United States Government Accountability Office
Washington, DC 20548

March 3, 2010

The Honorable Robert C. Byrd
Chairman
The Honorable George Voinovich
Ranking Member
Subcommittee on Homeland Security
  Committee on Appropriations
United States Senate

The Honorable David E. Price
Chairman
The Honorable Harold Rogers
Ranking Member
Subcommittee on Homeland Security
  Committee on Appropriations
House of Representatives

Subject: *Emergency Communications: Establishment of the Emergency Communications Preparedness Center and Related Interagency Coordination Challenges*

This letter formally transmits the enclosed briefing in response to a mandate in the conference report (No. 111-298) and senate report (No. 111-31) to the Department of Homeland Security Appropriations Act, 2010. In accordance with the direction in those reports, and in consultation with your staff, we are reporting on (1) actions taken by the Department of Homeland Security's Office of Emergency Communications (OEC) to establish the Emergency Communications Preparedness Center (ECPC) and (2) challenges OEC and ECPC officials reported that could affect interagency coordination through ECPC. For a summary of the results of our work, see slide 8. Based on the results of our review, we are not making any recommendations for congressional consideration or agency action.

We are sending copies of this report to the appropriate congressional committees. We are also sending copies to the Honorable Janet Napolitano, Secretary of Homeland Security, U.S. Department of Homeland Security. This report will also be available at no charge on our Web site at http://www.gao.gov. Should you or your staff have questions concerning this report, please contact me at (202) 512-8777 or JenkinsWO@gao.gov. Contact points for our Offices of

Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report were Leyla Kazaz, Assistant Director; R. Denton Herring, Analyst-in-Charge; David Alexander; Jamie Berryhill; Christine Davis; and Adam Vogt.

William O. Jenkins, Jr.
Director, Homeland Security and Justice Issues

Enclosure

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Emergency Communications

**Establishment of the
Emergency Communications Preparedness
Center and Related Interagency Coordination
Challenges**

Briefing to the Subcommittees on Homeland
Security, Committees on Appropriations, United
States Senate and House of Representatives

February 26, 2010

Outline of Briefing

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- Introduction

- Objectives

- Scope and Methodology

- Summary

- Background

- Findings

- Agency Comments

2

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Introduction

- The tragic events of 9/11 and Hurricane Katrina highlighted the critical importance of having effective communications systems for law enforcement, public safety, and emergency response agencies, including federal agencies with such responsibilities. To effectively respond to events such as natural disasters and domestic terrorism, these agencies need reliable systems that enable communication with their counterparts in other disciplines and jurisdictions.

- In response to Hurricane Katrina, Congress enacted the Post-Katrina Emergency Management Reform Act of 2006 (Post-Katrina Act), which amended the Homeland Security Act of 2002 and, among other things:
  - established the Office of Emergency Communications (OEC) within the Department of Homeland Security (DHS), and
  - required federal agencies, including DHS, to establish and jointly operate the Emergency Communications Preparedness Center (ECPC).[1]

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[1] The Post-Katrina Act was enacted on October 4, 2006. The provisions establishing OEC and ECPC appear at 6 U.S.C. §§ 571, 576.

3

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Introduction

- ECPC is an interagency body intended to serve as the focal point and clearinghouse for intergovernmental emergency communications information sharing, and is required to submit to Congress an annual strategic assessment on federal coordination to advance emergency communications.

- ECPC is composed of 5 statutorily-mandated members—DHS, the Federal Communications Commission, and the Departments of Commerce, Defense, and Justice—and 7 additional departments and agencies which were invited to participate as members. The 12 members play key roles in emergency communications efforts.[2] In accordance with the ECPC Charter, OEC administers ECPC on behalf of the Secretary of Homeland Security.

- Citing concerns about the federal government's progress in implementing interoperability among federal agencies and the amount of time it was taking to establish ECPC, congressional appropriators directed GAO to evaluate the progress made in establishing ECPC and identify any obstacles to federal agency coordination through ECPC, as discussed in the conference report (No. 111-298) and senate report (No. 111-31) to the Department of Homeland Security Appropriations Act, 2010.

[2] ECPC's 12 charter members are the Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Homeland Security, Interior, Justice, Labor, and the Treasury, as well as the Federal Communications Commission and the General Services Administration.

4

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Objectives

- In accordance with this mandate, our objectives are to determine:

    1) What actions, if any, has OEC taken to establish ECPC since the enactment of the Post-Katrina Act in October 2006?

    2) What, if any, challenges did OEC and ECPC officials report that could affect federal interagency coordination through ECPC?

5

Scope and Methodology

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- To determine the actions taken to establish ECPC since October 2006, we reviewed ECPC's Charter, documentation from agencies detailing their agreement with the charter, and rosters of ECPC's Executive and Steering Committees. We also reviewed the Executive Committee Action Items list and OEC's progress report on goals and objectives contained in the National Emergency Communications Plan (NECP), which is intended to enhance emergency communications.

- To determine challenges that OEC and ECPC officials identified that could impact coordination through ECPC, we reviewed the charter to examine ECPC's objective to establish relationships with similar entities involved in emergency communications. We also reviewed GAO reports on interagency coordination and collaboration with stakeholders.[3]

[3] GAO, *Results Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies,* GAO-06-15 (Washington, D.C.: October 2005); GAO, *Critical Infrastructure Protection: Department of Homeland Security Faces Challenges in Fulfilling Cybersecurity Responsibilities,* GAO-05-434 (Washington, D.C.: May 2005); and GAO, *National Preparedness: FEMA Has Made Progress, but Needs to Complete and Integrate Planning, Exercise, and Assessment Efforts,* GAO-09-369 (Washington, D.C.: April 2009).

6

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Scope and Methodology (cont'd)

- In addition, we interviewed officials from OEC and then, in a group setting, interviewed officials from 11 of the 12 member ECPC agencies, to discuss the process of establishing ECPC, and to determine what, if any, challenges they have identified that could impact coordination. The 12 ECPC member agencies were invited to participate in the group interview; however, 1 member agency did not participate. During this interview, following officials' answers to our questions, we provided summations to ensure that our understanding of the answers accurately represented the perspectives of all ECPC officials that were present.

- We conducted our work from November 2009 through February 2010 in accordance with all sections of GAO's Quality Assurance Framework that are relevant to our objectives. The framework requires that we plan and perform the engagement to obtain sufficient and appropriate evidence to meet our stated objectives and to discuss any limitations in our work. We believe that the information and data obtained, and the analysis conducted, provide a reasonable basis for any findings and conclusions in this product.

7

Summary

- OEC worked with the 12 charter members to establish ECPC by approving its Charter during the summer of 2009 and holding the first Executive Committee meeting on October 21, 2009. The Post-Katrina Act, which was signed into law on October 4, 2006, did not provide a deadline for ECPC to commence operations. Approximately 6 months after OEC began operations in April 2007, officials from OEC and other key departments and agencies started working to define ECPC's mission, interpret Congress' intent, consider issues related to their legal authorities, and draft and gain concurrence on the ECPC Charter. Current ECPC efforts include working to refine its mission, identifying short-term and long-term action items, and implementing tasks associated with ECPC-related milestones in the NECP.

- OEC and ECPC officials we interviewed reported that ECPC faces interagency coordination challenges in obtaining agreement among ECPC members on group decisions, gaining the acceptance of its stakeholders when promoting a strategy to achieve interoperable communications, providing and demonstrating value to its members, maturing as an interagency body, and working to define its relationships with other organizations with similar goals and objectives.

- We requested comments on a draft of this briefing from DHS. The department did not provide written comments to include in our report, but provided technical comments which we incorporated as appropriate.

8

Background

- ECPC is governed by an Executive Committee, which consists of representatives at the under secretary level from the 12 respective charter members. In addition, an ECPC Steering Committee, which consists of representatives at the assistant secretary level, was established to implement policies approved by the Executive Committee and coordinate with OEC in administering ECPC.

- According to ECPC's Charter, its mission is to support and promote the capability of emergency response providers and associated government officials to continue to communicate in anticipation of, and response to, natural disasters, acts of terrorism, and other man-made disasters, and to support and promote interoperable emergency communications by:[4]

  1. serving as the focal point for interagency efforts and as a clearinghouse for all relevant intergovernmental emergency communications information and,

  2. consistent with NECP, preparing an annual strategic assessment on the coordination efforts of federal departments and agencies.

[4] Interoperability is the ability of emergency responders to communicate among jurisdictions, disciplines, and levels of government, using a variety of frequency bands, as needed and as authorized.

9

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Background

- NECP, which was issued in July 2008, includes strategic goals and national objectives to enhance governance, planning, technology, training and exercises, and disaster communications capabilities. NECP provides recommendations and associated milestones to guide emergency responders and relevant government officials to make measurable improvements in emergency communications over a 5-year period.

10

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Establishment of ECPC: Charter Approval

- According to OEC, the 12 ECPC members concurred with the Charter during the summer of 2009 and established ECPC when the Executive Committee held its first meeting on October 21, 2009.
- The Post-Katrina Act was signed into law October 4, 2006, requiring the establishment of OEC and ECPC. OEC began operating on April 1, 2007, within DHS's National Protection and Programs Directorate's (NPPD) Office of Cybersecurity and Communications. Approximately 6 months later, in October 2007, OEC officials began working to establish ECPC. OEC officials worked with prospective ECPC members to define its mission, interpret Congress' intent in establishing ECPC, consider issues related to legal authorities, and draft and gain concurrence on finalizing the Charter.
    - October 2007 – January 2008: OEC officials stated that the effort to establish ECPC started in October 2007, 6 months after OEC began operating. For approximately 4 months, OEC worked to define how ECPC should be established, including consideration of its initial activities and the scope of its mission. OEC officials stated that during this period they held discussions to determine the goals and objectives of ECPC and initiated a legal review to ensure that ECPC did not impinge on the authority of other agencies.

11

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Establishment of ECPC: Charter Approval (cont'd.)

- January 2008 – December 2008: OEC officials stated that DHS's process for reviewing the draft ECPC Charter and addressing questions regarding the scope of ECPC's authorities took longer than anticipated. During this time, DHS's General Counsel undertook a legal review to determine how to interpret Congress' intent in establishing ECPC and how to appropriately follow the congressional mandate.

- December 2008 – October 21, 2009: OEC officials gained clearance on the draft charter from DHS in December 2008 and worked to gain concurrence from members of ECPC. Officials noted that the change in presidential administrations during this time resulted in delays finalizing the Executive Committee's roster because the committee is comprised of high-ranking agency officials, some of whom are political appointees. For instance, the DHS Under Secretary for NPPD, who serves as chair of the Executive Committee, was not confirmed until June 2009.

12

Establishment of ECPC: Current Efforts
Working to Define Its Mission and Scope

- ECPC's mission, in part, is to establish a clearinghouse to build a collection of emergency communications information. An initial version of the clearinghouse is housed within the Homeland Security Information Network (HSIN), which is DHS's primary information technology system for sharing terrorism and related information with federal, state, and local agencies, among others. OEC officials stated that while OEC has a definition of emergency communications, ECPC has not yet agreed on one, noting that without a definition it will be difficult to determine what types of interoperability plans and other relevant information should be submitted to the clearinghouse.

- ECPC is working to define the scope of emergency communications in order to establish parameters for its mission. For example, OEC officials said that federal departments' continuity of operations plans in the event of an influenza pandemic may or may not be considered an emergency communications plan. To further this effort, ECPC intends to form a working group. Preliminary discussions within the ECPC Steering Committee indicate a consensus that the scope of emergency communications must be defined broadly.

13

Establishment of ECPC: Current Efforts
Short-term Action Items

- At its inaugural meeting on October 21, 2009, ECPC's Executive Committee identified the following short-term action items:

  1) Coordinate member comments on the Federal Communications Commission's National Broadband Plan (NBP), an effort to ensure that every American has access to broadband capability.

  2) Identify legal and regulatory barriers to common acquisition approaches and advocate for the removal of such barriers.

  3) Submit grant coordination requirements for the President's proposed fiscal year 2011 budget.[5]

  4) Refine ECPC's objectives, goals, and common definitions.

- OEC officials stated that the Executive Committee's goal was to establish these action items during their first meeting, but due to the scope of these actions, they need additional information to establish feasible time frames for completion. The Steering Committee has been tasked with this effort.

[5] Although the Executive Committee's action items stated that grants coordination requirements would be submitted for the President's proposed fiscal year 2011 budget, OEC officials stated that ECPC will not submit these requirements for the fiscal year 2011 budget. OEC officials said that some work for establishing these requirements has been done by DHS, but ECPC members have not had the opportunity to contribute to the effort. OEC officials said they anticipate grant coordination requirements to be submitted for future budgets.

14

Establishment of ECPC: Current Efforts
Long-term Action Items

- ECPC's Executive Committee identified the following long-term action items:
    1) Coordinate federal emergency communications grants guidance.
    2) Consider developing methods to support identification of opportunities to share infrastructure and leverage resources.[6]
    3) Provide federal input into existing national communications planning activities, including broadband planning and national emergency communications planning.
    4) Assess the timeliness of efforts to establish emergency communications standards and standards compliance to drive operability and interoperability improvements.
    5) Refine ECPC's long-term strategic agenda, which should include a focus on coordinating grants guidance and identifying opportunities to share infrastructure.

- OEC officials stated that the Executive Committee's goal was to establish these action items during their first meeting, but due to the scope of these actions they need additional information to establish feasible time frames for completion. The Steering Committee has been tasked with this effort.

[6] This concept may encompass information beyond system infrastructure, such as applicable governance models, established standard operating procedures, and relevant coordination activities/groups/resources.

15

Establishment of ECPC: Current Efforts
Status of NECP Milestones Related to ECPC

Table 1: Status of NECP Milestones Related to ECPC

NECP milestone	Establish a catalog of technical assistance (TA) programs to ensure awareness of available TA and reduce duplication.
NECP due date[7]	January 2009
Status	According to DHS' NECP milestone progress report, this was completed on March 31, 2009, and a catalog was created. OEC officials stated that the creation of the catalog helped federal partners become more aware of other agencies' TA programs.

[7]NECP was issued in July 2008 and provides recommended actions with due dates to guide emergency response providers and relevant government officials in making measurable improvements in emergency communications capabilities. Several of these milestones are relevant to ECPC.

16

Establishment of ECPC: Current Efforts

Status of NECP Milestones Related to ECPC (cont'd.)

NECP milestone	Federal departments and agencies use ECPC as the central coordinating body for federal input into, and comments on, emergency communications projects, plans, and reports.
NECP due date	July 2009
Status	The ECPC working group, the predecessor of the ECPC Executive Committee, coordinated federal input for NECP. Also, ECPC coordinated federal input for NBP.
NECP milestone	ECPC is to submit its strategic assessment to Congress detailing progress to date, remaining obstacles to interoperability, and federal coordination efforts.
NECP due date	July 2009
Status	OEC officials expect completion by December 2010. ECPC plans to validate methods for conducting the assessment and have the Office of Management & Budget, National Security Staff, and Office of Science & Technology Policy review the assessment.

17

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Establishment of ECPC: Current Efforts
Table 1: Status of NECP Milestones Related to ECPC (cont'd.)

NECP milestone	OEC is to establish a method for coordination and sharing of information between ECPC and Regional Emergency Communication Coordination Working Groups (RECCWG).[8]
NECP due date	July 2009
Status	OEC officials stated no time frame for completion of this milestone. ECPC and RECCWGs are in the early stages of development. DHS intends to refine its own coordination and information-sharing relationships with ECPC and RECCWGs prior to establishing a method for them to coordinate with one another.
NECP milestone	ECPC is to stand up a working group to coordinate grant priorities across federal grant programs.
NECP due date	July 2009
Status	The working group has been established and is revising a plan to be used to promote common grant guidance across federal agencies that is to be available in the clearinghouse.

[8]As stated in NECP, RECCWGs assess emergency communications capabilities within their respective regions, facilitate disaster preparedness through the promotion of multijurisdictional and multiagency emergency communications networks, and ensure activities are coordinated with all emergency communications stakeholders within the RECCWG's associated Federal Emergency Management Agency region.

18

Establishment of ECPC: Current Efforts
Status of NECP Milestones Related to ECPC (cont'd.)

NECP milestone	Begin operations for the ECPC Web-based clearinghouse.
NECP due date	January 2010
Status	According to OEC officials, an initial version of the clearinghouse is operational within HSIN; however, the clearinghouse will not be available for interagency use until March 2010. In addition, OEC officials said they are planning a separate rollout for a second, more user-friendly version of the clearinghouse at a later time.
NECP milestone	OEC is to establish outreach activities to ensure that stakeholders across the nation are aware of the availability of ECPC clearinghouse resources.
NECP due date	July 2010
Status	OEC officials have begun work to complete this task by July 2010; however, they are waiting for a more user-friendly clearinghouse before they promote its availability.

Source: GAO analysis of NECP, OEC Progress Report on NECP Milestones, and other information from OEC.

19

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ECPC Challenges: Obtaining Agreement Among Members

- ECPC officials stated that ECPC cannot direct or require its members or stakeholders, such as other federal, state, or local agencies with a role in emergency communications, to take any specific actions in response to its recommendations. Therefore, ECPC's goal of providing input and recommendations regarding the establishment of interoperability and operability goals must be carried out in the absence of compulsory authority. Our prior work has shown that coordination is critical when an entity does not have the authority to compel others to comply with its requirements.[9]

- ECPC officials we interviewed stated that the current consensus-building approach to decision making assists in obtaining "buy-in" from members and is more beneficial than an authoritative approach. In addition, they stated that the purpose of ECPC is to promote a common understanding among emergency communications entities that are working to achieve interoperable communications.

- ECPC officials noted that ECPC's process of gaining consensus on decisions should help defuse interagency disputes before they arise. OEC officials noted that ECPC has had no major disputes to date and has no plans to develop a dispute resolution process.

- OEC officials believe that the high-level composition of the Executive Committee provides greater assurance that Executive Committee members will be able to follow through on their respective decisions within their own agencies.

[9] GAO-09-369.

20

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ECPC Challenges: Gaining Acceptance from Stakeholders

- ECPC officials we interviewed said they intend to promote a strategy of working towards interoperable communications that stakeholders, including state and local governments, will want to accept, and not to try to force stakeholders to comply with its guidance. OEC officials believe that stakeholders will want to coordinate with ECPC because it plans to work across federal agencies to unify emergency communications grant guidance. According to OEC officials, state and local government officials are often frustrated when grant guidance from various federal departments and agencies conflicts and are supportive of efforts to unify grant guidance across departments and agencies.

- OEC officials stated that a working group is revising a common set of interoperable emergency communications grant guidance for all federal agencies, to reduce overlap and conflicting requirements, which should enable stakeholders to better coordinate and target their grant dollars. They plan to include this guidance in the clearinghouse, making it available to ECPC stakeholders once stakeholders are able to access the clearinghouse. These officials believe this will help to streamline grant guidance and raise awareness about available grants.

21

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ECPC Challenges: Providing and Demonstrating Value

- ECPC members noted that the ability to add value to its members is important to sustaining and maintaining effective coordination among ECPC members. ECPC officials we interviewed stated that they are realizing, or expect to realize, value through their continued participation in ECPC. They provided three examples of how they are gaining or expect to gain value:

  1) The Department of Health and Human Services should be able to provide better guidance to hospitals on what types of emergency communications equipment other first responders are procuring. ECPC officials noted that this will assist hospitals in purchasing equipment that will be interoperable with other first responders who receive federal emergency communications grants.

  2) ECPC facilitated the Commerce Department's National Telecommunications and Information Administration's effort to collect comments from a wider array of stakeholders on the proposed National Broadband Plan.

  3) ECPC officials said that the Department of Agriculture plans to use the clearinghouse to provide guidance to firefighters on how to develop cross-jurisdictional memorandums of understanding that will create a governance structure for multijurisdiction events such as wildfires.

22

ECPC Challenges: Maturing as an Interagency Body

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- Our past work has shown that addressing challenges related to organizational stability helps to build the credibility needed to establish effective partnerships.[10] While ECPC is in the early stages of development, OEC officials said that ECPC's goals and objectives will be refined as the interagency body continues to mature. In addition, OEC officials said that they plan to develop an ECPC Program Management Plan within which they would list ECPC's goals and objectives. They intend to incorporate some best practices, identified in our prior work, for sustaining effective interagency collaboration into this plan.[11]

  - These best practices may include: 1) defining and articulating a common outcome or mission, 2) developing a strategy to align resources in support of the mission, 3) defining partners' roles and responsibilities, 4) establishing methods to work across agency boundaries, and 5) developing mechanisms to monitor, evaluate, and report on the results of efforts.

- Although ECPC has yet to develop a Program Management Plan, OEC officials reported that ECPC has taken steps to incorporate some of these best practices into the management of ECPC. For example, ECPC defined a common outcome or mission within the charter. ECPC also established methods to work across agency boundaries by forming interagency working groups to address issues as directed by the Executive Committee.

[10] GAO-05-434.

[11] GAO-06-15.

23

ECPC Challenges: Working to Define Relationships with Similar Entities

- ECPC officials we interviewed stated that ECPC has to refine its own goals and objectives while building relationships with similar entities involved in emergency communications. The purpose of maintaining these relationships is to obtain feedback on ECPC's activities and deliverables, including input to NECP, and to share information on interoperable emergency communications matters. OEC officials stated that building relationships with similar entities will help streamline emergency communications guidance and provide federal, state, and local governments an opportunity to work towards interoperability.

- OEC officials used ECPC's relationship with SAFECOM to illustrate the value of building relationships with other entities that have similar goals and objectives. SAFECOM is a DHS communications program that provides research, development, testing and evaluation, guidance, tools, and templates on communications-related issues to emergency response agencies. Its goal is to assist state and local first responders in the planning and implementation of interoperable solutions.

24

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ECPC Challenges: Working to Define Relationships with Similar Entities (cont'd.)

- OEC officials noted that while SAFECOM's mission is focused on coordination among state and local first responder agencies, not all those with responsibilities for emergency response coordinate with SAFECOM. For example, hospitals, which invest federal grant dollars in emergency communications equipment, do not have the benefit of a partnership with SAFECOM that could provide them with an understanding of how other state and local first responders are using their grant funds to achieve interoperable communications. OEC officials said that ECPC should be able to communicate with hospital—by leveraging hospitals' relationships with the Department of Health and Human Services—about how other first responders are using their grant funds to achieve interoperable communications.

25

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ECPC Challenges: Working to Define Relationships with Similar Entities (cont'd.)

- According to ECPC's Charter, ECPC plans to maintain a close information-sharing relationship with other entities including:
  - The National Communications System's (NCS) National Coordinating Center for Telecommunications, which has a mission to assist in the initiation, coordination, restoration, and reconstitution of national security or emergency preparedness telecommunications services or facilities and coordinate and plan emergency preparedness communications systems.
  - NCS's Committee of Principals, which has a mission to be a forum for members to review, evaluate, and present views and recommendations on national security and emergency preparedness telecommunications programs.
  - The Federal Partnership for Interoperable Communications, which works to foster federal wireless communications interoperability through leveraging intergovernmental cooperation.
  - The Communications Sector Coordinating Council, a stakeholder body with leadership from large telecommunication corporations. This public-private partnership's goal is to protect telecommunications infrastructure from harm and to rapidly restore infrastructure after a disaster.

26

Agency Comments

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- We requested comments on a draft of this briefing from DHS. The department did not provide written comments to include in our report. However, in an e-mail received on February 19, 2010, the DHS liaison said that DHS had no substantive comments on the report but provided technical comments, which we have incorporated as appropriate.

27

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