

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 has been developed which establishes threshold usage levels to trigger a detailed review of the continued need for a special use airspace area. Review procedures have been developed to provide FAA regional air traffic division offices with detailed instructions for analyzing special use airspace utilization and guidelines for initiating action to revoke airspace if warranted. Action was expected to be completed in late 1992.

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

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to establish

Aviation Research: FAA Could Enhance Its Program to Meet Current and Future Challenges

RCED-92-180, 06/03/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO provided information about the Federal Aviation Administration's (FAA) Research, Engineering, and Development (RE&D) Program, focusing on: (1) FAA progress in implementing legislation that requires it to submit annual plans for RE&D projects, expand long-term research efforts in certain critical areas, and establish a research advisory committee; (2) long-term research efforts

undertaken during fiscal year (FY) 1991; and (3) factors affecting FAA ability to meet its RE&D goals.

Findings

GAO found that FAA: (1) has expanded research in aircraft structures, human factors, and simulation modelling; (2) established a research advisory committee; (3) developed a draft RE&D plan, but did not include detailed cost

and staffing estimates for projects; (4) obligated 83 percent of its FY 1991 research obligations for short-term projects; (5) classified several short-term projects as long-term and overestimated the funds spent on long-term research; and (6) does not use the Department of Transportation's Departmental Accounting and Financial Information System (DAFIS) to track long-term projects and resources. GAO believes that: (1) FAA will not be able to achieve

its ambitious RE&D goals solely through its research and development efforts, and will need to rely on ongoing capital investment, airport development projects, and industry cooperation to achieve all of its goals; and (2) interrelated factors that will affect program success include incorporation of RE&D goals into other FAA program areas, FAA use of research conducted by other federal agencies and private organizations, system engineering and integration considerations, and attention to the role and prevention of human error in accidents.

Open Recommendations to Congress

Recommendation: Congress may wish to consider mandating that some portion of the FAA RE&D budget be allocated to long-term research as it did for FY 1989 and FY 1990. In doing so, Congress may wish to consider including in its definition for long-term research the demands being placed on the RE&D Program for shaping the future air

transport system and its safety, security, and efficiency.

Status: Action not yet initiated.

Recommendation: Congress may wish to consider requiring FAA to provide long-term research resource information in its annual budget submissions. This action will help ensure that FAA RE&D activities clearly distinguish between resources devoted to short- and long-term research.

Status: Action not yet initiated.

Congressional Action: Congress has not indicated whether it would accept GAO suggestions.

Open Recommendations to Agencies

Recommendation: To improve FAA management and provide Congress with better information on the RE&D Program, the Secretary of Transportation should direct the Administrator, FAA, to develop a method, utilizing DAFIS or other

internal systems, for tracking the funding for long-term research.

Status: Action not yet initiated.

Recommendation: To improve FAA management and provide Congress with better information on the RE&D Program, the Secretary of Transportation should direct the Administrator, FAA, to include cost and staffing information in the RE&D Plan as required by the Aviation Safety Research Act of 1988.

Status: Action not yet initiated.

Recommendation: To improve FAA management and provide Congress with better information on the RE&D Program, the Secretary of Transportation should direct the Administrator, FAA, to either integrate the RE&D goals into the Capital Investment Plan and other agency efforts that rely heavily on the RE&D Program or adopt goals that are directly achievable by the RE&D Program.

Status: Action not yet initiated.

Aviation Safety: Air Taxis—The Most Accident-Prone Airlines—Need Better Oversight

RCED-92-60, 01/21/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed oversight of the air taxi industry, focusing on: (1) the Federal Aviation Administration's (FAA) level of inspection effort for air taxis; and (2) the Office of the Secretary of Transportation's (OST) economic fitness standards as applied to air taxis.

Findings

GAO found that: (1) despite air taxi services' high accident rate, FAA information indicated that 27 percent of air taxis did not receive required inspections in fiscal year 1990; (2) FAA routine inspections generally did not detect violations that led to emergency orders revoking air taxis' operating certificates; (3) FAA special inspections are more comprehensive than routine

inspections and have been more effective in identifying air taxis' safety violations; (4) FAA has not performed all required annual routine inspections or an industry-wide special inspection since 1985 because it considers air carriers, commuters, and other aviation-related activities to have higher inspection priority; (5) air taxi operators' financial distress and poor compliance attitude contributed to safety violations; and (6) air taxi operators do not have to meet

OST economic fitness standards, and OST officials stated that requiring air taxis to do so would place an undue burden on the industry.

Open Recommendations to Congress

Recommendation: Congress may wish to consider whether air taxis' exemption from OST certification and economic fitness review remains appropriate in light of air taxis' poorer safety record. Furthermore, if the Secretary does not perform the recommended study, Congress may wish to mandate that it be done.

Status: Action not yet initiated. Congress has not indicated that it will require the Department of Transportation to

examine whether air taxis' exemption from OST certification and economic fitness review remains appropriate in light of air taxis' poorer safety record.

Open Recommendations to Agencies

Recommendation: To improve oversight of the air taxi industry, the Secretary of Transportation should direct the Administrator, FAA, to perform: (1) a minimum level of required inspections; and (2) periodic, industry-wide special inspections.

Status: Action in process. Annually, FAA sets minimum air taxi inspection requirements that must be performed. Inspection results are to be recorded in the Program Tracking and Reporting

System (PTRS) data base. PTRS data can be analyzed to determine if fiscal year 1992 required inspections were performed. In addition, FAA states that industry-wide special inspections are not an efficient inspection tool.

Recommendation: FAA should revise its inspector handbook to provide guidance and procedures that would allow for special surveillance of any airline in financial distress.

Status: Action in process. FAA was developing a bulletin for its inspector handbook that provides guidance on surveillance of financially distressed airlines. FAA planned to issue the bulletin in late 1992.

Aviation Safety: Emergency Revocation Orders of Air Carrier Certificates

RCED-92-10, 10/17/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO provided information on: (1) the profiles of air carriers subject to emergency revocation orders and the most common violations that led to revocations; (2) Federal Aviation Administration (FAA) inspection and enforcement history of the air carriers before the emergency revocation orders were issued; and (3) the extent to which key airline owners and managers returned to similar positions in the aviation industry after committing safety violations that led to emergency revocation orders.

Findings

GAO found that: (1) between January 1987 and May 1991, FAA issued emergency orders revoking 52 commuters airlines' or air taxis' operating certificates; (2) of the 52 carriers, 67 percent operated 8 or fewer aircraft and a few carriers had fleets of 25 or more; (3) most of the carriers had been in operation for several years; (4) air taxis accounted for 73 percent of the emergency revocation orders; (5) the most frequent violations included operating an aircraft in violation of the air carrier's operating certificate, operating unairworthy aircraft, and falsifying compliance records; (6) in over 50 percent of the emergency revocation orders, FAA became aware of the violations as a result of tips from

employees, competitors, or consumers, or from investigations initiated because of accidents; (7) FAA inspectors recorded the majority of inspections as satisfactory prior to issuing the emergency revocation orders and became aware of safety violations for 11 carriers only after they had been occurring for a year or more; (8) 16 carriers had previous enforcement actions taken against them for violations similar to those cited in the emergency revocation order and 13 other carriers had previous enforcement actions taken against them for violations different than those cited in the emergency revocation order; (9) FAA did not have a system to track individuals who were key managers or owners of carriers that were subject to emergency revocation orders, but

planned to issue guidance to inspectors on using an existing computer data base to track such managers when they apply for an air carrier operating certificate; and (10) 9 key owners or managers involved with 9 of the 52 emergency revocation cases returned to or remained in a similar position with an air carrier.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to develop a formal system to identify and track individuals within or returning to the airline industry who contributed materially to emergency revocations. The Administrator should give priority

attention to developing a plan for this system and milestones for its implementation.

Status: Action not yet initiated. The Director, Flight Standards, indicated that FAA planned to issue guidance on using an existing computer data base to track key airline managers and owners when they apply for an operating certificate.

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 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 in process. Estimated completion date: 01/93. FAA, after months of delay due to a lack of resources, expects to finalize and publish the plan early in 1993.

Aviation Safety: Problems Persist in FAA's Inspection Program

RCED-92-14, 11/20/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined Federal Aviation Administration (FAA) inspection of airlines and related aviation activities, focusing on whether FAA: (1) has sufficient information to provide effective oversight of its inspection program; (2) targets its inspection resources to airlines posing the greatest safety risks; and (3) has a system similar to the one developed by the Department of Defense (DOD) to assess the performance of commercial airlines with which it contracts.

Findings

GAO found that: (1) FAA lacks complete and accurate information on its inspection program; (2) without such information, FAA cannot determine whether it achieves inspection priorities, conducts adequate and timely follow-up activities, and uses resources effectively; (3) FAA inspectors spent only 23 percent of their time performing inspections instead of the 35 percent required for fiscal year (FY) 1990; (4) FAA required one operations, maintenance, and avionics inspection annually for each airline, but 36 percent of the airlines did not receive the required inspections in FY 1990; (5) although FAA maintains numerous data bases on airline-related

safety information, it does not inspect airlines on the basis of safety risk; (6) FAA often spent more inspection time on airlines DOD rated as better performers than on poorer performing airlines; and (7) FAA recognizes that a system similar to the DOD system can help FAA better manage its inspection program and hopes to develop and evaluate a prototype system for air carriers by FY 1993.

Open Recommendations to Agencies

Recommendation: To enhance inspection program oversight, the Secretary of Transportation should direct the Administrator, FAA, to improve the inspection reporting system by completing its efforts to provide inspectors clear and distinctive definitions of comment codes. **Status:** Action in process. FAA was assessing the current comment codes to determine whether the codes should be more or less specific and planned to develop appropriate job aids to assist inspectors to properly use the codes. Action was expected to be completed in late 1992.

Recommendation: To enhance inspection program oversight, the Secretary of Transportation should direct the Administrator, FAA, to

improve the inspection reporting system by developing and using criteria for determining the severity of problems identified and for rendering overall assessments of airlines' operations, maintenance, and avionics activities. **Status:** Action in process. FAA was considering alternative approaches for developing severity criteria, which once developed, were to be included in the National Aviation Safety Inspection Program (NASIP) guidelines. FAA was also developing a risk-assessment system that should include severity criteria. Since the Department of Transportation only addressed including severity in NASIP, it was unclear how severity criteria would be used for conducting inspections. Action was expected to be completed in late 1992.

Recommendation: To make more effective use of limited inspection resources, the Secretary of Transportation should direct the Administrator, FAA, to give priority to developing a risk-assessment system, including a plan and milestones for implementation. **Status:** Action in process. FAA was developing a risk-assessment Safety Performance Analysis Subsystem (SPAS). Planning for SPAS had been completed and initial implementation of a prototype system was expected by late 1992.

Aviation Safety: Progress Limited With Self-Audit and Safety Violation Reporting Programs

RCED-92-85, 03/31/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed: (1) airline participation in two Federal Aviation Administration (FAA) programs aimed at improving airline safety; and (2) FAA program guidance and oversight.

Findings

GAO found that: (1) the Self-Audit Program (SAP) encourages airlines to voluntarily develop improved mechanisms to evaluate maintenance, flight operations, and security; (2) the Voluntary Disclosure Program encourages airlines to report safety problems with the promise of amnesty from fine or penalty if they take FAA-approved corrective actions; (3) FAA has had limited progress in implementing both programs; (4) of the ten airlines reviewed, only one believed that it met, or plans to meet, SAP guidelines; (5) as of September 1991, voluntary disclosures were limited to 292 reports from 96 airlines, or about 3 percent of the 3,031 eligible to participate; (6) although airlines acknowledge that SAP could increase operational efficiency and provide incentives, they believe that the programs would only provide a marginal increase in safety and are concerned that any program benefits could be overshadowed by extra staff and other program implementation costs; (7) the airlines believe that they may incur revenue losses if FAA cannot protect them against voluntary disclosures of

safety violations that may be released under the Freedom of Information Act; (8) written FAA program guidance was ambiguous and did not clearly answer basic, pertinent airline questions regarding procedural and structural changes; (9) FAA inspectors stated that program training did not adequately answer airline officials' questions; (10) FAA does not plan to monitor or approve airline self-audit programs and has not assigned sufficient staff to analyze voluntary disclosures and determine trends in safety problems; and (11) FAA officials stated that they have focused their resources on program advocacy rather than program implementation.

Open Recommendations to Agencies

Recommendation: To improve program administration, the Secretary of Transportation should direct the Administrator, FAA, to shift FAA emphasis from program advocacy to program implementation by surveying FAA field offices to clarify inspector and airline questions.

Status: Action in process. FAA has established a focal point to address questions and problem areas. It expected to provide trend analysis reports to its field offices beginning in fiscal year 1993.

Recommendation: To improve program administration, the Secretary of

Transportation should direct the Administrator, FAA, to shift FAA emphasis from program advocacy to program implementation by clarifying and finalizing written program guidance. **Status:** Action in process. FAA issued voluntary disclosure procedures in January 1992 and is developing internal evaluation procedures.

Recommendation: To improve program administration, the Secretary of Transportation should direct the Administrator, FAA, to shift FAA emphasis from program advocacy to program implementation by providing additional inspector training. **Status:** Action in process. FAA is developing two training courses that were expected to be available to inspectors early in fiscal year 1993.

Recommendation: To improve program administration, the Secretary of Transportation should direct the Administrator, FAA, to shift FAA emphasis from program advocacy to program implementation by developing appropriate oversight information on participation in both programs and measures of program effects on compliance with safety regulations and FAA operations.

Status: Action in process. FAA is assessing an existing data base to improve reporting capabilities. FAA expects to complete this effort by the end of fiscal year 1993.

Aviation Safety: Slow Progress, Uncertain Future Threaten FAA Program To Measure Safety

T-IMTEC-92-12, 04/01/92 GAO Contact: JayEtta Z. Hecker, (202)512-6416

Background

GAO discussed the Federal Aviation Administration's (FAA) efforts to develop its Safety Indicators Program. GAO noted that: (1) the Safety Indicators Program is intended to establish FAA-wide safety indicators, integrate existing data bases, and develop computer tools that will perform statistical analyses to enable FAA to make correlations among safety indicators; (2) after 4 years, the Safety Indicators Program has made only minimal progress because potential users have not agreed on the type of indicators needed or accepted quickly enough the prototype computer analysis tool; (3) user involvement has increased, but unreliable data and uncertainties about top-level management commitment bear directly on the program's future success; (4) FAA acknowledged that the program lacks management commitment and effective user involvement; and (5) FAA is reevaluating its approach to the Safety Indicators Program.

Open Recommendations to Agencies

Recommendation: As FAA begins to focus increased attention on the Safety

Indicators Program, the agency should recognize the need for a revised program plan that is formally endorsed by the FAA Administrator. Accordingly, the Secretary of Transportation should direct the Administrator, FAA, to develop a detailed program plan that provides for effective user involvement throughout the process of developing indicators and the supporting computer analysis tool.

Status: Action not yet initiated.

Recommendation: As FAA begins to focus increased attention on the Safety Indicators Program, the agency should recognize the need for a revised program plan that is formally endorsed by the FAA Administrator. Accordingly, the Secretary of Transportation should direct the Administrator, FAA, to develop a detailed program plan that provides the requisite funding base for meeting program milestones.

Status: Action not yet initiated.

Recommendation: As FAA begins to focus increased attention on the Safety Indicators Program, the agency should recognize the need for a revised program plan that is formally endorsed by the FAA Administrator. Accordingly, the

Secretary of Transportation should direct the Administrator, FAA, to develop a detailed program plan that addresses the need for ensuring the integrity of source data.

Status: Action not yet initiated.

Recommendation: As FAA begins to focus increased attention on the Safety Indicators Program, the agency should recognize the need for a revised program plan that is formally endorsed by the FAA Administrator. Accordingly, the Secretary of Transportation should direct the Administrator, FAA, to develop a detailed program plan that defines the approach for developing the indicators, specify the respective responsibilities and authority of the program developers and users, cite measurable goals and associated milestones, and cite the resources needed for meeting them.

Status: Action in process. The FAA Administrator redirected the approach to defining safety indicators, establishing a task force which produced system indicators in July 1992 and a plan for reporting on these indicators.

Aviation Safety: Users Differ in Views of Collision Avoidance System and Cite Problems

RCED-92-113, 03/16/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) Traffic Alert/Collision Avoidance System (TCAS), focusing on: (1) pilots' and air traffic controllers' views on TCAS; (2) FAA actions to address TCAS problems; and (3) key aspects of FAA software development and testing for TCAS, including FAA verification and validation plans for the system.

Findings

GAO found that: (1) FAA officials believe that TCAS has increased the margin of safety in aviation travel, but some problems have emerged that prevent the system from reaching its full potential; (2) pilots and air traffic controllers with TCAS experience expressed concern

regarding such TCAS problems as resolution advisories that have caused pilots to unnecessarily leave assigned airport approaches, go around airports, and reenter landing patterns, excessive altitude deviations pilots have made in response to TCAS, and unnecessary TCAS advisories issued while pilots were following established air traffic control procedures; (3) before installing TCAS in commercial aircraft, FAA verified that TCAS performed in accordance with its specification, but did not validate a key element of TCAS, the collision avoidance requirements; (4) FAA plans to develop system-level specifications and perform full TCAS verification and validation by the end of 1992; (5) opinion within the aviation industry is sharply divided on whether FAA should fully verify and validate TCAS and the modifications before implementing the modifications,

since neglecting current problems could reduce pilots' confidence and present a greater risk; and (6) FAA plans to implement the modifications before completing verification and validation.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to follow through on current plans to: (1) fully verify and validate all future significant modifications of TCAS; (2) effectively involve TCAS users and other interested parties in testing modifications through commenting on and questioning the test methodology and results; and (3) address all users' concerns.

Status: Action not yet initiated.

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 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. The FAA Air Traffic Organization said that, since formal operational testing of TDWR had not begun, it had not been able to evaluate the impact of having controllers direct aircraft around microbursts. It said that formal TDWR operational tests would occur in late 1992.

Coast Guard: Abandoned Vessels Pollute Waterways and Cost Millions to Clean Up and Remove

RCED-92-235, 07/21/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

GAO provided information on abandoned vessels in U.S. coastal and inland waterways, focusing on: (1) the number of vessels that have been abandoned nationwide; (2) the extent of environmental problems caused by abandoned vessels and the associated costs; and (3) the adequacy of federal laws and regulations dealing with abandoned vessels.

Findings

GAO found that: (1) estimates of the number of abandoned vessels on the East and Gulf coasts and eastern inland waterways range between 1,300 and 4,000; (2) according to Coast Guard officials, its lower estimate focuses only on vessels it considers to be a pollution threat; (3) since January 1988, the Coast

Guard has investigated 96 incidents of potential water pollution, and estimated that \$5.7 million was expended to clean up the vessels and the pollution from them; (4) the Army Corps of Engineers estimated that it spent \$5.2 million to remove 282 abandoned vessels that posed a threat to navigational safety; (5) no federal laws specifically prohibit abandonment of vessels, or require that barges be registered so that owners can be identified and held accountable; and (6) the federal government will likely continue to incur costs to remove abandoned vessels and clean up associated pollution.

Open Recommendations to Congress

Recommendation: Because abandoned vessels threaten the marine

environment with spills of onboard petroleum and illegally dumped hazardous material, Congress may wish to consider enacting the proposed legislation to: (1) make it illegal to abandon barges in the nation's waterways and provide appropriate administrative fines and penalties as a deterrent; and (2) require registration and permanent marking of all barges. **Status:** Action in process.

Recommendation: Congress may wish to consider enacting additional legislation making the abandonment of other types of vessels illegal. **Status:** Action in process.

Congressional Action: Legislation in line with the recommendations was passed by Congress and cleared for Presidential action on October 7, 1992.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the

Commandant of the Coast Guard to work with the Army Corps of Engineers to develop an accurate inventory of abandoned vessels and their location to

facilitate the capability of both agencies to address the problems posed by such vessels.

Status: Action not yet initiated.

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. **Status:** Action in process. Although no legislative action has been taken, a court has recently ruled that the Coast Guard's interpretation is incorrect and has ordered it to require industry to comply with the act's American control provisions. The Coast Guard is appealing the decision. The date of final resolution is unknown.

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 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. Formal instructions were expected by early fiscal year (FY) 1993.

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's ongoing resource releveling study was considering multimission workload. Search and rescue simulation models were being utilized at selected sites to evaluate response under various scenarios. Completion was expected early in FY 1993.

Coast Guard: Housing Acquisition Needs Have Not Been Adequately Justified

RCED-92-159, 05/19/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO assessed the Coast Guard's nine housing acquisition projects for 1990 through 1992 to determine whether the Coast Guard followed requirements to: (1) demonstrate the existence of a housing shortage; (2) ensure that it has selected the least costly alternative for providing housing to its members; and

(3) periodically reassess the local housing market.

Findings

GAO found that the Coast Guard: (1) did not adequately analyze the local housing markets to demonstrate that housing shortages existed and did not support statements about high rental costs or insufficient housing availability with cost or commuting data; (2) did not

demonstrate how some of the data it included in project files supported its conclusions for approving housing acquisition projects; (3) failed to develop cost data to compare leasing, purchasing, and construction alternatives; (4) excluded some costs or used different costs and discount rates in its estimates for constructing or purchasing housing; (5) attributed such errors to the lack of detailed housing guidelines, inexperienced housing officials, and a

shortage of planning personnel; and (6) typically approved housing acquisition projects 3 years before receiving funding, but did not follow requirements to periodically reassess local conditions to ensure that the housing need still existed.

Open Recommendations to Agencies

Recommendation: To assist the Coast Guard in making more informed housing acquisition decisions in the future, the Secretary of Transportation should direct the Commandant of the Coast Guard to comply with the requirements

in the housing manual by: (1) analyzing the local community's housing market and relating market availability to specific housing needs; (2) evaluating all housing alternatives and using complete and comparable cost analyses; and (3) periodically reassessing the need for housing during the housing acquisition process.

Status: Action in process. The Coast Guard is requiring market analyses for housing planning proposals and pending projects. This requirement will be made part of its planning and programming policy. It also is reevaluating all housing alternatives using complete cost data

and intends to revalidate approved housing projects at least every 2 years.

Recommendation: For current projects not yet under contract, the Secretary of Transportation should direct the Commandant of the Coast Guard to delay purchase or construction decisions until the Coast Guard complies with policies and procedures required by its housing manual.

Status: Action in process. The Coast Guard will ensure compliance with policies and procedures prescribed in its housing manual. It hopes to meet these requirements without having to delay its projects.

Coast Guard: Inspection Program Improvements Are Under Way to Help Detect Unsafe Tankers

RCED-92-23, 10/08/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the effectiveness of the Coast Guard's inspection program for tankers carrying oil and other hazardous cargo, focusing on: (1) conditions and problems identified by the Coast Guard that are affecting its tanker inspection program; and (2) actions being taken or considered by the Coast Guard to improve the inspection program.

Findings

GAO found that: (1) Coast Guard inspections have not always been reliable in detecting unsafe U.S. tankers due to such problems as insufficient staffing, inexperienced inspectors, and

limited inspection procedures; (2) inspections have often failed to identify serious problems with foreign-flagged tankers due to insufficient inspector training and efforts to reduce costs; and (3) program officials have taken actions to increase the number of inspectors, started a program to help ensure that experienced inspectors inspect older and other potentially unsafe vessels, and started an international dialogue on actions needed to improve the inspection and safety of vessels worldwide.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the

Commandant of the Coast Guard to develop procedures to review and evaluate the results of major actions taken.

Status: Action in process. Estimated completion date: 04/94. The Coast Guard is investigating procedures for more effective use of its casualty data to review and evaluate the effectiveness of major policy and regulatory initiatives. Also, it has initiated a project to evaluate the collection of information concerning deficiencies found during inspections. This is expected to be a multiyear effort.

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, 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 final regulations were expected by the end of 1992.

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 in process. Estimated completion date: 06/93. Final regulations implementing OPA, including its provisions for paying spill costs, have been written and are undergoing internal agency review. Interim guidance has been issued.

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 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 in process. Estimated completion date: 10/95. The Marine Safety Network Information System is under development. It will improve the Coast Guard's ability to link inspection results, facility history, deficiencies, regulation violations, and pollution incidents and, therefore, its ability to evaluate its program. It should be completed in October 1995.

Coast Guard: Progress in the Marine Safety Network, but Many Uncertainties Remain

RCED-92-206, 08/28/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the Coast Guard's efforts to develop a new information system, the Marine Safety Network (MSN), focusing on factors which may affect the system's cost and implementation schedule and steps taken to meet system users' information needs and improve program management.

Findings

GAO found that: (1) although the Coast Guard has made progress in planning and designing a new, more effective information system, there have been delays in meeting project deadlines and uncertainties that could substantially affect the system's cost and implementation schedule; (2) one significant uncertainty concerns the type of computer language to use in developing software for MSN and other large Coast Guard information systems; (3) further delays could result from future contracts for system development

and hardware, a planned reorganization of responsibilities for developing MSN, and a change in the type of language used to develop MSN software; (4) to help ensure that users' information needs are met, the Coast Guard has drawn on outside expertise in developing federal government information systems; (5) the Coast Guard has taken or plans to ensure that MSN meets users' needs primarily by developing a comprehensive understanding of information needs, developing strategies for resolving past problems, providing users' testing of prototype applications, and by allowing for future change and growth; (6) MSN has the potential to improve information system support for the Coast Guard's management of marine safety programs by enhancing its current capability to request and analyze data and provide relevant management reports; and (7) although the Coast Guard has not yet sufficiently developed MSN to reasonably determine whether it will perform as intended, the Coast Guard and its outside experts are

optimistic that the new system will meet the agency's needs.

Open Recommendations to Agencies

Recommendation: To help provide Congress with adequate information for effectively overseeing MSN, the Secretary of Transportation should direct the Commandant of the Coast Guard to provide Congress with specific information on the MSN development and implementation. This information should include the extent to which MSN is overcoming past Marine Safety Information System problems and meeting users' information needs as well as the extent of known and potential cost increases and schedule delays. To the extent that this information is not fully presented in future quarterly reports on major acquisitions, the Coast Guard should provide the information by other means.

Status: Action not yet initiated.

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 (FY) 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. Estimated completion date: 09/95. The Coast Guard planned to develop a measurement template and conduct training on measurement procedures by the fall of 1992. It hopes to have formal instructions developed by the fall of 1993, and measures of effectiveness developed by FY 1995.

Coast Guard: Use of Appropriated Funds for the Morale, Welfare, and Recreation Program

RCED-92-158, 05/18/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the Coast Guard's Morale, Welfare, and Recreation (MWR) Program, to determine: (1) the amount of appropriated and nonappropriated funds used to support the program; (2) how the Coast Guard's requirements on the use of appropriated funds compare with the requirements of the Department of Defense (DOD) for support of its MWR programs; and (3) whether the Coast Guard's management of the program ensures effective use of funds.

Findings

GAO found that: (1) for fiscal years 1988 through 1991, appropriated and nonappropriated funding support for the MWR Program ranged from \$10.8 million to \$12.4 million annually; (2) on average, appropriated funding accounted for 49 percent of program support and nonappropriated funding accounted for 51 percent; (3) DOD requires its services to minimize the use of appropriated funds to support facilities that generate revenue and use nonappropriated funds to support the construction of certain MWR facilities, but the Coast Guard had no similar requirements; (4) in March 1992, the Coast Guard issued new

requirements similar to DOD requirements, but the Coast Guard did not require that nonappropriated funds be used to support construction of certain MWR facilities; (5) the Coast Guard lacks key management requirements that could help ensure that its MWR Program funds are used for the greatest benefit of its members; (6) the Coast Guard does not enforce MWR budget regulations, require units to have their MWR budgets reviewed, or require units to conduct user surveys; and (7) without such requirements, the Coast Guard does not know whether funds are being used appropriately or whether it is providing activities and

facilities that meet the needs of its personnel.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Commandant of the Coast Guard to require that units' MWR budgets are reviewed and approved by district and/or headquarters MWR offices to

provide better fiscal oversight of the MWR Program.

Status: Action in process. A Coast Guard directive will be issued requiring higher authority approval of units' MWR budgets.

Recommendation: The Secretary of Transportation should direct the Commandant of the Coast Guard to require that regularly scheduled surveys of personnel are conducted to ensure

that MWR Program is more closely oriented to the needs of its users.

Status: Action in process. A user survey for completion by members at the unit level will be developed. An existing MWR annual survey submitted by district and headquarters units will be revised to include program management information obtained from the user surveys.

Computer Operations: FAA Needs to Implement an Effective Capacity Management Program

IMTEC-92-2, 11/27/91 GAO Contact: JayEtta Z. Hecker, (202)512-6416

Background

Pursuant to a congressional request, GAO: (1) reviewed the effectiveness of the Federal Aviation Administration's (FAA) approach to computer capacity management; and (2) identified how FAA could improve its practices to alleviate problems with existing systems.

Findings

GAO found that: (1) FAA computer capacity management is critical to the safe and efficient use of the nation's airspace; (2) the two key components of capacity management are performance management, which is dedicated to measuring and evaluating current utilization of computer resources, and capacity planning, which involves determining what additional capacity is needed to support future missions and ensuring that it is available when needed; (3) federal regulations and related guidance require agencies to conduct capacity management activities; (4) private-sector organizations consider capacity management activities to be

high-priority company programs and critical to their business success; (5) although FAA has improved its capacity management practices in some areas, for many systems performance objectives are not current, measurement of system performance is inconsistent, and the analysis and reporting of these data are limited; (6) FAA also has not projected future work loads, proposed additional resources, or prepared capacity plans for many systems; (7) as a result, FAA does not know how well its systems are performing, when it can anticipate capacity and performance-related problems, or how it will address those problems; (8) FAA has failed to implement effective performance management and capacity planning activities because it has not recognized the importance of capacity management as a priority activity; and (9) FAA lacks adequate computer capacity management policies, procedures, expertise, and tools.

Open Recommendations to Agencies

Recommendation: The Administrator, FAA, should develop computer capacity management policies and procedures for air traffic control systems and the Common System. Those policies and procedures should require implementation of capacity management programs for each system, which include establishing performance objectives, measuring performance and resource utilization, analyzing and reporting capacity management data, projecting future work loads, proposing resources to meet future demands, and preparing capacity plans. In doing this, the Administrator, FAA, should place highest priority on implementing capacity management programs for systems that are most critical to aviation safety.

Status: Action taken not fully responsive. Regarding current air traffic control systems, the Department of Transportation (DOT) disagreed and stated that FAA had adequate policies

and procedures. For the future system, the Advanced Automation System, DOT agreed and stated that FAA was addressing capacity management concerns. Regarding the Common System, DOT did not believe that additional efforts were required because FAA is phasing it out.

Recommendation: The Administrator, FAA, should develop or obtain the capacity management expertise necessary to produce policies and procedures and administer capacity management programs. Those personnel

should be skilled in performance management and capacity planning techniques, familiar with tools available to collect, analyze, and report data, and knowledgeable about the daily operations of the systems. **Status:** Action in process. DOT agreed to implement the recommendation. It stated that FAA had identified necessary training courses for staff, and that staff would be sent to these courses over the next few years.

Recommendation: The Administrator, FAA, should develop or acquire

automated performance management and capacity planning tools for each system and consistently use them to assist in the uniform collection, analysis, and reporting of performance, utilization, and capacity data. **Status:** Action in process. DOT generally concurred in the recommendation. For example, it emphasized that a prototype enhancement to the existing air traffic control systems at larger facilities was being developed to effectively analyze, measure, and report system utilization.

Computer Reservation Systems: Action Needed to Better Monitor the CRS Industry and Eliminate CRS Biases

RCED-92-130, 03/20/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed airline-owned computer reservation systems (CRS), focusing on whether: (1) differences in CRS treatment of host and participating airlines allowed the CRS-owning airlines to sell additional seats at other participating airlines' expense; and (2) separating owner-airlines' internal reservation systems from CRS, or dehosting, would eliminate significant differences in CRS treatment of host and participating airlines more effectively than existing or proposed CRS technology improvements.

Findings

GAO found that: (1) CRS are periodically updating central databases that provide subscribers with airfare and service information and allow them to make reservations and issue tickets; (2) CRS host and participating airlines are

treated differently in terms of programming, function availability, and communication computer technology; (3) although CRS vendors and airlines disagree about the extent and significance of such differences, they generally agree that the differences should be eliminated; (4) the two largest CRS vendors and the principal airlines whose internal reservation system they host believe that existing differences have a minimal impact on airline booking, but the vendors stated that they are taking action to eliminate such differences; (5) many airline officials and two small CRS vendors believe that the treatment differences give host airlines a significant competitive advantage over participating airlines and believe that CRS will not be fully accessible and reliable for all airlines unless they are separated from their owners' internal reservation systems; and (6) due to a lack of current information on dehosting, it is difficult to determine

whether dehosting could eliminate significant differences in CRS treatment of host and participating airlines more effectively than current and proposed technologies would. GAO also found that the Department of Transportation (DOT) has not: (1) compiled sufficient CRS industry data; (2) gathered conclusive data on the extent of reliability problems in the transmission and processing of data between CRS and participating airlines; and (3) gathered objective data on the potential costs of dehosting to CRS vendors, airlines, and air passengers.

Open Recommendations to Congress

Recommendation: Congress should direct the Secretary of Transportation to revise existing DOT CRS rules to require that each CRS vendor eliminate those functional differences between host and participating airlines that can be

eliminated without dehosting. If vendors assert that proprietary data are necessary to eliminate some differences, such as checking passenger name records and frequent flyer numbers, the burden of proof should be on the vendors to demonstrate that such differences in treatment cannot be eliminated without access to proprietary data.

Status: Action in process. Legislation to revise CRS rules was introduced in the 102nd Congress, but was not enacted.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should gather data both on the technical reliability of data communication linkages used by participating airlines, as compared with the internal linkages used by host airlines, and on the costs and benefits of dehosting CRS.

Status: Recommendation valid/action not intended. DOT rejected all components of this recommendation. It said that: (1) previously collected data showed service interruptions to be infrequent, with uncertain causes; (2) gathering more detailed data on the technical reliability of CRS data communication linkages would be very expensive and offer little regulatory benefit; (3) the benefits of dehosting can be defined primarily in terms of improved fairness of competition as compared with an alternative approach that mandates equal functionality without dehosting; and (4) until the operation of DOT's newly-issued CRS rules can be observed, DOT can only speculate on the competitive implications of an alternative.

Recommendation: The Secretary of Transportation should establish a comprehensive and continuous program

of gathering data on the CRS industry, including gathering data on market shares of CRS vendors and on booking patterns by travel agents using the various CRS.

Status: Recommendation valid/action not intended. DOT rejected all components of this recommendation. It said that, although more detailed data on CRS vendors' market shares could be acquired, the utility of collecting such data is unclear since it is not evident what conclusions would depend on the availability of additional market share data. DOT also said that it had collected data on travel agent booking patterns, but that meaningful analysis for regulatory purposes would have to control for numerous objective and subjective factors that influence agents' booking practices. It added that acquisition and analysis of such data would be costly and the benefits uncertain.

FAA Budget: Key Issues Need to Be Addressed

T-RCED-92-51, 04/06/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

GAO discussed the Federal Aviation Administration's (FAA) fiscal year 1993 budget request for \$9.4 billion, focusing on: (1) FAA management of air traffic controllers, maintenance technicians, and aviation safety inspectors; (2) modernization of the air traffic control (ATC) system; and (3) the need for FAA to establish measurable goals for its program. GAO noted that: (1) FAA has improved its total air traffic controller staffing dramatically during the last decade and now has nearly 18,000 controllers; (2) FAA lacks a sufficient number of field maintenance workers to service ATC equipment; (3) FAA has about 2,600 safety inspectors, and

doubled the size of its 1983 aviation safety inspection workforce; (4) FAA now requires mission needs statements at the start of projects and is aligning its budget with the acquisition process so that development and production are funded separately; (5) for 1992, 7 of 12 major acquisitions had cost increases ranging from 4 to 21 percent and 8 of the 12 acquisitions fell behind schedule; and (6) FAA has not determined how many consolidated ATC facilities it needs, plans to integrate satellite technology into its land-based ATC system, and plans to expand the number of support contractors assisting with modernization.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to include measurable goals in its Capital Investment Plan (CIP).

Status: Action not yet initiated. Agency discussions of measurable goals for the next edition of CIP had not taken place.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to establish goals for each development project category in the National Plan of Integrated Airport Systems.

Status: Action not yet initiated.

Recommendation: The Secretary of Transportation should direct the Administrator, FAA, to develop goals for

the research and development plan that are appropriate for that plan.
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)512-6416

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 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 in process. The Department of Transportation (DOT)

concurred in the recommendation; FAA is developing its strategic IRM plan.

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 in process. In concurring in this recommendation, DOT stated that FAA was developing an IRM program plan with several new initiatives to enhance IRM knowledge.

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 in process. DOT agreed to implement this recommendation and stated that FAA was assessing key processes to identify necessary changes.

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 was not expected to be complete until the end of 1992.

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 had been published. FAA was working on the action notice for the centers, which was expected to be completed by the end of 1992.

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 was 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 were to be completed and used once revised overhead standards were finished. The order devoted to flight service stations was expected to be completed by the end of 1992.

Financial Management: DOT's Accounting and Financial Information System Can Be Improved

RCED/AFMD-92-238, 09/22/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the Department of Transportation's (DOT) Departmental Accounting and Financial Information System (DAFIS), focusing on the: (1) system's status and cost; and (2) system's effectiveness in achieving its goals.

Findings

GAO found that: (1) goals for DAFIS include consolidation of existing accounting systems into one departmentwide system, correction of accounting disbursement weaknesses, and timely access to financial information for DOT managers and Congress for oversight purposes; (2) departmentwide DAFIS installation is behind schedule, and costs have increased from \$17.6 million to \$26.4 million; (3) improvements resulting from DAFIS installation include a reduction in the number of accounting systems from 14 to 7, the elimination of many district accounting offices, and the correction of many accounting weaknesses; (4) DOT expects further cost

increases due to installation delays; (5) DAFIS improved DOT payment and collection capabilities and includes features ensuring on-time payments; (6) DAFIS limitations include an inability to track prior-year recoveries and accumulate cost information; (7) DAFIS does not provide adequate financial information to DOT managers and Congress for program and operational oversight; (8) DAFIS financial information limitations include problems in generating detailed spending information on long-term projects, an inability to create useful reports evaluating spending trends and payment performance oversight, and untimely financial data processing; (9) DOT retains separate automated systems to generate more timely spending information, and these separate systems cause inefficiencies and data duplication; and (10) DOT lacks an adequate strategy for creating timetables, allocating resources, removing inefficiencies, and integrating DAFIS with other subsidiary financial systems.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the DOT chief financial officer to include in DOT financial systems' improvement plans a strategy to: (1) correct shortcomings in tracking, reporting, and processing financial information; and (2) integrate DAFIS with other DOT systems that provide financial information. This detailed plan should lay out clear objectives, resource estimates, and timetables for implementing changes.
Status: Action not yet initiated.

Recommendation: The Secretary of Transportation should report to Congress on the progress made in carrying out DOT financial systems' improvement plans.
Status: Action not yet initiated.

Recommendation: The Secretary of Transportation should advise Congress during the next budget submission when funds for systems that duplicate DAFIS fund control features can be eliminated.
Status: Action not yet initiated.

Highway Contracting: Disadvantaged Business Eligibility Guidance and Oversight Are Ineffective

RCED-92-148, 09/01/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed whether federal guidance and oversight engender effective and consistent state application of the legal eligibility standards governing the Department of Transportation's (DOT) Disadvantaged Business Enterprise Program.

Findings

GAO found that: (1) ineffective federal guidance has hindered state ability to consistently apply the eligibility criteria for the program; (2) DOT and the Federal Highway Administration (FHWA) have issued confusing and conflicting eligibility guidance; (3) DOT does not use a systematic approach for providing guidance; (4) there is no clearly designated lead office, uniform order or instruction, or procedure to develop, update, and coordinate the distribution of eligibility guidance to the states; (5) DOT and FHWA offices do not effectively coordinate their efforts to provide eligibility guidance and as a result the same firm could be certified as eligible in one state but denied eligibility in another; (6) DOT is revising the regulation governing the program to clarify eligibility guidance, but the revisions have been underway since 1988 and DOT did not meet a 1991 deadline; (7) FHWA is responsible for overseeing states' interpretation of the program, but it has not established a system to evaluate whether states correctly and uniformly apply eligibility criteria; and (8) FHWA requires its field offices to oversee state agencies' eligibility

criteria, but the offices examined eligibility decisions in only 22 state agencies between 1988 and 1991.

Open Recommendations to Congress

Recommendation: In view of past delays, Congress may wish to consider legislation establishing a deadline for DOT to issue a revised Disadvantaged Business Enterprise Program regulation if the Secretary of Transportation does not establish and meet an agreed-upon deadline.

Status: Action not yet initiated.

Open Recommendations to Agencies

Recommendation: To improve the quality of federal guidance and the consistency of state eligibility decisions, the Secretary of Transportation should work with the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation to establish a mutually agreeable timetable and deadline for issuing a revised regulation for the Disadvantaged Business Enterprise Program.

Status: Action not yet initiated.

Recommendation: To improve the quality of federal guidance and the consistency of state eligibility decisions, the Secretary of Transportation should develop a uniform order or instruction delineating federal eligibility policy for state highway agencies certifying disadvantaged businesses, including

procedures to update such an order or instruction in a timely manner to reflect and highlight new or revised guidance.
Status: Action not yet initiated.

Recommendation: To improve the quality of federal guidance and the consistency of state eligibility decisions, the Secretary of Transportation should designate a lead office in DOT for developing, updating, and coordinating dissemination of Disadvantaged Business Enterprise Program guidance to the states, and establish formal coordination procedures among DOT and FHWA offices to ensure consistency.
Status: Action not yet initiated.

Recommendation: To improve the quality of federal guidance and the consistency of state eligibility decisions, the Secretary of Transportation should issue interim clarifying eligibility guidance on the Disadvantaged Business Enterprise Program to the states until a new regulation and uniform guidance are completed and issued.
Status: Action not yet initiated.

Recommendation: The Secretary of Transportation should direct the Administrator, FHWA, to establish a monitoring system to: (1) collect and analyze state eligibility decisions in order to ensure that Disadvantaged Business Enterprise Program eligibility criteria are correctly and uniformly applied among the states; and (2) identify areas where revisions or clarifications to DOT and FHWA guidance are needed.
Status: Action not yet initiated.

Highway Safety: Safety Belt Use Laws Save Lives and Reduce Costs to Society

RCED-92-106, 05/15/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO evaluated studies on safety belt laws, focusing on: (1) safety belts' effectiveness in reducing fatalities and severe injuries; (2) the effectiveness of safety belt mandatory use laws; and (3) the societal costs incurred when people who do not wear safety belts are involved in accidents.

Findings

GAO found that: (1) 21 safety belt effectiveness studies comparing death and serious injuries experienced by belted occupants with unbelted occupants show that belt use reduces both the fatality rate and the serious injury rate by 50 to 75 percent in motor vehicle accidents; (2) although the studies vary in methodologies used and data source approaches, 13 studies that specifically analyzed occupant deaths showed that the fatality rates for belted occupants ranged from 41 to 94 percent lower than the rates for unbelted occupants; (3) 11 studies comparing injuries received by belted and unbelted occupants show that injury reduction for belted occupants ranges from 17 to 88 percent lower than the rates for unbelted occupants; (4) 22 studies evaluating the effectiveness of

mandatory safety belt use laws show that state laws have been effective overall in preventing deaths and reducing injuries; (5) 17 studies show that laws requiring safety belt use reduce fatality rates by 5 to 20 percent, while 14 additional studies also show that most injury reductions range from 5 to 20 percent; (6) many existing state laws mandating safety belt use could be strengthened by including coverage to rear seat occupants, extending coverage to light trucks and vans, and facilitating fines for not using safety belts; (7) a May 1991 report sponsored by the Federal Highway Administration estimates the total 1988 annual costs of traffic accidents to be \$334 billion; (8) studies show that hospital costs for belted victims are 60 to 80 percent lower than hospital costs for unbelted victims; and (9) one study suggests that society pays up to 69 percent of out-of-pocket costs, lost wages, and lost household production that result from motor vehicle accidents.

Open Recommendations to Agencies

Recommendation: As part of the Department of Transportation's (DOT) report required by the Intermodal Surface Transportation Efficiency Act of 1991, the Secretary of Transportation

should include a discussion of the ways that state mandatory safety belt use laws can be strengthened and other issues relating to the act's grant and penalty provisions discussed in this report. Specifically, the report should discuss whether state laws should cover all vehicle occupants, including those in pickup trucks, vans, and rear seats, and have certain basic provisions, including fines, to facilitate enforcement. Other issues relating to the implementation of the 1991 act, including criteria for the grants, safety belt use data, and related concerns, are presented in this chapter. Useful information on each issue would include what actions DOT and the states have completed, what DOT and the states plan to do, and what legislation might be helpful for encouraging states to further increase safety belt use. **Status:** Action not yet initiated. Although DOT had not formally commented on the recommendation, National Highway Traffic Safety Administration (NHTSA) officials responsible for the agency's safety belt activities said that they found the GAO results consistent with their work. In addition, NHTSA is implementing section 153 of the 1991 Act, which provides for incentive grants to states for safety belt use laws. The information called for in the recommendation is an outcome of this program.

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.

Status: Action in process. Senate consideration of the supplemental compensation plan had not been completed as of late 1992.

Maritime Administration: Stronger Management Controls Needed Over Vessels in Title XI Custody

RCED-92-147, 05/22/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined the adequacy of the Maritime Administration's (MARAD) management controls for the custody, maintenance, and sale of vessels acquired by the Federal Ship Financing Program, also known as the Title XI Program.

Findings

GAO found that MARAD: (1) under the Title XI Program, pays the outstanding balance of guaranteed vessel purchase or

construction loans that borrowers default on, and attempts to recoup the government's losses by selling the vessel; (2) does not have detailed formal policies, procedures, or guidance for decisions concerning the custody, maintenance, and sale of acquired vessels; (3) believes that its review system, which requires numerous officials to approve custody and sale decisions, adequately ensures that the program is achieving its objectives; (4) bases its vessel management and sale decisions on conversations with ship brokers, trade journal information, and field office

recommendations; (5) does not have records of key information supporting its vessel management and sale decisions, and maintains some of the information that it does collect in a format that is not useful; (6) lacks procedures to assess its performance in managing and selling vessels or for determining the appropriateness of its decisions; and (7) stated that it has corrected similar problems identified with the National Defense Reserve Fleet Program, but the recurrence of those same problems in the Title XI Program points to an

inadequate emphasis placed on developing management controls.

Open Recommendations to Agencies

Recommendation: To help ensure that the Title XI Program is administered efficiently and effectively and provides reasonable assurance that government resources are protected against fraud, waste, misappropriation, and mismanagement, the Secretary of Transportation should direct the

Administrator, MARAD, to identify and document significant information and program activities concerning decisions affecting the custody, maintenance, and sale of individual vessels.

Status: Action in process. A revised MARAD policy paper providing clear, unequivocal instructions regarding documenting significant activities was expected to be issued in October 1992.

Recommendation: To help ensure that the Title XI Program is administered efficiently and effectively and provides

reasonable assurance that government resources are protected against fraud, waste, misappropriation, and mismanagement, the Secretary of Transportation should direct the Administrator, MARAD, to develop indicators to allow MARAD officials and others to better monitor the program's performance.

Status: Action in process. MARAD planned to identify certain statistical information it collects as performance indicators and include such in its policy paper expected to be issued in late 1992.

Mass Transit Grants: Improved Management Could Reduce Misuse of Funds in UMTA's Region IX

RCED-92-7, 11/15/91 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

GAO reviewed the Urban Mass Transportation Administration's (UMTA) management of \$34.5 billion in active grants, focusing on: (1) compliance with federal requirements by selected grantees in UMTA Region IX; and (2) the effectiveness of the region's oversight of grantees' compliance with federal requirements.

Findings

GAO found that: (1) the majority of Region IX recipients did not have adequate management controls to ensure compliance with federal grant requirements and safeguard funds; (2) the Department of Transportation's (DOT) Office of Inspector General identified \$84 million which eight Region IX grantees wasted, misspent, or mismanaged; (3) Region IX recovered about \$10 million in grantee funds and agreed to alternative actions on about \$59 million, but did not routinely compel

grantees to correct the management deficiencies; (4) according to Region IX officials, limited staff resources prevented closer monitoring of grantees' adherence to federal requirements to protect federal funds; and (5) by not ensuring that grantees have adequate internal controls and not using oversight tools to force corrective actions, Region IX is allowing federal mass transit funds to be vulnerable to fraud, waste, and abuse. GAO also found that Region IX did not effectively use its monitoring tools and enforcement authorities, because the region did not: (1) review and follow up on quarterly project and financial reports; (2) verify compliance with federal requirements during triennial reviews; or (3) promptly close grants on completed projects.

Open Recommendations to Agencies

Recommendation: Until grantee certification can be shown to be reliable,

UMTA Region IX should reduce its reliance on grantees' promises and increase its verification of actual performance. Therefore, the Administrator, UMTA, should direct the Manager, Region IX, to ensure that close-out reviews are conducted promptly upon completion of a project and that they verify that products were delivered as agreed, funds were used appropriately, and federal requirements were met.

Status: Action in process. Estimated completion date: 09/94. The Federal Transit Administration (FTA)—formerly named the Urban Mass Transportation Administration—is working to eliminate its backlog of open but completed grants by the end of fiscal year 1994. It is also revising guidance for single audits to ensure that sufficient information is gathered to assess whether grants were properly administered.

Recommendation: Until grantee certification can be shown to be reliable,

UMTA Region IX should reduce its reliance on grantees' promises and increase its verification of actual performance. Therefore, the Administrator, UMTA, should direct the Manager, Region IX, to verify that inadequate grantee performance is corrected, and, if it is not, take appropriate enforcement action to obtain compliance.

Status: Action in process. FTA annual risk assessments of grantees will include a determination on the status of corrective actions on previously identified problems. When these assessments identify inadequate actions, FTA plans to initiate appropriate enforcement efforts. Actions on this recommendation will be completed when FTA develops and approves guidance for using its enforcement tools, which was expected to be completed in late 1992.

Recommendation: Until grantee certification can be shown to be reliable, UMTA Region IX should reduce its reliance on grantees' promises and increase its verification of actual performance. Therefore, the Administrator, UMTA, should direct the Manager, Region IX, to require that triennial reviews evaluate, analyze, and test grantee compliance with federal requirements.

Status: Action in process. FTA had identified data sources for each

compliance area and planned to switch the focus of the triennial reviews from data gathering to data evaluation and analysis. Action will be completed after GAO verifies that triennial reviews evaluated, analyzed, and tested compliance with federal requirements, which was expected to be completed in late 1992.

Recommendation: Until grantee certification can be shown to be reliable, UMTA Region IX should reduce its reliance on grantees' promises and increase its verification of actual performance. Therefore, the Administrator, UMTA, should direct the Manager, Region IX, to review compliance on existing grants and resolve significant noncompliance issues before awarding new grants.

Status: Action in process. FTA does not plan to make funding conditional on grantee compliance. FTA was completing risk assessments of grantees that will identify significant unresolved compliance issues. FTA was studying the full range of its enforcement options and ways to ensure consistent application of enforcement on a national basis. If enforcement guidance, expected to be completed in late 1992, ensures timely actions, it would meet this recommendation.

Recommendation: To improve the reliability of grantee certifications and minimize the vulnerability of mass transit grants to waste and mismanagement, the Administrator, UMTA, should direct the Manager, Region IX, to ensure that all grantees have management control systems that adequately account for and protect federal mass transit investments. To achieve this, UMTA could verify the adequacy of grantees' systems. However, if UMTA determines that resource limitations would preclude the timely discharge of this function, it could request independent verification by state audit entities or require grantees to provide verification of their systems by independent public accounting firms to be eligible for UMTA grants.

Status: Action in process. FTA was revising guidance contained in the Office of Management and Budget (OMB) Compliance Supplement for conducting annual audits under the Single Audit Act to ensure that audit objectives for each compliance area are clearly explained. As a result, audit assurances regarding grantee internal control systems should be a more reliable tool for assessing the adequacy of grantee systems. Action will be completed when OMB approves FTA's revised Compliance Supplement.

Mass Transit Grants: Noncompliance and Misspent Funds by Two Grantees in UMTA's New York Region

RCED-92-38, 01/23/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

GAO reviewed the Urban Mass Transportation Administration's (UMTA) grants management, focusing

on: (1) compliance with federal requirements by selected grant recipients in UMTA Region II; and (2)

the effectiveness of UMTA oversight of Region II grantees.

Findings

GAO found that: (1) UMTA gives grantees responsibility for appropriately using federal mass transit funds; (2) two Region II grantees reviewed did not have adequate systems to ensure compliance with federal requirements, and, because of limited UMTA oversight, the region did not effectively detect and correct grantee deficiencies; (3) the Department of Transportation's Office of Inspector General (OIG) identified more than \$90 million in wasted, misused, or mismanaged funds since October 1987; (4) Region II was slow to detect and correct serious and long-standing procurement and quality assurance deficiencies in a major grantee construction project; (5) Region II did not comply with UMTA administrative requirements for closing out grants and reviewing overhead costs; and (6) Region II did not routinely receive copies of state and local audit reports regarding grantees or use the findings to enhance regional oversight or identify grantee management deficiencies or misspent funds.

Open Recommendations to Agencies

Recommendation: To provide more effective grants management oversight of Region II grantees, the Administrator,

UMTA, should direct the Region II Manager to act promptly to correct grantee noncompliance with federal requirements and withhold funds where appropriate.

Status: Action in process. Federal Transit Administration (FTA) annual risk assessments of grantees will include a determination on the status of corrective actions on previously identified problems. When these assessments identify inadequate actions, FTA plans to initiate appropriate enforcement efforts. Actions will be completed when FTA develops and approves guidance for using its enforcement tools to ensure timely corrective actions, which was expected to be completed in late 1992.

Recommendation: To provide more effective grants management oversight of Region II grantees, the Administrator, UMTA, should direct the Region II Manager to establish milestones for closing out inactive and completed grants in accordance with UMTA guidelines.

Status: Action in process. Estimated completion date: 09/94. FTA had identified eliminating the backlog of grant close outs as a national priority, developed a computer program for regional offices to use to identify candidate grants, and begun issuing regular reports listing grants to be

closed. FTA had substantially reduced the backlog of grants awaiting close out and expected to eliminate the backlog by the end of fiscal year 1994.

Recommendation: To provide more effective grants management oversight of Region II grantees, the Administrator, UMTA, should direct the Region II Manager to review New York City Transit Authority overhead cost allocation plans and rates as required by UMTA rules.

Status: Action not yet initiated. FTA requested the OIG to audit the New York City Transit Authority's overhead cost allocation. The OIG proposed to examine this issue as part of its review of single audits.

Recommendation: To provide more effective grants management oversight of Region II grantees, the Administrator, UMTA, should direct the Region II Manager to formalize coordination with state and local audit organizations responsible for Region II grantees so that the region can obtain and use their reports in its oversight activities.

Status: Action in process. FTA was restructuring its oversight process and revising its guidance to include specific procedures for coordinating with state and local monitoring activities. Action was expected to be completed in late 1992.

Mass Transit Grants: Risk of Misspent and Ineffectively Used Funds in FTA's Chicago Region

RCED-92-53, 03/04/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed Federal Transit Administration (FTA) grant programs,

focusing on: (1) whether selected grant recipients in FTA Region V, headquartered in Chicago, Illinois, complied with federal regulations; and

(2) the effectiveness of FTA oversight of Region V grantees.

Findings

GAO found that: (1) two of the largest Region V grantees, the Chicago Transit Authority (CTA) and Metra, a Chicago commuter train system, have experienced significant problems in managing their capital improvement programs, procurement actions, and inventories; (2) the Department of Transportation (DOT), project management oversight contractors, and others have reported numerous deficiencies in grantees' management systems and noncompliance with federal grant requirements; (3) DOT identified \$58.2 million in grant funds wasted, misspent, or mismanaged by Region V grantees; (4) Region V has recovered over \$6 million in wasted, misspent, or mismanaged grant funds, initiated actions to recover another \$15 million, and taken alternative corrective actions for about \$17 million; (5) despite repeated recommendations to expand the scope of triennial reviews, its primary monitoring tool, FTA continues to narrowly administer the reviews; (6) as a result, a 1989 triennial review did not detect the \$12.6 million in bus parts that CTA procured but did not include in its inventory; (7) for 1989 and 1990, 65 percent of Region V did not timely complete triennial reviews and did not demonstrate whether grantees had corrected previously identified deficiencies; (8) despite the significant and long-standing deficiencies in CTA capital program management, procurement, and inventory controls, Region V has taken no action to stop the flow of new grants to CTA or otherwise compel CTA to implement effective internal controls over its use of federal funds; and (9) Region V did not coordinate its oversight activities with those of state and local agencies that monitor transit funds and did not take advantage of information available from

those agencies to augment its own oversight.

Open Recommendations to Agencies

Recommendation: To minimize the vulnerability of mass transit grants to waste, fraud, and mismanagement, the Administrator, FTA, should direct the Region V Manager to ensure that CTA, Metra, and other grantees with identified problems have management systems that adequately account for and protect federal funds before the grantees receive additional grants. To achieve this, FTA could itself verify the grantees' systems or require grantees to use independent firms to verify their systems.

Status: Action in process. Estimated completion date: 09/93. FTA does not plan to withhold funds from these grantees. FTA expected that audits using new guidance that it was developing would reliably assess the adequacy of grantees' systems. FTA was also completing risk assessments of grantees to identify significant unresolved problems and planned to take appropriate enforcement actions.

Recommendation: To provide more effective grant management and oversight and to minimize the vulnerability of Region V grants to fraud, waste, and mismanagement, the Administrator, FTA, should direct the Region V Manager to require that triennial reviews evaluate, analyze, and test grantees' compliance with federal requirements.

Status: Action in process. FTA had identified data sources for each compliance area and planned to switch the focus of the triennial reviews from data gathering to data evaluation and analysis. Action will be completed after GAO verifies that triennial reviews

evaluated, analyzed, and tested compliance with federal requirements, which was expected to be completed in late 1992.

Recommendation: To provide more effective grant management and oversight and to minimize the vulnerability of Region V grants to fraud, waste, and mismanagement, the Administrator, FTA, should direct the Region V Manager to implement procedures to coordinate federal with state and local monitoring activities and explore the possibility of sharing resources to oversee grantee procurement systems, contracting procedures, and other management systems.

Status: Action in process. FAA was restructuring its oversight process and revising its guidance to include specific procedures for coordination with state and local monitoring activities. Action was expected to be completed in late 1992.

Recommendation: To provide more effective grant management and oversight and to minimize the vulnerability of Region V grants to fraud, waste, and mismanagement, the Administrator, FTA, should direct the Region V Manager to reassess the Region V practice of relying primarily on single audits to verify the appropriateness of costs when closing completed grants.

Status: Action in process. Estimated completion date: 09/93. FTA was revising its guidance for conducting annual audits. As a result, audit assurances should be a more reliable tool for assessing the appropriateness of costs to close out grants. FTA also planned to use site visits, project management reviews, and procurement system reviews to supplement the audits.

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 in process. The Federal Transit Administration (FTA)—formerly named UMTA—was revising its guidance contained in the Office of Management and Budget (OMB) Compliance Supplement for conducting annual audits under the Single Audit Act to ensure that audit objectives for each compliance area are clearly explained. As a result, audit assurances regarding grantee internal control systems should be a more reliable tool for assessing the adequacy of grantee systems. Action will be completed when OMB approves FTA's revised Compliance Supplement.

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 in process. FTA had identified data sources for each compliance area and planned to switch the focus of the reviews from data gathering to data evaluation and analysis. Action will be completed after GAO verifies that triennial reviews evaluated, analyzed, and tested compliance with federal requirements, which was expected to be completed in late 1992.

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 in process. FTA did not plan to implement a system to track grantees' implementation of corrective actions recommended by various audit entities. FTA has a system to track actions on Office of Inspector General audit recommendations, but planned to rely on single annual audits to consider actions on recommendations from other entities. Action was expected to be completed in late 1992.

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 in process. FTA did not plan to make funding conditional on grantee compliance. FTA was completing risk assessments of grantees that will identify significant unresolved

compliance issues. FTA was studying the full range of its enforcement options and ways to ensure consistent application of enforcement on a national basis. Action was expected to be completed in late 1992.

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. By the end of 1992, the Federal Transit Administration planned to include procurement reviews and tests in all grantee triennial reviews if they are not done during independent annual audits.

Motor Vehicle Regulations: Regulatory Cost Estimates Could Be Improved

RCED-92-110, 07/09/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO evaluated the: (1) methods federal agencies and the automobile industry use to calculate the cost of proposed automobile safety, emissions, and fuel economy regulations; and (2) extent to which federal agencies coordinate and exchange information on the total regulatory costs in any one year.

safety emissions and fuel economy regulations, but they do not consider interactive costs or the total cost to industry in a given year; and (6) the Office of Management and Budget evaluates each agency's regulations individually and does not assess the overall impact or total costs of all regulations affecting one sector of the economy.

Addressee: Department of Transportation

Status: Action not yet initiated. However, agency officials generally agreed with the facts presented.

Addressee: Environmental Protection Agency

Status: Action not yet initiated. However, agency officials generally agreed with the facts presented.

Findings

GAO found that: (1) regulatory cost estimates made by federal agencies and the automobile industry differ in part because the two groups do not share much cost information; (2) cost differences also result because agencies set performance levels without specifying equipment design, since there is uncertainty about what the actual design, and therefore the final components, of the new system will be; (3) federal agencies and the motor vehicle industry use different data and assumptions on vehicle production volumes, manufacturer and dealer markups, and the cost of components; (4) agency methods for estimating fuel economy costs also differ, and the National Highway Transportation Safety Administration (NHTSA) estimates the consumer cost of several options for improving fuel economy while the Department of Energy selects the options for improving fuel economy that it believes manufacturers will most likely implement and estimates a per-vehicle consumer cost based on those options; (5) federal agencies generally consider the potential interaction among

Open Recommendations to Agencies

Recommendation: To improve federal agency cost estimates, the Secretary of Transportation and the Administrator, Environmental Protection Agency (EPA), should request additional data, including confidential data, from industry when cost estimates are controversial and industry and agency estimates are far apart.

Addressee: Department of Transportation

Status: Action not yet initiated. However, agency officials generally agreed with the facts presented.

Addressee: Environmental Protection Agency

Status: Action not yet initiated. However, agency officials generally agreed with the facts presented.

Recommendation: To improve federal agency cost estimates, the Secretary of Transportation and the Administrator, EPA, should publicize the current methods agencies use to estimate costs and solicit comments from industry and other interested parties on the procedures.

Recommendation: To improve federal agency cost estimates, the Secretary of Transportation and the Administrator, EPA, should explore options outside the formal regulatory process for soliciting industry comments and cooperation, such as informal contacts between agency and industry analysts on cost methods, or workshops such as those used in implementing the 1990 Clean Air Act Amendments.

Addressee: Department of Transportation

Status: Action not yet initiated. However, agency officials generally agreed with the facts presented.

Addressee: Environmental Protection Agency

Status: Action not yet initiated. However, agency officials generally agreed with the facts presented.

Recommendation: To improve federal agency cost estimates, the Secretary of Transportation and the Administrator, EPA, should account for the variations among auto manufacturers and product lines by publishing a range, instead of a single cost estimate for proposed regulations, and testing assumptions

thoroughly when a great deal of uncertainty exists.

Addressee: Department of Transportation

Status: Action not yet initiated.

However, agency officials generally agreed with the facts presented.

Addressee: Environmental Protection Agency

Status: Action not yet initiated.

However, agency officials generally agreed with the facts presented.

Recommendation: To improve federal agency costs estimates, the Secretary of Transportation and the Administrator, EPA, should update the data base for calculating the component costs of

proposed safety and emissions regulations, combining the NHTSA and the EPA efforts and using one data base on component costs to reduce federal costs and avoid duplication.

Addressee: Department of Transportation

Status: Action not yet initiated.

However, agency officials generally agreed with the facts presented.

Addressee: Environmental Protection Agency

Status: Action not yet initiated.

However, agency officials generally agreed with the facts presented.

Recommendation: The Secretary of Transportation and the Administrator,

EPA, should standardize their methods of estimating the cost of proposed regulations affecting the auto industry, particularly their approach to determining the manufacturer and dealer markups, when calculating the consumer cost.

Addressee: Department of Transportation

Status: Action not yet initiated.

However, agency officials generally agreed with the facts presented.

Addressee: Environmental Protection Agency

Status: Action not yet initiated.

However, agency officials generally agreed with the facts presented.

Motor Vehicle Safety: Key Issues Confronting the National Advanced Driving Simulator

RCED-92-195, 08/18/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the Department of Transportation's (DOT) plans to develop a National Advanced Driving Simulator (NADS), focusing on: (1) how NADS will benefit the National Highway Traffic Safety Administration's (NHTSA) and the Federal Highway Administration's activities; (2) the projected capabilities of NADS compared with existing simulator capabilities; and (3) the estimated cost to develop NADS and the amount of non-DOT financial commitments.

Findings

GAO found that: (1) although DOT believes that NADS research will benefit its programs, it cannot quantify NADS benefits in such terms as lives saved, dollars saved, and accidents avoided,

since those benefits will accrue from new safety devices and designs; (2) NADS will have a more advanced visual system and a larger and more advanced motion system and will be able to carry out more research than existing driving simulators can; (3) simulation experts believe that the state of the art in simulation is such that there should be no technical risk associated with achieving the physical specifications for NADS; (4) after the design phase, NHTSA will be in a better position to judge whether there are technical risks and whether those risks can be overcome; (5) the \$32-million estimate to develop NADS is uncertain since it has not been adjusted to reflect any future cost changes, and is based on a conceptual design that does not identify the specific equipment needed for NADS; (6) as of July 1992, NHTSA was not sure

whether it would obtain financial commitments from non-DOT sources for one-third of the NADS cost before its planned design contract date; and (7) as of July 1992, NHTSA and the University of Iowa had not agreed on a plan for allocating NADS operating time among potential users, but the rights of DOT to use NADS would be covered in a cooperative agreement between NHTSA and the University.

Open Recommendations to Congress

Recommendation: In view of the uncertainties concerning the estimated cost to develop NADS, NADS capability to perform as conceptualized, and NHTSA success in obtaining the one-third financial commitment from non-DOT sources, Congress may wish to

either defer further funding for NADS until after the design phase, when these uncertainties should be answered, or approve the \$9.45 million requested for fiscal year 1993 but restrict its expenditure until NHTSA reports on the resolution of the uncertainties.

Status: Action in process. Congress provided \$5 million for NADS for FY 1993, specified that title to NADS may not be turned over to a nonfederal agency, and provided that the selected site for the simulator was not to be affected by the language of the appropriations act.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should report to Congress, after the design phase, on the three uncertainties regarding the estimated cost to develop NADS, NADS capability to perform as conceptualized, and NHTSA success in obtaining the one-third financial commitment from non-DOT sources.

Status: Action not yet initiated.

Recommendation: The Secretary of Transportation should require NHTSA to follow through with its plans for meeting the goal of obtaining the one-third financial commitment from non-DOT sources. If NHTSA should fail to attain the one-third goal, the Secretary should discuss alternative funding approaches with Congress and the Office of Management and Budget.

Status: Action not yet initiated.

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: 04/93. 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: 04/93. AAMVA planned 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: 04/93. The AAMVA plan provides for developing a public PMVI information document.

Natural Gas Pipelines: Greater Use of Instrumented Inspection Technology Can Improve Safety

RCED-92-237, 09/28/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

GAO provided information on inspection techniques available to determine and maintain the structural integrity, safety, and condition of natural gas transmission pipelines, focusing on: (1) the use, capabilities, limitations, and costs of instrumented inspection technology, commonly referred to as smart pigs; (2) federal smart pig inspection regulations and guidelines; and (3) the Department of Transportation's (DOT) Research and Special Programs Administration's (RSPA) compliance with the Pipeline Safety Reauthorization Act of 1988.

Findings

GAO found that: (1) DOT is responsible for developing, issuing, and enforcing natural gas transmission pipeline safety regulations; (2) from 1985 to 1991, natural gas pipeline incidents totalled 1,726, involving 131 fatalities and 634 injuries; (3) causes for pipeline failure include outside-force damage, corrosion, and defective materials; (4) smart pig inspections have the potential to detect internal and external corrosion, provide information on metal integrity, and detect other pipeline flaws, without pipeline excavation; (5) companies use

smart pigs to determine the source and location of internal or external pipe problems, locate anomalies, and establish existing pipeline conditions; (6) smart pig use enables companies to minimize pipeline downtime, plan effective maintenance, ensure operational safety, and perform condition appraisals prior to pipeline sales; (7) smart pigs' operational limitations include their inability to negotiate sharp bends, detect longitudinal cracks, and locate potential pipe seam failures and circumferential weld metal loss; (8) the cost of using smart pigs depends on the pig type, pipeline diameter, pipeline cleanliness, pipeline length, pig vendor competition, amount of corrosion, amount of excavation needed, and extent of data interpretation required; (9) the two types of magnetic-flux smart pig technologies are first-generation, which is about 25 years old, and the more recent second generation, which has advanced capabilities for flaw detection; (10) RSPA has not completed the legislative requirements to improve pipeline safety, including a study discussing smart pig requirements and mandatory regulations requiring new and replacement pipelines to be capable of accommodating smart pigs; (11) companies do not use smart

pigs frequently because of a lack of federal regulations; and (12) pending legislation would initiate regulations and require smart pig inspections in densely populated areas.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should act to expeditiously (1) provide the Congress with the final report from the smart pig feasibility study mandated by Public Law 100-561, or notify the Congress when it will be available, and (2) issue the regulations mandated by Public Law 100-561.

Status: Action not yet initiated.

Recommendation: In carrying out the above actions, DOT and RSPA should determine how smart pig technology can effectively be used in natural gas transmission pipelines, especially those in densely populated areas. They should consider the capabilities, limitations, and costs of smart pigs and other information in this report as it relates to the role that smart pig inspections should play in DOT's overall strategy for ensuring pipeline integrity and safety.

Status: Action not yet initiated.

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 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: 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 started a rulemaking 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. Rulemaking had been suspended due to the President's moratorium on new regulations.

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 taken not fully responsive. New DOD-wide policy was issued September 23, 1991, and implementing procedures were still

being considered. Rather than adopting FRA dedicated service standards as recommended, DOD adopted FRA commercial standards. Because bringing the DOD on-base fleet into compliance may be cost-prohibitive, it is questionable whether safety-related repairs will be done in the foreseeable future.

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 taken not fully responsive. The new DOD guidance addresses only inspections of hazardous materials and does not define the "uniform technical standards" that the guidance says should be enforced.

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 (RSPA)-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 taken not fully responsive. New DOD guidance does not determine, nor does it call for a determination of, the specific RSPA components for rail cars needed to ensure safe on-base transport of hazardous materials.

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 in process. Estimated completion date: 06/93. The Army issued interim guidance on blocking and bracing on July 21, 1992. Final publication is expected in June 1993.

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 taken not fully responsive. New DOD guidance establishes no procedures to verify that hazardous materials are properly secured. The Army's interim guidance calls for verification methods that are "prudent, visible, and recordable." The Navy was to initiate new procedures in late 1992.

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 taken not fully responsive. New DOD guidance does not specify how it will comply with FRA regulations, and no implementing procedures were being developed at the department or service levels.

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.

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.

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. Estimated completion date: 12/94. 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. The estimated completion date is December 1994.

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

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

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. Estimated completion date: 12/93. 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. FRA expected to complete this effort by December 1992 for all disciplines except hazardous materials, which is expected to be completed in December 1993.

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. Estimated completion date: 12/94. 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. FRA expects to complete this effort by December 1994.

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. A new policy on FRA system assessments was being reviewed and was expected to be issued by late 1992.

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. Follow-up criteria are included in the draft assessment guidelines discussed with

FRA regional directors. Action was expected to be completed in late 1992.

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. FRA hired a Director of Training and Communications, who has developed a new training program. Also, FRA has revised its enforcement manuals in 4 of 5 inspection disciplines to provide better guidance for the exercise of inspector judgment in the enforcement process. The remaining manual was expected to be completed by the end of calendar year 1992.

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 in process. Corrective action was expected to be completed by late 1992.

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 clearly designate

management accountability for ensuring the use of training slots.

Status: Action in process. The draft FAA policy for administering its training program, expected to be completed by late 1992, will include provisions that clearly assign responsibility to regional training managers and operating division managers for ensuring that employees are appropriately assigned to training, unneeded training slots are released on a timely basis, and employees attend scheduled training.

Surface Transportation: Availability of Intercity Bus Service Continues to Decline

RCED-92-126, 06/22/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined the condition of the intercity bus industry since its deregulation in 1982, focusing on: (1) the social and economic implications of this decline; (2) state efforts to support intercity bus service; and (3) policy strategies for the Department of Transportation (DOT) to consider as it develops guidelines to address intercity bus needs.

Findings

GAO found that: (1) regulatory relief for the intercity bus industry in 1982 did not revitalize the industry, and shrinking rural populations, increased competition from air and rail transportation, and increased car ownership led to reduced bus ridership; (2) intercity buses went from serving almost 12,000 locations in 1982 to serving fewer than 6,000 locations in 1991, and over the same period, the bus industry's share of intercity passenger-miles on public transportation fell from 12 percent to 6 percent; (3) the social and economic

effects of declining intercity bus service are difficult to assess because data on the number and characteristics of users of the abandoned routes are scant, but available evidence suggests that the affected riders are those least able to afford and least likely to have access to alternative transportation; (4) 20 states have ongoing efforts to maintain or support intercity bus service, which include financial support for individual bus routes, funding for construction or rehabilitation of intermodal terminals used by buses, and providing new vehicles to bus firms at reduced cost; (5)

the Intermodal Surface Transportation Efficiency Act of 1991 recognized the need to expand federal transit activities by requiring states to spend at least 15 percent of their allocations to assist intercity bus service; and (6) some states could face difficulty using those funds effectively because DOT has not decided what activities will be eligible to receive set-aside funds and because of federal labor protection requirements.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, Federal Transit Administration (FTA), when developing guidance to implement Section 18(i) of the Intermodal Surface Transportation Efficiency Act, to clearly state the specific aspects of the arrangements between rural connection providers and intercity bus carriers that count toward meeting the required 15-percent set-aside and, in stating those aspects, to take into

consideration marketing efforts and extended hours of service.

Status: Action in process. FTA anticipated issuing guidance in the first quarter of fiscal year 1993, which would set broad eligibility parameters to allow states maximum flexibility to program intercity bus funds to most effectively address needs identified by the state.

Recommendation: The Secretary of Transportation should direct the Administrator, FTA, when developing guidance to implement section 18(i) of the Intermodal Surface Transportation Efficiency Act, to determine whether states should be allowed to use a portion of the Section 18(i) set-aside to gather data on the population that has lost intercity bus service in order to identify intercity bus needs.

Status: Action in process. FTA has determined that planning is an eligible activity and that the collection and analysis of data to determine needs is an appropriate planning activity.

Recommendation: The Secretary of Transportation should direct the Administrator, FTA, to assess whether Section 13(c) poses a barrier to using Section 18 funds for intercity bus service. Further, if DOT finds that Section 13(c) does pose a barrier, DOT should work with the Department of Labor to identify ways to reduce the barrier.

Status: Action in process. DOT does not anticipate that Section 13(c) labor protection requirements will present a problem as long as the "special warranty" for the Section 18 program will continue to be accepted for Section 18 grants in satisfaction of the Section 13 certification requirement. However, the Department of Labor has announced new procedures concerning implementation of the "special warranty." DOT planned to closely monitor the situation and work with Labor to resolve any concerns that arise.

Transportation Infrastructure: The Nation's Highway Bridges Remain at Risk From Earthquakes

RCED-92-59, 01/23/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the threat that earthquakes pose to the nation's bridges, focusing on: (1) which states had areas where bridges could be damaged by moderate- to high-intensity earthquakes; (2) the Federal Highway Administration (FHWA) actions to identify and correct seismic-related bridge deficiencies; and (3) FHWA actions to assist states in addressing seismic deficiencies in bridges.

Findings

GAO found that: (1) 31 states have bridges that are at risk of damage from moderate- to high-intensity earthquakes; (2) although FHWA has encouraged states to identify and retrofit existing bridges on important defense and evacuation routes and main commuter and commerce routes, states have made limited progress in identifying and correcting seismic-related bridge deficiencies; (3) 8 of the 26 surveyed states at seismic risk stated that they

had identified vulnerable bridges and had retrofitted, or were in the process of retrofitting, less than 2 percent of those bridges; (4) states that had made limited attempts to identify and retrofit at-risk bridges cited such reasons for their reluctance to do so as limited funding, a lack of technical retrofit information, and a belief that their states were not at a risk for earthquake damage; (5) although FHWA required states to annually report on their bridges' overall structural condition, it did not require

states to identify bridges subject to seismic forces; and (6) because the degree of seismic risk varied among states, FHWA primarily facilitated seismic efforts by providing states with procedural guidance, training, and assistance in state seismic research efforts, but states believed that they needed additional FHWA assistance because they lacked experience and expertise in addressing seismic bridge deficiencies.

Open Recommendations to Agencies

Recommendation: The Secretary of Transportation should direct the Administrator, FHWA, to expand the range of seismic-related training.
Status: Action in process. Estimated completion date: 10/93. DOT planned to expand its fiscal year 1993 training curriculum to include several seismic-related courses.

Recommendation: The Secretary of Transportation should direct the Administrator, FHWA, to consolidate and disseminate bridge-related seismic information and research to states.
Status: Action in process. DOT planned to evaluate and improve seismic research information by creating one central location that would provide up-to-date information on completed, as well as ongoing, research activities. This effort was expected to begin by January 1, 1993.

Transportation Infrastructure: Urban Transportation Planning Can Better Address Modal Trade-offs

RCED-92-112, 04/02/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO examined funding flexibility between the highway and mass transit programs, focusing on: (1) the extent to which highway and mass transit program funds have been used across modal lines; and (2) whether improvements are needed in the highway and mass transit planning processes to make more effective choices in addressing congestion and clean air problems.

Findings

GAO found that: (1) only about 4 percent of the \$174 billion of federal-aid highway funds obligated by states and localities since fiscal year (FY) 1976 have been invested in traditional mass transit projects; and (2) only about 1 percent of the \$40 billion in mass transit capital assistance financed high occupancy vehicle (HOV) lanes, busways, and other nontraditional transportation projects. GAO also found that the use of highway

and mass transit funds across modal lines has been limited because: (1) the federal matching share for mass transit capital assistance projects has been more favorable for states and localities than the matching share for federal and urban projects; and (2) states and localities are reluctant to use highway and mass transit funds across modal lines because highway and mass transit needs exceed available program funds. In addition, GAO found that: (1) Department of Transportation (DOT) regulations do not include criteria for making modal trade-offs between highways and mass transit within a specific transportation corridor, and few state and local organizations have developed such criteria; and (2) criteria that states and localities use to evaluate major capital projects within each mode generally do not facilitate comparisons.

Open Recommendations to Agencies

Recommendation: To better assist states and localities in identifying those projects, regardless of mode, that most effectively deal with congestion and air quality problems, the Secretary of Transportation should coordinate and initiate policies to promote efficient intermodal transportation as required by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) by developing criteria and related measures for comparing highway and mass transit projects that: (1) consider mobility, environmental quality, safety, cost-effectiveness, and social and economic objectives; and (2) identify how those criteria and measures may be applied by transportation planners and decision makers. In developing those criteria and measures, the Secretary should solicit input from states, metropolitan planning organizations (MPO), and localities as well as others who have an interest or

expertise in highway and mass transit issues.

Status: Action taken not fully responsive. DOT recognized the need for comparison criteria and related measures but did not plan to develop them. Rather, DOT said it would develop guidance and regulations to assist MPO in carrying out the modal trade-off provisions of ISTEA. This action will not fully accomplish the intent of the recommendation.

Recommendation: To better assist states and localities in identifying those

projects, regardless of mode, that most effectively deal with congestion and air quality problems, the Secretary of Transportation should coordinate and initiate policies to promote efficient intermodal transportation as required by the Intermodal Surface Transportation Efficiency Act of 1991 by revising the highway and mass transit planning regulations, as appropriate, to incorporate the criteria and measures developed for comparing highway and mass transit projects and fully encourage the use of those criteria and measures by states, MPO, and others in

selecting projects and developing transportation plans and transportation improvement programs required by the regulations.

Status: Action taken not fully responsive. DOT recognized the importance of cross-modal trade-off criteria and measures, but it did not plan to develop them. However, a Notice of Proposed Rulemaking is to provide process guidance for carrying out a multinodal planning process. This action will not fully accomplish the intent of the recommendation.

Transportation Safety: Information Strategy Needed for Hazardous Materials

IMTEC-91-50, 09/25/91 GAO Contact: JayEtta Z. Hecker, (202)512-6416

Background

Pursuant to a congressional request, GAO reviewed the Department of Transportation's (DOT) efforts to regulate hazardous material (HAZMAT) movement across the nation, focusing on whether: (1) key initiatives to improve long-standing HAZMAT information shortcomings were successful; and (2) any strategy guides DOT in directing information management and technology resources devoted to its hazardous material mission.

Findings

GAO found that: (1) DOT lacks accurate, complete data to monitor the vast HAZMAT community, and better support its enforcement activities involving HAZMAT shippers and carriers; (2) despite DOT recognition of a need for better HAZMAT information, its two attempts to improve hazardous materials information management were

unsuccessful; and (3) the absence of clearly defined departmental HAZMAT information management responsibilities impaired DOT ability to effectively organize, direct, or implement its departmentwide information resources management efforts.

Open Recommendations to Agencies

Recommendation: To address the DOT need for improved HAZMAT information, the Secretary of Transportation should assign responsibility to a departmental component to develop a departmentwide information resources strategy, plan, and implementation schedule for the hazardous materials safety program. Such a new strategy should specify procedures for defining, managing, and sharing HAZMAT safety data commonly used across all modal administrations involved in the inspection and

enforcement activities of the Department.

Status: Action in process. The DOT Transportation Data Coordinating Committee has created a Data Management Working Group to address this issue.

Recommendation: To address the DOT need for improved HAZMAT information, the Secretary of Transportation should assign responsibility to a departmental component to develop a departmentwide information resources strategy, plan, and implementation schedule for the hazardous materials safety program. Such a new strategy should ensure that automated HAZMAT information systems throughout DOT are planned, developed, and enhanced conforming to systems architecture that defines information requirements, flow and system interfaces, and shows how individual HAZMAT systems and major

components fit together to satisfy DOT needs.

Status: Action in process. The DOT Transportation Data Coordinating Committee has created a Data Management Working Group to address this issue.

Recommendation: To address the DOT need for improved HAZMAT information, the Secretary of

Transportation should assign responsibility to a departmental component to develop a departmentwide information resources strategy, plan, and implementation schedule for the hazardous materials safety program. Such a new strategy should include departmental participation of the Research and Special Programs Administration, United States Coast Guard, Federal Railroad Administration,

Federal Aviation Administration, Federal Highway Administration, and the Department's Office of Information Resources Management in the above activities.

Status: Action in process. The DOT Transportation Data Coordinating Committee is taking steps to ensure participation by these modal agencies in constructing an agencywide HAZMAT IRM strategy.

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. Estimated completion date: 06/93. FHWA established a safety fitness rating group in June 1992. A plan to review the rating process was being developed.

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 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. The Intermodal Surface Transportation Act of 1991 requires the Secretary to issue regulations establishing sanctions and penalties for out-of-service violations which include disqualification of commercial driver's license. As of late 1992, a notice of proposed rulemaking to implement this requirement was awaiting departmental approval.

Truck Safety: The Safety of Longer Combination Vehicles Is Unknown

RCED-92-66, 03/11/92 GAO Contact: Kenneth M. Mead, (202)275-1000

Background

Pursuant to a congressional request, GAO reviewed the safety of longer combination vehicles (LCV), focusing on the: (1) current extent of LCV use; (2) results of LCV safety studies; and (3) major operational characteristics that affect LCV safety.

Findings

GAO found that: (1) 20 states allow LCV operation, but they have different restrictions on the types of LCV allowed, the routes on which they can operate, their length, and their weight; (2) LCV safety studies have reached very different conclusions, with some studies

finding that multiple-trailer trucks are less likely to be involved in accidents than single-trailer trucks, while other research indicates that multiple-trailer trucks are more likely to be involved in accidents; (3) a lack of adequate truck data and different study methodologies contributed to different research conclusions; (4) LCV safety tests indicate

that multiple trailers are more apt to sway than single trailers, require a wider turn path, and are more likely to travel out of their lane; (5) LCV operational characteristics are affected by LCV type, the driver, load distribution, equipment used, and road conditions; and (6) projections of an increase in traffic density and a shortage of experienced truck drivers could impact future LCV safety.

Open Recommendations to Agencies

Recommendation: To improve transportation data and to help determine LCV safety, the Secretary of Transportation should improve truck accident and travel data, especially as they relate to the reporting of nonfatal accidents, the estimates of truck travel, and the identification of truck configurations.

Status: Action in process. Estimated completion date: 01/94. The Federal Highway Administration has begun to review truck travel data needs with the states and the motor carrier industry, and is providing grants under the Intermodal Surface Transportation Efficiency Act of 1991 to states to adopt the National Governors' Association recommended uniform accident reporting form and data elements, which require reporting data on truck configurations.

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 plans to issue by June 1993 a notice of proposed rulemaking to solicit comments on its proposed regulations. DOT has not set a date for completing the regulations.

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

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 plans to issue by June 1993 a notice of proposed rulemaking to solicit comments on its proposed regulations. DOT has not set a date for completing the regulations.

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 plans to issue by June 1993 a notice of proposed rulemaking to solicit comments on its proposed regulations. DOT has not set a date for completing the regulations.

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 plans to issue by June 1993 a notice of proposed

rulemaking to solicit comments on its proposed regulations. DOT has not set a date for completing the regulations.

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 plans to issue by June 1993 a notice of proposed rulemaking to solicit comments on its proposed regulations. DOT has not set a date for completing the regulations.

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