

GAO

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FBI TRANSFORMATION

Human Capital Strategies May Assist the FBI in Its Commitment to Address Its Top Priorities

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Highlights of [GAO-04-817T](#), a testimony before the Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, Committee on Appropriations, House of Representatives

Why GAO Did This Study

The September 11, 2001, terrorist attacks precipitated a shift in how the FBI uses its investigative and intelligence resources to prevent future terrorist incidents. The attacks led to the FBI's commitment to transform and reorganize itself. Today's testimony discusses (1) the FBI's progress in transforming to focus on counterterrorism and intelligence-related priorities, (2) competition the FBI faces from other agencies and the private sector for intelligence staff, and (3) human capital flexibilities that may enhance the FBI's ability to address its priorities.

FBI TRANSFORMATION

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What GAO Found

FBI has made significant progress in its transformation efforts since GAO last testified before this Subcommittee in June 2003. The FBI's organizational changes to enhance its intelligence capability and realigned staff resources to counterterrorism and counterintelligence priority areas, among other things, are encouraging. However, even with increased numbers of agents in the priority areas, the FBI continues to have to temporarily re-assign additional agents to meet its goal of following all counterterrorism-related leads or threats.

The FBI has faced difficulties retaining—and competing with other government agencies and the private sector for—staff with intelligence knowledge, skills, and abilities. These difficulties may in part result from the fact that the FBI's career ladder for intelligence analysts is truncated compared with similar career ladders at some other federal agencies. For example, the Central Intelligence Agency and National Security Agency maintain a career ladder for their intelligence staff that includes both senior executive (managerial) and senior level (nonmanagerial) positions. While the FBI has actively moved towards establishing a GS 15 level for intelligence staff, this would still not create a level playing field with the rest of the intelligence community given that other agencies maintain higher level positions. Should a decision be made to institute a senior executive and senior level positions, the FBI will need to develop and implement a carefully crafted plan that includes specific details on how such an intelligence career service would relate into its strategic plan and strategic human capital plan, the expectations and qualifications for positions, and how performance would be measured.

GAO has found that the leaders of agencies such as the FBI can better tailor their human capital strategies to better meet their mission by identifying, assessing, and **first** making use of all appropriate human capital flexibilities. The FBI has used a variety of available human capital flexibilities to help them recruit and retain staff. **Second**, agencies then consider options that require legislative changes. In those cases, information should be gathered to appropriately demonstrate the case for change. Because the FBI is at the forefront of protecting the nation against terrorist threats, proposals to enhance its capacity from a human capital standpoint should be carefully considered.

www.gao.gov/cgi-bin/getrpt?GAO-04-817T.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Laurie Ekstrand on (202) 512-8777 or ekstrandl@gao.gov.

Mr. Chairman and Members of the Subcommittee:

We are pleased to be here today to discuss the Federal Bureau of Investigation's (FBI) transformation efforts. As you are well aware, the September 11, 2001, terrorist attacks precipitated a shift in how the FBI uses its investigative and intelligence resources to prevent future terrorist incidents and led to the FBI's commitment to transform and reorganize itself. Today's testimony follows up on our June 2003 testimony before the House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies.¹ It also draws on our March 2004 testimony before the Senate Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies.²

Today, we discuss

- the FBI's progress in transforming to focus on counterterrorism and intelligence-related priorities,
- competition the FBI faces from other agencies and the private sector for intelligence staff, and
- human capital flexibilities that may enhance the FBI's ability to address its priorities.

We commend the FBI for the continued progress in its transformation efforts. We believe that the realignment of staff resources to counterterrorism and counterintelligence priority areas is an encouraging sign of the FBI's progress, although the number of agents assigned to these priority areas is still not sufficient to handle the workload. We note that the FBI continues to face challenges in recruiting and retaining staff that it needs to be in the forefront of intelligence work. An intelligence career service within the FBI may help level the playing field with other federal agencies in the intelligence community. Finally, we encourage the FBI to

¹See U.S. General Accounting Office, *FBI Reorganization: Progress Made in Efforts to Transform, but Major Challenges Continue*, [GAO-03-759T](#) (Washington, D.C.: June 18, 2003).

²See U.S. General Accounting Office, *FBI Transformation: FBI Continues to Make Progress in Its Efforts to Transform and Address Priorities*, [GAO-04-578T](#) (Washington, D.C.: March 23, 2004).

fully utilize the human capital flexibilities it already has to ensure that it has a workforce that can meet the challenges of today and the future.

Our testimony today is based on our ongoing and previously completed assessments of the FBI's transformation efforts. This includes a review of the FBI's strategic plan, strategic human capital plan, staff realignment efforts, and reengineering projects undertaken by the Bureau to improve business practices, including some related to its intelligence program.³ We reviewed attrition data obtained from the FBI on the number of intelligence analysts on board, hired, and separated from the FBI between 1998 and 2004 to ascertain the extent to which the FBI faces competition from others for intelligence staff. We also compared the human capital flexibilities that are currently used by the FBI with those cited as the most effective by agency officials and union representatives.⁴

Our testimony is based on published reports and audit work conducted in accordance with generally accepted government auditing standards in Washington, D.C., and New York City between March and May 2004.

FBI Reorganization and Staffing Demonstrates Commitment to Top Priorities

The FBI continues to make progress in its efforts to transform to focus on counterterrorism and counterintelligence priorities. In addition to organizational changes, the FBI has continued to increase the number of agents permanently assigned to counterterrorism and counterintelligence areas. However, even with the increased numbers of agents in the priority areas, the FBI continues to have to temporarily reassign additional agents to meet its goal of following all counterterrorism-related leads.

The FBI is Enhancing Its Intelligence Capabilities to Focus on Counterterrorism-Related Priorities

The FBI has undertaken steps to enhance its intelligence capability to focus on its top priorities. This includes several organizational changes. In addition to appointing an Executive Assistant Director for Intelligence to coordinate the Bureau's intelligence activities and creating an Office of

³We provided an oral briefing on May 14, 2004, to the House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies on the status of the 40 reengineering projects.

⁴See U.S. General Accounting Office, *Human Capital: Effective Use of Flexibilities Can Assist Agencies in Managing Its Workforces*, GAO-03-2 (Washington, D.C.: December 2002).

Intelligence, the FBI has worked to staff intelligence squads in each of the FBI's 56 field offices. This initiative was undertaken to raise the priority of intelligence and the collection, analysis, and dissemination of intelligence at the local level. Additionally, the FBI has increased the number of Joint Terrorism Task Forces⁵ from 35 prior to September 11, to 84 in 2004 and taken steps to enhance the sharing of intelligence information with local law enforcement officials.⁶

Staff Resources Continue to Be Realigned to Address Counterterrorism and Counterintelligence Workload Demands

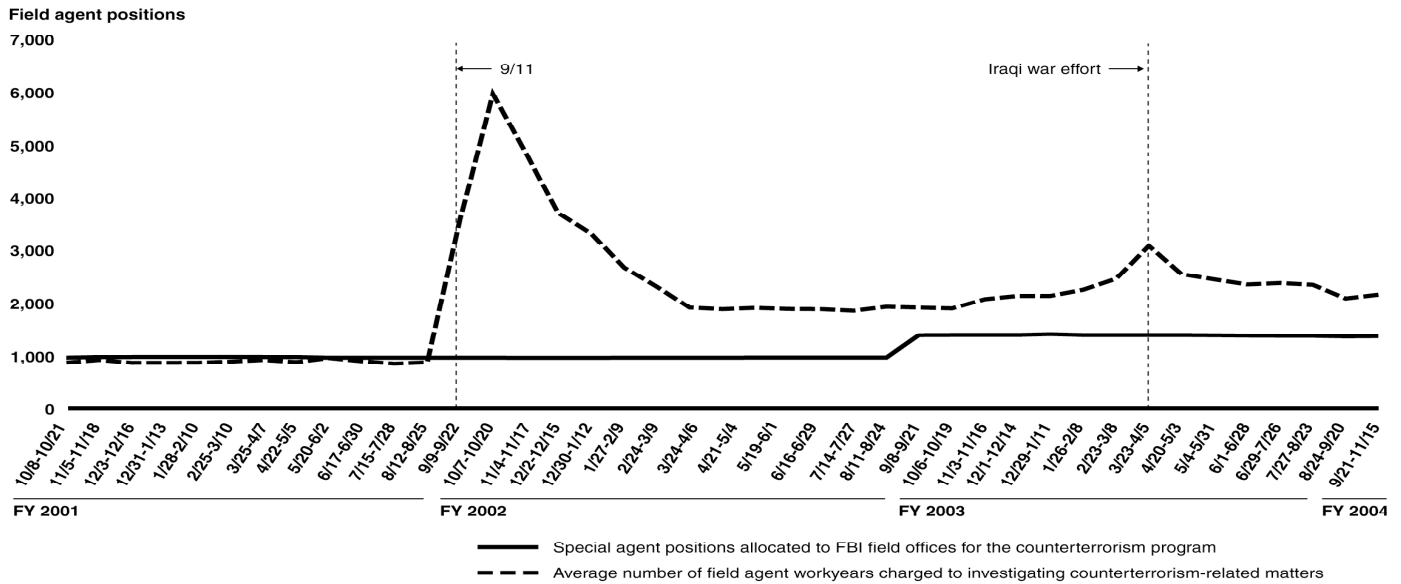
As we previously reported, a key element of the FBI's reorganization and successful transformation is the realignment of resources to better ensure focus on the top priorities.⁷ Since September 11, the FBI has permanently realigned some of its field agent resources from traditional criminal investigative programs to work on counterterrorism and counterintelligence investigations—about 700 special agents in all. Additionally, the Bureau has had a continuing need to temporarily redirect special agent and other staff resources, including intelligence analysts from other criminal investigative programs, to address counterterrorism and counterintelligence priorities. Thus, staff continue to be redirected from other programs such as drug, white collar, and violent crime to address the counterterrorism-related workload demands. As figure 1 shows, the average number of field agent work years charged to investigating counterterrorism-related matters has continually outpaced the number of agent positions allocated to field offices for counterterrorism since September 11. As of the first quarter of fiscal year 2004, the average number of field agent work years (2,106) exceeded the number of allocated agent positions (1,359) by over 50 percent. This continuing realignment of resources is directly in line with the agency's priorities and in keeping with the paramount need to prevent terrorism.

⁵Joint Terrorism Task Forces are teams of local law enforcement officers, FBI agents, and other federal agents and personnel that work together to investigate and prevent terrorism.

⁶We recently reported on the FBI's efforts to enhance sharing of intelligence information with local law enforcement officials. See U.S. General Accounting Office, *Security Clearances: FBI Has Enhanced Its Process for State and Local Law Enforcement Officials*, [GAO-04-596](#) (Washington, D.C.: April 2004).

⁷See [GAO-03-759T](#) and [GAO-04-578T](#).

Figure 1: Comparative Analyses of FBI Field Agent Non-Supervisory Positions Allocated and Agent Work Years Charged to Counterterrorism Matters



Source: GAO analysis of FBI TURK data.

Note: The Time Utilization and Recordkeeping (TURK) system is used by the FBI to record the proportion of time spent by field agents on various types of investigative matters such as organized crime, white-collar crime, and counterterrorism. The FBI uses the TURK system to track and project the use of field resources. Data derived from the TURK system are only as reliable as the information reported by FBI field agents.

FBI Faces Competition from Others for Talented Intelligence Staff

The FBI's intelligence analysts are an integral part of the FBI's investigative mission and efforts to combat terrorism. The FBI faces some daunting workforce planning issues in competing for and retaining intelligence staff. In particular, the FBI has encountered difficulties competing for intelligence staff with other government agencies and the private sector. Retention has also been a problem because intelligence talent is in demand. On average, prior to September 11, the FBI employed about 1,100 intelligence analysts a year. Over the past two years, the average has increased to about 1,400. The FBI has worked to build its intelligence resources since September 11, hiring 478 intelligence analysts, with plans to hire an additional 900 analysts. During this same time period, the FBI lost 281 intelligence analysts (about 20 percent of its intelligence analyst workforce). Since fiscal year 1998, the FBI hired a total of 921

intelligence analysts. However, during this same time period, 653 intelligence analysts left their positions in the FBI.⁸

One explanation for the turnover rate in the intelligence analyst ranks may be that the career ladder at the FBI is truncated compared to that of analysts in most other federal agencies that are active in this line of work, according to FBI officials. For example, both the Central Intelligence Agency and the National Security Agency maintain a career ladder for intelligence staff that includes both senior executive positions (managerial positions) and senior level positions (non managerial positions) for those intelligence staff with very high levels of valued expertise. The FBI has indicated that it is going to establish GS 15 levels for intelligence staff. This would help to level the playing field for analyst talent, but falls short of bringing parity with other agencies in the intelligence community. According to the FBI, higher level positions would allow them to attract and retain experts with advanced skills that are needed for the counterterrorism and counterintelligence work that they need to do now and in the future.

Establishing an Intelligence Career Service to Enhance The FBI's Intelligence Capacity Requires Careful Planning

Should the FBI decide to support a senior executive and senior level intelligence career service, and should Congress approve it, its success will be dependent on having and following a carefully crafted plan. This plan, at minimum, would need to spell out how the new intelligence career service and career ladder would integrate into both the FBI's strategic plan and its strategic human capital plan. Position descriptions, qualifications for positions, the number of positions to be filled, and how performance would be measured are among the details that would need to be thoroughly developed.

In addition to tailoring position descriptions to critical skills needed, it is essential that the Bureau assess the performance of intelligence career service staff at all levels using a thoroughly tested performance management system that appropriately differentiates levels of performance. In order to ensure that staff in these intelligence positions

⁸The hiring figures include FBI personnel that transferred from another position within the Bureau to an intelligence analyst position. Additionally, the separation figures include FBI personnel that transferred out of an intelligence analyst position to accept another position within the FBI.

develop to their full potential, and thus, are the greatest benefit to the FBI, intelligence staff need to understand expectations, be rated on performance, receive feedback, and have the opportunity to develop the skills needed to enhance their performance. Last year we identified a set of key practices for effective performance management.⁹ Among these practices is to make meaningful distinctions in performance. However, as yet, the performance management system for the bulk of FBI staff remains inadequate to identify meaningful distinctions in performance. It is unlikely that the current performance management system—a pass/fail system—will meet these needs. In addition, a performance management system that differentiates across levels of performance for only Senior Executive Service positions is not enough. To maximize the growth of staff at lower levels so that they will be able to assume higher-level positions over time, the FBI needs a performance management system that will foster that progression for all staff. The FBI’s strategic human capital plan indicates that the FBI is moving in the direction of addressing this need, and this encourages us.

When designing a performance management system to support the intelligence service career ladder, it is also important for the FBI to consider changes in light of the impending changes to the Senior Executive Service across federal agencies. In 2003, Congress established a new performance-based pay system for the Senior Executive Service that is designed to provide a clear and direct linkage between Senior Executive Service performance and pay.¹⁰ Under this new provision, an agency can raise the pay cap for its senior executives when it can demonstrate that its performance management system makes meaningful distinctions based on relative performance. The Office of Personnel Management (OPM) and Office of Management and Budget (OMB) are to issue regulations prescribing the requirements agencies must meet to obtain certification for these purposes.

A potential option that would allow for such positions, if created, to be filled expeditiously, would be to allow temporary appointments to these higher-level positions initially. This would provide time for a more

⁹See U.S. General Accounting Office, *Results-Oriented Cultures: Creating a Clear Linkage between Individual Performance and Organizational Success*, [GAO-03-488](#). (Washington, D.C.: March 2003.)

¹⁰Section 1125 of Division A of P.L. 108-136, 117 Stat. 1392, 1638 (2003) (codified at 5 U.S.C. 5382).

thoughtful development of the necessary details of the intelligence career service ladder to be developed without undue time pressures. When the details of the intelligence career service are fully developed, these positions could be opened to competition to fill them with the best possible applicants, which could include those who hold them on a temporary appointment basis.

Human Capital Flexibilities and Best Practices May Enhance Intelligence Capabilities

Leading public organizations here in the United States and abroad have found that strategic human capital management must be the centerpiece of any serious change management initiative and efforts to transform the cultures of government agencies. The federal government's human capital weaknesses did not emerge overnight and will not be quickly or easily addressed. The enormous human capital and other transformation challenges that need to be addressed to successfully transform the FBI are instructive of the critical and difficult task ahead.¹¹ Committed, sustained, highly qualified, and inspired leadership, and persistent attention by all key parties will be essential if lasting changes are to be made and the challenges the FBI faces are to be successfully addressed.

The first step toward meeting human capital challenges is for agency leaders to identify and make use of all the appropriate human capital authorities available to them to manage their people for results both effectively and equitably. Much of the authority agencies need to manage human capital strategically is already available under current laws and regulations. The use of these authorities often needs to be undertaken as part of, and consistent with, proven change management practices. The second step, when available human capital authorities are unable to meet an agency's human capital needs, is for policy makers to pursue incremental legislative reforms to give agencies additional tools and flexibilities to hire, manage, and retain the human capital they need, particularly in critical occupations.

Human capital flexibilities encompass all of the policies and practices that an agency can implement in managing its workforce to accomplish its mission. These actions can relate to recruitment, retention, compensation, position classification, incentive awards, training, performance management, and work-life policies, among others. Indeed, in recent years the FBI has utilized a variety of the flexibilities available to it to recruit and

¹¹See U.S. General Accounting Office, *Managing for Results: Using Strategic Human Capital Management to Drive Transformational Change*, [GAO-02-940T](#) (Washington, D.C.: July 15, 2002).

retain valuable staff resources. See appendix I for a list of the human capital flexibilities cited as the most effective by agency officials and union representatives and those used by the FBI. We note that the FBI has utilized a number of the flexibilities on this list, although we have not had an opportunity to review the extent to which these flexibilities are being applied and to assess the extent to which they could be applied more effectively. Nor are we in a position to suggest to the FBI that any of the currently unused flexibilities are appropriate for helping to meet their human capital needs, but just that there are a number of options available that can be weighed in deciding what actions are appropriate for any particular agency. In previous work on strategic human capital management, we have reported that high-performing agencies tailor their human capital strategies to meet specific mission needs. In addition, agencies should explore opportunities to enhance competitiveness as employers and eliminate barriers to effective human capital management.¹²

We have also noted that human capital flexibilities should be implemented only when an agency has the institutional infrastructure in place to support them. This institutional infrastructure includes, at minimum, a human capital planning process that integrates the agency's human capital policies and strategies with its program goals and mission and desired outcomes; the capabilities to develop and implement the new human capital flexibilities effectively; and a modern, effective, and credible performance management system that includes adequate safeguards to prevent abuse of employees. The FBI has recently completed a strategic human capital plan that includes many features that link its human capital policies with its goals. As we have indicated previously, the FBI's performance management system is lacking in that it fails to make meaningful differentiations across levels of performance.¹³

Evaluation Needed for Human Capital Flexibilities' Costs, Benefits, and Alternatives

As the federal government's leading accountability organization, we have made a concerted effort to identify and encourage the implementation of human capital practices that improve the efficiency, effectiveness, and accountability of the federal government. Over the last few years, we have

¹²See U.S. General Accounting Office, *A Model of Strategic Human Capital Management*, [GAO-02-373SP](#) (Washington, D.C.: March 2002).

¹³ See [GAO-04-578T](#).

issued numerous reports with practical recommendations on the steps individual agencies can take to address their specific human capital challenges. For example, we released *A Model of Strategic Human Capital Management*.¹⁴ This model was designed to help agency leaders effectively lead and manage their people and integrate human capital considerations into daily decision making and the program results they seek to achieve. It highlights the kinds of thinking that agencies should apply to make progress in managing human capital strategically.

One of the model's critical success factors is data-driven human capital decisions. Collecting and analyzing data is a fundamental building block for measuring the effectiveness of human capital approaches in support of the mission and goals of an agency. One step is having agencies such as the FBI consider the costs, benefits, and alternatives as it evaluates options to meet its human capital challenges. In its strategic human capital plan, the FBI details a variety of pay-related flexibilities under consideration that it states would require congressional, OPM, OMB, and the Department of Justice's support in order to implement, including options that would provide more pay to staff working in high-cost areas. While the FBI is able to provide information about retention and recruitment issues that may support the need for the changes under current consideration, it is unclear whether other strategies would address problems as well, or even more effectively.

Successfully implementing human capital flexibilities involves demonstrating the need for employing the proposed strategies, discussing how the strategies would be implemented, illustrating how they relate to both the strategic human capital plan and the strategic plan, and describing how they would be evaluated. As with any organization undergoing transformation and considering the use of additional human capital strategies, the FBI would need to outline basic safeguards planned to ensure that provisions are used appropriately. This would supply the facts to those who have to make a decision about lending support or opposing the change. Additional information is needed to evaluate any proposed human capital initiative and to determine what funds are needed to implement the proposed intelligence career service ladder, and any other related human capital flexibilities before enactment of the changes should be considered.

¹⁴See [GAO-02-373SP](#).

In summary, federal agencies, including the FBI, are experiencing pervasive human capital challenges in acquiring and developing staff to meet their current and emerging work force needs. It could be argued that these challenges in relation to strengthening the nation's capacity to protect against terrorists are among the most important challenges facing our nation. Because the FBI is at the forefront of protecting the nation against terrorist threats, proposals to enhance its capacity from a human capital standpoint should be carefully considered.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement. I would be pleased to answer any questions you and the Subcommittee members may have.

GAO Contacts and Staff Acknowledgments

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Appendix I: The FBI's Use of Human Capital Flexibilities

Human capital flexibilities and their cited benefits ^a	Flexibility noted by FBI officials as used for intelligence analysts	
	Yes	No
<i>Incentive awards:</i>		
Group incentives (i.e., gain sharing and goal sharing) <ul style="list-style-type: none"> Allow both agencies and employees to benefit from increases in productivity and decreases in costs Allow both agencies and employees to benefit from the achievement of specified goals that enhance the success of the organization's mission 	X	
Honorary and informal recognition awards <ul style="list-style-type: none"> Give supervisors maximum flexibility to be creative in how they recognize their employees 	X	
Performance and accomplishment based cash awards <ul style="list-style-type: none"> Allow supervisors to recognize employees' outstanding performance or accomplishment either at the end of performance appraisal periods or at a specific points in time for special acts or contributions Can provide supervisors with autonomy to offer awards 	X	
Quality step increases <ul style="list-style-type: none"> Allow agencies to provide permanent pay increases on the basis of outstanding performance as demonstrated in employees' performance appraisals Do not require agencies to conduct an annual review and approval to continue payments, as do retention allowances 	X	
Time off awards <ul style="list-style-type: none"> Allow employees to receive awards other than money Allow employees to take time off from work when most convenient for agencies and employees 	X	
<i>Monetary recruitment and retention incentives:</i>		
Recruitment bonuses <ul style="list-style-type: none"> Assist agencies in recruiting employees for hard-to-fill positions Help agencies to retain employees for reasonable periods (i.e., written service agreement) 	X	
Relocation bonuses <ul style="list-style-type: none"> Assist agencies in relocating employees for hard-to-fill positions Help agencies to retain employees for reasonable periods (i.e., written service agreement) 	X	
Retention allowances <ul style="list-style-type: none"> Assist agencies in retaining employees who possess unusually high or unique qualifications or who fill essential needs for the agencies Allow agencies to terminate the incentive payments when no longer needed Can be provided on a group basis to help agencies retain groups or categories of employees 	X	
Superior/special qualification appointments <ul style="list-style-type: none"> Allow agencies more control over entry-level salaries Permit agencies to match the prior salaries of new hires coming from the private sector Allow agencies to more easily hire employees with highly specialized skills in areas such as information technology and engineering 		X

Special hiring authorities:		
Outstanding scholar program <ul style="list-style-type: none"> Allows agencies to quickly hire high-quality entry-level employees (i.e., college graduates with superior academic credentials) in certain occupations 	X	
Student educational employment programs (i.e. "co-op" programs) <ul style="list-style-type: none"> Allow agencies and student employees to test whether the students would be suitable matches for possible permanent employment Allow agencies to quickly and easily hire needed staff who may be eligible for permanent positions with the agencies 	X	
Veteran-related hiring authorities <ul style="list-style-type: none"> Allow agencies to quickly hire needed talent Allow veterans to apply for positions not generally open to nonfederal employees 		X
Work-life policies and programs:		
Alternative work schedules <ul style="list-style-type: none"> Increase employee morale; Allow employees to be more flexible in accomplishing job responsibilities Decrease need for employees to use accumulated leave 	X	
Child care centers and assistance <ul style="list-style-type: none"> Help recruit skilled workers and retain valuable employees Can aid lower paid employees with assistance Increase productivity among users because centers often mean more reliable childcare and fewer employee absences 		X
Employee assistance programs <ul style="list-style-type: none"> Assist agencies in addressing personnel issues that might be affecting agency operations Help employees resolve problems that might be affecting personal health or job performance 	X	
Subsidized transportation <ul style="list-style-type: none"> Reduces congestion in transportation systems Decreases smog in local commuting areas Aids some employees in obtaining reliable transportation by subsidizing costs 	X	
Telecommuting <ul style="list-style-type: none"> Decreases employee stress and commuting costs Helps to reduce traffic congestion and smog Allow employees to be more productive by decreasing their commuting time 		X

Source: Source: GAO analysis of FBI's Strategic Human Capital Plan (2004) and discussion with FBI officials.

Note: GAO did not evaluate the extent to which the FBI is using these flexibilities to attract and retain intelligence analysts.

^a See [GAO-03-02](#) for information on the human capital flexibilities cited as most effective by agency officials and union representatives.

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