

GAO

Resources, Community, and Economic
Development Division

May 1989

**Transportation:
Bibliography of
GAO Documents,
January 1985 -
December 1988**

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- **Title/Subtitle**
- **Type, date, and pagination**
- **Author or witness**
- **GAO issue areas**
- **Agencies or organizations concerned**
- **Congressional Committees, Members of Congress, or agencies to whom the document is specifically relevant**
- **Law and/or related statutory or regulatory authority on which the document is based**
- **GAO contact**

Introduction

This Transportation Bibliography contains citations and abstracts of relevant documents released by GAO from January 1985 through December 1989. Included are references to reports, speeches, testimonies, and other GAO documents. This bibliography can be used for a variety of purposes, including in-depth research into a specific topic, searching for a particular document, maintaining current awareness, and general information.

How To Use The Bibliography

The bibliography is organized into two sections: an **INDEX SECTION** (yellow pages) and a **CITATION SECTION** (white pages).

The **INDEX SECTION** is the key for locating references to related documents cited in this bibliography. The section is comprised of four separate indexes that classify information according to:

Subject

Agency or organization

(Includes both federal agencies and nongovernmental corporate bodies)

Congressional affiliation

(Includes entries under relevant congressional committees and individual Representatives and Senators)

Document number

(Includes entries arranged by report number and by B-number and date)

Reference from the index entries to the corresponding citations is provided by a unique six-digit accession number assigned to each citation. This accession number should also be used to request copies of the actual document described in the citation.

A sample entry is shown at the beginning of each index and at the beginning of the Citation Section.

Foreword

Transportation is the critical network of highways, aircraft, railroads, pipelines, and ships that influences not only our personal mobility but also the prices we pay for goods and services. Efficient and safe transportation networks directly contribute to our nation's economic growth and prosperity, our nation's ability to compete internationally, and the overall quality of American life. Conversely, transportation problems can lead to wide variety of undesirable consequences—from the annoyance and time lost in traffic jams on highways and airports, on the one hand, to more than 50,000 deaths and 5 million injuries in transportation-related accidents, on the other hand.

Government agencies play a crucial role in transportation. They invest over \$40 billion a year in airports, bridges, and highways. They administer programs to promote transportation safety. They oversee competition among airline, trucking, and other companies. The principal federal agencies are the Department of Transportation, Federal Maritime Commission, Interstate Commerce Commission, and National Transportation Safety Board.

This bibliography includes information on U.S. General Accounting Office (GAO) documents directly or indirectly related to transportation that were issued between January 1985 and December 1988. Although the Resources, Community, and Economic Development Division is GAO's lead division for transportation work, a broad interrelationship exists between transportation and other issues addressed by GAO, such as energy, environmental protection, information management and technology, and national defense. Accordingly, this bibliography includes information on all GAO documents that have linkages to transportation issues.

This bibliography should be useful for general information and research purposes and for understanding transportation issues that GAO is addressing. Questions regarding its contents should be directed to me at the U.S. General Accounting Office, Room 4907, 441 G Street, N.W., Washington, D.C. 20548, (202) 275-1000. Readers interested in ordering individual documents or in requesting bibliographic searches on a specific topic should call the GAO Document Handling and Information Service, (202) 275-6241. The cards included in this book also may be used to order documents.

Kenneth M. Mead, Director
Transportation Issues
Resources, Community, and
Economic Development Division

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Documents are indexed under GAO Thesaurus terms as well as freely assigned identifiers including geographic locations, programs, and other names.

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| Title | — | Marine Corps Member Claim for Backpay |
| Type of Document | — | (Decision) |
| Accession Number | — | 129121 |
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| | | |
|---------------------|---|--------------------------------|
| Agency/Organization | — | Department of Commerce |
| Title | — | Foreign Policy Export Controls |
| Type of Document | — | (Testimony) |
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Citation Section

Sample Entry

Accession Number ————— 131105

Title/Subtitle ————— **Vehicle Emissions: EPA Program To Assist Leaded-Gasoline Producers Needs Prompt Improvement.**
 (Testimony Titles Are Bracketed)

Document Report Number ————— **RCED-86-182; B-223554. August 6, 1986.** Document Date

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Type of Document ————— **John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to RCED-86-80FS, March 12, 1986, Accession Number 129585.** Addressee

Type of Document ————— **Author**

GAO Issue Area ————— **Issue Area: Environment: Adequacy of Federal and State Efforts To Regulate Toxic Air Pollutants (6805). Contact: Resources, Community, and Economic Development Division.** GAO Contact

Budget Function ————— **Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0). Organization Concerned: Environmental Protection Agency.** Agency/Organization Concerned

(Code Numbers in Parentheses)

Budget Function ————— **Congressional Relevance: House Committee on Appropriations: HUD-Independent Agencies Subcommittee; House Committee on Energy and Commerce; House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Senate Committee on Appropriations: HUD-Independent Agencies Subcommittee; Senate Committee on Environment and Public Works; Rep. John D. Dingell.** Congressional Relevance

Legislative Authority ————— **Authority: Clean Air Act. Administrative Procedure Act. 50 Fed. Reg. 13116. 45 Fed. Reg. 59812. P.L. 99-198.**

Abstract ————— **Abstract: In response to a congressional request, GAO reviewed: (1) certain Environmental Protection Agency (EPA) management controls over its Lead Rights Banking Program; and (2) the program's legal basis.**

Findings/Conclusions ————— **Findings/Conclusions: GAO found that EPA: (1) controls the program primarily through its reviews of participants' reports; (2) has not established a requirement to verify the reported data; (3) received erroneous information**

125959

[Protest Concerning Nonreceipt of Amendment to FAA IFB]. B-217305. January 4, 1985. 2 pp. *Decision* re: General Atronics Corp.; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration; General Atronics Corp.

Authority: 61 Comp. Gen. 269. B-212395.2 (1984). B-212757 (1984). B-212830.2 (1983). B-214604 (1984).

Abstract: A firm protested that it did not receive an amendment to a Federal Aviation Administration (FAA) solicitation and was therefore precluded from competing. GAO held that: (1) FAA records indicated that it mailed all bidders, including the protester, a copy of the amendment, and it received four reasonable bids which acknowledged the amendment; and (2) there was nothing in the record which showed an intent to exclude the protester from competition. Accordingly, the protest was denied.

125974

The Outdoor Advertising Control Program Needs To Be Reassessed. RCED-85-34; B-216911. January 3, 1985.

Released January 9, 1985. 43 pp. plus 5 appendices (5 pp.). *Report* to Sen. Robert T. Stafford, Chairman, Senate Committee on Environment and Public Works; by Charles A. Bowsher, Comptroller General. Refer to RCED-85-31, March 15, 1985, Accession Number 126468; and Testimony, July 31, 1985, Accession Number 127468.

Issue Area: Transportation: Other Issue Area Work (6691); Transportation Systems and Policies: Effectiveness and Economy of the Administration and Control of Federal Highway Problems (2445).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Department of Transportation; Federal Highway Administration.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee; House Committee on Public Works and Transportation; Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Environment and Public Works; Congress; Sen. Robert T. Stafford.

Authority: Federal Aid Highway Act of 1958 (P.L. 85-381). Highway Beautification Act of 1965 (P.L. 89-285; 23 U.S.C. 131). Federal-Aid Highway Act of 1978. 23 C.F.R. 750.705. 23 C.F.R. 750.304.

Abstract: Pursuant to a congressional request, GAO provided information on the effectiveness of the outdoor advertising control program, which was established by the Highway Beautification Act of 1965.

Findings/Conclusions: GAO found that, since the enactment of the act, thousands of outdoor advertising signs have been removed to enhance the natural beauty of the nation's highways. However, many prohibited signs are still standing and are likely to remain, because federal funds are not being appropriated to compensate sign owners for their removal, as the act requires. GAO concluded that either additional federal funding or a change in the act's compensation requirement will be required to meet the act's goals.

Recommendation To Congress: Congress should reassess the outdoor advertising control program, weighing the program's goals and requirements against program costs and, if warranted, consider changes to the goals and requirements which reflect an appropriate level of funding.

Recommendation To Agencies: The Secretary of Transportation should complete the review of the Federal Highway Administration's proposed program changes, develop the Department of Transportation's (DOT) position on the program, and present that position to Congress.

126030

[Protest of Coast Guard Contract Award Contending Awardee Did Not Meet IFB Experience Requirements]. B-216534. January 22, 1985. 3 pp. *Decision* re: Old Dominion Security, Inc.; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.
Organization Concerned: Old Dominion Security, Inc.; Department of Transportation: Office of Inspector General.

Authority: Anti-Pinkerton Detective Agency Act (5 U.S.C. 3108). 4 C.F.R. 21.3(g)(4). 58 Comp. Gen. 509. 57 Comp. Gen. 524. B-216486 (1984). B-208032 (1982). B-192482 (1978). B-215215 (1984).

Abstract: A firm protested a Coast Guard contract award to another firm for security guard services, contending that: (1) the awardee did not meet the solicitation's experience requirement; (2)

the cost of changing contractors outweighed the difference in the two bids; and (3) the awardee, as a detective or investigative agency, was precluded by the Anti-Pinkerton Detective Agency Act from being awarded a government contract for security guard services. GAO determined that: (1) the experience requirement involved bidder responsibility, which it would not review absent evidence of fraud or bad faith on the part of contracting officials; (2) the agency was correct in not including transition costs as a factor in evaluating bids; and (3) the act only restricted the government from contracting with firms that offered quasi-military armed forces for hire. Accordingly, the protest was dismissed in part and denied in part.

126035

[Protest of DOT Contract Award Contending Agency Officials Were Biased]. B-216702.2. January 22, 1985. 2 pp. *Decision* re: Oklahoma City University, OK; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Department of Transportation; Oklahoma City University, OK; A.I.D. Systems, Inc.

Authority: 4 C.F.R. 21.1(a). B-200366 (1981). B-213745 (1984).

Abstract: A firm protested a Department of Transportation (DOT) contract award under a two-step procurement for air traffic controller training, contending that: (1) DOT officials were biased in favor of the awardee; and (2) the awardee's bid was fatally unbalanced. GAO held that the protester was not an interested party, because certain language in the protester's bid schedule rendered it nonresponsive. Accordingly, the protest was dismissed.

126036

[Protest of FAA Contract Award]. B-217028. January 22, 1985. 2 pp. *Decision* re: Oklahoma City University, OK; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Oklahoma City University, OK; Federal Aviation Administration.

Authority: 4 C.F.R. 21.2(b)(1). 62 Comp. Gen. 458. B-216438 (1984).

Abstract: A firm protested a Federal Aviation Administration contract award, contending that, although it proposed to pay its employees a higher hourly wage than the awardee, it could have

performed the contract in a more cost-efficient manner. GAO held that the: (1) solicitation informed bidders that the low bid would not necessarily receive the award; and (2) protester untimely protested an alleged solicitation defect after bid opening. Accordingly, the protest was denied in part and dismissed in part.

126054

[Complaint Concerning UMTA Grantee Contract Award]. B-216308. January 23, 1985. 5 pp. *Decision re:* Richard Hoffman Corp.; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.
Organization Concerned: Richard Hoffman Corp.; Alton United; Chicago, IL: Transit Authority; Urban Mass Transportation Administration.

Authority: 49 C.F.R. 23.45(h)(1)(ii). 55 Comp. Gen. 139. 61 Comp. Gen. 581. 52 Comp. Gen. 389. 60 Comp. Gen. 606. B-213518 (1984). B-201849 (1981).

Abstract: A firm protested a contract award to another firm under a solicitation that the Regional Transit Authority of Chicago, Illinois, issued for construction and building renovation work under an Urban Mass Transportation Administration grant. The protester contended that the awardee's low bid was nonresponsive because it failed to meet the solicitation's minority business enterprise (MBE) requirements. GAO held that the: (1) awardee committed itself to meet the solicitation's MBE requirements; (2) requirement that bidders submit information concerning how they would meet the MBE commitment related to bidder responsibility; (3) use of certified MBE was a matter of bidder responsibility that could be resolved after bid opening; and (4) awardee's MBE list could be accepted at any time before the award was made. Accordingly, the protest was denied.

126110

[Request for Advice on Protest Filed With FAA]. B-217583. January 29, 1985. 2 pp. *Decision re:* Lowe Brothers Electric Co.; by Ronald Berger, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.
Organization Concerned: Lowe Brothers Electric Co.; Federal Aviation Administration.

Authority: 4 C.F.R. 21.2(b). 4 C.F.R. 21.2(a).

Abstract: A firm requested advice regarding its protest to the Federal Aviation Administration (FAA) against any award for an airport medium intensity approach lighting system. The protester contended that the project was not adequately publicized to allow sufficient bid preparation time. GAO held that, although the protester made a timely oral protest to the agency, its written protest after bid opening was untimely. Accordingly, the protest was dismissed.

126225

U.S. Postal Service Procurement of Long-Life Delivery Vehicles. GGD-85-13; B-214801. January 16, 1985.

Released February 15, 1985. 4 pp. plus 3 appendices (9 pp.). *Report to Rep. Gerry Sikorski; Rep. Robert Garcia;* by William J. Anderson, Director, General Government Division.

Contact: General Government Division.
Budget Function: General Government: Other General Government (806.0).

Organization Concerned: United States Postal Service; Office of Technology Assessment.

Congressional Relevance: *Rep. Robert Garcia; Rep. Gerry Sikorski.*

Abstract: In response to a congressional request, GAO and the Office of Technology Assessment jointly reviewed the U.S. Postal Service's (USPS) decision to purchase 99,150 vehicles equipped with small gasoline engines to determine the Service's rationale for selecting gasoline vehicles after its extensive testing of small diesel engines.

Findings/Conclusions: GAO found that a comparative cost analysis between gasoline and diesel-powered vehicles is unavailable because, to date, no domestic manufacturer has made a small diesel engine that would satisfy the solicitation specifications. Therefore, GAO had no basis upon which to question the USPS decision to purchase vehicles powered by gasoline engines. Although foreign diesel engines which would satisfy the specifications are available, as a matter of policy the engines must be purchased from a domestic manufacturer. USPS is currently testing small domestic diesel engines for potential automotive applications, but will not reconsider its gasoline-only procurement decision in the current procurement because: (1) the tests will not produce sufficient data for making a comparative cost analysis; (2) reconsideration would be unfair to potential bidders and contrary to procurement regulations; (3) reconsideration might limit competition and result in a more costly procurement;

and (4) it has strong reasons for not purchasing a mix of gasoline-powered and diesel-powered vehicles.

126226

Vehicle Emissions Inspection and Maintenance Program Is Behind Schedule. RCED-85-22; B-216009. January 16, 1985.

Released February 15, 1985. 43 pp. plus 4 appendices (11 pp.). *Report to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee;* by Charles A. Bowsher, Comptroller General. Refer to RCED-86-129BR, May 2, 1986, Accession Number 130424; and RCED-88-40, January 26, 1988, Accession Number 134947.

Issue Area: Environment: Other Issue Area Work (6891).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Environmental Protection Agency.

Congressional Relevance: *House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Rep. John D. Dingell.*

Authority: Clean Air Act. Clean Air Act Amendments of 1970 (P.L. 91-604; 84 Stat. 1676). Clean Air Act Amendments of 1977 (P.L. 95-95; 91 Stat. 685). H.R. 5252 (97th Cong.).

Abstract: Pursuant to a congressional request, GAO discussed the Environmental Protection Agency's (EPA) implementation of vehicle inspection and maintenance (I/M) programs to ensure attainment of national ambient air quality standards by 1987.

Findings/Conclusions: GAO found that the implementation of I/M programs continues to run behind the EPA schedule, largely because states have strongly opposed the programs and because EPA, desiring to work with the states, has given them more time to submit approvable programs. Further, many programs that have been implemented have experienced operational problems in the areas of quality control or enforcement. The scheduled program audits, if conducted, could help identify the overall operational problems and develop a strategy for dealing with them. However, EPA has not budgeted adequate resources to complete the scheduled audits of the remaining programs. GAO believes that these

audits must be completed according to schedule to meet the 1987 deadline. **Recommendation To Agencies:** The Administrator, EPA, should reassess the priority given to completing scheduled audits of state I/M programs. The audits should be completed by the close of fiscal year 1986 so that states can benefit from any EPA recommendations before the 1987 deadline. If EPA is unable to complete the audits on schedule, it should immediately inform Congress of the delay, the reasons, and suggested solutions.

126238

[Protest of Merchant Marine Academy Decision to Perform Maintenance Work In-House]. B-218161, B-218161.2. February 15, 1985. 2 pp. *Decision re:* Sal Femia; Global Construction Development Corp.; by Ronald Berger, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Sal Femia; Global Construction Development Corp.; Maritime Administration; Merchant Marine Academy.

Authority: OMB Circular A-76. B-216315 (1985). B-201619 (1981).

Abstract: Two firms protested several Merchant Marine Academy determinations not to contract for required services, contending that the Academy's cost comparison was deficient. GAO would not review the protest, since the protesters had not exhausted their administrative remedies. Accordingly, the protest was dismissed.

126251

UMTA Needs Better Assurance That Grantees Comply With Selected Federal Requirements. RCED-85-26; B-217498. February 19, 1985. 24 pp. plus 17 appendices (26 pp.). *Report to* Elizabeth H. Dole, Secretary, Department of Transportation; by Ralph V. Carlone, (for J. Dexter Peach, Director), Resources, Community, and Economic Development Division. Refer to RCED-85-79, July 15, 1985, Accession Number 127495; and T-RCED-88-33, May 12, 1988, Accession Number 135791.

Issue Area: Transportation: Effective UMTA Management of Its Mass Transit Grants While Minimizing Federal Interference in Local Operations (6602).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Department of Transportation; Urban Mass Transportation Administration.

Congressional Relevance: *House* Committee on Appropriations: Transportation Subcommittee; *House* Committee on Public Works and Transportation; *Senate* Committee on Appropriations: Transportation Subcommittee; *Senate* Committee on Commerce, Science and Transportation.

Authority: Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.). Environmental Policy Act of 1969 (National) (42 U.S.C. 4321). Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601). Surface Transportation Assistance Act of 1982 (P.L. 97-424). Single Audit Act of 1984. 49 C.F.R. 27. 49 C.F.R. 604. 49 C.F.R. 605. OMB Circular A-102. 18 U.S.C. 1001.

Abstract: As a result of the Urban Mass Transportation Administration's (UMTA) increasing reliance on grant certifications in the administration of federal aid to mass transportation systems, GAO reviewed 20 grantees' compliance with federal requirements on procurement, charter bus operations, school bus operations, and the provision of transportation for the elderly and the handicapped.

Findings/Conclusions: GAO found that, while UMTA grant compliance monitoring mechanisms have identified instances of noncompliance: (1) Inspector General (IG) audits are not specifically intended to review compliance, and IG responsibilities do not include routine examinations of every UMTA grantee; (2) independent audits have concentrated on financial matters; and (3) complaints by third parties are limited by their knowledge of the regulations. However, GAO believes that triennial reviews will provide an opportunity to supplement existing mechanisms for ensuring grantee compliance with federal regulations. Although all of the grantees reviewed had self-certified that they were complying with UMTA regulations, GAO found instances of noncompliance with charter bus regulations, school bus regulations, and procurement requirements but not with elderly and handicapped regulations. Furthermore, GAO found that the grantees' interpretations of regulations were not always consistent, and that legal rulings clarifying regulations did not reach all grantees and UMTA officials. Finally, GAO found that, when UMTA has been made aware of grantee noncompliance, it has chosen to work with grantees to bring about compliance rather than to withhold grant funds or to recover funds. However, UMTA does not have

guidelines for handling noncompliance which ensure that the agency takes appropriate enforcement action on noncompliance cases.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, UMTA, to require UMTA triennial reviews to emphasize compliance with those regulations that are not routinely covered by IG and independent audits. The Secretary of Transportation should direct the Administrator, UMTA, to increase the understanding of and compliance with UMTA regulations by disseminating legal rulings, such as those on charter and school bus operations, to all grantees and UMTA regional offices. The Secretary of Transportation should direct the Administrator, UMTA, to establish guidelines for appropriate enforcement action when noncompliance is identified.

126283

[Question Concerning Whether Retired Coast Guard Civilian Employee May Have Retirement Records Modified]. B-214315. February 25, 1985. 3 pp. *Decision re:* Antoni Sniadach; by Milton J. Socolar, Acting Comptroller General.

Contact: Office of the General Counsel.

Organization Concerned: United States Coast Guard.

Authority: Further Continuing Appropriations Act, 1983 (P.L. 97-377; 96 Stat. 1913). 22 Comp. Gen. 11. 41 Comp. Gen. 460. 5 U.S.C. 8345(b)(1)(A) et seq.

Abstract: The Coast Guard requested a decision regarding whether a retired civilian Coast Guard employee could have his civil service records modified to change his retirement date. Subsequent to retirement, the employee learned that he could have received an annuity for the month of January if he had retired during the first 3 days of the month, and requested a change in his records. GAO held that the Office of Personnel Management had exclusive authority to adjudicate civil service retirement annuity claims. Accordingly, GAO could not properly adjudicate the claim and could find no basis for sanctioning the alteration of the employee's employment records.

126303

Need To Improve Internal Controls To Curtail Fraud and Abuse in the RRB Unemployment and Sickness Insurance Program. HRD-85-37; B-211212. February 27, 1985. 5 pp. plus 2 enclosures (17 pp.). *Report to*

Robert A. Gielow, Chairman, Railroad Retirement Board; by Richard L. Fogel, Director, Human Resources Division.

Issue Area: Income Security: Improving SSA Operational Efficiency Without Reducing the Level and Quality of Services Provided (5003).

Contact: Human Resources Division.

Budget Function: Income Security: Unemployment Compensation (603.0).

Organization Concerned: Railroad Retirement Board.

Congressional Relevance: *House* Committee on Appropriations: Labor, Health and Human Services, and Education Subcommittee; *House* Committee on Ways and Means; *House* Committee on Energy and Commerce; *Senate* Committee on Appropriations: Labor, Health and Human Services, and Education Subcommittee; *Senate* Committee on Finance; *Senate* Committee on Labor and Human Resources.

Abstract: GAO assessed the Railroad Retirement Board's (RRB) controls for preventing and detecting fraud and abuse in its Unemployment and Sickness Insurance (SI) Program.

Findings/Conclusions: The program paid out about \$1.4 billion in benefits during the last 5 years to 1 million qualified rail workers who became unemployed or were absent from work due to sickness. GAO found that, although 38 states collect wage records against which RRB could detect instances of persons working in nonrail employment while collecting unemployment or sickness benefits, RRB does not attempt to make such detections. Further, RRB does not have procedures to notify a rail employer that a claimant has filed for unemployment benefits. GAO also found that RRB makes no attempt to identify the prevalent problem of employees' claiming benefits using another person's record. GAO noted that RRB internal controls over sickness claims are also vulnerable to fraud or abuse.

Recommendation To Agencies: RRB should, if it finds that implementation is feasible and cost-beneficial, initiate more systematic wage checks for nonrail employment by beneficiaries, including the regular use of computerized wage checks of beneficiaries with state employer wage records in those states which maintain such records, and where computerized wage checks are found to be cost-beneficial. RRB should, if it finds that implementation is feasible and cost-

beneficial, systematically verify reported changes of address. RRB should, if it finds that implementation is feasible and cost-beneficial, periodically review the validity of multiple benefit checks being sent to the same address. RRB should, if it finds that implementation is feasible and cost-beneficial, require, as a minimum, some form of additional control to verify sickness claims.

126344

[Protest of FHWA Cost-Type Contract Award for Research Study Related to Highway Air Pollution]. B-216893, B-216908. March 4, 1985. 8 pp. **Decision re:** Environmental Science and Services Corp.; NHC Wind Engineering; by Seymour Efos, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Environmental Science and Services Corp.; NHC Wind Engineering; Technology Integration and Development Corp.; Federal Highway Administration.

Authority: 54 Comp. Gen. 612. 61 Comp. Gen. 194. 55 Comp. Gen. 1111. B-212378.7 (1984). B-212792 (1984). B-213396 (1984). B-211936 (1984). B-214314 (1984). B-205191 (1982).

Abstract: Two firms protested a Federal Highway Administration (FHWA) contract award for a highway air pollution research study. The first protester contended that FHWA improperly evaluated both its and the awardee's technical proposals because FHWA permitted the awardee to lease certain contracting equipment rather than requiring ownership of the equipment. The second protester argued that: (1) FHWA improperly evaluated the awardee's proposal; and (2) the procurement was biased. GAO held that: (1) FHWA was not obligated to require bidders to own the equipment; (2) the protester did not show that the evaluation was unreasonable or that the procurement was biased; and (3) considering the small difference in cost between the second protester's bid and the awardee's, and in view of the awardee's technical superiority, FHWA properly awarded the contract to the awardee. Accordingly, the protests were denied.

126438

[Claim for Dental Services Furnished to the Coast Guard]. B-215651. March 15, 1985. 8 pp. **Decision re:** Edward Kuzma; by

Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel. **Organization Concerned:** Public Health Service; United States Coast Guard.

Authority: Ethics in Government Act of 1978 (18 U.S.C. 207 et seq.). 10 U.S.C. 2304(a)(4).

Abstract: The Coast Guard requested an advance decision concerning the propriety of payments to a retired U.S. Public Health Service officer for dental services performed for the Coast Guard. The claimant performed the services under oral procurements; however, the Coast Guard did not approve some payments due to concern over possible conflicts of interest or irregularities in the contracting procedures. GAO held that the: (1) claimant was not barred from performing the dental services by a conflict of interest; (2) Coast Guard could pay the claimant for the reasonable worth of his services on a quantum meruit basis; and (3) amounts the claimant requested for his services appeared to be reasonable. Accordingly, the claim was allowed.

126468

Information on the Federal Highway Administration's Disadvantaged Business Enterprise Program. RCED-85-31; B-215458. March 15, 1985. 16 pp. plus 16 appendices (32 pp.). **Report to Sen. Robert T. Stafford, Chairman, Senate Committee on Environment and Public Works; Sen. Steven D. Symms, Chairman, Senate Committee on Environment and Public Works; Transportation Subcommittee; Sen. Lloyd Bentsen, Ranking Minority Member, Senate Committee on Environment and Public Works; by Ralph V. Carlone, (for J. Dexter Peach, Director), Resources, Community, and Economic Development Division.** Refer to RCED-85-34, January 3, 1985, Accession Number 125974; and Testimony, July 31, 1985, Accession Number 127468.

Issue Area: Transportation: Effectiveness of Federal Aid Highway Programs in Protecting and Financing the Nation's Highways (6609).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Federal Highway Administration.

Congressional Relevance: *Senate* Committee on Environment and Public

Works: Transportation Subcommittee; Senate Committee on Environment and Public Works; Sen. Lloyd Bentsen; Sen. Steven D. Symms; Sen. Robert T. Stafford.

Authority: Surface Transportation Assistance Act of 1982.

Abstract: Pursuant to a congressional request, GAO provided certain information on the Disadvantaged Business Enterprise (DBE) program administered by the Federal Highway Administration.

Findings/Conclusions: GAO noted that the latest state directories, available as of September 1984, showed that 7,106 DBE firms were certified in the United States. GAO reviewed the program records of six states and found that they indicated that capabilities existed among DBE to perform 10 percent of the needed highway work. DBE and state officials cited the difficulty in obtaining bonds, slow payment to subcontractors by prime contractors, withholding of a portion of payment by prime contractors, and obtaining operating loans as financial problems encountered by DBE. GAO concluded that these problems had little adverse effect on overall DBE ability to obtain highway construction work. GAO also noted that there were no reported problems with licensing or prequalification.

126473

Commercializing Landsat and the Weather Satellites. 1985. 5 pp. by Daniel J. Semick, Evaluator, Resources, Community, and Economic Development Division, Frank V. Subalusky, Group Director, Resources, Community, and Economic Development Division, James F. Donaghy, Senior Evaluator, Resources, Community, and Economic Development Division. In *The GAO Review*, Vol. 20, Issue 1, Winter 1985, pp. 18-21, 42.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: National Oceanic and Atmospheric Administration.

Abstract: This article discusses the transfer of Landsat, a civilian land remote sensing satellite, and other weather satellites to the private sector in order to develop a better market for the program. GAO found that satellite experts objected to the sale because the federal government is the main user of the satellites, and they feared that private satellite operators would charge exorbitant user fees. GAO held a seminar at an international satellite

conference and found that foreign countries were concerned about their investments in ground stations under commercialization. Foreign users were also concerned about the continuity and equal distribution of data under private sector satellite management. In preparation for 1984 legislation, GAO also reviewed the costs and uses of remote sensing satellite commercialization and the national security implications of the sale.

126479

[Navy Actions To Improve Overhaul Work at the Philadelphia Naval Shipyard]. NSIAD-85-51; B-217768. March 1, 1985.

Released March 5, 1985. 2 pp. plus 3 enclosures (9 pp.). *Report* to Rep. Charles E. Bennett; by Frank C. Conahan, Director, National Security and International Affairs Division.

Issue Area: Navy: Ability of Navy Supply System To Provide Materials at Lowest Cost While Maintaining Military Capabilities (5602).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Procurement and Contracts (051.2); National Defense (050.0).

Organization Concerned: Department of the Navy; Department of the Navy: Naval Sea Systems Command: Philadelphia Naval Shipyard, Philadelphia, PA.

Congressional Relevance: Rep. Charles E. Bennett.

Abstract: Pursuant to a congressional request, GAO examined alleged deficiencies in the Philadelphia Naval Shipyard's (PNSY) Service Life Extension Program (SLEP) for the aircraft carrier U.S.S. Saratoga, focusing on actions the Navy took to: (1) improve overall performance at the shipyard; and (2) preclude a recurrence of the type of technical problems experienced by SLEP.

Findings/Conclusions: GAO found that, as part of a strategy to improve the quality of its work and to prevent recurrence of similar problems, PNSY management is developing and implementing various plans to correct existing deficiencies. PNSY is also developing a system that will assess the effectiveness of its corrective actions and is developing analytical techniques and performance indicators, both of which will measure the quality of overall work performed. GAO believes that the Navy actions have been constructive and,

when fully implemented, should improve the shipyard's operations.

126505

[Protest of NOAA Contract Award for Ship Drydock and Repair Services]. B-217268. March 22, 1985. 3 pp. *Decision* re: Newport Offshore, Ltd.; by Seymour Efron, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Newport Offshore, Ltd.; National Oceanic and Atmospheric Administration.

Abstract: A firm protested a National Oceanic and Atmospheric Administration (NOAA) contract award for drydock services, arguing that NOAA improperly calculated certain foreseeable travel costs included in its bid. GAO held that, although the protester had used a calculation method more advantageous to itself, NOAA properly used specification guidelines in its calculation. Accordingly, the protest was denied.

126532

[Protests of Coast Guard Procurement]. B-215281.3, B-215281.4. March 25, 1985. 6 pp. *Decision* re: Energy Maintenance Corp.; Turbine Engine Services Corp.; by Harry R. Van Cleve, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Energy Maintenance Corp.; Turbine Engine Services Corp.; United States Coast Guard.

Authority: 48 C.F.R. 14.404-1(a)(1). 62 Comp. Gen. 354. B-202357 (1981). B-207082 (1982). B-210285 (1983). B-210684.2 (1983). B-214260.2 (1984).

Abstract: A firm protested the U.S. Coast Guard's cancellation of a solicitation and resolicitation of the requirement, contending that the solicitation specifications fully and unambiguously apprised bidders of the work to be performed. A second firm protested the resolicitation specifications, contending that they were inadequate and ambiguous. GAO held that: when viewed as a whole, the solicitation fully set forth the Coast Guard's requirements and award to the protester would satisfy the agency's needs; (2) because the solicitation was not materially deficient, other bidders would not be prejudiced by the award; and (3) the second protest was academic. Accordingly, the first protest was

sustained and the second protest was dismissed.

126572

[GAO's Review of the Department of Transportation's Pipeline Safety Program]. March 28, 1985. 18 pp. plus 1 appendix (1 p.). *Testimony* before the Senate Committee on Commerce, Science and Transportation: Surface Transportation Subcommittee; by Ralph V. Carlone, (for J. Dexter Peach, Director), Resources, Community, and Economic Development Division. Refer to RCED-84-102, July 10, 1984, Accession Number 124689.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Department of Transportation: Research and Special Programs Administration: Materials Transportation Bureau.

Congressional Relevance: Senate Committee on Commerce, Science and Transportation: Surface Transportation Subcommittee.

Authority: Natural Gas Pipeline Safety Act of 1968. Hazardous Liquid Pipeline Safety Act of 1979. 10 C.F.R. 170. 18 C.F.R. 36. OMB Circular A-50. Mississippi Power and Light Co. v. Nuclear Regulatory Commission, 444 U.S. 1102 (1980). 31 U.S.C. 9701.

Abstract: GAO discussed the federal role in regulating and enforcing pipeline safety and the Department of Transportation's (DOT) implementation of user fees for inspecting interstate pipeline companies. GAO found that DOT has not provided adequate inspection coverage of the interstate and intrastate pipeline operators for which it has responsibility, and may further reduce its inspection coverage. Some states have been acting as agents of the federal government on a voluntary basis and have indicated that they do not plan to assume responsibility for the intrastate gas pipelines or the intrastate hazardous liquids pipelines in their states when federal safety standards. Some states also indicated that they are considering discontinuing existing inspection activities. DOT is responsible for ensuring that participating state agencies are adequately enforcing federal safety standards. However, since state participation is voluntary, DOT does not have effective means for requiring states to correct program deficiencies or assume responsibility for additional pipeline systems. GAO recommended that DOT propose alternatives for meeting program responsibilities with inspection resources

and improve its inspection activities and its evaluations of the states' pipeline safety programs. In addition, GAO believes that: (1) the imposition of user fees would be legal and feasible; (2) financing inspection costs through fees to pipeline companies and their customers would be more equitable than financing such costs with taxes; and (3) the impact of user fees on pipeline operators and their customers would be extremely small.

126599

[Protest of FMC Award of Contract for Court Reporting Services]. B-217508. April 2, 1985. 5 pp. *Decision* re: Neal R. Gross and Co., Inc.; by Harry R. Van Cleve, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Neal R. Gross and Co., Inc.; Federal Maritime Commission.

Authority: Small Business Act (15 U.S.C. 637(b)(7)). 4 C.F.R. 21.2(b). 13 C.F.R. 125.5. 48 C.F.R. 14.405. 48 C.F.R. 9.104-1(c). 48 C.F.R. 14.404-2(f). H. Rept. 95-1. H. Rept. 95-535. Siller Brothers, Inc. v. United States, 456 U.S. 925 (1982). Electro-Methods, Inc. v. United States, 728 F.2d 1471 (Fed. Cir. 1984). B-195900 (1980). B-194885 (1979). B-216352 (1984). B-194630 (1979). B-215083 (1984). B-206972 (1983). B-213926 (1984). B-214354 (1984). B-196780 (1980).

Abstract: A firm protested a Federal Maritime Commission (FMC) contract award, contending that FMC should have referred the matter of its responsibility to the Small Business Administration (SBA) for certificate-of-competency consideration. FMC asserted that the protester: (1) failed to indicate that it was a small business; (2) had an unsatisfactory performance record; and (3) had an unreasonably low bid. GAO held that: (1) the protester's failure to indicate that it was a small business was a minor informality; and (2) FMS was required to refer the nonresponsibility determination to SBA regardless of the basis of the determination. Accordingly, the protest was sustained, and GAO recommended that FMC refer the matter to SBA, and terminate the contract for convenience, and make award to the protester, if otherwise appropriate.

126641

[Protest of DOT Procurement Challenging Contract Award]. B-216606. April 4, 1985. 2 pp. *Letter* to Gardner, Beitel, Ohlrich & Boring; by Ronald Berger, Deputy Associate

General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Gardner, Beitel, Ohlrich & Boring; Yankee Energy Corp.; Department of Transportation.
Authority: Surface Transportation Assistance Act of 1982 (P.L. 97-424; 96 Stat. 2097). P.L. 98-473. 98 Stat. 1837.

126688

[State Income Taxation of Nonresident Railroad Employees]. GGD-85-46; B-217850. April 11, 1985. 3 pp. *Report* to Sen. Daniel J. Evans; Sen. Slade Gorton; by William J. Anderson, Director, General Government Division.

Issue Area: Tax Policy and Administration: Other Issue Area Work (4691).

Contact: General Government Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Department of Justice.

Congressional Relevance: Sen. Slade Gorton; Sen. Daniel J. Evans.

Authority: P.L. 91-569.

Abstract: Pursuant to a congressional request, GAO determined whether sufficient data were available to analyze proposed legislation prohibiting states from taxing the wages of nonresident railroad employees if the employees earned less than half of their compensation within the state.

Findings/Conclusions: GAO found that the data needed to analyze the effects of the restriction were not generally available. Only one of the railroads GAO surveyed had a payroll system that allowed collection of all relevant data. According to railroad officials, most states rely on voluntary self-assessment by nonresident railroad employees for whatever tax they collect on those employees' earnings.

126694

[Use of Transportation Technology by MTMC]. NSIAD-85-67. April 8, 1985. 3 pp. *Report* to Maj. Gen. Harold I. Small, Commander, Department of the Army: Military Traffic Management Command; by Henry W. Connor, Senior Associate Director, National Security and International Affairs Division.

Issue Area: Army: Other Issue Area Work (5591).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of the Army: Military Traffic Management Command.

Abstract: GAO determined whether the Military Traffic Management Command (MTMC) adequately identified and used modern transportation technology to improve the Department of Defense's (DOD) transportation management, operations, and readiness.

Findings/Conclusions: GAO found that: (1) although MTMC normally uses modern transportation technology, it could improve its practices for keeping abreast of new transportation technology; (2) there is no MTMC focal point or formal system to collect, evaluate, use, and disseminate information on such technology; (3) MTMC relies on its contacts with industry representatives, in-house research efforts, and periodic involvement in national transportation industry meetings and seminars to obtain such information; and (4) MTMC officials are considering more formal relationships with organizations involved with transportation technology to better ensure use of relevant transportation technology.

126696

FAA Could Improve Overall Aviation Safety and Reduce Costs Associated With Airport Instrument Landing Systems. RCED-85-24; B-215115. April 3, 1985. 27 pp. plus 1 appendix (10 pp.). *Report to Elizabeth H. Dole, Secretary, Department of Transportation;* by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to RCED-88-118, May 16, 1988, Accession Number 135878.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation.

Congressional Relevance: *House* Committee on Public Works and Transportation: Aviation Subcommittee; *House* Committee on Appropriations: Transportation Subcommittee; *Senate* Committee on Commerce, Science and Transportation: Aviation Subcommittee;

Senate Committee on Appropriations: Transportation Subcommittee.

Authority: Airport and Airway Improvement Act of 1982 (P.L. 97-248).

Abstract: GAO discussed ways the Federal Aviation Administration (FAA) could improve overall aviation safety and reduce the costs associated with airport instrument landing systems (ILS), focusing on whether: (1) ILS operated by FAA are justified; and (2) opportunities exist for FAA to reduce the cost of operating and maintaining ILS.

Findings/Conclusions: GAO found that ILS are not economically justified when the estimated costs of owning, operating, and maintaining them exceeds the quantified economic value of the benefits. Using FAA criteria, GAO identified 22 ILS which did not appear justified and reviewed 40 other ILS which were installed to meet special needs and found that FAA had not collected the data needed to determine whether the systems were meeting those needs. GAO found that FAA could improve overall aviation safety and reduce costs by ensuring that existing ILS are located where they are needed.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FAA, to replace all tube-type ILS with solid-state ILS at the earliest possible time. The Secretary of Transportation should, before acquiring any new ILS, direct the Administrator, FAA, to perform the required computer-generated detailed benefit-cost analysis for the 22 ILS not installed to meet special conditions or needs and which appear to meet FAA decommissioning criteria. Those that are found not to be justified should be decommissioned and relocated at airports meeting FAA safety and operational efficiency criteria. The Secretary of Transportation should, before acquiring any new ILS, direct the Administrator, FAA, to collect the data to determine whether ILS installed to meet special conditions or needs, including those installed under a satellite airport program or specifically to meet training needs, are accomplishing their objectives. The Secretary of Transportation should, before acquiring any new ILS, direct the Administrator, FAA, to establish criteria for decommissioning ILS installed to meet special conditions or needs that clearly identify when conditions or needs which justify the systems cease to exist or change significantly. Those that are not accomplishing their objectives and that are not justified on the basis of benefit-cost criteria developed by FAA should be decommissioned and relocated

at airports meeting FAA safety and operational efficiency criteria.

126707

[GAO's Views on Selected Aspects of the Department of Transportation's Pipeline Safety Program]. April 16, 1985. 10 pp. plus 3 attachments (15 pp.). *Testimony before the House Committee on Energy and Commerce: Fossil and Synthetic Fuels Subcommittee;* by Oliver W. Krueger, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-235FS, September 30, 1986, Accession Number 131456.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Department of Transportation: Research and Special Programs Administration: Materials Transportation Bureau.

Congressional Relevance: *House* Committee on Energy and Commerce: Fossil and Synthetic Fuels Subcommittee.

Authority: Natural Gas Pipeline Safety Act of 1968. Hazardous Liquid Pipeline Safety Act of 1979.

Abstract: GAO discussed the Department of Transportation's (DOT) pipeline safety program, focusing on: (1) DOT ideas on the realignment of federal and state pipeline safety responsibilities; (2) improvements necessary in pipeline safety data systems; (3) areas DOT should emphasize in pipeline safety research; (4) effective utilization of pipeline safety technical advisory committees; and (5) the feasibility of implementing user fees for interstate pipeline companies and preempting the right of states to charge such fees. GAO stated that: (1) DOT is studying federal and state pipeline responsibilities and focusing on financial alternatives for state participation in the program, the impact of those alternatives on pipeline inspections, and necessary legislative changes; (2) the pipeline safety data system has numerous problems, including inaccurate source data, duplication, untimely data entry, and the system's inability to integrate data from several sources; (3) the pipeline safety research program appears to be addressing issues that warrant attention; (4) recent changes in the use of technical advisory committees should increase their effectiveness; and (5) while DOT could legally and feasibly impose user fees on interstate pipeline companies, the preemption of existing state user fees would require legislation.

126708

[**GAO Review of the Federal Highway Administration's Motor Carrier Safety Enforcement Activities**]. April 18, 1985. 16 pp. *Testimony before the House Committee on Government Operations: Government Activities and Transportation Subcommittee; House Committee on Energy and Commerce: Telecommunications, Consumer Protection, and Finance Subcommittee; by Oliver W. Krueger, Associate Director, Resources, Community, and Economic Development Division.*

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Highway Administration: Bureau of Motor Carrier Safety.

Congressional Relevance: *House Committee on Energy and Commerce: Telecommunications, Consumer Protection, and Finance Subcommittee; House Committee on Government Operations: Government Activities and Transportation Subcommittee.*

Authority: Surface Transportation Assistance Act of 1982.

Abstract: GAO discussed certain aspects of motor carrier safety enforcement activities and the organization of the Federal Highway Administration's (FHWA) Bureau of Motor Carrier Safety (BMCS). GAO believes that increased oversight of the safety audit procedures has the potential to improve motor carrier safety, and a recent FHWA organizational change may increase BMCS ability to perform program oversight. GAO noted that, although BMCS has a process to select, rate, and identify actions based on audits, differences remain in the manner in which: (1) safety investigators select carriers for audit, develop ratings, and identify actions to take based on audit results; and (2) enforcement cases are processed. However, such differences do not necessarily indicate that audits are not being performed properly. GAO believes that these differences do raise questions about BMCS oversight of the Motor Carrier Safety Enforcement Program.

126745

[**Protest of FAA Contract Award**]. B-217524. April 18, 1985. 3 pp. *Decision re: University of Dayton: Research Institute; by Seymour Efron, (for Harry R. Van Cleve, General Counsel).*

Contact: Office of the General Counsel.

Organization Concerned: University of Dayton: Research Institute; Federal Aviation Administration.

Authority: 48 C.F.R. 15.609. 48 C.F.R. 52.215-16. 50 Comp. Gen. 117. 50 Comp. Gen. 246. F.A.R. 15.609(d). B-214460 (1984).

Abstract: A research institute protested a Federal Aviation Administration (FAA) contract award, contending that it should have received the award as the lowest responsible bidder because it submitted an acceptable technical proposal. FAA contended that, even though it asked the protester to submit a best and final offer, its proposal was not technically acceptable. GAO held that the FAA determination of the awardee's technical superiority was reasonable. Accordingly, the protest was denied.

126763

AMTRAK's Northeast Corridor Trains Operate With a One-Person Locomotive Crew. RCED-85-1; B-197192. April 18, 1985.

Released April 22, 1985. 20 pp. plus 1 appendix (1 p.). *Report to Rep. Bruce A. Morrison; Rep. James J. Florio, Chairman, House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; by Ralph V. Carlone, (for J. Dexter Peach, Director), Resources, Community, and Economic Development Division. Refer to RCED-87-1, November 18, 1986, Accession Number 131686; and NSIAD-87-15, February 10, 1987, Accession Number 132187.*

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: National Railroad Passenger Corporation (Amtrak).

Congressional Relevance: *House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; Rep. Bruce A. Morrison; Rep. James J. Florio.*

Authority: Hours of Service Act (Railroads) (P.L. 91-169).

Abstract: Pursuant to a congressional request, GAO provided information on the operation of National Railroad Passenger Corporation (AMTRAK) trains in the Northeast Corridor, focusing on: (1) issues associated with the practice of operating each train with only one engineer; (2) the cost of stationing an additional engineer in each train; (3) AMTRAK safety records in the

Northeast Corridor; and (4) changes in engineers' work schedules.

Findings/Conclusions: GAO found that AMTRAK has installed equipment in all of its Northeast Corridor locomotives that automatically stops each train if: (1) the engineer does not reset the system every 26 to 28 seconds; (2) speed signals are not obeyed within 6 seconds; or (3) the locomotive exceeds authorized speeds. AMTRAK checks the safety equipment on each locomotive daily to ensure proper operation. Since there have been only 13 instances of equipment malfunction identified in over 5 years, GAO and AMTRAK believe that both the equipment and the inspection procedures are adequate. GAO also found that: (1) it would cost approximately \$16.5 million annually to place a second engineer in the cab of each Northeast Corridor train; (2) over a 5-year period, engineers did not have any health problems at work that affected their ability to operate trains; and (3) while the number of deaths of trespassers and AMTRAK maintenance employees did not change significantly over the same 5-year period, the number of injuries to trespassers and employees declined significantly. In addition, GAO found that: (1) an agreement between AMTRAK and the engineers' union increased the number of round trips that each engineer could make in a month; and (2) while engineers make more trips each month, no appreciable change has occurred in engineers' work schedules under the agreement.

126880

[**Comments on H.R. 729**]. B-217769. May 2, 1985. 3 pp. *Letter to Rep. Walter B. Jones, Chairman, House Committee on Merchant Marine and Fisheries; by Harry R. Van Cleve, General Counsel. Refer to Testimony, November 3, 1983, Accession Number 122772.*

Contact: Office of the General Counsel.

Organization Concerned: Panama Canal Commission.

Congressional Relevance: *House Committee on Merchant Marine and Fisheries; Rep. Walter B. Jones.*

Authority: Panama Canal Act of 1979. H.R. 729 (99th Cong.). H.R. 3953 (98th Cong.).

Abstract: Pursuant to a congressional request, GAO commented on H.R. 729, a bill that would amend the Panama Canal Act of 1979 to resolve claims for vessels damaged outside the locks in the same manner as those vessels damaged inside the locks. GAO concluded that: (1) Panama Canal Commission (PCC)

liability for damages both inside and outside the locks would be consistent with the purpose of the amendment; (2) decreasing the limitation periods for vessel damage claims would not reduce PCC exposure to vessel damage claims; (3) provisions authorizing PCC to purchase insurance to cover major unpredictable losses of income resulting from marine accidents did not comply with the general policy favoring self-insurance by government agencies; and (4) passage of the sections specifying that settlements could only be paid out of appropriated funds for the maintenance of the Panama Canal removed any doubt concerning the source for payment of damages.

126896

Federal and State Methanol Fuel Projects, Coordination, and State Tax Incentives. RCED-85-97; B-217943. May 3, 1985.

Released May 10, 1985. 4 pp. plus 6 appendices (90 pp.). *Report to Rep. Philip R. Sharp, Chairman, House Committee on Energy and Commerce: Fossil and Synthetic Fuels Subcommittee; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to RCED-86-136FS, April 4, 1986, Accession Number 129616; and RCED-87-10BR, October 17, 1986, Accession Number 131615.*

Issue Area: Energy: Assessing Whether the DOE R&D Program Will Result in Developing Needed Alternative Energy Technologies To Meet Future Energy Demand (6410).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Energy: Energy Supply (271.0).

Organization Concerned: Department of Energy; Environmental Protection Agency; Department of Transportation.

Congressional Relevance: House Committee on Energy and Commerce: Fossil and Synthetic Fuels Subcommittee; *Rep. Philip R. Sharp.*

Abstract: Pursuant to a congressional request, GAO examined the potential use of methanol as an alternative fuel for motor vehicles.

Findings/Conclusions: GAO found that methanol has attracted interest as an alternative fuel because it is a relatively clean, high-octane fossil fuel. Research is now underway in several areas, including more efficient production from new and existing sources, and necessary vehicle modifications to produce acceptable and economic performance. GAO identified 10 federal agencies and 7 states that have projects for methanol

research, development, or regulation. Four states currently offer tax incentives from state fuel excise taxes to encourage the use of methanol fuel. GAO also identified coordination methods used among the federal agencies, states, and government contractors involved in methanol fuel development and provided examples of the types and extent of research activities.

127035

Compensation and Staffing Levels of FAA Police Force at Washington National and Washington Dulles International Airports. GGD-85-24; B-217169. May 17, 1985.

Released May 28, 1985. 38 pp. plus 5 appendices (38 pp.). *Report to Rep. William D. Ford, Chairman, House Committee on Post Office and Civil Service; Rep. Gary L. Ackerman, Chairman, House Committee on Post Office and Civil Service: Human Resources Subcommittee; Rep. Mary Rose Oakar, Chairman, House Committee on Post Office and Civil Service: Compensation and Employee Benefits Subcommittee; Rep. Norman Y. Mineta, Chairman, House Committee on Public Works and Transportation: Aviation Subcommittee; by Charles A. Bowsher, Comptroller General. Refer to RCED-88-1, October 26, 1987, Accession Number 134238; and GGD-86-27, February 13, 1986, Accession Number 129073.*

Issue Area: Federal Civilian Work Force: Other Issue Area Work (4891).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Law Enforcement Activities (751.0).

Organization Concerned: Office of Personnel Management; Federal Aviation Administration: Washington Dulles International Airport; Federal Aviation Administration: Washington National Airport.

Congressional Relevance: House Committee on Public Works and Transportation: Aviation Subcommittee; House Committee on Post Office and Civil Service: Compensation and Employee Benefits Subcommittee; House Committee on Post Office and Civil Service: Human Resources Subcommittee; House Committee on Post Office and Civil Service; Senate Committee on Governmental Affairs; *Rep. Norman Y. Mineta; Rep. Mary Rose Oakar; Rep. Gary L. Ackerman; Rep. William D. Ford.*

Authority: Salary Reform Act of 1962 (5 U.S.C. 5303). Executive Order 11721. P.L. 98-473. P.L. 98-411. D.C. Code 4-607. D.C.

Code 4-622. 42 U.S.C. 3796. 18 U.S.C. 1114. 98 Stat. 1837. 98 Stat. 1545.

Abstract: Pursuant to a congressional request, GAO reviewed compensation and staffing levels of the Federal Aviation Administration (FAA) police force at Washington National and Washington Dulles International Airports.

Findings/Conclusions: GAO found that: (1) FAA police officers are paid less than most federal and nonfederal police officers in the Washington metropolitan area, causing recruitment and retention problems; and (2) on-board staffing levels are 25-percent less than authorized. Former police officers indicated that some of their reasons for leaving the FAA force included better pay and benefits, management/employee relations, working conditions, advancement opportunities, and performance recognition. While FAA has tried to correct some problems through more aggressive recruiting efforts, GAO believes that it would be more appropriate to treat the problems as part of an overall assessment of compensation issues, rather than as a separate issue, because of the pay disparities among federal police forces. The Office of Personnel Management (OPM) began, but never completed, a study on federal police officers' compensation and classification processes.

Recommendation To Agencies: The Director, OPM, should report to Congress on what administrative or legislative actions are needed to resolve the FAA police staffing problems. In its assessment of the actions needed, OPM should consider whether: (1) the work of General Schedule police officers, and in particular FAA police officers at National and Dulles airports, is properly valued in comparison with other General Schedule positions and other federal police work under special compensation systems; and (2) the work of police officers belongs under the General Schedule or whether a uniform and separate occupation schedule for federal police work with a single pay system should be developed.

127126

Federal Aviation Administration's Host Computer: More Realistic Performance Tests Needed Before Production Begins. IMTEC-85-10; B-206887. June 6, 1985. 8 pp. plus 2 appendices (15 pp.). Report to Rep. William Lehman, Chairman, House Committee on Appropriations: Transportation Subcommittee; by Charles A. Bowsher, Comptroller General. Refer to Testimony, April

16, 1986, Accession Number 129644; Testimony, April 23, 1986, Accession Number 129700; RCED-86-124BR, May 21, 1986, Accession Number 129923; IMTEC-86-24, July 8, 1986, Accession Number 130514; IMTEC-86-25BR, July 3, 1986, Accession Number 130525; RCED-87-3, April 13, 1987, Accession Number 132655; and RCED-87-8, March 26, 1987, Accession Number 132534.

Issue Area: Transportation: Adequate Justification and Management of NAS Plan Procurements (6604); Information Management and Technology: Other Issue Area Work (7191).

Contact: Information Management and Technology Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation.

Congressional Relevance: *House* Committee on Public Works and Transportation; *House* Committee on Science and Technology; *House* Committee on Appropriations; *Senate* Transportation Subcommittee; *Senate* Committee on Appropriations: Transportation Subcommittee; *Senate* Committee on Commerce, Science and Transportation; *Congress*; *Rep.* William Lehman.

Authority: OMB Circular A-109.

Abstract: Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) Host Computer Program, which is intended to support the nation's air traffic control, to determine whether the two vendors' proposed systems would provide adequate information on which to base a production decision.

Findings/Conclusions: GAO found that: (1) FAA performance testing was not in accordance with established guidelines and did not provide convincing evidence that either vendor's proposed system could meet operationally realistic work loads; (2) proceeding to production without sufficient information could require additional time and money to provide a system that performs as required; (3) FAA did not adequately document its planning and monitoring actions during design competition or adequately monitor performance testing; and (4) the air traffic control software enhancements intended to improve air safety and efficiency were not ready when the design competition phase testing took place.

Recommendation To Congress: If the Secretary of Transportation decides to proceed without realistic performance testing and without adequate

explanation of the urgency of proceeding, Congress may wish to consider directing the Secretary to defer the contract award.

Recommendation To Agencies: To ensure that the FAA operational requirements for the host computers are met, the Secretary of Transportation should consider the merits of deferring the production and vendor selection decisions for the host computers, extending the design competition phase, and performing more realistic performance tests on both vendor systems. The Secretary should also consider: (1) the uncertainties associated with the proposed host computers' ability to support operationally realistic work loads; (2) the questionable precision and reliability of the FAA computer model to project near-term air traffic delays caused by current computer capacity shortages; and (3) the apparent lack of significant near-term air traffic delays associated with FAA current computers. If the Secretary decides to proceed with these recommendations without realistic testing, notwithstanding the above-mentioned uncertainties, the Secretary should, in advance of proceeding, provide the appropriate congressional committees with the Department's views and the support views, particularly on the performance uncertainties.

127164

[Protest of Exclusion From Competitive Range Under FAA Procurement]. B-218275. June 13, 1985. 6 pp. *Decision re:* Metric Systems Corp.; by Seymour Efron, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Metric Systems Corp.; Federal Aviation Administration.

Authority: B-213520 (1984). B-213661 (1984). B-213417 (1984). B-214889 (1984). B-215266 (1984). B-205781 (1982). B-214356 (1984). B-211914 (1983). B-217284.2 (1985).

Abstract: A firm protested the Federal Aviation Administration's (FAA) exclusion of its proposal from the competitive range, contending that: (1) the determination to exclude its proposal was unreasonable; and (2) FAA failed to conduct meaningful discussions to clarify proposal ambiguities. FAA argued that the protester's proposal was not technically acceptable and could not be made acceptable without major revisions. GAO held that: (1) the FAA report indicated that the proposal had no real chance of being selected for

award; (2) the assessment of the proposal's deficiencies was reasonable; (3) the protester did not meet its burden of presenting sufficient evidence to support its allegation that the solicitation was inadequate; and (4) FAA was not obligated to conduct discussions with the protester since its proposal was eliminated from the competitive range. Accordingly, the protest was denied.

127195

Transportation of Public Law 480 Commodities--Efforts Needed To Eliminate Unnecessary Costs. NSIAD-85-74; B-199688. June 18, 1985. 38 pp. plus 3 appendices (19 pp.). *Report* to Elizabeth H. Dole, Secretary, Department of Transportation; John R. Block, Secretary, Department of Agriculture; by Frank C. Conahan, Director, National Security and International Affairs Division. Refer to RCED-87-100, May 7, 1987, Accession Number 132884.

Issue Area: International Trade and Commercial Policy: Appropriateness of U.S. Role in Export Promotion and Financing and Efficiency of Administration of Export Assistance Programs (6303).

Contact: National Security and International Affairs Division.

Budget Function: Agriculture: Import-Export Issues (352.1); Transportation: Water Transportation (403.0); International Affairs: Foreign Economic and Financial Assistance (151.0).

Organization Concerned: Department of Agriculture; Department of Transportation; Maritime Administration.

Congressional Relevance: *House* Committee on Appropriations: Rural Development, Agriculture, and Related Agencies Subcommittee; *House* Committee on Agriculture; *Senate* Committee on Appropriations: Agriculture, Rural Development, and Related Agencies Subcommittee; *Senate* Committee on Agriculture, Nutrition, and Forestry.

Authority: Agricultural Trade Development and Assistance Act of 1954 (P.L. 83-480; 7 U.S.C. 1701 et seq.). Cargo Preference Act (Merchant Marine) (46 U.S.C. 1241(b)). Merchant Marine Act, 1936.

Abstract: GAO assessed the Department of Agriculture's (USDA) and the Maritime Administration's (MARAD) management of the expenditure of U.S. funds for ocean transportation of agricultural commodities pursuant to Public Law (P.L.) 83-480, which

authorizes the President to enter into agreements with friendly countries for the sale of the commodities under favorable financing terms.

Findings/Conclusions: GAO found significant problems that indicate that USDA may be paying higher ocean freight differentials than necessary. USDA control over the bidding and negotiation process for ocean transportation contracts is inadequate because foreign countries: (1) use closed bids which may be submitted late or are based on knowledge of submitted bids; (2) may negotiate with any preferred vessel owner, which does not ensure the lowest possible rates; and (3) may serve as vessel brokers, which can lead to favoritism in rate negotiations. USDA is responsible for complying with cargo preference requirements, approving foreign vessel selection, and calculating ocean freight differentials; however, it does not consistently follow the standard provision for calculating differentials, or may apply the standard in a manner that reduces costs to foreign countries at the expense of higher USDA payments. GAO also found that MARAD does not verify data used in calculating guideline rates because it assumes that vessels return to the United States without cargo. However, evidence suggests that vessels may carry cargo on the return voyage, which allows them the potential to earn excessive profits. Additionally, MARAD has not prepared guidelines for liners because of the difficulty in separating revenues; therefore, it does not know whether transportation rates for liners represent cost plus a reasonable profit.

Recommendation To Agencies: The Secretary of Agriculture should require publicly opened transportation offers. The offered transportation rates must be firm and nonnegotiable, and awards should be consistent with open, competitive, and responsive bid procedures. USDA should provide an observer for transportation bid openings, as it does for commodity bids. The Secretary of Agriculture should establish a clear policy to minimize USDA transportation expenditures, consistent with cargo preference requirements. The Secretary of Agriculture should direct the Administrator, Foreign Agricultural Service (FAS), to revise and implement program regulations on the basis of this policy. FAS should emphasize cost reductions in the problem areas identified by GAO, including: (1) computation of ocean freight differentials; (2) allocation of cargo; (3) shipment on the basis of lowest landed cost; (4) requirement for demurrage and despatch; and (5) elimination of

unnecessarily restrictive tender terms. The Secretary of Transportation should direct the Administrator, MARAD, to devise and institute a method for assessing whether transportation rates for liners represent cost plus a reasonable profit. Also, vessel owners should be required to have their independent accountants semiannually certify that vessel costs and operating data are accurate. The Secretary of Agriculture should issue regulations requiring certification that nonlinear U.S. flag vessels do not scrap or carry cargo on a return voyage. The regulations should also provide that the guideline rate will be recalculated and the transportation rate adjusted if a vessel obtains backhaul cargo or is scrapped or sold overseas.

127235

[Protest of FAA Method for Evaluating Offers for Leasing Space]. B-214269. June 21, 1985. 7 pp. *Decision* re: Nenana, AK; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Nenana, AK; Federal Aviation Administration.

Authority: OMB Circular A-104. B-213417 (1984). B-215053 (1984). B-200523.3 (1982).

Abstract: The City of Nenana, Alaska, protested the Federal Aviation Administration's (FAA) method of evaluating offers submitted in response to a solicitation for leasing agreements. FAA solicited offers for leasing agreements to compare the offers with the feasibility of constructing its own facility, and determined the costs associated with leasing and the costs for FAA construction of a facility at each site for which a lease offer was received. The protester contended that: (1) the solicitation provided insufficient information about evaluation factors; (2) FAA improperly determined the present value of its estimate for constructing its own facility; and (3) FAA failed to include any imputed property tax or insurance premiums in its calculations for facility construction costs. GAO held that: (1) the lease costs were deflated and discounted in order to put both alternatives in terms of present value for comparison purposes; (2) the protester's offer was not credited with the residual value of its facility because it offered a lease, not a lease-purchase agreement; (3) neither FAA nor the protester included imputed property taxes because, as government entities, neither was obligated to pay property taxes; and (4) FAA properly decided not

to award a contract to any of the offerers but to construct its own facility. Accordingly, the protest was denied.

127253

[Key Aspects of FAA's Plans To Acquire the Multi-Billion Dollar Advanced Automation System and Related Programs]. IMTEC-85-11; B-206887. June 17, 1985. 10 pp. plus 3 appendices (8 pp.). *Report to Rep. William Lehman, Chairman, House Committee on Appropriations: Transportation Subcommittee;* by Warren G. Reed, Director, Information Management and Technology Division. Refer to Testimony, April 16, 1986, Accession Number 129644; Testimony, April 23, 1986, Accession Number 129700; IMTEC-86-24, July 8, 1986, Accession Number 130514; Testimony, September 24, 1986, Accession Number 131079; and T-IMTEC-87-4, April 21, 1987, Accession Number 132743.

Issue Area: Transportation: Adequate Justification and Management of NAS Plan Procurements (6604); Information Management and Technology: Other Issue Area Work (7191).

Contact: Information Management and Technology Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee; *Rep. William Lehman.*

Authority: OMB Circular A-109. DOT Order 4200.14B.

Abstract: Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) efforts to acquire a more automated air traffic control system, including: (1) the Advanced Automation System (AAS) computer hardware and software replacement program; (2) the Automated En Route Air Traffic Control (AERA) program; and (3) the Mode S program. **Findings/Conclusions:** GAO found that: (1) FAA will not perform some planned simulation tests of the advanced automated functions of AERA prior to including the specifications in the AAS acquisition contract; (2) FAA plans to test and validate AERA specifications are uncertain at this time; and (3) FAA lacked adequate information to make a sound and objective AAS production decision. GAO also found that: (1) FAA selected an acquisition strategy which called for concurrent full-scale

development, testing, and production; (2) awarding the acquisition contract without adequately validating advanced automation functions could lead to higher costs, schedule delays, and deployment of a system that does not perform in an operational environment; (3) problems in developing test software prevented most of the simulation tests; and (4) FAA does not plan to complete development of the AAS or its subsystems or demonstrate system performance capabilities because it will base its acquisition decision on information the contractors develop during the design competition phase.

127254

[Financial Aspects of the Maritime Administration's Title XI Federal Ship Financing Fund]. June 25, 1985. 12 pp. plus 17 attachments (19 pp.). *Testimony* before the House Committee on Merchant Marine and Fisheries: Merchant Marine Subcommittee; by Dennis J. Duquette, Senior Group Director, Accounting and Financial Management Division.

Contact: Accounting and Financial Management Division.

Organization Concerned: Maritime Administration.

Congressional Relevance: House Committee on Merchant Marine and Fisheries: Merchant Marine Subcommittee.

Authority: Merchant Marine Act, 1936. Ship Financing Act (Federal). Maritime Act.

Abstract: Pursuant to a congressional request, GAO discussed on the Maritime Administration's Title XI Federal Ship Financing Fund and summarized its financial aspects. The Federal Ship Financing Program was created to encourage construction of vessels through loan guarantees and had outstanding guarantees and commitments of \$6.8 billion in May 1985. Since its inception, the program has grown rapidly and remained stable until the past few years, when the number of defaults began to rise dramatically subsequent to revisions to the Maritime Act. The Inspector General reported that loan defaults were expected to reach \$500 million by 1986 and, with liquid assets of only \$8 million, the Fund will have to borrow from the Treasury. The Fund continues to make advances to financially troubled vessel owners experiencing difficulties in making their loan payments; however, it is now requiring repayment within a 5-year period. GAO noted that the allowances for probable losses had not been

established and did not conform with the Comptroller General's principles and standards of accounting. If these standards had been followed, a clear picture of the deterioration could have evolved more quickly.

127271

[The Status of a Gas Generator Engine for the Coast Guard Cutter Boutwell]. RCED-85-125; B-215872. June 25, 1985. 5 pp. *Report* to Sen. William V. Roth, Jr., Chairman, Senate Committee on Governmental Affairs; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Water Transportation (403.0).

Organization Concerned: United States Coast Guard.

Congressional Relevance: Senate Committee on Governmental Affairs; Sen. William V. Roth, Jr.

Abstract: Pursuant to a congressional request, GAO reviewed the status of a rebuilt gas generator engine that the Coast Guard purchased for one of its cutters, including the applicability of the warranty, and changes the Coast Guard has made to ensure that it does not experience a recurrence of the problem it had with that engine.

Findings/Conclusions: GAO found that the Coast Guard policy for replacement engines was to issue a repaired/rebuilt engine from its inventory. However, since it determined that it did not have a rebuilt engine in its inventory or sufficient time to have the cutter's engine repaired, the Coast Guard awarded a contract for the purchase of a replacement engine. Although the engine met Coast Guard specifications, it contained parts that had previously been used in an aircraft engine which the original manufacturer recommended not be used in marine engines because of possible failure that could cause damage to the ship and injury to the crew; therefore, the Coast Guard decided not to use the engine and shipped the engine to a training center, where the expensive parts were removed and stored for use in repairing other engines. The Coast Guard General Counsel found that there was no legal basis to require the contractor to replace the defective parts, since the warranty covered engine failures, and the engine had never been used. The Coast Guard has revised its specifications for the repair and

overhaul of gas generator engines and has a goal to have a sufficient number of rebuilt engines on hand to preclude the need to purchase engines. It also holds the contractor responsible for the replacement of any part which does not meet the specifications and, if the contractor refuses to replace the part, the Coast Guard can have the part replaced and can bill the original contractor for the cost of replacement.

127277

[Protest of Any Coast Guard Contract Award for a Marine Boat Hoist]. B-217593. June 26, 1985. 3 pp. *Decision* re: Siska Construction Co., Inc.; by Seymour Efron, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Siska Construction Co., Inc.; United States Coast Guard.

Authority: 13 C.F.R. 121.3-6. B-200680 (1981). B-209859 (1982). B-212963 (1983). B-214354 (1984). B-217058 (1984). 15 U.S.C. 637(b).

Abstract: A firm protested a Coast Guard contract award for a marine boat hoist to any bidder other than itself, contending that: (1) the other low bidders were not small businesses for this procurement; (2) the agency used an incorrect standard industrial classification; (3) since the award was to be made in the aggregate, the low bidder was nonresponsive by bidding no charge for two items; and (4) the low bidder created an unfair bidding situation. GAO would not review the portions of the protest regarding size status and industrial classification, since the Small Business Administration had conclusive authority over those matters. GAO also held that the: (1) no-charge bid was responsive; and (2) protester failed to prove its allegation that the low bidder created an unfair bidding situation. Accordingly, the protest was denied.

127296

[Request for Reconsideration of Decision Sustaining Protest of a Coast Guard Procurement]. B-218447.2. June 25, 1985. 4 pp. *Decision* re: Turbine Engine Services Corp.; by Milton J. Socolar, Acting Comptroller General.

Contact: Office of the General Counsel.

Organization Concerned: Turbine Engine Services Corp.; United States Coast Guard.

Authority: 4 C.F.R. 21.3(f)(5). B-215281 (1984). B-215281.2 (1984). B-215281.4 (1985). B-216725 (1984). B-217145 (1985).

Abstract: A firm requested reconsideration of a decision which held that the Coast Guard improperly cancelled a solicitation, contending that the decision was erroneous because: (1) it was inconsistent with an earlier decision; (2) the awardee should have been ineligible for award because of unacceptable performance on a prior contract; and (3) it should have received the award as the low bidder. GAO held that: (1) although the decision was inconsistent with an earlier decision, facts which developed during subsequent protests showed that the cancellation was not justified; (2) unsatisfactory past performance did not render a firm ineligible for award; and (3) the protester's bid was nonresponsive because it failed to specify prices for required line items and the bid price could not be determined at bid opening. Accordingly, the prior decision was affirmed.

127299

[Operating Chartered Flights From Commercial Airports Has Not Reduced Transportation Costs]. NSIAD-85-60; B-210119. June 24, 1985. 2 pp. plus 1 enclosure (10 pp.). Report to Gen. Thomas M. Ryan, Commander, Department of the Air Force: Military Airlift Command; by Henry W. Connor, Senior Associate Director, National Security and International Affairs Division.

Issue Area: Army: Other Issue Area Work (5591)

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of the Air Force: Military Airlift Command; Department of Defense.

Abstract: Pursuant to a 1978 Defense Audit Service report on the closing of some Military Airlift Command (MAC) passenger terminals, GAO reviewed the move of MAC chartered international flights from MAC passenger terminals to commercial airports.

Findings/Conclusions: GAO found that: (1) the savings expected by moving MAC international flights to commercial airports have not materialized; and (2) the move cost the Department of Defense (DOD) an estimated \$1.5 million more because MAC continued to operate military passenger terminals

simultaneously with its commercial terminal operations. The Air Force maintained that the military terminals were needed for readiness purposes; therefore, GAO reviewed whether it would be more cost-effective to close the commercial terminals and return charter flights to military terminals. GAO found that: (1) operating from both commercial and military facilities has resulted in additional operating costs; and (2) either military terminal operations or commercial operations should be scaled down, depending on DOD needs.

127308

[Protest of FAA Contract Award for Ramp Rehabilitation]. B-218640. June 28, 1985. 3 pp. *Decision re:* Prince George's Contractors, Inc.; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Prince George's Contractors, Inc.; Federal Aviation Administration.

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3553). 4 C.F.R. 21.3. 4 C.F.R. 21.9. B-218241 (1985).

Abstract: A firm protested a Federal Aviation Administration (FAA) contract award, contending that the award was improper because FAA significantly modified the contract the day after the award, denying other bidders the opportunity to bid on the basis of the contract awarded. After filing the instant protest, the protester filed suit in a federal court. GAO held that bid protest regulations required the dismissal of any protest where the matter involved was the subject of litigation before a court of competent jurisdiction. Accordingly, the protest was dismissed.

127323

Reported Federal Drug Abuse Expenditures--Fiscal Years 1981 to 1985. GGD-85-61; B-217976. June 3, 1985.

Released July 3, 1985. 6 pp. plus 4 appendices (6 pp.). Report to Rep. Charles B. Rangel, Chairman, House Select Committee on Narcotics Abuse and Control; Rep. Benjamin A. Gilman, Ranking Minority Member, House Select Committee on Narcotics Abuse and Control; by William J. Anderson, Director, General Government Division. Refer to GGD-88-39, 1988, Accession Number 135158; and GGD-88-24, February 12, 1988, Accession Number 135271.

Issue Area: Administration of Justice: Other Issue Area Work (4791).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Law Enforcement Activities (751.0).

Organization Concerned: Executive Office of the President: White House Office: Drug Abuse Policy Office.

Congressional Relevance: House Select Committee on Narcotics Abuse and Control; Rep. Benjamin A. Gilman; Rep. Charles B. Rangel.

Abstract: In response to a congressional request, GAO determined: (1) whether drug abuse budget expenditures for fiscal years (FY) 1981 through 1985 accurately reflected what each federal agency spent on drug-related expenditures; (2) the criteria federal agencies used in reporting such expenditures; and (3) the real increase or decrease in the expenditures after inflation, as well as the reasons for the change.

Findings/Conclusions: GAO found that the summary prepared by the White House Drug Abuse Policy Office fairly represented the overall level of outlays by federal agencies involved in drug abuse programs; however, the Office failed to: (1) establish specific criteria for agencies to follow in allocating the expenditures and documenting reported outlays. GAO found that: (1) total federal outlays for drug abuse programs increased more than 40 percent; (2) 78 percent of the FY 1985 outlay will go to drug law enforcement and 22 percent will go to drug abuse prevention and treatment programs; (3) grants for drug abuse prevention and treatment decreased about 16 percent; and (4) expenditures for law enforcement programs exceeded the rate of inflation by 51 percent. GAO found that increases in drug law enforcement outlays have been primarily due to internal reprogramming by the agencies and new funding for other agencies. Due to the consolidation of categorical grants into a block grant program, funding for treatment and prevention was reduced to reflect savings in federal overhead. The block grant program gives the states more discretion in how funds will be spent and broader administrative responsibilities. GAO found that inclusion of the block grant program in the federal drug abuse budget would more accurately reflect the amount of drug abuse expenditures, but that states do not report drug abuse program expenditures funded by the block grant program.

127347

[Request for Reconsideration of Dismissal of Protest of Subcontractor Selection Under FAA RFP]. B-219108.2. July 8, 1985. 3 pp. *Decision re: Rohde & Schwarz-Polarad, Inc.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).*

Contact: Office of the General Counsel.

Organization Concerned: Rohde & Schwarz-Polarad, Inc.; Systems and Applied Sciences Corp.; Federal Aviation Administration.

Authority: Competition in Contracting Act of 1984 (P.L. 98-369; 31 U.S.C. 3551 et seq.; 98 Stat. 1175). 4 C.F.R. 21.3(f)(10). 54 Comp. Gen. 767. B-219108.1 (1985). B-213682 (1984).

Abstract: A firm requested reconsideration of the dismissal of its protest against a Federal Aviation Administration (FAA) contractor's subcontract award for direction finders. GAO had held that the award did not fall within the limited circumstances under which it would consider protests relating to subcontract awards. In its request for reconsideration, the protester contended that FAA participation in the procurement process led to the rejection of its proposal under the prime contractor's solicitation. GAO held that: (1) it would not consider the protest unless the prime contractor was acting as an agent for FAA in the procurement; and (2) FAA participation in subcontractor selection did not indicate that the prime contractor was acting as an agent for FAA. Accordingly, the original dismissal was affirmed.

127352

[Determining a Value for National and Dulles Airports for Transfer to a Local Airport Authority]. July 10, 1985. 12 pp. *Testimony* before the Senate Committee on Governmental Affairs: Governmental Efficiency and the District of Columbia Subcommittee; by Oliver W. Krueger, Senior Associate Director, Resources, Community, and Economic Development Division.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration: Washington National Airport; Federal Aviation Administration: Washington Dulles International Airport.

Congressional Relevance: Senate Committee on Governmental Affairs: Governmental Efficiency and the District of Columbia Subcommittee.

Authority: Airport and Airway Improvement Act of 1982. Property and Administrative Services Act. Surplus Property Act. S. 1017 (99th Cong.).

Abstract: GAO discussed the transfer of federal ownership and control of Washington National and Dulles International Airports from the Department of Transportation (DOT) to an independent regional airport authority. GAO identified three alternate methods for valuing the two airports either separately or as a combined entity, including: (1) obtaining the fair market value of the airports; (2) recovering what the airports cost the government; and (3) transferring the airports at no cost. GAO noted that: (1) traditional fair-market-value methods were difficult to apply to the proposed transfer because existing and proposed restrictions on airport operations and earnings limited all revenues to be used to pay capital and operating costs; (2) an open sale of the airports may not be feasible, since all major commercial airports are owned and operated by cities, states, or airport authorities; (3) the government could determine a fair market value by estimating future earnings and then calculating the present discounted value of those earnings, but the earnings restriction complicated this method of valuation; and (4) comparable market transactions could be identified to determine what users are currently paying for similar services at other airports. GAO found that fair market value could be estimated by using: (1) either the modified discounted future earnings method or the replacement cost approach; or (2) the federal government's unrecovered investment in the airports. GAO noted that applicable law allows an agency to transfer any properties that it has determined are surplus to its needs and responsibilities; however, it is not clear whether the airports could be designated as surplus properties.

127359

[Seatbelt Use in Motor Vehicles on Military Installations]. NSIAD-85-66; B-216218. April 26, 1985.

Released May 28, 1985. 6 pp. *Report* to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce; by Frank C. Conahan, Director, National Security and International Affairs Division.

Issue Area: Manpower and Reserve Affairs: Other Issue Area Work (5891); Transportation: Adequacy of NHTSA Promotion of Motor Vehicle Safety (6612).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of Defense.

Congressional Relevance: House Committee on Energy and Commerce; Rep. John D. Dingell.

Abstract: In response to a congressional request, GAO reviewed the Department of Defense (DOD) traffic safety program to determine the adequacy and enforceability of DOD instructions concerning seatbelt use, and the extent to which these instructions are being enforced and complied with on military installations.

Findings/Conclusions: DOD requires seatbelt use by all military personnel and DOD civilian employees who operate or ride in motor vehicles on military installations. GAO found that DOD has the legal authority to issue and enforce regulations requiring universal seatbelt use by motorists travelling on DOD-controlled land; however, GAO found that DOD guidance on seatbelt use lacks sufficient specificity on enforcement and that there is little enforcement at some installations. At about half of the installations GAO contacted, officials reported that the mandatory use of seatbelts was enforceable to a great extent. Officials at other installations considered the seatbelt requirement to be difficult to enforce. Military installations which had specific penalties assessed traffic points rather than monetary fines for seatbelt violations. In visiting 53 installations, GAO found few indications of seatbelt warnings or enforcement. Surveys have shown that the use of seatbelts at military installations ranged between 48 and 99 percent, which is a far greater rate of use than that demonstrated by surveys of seatbelt use by the general public. DOD is currently revising the seatbelt requirement so that it will: (1) apply to everyone driving on a DOD road, not just military personnel and civilian employees; and (2) specify penalties for noncompliance.

127418

Coordination of Federal Drug Interdiction Efforts. GGD-85-67; B-217643. July 15, 1985.

Released July 18, 1985. 7 pp. plus 2 appendices (20 pp.). *Report* to Rep. Glenn L. English, Chairman, House Committee on Government Operations: Government Information, Justice, and Agriculture

Subcommittee; by William J. Anderson, Director, General Government Division. Refer to GGD-88-24, February 12, 1988, Accession Number 135271.

Issue Area: Administration of Justice: Obstacles Congress and Agencies Should Address in Coordinating Law Enforcement Resources (4701).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Law Enforcement Activities (751.0).

Organization Concerned: National Narcotics Border Interdiction System; National Drug Enforcement Policy Board; United States Customs Service; United States Coast Guard; Drug Enforcement Administration.

Congressional Relevance: House Committee on Government Operations: Government Information, Justice, and Agriculture Subcommittee; *Rep.* Glenn L. English.

Authority: Posse Comitatus Act (Use of Army). Narcotics Act of 1984 (National) (P.L. 98-473).

Abstract: Pursuant to a congressional request, GAO reviewed the operations of the National Narcotics Border Interdiction System (NNBIS).

Findings/Conclusions: NNBIS is an informal coordinating body that recommends, but does not direct, actions by agencies involved in drug interdiction. Each NNBIS center is designed to: (1) gather and collate drug trafficking intelligence and pass information on to law enforcement agencies; (2) assist law enforcement agencies in the detection and tracking of suspected smugglers; (3) review civilian and military interdiction resources; (4) recommend actions to appropriate agencies for surveillance, interception, and seizure of illegal drug shipments; and (5) coordinate joint operations involving civilian and military agencies. GAO found that: (1) while NNBIS has had difficulty acquiring tactical intelligence, its ability to do so has been increased by improved accessibility to the national intelligence community; (2) NNBIS has not played a coordinating role in most drug interdictions; (3) the extent of NNBIS participation in drug interdiction has varied widely among regional centers; and (4) the reactions of local law enforcement officials to NNBIS were mixed, but many credited NNBIS with facilitating access to previously unavailable military resources. In addition, GAO found that: (1) recent legislation establishing the National Drug Enforcement Policy Board left the status of NNBIS unclear; (2) the organizational placement of NNBIS could limit the Board's ability to

facilitate the coordination of drug interdiction.

127433

Reviews of the Trans-Alaska Pipeline Liability Fund's Financial Statements for the Years Ended December 31, 1983 and 1982. AFMD-85-13; B-208638. July 22, 1985. 2 pp. plus 1 appendix (9 pp.). *Report to Congress*; by Charles A. Bowsher, Comptroller General.

Issue Area: Financial Statement Audits of Government Entities: Audit Agency, Corporation, Legislative Branch, and Pension Fund Financial Statements (7502).

Contact: Accounting and Financial Management Division.

Budget Function: Financial Management and Information Systems: Regulatory Accounting Rules and Financial Reporting (998.6);

Transportation: Water Transportation (403.0).

Organization Concerned: Deloitte Haskins & Sells; Trans-Alaska Pipeline Liability Fund.

Congressional Relevance: Congress.

Authority: Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1653(c)(4)).

Abstract: GAO reviewed audits of the statement of net assets available for claims of the Trans-Alaska Pipeline Liability Fund as of December 31, 1983 and 1982.

Findings/Conclusions: GAO relied on the work and reports of the Fund's independent auditors, rather than conducting the financial audit itself. GAO found that: (1) the audits were conducted in accordance with generally accepted government auditing standards; (2) the collection of fees from oil owners stopped when \$100 million had accumulated in the Fund, as required by the Trans-Alaska Pipeline Authorization Act; and (3) the auditors' opinion that the Fund's financial statements fairly presented its available net assets was appropriate. GAO also found that the auditors' work did not disclose any material internal control weaknesses or noncompliance with laws and regulations.

127462

[Entitlement of DOT Employee to Reimbursement for Real Estate Expenses Incident to Transfer]. B-217518. July 23, 1985. 4 pp. *Decision re:* William T. Cook; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration.

Authority: F.T.R. para. 2-1.4i. F.T.R. para. 2-6.1. B-202758 (1982). 5 U.S.C. 5724a.

Abstract: The Federal Aviation Administration (FAA) requested a decision concerning an employee's entitlement reimbursement for real estate sales expenses incident to his transfer. FAA allowed the employee's claim for selling his former residence because the certifying officer concluded that the move was for personal reasons. The employee appealed the determination, contending that he regularly commuted to his home at the old duty station. GAO held that the amount of commuting which the employee performed between his old and new duty stations failed to satisfy the statutory definition of regular commuting for purposes of real estate expense reimbursement; therefore, he could not be reimbursed for the expenses of selling that residence. The certifying officer also questioned the propriety of payments made to the employee for the shipment and storage of household goods, temporary quarters subsistence expenses, permanent change-of-station travel expenses, and miscellaneous expenses. However, since these expenses were incurred in connection with the employee's transfer, GAO found no reason to object to the payments. Accordingly, the claim was allowed in part and dismissed in part.

127467

GAO's Analysis of Audit and Investigative Reports Concerning U.S. Coast Guard Procurement. RCED-85-144; B-215872. July 16, 1985. 36 pp. plus 1 appendix (7 pp.). *Report to Sen. William V. Roth, Jr., Chairman, Senate Committee on Governmental Affairs*; by Ralph V. Carlone, (for J. Dexter Peach, Director), Resources, Community, and Economic Development Division. Refer to RCED-87-3, April 13, 1987, Accession Number 132655.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Water Transportation (403.0).

Organization Concerned: United States Coast Guard; Department of Transportation: Office of Inspector General.

Congressional Relevance: Senate Committee on Governmental Affairs; *Sen. William V. Roth, Jr.*

Abstract: In response to a congressional request, GAO initiated a review of the Coast Guard's procurement process to present information on inventory and audit efforts and to identify patterns of findings and recommendations.

Findings/Conclusions: GAO found that the Coast Guard's procurement authority nearly doubled between fiscal years 1980 and 1984. In addition, year-end balances of unobligated procurement authority have increased from about \$67 million to \$536 million. During the same time period, problems have occurred in all phases of the Coast Guard's acquisition cycle, including the identification of the types of items that should be procured for meeting mission responsibilities, procuring those items, and managing procured items. Many of the studies GAO reviewed cited problems in the needs determination process. In addition, GAO reviewed problems with specifications preparation and inventory management. Although the audit and investigative studies that GAO reviewed described problems in particular activities or acquisitions, GAO found that the same types of problems related to every phase of the acquisition process and the pattern of findings and recommendations indicated that systemwide deficiencies might exist in the Coast Guard's acquisition process. A Department of Transportation Office of Inspector General report made a similar observation, noting that errors and weaknesses identified in major acquisitions were dealt with only on an ad hoc basis, rather than being addressed as systemic problems.

127468

[GAO's Reports on the FHWA Disadvantaged Business Enterprise and Outdoor Advertising Control Programs]. July 31, 1985. 13 pp. *Testimony* before the Senate Committee on Environment and Public Works: Transportation Subcommittee; by Oliver W. Krueger, Senior Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-85-31, March 15, 1985, Accession Number 126468; and RCED-85-34, January 3, 1985, Accession Number 125974.

Contact: Resources, Community, and Economic Development Division.

Congressional Relevance: Senate Committee on Environment and Public Works. Senate Committee on Environment and Public Works: Transportation Subcommittee.

Authority: Surface Transportation Assistance Act of 1982. Highway Beautification Act of 1965.

Abstract: GAO discussed the Federal Highway Administration's (FHWA) Disadvantaged Business Enterprise Program and Outdoor Advertising Control Program. GAO found that, since FHWA promoted increased use of disadvantaged businesses in federal-aid highway work, the amounts of contract funds going to minority businesses had steadily increased. Federal and state records indicated that capabilities existed among certified minority businesses to perform 10 percent of highway work, but their ability was limited by time, geographic, and competitive factors. Training and assistance are available in varying degrees to minority businesses. GAO also found that the problems it identified had little adverse effect on the businesses' overall ability to obtain highway construction work. In its review of the Outdoor Advertising Program, GAO found that, although about 587,000 signs had been removed under the program, about 172,000 nonconforming and illegal signs remained along the nation's highways, and little federal funding was available for removal compensation. FHWA overall oversight of the state sign-control program has declined as federal funding decreased and, in lieu of monetary compensation, many localities allowed sign owners to retain their signs. Most states also indicated that these sign owners were not allowed to control vegetation or cut trees near signs along interstate or primary highways; however, 24 states reported instances of illegal cutting of vegetation or trees.

127495

Urban Mass Transportation Administration's New Formula Grant Program: Operating Flexibility and Process Simplification. RCED-85-79; B-210509. July 15, 1985. 41 pp. plus 2 appendices (5 pp.). *Report to Congress*; by Charles A. Bowsher, Comptroller General. Refer to RCED-85-26, February 19, 1985, Accession Number 126251.

Issue Area: Transportation: Effective UMTA Management of Its Mass Transit Grants While Minimizing Federal Interference in Local Operations (6602).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Urban Mass Transportation Administration.

Congressional Relevance: Congress.

Authority: Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.).

Federal Aid Highway Act of 1973 (P.L. 93-87). Surface Transportation Assistance Act of 1982.

Abstract: GAO reviewed the Urban Mass Transportation Administration's (UMTA) new formula assistance grant program to determine what changes have occurred in the organizations and activities of federal, state, and local participants as a result of the program. **Findings/Conclusions:** GAO found that: (1) transit authorities were using most of the Section 9 program features that provided them with increased flexibility; (2) most transit authorities did not include contingency projects on their grant applications or transfer funds between urbanized areas; and (3) although authorities had considerable flexibility in using section 9 funds, they continued to fund the same types of projects under the section 9 program that they funded under prior UMTA programs. GAO noted that: (1) about 62 percent of the transit authorities submitted a single grant application to UMTA covering all of the projects they planned to fund with fiscal year 1984 section 9 funds; (2) under the prior UMTA program, authorities had to submit a separate grant application for each project, which resulted in similar documentation for each project; and (3) authorities self-certified their compliance with certain statutory and UMTA requirements, in lieu of submitting lengthy statements of compliance. GAO also found that: (1) there is an advantage to listing contingency projects, so that a grantee can substitute those projects if some projects are subsequently deleted or delayed; (2) participants were able to implement the section 9 program with little change in activities; and (3) administrative work loads remained the same or increased as a result of the section 9 program.

127508

[Protest of DOT Specification in IFB for Ship Conversion]. B-218875.2. July 29, 1985. 7 pp. *Decision re:* Southwest Marine, Inc.; by James F. Hinchman, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Southwest Marine, Inc.; Maritime Administration. Merchant Marine Act, 1970 (P.L. 91-469; 84 Stat. 1018). Maritime Act of 1981 (P.L. 97-31; 95 Stat. 151). 4 C.F.R. 21.0(a). F.A.R. 28.101-1(a). F.A.R. 28.103. F.A.R.

36.102. F.A.R. 1201.601. F.A.R. 1202.101. S. Rept. 91-1080. Title Guaranty and Trust Co. v. Crane Co., 219 U.S. 24 (1910). United States v. Kimrey, 489 F.2d 339 (8th Cir. 1974). B-217443 (1985). B-199445 (1982). B-204303 (1981). B-216049 (1984). B-208148.2 (1982). B-215738 (1985). Public Building Contracts Act (Bonds of Contractors) (40 U.S.C. 270).

Abstract: A firm protested under a Maritime Administration (MARAD) solicitation for a ship conversion, contending that: (1) a requirement for payment and performance bonds was unduly restrictive and would limit competition; (2) MARAD erroneously assumed that the Miller Act, which required such bonds in connection with public works contracts, was applicable to the instant procurement, while the Miller Act was not applicable to the procurement because a government-owned ship was not a public work; (3) the requirement violated certain provisions of the Federal Acquisition Regulation (FAR); and (4) MARAD concern that shipyards would underbid on the solicitation, which was the primary reason for the requirement, constituted an improper predetermination of bidder responsibility. GAO held that: (1) MARAD received eight bids, seven of which contained bid guarantees, which refuted the protester's assertion that the bond requirement unduly limited competition; (2) it was clear from the legislative history and judicial applications of the act that it was applicable to the instant procurement; (3) the specified FAR section was inapplicable to the waiver of bonding requirements for ship contracts; and (4) MARAD did not predetermine responsibility, but reasonably determined that the bonding requirement was necessary, based on its own experience with shipyards. Accordingly, the protest was denied.

127522

[EPA Testing Responsibilities Under Corporate Average Fuel Economy Program]. B-217744. June 3, 1985.

Released July 3, 1985. 8 pp. *Letter to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).*

Contact: Office of the General Counsel.
Organization Concerned: Environmental Protection Agency.
Congressional Relevance: House Committee on Energy and Commerce:

Oversight and Investigations Subcommittee; Rep. John D. Dingell.
Authority: Energy Policy and Conservation Act (P.L. 94-163; 89 Stat. 871). Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001 et seq.). Clean Air Act. Administrative Procedure Act (5 U.S.C. 551 et seq.). 48 Fed. Reg. 56526. 49 Fed. Reg. 48024. H. Rept. 94-340.

Abstract: In response to a congressional request, GAO presented its views on: (1) the scope of the Environmental Protection Agency's (EPA) authority to modify test procedures under the Corporate Average Fuel Economy (CAFE) Program; (2) whether test modifications may be accomplished informally; and (3) whether EPA adequately responded to a circuit court order to address discrepancies resulting from test modifications made in 1979. GAO found that EPA did not exceed its authority to change test procedures and, because it was unaware of possible technical or clerical reasons which justified the past handling of the CAFE testing program or proposed CAFE adjustments, it was not in a position to raise legal objections to those changes. However, GAO believes that, in the future, EPA should use formal rulemaking to accomplish test changes, unless a specific exception applies. Finally, GAO found that the EPA proposed rulemaking adequately responded to the court order.

127543

[The National Highway Traffic Safety Administration's Activities Involving Ford Transmission "Park-to-Reverse" Incidents]. August 1, 1985. 14 pp. plus 1 attachment (3 pp.). *Testimony before the House Committee on Energy and Commerce: Telecommunications, Consumer Protection, and Finance Subcommittee; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division.*

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: National Highway Traffic Safety Administration; Ford Motor Co.

Congressional Relevance: House Committee on Energy and Commerce: Telecommunications, Consumer Protection, and Finance Subcommittee.

Abstract: Pursuant to a congressional request, GAO discussed its ongoing review of National Highway Traffic Safety Administration (NHTSA) actions in connection with a transmission defects case. GAO found that: (1)

NHTSA has monitored the results of a settlement agreement and the complaint rate, rather than individual actions of vehicle owners to place warning labels in their vehicles; (2) NHTSA believed that a warning letter to owners served as the primary mechanism for alerting them to recommended safety precautions; (3) NHTSA reported that the number and rate of transmission incidents has declined every year since the settlement; (4) fatality data showed that, while there was a decline in fatalities in the first year following the settlement, there was an overall increase after that; (5) NHTSA made a commitment to inform the public how to properly and safely park vehicles, including a general news release on safe driving practices that was distributed as a public service announcement; and (6) NHTSA changed the language used in responding to consumer calls and written inquiries to be more specific about the case investigation and the potential safety problem associated with the vehicles.

127545

Installation of Automated Weather Observing Systems by FAA at Commercial Airports Is Not Justified. RCED-85-78; B-217700. July 29, 1985. 19 pp. plus 4 appendices (10 pp.). *Report to Rep. William Lehman, Chairman, House Committee on Appropriations: Transportation Subcommittee; by Charles A. Bowsher, Comptroller General. Refer to Testimony, April 16, 1986, Accession Number 129660; RCED-86-124BR, May 21, 1986, Accession Number 129923; T-RCED-87-23, May 8, 1987, Accession Number 132907; T-RCED-87-20, April 21, 1987, Accession Number 132742; RCED-87-8, March 26, 1987, Accession Number 132534; RCED-88-77, February 8, 1988, Accession Number 135209; and RCED-89-7, November 10, 1988, Accession Number 137406.*

Issue Area: Transportation: Efficiency and Effectiveness of FAA Management of Its Aviation Weather Plan (6606).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation; National Oceanic and Atmospheric Administration; National Weather Service.

Congressional Relevance: House Committee on Public Works and

Transportation: Aviation Subcommittee; House Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee; Senate Committee on Appropriations: Transportation Subcommittee; *Rep.* William Lehman.

Authority: Aviation Act (P.L. 85-726).

Abstract: Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) installation of automated weather observing systems (AWOS) at commercial and general aviation airports, focusing on: (1) the performance of automated weather sensors in making weather observations in various FAA tests and demonstrations; and (2) the cost-effectiveness of installing automated systems at commercial airports that already have weather observers.

Findings/Conclusions: GAO found that FAA has established operational requirements for automated weather systems to ensure that they provide observations at least as accurate and complete as those presently provided by human weather observers. Both FAA and the National Weather Service, which currently provides weather reports to FAA, consider these operational requirements essential to aviation safety. However, FAA tests and demonstrations have shown that the planned automated systems do not meet operational requirements for measuring four of the nine required weather elements. Specifically, GAO found that: (1) cloud height sensors could only measure cloud ceilings up to half the height required and presently reported by weather observers; (2) visibility sensors could not measure to the required distance, and the error in their measurement increased during marginal and hazardous weather, when accurate visibility information is most important; (3) precipitation sensors could not distinguish among types of precipitation and could not detect the occurrence of precipitation 62 percent of the time; and (4) the system was not designed to detect or measure thunderstorm activity. In addition, GAO found that: (1) FAA will augment the automated systems with human observers to ensure that current weather observation requirements are met; (2) FAA incorrectly estimated both the cost of maintaining the present weather observation system and that of maintaining automated systems; and (3) it is not cost-effective for FAA to install automated weather observation systems at commercial airports.

Recommendation To Agencies: The Secretary of Transportation should not request funds for installing AWOS at

commercial airports until the system meets FAA operational requirements for weather observations and is more cost-effective than the present weather observer system.

127575

[Protest of Coast Guard Bid Rejection as Nonresponsive]. B-219625. August 2, 1985. 2 pp. *Decision re:* Scot Forge; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel. **Organization Concerned:** Scot Forge; United States Coast Guard.

Authority: B-216082 (1984). B-211016 (1983). B-217290 (1985).

Abstract: A firm protested the rejection of its bid under a Coast Guard small business set-aside solicitation. The Coast Guard rejected the bid as nonresponsive because the protester certified that not all supplies to be furnished would be produced by a small business. The protester contended that the specification requiring the certification was ambiguous and that it did not realize that the certification applied only to the manufacture of the required end products. GAO held that: (1) the interpretation of the small business certification was well established; and (2) since the bid failed to establish that the protester would furnish supplies manufactured by a small business, the Coast Guard was required to reject the bid. Accordingly, the protest was dismissed.

127578

[Request for Reconsideration of Protest of FAA Procurement]. B-219255.3. August 2, 1985. 2 pp. *Decision re:* Sam Brown Co.; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel. **Organization Concerned:** Sam Brown Co.; Federal Aviation Administration. **Authority:** 4 C.F.R. 21.2. B-217408 (1985). B-218036 (1985). B-211788 (1983).

Abstract: A firm requested reconsideration of its protest of a Federal Aviation Administration procurement under the significant issue exception. GAO had dismissed the protest because the protester did not timely protest within 10 working days after it knew the basis for protest. GAO held that the protest concerned an issue that did not warrant consideration as a significant issue. Accordingly, the

request for reconsideration was dismissed.

127597

[Eligibility for FAA Employee Relocation Assistance Program]. B-219502. August 1, 1985. 2 pp. *Letter to* Glen R. Goodman, Federal Aviation Administration; by Michael R. Volpe, Senior Attorney, Office of the General Counsel.

Contact: Office of the General Counsel. **Organization Concerned:** Federal Aviation Administration.

Authority: 57 Comp. Gen. 770. B-185095 (1976). 31 U.S.C. 3529. 31 U.S.C. 3702.

127633

Management Improvement Could Enhance Enforcement of Coast Guard Marine Safety Programs. RCED-85-59; B-215843. August 15, 1985. 41 pp. plus 1 appendix (4 pp.). *Report to* Elizabeth H. Dole, Secretary, Department of Transportation; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Water Transportation (403.0).

Organization Concerned: Department of Transportation; United States Coast Guard.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee; House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation: Merchant Marine Subcommittee.

Authority: Port and Tanker Safety Act of 1978.

Abstract: GAO reviewed the Coast Guard's management of its safety enforcement actions, specifically its Commercial Vessel Safety Program and its Port and Environmental Safety Program.

Findings/Conclusions: GAO found that the primary data source for determining the Port and Environmental Safety Program's staffing requirements did not always show correct and consistent work-load information. Furthermore, field and district officials placed little emphasis on verifying the reported

information. GAO found that: (1) Marine Safety Information System data were not always accurate or consistent; (2) Coast Guard headquarters had not provided specific guidance to the field units or conducted any oversight operations to ensure the integrity of data in the system; and (3) four units had not established adequate procedures for ensuring data quality. GAO also found that 10 of the 11 Coast Guard units which it analyzed were not maintaining follow-up systems to ensure that vessel deficiencies were corrected. In addition, GAO found that the Coast Guard failed to oversee National Cargo Bureau (NCB) inspection activities or develop guidelines regarding adequate oversight. Finally, GAO found that 10 field units failed to specify all the items for which Coast Guard regulations required inspection.

Recommendation To Agencies: The Secretary of Transportation should direct the Commandant of the Coast Guard to issue guidance to field units prescribing methods to verify the accuracy and completeness of the Quarterly Activities Report. Such guidance could include a requirement that field units and district staffs selectively test and ensure that the data reported are accurate. The Secretary of Transportation should direct the Commandant of the Coast Guard to: (1) determine the needed oversight of NCB activities performed on behalf of the Coast Guard; and (2) develop appropriate field unit procedures and reporting requirements similar to those being planned for the American Bureau of Shipping. The Secretary of Transportation should direct the Commandant of the Coast Guard, to the extent that the Coast Guard determines necessary, to: (1) correct data-base deficiencies in the port safety module; and (2) establish procedures to ensure that all future required data are entered accurately and consistently into the long-range Marine Safety Information System. The Secretary of Transportation should direct the Commandant of the Coast Guard to establish procedures for the districts' marine safety divisions to periodically review the field units' processing of outstanding vessel deficiencies to ensure that they are following up and that corrective action is taken. The Secretary of Transportation should direct the Commandant of the Coast Guard to develop a uniform checklist for use by all boarding teams conducting vessel examinations. Such a checklist should include all applicable vessel safety items specified in the Code of Federal Regulations, Coast Guard

instructions, and the Coast Guard safety manual.

127647

[Protest of Terms of FAA RFP for an Airport Surface Detection Equipment System]. B-218566.

August 15, 1985. 12 pp. *Decision re:* Cardion Electronics; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Cardion Electronics; Federal Aviation Administration.

Authority: 62 Comp. Gen. 124. F.A.R. 15.413. FAA Order 7032.5. B-213060.2 (1984). B-217218 (1985). B-214052 (1984). B-214414.2 (1985). B-201568 (1982). B-211886 (1983). B-215873 (1985). B-213945 (1984). B-214664 (1984). B-217320 (1985).

Abstract: A firm protested the terms of a Federal Aviation Administration (FAA) solicitation for the supply and installation of an airport surface detection equipment system, contending that the specifications: (1) were unduly restrictive; (2) exceeded the agency's minimum needs and were impossible to meet; (3) required capabilities that were beyond the state of the art and involved severe risk; (4) were improper; and (5) were significantly relaxed by FAA after it rejected their proposal had as technically unacceptable. GAO found that: (1) the specification's were reasonable and necessary and FAA received more than two proposals; (2) the protester failed to show that the requirements exceeded FAA minimum needs; (3) the protester failed to show that the specifications were impossible to meet or that the risk to the contractor exceeded that inherent in most contracts; (4) the protest concerning improprieties was untimely; and (5) since FAA had neither amended the RFP to relax the specifications nor made award, allegations to that effect were premature. Accordingly, the protest was denied.

127649

[Protests of FAA Rejection of Bid as Nonresponsive]. B-218597, B-218597.2. August 15, 1985. 4 pp.

Decision re: Aviation Enterprises, Inc.; Aviation Specialists, Inc.; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.
Organization Concerned: Federal Aviation Administration; Aviation Specialists, Inc.; Aviation Enterprises, Inc.

Authority: 4 C.F.R. 21.2(a). B-215215 (1984). B-216989 (1985). B-214716.4 (1985). B-215083 (1984). B-216199 (1985). B-216350 (1984). B-218035 (1985).

Abstract: Two firms protested the Federal Aviation Administration's (FAA) rejection of their bids under a solicitation for leasing an aircraft as: (1) nonresponsive in the case of the first protester; and (2) unreasonably exceeding the estimated cost in the case of the second protester. FAA contended that the first protester's bid was nonresponsive because it did not own or have the right to sublease the offered aircraft, and its protest was untimely. GAO held that the: (1) first firm's protest was timely because it filed the protest prior to any adverse agency action; (2) solicitation requirement that a bidder own or have a legal right to sublease an offered aircraft was a matter of responsibility rather than responsiveness; and (3) question of the reasonableness of the second protester's bid price was academic, since it was not in line for award. Accordingly, the first protest was sustained, and the second protest was dismissed.

127673

[Renewal of Protest Against FAA Contract Award for Rehabilitation of Airport Ramp Taxiways]. B-218640.2. August 20, 1985. 3 pp.

Decision re: Prince George's Contractors, Inc.; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Prince George's Contractors, Inc.; Federal Aviation Administration.

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3553). 4 C.F.R. 21.9. B-218640 (1985). B-218241 (1985).

Abstract: A firm renewed its protest against a Federal Aviation Administration (FAA) contract award for the rehabilitation of ramp taxiways. Subsequent to its original protest with GAO, the firm filed suit in a federal court, and GAO dismissed the protest. The firm protested the Attorney General's initial refusal to recognize the Competition in Contracting Act relative to the suspension of award or performance pending resolution of bid protests. GAO would not consider that protest, since it involved a subject of litigation before a court of competent jurisdiction. GAO: (1) held that the court did not request a GAO opinion; and (2) would not consider the protester's offer to withdraw its suit to reopen the GAO protest. Accordingly, the protest was dismissed.

127747

Proposed AMTRAK Rail Service Between Philadelphia and Atlantic City. RCED-85-90; B-215192. August 13, 1985. 11 pp. plus 2 appendices (5 pp.). *Report to Rep. Lawrence Coughlin, Ranking Minority Member, House Committee on Appropriations: Transportation Subcommittee; Rep. James J. Florio, Chairman, House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division.*

Issue Area: Transportation (6600).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: National Railroad Passenger Corporation (Amtrak); Federal Railroad Administration.

Congressional Relevance: *House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; House Committee on Appropriations: Transportation Subcommittee; Rep. James J. Florio; Rep. Lawrence Coughlin.*

Authority: Rail Safety and Service Improvement Act of 1982. Department of Transportation and Related Agencies Appropriation Act, 1984.

Abstract: Pursuant to a congressional request, GAO reviewed the National Railroad Passenger Corporation's (AMTRAK) proposed rail service between Philadelphia and Atlantic City to determine whether: (1) plans for the 40-percent nonfederal match were firm and adequate; (2) federal, state, and local tax consequences to a private firm should be counted as part of the federal share; (3) the portions of the rail stations needed for rail service had been correctly identified; (4) a full environmental impact statement is required before federal funds can be released; and (5) the AMTRAK Board of Directors made a reasonable and objective determination of the project's estimated operating revenues.

Findings/Conclusions: GAO found that: (1) New Jersey has adopted an alternative plan for providing the 40-percent nonfederal match requirement that will provide funding by the state and the Atlantic County Improvement Authority; (2) the Federal Railroad Administration was preparing an environmental assessment which included the impact of initiating the project; and (3) some of the data AMTRAK used in its economic model of

the estimated revenues was inaccurate and unreliable. GAO also found that formal written agreements between the state, the Authority, and AMTRAK had not been executed and submitted to the Department of Transportation so that the Secretary could certify that the nonfederal match requirement had been met.

127771

Compilation and Analysis of the Federal Aviation Administration's Inspection of a Sample of Commercial Air Carriers. RCED-85-157; B-219729. August 2, 1985.

Released August 8, 1985. 2 pp. plus 2 appendices (100 pp.) plus 1 attachment (44 pp.). *Report to Rep. Norman Y. Mineta, Chairman, House Committee on Public Works and Transportation: Aviation Subcommittee; Rep. William Lehman, Chairman, House Committee on Appropriations: Transportation Subcommittee; by Ralph V. Carlone, (for J. Dexter Peach, Director), Resources, Community, and Economic Development Division. Refer to Testimony, May 14, 1986, Accession Number 129875; RCED-87-62, May 19, 1987, Accession Number 133088; and Testimony, October 1, 1985, Accession Number 128050.*

Issue Area: Transportation: Effectiveness of FAA in Ensuring Aircraft Safety and Whether This Responsibility Conflicts With Its Role in Promoting Aviation Commerce (6613).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: *House Committee on Appropriations: Transportation Subcommittee; House Committee on Public Works and Transportation: Aviation Subcommittee; Rep. William Lehman; Rep. Norman Y. Mineta.*

Authority: Aviation Act (49 U.S.C. 1421). **Abstract:** Pursuant to a congressional request, GAO reviewed: (1) data concerning the Federal Aviation Administration's (FAA) inspection of 92 commercial air carriers; and (2) FAA responsibility to monitor and inspect air carrier operations and maintenance to ensure compliance with federal safety regulations.

Findings/Conclusions: GAO developed data and analysis on the type, frequency, and results of FAA inspections for a sample of the nation's scheduled commercial air carriers operating under FAA regulations which provided

information on each carrier, the air carrier's fleet size and fiscal year 1984 operating hours, and the location of the FAA office having principal responsibility for oversight of the air carrier.

127794

Information on Three Investigations by the Department of Justice Into Navy Shipbuilding Claims. GGD-85-70; B-216322. August 1, 1985.

Released September 3, 1985. 4 pp. plus 4 appendices (38 pp.). *Report to Sen. William Proxmire, Vice Chairman, Joint Economic Committee: Economics, Resources, Competitiveness, and Security Economics Subcommittee; by William J. Anderson, Director, General Government Division. Refer to GGD-88-96, June 29, 1988, Accession Number 136300.*

Issue Area: Administration of Justice: Adequacy of Justice Agencies' Information Management in Carrying Out Enforcement, Litigation/Prosecution, and Court Responsibilities Government-Wide (4709).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Litigative and Judicial Activities (752.0); National Defense: Department of Defense - Procurement and Contracts (051.2).

Organization Concerned: Department of Justice; Department of the Navy; Newport News Shipbuilding and Drydock Co.; Lockheed Shipbuilding and Construction Co., Seattle, WA; General Dynamics Corp.: Electric Boat Division.

Congressional Relevance: *Joint Economic Committee: Economics, Resources, Competitiveness, and Security Economics Subcommittee; Sen. William Proxmire.*

Abstract: In response to a congressional request, GAO reviewed the Department of Justice's management of three investigations into allegedly false shipbuilding contract price adjustment claims. The Navy had submitted the allegations to Justice and, after investigating the claims, Justice declined prosecution.

Findings/Conclusions: GAO found that Justice investigated the claims of one shipbuilding firm between February 1978 and August 1983, assigning from 1 to 15 attorneys and investigators to the investigation at any given time. After a review of the investigation results, Justice concluded that the investigation should cease and prosecution should be declined. Justice also investigated the claims of another shipbuilding firm

between December 1974 and September 1979, staffing the investigation with a trial attorney and up to eight Federal Bureau of Investigation (FBI) agents. FBI and Justice agreed not to prosecute on certain items and conducted grand jury sessions on another item. After a review of the evidence, it was agreed not to prosecute on the remaining item. Finally, Justice investigated the claims of a third shipbuilding firm between February 1978 and December 1981, assigning from 2 to 12 attorneys and investigators to the investigation. During the investigation, two grand juries were used to subpoena records and question witnesses. In July 1984, Justice reopened its investigation of the claims because of new allegations and additional evidence.

127803

[Request for Reconsideration of Dismissal of Protest Against an FAA IFB]. B-219510.2. August 30, 1985. 4 pp. *Decision re: Kavouras, Inc.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).*

Contact: Office of the General Counsel.

Organization Concerned: Kavouras, Inc.; Federal Aviation Administration.

Authority: 4 C.F.R. 21.1(d). 4 C.F.R. 21.2. 4 C.F.R. 21.6(d). B-218088.3 (1985). B-217527 (1985). B-209609 (1983). B-215593 (1985). 15 U.S.C. 78u(a).

Abstract: A firm requested reconsideration of the dismissal of its protest under a Federal Aviation Administration (FAA) solicitation. GAO dismissed the protest because the protester failed to timely provide FAA with a copy of the protest. In its request for reconsideration, the protester contended that: (1) it timely mailed a copy of the protest to FAA; (2) alternatively, GAO should consider its request for reconsideration a new protest; (3) GAO should consider the protest under the exceptions to its timeliness rules; (4) certain solicitation specifications were unduly restrictive; (5) FAA should not accept bids from a certain firm which had recently been purchased by a firm that was precluded from competing under the instant procurement; and (6) the same firm had violated Securities and Exchange Commission (SEC) regulations governing the use of inside information. In addition, the protester claimed reimbursement for bid and protest preparation costs. GAO held that: (1) the protester mailed the FAA copy of the protest to the wrong address; (2) the protest did not present significant issues and was not late for good cause; (3) the portion of the protest that alleged restrictive specifications was untimely

because GAO did not receive it before bid opening; (4) the specified firm was not a bidder under the solicitation; (5) it did not have the authority to determine whether the accused firm violated SEC regulations; and (6) there was no merit to the protester's claim. Accordingly, the dismissal was affirmed and the claim was denied.

127849

Stronger Enforcement Would Help Improve Motor Carrier Safety. RCED-85-64; B-219554. September 5, 1985. 54 pp. plus 2 appendices (8 pp.). *Report to Elizabeth H. Dole, Secretary, Department of Transportation; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to RCED-86-211BR, August 8, 1986, Accession Number 130784.*

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Department of Transportation; Federal Highway Administration; Bureau of Motor Carrier Safety.

Congressional Relevance: *House* Committee on Government Operations: Government Activities and Transportation Subcommittee; *House* Committee on Energy and Commerce: Oversight and Investigations Subcommittee; *House* Committee on Public Works and Transportation: Surface Transportation Subcommittee; *House* Committee on Energy and Commerce; *House* Committee on Appropriations: Transportation Subcommittee; *Senate* Committee on Commerce, Science and Transportation: Surface Transportation Subcommittee; *Senate* Committee on Appropriations: Transportation Subcommittee.

Authority: Motor Carrier Act, 1935. Department of Transportation Act. Hazardous Materials Transportation Act (49 U.S.C. 1801). Motor Carrier Act of 1980 (P.L. 96-296; 94 Stat. 793). Surface Transportation Assistance Act of 1982 (P.L. 97-424; 96 Stat. 2097). Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6923). Motor Carrier Safety Act of 1984. 49 C.F.R. 390.

Abstract: GAO reviewed the motor safety enforcement program carried out by the Federal Highway Administration's (FHWA) Bureau of Motor Carrier Safety (BMCS), focusing on the extent of BMCS oversight of such

activities as: (1) the selection of motor carriers and shippers for safety audits; (2) assessment of motor carriers' and shippers' safety compliance; (3) the correction of deficiencies identified by safety audits; and (4) a new program to provide grants for state safety enforcement activities.

Findings/Conclusions: GAO found that: (1) while BMCS provides safety investigators with a carrier audit selection priority list, it does not require them to use it; (2) the priority list allows deviations for third-party complaints, accidents involving carriers not on the list, or other unusual circumstances; (3) BMCS regional offices use different criteria and judgment in selecting carriers for audit; and (4) BMCS has not established a similar priority list for shippers. GAO also found that: (1) there was a wide variance among the overall safety ratings recommended by BMCS investigators; (2) while investigators may be preparing ratings in accordance with the established criteria, BMCS has not analyzed the reasons for the differences; (3) there was a wide variance among actions taken by investigators after audits that resulted in unsatisfactory ratings; (4) BMCS regional offices do not always comply with processing standards to ensure timely processing of enforcement cases; (5) BMCS does not have criteria for ensuring that assessed fines are consistent with the severity of violations found; (6) BMCS and FHWA do not always adequately document justifications for assessed fines; and (7) BMCS organizational structure hampers the effective and uniform implementation of the safety program. In addition, GAO found that, for the grant program, BMCS has not: (1) developed clear program goals; (2) defined federal and state roles and responsibilities; (3) established program information needs; or (4) developed program evaluation mechanisms. **Recommendation To Agencies:** The Secretary of Transportation should direct the Administrator, FHWA, to have BMCS directly monitor regional and field office implementation of the motor carrier selection list to ensure that carriers most in need of audit are being audited. The Secretary of Transportation should direct the Administrator, FHWA, to develop and provide guidance to the investigators that clearly stipulates what conditions need to exist for determining when carriers and shippers not in compliance with the federal safety regulations, including those with completed enforcement cases, should be reaudited. The Secretary of Transportation should direct the

Administrator, FHWA, to develop a prioritized selection list for shippers and implement its use. The Secretary of Transportation should direct the Administrator, FHWA, to develop and provide criteria for safety investigators that identify specific conditions and factors to be used for rating individual parts of the regulations as well as for the overall ratings. The Secretary of Transportation should direct the Administrator, FHWA, to develop and provide criteria for investigators that specify the conditions or factors for determining and selecting a course of action to take following a safety audit. The Secretary of Transportation should direct the Administrator, FHWA, to establish procedures for monitoring adherence to the criteria, guidance, and procedures to ensure uniform implementation by regional offices and safety investigators following a safety audit. The Secretary of Transportation should direct the Administrator, FHWA, to establish procedures for monitoring the processing of enforcement cases to include the time taken between the various stages in the penalty process, analyzing and comparing time taken to process civil assessment cases, following up when FHWA standards are not met, and taking the necessary corrective actions. The Secretary of Transportation should direct the Administrator, FHWA, to develop and provide to regional attorneys criteria for assessing fines that relate the fines to the relative risks and severity of the violations committed. The Secretary of Transportation should direct the Administrator, FHWA, to develop and provide to regional attorneys requirements for fully documenting justifications for assessing and negotiating fines. The Secretary of Transportation should direct the Administrator, FHWA, to develop a comprehensive federal program process, including: (1) establishing goals and objectives; (2) defining the respective federal and state roles; (3) establishing program information needs; (4) developing monitoring mechanisms; and (5) establishing how the program is to be evaluated on a national scale.

127879

[The Navy's Fleet Expansion]. September 6, 1985. 8 pp. *Testimony* before the House Committee on Armed Services: Seapower and Strategic and Critical Materials Subcommittee; by Frank C. Conahan, Director, National Security and International Affairs Division.

Contact: National Security and International Affairs Division.

Organization Concerned: Department of the Navy.

Congressional Relevance: *House* Committee on Armed Services: Seapower and Strategic and Critical Materials Subcommittee.

Abstract: GAO discussed the Navy's ability to effectively plan and manage its fleet expansion program, specifically: (1) the Navy's ability to reach its 600-ship force goal; (2) operating and support aspects of the expanded fleet; and (3) areas in which decisions will have to be made concerning the optimum use of available resources. GAO found that, although the Navy will numerically reach a 600-ship force by 1989, it will not achieve its desired 600-ship force mix through the year 2000 and shortfalls will occur in most categories, with the largest deviations being in surface combatants and attack submarines. GAO also attempted to identify what total force capability shortfalls might occur by 1990, 1995, and 2000, and is still working with the Navy in this area. The final phase of the GAO study is to ascertain the effects of the various shortfalls through discussions with personnel and to continue efforts to determine the cost implications and to identify and evaluate alternatives. By using Navy data and estimates, GAO plans to identify past, present, and future operating and support levels and to project the various levels of funding that may be needed to maintain the 600-ship Navy. GAO will also continue to study operating and support concerns raised by fleet officials in areas such as spare parts, ordnance, and ship maintenance.

127896

[ICC Furlough of Employees 1 Day Each Week]. B-218800. August 2, 1985. 14 pp. plus 4 appendices (11 pp.). *Letter* to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by Milton J. Socolar, (for Charles A. Bowsler, Comptroller General).

Contact: Office of the Comptroller General.

Organization Concerned: Interstate Commerce Commission.

Congressional Relevance: *House* Committee on Energy and Commerce: Oversight and Investigations Subcommittee; *Rep.* John D. Dingell. **Authority:** Department of Transportation and Related Agencies Appropriation Act, 1985 (P.L. 98-473; 98 Stat. 1837). Antideficiency Act (31 U.S.C.

1341 et seq.). Government in the Sunshine Act (5 U.S.C. 552b). 5 C.F.R. 351.49 C.F.R. 1011.38 Comp. Gen. 501.36 Comp. Gen. 699. F.P.M. ch. 752-9. F.P.M. Bull. 351-32. H.R. 5921 (98th Cong.). H. Rept. 94-1441. S. 2852 (98th Cong.). S. Rept. 98-561. OMB Circular A-34. Communications Systems v. Federal Communications Commission, 595 F.2d 797 (D.C. Cir. 1978). Cong. Rec. [122] H24184. 5 U.S.C. 7511 et seq. 31 U.S.C. 1501 et seq.

Abstract: Pursuant to a congressional request, GAO examined the legality and propriety of the Interstate Commerce Commission's (ICC) decision to furlough employees for 2 days each pay period to deal with problems arising from a lower appropriation than ICC expected. GAO also addressed issues pertaining to ICC compliance with the Government in the Sunshine Act. GAO noted that: (1) ICC properly and legally decided to furlough employees for 2 days each pay period because it determined that course of action would be less costly and more effective than a major reduction in force; (2) it was concerned that, while ICC did not violate the apportionment provisions of the Antideficiency Act, it suspended the furloughs before it was certain that Congress would pass a supplemental appropriation to make such action possible; (3) ICC will be forced to take drastic action if Congress does not enact a supplemental appropriation; and (4) while ICC has taken steps to improve its compliance with the Government in the Sunshine Act, it still relies heavily on individual written voting, rather than open meetings of the full Commission, to conduct most business.

127920

[Question Concerning ICC Employee Furlough]. B-218928. September 20, 1985. 2 pp. *Letter* to Andrew J. Strenio, Jr., Interstate Commerce Commission; by James F. Hinchman, (for Harry R. Van Cleave, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Interstate Commerce Commission.

Authority: P.L. 99-88. H.R. 2577 (99th Cong.). B-216885 (1984). 31 U.S.C. 3302(b).

127944

20 Years of Federal Mass Transit Assistance: How Has Mass Transit Changed? RCED-85-61; B-219185. September 18, 1985. 50 pp. plus 17 appendices (33 pp.). *Report* to Congress, by Charles A. Bowsler, Comptroller General. Refer to CED-

81-79, July 1, 1981, Accession Number 115703; RCED-83-17, March 17, 1980, Accession Number 120896; CED-81-13, November 14, 1980, Accession Number 113760; CED-81-28, February 26, 1981, Accession Number 114464; CED-82-66, April 15, 1982, Accession Number 118372; and RCED-83-67, March 25, 1983, Accession Number 120914.

Issue Area: Transportation: Effective UMTA Management of Its Mass Transit Grants While Minimizing Federal Interference in Local Operations (6602).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Congressional Relevance: Congress.

Authority: Urban Mass Transportation Act of 1964 (P.L. 88-365; 49 U.S.C. 1601 et seq.). Federal Aid Highway Act of 1973 (P.L. 93-87; 23 U.S.C. 142). Mass Transportation Assistance Act of 1974 (P.L. 93-503). Surface Transportation Assistance Act of 1978 (P.L. 95-599). Surface Transportation Assistance Act of 1982 (P.L. 97-424). Rehabilitation Act of 1973.

Abstract: GAO reviewed the trends and general effects of the substantial federal investment in urban mass transit, focusing on: (1) changes in transit service, using measures such as the amount of service provided, the cost of service, and the quality of service; (2) changes in ridership levels; and (3) the extent to which improved transit service has contributed to the broad social, economic, and environmental benefits generally associated with such improvements.

Findings/Conclusions: GAO found that federal assistance has helped stabilize and increase the amount of transit service; however, operating costs have increased due to increasing labor costs, declining labor productivity, and rising fuel costs. Some of these operating costs, such as the demand for transit service during peak hours, are difficult to control, and some believe that the federal assistance program has not provided sufficient incentives to control costs. Although revenues have increased, they have not kept up with increasing service costs. In evaluating service quality, GAO focused on vehicle reliability and found declines in many of the nation's transit systems because of inadequate preventive maintenance. GAO also found that ridership has grown because of: (1) federal assistance, which has expanded service and stabilized fares; (2) increases in gasoline prices; and (3) shifts in population and employment. Service expansion,

stabilized fares, and special transit services have benefited disadvantaged and disabled persons, but their transportation needs may be more efficiently addressed by targeting the individuals for specific subsidies, rather than subsidizing all riders. The impact on energy use, air pollution, and traffic congestion depends on the decreased use of automobiles; however, mass transit's commuting share has declined so that it represents a small portion of urban transportation and may not be the most efficient or effective means to address these problems.

127947

[Protest of Coast Guard Contract Award for Ship Modernization]. B-219423. September 23, 1985. 7 pp. *Decision* re: Southwest Marine, Inc.; by James F. Hinchman, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: United States Coast Guard; Southwest Marine, Inc.

Authority: Competition in Contracting Act of 1984 (P.L. 98-369; 98 Stat. 1175). 4 C.F.R. 21.2(a)(1). 60 Comp. Gen. 341. F.A.R. 15.610. B-218338 (1985). B-203642 (1982). B-211474.2 (1983). B-215336 (1984). B-214564 (1984). B-212979 (1984). B-212371 (1983). 10 U.S.C. 2304 et seq.

Abstract: A firm protested a Coast Guard contract award for vessel modernization, contending that: (1) the agency failed to follow the stated evaluation criteria during the source selection process by awarding the contract to a higher bidder; and (2) the contract was unlawful because the head of the agency was not empowered to make a determination authorizing negotiation. GAO determined that: (1) the agency sufficiently advised offerers that technical considerations would be paramount over price in the source selection process; and (2) the protester untimely protested after bid opening that the solicitation was improper. Accordingly, the protest was denied in part and dismissed in part.

127956

[H.R. 3291, the Civilian Travel Expenses Act of 1985]. September 19, 1985. 5 pp. *Testimony* before the House Committee on Government Operations: Government Activities and Transportation Subcommittee; by Henry R. Wray, Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: General Services Administration.

Congressional Relevance: House Committee on Government Operations: Government Activities and Transportation Subcommittee.

Authority: H.R. 3291 (99th Cong.). H.R. 4233 (98th Cong.).

Abstract: GAO discussed H.R. 3291, which would amend the statutes governing travel and relocation expenses for federal employees. GAO noted that the current system of paying per diem in some places and actual expenses in high-rate geographical areas is cumbersome and costly. The General Services Administration (GSA) intends to implement the bill with regulations that establish a lodgings-plus system, where the employee would be reimbursed on the actual costs incurred for lodgings plus a fixed amount for subsistence and miscellaneous expenses, but would allow GSA the flexibility to adopt a flat-rate per diem system. The bill would also: (1) remove the ceilings on the daily reimbursement of travel expenses; (2) permit GSA to set rates based on costs incurred in different localities; (3) allow GSA to permit reimbursement of actual and necessary subsistence expenses when the per diem allowance is inadequate; (4) permit reimbursement of travel and transportation expenses when an employee interrupts official travel and returns home because of personal emergency; (5) permit reimbursement of per diem and transportation expenses for employees due to threats resulting from assigned duties; (6) require GSA to collect information periodically on agency payments for travel and transportation expenses; and (7) authorize the payment of relocation expenses to Postal Service employees who transfer to positions in federal agencies. Finally, GAO suggested that employees be paid real estate expenses when they transfer from an overseas post to a new duty station in the United States.

127989

[Protest of FAA Rejection of Bid for Asbestos Monitoring]. B-219735. September 26, 1985. 4 pp. *Decision* re: Tracor Applied Sciences, Inc.; by Robert M. Strong, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel. **Organization Concerned:** Tracor Applied Sciences, Inc.; Federal Aviation Administration.

Authority: 4 C.F.R. 21.2(a). F.A.R. 52.215. B-213811 (1984). B-213458 (1984). B-214409.3 (1984). B-209035 (1982).

Abstract: A firm protested the Federal Aviation Administration's rejection of its proposal for asbestos monitoring and industrial hygienist services, contending that: (1) the indemnification clause should not have been included in the solicitation because it was not a standard clause; and (2) the agency should not have rejected its proposal without discussions. GAO determined that: (1) the allegation that the inclusion of the clause in the solicitation was improper was untimely; (2) the agency properly rejected the protester's proposal because it took exception to a material requirement; and (3) the award could be made without discussions because the solicitation notified offerers of that possibility. Accordingly, the protest was dismissed in part and denied in part.

128038

[Questions Pertaining to EPA Administration of Corporate Average Fuel Economy Program]. B-217744. August 13, 1985.

Released October 1, 1985. 3 pp. *Letter to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by Milton J. Socolar, (for Charles A. Bowsler, Comptroller General).*

Contact: Office of the General Counsel.

Organization Concerned: Environmental Protection Agency.

Congressional Relevance: House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; *Rep. John D. Dingell.*

Authority: Clean Air Act Amendments of 1977 (42 U.S.C. 7607(d) et seq.). Clean Air Act (42 U.S.C. 7521 et seq.). Administrative Procedure Act (5 U.S.C. 553(b)). 15 U.S.C. 2001 et seq.

Abstract: In response to a congressional request, GAO answered two follow-up questions concerning its decision on the Environmental Protection Agency's (EPA) administration of its testing responsibilities under the Corporate Average Fuel Economy (CAFE) program. The first question concerned the GAO application of the Administrative Procedure Act (APA) to CAFE rulemaking, and the second question involved the existence of the EPA policy not to claim the interpretive rules and good cause exceptions to the notice comments requirement in APA. GAO reaffirmed its prior opinion by indicating the availability of APA exceptions for CAFE rulemaking and denying the existence of any EPA policy renouncing the use of the rulemaking exceptions.

128039

Federal Funds Promised, Provided, and Used in Dade County, Florida, After the May 1980 Civil Disturbances. HRD-85-88; B-220262. September 30, 1985.

Released October 2, 1985. 13 pp. plus 8 appendices (47 pp.). *Report to Rep. William Lehman; Rep. Claude D. Pepper; Rep. Dante B. Fascell; by Richard L. Fogel, Director, Human Resources Division.*

Issue Area: Intergovernmental Relations: Other Issue Area Work (9291).

Contact: Human Resources Division.

Budget Function: General Purpose Fiscal Assistance: Other General Purpose Fiscal Assistance (852.0).

Organization Concerned: Department of Labor; Department of Housing and Urban Development; Department of Transportation; Small Business Administration; Department of Commerce; Department of the Interior; Department of Justice.

Congressional Relevance: *Rep. Dante B. Fascell; Rep. Claude D. Pepper; Rep. William Lehman.*

Abstract: Pursuant to a congressional request, GAO reviewed the federal funds provided to Dade County, Florida, after the May 1980 civil disturbances, to determine: (1) what federal assistance was promised; (2) what federal assistance was provided; (3) where and how the funds were used; and (4) whether a significant portion of the funds was spent outside the black community. **Findings/Conclusions:** GAO found that eight federal agencies promised assistance which totalled about \$116 million; however, the funds that were made available were: (1) less than promised because of lower-than-anticipated appropriations; (2) not used because the assistance was targeted for projects that were not considered essential or a priority and not approved; or (3) either not used to benefit the riot-torn communities; or used to benefit the riot-torn communities but were not identified as part of the relief effort. Of the \$116 million, about \$70.6 million in federal funds was expended, of which: (1) \$43.2 million went to the riot-torn communities; (2) \$8 million was used in other communities to relocate businesses outside the riot-torn areas; and (3) \$1.9 million went to construction of a Job Corps center in a predominately Cuban community. The remaining \$17.5 million was believed to have provided employment and training opportunities to the residents of the riot-torn communities. The funds also provided: (1) disaster relief for the black and Cuban communities; (2) economic

development loans; (3) urban transportation facilities; (4) health and community development services; and (5) criminal justice and community relations improvements.

128041

[Claim Concerning Entitlement of FHWA Employee to Special Per Diem Rate]. B-215502. September 30, 1985. 7 pp. *Decision re: Algie Horton, Jr.; by Milton J. Socolar, (for Charles A. Bowsler, Comptroller General).*

Contact: Office of the General Counsel.

Organization Concerned: Federal Highway Administration: Region V.

Authority: 55 Comp. Gen. 856. 63 Comp. Gen. 225. F.T.R. para. 1-7.6a. F.T.R. para. 1-7.3a. F.T.R. para. 1-8.1a. DOT Notice 1500.46. B-211818 (1984). B-189317 (1977). 5 U.S.C. 5702.

Abstract: The Federal Highway Administration requested a decision concerning an employee's entitlement to be paid a special per diem rate while performing temporary duty in a designated high-rate geographical area. The employee had been transferred to another location in the same region but performed temporary duty, as required, at other sites within that region, including his old duty site, where his family continued to reside. The agency disallowed his claim for a flat rate per diem of half of the daily maximum daily actual subsistence rate authorized for the area where his family resided, and no temporary duty would be paid unless he could show that he incurred expenses in excess of expenses he would have incurred at his permanent site. GAO found that: (1) an employee is entitled to reimbursement for expenses incurred during official travel away from his permanent duty station and away from his residence from which he commutes to that station; and (2) employees on official duty who obtain lodging from noncommercial sources will be authorized a flat per diem rate equal to 50 percent of the locality per diem rate. GAO has held that where an agency has established a special per diem rate for non-commercial quarters in designated high-rate geographical areas, that special rate need not be made on a case-by-case basis, and similar cases will no longer require a separate determination. Accordingly, the employee may be reimbursed at the 50-percent rate of the actual expense rate for that area.

128049

[**FAA's Terminal Doppler Radar Efforts**]. October 2, 1985. 11 pp. *Testimony* before the House Committee on Public Works and Transportation: Aviation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration; National Oceanic and Atmospheric Administration; National Weather Service.

Congressional Relevance: *House* Committee on Appropriations: Transportation Subcommittee; *House* Committee on Public Works and Transportation: Aviation Subcommittee. **Authority:** OMB Circular A-109.

Abstract: GAO discussed the Federal Aviation Administration's (FAA) research on terminal doppler radar development and wind shear hazards, specifically: (1) the difference between the terminal doppler radar and the next generation weather radar (NEXRAD); (2) the status of radar development; and (3) other measures FAA can take to increase safety by minimizing the risk associated with wind shear. GAO noted that: (1) NEXRAD is a long-range radar used to identify severe storms as part of national weather needs, but will not address airport wind shear hazards; (2) the terminal doppler radar is a short-range radar used to detect small, low wind shears, including extremely violent, rapidly developing, vertical wind shears around airports; (3) the two systems have different technical requirements for cluster suppression, data updating, and automation; (4) FAA plans further research on the terminal doppler radar system; and (5) critical requirements may not be developed in time to add the terminal doppler radar to the NEXRAD program. GAO found that FAA should: (1) collect the necessary data to establish terminal doppler radar siting priorities; (2) test and evaluate a fully automated initial production system in an operational environment before controllers and pilots begin to rely on it; and (3) reexamine the system's technical requirements in an effort to reduce production costs and to increase the number of proposed installation locations.

128050

[**Three Safety Issues Relating to Aviation**]. October 1, 1985. 22 pp. *Testimony* before the Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-85-157, August 2, 1985, Accession Number 127771; and *Testimony*, July 17, 1986, Accession Number 130596.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: *Senate* Committee on Commerce, Science and Transportation: Aviation Subcommittee. **Authority:** OMB Circular A-109.

Abstract: GAO discussed: (1) current conditions within the air traffic control (ATC) work force; (2) variations in the type and frequency of Federal Aviation Administration (FAA) inspections of air carriers; and (3) FAA progress in developing a terminal doppler weather radar system to detect low level wind shear. GAO noted that: (1) FAA controller staffing fell by 75 percent after the 1981 controllers' strike; (2) barely half of new controllers were able to remain and succeed; (3) many experienced controllers and supervisors will be eligible for retirement in 2 years; and (4) a majority of controllers believed that the heavy work load was adversely affecting system safety. GAO found that: (1) the skill level of developmental controllers was having a negative impact on safety; (2) increasing the number of controllers was only a partial remedy to current conditions; (3) FAA regions do not interpret or apply FAA regulations and policies uniformly; (4) some air carriers had no avionics or operations inspections; and (5) FAA has begun to correct staffing deficiencies and implement guidelines which specify the minimum number of inspections. GAO also found that: (1) controllers often decline to provide pilots with weather advisories while working peak traffic periods; (2) technical solutions to the terminal doppler radar system have not been devised; (3) FAA plans to expedite doppler radar procurement did not include operational testing and evaluation of initial production units; (4) doppler radar costs should be reexamined; and (5) FAA needs to provide pilots with training to avoid and escape wind shear.

128079

Use of Government Motor Vehicles for the Transportation of Government Officials and the Relatives of Government Officials. GGD-85-76; B-210555. September 16, 1985. 3 pp. plus 2 appendices (51 pp.). *Report* to Rep. Jack Brooks, Chairman, House Committee on Government Operations: Legislation and National Security Subcommittee; by James L. Howard, (for William J. Anderson, Director), General Government Division. Refer to B-210555.2, April 8, 1986, Accession Number 129622; and B-210555.15, April 14, 1986, Accession Number 129623.

Issue Area: Civil Procurement and Property Management: Other Issue Area Work (4991).

Contact: General Government Division.

Budget Function: Transportation: Ground Transportation (401.0); General Government: Executive Direction and Management (802.0).

Organization Concerned: General Services Administration.

Congressional Relevance: *House* Committee on Government Operations: Legislation and National Security Subcommittee; *Rep.* Jack Brooks.

Authority: 5 U.S.C. 101. 31 U.S.C. 1344.

Abstract: In response to a congressional request, GAO determined: (1) the number of government officials that used government motor vehicles for commuting purposes and the transportation of relatives; and (2) whether the officials and their relatives were authorized to receive the transportation.

Findings/Conclusions: After conducting a survey of government agencies, departments, and subordinate organizations, GAO found that, of the 128 officials that received transportation in government motor vehicles for commuting purposes, 79 were not authorized to receive the transportation. In addition, GAO found that 7 of the 17 relatives receiving transportation in government motor vehicles were not authorized to receive it, and 5 relatives received transportation in government motor vehicles that was partially authorized and partially not authorized.

128089

[**Protest of FAA Rejection of Bid as Nonresponsive**]. B-219732. October 8, 1985. 3 pp. *Decision* re: L.H. Morris Electric Inc.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: L.H. Morris Electric Inc.; Federal Aviation Administration.

Authority: 64 Comp. Gen. 279. *Grade-Way Construction v. United States*, 7 Ct. Cl. 263 (1985). B-218615 (1985). B-218248 (1985). B-197192 (1980).

Abstract: A firm protested the Federal Aviation Administration's (FAA) rejection of its low bid as nonresponsive for failure to acknowledge a solicitation amendment, contending that: (1) it never received the amendment; (2) the amendment would not have affected its price; and (3) FAA should have conducted discussions regarding the impact of the amendment before it rejected the bid. GAO noted that: (1) most of the amendment concerned local legal requirements for driveway connections to county roads; (2) a bidder is responsible for the receipt of solicitation amendments unless it is shown that the contracting agency made a deliberate effort to exclude the bidder; and (3) if a bid fails to acknowledge a material amendment, the bid must be rejected as nonresponsive. GAO found that: (1) the amendment was material since its terms were necessary to meet county legal requirements; (2) there was no showing that the requirements could otherwise be met by reprocurring a negligible portion of the project; (3) the government may not permit a bidder to acknowledge a material amendment after bid opening; and (4) FAA could not conduct discussions since negotiations were not permitted under the solicitation. Accordingly, the protest was denied.

128156

[Request for Reconsideration of Dismissal of Protest Under FAA IFB]. B-219355.3. October 18, 1985. 2 pp. *Decision* re: Jowa Security Services Inc.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Jowa Security Services Inc.; Federal Aviation Administration.

Authority: 4 C.F.R. 21.3(e). B-211302.2 (1983). B-218512 (1985).

Abstract: A firm requested reconsideration of the dismissal of its protest under a Federal Aviation Administration (FAA) solicitation. GAO dismissed the protest because it had not timely received any communication from the protester regarding the contracting agency's report. The protester contended that: (1) it was lulled into not responding

to the report by a sentence FAA added to its copy of the report; and (2) it was content to have the protest decided on the basis of the existing record and, therefore, it made no response. GAO noted that: (1) a protester must submit, within 7 working days, written comments on an agency report or a statement that it wishes the protest decided on the basis of the existing record; (2) an acknowledgment letter notified the protester of the date the agency report was due; and (3) it had no way of knowing whether the protest still reflected a real controversy absent an expression of continued interest. GAO held that: (1) the time limit for the submission of a statement of interest is necessary to ensure prompt resolution of protests; (2) it will not reopen a file where there has been no timely response to the agency report; and (3) the FAA statement that the protester had the right to submit comments within 7 working days after its receipt of the report provided no basis for the protester to ignore its obligation. Accordingly, the dismissal was affirmed.

128219

[Protest of Coast Guard Contract Award for Urinalysis Testing]. B-219131.2. October 28, 1985. 6 pp. *Decision* re: Toxicology Testing Service, Inc.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Toxicology Testing Service, Inc.; PharmChem Laboratories, Inc.; United States Coast Guard.

Authority: B-214081.3 (1985).

Abstract: A firm protested a contract award to another firm under a Coast Guard solicitation for urinalysis testing services, contending that: (1) the awardee's bid was nonresponsive because it did not offer to return test results to more than 600 Coast Guard field units, as the solicitation required; or (2) alternatively, the solicitation was ambiguous because it left unclear the number of locations to which test results were to be returned. GAO held that: (1) the solicitation was not ambiguous because it specified the 30 locations to which test results were to be returned; (2) even if the solicitation were ambiguous, the protester did not detail how much of the difference between its bid and the low bid was attributable to the alleged ambiguity; and (3) the awardee's bid was responsive. Accordingly, the protest was denied.

128241

[Protest of FAA Failure To Extend Proposal Due Date After Issuing Amendment to Solicitation]. B-220680. October 25, 1985. 2 pp. *Decision* re: Flight Resources Inc.; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Flight Resources Inc.; Federal Aviation Administration; Washington National Airport.

Authority: 4 C.F.R. 21.2(a).

Abstract: A firm protested the Federal Aviation Administration's (FAA) failure to extend bid opening under a two-step procurement for the establishment and operation of general aviation facilities, contending that: (1) a solicitation amendment required substantive changes; and (2) FAA was required to give offerers the same amount of time to respond to an amendment as the solicitation allowed for the initial submission of proposals. GAO held that: (1) the firm untimely filed its protest with FAA 11 days after the proposal due date; and (2) a protest filed initially with the contracting agency must comply with the timeliness rules if GAO is to subsequently consider it. Accordingly, the protest was dismissed.

128246

Information on Airport and Airway Trust Fund Revenues and Outlays by States and Large Airports. RCED-85-153; B-219969. September 30, 1985.

Released October 30, 1985. 5 pp. plus 11 appendices (30 pp.). *Report* to Sen. Lawton Chiles; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to RCED-85-124, April 13, 1984, Accession Number 124121.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: Sen. Lawton Chiles.

Authority: Airport and Airway Improvement Act of 1982 (P.L. 97-248; 49 U.S.C. 2201). Airport and Airway Revenue Act of 1970 (P.L. 91-258).

Abstract: Pursuant to a congressional request, GAO provided information on

revenues contributed to and disbursed from the Airport and Airway Trust Fund, which the Federal Aviation Administration operates. The fund was established to ensure that air-user taxes are expended only for the expansion, improvement, and maintenance of the national air transportation system. GAO expressed reservations about its study because: (1) it could only estimate the amount of revenue attributable to each airport based on the number of passengers handled rather than on the amount paid into the fund by each airport; (2) it could not allocate certain fund outlays by state or airport and had to estimate disbursements for certain activities, such as operations and maintenance.

Findings/Conclusions: GAO found that, from 1979 through 1983, the fund's revenues came from: (1) an 8-percent tax on commercial air passenger tickets; (2) a per capita departure tax levied on international air passengers; (3) a 5-percent tax on the amount paid for air cargo transportation; and (4) taxes on aircraft fuel, tires, and registration. The Airport and Airway Improvement Act of 1982 reauthorized the fund and established a program to disburse grants to states and airports from the fund based on factors such as air traffic volume, population density, and amount of geographical area served. GAO also found that: (1) of the 42 largest airports, those with the most estimated tax revenues generally received the lowest percentage of grant funds; (2) only 14 percent of total fund disbursements were received by these airports; and (3) the states with the highest estimated tax revenues also received a lower percentage of total disbursements. However, GAO found that the estimated dollar value of disbursements received by these states and airports was generally greater than that received by most other airports and states. GAO noted that the act required that fund revenues support the development of safe air transportation and did not require that states or airports receive an equitable return from tax revenues.

128254

[Protest of Bid Rejection Under FHWA Solicitation for Construction]. B-220084. October 31, 1985. 5 pp. *Decision* re: Kiewit Western Co.; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Federal Highway Administration; Kiewit Western Co.

Authority: 4 C.F.R. 21.8. F.A.R. 28.101-4. F.A.R. 52.228-1. F.A.R. 53.301-24. B-210177 (1983). B-214040 (1984). B-216699 (1984). B-218205 (1985).

Abstract: A firm protested the Federal Highway Administration's rejection of its low bid as nonresponsive under a solicitation for wall construction. The agency found that the protester's bid bond was inadequate because it was not submitted on the required form and failed to give the government the required protection. The protester contended that its bond was sufficient to protect the government's interest and allowable under an exception to procurement regulations. GAO found that the protester's bond limited the surety's liability and failed to give the government the right to recover procurement costs; therefore, the agency properly rejected the protester's bid as nonresponsive. Accordingly, the protest was denied.

128319

Department of Transportation: Implementing the Federal Managers' Financial Integrity Act. RCED-86-35; B-216946. October 30, 1985. 6 pp. *Report to Elizabeth H. Dole, Secretary, Department of Transportation*; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to RCED-84-141, July 13, 1984, Accession Number 124658; and OGC-84-3, January 16, 1984, Accession Number 123226.

Issue Area: Internal Control and Financial Management System Audits: Effectiveness of Federal Agencies in Implementing the Federal Managers' Financial Integrity Act (7401).
Contact: Resources, Community, and Economic Development Division.
Budget Function: Transportation: Ground Transportation (401.0); Transportation: Air Transportation (402.0); Transportation: Water Transportation (403.0); Transportation: Other Transportation (407.0).
Organization Concerned: Department of Transportation.

Authority: Federal Managers' Financial Integrity Act of 1982 (31 U.S.C. 3512).
Abstract: As part of a management review of the Department of Transportation (DOT), GAO reviewed the agency's second-year efforts to evaluate its internal control and accounting systems under the Federal Managers' Financial Integrity Act of 1982 (FMFIA).

Findings/Conclusions: GAO found that: (1) although DOT made considerable

progress in implementing FMFIA, there was no adequate basis to determine that the Department complied with the act's requirement to establish controls in accordance with Comptroller General standards; (2) the basis DOT used for reporting on the status of internal controls was inadequate; (3) a number of corrective actions still need to be taken before material weaknesses will be corrected; (4) further improvements are needed for evaluating the effectiveness of internal controls; and (5) further improvements are needed for meaningful analyses and for providing additional guidance and training for vulnerability assessments and internal control reviews. GAO also found that: (1) some accounting systems did not conform with Comptroller General requirements; (2) the Urban Mass Transportation Administration's systems provided inaccurate reports, lacked property accountability in some instances, and lacked adequate internal controls; (3) two out of three Federal Aviation Administration (FAA) locations did no testing of systems in operation; (4) FAA regional offices only considered Inspector General (IG) reports applicable to their own accounting operations and did not consider IG reports on accounting operations at other regional offices; and (5) until an agency's key accounting systems and internal controls over major programs are adequately evaluated and tested, the agency does not have an adequate basis to conclude that it is in compliance with FMFIA.

128332

[Use of Government Motor Vehicles for the Transportation of Government Officials]. B-210555.13. October 31, 1985. 2 pp. *Letter to Rep. Jack Brooks, Chairman, House Committee on Government Operations*; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General). Refer to GGD-85-76, September 16, 1985, Accession Number 128079.

Contact: Office of the General Counsel.
Organization Concerned: Federal Reserve System: Board of Governors.
Congressional Relevance: House Committee on Government Operations; *Rep. Jack Brooks.*

Authority: 31 U.S.C. 1344. 12 U.S.C. 243 et seq.

Abstract: GAO reported on the use of government motor vehicles for the transportation of government officials and concluded that several members of the Federal Reserve System's Board of Governors were not entitled to home-to-

work transportation under law. However, subsequent to the issuance of the report, Federal Reserve officials indicated that the transportation in question was not provided with appropriated funds; therefore, the officials were not subject to statutory restrictions. Accordingly, the transportation of the individuals was not in violation of the applicable statute.

128377

[Predatory Pricing and Antitrust Enforcement in the Trucking Industry]. November 7, 1985. 13 pp. *Testimony* before the House Committee on Public Works and Transportation: Surface Transportation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Interstate Commerce Commission; Motor Carrier Ratemaking Study Commission; Department of Justice: Antitrust Division; Federal Trade Commission.

Congressional Relevance: House Committee on the Judiciary; House Committee on Public Works and Transportation: Surface Transportation Subcommittee.

Authority: Motor Carrier Act of 1980. Motor Carrier Act, 1935.

Abstract: GAO discussed predatory pricing and antitrust enforcement in the trucking industry. GAO found that, in 1980, Congress adopted a new more pro-competitive approach to the regulation of the trucking industry. Despite the fact that the Motor Carrier Act clearly prohibited predatory pricing, carriers continued to raise concerns about predatory pricing. Some carriers were concerned that, at the time that the act was being considered, large carriers would use their new pricing freedom to set prices below cost to drive smaller trucking companies out of business. GAO found that there was a substantial amount of discount pricing but no conclusive evidence relating to the existence of predatory pricing. Some carriers set prices below cost either inadvertently, as a promotional device, or to secure possible spillover benefits from winning a large shipping account. GAO found that all U.S. regions have experienced some increase in the market shares of the largest firms in the trucking industry since 1980. This increase in concentration may reduce competition in the industry, although it may also increase efficiency. The concentration levels in the less-than-

truckload trucking industry are about the same as those in American manufacturing generally. GAO found that there were no court cases in which predatory pricing was alleged in the trucking industry in recent years; however, there were two formal complaints of predatory pricing which the Interstate Commerce Commission dismissed for lack of evidence.

128398

[Protest of FAA Issuance of Purchase Order for Lease of Weather Display Systems]. B-219508. November 12, 1985. 4 pp. *Decision* re: Kavouras, Inc.; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Kavouras, Inc.; Federal Aviation Administration.

Authority: Competition in Contracting Act of 1984 (41 U.S.C. 253 et seq.). 64 Comp. Gen. 480. 50 Fed. Reg. 13319. B-218260.4 (1985). B-219136 (1985).

Abstract: A firm protested the Federal Aviation Administration's issuance of a purchase order for the lease of telecommunications equipment under a Federal Supply Schedule contract, contending that: (1) the agency failed to give it adequate time to prepare a quotation; and (2) the procurement should have been synopsisized in the Commerce Business Daily (CBD). Federal regulations provide that an agency may not place an order in excess of \$50,000 against a nonmandatory telecommunications schedule contract without publishing a synopsis in the CBD and soliciting competition from all vendors. GAO found that the agency failed to comply with the regulatory requirements and unreasonably excluded the protester from competition. The protester also requested reimbursement for the costs of filing and pursuing its protest, and GAO held that reimbursement was appropriate. Accordingly, the protest was sustained, the claim was allowed, and GAO recommended that the agency resolicit the requirement.

128402

[Comment on S. 1518]. B-220343. November 5, 1985.

Released November 14, 1985. 2 pp. *Letter* to Sen. William V. Roth, Jr., Chairman, Senate Committee on Governmental Affairs; by Charles A. Bowsher, Comptroller General.

Contact: Office of the General Counsel.

Organization Concerned: Great Lakes and Saint Lawrence Seaway Advisory Council.

Congressional Relevance: Senate Committee on Governmental Affairs; Sen. William V. Roth, Jr.

Authority: Legislative Reorganization Act of 1970 (31 U.S.C. 717). Prompt Payment Act (P.L. 97-177; 31 U.S.C. 3901 et seq.; 96 Stat. 85). S. 1518 (99th Cong.). 5 U.S.C. 5101 et seq. 5 U.S.C. 5301 et seq.

Abstract: Pursuant to a congressional request, GAO presented: (1) views on the provisions of S. 1518; (2) recommendations for possible committee action; and (3) an assessment of possible paperwork and regulatory burdens which might result from the bill's passage. The bill: (1) provides for cost efficiency in the shipment of U.S. cargos; (2) establishes the Great Lakes and Saint Lawrence Seaway Advisory Council; and (3) requires that U.S. Government cargo be shipped at the lowest cost. GAO found that the law would: (1) require GAO to review all federal agencies' compliance with its provisions and report findings and recommendations; (2) authorize the chairman of the Council to appoint and fix the compensation of such staff personnel as he deems necessary without regard to U.S. Code classification provisions; and (3) provide that, if a foreign entity breaches the prompt-payment provisions, the shipper may petition the negotiating federal agency to take action regarding the payment. GAO recommended that: (1) its review and reporting requirements be deleted; (2) there be a ceiling on all salaries; and (3) although the prompt-payment provisions are necessary, care should be taken to avoid possible duplication with the current prompt-payment provisions.

128405

[Review of Audit Quality of Certified Public Accountants]. November 13, 1985. 54 pp. plus 1 attachment (3 pp.). *Testimony* before the House Committee on Government Operations: Legislation and National Security Subcommittee; by Frederick D. Wolf, Director, Accounting and Financial Management Division. Refer to HRD-84-17, August 20, 1984, Accession Number 125147; FGMSD-79-38, July 19, 1979, Accession Number 109913; CED-76-133, August 25, 1976, Accession Number 093678; and AFMD-86-20, December 5, 1985, Accession Number 128616.

Contact: Accounting and Financial Management Division.

Organization Concerned: Department of Agriculture; Department of Education; Department of Health and Human Services; Department of Housing and Urban Development; Department of Labor; Department of Transportation; Environmental Protection Agency.

Congressional Relevance: *House* Committee on Government Operations: Legislation and National Security Subcommittee; *Rep.* Jack Brooks.

Authority: Single Audit Act of 1984. Inspector General Act of 1978. OMB Circular A-102. OMB Circular A-128.

Abstract: Pursuant to a congressional request, GAO discussed the quality of audits of federal grants to state and local governments, specifically: (1) the role that inspectors general (IG) play in the audit quality review process; and (2) the extent to which certified public accountants (CPA) comply with professional auditing standards. GAO noted that the Inspector General Act of 1978 requires IG to take appropriate steps to ensure that any work performed by nonfederal auditors complies with Comptroller General standards, but the act does not specify the steps the IG must take. GAO found that: (1) regional inspectors general (RIG) have audit quality review systems that are primarily designed to detect and correct problems of unacceptable work on individual audits; (2) the accuracy of RIG individual reviews was adequately reviewed based on correspondence between the RIG and CPA firms; (3) desk reviews did not generally enable RIG to identify problems; and (4) there were numerous instances where auditors failed to report, or inadequately reported, findings of noncompliance with laws and regulations. GAO also found that: (1) some reports did not include statements on internal accounting controls; (2) there were instances where auditors' reports contained financial statements with unexplained inaccuracies or inadequate descriptions of the scope of audit work; (3) RIG did not usually select audits for quality control review on a random basis, but judgmentally selected them; and (4) the audits that were not accepted often involved failure to obtain and document sufficient evidence to support audit conclusions.

128417

[Protest of FAA Decision To Conduct Procurement Under the Small Business Act]. B-220387. November 14, 1985. 4 pp. *Decision* re: Harris Corp.; RF Communications Group; by Ronald Berger, Deputy Associate General

Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Harris Corp.; RF Communications Group; Federal Aviation Administration.

Authority: Small Business Act (15 U.S.C. 637(a)). Competition in Contracting Act of 1984 (P.L. 98-369; 98 Stat. 1172). Armed Services Procurement Act of 1947 (10 U.S.C. 2301 et seq.). Small Business and Federal Procurement Competition Enhancement Act of 1984 (P.L. 98-577; 98 Stat. 3086). Property and Administrative Services Act (41 U.S.C. 253 et seq.). 13 C.F.R. 124.1-1. 4 C.F.R. 21.3(f)(4). B-213002 (1984). B-218641 (1985). B-212734 (1983). B-218602 (1985).

Abstract: A firm protested the Federal Aviation Administration's (FAA) decision to conduct a procurement under the Small Business Act, contending that: (1) FAA acted in bad faith to limit competition for major subcontracted items; (2) the brand-name specification limited the equipment to be used to a specific firm; and (3) it was not the first time that FAA had tried to restrict its procurement of similar items. GAO would not review a contracting agency's decision to satisfy its requirements through small businesses subcontracts, since the protester failed to provide evidence indicating that the agency acted in bad faith. Accordingly, the protest was dismissed.

128428

President's Twelfth Special Message for Fiscal Year 1985. OGC-86-1; B-216664, B-220532. November 14, 1985. 7 pp. *Report* to Congress; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General). Refer to Letter, May 30, 1986, Accession Number 129996.

Contact: Office of the General Counsel.

Budget Function: Impoundment Control Act of 1974 (990.2).

Organization Concerned: Department of Health and Human Services; Department of State; Department of Agriculture; Department of Defense; Department of Energy; Department of Justice; Department of Transportation; Pennsylvania Avenue Development Corporation; Railroad Retirement Board.

Congressional Relevance: Congress.

Authority: Congressional Budget and Impoundment Control Act of 1974.

Abstract: Pursuant to the Impoundment Control Act of 1974, the President's twelfth special message for fiscal year (FY) 1985 and first special message for

FY 1986 were submitted to Congress on October 1, 1985.

Findings/Conclusions: The messages proposed 2 new deferrals and 2 revised deferrals totalling about \$1.4 billion for FY 1985 and 23 new deferrals totalling about \$1.6 billion for FY 1986. GAO believes that the deferrals are in accordance with existing authority. GAO identified no further information, except as noted, that would be useful to Congress in its consideration of the President's proposals.

128432

Deregulation: Increased Competition Is Making Airlines More Efficient and Responsive to Consumers. RCED-86-26; B-197119. November 6, 1985.

Released November 20, 1985. 54 pp. plus 23 appendices (32 pp.). *Report* to Rep. James J. Howard, Chairman, House Committee on Public Works and Transportation; Rep. Norman Y. Mineta, Chairman, House Committee on Public Works and Transportation; Aviation Subcommittee; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to RCED-83-179, July 6, 1983; Accession Number 121847; Testimony, July 21, 1986, Accession Number 130473; and RCED-87-62, May 19, 1987, Accession Number 133088.

Issue Area: Transportation: Economic Effects of Regulatory Reform in the Transportation Sector (6611).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Civil Aeronautics Board; Federal Aviation Administration.

Congressional Relevance: *House* Committee on Public Works and Transportation: Aviation Subcommittee; *House* Committee on Public Works and Transportation; *Rep.* Norman Y. Mineta; *Rep.* James J. Howard.

Authority: Airline Deregulation Act of 1978 (P.L. 95-504). Civil Aeronautics Safety Regulation Act (P.L. 75-706).

Abstract: In response to a congressional request, GAO compared the economic expectations of airline deregulation with the actual changes in the industry's structure, conduct, and performance.

Findings/Conclusions: Because many factors have affected the airline industry since 1978, GAO could not quantify direct cause-and-effect relationships between deregulation and the industry's current status. However, GAO found

that increases in competition and changes in fares, service, and profits were generally consistent with economists' expectations of deregulation. GAO found that: (1) the number of interstate airlines increased from 30 in 1978, to 37 in 1984; (2) larger airlines have been losing passengers to smaller, new airlines; (3) the average fare paid per mile has fallen; (4) there has been an increasing use of discount fares; (5) service has improved for most passengers, but some small communities have lost air service; (6) profits varied widely among airlines; (7) the industry is becoming more efficient due to lower operating costs, and offers travellers more choice in fares and service; (8) the airlines have made many changes to adapt to a competitive environment, but further change and competition are likely; and (9) federal policies to control airport access can affect competition in the industry.

128444

Weather Satellite Costs Have Increased: Problems Have Occurred in Their Manufacturing Quality Control. RCED-86-28; B-216229. October 31, 1985.

Released November 20, 1985. 4 pp. plus 2 appendices (20 pp.). *Report to Rep. James H. Scheuer, Chairman, House Committee on Science and Technology: Natural Resources, Agriculture Research and Environment Subcommittee*; Rep. Jack Brooks, Chairman, House Committee on Government Operations; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to NSIAD-87-107, April 23, 1987, Accession Number 132760.

Issue Area: Science and Technology Policy and Programs (9300).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Other Natural Resources (306.0); General Science, Space, and Technology: Space Science, Applications, and Technology (254.0).

Organization Concerned: National Oceanic and Atmospheric Administration.

Congressional Relevance: *House Committee on Science and Technology: Natural Resources, Agriculture Research and Environment Subcommittee; House Committee on Government Operations; Rep. James H. Scheuer; Rep. Jack Brooks.*

Abstract: Pursuant to a congressional request, GAO reviewed the National Oceanic and Atmospheric Administration's (NOAA) policies and

practices for planning and procuring its weather satellites, including quality assurance practices and the reasons for the increasing weather satellite costs. **Findings/Conclusions:** GAO found that two problems occurred in the quality control of weather satellite manufacturing: (1) both polar orbiting and geostationary satellites were built with unapproved parts; and (2) the number of quality control personnel needed to ensure reliable production were not provided at some of the plants. GAO also found that, allowing for inflation, the average cost of a satellite and launch increased 117 percent, because: (1) the contractors could not purchase the parts in economical quantities; (2) the cost of some satellite equipment escalated faster than aerospace inflation; and (3) there were additional costs for launch vehicle testing and the user fees associated with maintaining launch readiness capability.

128451

[Protest of Coast Guard Solicitation Alleging Awardee Affiliation With Debarred Contractor]. B-220037. November 20, 1985. 2 pp. *Decision re: Alliance Properties, Inc.; by Ronald Berger, (for Robert M. Strong, Deputy Associate General Counsel), Office of the General Counsel.*

Contact: Office of the General Counsel.

Organization Concerned: Alliance Properties, Inc.; United States Coast Guard.

Authority: B-212054 (1983).

Abstract: A firm protested a contract award to either of the two low bidders under a Coast Guard solicitation, contending that: (1) the awardee was affiliated with a debarred contractor; and (2) the second low bid was late. GAO held that: (1) the matter of whether the awardee was affiliated with a debarred contractor was one of responsibility, which it would not consider absent circumstances not relevant to the instant procurement; and (2) it would not consider whether the second low bid was late because the Coast Guard was properly awarding the contract to the low bidder. Accordingly, the protest was dismissed.

128494

[Request for Reconsideration of Decision Concerning Coast Guard Procurement]. B-219423.2. November 25, 1985. 5 pp. *Decision re: Southwest Marine, Inc.; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).*

Contact: Office of the General Counsel.

Organization Concerned: United States Coast Guard; Southwest Marine, Inc.

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3551 et seq.). 52 Comp. Gen. 215. 55 Comp. Gen. 1362. 60 Comp. Gen. 341. *City of Santa Clara v. Andrus*, 439 U.S. 859 (1978). *Superior Oil Co. v. Udall*, 409 F.2d 1115 (D.C. Cir. 1969). *John Reiner & Co. v. United States*, 377 U.S. 931 (1964). *Trilon Educational Corp. v. United States*, 578 F.2d 1356 (Ct. Cl. 1978). *Reorg. Plan No. 26 of 1950*. B-184375 (1978). B-213430.2 (1984). B-214564.2 (1985). B-219423 (1985). 10 U.S.C. 2302 et seq. 64 Stat. 1280.

Abstract: A firm requested reconsideration of a decision concerning its protest against a Coast Guard contract award. GAO had agreed with the protester that the Commandant of the Coast Guard was not empowered to execute a determination authorizing a negotiated procurement; however, GAO did not find that this was a basis to sustain the protest because the Secretary of Transportation could properly execute the required determination after award. In its request for reconsideration, the protester contended that GAO erred in concluding that the determination could be reexecuted by a proper authority after contract award. GAO held that: (1) the Commandant made his determination in good faith; (2) the Commandant's improper action did not void the contract; and (3) the Secretary of Transportation's reexecution of the determination after contract award did not constitute a basis for sustaining the protest. Accordingly, the decision was affirmed.

128517

[Protest of Proposed FHWA Contract Award for Road Construction]. B-220209. November 29, 1985. 3 pp. *Decision re: Robbinsville Contracting Co.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).*

Contact: Office of the General Counsel.

Organization Concerned: Robbinsville Contracting Co.; Federal Highway Administration.

Authority: F.A.R. 14.405. B-208205.2 (1982). B-188148 (1977).

Abstract: A firm protested a proposed Federal Highway Administration contract award for road construction, contending that the awardee's: (1) bid was nonresponsive because it failed to specify the type of retaining wall to be used; and (2) failure to specify a wall type would give it additional time to

shop for a wall that could be constructed at a lower cost. GAO found that: (1) apart from general architectural consideration, the solicitation left the design of the wall to the contractor's discretion; and (2) the requirement that bidders specify a wall type was inadvertently included in the solicitation. GAO determined that the awardee's failure to specify a wall type should be waived as a minor informality, since the requirement was inadvertently included in the solicitation. Accordingly, the protest was denied.

128648

[Request for Reconsideration of Dismissal of Protest Under DOT Solicitation]. B-221070.2. December 16, 1985. 2 pp. *Decision* re: SGS Construction Co.; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: SGS Construction Co.; Department of Transportation.

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3554(a)(1)). 4 C.F.R. 21.1(a)(2). 4 C.F.R. 21.12(a). B-220476.2 (1985). B-218120.2 (1985).

Abstract: A firm requested reconsideration of the dismissal of its untimely protest against a Department of Transportation (DOT) solicitation, contending that it timely filed the protest while its protest to DOT was still pending. GAO held that: (1) protesters are obligated to furnish, in their initial submission to GAO, all relevant information bearing on a protest; and (2) since the protester did not advise it of the agency protest, the instant protest was untimely. Accordingly, the dismissal was affirmed.

128706

Redemption of Railroad Retirement Account Investments. HRD-86-53; B-221127. December 13, 1985.

Released December 23, 1985. 2 pp. plus 2 enclosures (13 pp.). *Report* to Rep. James R. Jones, Chairman, House Committee on Ways and Means: Social Security Subcommittee; Rep. James J. Florio, Chairman, House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; by Milton J. Socolar, Acting Comptroller General.

Issue Area: Income Security: Analysis of Economic and Financing Issues of Income Security Programs (5021).

Contact: Human Resources Division.

Budget Function: Income Security: General Retirement and Disability Insurance (601.0).

Organization Concerned: Department of the Treasury; Railroad Retirement Board.

Congressional Relevance: *House* Committee on Ways and Means: Social Security Subcommittee; *House* Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; *Rep.* James R. Jones; *Rep.* James J. Florio.

Authority: Railroad Retirement Act of 1974 (45 U.S.C. 231n(e)). H. Rept. 93-1345. S. Rept. 93-1163.

Abstract: Pursuant to a congressional request, GAO reviewed the Department of the Treasury's unilateral sale of securities from the Railroad Retirement Account (RRA), specifically whether: (1) the sale of securities was legal without Railroad Retirement Board approval; and (2) the sale was in excess of what was required to make benefit payments. **Findings/Conclusions:** GAO noted that: (1) the Railroad Retirement Board is principally responsible for making investment decisions with regard to RRA; and (2) Treasury's role is essentially that of an agent of the Board, with no authority to invest or disinvest RRA funds except in accordance with the instructions provided by the Board. GAO found that: (1) Treasury redeemed about \$445 million in RRA securities without Board approval and in excess of what was needed to make benefit payments; (2) Treasury accelerated redemptions of RRA securities for \$99.5 million required for benefit payments; (3) the overredemption of RRA securities directly contravened the Board's determination that RRA should be fully invested; and (4) after the Board notified Treasury that these actions were unauthorized transactions, Treasury officials quickly corrected the errors with no resultant loss to RRA principal or interest. Treasury stated that: (1) the overredemption of RRA securities was not an intentional violation of the Board's investment authority, but was the result of a clerical error caused by the debt-ceiling crisis; and (2) the financial transactions were taken as part of a broader plan to accelerate November redemptions for several federal trust funds. GAO also found that: (1) the accelerated redemption of amounts required to cover benefit payments resulted in a net loss to RRA of approximately \$160,000 in interest; and (2) the Secretary could not unilaterally accelerate the redemption of securities to generate funds for reasons unrelated to check processing requirements.

128708

Travel Practices: Use of Airline Bonus Coupons and Privately Funded Travel by AID Employees. NSIAD-86-26; B-220542. November 29, 1985.

Released December 20, 1985. 5 pp. plus 2 appendices (16 pp.). *Report* to Sen. Jesse A. Helms; by Frank C. Conahan, Director, National Security and International Affairs Division. Refer to NSIAD-86-217, September 26, 1986, Accession Number 131417; and NSIAD-87-92, March 12, 1987, Accession Number 132529.

Issue Area: Foreign Economic Assistance: Other Issue Area Work (6291).

Contact: National Security and International Affairs Division.

Budget Function: International Affairs: Foreign Economic and Financial Assistance (151.0).

Organization Concerned: Agency for International Development.

Congressional Relevance: *House* Committee on Government Operations; *House* Committee on Appropriations: Foreign Operations Subcommittee; *House* Committee on Foreign Affairs; *Senate* Committee on Governmental Affairs; *Senate* Committee on Appropriations: Foreign Operations Subcommittee; *Senate* Committee on Foreign Relations; *Sen.* Jesse A. Helms.

Authority: Foreign Assistance Act of 1961. B-199656 (1981). B-215826 (1985). 5 U.S.C. 4111. 26 U.S.C. 501(c)(3).

Abstract: Pursuant to a congressional request, GAO reviewed the Agency for International Development's (AID) procedures for: (1) controlling and using promotional materials such as bonus flight coupons in conjunction with official travel; and (2) avoiding conflicts of interest in connection with official travel funded by private sources.

Findings/Conclusions: The major U.S. airlines have instituted frequent-flyer programs which entitle a person who travels regularly to obtain coupons or accumulate points for bonus travel. However, in a 1981 decision, GAO held that bonus flight promotional awards, which federal employees receive while travelling on official business, cannot be retained since they belong to the government. GAO found that there has been confusion and controversy surrounding the earning, ownership, and use of these awards, and agencies have been slow in developing guidelines and communicating the requirements to their employees. Since the airlines do not provide government agencies with information on what federal employees

earn while on official travel, it is difficult to verify that all of the promotional materials earned are turned in to the agencies. Federal employees may accept payment from private sources for travel expenses incurred in carrying out official duties when: (1) it is a nonprofit, tax-exempt organization; and (2) it is paid from a nonfederal source on the agency's behalf. However, under both circumstances, payment of travel expenses should not be accepted if it would pose conflict-of-interest problems. AID recently issued guidelines which require prior written approval for such a trip from the employee's manager and a General Counsel determination that acceptance would not create an apparent conflict of interest. However, since over half of recent privately funded AID trips were not submitted to the General Counsel, GAO believes there is a need to further emphasize its importance.

Recommendation To Agencies: The Administrator, AID, should recover the value of the trips made by five AID employees using bonus airline coupons for unofficial travel or travel by their spouses. The Administrator, AID, should emphasize to AID employees and authorizing officials the importance of implementing newly established procedures for avoiding potential conflict of interest situations. In particular, employees and officials should be reminded that General Counsel approval must be obtained before offers by nonfederal sources to pay travel expenses are accepted. The Administrator, AID, should instruct the General Counsel to sign off on travel authorizations where expenses will be paid by private sources as evidence of the conflict of interest review. The Administrator, AID, should instruct AID employees to obtain travel authorizations for all trips involving official business, even where there is no cost to AID. Employees should be instructed to keep records of time spent on official business when trips combine business and pleasure, and to seek reimbursement from appropriated funds for expenses incurred while performing official business.

128709

Routing Small Shipments of Hazardous or Sensitive Cargo. NSIAD-86-34; B-211456. December 20, 1985. 3 pp. plus 1 enclosure (17 pp.). *Report to Maj. Gen. Harold I. Small, Commander, Department of the Army: Military Traffic Management Command; by Henry W. Connor, Senior Associate*

Director, National Security and International Affairs Division. Refer to PLRD-83-70, May 31, 1983, Accession Number 119884.

Issue Area: Army: Other Issue Area Work (5591); Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0); Transportation: Ground Transportation (401.0); Transportation: Air Transportation (402.0).

Organization Concerned: Department of the Army: Military Traffic Management Command.

Congressional Relevance: House Committee on Appropriations: Defense Subcommittee; House Committee on Armed Services; Senate Committee on Appropriations: Defense Subcommittee; Senate Committee on Armed Services.

Abstract: GAO evaluated the Military Traffic Management Command's (MTMC) actions in response to previous GAO recommendations concerning the routing of small shipments of hazardous or sensitive cargo.

Findings/Conclusions: GAO found that MTMC has attempted to comply with earlier report recommendations by: (1) obtaining and issuing additional installation shipping and receiving data; (2) making and documenting cost comparisons; (3) making more disclosures of shipping requirements; (4) maintaining more distribution records; and (5) establishing standard operating procedures which assign responsibilities and define procedures for selecting carrier service on small shipments of ammunition, explosives, and weapons. However, GAO found that MTMC instructions and guidelines are sometimes incomplete, unclear, or not followed, resulting in: (1) the preclusion of the use of the lowest-cost air taxi service; (2) reliance on incomplete and conflicting information; (3) questionable cost analysis; and (4) inconsistent consideration of shipment time factors.

Recommendation To Agencies: The Commander, MTMC, should revise and expand MTMC instructions to shippers for submitting requests for routing advice. The Commander, MTMC, should make sure MTMC guidelines call for certain challenge criteria on shippers' requirements. The Commander, MTMC, should verify routinely that MTMC guidelines are followed. These instructions and guidelines should specifically: (1) require shippers to certify the necessity for palletization

when it is used on small shipments; (2) provide for a requirement that information on air taxi landing fields be continuously updated and any discrepancies between the shippers' information and MTMC information be resolved quickly; (3) require development and use of a MTMC-approved methodology for computing air taxi pickup and delivery costs, which would result in a greater degree of consistency in the costs among installations, and which would be available to the air taxi industry; and (4) define the required delivery date as it is to be used in requesting routing advice and how it, along with the transportation priority, will be used in making the mode and carrier choice.

128719

[Protest of FAA Contract Award for Industrial Hygienist Services]. B-220139. December 24, 1985. 6 pp. *Decision re: Tracor-Jitco, Inc.; by Seymour Eφος, (for Harry R. Van Cleve, General Counsel).*

Contact: Office of the General Counsel.

Organization Concerned: Tracor-Jitco, Inc.; Federal Aviation Administration.

Authority: 64 Comp. Gen. 482. 63 Comp. Gen. 452. F.A.R. 1.401(a). F.A.R. 1.403. F.A.R. 1.404. F.A.R. 46.700. F.A.R. 46.803. F.A.R. 52.228-5. F.A.R. 52.237-2. F.A.R. 52.246-25. *G.L. Christian & Associates v. United States*, 312 F.2d 418 (Ct. Cl. 1963). B-212218 (1984). B-219418 (1985). B-204196 (1982). B-214447 (1984).

Abstract: A firm protested a Federal Aviation Administration (FAA) contract award, contending that the solicitation: (1) included an indemnity clause that was unauthorized and allocated performance risks in such a manner as to unduly restrict competition; and (2) was defective because a required clause was not included and FAA, in determining the awardee to be responsible, may not have considered whether the awardee was adequately insured to protect the government's rights under the indemnity clause. FAA contended that the protester was not sufficiently interested, since its bid did not acknowledge a material solicitation amendment. GAO held that: (1) the protester was an interested party, since it would have the opportunity to rebid if the protest were sustained; (2) since standard warranty clauses may not be appropriate for every situation, a contracting officer may use a warranty that varies from standard clauses; (3) FAA submitted a copy of an insurance statement, dated before award, indicating that the required insurance

would be issued to the awardee; (4) the omission of the insurance clause was not prejudicial to other bidders; and (5) the protester did not contend that it could have submitted a lower bid if it had to obtain insurance coverage. Accordingly, the protest was denied.

128725

[Protest of FAA Procurement of Radar Equipment Under Federal Supply Schedule]. B-220058.

December 23, 1985. 5 pp. *Decision* re: Kavouras, Inc.; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration; Kavouras, Inc.; Alden Electronics, Inc.

Authority: F.A.R. 8.401. F.I.R.M.R. 201-40.008. B-212544 (1983). B-211641 (1983). B-219508 (1985).

Abstract: A firm protested the Federal Aviation Administration's (FAA) issuance of a delivery order for the procurement of weather radar display equipment, contending that: (1) in accepting the awardee's lower-priced quote, FAA engaged in an auction and a one-sided procurement that should have included a common cutoff date; and (2) FAA should have compared the prices of each contractor's equipment without consideration of site installation charges. GAO held that: (1) had FAA attempted to secure a lower price from the protester based on the awardee's reduced price, it would have engaged in the same type of auction of which the protester complained; and (2) when an agency uses the simplified purchasing procedures under the Federal Supply Schedule, it is not required to set a common cutoff date for receipt of best and final offers. Accordingly, the protest was denied.

128764

Supersonic Flights: Air Force Use of Training Areas in Texas and New Mexico. NSIAD-86-4; B-220128.

November 8, 1985. 7 pp. plus 2 appendices (7 pp.). *Report* to Rep. Ronald Coleman; Rep. Bill Richardson; by Frank C. Conahan, Director, National Security and International Affairs Division. Refer to NSIAD-87-93, March 23, 1987, Accession Number 132478.

Issue Area: Air Force: Other Issue Area Work (5491).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military

(Except Procurement and Contracting) (051.0).

Organization Concerned: Department of the Air Force; Department of the Air Force: Tactical Air Command: 49th Tactical Fighter Wing, Holloman AFB, NM.

Congressional Relevance: *Rep.* Bill Richardson; *Rep.* Ronald Coleman.

Authority: Environmental Policy Act of 1969 (National) (P.L. 91-190). Executive Order 11514.

Abstract: Pursuant to congressional requests, GAO reviewed the Air Force's decision to use two military operations areas for training involving supersonic flights to determine: (1) the Air Force's need for the projected number of supersonic flights for the 49th Tactical Fighter Wing (TFW); (2) the adequacy of the Air Force's evaluation of the alternative to supersonic flights over both Valentine, Texas and Reserve, New Mexico; (3) the Air Force's compliance with the National Environmental Policy Act's procedural requirements; and (4) the actions the Air Force has taken to ensure that supersonic flights do not enter Mexican airspace, and the repercussions if Mexican airspace is entered.

Findings/Conclusions: GAO believes that: (1) in light of the Tactical Air Command's air-to-air training requirements and the comparability of 49th TFW air-to-air flying to a similar wing, the number of supersonic flights projected in the environmental impact statements was reasonable; (2) the Air Force's proposal to use both Valentine and Reserve for supersonic operations was appropriate because none of the alternatives were more cost-effective or operationally feasible; (3) the Air Force complied with the procedural requirements of the act for preparing environmental impact statements since it provided adequate time for public comments, responded to all relevant comments, and allowed more than the required minimum of 30 days between issuing the final statements and deciding to implement the proposed actions; and (4) the Air Force is acting to avoid entering Mexican airspace, and no repercussions seem likely in the event of such overflights.

128813

Navy Maintenance: Costs To Overhaul Navy Ships at Private Shipyards. NSIAD-86-27; B-133170.

January 9, 1986. 2 pp. plus 1 appendix (6 pp.). *Report* to Sen. Mark O. Hatfield, Chairman, Senate Committee on Appropriations; by Frank C. Conahan, Director,

National Security and International Affairs Division. Refer to NSIAD-88-109, March 25, 1988, Accession Number 135619.

Issue Area: Navy: Ability of Navy Supply System To Provide Materials at Lowest Cost While Maintaining Military Capabilities (5602).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of the Navy.

Congressional Relevance: *Senate* Committee on Appropriations; *Sen.* Mark O. Hatfield.

Abstract: In response to a congressional request, GAO reviewed: (1) the estimated and actual costs to overhaul Navy ships at private shipyards; (2) selected contract modifications to determine their effect on contract costs; (3) the size of price increases in fixed-priced contracts in contrast with those in cost-type contracts; and (4) Navy policies for geographically distributing the work. **Findings/Conclusions:** GAO found that: (1) overhaul costs increased 63 percent on the fixed-price contracts and 30 percent on the cost-type contracts it reviewed between the times of contract award and contract completion; (2) 71 of the 75 fixed-price contracts were awarded at prices 31 percent below the government estimates; (3) 24 of the 30 cost-type contracts were awarded at prices 21 percent below the government's estimates; (4) increased contract costs were the result of modifications for growth and new work; (5) the Navy paid more than the government's estimated cost for modifications for 25 fixed-price contracts due to sole-source procurement, overtime payments, and contractor reimbursement for delays and disruptions caused by the modifications; (6) the Navy has changed its policy governing the geographic distribution of overhaul work to require the completion of regular overhauls and other major planned maintenance actions coastwide, while minor maintenance actions can continue to be done in the homeport area; and (7) this policy change may not have a significant impact because the Navy has been decreasing the number of regular overhauls and increasing the number of short, labor-intensive maintenance actions.

128837

Appropriated Funds: Air Force Needs To Change Process for Funding Some Activities. NSIAD-86-24; B-221122. January 14, 1986. 4 pp. plus 4 appendices (13 pp.). *Report to Russell A. Rourke, Secretary, Department of the Air Force; by Frank C. Conahan, Director, National Security and International Affairs Division.*

Issue Area: Air Force: Other Issue Area Work (5491).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of the Air Force: Air Force Systems Command: Aeronautical Systems Division; Department of the Air Force.

Congressional Relevance: *House* Committee on Budget; *House* Committee on Appropriations; *House* Committee on Armed Services; *Senate* Committee on Appropriations; *Senate* Committee on Armed Services.

Abstract: GAO reviewed the Air Force Systems Command's (AFCS) Aeronautical Systems Division's assessment of authorized programs to fund and account for certain development planning activities.

Findings/Conclusions: GAO believes that the use of assessments to fund these activities is not appropriate because: (1) there is no specific budget submission for these development planning activities and, as such, they are not justified to Congress; (2) the development planning costs are ultimately recorded as expenses of authorized and budgeted research, development, test, and evaluation (RDT&E) programs from which the funds were taken, which misrepresents how the funds are actually spent; (3) many development planning projects had little relationship to the RDT&E programs from which the funds were taken; and (4) Air Force budget requests for the RDT&E programs providing the funds may be increased to accommodate anticipated assessments.

Recommendation To Agencies: The Secretary of the Air Force should initiate action to stop the use of assessments in funding development planning activities and ensure that Air Force budget submissions clearly disclose development planning activities. Such action could include specific justification to Congress of some larger projects, justification for groups of smaller projects, or other methods more

appropriate than the assessment practice.

128845

Financial Audit: Saint Lawrence Seaway Financial Statements for 1984 and 1983. AFMD-86-5; B-125007. January 15, 1986. 1 p. plus 3 appendices (8 pp.). *Report to Congress; by Charles A. Bowsher, Comptroller General. Refer to GGD-87-109, September 23, 1987, Accession Number 134081.*

Issue Area: Financial Statement Audits of Government Entities: Audit Agency, Corporation, Legislative Branch, and Pension Fund Financial Statements (7502).

Contact: Accounting and Financial Management Division.

Budget Function: Financial Management and Information Systems (998.0).

Organization Concerned: Department of Transportation: Saint Lawrence Seaway Development Corporation.

Congressional Relevance: Congress.

Authority: 31 U.S.C. 9105.

Abstract: GAO examined the statements of the financial position of the Saint Lawrence Seaway Development Corporation as of December 31, 1984 and 1983, and the related statements of operations and changes in cumulative results of operations and changes in financial position for the years then ended.

Findings/Conclusions: GAO found that the financial statements presented fairly the financial position of the Corporation as of December 31, 1984 and 1983, and the results of its operations and the changes in its financial position for the years then ended, in conformity with generally accepted accounting principles applied on a consistent basis.

128882

[Protest of FAA Award of Sole-Source Contract for Maintenance of Computer Facility]. B-220581.

January 16, 1986. 4 pp. *Decision re: Data Transformation Corp.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).*

Contact: Office of the General Counsel.

Organization Concerned: Data Transformation Corp.; Input Output Computer Services, Inc.; Federal Aviation Administration.

Authority: Small Business Act (15 U.S.C. 637(a)). Property and Administrative Services Act. Competition in Contracting Act of 1984 (P.L. 98-369; 41 U.S.C. 253(c)(1); 98 Stat. 1175). 4 C.F.R. 21.6(a).

F.A.R. 6.302-1. B-219926 (1985). B-220025 (1985). B-218642 (1985). B-218641 (1985).

Abstract: A firm protested a Federal Aviation Administration (FAA) sole-source contract award for the maintenance and operation of a computer facility, contending that: (1) FAA improperly extended a contract when the incumbent contractor was not eligible at the time of the extension; and (2) FAA could not justify the sole-source award on the basis of an urgent and compelling need for the services. GAO noted that: (1) the synopsis of the requirements provided prequalification criteria which prospective offerers had to meet in order to receive a copy of the solicitation; (2) the synopsis also indicated the agency's intention to extend the existing contracts to cover fiscal year (FY) 1986 if it found no firms that satisfied the prequalification requirements; (3) 33 firms responded to the solicitation, but only one offerer qualified under the announced criteria; and (4) the Department of Transportation declined to take further procurement action on the FAA requirement. GAO found that: (1) FAA modified the existing contract to include an extension option to cover FY 1986, but instead awarded a 120-day contract to continue performance until it could select a new contractor; (2) the alleged impropriety of the extension was academic since FAA decided not to exercise the option; (3) a sole-source award is justified where an agency reasonably concludes that only one known source can meet its needs; and (4) none of the firms that responded to the solicitation were considered qualified to take over the performance of the services, and the determination to negotiate a limited, interim contract with the awardee was reasonable. Accordingly, the protest was denied in part and dismissed in part.

128978

Shipper Rail Rates: Interstate Commerce Commission's Handling of Complaints. RCED-86-54FS; B-221130. January 30, 1986. 9 pp. *Fact Sheet* to Rep. Ronald C. Marlenee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Economic Effects of Regulatory Reform in the Transportation Sector (6611).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Interstate Commerce Commission.

Congressional Relevance: Rep. Ronald C. Marlenee.

Authority: Staggers Rail Act of 1980.

Abstract: In response to a congressional request, GAO prepared a fact sheet on the major issues related to the Interstate Commerce Commission's (ICC) implementation of the Staggers Rail Act, specifically: (1) the current case-load-to-completion-time ratio; (2) the ratio of cases settled in favor of railroads over those settled in favor of shippers; (3) the total revenue gained and projected income from the current \$500 filing fee; (4) the total administrative costs involved in processing a complaint; (5) the number of rate changes instituted in the last 4 years; and (6) the number of rate hearings that have been held in the last 4 years and the number of these that have been public.

Findings/Conclusions: GAO found that ICC: (1) does not maintain data on the case-load-to-completion-time-ratio, but it must complete all evidentiary proceedings for a complaint case within 180 days after the case is assigned to the official hearing the case, who has 120 days to make a decision; (2) determined that, in 81 identified cases, the railroads' rates were reasonable in 66 percent of the cases and unreasonable in 16 percent of the cases, with the remaining cases pending or having been dismissed; (3) has received \$3,500 in revenues from the filing fee and estimated that it would receive about \$5,000 annually; (4) total administrative costs for processing a complaint in 1985 were \$2,394.05; (5) does not maintain a record of rate increases; (6) held 10 hearings in 1985, 9 in 1984, and has no data on hearings held prior to 1984; and (7) hearings are always open to the public.

128982

[Protest of FAA Contract Award for Data Display Systems]. B-220612. January 28, 1986. 6 pp. *Decision* re: Strobe Data, Inc.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Strobe Data, Inc.; Systems Atlanta, Inc.; Federal Aviation Administration.

Authority: 4 C.F.R. 21.2(a)(1), 4 C.F.R. 21.3(f)(5), 45 Comp. Gen. 221, 51 Comp. Gen. 621, 37 Comp. Gen. 550, B-220136 (1985), B-190571 (1978), B-201287 (1981).

Abstract: A firm protested a Federal Aviation Administration (FAA) contract award for data display systems, contending that: (1) the solicitation

specifications were defective; (2) FAA unreasonably evaluated the technical data in the awardee's bid and allowed the awardee to deviate from the specifications; (3) a technical transfusion may have occurred, resulting in the transfer of its allegedly proprietary data to the awardee; (4) FAA conducted improper discussions concerning price adjustments with the awardee after bid opening; and (5) the awardee could not meet the solicitation's specifications and delivery schedule, while its own product exceeded FAA needs. GAO held that: (1) the protester did not show that FAA unreasonably evaluated the awardee's technical data submissions; (2) since the procurement was not negotiated and the bids were sealed, there could not have been a technical transfusion of proprietary data; (3) FAA stated that it conducted no discussions with the awardee concerning price adjustments; and (4) there was no authority to award a sealed-bid contract to a concern whose product exceeded the government's needs, in the presence of a lower-priced bid from a responsible concern. Accordingly, the protest was denied in part and dismissed in part.

128991

[Protest of MARAD Contract Award for Berthing Facilities]. B-220623. January 30, 1986. 7 pp. *Decision* re: TLM Berthing, Inc.; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.
Organization Concerned: TLM Berthing, Inc.; Tacoma Boatbuilding Co., Inc.; Maritime Administration.

Authority: 64 Comp. Gen. 441, B-214564 (1984), B-214081.3 (1985), B-219828 (1985).

Abstract: A firm protested a Maritime Administration (MARAD) contract award for the acquisition of facilities to berth certain merchant-type vessels, contending that: (1) the award was inconsistent with the evaluation and source selection scheme established in the solicitation; (2) the awardee was improperly allowed to reduce its proposed price after the closing date for receipt of best and final offers; and (3) MARAD did not calculate the average per diem prices per ship for the berthing of two or more vessels moored together. GAO found that: (1) the protester's combined per diem pricing for berthing two vessels together was only marginally higher than its per diem pricing for berthing one vessel; and (2) if the figures were evaluated in accordance with the solicitation's scheme to determine the average per diem fee per ship, it was clear that the protester's average per

diem fee was substantially lower than the awardee's average per diem fee for berthing two or more vessels. Since the protester's offer was significantly unbalanced mathematically and would not become low until the third option year, GAO recommended that the protester be awarded a contract to berth two of the three vessels if it extended the contract to at least the third option year. Accordingly, the protest was sustained.

129003

[Protest of Coast Guard Contract Award for Gyro-Stabilized Binoculars]. B-221815. January 30, 1986. 3 pp. *Decision* re: Fujinon, Inc.; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Fujinon, Inc.; Fraser-Volpe Corp.; United States Coast Guard.

Authority: 4 C.F.R. 21.2(a)(1), F.A.R. 9.104-3(c), F.A.R. 9.103, B-207846.2 (1982), B-214595 (1984), B-216386 (1985), B-217527 (1985).

Abstract: A firm protested a Coast Guard contract award for gyro-stabilized binoculars, contending that: (1) the awardee should have been found nonresponsible because of an unsatisfactory performance record; and (2) the brand-name equipment called for in the solicitation did not represent the agency's minimum needs. GAO held that: (1) a contractor's unsatisfactory performance does not have to result in a nonresponsibility determination; (2) it would not review an affirmative determination of responsibility unless the protester showed either fraud or failure to apply definitive responsibility criteria; and (3) protests based on alleged improprieties apparent on the face of a solicitation must be filed before bid opening. Accordingly, the protest was dismissed.

129006

[Question Concerning Chicago Commuter Train]. B-220151. January 2, 1986.

Released February 4, 1986. 2 pp. *Letter* to Rep. James L. Oberstar, Chairman, House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Urban Mass Transportation Administration; I.C. Industries; Illinois Central Gulf Railroad.

Congressional Relevance: *House* Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; *Rep.* Newt Gingrich; *Rep.* James L. Oberstar.
Authority: Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.).

129022

Air Pollution: EPA's Strategy To Control Emissions of Benzene and Gasoline Vapor. RCED-86-6; B-221037. December 18, 1985.

Released February 5, 1986. 65 pp. plus 5 appendices (18 pp.). *Report* to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to RCED-83-199, August 26, 1983, Accession Number 122439; RCED-85-121, September 30, 1985, Accession Number 128483; RCED-84-62, April 2, 1984, Accession Number 123970; RCED-87-151, August 7, 1987, Accession Number 133903; and T-RCED-87-8, April 27, 1987, Accession Number 134600.

Issue Area: Environment: Adequacy of Federal and State Efforts To Regulate Toxic Air Pollutants (6805).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Environmental Protection Agency.

Congressional Relevance: *House* Committee on Appropriations: HUD-Independent Agencies Subcommittee; *House* Committee on Energy and Commerce; *Senate* Committee on Appropriations: HUD-Independent Agencies Subcommittee; *Senate* Committee on Environment and Public Works; *Rep.* John D. Dingell.

Authority: Clean Air Act. Clean Air Act Amendments of 1970. Clean Air Act Amendments of 1977.

Abstract: Pursuant to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) decision to regulate benzene emissions through controls on automobile refuelling.

Findings/Conclusions: GAO noted that: (1) EPA based its decision to control benzene emissions on risk assessments that evaluated the relationship between benzene exposure and the potential occurrence of leukemia; (2) the health,

emission, population, and modeling data EPA used were based on assumptions; (3) EPA did not consider three relevant health studies completed between 1981 and 1983 because it believed that the studies would not significantly change its benzene health assessment; (4) EPA emission data showed that three plants were using benzene to manufacture a product used in making plastics and chemicals, but only one plant was actually using benzene at the time EPA issued its final decision; and (5) EPA updated some information that changed its estimate of risk to the public, but was not significant enough to change its 1983 decision. GAO found that: (1) as of October 1985, EPA did not have written guidance detailing how quantitative risk assessment values are developed for hazardous air pollutants; (2) EPA plans to control automobile refuelling emissions will be based on a decision as to whether nationwide or local controls should be implemented; (3) California and the District of Columbia have implemented controls on gasoline pumps in the absence of EPA regulations for controlling refuelling vapor; (4) if the risk from gasoline vapor and/or benzene is not significant, EPA could require controls only in those areas not in compliance with EPA ozone standards; and (5) more than 2 years will be required for implementing the automobile refuelling control options.

Recommendation to Agencies: To improve the risk assessments for hazardous air pollutants, such as benzene, the Administrator, EPA, should direct that the proposed Operating Manual for the EPA Pollutant Assessment Branch include a requirement that, to the extent possible, current and verified data be used in developing quantitative risk assessments or that an explanation be included in the assessment as to why those data are not being used. To improve EPA cost-effectiveness analysis used to help determine the best alternative for controlling automobile refueling vapor emissions, the Administrator, EPA, should direct that range values be provided to reflect the various uncertainties inherent in its cost-effectiveness analysis.

129023

Retirement Benefits: Discrepancies in Benefits Paid by the Railroad Retirement Board for SSA. HRD-86-3; B-221117. February 5, 1986. 14 pp. plus 2 appendices (6 pp.). *Report* to Robert A. Gielow, Chairman, Railroad Retirement Board; Martha A. McSteen, Acting Commissioner,

Social Security Administration; by Richard L. Fogel, Director, Human Resources Division. Refer to HRD-83-2, April 4, 1983, Accession Number 121037; and HRD-84-11, July 20, 1984, Accession Number 088040.

Issue Area: Income Security: Accuracy of Payments to Beneficiaries and Possible Improvements (5001).

Contact: Human Resources Division.

Budget Function: Income Security: General Retirement and Disability Insurance (601.0).

Organization Concerned: Social Security Administration; Railroad Retirement Board.

Congressional Relevance: *House* Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; *House* Committee on Appropriations: Labor, Health and Human Services, and Education Subcommittee; *Senate* Committee on Labor and Human Resources: Labor Subcommittee; *Senate* Committee on Governmental Affairs; *Senate* Committee on Appropriations: Labor, Health and Human Services, and Education Subcommittee.

Authority: Railroad Retirement Act of 1974 (P.L. 93-445). Federal Managers' Financial Integrity Act of 1982 (P.L. 97-258). GAO [7] 20.1. 31 U.S.C. 3325. 31 U.S.C. 3528.

Abstract: GAO surveyed 17 different types of data exchanges between the Railroad Retirement Board (RRB) and the Social Security Administration (SSA), focusing on the benefit payments that RRB made on behalf of SSA.

Findings/Conclusions: GAO found that, although RRB and SSA developed a monitoring system (CSAUDIT) to verify the accuracy of payments RRB made on behalf of SSA to beneficiaries entitled to both railroad retirement and social security benefits, only 12 percent of the 190,000 identified payment discrepancies were reconciled. Most of the discrepancies remain unreconciled because: (1) RRB and SSA disagree about the adequacy of CSAUDIT as a reconciliation tool; and (2) neither agency has committed sufficient resources to reconcile the increasing case backlog. RRB is unwilling to expend resources on what it believes to be unnecessary and costly work, and SSA refers many CSAUDIT discrepancies to RRB that it could resolve. The review of discrepant cases and recent RRB and SSA data suggest that many beneficiaries have erroneously received substantial amounts for years. The delays in reconciling these discrepancies

have led to extended periods of erroneous payments and situations where erroneous payments could not be remedied.

Recommendation To Agencies: The Commissioner of Social Security and the Chairman, RRB, should develop an interagency agreement by March 31, 1986, defining the responsibilities of each agency in reconciling CSAUDIT discrepancies and a timetable for reconciling the discrepancies. The Commissioner of Social Security and the Chairman, RRB, should make specific resource commitments for reconciling CSAUDIT discrepancies. The Commissioner of Social Security and the Chairman, RRB, should reconcile CSAUDIT discrepancies on a continuing and timely basis. The Chairman, RRB, should require staff to develop written procedures for processing CSAUDIT discrepancies. The Chairman, RRB, should assign responsibility for strengthening internal controls, particularly controls aimed at preventing misplaced files and promoting payment accuracy, to the new Bureau of Quality Assurance.

129028

[Protest of FHWA Contract Award for Conduct of Value Engineering Workshops]. B-220772. February 4, 1986. 5 pp. *Decision re:* Kempter-Rossman International; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.
Organization Concerned: Kempter-Rossman International; Smith, Hinchman & Grylls Associates, Inc.; Federal Highway Administration.

Authority: B-214564 (1984). B-199014 (1981). B-217257 (1985). B-218538 (1985). B-202662 (1982). B-218255.2 (1985).

Abstract: A firm protested a Federal Highway Administration contract award to conduct value engineering workshops, contending that the award was inconsistent with the solicitation evaluation scheme. GAO noted that: (1) both the protester's and awardee's proposals were acceptable, but the protester was found to be the best qualified and was expected to perform in an outstanding manner; (2) the awardee's experience was sufficient to complete the contract, although its value engineering experience was limited; and (3) the contracting officer determined that it was in the best interest of the government to make the award to the awardee because its proposal met all of the technical requirements at the lowest overall price. GAO held that: (1) contracting officials do not have the

discretion to announce that a particular evaluation scheme will be used and then use other criteria in the actual evaluation, unless offerers are informed of the change and given the opportunity to revise their proposals; (2) a superior technical score does not in itself justify the acceptance of a proposal without regard to price; (3) price and technical factors were given equal weight because the evaluation scheme did not explicitly indicate the relative importance of price to technical competence; (4) the agency made its award decision as though the solicitation provided for award to be made to the offerer with the lowest priced, technically acceptable proposal; and (5) the award should have been made to the protester as the higher technically ranked offerer since the price differential was minor. Accordingly, the protest was sustained.

129070

[Protest of FAA Issuance of Delivery Order for Remote Weather Radar Display Equipment]. B-220058.2, B-220058.3. February 11, 1986. 4 pp. *Decision re:* Kavouras, Inc.; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.
Organization Concerned: Federal Aviation Administration; Kavouras, Inc.; Alden Electronics, Inc.

Authority: Competition in Contracting Act of 1984 (41 U.S.C. 253 et seq.). 4 C.F.R. 21.6. 49 Comp. Gen. 437. Fed. Property Management Reg. 101-26.401-4(c)(1). F.I.R.M.R. 201-40.008. B-218266 (1985). B-220058 (1985).

Abstract: A firm protested the Federal Aviation Administration's (FAA) issuance of a delivery order to another firm for remote weather radar display equipment from the Federal Supply Schedule. The protester contended that the FAA order was improper because it exceeded the Schedule's maximum order limitation (MOL). FAA contended that: (1) the contracting officer thought MOL was based on the purchase price for each line item; and (2) since no line item cost exceeded MOL, it believed that the MOL clause had not been breached. Regulations state that agencies may not submit orders and contractors may not accept orders in excess of MOL. GAO held that: (1) FAA had placed an order with the awardee in excess of MOL; (2) a contractor may not ratify an improper order; (3) the awardee's failure to object to the FAA order in excess of MOL was immaterial; (4) since the FAA award was improper, the protester was entitled to reimbursement for the costs of filing and

pursuing its protest; and (5) to conduct a competition now would be impractical since FAA urgently needed the equipment. Accordingly, the protest was sustained, and the protester's request for reconsideration was dismissed as moot.

129092

[Protest of Coast Guard Contract Award for Solid-State Flashers]. B-220017.2. February 14, 1986. 7 pp. *Decision re:* C-R Control Systems, Inc.; by Seymour Efron, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: C-R Control Systems, Inc.; Automated Power Systems, Inc.; United States Coast Guard.

Authority: 4 C.F.R. 21. F.A.R. 9.203. B-190136 (1978). B-213581 (1984). B-219116 (1985). B-220593 (1986). 41 U.S.C. 253(a).

Abstract: A firm protested a Coast Guard contract award for solid-state flashers, contending that: (1) the awardee's flashers did not comply with the requirements for a qualified product; (2) the solicitation specifications were ambiguous; and (3) the Coast Guard should have rejected the awardee's bid as nonresponsive or waived the specifications that the awardee had not met. GAO noted that: (1) the procurement was limited to qualified products list (QPL) sources; (2) the protester and awardee were the only manufacturers with flashers on the QPL at the time of bid opening; and (3) the specifications had to be modified to incorporate protection of the flasher, but the Coast Guard initiated the procurement before modifying its specifications and establishing a new QPL. GAO found that: (1) the specifications did not require that flashers have certain suppression features; (2) the awardee's product was on the QPL at the time bids were opened; (3) the awardee's bid offered, without exception, to furnish products in compliance with the applicable specifications; (4) it is the qualifying agency's decision whether or not to remove a product from the QPL before bid opening; (5) the Coast Guard considered the failures of the awardee's product and determined that it complied with the specifications and should be placed on the QPL; and (6) the protester supplemented its original timely protest with a new ground of protest more than 10 working days after the basis for the new argument should have been known. Accordingly, the protest was denied in part and dismissed in part.

129116

[The Department of Transportation's Pipeline Safety Program]. February 17, 1986. 10 pp. plus 1 attachment (8 pp.). *Testimony* before the Senate Committee on Labor and Human Resources: Children, Family, Drugs and Alcoholism Subcommittee; by James M. Blume, Group Director, Resources, Community, and Economic Development Division. Refer to RCED-84-102, July 10, 1984, Accession Number 124689.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Department of Transportation.

Congressional Relevance: *Senate* Committee on Labor and Human Resources: Children, Family, Drugs and Alcoholism Subcommittee.

Authority: Natural Gas Pipeline Safety Act of 1968. Hazardous Liquid Pipeline Safety Act of 1979.

Abstract: GAO discussed the Department of Transportation's (DOT) administration of the federal pipeline safety program. GAO noted that: (1) states may assume responsibility for enforcing safety standards for interstate pipelines located within their borders; and (2) DOT is responsible for enforcing and monitoring standards for those pipelines for which states do not assume responsibility. GAO found that: (1) there were 32 states that had assumed jurisdiction over some intrastate gas operators; (2) DOT has not provided adequate inspection coverage of pipeline operators; (3) DOT has not had enough inspectors to meet its goal of annual comprehensive inspections of all pipeline operators; and (4) some operators are only inspected once every 3 to 5 years, while other types of intrastate operators are only inspected when a complaint is received or an accident occurs. GAO also found that: (1) DOT has not adequately defined criteria to determine whether state inspectors are qualified; (2) annual monitoring visits should include more and better ways of evaluating state performance; (3) reviews of state inspection data have not been sufficient to detect data errors and inconsistencies; (4) DOT does not have adequate program authority and resources to carry out its current program responsibilities; (5) since state participation in the program is voluntary, DOT does not have viable means of requiring states to correct program deficiencies; and (6) even though a few states have expanded their gas pipeline safety inspection programs, 15 states experiencing staffing or

funding constraints will reduce their inspection activities.

129157

Resource Management: Information on the Coastal Zone Management Program. RCED-86-89FS; B-221960. February 13, 1986. 2 pp. plus 5 appendices (11 pp.). *Fact Sheet* to Rep. Walter B. Jones, Chairman, House Committee on Merchant Marine and Fisheries; by John H. Luke, Associate Director, Resources, Community, and Economic Development Division. Refer to CED-80-103, June 25, 1980, Accession Number 112643; and GGD-76-107, December 10, 1976, Accession Number 100233.

Issue Area: Food and Agriculture: Other Issue Area Work (6591).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Water Resources (301.0).

Organization Concerned: National Oceanic and Atmospheric Administration.

Congressional Relevance: *House* Committee on Merchant Marine and Fisheries; *Rep.* Walter B. Jones.

Authority: Coastal Zone Management Act of 1972 (16 U.S.C. 1451).

Abstract: Pursuant to a congressional request, GAO provided information on the National Oceanic and Atmospheric Administration's (NOAA) Coastal Zone Management Program, focusing on: (1) federal program objectives; (2) the status of state programs; (3) the results of previous program studies; (4) program benefits cited by state officials; and (5) concerns raised by federal and state program officials.

Findings/Conclusions: GAO found that, under the program, NOAA has provided about \$291 million to participating states to promote the wise use and protection of coastal resources. Most eligible states have received federal approval for their program plans. GAO noted that: (1) past studies, including its own, have indicated the need for improvements in program management; (2) more recent studies have assessed whether federal funding for the program should continue and whether the program's results can be meaningfully evaluated; and (3) some state officials expressed concern about the degree of federal program control and direction.

129180

Mass Transit: Information on SEPTA Commuter Rail Operations. RCED-86-46; B-221081. January 21, 1986.

Released February 21, 1986. 10 pp. plus 7 appendices (7 pp.). *Report* to Rep. Robert W. Edgar; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Southeastern Pennsylvania Transportation Authority; Federal Railroad Administration.

Congressional Relevance: *Rep.* Robert W. Edgar.

Authority: Northeast Rail Service Act of 1981 (P.L. 97-35).

Abstract: Pursuant to a congressional request, GAO reviewed the Southeastern Pennsylvania Transportation Authority's (SEPTA) commuter rail operations, specifically to: (1) compare its safety record with other commuter rail systems; (2) identify actions SEPTA has taken to ensure the safe operation of its commuter rail service; and (3) review efforts to integrate commuter rail operations with overall transit operations.

Findings/Conclusions: GAO noted that: (1) during 1984, six train accidents involving passenger injuries occurred on SEPTA commuter rail lines; and (2) although SEPTA carried fewer passengers than three of the four other commuter rail systems in the Northeast, it experienced more accidents during adverse weather conditions due to human error. GAO found that: (1) SEPTA has taken various actions to improve its commuter rail operations, including increased employee training, improved plant and equipment conditions, and increased monitoring of train operations to ensure compliance with federal safety requirements; (2) SEPTA has reported more non-train injuries than the other four commuter rail systems; and (3) SEPTA provided 25 percent of its capital spending to rehabilitate commuter rail facilities and equipment during 1983 and 1984. GAO also found that: (1) because SEPTA lost 37 percent of its commuter rail operators in its first year of operations, it had to establish a training program for newly hired train engineers and conductors in April 1984; (2) SEPTA also increased training for first-level supervisors to ensure that they effectively oversee

operators' compliance with operating requirements; (3) capital improvement needs are competing with other transit needs for funding; and (4) although a 1985 Federal Railroad Administration assessment of commuter rail operations found that serious safety problems existed, SEPTA has established a separate unit to manage the commuter rail system and is making capital improvements at a rate that exceeds system revenue.

129192

[Conditions Within the Air Traffic Control Work Force at Six FAA Facilities]. March 3, 1986. 13 pp. plus 1 appendix (6 pp.). *Testimony* before the House Committee on Public Works and Transportation: Aviation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-121, March 6, 1986, Accession Number 129306.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Public Works and Transportation: Aviation Subcommittee.

Abstract: GAO discussed conditions within the controller work force at the Federal Aviation Administration's (FAA) air traffic control (ATC) facilities serving northern New Jersey. GAO found that FAA does not have as many fully qualified, experienced controllers at some of these facilities as managers, supervisors, and controllers believe are needed, and the problem cannot be resolved in the short term. In addition, GAO found that: (1) FAA could lose more supervisors and controllers through retirement than expected; (2) air traffic activity is such that controllers and their supervisors believe they are overworked during peak traffic periods; (3) controllers work at radar positions during peak periods without a break or change of position for longer periods than FAA policy dictates; and (4) controllers and supervisors feel that the overtime requirements, which are likely to remain high, are negatively affecting their ability to perform their duties. GAO also found that the ATC system is operated with fewer controllers and far fewer full-performance-level (FPL) controllers than before the August 1981 strike. At a time when air traffic activity has increased by over 18 percent, the total number of controllers serving northern New Jersey has been reduced by over 40 percent and the number of

FPL controllers by 44 percent, without the benefit of planned labor-saving automation.

129209

Pipeline Safety: Information on Gas Distribution System Operators Reporting Unaccounted for Gas. RCED-86-87BR; B-214352. February 25, 1986.

Released March 4, 1986. 20 pp. *Briefing Report* to Rep. Philip R. Sharp, Chairman, House Committee on Energy and Commerce: Fossil and Synthetic Fuels Subcommittee; by James M. Blume, (for Herbert R. McLure, Associate Director), Resources, Community, and Economic Development Division.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Other Transportation (407.0).

Organization Concerned: Department of Transportation: Research and Special Programs Administration: Office of Pipeline Safety.

Congressional Relevance: House Committee on Energy and Commerce: Fossil and Synthetic Fuels Subcommittee; *Rep.* Philip R. Sharp.

Authority: Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671). Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2001). 49 C.F.R. 195. P.L. 98-464

Abstract: In response to a congressional request, GAO prepared a briefing report on: (1) the number of municipal gas distribution systems reporting high levels of unaccounted-for gas and whether these high levels represented severe gas pipeline leaks or presented a safety problem; and (2) the Department of Transportation's (DOT) authority to regulate liquid commodities that are not currently being regulated, such as methanol and carbon dioxide.

Findings/Conclusions: GAO found several causes for unaccounted-for gas, including: (1) gas pipeline breaks and leaks; (2) broken and defective gas meters; (3) errors in meter reading and bookkeeping; (4) stolen gas; and (5) unmeasured gas used in a city or operator facility. Federal and industry officials consider unaccounted-for gas in excess of 15 percent of gas purchases to be high and worthy of investigation. GAO found that, of the 1,491 gas distribution system operators: (1) the federal government is responsible for inspection of 166, with the states assuming inspection responsibilities for the rest; (2) 92, including 64 municipal operations,

reported 15 percent or more unaccounted-for gas in 1984; (3) none of the 92 operators reporting a high percentage of unaccounted-for gas reported any accidents for 1984; (5) 369, of which 243 were municipal operations, reported between 5 and 15 percent of unaccounted-for gas; and (6) operators reported a total of 109 accidents involving either death, injury, or property damage in 1984. GAO also found that DOT has the authority to regulate any liquid deemed hazardous when transported by pipeline, such as petroleum and petroleum products, anhydrous ammonia, methanol, and carbon dioxide.

129238

[Protest of FAA Contract Award for Combat Training System]. B-220910. March 5, 1986. 5 pp. *Decision* re: Cerberonics, Inc.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Cerberonics, Inc.; Schwartz Electro-Optics, Inc.; Federal Aviation Administration.

Authority: Competition in Contracting Act of 1984. F.A.R. 52.215. B-216381 (1985). B-199551 (1981). 41 U.S.C. 303.

Abstract: A firm protested a Federal Aviation Administration (FAA) contract award for individual combat training systems, contending that: (1) the awardee offered a system that did not include rechargeable batteries or battery chargers, as the brand-name-or-equal solicitation required; (2) FAA failed to evaluate the proposals on an equal basis because the awardee was not required to offer rechargeable batteries and FAA did not consider the cost of disposable batteries; (3) the solicitation left unclear the number of chargers required; (4) FAA should have conducted discussions because the price difference between the two proposals was extremely small; and (5) the awardee offered a product that did not meet the salient characteristics that the solicitation required. GAO held that: (1) the only reasonable solicitation interpretation was that bidders should offer battery chargers only if necessary; (2) the solicitation did not require the use of rechargeable batteries; (3) FAA reasonably determined that the cost of disposable batteries would be almost negligible; (4) FAA was not required to conduct discussions because it determined that both proposals were acceptable as submitted, advised offerers that it could make award on the basis of initial proposals, and reasonably believed that further discussions would

have little impact on price; (5) the solicitation properly stated the salient characteristics for equal products in general terms; and (6) the awardee's system met the salient characteristics for equal products and was functionally equal to the protester's. Accordingly, the protest was denied.

129306

Aviation Safety: Serious Problems Concerning the Air Traffic Control Work Force. RCED-86-121; B-222217.

March 6, 1986. 3 pp. plus 3 appendices (105 pp.). *Report* to Elizabeth H. Dole, Secretary, Department of Transportation; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to Testimony, March 3, 1986, Accession Number 129192; Testimony, April 16, 1986, Accession Number 129660; RCED-86-152, April 22, 1986, Accession Number 129808; Testimony, June 12, 1986, Accession Number 130118; Testimony, July 21, 1986, Accession Number 130473; Testimony, July 17, 1986, Accession Number 130596; Testimony, February 27, 1987, Accession Number 132274; T-RCED-87-38, June 30, 1987, Accession Number 133444; RCED-87-43, September 30, 1987, Accession Number 134041; RCED-87-208, September 29, 1987, Accession Number 134079; T-RCED-87-28, May 28, 1987, Accession Number 133228; T-RCED-87-25, May 7, 1987, Accession Number 132875; T-RCED-87-2, February 27, 1987, Accession Number 132274; and RCED-88-106, June 21, 1988, Accession Number 136235.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation.

Congressional Relevance: *House* Committee on Post Office and Civil Service; *House* Committee on Public Works and Transportation; *House* Committee on Appropriations; *Transportation Subcommittee*; *Senate* Committee on Appropriations; *Transportation Subcommittee*; *Senate* Committee on Commerce, Science and Transportation.

Abstract: GAO reported on its study of the air traffic control (ATC) work force. GAO: (1) surveyed air traffic controllers,

supervisors, and facility managers about the prevalence of certain problems; and (2) studied Federal Aviation Administration (FAA) data on staffing, overtime, and air traffic activity.

Findings/Conclusions: GAO found that: (1) the ATC system is operating with fewer controllers overall, and far fewer fully qualified controllers (FPL), than before the August 1981 controllers' strike; (2) while FAA has established a 75-percent FPL staffing goal for all ATC facilities, only 66 percent of the total controllers are FPL; (3) FAA groups FPL and less-qualified controllers together when it reports on the size of the work force and its progress toward meeting staffing goals; (4) training attrition has increased 9 percent since the strike; and (5) many more controllers may retire in the next 2 years than FAA expects because of concern over proposed changes in the federal retirement system. GAO also found that: (1) air traffic has reached record levels and is expected to continue to grow; (2) controller work loads will continue to be a source of concern because major labor-saving innovations in the ATC system will not be in place for some time; (3) many controllers believe that they are overworked because of a shortage of FPL, inadequate traffic flow control procedures, airline schedules, and ATC sector configuration changes; (4) while FAA reported that systemwide overtime use decreased, overtime use at major-route ATC centers actually increased; and (5) FAA relies very heavily on overtime to compensate for reduced staffing requirements. GAO believes that, despite repeated FAA assurances to the contrary, the ATC system does not provide the same level of safety as it did before the strike.

Recommendation To Agencies: FAA should impose restrictions on air traffic until both the number of FPL and overtime requirements meet its goals. Problems relating to both the number of FPL and overtime are most acute at the air route traffic control centers and FAA must recognize this in deciding what restrictions to impose. FAA should take into account the concerns of its controllers, supervisors, and facility managers, and reduce the total amount of time controllers are spending at radar control positions during a shift and the amount of time they are working without some sort of break during normal busy periods. FAA should take into account the concerns of its controllers, supervisors, and facility managers, and work with controllers and their supervisors to change sector configurations where sectors are handling too much traffic or are too

complex. FAA should also evaluate the effectiveness of its flow control program. FAA should evaluate the effectiveness of its flow control program. FAA should include controllers and supervisors in the process of deciding how to improve management concerns. To more clearly report its progress in meeting its goals, FAA should report its staffing progress in terms of the ratio of fully qualified controllers to the controller work force, exclusive of air traffic assistants, and report overtime use for controllers actually working overtime and the variations in total usage among centers.

129337

[Request for Reconsideration of Dismissal of Protest Under FAA Solicitation]. B-221992.3. March 12, 1986. 2 pp. *Decision* re: M.C. Dean Electrical Contracting, Inc.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: M.C. Dean Electrical Contracting, Inc.; Kennedy Electric; Federal Aviation Administration.

Authority: 4 C.F.R. 21.1(f). 4 C.F.R. 21.2. F.A.R. 14.406-3. B-219008.2 (1985). B-218881.2 (1985). B-218095 (1985).

Abstract: A firm requested reconsideration of the dismissal of its untimely protest under a Federal Aviation Administration (FAA) solicitation. The protester originally contended that FAA improperly allowed the awardee to correct an alleged bid error. GAO dismissed the protest as untimely because it did not receive the protest within 10 days of the time the protester became aware that FAA allowed the correction. In its request for reconsideration, the protester contended that GAO should consider the protest, notwithstanding its untimeliness. GAO held that: (1) the protester did not allege that its protest was late for good cause; (2) the protested issue was not so significant as to warrant consideration on the merits; and (3) in any event, it appeared that FAA allowed the correction in accordance with procurement regulations. Accordingly, the dismissal was affirmed.

129353

Vehicle Fuel: Two Border Patrol Sectors Inadequately Control Fuel. GGD-86-36; B-216946. December 20, 1985. 5 pp. *Report* to Alan C. Nelson, Commissioner, Department of Justice: Immigration and Naturalization Service; by Sebastian

Correia, (for Gene L. Dodaro, Associate Director), General Government Division. Refer to GGD-86-9, October 31, 1985, Accession Number 128600.

Issue Area: Financial Management Standards and Initiatives: Effectiveness of Federal Agencies in Implementing the Federal Managers' Financial Integrity Act (7003).

Contact: General Government Division.
Budget Function: General Government: Executive Direction and Management (802.0).

Organization Concerned: Department of Justice: Immigration and Naturalization Service.

Authority: Federal Managers' Financial Integrity Act of 1982 (P.L. 97-258). P.L. 96-226.

Abstract: GAO reviewed: (1) the Immigration and Naturalization Service's (INS) implementation of the Federal Managers' Financial Integrity Act of 1982; and (2) control weaknesses found in gasoline usage for government-owned vehicles supporting border patrol functions.

Findings/Conclusions: GAO found that, although two of the border patrol facilities have their own gasoline pumps, neither facility was following the procedures established to control bulk fuel operations. Regulations require that each location that stores bulk fuel: (1) account for fuel received and issued; (2) list the amount of fuel dispensed to each vehicle and the vehicle number; and (3) reconcile the bulk receipts and pump meter readings monthly. One sector made daily dipstick readings of the fuel in its storage tanks; however, it did not use these readings as an inventory control. The other center did not maintain the forms necessary for reconciliation. Although these INS internal control weaknesses have been identified in previous reviews, they persist. GAO believes that, even if the established procedures were followed, they would not ensure that all the fuel was properly used and accounted for unless the fuel were reconciled daily.

Recommendation To Agencies: The Commissioner, INS, should require the Western Regional Commissioner to direct the San Diego and El Centro border patrol sectors to comply with established procedures for recording and reconciling fuel received and dispensed, including the use of storage tank dipstick readings to properly account for all fuel used. The Commissioner, INS, should determine whether similar internal control weaknesses exist at other border patrol facilities, so that corrective action can be taken, if

warranted. The Commissioner, INS, should determine whether established procedures should be revised to require daily, instead of monthly, reconciliation of fuel received and dispensed at sectors with their own fuel pumps.

129368

Weather Satellites: User Views on the Consequences of Eliminating a Civilian Polar Orbiter. RCED-86-111; B-222140. March 7, 1986. 8 pp. plus 8 appendices (48 pp.). *Report to Rep. James H. Scheuer, Chairman, House Committee on Science and Technology: Natural Resources, Agriculture Research and Environment Subcommittee; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division.*

Issue Area: Science and Technology Policy and Programs: Other Issue Area Work (9391).

Contact: Resources, Community, and Economic Development Division.

Budget Function: General Science, Space, and Technology: Space Science, Applications, and Technology (254.0).

Organization Concerned: National Oceanic and Atmospheric Administration: National Weather Service; National Aeronautics and Space Administration; Department of Defense.
Congressional Relevance: House Committee on Science and Technology: Natural Resources, Agriculture Research and Environment Subcommittee; *Rep. James H. Scheuer.*

Authority: Balanced Budget and Emergency Deficit Control Act of 1985.

Abstract: In response to a congressional request, GAO examined: (1) how the National Oceanic and Atmospheric Administration (NOAA), the National Aeronautics and Space Administration (NASA), the Department of Defense (DOD), and foreign countries use NOAA polar-orbiting satellites; (2) how the loss of one or both satellites would affect these users; (3) the extent to which the two NOAA geostationary weather satellites or the two DOD weather satellites could compensate the National Weather Service for the loss of the polar orbiters; and (4) the likelihood and expected duration of the loss of all polar-orbiter coverage if a one-polar-orbiter system were instituted.

Findings/Conclusions: GAO found that the polar orbiters are used by: (1) NOAA for weather forecasting, search and rescue operations, and other purposes; (2) NASA for climate research; (3) DOD as a supplement and backup to its own weather satellites; and (4) countries

worldwide for weather forecasting and environmental data collection. Some NOAA and DOD users indicated that the elimination of one of the NOAA polar-orbiting weather satellites would harm their programs, but most users reported that they could continue their programs with one satellite. All users, however, indicated that the second satellite was important as a backup to the first, and the loss of all services would have serious consequences. According to most users, the NOAA geostationary satellites and DOD weather satellites could not adequately replace NOAA polar orbiters. GAO also found that: (1) in the past, some NOAA polar-orbiting satellites have not been successfully launched, or their launches have been delayed, and some have failed early in orbit; and (2) a repetition of these problems in a one-satellite system could result in the loss of all services for several months or longer.

129378

[Protest of FAA Contract Award for Janitorial and Maintenance Services]. B-221012. March 18, 1986. 3 pp. *Decision re: S.C. Services, Inc.; by Harry R. Van Cleve, General Counsel.*

Contact: Office of the General Counsel.
Organization Concerned: S.C. Services, Inc.; Federal Aviation Administration.

Authority: Competition in Contracting Act of 1984 (41 U.S.C. 253 et seq.). 4 C.F.R. 21.1(d). F.A.R. 5.201. F.A.R. 13.106(b). B-218834.2 (1985). B-220947 (1986). B-220368 (1986). 41 U.S.C. 416.

Abstract: A firm protested a Federal Aviation Administration (FAA) contract award under a small business, small purchase set-aside for janitorial services, contending that: (1) the contract should be cancelled because it was denied an opportunity to bid due to the agency's failure to provide it with a copy of the solicitation, even though its performance as the incumbent contractor was satisfactory; and (2) it had requested a copy of the solicitation twice and was told during contract extension discussions that it would be sent a copy. GAO held that FAA: (1) posted a notice of procurement in public places and maintained copies at the facility; (2) did not send some interested parties copies of the solicitation due to an oversight in the preparation of the bidders list; and (3) was satisfied with the protester's performance of the previous contract and did not deliberately attempt to preclude it from competition. Accordingly, the protest was denied.

129390

Emergency Airlift: Responsiveness of the Civil Reserve Air Fleet Can Be Improved. NSIAD-86-47; B-221193. March 24, 1986. 31 pp. plus 2 appendices (11 pp.). *Report to Caspar W. Weinberger, Secretary, Department of Defense; by Frank C. Conahan, Director, National Security and International Affairs Division.* Refer to NSIAD-87-5, October 23, 1986, Accession Number 131393; NSIAD-87-97, March 20, 1987, Accession Number 132592; and NSIAD-87-67, March 6, 1987, Accession Number 132516.

Issue Area: Air Force: Other Issue Area Work (5491).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of Defense; Department of the Air Force: Military Airlift Command.

Congressional Relevance: *House* Committee on Appropriations: Defense Subcommittee; *House* Committee on Armed Services; *Senate* Committee on Appropriations: Defense Subcommittee; *Senate* Committee on Armed Services.

Authority: MAC Reg. 55-8.

Abstract: GAO reviewed the Civil Reserve Air Fleet (CRAF) program to determine whether: (1) the Department of Defense's (DOD) efforts to ensure that CRAF was ready for mobilization were sufficient and effective; and (2) commercial carriers were prepared to support CRAF aircraft, particularly at foreign airfields.

Findings/Conclusions: GAO found that it was uncertain whether CRAF could effectively meet DOD mobilization requirements because: (1) Military Airlift Command (MAC) tests of the program through simulation and field exercises were very limited; (2) DOD had provided limited mobilization planning data to CRAF carriers, making it very difficult for the carriers to plan for utilization of the system in an emergency; (3) MAC had not sufficiently monitored carrier compliance with contract provisions designed to help ensure effective mobilization; and (4) the incompatibility of data communications services at some military airfields with existing commercial services could hinder effective communications. GAO also found that, at overseas airfields, CRAF might not get the support needed because responsible carriers were unaware of the estimated work load for each location. Having allies provide this

support under host-nation support agreements is an option that DOD is pursuing.

Recommendation To Agencies: The Secretary of Defense should require MAC to: (1) provide typical work-load information to key carrier representatives and evaluate the carriers' abilities to perform their missions; (2) assess CRAF capability of using data obtained from the carriers, field exercises, and simulations; (3) evaluate CRAF carriers' efforts to meet contractual requirements, such as number of qualified crews with security clearances, the availability of Geneva Convention cards, and navigational route kits; and (4) consider the need for additional data communications capabilities at key military airfields for use by CRAF carriers during a national emergency. The Secretary of Defense should require MAC to: (1) provide carriers responsible for supporting CRAF aircraft overseas with general work-load data on the numbers and types of aircraft to be supported at each foreign airfield for their use in planning the efficient movement of combat personnel and cargo; and (2) fully consider CRAF senior lodger support requirements in negotiating host-nation support agreements.

129400

[Protest of DOT Contract Awards for Satellite Communication Systems]. B-221325, B-221326. March 21, 1986. 4 pp. *Decision re: ITT Telecom Products Corp.; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.*

Contact: Office of the General Counsel.

Organization Concerned: ITT Telecom Products Corp.; Comsat Telesystems, Inc.; American Foreign Shipping Co.; Farrell Lines, Inc.; Maritime Administration.

Authority: 4 C.F.R. 21.3(f)(10). 4 C.F.R. 21.2. 4 C.F.R. 21.6(a)(6). 46 C.F.R. 315. 53 Comp. Gen. 771. B-219651 (1985). B-220517.2 (1985). B-216646 (1985). B-219657.2 (1985).

Abstract: A firm protested Maritime Administration (MARAD) contract awards for satellite communication systems, contending that MARAD improperly disclosed its bid price for the same system under a prior solicitation, thereby giving the awardee an unfair competitive advantage. GAO held that: (1) MARAD disclosed the protester's bid price for the prior procurement the day after it made awards, but the protester did not protest until after MARAD made awards for the same equipment under

the instant solicitation; (2) the protester's speculation that no remedy was available for the improper disclosure did not relieve it of its obligation to submit a timely protest; (3) the significant-issue exception to the timeliness rules was limited to protests raising issues of widespread interest that had not been considered in a previous decision; and (4) there was no compelling reason beyond the protester's control which prevented it from filing a timely protest. Accordingly, the protest was dismissed.

129410

Aviation Safety: FAA's Surveillance of Two Contract Military Carriers. RCED-86-128FS; B-222238. March 13, 1986.

Released March 25, 1986. 22 pp. *Fact Sheet* to Rep. Charles E. Bennett; by Charles S. Cotton, (for Herbert R. McLure, Associate Director), Resources, Community, and Economic Development Division. Refer to RCED-87-62, May 19, 1987, Accession Number 133088; and NSIAD-87-67, March 6, 1987, Accession Number 132516.

Issue Area: Transportation: Effectiveness of FAA in Ensuring Aircraft Safety and Whether This Responsibility Conflicts With Its Role in Promoting Aviation Commerce (6613).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of the Air Force: Military Airlift Command; Flight Trails; South Pacific Island Airways.

Congressional Relevance: *House* Committee on Appropriations: Transportation Subcommittee; *House* Committee on Public Works and Transportation: Aviation Subcommittee; *Rep. Charles E. Bennett.*

Authority: Aviation Act. Federal Aviation Reg. Part 121. Federal Aviation Reg. Part 135. H.R. 4014 (99th Cong.).

Abstract: Pursuant to a congressional request, GAO provided information concerning the Federal Aviation Administration's (FAA) oversight of two airlines involved in military charters. **Findings/Conclusions:** GAO found that: (1) there were a number of problem areas with the carriers' operations specifications, maintenance procedures and records, and safety inspections; (2) both carriers violated FAA regulations, including operating aircraft in an unsafe condition, operating aircraft on

numerous occasions without complying with airworthiness directives, and operating aircraft without complying with the appropriate inspection requirements; (3) both carriers had major accidents due to deficient maintenance; (4) one flight operated without appropriate navigational procedures; and (5) although FAA revoked the carriers' operating certificates, it continued to reissue the certificates even though the carriers had problems meeting certification requirements.

129418

[Request for Reconsideration of Dismissal of Protest Under DOT RFP]. B-221502.3. March 24, 1986. 4 pp. *Decision re: James M. Carroll*; by Seymour Efron, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Department of Transportation.

Authority: 4 C.F.R. 21.3(f). 4 C.F.R. 21.6(d). B-220559.2 (1985). B-216201 (1985). B-205278.2 (1983). B-218619 (1985). B-218016 (1985). B-214295 (1984).

Abstract: An individual requested reconsideration of the dismissal of his protest under a Department of Transportation (DOT) solicitation for development and training services. GAO had dismissed the protest as academic after DOT canceled the solicitation because of a lack of funding. In his request for reconsideration, the protester contended that: (1) GAO did not have the authority to dismiss a protest as academic; (2) DOT cancelled the solicitation to avoid responding to his protest and should be required to furnish proof to the contrary; and (3) GAO should restrict any DOT efforts to resolicit the requirement. The protester also claimed reimbursement for the cost of pursuing his protest. GAO held that: (1) it properly dismissed the protest because, under its regulations, the protest was not for consideration; (2) the protester presented no evidence in support of his allegations regarding DOT motives for cancelling the solicitation; (3) it would not consider the protester's concerns about possible resolicitation improprieties; (4) the protester should request DOT to add his name to the mailing list for the resolicitation; and (5) since the protest was without merit, there was no basis for reimbursing the protester for protest costs. Accordingly, the request for reconsideration and claim were denied.

129442

[Protest of DOT Decision Not To Award Sole-Source Contract for Training Ship Acquisition]. B-222318. March 24, 1986. 2 pp. *Decision re: Prudential Lines, Inc.*; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Prudential Lines, Inc.; Maritime Administration.
Authority: Competition in Contracting Act of 1984 (P.L. 98-369; 98 Stat. 1175). B-218869.2 (1985). B-215049 (1984).
Abstract: A firm protested a Maritime Administration (MARAD) decision not to award a sole-source contract for the acquisition of a training ship for training state maritime academy cadets, contending that: (1) its ship was the only available vessel suitable for conversion to a training vessel; and (2) its vessel was the sister ship of a training vessel at the academy, which was consistent with the MARAD policy of acquiring sister ships to facilitate maintenance and minimize the cost of equipment and replacement parts. GAO has held that: (1) the objective of the bid protest function is to promote full and open competition for government contracts; and (2) it does not generally review protests that an agency should procure an item from a particular firm on a sole-source basis. GAO found that the protester had no conclusive evidence that MARAD had decided to acquire the ship on a sole-source basis or that a competitive solicitation had been issued. Accordingly, the protest was dismissed.

129457

Railroad Retirement: Size, Nature, and Funding Sources. HRD-86-73FS; B-222204. March 5, 1986. 17 pp. *Fact Sheet* to Sen. Pete V. Domenici, Chairman, Senate Committee on Budget; by Joseph F. Delfico, Associate Director, Human Resources Division. Refer to HRD-86-88, May 9, 1986, Accession Number 130125.

Issue Area: Income Security: Changing the Current Financing of Benefit Structure To Enhance Retirement and Survivor Program Viability While Adequately Covering Beneficiaries (5005).

Contact: Human Resources Division.
Budget Function: Income Security: General Retirement and Disability Insurance (601.0).
Organization Concerned: Railroad Retirement Board.

Congressional Relevance: *Senate Committee on Budget; Sen. Pete V. Domenici.*

Abstract: Pursuant to a congressional request, GAO reviewed the federal government's financial involvement in the railroad retirement and unemployment insurance programs. **Findings/Conclusions:** GAO found that: (1) the federal government provides half of the programs' annual revenues, which help pay for social-security-equivalent benefits; (2) windfall benefits to retirees who are entitled to railroad retirement and social security will cost the federal government an estimated \$375 million in 1987; (3) the return of tax revenues to the railroad retirement trust fund, rather than to the general revenue account will result in a \$252 million loss to general revenues in 1987 and additional losses in 1990; (4) certain private pension benefits will be taxed at the same rate as social security benefits; (5) the unfunded liability of the railroad retirement trust fund is vulnerable to changes in the long-term health of the industry; and (6) additional federal financial involvement may be required if unemployment in the rail industry remains high.

129458

Airline Takeoff and Landing Slots: Department of Transportation's Slot Allocation Rule. RCED-86-92; B-221803. January 31, 1986. 4 pp. plus 1 appendix (6 pp.). *Report* to Sen. Nancy L. Kassebaum, Chairman, Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Economic Effects of Regulatory Reform in the Transportation Sector (6611); Transportation: Revising Federal Transportation Financing Policies To Reduce the Magnitude of Federal Subsidies and Improve the Equity of User Fees (6614).

Contact: Resources, Community, and Economic Development Division.
Budget Function: Transportation: Air Transportation (402.0).
Organization Concerned: Federal Aviation Administration.
Congressional Relevance: *House Committee on Public Works and Transportation: Aviation Subcommittee; Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee; Rep. Norman Y. Mineta; Sen. Nancy L. Kassebaum.*

Authority: Executive Order 12291.

Abstract: In response to a congressional request, GAO: (1) reviewed available documentation concerning the Department of Transportation's (DOT) slot allocation rule for airlines; (2) identified the issues to be addressed; and (3) developed a list of specific questions for Congress to consider.

Findings/Conclusions: GAO reviewed documents available in the public record concerning the slot allocation rule, including: (1) a DOT evaluation of the rule; (2) records from a House subcommittee hearing; and (3) testimony given at a DOT public hearing. GAO noted that the Federal Aviation Administration proposed the slot allocation rule to overcome inefficiencies in how airlines obtain or exchange takeoff and landing slots under the current system, by replacing the scheduling committees' allocations with an open-market system to facilitate the sale, leasing, or trading of slots between incumbent and new entrant airlines. GAO identified several areas for further inquiry relating to the adequacy of the DOT evaluation of the rule's economic, competitive, legal, and administrative impacts, specifically: (1) compliance with an Executive Order requiring a complete regulatory analysis of any rule significantly affecting economic or competitive conditions; (2) identification of the problems with the existing system; (3) identification and analysis of the issues associated with other alternatives to the slot allocation system; (4) the competitive issues associated with the slot rule; and (5) the impact on airline service to small communities under the Essential Air Service Program.

129468

Status of Budget Authority. OGC-86-8; B-220532. March 27, 1986. 3 pp. *Report to Congress*; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General). Refer to OGC-86-11, April 8, 1986, Accession Number 129614; and OGC-86-16, May 8, 1986, Accession Number 129861.

Contact: Office of the General Counsel.
Budget Function: Impoundment Control Act of 1974 (990.2).

Organization Concerned: Maritime Administration; Urban Mass Transportation Administration.

Congressional Relevance: Congress.

Authority: Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683 et seq.). Supplemental Appropriations Act, 1985 (P.L. 99-88; 99 Stat. 300).

Abstract: As required by law, GAO advised Congress of the budget authority status of two accounts which the President is withholding contrary to the Congressional Budget and Impoundment Control Act of 1974.

Findings/Conclusions: GAO noted that: (1) the President proposed to transfer funds appropriated to the Department of Transportation's Maritime Administration (MARAD) for a replacement training vessel to other MARAD activities; (2) Congress passed legislation, signed by the President, disapproving the deferral; and (3) the President announced a deferral which included the funds subject to the earlier, disapproved deferral. GAO also noted that: (1) the President reported to Congress the deferral of funds appropriated to the Urban Mass Transportation Administration (UMTA) for public transportation system grants; (2) Congress passed legislation, signed by the President, disapproving the deferral and directing that the funds be obligated; and (3) the President proposed to rescind the funds without further justification. Because the withholding of these two accounts is in violation of appropriations acts and the Congressional Budget and Impoundment Control Act, GAO may institute a civil action to require the release of the UMTA and MARAD budget authority.

129479

[Application of Home-to-Work Transportation Prohibition to Saint Lawrence Seaway Development Corporation]. B-210555.11. April 1, 1986. 3 pp. *Letter to Frederick A. Bush, Chief Counsel, Department of Transportation: Saint Lawrence Seaway Development Corporation*; by Harry R. Van Cleve, General Counsel. Refer to GGD-85-76, September 16, 1985, Accession Number 128079.

Contact: Office of the General Counsel.
Organization Concerned: Department of Transportation: Saint Lawrence Seaway Development Corporation.

Authority: P.L. 79-600. P.L. 97-258. B-193573 (1979). B-190275 (1977). 31 U.S.C. 1344. 33 U.S.C. 984(a)(9). 31 U.S.C. 9101(3)(k). 60 Stat. 806. 96 Stat. 877. 96 Stat. 1067.

Abstract: A question was raised as to whether the Saint Lawrence Seaway Development Corporation was subject to the home-to-work transportation prohibition. Since GAO has held that wholly owned government corporations are subject to the home-to-work prohibition of 31 U.S.C. 1344, the

Corporation is subject to the home-to-work prohibition.

129501

[Customs' Management of Seized and Forfeited Cars, Boats, and Planes]. April 3, 1986. 13 pp. plus 5 appendices (5 pp.). *Testimony before the Senate Committee on Budget*; by Arnold P. Jones, Senior Associate Director, General Government Division. Refer to PLRD-83-94, July 15, 1983, Accession Number 121990; GGD-86-12, March 14, 1986, Accession Number 129340; and T-GGD-87-7, March 13, 1987, Accession Number 132459.

Contact: General Government Division.
Organization Concerned: United States Customs Service.

Congressional Relevance: Senate Committee on Budget.

Abstract: GAO discussed the Customs Service's management of seized and forfeited cars, boats, and planes. GAO found that: (1) Customs has established time frames for completing the administrative work required to dispose of seized and forfeited conveyances, but the forms used to track and monitor the status of individual seized and forfeited conveyances are not always filled out promptly; (2) authorization forms for disposal of forfeited conveyances are not always returned to district offices or acted on in a timely manner; (3) the Miami district office uses a manual system to process and track seized assets, which does not safeguard the assets from waste and loss; (4) inadequate internal controls have caused delays in the disposal of forfeited conveyances, which has resulted in unnecessary storage and maintenance costs and missed opportunities to obtain a higher return from the sale of the assets; (5) Customs is establishing a system which will follow cases through the forfeiture and disposal process and provide it with tighter control over seized conveyances and the ability to promptly follow up on those cases that do not move through the system quickly.

129559

[Liability for Damage to FAA Equipment in Accident Involving Navy Aircraft]. B-217821. April 8, 1986. 6 pp. *Decision re: Federal Aviation Administration*; by Milton J. Socolar, Acting Comptroller General.

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration; Department of the Navy.

Authority: 41 Comp. Gen. 235. 60 Comp. Gen. 710. 59 Comp. Gen. 515. 26 U.S.C. 9502 et seq. 49 U.S.C. 2205. 49 U.S.C. 1301 et seq. 25 U.S.C. 385a.

Abstract: The Federal Aviation Administration (FAA) requested a decision as to whether the Navy could reimburse it for the replacement cost of a government-owned instrument landing system which was destroyed in a Navy aircraft accident. The Navy refused to reimburse FAA because interagency payment of claims for damage to government property is not authorized. FAA contended that, since the funds to replace the system came from the Airport and Airway Trust Fund, its claim was an allowable exception. GAO found that: (1) the system was government property and not the property of a single agency; (2) the government may not reimburse itself for damage to or loss of its own property; and (3) charging the replacement cost of the system to an appropriation account did not bring it within the exception to the interdepartmental waiver rule because FAA used federal funds to repair the damage and was not acting on behalf of identifiable beneficiaries. Accordingly, Navy reimbursement to FAA was not authorized.

129575

[Protest of FAA Contract Award for Development and Installation of Data Communications Network]. B-222402. April 10, 1986. 2 pp. **Decision re:** Analytics Communications Systems, Inc.; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Analytics Communications Systems, Inc.; Federal Aviation Administration; Uninet; Paradyne Corp.; Electronic Data Systems Federal Corp.

Authority: 4 C.F.R. 21.3(f)(10). B-220580 (1985).

Abstract: A firm protested a Federal Aviation Administration contract award for the development and installation of an administrative data communications network, contending that the awardee improperly proposed to use a suspended firm as a subcontractor to meet the solicitation technical requirements. GAO held that: (1) the protester was a potential subcontractor to one or more of the offerers, but did not submit a proposal on its own behalf; (2) the merits of the protester's allegation were not for

consideration, since subcontractor protests were not considered under bid protest regulations; (3) another firm protested the same issue to the General Services Administration Board of Contract Appeals (GSBCA) after submission of best and final offers; and (4) it would be inappropriate to consider the protester's allegations, since the protester raised the same issue that GSBCA was considering. Accordingly, the protest was dismissed.

129585

Air Pollution: EPA's Efforts To Reduce and End the Use of Lead in Gasoline. RCED-86-80FS; B-222019. March 12, 1986.

Released April 11, 1986. 6 pp. **Fact Sheet** to Rep. Jim Slattery; by Hugh J. Wessinger, Senior Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-182, August 6, 1986, Accession Number 131105.

Issue Area: Environment: Other Issue Area Work (6891).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Environmental Protection Agency.

Congressional Relevance: Rep. Jim Slattery.

Authority: Clean Air Act. Food Security Act (P.L. 99-198).

Abstract: In response to a congressional request, GAO prepared a fact sheet on the Environmental Protection Agency's (EPA) efforts to substantially reduce and possibly end the use of lead in gasoline and the extent to which EPA considered the impact on agricultural machinery using low-lead gasoline.

Findings/Conclusions: GAO found that: (1) in March 1985, EPA issued final rules to reduce the allowable amount of lead in gasoline to 0.10 grams per leaded gallon, concluding from the results of three motor vehicle studies that engines designed to operate with leaded gasoline needed between 0.04 and 0.07 grams of lead per gallon to prevent damage; and (2) EPA relied on data that the Army and Postal Service generated when they switched large fleets of vehicles from leaded to unleaded gasoline with no significant problems. In response to congressional concerns and those of the Department of Agriculture and the farm community about the impacts that the low-lead standard and the possible ban of leaded gasoline might have on farm equipment, EPA agreed to study farm

equipment engines and to reevaluate the standards; and (4) by January 1987, EPA expects to determine whether its low-lead standards need to be changed to prevent adverse effects on farm machinery and what the final action should be on its proposal to ban lead.

129610

Navy Manpower: Improved Ship Manpower Document Program Could Reduce Requirements.

NSIAD-86-49; B-197077. March 27, 1986. 61 pp. plus 3 appendices (29 pp.). **Report** to Rep. Les Aspin, Chairman, House Committee on Armed Services; by Frank C. Conahan, Director, National Security and International Affairs Division. Refer to FPCD-80-29, February 7, 1980, Accession Number 111502; NSIAD-85-43, March 7, 1985, Accession Number 126453; FPCD-77-72, October 18, 1977, Accession Number 103781; PAD-79-17, January 1979, Accession Number 108554; FPCD-80-6, December 11, 1979, Accession Number 111074; NSIAD-86-53, March 26, 1986, Accession Number 129611; NSIAD-84-78, March 27, 1984, Accession Number 124183; NSIAD-86-87BR, March 26, 1986, Accession Number 129612; and NSIAD-87-101, May 19, 1987, Accession Number 133042.

Issue Area: Manpower and Reserve Affairs: Accuracy of the Services' Policy for Manpower Requirements in Identifying the Quantity and Quality of Manpower Needed for National Defense (5803); Navy: Effectiveness of Navy's Planning and Management of Fleet Expansion (5601).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of the Navy.

Congressional Relevance: House Committee on Armed Services; Senate Committee on Armed Services; Rep. Les Aspin.

Authority: DOD Instruction 5010.37. OPNAVINST 5310.22. OPNAVINST 5310.19.

Abstract: Pursuant to a congressional request, GAO reviewed the Navy's Ship Manpower Document (SMD) program, which the Navy uses to estimate workforce requirements for its fleet.

Findings/Conclusions: GAO found that: (1) the requirements that the Navy has established through the SMD program

are questionable because the methodology it uses in the program is not rigorous enough; and (2) the net effect of the lack of rigor is that the Navy has overestimated many of its manpower requirements and underestimated others. GAO also found that the Navy: (1) does not maintain adequate documentation to support its watch station (WS) requirements estimates; (2) does not base WS requirements estimates on rigorous onboard analyses of ship operating procedures; (3) has not made adequate progress in developing new standards for own unit support (OUS) requirements; (4) has no reliable historical data base of preventive maintenance (PM) and corrective maintenance (CM) accomplished on its ships; (5) uses invalid ratios based on PM to estimate CM requirements; (6) adds allowances for preparation and nonproductivity to its PM and CM estimates; and (7) does not use the same assumptions for its computer simulation and its conceptual model for facilities maintenance (FM). In addition, GAO found that: (1) the SMD computer model does not reflect basic assumptions regarding work performed in port and the average work week for Navy personnel; (2) the SMD computer model does not account for maintenance work that watch personnel perform; (3) the Navy does not adequately document the SMD system or changes to it; and (4) the Navy has neither adequately monitored nor controlled the program, nor ensured effective communication among program participants.

Recommendation To Agencies: In order to improve the soundness and rigor of work-load measurement and standards development and increase the confidence of administration and congressional decisionmakers in the Navy's manpower requirements, the Secretary of the Navy should commit the necessary analytical staff resources, both in number and experience, and provide adequate training to the analytical staff to ensure that improved methods will be used to determine SMD manpower requirements. In order to improve the soundness and rigor of work-load measurement and standards development and increase the confidence of administration and congressional decisionmakers in the Navy's manpower requirements, the Secretary of the Navy should reexamine, on a systematic basis, the adequacy and accuracy of all WS standards used in the SMD process. In order to improve the soundness and rigor of work-load measurement and standards development and increase the confidence of administration and congressional decisionmakers in the

Navy's manpower requirements, the Secretary of the Navy should require a more rigorous and comprehensive onboard ship validation, including observation of the crew functioning in an operational environment or simulation and analysis of ship supporting records. This is especially important for new ship classes and for ships that have undergone extensive alteration in terms of new equipment and configuration changes. In order to improve the soundness and rigor of work-load measurement and standards development and increase the confidence of administration and congressional decisionmakers in the Navy's manpower requirements, the Secretary of the Navy should ensure that the justification and basis for WS and OUS standards are adequately documented and a proper audit trail of changes to these standards is maintained. In order to improve the soundness and rigor of work-load measurement and standards development and increase the confidence of administration and congressional decisionmakers in the Navy's manpower requirements, the Secretary of the Navy should expedite the development of the new OUS standards. In order to improve the soundness and rigor of work-load measurement and standards development and increase the confidence of administration and congressional decisionmakers in the Navy's manpower requirements, the Secretary of the Navy should identify areas of ship operations where methods-improvement studies are practical and feasible, and begin a program of conducting these studies. In order to improve the soundness and rigor of work-load measurement and standards development and increase the confidence of administration and congressional decisionmakers in the Navy's manpower requirements, the Secretary of the Navy should expedite the development of both a PM and a CM data base for establishing SMD maintenance work-load and work-force requirements by ensuring that the Maintenance Data System (MDSII) is: (1) developed properly to incorporate both PM and CM data collection components; (2) implemented in a timely manner; and (3) used by the fleet to accurately report actual PM and CM work-load data. In order to improve the soundness and rigor of work-load measurement and standards development and increase the confidence of administration and congressional decisionmakers in the Navy's manpower requirements, the Secretary of the Navy should consider suspending the addition of the make-ready and put-away (MRPA) allowance to estimated PM work load and the

nonproductive allowance to PM, CM, and OUS work-load estimates until the Navy is able to measure these work loads using more precise methods and, if allowances are used in the future, develop documented support for their accuracy and justification for their use. In order to improve the soundness and rigor of work-load measurement and standards development and increase the confidence of administration and congressional decisionmakers in the Navy's manpower requirements, the Secretary of the Navy should validate the pay-grade staffing tables to establish wartime grade requirements and develop documented support for their use. The Secretary of the Navy should require that the SMD model be reviewed and adjusted so that it more accurately corresponds to how the Navy plans to operate during wartime, specifically that it: (1) reflects the amount of ship maintenance done in port; (2) allots no more Sunday free time than would be allotted in wartime; (3) introduces wartime in-port work-week and work-load standards; and (4) ensures that work accomplished during watch duty is not being double counted. The Secretary of the Navy should ensure that the computer simulation of the SMD model is corrected to allow FM work loads to float across occupation, division, and department lines. The Secretary of the Navy should require that management and users are provided with a properly documented description of the SMD modeling process. The Secretary of the Navy should require that Required Operational Capability (ROC) and Projected Operational Environment (POE) statements be thoroughly and critically analyzed on a periodic basis, with the objective of eliminating unnecessary tasking requirements, and that criteria for making this analysis be provided. The Secretary of the Navy should improve the management of the SMD program to reduce the likelihood of future problems by: (1) establishing a monitoring system that will periodically review the SMD system, model assumptions, and documentation for currency, accuracy, and completeness, and will include reviews of SMD assumptions by operational officials; and (2) improving communications, especially between Navy operating officials and SMD program staff, by providing the operating officials with a channel for notifying SMD staff of changes in scenario assumptions and a basic understanding of the processes of the SMD system.

129614

Status of MARAD Budget Authority. OGC-86-11; B-220532. April 8, 1986. 1 p. *Report to Congress*; by Milton J. Socolar, Acting Comptroller General. Refer to OGC-86-6, March 11, 1986, Accession Number 129367; OGC-86-8, March 27, 1986, Accession Number 129468; and OGC-86-9, April 8, 1986, Accession Number 129695.

Contact: Office of the General Counsel.
Budget Function: Impoundment Control Act of 1974 (990.2).

Organization Concerned: Maritime Administration.

Congressional Relevance: Congress.

Authority: Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.).

Abstract: GAO reviewed the status of budget authority of a deferral of \$8.5 million appropriated for the acquisition of a replacement Maritime Administration training vessel, which the President initially proposed in his third special message for fiscal year 1986.

Findings/Conclusions: GAO found that: (1) the budget authority for the replacement vessel was improperly withheld; (2) Congress had disapproved a previous deferral of the \$8.5 million, and the President provided no new basis to justify the reimposition; and (3) since the deferral was not permitted under the Congressional Budget and Impoundment Control Act, the \$8.5 million has been made available for obligation.

129623

[Information on Home-to-Work Transportation for Senior Coast Guard Officials]. B-210555.15. April 14, 1986. 4 pp. *Letter to Jim J. Marquez, General Counsel, Department of Transportation*; by Harry R. Van Cleve, General Counsel. Refer to GGD-85-76, September 16, 1985, Accession Number 128079.

Contact: Office of the General Counsel.
Organization Concerned: Department of Transportation; United States Coast Guard.

Authority: 62 Comp. Gen. 438. 5 U.S.C. 101. 31 U.S.C. 1344.

Abstract: GAO addressed issues pertaining to its determinations concerning the provision of home-to-work transportation for certain Department of Transportation (DOT) officials. GAO noted that: (1) under present law, persons acting in positions for which home-to-work transportation is

authorized may not receive such transportation unless the position in which they are acting is vacant due to the resignation, death, or removal of the incumbent official; and (2) the Commandant of the Coast Guard and the four District Commanders of the Coast Guard may receive home-to-work transportation, because DOT has established that there is a clear and present danger to their security.

129633

[Allegations Concerning Handling of Motor Vehicle Accident Case]. B-219936. April 11, 1986. 2 pp. *Letter to Joseph B. Halldorson*; by Robert L. Higgins, Assistant General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Department of Labor; Forest Service.

Authority: 32 Comp. Gen. 118. 28 U.S.C. 516. 5 U.S.C. 8131.

129644

[FAA's Advanced Automation System]. April 16, 1986. 28 pp. plus 1 appendix (2 pp.). *Testimony before the House Committee on Appropriations: Transportation Subcommittee*; by Carl R. Palmer, Associate Director, Information Management and Technology Division. Refer to IMTEC-85-10, June 6, 1985, Accession Number 127126; IMTEC-85-11, June 17, 1985, Accession Number 127253; and T-IMTEC-87-4, April 21, 1987, Accession Number 132743.

Contact: Information Management and Technology Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee.

Authority: OMB Circular A-109. H.R. 465 (99th Cong.).

Abstract: GAO discussed the Federal Aviation Administration's (FAA) plans to modernize its air traffic control (ATC) system through the Advanced Automation System (AAS). GAO noted that AAS, which will cost \$3.2 billion, is expected to: (1) enable the consolidation and replacement of en route and terminal ATC facilities; (2) increase controller productivity and system availability; (3) reduce operating costs; (4) save fuel; and (5) automate many of the functions that controllers currently perform. AAS is scheduled to be implemented in steps beginning in 1991. GAO also noted that FAA faces a

number of technical and operational risks in implementing AAS, including: (1) the complete replacement of ATC hardware; (2) the use of a new computer language; (3) the system's extremely high availability requirements; (4) problems inherent in interfacing with other ATC systems that are still under development; (5) unvalidated system performance models; and (6) uncertainty over the adequacy of the planned controller work station. In addition, GAO noted that FAA cannot be certain that AAS will be cost-effective because it used questionable assumptions in its AAS cost-benefit study, which may have inflated the FAA estimate of savings that will result from AAS implementation.

129660

[FAA Appropriation Issues]. April 16, 1986. 11 pp. *Testimony before the House Committee on Appropriations: Transportation Subcommittee*; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-85-78, July 29, 1985, Accession Number 127545; and RCED-86-121, March 6, 1986, Accession Number 129306.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee.

Authority: OMB Circular A-109.

Abstract: GAO discussed the continuing problems that the Federal Aviation Administration (FAA) has had in procuring technologies for the National Airspace System Plan and developing adequate controller and inspector work forces. FAA has not: (1) developed a strategy for adequately considering its technical options in developing direct user access terminal systems designed to reduce the work load at flight service stations; (2) adequately identified the economic and safety risks of installing automated weather observing systems at towered airports; (3) completed research and development to find solutions to system problems before requesting appropriations; (4) planned to test either radar system in an operations environment before committing to production; (5) adhered with the phasing and competition principles fundamental to procurement policies; (6) adequately ensured that commercial airlines are complying with FAA safety regulations;

or (7) developed adequate staffing standards to determine how and what type of inspectors are needed or where they should be assigned. Although FAA has made progress in incorporating the requirements and principles of procurement policies into its acquisition process, the eight systems under production have experienced cost increases and schedule delays. GAO also believes that there is an urgent need for more air traffic controllers. The growth of air traffic activity has increased, and supervisors have expressed concern about their ability to continue to maintain the proper margin of safety due to their high work load. Although efforts are underway to improve controller staffing, new controllers need 2 years or more to become fully trained. Further, FAA is increasing its inspector work without making needed revisions in existing training policies, procedures, and directives. GAO believes that Congress should continue to question FAA appropriations requests to ensure that systems work adequately before they are acquired.

129683

Budgeting for Inflation in Selected Civil Accounts. AFMD-86-34BR; B-222276. March 20, 1986.

Released April 21, 1986. 2 pp. plus 1 appendix (25 pp.). *Briefing Report* to Sen. Nancy L. Kassebaum; Sen. Charles E. Grassley; Sen. William L. Armstrong; Sen. Thomas F. Eagleton; Sen. William Proxmire; Sen. David H. Pryor; by John R. Cherbini, Associate Director, Accounting and Financial Management Division. Refer to AFMD-86-76BR, September 30, 1986, Accession Number 131362.

Issue Area: Financial Management Standards and Initiatives: Federal Legislative Processes (7015); Financial Management Standards and Initiatives: Government-Wide Accounting Issues (7005).

Contact: Accounting and Financial Management Division.

Budget Function: Financial Management and Information Systems: Regulatory Accounting Rules and Financial Reporting (998.6).

Organization Concerned: Office of Management and Budget; Department of Energy; Department of the Interior; Department of Transportation; Veterans Administration.

Congressional Relevance: Sen. Nancy L. Kassebaum; Sen. Charles E. Grassley; Sen. William L. Armstrong; Sen. Thomas F. Eagleton; Sen. William Proxmire; Sen. David H. Pryor.

Abstract: Pursuant to a congressional request, GAO identified those major civil appropriation accounts where inflation projections are applied in order to determine: (1) the inflation guidance used; (2) projected and actual inflation; and (3) the amount of funds appropriated for inflation that did not occur. GAO analyzed the potential for excess funding in the Departments of Energy, Transportation, and the Interior and the Veterans Administration.

Findings/Conclusions: GAO found that: (1) for several agencies, it was unable to obtain sufficient information to analyze inflation practices; (2) use of the Office of Management and Budget's inflation guidelines varied among and within the agencies studied; (3) unless an agency provides a specific line item for inflation in its budget documents, the amount it requests for inflation in any given account cannot be identified; and (4) Congress usually does not identify the amount it appropriates for inflation. In addition, GAO found that: (1) the potential overfunding for inflation in selected accounts at the four agencies totalled about \$1 billion for fiscal years 1982 through 1985; and (2) this amount represents less than 2 percent of the total budget authority adjusted for inflation. GAO noted that its figures represent only its estimate of potential overfunding for inflation rather than actual overfunding.

129700

[FAA's Advanced Automation System]. April 23, 1986. 28 pp. plus 1 appendix (2 pp.). *Testimony* before the House Committee on Science and Technology: Transportation, Aviation and Materials Subcommittee; by Carl R. Palmer, Associate Director, Information Management and Technology Division. Refer to IMTEC-85-10, June 6, 1985, Accession Number 127126; IMTEC-85-11, June 17, 1985, Accession Number 127253; and T-IMTEC-87-4, April 21, 1987, Accession Number 132743.

Contact: Information Management and Technology Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Science and Technology: Transportation, Aviation and Materials Subcommittee.

Authority: OMB Circular A-109. H.R. 465 (99th Cong.).

Abstract: GAO discussed the Federal Aviation Administration's (FAA) plans to modernize its air traffic control (ATC)

system through the Advanced Automation System (AAS). GAO noted that AAS, which will cost \$3.2 billion, is expected to: (1) enable the consolidation and replacement of en route and terminal ATC facilities; (2) increase controller productivity and system availability; (3) reduce operating costs; (4) save fuel; and (5) automate many of the functions that controllers currently perform. AAS is scheduled to be implemented in steps beginning in 1991. GAO also noted that FAA faces a number of technical and operational risks in implementing AAS, including: (1) the complete replacement of ATC hardware; (2) the use of a new computer language; (3) the system's extremely high availability requirements; (4) problems inherent in interfacing with other ATC systems that are still under development; (5) unvalidated system performance models; and (6) uncertainty over the adequacy of the planned controller work station. In addition, GAO noted that FAA cannot be certain that AAS will be cost-effective because it used questionable assumptions in its AAS cost-benefit study, which may have inflated the FAA estimate of savings that will result from AAS implementation.

129710

[Request for Reconsideration of Sustained Protest Under FAA Procurement]. B-220058.4. April 23, 1986. 4 pp. *Decision* re: Federal Aviation Administration; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration; Kavouras, Inc. **Authority:** 4 C.F.R. 21.6. 4 C.F.R. 21.12(a). Fed. Property Management Reg. 101-26.401-4(c). B-220058.2 (1986). B-220032.2 (1986). B-218266 (1985).

Abstract: The Federal Aviation Administration (FAA) requested reconsideration of a decision which sustained a firm's second protest against its issuance of a delivery order. GAO had held that FAA improperly placed a Federal Supply Schedule order in excess of its maximum order limitation (MOL) and recommended that FAA reimburse the protester for its protest costs. In its request for reconsideration, FAA contended that: (1) because the protester had an opportunity to submit a proposal, it was not excluded from the procurement; (2) the Federal Property Management Regulation was only a guideline, because its language was permissive, and not intended to bind

agencies; and (3) the agencies had some discretion to place orders in excess of MOL. GAO held that: (1) a request for reconsideration must specify any errors of law or information not previously considered; (2) it will not consider a decision based on a party's reiteration of arguments already addressed; (3) the recommendation to reimburse the protester's costs was based on the fact that the improper award denied the protester an opportunity to secure an order in open competition; and (4) the regulation clearly did not intend to relieve nonmandatory schedule users from MOL. Accordingly, the request for reconsideration was denied.

129743

Cost of Amtrak Railroad Operations. RCED-86-127FS; B-206551. March 27, 1986.

Released April 29, 1986. 3 pp. *Fact Sheet* to Sen. John Heinz; Sen. Arlen Specter; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-84-41, October 14, 1984, Accession Number 122672.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: National Railroad Passenger Corporation (Amtrak).

Congressional Relevance: Sen. John Heinz; Sen. Arlen Specter.

Abstract: Pursuant to a congressional request, GAO obtained information regarding the National Railroad Passenger Corporation's (Amtrak) financial condition, including: (1) the revenue and cost of Amtrak train routes, including service between Philadelphia and Pittsburgh; (2) states' subsidies to Amtrak for providing train service; (3) Amtrak income-producing projects other than rail passenger service; and (4) states' ending budget balances.

Findings/Conclusions: GAO found that: (1) in fiscal year 1985, none of the Amtrak passenger train operations were self-supporting, and it had a \$836.8 million loss for its operations; (2) service between Philadelphia and Pittsburgh had revenues of \$3.7 million and costs of \$8 million, resulting in a \$4.3-million loss, even though the state increased its payments by \$343,000; (4) of the 12 states that subsidized Amtrak passenger service, half stopped providing subsidies or had service discontinued; (5) profits from the Amtrak income diversification

program were about \$29.2 million, of which \$9.2 million was from non-real-estate activities; and (6) 37 of the 50 states had estimated budgets with positive ending balances, with an average ending balance of \$108.8 million.

129746

Highway Funding: Federal Distribution Formulas Should Be Changed. RCED-86-114; B-222322. March 31, 1986.

Released April 30, 1986. 51 pp. plus 3 appendices (16 pp.). *Report to Sen. Lawton Chiles*; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Adequacy of the Current Highway Financing Mechanism for Addressing the Nation's Highway Needs (6615).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Department of Transportation.

Congressional Relevance: House Committee on Appropriations:

Transportation Subcommittee; House Committee on Public Works and Transportation: Surface Transportation Subcommittee; Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Environment and Public Works: Transportation Subcommittee; Congress; Sen. Lawton Chiles.

Authority: Surface Transportation Assistance Act of 1982. Federal Highway Act. Federal Aid Highway Act of 1973. Federal Aid Highway Act of 1976 (P.L. 94-280; 23 U.S.C. 101 et seq.). Federal Aid Highway Act of 1944. Federal Aid Highway Act of 1970. Federal Aid Highway Act of 1981 (P.L. 97-134). Industrial Recovery Act. 23 C.F.R. 1.2. U.S. Const. art. I, 8. B-125052 (1962).

Abstract: In response to a congressional request, GAO reviewed the statutory formulas used to apportion federal highway funds to the states.

Findings/Conclusions: More than \$13 billion in highway funds have been apportioned among the states in fiscal year 1986 on the basis of highway formulas enacted by Congress over the years. GAO found that: (1) the factors used in formulas to apportion highway funds should reflect the extent and usage of today's highway system; (2) lane-miles is a direct measure of the size of the road network and should be used to reflect the extent of the system to be preserved; (3) highway use can be measured by both vehicle-miles of travel

and motor fuel consumption; (4) each method of measurement has advantages and disadvantages as a formula; (5) the interstate resurfacing, restoration, rehabilitation, and reconstruction program is the only formula currently using a combination of these factors; and (6) the primary, secondary, and urban formulas need to be revised to be consistent with the extent and use of the current system. Changing the factors used in arriving at these apportionment formulas would result in some states receiving more or less funds than under the present formulas.

Recommendation To Congress: Congress should revise the factors used in the primary, secondary, and urban formulas as follows: (1) land area, which correlates poorly with the extent of the highway system, should be deleted from the primary and secondary formulas and be replaced with lane-miles, which more closely measures the extent of the highway system; (2) population, either rural or urban, which is an inexact measure of highway use, should be replaced with either vehicle miles of travel or motor fuel consumption, either of which more closely reflects highway use, including changes in such use; (3) postal mileage, which seems to bear no relationship to either the extent of the highway system or its use, should be deleted from the primary and secondary formulas; and (4) lane-miles should be added to the federal-aid urban highway apportionment formula, which is now based only on urban population, to provide a measure of the extent of the urban system. Congress should request that the primary, secondary, and urban formula factors be weighted to reflect road deterioration. If Congress wishes to continue to use population in primary, secondary, and urban formulas, the Census Bureau's current state population estimates should be used between decennial censuses to develop annual estimates of urban and rural population.

129775

Review of Amtrak's Study of Rail Service Through Oklahoma. RCED-86-140BR; B-222749. April 14, 1986. 33 pp. *Briefing Report* to Rep. Michael L. Synar; Rep. Wes W. Watkins; Rep. Robert Whittaker; Sen. Donald L. Nickles; Rep. Mickey Edwards; Rep. Bill Emerson; Rep. Glenn L. English; Rep. James R. Jones; Rep. Dave McCurdy; Rep. Jan Meyers; Rep. Jim Slattery; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division.

Refer to PAD-79-17, January 1979, Accession Number 108554.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: National Railroad Passenger Corporation (Amtrak).

Congressional Relevance: *Rep. Robert Whittaker; Rep. Wes W. Watkins; Rep. Michael L. Synar; Rep. Jim Slattery; Rep. Jan Meyers; Rep. Dave McCurdy; Rep. James R. Jones; Rep. Glenn L. English; Rep. Bill Emerson; Rep. Mickey Edwards; Sen. Donald L. Nickles.*

Authority: Amtrak Improvement Act of 1978. Amtrak Reorganization Act of 1979. Bus Regulatory Reform Act of 1982.

Abstract: In response to congressional requests, GAO evaluated the methodologies Amtrak used to analyze the market potential for reinstating passenger rail service through Oklahoma.

Findings/Conclusions: GAO found that service initiated for any of the seven proposed Oklahoma route options would generate substantial financial losses and would require an increased revenue contribution of between 74 and 174 percent in order for any of the proposed routes to meet the Amtrak financial criteria for initiating new rail service. GAO believes that the level of losses on long-distance western routes currently operating adjacent to the service areas of the proposed Oklahoma route options reinforces the Amtrak conclusions of potential losses for any of those options. GAO found that the Amtrak revenue projection model had some structural design, data, documentation, and statistical reliability limitations, since it was not designed to estimate the effects of airline, auto, and bus competition on projected rail travel demand. GAO believes that the Amtrak use of a rail revenue projection model that cannot represent the effects of price and service competition from other transportation modes may reduce the reliability of Amtrak projections of passenger revenues in markets where competition from other modes of transportation is significant.

129793

Use of Toll Revenues in Financing Highway Projects. RCED-86-130; B-222322. April 1, 1986.

Released May 1, 1986. 9 pp. plus 4 appendices (36 pp.). *Report to Sen.*

Lawton Chiles; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Adequacy of the Current Highway Financing Mechanism for Addressing the Nation's Highway Needs (6615).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Department of Transportation.

Congressional Relevance: *Sen. Lawton Chiles.*

Authority: Federal Aid Highway Act of 1956. H.R. 3473 (99th Cong.). S. 1488 (99th Cong.). H.R. 4144 (99th Cong.).

Abstract: Pursuant to a congressional request, GAO reviewed how states raise additional local revenues to finance specific highway projects.

Findings/Conclusions: GAO found that: (1) legislation has been introduced to modify the current federal no-toll policy and give states greater flexibility in financing highway projects; (2) each state's constitution determines how tolls can be used as a highway funding mechanism; (3) because of growing financial constraints and increasing repair and rehabilitation costs, states do not like to eliminate existing toll roads because the roads provide constant revenues; (4) under the legislative proposals, states would be allowed to use trust fund revenues along with toll revenues to construct new toll roads and reconstruct existing toll roads; and (5) federal participation on any federal-aid highway system would not exceed 50 percent of the project costs. GAO also found that: (1) under existing law, once the indebtedness for a federal-aid toll highway has been paid, the road must be made toll-free and turned over to state control; (2) if a state wishes to continue operating a toll road after outstanding obligations are paid, the excess toll revenues must be used for other public highway construction projects, but states are not required to repay federal funds; (3) the proposed legislation would permit states to place tolls on any existing or new federal-aid highway, without limitation; and (4) changing the federal law that prohibits tolls on federally supported routes could make toll financing a more viable alternative for building new highways.

129808

Aviation Weather Hazards: FAA System for Disseminating Severe Weather Warnings to Pilots. RCED-86-152BR; B-222882. April 22, 1986.

31 pp. *Briefing Report to Rep. George E. Brown, Jr., Chairman, House Committee on Science and Technology: Transportation, Aviation and Materials Subcommittee; Rep. Dan Glickman, Ranking Majority Member, House Committee on Science and Technology: Transportation, Aviation and Materials Subcommittee; Rep. Tom Lewis, Ranking Minority Member, House Committee on Science and Technology: Transportation, Aviation and Materials Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division.* Refer to RCED-86-121, March 6, 1986, Accession Number 129306; T-RCED-87-38, June 30, 1987, Accession Number 133444; RCED-87-43, September 30, 1987, Accession Number 134041; and RCED-87-208, September 29, 1987, Accession Number 134079.

Issue Area: Transportation: Efficiency and Effectiveness of FAA Management of Its Aviation Weather Plan (6606).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; National Oceanic and Atmospheric Administration; National Weather Service.

Congressional Relevance: *House Committee on Science and Technology: Transportation, Aviation and Materials Subcommittee; Rep. Tom Lewis; Rep. Dan Glickman; Rep. George E. Brown, Jr.*

Authority: Aviation Act (49 U.S.C. 1463). FAA Handbook 7110.65D.

Abstract: Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) procedures for disseminating weather information to pilots.

Findings/Conclusions: Air traffic controllers provide pilots with weather information from a variety of sources, including National Weather Service and FAA weather advisories, reports from pilots, and airport wind-shear alert and radar surveillance systems. GAO found that: (1) since existing airport surveillance systems are not adequate for detecting and identifying all potentially dangerous weather conditions, FAA plans to deploy new surveillance radars that will be capable of timely providing more weather

information; (2) FAA plans to upgrade existing wind-shear alert systems, which are currently unreliable and frequently yield false alarms; (3) controllers frequently do not timely provide pilots with available weather information; and (4) FAA is not going to implement an automated communications system before 1990. In a recent survey of controllers, GAO also found that: (1) some controllers believed that less-experienced controllers may be less able to timely provide weather information; (2) many controllers believed that they had not received adequate training in handling traffic in bad weather; and (3) during peak periods, many controllers are too busy separating traffic to timely provide weather information.

129832

Air Safety: Federal Aviation Administration's Role in Developing Mid-Air Collision Avoidance Back-Up Systems. RCED-86-105FS; B-222851. April 22, 1986. 16 pp. *Fact Sheet* to Sen. J. James Exon; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to Testimony, September 25, 1986, Accession Number 131086.

Issue Area: Transportation: Adequate Justification and Management of NAS Plan Procurements (6604).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: Sen. J. James Exon.

Abstract: Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) actions in the development of mid-air collision avoidance back-up systems, specifically: (1) whether a commercial air-based collision avoidance system has been available since 1975; (2) the difference between the current avoidance system and its predecessor; (3) the projected date for commercial availability of the current FAA avoidance system; and (4) a comparison of the costs and effectiveness of a commercial system versus the FAA system.

Findings/Conclusions: GAO found that, by the 1970's, private industry had developed several Airborne Collision Avoidance Systems (ACAS) that would have required additional work to correct technical and operational problems if they were to be implemented nationally.

FAA then developed the Beacon Collision Avoidance System (BCAS), which used the existing Air Traffic Control Radar Beacon System (ATCRBS) equipment and was, therefore, less costly and more effective than ACAS. The Traffic Alert and Collision Avoidance System (TCAS), a more advanced and improved version of BCAS, was introduced in 1981. TCAS operates more effectively than BCAS in denser air traffic and its design includes a lower-cost, less-capable model for general aviation, unlike BCAS, which was designed primarily for air carrier use. There are three TCAS models, one designed for general aviation aircraft use and two designed for passenger aircraft use. No date has been set for the availability of the TCAS model designed for general aviation aircraft. However, the models designed for passenger aircraft are expected to be available around 1990. The estimated costs of TCAS and ACAS vary. Available figures suggest that ACAS would be less expensive; however, ACAS are completely different systems than TCAS and, therefore, the costs of the two types of systems cannot be meaningfully compared. GAO also found that no studies were available comparing the effectiveness of ACAS and TCAS.

129875

[FAA's Airline Inspection Program]. May 14, 1986. 14 pp. plus 1 attachment (3 pp.). *Testimony* before the House Committee on Public Works and Transportation: Aviation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-85-157, August 2, 1985, Accession Number 127771.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Public Works and Transportation: Aviation Subcommittee.

Authority: Airline Deregulation Act of 1978.

Abstract: GAO discussed the adequacy of the Federal Aviation Administration's (FAA) airline inspection program to ensure airline safety to assess: (1) the program's effectiveness; (2) FAA actions to improve it; and (3) airline compliance with the program. GAO noted that FAA has not responded effectively to the changes deregulation has caused in the airline industry because it: (1) needs more inspectors but is not prepared to absorb an increase in its work force or to

provide the needed internal management controls, inspector training and experience, regulations and guidance, and supervisory and managerial oversight; and (2) lacks an effective plan for dealing with its short-term problem of ensuring airline compliance with safety regulations. GAO found that FAA should: (1) revise its flight standards program guidelines to help inspectors target airlines displaying characteristics that indicate safety deficiencies; (2) improve its allocation of the inspector work force; (3) ensure that inspectors have the training and experience necessary to carry out their assigned duties; and (4) sequence its actions to improve its inspection program so that the improvements are in place when they can do the most good.

129908

[Budgetary Effects of the Elimination of ICC's Trucking Regulatory Responsibilities]. May 13, 1986. 8 pp. plus 1 attachment (1 p.). *Testimony* before the Senate Committee on Appropriations: Transportation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Interstate Commerce Commission; Department of Transportation; Department of Justice; Federal Trade Commission.

Congressional Relevance: Senate Committee on Appropriations: Transportation Subcommittee.

Authority: Motor Carrier Safety Act of 1984. Carmack Amendment (Interstate Commerce).

Abstract: GAO discussed the budgetary effects of the elimination of the Interstate Commerce Commission's (ICC) regulatory trucking responsibilities. GAO found that: (1) in fiscal year 1985, ICC used a total of 483 out of 916 staff years to regulate trucking; (2) if ICC regulatory functions were eliminated, the reduction in general management staff might be somewhat less than the amount of staff time allocated to each regulatory function; (3) three trucking deregulation bills would eliminate much of ICC rate and entry regulation, which consumes about 241 staff years, but ICC would retain regulation of household goods shipments; (4) although some ICC functions would not be explicitly transferred to other agencies, the agencies with existing authority might have to take over some of the regulatory

functions and increase staff as a result; (5) the Department of Transportation would be responsible for enforcing an entry standard based on safety fitness and financial responsibility; (6) the Department of Justice and the Federal Trade Commission would assume responsibility for antitrust enforcement; and (7) the determination of whether these agencies would need additional funding to handle the additional responsibilities would depend on the enforcement approaches they adopted.

129919

[Issues Concerning Source Certification Under MARAD Contract]. B-222993. May 21, 1986. 2 pp. *Letter to Rep. Robert W. Davis*; by James F. Hinchman, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Maritime Administration.

Congressional Relevance: *Rep. Robert W. Davis.*

Authority: Buy American Act. B-219629 (1985). B-220854 (1985). B-203021 (1982).

129923

Aviation Funding: Options Available for Reducing the Aviation Trust Fund Balance. RCED-86-124BR; B-222235. May 21, 1986. 71 pp. *Briefing Report to Rep. William Lehman, Chairman, House Committee on Appropriations: Transportation Subcommittee*; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to IMTEC-84-14, May 4, 1984, Accession Number 124281; IMTEC-85-10, June 6, 1985, Accession Number 127126; RCED-85-78, July 29, 1985, Accession Number 127545; Testimony, July 21, 1986, Accession Number 130473; T-RCED-87-23, May 8, 1987, Accession Number 132907; RCED-87-137, September 25, 1987, Accession Number 134122; T-RCED-87-16, April 8, 1987, Accession Number 132632; and T-RCED-88-45, June 2, 1988, Accession Number 135972.

Issue Area: Transportation: FAA Management of the NAS Plan in a Coordinated and Integrated Manner (6603); Tax Policy and Administration: Other Issue Area Work (4691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: *House Committee on Appropriations: Transportation Subcommittee; Rep. William Lehman.*

Authority: Airport and Airway Revenue Act of 1970 (P.L. 91-258). Airport and Airways Development Act of 1970. Airport and Airway Improvement Act of 1982 (P.L. 97-248; 49 U.S.C. 2201 et seq.). Balanced Budget and Emergency Deficit Control Act of 1985.

Abstract: In response to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) airport and airway trust fund to: (1) discuss the fund's history; (2) identify and measure the current and projected trust fund balances; and (3) examine options available to Congress for addressing the trust fund balance and revenue and expenditure levels.

Findings/Conclusions: In 1970, Congress established the airport and airway trust fund to provide a source of continuous funding and to ensure adequate investment in aviation capital facilities. The fund generates revenues through excise taxes paid by the aviation industry and its users and interest earned from the fund's investment in Treasury securities. FAA uses the trust fund for facilities, equipment, airport improvement, research, engineering, development, operations, and maintenance. GAO found that the trust fund's current unused balance of \$3.2 billion could increase to \$12.4 billion by the end of fiscal year 1990 if: (1) Congress reauthorizes the fund and aviation taxes without change; and (2) revenues and expenditures materialize as projected. GAO also found that the Balanced Budget and Emergency Deficit Control Act of 1985 may result in further increases in the size of the unused balance. If Congress decides that the current and projected unused balance levels are too high, it could consider a range of options which would require a change to existing law.

130000

Motor Carriers: The Availability of Environmental Restoration Insurance. RCED-86-150BR; B-222849. May 19, 1986.

Released May 27, 1986. 57 pp. *Briefing Report to Rep. Glenn M. Anderson, Chairman, House Committee on Public Works and Transportation: Surface Transportation Subcommittee*; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to HRD-87-18BR, November 21, 1986, Accession Number 131841; and RCED-88-2, October 16, 1987, Accession Number 134208.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Department of Transportation.

Congressional Relevance: *House Committee on Public Works and Transportation: Surface Transportation Subcommittee; Rep. Glenn M. Anderson.*

Authority: Motor Carrier Act of 1980. Bus Regulatory Reform Act of 1982. Comprehensive Environmental Response, Compensation, and Liability Act of 1980. 49 C.F.R. 172.101. 49 C.F.R. 387.

Abstract: In response to a congressional request, GAO provided information relating to problems confronting the insurance and trucking industries in complying with the requirements of the Motor Carrier Act of 1980.

Findings/Conclusions: The act requires trucking firms that haul hazardous cargo and all interstate for-hire trucking firms to have minimum levels of liability coverage for bodily injury, property damage, and environmental restoration. To comply with the act, most trucking firms purchase a commercial auto liability insurance policy which provides the traditional bodily injury and property damage coverage, as well as the environmental restoration coverage. GAO found that: (1) in 1986, some trucking firms would have problems obtaining insurance at the \$750,000- and \$1-million coverage levels in the voluntary markets; and (2) obtaining the \$5-million coverage level would be extremely difficult, particularly for new trucking firms, because most insurers intend to decrease the number of policies they issue or not offer that coverage level. GAO also found that insurers object to writing environmental restoration coverage, particularly at the \$5-million level, because there are too many unknown risks involved and they are unable to obtain reinsurance. To address their concerns, many insurers advocated amending the act to: (1) lower the minimum financial responsibility required or give the Secretary of Transportation authority to determine it; and (2) eliminate the environmental restoration clause or define the scope of the clause so it clearly describes what is being insured.

130017

Panama Canal: Establishment of Commission To Study Sea-Level

Canal and Alternatives. NSIAD-86-97BR; B-114839. April 29, 1986. Released May 29, 1986. 7 pp. plus 2 appendices (6 pp.). *Briefing Report* to Rep. Webb Franklin; by Frank C. Conahan, Director, National Security and International Affairs Division.

Issue Area: Foreign Economic Assistance; Other Issue Area Work (6291).

Contact: National Security and International Affairs Division.

Budget Function: International Affairs; Conduct of Foreign Affairs (153.0).

Organization Concerned: Department of State; Panama Canal Commission; Department of Defense; Japan; Republic of Panama.

Congressional Relevance: House Committee on Merchant Marine and Fisheries; *Rep. Webb Franklin.*

Authority: Panama Canal Act of 1979 (P.L. 96-70). Executive Order 12215. Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, Sept. 7, 1977, United States-Panama, T.I.A.S. No. 10029.

Abstract: In response to a congressional request, GAO reported on the establishment of a trilateral commission consisting of the United States, Panama, and Japan to study alternatives to the existing Panama Canal.

Findings/Conclusions: GAO found that the proposed study, which will examine transportation alternatives in addition to the feasibility of a sea-level canal in Panama, will discharge a 1977 treaty obligation to conduct a sea-level canal feasibility study. While the proposed study is broader in scope than that necessary to discharge the treaty obligation, it is in accordance with the Administration's policy on treaty implementation. The President's National Security Adviser designated the State Department to be the lead U.S. agency for carrying out the plans to comply with this treaty provision, and State agreed to finance the U.S. portion of the study cost through its budget. Congress approved State's request for initial funds for the study in fiscal year 1985 and, in March 1986, the Departments of State and Defense and the Panama Canal Commission agreed on a procedure which would require their consensus for making key personnel appointments and on promoting effective U.S. representation on the study commission.

1986. 3 pp. *Decision re: Coast Guard Membership Fees*; by Milton J. Socolar, (for Charles A. Bowsler, Comptroller General).

Contact: Office of the General Counsel.
Organization Concerned: United States Coast Guard.

Authority: 53 Comp. Gen. 429. 31 Comp. Gen. 398. 61 Comp. Gen. 542. 31 U.S.C. 1301. 5 U.S.C. 5946. 31 U.S.C. 3324.

Abstract: The Coast Guard requested a decision on: (1) the legality of using appropriated funds to pay membership fees in private organizations; and (2) whether the payment of the fees at the beginning of the period of membership would violate the advance-payment prohibition. GAO held that: (1) the use of appropriated funds to pay federal employees' membership dues in a society or association is permissible if the membership is in the name of an agency rather than an individual; (2) an agency may obtain a membership in a private organization if the membership would be of primary benefit to it and necessary to carry out its statutory functions; and (3) the advance-payment prohibition was not applicable in this case. Accordingly, if the Coast Guard determines that the memberships are necessary to fulfill its statutory mission, the use of appropriated funds to purchase the memberships and the payment of the fees at the beginning of the membership period would be proper.

130049

[Protest Under FAA Solicitation for Aviation Service Facility Operation]. B-220680.3. June 3, 1986. 3 pp. *Decision re: Flight Resources Inc.*; by Seymour Efron, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Flight Resources Inc.; Federal Aviation Administration.

Authority: 4 C.F.R. 21.2(a)(3). 4 C.F.R. 21.1(e). 4 C.F.R. 21.0(a). F.A.R. 14.5. B-216125.2 (1985). B-220680.2 (1985). B-216236 (1984). B-220203 (1985). B-220139 (1985).

Abstract: A firm protested a Federal Aviation Administration (FAA) solicitation for the operation of a general aviation service facility, contending that: (1) FAA so radically changed the solicitation requirements during the second step of the two-step procurement that it should have resolicited for the required services; and (2) one solicitation requirement was unduly restrictive. GAO held that: (1) FAA rejected the protester's late proposal during the first step of the procurement; (2) the protester

was not sufficiently interested to protest the bid evaluation under the second step; and (3) the protester was not sufficiently interested to protest the allegedly restrictive specification. Accordingly, the protest was dismissed.

130070

U.S.-Flag Share of the U.S./Canada Trade on the Great Lakes. RCED-86-115; B-222877. May 8, 1986. 49 pp. plus 3 appendices (6 pp.). *Report* to Rep. James L. Oberstar; Rep. Gus Savage; Rep. Walter B. Jones, Chairman, House Committee on Merchant Marine and Fisheries; Rep. Robert W. Davis; Rep. John D. Dingell; Rep. Harris W. Fawell; Rep. William D. Ford; Rep. William O. Lipinski; Rep. David O'B. Martin; Rep. Mary Rose Oaker; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to Testimony, July 22, 1986, Accession Number 130474.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Water Transportation (403.0).

Organization Concerned: Canada.

Congressional Relevance: House Committee on Merchant Marine and Fisheries; *Rep. Gus Savage; Rep. James L. Oberstar; Rep. Mary Rose Oaker; Rep. David O'B. Martin; Rep. William O. Lipinski; Rep. William D. Ford; Rep. Harris W. Fawell; Rep. John D. Dingell; Rep. Robert W. Davis; Rep. Walter B. Jones.*

Authority: Merchant Marine Act, 1936. Ship Financing Act (Federal). Merchant Marine Act, 1970. Merchant Marine Act, 1920.

Abstract: In response to a congressional request, GAO reviewed the U.S.-Canada waterborne commerce on the Great Lakes/St. Lawrence Seaway system, specifically, the reasons why Canadian ships carry most of the trade.

Findings/Conclusions: GAO noted that U.S. vessel participation in trade on the seaway has declined and, in 1984, accounted for only 6 percent of U.S.-Canada trade. GAO found that the decline in U.S. shipping participation was due to: (1) higher American vessel operating and construction costs; (2) modernization of the Canadian Great Lakes fleet; (3) differences in Canadian and U.S. government assistance programs; (4) geography; (5) long-term contracts; (6) domestic trade policies; and

130036

[Question Concerning Legality of Coast Guard Payment of Membership Fees]. B-221569. June 2,

(7) American fleet operators' concentration on domestic traffic.

130118

[FAA Air Traffic Controller Staffing Issues], June 12, 1986. 15 pp. *Testimony* before the House Committee on Post Office and Civil Service: Human Resources Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-121, March 6, 1986, Accession Number 129306.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Post Office and Civil Service: Human Resources Subcommittee.

Authority: H.R. 4003 (99th Cong.).

Abstract: GAO discussed: (1) the Federal Aviation Administration's (FAA) progress in increasing the number of air traffic controllers; and (2) legislation that proposes rehiring some of the controllers fired after the strike in 1981. GAO found that: (1) the FAA controller work force consists of persons who actually monitor air traffic, are training at the FAA academy, or perform clerical duties; (2) there is little likelihood that FAA will reach its goal of 14,480 and 15,000 controllers by fiscal years (FY) 1986 and 1987, respectively; (3) FAA failed to show that training attrition rates would be lower by the end of FY 1986 and could not accurately predict that a new training program would result in a lower attrition rate; (4) the number of controller retirements may be higher than FAA anticipates; and (5) FAA is opposed to rehiring any former controllers.

130125

Railroad Retirement: Federal Financial Involvement. HRD-86-88; B-222204. May 9, 1986.

Released June 7, 1986. 53 pp. plus 1 appendix (6 pp.). *Report* to Sen. Pete V. Domenici, Chairman, Senate Committee on Budget; by Richard L. Fogel, Director, Human Resources Division. Refer to HRD-86-73FS, March 5, 1986, Accession Number 129457; HRD-81-27, March 9, 1981, Accession Number 115799; HRD-82-97, July 12, 1982, Accession Number 119172; HRD-79-76, June 29, 1979, Accession Number 109780; HRD-84-54, September 26, 1984, Accession Number 125445; and B-164031(4), January 21, 1971, Accession Number 095742.

Issue Area: Income Security: Changing the Current Financing of Benefit Structure To Enhance Retirement and Survivor Program Viability While Adequately Covering Beneficiaries (5005).

Contact: Human Resources Division.

Budget Function: Income Security: General Retirement and Disability Insurance (601.0).

Organization Concerned: Railroad Retirement Board.

Congressional Relevance: Senate Committee on Budget; Sen. Pete V. Domenici.

Authority: Employee Retirement Income Security Act of 1974. Railroad Retirement Act of 1937. Railroad Retirement Act of 1974. Railroad Retirement Solvency Act of 1983 (P.L. 98-76). Railroad Unemployment Insurance Act. Regional Rail Organization Act of 1973. Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272).

Abstract: Pursuant to a congressional request, GAO: (1) presented an inventory and description of past and present federal financial assistance to the Railroad Retirement Board (RRB) retirement and unemployment programs; and (2) showed how much assistance would be needed under current laws to continue the federal government's unique relationship with these programs.

Findings/Conclusions: GAO found that: (1) federal government involvement in the railroad retirement program has increased and comprises almost half of annual revenues; (2) almost 85 percent of this involvement comes from an annual transfer of funds from social security which, when combined with the payroll taxes paid by rail workers and employers at the social security rate, enables RRB to pay a social-security-equivalent benefit to railroad retirement beneficiaries; and (3) this transfer does not represent an additional cost to the federal government. GAO also found that: (1) the government incurs other costs because railroad retirement primarily involves direct payments from general revenues and the rail industry avoids certain general-revenues costs; (2) general revenue payments are currently made directly to the railroad retirement programs, principally to pay the windfall benefit to persons entitled to benefits under both social security and railroad retirement; and (3) about \$375 million is to be provided in fiscal year (FY) 1987 and another \$3.3 billion through FY 2000 to continue these dual benefit payments. GAO found that legislation enacted in 1983 restored the viability of the railroad retirement system, and

current RRB projections indicate that future benefits can be paid through FY 2000.

130149

Auto Safety: Effectiveness of Ford Transmission Settlement Still at Issue. RCED-86-52; B-222021. June 10, 1986. 45 pp. plus 6 appendices (94 pp.). *Report* to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Rep. Timothy E. Wirth, Chairman, House Committee on Energy and Commerce: Telecommunications, Consumer Protection, and Finance Subcommittee; by Charles A. Bowsher, Comptroller General.

Issue Area: Transportation: Adequacy of NHTSA Promotion of Motor Vehicle Safety (6612).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Ford Motor Co.; Department of Transportation; National Highway Traffic Safety Administration.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee; House Committee on Energy and Commerce: Telecommunications, Consumer Protection, and Finance Subcommittee; House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Senate Committee on Appropriations: Transportation Subcommittee; Rep. Timothy E. Wirth; Rep. John D. Dingell.

Authority: Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.). *United States v. General Motors Corp. (WHEELS)*, 518 F.2d 420 (D.C. Cir. 1975).

Abstract: Pursuant to a congressional request, GAO examined the agreement between Ford Motor Company and the Department of Transportation that closed the National Highway Traffic Safety Administration's (NHTSA) investigation of an alleged transmission defect in certain 1970-79 model year automobiles.

Findings/Conclusions: As a result of increased injuries and fatalities due to allegedly faulty automobile transmissions, the manufacturer and NHTSA entered into an agreement in 1980 to inform owners of the proper parking procedures to use before exiting their vehicles. GAO found that the: (1) manufacturer will monitor the case by collecting incident and fatality data and investigating newly reported fatalities,

and will inform consumers about the problem; (2) NHTSA incident and fatality data analyses are incomplete; and (3) manufacturer's vehicles are not the only ones with faulty transmissions.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, NHTSA, to take further action. GAO identified some options the Secretary may wish to consider; others might also be identified. The Secretary of Transportation should direct the Administrator, NHTSA, to establish a methodology to both monitor and assess the effectiveness of any negotiated settlement that does not involve a recall.

130150

Airline Competition: Impact of Computerized Reservation Systems. RCED-86-74; B-223042. May 9, 1986. 15 pp. *Report to Sen. Nancy L. Kassebaum, Chairman, Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee; Rep. Norman Y. Mineta, Chairman, House Committee on Public Works and Transportation: Aviation Subcommittee; Rep. John P. Hammerschmidt, Ranking Minority Member, House Committee on Public Works and Transportation: Aviation Subcommittee; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to T-RCED-88-62, September 14, 1988, Accession Number 136786; and T-RCED-88-65, September 22, 1988, Accession Number 136869.*

Issue Area: Transportation: Economic Effects of Regulatory Reform in the Transportation Sector (6611).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: American Airlines; United Airlines; Department of Justice; Department of Transportation.

Congressional Relevance: *House Committee on Appropriations: Transportation Subcommittee; House Committee on Public Works and Transportation: Aviation Subcommittee; Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee; Rep. John P. Hammerschmidt; Rep. Norman Y. Mineta; Sen. Nancy L. Kassebaum*

Abstract: Pursuant to a congressional request, GAO examined the effects of

airline-owned computerized reservation systems on competition in the airline industry, focusing on: (1) conflicting studies on system profitability conducted by two system-vendor airlines and a consultant; and (2) a Department of Justice report on the structure and performance of the market.

Findings/Conclusions: GAO found that: (1) a group of airlines has charged that the airlines that own the two largest systems have used them to create an unfair competitive advantage; (2) before the now-defunct Civil Aeronautics Board (CAB) promulgated system rules in 1984, systems used biased screens which displayed the owning airlines' flights first in the listings of available flights; and (3) other airlines have charged that vendor airlines also charge unreasonably high rates to competitors for system participation and use information gained from their systems to gain an unfair advantage. GAO also found that: (1) the consultant study reported that the two airlines underreported the profitability of their systems; (2) the consultant overestimated potential incremental revenues for the two vendor airlines, but the airlines erroneously determined that they would earn no incremental revenues for the period after CAB implemented its regulations; and (3) while the study was flawed, its conclusion that the two airlines underestimated potential profitability was accurate. In addition, GAO found that Justice reported that: (1) the market will probably remain highly concentrated, with the two largest airline-owned systems controlling about 70 percent of all domestically booked travel revenue; (2) the prospects for a new entry into the market are slim unless a competitive group buys out a smaller system and attempts to make it more competitive; and (3) vendor airlines could still use their market power to increase booking fees for airlines using their systems.

Recommendation To Agencies: The Secretary of Transportation should undertake the two studies regarding the persistence of incremental revenues and the effect of booking fees on competition, and take additional action, if warranted by the results of the studies, to enforce compliance with or to strengthen the computerized reservation system rules. The Secretary of Transportation should report to the concerned committees of Congress on the results of the studies and any actions planned. To assess the possible persistence and size of incremental revenues, DOT should study the behavior of individual travel agents who subscribe to different system vendors in the post-rule period. To assess

the anticompetitive effects of booking fees, DOT should examine the potential anticompetitive effects of these fees in specific types of air travel markets. The study should also examine the likely impacts of possible remedies to the anticompetitive effects of booking fees.

130154

Coast Guard Acquisitions: Status of Reform Actions. RCED-86-161BR; B-223086. June 11, 1986. 30 pp. plus 1 appendix (12 pp.). *Briefing Report to Sen. William V. Roth, Jr., Chairman, Senate Committee on Governmental Affairs; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division.*

Issue Area: Civil Procurement and Property Management: Other Issue Area Work (4991).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Water Transportation (403.0).

Organization Concerned: United States Coast Guard.

Congressional Relevance: *Senate Committee on Governmental Affairs; Sen. William V. Roth, Jr.*

Authority: Executive Order 12352.

Abstract: Pursuant to a congressional request, GAO evaluated the Coast Guard's acquisition reform actions, specifically its item identification, contracting, and management procedures.

Findings/Conclusions: GAO found that the Coast Guard: (1) improved its acquisition planning; (2) utilized government-sponsored training programs for its managers responsible for identifying and planning resource requirements and for coordinating the acquisition process; (3) reduced the time spent on reviews of acquisition regulations; (4) reorganized its oversight division to provide adequate policy guidance and more effective oversight of headquarters and field contracting activities; (5) made progress in providing adequate grade-structure and career progression for contracting personnel but needed to address training deficiencies; (6) will continue to use its present management systems to track work in progress until its Office of Acquisition is fully staffed; and (7) is establishing a new computerized management information system to account for stocks on hand.

130156

[Claim for Building Permit Fee for FAA Construction Project]. B-199838. March 24, 1986.

Released April 28, 1986. 6 pp. *Letter* to Rep. Bill Frenzel; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.
Organization Concerned: Farmington, MN; Federal Aviation Administration; Great Lakes Region; Air Route Traffic Control Center, Farmington, MN.
Congressional Relevance: *Rep. Bill Frenzel.*

Authority: F.A.R. 52.236.7. *Kleppe v. New Mexico*, 429 U.S. 873 (1976). *United States v. Town of Windsor, Connecticut*, 765 F.2d 16 (2nd Cir. 1985). U.S. Const. art. IV, 3, cl. 2. U.S. Const. art. VI, cl. 2. B-199838 (1981). 49 U.S.C. App. 1348(b).

Abstract: GAO reviewed whether the Federal Aviation Administration (FAA) was responsible for the payment of a building permit fee for a FAA construction project located in Farmington, Minnesota. GAO found that: (1) a state retains jurisdiction over federal lands or property within its territory until Congress enacts legislation specifically dealing with the property; (2) whether a state building code is applicable to a private contractor depends on the relative interests of the government and the municipality; (3) if it were appropriate to collect a building permit fee, it would be the contractor's sole responsibility to obtain any necessary licenses and permits applicable to federal, state, and municipal codes; and (4) since the Minnesota Building Code is not applicable to the FAA project, neither FAA nor its contractor can be legally required to obtain a building permit.

130169

[Protest of DOT Contract Award for Counseling Services]. B-222364. June 13, 1986. 6 pp. Decision re: Mount Pleasant Hospital; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Mount Pleasant Hospital; McLean Hospital; Department of Transportation.
Authority: 4 C.F.R. 21.2(a)(1). 64 Comp. Gen. 524. 60 Comp. Gen. 223. F.A.R. 15.413. F.A.R. 14.402. B-212358 (1984). B-217027 (1985). B-199741.2 (1981). B-193883 (1979).

Abstract: A firm protested a Department of Transportation (DOT) contract award for counseling services, contending that:

(1) at the same time DOT requested a best and final offer, it improperly requested an extension of the offer acceptance period; (2) DOT should resolicit its requirements using a sealed bidding procurement method; and (3) DOT should have considered the 10-point spread between its technical score and the awardee's technical score as a factor in the award determination. GAO found that: (1) DOT properly evaluated all the technical proposals and found them technically acceptable; (2) DOT informed offerers that the acceptance period extension was to prevent proposals from expiring during the final evaluation; (3) an offerer should not expect any further discussions after it submits its best and final offer; (4) DOT held cost discussions with the offerers prior to the request for best and final offers; (5) there were no technical deficiencies in any of the proposals that warranted discussions; (6) the protester's argument for a sealed procurement was untimely; and (7) when technical proposals are deemed essentially equal, price properly becomes the controlling factor in making an award. Accordingly, the protest was denied in part and dismissed in part.

130177

[Protest of Proposed Coast Guard Contract Award for Lampchangers]. B-222628. June 17, 1986. 3 pp. Decision re: Automated Power Systems, Inc.; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Automated Power Systems, Inc.; C-R Control Systems, Inc.; United States Coast Guard.

Authority: 4 C.F.R. 21.1. 4 C.F.R. 21.3(f)(5). F.A.R. 3.501-2(a). F.A.R. 9.104-1(d). B-219608 (1985). B-219837.2 (1985). B-220017.2 (1986).

Abstract: A firm protested a proposed Coast Guard contract award to another firm for lampchangers, contending that the awardee's bid price was much lower than its previous price for the same item, which represented an attempted buy-in. Alternatively, the protester alleged that, if the awardee's unit price was reasonable, the government previously paid an unreasonably high price. Finally, the protester contended that the awardee's product may not have been tested adequately before being included on a superseded qualified products list (QPL). GAO found that: (1) the government may accept a below-cost bid as long as the bidder is judged capable of performing at that price; (2) the protester's complaint about past

prices did not state a cognizable basis for protest; and (3) since the propriety of the awardee's inclusion on a former QPL did not affect the validity of the current award, it would not consider the issue. Accordingly, the protest was dismissed.

130237

Airline Inspections: Comparison of Airlines With and Without Military Contracts. RCED-86-185BR; B-223318. June 20, 1986. 15 pp. Briefing Report to Rep. Charles E. Bennett; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-87-62, May 19, 1987, Accession Number 133088.

Issue Area: Transportation: Effectiveness of FAA in Ensuring Aircraft Safety and Whether This Responsibility Conflicts With Its Role in Promoting Aviation Commerce (6613).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of the Air Force: Military Airlift Command.

Congressional Relevance: *Rep. Charles E. Bennett.*

Authority: FAA Reg. 121. FAA Reg. 135.
Abstract: Pursuant to a congressional request, GAO compared the results of the Federal Aviation Administration's (FAA) National Air Transportation Inspection (NATI) for airlines having contracts with the Military Airlift Command (MAC) with those not contracting with MAC.

Findings/Conclusions: From its analysis of the NATI data, GAO found that airlines with MAC contracts had a lower level of compliance with FAA regulations than airlines not contracting with MAC. Specifically, GAO found that: (1) FAA selected a higher percentage of MAC contract airlines for the more in-depth NATI inspections; (2) MAC contract airlines had a higher rate of adverse comments than airlines without MAC contracts; and (3) MAC contract airlines had a higher percentage of unsatisfactory inspections than other airlines.

130238

[Department of Defense Oversight of Airlines With Military Contracts]. June 26, 1986. 6 pp. plus 1 attachment (3 pp.). Testimony before the House Committee on

Armed Services: Investigations Subcommittee; by Charles S. Cotton, Group Director, Resources, Community, and Economic Development Division.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration; Department of Defense.

Congressional Relevance: *House Committee on Armed Services: Investigations Subcommittee; Rep. Charles E. Bennett; Sen. Albert Gore, Jr.; Sen. Jim Sasser.*

Authority: H.R. 4014 (99th Cong.). H.R. 5027 (99th Cong.).

Abstract: GAO testified on two bills that would establish certain safety inspection requirements for airlines with military contracts by increasing the Department of Defense's (DOD) responsibility for ensuring compliance with federal safety regulations. GAO noted that airlines with military contracts had nearly twice as many serious deficiencies as did those without military contracts and 90 percent had serious deficiency rates higher than the median for all airlines. GAO also noted that, although the Federal Aviation Administration (FAA) has insufficiently identified major aviation problems in the past, it has recently increased its work force, issued staffing standards and national guidelines, affirmed that inspections are the top priority for inspectors, and assembled teams to inspect targeted airlines. GAO found that FAA: (1) will need several years to completely develop its internal management controls, inspector training and experience, regulations and guidance, and supervisory and managerial oversight; (2) is better equipped to conduct the inspections than DOD, which lacks the experience and expertise to inspect airlines' compliance with safety regulations; and (3) should increase and improve inspections of airlines with military contracts.

Issue Area: Air Force: Other Issue Area Work (5491); Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of Defense; Federal Aviation Administration; Multinational Force and Observers; Department of State; National Transportation Safety Board.

Congressional Relevance: *Sen. Albert Gore, Jr.; Sen. Jim Sasser.*

Abstract: Pursuant to congressional requests to evaluate military commercial charter operations following a December 1985 crash, GAO assessed: (1) the Department of Defense's (DOD) policies and procedures to charter commercial aircraft; (2) DOD and Multinational Force and Observers (MFO) oversight procedures to monitor carrier performance; and (3) a DOD study of passenger airlift policies and procedures. GAO was also asked to obtain data on DOD and Federal Aviation Administration (FAA) airport security evaluations and monitor and report on the investigation of the crash.

Findings/Conclusions: GAO believes that there is a need for: (1) DOD to strengthen its contracting procedures to ensure that charter airlines and air-taxi operators follow flight quality and safety requirements; (2) DOD to improve its monitoring of charter and air taxi operators; (3) DOD and FAA to improve their communication so that each has access to necessary information; (4) DOD and FAA to coordinate their airport security evaluation programs; and (5) the State Department to encourage MFO to develop better contracting and monitoring procedures that stress flight safety. GAO concurred with the observations made by the DOD group that studied DOD air passenger travel and concluded that the study's recommendations would improve DOD commercial airlift operations.

February 9, 1987, Accession Number 132131; and T-OCG-87-3, March 5, 1987, Accession Number 132393.

Issue Area: Financial Management Standards and Initiatives: Other Issue Area Work (7091).

Contact: Office of the Comptroller General.

Budget Function: Congressional Information Services (990.5).

Organization Concerned: Veterans Administration; Department of Education; Department of the Interior; Department of Agriculture; Department of Defense; Department of Energy; Department of Health and Human Services; Department of Justice; Department of Labor; Department of Transportation; Department of the Treasury; Office of Personnel Management; House of Representatives: Speaker of the House.

Congressional Relevance: *Rep. Thomas P. O'Neill, Jr.*

Authority: Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177). Employees' Compensation Act (Injuries). Federal Power Act.

Abstract: In response to a congressional request, GAO reviewed several agencies' implementation of program changes required under the Balanced Budget and Emergency Deficit Control Act, specifically: (1) the application of exemptions and special rules set forth in sections 255 and 256; (2) the pattern of reductions in certain grant programs to states; and (3) how agencies achieved reductions in those entitlement programs without special rules.

Findings/Conclusions: GAO found that: (1) no significant problem existed in the implementation of the President's order with respect to the special rules contained in section 256; (2) two pending suits challenged the way that the order dealt with section 255 provisions in applying them only to the indexed benefit within each account and treating non-indexed items as sequesterable; (3) reductions in grant programs and those in most of the entitlement programs were in accordance with the act, did not alter budget priorities, and did not extinguish any entitlements; (4) allocation of states' reductions varied from program to program, depending upon the funds distribution formula; (5) sequestration had varying effects on payments from entitlement accounts, depending on the amount used as a base for the sequestration calculation and the most recent estimate of the amount needed to fully finance the entitlement; and (6) achieving the reductions by serving applicants on a first-come, first-

130261

Military Airlift: Information on DOD's Chartering With Commercial Air Carriers. NSIAD-86-144BR; B-223096. June 12, 1986.

Released June 27, 1986. 3 pp. plus 1 appendix (2 pp.). *Briefing Report* to Sen. Jim Sasser; Sen. Albert Gore, Jr.; by Harry R. Finley, Senior Associate Director, National Security and International Affairs Division. Refer to NSIAD-87-67, March 6, 1987, Accession Number 132516.

130290

Implementing FY 1986 Reductions: Balanced Budget and Emergency Deficit Control Act of 1985. OCG-86-3; B-221498. June 30, 1986. 9 pp. plus 6 appendices (115 pp.). *Report* to Rep. Thomas P. O'Neill, Jr., House of Representatives: Speaker of the House; by Charles A. Bowsher, Comptroller General. Refer to HRD-86-130FS, August 8, 1986, Accession Number 130973; T-OCG-87-1,

served basis until funds were exhausted was not in violation of the act.

130293

[Request for Advance Decision Regarding Payment of USCG Survivor Benefit Plan Annuity]. B-221466. July 3, 1986. 5 pp. *Decision* re: Maureen S. Fearn; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.
Organization Concerned: United States Coast Guard.

Authority: 55 Comp. Gen. 113. *Passaro v. United States*, 5 Ct. Cl. 754 (1984). 10 U.S.C. 1448 et seq. 10 U.S.C. 2774(a).

Abstract: The Coast Guard requested a decision on whether: (1) the surviving spouse of a retired Coast Guard employee could retain erroneous retired pay in addition to the survivor annuity she received during the same period; or (2) the retired pay amount should be set off from the survivor annuity amount. GAO noted that the Coast Guard failed to notify the survivor that her spouse had elected not to participate in the Survivor Benefit Plan and, therefore, she was entitled to a full retirement annuity. GAO held that the survivor was not required to refund the excess retirement pay she received. Accordingly, the request for collection of erroneous payment was waived and the survivor was entitled to full annuity payments for the period before which her annuity payments began.

130301

Criminal Fines: Imposed and Collected as a Result of Investigations of the Organized Crime Drug Enforcement Task Force Program. GGD-86-101FS; B-223391 June 27, 1986. 2 pp. plus 1 appendix (3 pp.). *Fact Sheet* to Sen. Paul Laxalt, Chairman, Senate Committee on the Judiciary: Criminal Law Subcommittee; by Arnold P. Jones, Senior Associate Director, General Government Division. Refer to GGD-87-29BR, December 22, 1986, Accession Number 131900.

Issue Area: Administration of Justice (4700).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Litigative and Judicial Activities (752.0).

Organization Concerned: Department of Justice.

Congressional Relevance: *Senate Committee on the Judiciary: Criminal Law Subcommittee; Sen. Paul Laxalt. Authority:* Comprehensive Crime Control Act of 1984 (P.L. 98-473).

Abstract: In response to a congressional request, GAO provided information on the Organized Crime Drug Enforcement Task Force program, specifically the 1,442 convicted and sentenced offenders that the Department of Justice's Drug Task Force Administrative Unit identified between 1983 and 1984. GAO determined the dollar amount of the criminal fines that: (1) the courts could have imposed at sentencing; (2) the courts did impose; and (3) the government collected as of December 31, 1985.

Findings/Conclusions: GAO found that: (1) the courts could have imposed minimum criminal fines totalling about \$52 million; (2) the courts actually imposed fines totalling about \$8 million for 315 of the 1,442 offenders; (3) the median fine that the courts imposed was \$7,000; and (4) as of December 31, 1985, the government had collected 7 percent, or about \$509,000, of the total imposed fines.

130303

Deactivating Research Vessels: National Oceanic and Atmospheric Administration's Use of Private Ships. RCED-86-133; B-222767. June 11, 1986. 37 pp. plus 5 appendices (16 pp.). *Report* to Rep. Mike Lowry, Chairman, House Committee on Merchant Marine and Fisheries: Panama Canal and Outer Continental Shelf Subcommittee; Rep. Jack Fields, Ranking Minority Member, House Committee on Merchant Marine and Fisheries: Panama Canal and Outer Continental Shelf Subcommittee; Rep. Walter B. Jones, Chairman, House Committee on Merchant Marine and Fisheries; Rep. Norman F. Lent, Ranking Minority Member, House Committee on Merchant Marine and Fisheries; Rep. Barbara A. Mikulski, Chairman, House Committee on Merchant Marine and Fisheries: Oceanography Subcommittee; Rep. Norman D. Shumway, Ranking Minority Member, House Committee on Merchant Marine and Fisheries: Oceanography Subcommittee; Rep. John B. Breaux, Chairman, House Committee on Merchant Marine and Fisheries: Fisheries, Wildlife Conservation and the Environment Subcommittee; Rep. Don Young, Ranking Minority Member, House

Committee on Merchant Marine and Fisheries: Fisheries, Wildlife Conservation and the Environment Subcommittee; Rep. Gerry E. Studds, Chairman, House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; Rep. Robert W. Davis, Ranking Minority Member, House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division.

Issue Area: Natural Resources Management: Other Issue Area Work (6991).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Other Natural Resources (306.0).

Organization Concerned: National Oceanic and Atmospheric Administration.

Congressional Relevance: *House Committee on Science and Technology; House Committee on Appropriations: Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee; House Committee on Merchant Marine and Fisheries: Panama Canal and Outer Continental Shelf Subcommittee; House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; House Committee on Merchant Marine and Fisheries: Fisheries, Wildlife Conservation and the Environment Subcommittee; House Committee on Merchant Marine and Fisheries: Oceanography Subcommittee; House Committee on Merchant Marine and Fisheries; Senate Committee on Appropriations: Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee; Senate Committee on Commerce, Science and Transportation; Rep. Jack Fields; Rep. Mike Lowry; Rep. Robert W. Davis; Rep. Gerry E. Studds; Rep. Don Young; Rep. John B. Breaux; Rep. Norman D. Shumway; Rep. Barbara A. Mikulski; Rep. Norman F. Lent; Rep. Walter B. Jones.*

Abstract: Pursuant to a congressional request, GAO reviewed the National Oceanographic and Atmospheric Administration's (NOAA) proposal to deactivate a number of its marine research vessels and increase the use of private sector vessels.

Findings/Conclusions: GAO found that: (1) in fiscal year (FY) 1985, NOAA operated 22 ocean-going research vessels to support its fisheries, oceanographic,

and hydrographic programs; (2) NOAA programs and projects have averaged 4,872 days at sea annually over the last 3 years; (3) private sector vessels accounted for about 16 percent of NOAA days at sea during that period; and (4) NOAA wants to deactivate half of its fleet, which could save up to \$11 million of its annual \$61 million fleet support costs. GAO also found that: (1) NOAA officials at different research centers had differing views on the desirability, safety, and cost-effectiveness of increasing private sector fleet support; (2) while some NOAA officials believe that chartering private sector vessels would be advantageous because they are more modern, more readily available, and manned by more experienced crews, other officials believe that NOAA vessels are safer and more readily available; (3) NOAA vessels' daily costs range from \$1,000 to \$22,000, compared to \$465 to \$4,955 for private sector ships, but it noted that the comparison may be geographically skewed because one NOAA research center charters most of the NOAA private sector fleet support; and (4) costs for NOAA vessels also tend to be higher because it owns larger, more expensive multi-purpose vessels, whereas most of its charter vessels are smaller, single-purpose vessels, such as fishing boats.

Recommendation To Agencies: Before deactivating a significant portion of the NOAA fleet, the Administrator, NOAA, should develop more definitive information on the merits of such an action. Although a number of options may be available, one option is for NOAA to gradually increase the use of private vessels so it can obtain the additional experience and data needed to justify the deactivation proposal.

130325

Transportation Services for the Disabled: A Complex Public Policy Issue. 1986. 7 pp. by Alice L. London, Evaluator, Resources, Community, and Economic Development Division. In *The GAO Review*, Vol. 21, Issue 2, Spring 1986, pp. 21-27.

Contact: Resources, Community, and Economic Development Division.

Authority: Rehabilitation Act of 1973. Urban Mass Transportation Act of 1964. Federal Aid Highway Amendments of 1974.

Abstract: This article discusses efforts to provide national transportation services to handicapped individuals, specifically: (1) federal transit assistance; (2) the type of services needed; (3) the need for more information on the disabled population;

(4) approaches to providing service; (5) the cost and limited use of services; and (6) future implications of transportation services for the handicapped. Federal transit assistance grew from \$50.7 million in 1965 to \$4 billion in 1984. However, the availability of transportation services and facilities for the handicapped has not increased.

130331

Internal Audit: Nonstatutory Audit and Investigative Groups Need To Be Strengthened. AFMD-86-11; B-220955. June 3, 1986.

Released June 27, 1986. 32 pp. plus 3 appendices (8 pp.). *Report to Rep. Jack Brooks, Chairman, House Committee on Government Operations: Legislation and National Security Subcommittee;* by Charles A. Bowsher, Comptroller General. Refer to AFMD-86-8, February 24, 1986, Accession Number 129429; FGMSD-79-3, October 25, 1978, Accession Number 107682; AFMD-84-45, May 4, 1984, Accession Number 124351; T-AFMD-87-14, May 12, 1987, Accession Number 132997; T-AFMD-88-16, August 4, 1988, Accession Number 136464; and RCED-88-223BR, September 22, 1988, Accession Number 136904.

Issue Area: Fraud Prevention and Audit Oversight: Government-Wide Auditing Issues (7604).

Contact: Accounting and Financial Management Division.

Budget Function: Financial Management and Information Systems: Internal Audit (998.3).

Organization Concerned: Office of Personnel Management; Farm Credit Administration; ACTION; Peace Corps; Export-Import Bank of the United States; Interstate Commerce Commission; Department of Justice; Merit Systems Protection Board; National Labor Relations Board; National Railroad Passenger Corporation (Amtrak); National Science Foundation; Department of the Treasury; Federal Reserve System; Federal Emergency Management Agency.

Congressional Relevance: House Committee on Government Operations: Legislation and National Security Subcommittee; *Rep. Jack Brooks.*

Authority: Inspector General Act of 1978 (P.L. 95-452). P.L. 97-35. OMB Circular A-73. OMB Circular A-50. H.R. 3077 (99th Cong.). S. 2005 (99th Cong.).

Abstract: Pursuant to a congressional request, GAO: (1) identified and verified the names of various audit and investigative groups not subject to inspector general legislation; (2)

determined audit group missions, their staffing levels, and the existence of follow-up procedures; and (3) reviewed selected aspects of audit operations.

Findings/Conclusions: GAO found that: (1) 12 of the 41 agencies with audit groups not subject to statutory requirements had impairments to the independence of their audit organizations; (2) at four agencies, important agency functions received little or no audit coverage; (3) audit and investigative staffs did not evaluate most of the investigations of alleged fraud and abuse or track the causes of illegal activities; and (4) audit resolution and follow-up systems did not meet governmental requirements.

Recommendation To Agencies: The heads of ACTION, the Peace Corps, the Export-Import Bank (Eximbank), the Interstate Commerce Commission (ICC), the Department of Justice, the Merit Systems Protection Board (MSPB), the National Labor Relations Board (NLRB), the National Railroad Passenger Corporation (Amtrak), the National Science Foundation (NSF), the Department of the Treasury, and the Federal Reserve System should take immediate steps to ensure that the heads of audit units report directly to them or their deputies. The Directors of the Federal Emergency Management Agency (FEMA), NSF, the Office of Personnel Management (OPM), and the Acting Chairman of the Farm Credit Administration (FCA) should ensure that all important and vulnerable agency programs and functions are reviewed. The Directors, FEMA and NSF, should establish audit resolution and follow-up procedures. The Inspector General, OPM, and the Director of Audit, FCA, should evaluate all of the significant fraud problems confronting their agencies to determine underlying causes and systemic weaknesses in order to identify preventive measures needed.

130332

Architect-Engineer Services: Selection Methods for Federal-Aid Highway and Transit Projects. RCED-86-167BR; B-222780. June 17, 1986.

Released June 26, 1986. 21 pp. *Briefing Report to Rep. Glenn M. Anderson, Chairman, House Committee on Public Works and Transportation: Surface Transportation Subcommittee;* by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Department of Transportation; Maryland: Department of Transportation; Pennsylvania: Department of Transportation.

Congressional Relevance: *House* Committee on Public Works and Transportation: Surface Transportation Subcommittee; *Rep.* Glenn M. Anderson.

Abstract: Pursuant to a congressional request, GAO reviewed the use of the qualifications-based method of selecting architect-engineer contractors for federal-aid highway and transit projects. Findings/Conclusions: GAO found that: (1) support for the qualifications-based method is founded on the assumption that price competition extends the selection process and adversely affects design quality; (2) the conclusions of four studies GAO reviewed were not supported by related evidence, and the studies did not address apparent data comparability problems or gather sufficient information; (3) one study did not address the possibility that some transportation projects may be significantly larger and more complex, requiring more program development time and design and approval time; and (4) there was no evidence that undue delays in architect-engineering procurement processes resulted in increases to capital costs.

130370

[Request for Decision Concerning Entitlement of FAA Employees to Overtime Pay]. B-221630. July 10, 1986. 6 pp. *Decision re:* Federal Aviation Administration: Mike Monroney Aeronautical Center, Oklahoma City, OK; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration: Mike Monroney Aeronautical Center, Oklahoma City, OK. American Federation of Government Employees: Local 2882.

Authority: Fair Labor Standards Act of 1938. 4 C.F.R. 22. 5 C.F.R. 550.103. 5 C.F.R. 610.121(b). 63 Comp. Gen. 316. B-180142 (1975). 5 U.S.C. 5542 et seq. 5 U.S.C. 6123.

Abstract: The Federal Aviation Administration (FAA) and a union requested a decision regarding overtime compensation for FAA employees who were scheduled to work 5 8-hour days weekly but regularly worked 4 10-hour

days weekly and used compensatory time for the remaining day. GAO held that: (1) for a portion of the period in question, some of the employees were participating in a flexible-work-schedule experiment; (2) FAA informally extended the scheduling experiment rather than regularly scheduling overtime work; and (3) the employees were entitled to compensatory time, which they took, but not to additional overtime compensation. Accordingly, the employees were not entitled to overtime compensation.

130385

[Request for Reconsideration of Decision Concerning Improper Cancellation of Coast Guard Solicitation]. B-218447.5. July 9, 1986. 2 pp. *Decision re:* GTC Group; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: GTC Group; Energy Maintenance Corp.; United States Coast Guard.

Authority: Freedom of Information Act. 4 C.F.R. 21.12(a). 4 C.F.R. 21.3(f)(1). 64 Comp. Gen. 425.

Abstract: A firm requested reconsideration of a decision which recommended that the Coast Guard reinstate a cancelled solicitation and award a contract to the low bidder under that solicitation. In its request for reconsideration, the requester, a disappointed bidder under the original solicitation, contended that, since the awardee requested price increases after award, the basis for the award was invalidated. GAO held that: (1) the requester was essentially contending that the Coast Guard should terminate the awarded contract; (2) the matter was one of contract administration, which it would not consider; and (3) the requester did not allege any error of fact or law in the original decision that would warrant reconsideration. Accordingly, the request for reconsideration was dismissed.

130408

Vehicles: Law Authorizing Shipment of Service Members' Vehicles Needs Revision. NSIAD-86-142; B-214996. June 11, 1986. 3 pp. plus 1 appendix (14 pp.). *Report to Rep.* Les Aspin, Chairman, House Committee on Armed Services; by Frank C. Conahan, Director, National Security and International Affairs Division.

Issue Area: Army: Other Issue Area Work (5591).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of the Army: Military Traffic Management Command.

Congressional Relevance: *House* Committee on Armed Services; Congress; *Rep.* Les Aspin.

Authority: 10 U.S.C. 2634.

Abstract: In response to a congressional request, GAO reviewed the Department of Defense's (DOD) policy for shipping service members' privately owned vehicles (POV) at government expense to determine if current legislative requirements adversely affect their efficient and economical movement.

Findings/Conclusions: GAO noted that: (1) the Joint Travel Regulations restrict the shipment of POV at government expense to members ordered to make a permanent change of station to, from, or between places outside the United States; (2) the regulations provide for transportation of POV within the continental United States (CONUS) only in the case of home port changes; and (3) members are entitled to allowances when driving their POV to new duty stations in CONUS only in lieu of commercial transportation for the member or his family. GAO found that: (1) existing law requires most POV shipments to be on ocean vessels and between customary ports; (2) in fiscal year 1985, these restrictions resulted in over \$3.1 million in additional costs to DOD, increased mileage reimbursements to members, and delayed the shipment of vehicles by as much as 4 months; and (3) DOD paid about \$4.8 million more for members stationed in Germany to pick up or deliver POV than if the members could have done so at locations closer to their duty stations.

Recommendation To Congress: Congress should amend the current law to permit the overland movement of members' POV when it is the most efficient and economical means of transportation. Such change would require only minor revisions to the existing law and would follow the amendment language proposed by the House in 1985, but should also delete the requirement that vehicles only be shipped between customary ports.

130412

[Request for Reconsideration of Dismissal of Protest Against FAA Solicitation Requirement Changes].

B-220680.4. July 15, 1986. 2 pp.
Decision re: Flight Resources Inc.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Flight Resources Inc.; Federal Aviation Administration.

Authority: 4 C.F.R. 21.12(a). B-219327.5 (1985).

Abstract: A firm requested reconsideration of the dismissal of its protest under a Federal Aviation Administration (FAA) solicitation. GAO had held that the protester was not sufficiently interested to protest that FAA changed the solicitation requirements so extensively that it should have issued a new solicitation. In its request for reconsideration, the protester restated its previous arguments. GAO held that the protester: (1) presented no new facts or arguments that would warrant reconsideration; and (2) did not demonstrate any error of fact or law that would warrant reversal. Accordingly, the request for reconsideration was denied.

130424

Vehicle Emissions: EPA Response to Questions on Its Inspection and Maintenance Program. RCED-86-129BR; B-222829. May 2, 1986.

Released July 3, 1986. 89 pp. *Briefing Report* to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by Hugh J. Wessinger, Senior Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-85-22, January 16, 1985, Accession Number 126226; and RCED-88-40, January 26, 1988, Accession Number 134947.

Issue Area: Environment: Other Issue Area Work (6891).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Environmental Protection Agency.

Congressional Relevance: House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Rep. John D. Dingell.

Authority: Clean Air Act. Clean Air Act Amendments of 1977. P.L. 98-45. P.L. 98-371. H.R. 128 (99th Cong.). H.R. 129 (99th Cong.)

Abstract: Pursuant to a congressional request, GAO evaluated and commented

on the Environmental Protection Agency's (EPA) responses to congressional questions on its vehicle emissions inspection and maintenance (I/M) program, to: (1) determine whether the responses adequately addressed the 58 specific questions raised; and (2) test, to the extent possible, the adequacy and reasonableness of the responses.

Findings/Conclusions: GAO found that some of the conditions identified in an earlier report continued to exist and it identified some new concerns, including that: (1) 12 of the 44 areas of the country required to implement the I/M program did not have EPA-approved state implementation plans showing how they would attain air quality standards by 1987; (2) 26 areas not initially required to implement an I/M program had inadequate state implementation plans; (3) although measurable levels of carbon monoxide have declined, ozone levels have increased and continue to be a pervasive pollution problem; (4) 21 to 56 percent of 1981 and later model-year vehicles could be expected to have serious malfunctions in emission control systems; (5) EPA approval of I/M programs using window stickers rather than annual vehicle re-registrations weakened program effectiveness; (6) many programs continued to experience serious problems, such as lack of quality assurance in testing equipment, and inspection and data reporting errors; (7) some states were not cooperating with EPA to implement changes in their I/M programs to make them more effective; (8) although EPA can use sanctions against any state failing to implement a program, it has only used them sparingly; (9) no follow-up or monitoring of problems have been identified in audits; and (10) the cost to repair new-technology vehicles not passing an I/M test may be substantially greater than existing repair cost limits, which could make vehicles eligible for program waiver and exclude them from further tests.

130434

[EPA Use of Highway Funding Sanction in Clean Air Act]. B-221421. February 28, 1986.

Released July 9, 1986. 7 pp. *Letter* to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by Milton J. Socolar, Acting Comptroller General.

Contact: Office of the General Counsel.

Organization Concerned: Environmental Protection Agency.

Congressional Relevance: House Committee on Energy and Commerce:

Oversight and Investigations Subcommittee; Rep. John D. Dingell.

Authority: Clean Air Act (42 U.S.C. 7501 et seq.; 69 Stat. 322). Clean Air Act Amendments of 1977 (P.L. 95-95; 91 Stat. 685). 48 Fed. Reg. 50691. Cong. Rec. [128] S18476. Connecticut Fund for the Environment v. Environmental Protection Agency, 612 F.2d 998 (2nd Cir. 1982). B-208593 (1986).

Abstract: Pursuant to a congressional request, GAO commented on the Environmental Protection Agency's (EPA) draft memorandum of its legal conclusions supporting the liberal use of the highway funding sanction in the Clean Air Act to promote cooperation with its enforcement efforts for post-deadline attainments of national ambient air quality standards. The act states that no projects or grants shall be approved other than for safety, mass transit, or transportation improvement projects related to air quality improvement or maintenance in any air quality control region in which any national primary ambient air quality standard has not been attained or where state implementation plan (SIP) revisions are not being made. The memorandum states that the highway fund sanction is currently available to induce compliance with the additional round of SIP revisions EPA requested in lieu of enforcing sanctions against nonattainable areas and that the sanctions can be used to punish states that revoke parts of their SIP revisions after EPA has approved them. GAO found that the proposal to invoke highway fund sanctions to promote cooperation with EPA SIP revisions and to penalize nonimplementation was not authorized in the statute. GAO suggested that EPA use a construction moratorium, federal promulgation of SIP's, and Clean Air Act grant sanctions to achieve the post-deadline attainments.

130435

[Request for Decision Concerning Secretary of Transportation's Negotiations With Local Governments]. B-223278. June 12, 1986.

Released July 15, 1986. 4 pp. *Letter* to Rep. William Lehman, Chairman, House Committee on Appropriations: Transportation Subcommittee; by Milton J. Socolar, Acting Comptroller General.

Contact: Office of the General Counsel.

Organization Concerned: Department of Transportation.

Congressional Relevance: House Committee on Appropriations:

Transportation Subcommittee; *Rep.* William Lehman.

Authority: Department of Transportation and Related Agencies Appropriation Act, 1986 (99 Stat. 1185). H. Rept. 99-450.

Abstract: Pursuant to a congressional request, GAO addressed questions pertaining to the Secretary of Transportation's compliance with certain provisions of the Department of Transportation and Related Agencies Appropriation Act for fiscal year 1986. GAO noted that: (1) the act requires the Secretary to negotiate in good faith with various local governments for full-funding contracts to support local mass transit projects; (2) the act requires the Secretary to conclude the negotiations within 90 days of its passage; (3) if the Secretary were negotiating in good faith, she would be complying with the act; (4) if the Secretary negotiated in good faith but a local jurisdiction did not, the act would not require the Secretary to take further action; and (5) if both parties were negotiating in good faith but the negotiations were suspended, the act would require them to resume good-faith negotiations.

130441

Aviation Weather Briefings: FAA Should Buy Direct User Access Terminal Systems, Not Develop Them. RCED-86-173; B-223286. June 6, 1986.

Released July 7, 1986. 5 pp. plus 1 appendix (3 pp.). *Report* to Rep. William Lehman, Chairman, House Committee on Appropriations: Transportation Subcommittee; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Efficiency and Effectiveness of FAA Management of Its Aviation Weather Plan (6606).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: *House* Committee on Appropriations: Transportation Subcommittee; *Rep.* William Lehman.

Abstract: In response to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) draft reports comparing various direct user access terminal systems (DUATS) designed to reduce the work load of flight service station specialists by permitting pilots to obtain weather briefings and file flight plans with their

own personal computers. GAO specifically addressed the issue of whether DUATS will be provided as part of the Flight Service Automation System program, developed as an FAA Technical Center independent system, or purchased as a service provided by commercial vendors.

Findings/Conclusions: GAO noted that DUATS would enable FAA to reduce the cost of supplying each preflight weather briefing by more than two-thirds compared with existing flight service station practices. GAO found that: (1) the commercial systems were the most attractive; (2) the Flight Service Automation System is still in the design stage and involves more risks than a commercial system or the FAA Technical Center system; (3) FAA has not operationally tested the Technical Center system, which lacks a weather graphics display; (4) commercially available systems that currently provide weather graphics displays would be less costly than the Technical Center prototype system; (5) commercial systems have been servicing states and individuals for several years, thereby reducing the technical and operational risks; (6) FAA agrees with GAO that commercial systems are the best option; and (7) the FAA budget request is no longer appropriate and needs to be revised.

Recommendation To Congress: The House Appropriations Committee, Transportation Subcommittee, should deny funding for FAA system development as part of the Model 2 Flight Service Automation Program in the 1987 Facilities and Equipment budget request. The House Appropriations Committee, Transportation Subcommittee, should discontinue funding development of the FAA Technical Center System Research, Engineering and Development request. The House Appropriations Committee, Transportation Subcommittee, should ask the Department of Transportation (DOT) to provide the Subcommittee with a request for the level of funding the Department believes is needed for proceeding with a program based on commercially available systems.

130473

[Aviation Safety]. July 21, 1986. 13 pp. plus 1 attachment (4 pp.). *Testimony* before the Joint Economic Committee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refers to numerous reports and testimonies on aviation safety and regulation.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: *Joint* Economic Committee.

Authority: Federal Aviation Act of 1958. Balanced Budget and Emergency Deficit Control Act of 1985. Airline Deregulation Act of 1978. Airport and Airway Improvement Act of 1982 (P.L. 97-248). OMB Circular A-109.

Abstract: GAO discussed the current condition of U.S. aviation safety. GAO found that FAA should: (1) revise its nationwide minimum standards for the type and frequency of airline inspections to help inspectors target airlines with possible safety deficiencies, such as large amounts of contract maintenance or training, inadequate internal management controls, and management experience that is incompatible with sound safety practices; (2) better identify who inspects which airlines and how frequently; (3) ensure that inspectors have the proper training and experience; and (4) ensure that it completes improvements to its inspection program before it hires new inspectors. GAO also found that: (1) FAA has not responded effectively to changes brought about by deregulation; (2) the FAA National Airspace System plan will not be operational until the mid-1990's; (3) FAA cannot accurately estimate its budget needs to provide the best level of air traffic control and surveillance over airline compliance with safety regulations; and (4) FAA needs additional air traffic controllers and commercial aviation safety inspectors. GAO believes that Congress should ensure that the airspace systems work before FAA buys them.

130474

[U.S. Flag Share of the U.S./Canada Trade on the Great Lakes]. July 22, 1986. 8 pp. *Testimony* before the House Committee on Merchant Marine and Fisheries; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-115, May 8, 1986, Accession Number 130070.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Canada.

Congressional Relevance: *House* Committee on Merchant Marine and Fisheries.

Authority: Merchant Marine Act, 1936. Merchant Marine Act, 1920. Merchant Marine Act, 1970.

Abstract: GAO discussed the United States' share of the U.S./Canada trade on the Great Lakes. Although Canadian ships have historically carried most of the trade on the Great Lakes, in the last three decades, Canada has increased its trade and captured most of the new trade that resulted from the St. Lawrence Seaway opening. American trade has been falling because: (1) American ships are more expensive to build and operate; (2) Canadian operators upgraded their fleets to maximum seaway size to take advantage of new trading opportunities; (3) most American ships are too large to use seaway locks or too small to carry enough cargo; (4) the Canadian government assists fleet development through tax incentives and subsidy programs; (5) although the United States has aided its merchant marine, the programs authorized were generally unavailable to Great Lakes bulk-fleet operators until 1970; (6) all cargo moving among U.S. ports must be carried on vessels that are domestically registered, built, owned, and crewed by Americans, whereas Canada permits foreign-built vessels that meet its construction standards to engage in Canadian domestic trade; and (7) geography, long-term contracts, and domestic trade policies favor Canadian operators.

130476

[Comments on H.R. 3129]. B-223216. July 18, 1986. 6 pp. *Letter to Sen. Slade Gorton*; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.

Congressional Relevance: *Senate* Committee on Environment and Public Works; *Sen. Robert T. Stafford*; *Sen. Slade Gorton*.

Authority: Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.). *Urban Mass Transportation Act of 1964* (49 U.S.C. 1601 et seq.). *Federal Aid Highway Act* (23 U.S.C. 101 et seq.). *H.R. 3129* (99th Cong.). *H.R. 5504* (98th Cong.). *H. Rept. 99-665*. *Ackerley Communications, Inc. v. Mt. Hood Community College*, 627 P.2d 487 (Or. Ct. App. 1981). *United States v. 40,000 Acres of Land, More or Less*, 427 F. Supp. 434 (D. Mo. 1976). *Cong. Rec.* [130] H5433. *Pennhurst State School and Hospital v. Halderman*, 451 U.S. 1 (1981).

Abstract: In response to a congressional request, GAO commented on H.R. 3129 concerning the effect of the proposed Surface Transportation and Uniform Relocation Assistance Act. GAO determined that, under H.R. 3129: (1) moving-expense-related benefits to

displaced persons would increase to include business reestablishment costs; (2) lump-sum payments in lieu of moving expenses would be composed of a fixed payment of not less than \$1,000 or more than \$20,000; and (3) billboard owners would become eligible to elect to receive these lump-sum benefits in lieu of moving-expense-related benefits. GAO also determined that, under H.R. 3129: (1) renters of land from states, where no acquisition is currently involved, would be entitled to relocation benefits; (2) if a state's decision not to renew a rental agreement stemmed from its intention to carry out a generally funded project, the refusal to renew and the displacement of the renter would be the proximate result of the project; (3) relocation benefits are not required to be paid to displaced structure owners who rent property from a state, when the displacement is expressly authorized by state statute and is in accordance with the terms of the rental agreement; and (4) states' rights would be abridged by giving relocation payments to the lessee. GAO noted that an argument can be made that the amendments to the Uniform Relocation Assistance and Real Property Acquisition Policies Act should have the same effect to permit relocation benefits for renters whose agreements with the states are not renewed.

130514

Air Traffic Control: FAA's Advanced Automation System Acquisition Strategy Is Risky. IMTEC-86-24; B-206887. July 8, 1986. 5 pp. plus 2 appendices (33 pp.). *Report to Elizabeth H. Dole, Secretary, Department of Transportation*; by Warren G. Reed, Director, Information Management and Technology Division. Refer to IMTEC-85-10, June 6, 1985, Accession Number 127126; IMTEC-85-11, June 17, 1985, Accession Number 127253; NSIAD-86-12, November 4, 1985, Accession Number 128456; *Testimony, September 24, 1986*, Accession Number 131079; RCED-87-3, April 13, 1987, Accession Number 132655; T-IMTEC-87-4, April 21, 1987, Accession Number 132743; RCED-87-3, April 13, 1987, Accession Number 132655; RCED-87-8, March 26, 1987, Accession Number 132534; IMTEC-88-6BR, January 6, 1988, Accession Number 135005; and IMTEC-89-5, November 30, 1988, Accession Number 137418.

Issue Area: Transportation: Adequate Justification and Management of NAS Plan Procurements (6604); Information

Management and Technology: Other Issue Area Work (7191).

Contact: Information Management and Technology Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation.

Congressional Relevance: *House* Committee on Science, Space, and Technology; *House* Committee on Public Works; *House* Committee on Appropriations: Transportation Subcommittee; *House* Committee on Public Works and Transportation: Aviation Subcommittee; *Senate* Committee on Appropriations: Transportation Subcommittee; *Senate* Committee on Commerce, Science and Transportation.

Abstract: GAO reviewed the Federal Aviation Administration's (FAA) acquisition of the Advanced Automation System (AAS) to determine whether it is a technically and economically sound investment.

Findings/Conclusions: GAO found that: (1) the current AAS acquisition strategy does not adequately mitigate technical risks and does not provide for suitable operational simulation of the advanced automation features; and (2) AAS, as currently planned, may not be economically justified. GAO believes that the FAA strategy has unacceptably high risks and may result in significant cost increases, schedule delays, and performance deficiencies. GAO also believes that: (1) a fixed price for untested hardware may result in higher costs because the contractor's risk may be reflected in higher fixed prices to compensate for the system's unproven producibility; (2) requirement changes to correct performance problems can lead to significant additional costs even in a fixed-price contract; (3) software, which constitutes a major portion of AAS development, and cost risk will be developed using a cost-plus type contract; and (4) having only one contractor during the concurrent development, test, and production phase limits risk-reduction opportunities typically achieved through cost and technical competition.

Recommendation To Agencies: The Secretary of Transportation should direct FAA to revise its AAS acquisition strategy to incorporate a contract phase to develop and operationally test prototype models of critical components under realistic conditions before the decision and contract award are made for full production quantities. At a minimum, critical components should

include the controller workstations, en route hardware and software, and the local communications network. The Secretary of Transportation should direct FAA to reexamine AAS features and requirements to identify the most inexpensive and cost-effective alternatives and to revalidate requirements before proceeding to the development and testing phase. The Secretary of Transportation should direct FAA to verify the benefit estimates and the operational suitability of Aera 1 and Aera 2 functional enhancements by operational simulation as soon as it is practicable, and before proceeding with full-scale production.

130525

Air Traffic Control: Status of FAA's Host Computer Project and Related Software Enhancements. IMTEC-86-25BR; B-206887. July 3, 1986.

Released July 14, 1986. 13 pp. plus 2 appendices (3 pp.). *Briefing Report* to Rep. William Lehman, Chairman, House Committee on Appropriations: Transportation Subcommittee; Rep. Lawrence Coughlin, Ranking Minority Member, House Committee on Appropriations: Transportation Subcommittee; by Carl R. Palmer, Associate Director, Information Management and Technology Division. Refer to IMTEC-85-10, June 6, 1985, Accession Number 127126; and IMTEC-84-14, May 4, 1984, Accession Number 124281.

Issue Area: Transportation: Adequacy of FAA Planning, Management, and Acquisition of Information Systems for Air Traffic Users (6608); Information Management and Technology: FAA Operations Systems (7110).

Contact: Information Management and Technology Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; International Business Machines Corp.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee; Rep. Lawrence Coughlin; Rep. William Lehman.

Abstract: Pursuant to a congressional request, GAO commented on the Federal Aviation Administration's (FAA) testing and implementation of computers and related software enhancements to be installed at air traffic control centers, specifically whether FAA was conducting performance testing before installing the new computers.

Findings/Conclusions: GAO found that: (1) performance testing of the new computers was delayed and is currently scheduled to begin in August 1986; (2) the first new computer should be delivered in November 1986 and the last in December 1987; (3) FAA has taken longer than anticipated to resolve software problems; (4) FAA had reservations about whether the contractor would meet its testing deadline; (5) the contractor informed FAA of additional costs to the project; and (6) operational and safety enhancements would be delayed 6 months. GAO believes more delays and cost increases to the project could occur.

130558

[Protest of Proposed FAA Award of Lease for Facilities and Services To Support Training School]. B-222432. July 25, 1986. 15 pp. *Decision* re: Ira T. Finley Investments; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Ira T. Finley Investments; Embry-Riddle Aeronautical University; Federal Aviation Administration; Mike Monroney Aeronautical Center, Oklahoma City, OK.

Authority: 4 C.F.R. 21.2. Delta Data Systems Corp. v. Webster, 747 F.2d 197 (D.C. Cir. 1984). B-220052 (1986). B-211119.5 (1984). B-215557 (1985). B-220142 (1985). B-205865 (1982). B-219343.3 (1985). B-221414 (1986). B-221004 (1986). B-214460 (1984). B-220192 (1986).

Abstract: A firm protested the Federal Aviation Administration's (FAA) proposed award of a lease for training school facilities and support services. The protester contended that FAA: (1) did not evaluate bids according to its criteria; (2) failed to conduct meaningful discussions; (3) included improper evaluation criteria in its solicitation and failed to include certain necessary criteria; and (4) improperly relied upon lower cost as an award consideration. GAO found that: (1) although the FAA evaluation contained minor errors, the relevant information was factually correct and the errors did not disturb the technical rankings; (2) the FAA bid evaluations were consistent with the solicitation's criteria; (3) FAA did not hold discussions with the protester because it correctly decided that the subject matter was not within the protester's control; (4) the portion of the protest concerning improper or missing criteria was untimely; and (5) since the solicitation did not indicate the evaluation factors' relative importance, FAA was correct in considering each one

equally. Accordingly, the protest was dismissed in part and denied in part.

130564

[Request for Decision Concerning FAA Employee's Backpay Claim]. B-217517. July 28, 1986. 5 pp. *Decision* re: Claim for Backpay; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration.

Authority: Back Pay Act. 57 Comp. Gen. 664. 23 Comp. Gen. 907. 44 Comp. Gen. 110. 41 Comp. Gen. 285. 55 Comp. Gen. 48. F.P.M. Supp. 990-2, S8. B-215287 (1985).

Abstract: The Federal Aviation Administration (FAA) requested a decision concerning an employee's claim for backpay from the time FAA removed him from his position to the time FAA ordered him to report back to work 6 months later. The claimant signed a statement certifying that he received no interim earnings during that period. After an investigation, FAA found that the claimant had interim earnings and advised him that, as a result of his false statement, it would not pay him any backpay. Upon the advice of the FAA Office of Chief Counsel, the claimant filed a new statement certifying the true amount of his interim gross earnings and requested payment of backpay. GAO held that the claim was tainted by fraud since the claimant filed an accurate statement of his interim earnings only after FAA informed him that his earlier false statement had resulted in suspension of his backpay award. Accordingly, the backpay claim was denied.

130594

ADP Equipment: FAA's Use of a Suspended Contractor. IMTEC-86-23BR; B-222233. July 1, 1986.

Released July 31, 1986. 18 pp. plus 1 appendix (1 p.). *Briefing Report* to Rep. Jack Brooks, Chairman, House Committee on Government Operations; by Warren G. Reed, Director, Information Management and Technology Division. Refer to IMTEC-84-15, July 9, 1984, Accession Number 124854.

Issue Area: Information Management and Technology (7100); Information Management and Technology: FAA Operations Systems (7110).

Contact: Information Management and Technology Division.

Budget Function: Automatic Data Processing (990.1); Procurement - Other Than Defense (990.4); National Defense: Department of Defense - Procurement and Contracts (051.2).

Organization Concerned: Federal Aviation Administration; Paradyne Corp.

Congressional Relevance: House Committee on Government Operations; Rep. Jack Brooks.

Authority: F.A.R. 9.407. Securities Act of 1933. Securities Exchange Act of 1934. H. Rept. 98-1125.

Abstract: GAO reviewed the Federal Aviation Administration's actions regarding its contracts with a suspended contractor, specifically: (1) its need to continue using the contractor's equipment and services; (2) the potential impact of switching vendors on the FAA schedule for implementing the National Airspace System Plan; and (3) the legality and appropriateness of any actions taken by FAA in response to the suspension.

Findings/Conclusions: GAO found that: (1) FAA continued to use the contractor's equipment and services to prevent a decline in air traffic safety; (2) FAA believes that obtaining equipment and services from other vendors would result in a delay in completing the project and in additional costs to the government; (3) air traffic safety will not be adversely affected, as long as existing equipment remains in place and is maintained until it can be replaced by alternate equipment; (4) FAA complied with federal procurement regulations in requesting an exemption from the suspension order; (5) FAA failed to provide evidence showing that additional purchases were necessary after the exception was granted; and (6) FAA failed to document analyses of potential alternatives to continuing business with the suspended contractor.

130596

[S. 2417 and the Status of FAA's Controller and Inspector Work Forces]. July 17, 1986. 11 pp. *Testimony* before the Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-121, March 6, 1986, Accession Number 129306; and *Testimony*, October 1, 1985, Accession Number 128050.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee.

Authority: S. 2417 (99th Cong.).

Abstract: GAO discussed the Federal Aviation Administration's (FAA) methods of efficiently and effectively promoting, maintaining, and enhancing aviation safety in a competitive, deregulated airline industry. Although FAA had planned to increase its controller force, confusion over how many controllers FAA had, how many it needed, and how many it was hiring added to doubts that FAA was adequately carrying out its air traffic control mission. The overall attrition rate for controller trainees was about 60 percent, almost double the assumed failure rate. FAA was in the process of increasing its inspector work force and taking actions to respond to problems inherent in its inspection program, but it was not managerially prepared to absorb the increase. FAA had difficulty balancing its responsibilities of promoting commercial aviation and ensuring aviation safety because it did not respond effectively to industry deregulation changes. While air traffic has reached record levels, the controller work force has remained at about 2,000 positions less than at the time of the strike. In the absence of adequate guidance, managers assigned priority to certifying new and expanding airlines, rather than inspecting the compliance of existing airlines with safety regulations. Although FAA has improved its safety-related traffic control and inspection functions, its progress needs careful monitoring.

130617

[Request for Decision Concerning FAA Employee's Subsistence Expenses Claim]. B-219121. August 4, 1986. 6 pp. *Decision* re: Kelly G. Nobles; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration.

Authority: 62 Comp. Gen. 393. 47 Comp. Gen. 686. 55 Comp. Gen. 192. F.T.R. para. 1-4.3. F.T.R. para. 1-7.5a. F.T.R. para. 1-8.4a. B-171420 (1971). B-195908 (1981).

Abstract: The Federal Aviation Administration (FAA) requested a decision on whether it could reimburse an employee for travel costs that were less than the cost of common-carrier

travel when the employee charged the travel time to annual leave. GAO held that FAA could not reimburse the employee for expenses incurred while traveling by private vehicle when he charged excess travel time to annual leave, even if the total travel costs were less than the total costs of travel by common carrier. Accordingly, the claim was denied.

130627

Budget Issues: Cost Escalation on Three Major Department of Transportation Projects. AFMD-86-31; B-221952. July 17, 1986. 7 pp. plus 4 appendices (30 pp.). *Report* to Sen. Pete V. Domenici, Chairman, Senate Committee on Budget; Rep. William H. Gray, III, Chairman, House Committee on Budget; by Frederick D. Wolf, Director, Accounting and Financial Management Division.

Issue Area: Financial Management Standards and Initiatives: Federal Legislative Processes (7015).

Contact: Accounting and Financial Management Division.

Budget Function: Transportation (400.0).

Organization Concerned: United States Coast Guard; Federal Aviation Administration; Urban Mass Transportation Administration.

Congressional Relevance: House Committee on Budget; Senate Committee on Budget; Rep. William H. Gray, III; Sen. Pete V. Domenici.

Authority: Deficit Reduction Act of 1984 (P.L. 98-369).

Abstract: GAO examined the U.S. Coast Guard's Short Range Recovery Helicopter Program, the Federal Aviation Administration's (FAA) Airport Surveillance Radar Program, and the Urban Mass Transportation Administration's (UMTA) Buffalo Light Rail Rapid Transit System to determine the reasons for cost growth between the latest estimates for the projects and the initial estimates provided to Congress.

Findings/Conclusions: GAO found that, although some of the reasons for cost growth were outside the agencies' control, certain practices, techniques, and methodologies the agencies used in developing cost estimates contributed to cost growth. About two-thirds of the growth on the Coast Guard program and almost three-fifths of the growth on the FAA radar program were due to unanticipated inflation. Although the officials were aware that future inflation would increase their project costs, they did not provide for inflation in their initial estimates because the budget

guidance at that time did not require it. The UMTA project had included inflation in its initial estimate; however, the inflation rate was higher than anticipated, so it experienced 11-percent cost growth. Other reasons for cost growth included: (1) changes in technology; (2) costs for major program components that the initial estimates omitted; and (3) additional equipment requirements and technical changes. GAO believes that future cost estimates should: (1) include the projects' total cost over acquisition or construction periods; (2) have current and reliable cost data; and (3) use current dollars to realistically provide for inflation.

130632

Interstate Commerce: ICC Acts To Improve Its Enforcement Program. RCED-86-196BR; B-221638. August 6, 1986. 36 pp. *Briefing Report* to Rep. Cardiss R. Collins, Chairman, House Committee on Government Operations: Government Activities and Transportation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-84-131, May 24, 1984, Accession Number 124238.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Interstate Commerce Commission.

Congressional Relevance: *House* Committee on Government Operations: Government Activities and Transportation Subcommittee; *Rep.* Cardiss R. Collins.

Authority: Motor Carrier Act of 1980.

Abstract: In response to a congressional request, GAO provided information on the Interstate Commerce Commission's (ICC) activities since 1984 to strengthen its enforcement program.

Findings/Conclusions: GAO found that ICC has been responsive to 1984 GAO recommendations to: (1) establish enforcement goals and priorities; (2) give investigators greater flexibility in pursuing violations; and (3) restructure its enforcement data system. ICC enforcement data for 1985 indicate that ICC has given greater emphasis to high-priority enforcement areas, taken on a more active enforcement posture, and generated additional data for measuring enforcement results. With recent regulatory reforms calling for less federal intervention in the

transportation marketplace, ICC enforcement policy has increasingly focused on encouraging compliance, rather than penalizing violators. In 1985, about 60 percent of ICC enforcement cases were concluded with consent agreements, under which violators agreed to cease their unlawful action. Although recent budget constraints have placed limits on ICC enforcement activities, ICC officials believe that enforcement efforts have been effective.

130680

Aircraft Identification: Improved Aircraft Identification Capabilities: A Critical Need. NSIAD-86-181; B-220251. August 11, 1986. 5 pp. *Report* to Chairmen, Selected Committees and Subcommittees; by Charles A. Bowsher, Comptroller General. This is an unclassified version of a classified report.

Issue Area: Command, Control, Communications, and Intelligence: Provision of Credible, Cost-Effective Capabilities To Satisfy Mission Requirements Through Existing and Planned C3 Systems (6001).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Military Pay (051.3).

Organization Concerned: Department of Defense; North Atlantic Treaty Organization.

Congressional Relevance: *House* Committee on Government Operations; *House* Committee on Appropriations: Defense Subcommittee; *House* Committee on Armed Services; *Senate* Committee on Governmental Affairs; *Senate* Committee on Appropriations: Defense Subcommittee; *Senate* Committee on Armed Services.

Abstract: GAO examined whether current capabilities for identifying aircraft allow the United States and the North Atlantic Treaty Organization's (NATO) air defense forces to effectively use their weapons under all combat conditions and whether the United States and NATO could take steps to better use existing identification capabilities.

Findings/Conclusions: GAO found that: (1) the United States and NATO have difficulty in identifying aircraft beyond visual range, at night, or in bad weather; (2) the Department of Defense (DOD) has made little progress since the mid-1970's in developing and fielding new systems; and (3) Army and Air Force units in Europe need to make better use of the Mark XII identification system.

Recommendation To Agencies: The Secretary of Defense should elevate the Combat Identification System Program Office to a higher level of authority within DOD to ensure that it adequately considers identification requirements in major weapon system acquisition programs and to ensure that the program office has the authority to obtain the personnel needed to accomplish the program objective.

130697

[FAA's Air Traffic Controller Work Force]. August 14, 1986. 10 pp. plus 6 attachments (6 pp.). *Testimony* before the House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-121, March 6, 1986, Accession Number 129306.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: *House* Committee on Public Works and Transportation: Investigations and Oversight Subcommittee.

Authority: P.L. 99-335. 5 U.S.C. 2109.

Abstract: GAO discussed the Federal Aviation Administration's (FAA) method of reporting on its progress in rebuilding the air traffic controller work force. GAO found that FAA should: (1) revise its 1986 controller work force goal of 14,480 because it includes people who do not control traffic; (2) stop using the term operational controller as the key indicator of staffing progress, and use instead the number of full-performance-level controllers (FPL), since only FPL are actively engaged in controlling air traffic; and (3) establish a new controller work force staffing goal on the basis of valid staffing standards.

130734

Drug Investigations: Organized Crime Drug Enforcement Task Force Program: A Coordinating Mechanism. GGD-86-73BR; B-212966. July 17, 1986.

Released August 18, 1986. 3 pp. plus 3 appendices (41 pp.). *Briefing Report* to Sen. Joseph R. Biden; by Arnold P. Jones, Senior Associate Director, General Government Division. Refer to GGD-80-4, October 25, 1979, Accession Number 110663; and GGD-83-52, June 13, 1983, Accession Number 121662.

Issue Area: Administration of Justice: Obstacles Congress and Agencies Should Address in Coordinating Law Enforcement Resources (4701).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Law Enforcement Activities (751.0).

Organization Concerned: United States Customs Service; Internal Revenue Service; Federal Bureau of Investigation; Drug Enforcement Administration; Department of Justice: Office of the United States Attorney; Bureau of Alcohol Tobacco and Firearms; National Drug Enforcement Policy Board.

Congressional Relevance: *Sen. Joseph R. Biden.*

Authority: Supplemental Appropriations Act, 1985. RICO (Racketeer Influenced and Corrupt Organization) Act. Reorg. Plan No. 2 of 1973.

Abstract: In response to a congressional request, GAO reviewed the Organized Crime Drug Enforcement Task Force (OCDETF) program and provided information on: (1) the drug problem in the United States; (2) the OCDETF program's role in combating the problem; and (3) how OCDETF operates. **Findings/Conclusions:** The OCDETF mission is to identify, investigate, and prosecute high-level members of drug trafficking enterprises and to destroy their operations by adding new federal resources and fostering coordination and cooperation among participating federal agencies. The program's framework gives individual task forces wide authority to deal with their regions' particular drug trafficking problems, based on a consensus of the involved agencies. As a result, disagreements and concerns exist regarding whether: (1) task force agents and attorneys should work full-time on the program; (2) task force coordinators, agents, and attorneys should be housed in one location; (3) task force coordinators should supervise task force agents; and (4) agents other than those from the Department of Justice should have authority to conduct drug investigations. GAO found that: (1) the lack of centralized authority at the national level complicates the allocation of resources among the participating agencies; (2) there is no mechanism in place to collect the necessary data to make resource allocation decisions; (3) through December 1985, the program resulted in 2,453 convictions, which included 271 heads of criminal organizations, \$440 million in confiscated property and cash, and the removal of large quantities of drugs from the market; and (4) in addition to the OCDETF program, drug abuse prevention efforts, drug interdiction at

U.S. borders, and crop eradication are necessary to control the drug problem.

130784

Motor Carriers: Analysis of Estimated Costs To Establish a Motor Carrier Administration. RCED-86-211BR; B-223512. August 8, 1986.

Released August 15, 1986. 35 pp. *Briefing Report* to Sen. Paul Trible; Sen. Ernest F. Hollings; by Herbert R. McClure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-85-64, September 5, 1985, Accession Number 127849; and RCED-81-57, March 20, 1981, Accession Number 114724.

Issue Area: Transportation: Economic Effects of Regulatory Reform in the Transportation Sector (6611).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Department of Transportation.

Congressional Relevance: *Sen. Ernest F. Hollings; Sen. Paul Trible.*

Authority: Department of Transportation and Related Agencies Appropriation Act, 1986. S. 1710 (99th Cong.). H.R. 3427 (99th Cong.). OMB Circular A-76. H. Rept. 99-256.

Abstract: In response to a congressional request, GAO: (1) analyzed the cost impact of proposed legislation to establish a motor carrier administration within the Department of Transportation (DOT); and (2) identified and provided information on readily identifiable motor carrier activities that DOT excluded from the hypothetical organization.

Findings/Conclusions: GAO found that separating the motor carrier program into a free-standing administration would increase costs by about \$2.4 million. The GAO analysis of the total recurring costs was the same as the DOT estimate except that: (1) it differed significantly in the location of the new positions responsible for the increased costs; (2) it included 30 new positions where DOT included 34; (3) the DOT estimate included new regional positions, even though there would be no increase in regional work load; and (4) the DOT estimate did not include new headquarters positions, even though there would be newly created headquarters responsibilities. GAO also found that DOT overstated its estimate of one-time startup costs.

130806

Chemical Emergencies: Preparedness for and Response to Accidental Chemical Air Releases. RCED-86-117BR; B-222808. June 3, 1986.

Released August 25, 1986. 62 pp. *Briefing Report* to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by Hugh J. Wessinger, Senior Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Environment: Adequacy of Federal and State Efforts To Regulate Toxic Air Pollutants (6805).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Environmental Protection Agency; Federal Emergency Management Agency; Chemical Manufacturers Association; Department of Transportation; United States Coast Guard; Occupational Safety and Health Administration.

Congressional Relevance: *House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Rep. John D. Dingell.*

Authority: Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510). Water Pollution Control Act. Disaster Relief Act (P.L. 93-288). Occupational Safety and Health Act of 1970 (P.L. 91-596). Toxic Substances Control Act. Hazardous Materials Transportation Act (P.L. 93-633). Executive Order 12148.

Abstract: Pursuant to a congressional request, GAO provided information on the efforts of federal, state, and local governments and the chemical industry to prepare for and respond to chemical plant emergencies, focusing on actions taken since the December 1984 chemical accident at Bhopal, India.

Findings/Conclusions: GAO found that: (1) there is no federal law requiring communities with chemical plants to develop emergency response plans; (2) under current law, the Environmental Protection Agency (EPA) carries out a lead role in chemical emergency preparedness activities; (3) EPA chairs a multiagency National Response Team (NRT) that coordinates emergency planning and information dissemination, provides technical assistance to state and local governments, and attempts to identify high-risk geographic areas; and (4) EPA administers the Chemical

Emergency Response program, which is developing a list of hazardous chemicals and associated guidance, disseminating it to state and local governments, providing technical training and assistance, and monitoring and revising the list, as necessary. GAO also found that the Federal Emergency Management Agency: (1) is a member of NRT; and (2) has developed guidance documents to help state and local governments develop emergency operations plans. In addition, GAO found that: (1) the Coast Guard, the Department of Transportation, and the Occupational Safety and Health Administration all play important roles in NRT; (2) the three states it reviewed all have emergency response plans and require chemical manufacturers to publicize information regarding potential hazards of their operations; and (3) chemical industry associations have also implemented training, information, and emergency response programs, including the Community Awareness and Response program, which is intended to help communities prepare for chemical accidents.

130847

[Information on Denied Protest Against USCG Contract Award]. B-223328. August 27, 1986. 1 p. *Letter* to Elizabeth H. Dole, Secretary, Department of Transportation; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Energy Maintenance Corp.; Department of Transportation; United States Coast Guard.

Authority: 31 U.S.C. 3554(e)(1).

130877

Navy Sealift: Observations on the Navy's Ready Reserve Force. NSIAD-86-168; B-223763. August 18, 1986. 2 pp. plus 1 appendix (6 pp.). *Report* to Everett Pyatt, Assistant Secretary, Department of the Navy; by John Landicho, Senior Associate Director, National Security and International Affairs Division.

Issue Area: Army: Capability of U.S. Forces To Deploy From Conus to Points of Debarkation According to Plans (5503); Navy: Other Issue Area Work (5691).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military

(Except Procurement and Contracting) (051.0).

Organization Concerned: Department of the Navy; Maritime Administration.

Abstract: GAO reviewed the Navy's and the Maritime Administration's (MARAD) efforts to ensure the readiness of the Ready Reserve Force (RRF), specifically, their efforts to: (1) ensure that they can activate RRF ships within required time periods; (2) activate numerous RRF ships concurrently; and (3) ensure the availability of key resources, such as shipyard berthing space and manpower, merchant marine crews, and critical spares.

Findings/Conclusions: GAO found that: (1) the Navy and MARAD awarded contracts to 15 firms to berth ships at more than 20 locations nationwide to eliminate fleet congestion, unberthing delays, and overburdening of shipyard labor pools; (2) most of the resources needed to activate RRF ships would be available in the event of an emergency and designated personnel were aware of their duties; (3) although the majority of the shipyards have complete crews, some crews have inadequate skills and experience to operate the older RRF equipment, and would be difficult to assemble within the critical 5- and 10-day activation periods; (4) there would be many competing demands for manpower during a war; (5) the Navy and MARAD have contracted for the maintenance of RRF ships whenever MARAD cannot handle the work load; (6) the Navy and MARAD have improved their methods of computerizing the spare parts inventory; (7) the large number of RRF ships and budgetary constraints may interfere with the Navy's goal to activate all 136 ships at least once every 5 years; (8) activation testing is not accurate since the Navy must use military cargo generated from military exercises during test activations rather than cargo from the U.S. merchant fleet; and (9) due to the limited number of military exercises, the Navy has found it difficult to activate and exercise 27 ships a year for 30 days.

130892

[Request for Reconsideration of Denial of Protest Against Proposed FAA Contract Award]. B-222432.2. September 4, 1986. 3 pp. *Decision* re: Ira T. Finley Investments; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Ira T. Finley Investments; Embry-Riddle Aeronautical University; Federal Aviation Administration.

Authority: 4 C.F.R. 21.12(a). B-222432 (1986). B-214699.2 (1985). B-221423 (1986).

Abstract: A firm requested reconsideration of its denied protest of a proposed Federal Aviation Administration (FAA) contract award. The protester had contended that there were a wide range of deficiencies in both the factual basis for the FAA evaluation and the evaluators' exercised discretion. GAO had held that the FAA evaluation was proper and consistent with the stated evaluation criteria. In its request for reconsideration, the protester contended that the FAA evaluators must have found that there was an error in its proposal since they used figures from another proposal in rating its proposal. The protester also claimed reimbursement for bid and protest preparation costs. GAO found that, since the request for reconsideration did not contain a detailed statement of the factual or legal grounds for such action or specify any error of law or information not previously considered, the protester did not provide a basis for reconsideration. Accordingly, the request for reconsideration and the claim were denied.

130908

[Request for Resolution of Dispute Between AID and MARAD]. B-223217. June 26, 1986.

Released August 7, 1986. 4 pp. *Letter* to Rep. Lee H. Hamilton, Chairman, House Committee on Foreign Affairs: Europe and the Middle East Subcommittee; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Agency for International Development; Maritime Administration.

Congressional Relevance: House Committee on Foreign Affairs: Europe and the Middle East Subcommittee; Rep. Lee H. Hamilton.

Authority: Cargo Preference Act (Merchant Marine) (46 U.S.C. 1241). Shipping Act, 1916 (46 U.S.C. 808). 59 Comp. Gen. 279. Council of American-Flag Ship Operators, et al. v. United States, 596 F. Supp. 160 (D.D.C. 1984).

Abstract: In response to a congressional request, GAO investigated a dispute between the Agency for International Development (AID) and the Maritime Administration (MARAD) concerning the latter's refusal to approve a charter to Israel of a foreign-built vessel to carry grain from the U.S. to Israel under the AID Cash Transfer Program. GAO held that, since MARAD had the legal authority to approve charters, GAO had

no jurisdiction over the matter and could not render a determination.

130937

Formula Grants: Information on Program Expiration Dates and Authorizing Committees. HRD-86-128FS; B-220134. August 7, 1986. 25 pp. *Fact Sheet* to Rep. Willis D. Gradison, Jr.; by J. William Gadsby, Associate Director, Human Resources Division.

Issue Area: Intergovernmental Relations: Effectiveness and Efficiency of the Distribution of Federal Grant Funds (9202).

Contact: Human Resources Division.

Budget Function: General Purpose Fiscal Assistance: Other General Purpose Fiscal Assistance (852.0).

Organization Concerned: Department of Agriculture; Department of Commerce; Department of Health and Human Services; Department of Housing and Urban Development; Department of the Interior; Department of Justice; Department of Labor; Department of Transportation; Department of the Treasury; Department of Education; National Foundation on the Arts and the Humanities; Veterans Administration; Environmental Protection Agency; Department of Energy; Federal Emergency Management Agency.

Congressional Relevance: *House* Committee on Ways and Means; *House* Committee on Public Works and Transportation; *House* Committee on Education and Labor; *Senate* Committee on Labor and Human Resources; *Senate* Committee on Environment and Public Works; *Senate* Committee on Finance; *Rep.* Willis D. Gradison, Jr. .

Abstract: In response to a congressional request, GAO provided information on: (1) expiration dates of grant-in-aid programs that distribute funds to states and localities through the use of formulas; and (2) House and Senate authorizing committees for these programs.

Findings/Conclusions: GAO noted that, among the 142 formula grant programs: (1) five programs for fiscal year (FY) 1985 have expired without reauthorization; (2) 50 programs were scheduled for reauthorization during FY 1986; and (3) 44 programs have no specific reauthorization dates. GAO found that, based on total dollars distributed in FY 1984, most of the formula grants were overseen by six House and Senate committees.

130958

[Federal Drug Interdiction Efforts]. September 9, 1986. 26 pp. *Testimony* before the House Committee on Government Operations: Government Information, Justice, and Agriculture Subcommittee; by William J. Anderson, Assistant Comptroller General, General Government Division. Refer to GGD-87-91, June 12, 1987, Accession Number 133441.

Contact: General Government Division.

Organization Concerned: Drug Enforcement Administration; National Narcotics Border Interdiction System; National Drug Enforcement Policy Board.

Congressional Relevance: *House* Committee on Government Operations: Government Information, Justice, and Agriculture Subcommittee. .

Authority: Posse Comitatus Act (Use of Army).

Abstract: In response to a congressional request, GAO discussed its review of federal drug interdiction efforts. GAO observed that: (1) federal interdiction efforts in recent years have focused primarily on catching drug smugglers who use privately owned aircraft and private and commercial marine vessels as conveyances; (2) movements of illegal drugs through U.S. ports-of-entry via passengers and cargo shipments have also been the object of federal interdiction efforts as part of the U.S. Customs Service's normal inspection process; (3) federal interdiction efforts have resulted in the seizure of substantial amounts of illegal drugs in the last 5 years; (4) the drug smuggling threat is dynamic in that drug smugglers respond to changes in the domestic demand for illegal drugs; and (5) the federal drug interdiction system is vulnerable to smugglers, who are adept at changing their routes so as to penetrate the U.S. border at its weakest and least defended points. GAO also observed that: (1) the military, Customs, and the Coast Guard do not maintain complete records on the amount of military support provided to the interdiction effort, the cost of this support, or the number of arrests and seizures linked to the military's contribution to this effort; and (2) Customs and the Coast Guard develop intelligence domestically, but have no authority to gather intelligence on drug shipments in foreign countries.

130972

Auto Insurance: State Regulation Affects Cost and Availability. OCE-86-2; B-222332. August 5, 1986.

Released September 5, 1986. 81 pp. plus 5 appendices (30 pp.). *Report* to Rep. Peter W. Rodino, Jr., Chairman, House Committee on the Judiciary; Rep. James J. Florio, Chairman, House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; by Lawrence H. Thompson, Chief Economist, Office of the Chief Economist. Refer to PAD-79-72, October 9, 1979, Accession Number 110538; OCE-84-1, April 6, 1984, Accession Number 123854; and OCE-87-1, December 4, 1986, Accession Number 131897.

Issue Area: Financial Services and Markets: Risks Faced by Institutions and Market Members Resulting From Changes in the Regulatory and Economic Environment and How Regulators Deal With Them (4502).

Contact: Office of the Chief Economist.

Budget Function: Commerce and Housing Credit: Other Advancement of Commerce (376.0).

Congressional Relevance: *House* Committee on the Judiciary; *House* Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; *Rep.* Peter W. Rodino, Jr.; *Rep.* James J. Florio.

Authority: McCarran-Ferguson Act (Insurance) (15 U.S.C. 1011 et seq.; 59 Stat. 33). Automobile Full Insurance Availability Act (New Jersey).

Abstract: In response to a congressional request, GAO analyzed the effects of state regulation on the cost and availability of private passenger automobile insurance, specifically: (1) the differences in the methods that states use to regulate insurance rates and to ensure the availability of insurance; and (2) the experiences of states that have placed restrictions on the factors that insurers may use to establish different rates for different types of drivers.

Findings/Conclusions: GAO found that: (1) the cost of liability coverage under the average-inflation-adjusted premiums and average-premiums-per-dollar-of-losses was generally higher in states using competitive approaches to establish rates; (2) among states with compulsory insurance laws, average physical damage premiums were higher in competitive states; (3) there were no differences in physical damage premiums among states without compulsory insurance laws and no differences among the states in average-

premiums-per-dollar-of-losses; (4) the overall extent of insurance coverage was greater in states with compulsory insurance laws but was unaffected by whether those states used prior approval or a competitive approach for establishing rates; (5) in competitive-rating states, insurance companies voluntarily insured more drivers; (6) in states where the driver's age or sex could prohibit premium differences, insurance companies used other factors, such as driving records, to establish premium levels; (7) in some states, the proportion of young male drivers who had to obtain coverage through state auto plans increased; and (8) one state encountered serious problems when it restricted allowable premium differences among geographical areas and, therefore, rescinded those restrictions.

130994

Amtrak: Comparison of Employee Injury Claims Under Federal and State Laws. RCED-86-202; B-223551. August 11, 1986.

Released September 11, 1986. 8 pp. plus 6 appendices (22 pp.). *Report to Sen. James T. Broyhill*; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to T-RCED-88-49, June 22, 1988, Accession Number 136135.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: National Railroad Passenger Corporation (Amtrak).

Congressional Relevance: *Rep. James T. Broyhill.*

Authority: Employers' Liability Act (Railroads) (45 U.S.C. 51 et seq.). Rail Passenger Service Act of 1970 (45 U.S.C. 541 et seq.).

Abstract: In response to a congressional request, GAO compared the National Railroad Passenger Corporation's (Amtrak) costs for claims settled under the Federal Employees' Liability Act (FELA) with the costs for claims under state workers' compensation systems. GAO selected Connecticut, the state with the highest workers' compensation benefits, and Indiana, the state with the lowest benefits, to compare with FELA. **Findings/Conclusions:** GAO found that Amtrak's payments were greater under FELA than they would have been under Connecticut's rules for all disability categories other than permanent total disability, and under Indiana's rules for

all categories. Although both systems pay for employees' medical and rehabilitation costs, FELA provides broader coverage than the states' systems. Where FELA is a negligence statute and determines damages through negotiation, state compensation systems establish a fixed schedule of benefits based on the specific injury and duration of disability. One key factor that controls the amount of compensation an injured employee receives in each state is the classification of the disability as temporary, permanent partial, permanent total or fatality. In 1984, 41 percent of FELA claimants had an attorney represent them during their negotiations, while 4 percent of Connecticut's and 6 percent of Indiana's claimants had attorneys.

131020

[Evaluations of Minimum Drinking Age Laws]. September 18, 1986. 16 pp. plus 2 attachments (2 pp.). *Testimony before the House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee*; by Eleanor Chelimsky, Director, Program Evaluation and Methodology Division.

Contact: Program Evaluation and Methodology Division.

Congressional Relevance: *House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee.*

Authority: P.L. 98-363.

Abstract: GAO provided the results of its study on the effects of increasing the minimum drinking age. GAO found that: (1) raising the drinking age directly affects the reduction of alcohol-related traffic accidents; (2) states can expect reductions in traffic accidents, the degree of reduction depending on the evaluation method used; and (3) based on a limited number of evaluations of alcohol consumption, raising the drinking age may result in a decline in the consumption of alcohol and in driving after drinking. GAO also found that there was insufficient evidence to determine: (1) the effect a higher drinking age will have on 16- and 17-year olds; (2) whether raising the drinking age would result in youths crossing state borders to obtain alcoholic beverages; and (3) the long-term effects of raising the minimum drinking age.

131041

AMTRAK: Planned Closing of the Jacksonville Reservation Sales

Office. RCED-86-230BR; B-224122. August 29, 1986.

Released September 12, 1986. 11 pp. *Briefing Report to Rep. Charles E. Bennett*; *Sen. Paula Hawkins*; *Sen. Orrin G. Hatch, Chairman, Senate Committee on Labor and Human Resources*; by *Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division.*

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Railroads (401.3).

Organization Concerned: National Railroad Passenger Corporation (Amtrak).

Congressional Relevance: *Senate Committee on Labor and Human Resources*; *Rep. Charles E. Bennett*; *Sen. Paula Hawkins*; *Sen. Orrin G. Hatch.*

Abstract: Pursuant to congressional requests, GAO analyzed: (1) the National Railroad Passenger Corporation's (Amtrak) alternatives to closing the Jacksonville sales office; (2) Amtrak's estimate of the expected savings from closing that office; (3) the productivity of the Jacksonville office and of Amtrak's four other reservation offices; and (4) expenses for the five offices.

Findings/Conclusions: GAO found that: (1) Amtrak considered alternatives to closing the Jacksonville office and one other office, based on most efficiently using equipment in the remaining offices, affecting as few employees as possible, and maintaining offices in different regions; (2) Amtrak estimated that it would save about \$2.4 million annually by closing the Jacksonville office; (3) by some indicators, the Jacksonville office ranked first among the five offices for the first 9 months of fiscal year 1986 and, by other indicators, it ranked lower; and (4) wages and employee benefits accounted for 66 percent of Amtrak's total costs for operating its reservation offices, telecommunications accounted for about 29 percent, and the remaining 5 percent were for office, utilities, and other expenses.

131053

[Protest of Exclusion From Competitive Range Under FHWA RFP for Development of Cost/Benefit Procedures]. B-224414. September 16, 1986. 3 pp. *Decision re: Jack Faucett Associates*; by *Seymour Efros, (for Harry R. Van Cleve, General Counsel).*

Contact: Office of the General Counsel.
Organization Concerned: Jack Faucett Associates; Federal Highway Administration.

Authority: 52 Comp. Gen. 718. B-214639 (1984). B-215042 (1985). B-215978 (1984). B-218318 (1985). B-210709 (1983).

Abstract: A firm protested its exclusion from the competitive range under a Federal Highway Administration (FHWA) solicitation that required the development of benefit/cost procedures. FHWA found the protester's proposal technically acceptable, but excluded it from further consideration because its costs were significantly higher than the two other offerers'. The protester contended that: (1) the solicitation's evaluation scheme indicated that cost should be considered in the ultimate award decision; and (2) FHWA failed to show that it was not a potential awardee. GAO held that: (1) the fact that the solicitation advised offerers that cost would be utilized in the ultimate award decision did not prohibit FHWA from evaluating cost to determine which proposals had a reasonable chance for award; and (2) FHWA properly eliminated the protester from the competitive range, since its initial proposal was technically inferior to and significantly more costly than the other two proposals. Accordingly, the protest was denied.

131074

[Response to FAA Employee's Appeal of Overtime Compensation Claim]. B-170264. September 22, 1986. 3 pp. *Decision re:* Paul E. Laughlin; by Milton J. Socolar, (for Charles A. Bowsler, Comptroller General).

Contact: Office of the General Counsel.
Organization Concerned: Federal Aviation Administration.

Authority: Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.). 4 C.F.R. 31.7. 62 Comp. Gen. 447. F.P.M. Letter 551-14. B-213179 (1984). B-200112 (1981).

Abstract: A Federal Aviation Administration (FAA) employee appealed the calculation of the amount of his overtime compensation, contending that the sleep and meal periods of his overtime hours were not bona fide, since they could be interrupted. GAO held that: (1) the essential consideration in determining whether a meal was bona fide was whether an employee's meals were in fact frequently interrupted; (2) since FAA compromised and settled thousands of similar backpay claims, it would not disturb this settlement in the absence of

evidence that FAA acted unreasonably in its interpretation, and where doing so might disturb the rights of the claimants whose claims had been settled; and (3) since the claimant merely alleged that the periods were not bona fide, he did not meet his burden of proof and establish his right to payment. Accordingly, the claim was denied.

131079

[Use of Satellite Technology for Air Traffic Control and Navigation].

September 24, 1986. 13 pp. *Testimony* before the House Committee on Science and Technology: Transportation, Aviation and Materials Subcommittee; by Carl R. Palmer, Associate Director, Information Management and Technology Division. Refer to IMTEC-86-24, July 8, 1986, Accession Number 130514; LCD-77-109, March 21, 1978, Accession Number 105622; LCD-79-104, April 30, 1979, Accession Number 109230; IMTEC-84-14, May 4, 1984, Accession Number 124281; IMTEC-85-11, June 17, 1985, Accession Number 127253; and T-IMTEC-87-4, April 21, 1987, Accession Number 132743.

Contact: Information Management and Technology Division.

Organization Concerned: Federal Aviation Administration; Radio Technical Commission for Aeronautics.
Congressional Relevance: House Committee on Science and Technology: Transportation, Aviation and Materials Subcommittee.

Abstract: GAO discussed the potential use of satellite technology for air traffic control and navigation. When the Federal Aviation Administration (FAA) developed the National Airspace System plan to modernize the nation's airspace system with ground-based systems, it did not consider satellites cost-effective or possibly operational by the time the upgraded ground-based systems were to be placed. However, there is some concern that the plan may not deliver the systems and benefits expected, at the cost expected, or within the time frame expected, since the schedules of most major programs have slipped because of technical and management problems. Satellites essentially provide coverage to the earth's surface because of their strategic, more comprehensive, look-down view, and may improve the controllers' ability to better identify aircraft conflicts in lower airspace areas. The Radio Technical Commission for Aeronautics established a special committee to develop user views of the

needs and requirements and forecasts of airspace conditions for the next 25 years. The Commission concluded that future airspace management systems should permit flight operations on the most favorable and fuel-efficient path without intervention and proposed that future systems provide coverage from the earth's surface to 70,000 feet. It also concluded that the FAA plan will not allow: (1) coverage of low-altitude areas; (2) landing of aircraft in areas without precision landing capabilities; and (3) airspace control where flight is restricted due to limited capabilities. GAO believes that there should be a full re-examination of the potential use of satellite technology, including the technology's potential impact on the current plan.

131083

[Protest of FAA Exclusion of Proposal From Competitive Range]. B-223175. September 24, 1986. 7 pp. *Decision re:* Aviation Enterprises, Inc.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Aviation Enterprises, Inc.; Federal Aviation Administration.

Authority: 14 C.F.R. 21.41. 62 Comp. Gen. 577. B-208271 (1983). B-204701 (1982). B-220295 (1986). B-221847 (1986). B-217284 (1985). B-213236 (1984). 49 U.S.C. 1423.

Abstract: A firm protested its exclusion from the competitive range under a Federal Aviation Administration (FAA) solicitation for light, long-range turbojet/turbofan aircraft. FAA excluded the protester's proposal from the competitive range because it found that the protester increased the aircraft's maximum takeoff weight, which required an amendment to the type certificate and manuals the protester submitted with its proposal and prevented FAA from determining if the modified aircraft would meet the solicitation's requirements. The protester contended that: (1) it was offering the basic aircraft specified in the type certificate and manuals submitted with its proposal; (2) FAA should have evaluated the type certificate and operations manual; and (3) both the basic aircraft and the modified version would meet the solicitation's requirements. FAA argued that the protester was clearly offering a modified aircraft and would need to provide both an amended certificate and operations manual. GAO held that: (1) the protester was clearly offering a modified aircraft,

so the issue did not need to be discussed between FAA and the protester; and (2) FAA properly excluded the protester's proposal from the competitive range since FAA was unable to evaluate whether the offered aircraft would meet the solicitation's requirements. Accordingly, the protest was denied.

131086

[FAA's Role in Developing a Mid-Air Collision-Avoidance System]. September 25, 1986. 10 pp. *Testimony* before the House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-105FS, April 22, 1986, Accession Number 129832.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee.

Abstract: GAO discussed the Federal Aviation Administration's (FAA) role in developing a viable mid-air collision avoidance system. FAA recently announced that it would require the use of its Traffic Alert and Collision Avoidance System (TCAS) on all commercial aircraft, possibly by 1990. GAO noted that: (1) FAA chose an early version of TCAS for further development over other prototype systems because it could warn an aircraft of any approaching aircraft equipped with a transponder; (2) FAA currently plans three TCAS models, with varying levels of technical sophistication, and intended for different types of aircraft; (3) FAA is currently concentrating on developing TCAS II, which is intended for passenger aircraft; (4) various industry organizations believe that only TCAS III is sufficient to meet overall aviation needs; (5) some TCAS program officials believe that FAA involvement in both research and development and the certification of TCAS effectiveness has led it to become overly cautious in the certification process; and (6) FAA is concerned about product liability for TCAS, and might have to accept responsibility for any collision resulting from a TCAS defect.

131095

[Protest of USCG Rejection of Low Bid as Nonresponsive]. B-224169.

September 25, 1986. 2 pp. *Decision* re: Clyde McHenry, Inc.; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Clyde McHenry, Inc.; United States Coast Guard; All Weather, Inc.

Authority: 54 Comp. Gen. 271. B-218627 (1985).

Abstract: A firm protested the rejection of its bid as nonresponsive to a Coast Guard solicitation. GAO noted that the bidder named on the bid was different from the principals named on the bid bond. GAO held that the Coast Guard properly rejected the bid as nonresponsive and materially defective since the bid identified one firm as the bidder, while the bid bond named two firms. Accordingly, the protest was dismissed.

131105

Vehicle Emissions: EPA Program To Assist Leaded-Gasoline Producers Needs Prompt Improvement. RCED-86-182; B-223554. August 6, 1986.

Released September 24, 1986. 26 pp. plus 1 appendix (3 pp.). *Report* to Rep. John D. Dingell, Chairman. House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by J. Dexter Peach, Director, Resources, Community, and Economic Development Division. Refer to RCED-86-80FS, March 12, 1986, Accession Number 129585.

Issue Area: Environment: Adequacy of Federal and State Efforts To Regulate Toxic Air Pollutants (6805).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Environmental Protection Agency.

Congressional Relevance: House Committee on Appropriations: HUD-Independent Agencies Subcommittee; House Committee on Energy and Commerce; House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Senate Committee on Appropriations: HUD-Independent Agencies Subcommittee; Senate Committee on Environment and Public Works; Rep. John D. Dingell.

Authority: Clean Air Act. Administrative Procedure Act. 50 Fed. Reg. 13116. 45 Fed. Reg. 59812. P.L. 99-198.

Abstract: In response to a congressional request, GAO reviewed: (1) certain Environmental Protection Agency (EPA) management controls over its Lead Rights Banking Program; and (2) the program's legal basis.

Findings/Conclusions: GAO found that EPA: (1) controls the program primarily through its reviews of participants' reports; (2) has not established a requirement to verify the reported data; (3) received erroneous information from participants on the amount of lead used in production and leaded gasoline produced; (4) is developing a methodology for audit participants to verify reported data and to ensure compliance with program requirements; (5) has no complete, current data on the balance of lead rights available for use through the end of the program in 1987; (6) has not enforced regulations regarding the 25 potential banking requirements violations; and (7) expects to implement enforcement action once it finalizes its lead rights banking enforcement policy.

Recommendation To Agencies: The Administrator, EPA, should establish specific time frames to develop: (1) a methodology for auditing refiners to verify reported data and ensure compliance with program requirements, and initiate such audits promptly; and (2) an enforcement policy, including the identification of program violations, enforcement actions to be taken, and the penalties to be assessed, and take appropriate actions against identified program violators. The Administrator, EPA, should: (1) require periodic reviews or assessments of agency actions being taken to expedite the review, processing, and reconciliation of refiners' reports; and (2) take other actions, such as providing additional staff and/or further modifying computer capabilities, if satisfactory progress is not being made.

131162

[Decision Concerning Transfer of UMTA Unobligated Balances]. B-213345. September 26, 1986. 3 pp. *Decision* re: Transfer of Urban Mass Transportation Administration Unobligated Balances; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel. **Organization Concerned:** Urban Mass Transportation Administration.

Authority: Urban Mass Transportation Act of 1964 (P.L. 88-365; 49 U.S.C. 1604 et seq.; 78 Stat. 302). Surface Transportation Assistance Act of 1982 (P.L. 97-424; 96 Stat. 2097). 33 Comp.

Gen. 216. 60 Comp. Gen. 686. P.L. 99-190. H. Rept. 97-987. Cong. Rec. [128] S14633. 31 U.S.C. 1532. 99 Stat. 1185.

Abstract: The Urban Mass Transportation Administration (UMTA) requested a decision regarding whether it could transfer unobligated budget balances from one construction and operations grant appropriation to another. GAO held that the applicable appropriation act did not prohibit UMTA from transferring the funds. Accordingly, UMTA may transfer unobligated budget balances from one appropriation account to another.

131234

[Protest of DOT Exercise of Option for Security Guard Services Under Contract for Support Services]. B-219355.4. October 2, 1986. 2 pp. *Decision re:* City Wide Security Service, Inc.; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: City Wide Security Service, Inc.; Department of Transportation; TECOM, Inc.

Authority: 53 Comp. Gen. 51. 51 Comp. Gen. 377. *Leslie Miller, Inc. v. Arkansas*, 352 U.S. 187 (1956). B-220857 (1985).

Abstract: A firm protested the Department of Transportation's (DOT) exercise of an option for security guard services under a contract for base operational support services, contending that: (1) the original solicitation required bidders to comply with all local laws and the awardee did not have a state license to provide guard services; and (2) DOT should bar the awardee from providing the services, since the awardee would be violating state law. GAO held that DOT was authorized to make an award since the bidder's failure to comply with state and local licensing requirements was a matter between the bidder and state and local officials and did not affect the award's legality. Accordingly, the protest was dismissed.

131325

[Protest of USCG Cancellation of RFP for Maintenance of Aids to Navigation Buoys]. B-224064. October 10, 1986. 3 pp. *Decision re:* Federal Contracting Corp.; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Federal Contracting Corp.; United States Coast

Guard: Eighth District, New Orleans, LA.

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3553). 4 C.F.R. 21.1(d). B-222428.2 (1986). B-221331.2 (1986).

Abstract: A firm protested the Coast Guard's cancellation of a solicitation for the maintenance of aids to navigation buoys, contending that the Coast Guard failed to follow proper procurement procedures. GAO held that the protester failed to show that it furnished a copy of its protest to the Coast Guard within 1 day after filing with GAO. Accordingly, the protest was dismissed.

131351

Amtrak: Auto Train Recovers Costs Required by Law. RCED-87-37; B-175155. October 7, 1986.

Released October 14, 1986. 7 pp. plus 1 appendix (1 p.). *Report to Rep. Robert G. Torricelli; Rep. James J. Florio, Chairman, House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; by Neal P. Curtin, (for J. Dexter Peach, Assistant Comptroller General), Resources, Community, and Economic Development Division.*

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: National Railroad Passenger Corporation (Amtrak).

Congressional Relevance: House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; *Rep. Robert G. Torricelli; Rep. James J. Florio.*

Authority: Rail Passenger Service Act of 1970.

Abstract: Pursuant to a congressional request, GAO determined whether: (1) the National Rail Passenger Corporation's (Amtrak) Auto Train is recovering its costs; and (2) Amtrak uses its federal appropriations to subsidize Auto Train's operations.

Findings/Conclusions: GAO found that: (1) the Rail Passenger Service Act established a ceiling on the loss-per-passenger-mile that any train may sustain before Amtrak must suspend its operations; (2) in fiscal year 1985, the ceiling was 10.8 cents-per-passenger-mile; (3) Amtrak calculates losses based on short-term avoidable costs directly allocable to individual trains; (4) in 1985, none of Amtrak's trains or its total system covered operating costs; (5)

Amtrak covered 58 percent of its total costs in 1985, and received a federal subsidy of \$684 million; (6) Auto Train lost \$6.6 million in 1985, and its short-term avoidable loss was 3.8 cents-per-passenger-mile; and (7) since Auto Train only covered 79 percent of its total costs, it benefited from the federal subsidy.

131353

[Protest of Amount of FAA Settlement in Connection With Contract Termination]. B-218597.3. October 17, 1986. 1 p. *Decision re:* Aviation Specialists, Inc.; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Aviation Specialists, Inc.; Federal Aviation Administration.

Authority: B-191892 (1978).

Abstract: A firm protested the settlement amount proposed by the Federal Aviation Administration (FAA) for early contract cancellation under a solicitation for aircraft leasing. GAO held that it would neither review the FAA determination to terminate the contract for the government's convenience nor the proper payment due the contractor, since those were matters of contract administration. Accordingly, the protest was dismissed.

131358

[Comments on Enactment of Laws Affecting Installation of Pollution Control Equipment on Gasoline Pumps]. B-221037. September 3, 1986.

Released October 16, 1986. 1 p. plus 1 enclosure (7 pp.). *Letter to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).*

Contact: Office of the Comptroller General.

Organization Concerned: Environmental Protection Agency.

Congressional Relevance: House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; *Rep. John D. Dingell.*

Abstract: In response to a congressional request, GAO commented on states' enactment of laws to prevent the release into the atmosphere of benzene and gasoline vapors during automobile refuelling by installing equipment on gasoline pumps. GAO found that: (1)

Illinois and Maryland are the only states with laws limiting the implementation of these controls; and (2) states that refuse to implement these controls may be subject to sanctions unless they submit an adequate state implementation plan to meet EPA ozone standards.

131360

Procurement: Selected Civilian Agencies' Cost Estimating Processes for Large Projects. GGD-86-137BR; B-223234. September 17, 1986.

Released October 17, 1986. 4 pp. plus 1 appendix (25 pp.). *Briefing Report* to Sen. William V. Roth, Jr., Chairman, Senate Committee on Governmental Affairs; by James G. Mitchell, Senior Associate Director, General Government Division.

Issue Area: Civil Procurement and Property Management: Other Issue Area Work (4991).

Contact: General Government Division.

Budget Function: Procurement - Other Than Defense (990.4).

Organization Concerned: United States Coast Guard; Veterans Administration; Department of the Army: Corps of Engineers; Bureau of Reclamation; National Oceanic and Atmospheric Administration; Federal Aviation Administration.

Congressional Relevance: *Senate* Committee on Governmental Affairs; *Sen. William V. Roth, Jr.*

Authority: OMB Circular A-109. OMB Circular A-11.

Abstract: In response to a congressional request, GAO reviewed six civilian agencies' cost-estimating processes applicable to large, complex procurement projects to determine: (1) the types of regulations that guide the cost-estimating processes; (2) how civilian agencies develop their cost estimates for large projects; and (3) how agencies decide which cost estimate to select to obtain project funding from Congress.

Findings/Conclusions: GAO found that: (1) there were no overall standard instructions or guidance to civilian agencies on cost estimates; (2) although the Office of Management and Budget issued instructions on major acquisition procurements and on preparation and submission of budget estimates, neither provided specific guidance on cost estimate preparation; (3) four of the six agencies had their own formal instructions that they followed in preparing their cost estimates; (4) although the other two agencies had no formal written instructions, they generally included the major items

considered desirable for good cost estimating in their estimates; (5) on all nine of the projects studied, the agencies' internal organizations coordinated and communicated on the projects' cost estimates; (6) the agencies generally prepared in-house cost estimates for their projects instead of going to outside contractors but used contractor cost data after award to review and update project costs; and (7) the cost estimates submitted to Congress were basically initial budget estimates which agencies revised periodically as the projects progressed.

131362

Budget Issues: Analysis of Unexpended Balances at Selected Civil Agencies. AFMD-86-76BR; B-221420. September 30, 1986. 3 pp. plus 5 appendices (87 pp.). *Briefing Report* to Rep. Butler Derrick, Chairman, House Committee on Budget: Budget Process Task Force; by James L. Kirkman, Associate Director, Accounting and Financial Management Division. Refer to AFMD-86-24BR, January 17, 1986, Accession Number 129103; NSIAD-85-145, September 3, 1985, Accession Number 127859; and AFMD-86-34BR, March 20, 1986, Accession Number 129683.

Issue Area: Financial Management Standards and Initiatives: Federal Legislative Processes (7015).

Contact: Accounting and Financial Management Division.

Budget Function: Multiple Functions (999.0).

Organization Concerned: Department of Energy; Department of Housing and Urban Development; Department of Transportation; National Aeronautics and Space Administration; Veterans Administration.

Congressional Relevance: *House* Committee on Budget: Budget Process Task Force; *Rep. Butler Derrick.*

Authority: B-197274 (1982).

Abstract: In response to a congressional request, GAO reviewed five civil agencies to: (1) identify the factors that affect the levels of unexpended balances; (2) identify any patterns in unexpended balances among agencies and programs; and (3) determine whether civil spending and obligation rates are stable.

Findings/Conclusions: GAO found that: (1) unobligated balances existed for various reasons, such as project cancellations, contract award delays, funding methods, economic conditions, Presidential deferrals, and erratic appropriations; (2) the reason for the

largest single unobligated balance, \$47.6 billion, was that agencies committed funds to specific programs or projects but did not obligate the funds due to unexecuted contracts; (3) four agencies had stable obligation rates from fiscal years 1981 through 1985; (4) three agencies experienced stable spending rates, varying less than 6 percent each year, while two agencies had less stable spending rates for 3 years during the review, with variations of 20 to 26 percent; and (5) while unexpended balances continued to grow in 1985, almost all of the growth occurred in the unobligated portion of unexpended balances, increasing 122 percent during the 4-year period.

131414

[Comments on Operation of Saint Lawrence Seaway Development Corporation With Appropriated Funds]. B-217578. October 16, 1986. 2 pp. *Letter* to Frederick A. Bush, Chief Counsel, Department of Transportation: Saint Lawrence Seaway Development Corporation; by Harry R. Van Cleve, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Department of Transportation: Saint Lawrence Seaway Development Corporation.

Authority: 35 Comp. Gen. 615. 65 Comp. Gen. 25. 63 Comp. Gen. 285. 50 Comp. Gen. 323. B-193573 (1979). B-210555.11 (1986). 31 U.S.C. 701(2)(c). 31 U.S.C. 1101(2)(c). 12 U.S.C. 244 et seq.

Abstract: The Chief Counsel of the Saint Lawrence Seaway Development Corporation asserted that, because the agency did not receive funds appropriated annually from Congress, it did not receive appropriated funds. GAO has taken the position that the Corporation is subject only to restrictions on its use of appropriations that can be directly implied from its enabling legislation, that are included in appropriation acts applicable to the Corporation, or that are made specifically applicable to government corporations.

131415

[FAA Employee's Appeal of Claims Group's Denial of Waiver]. B-221672. October 16, 1986. 4 pp. *Decision* re: Garnette F. Miller; by Harry R. Van Cleve, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration.

Authority: 4 C.F.R. 91.5(c). 62 Comp. Gen. 608. B-184480 (1976). B-188104 (1977). 5 U.S.C. 8344. 5 U.S.C. 5584.

Abstract: A reemployed annuitant of the Federal Aviation Administration (FAA) appealed the Claims Group's denial of his request for a waiver of salary overpayments. The overpayments occurred because FAA erroneously calculated the amount of his annuity that was to be deducted from his salary payments. GAO held that: (1) the overpayments resulting from one lump-sum, backpay check should be waived because FAA assured the claimant that there was no error; and (2) subsequent recurring overpayments should not be waived because the claimant should have been aware that he was being overpaid. Accordingly, the waiver was partially granted.

131417

Frequent Fliers: Use of Airline Bonus Awards by AID Employees. NSIAD-86-217; B-220542. September 26, 1986.

Released October 28, 1986. 5 pp. plus 1 appendix (10 pp.). *Report to Sen. Jesse A. Helms*; by Frank C. Conahan, Assistant Comptroller General, National Security and International Affairs Division. Refer to NSIAD-86-26, November 29, 1985, Accession Number 128708.

Issue Area: Foreign Economic Assistance: Other Issue Area Work (6291).

Contact: National Security and International Affairs Division.

Budget Function: International Affairs: Foreign Economic and Financial Assistance (151.0).

Organization Concerned: Agency for International Development.

Congressional Relevance: Sen. Jesse A. Helms.

Authority: 63 Comp. Gen. 229. B-199656 (1981).

Abstract: In response to a congressional request, GAO reviewed the Agency for International Development's (AID) procedures for controlling and using bonus flight coupons that its employees received from airlines in connection with official travel.

Findings/Conclusions: GAO found that AID issued instructions that implemented a Comptroller General decision which held that airline promotional awards that federal employees received in official travel were the federal government's property. GAO reviewed 50 employees' travel records and found that: (1) nine were

members of frequent-flier programs; (2) seven employees redeemed awards to pay for all or portions of official trips; (3) two used the awards to upgrade accommodations to first class for official trips; and (4) only one employee improperly redeemed bonus awards to enable a family member to travel with him, and AID intended to collect that travel amount from the employee. Since savings to the government occur in the use of the frequent-flier programs and bonus awards, GAO believes that AID should encourage all of its employees who travel often to take advantage of the savings available through their participation in these programs. Since GAO had not previously addressed the question of accommodation upgrades, and did not intend that employees redeem mileage awards for upgrades without prior government approval, GAO did not believe that AID employees acted improperly.

131456

Pipeline Safety: Actions Taken To Improve the Program. RCED-86-235FS; B-214352. September 30, 1986.

Released October 30, 1986. 15 pp. *Fact Sheet* to Rep. Bruce F. Vento; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-84-102, July 10, 1984, Accession Number 124689; CED-78-99, April 26, 1978, Accession Number 105904; Testimony, April 16, 1985, Accession Number 126707; and T-RCED-87-22, May 5, 1987, Accession Number 132873.

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation (400.0).

Organization Concerned: Williams Pipeline Co.; Department of Transportation: Research and Special Programs Administration.

Congressional Relevance: Rep. Bruce F. Vento.

Authority: Natural Gas Pipeline Safety Act of 1968.

Abstract: In response to a congressional request, GAO: (1) provided information on what actions the Department of Transportation's Research and Special Programs Administration (RSPA) took in response to prior recommendations; (2) discussed problems with RSPA pipeline safety data systems; and (3) summarized the results of RSPA pipeline contractor inspections since 1980.

Findings/Conclusions: GAO found that: (1) the only recommendation that

remains under review relates to redefining the federal role and responsibilities for ensuring safety of intrastate pipelines; (2) since state participation is voluntary, RSPA cannot require states to maintain an adequate inspection activity level, assume responsibility for additional intrastate pipelines, or correct deficiencies in their programs; (3) RSPA has initiated controls over data entry to improve its accuracy and is using a microcomputer to timely enter data into the system; and (4) of the 20 inspections RSPA conducted on the pipeline operator, 6 required no enforcement action, while 12 required notices of probable violation, of which 3 remained unresolved.

131468

Energy Prices: Gasoline Price Increases in Early 1985 Interrupted Previous Trend. RCED-86-165BR; B-224102. September 25, 1986.

Released October 2, 1986. 38 pp. plus 3 appendices (24 pp.). *Briefing Report* to Rep. Thomas A. Luken; by Gerald H. Elsken, (for III James Duffus, Associate Director), Resources, Community, and Economic Development Division. Refer to RCED-86-85, April 15, 1986, Accession Number 129798.

Issue Area: Energy: Other Issue Area Work (6491).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Energy: Energy Supply (271.0).

Organization Concerned: Federal Trade Commission; Texaco, Inc.; Getty Oil Co.; Chevron Corp.; Gulf Oil Corp.

Congressional Relevance: Rep. Thomas A. Luken.

Authority: Antitrust Improvements Act (Hart-Scott-Rodino) (15 U.S.C. 18a). Department of Energy Organization Act (42 U.S.C. 7135(h)(2)).

Abstract: Pursuant to a congressional request, GAO provided information on the factors contributing to the rise in gasoline prices in the first half of 1985, including the effect of two mergers in 1984 and actions the Federal Trade Commission (FTC) took regarding the mergers.

Findings/Conclusions: GAO found that: (1) a shift occurred in the sources of gasoline supplied in 1985 compared with the previous 4 years; (2) only a small percentage of the gasoline supplied in the first few months of 1985 was from domestic production; (3) the increase in market concentration as a result of two oil company mergers would have had only a small effect on wholesale gasoline

prices; and (4) FTC required the merging companies to divest specified assets and take other actions to reduce the potential anticompetitive effects of the mergers. GAO also found that the increase in gasoline prices could be related to: (1) increased costs associated with the required reduction in the amount of lead in gasoline; (2) the refining industry's low profitability levels in 1984; and (3) reduced domestic gasoline production.

131471

Small Business Act: DOT's Disadvantaged Business Advocate Reports to Proper Management Level. GGD-87-11; B-222903.11. October 31, 1986. 2 pp. *Report* to Elizabeth H. Dole, Secretary, Department of Transportation; by Neal P. Curtin, (for J. Dexter Peach, Assistant Comptroller General), Resources, Community, and Economic Development Division.

Issue Area: Civil Procurement and Property Management: Other Issue Area Work (4991).

Contact: General Government Division.
Budget Function: Procurement - Other Than Defense (990.4).

Organization Concerned: Department of Transportation.

Congressional Relevance: House Committee on Small Business.

Authority: Small Business Act.

Abstract: Pursuant to a congressional request, GAO reviewed the Department of Transportation's (DOT) compliance with a subsection of the Small Business Act that describes the required reporting level for the Director of its Office of Small and Disadvantaged Business Utilization (OSDBU).

Findings/Conclusions: GAO interviewed the Director, OSDBU, and reviewed organizational charts, a description of the Director's responsibilities, a prior Director's performance evaluation, and management instructions concerning OSDBU establishment, mission, reporting level, and current operations. GAO found that, from the inception of OSDBU in 1979, its Director has been responsible only to, and has reported directly to, the Secretary or Deputy Secretary. GAO concluded that DOT is in compliance with Small Business Act provisions concerning the OSDBU Director's required reporting level.

131553

[Request for Reconsideration of Dismissal of Protest Against USCG RFP Cancellation]. B-224064.2.

November 3, 1986. 2 pp. *Decision re: Federal Contracting Corp.*; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Federal Contracting Corp.; United States Coast Guard: Eighth District, New Orleans, LA; Department of Transportation.

Authority: 4 C.F.R. 21.1(d). B-224064 (1986). B-214564.2 (1985).

Abstract: A firm requested reconsideration of its dismissed protest against a Coast Guard solicitation cancellation. GAO had dismissed the protest because the protester failed to furnish a copy to the Coast Guard. In its request for reconsideration, the protester: (1) acknowledged that it could not show that the Coast Guard received a copy of its protest; (2) noted that protest regulations do not require protesters to obtain such evidence; and (3) stated that the primary reason why the Coast Guard did not respond to the protest was not that it had failed to receive a copy, but that the Department of Transportation, as the cognizant agency, had failed to notify the Coast Guard of the protest. GAO held that the protester failed to either show any error of fact or law in the prior decision, or produce new evidence. Accordingly, the request for reconsideration was dismissed.

131578

Navy Contracting: U.S. Navy Ship Repair Contracting at Canadian Shipyards. NSIAD-87-17FS; B-220972. October 10, 1986.

Released November 10, 1986. 30 pp. plus 15 appendices (51 pp.). *Fact Sheet* to Sen. Bob Packwood; by John Landicho, Senior Associate Director, National Security and International Affairs Division.

Issue Area: Navy: Other Issue Area Work (5691); Security and International Relations: Other Issue Area Work (6191); International Trade and Commercial Policy: Other Issue Area Work (6391).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Procurement and Contracts (051.2).

Organization Concerned: Department of the Navy: Military Sealift Command; Canada; Canadian Commercial Corp.

Congressional Relevance: Sen. Bob Packwood.

Authority: Armed Services Procurement Act. Armed Services Procurement Act of 1947 (62 Stat. 21). Competition in Contracting Act of 1984 (P.L. 98-369; 10

U.S.C. 2301 et seq.). Buy American Act (41 U.S.C. 10a). Department of Defense Appropriation Act, 1986 (P.L. 99-190; 99 Stat. 1185). Department of Defense Appropriation Act, 1954 (P.L. 83-179; 67 Stat. 336). Small Business Act (15 U.S.C. 631 et seq.). Contract Work Hours and Safety Standards Act. 20 C.F.R. 654. 44 C.F.R. 331. 40 Comp. Gen. 489. Executive Order 10582. Executive Order 11246. F.A.R. 9.103. F.A.R. 9.104. F.A.R. 9.105. F.A.R. 19.501. F.A.R. 19.502. F.A.R. 19.102. F.A.R. 19.101. F.A.R. 20.101. F.A.R. 25.100. P.L. 82-245. P.L. 83-458. Defense Manpower Policy 4B. DOD F.A.R. Supp. 20.7001. DOD F.A.R. Supp. 25.7104. Navy Instruction 5030.1J. B-215373 (1984). B-203858 (1981). B-213643.2 (1984). B-170285 (1970). 68 Stat. 353. 65 Stat. 700.

Abstract: Pursuant to a congressional request, GAO provided information concerning U.S. Navy ship repair contract awards to Canadian shipyards. **Findings/Conclusions:** GAO found that: (1) the United States and Canada have had a special military contracting agreement since 1952; (2) the Navy's authority to contract with Canadian sources has several restrictions, such as those associated with small business and labor-surplus-area set-aside legislation; (3) subject to these restrictions, the Military Sealift Command (MSC) makes all ships for which it has repair responsibility available for potential contracting to qualified Canadian shipyards; (4) MSC has awarded seven ship repair contracts to Canadian firms since fiscal year 1980, at a total price of about \$10 million; (5) MSC awarded the Canadian contracts based on the need to make emergency repairs or on price competition with U.S. shipyards; (6) Canadian shipyards do not have to comply with a number of statutory and regulatory guidelines that U.S. bidders must comply with, but these shipyards might have to comply with some similar Canadian policies; (7) there was no evidence in the contract files to indicate that the Canadian shipyards that have successfully bid for Navy contracts received any assistance from the Canadian Commercial Corporation in the bid preparation process; and (8) none of the nine western U.S. shipyards has repaired ships or has participated in competitive bidding to repair ships belonging to the Canadian government for at least 6 years.

131579

FAA Staffing: The Air Traffic Control Work Force Opposes Rehiring Fired Controllers. RCED-87-32BR; B-224657. October 9, 1986.

Released November 7, 1986. 21 pp. plus 6 appendices (46 pp.). *Briefing Report* to Rep. William D. Ford, Chairman, House Committee on Post Office and Civil Service; Rep. Gary L. Ackerman, Chairman, House Committee on Post Office and Civil Service: Human Resources Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to T-RCED-87-42, July 29, 1987, Accession Number 133587.

Issue Area: Transportation: FAA Management of the Controller Work Force (6607).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Post Office and Civil Service: Human Resources Subcommittee; House Committee on Post Office and Civil Service; Rep. Gary L. Ackerman; Rep. William D. Ford.

Authority: H.R. 4003 (99th Cong.).

Abstract: Pursuant to a congressional request, GAO surveyed the Federal Aviation Administration's (FAA) air traffic controllers and facility managers, and fired air traffic controllers, on issues relating to the rehiring of controllers FAA fired after the controllers' strike in 1981, focusing on: (1) sentiment among the FAA work force about rehiring; (2) what has happened to fired controllers since the strike; and (3) whether fired controllers were interested in returning to FAA.

Findings/Conclusions: GAO found that: (1) 60 percent of the surveyed controllers, and 85 percent of the surveyed facility managers, opposed rehiring any fired controllers, citing such reasons as negative morale impact, the difficulty of establishing fair rehiring procedures, and possible bad relations between striking and non-striking controllers; (2) those who supported rehiring cited such reasons as a lack of experienced staff, the number of highly qualified controllers who were fired, and the possible impact of union pressure on some controllers' decisions to strike; and (3) many respondents would favor rehiring fired controllers with such restrictions as probationary periods, no back pay, job protection for current controllers, and use of rehired controllers to alleviate staffing problems. GAO also found that: (1) about 97 percent of the fired controllers were employed; (2) most fired controllers were making less money than they did at FAA; (3) 23 percent of the fired

controllers had to relocate to find work, 13 percent lost their homes, 64 percent were denied employment as a direct result of the strike, and many received various forms of government benefits; (4) 94 percent of the fired controllers expressed an interest in returning to FAA, citing such reasons as a desire to contribute to the air traffic control system, the ease of retraining and recertification, and their perceived ability to relate well with current controllers; and (5) those who did not wish to return cited such reasons as the FAA failure to improve the system, their new careers, and the lack of a controllers' union.

131592

Consumer Product Safety Commission: Concerns About Staff Memorandum Relating to All-Terrain Vehicles. HRD-87-7; B-225045. November 7, 1986. 2 pp. plus 1 appendix (8 pp.). *Report* to Rep. Henry A. Waxman, Chairman, House Committee on Energy and Commerce: Health and the Environment Subcommittee; by Richard L. Fogel, Assistant Comptroller General, Human Resources Division. Refer to HRD-87-74, May 20, 1987, Accession Number 132995.

Contact: Human Resources Division.

Budget Function: General Government: Other General Government (806.0).

Organization Concerned: Consumer Product Safety Commission.

Congressional Relevance: House Committee on Energy and Commerce: Health and the Environment Subcommittee; Rep. Henry A. Waxman.

Authority: Consumer Product Safety Act. H. Rept. 99-678.

Abstract: In response to a congressional request, GAO reviewed a Consumer Product Safety Commission (CPSC) staff memorandum containing comparative injury data for all-terrain vehicles (ATV), minibikes, and snowmobiles to determine: (1) the source and reliability of the vehicle usage data the memorandum presented; (2) whether its conclusions were justified; (3) why CPSC prepared it; and (4) whether its preparation was consistent with CPSC procedures.

Findings/Conclusions: GAO found that: (1) prior CPSC information indicated that ATV posed a greater consumer hazard than did minibikes and snowmobiles; (2) CPSC based this information on a comparative-injury analysis that did not consider the relative usage patterns of the three

vehicles; (3) by contrast, the memorandum's comparative-injury analysis indicated that, based on an approximation of vehicle usage patterns, ATV posed no greater hazard to consumers than the other two vehicles; (4) the reliability of the memorandum's usage data was questionable because it was based on unsubstantiated anecdotal information from a small number of witnesses at CPSC public hearings on ATV; (5) CPSC officials believed that the earlier analysis incorrectly implied that ATV were more hazardous than minibikes and snowmobiles; (6) CPSC preparation of an adjusted analysis may have been inconsistent with the commissioners' intention to limit a staff analysis to ATV, as the other vehicles were not a regulatory concern at that time; and (7) CPSC restricted public dissemination of the memorandum pending further consideration.

131593

Navy Maintenance: Selected Private and Public Shipyard Manday Rates' Cost Elements. NSIAD-87-20FS; B-224611. October 3, 1986. 5 pp. plus 2 appendices (4 pp.). *Fact Sheet* to Rep. Duncan L. Hunter; by John Landicho, Senior Associate Director, National Security and International Affairs Division.

Issue Area: Navy: Ability of Navy Supply System To Provide Materials at Lowest Cost While Maintaining Military Capabilities (5602).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Procurement and Contracts (051.2).

Organization Concerned: Department of the Navy.

Congressional Relevance: Rep. Duncan L. Hunter.

Abstract: In response to a congressional request, GAO examined: (1) the man-day rates of Navy ship maintenance work performed in selected private and public shipyards; (2) the Navy's reasons for overhauling West Coast-based aircraft carriers at the Philadelphia Naval Shipyard; (3) whether the public yard rates included all overhead costs; and (4) whether a comparison of rates might show overhaul on the West Coast to be more cost-effective.

Findings/Conclusions: GAO noted that the purpose of the extensive overhauls under the aircraft carrier Service Life Extension Program (SLEP) is to extend the aircraft carriers' expected service life from 30 years to 45 years. GAO found that: (1) the fiscal year 1985, man-

day rates at the public and private shipyards were very close and included most overhead costs; (2) the public and private shipyard rates did not reflect the costs for Navy management and oversight; (3) labor comprised from 80 to 88 percent of total costs for public shipyards and from 70 to 75 percent for private shipyards; (4) only private shipyards incurred costs for state and local taxes, business licenses, insurance, building space rental, and building depreciation; (5) in deciding to perform SLEP on the West Coast, the Navy considered cost, the Naval Sea Systems Command SLEP objectives, and strategic requirements; and (6) the Navy believed that conducting a reduced-scope SLEP on the West Coast would be unsatisfactory, since the Puget Sound shipyard did not include in its program the extensive modernization of hull structures and main engines.

131615

Alternative Fuels: Status of Methanol Vehicle Development. RCED-87-10BR; B-224084. October 17, 1986.

Released November 17, 1986. 94 pp. plus 3 appendices (7 pp.). *Briefing Report to Rep. Philip R. Sharp, Chairman, House Committee on Energy and Commerce: Fossil and Synthetic Fuels Subcommittee*; by James Duffus, III, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-85-97, May 3, 1985, Accession Number 126896; RCED-86-136FS, April 4, 1986, Accession Number 129616; and RCED-84-36, October 27, 1983, Accession Number 122727.

Issue Area: Energy: Assessing Whether the DOE R&D Program Will Result in Developing Needed Alternative Energy Technologies To Meet Future Energy Demand (6410).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Energy: Energy Supply (271.0).

Congressional Relevance: *House Committee on Energy and Commerce: Fossil and Synthetic Fuels Subcommittee; Rep. Philip R. Sharp.*

Authority: Energy Policy and Conservation Act. Clean Air Act. Motor Vehicle Information and Cost Savings Act. 50 Fed. Reg. 10606. P.L. 96-425. H. Rept. 94-840. H.R. 3355 (99th Cong.). H.R. 2955 (99th Cong.). S. 1097 (99th Cong.).

Abstract: In response to a congressional request, GAO provided information on the methanol supply and the status of

methanol vehicle development in the United States.

Findings/Conclusions: GAO found that: (1) only 1 percent of the methanol produced in 1985 was used for vehicle fuel; (2) the total domestic methanol production capacity would meet less than 1 percent of automotive fuel demand; (3) automobile manufacturers and state and private research groups need to conduct further research to resolve certain problems with methanol-fueled vehicles, such as cold-weather starting; (4) automobile manufacturers are not producing methanol vehicles because the lack of retail methanol fuel and low gasoline prices render methanol not economically viable; (5) federal emissions and fuel economy standards could influence the introduction of methanol as an alternative vehicle fuel; and (6) several mass transit authorities are using methanol-fueled buses to reduce pollutant emissions.

131621

[Protest of FAA Cancellation of Solicitation for Graphics Display System]. B-224160, B-224161.

November 13, 1986. 3 pp. *Decision re: Alden Electronics, Inc.; by John F. Mitchell, (for Harry R. Van Cleve, General Counsel).*

Contact: Office of the General Counsel.

Organization Concerned: Alden Electronics, Inc.; Federal Aviation Administration.

Authority: 65 Comp. Gen. 222. F.A.R. 14.404-1. B-213885 (1984). B-222425.3 (1986).

Abstract: A firm protested the Federal Aviation Administration's (FAA) cancellation after bid opening of a solicitation for a graphics display system and the addition of the cancelled items to another solicitation, contending that: (1) FAA improperly cancelled the solicitation to seek a more favorable price; and (2) the cancellation resulted in a prohibited auction. The protester also claimed reimbursement for its bid and protest preparation costs. GAO held that FAA did not materially harm the protester, which was also the low bidder under the new solicitation, since the resolicitation did not have an appreciable effect on the protester's price. Accordingly, the protest and claim were denied.

131654

[Request for Reconsideration of Denial of Protest Under FAA RFP]. B-223175.2. November 19, 1986. 3 pp. *Decision re: Israel Aircraft*

Industries Ltd.; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Israel Aircraft Industries Ltd.; Aviation Enterprises, Inc.; Federal Aviation Administration.
Authority: B-223175 (1986). B-217284 (1985). B-218021.3 (1985).

Abstract: A firm requested reconsideration of another firm's denied protest against a Federal Aviation Administration (FAA) solicitation for aircraft, contending that GAO based its decision on a mistaken assumption. The protester participated as an interested party in the other firm's protest, in which GAO held that FAA properly excluded the protester from the competitive range. GAO held that the requester's allegation was without merit, since a review showed that the alleged factual misstatements were not erroneous. Accordingly, the decision was affirmed.

131686

Amtrak: Northeast Corridor Locomotive Engineer Stress. RCED-87-1; B-197192. November 18, 1986.

Released November 25, 1986. 6 pp. plus 6 appendices (50 pp.). *Report to Rep. Bruce A. Morrison; Rep. James J. Florio, Chairman, House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.* Refer to RCED-85-1, April 18, 1985, Accession Number 126763.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: National Railroad Passenger Corporation (Amtrak); Brotherhood of Locomotive Engineers.

Congressional Relevance: *House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; Rep. Bruce A. Morrison; Rep. James J. Florio.*

Authority: Northeast Rail Service Act of 1981.

Abstract: In response to a congressional request, GAO provided information on the Brotherhood of Locomotive Engineers' (BLE) studies on stress experienced by Amtrak's Northeast Corridor passenger train engineers, specifically the relationship between the

studies: (1) methodologies and findings; and (2) conclusions and recommendations.

Findings/Conclusions: GAO found that: (1) although the studies could help find solutions for avoiding harmful stress to train engineers, they were limited and BLE should not modify engineer work duties or procedures based solely on the studies' results; (2) the clinical interview/physiological measurement part of the studies provided valuable insight into some of the complexities of the various stressors the consultants examined; (3) the study identified a number of factors that engineers believed were the most stressful when performing their work; (4) the studies did not directly address work rule changes that included the elimination of the fireman from the cab; and (5) more study and testing is needed to make sure that the reported causes are valid and that BLE identifies the best and most cost-effective corrective actions. GAO also found that the first study: (1) did not consider the frequency and circumstances under which the stressful events occurred, thus limiting its value for determining appropriate types of corrective actions; (2) used data collected at one point in time, thus providing no information on any shifts in the stressors that may have occurred over time; and (3) was based on a low response rate of 61 percent of the engineers. The second study: (1) did not use questions that were comparable with those used in the first study; (2) questioned only a small number of engineers; and (3) did not compare the stress experiences of Corridor engineers with those of other engineers, comparable groups, or the general public.

131742

[Comments on MTMC Proposal To Solicit Rates for Transportation of Domestic Household Goods]. B-222189. December 5, 1986. 2 pp. *Letter* to Thomas M. Auchincloss, Jr., Rea, Cross & Auchincloss; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Department of the Army; Military Traffic Management Command; Household Goods Carriers' Bureau, Inc.; Rea, Cross & Auchincloss.

131748

Internal Controls: Drug Enforcement Administration's Use of Forfeited Personal Property. GGD-87-20; B-225008. December 10,

1986. 10 pp. plus 1 appendix (2 pp.). *Report to Sen. Lawton Chiles;* by William J. Anderson, Assistant Comptroller General, General Government Division. Refer to T-GGD-87-7, March 13, 1987, Accession Number 132459.

Issue Area: Internal Control and Financial Management System Audits: Effectiveness of Federal Agencies in Implementing the Federal Managers' Financial Integrity Act (7401); Administration of Justice: Legislative and Administrative Actions Needed To Improve Financially Based Investigations and Management of Forfeited Assets (4702).

Contact: General Government Division.
Budget Function: General Government: Executive Direction and Management (802.0).

Organization Concerned: Department of Justice; Department of the Treasury; Drug Enforcement Administration.
Congressional Relevance: Sen. Lawton Chiles.

Authority: Comprehensive Crime Control Act of 1984 (P.L. 98-473). Federal Managers' Financial Integrity Act of 1982 (P.L. 97-258).

Abstract: In response to a congressional request, GAO: (1) evaluated the adequacy of controls governing the Drug Enforcement Administration's (DEA) conversion of forfeited personal property to official government use; and (2) determined whether the Dallas DEA office had adhered to DEA policies and procedures in: converting forfeited personal property to government use. **Findings/Conclusions:** GAO found that: (1) the Dallas office converted about \$14,000 of seized personal property for government use that was inconsistent with DEA policy; (2) the Dallas office provided little assurance that it had not converted the property for inappropriate government use; (3) DEA has not adequately defined the operational value of forfeited personal property; and (4) DEA did not require field managers to justify the need for personal property they converted to government use.

131757

Navy Manpower: Reductions in the Civilian Work Force at Naval Shipyards. NSIAD-87-22BR; B-217419. November 24, 1986.

Released December 9, 1986. 5 pp. plus 4 appendices (13 pp.). *Briefing Report* to Rep. Daniel K. Akaka; Rep. Julian C. Dixon; Rep. Ronald V. Dellums; Rep. Sala Burton; Rep. Glenn M. Anderson; Rep. Mervyn M. Dymally; Rep. Edward R. Roybal; Rep. Vic Fazio; by Frank C.

Conahan, Assistant Comptroller General, National Security and International Affairs Division. Refer to PEMD-85-6, July 24, 1985, Accession Number 127459.

Issue Area: Navy: Other Issue Area Work (5691).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of the Navy; Department of the Navy: Naval Sea Systems Command.

Congressional Relevance: House Committee on Appropriations: Defense Subcommittee; House Committee on Armed Services; Senate Committee on Appropriations: Defense Subcommittee; Senate Committee on Armed Services; Rep. Edward R. Roybal; Rep. Vic Fazio; Rep. Mervyn M. Dymally; Rep. Julian C. Dixon; Rep. Ronald V. Dellums; Rep. Sala Burton; Rep. Glenn M. Anderson; Rep. Daniel K. Akaka.

Abstract: In response to a congressional request, GAO provided information on the Navy's civilian work-force reductions at naval shipyards, specifically: (1) changes in the naval shipyard work-force level; (2) reasons for work-force changes; and (3) the basis for the reductions-in-force (RIF) cost and savings estimates.

Findings/Conclusions: GAO found that: (1) the Navy reduced its naval shipyard civilian work-force level due to a declining work load and the potential savings from revisions in ship maintenance strategy and philosophy; (2) the Navy needs to improve its methods for calculating a shipyard's RIF cost and savings; (3) the Navy expects the east and west coast shipyards to absorb all of the laid-off personnel; (4) the Navy used RIF procedures when attrition would not accomplish the required results or when it did not expect work loads to increase significantly in the near future; and (5) the declining work load is due to revised ship maintenance procedures that require more frequent, but shorter, shipyard periods for some ships, no further overhauls for some of the older combat ships, and competition between naval and private shipyards for ship maintenance. GAO also found that: (1) private shipyards perform most of the shorter-duration maintenance, and naval shipyard maintenance has declined; (2) the Navy failed to develop procedures to ensure that RIF cost and savings estimates would be made on a uniform basis until 1986; (3) prior to 1986, naval

shipyards determined cost and savings factors based on their own judgment; (4) the 1986 procedures do not cover RIF costs for unemployment compensation and job search assistance contracts; and (5) the Navy based its 1986 RIF cost estimates on an erroneous estimate of the percentage of personnel who would lose employment due to RIF.

Recommendation To Agencies: The Secretary of the Navy should direct the Commander, Naval Sea Systems Command, to revise the guidance for calculating shipyard RIF costs and savings to: (1) consider all shipyard budgetary and indirect RIF costs; (2) recognize the effect of attrition on RIF savings estimates; and (3) use consistent assumptions.

131786

Motor Vehicle Safety: Enforcement of Federal Standards Can Be Enhanced. RCED-87-2; B-223735. December 15, 1986. 46 pp. plus 3 appendices (30 pp.). *Report to Elizabeth H. Dole, Secretary, Department of Transportation; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.* Refer to CED-82-99, August 24, 1982, Accession Number 119296; RCED-83-195, August 5, 1983, Accession Number 122110; and T-RCED-87-3, March 6, 1987, Accession Number 132353.

Issue Area: Transportation: Adequacy of NHTSA Promotion of Motor Vehicle Safety (6612).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Highway Transportation (401.1).

Organization Concerned: Department of Transportation; National Highway Traffic Safety Administration: Office of the Chief Counsel; National Highway Traffic Safety Administration: Office of Vehicle Safety Compliance; National Highway Traffic Safety Administration.

Congressional Relevance: *House* Committee on Appropriations: Transportation Subcommittee; *House* Committee on Energy and Commerce: Commerce, Consumer Protection and Competitiveness Subcommittee; *Senate* Committee on Appropriations: Transportation and Related Agencies Subcommittee; *Senate* Committee on Commerce, Science and Transportation: Consumer Subcommittee.

Authority: Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.). Motor Vehicle Information and Cost Savings Act. Motor Vehicle and Schoolbus Safety

Amendments of 1974 (P.L. 93-492). 49 C.F.R. 571. 49 C.F.R. 554.7. P.L. 88-515. B-164497 (1973).

Abstract: GAO reviewed the Department of Transportation's (DOT) National Highway Traffic Safety Administration's (NHTSA) oversight and management procedures for: (1) selecting safety standards, motor vehicles, and equipment for compliance testing; (2) investigating vehicles and equipment that fail compliance tests; and (3) assessing civil penalties against manufacturers or distributors that do not comply with federal standards.

Findings/Conclusions: GAO found that:

(1) NHTSA has not tested some standards for long periods and has never tested others; (2) the deterrent value of NHTSA testing activities is not as strong as it could be because its selection process does not ensure testing of each standard over a period of time; (3) NHTSA cannot ensure that manufacturers comply with all of its standards because it has excluded some standards from testing; (4) resolving cases can take from less than 1 year to as much as 7 years because NHTSA has not established a system of management controls over the processing of investigation and civil penalty cases; and (5) NHTSA has not established guidelines concerning penalty assessments.

Recommendation To Agencies: To better ensure that safety standards and vehicles selected for compliance testing have the greatest impact on public safety, the Secretary of Transportation should direct the Administrator, NHTSA, to ensure that all 39 testable safety standards are selected for testing over time with the intent of improving compliance. To better ensure that safety standards and vehicles selected for compliance testing have the greatest impact on public safety, the Secretary of Transportation should direct the Administrator, NHTSA, to determine the cost to collect additional standard-related accident data and safety benefits to be derived from such data. If obtaining the standard-related data is cost-beneficial, NHTSA should collect and use the data to help select motor vehicles for testing. To improve the processing efficiency of all investigations and resulting civil penalty actions and recalls, the Secretary of Transportation should direct the Administrator, NHTSA, to develop milestones and procedures for processing noncompliance investigation cases and monitor the Office of Vehicle Safety Compliance (OVSC) progress against them. To improve the processing efficiency of all investigations and resulting civil penalty

actions and recalls, the Secretary of Transportation should direct the Administrator, NHTSA, to develop criteria and procedures for the Office of Vehicle Safety Compliance (OVSC) to follow in determining which noncompliance investigations should be forwarded to the Office of Chief Counsel for penalty assessments. To improve the processing efficiency of all investigations and resulting civil penalty actions and recalls, the Secretary of Transportation should direct the Administrator, NHTSA, to develop milestones and procedures for processing civil penalty cases.

131787

Financial Audit: Trans-Alaska Pipeline Liability Fund's Financial Statements for 1985. AFMD-87-6; B-208638. December 15, 1986. 13 pp. *Report to Congress; by Frederick D. Wolf, (for Charles A. Bowsher, Comptroller General).*

Issue Area: Financial Statement Audits of Government Entities: Audits of Government Corporations and Pension Plans (7505).

Contact: Accounting and Financial Management Division.

Budget Function: Financial Management and Information Systems: Regulatory Accounting Rules and Financial Reporting (998.6).

Organization Concerned: Department of the Interior; Touche Ross and Co.

Congressional Relevance: Congress.

Authority: Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1653(c)(4)).

Abstract: GAO reviewed an independent certified public accountant's audit of the Trans-Alaska Pipeline Liability Fund as of December 31, 1985, and the changes in net assets available for claims for the year then ended.

Findings/Conclusions: GAO found that the financial statements presented fairly the financial position of the fund as of December 31, 1985, and the net assets available for claims for the year then ended, in conformity with generally accepted accounting principles applied on a consistent basis.

131789

Airport Radar Acquisition: FAA's Procurement of Airport Surface Detection Equipment. RCED-87-18; B-218566.6. December 17, 1986. 45 pp. plus 5 appendices (21 pp.). *Report to Rep. Albert G. Bustamante; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.*

Refer to RCED-89-7, November 10, 1988, Accession Number 137406.

Issue Area: Transportation: Adequate Justification and Management of NAS Plan Procurements (6604).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation; Norden Systems, Inc.

Congressional Relevance: House Committee on Public Works and Transportation; House Committee on Appropriations: Transportation Subcommittee; House Committee on Public Works and Transportation: Aviation Subcommittee; Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee; Rep. Albert G. Bustamante.

Authority: Federal Aviation Act of 1958 (49 U.S.C. 1303 et seq.). OMB Circular A-109. OMB Circular A-11. B-218566 (1985).

Abstract: In response to a congressional request, GAO provided information on the Federal Aviation Administration's (FAA) procurement of new airport surface detection equipment (ASDE), specifically: (1) FAA procedures to determine its ASDE-3 operational requirements and specifications; (2) the adequacy of FAA support for those requirements; (3) the extent of production risk inherent in the ASDE-3 specification; and (4) the accuracy of the FAA ASDE-3 benefit-cost study regarding planned quantities and locations for the new equipment.

Findings/Conclusions: GAO found that: (1) FAA adhered to Department of Transportation (DOT) and Office of Management and Budget guidance and policy regarding management decisions and approval in developing the ASDE-3 operational requirements; (2) FAA based its operational requirements and technical specifications on mission needs; (3) the specifications met updated operational requirements and posed reasonable schedule and performance risks; (4) the contractor experienced some scheduling problems and delayed its first unit testing by three weeks; (5) the display processor and remote maintenance will pose performance risks until the commencement of system testing in 1987; (6) because the contractor's monitoring system did not produce sufficient data, FAA oversight of production risks was hampered; (7) although the FAA program was cost-justified, its methodology did not accurately estimate the safety benefits;

and (8) FAA does not have adequate data to accurately estimate passenger time savings and safety benefits.

Recommendation To Agencies: The Administrator, FAA, should direct the ASDE-3 program office to: (1) evaluate the contractor's new system for tracking the contract schedule against planned milestones and ensure that it, or another system if necessary, will meet FAA needs for providing accurate information as a basis for making program decisions; and (2) use the results of the improved tracking system to identify performance and/or schedule areas requiring additional management control and determine, together with the contractor, how best to address these areas. The Secretary of Transportation should direct the Administrator, FAA, to formulate an action plan for developing more accurate and complete measures of passenger time savings and safety benefits, including estimates of the time and cost required to accomplish this. The action plan should: (1) examine the methodology used to value passenger time savings; and (2) provide for obtaining better data to estimate the value of passenger time savings and safety improvements.

131806

Railroad Revenues: Analysis of Alternative Methods To Measure Revenue Adequacy. RCED-87-15BR; B-224113. October 2, 1986.

Released December 22, 1986. 131 pp. plus 4 appendices (8 pp.). *Briefing Report* to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-87-119, September 9, 1987, Accession Number 134149; and RCED-87-82, July 17, 1987, Accession Number 133534.

Issue Area: Transportation: Economic Effects of Regulatory Reform in the Transportation Sector (6611).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Interstate Commerce Commission.

Congressional Relevance: House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Rep. John D. Dingell.

Authority: Railroad Revitalization and Regulatory Reform Act of 1976. Staggers Rail Act of 1980. Economic Recovery Tax

Act of 1981. H.R. 4096 (99th Cong.). S. 417 (99th Cong.).

Abstract: Pursuant to a congressional request, GAO provided information on the Interstate Commerce Commission's (ICC) implementation of the railroad revenue adequacy provisions of the Staggers Rail Act of 1980, focusing on: (1) recent trends in railroad financial indicators; (2) railroads' financial performance compared to other industries; (3) how ICC measures revenue adequacy; (4) alternative approaches to measuring revenue adequacy; and (5) whether any railroads would be revenue-adequate if ICC used alternative approaches.

Findings/Conclusions: GAO found that: (1) until the Staggers Rail Act passed, ICC used multiple financial indicators to measure railroads' financial condition; (2) after the act's passage, ICC changed to a single standard which compared a railroad's return on net investment (ROI) with the ICC-determined cost of capital; (3) under this approach, ICC has not found any railroad to be revenue-adequate in the last 3 years; (4) railroads that are not revenue-adequate have competitive advantages, such as the freedom to set unregulated rates in certain areas; and (5) while the overall financial picture for railroads is mixed, there are many positive indicators, including increases in railroads' cash flow, ROI, and ability to service debt loads. GAO also found that ICC could determine revenue adequacy by: (1) adjusting its current method to use the embedded cost of debt instead of the current cost of debt, considering deferred taxes as capital, and calculating ROI using depreciation accounting; (2) comparing the real cost of capital with an ROI estimate derived from the current reproduction cost of the net asset base; or (3) using multiple indicators, as it did before the act's passage. GAO noted that, under each of the alternatives it proposed, no railroad would have been revenue-adequate in 1984. In addition, GAO found that: (1) pending legislation would require ICC to use multiple indicators; and (2) the current-cost and multiple-indicators methods appear to be impractical, leaving some form of the present ICC method as the best method for measuring revenue adequacy.

131843

Aviation Safety: Federal Regulation of Public Aircraft. RCED-87-19BR; B-225007. December 8, 1986.

Released December 22, 1986. 73 pp. plus 4 appendices (14 pp.). *Briefing Report* to Rep. Norman Y. Mineta, Chairman,

House Committee on Public Works and Transportation: Aviation Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Public Works and Transportation: Aviation Subcommittee; *Rep.* Norman Y. Mineta.

Authority: Aviation Act. Air Commerce Act. F.A.A. Reg. Part 91. F.A.A. Reg. Part 121. F.A.A. Reg. Part 135.

Abstract: In response to a congressional request, GAO provided information concerning the use, maintenance, and safety of public aircraft in Alaska, and the extent to which Federal Aviation Administration (FAA) safety regulations apply to these aircraft. Public aircraft are those that federal, state, or local governments use exclusively.

Findings/Conclusions: GAO found that: (1) public aircraft throughout the United States are subject to substantially fewer FAA safety regulations than civil aircraft; (2) during fiscal year (FY) 1985, the federal government operated 99 of the 140 government-owned aircraft in Alaska, the state operated 46, and local governments operated 9; (3) more than one-half of the governmental units hired aircraft in FY 1985; and (4) public aircraft functions include transportation of personnel and cargo, search and rescue, fire fighting, and wildlife surveys. GAO noted that: (1) federal law does not require an independent party to report or investigate public aircraft accidents; (2) FAA has no responsibility for inspecting or otherwise overseeing public aircraft maintenance or operation; and (3) there was no historical data base from which to make an informed assessment of public aircraft safety. GAO also found that: (1) all government units owning aircraft and nearly all hired-aircraft operators said that since they voluntarily met or exceeded FAA aircraft maintenance and crew regulations, required compliance would cause no adverse effects; and (2) in 1985, there were five accidents involving government-owned aircraft and four involving government-hired aircraft.

131873

[Request for Reconsideration of Dismissal of Protest Against FAA Solicitation]. B-225194.2. December 23, 1986. 2 pp. *Decision re:* Groshelle Associates; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Groshelle Associates; Federal Aviation Administration; Small Business Administration.

Authority: Small Business Act (15 U.S.C. 637(a)). 13 C.F.R. 124. 64 Comp. Gen. 63.

Abstract: A firm requested reconsideration of its dismissed protest against a Federal Aviation Administration (FAA) solicitation for a communications system, contending that the Small Business Administration (SBA) failed to determine whether a section 8 procurement would harm a small business concern. GAO held that it would not review SBA compliance with its internal procedures absent a showing of fraud or bad faith. Accordingly, the dismissal was affirmed.

131874

[Comments on Operating Differential Subsidy Program]. B-221498.14. November 6, 1986.

Released December 31, 1986. 4 pp. *Letter to Rep.* Walter B. Jones, Chairman, House Committee on Merchant Marine and Fisheries; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General). Refer to PAD-81-27, March 1981, Accession Number 115332; and OCG-86-4, September 4, 1986, Accession Number 130903.

Contact: Office of the Comptroller General.

Organization Concerned: Department of Transportation; Congressional Budget Office; Office of Management and Budget.

Congressional Relevance: House Committee on Merchant Marine and Fisheries; *Rep.* Walter B. Jones. **Authority:** Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177). Merchant Marine Act, 1936 (46 U.S.C. 1171 et seq.). Congressional Budget and Impoundment Control Act of 1974. P.L. 99-366. *Bowsher v. Synar*, 106 S. Ct. 3181 (1986). B-221498.13 (1986). 20 U.S.C. 1132d-3. 100 Stat. 773.

Abstract: In response to a congressional request, GAO commented on the treatment of the Department of Transportation's Operating Differential Subsidy (ODS) Program under the Balanced Budget and Emergency Deficit

Control Act of 1985, specifically whether the program should be excluded from sequestration in subsequent fiscal years. GAO noted that the Office of Management and Budget (OMB) and the Congressional Budget Office (CBO) did not include the ODS program in fiscal year (FY) 1986 and FY 1987 as a sequesterable item. GAO concluded that OMB and CBO properly excluded the program as a sequesterable item, since obligated balances are exempt from reduction.

131900

Criminal Penalties Resulting From the Organized Crime Drug Enforcement Task Forces. GGD-87-29BR; B-223391. December 22, 1986. 3 pp. plus 1 appendix (10 pp.). *Briefing Report to Sen.* Paul Laxalt, Chairman, Senate Committee on the Judiciary: Criminal Law Subcommittee; by Arnold P. Jones, Senior Associate Director, General Government Division. Refer to GGD-86-101FS, June 27, 1986, Accession Number 130301; and GGD-87-64BR, May 6, 1987, Accession Number 133040.

Issue Area: Administration of Justice (4700).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Litigative and Judicial Activities (752.0).

Organization Concerned: Department of Justice: Drug Task Force Administrative Unit.

Congressional Relevance: Senate Committee on the Judiciary: Criminal Law Subcommittee; *Sen.* Paul Laxalt.

Authority: Drug Interdiction Improvement Act (P.L. 99-570).

Abstract: In response to a congressional request, GAO analyzed court records on offenders the Department of Justice convicted and sentenced under its Organized Crime Drug Enforcement Task Force Program, to compare: (1) the actual penalties imposed with the maximum authorized at the time of sentencing; and (2) the dollar amount of fines imposed with the actual amount that the federal government collected. **Findings/Conclusions:** GAO found that, of the 1,697 offenders convicted and sentenced: (1) 22 percent received probation or a suspended sentence; (2) 50 percent received prison sentences of 5 years or less; (3) 24 percent received prison sentences of over 5 years; and (4) 4 percent received prison sentences of over 15 years to life. Although the median sentence that the courts imposed was 51 months, the maximum possible

concurrent sentence was 180 months. GAO also found that: (1) although the courts could have imposed fines totaling \$67.3 million, the imposed fines totaled only \$9.5 million; (2) the median fine imposed was \$10,000, while the maximum allowed was \$25,000; and (3) the federal government had collected only 8.6 percent of the total fines imposed.

131954

[Comments on Protest Concerning Coast Guard Solicitation Cancellation]. B-224064.3. January 9, 1987. 2 pp. *Letter to Federal Contracting Corp.*; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Federal Contracting Corp.; United States Coast Guard.

Congressional Relevance: *Rep. Cathy Long.*

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3553). 4 C.F.R. 21.1.

132043

Auto Safety and Emissions: No Assurance That Imported Gray Market Vehicles Meet Federal Standards. RCED-87-29; B-217842. December 11, 1986.

Released January 27, 1987. 24 pp. plus 4 appendices (37 pp.). *Report to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee*; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to Testimony, March 6, 1987, Accession Number 132353; and GGD-87-85, July 16, 1987, Accession Number 133465.

Issue Area: Transportation: Adequacy of NHTSA Promotion of Motor Vehicle Safety (6612); Environment: Other Issue Area Work (6891); Tax Policy and Administration: Other Issue Area Work (4691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0); Natural Resources and Environment: Pollution Control and Abatement (304.0); General Government: Tax Administration (803.1).

Organization Concerned: National Highway Traffic Safety Administration; Environmental Protection Agency; United States Customs Service; Department of Transportation.

Congressional Relevance: *House Committee on Government Operations,*

House Committee on Appropriations: Transportation Subcommittee; House Committee on Energy and Commerce; House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Senate Committee on Governmental Affairs; Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation; Rep. John D. Dingell.

Authority: Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391 et seq.). Clean Air Act (42 U.S.C. 7401 et seq.). S. 863 (99th Cong.). H.R. 2248 (99th Cong.). B-217842 (1986).

Abstract: In response to a congressional request, GAO reviewed how the National Highway Traffic Safety Administration (NHTSA), Environmental Protection Agency (EPA), and U.S. Customs Service carry out their respective responsibilities regarding the Gray Market Vehicle Enforcement Program, specifically: (1) the problems they encounter in administering safety and emission standards; (2) the costs of implementing the program; (3) the extent to which each of the three involved agencies uses contractors for the program and their contract award methods; (4) the extent of coordination between NHTSA, EPA, and Customs; (5) the extent to which the importation of nonconforming vehicles has become a commercial operation; and (6) the extent to which importers can modify nonconforming motor vehicles to conform to emission and safety standards.

Findings/Conclusions: GAO found that: (1) NHTSA does not inspect firms that modify vehicles to ensure that they have the capability to conform the vehicles to the safety standards; (2) NHTSA does not test the vehicles after modifications; (3) EPA has a certification program that recognizes certain firms and laboratories that have the capability to modify the vehicles to meet the emission standards or perform the federal emission test procedures, but does not provide for periodic inspection of the modifying firms or vehicle testing; (4) NHTSA and EPA had not timely submitted documentation for 21 of 50 vehicles GAO reviewed; (5) the adequacy and accuracy of the documents substantiating that 29 vehicles conformed with the safety standards was questionable; (6) EPA could not locate emission compliance documentation for 26 vehicles; (7) EPA granted 24 exemptions on the basis of the vehicles' ages and on test results EPA-recognized testing laboratories submitted; and (8) in a 1984 study, only 1 of 27 gray market vehicles that EPA initially approved after laboratory tests passed all parts of the emission test.

GAO also found that Congress proposed legislation that would: (1) require NHTSA to provide greater assurance of proper modification of gray market vehicles to meet safety standards; (2) restrict the importation of vehicles that did not conform to safety standards; and (3) establish eligibility controls over consumer importation of nonconforming vehicles.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, NHTSA, to improve controls over its program by establishing a process similar to the EPA program, whereby firms are recognized by NHTSA, through certification, as being capable of modifying gray market vehicles. In addition, NHTSA should periodically reinspect these firms and consider testing a sample of modified vehicles as a check on each firm's performance in ensuring vehicle compliance with the safety standards. In considering the appropriate scope, frequency, and amount of testing, NHTSA should take into account factors such as staffing constraints, as well as the safety standards for which compliance testing is technically practical and cost-effective. The Administrator, EPA, should improve the controls over its program by periodically inspecting both the modifying firms and test laboratories that have been previously recognized and consider testing the vehicles, on a sample basis, to ensure compliance with federal emission standards. In considering the scope and amount of testing, various factors should be taken into account, including staffing constraints and the costs of such testing.

132044

Grain Shipments: Agriculture Can Reduce Costs by Increased Use of Negotiated Rail Rates. RCED-87-42; B-221673. January 21, 1987.

Released January 27, 1987. 52 pp. plus 2 appendices (2 pp.). *Report to Rep. Byron L. Dorgan, Chairman, House Committee on Agriculture: Department Operations, Research, and Foreign Agriculture Subcommittee*; by Neal P. Curtin, (for J. Dexter Peach, Assistant Comptroller General), Resources, Community, and Economic Development Division.

Issue Area: Food and Agriculture: Other Issue Area Work (6591).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Agriculture (350.0).

Organization Concerned: Department of Agriculture; Agricultural Stabilization and Conservation Service.

Congressional Relevance: *House* Committee on Appropriations: Agriculture, Rural Development, and Related Agencies Subcommittee; *House* Committee on Agriculture; *House* Committee on Agriculture: Department Operations, Research, and Foreign Agriculture Subcommittee; *Senate* Committee on Appropriations: Agriculture and Related Agencies Subcommittee; *Senate* Committee on Agriculture, Nutrition, and Forestry: Agricultural Credit and Rural Electrification Subcommittee; *Rep.* Byron L. Dorgan.

Authority: Agricultural Act of 1949 (7 U.S.C. 1445(e)(f)). Food Security Act. Staggers Rail Act of 1980 (P.L. 96-448). Interstate Commerce Act, Part 1. P.L. 81-439. P.L. 83-480.

Abstract: In response to a congressional request, GAO reviewed the methods that the Department of Agriculture's (USDA) Agricultural Stabilization and Conservation Service (ASCS) used to ship government grain by rail, specifically: (1) the extent to which USDA negotiated rate and service concessions with railroads, in comparison with private grain shippers and other government agencies; (2) savings that resulted from negotiations; (3) constraints that kept USDA from negotiating more often; and (4) methods private shippers and government agencies used to increase their negotiating effectiveness.

Findings/Conclusions: GAO found that: (1) ASCS negotiated rate and service concessions for 10 percent of its 1985 rail grain shipments; (2) ASCS negotiated larger shipments more often because they provided railroads with greater incentive to negotiate; (3) the private sector negotiated rates for 57 percent of its shipments in mid-1985; (4) of the seven shipments GAO reviewed, ASCS saved an average of 29 percent over published tariff rates, while private sector shippers saved 17 percent; (5) although ASCS experienced negotiating constraints that included the inability to predict shipment volumes, lack of personnel, lack of bargaining leverage, lack of adequate notice of grain shipments, and lack of data on other shippers' contract rates, it could deal with those constraints through management actions; (6) in response to deregulation, private shippers strengthened their transportation planning systems to improve negotiating leverage, automated their development of traffic pattern information, rail rates, and carrier costs, and developed negotiating and marketing expertise; (7) ASCS negotiated shipments on a shipment-by-shipment basis, and did not automate transportation management

functions, provide formal training to its transportation specialists, or use outside expertise to supplement staff skills; and (8) ASCS did not have a written policy to specify when its transportation specialists should negotiate or a system for tracking negotiations and monitoring its transportation specialists' performance.

Recommendation To Agencies: To increase the negotiating effectiveness of ASCS and to take better advantage of potential cost savings and service benefits, the Secretary, USDA, should direct the Administrator, ASCS, to develop a written policy setting forth ASCS goals and strategy for managing rail shipments in the current deregulated environment. The policy should: (1) include a plan for maximizing ASCS negotiating leverage, incorporating factors such as using business in competitive areas to achieve rate concessions in low-volume, noncompetitive areas, selecting grain elevators with storage and loading facilities suited to larger, multiple-car loading, and concentrating shipments among railroads to achieve optimum rates and service; and (2) incorporate criteria prescribing when negotiations should be pursued and providing guidance on how they should be conducted. Management should establish periodic performance goals, based on the policy. To help implement the new rail negotiation policy, the Secretary, USDA, should also require that the Administrator, ASCS, develop and enhance an automated management information system to provide information needed by transportation specialists to effectively negotiate rail rates. The system should include data on the ASCS traffic base, including the number of rail shipments, shipment origins and destinations, volume and cost of rail shipments, and number of negotiated and nonnegotiated shipments. This information should also be used to evaluate negotiating performance and monitor performance goals. To help implement the new rail negotiation policy, the Secretary, USDA, should require that the Administrator, ASCS, develop and enhance ASCS negotiating expertise. Existing expertise should be enhanced by: (1) establishing a training program for ASCS transportation specialists to augment negotiating skills; and (2) determining what additional business-related expertise is needed and obtaining it through use of consultants and collaboration with private sector shippers.

132046

[**Aviation Safety**]. T-RCED-87-1. January 29, 1987. 9 pp. plus 1 attachment (4 pp.). *Testimony* before the Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refers to numerous reports and testimonies on aviation safety. Refer to T-RCED-88-3, October 15, 1987, Accession Number 134145.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: *Senate* Committee on Commerce, Science and Transportation: Aviation Subcommittee.

Authority: Aviation Act.

Abstract: GAO discussed U.S. aviation safety and noted that: (1) the Federal Aviation Administration (FAA) and the airlines have done a good job of fulfilling their safety roles; (2) FAA uses near mid-air collisions and operational errors to measure the safety of the air traffic control system, but has no method for measuring the safety of airline operation and maintenance; and (3) FAA could use the frequency and severity of airline noncompliance with safety regulations as a safety indicator. GAO found that: (1) deregulation has resulted in lower fares, reduced aircraft maintenance, lower flight crew salaries, and increased air traffic; (2) the controller work force has not fully recovered from the 1981 strike and subsequent firing of over 11,000 controllers; (3) delays in airport surveillance radars and in implementing the advanced automation system resulted in delayed controller productivity gains; and (4) although FAA increased the size of its inspector work force, established minimum inspection standards, and affirmed that inspections are a high priority, its inspections and follow-up activities remain insufficient to identify all major safety problems.

132073

[**Request for Reconsideration of Denial of Protest Against Terms of FAA Solicitation**]. B-218566.4.

January 27, 1987. 8 pp. *Decision re:* Cardion Electronics; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Cardion Electronics; Federal Aviation Administration.

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3554). 4 C.F.R. 21.2(a)(1). 4 C.F.R. 21.6(d). B-222773 (1986). B-215092 (1984).

Abstract: A firm requested reconsideration of the denial of its protest against a Federal Aviation Administration (FAA) solicitation for an airport surface detection equipment system. The protester had contended that: (1) the specifications unduly restricted competition because they exceeded FAA minimum needs, were beyond the state-of-the-art, and contained an unrealistic delivery schedule; (2) the specifications' ambiguities prejudiced it; and (3) FAA should reimburse it for its bid and protest preparation costs. GAO had held that: (1) FAA reasonably based the specifications on its need to maintaining safety; (2) the specifications were not ambiguous; and (3) the protester was not entitled to reimbursement for its bid and protest preparation costs. GAO held that the protester's request for reconsideration merely restated its original arguments. Accordingly, the decision was affirmed.

132076

[**Protest of FAA Contract Award for Janitorial Services**]. B-225571.2. January 30, 1987. 2 pp. *Decision re:* American Building Services, Inc.; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: American Building Services, Inc.; Federal Aviation Administration; First Maintenance Co.; American Maid Maintenance.

Authority: B-222364 (1986). B-225052 (1987). B-225571 (1987).

Abstract: A firm protested any Federal Aviation Administration (FAA) contract award for janitorial services, contending that the first and second low bidders submitted below-cost bids in step two of the procurement. GAO held that the matter was one of responsibility, which it would not consider absent a showing that FAA acted fraudulently or in bad faith. Accordingly, the protest was dismissed.

132096

[**Protest of USCG Solicitation Negotiations and Contract Award for Roof Repairs**]. B-226081. February 2, 1987. 2 pp. *Decision re:* Gudenau and Co., Inc.; by John M. Melody, (for Robert M. Strong, Deputy Associate General Counsel), Office of the General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Gudenau and Co., Inc.; Castle Cape Roofing of Kodiak; United States Coast Guard.

Authority: 4 C.F.R. 21.2(a)(2). 4 C.F.R. 21.1(b). B-222103.2 (1986). B-220894 (1985). B-222139 (1986).

Abstract: A firm protested a Coast Guard contract award for roof repair services, contending that: (1) the supplier would not ship the materials to the awardee, since it was not a qualified installer; (2) the awardee might be unable to provide the proper liability insurance; (3) the Coast Guard improperly changed the performance requirements after award; and (4) the Coast Guard should reimburse it for its lost profits and overhead and bid preparation costs. GAO held that: (1) the protester untimely filed the protest more than 10 days after it knew the basis for protest; (2) since the protest was untimely, it would not consider the claim for bid preparation costs; and (3) there was no legal authority which would permit the recovery of anticipated profits or lost overhead. Accordingly, the protest was dismissed and the claim was denied.

132114

[**Protest of FAA Inclusion of Certain Firms in Contract Award Competition**]. B-225335.2. February 5, 1987. 2 pp. *Decision re:* National Federation of Federal Employees; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: National Federation of Federal Employees; Eastern Maintenance and Services, Inc.; Total Exposition Concept, Inc.; Federal Aviation Administration.

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3551(2)). 4 C.F.R. 21.0(a). 4 C.F.R. 21.3(f)(1). OMB Circular A-76. B-221713 (1986).

Abstract: A union local protested the inclusion of two firms in the competition for a Federal Aviation Administration (FAA) contract, contending that FAA should not permit the firms to compete because they allegedly threatened not to hire union members if they won the contract. GAO held that it would not consider the protest, since the protester was not an actual or prospective bidder and was not an interested party. Accordingly, the protest was dismissed.

132115

[**Protest of USCG Contract Award for Solid-State Flashers**]. B-224203.

February 4, 1987. 4 pp. *Decision re:* Automated Power Systems, Inc.; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Automated Power Systems, Inc.; C-R Control Systems, Inc.; United States Coast Guard.

Authority: Walsh-Healey Act (Government Contracts) (41 U.S.C. 35 et seq.). 4 C.F.R. 21.2(a)(2). 64 Comp. Gen. 748. F.A.R. 9.207. F.A.R. 52.209-1(e). F.A.R. 9.206-2(a). B-224371 (1986). B-190136 (1978). B-220724 (1986).

Abstract: A firm protested a Coast Guard contract award for solid-state flashers, contending that: (1) the Coast Guard improperly reviewed the awardee's flashers and should not have listed them on the qualified products list; and (2) the awardee falsely certified in its bid that it manufactured the flashers and may have acted as a broker for the actual manufacturer. The Coast Guard contended that the protester untimely filed its protest more than 10 days after bid opening, when it should have known the basis for protest. GAO held that: (1) the protester timely filed its protest, since it did not know that the Coast Guard determined that the awardee's bid satisfied the listing until it learned of the contract award; (2) it would not review the allegation that the awardee's flashers were improperly listed, absent proof that the Coast Guard acted unreasonably; (3) it would not review the allegation that the awardee intended to furnish a nonqualifying component; since the awardee's bid did not take any exceptions to the specifications; and (4) the fact that the awardee subcontracted for the manufacture of the flashers did not falsify its Walsh-Healey certification. Accordingly, the protest was denied.

132132

[**Protest of FAA Rejection of Bid as Nonresponsive**]. B-224940. February 6, 1987. 2 pp. *Decision re:* Achievement Products, Inc.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Achievement Products, Inc.; Federal Aviation Administration.

Authority: F.A.R. 14.404-2(e). B-223099.2 (1986). B-221286 (1986). B-223048.2 (1986).

Abstract: A firm protested the Federal Aviation Administration's (FAA) rejection of its bid for brass tie tacks as nonresponsive, contending that FAA

unreasonably determined that its bid would not meet the specifications. GAO held that: (1) the bid was ambiguous, since the protester's handwritten notation raised a question as to whether it intended to comply with the required minimum thickness; and (2) FAA properly rejected the bid since, under one interpretation, it was nonresponsive. Accordingly, the protest was denied.

132196

[Protest of FAA Rejection of Bid as Late]. B-225118. February 17, 1987. 4 pp. *Decision* re: Microflect; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.
Organization Concerned: Microflect; Federal Aviation Administration.

Authority: 4 C.F.R. 21.6. 65 Comp. Gen. 1. F.A.R. 52.214-7. B-220663 (1985). B-212471 (1984). B-221551 (1986). B-208146 (1983). B-218375 (1985).

Abstract: A firm protested the Federal Aviation Administration's (FAA) rejection of its bid for the construction of self-supporting microwave antenna towers as late, contending that it timely delivered the bid to the correct location. GAO held that FAA: (1) failed to timely pick up the bid at the post office and deliver it to the bid opening site prior to bid opening; and (2) should reimburse the protester for its bid and protest preparation costs, because the protester could not be considered for award since the contract was already completed. Accordingly, the protest was sustained.

132228

Rail Safety: States' Reaction to Proposed Elimination of Inspection Funding. RCED-87-84FS; B-226151. February 6, 1987.

Released February 24, 1987. 11 pp. plus 1 appendix (1 p.). *Fact Sheet* to Rep. James J. Florio, Chairman, House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401 0).

Organization Concerned: Federal Railroad Administration.

Congressional Relevance: House Committee on Energy and Commerce:

Commerce, Transportation, and Tourism Subcommittee; *Rep. James J. Florio.*

Abstract: In response to a congressional request, GAO provided information on how the Federal Railroad Administration's (FRA) elimination of support funds under its State Safety Participation Program would affect the number of state railroad safety inspectors.

Findings/Conclusions: GAO found that, of the 44 states that responded to its questionnaire: (1) most that received partial funding for state rail safety inspectors through the program believed they would have to decrease their railroad safety inspection activities if FRA eliminated the program; (2) 3 would cancel their inspection programs; (3) 18 had rail safety inspection programs prior to receiving FRA funds; (4) most participated in the program because they needed additional funds for their inspection activities; (5) most would continue to coordinate with FRA on inspection activities; (6) most were in the program because they felt that a coordinated national rail safety inspection program was important; (7) 16 were somewhat dissatisfied with FRA coordination with states to prevent duplication of inspection work, 7 were very dissatisfied, and 13 were somewhat satisfied; and (8) 4 of the program administrators said that their states are considering withdrawing from the program due to the FRA desire to eliminate it. GAO also found that: (1) 12 states obtained funding from railroad assessments, while 16 received funding from general tax revenues; (2) 18 would probably use railroad assessments to replace eliminated federal funds, while 10 would use general taxes; (3) 22 participate in the program because of a need for more precise rail safety standards; and (4) 7 did not participate in the program due to a lack of state funds.

132257

[Protest of USCG Contract Award for Fire Fighting Systems]. B-224514. February 20, 1987. 6 pp. *Decision* re: Wormald Fire Systems; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Wormald Fire Systems; Chemetron Fire Systems, Inc.; United States Coast Guard.

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3553(d)(2)(A)(i)). 64 Comp. Gen. 888. 55 Comp. Gen. 1111. F.A.R. 33.104(c)(2)(i). B-220584 (1986). B-220423 (1986). B-222462 (1986).

Abstract: A firm protested a Coast Guard contract award to another firm for fire-fighting systems, contending that the: (1) awardee did not have an approved fire alarm; (2) awardee did not comply with an alleged requirement for installation experience; and (3) Coast Guard improperly proceeded to allow contract performance. The Coast Guard argued that the: (1) awardee indicated that it intended to furnish the required alarm system; and (2) solicitation did not require installation experience. GAO held that: (1) the Coast Guard reasonably evaluated the awardee's proposal; (2) the Coast Guard properly used price as a determining factor in choosing between two proposals that were essentially equal; and (3) it would not consider the matter of the Coast Guard's decision to allow contract performance, since the Coast Guard properly awarded the contract. Accordingly, the protest was denied.

132267

[Protest of USCG Rejection of Bid as Nonresponsive]. B-225260.2. February 25, 1987. 2 pp. *Decision* re: Alaska Mechanical, Inc.; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.
Organization Concerned: Alaska Mechanical, Inc.; United States Coast Guard.

Authority: B-216571 (1985).

Abstract: A firm protested the Coast Guard's rejection of its bid for repair work as nonresponsive, contending that the Coast Guard should have considered its bid responsive, since it acknowledged and demonstrated its intent to comply with the solicitation's minimum acceptance period. GAO held that the Coast Guard should have assumed that the protester intended to comply with the bid acceptance period requirement, since its use of an unamended bid form was a mere oversight. Accordingly, the protest was sustained, and GAO recommended award to the protester, if otherwise proper.

132274

[Aviation Safety in Airspace Controlled by Two Major FAA Facilities in the Chicago Area]. T-RCED-87-2. February 27, 1987. 18 pp. *Testimony* before the House Committee on Government Operations: Government Activities and Transportation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community,

and Economic Development Division. Refer to RCED-86-121, March 6, 1986, Accession Number 129306; RCED-87-138FS, May 6, 1987, Accession Number 132903; T-RCED-87-28, May 28, 1987, Accession Number 133228; and T-RCED-87-18, April 8, 1987, Accession Number 132632.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration: Chicago O'Hare International Airport; Federal Aviation Administration: Great Lakes Region: Air Route Traffic Control Center, Chicago, IL.

Congressional Relevance: House Committee on Government Operations: Government Activities and Transportation Subcommittee.

Authority: Aviation Act.

Abstract: GAO discussed the safety of air travel in airspace that the Federal Aviation Administration (FAA) controls through its Chicago O'Hare International Airport control tower and terminal radar control facility and its Chicago Air Route Traffic Control Center. GAO found that: (1) although most personnel rated the overall safety of the air traffic control (ATC) system as adequate to excellent, personnel at O'Hare and the Center expressed concerns with the size and composition of the work force, the work load, overtime, and the training of new controllers; (2) as of January 1987, both O'Hare and the Center had fewer full-performance-level controllers than was necessary to ensure air safety; (3) in 1987, the two facilities had 150 fewer controllers than before the strike; (4) the two facilities are experiencing problems in building their staff levels and in reducing the training attrition rate; (5) controllers handled more traffic than they should have during daily peak periods and spent too much time continuously at radar positions; (6) since 1981, traffic at the airport has increased by 41 percent; (7) overtime totals at the two facilities were among the 20 highest in the country; (8) over 40 percent of the controllers and supervisors ranked training at the two facilities as less-than-adequate to poor; and (9) FAA did not believe it should restrict air traffic because its existing traffic management system prevented controllers from being overworked and the ATC system from being adversely affected.

132343

Conrail Sale: DOT's Selection of Investment Banks To Underwrite

the Sale of Conrail. RCED-87-88; B-226123. February 17, 1987.

Released March 9, 1987. 11 pp. plus 3 appendices (3 pp.). *Report to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.*

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Department of Transportation; Consolidated Rail Corp.; Goldman, Sachs & Co.; Skadden, Arps, Slate, Meagher & Flom.

Congressional Relevance: House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; *Rep. John D. Dingell.*

Authority: Northeast Rail Service Act of 1981. 51 Fed. Reg. 37813.

Abstract: Pursuant to a congressional request, GAO reviewed the Department of Transportation's (DOT) selection of six investment banks to manage the sale of the government's interest in the Consolidated Rail Corporation (Conrail).

Findings/Conclusions: GAO found that: (1) although there were some discussions between DOT and investment banks which occurred outside the formal selection process, these discussions did not affect the selection of the six co-lead managers; (2) DOT complied with the statutory criteria during the first and second rounds of selection; (3) DOT consulted with the Department of the Treasury and Conrail to ensure that the investment banks had the proper mix of retail and institutional sales capabilities and significant minority participation in the final sale; and (4) the selection process was fair and proper and provided all interested parties with an equal opportunity to compete.

132353

[NHTSA Oversight and Management of Its Vehicle Safety Compliance and Gray Market Programs]. T-RCED-87-3. March 6, 1987. 10 pp. *Testimony before the Senate Committee on Commerce, Science and Transportation: Consumer Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division.* Refer to RCED-87-29, December 11, 1986, Accession Number 132043; and

RCED-87-2, December 15, 1986, Accession Number 131786.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: National Highway Traffic Safety Administration; Environmental Protection Agency; United States Customs Service; Department of the Treasury.

Congressional Relevance: Senate Committee on Commerce, Science and Transportation: Consumer Subcommittee.

Abstract: GAO testified on the National Highway Traffic Safety Administration's (NHTSA) oversight and management of its vehicle safety compliance and gray market programs. GAO found that: (1) individuals imported only 23,900 gray market vehicles in 1986 due to the strong U.S. dollar in the foreign market; (2) NHTSA does not inspect firms that modify vehicles to ensure that they have the capability to conform the vehicles to the safety standards or test vehicles to determine that they did the modifications properly; (3) although the Environmental Protection Agency's (EPA) certification program has more internal controls than does NHTSA, it does not provide for periodic inspection of the modifying firms or testing of the vehicles; (4) substantial percentages of gray market vehicles that NHTSA and EPA approve do not conform to the federal standards; (5) NHTSA has not selected 10 of its 39 testable safety standards for testing for periods ranging from 5 to 17 years and has never tested three additional testable standards; (6) NHTSA has developed neither milestones nor standard procedures for processing noncompliance investigation and civil penalty cases; and (7) NHTSA lacks guidelines concerning which investigation cases it should forward to its Chief Counsel's office for penalty assessment. GAO also found that: (1) neither NHTSA nor EPA have responded to its recommendations to improve internal controls; and (2) the Department of Transportation plans to implement GAO recommendations to ensure testing of safety standards over a period of time and develop milestones and procedures for processing and monitoring investigation and civil penalty cases.

132366

[Decision on Transfer of Funds From Railroad Retirement Account to Social Security Equivalent Benefit Account]. B-220322. March 9, 1987. 7 pp. *Decision re: Funds Transfer from Railroad Retirement*

Account to Social Security Account; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Railroad Retirement Board.

Authority: Railroad Retirement Act of 1974 (45 U.S.C. 231). Railroad Retirement Solvency Act of 1983 (P.L. 98-76; 97 Stat. 411). Social Security Act. H. Rept. 98-30. B-222204 (1986).

Abstract: The Railroad Retirement Board requested a legal opinion as to whether it correctly transferred funds from the Railroad Retirement Account (RRA) to the Social Security Equivalent Benefit Account (SSEBA). GAO noted that the Board treated the transfer as a loan from RRA to SSEBA, which SSEBA subsequently repaid with interest. GAO held that: (1) SSEBA was authorized to borrow funds from RRA, when necessary, to make monthly benefit payments to retirees; and (2) the funds transfer constituted a loan from RRA to SSEBA. Accordingly, the Board's treatment of the funds transfer was legally correct.

132420

Trucking Regulation: Price Competition and Market Structure in the Trucking Industry. RCED-87-16; B-219190. February 27, 1987.

Released March 17, 1987. 4 pp. plus 7 appendices (31 pp.). *Report to Rep. James J. Howard, Chairman, House Committee on Public Works and Transportation; Rep. Peter W. Rodino, Jr., Chairman, House Committee on the Judiciary; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.*

Issue Area: Transportation: Economic Effects of Regulatory Reform in the Transportation Sector (6611); Administration of Justice: Other Issue Area Work (4791).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Highway Transportation (401.1).

Organization Concerned: Central & Southern Motor Freight Tariff Association.

Congressional Relevance: *House Committee on Public Works and Transportation; House Committee on the Judiciary; Rep. James J. Howard; Rep. Peter W. Rodino, Jr.*

Abstract: In response to a congressional request, GAO investigated: (1) the nature of discount pricing in the trucking industry and its effect on competition in the industry; and (2) the structure of the

less-than-truckload (LTL) sector of the industry, changes to it since 1980, and possible causes of those changes. GAO also reviewed a tariff association's study on pricing.

Findings/Conclusions: GAO did not find any conclusive evidence or legal cases involving predatory pricing in the trucking industry. GAO found that: (1) all regions showed an increase since 1980 in the market shares of the trucking industry's largest firms; (2) the increased market concentration in trucking was no higher than in manufacturing generally; and (3) the nationwide market share of the largest firms' LTL traffic increased from 25 percent in 1980 to 36 percent in 1984. GAO noted that tariff association data: (1) showed a pattern of excessively low prices within the central and southern regions that had the effect of driving small firms out of business; and (2) suggested that, while profits and rates in the central and southern regions may have been depressed relative to profits and rates in other regions during the late 1970's, this became less true during the 1980's.

132422

Air Pollution: EPA Enforcement of Air Quality at the Port of Stockton, California. RCED-87-85FS; B-222019. February 20, 1987.

Released March 17, 1987. 10 pp. plus 1 appendix (1 p.). *Fact Sheet to Rep. Norman D. Shumway; by Hugh J. Wessinger, Senior Associate Director, Resources, Community, and Economic Development Division.*

Issue Area: Environment: Other Issue Area Work (6891).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Stockton, Ca.: Port of Stockton; Environmental Protection Agency: Region IX, San Francisco, CA; California: Air Resources Board.

Congressional Relevance: *Rep. Norman D. Shumway.*

Authority: Clean Air Act. 40 C.F.R. 52.233(g).

Abstract: In response to a congressional request, GAO investigated allegations by the Director, Port of Stockton, California, that the Environmental Protection Agency (EPA) was inequitably enforcing the Clean Air Act. Findings/Conclusions: GAO found that: (1) the controversy over the Port of Stockton's compliance with air quality

emission standards has existed for many years; (2) the port's director contended that EPA and California air pollution control officials unfairly scrutinized the port while other California ports violated air quality emission standards; (3) EPA and California air pollution officials justified repeated inspections of the port on the basis of its past violations; (4) the Department of Justice filed suit against the port in 1983; and (5) EPA and the port agreed to settle the dispute without further litigation in July 1986, with the port agreeing to modify its operations, install additional air pollution control equipment, and pay a penalty for alleged past violations.

132478

Military Airspace: Better Planning Is Needed To Meet Future Requirements. NSIAD-87-93; B-225833. March 23, 1987. 4 pp. plus 4 appendices (20 pp.). *Report to Caspar W. Weinberger, Secretary, Department of Defense; by Frank C. Conahan, Assistant Comptroller General, National Security and International Affairs Division. Refer to NSIAD-86-4, November 8, 1985, Accession Number 128764.*

Issue Area: Air Force: Other Issue Area Work (5491).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of Defense; Department of the Air Force; Department of the Navy; Federal Aviation Administration; Department of the Army.

Congressional Relevance: *House Committee on Appropriations: Defense Subcommittee; House Committee on Armed Services; Senate Committee on Appropriations: Defense Subcommittee; Senate Committee on Armed Services.*

Authority: Aviation Act. Environmental Policy Act of 1969 (National).

Abstract: GAO reviewed the military's plans for its future airspace requirements to determine whether the plans are adequate.

Findings/Conclusions: GAO found that: (1) a number of Air Force and Navy units have encountered airspace shortages that have decreased air crew training effectiveness and increased training costs; (2) the Department of Defense (DOD) has not provided guidance to the services in their airspace planning to ensure consistency and coordination; and (3) the services need to

make comprehensive, long-range airspace plans to meet their future requirements.

Recommendation To Agencies: The Secretary of Defense should require the military services to: (1) develop comprehensive airspace plans that define, validate, and support their future airspace requirements; (2) keep the plans current and coordinate them among the services; (3) use the information developed on airspace requirements and availability to assist in aircraft basing and mission decisions; and (4) share their plans with the Federal Aviation Administration and affected states, to the extent possible.

132481

[Protest of USCG Contract Award for Steel Wire Rope]. B-225672. March 13, 1987. 5 pp. *Decision re:* Wire Rope Corp. of America, Inc.; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Wire Rope Corp. of America, Inc.; Broadway Marine, Inc.; United States Coast Guard.

Authority: Walsh-Healey Act (Government Contracts). Buy American Act. 4 C.F.R. 21.3(f)(1). 64 Comp. Gen. 748. 65 Comp. Gen. 373. F.A.R. 52.219. F.A.R. 52.222-19. F.A.R. 52.225-1. B-219629.2 (1985). B-224275 (1986). B-221588 (1986).

Abstract: A firm protested a Coast Guard contract award for steel wire rope, contending that the Coast Guard failed to investigate the awardee's obligation to supply only domestic end products. GAO held that: (1) the Coast Guard did not obtain any inconsistent information concerning the awardee's bid certification until after it awarded the contract; (2) there was no evidence in the awardee's bid that indicated its intention to supply a foreign item; and (3) although there was no legal basis to sustain the protest, the Coast Guard should verify the correctness of the awardee's certification that it would manufacture a domestic end product. Accordingly, the protest was denied.

132482

[Request for Reconsideration of Denial of Protest Against FAA Cancellation of Solicitation]. B-224160.2. B-224161.2. March 12, 1987. 6 pp. *Decision re:* Alden Electronics, Inc.; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Alden Electronics, Inc.; Federal Aviation Administration.

Authority: 56 Comp. Gen. 364. F.A.R. 14.404-1(c). B-224160 (1986). B-222200.3 (1986). B-221827.2 (1986). B-219413 (1985). B-221824 (1986). B-220929.2 (1986). B-214564.2 (1985). B-207084 (1982).

Abstract: A firm requested reconsideration of its protest against the Federal Aviation Administration's (FAA) cancellation of a solicitation after bid opening, contending that FAA conducted an improper auction. GAO had denied the protest in part because the protester, the apparent low bidder under the resolicitation, did not show that it was prejudiced by the cancellation. GAO held that: (1) even though events subsequent to the original protest revealed that the protester was prejudiced, the decision to cancel the solicitation was proper; (2) the fact that other offers submitted lower bids under the resolicitation had no bearing on the propriety of the cancellation; and (3) the protester did not prove that the grounds for cancellation were invalid or that the original decision contained errors that warranted reversal or modification. Accordingly, the original decision was affirmed.

132516

Military Airlift: Management Controls Over Charter Airlift Need To Be Strengthened. NSIAD-87-67; B-223096. March 6, 1987.

Released March 26, 1987. 74 pp. plus 4 appendices (29 pp.). *Report to Sen. Jim Sasser; Sen. Albert Gore, Jr.; by Frank C. Conahan, Assistant Comptroller General, National Security and International Affairs Division.* Refer to NSIAD-86-144BR, June 12, 1986, Accession Number 130261; NSIAD-86-47, March 24, 1986, Accession Number 129390; OGC-81-1, February 19, 1986, Accession Number 113745; RCED-86-128FS, March 13, 1986, Accession Number 129410; and RCED-87-115FS, May 5, 1987, Accession Number 133039.

Issue Area: Air Force: Other Issue Area Work (5491); Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of Defense; Department of Transportation; Multinational Force and Observers; Department of the Army: 101st Airborne

Division; Department of the Air Force: Military Airlift Command; Arrow Air; Department of the Army: Military Traffic Management Command; Federal Aviation Administration.

Congressional Relevance: House Committee on Appropriations: Defense Subcommittee; House Committee on Armed Services; Senate Committee on Appropriations: Defense Subcommittee; Senate Committee on Armed Services; Sen. Albert Gore, Jr.; Sen. Jim Sasser.

Authority: Independent Safety Board Act of 1974. Aviation Act (P.L. 85-726). Department of Defense Authorization Act, 1987 (P.L. 99-661). International Security and Development Cooperation Act of 1985 (P.L. 99-83). DOD Directive 5160.2. DOD Directive 5030.19. MAC Reg. 70-1. FAA Order 8000.4E.

Abstract: Pursuant to a congressional request, GAO reviewed: (1) the Department of Defense's (DOD) policies and procedures for chartering commercial aircraft; (2) oversight procedures for monitoring carrier performance and compliance with Federal Aviation Administration (FAA) safety regulations; and (3) the investigation of the accident at Gander, Newfoundland, that resulted in the death of 248 U.S. military personnel.

Findings/Conclusions: GAO found that: (1) the Military Airlift Command (MAC) did not include appropriate safety clauses in its contracts with foreign airlines; (2) the ramp inspection program did not provide sufficient coverage of contractor aircraft or air taxi operators; (3) the safety clauses in current transportation agreements do not specifically charge contractors with the responsibility for flight safety; (4) in-flight quality checks were very limited; (5) DOD and FAA did not effectively communicate on charter oversight; (6) MAC did not include an evaluation of airline security programs in its airlift capability surveys; and (7) the December 1985 DC-8 accident was still under investigation to determine the aircraft's loaded weight and balance, the possible influence of ice buildup, and the aircraft's maintenance record.

Recommendation To Agencies: The Secretary of Defense should direct the Commander, MAC, to improve the airlift capability survey process by requiring discussions with pilots and other air crew and maintenance personnel and providing increased emphasis on evaluations of contract maintenance facilities and quality control over this maintenance. The Secretary of Defense should direct the Commander, MAC, to include appropriate safety clauses in contracts with foreign airlift contractors.

The Secretary of Defense should direct the Commander, MAC, to develop ways to obtain and evaluate information on the capabilities and safety records of potential foreign airlift contractors. The Secretary of Defense should direct the Commander, MAC, to closely control waivers of the MAC seat row spacing rule. The Secretary of Defense should direct the Secretary of the Air Force to establish a permanent policy on MAC interim passenger and baggage weight criteria and the Commander, MAC, to inform existing contractors of the interim passenger and baggage weight criteria and include these criteria in its new airlift contracts. The Secretary of Defense should direct the Secretary of the Air Force to establish a permanent policy on MAC interim passenger and baggage weight criteria and the Commander, MAC, to review contractor application of the criteria during airlift capability resurveys. The Secretary of Defense should direct the Commander of the Military Traffic Management Command (MTMC), to ensure that airlift capability surveys are performed on MTMC airlift contractors. The Secretary of Defense should direct the Commander, MTMC, to revise the military air transportation agreement (MATA) to include more specific safety clauses. The Secretary of Defense should direct the Commander, MAC, to inform MTMC airlift contractors of the interim criteria on passenger and baggage weights and include these criteria in the revised MATA. The Secretary of Defense should direct the Commander, MTMC, to periodically remind its customers that hazardous materials are not allowed on passenger aircraft and develop instructions covering this regulation. The Secretary of Defense should direct the Commander, MAC, to improve the management of its ramp inspection program to include: (1) centrally selecting the flights and aircraft to be inspected and evaluating the results by contractor; (2) expanding the ramp inspection program to commercial airport locations; (3) targeting aircraft not included in the airlift capability surveys for ramp inspections where possible; and (4) expanding the program to include MTMC charter airline flights, as well as MTMC and MAC air taxi flights, where possible. The Secretary of Defense should direct the Commander, MAC, to improve the passenger comments process by: (1) developing and using a two-copy form with one copy always sent to MAC; (2) centrally evaluating the comments categorized by contractor; and (3) redesigning the form to focus passengers' reporting on safety and quality problems they might have

noticed. The Secretary of Defense should direct the Commander, MTMC, to evaluate expanding MTMC efforts to monitor in-flight performance. The Secretary of Defense should direct the Commander, MTMC, to consider alternative approaches to the MTMC passenger comments process to make it more timely and redesign the passenger comments form to add space for comments on flight safety issues, when necessary. The Secretary of Defense and the Secretary of Transportation should work together to develop policies and procedures to improve communication so that each has access to the information it needs to adequately discharge its responsibilities. To help ensure optimum results from the DOD study and recommendations on commercial passenger airlift policies and procedures, the Secretary of Defense should establish specific implementation plans for the recommendations in the report. To help ensure optimum results from the DOD study and recommendations on commercial passenger airlift policies and procedures, the Secretary of Defense should commit the personnel and other resources required to implement the recommendations. To help ensure optimum results from the DOD study and recommendations on commercial passenger airlift policies and procedures, the Secretary of Defense should direct the DOD Inspector General to provide an independent assessment of the implementation of the recommendations. To help ensure optimum results from the DOD study and recommendations on commercial passenger airlift policies and procedures, the Secretary of Defense should evaluate, over time, whether 12 months of prior commercial service provides sufficient data to make effective evaluations of potential airlift contractors' performance. To help ensure air transportation security on military charters, the Secretary of Transportation should direct the Administrator, FAA, to provide FAA foreign airport security assessments and classifications to DOD. To help ensure air transportation security on military charters, the Secretary of Defense should provide these foreign airport security assessments and classifications to the military departments and commands responsible for personnel air transportation security and safety. To help ensure air transportation security on military charters, the Secretary of Transportation should direct the Administrator, FAA, to change FAA security regulations to require that: (1) DOD charter contractors follow FAA security procedures tailored to military requirements; and (2) FAA provide DOD

charter operators with information on the classifications of foreign airports and the security measures required. To help ensure air transportation security on military charters, the Secretary of Defense should direct the Commander, MTMC, to include airport and in-flight security clauses in MTMC transportation agreements and monitor the implementation of those clauses. To help ensure air transportation security on military charters, the Secretary of Defense should direct the Commander, MAC, to provide for evaluation of contractors' airport and in-flight security programs during the airlift capability surveys.

132530

Drinking-Age Laws: An Evaluation Synthesis of Their Impact on Highway Safety. PEMD-87-10; B-222887. March 16, 1987.

Released March 30, 1987. 64 pp. plus 9 appendices (36 pp.). *Report to Rep. James L. Oberstar, Chairman, House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee*; by Eleanor Chelimsky, Director, Program Evaluation and Methodology Division.

Issue Area: Program Evaluation and Methodology: Intended and Unintended Effects of Operational Systems and Technologies (7201).

Contact: Program Evaluation and Methodology Division.

Budget Function: Transportation: Highway Transportation (401.1).

Congressional Relevance: *House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee*; *Rep. James L. Oberstar.*

Authority: Surface Transportation Assistance Act of 1982. P.L. 98-363.

Abstract: In response to a congressional request, GAO: (1) examined empirical research regarding the effect that changes in the legal drinking age have had on traffic accidents, alcohol consumption, driving after drinking, and related concerns for youth younger than the minimum drinking age; and (2) determined the extent to which these evaluations provide empirical support for federal and state policy initiatives. Findings/Conclusions: Congress passed legislation in 1984 requiring states to either raise the minimum drinking age to 21 years by September 30, 1986, or risk federal withholding of some federal-aid highway funds. By October 1986, eight states and Puerto Rico had not complied with the legislation. GAO found that studies on the law show that

raising the minimum drinking age has: (1) had a significant effect on reducing alcohol-related traffic accidents for the age group affected by the law; and (2) reduced the consumption of alcohol and the incidence of driving after drinking. GAO also found limited or insufficient evidence to assess: (1) the effect that the increase in the legal drinking age has had on the involvement of 16- and 17-year-old drivers in alcohol-related accidents; (2) the extent that youth cross state lines to legally obtain alcoholic beverages; and (3) the long-term effects of the law.

132534

Aviation Acquisition: Improved Process Needs To Be Followed. RCED-87-8; B-225281. March 26, 1987. 35 pp. plus 3 appendices (11 pp.). *Report to Rep. William Lehman, Chairman, House Committee on Appropriations: Transportation Subcommittee*; by J. Dexter Peach, Assistant Comptroller General, Office of the Comptroller General. Refer to IMTEC-86-24, July 8, 1986, Accession Number 130514; IMTEC-85-10, June 6, 1985, Accession Number 127126; IMTEC-86-25BR, July 3, 1986, Accession Number 130525; RCED-85-78, July 29, 1985, Accession Number 127545; T-RCED-87-23, May 8, 1987, Accession Number 132907; RCED-87-137, September 25, 1987, Accession Number 134122; T-RCED-87-20, April 21, 1987, Accession Number 132742; T-RCED-87-16, April 8, 1987, Accession Number 132632; IMTEC-88-6BR, January 6, 1988, Accession Number 135005; RCED-88-118, May 16, 1988, Accession Number 135878; and RCED-89-7, November 10, 1988, Accession Number 137406.

Issue Area: Transportation: Adequate Justification and Management of NAS Plan Procurements (6604); Civil Procurement and Property Management: Other Issue Area Work (4991).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: *House Committee on Government Operations: Government Activities and Transportation Subcommittee; House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; House Committee on*

Public Works and Transportation: Aviation Subcommittee; House Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee; Senate Committee on Appropriations: Transportation Subcommittee; Rep. William Lehman.

Authority: OMB Circular A-109. FAA Order 1810.1D. DOT Order 4200.14B.

Abstract: Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) National Airspace System (NAS) Plan to upgrade and modernize facilities and equipment to more effectively meet the projected increase in air traffic.

Findings/Conclusions: GAO found that: (1) the major systems necessary to implement the plan were subject to Office of Management and Budget (OMB) Circular A-109 review, but FAA did not submit any of the systems for approval; (2) FAA advanced 5 of the 11 systems directly to the final production phase, while it waited for a production decision on the other systems; and (3) all 11 systems experienced cost increases or schedule delays because they did not meet the criteria to advance to the next acquisition phase. However, GAO also found that FAA took significant measures to correct deficiencies and incorporate the circular's principles and requirements into its acquisition process. **Recommendation To Agencies:** The Administrator, FAA, should ensure that the major system projects not yet in the production phase are subject to operational testing as recommended by OMB Circular A-109, and the resulting data is made available for FAA production decisions. The Administrator, FAA, should ensure that new projects are included in the improved acquisition process and receive the level of management review prescribed by OMB Circular A-109, and that these projects are, in fact, sufficiently developed and documented to justify entering the acquisition process at the phase proposed.

132593

U.S. Fishing Fees: Implications of Increases on Japan and the Merits of Other Fee Systems. RCED-87-86BR; B-215905. March 19, 1987. Released April 3, 1987. 44 pp. plus 2 appendices (2 pp.). *Briefing Report to Rep. Don Young, Ranking Minority Member, House Committee on Merchant Marine and Fisheries: Fisheries, Wildlife Conservation and the Environment Subcommittee; Rep. Gerry E. Studds, Chairman, House Committee on*

Merchant Marine and Fisheries: Fisheries, Wildlife Conservation and the Environment Subcommittee; by John H. Luke, Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Food and Agriculture: Other Issue Area Work (6591).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Other Natural Resources (306.0).

Organization Concerned: National Oceanic and Atmospheric Administration; Japan.

Congressional Relevance: *House Committee on Merchant Marine and Fisheries: Fisheries, Wildlife Conservation and the Environment Subcommittee; Rep. Don Young; Rep. Gerry E. Studds.*

Authority: Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801).

Abstract: Pursuant to a congressional request, GAO reviewed the effect of U.S. fishing fees on Japan.

Findings/Conclusions: GAO found that: (1) fishery legislation extended U.S. authority to regulate and manage fishery resources in fishery conservation zones (FCZ) and gave priority to U.S. fishermen to fish within 200 miles of the U.S. coast; (2) the legislation limited foreign fishing in FCZ to those species that U.S. fishermen did not fully harvest; (3) foreign fishing decreased substantially as U.S. fishing increased under joint ventures; (4) Japan's total fish supply has increased primarily because of larger sardine catches in Japanese waters; (5) Japanese fishing in U.S. waters has declined because of reduced U.S. allocations, not increased U.S. fishing fees; and (6) the Department of Commerce decided not to pursue an auction fee system because decreased fishing made an alternative system unnecessary.

132632

[National Airspace System Plan Delays]. T-RCED-87-16. April 8, 1987. 10 pp. plus 2 attachments (3 pp.). *Testimony before the Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-87-8, March 26, 1987, Accession Number 132534; RCED-86-124BR, May 21, 1986, Accession Number 129923; T-RCED-87-2,*

February 27, 1987, Accession Number 132274; and T-RCED-88-3, October 15, 1987, Accession Number 134145.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: *Senate* Committee on Commerce, Science and Transportation; Aviation Subcommittee.

Authority: Airport and Airway Improvement Act of 1982 (P.L. 97-248). Balanced Budget and Emergency Deficit Control Act of 1985.

Abstract: GAO discussed the status of the Federal Aviation Administration's (FAA) implementation of its National Airspace System Plan, focusing on the causes and effects of delays in implementing the system. GAO noted that: (1) FAA erroneously assumed that much system technology would be readily available and committed to a concurrent development and acquisition strategy that did not include adequate system testing; (2) FAA is improving its major acquisitions process, but the improvements will not benefit most plan systems; and (3) the volume of system development and integration work remaining may cause further delays in plan implementation. GAO also noted that: (1) the FAA controller work force is still not large enough, but major labor-saving features of the system are not expected to be in place for more than a decade; (2) plan delays have postponed expected benefits, such as reduced schedule delays and increased fuel economy; (3) FAA is planning to reduce the minimum flight separation requirement to the distance it was before the 1981 controllers' strike; (4) the Airport and Airway Trust Fund's balance will reach \$5.6 million by the end of fiscal year (FY) 1987, and could increase to \$12.4 billion by the end of FY 1990, given current revenue estimates, if Congress reauthorizes the Fund without any change in aviation taxes; and (5) plan delays are the primary reason for the Fund's large unused balance. GAO believes that: (1) before appropriating further aviation funds, Congress should require FAA to ensure that systems work before full-scale production; (2) FAA should realistically revise the plan schedules; and (3) FAA should consider the effects on air traffic control of reducing flight separation standards.

132655

Department of Transportation:
Enhancing Policy and Program
Effectiveness Through Improved

Management. RCED-87-3; B-216946. April 13, 1987. 89 pp. plus 1 appendix (14 pp.). *Report to Congress*; by Charles A. Bowsher, Comptroller General. Refer to The GAO Journal, No. 3, Fall 1988, pp. 18-20, Accession Number 137159; RCED-85-144, July 16, 1985, Accession Number 127467; IMTEC-85-10, June 6, 1985, Accession Number 127126; IMTEC-86-24, July 8, 1986, Accession Number 130514; RCED-87-62, May 19, 1987, Accession Number 133088; T-RCED-88-28, March 22, 1988, Accession Number 135339; RCED-88-61, March 18, 1988, Accession Number 135348; RCED-87-3S, July 24, 1987, Accession Number 133538; GGD-89-1, October 14, 1988, Accession Number 137064; and RCED-89-48, November 29, 1988, Accession Number 137454.

Issue Area: General Management
Reviews: RCED-Assessing Whether Agencies Have the Necessary Management to Ensure Effective Service Delivery and Safeguarding of Public Resources (7304).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0); Transportation: Air Transportation (402.0); Transportation: Water Transportation (403.0); Transportation: Other Transportation (407.0).

Organization Concerned: Department of Transportation.

Congressional Relevance: *House* Committee on Appropriations; Transportation Subcommittee; *House* Committee on Government Operations; *Senate* Committee on Appropriations; Transportation Subcommittee; *Senate* Committee on Governmental Affairs; Congress.

Authority: Airline Deregulation Act of 1978. Railroad Safety Act of 1970 (Federal). Surface Transportation Assistance Act of 1982. Civil Rights Act of 1964. Environmental Policy Act of 1969 (National).

Abstract: Pursuant to a congressional request, GAO reviewed the Department of Transportation's (DOT) changing role as its programs place greater reliance on state and local governments and the private sector to operate transportation systems, in order to: (1) assess DOT management; (2) analyze its problems; and (3) recommend improvements.

Findings/Conclusions: GAO found that: (1) DOT has made transportation safety one of its highest and most visible priorities, but needs a more systematic approach for measuring progress; (2) since grantees now have greater control

over funds and more flexibility to select projects, DOT needs to resolve issues concerning program accountability; (3) to prevent loss of services due to budget reductions, DOT needs to modernize its financial, information resource management, and procurement systems; (4) DOT needs to improve its management of human resources to cope with changes caused by deregulation and the emphasis on deficit reduction; and (5) DOT needs to implement a strategic research and development (R&D) policy by linking R&D investment resources to DOT priorities and industry needs.

Recommendation To Agencies: To enhance and sustain the progress DOT has achieved in improving its management of safety programs and resources, the Secretary of Transportation should direct that operational measures of effectiveness be developed and applied for safety programs throughout DOT to link the overall goal of safer transportation with ongoing program activities and to provide the basis for setting program objectives, monitoring performance, and allocating resources. To enhance and sustain the progress DOT has achieved in improving its management of safety programs and resources, the Secretary of Transportation should require that productivity standards, including the definition and use of standards of quality, timeliness, and efficiency for delivery of services, be used to integrate productivity improvement with safety program planning throughout DOT and to establish and implement annual productivity improvement goals. To enhance and sustain the progress DOT has achieved in improving its management of safety programs and resources, the Secretary of Transportation should ensure that current and accurate staffing standards (e.g. standard hours for completing program tasks) are used in formulating safety program budgets throughout DOT. The Secretary of Transportation should strengthen the DOT grant programs by reassessing and defining the DOT role in managing and overseeing its grants programs. The Secretary of Transportation should strengthen the DOT grant programs by developing a grants management strategy appropriate for carrying out that role. Given the various mandates and continuing need to strengthen the integrity of the DOT financial, information, and procurement systems, the Secretary of Transportation should establish an agenda or action plan for short- and long-term improvements. The agenda GAO provided could be the basis for developing a blueprint for the future.

GAO recognizes that many factors must be considered, yet it believes that with the Secretary's continued support and commitment, such a blueprint can guide the building and maintenance of sound financial, information, and procurement systems across DOT. Because change management and strategic human resource management require sustained effort and attention over the long term, the Secretary of Transportation should take additional steps to focus on human resource management DOT-wide. These steps should provide visibility and tangible evidence of top management commitment by establishing a prominent organizational focus for strategic human resource management at both the operating administration and Office of the Secretary of Transportation levels. Because change management and strategic human resource management require sustained effort and attention over the long term, the Secretary of Transportation should take additional steps to focus on human resource management DOT-wide. These steps should develop a DOT-wide awareness of the importance and value of change management and strategic human resource management. Because change management and strategic human resource management require sustained effort and attention over the long term, the Secretary of Transportation should take additional steps to focus on human resource management DOT-wide. These steps should develop the selection, appraisal, reward, and development functions needed to support human resources management activities and spur management improvement. To better integrate policy with program management and support system requirements, and to promote productive use of the information resources available to support policymaking, the Secretary of Transportation should: (1) establish a framework to direct and support the development, implementation, and monitoring of transportation policies, which would include the basic elements enumerated in table 6.1 of this report; and (2) initiate an assessment of DOT policy-related data requirements and responsibilities, including an inventory and evaluation of the data currently collected, data no longer collected, and the costs, if any, imposed by the unavailability of data, and the most cost-effective means of meeting DOT present and expected needs for transportation data collection and analysis.

132704

Air Traffic System: Pilot Program To Contract Out Maintenance at Selected Facilities. RCED-87-104BR; B-225200. April 17, 1987. 34 pp. plus 1 appendix (1 p.). *Briefing Report to Rep. Norman Y. Mineta, Chairman, House Committee on Public Works and Transportation: Aviation Subcommittee; Rep. John P. Hammerschmidt, House Committee on Public Works and Transportation: Aviation Subcommittee; by Herbert R. McLure, (for Kenneth M. Mead, Associate Director), Resources, Community, and Economic Development Division. Refer to RCED-87-137, September 25, 1987, Accession Number 134122.*

Issue Area: Transportation: FAA Management of the NAS Plan in a Coordinated and Integrated Manner (6603).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Public Works and Transportation: Aviation Subcommittee; *Rep. John P. Hammerschmidt; Rep. Norman Y. Mineta.*

Abstract: In response to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) proposed test program to contract for maintenance at selected air traffic control facilities to: (1) provide information on test design and status; (2) evaluate the test's potential for air traffic safety and efficiency; (3) determine if the program would adequately test contractor performance; and (4) assess FAA ability to estimate and control test costs.

Findings/Conclusions: GAO found that: (1) the test would last 5 years, would cost \$130 million, and would involve three of the nine FAA regions; (2) FAA would provide guidance and orientation during a projected 9-month transition from FAA to contractor personnel; (3) FAA suspended its planning, since Congress denied its 1987 budget request for initial funding for the test, but would complete planning if 1988 funding were granted; (4) although FAA designed the test program to maintain current safety and efficiency levels, the program might accelerate attrition in its maintenance work force; (5) FAA would use the first 2 to 3 years to test contractors' abilities to perform maintenance functions independently; (6) FAA designed the test

to allow contractors use of FAA training materials and support throughout the test; (7) since FAA has not completed an up-to-date cost estimate, it would develop a better projection if planning were resumed; (8) FAA intends to be a silent bidder to preclude the possibility of potential contractors' underbidding or low buy-in; and (9) FAA intends to require full contractor liability for equipment and aircraft-related accidents.

132742

[FAA Appropriation Issues]. T-RCED-87-20. April 21, 1987. 15 pp. plus 3 attachments (10 pp.). *Testimony before the House Committee on Appropriations: Transportation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-87-8, March 26, 1987, Accession Number 132534; T-NSIAD-87-4A, February 25, 1987, Accession Number 132241; RCED-85-78, July 29, 1985, Accession Number 127545; and RCED-88-118, May 16, 1988, Accession Number 135878.*

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee.

Authority: Airport and Airway Improvement Act of 1982 (P.L. 97-284).

Abstract: GAO discussed the Federal Aviation Administration's (FAA) progress in: (1) procuring the technologies required for the National Airspace System (NAS); and (2) developing human resources, including adequate controller and inspector work forces. GAO found that: (1) since NAS has experienced schedule delays, it is difficult for FAA to maintain the necessary level of air traffic control; (2) FAA is forecasting airline industry savings from NAS farther into the future; (3) the delays have increased the unused Aviation Trust Fund balance; and (4) the complexity of the automated systems, the time needed to develop associated software, and the interdependency among the systems have caused the delays. GAO also found that FAA recently changed its acquisition process to correct these problems by: (1) issuing standard operating procedures for acquiring major systems; (2) establishing test and evaluation policies and procedures, and (3) changing its methods of acquisition and design of individual systems. GAO

also believes that the installation and integration of the various radars, data processors, and data links in the NAS plan may result in further delays. GAO also believes that the FAA 1988 budget request does not reflect its need to increase its staff of controllers, inspectors, and technicians to maintain a satisfactory standard of service.

132743

[Federal Aviation Administration's Acquisition of the Advanced Automation System]. T-IMTEC-87-4. April 21, 1987. 10 pp. *Testimony* before the House Committee on Appropriations: Transportation Subcommittee; by Carl R. Palmer, Associate Director, Information Management and Technology Division. Refer to IMTEC-84-14, May 4, 1984, Accession Number 124281; IMTEC-85-11, June 17, 1985, Accession Number 127253; IMTEC-86-24, July 8, 1986, Accession Number 130514; *Testimony*, April 16, 1986, Accession Number 129644; *Testimony*, April 23, 1986, Accession Number 129700; *Testimony*, September 24, 1986, Accession Number 131079; IMTEC-85-11, June 17, 1985, Accession Number 127253; and IMTEC-89-5, November 30, 1988, Accession Number 137418.

Contact: Information Management and Technology Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee.

Abstract: GAO discussed the Federal Aviation Administration's (FAA) plans to modernize its air traffic control system through the implementation of the Advanced Automation System (AAS). GAO found that: (1) FAA has not adequately justified its request for appropriations for AAS and its studies have not defined AAS requirements or reduced the risks of cost increases, schedule delays, and performance deficiencies; (2) the new acquisition strategy does not provide for adequate AAS component simulation or prototype testing and evaluation prior to award of the acquisition-phase contract; and (3) a preliminary analysis of benefits and costs indicates that the cost may exceed the benefits and that FAA has not identified alternative possibilities to AAS.

132760

Weather Satellites: Economies Available by Converging

Government Meteorological Satellites. NSIAD-87-107; B-223632. April 23, 1987. 47 pp. plus 3 appendices (31 pp.). *Report* to Sen. Sam Nunn, Chairman, Senate Committee on Armed Services; Sen. Ernest F. Hollings, Chairman, Senate Committee on Commerce, Science and Transportation; Sen. John C. Stennis, Chairman, Senate Committee on Appropriations: Defense Subcommittee; Sen. Ernest F. Hollings, Chairman, Senate Committee on Appropriations: Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee; Rep. Les Aspin, Chairman, House Committee on Armed Services; Rep. Robert A. Roe, Chairman, House Committee on Science, Space, and Technology; Rep. Bill Chappell, Jr., Chairman, House Committee on Appropriations: Defense Subcommittee; Rep. Neal Smith, Chairman, House Committee on Appropriations: Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee; by Frank C. Conahan, Assistant Comptroller General, National Security and International Affairs Division. Refer to RCED-86-28, October 31, 1985, Accession Number 128444; and NSIAD-87-202BR, August 31, 1987, Accession Number 133841.

Issue Area: Command, Control, Communications, and Intelligence: Provision of Credible, Cost-Effective Capabilities To Satisfy Mission Requirements Through Existing and Planned C3 Systems (6001).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0); General Science, Space, and Technology: Space Science, Applications, and Technology (254.0).

Organization Concerned: Department of Commerce; National Oceanic and Atmospheric Administration; Department of Defense; Department of the Air Force; Department of the Navy; RCA Corp.: Astro Electronics.

Congressional Relevance: House Committee on Appropriations: Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee; House Committee on Appropriations: Defense Subcommittee; House Committee on Science, Space, and Technology; House Committee on Armed Services; Senate Committee on Appropriations: Commerce, Justice, State, the Judiciary, and Related

Agencies Subcommittee; Senate Committee on Appropriations: Defense Subcommittee; Senate Committee on Commerce, Science and Transportation; Senate Committee on Armed Services; Rep. Neal Smith; Rep. Bill Chappell, Jr.; Rep. Robert A. Roe; Rep. Les Aspin; Sen. John C. Stennis; Sen. Ernest F. Hollings; Sen. Sam Nunn.

Authority: Aeronautics and Space Act. Department of Commerce Appropriation Act, 1963 (P.L. 87-843). Presidential Directive 37. Presidential Directive 42. Presidential Directive 54. National Security Decision Directive 42. BOB Circular A-62.

Abstract: GAO reviewed the United States' two separate, but similar, polar-orbiting meteorological satellite systems to determine if the two systems could be combined to eliminate duplicative practices and overlapping functions, and continue to provide necessary services to the systems' users.

Findings/Conclusions: GAO found that: (1) national policy supports the convergence of polar meteorological satellite systems; (2) convergence is technically and operationally feasible, since both systems collect similar types of data and have common features; and (3) the federal government could save several million dollars by combining the two systems of four satellites to one system of three satellites, eliminating areas of duplication, using multiyear procurement contracting, and purchasing parts in larger quantities. GAO noted that: (1) the National Oceanic and Atmospheric Administration (NOAA) and the Air Force independently took steps or planned actions that would further separate the satellite systems; and (2) the systems now have fewer interchangeable electronic components. GAO also found that alternative ways of combining the systems include: (1) integrating sensors; (2) redesigning the existing four-satellite system into a three-satellite system with a mix of sensors; and (3) creating a hybrid system consisting of three existing satellites. GAO concluded that the Department of Commerce office responsible for coordinating all federal meteorological programs, except meteorological satellites, could expand its operations to include these satellites and, thus, assist in the convergence process.

Recommendation To Agencies: The Secretaries of Defense and Commerce should jointly take the initiative to converge the Defense Meteorological Satellite and the Television Infrared Observation Satellite polar orbiting systems to the maximum extent possible.

The Secretaries should also take actions to: (1) curtail or minimize the divergent trends associated with the two programs; (2) eliminate unnecessary duplication; and (3) ensure that ongoing sensor integration efforts are maintained.

132762

[Navy Ship Construction Contracts]. T-NSIAD-87-30. April 23, 1987. 7 pp. *Testimony* before the House Committee on Appropriations: Defense Subcommittee; by Bill W. Thurman, Deputy Director, National Security and International Affairs Division. Refer to T-NSIAD-88-27, April 19, 1988, Accession Number 135602; and NSIAD-88-15, October 16, 1987, Accession Number 134429.

Contact: National Security and International Affairs Division.

Organization Concerned: Department of the Navy.

Congressional Relevance: *House* Committee on Appropriations: Defense Subcommittee.

Abstract: GAO discussed the results of its review of selected Navy ship construction contracts, focusing on: (1) whether the Navy can execute recently awarded contracts within their funding limitations; (2) whether Navy ship contracts could result in future claims against the government; (3) actions that the Navy is taking to address current and anticipated claims; and (4) staffing levels at Navy contract monitoring activities. GAO noted that: (1) while competition for construction contracts has resulted in favorable prices, the Navy estimates cost overruns of about 15 percent on 17 of its 22 fixed-price incentive contracts; (2) overruns are primarily attributable to optimistic bidding fostered by the competitive environment; (3) the Navy anticipates requests for contract adjustments for several of the contracts, some of which could result in claims; (4) the Navy is attempting to reduce potential claims by documenting significant contract events and monitoring such contract aspects as delivery changes, differences in contract interpretation, contractor errors, and noncompliance; and (5) some Navy monitoring activities believe that they are understaffed.

132770

Aviation Information: Movement of Personnel and Data Bases. RCED-87-116FS; B-226541. March 27, 1987. Released April 27, 1987. 8 pp. plus 1 appendix (1 p.). *Fact Sheet* to Sen. John W. Warner; Sen. Paul S. Sarbanes; by

Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to T-RCED-88-36, April 21, 1988, Accession Number 135633.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Department of Transportation: Research and Special Programs Administration: Office of Aviation Information Management; Department of Transportation: Research and Special Programs Administration: Transportation Systems Center.

Congressional Relevance: *Sen.* John W. Warner; *Sen.* Paul S. Sarbanes.

Authority: OMB Circular A-76.

Abstract: In response to a congressional request, GAO obtained information concerning the transfer of staff and data bases within the Department of Transportation's Research and Special Programs Administration (RSPA).

Findings/Conclusions: GAO found that: (1) although RSPA has not completed its transition planning, it began staff reassignments in November 1986; (2) RSPA has not completed its transition plan for the 28 data bases, but has committed to ensure continuity of services; (3) RSPA has not conducted a cost-effectiveness analysis of the transfer, but is developing some estimates of the operations costs in the new site; and (4) because RSPA plans to use contractor staff to perform only the functions of the staff who did not transfer, the requirements of Office of Management and Budget Circular A-76 do not apply.

132781

Internal Controls: Transportation Acts To Correct Weaknesses in Its Bus Program. RCED-87-97; B-226204. April 28, 1987. 7 pp. plus 7 appendices (11 pp.). *Report* to Elizabeth H. Dole, Secretary, Department of Transportation; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.

Issue Area: Internal Control and Financial Management System Audits: Effectiveness of Federal Agencies in Implementing the Federal Managers' Financial Integrity Act (7401).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Urban Mass Transportation Administration; Department of Transportation.

Congressional Relevance: *House* Committee on Appropriations: Transportation Subcommittee; *House* Committee on Public Works and Transportation; *Senate* Committee on Appropriations: Transportation Subcommittee; *Senate* Committee on Banking, Housing and Urban Affairs.

Authority: Federal Managers' Financial Integrity Act of 1982.

Abstract: Pursuant to the Federal Managers' Financial Integrity Act, GAO reviewed the Urban Mass Transportation Administration's (UMTA) actions to correct a material weakness in its bus grant program, in that it: (1) lacked policy guidance on grantees' bus fleet management; and (2) did not sufficiently direct grantees to properly maintain and rehabilitate their buses.

Findings/Conclusions: GAO found that the UMTA regional offices were: (1) following UMTA policy guidance on bus stockpiling and rehabilitation; (2) reviewing grantee compliance with program requirements on a triennial basis; and (3) documenting grantee noncompliance and withholding acquisition funds for grantees with excess buses. Although some regions were adhering to policy guidance, some transit systems needed stronger controls to ensure compliance with the service-life provision in replacing, stockpiling, and disposing of buses. Since UMTA policy does not specifically state how transit systems should calculate the service lives of buses, UMTA may expend more funds than allowed to replace buses before the end of their normal service lives or may not recover all funds representing the federal interest in the remaining useful lives of prematurely disposed buses.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, UMTA, to clarify its policy guidance regarding how grantees should calculate the service life or residual value of buses being stockpiled, replaced, or disposed of. The Secretary of Transportation should direct the Administrator, UMTA, to require that transit authorities certify to UMTA that buses they propose to stockpile, dispose of, or replace, satisfy the UMTA service-life provision. The Secretary of Transportation should direct the Administrator, UMTA, to require that grantees provide actual service-life data on buses to be stockpiled, disposed of, or replaced, on an exception basis.

132784

[Request for Reconsideration of Sustained Protest Against Coast Guard Rejection of Bid]. B-225260.4, B-225260.5. April 20, 1987. 3 pp. Decision re: R.G.& B. Contractors, Inc.; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: R.G.& B. Contractors, Inc.; Alaska Mechanical, Inc.; United States Coast Guard.

Authority: B-225260.2 (1987). B-216571 (1985). B-220668 (1986).

Abstract: A firm requested reconsideration of a sustained protest against the U.S. Coast Guard's rejection of the protester's low bid, contending that the bid was ambiguous and, therefore, nonresponsive. GAO had sustained the protest because the protester demonstrated its intent to comply with the solicitation amendment without taking exception to any of the terms. GAO held that there were no errors of omission that warranted reversal or modification of the original decision. Accordingly, the request for reconsideration was denied.

132816

Trucking Deregulation: Proposed Sunset of ICC's Trucking Regulatory Responsibilities. RCED-87-107; B-226701. April 23, 1987.

Released May 4, 1987. 48 pp. plus 1 appendix (1 p.). Report to Sen. Frank R. Lautenberg, Chairman, Senate Committee on Appropriations: Transportation and Related Agencies Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to PAD-77-34, June 3, 1977, Accession Number 102428; CED-81-5, November 4, 1980, Accession Number 113856; and GGD-81-32, March 3, 1981, Accession Number 114698.

Issue Area: Transportation: Economic Effects of Regulatory Reform in the Transportation Sector (6611); Administration of Justice: Other Issue Area Work (4791).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Interstate Commerce Commission; Department of Transportation; Office of Management and Budget; Department of Commerce: Bureau of the Census.

Congressional Relevance: House Committee on the Judiciary: Monopolies and Commercial Law Subcommittee; House Committee on Government Operations: Government Activities and Transportation Subcommittee; House Committee on Public Works and Transportation: Surface Transportation Subcommittee; House Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation: Surface Transportation Subcommittee; Senate Committee on Appropriations: Transportation and Related Agencies Subcommittee; Congress; Sen. Frank R. Lautenberg.

Authority: Airline Deregulation Act of 1978. Staggers Rail Act of 1980. Bus Regulatory Reform Act of 1982. Interstate Commerce Act, Part 1. Interstate Commerce Act, Part 2. Motor Carrier Act of 1980. Motor Carrier Safety Act of 1984. Carmack Amendment (Interstate Commerce) (49 U.S.C. 11707). Reed-Bulwinkle Act (Freight Rates). Paperwork Reduction Act of 1980. Transportation Act of 1940. Household Goods Transportation Act of 1980. Agricultural Marketing Act. Surface Transportation Assistance Act of 1982. H.R. 3929 (99th Cong.). H.R. 3222 (99th Cong.). S. 1711 (99th Cong.). S. 2240 (99th Cong.). Adams Express Co. v. Croninger, 226 U.S. 505 (1913). Ruston Gas Turbines v. Pan American World Airways, 757 F.2d 29 (2nd Cir. 1985). Arkwright-Boston Manufacturers Mutual Insurance Co. v. Great Western Airlines, 767 F.2d 425 (8th Cir. 1985). 49 U.S.C. 504.

Abstract: In response to a congressional request, GAO: (1) assessed the merits of retaining or eliminating certain Interstate Commerce Commission (ICC) trucking regulatory functions; and (2) estimated the budgetary impact of deregulation on ICC.

Findings/Conclusions: GAO found that: (1) ICC had eight ancillary trucking regulatory functions, for which it spent about 483 staff years in fiscal year (FY) 1985; (2) the ICC labor effort has decreased by 13 percent and is expected to decrease an additional 5 years in FY 1988; (3) the budgetary effects of deregulation would depend on which functions Congress eliminated and how other agencies met those responsibilities; (4) while there is broad support for continued Department of Transportation (DOT) regulation of the trucking industry's safety practices and insurance coverage, there is little evidence of how ICC improves safety through its limited monitoring role; (5) the existing disparities in insurance coverage requirements for private carriers and

for-hire carriers may not have merit, since insurance requirements promote safety; (6) there was no consensus on the continuing value of ICC promulgation and enforcement of rules regarding liability responsibility for cargo damage; and (7) neither DOT nor the Office of Management and Budget (OMB) plan to collect the needed truck data if Congress eliminates the ICC data-gathering role.

Recommendation To Congress: If Congress acts favorably on proposed deregulatory legislation, it may wish to consider revising the provisions in section 30 of the Motor Carrier Act of 1980, which specify insurance requirements for motor carriers, so as to make the requirements for private and for-hire carriers identical. If Congress takes further action on deregulatory legislation, it may wish to consider either retaining the Carmack Amendment as statutory law, or replacing by statute both the statutory and common law cargo damage liability requirements, leaving such requirements solely to contractual agreements between the carrier and the shipper. Congress may also wish to consider, in any deregulatory legislation, the need to restructure the collection of data on the trucking industry in the federal government to ensure that public and private needs for data are met in the most cost-effective manner if the ICC role in data collection is terminated. Congress may wish to mandate that DOT act to coordinate such a restructuring along the lines described above.

Recommendation To Agencies: The Secretary of Transportation should direct appropriate department officials to develop a long-term assessment of requirements for and costs of data on truck transportation, based on the needs of various users in the federal and state governments and in the private sector, and, in conjunction with OMB, coordinate data gathering among DOT, ICC, Census, and other truck transportation data-gathering agencies.

132873

[The Department of Transportation's Recent Efforts To Strengthen Pipeline Safety]. T-RCED-87-22. May 5, 1987. 14 pp.

Testimony before the House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-235FS, September 30, 1986, Accession Number 131456;

and RCED-84-102, July 10, 1984, Accession Number 124689.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Department of Transportation: Research and Special Programs Administration: Office of Pipeline Safety.

Congressional Relevance: House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee.

Abstract: GAO discussed the Department of Transportation's pipeline safety program, which its Research and Special Programs Administration (RSPA) administers. GAO noted that RSPA has responded positively to GAO recommendations by: (1) linking the level of states' pipeline inspection involvement to the size of their program grants; (2) revising procedures for monitoring state programs; and (3) improving its work-load management. However, GAO also noted that RSPA still needs to: (1) redefine the federal/state relationship regarding jurisdiction over various pipeline safety activities; (2) determine the cost-effectiveness of requiring pipeline operators to maintain quality assurance systems; and (3) assess whether it should regulate additional portions of the nation's pipeline system.

many controllers before the strike; and (3) FAA believes that it implemented safeguards to prevent controllers from being overworked. However, GAO believes that FAA: (1) has not fully implemented the safeguards; (2) inappropriately bases its traffic flow control on airport capacities, rather than controller capacities; and (3) authorized controller staffing substantially below the levels that its standards called for. GAO also noted that: (1) FAA is taking action to improve its monitoring of airlines' compliance with flight safety and maintenance requirements by hiring additional staff and establishing minimum inspection standards, but it has no realistic basis for determining the number of additional inspectors it needs; (2) FAA plans to maintain its maintenance work force at a level 16 percent below the force's work load; (3) about 2,500 of the 8,300 FAA engineers and technicians will be eligible for retirement by 1990, and about 60 percent of the FAA maintenance work force will be eligible by 1995; (4) FAA needs to begin hiring people to bring its trained maintenance work force to the congressionally mandated level; and (5) while FAA has developed such airline safety indicators as operational errors and near-collisions, it has not identified safety indicators for airline maintenance practices.

had a reasonable basis to use a cooperative agreement, since it did not acquire property or services for the benefit or use of the government; and (2) since the protesters did not object to the agreement prior to bid opening, the protest was untimely. Accordingly, the protest was dismissed.

132903

FAA Staffing: Air Traffic Controllers' Work Load and Operational Performance. RCED-87-138FS; B-222217. May 6, 1987.

Released May 11, 1987. 27 pp. plus 1 appendix (1 p.). *Fact Sheet* to Sen. Frank R. Lautenberg, Chairman, Senate Committee on Appropriations: Transportation and Related Agencies Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to T-RCED-87-21, February 27, 1987, Accession Number 132274.

Issue Area: Transportation: FAA Management of the Controller Work Force (6607).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: Senate Committee on Appropriations: Transportation and Related Agencies Subcommittee; Sen. Frank R. Lautenberg.

Abstract: In response to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) air traffic control work force at 15 control centers and 25 terminals and provided data on: (1) air traffic safety; (2) full-performance-level (FPL) controller staffing; (3) first-line supervisor staffing; (4) traffic management unit staffing; (5) overtime; (6) field training attrition; and (7) operational performance.

Findings/Conclusions: GAO found that: (1) although FAA has increased its controller work force, FPL controller staffing is below 1981 pre-strike levels; (2) staffing levels at nearly all the facilities it studied were below authorized levels; (3) FAA projects that fiscal year 1987 overtime use will increase at 12 terminal facilities and 3 centers, and will decrease at 13 terminals and 12 centers; and (4) 10 percent or more of the controllers and supervisors at many of the centers are eligible to retire.

132875

[FAA Work Force Issues]. T-RCED-87-25. May 7, 1987. 14 pp. *Testimony* before the Senate Committee on Appropriations: Transportation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-121, March 6, 1986, Accession Number 129306.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: Senate Committee on Appropriations: Transportation Subcommittee.

Authority: Airline Deregulation Act of 1978.

Abstract: GAO discussed the Federal Aviation Administration's (FAA) human resource utilization, focusing on FAA controller, inspector, and airway facilities maintenance work forces. GAO noted that: (1) although planned productivity improvements have not yet materialized, FAA is controlling more air traffic with fewer controllers than it did before the 1981 controllers' strike; (2) FAA maintains that there were too

132889

[Protest of Maritime Administration Cooperative Agreement Award for Operation and Maintenance of Simulator Facility]. B-227084, B-227084.2. May 5, 1987. 3 pp. *Decision re:* Ship Analytics, Inc.; Marine Engineers Beneficial Association: District 2; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Marine Engineers Beneficial Association: District 2; Ship Analytics, Inc.; Maritime Administration.

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3551 et seq.). 4 C.F.R. 21.2(a)(1). 58 Comp. Gen. 785. 58 Comp. Gen. 451. 61 Comp. Gen. 428. OMB Circular A-102. OMB Circular A-110. B-220388 (1985). B-222344 (1986). 31 U.S.C. 6303 et seq.

Abstract: Two firms protested a Maritime Administration (MARAD) cooperative agreement award for the operation and maintenance of a government-owned facility, contending that MARAD should have awarded a contract. GAO held that: (1) MARAD

132907

[Effects of Delays in FAA's NAS Plan]. T-RCED-87-23. May 8, 1987. 16 pp. plus 5 attachments (10 pp.). *Testimony before the Senate Committee on Appropriations: Transportation Subcommittee; Refer to RCED-87-8, March 26, 1987, Accession Number 132534; RCED-86-124BR, May 21, 1986, Accession Number 129923; RCED-85-78, July 29, 1985, Accession Number 127545; T-NSIAD-87-4A, February 25, 1987, Accession Number 132241; and RCED-88-118, May 16, 1988, Accession Number 135878.*

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration; Martin Marietta Corp.

Congressional Relevance: *Senate Committee on Appropriations: Transportation Subcommittee.*

Authority: Airport and Airway Improvement Act of 1982 (P.L. 97-284). Balanced Budget and Emergency Deficit Control Act of 1985.

Abstract: GAO discussed the Federal Aviation Administration's (FAA) 1988 budget request to procure the required technologies for the National Airspace System (NAS) plan, focusing on the status of four of its major systems. GAO noted that: (1) all of the systems have experienced schedule delays ranging from 1 year to 8 years because FAA underestimated their complexity, the time required for systems software development, and the systems' interdependency; (2) recent changes to the FAA procurement system should speed up acquisition of the Advanced Automation System and the Automated Radar Terminal Warning System; and (3) over the past 3 years, the FAA systems engineering and integration services contract has increased over \$200 million, the contractor's responsibilities have expanded, and the contractor has received 80 percent of the available performance award bonuses despite delays and cost overruns. GAO found that: (1) FAA plans to award a technical support services contract in June 1988 at an estimated cost of \$350 million to \$400 million; (2) NAS plan delays have postponed almost \$38 billion in anticipated aviation user benefits; and (3) schedule delays have resulted in an estimated \$5.6-billion unused balance in the airport and airway trust fund. GAO believes that Congress should: (1) appropriate the \$130 million FAA requested for the radar terminal system; (2) not appropriate funds for a second procurement of microwave landing

systems until FAA revises its implementation strategy; (3) continue to support FAA consolidation of its flight service stations; and (4) consider appropriating funds for the installation of automated weather observing systems.

132908

[Federal Aviation Administration's Acquisition of the Advanced Automation System]. T-IMTEC-87-6. May 8, 1987. 11 pp. *Testimony before the Senate Committee on Appropriations: Transportation Subcommittee; by Carl R. Palmer, Associate Director, Information Management and Technology Division.*

Contact: Information Management and Technology Division.

Organization Concerned: Federal Aviation Administration; Federal Aviation Administration: Terminal Radar Approach Control Facility, New York, NY.

Congressional Relevance: *Senate Committee on Appropriations: Transportation Subcommittee.*

Abstract: GAO discussed the Federal Aviation Administration's (FAA) fiscal year 1988 request for funds to: (1) award the Advanced Automation System (AAS) contract; and (2) continue the New York Terminal Radar Approach Control (NY TRACON) expansion program. FAA plans to have AAS replace existing airport hardware, software, and air traffic controller workstations to: (1) increase controller productivity and system availability; (2) save fuel and passenger time; (3) automate many functions that controllers now perform; (4) reduce operating costs; and (5) enable consolidation of en route and terminal facilities. GAO found that the: (1) revised FAA acquisition strategy did not provide for adequate hardware and software performance information and testing or controller workstation testing; (2) FAA cost analysis may have relied too heavily on passenger time-savings benefits to the exclusion of other alternatives; and (3) FAA benefit/cost study did not validate AAS requirements. GAO noted that: (1) a final benefit/cost report, scheduled for completion by December 1987, should provide a better basis for evaluating the program; and (2) the AAS request for proposals, a terminal area computer capacity study, and a technical risk assessment should become available this year for congressional consideration regarding AAS appropriations. GAO also found that the FAA budget justification for NY TRACON did not fully explain the causes for schedule delays and cost increases.

132939

[The Need for Strong Central Oversight of the Federal Government's War on Drugs]. T-GGD-87-17. May 14, 1987. 13 pp. plus 1 appendix (3 pp.). *Testimony before the House Select Committee on Narcotics Abuse and Control; Senate Committee on the Judiciary; by Arnold P. Jones, Senior Associate Director, General Government Division. Refer to GGD-80-4, October 25, 1979, Accession Number 110663; GGD-83-52, June 13, 1983, Accession Number 121662; and GGD-88-24, February 12, 1988, Accession Number 135271.*

Contact: General Government Division.

Organization Concerned: National Drug Enforcement Policy Board.

Congressional Relevance: *House Select Committee on Narcotics Abuse and Control; Senate Committee on the Judiciary.*

Authority: Narcotics Act (National) (P.L. 98-473). S. 789 (100th Cong.).

Abstract: GAO discussed the need for strong central oversight of federal antidrug efforts. GAO noted that: (1) despite the dramatic increase in drug seizures, there was no decrease in the availability of illegal drugs; (2) obstacles such as differing priorities, interagency rivalries, conflicts, and jurisdictional disputes affected drug abuse control efforts; and (3) a variety of changes in drug strategy, policy, and law enforcement agency structures reduced the diversity of efforts. To promote centralized oversight of federal drug enforcement efforts, GAO recommended that the President: (1) direct the development of a more definitive federal drug strategy that would stipulate the roles of various agencies; and (2) delegate responsibility to one individual to oversee federal drug enforcement programs. GAO found that: (1) the National Drug Enforcement Policy Board was created to coordinate federal drug enforcement policy and operations; (2) the Board does not have the authority to direct action and, therefore, has to rely on interagency cooperation to provide central direction to drug enforcement efforts; and (3) the new Board intends to provide policy for all federal antidrug responsibilities, including drug prevention, education, and treatment programs.

132995

Consumer Product Safety Commission: Concerns About CPSC's All-Terrain Vehicle Task Force Report. HRD-87-74; B-226846.

May 20, 1987. 7 pp. *Report to Rep. D. Douglas Barnard, Chairman, House Committee on Government Operations: Commerce, Consumer and Monetary Affairs Subcommittee*; by Edward A. Densmore, (for Richard L. Fogel, Assistant Comptroller General), Human Resources Division. Refer to HRD-87-7, November 7, 1986, Accession Number 131592.

Contact: Human Resources Division.
Budget Function: General Government: Other General Government (806.0).

Organization Concerned: Consumer Product Safety Commission.

Congressional Relevance: House Committee on Government Operations: Commerce, Consumer and Monetary Affairs Subcommittee; *Rep. Larry E. Craig; Rep. D. Douglas Barnard.*

Authority: Government in the Sunshine Act (5 U.S.C. 552b). Freedom of Information Act (5 U.S.C. 552a).

Abstract: Pursuant to a congressional request, GAO provided information on the Consumer Product Safety Commission's (CPSC) work on all-terrain vehicles (ATV).

Findings/Conclusions: GAO found that: (1) CPSC established a task force to address ATV issues, but did not intend the task force to operate independently; (2) there was no evidence that high-level CPSC officials attempted to influence the task force's work; (3) while task force members stated that their briefing report included all of their major findings and recommendations, they believed that the report overemphasized operator problems and underemphasized engineering problems; (4) the task force intentionally omitted enforcement options from its report; and (5) while one Commissioner's special assistant attended many task force meetings, he did not play a significant role in the development of the report.

133039

Aviation Safety: Procedures for Registering and Certifying Air Carriers. RCED-87-115FS; B-226786. May 5, 1987.

Released May 22, 1987. 19 pp. plus 9 appendices (13 pp.). *Fact Sheet to Rep. Guy V. Molinari*; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to NSIAD-87-67, March 6, 1987, Accession Number 132516.

Issue Area: Transportation: Adequate Justification and Management of NAS Plan Procurements (6604).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation: Office of the Secretary.
Congressional Relevance: *Rep. Guy V. Molinari.*

Authority: Aviation Act (49 U.S.C. 1301 et seq.). Airline Deregulation Act of 1978 (P.L. 95-504). FAA Reg. 121. FAA Reg. 135.

Abstract: Pursuant to a congressional request, GAO reviewed Department of Transportation (DOT) and Federal Aviation Administration (FAA) procedures to register and certify air carriers to transport military personnel.

Findings/Conclusions: Common air carriers are required to register with the Office of the Secretary of Transportation (OST) and obtain an air carrier operating certificate from FAA. GAO found that: (1) OST required that most air carriers obtain only an OST registration, which had minimal requirements, because they operated small aircraft, but required that carriers with larger aircraft have a certificate of public convenience and necessity to assess whether the carrier had the resources and capabilities to carry out services; and (2) FAA certificate requirements applied to all air carriers and included evaluations of air-carrier-proposed operations and maintenance to ensure that the carrier operated in accordance with applicable federal aviation regulations.

133040

Drug Investigations: Organized Crime Drug Enforcement Task Force Program's Accomplishments. GGD-87-64BR; B-223391. May 6, 1987.

Released May 26, 1987. 4 pp. plus 1 appendix (14 pp.). *Briefing Report to Sen. Joseph R. Biden, Chairman, Senate Committee on the Judiciary*; by Arnold P. Jones, Senior Associate Director, General Government Division. Refer to GGD-87-29BR, December 22, 1986, Accession Number 131900.

Issue Area: Administration of Justice (4700).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Law Enforcement Activities (751.0); Administration of Justice: Federal Litigative and Judicial Activities (752.0).

Organization Concerned: Department of Justice.

Congressional Relevance: *Senate Committee on the Judiciary: Criminal Law Subcommittee; Senate Committee on the Judiciary; Sen. Joseph R. Biden.*
Authority: Drug Abuse Prevention and Control Act.

Abstract: In response to a congressional request, GAO determined: (1) the validity of certain accomplishments the Organized Crime Drug Enforcement Task Force (OCDETF) claimed, such as the number of offenders convicted, sentences imposed, criminal fines assessed, and non-drug assets seized and/or forfeited; (2) compliance with an OCDETF guideline requiring U.S. Attorney approval for pleas to less than the most serious charges; and (3) whether task force attorneys are seeking enhanced drug penalties for offenders with prior federal felony drug convictions.

Findings/Conclusions: GAO found that OCDETF reported that: (1) it convicted 1,408 offenders, but GAO identified 1,528 convictions; (2) about 80 percent of the 1,408 convicted offenders were sentenced to various prison terms; (3) it assessed \$9,624,000 in criminal fines, whereas GAO identified \$9,607,000; and (4) the value of asset seizures totalled \$157.6 million and forfeitures amounted to \$52 million. GAO also found that: (1) 16 districts did not follow the OCDETF guideline concerning plea agreements; (2) 16 districts obtained oral approval from the U.S. Attorney; (3) 13 districts obtained oral or written approval from the U.S. attorney or some other official in the U.S. Attorney's office; and (4) 2 districts did not provide information. In addition, GAO reported that: (1) of 1,450 offenders convicted of drug offenses, 64 had prior felony drug convictions; (2) prosecutors sought the enhanced penalty for 27 of the 64 offenders; and (3) during the summer of 1987, the administrative staff will consider the issue of whether a prosecutor's decision not to seek an enhanced penalty should be subject to the approval of the U.S. Attorney.

133048

[Protest of FAA Rejection of Bid Modification as Late]. B-227103.

May 22, 1987. 2 pp. *Decision re: Arrow, Inc.*; by Jerold D. Cohen, (for Robert M. Strong, Deputy Associate General Counsel), Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Arrow, Inc.; Federal Aviation Administration.

Authority: 4 C.F.R. 21.3(f). F.A.R. 14.304-1. B-206950.2 (1982).

Abstract: A firm protested the Federal Aviation Administration's (FAA) rejection of its late telegraphic bid modification under a solicitation for the construction of an airport surveillance radar facility. GAO held that FAA properly did not consider the protester's late bid modification, since: (1) it received the modification after bid opening; and (2) the protester's bid was not low in the absence of the modification. Accordingly, the protest was dismissed.

133055

[Comments on Customs Commissioner's Alleged Unauthorized Use of Government Automobiles]. B-210555.22. May 20, 1987. 4 pp. *Letter to William von Raab, Commissioner of Customs, United States Customs Service; by Milton J. Socolar, Acting Comptroller General.*

Contact: Office of the General Counsel.
Organization Concerned: United States Customs Service.

Congressional Relevance: *Rep. Jack Brooks.*

Authority: 62 Comp. Gen. 438. 54 Comp. Gen. 855. 31 U.S.C. 1344.

133056

[Comments on Customs Official's Alleged Unauthorized Use of Government Automobiles]. B-210555.23. May 18, 1987. 3 pp. *Letter to William Green, Assistant Commissioner, United States Customs Service; by Milton J. Socolar, Acting Comptroller General.*

Contact: Office of the General Counsel.
Organization Concerned: United States Customs Service.

Congressional Relevance: *Rep. Jack Brooks.*

Authority: 62 Comp. Gen. 438. P.L. 99-550. F.T.R. para. 1-2.3d. H. Rept. 99-451. 31 U.S.C. 1344. 31 U.S.C. 3614.

133088

Aviation Safety: Needed Improvements in FAA's Airline Inspection Program Are Underway. RCED-87-62; B-226617. May 19, 1987. Released June 2, 1987. 55 pp. plus 8 appendices (32 pp.). *Report to Rep. Norman Y. Mineta, Chairman, House Committee on Public Works and Transportation: Aviation Subcommittee; Rep. William Lehman, Chairman, House Committee on Appropriations: Transportation Subcommittee; by J. Dexter Peach, Assistant Comptroller*

General, Resources, Community, and Economic Development Division. Refer to RCED-87-3, April 13, 1987, Accession Number 132655; RCED-86-26, November 6, 1985, Accession Number 128432; RCED-85-157, August 2, 1985, Accession Number 127771; RCED-86-128FS, March 13, 1986, Accession Number 129410; RCED-86-185BR, June 20, 1986, Accession Number 130237; PAD-79-13, April 3, 1979, Accession Number 108989; RCED-87-137, September 25, 1987, Accession Number 134122; RCED-88-61, March 18, 1988, Accession Number 135348; T-RCED-88-45, June 2, 1988, Accession Number 135972; and RCED-88-189, September 2, 1988, Accession Number 136822.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Department of Transportation; Federal Aviation Administration.

Congressional Relevance: *House Committee on Appropriations: Transportation Subcommittee; House Committee on Public Works and Transportation: Aviation Subcommittee; Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee; Rep. William Lehman; Rep. Norman Y. Mineta.*

Authority: Aviation Act (49 U.S.C. 1301 et seq.). Airline Deregulation Act of 1978 (P.L. 95-504). FAA Reg. Part 121. FAA Reg. Part 135.

Abstract: In response to a congressional request, GAO examined the Federal Aviation Administration's (FAA): (1) ability to maintain airline safety standards in a deregulated environment; and (2) actions to correct weaknesses in its inspection program.

Findings/Conclusions: GAO found that FAA: (1) did not develop a system for monitoring deregulation's impact; (2) decreased its inspection force by 250 between 1981 and 1983, although it did not have staffing standards to provide a framework for determining how many inspectors it needed; (3) failed to collect inspection data and often did not identify major safety problems or ensure their correction through appropriate follow-up; (4) lacked guidelines concerning the needed frequency and scope of inspections; and (5) gave priority to certifying new airlines while existing airlines were experiencing safety compliance problems due to rapid growth and personnel turnover. GAO

also found that FAA has begun to address these problems by: (1) increasing its inspector work force; (2) establishing minimum inspection standards; (3) improving its internal control and management information systems; and (4) instituting a National Inspection Plan (NIP), using specially assembled teams to inspect targeted airlines.

Recommendation To Agencies: To help expedite the implementation of FAA efforts and better ensure their effectiveness, the Secretary of Transportation should direct the Administrator, FAA, to ensure that the FAA management information system is adequate to: (1) identify who is inspecting which airlines, thereby permitting FAA to better allocate its inspector work force and identify the current training needs of all of its inspectors; and (2) analyze nationwide inspection results for each airline to provide FAA with a better picture of each airline's compliance with safety regulations. To help expedite the implementation of FAA efforts and better ensure their effectiveness, the Secretary of Transportation should direct the Administrator, FAA, to develop a plan to ensure that the extensive software and handbook revisions, as well as the retraining necessary to effect the smooth changeover to the new type of microcomputer for the Work Program Management Subsystem, have been made by mid-1988, when the new computers are expected to be available for use. To help expedite the implementation of FAA efforts and better ensure their effectiveness, the Secretary of Transportation should direct the Administrator, FAA, to establish measurable goals and target dates for implementing agencywide evaluations of regional and district office compliance with inspection work priorities, the adequacy of supervisory oversight, and the quality of the periodic and follow-up inspections being performed. The Secretary of Transportation should direct the Administrator, FAA, to supplement FAA minimum standards for the type and frequency of airline inspections to provide guidance that takes into account the need to target airlines displaying characteristics that may indicate safety deficiencies, such as a relatively large amount of contracted maintenance and training, inadequate internal management controls, or management experience and philosophy incompatible with sound safety practices. These minimum type and frequency standards should be incorporated into FAA inspector staffing standards. The

Secretary of Transportation should direct the Administrator, FAA, to develop criteria for targeting airlines for special inspections under NIP and define the relationship between the special inspections and routine surveillance. The Secretary of Transportation should direct the Administrator, FAA, to refine estimates for staffing NIP and incorporate these estimates in its inspector staffing standard.

133094

[Protest of USCG Decision To Continue In-House Performance of Maintenance and Repair Services]. B-225651. May 18, 1987. 6 pp. *Decision re: Contract Services Co., Inc.;* by Milton J. Socolar, Acting Comptroller General.

Contact: Office of the General Counsel. **Organization Concerned:** Contract Services Co., Inc.; United States Coast Guard.

Authority: 60 Comp. Gen. 189. 53 Comp. Gen. 187. F.A.R. 14.406. OMB Circular A-76. B-217027 (1985). B-224301 (1986). B-188374 (1977). B-212263 (1983). 15 U.S.C. 637(b)(7).

Abstract: A firm protested the Coast Guard's decision not to contract for certain maintenance and repair services, contending that the Coast Guard did not compare the cost of in-house performance to its low bid price. GAO noted that the protester reviewed its estimate and verified its bid price upon request; however, the Coast Guard rejected the bid because it was considerably lower than the federal government estimate. GAO held that the Coast Guard: (1) prematurely rejected the protester's bid without evidence that the bid contained a mistake; (2) should have requested appropriate documentation if it believed that the bid was incorrect; and (3) should have awarded the contract to the protester, since it was less costly to contract for the required services than to perform the work in-house. Accordingly, the protest was sustained, and GAO recommended that the Coast Guard award the contract to the protester, if otherwise appropriate.

133152

Tax Policy: Allocating Motorboat Fuel Excise Taxes to the Aquatic Resources Trust Fund. GGD-87-43BR; B-226284. June 9, 1987. 2 pp. plus 3 appendices (12 pp.). *Briefing Report* to Rep. Gerry E. Studds, Chairman, House Committee on Merchant Marine and Fisheries; Fisheries, Wildlife Conservation and

the Environment Subcommittee; Rep. Don Young, Ranking Minority Member, House Committee on Merchant Marine and Fisheries; Fisheries, Wildlife Conservation and the Environment Subcommittee; by Jennie S. Stathis, Associate Director, General Government Division. Refer to T-RCED-88-38, April 28, 1988, Accession Number 135678; RCED-88-87BR, January 29, 1988, Accession Number 135170; and RCED-89-32BR, October 26, 1988, Accession Number 137155.

Issue Area: Tax Policy and Administration: Other Issue Area Work (4691).

Contact: General Government Division.

Budget Function: General Government: Tax Administration (803.1).

Organization Concerned: Department of the Treasury.

Congressional Relevance: House Committee on Merchant Marine and Fisheries; Fisheries, Wildlife Conservation and the Environment Subcommittee; Rep. Don Young; Rep. Gerry E. Studds.

Authority: Deficit Reduction Act of 1984.

Abstract: In response to a congressional request, GAO reviewed the Department of the Treasury's allocation of gasoline excise tax revenues to the Aquatic Resources Trust Fund (ARTF), focusing on whether improvements can be made in the allocation process and in the data bases Treasury uses to make allocations. **Findings/Conclusions:** GAO noted that: (1) the excise tax revenue generated by the sale of gasoline for motorboats has become a major source of federal funding for ARTF; and (2) Treasury must estimate the amount of motorboat fuel taxes collected. GAO found that: (1) although Treasury has completely revised the method it uses to estimate national motorboat fuel consumption, the data still have limitations that reflect a lack of reliable data on motorboat fuel use separate from other forms of gasoline consumption; (2) Treasury needs precise data on national motorboat fuel use to make a more precise allocation of gasoline tax revenues to ARTF; and (3) Treasury could obtain the necessary data by conducting an appropriately designed national survey on motorboat use. GAO concluded that, short of conducting a nationwide survey, Treasury could enhance the reliability of its calculations by ensuring that it incorporates updated and new data into the calculations as they become available.

133228

[NTSB Recommendations]. T-RCED-87-28. May 28, 1987. 5 pp. *Testimony* before the Senate Committee on Commerce, Science and Transportation; Aviation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-121, March 6, 1986, Accession Number 129306; T-RCED-87-2, February 27, 1987, Accession Number 132274; and T-RCED-88-3, October 15, 1987, Accession Number 134145.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: National Transportation Safety Board; Federal Aviation Administration.

Congressional Relevance: Senate Committee on Commerce, Science and Transportation; Aviation Subcommittee.

Abstract: GAO discussed the National Transportation Safety Board's (NTSB) recommendation that the Federal Aviation Administration (FAA) limit air traffic at some of the busiest airports until it can improve its traffic flow control program. GAO noted that: (1) it recently made essentially the same recommendation to FAA; (2) its survey of the FAA traffic control work force showed that controllers thought that they were understaffed and might not be able to maintain an appropriate margin of safety; (3) FAA believes that its existing flow control measures are adequate; and (4) its review of FAA safeguards in one area revealed numerous flow control deficiencies, including severe understaffing and a reliance on controllers' judgments about how much traffic they could handle. GAO believes that: (1) the NTSB recommendation was valid; and (2) FAA should solicit its controllers' views on system improvements, establish criteria for maximum safe traffic density, and develop means for predicting dangerous traffic levels.

133242

Aviation Security: FAA Preboard Passenger Screening Test Results. RCED-87-125FS; B-226652. April 30, 1987.

Released June 18, 1987. 18 pp. plus 1 appendix (1 p.). *Fact Sheet* to Rep. Cardiss R. Collins, Chairman, House Committee on Government Operations; Government Activities and Transportation Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic

Development Division. Refer to T-RCED-88-14, December 17, 1987, Accession Number 134666; RCED-87-182, July 24, 1987, Accession Number 133539; and RCED-88-86, January 29, 1988, Accession Number 134921.

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Government Operations: Government Activities and Transportation Subcommittee; *Rep.* Cardiss R. Collins.

Authority: Aviation Act (P.L. 93-366; 49 U.S.C. App. 1356). FAA Reg. Part 108.

Abstract: In response to a congressional request, GAO evaluated the Federal Aviation Administration's (FAA) Civil Aviation Security Program, to determine whether the screening process identified weapons, explosives, or other dangerous test objects.

Findings/Conclusions: GAO found that: (1) of the 2,419 times that FAA tested the passenger screening process at major airports, 1,923 screenings, or 80 percent, correctly identified dangerous items, while in 496 screenings, or 20 percent, the items went undetected; and (2) test results varied among individual regions, ranging from a low of 34 percent to a high of 99 percent.

133272

[Comments on MARAD Denial of Freedom of Information Act Request]. B-227454. June 18, 1987. 2 pp. *Letter* to Brian Donovan, B. Donovan & Associates, Inc.; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Maritime Administration.

Authority: Freedom of Information Act (5 U.S.C. 552). 4 C.F.R. 21.2. 4 C.F.R. 21.3(f). 64 Comp. Gen. 755. B-225463 (1987). B-224684 (1987). B-225223 (1986).

133277

Vehicle Theft: Data Bases for Implementing and Assessing the 1984 Vehicle Theft Act. GGD-87-59BR; B-226345. May 5, 1987.

Released June 23, 1987. 4 pp. plus 6 appendices (38 pp.). *Briefing Report* to Rep. John D. Dingell, Chairman, House

Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by Arnold P. Jones, Senior Associate Director, General Government Division.

Issue Area: Administration of Justice: Other Issue Area Work (4791).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Law Enforcement Activities (751.0).

Organization Concerned: Federal Bureau of Investigation; National Crime Information Center; National Highway Traffic Safety Administration; National Automobile Theft Bureau.

Congressional Relevance: House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; *Rep.* John D. Dingell.

Authority: Motor Vehicle Theft Law Enforcement Act of 1984.

Abstract: Pursuant to a congressional request, GAO reviewed the vehicle theft and recovery data bases available to implement the Motor Vehicle Theft Law Enforcement Act.

Findings/Conclusions: GAO noted that the act required the Department of Transportation (DOT) and the Federal Bureau of Investigation to obtain vehicle theft and recovery data in identifying vehicles with high theft rates, and take any necessary actions to improve the accuracy, reliability, and timeliness of the data. GAO found that: (1) DOT reasonably used National Crime Information Center (NCIC) data to determine which high-theft vehicles were subject to the act's marking requirements; (2) the NCIC vehicle file contained 30-percent more entries per year than the National Automobile Theft Bureau (NATB) data base; and (3) although NATB and certain insurance companies reported data on the number and condition of recovered vehicles, NCIC did not report on the condition of recovered vehicles. GAO also found that: (1) an unknown proportion of vehicle entries in NCIC did not reflect actual vehicle thefts, but lost, stolen, or borrowed vehicles; (2) local agencies did not always follow NCIC procedures to identify invalid thefts; and (3) NCIC and NATB computer programs determined the validity of vehicle identification numbers entered into the systems.

133278

Alternative Fuels: Information on DOD's Methanol Vehicle Program. RCED-87-91; B-226783. May 22, 1987.

Released June 23, 1987. 9 pp. plus 2 appendices (3 pp.). *Report* to Rep. Philip R. Sharp, Chairman, House Committee

on Energy and Commerce: Energy Conservation and Power Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-84-36, October 27, 1983, Accession Number 122727; and RCED-88-38BR, October 7, 1987, Accession Number 134134.

Issue Area: Energy: Assessing Whether the DOE R&D Program Will Result in Developing Needed Alternative Energy Technologies To Meet Future Energy Demand (6410).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Energy: Energy Supply (271.0).

Organization Concerned: Department of the Army.

Congressional Relevance: House Committee on Energy and Commerce: Energy Conservation and Power Subcommittee; *Rep.* Philip R. Sharp.

Authority: Department of Defense Authorization Act, 1985 (P.L. 98-525).

Abstract: Pursuant to a congressional request, GAO reviewed the Army's efforts to: (1) procure new methanol vehicles; (2) establish the reliability and durability of methanol vehicles in laboratory and fleet tests; and (3) resolve related support functions for the safe and efficient storage, distribution, and use of methanol fuel.

Findings/Conclusions: GAO found that the Army: (1) purchased 27 new vehicles which it modified to operate on methanol fuel; (2) examined methanol vehicle operation under cold, moderate, and hot climate conditions; (3) developed methanol fuel and lubricant specifications, methods for transporting, storing, and dispensing the fuel, and technical specifications for vehicle conversion; and (4) provided some data on the technical and environmental aspects of methanol vehicle operation, but budget limitations precluded it from testing enough vehicles to establish reliability and durability.

133385

[Protest of FAA Decision Not To Exercise Contract Option]. B-227554. July 2, 1987. 2 pp. *Decision* re: Etc. Technical & Professional Services, Inc.; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Etc. Technical & Professional Services, Inc.; Federal Aviation Administration.

Authority: F.A.R. 17.201. B-223533 (1986). B-222731 (1986). OMB Circular A-76.

Abstract: A firm protested a Federal Aviation Administration (FAA) decision to utilize in-house personnel for its training courses, rather than exercising an option under the protester's contract. GAO held that it would not review the FAA determination not to exercise the contract option because: (1) that was a matter of contract administration; and (2) FAA did not issue a competitive solicitation. Accordingly, the protest was dismissed.

133423

Army Deployment: Better Transportation Planning Is Needed. NSIAD-87-138; B-226747. June 18, 1987. 45 pp. plus 5 appendices (24 pp.). *Report* to John O. Marsh, Jr., Secretary, Department of the Army; by Bill W. Thurman, (for Frank C. Conahan, Assistant Comptroller General), National Security and International Affairs Division. Refer to PLRD-83-73, May 20, 1983, Accession Number 121422; and IMTEC-88-54, September 14, 1988, Accession Number 136770.

Issue Area: Army: Capability of U.S. Forces To Deploy From Conus to Points of Debarkation According to Plans (5503).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of the Army; Department of the Army: Military Traffic Management Command; Department of Transportation: Research and Special Programs Administration: Office of Emergency Transportation; Department of the Army: U.S. Army Forces Command.

Congressional Relevance: *House* Committee on Appropriations; *House* Committee on Armed Services; *Senate* Committee on Appropriations; *Senate* Committee on Armed Services.

Abstract: GAO discussed the Army's ability to mobilize and move forces to ports of debarkation within the time frames of its operational plans, including: (1) the availability of the required transportation resources; and (2) the adequacy of unit and installation plans and preparations to use them.

Findings/Conclusions: GAO found that: (1) because the Army has not identified what equipment it needs to move to mobilization stations, identifying the number or types of transportation

resources it needs is difficult; (2) mobilization station commanders and transportation operating agencies believe that the Computerized Movement Planning and Status System (COMPASS) is inaccurate and outdated; (3) the outloading capability of mobilization stations varies from the Military Traffic Management Command's (MTMC) requirements; (4) deterioration of rail lines impedes movement of units to and from mobilization stations; (5) the Army has not determined mobilization stations' out-load capacities and capabilities to receive, off-load, and return transportation resources; (6) the U.S. Army Forces Command (FORSCOM) overstated its requirements for blocking, bracing, packing, crating, and tie-down (BBPCT) materials and warehouses by about \$10 million; and (7) FORSCOM overstated its needs for railcar spanners, hand tool sets, and loading ramps by \$5.5 million.

Recommendation To Agencies: The Secretary of the Army should direct the Commander, FORSCOM, in conjunction with the mobilization commanders, to ensure that the equipment requiring commercial transportation for movement to and from the mobilization stations be accurately reflected in COMPASS reports. The Secretary of the Army should direct mobilization station commanders to determine and document the amount and type of commercial transportation required to meet the most demanding requirements in the operation plans for which a mobilization station is tasked. The most demanding out-load requirements may vary from mobilization station to mobilization station depending on the transportation mode selected, installation out-load capabilities, proximity to port of embarkation, or other factors. The Secretary of the Army should direct FORSCOM and MTMC to compare the number of railcars and trucks planned for use by mobilization stations with the number expected by MTMC for each operation plan to ensure that any differences will not materially affect the out-loading capabilities of the mobilization stations or port-reception capabilities of the ports of embarkation. The Secretary of the Army should direct mobilization stations to develop plans for distributing BBPCT materials and equipment to the out-loading units. The Secretary of the Army should direct the Commander, MTMC, in coordination with the Department of Transportation's Office of Emergency Transportation, to annually assess the availability of rail and truck resources for meeting the Army's deployment needs. This

assessment should consider: (1) the Army's need for special types of railcars and trucks; (2) the out-loading capacity and capability of the mobilization stations; and (3) the capability of the ports of embarkation to receive, off-load, and return the transportation resources for reloading. The Secretary of the Army should direct FORSCOM to reassess installations' needs for BBPCT materials and warehouses and retain the current hold on funds for these items until the reassessments are completed and existing stocks are redistributed in accordance with actual installation out-loading needs. Before further funding of BBPCT, FORSCOM should ensure that: (1) reassessments properly consider the percentage of the flatcar fleet requiring BBPCT and the use of multilevel flatcars; (2) mobilization stations are in compliance with regulations and policy regarding the development of BBPCT requirements and its use and storage; and (3) installations comply with requirements to conduct local BBPCT availability surveys and adjust BBPCT stocking requirements accordingly. The Secretary of the Army should direct FORSCOM to reduce planned funding levels for railcar spanners, rail hand tool sets, and portable end ramps by \$5.5 million and place a hold on remaining funds intended for these items until FORSCOM completes its ongoing reassessment of need and redistributes existing stocks in accordance with installation outloading needs.

133425

[FAA's Preboard Passenger Screening Process]. T-RCED-87-34. June 18, 1987. 7 pp. *Testimony* before the House Committee on Government Operations: Government Activities and Transportation Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to T-RCED-88-14, December 17, 1987, Accession Number 134666; and RCED-87-182, July 24, 1987, Accession Number 133539.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: *House* Committee on Government Operations: Government Activities and Transportation Subcommittee.

Abstract: GAO discussed the effectiveness of the Federal Aviation Administration's (FAA) Civil Aviation Security Program in screening

passengers at U.S. airports to prevent them from boarding with concealed firearms, explosives, and other dangerous weapons. GAO found that: (1) although the security program is a significant deterrent and promotes safety, there are wide variations in the frequency with which it detects weapons; (2) the program has personnel-related problems, such as low wages and inadequate training; and (3) there are no standards for measuring the effectiveness of the screening process. GAO believes that established performance standards would enable FAA to more effectively monitor and enforce the security program.

133441

Drug Smuggling: Large Amounts of Illegal Drugs Not Seized by Federal Authorities. GGD-87-91; B-226654. June 12, 1987.

Released July 15, 1987. 40 pp. *Report to Rep. Glenn L. English, Chairman, House Committee on Government Operations: Government Information, Justice, and Agriculture Subcommittee*; by William J. Anderson, Assistant Comptroller General, General Government Division. Refer to Testimony, September 9, 1986, Accession Number 130958; GGD-86-136, September 8, 1986, Accession Number 131316; GGD-88-39, 1988, Accession Number 135158; GGD-88-24, February 12, 1988, Accession Number 135271; and GGD-88-113, July 28, 1988, Accession Number 136781.

Issue Area: Administration of Justice: Obstacles Congress and Agencies Should Address in Coordinating Law Enforcement Resources (4701).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Law Enforcement Activities (751.0).

Organization Concerned: United States Customs Service; United States Coast Guard; Department of Defense; National Drug Enforcement Policy Board; Drug Enforcement Administration; National Narcotics Border Interdiction System; Department of Justice: Immigration and Naturalization Service.

Congressional Relevance: *House Committee on Government Operations: Government Information, Justice, and Agriculture Subcommittee*; *Rep. Glenn L. English*.

Authority: Drug Interdiction Improvement Act. Omnibus Drug Supplemental Appropriations Act of 1987. Posse Comitatus Act (Use of Army).

Abstract: In response to a congressional request, GAO reviewed the capabilities

of the federal government to interdict illegal drug smuggling across the southern border of the United States. **Findings/Conclusions:** GAO found that: (1) the Customs Service and the Coast Guard are the principal interdiction agencies and are jointly responsible for both air and marine interdiction; (2) the Department of Defense provides support for air and marine interdiction operations; and (3) the Anti-Drug Abuse Act of 1986 substantially increased federal funding for drug interdiction. GAO also found that: (1) the quantity of illegal drugs seized in recent years was small compared to the amount successfully smuggled into the United States; (2) staff and equipment shortages left large gaps in interdiction coverage; (3) interdiction personnel and equipment did not operate around the clock; (4) the southern border lacked 24-hour radar coverage with the ability to detect flights at low altitudes; (5) radar coverage and detection capabilities were especially limited along the southern coastal and land borders outside of south Florida; (6) the Coast Guard did not have sufficient personnel or vessels to detect and interdict all of the marine smugglers in the Caribbean; and (7) a lack of timely and accurate tactical intelligence hindered interdiction agencies. In addition, GAO found that: (1) the demand for illegal drugs continues to make smuggling highly profitable; and (2) although increased resources for equipment and staff should result in improved coverage, smugglers have responded successfully to past changes in the interdiction system and may continue to do so.

133444

[Hazardous Weather Detection and Warning Systems]. T-RCED-87-38. June 30, 1987. 8 pp. *Testimony before the House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee*; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-152BR, April 22, 1986, Accession Number 129808; and RCED-86-121, March 6, 1986, Accession Number 129306.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: *House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee*.

Abstract: GAO discussed the Federal Aviation Administration's (FAA) development of wind shear and hazardous weather detection and warning systems for major airports. GAO found that: (1) the existing aviation weather detection system is inadequate and slow in communicating weather information to pilots; (2) FAA is developing three new ground-based wind shear detection systems, but they all have detection limitations and technical problems; (3) FAA has not developed guidance for air controllers for monitoring and reporting weather information to pilots; and (4) since the number of aircraft capable of receiving data-link information is likely to be small, pilots will continue to use air controllers as their primary source of hazardous weather information.

133458

[Protest of FHWA Contract Award]. B-227871. July 10, 1987. 4 pp. *Decision re: Mid-America Research Institute*; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Mid-America Research Institute; Federal Highway Administration; Texas A&M Research Foundation.

Authority: 4 C.F.R. 21.2(a). B-226386.2 (1987). B-224550 (1987).

Abstract: A firm protested a Department of Transportation (DOT) contract award, contending that DOT: (1) improperly revised its statement of work, after holding discussions, to include portions of the protester's technical proposal; and (2) misled it into believing that it had won the contract. GAO held that the protester: (1) untimely filed its protest, since it was aware of the basis for protest prior to bid opening; and (2) should have known that it was not the only bidder, since the procurement was competitive. Accordingly, the protest was dismissed.

133465

Tax Administration: Gas Guzzler Tax Compliance Can Be Increased. GGD-87-85; B-220844. July 16, 1987. 29 pp. plus 3 appendices (8 pp.). *Report to Rep. Daniel Rostenkowski, Chairman, Joint Committee on Taxation*; Sen. Lloyd Bentsen, Vice Chairman, Joint Committee on Taxation; by William J. Anderson, Assistant Comptroller General, General Government Division. Refer

to RCED-87-29, December 11, 1986, Accession Number 132043.

Issue Area: Tax Policy and Administration; **Other Issue Area Work** (4691).

Contact: General Government Division. **Budget Function:** General Government: Tax Administration (803.1).

Organization Concerned: Internal Revenue Service; Department of the Treasury; Bureau of Customs; Department of Transportation; Environmental Protection Agency.

Congressional Relevance: *House* Committee on Government Operations; *House* Committee on Ways and Means; *Senate* Committee on Finance; *Joint* Committee on Taxation; Congress; *Rep.* Daniel Rostenkowski; *Sen.* Lloyd Bentsen.

Authority: Energy Tax Act of 1978 (26 U.S.C. 4064). Clean Air Act. Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391 et seq.). Internal Revenue Code (IRC). IRS Ruling 86-20. H.R. 738 (100th Cong.).

Abstract: GAO: (1) discussed the need for improving taxpayer compliance with the gas guzzler excise tax; (2) evaluated Internal Revenue Service (IRS) efforts to enforce the tax; and (3) identified methods for improving taxpayer compliance.

Findings/Conclusions: GAO sampled independent imports entering the United States through ports in four Customs Service districts from November 1983 through November 1984. GAO found that: (1) less than 1 percent of the independent importers paid the gas guzzler tax; (2) this noncompliance resulted in lost tax revenues of over \$6 million; and (3) most factory-authorized importers paid the tax. IRS believed that the primary reasons independent importers did not pay the tax, besides intentional tax evasion, were that: (1) many liable taxpayers were unaware of the tax; and (2) some importers, who were aware of the tax, did not believe that it applied to them. GAO concluded that, although IRS has taken actions to enforce the tax, these actions may not reduce tax noncompliance.

Recommendation To Congress: Congress should consider amending Internal Revenue Code section 4064, "Gas Guzzler Tax," to require importers to pay the tax to Customs at the time fuel-inefficient vehicles are imported. Congress should consider amending the bonding requirement for independent importers to require proof of payment of the gas guzzler tax before the bond is released. **Recommendation To Agencies:** To promote voluntary compliance through increased taxpayer awareness, the Commissioner of Internal Revenue

should arrange for Customs to include information on the gas guzzler tax in the pamphlet it provides to independent importers. To enhance IRS efforts to improve compliance with the gas guzzler tax and assure itself that the levels of district office enforcement efforts are appropriate, the Commissioner of Internal Revenue should: (1) monitor district office enforcement efforts and identify enforcement problems, as well as effective enforcement approaches; and (2) communicate, IRS-wide, information on effective enforcement approaches and actions needed to solve identified problems.

133518

Railroad Regulation: Competitive Access and Its Effects on Selected Railroads and Shippers. RCED-87-109; B-226509. June 18, 1987.

Released July 22, 1987. 43 pp. plus 4 appendices (6 pp.). *Report* to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-87-119, September 9, 1987, Accession Number 134149.

Issue Area: Transportation: Economic Effects of Regulatory Reform in the Transportation Sector (6611).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Interstate Commerce Commission.

Congressional Relevance: *House* Committee on Energy and Commerce: Oversight and Investigations Subcommittee; *Rep.* John D. Dingell.

Authority: Staggers Rail Act of 1980. Interstate Commerce Act, Part 4 (49 U.S.C. 10101 et seq.). Antitrust Act (15 U.S.C. 15 et seq.). Railroad Revitalization and Regulatory Reform Act of 1976. *Keough v. Chicago & Northwestern Railway Co.*, 260 U.S. 156 (1922). *Georgia v. Pennsylvania R.R. Co.*, 324 U.S. 439 (1945). *Hansen v. Norfolk & Western Railway*, 689 F.2d 707 (7th Cir. 1982). H.R. 941 (100th Cong.). S. 443 (100th Cong.). H.R. 1393 (100th Cong.). S. 676 (100th Cong.).

Abstract: In response to a congressional request, GAO reviewed the Interstate Commerce Commission's (ICC) implementation of Staggers Rail Act provisions relating to joint rate and reciprocal switching cancellations. focusing on: (1) ICC criteria for the suspension or investigation of

cancellations; (2) the effects of cancellations on selected railroads and shippers; and (3) the ability of railroads and shippers to use antitrust laws to protest cancellations.

Findings/Conclusions: GAO noted that: (1) under a reciprocal switching agreement, two railroads interchange cars originating or terminating on their track for an agreed-upon charge; and (2) joint rates simplify dealings between railroads and shippers, since one rate applies to goods that move over more than one railroad. GAO found that: (1) in considering cancellation suspensions, ICC requires a protester to show that it has a substantial likelihood of winning its case, it would suffer substantial injury without the suspension, and the act's refund provision would not protect it; (2) most railroads indicated that retaliation for another railroad's cancellations was an important reason for cancellations; (3) most protesting railroads lost revenue as a result of cancellations; (4) shippers indicated that cancellations resulted in higher costs and poorer rail services; and (5) regulations limit the availability of current antitrust laws to provide shippers and railroads with relief from cancellations.

133533

Water Pollution: EPA Controls Over Ballast Water at Trans-Alaska Pipeline Marine Terminal. RCED-87-118; B-221467. June 18, 1987.

Released July 24, 1987. 6 pp. plus 5 appendices (33 pp.). *Report* to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by Hugh J. Wessinger, Senior Associate Director, Resources, Community, and Economic Development Division. Refer to T-HRD-87-8, April 7, 1987, Accession Number 132608; and HRD-87-42, March 19, 1987, Accession Number 132801.

Issue Area: Environment: Assessing How Water Pollution Facilities Are Reducing Pollutants From the Nation's Waters (6804).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Environmental Protection Agency; Alyeska Pipeline Service Co.

Congressional Relevance: *House* Committee on Energy and Commerce: Oversight and Investigations Subcommittee; *Rep.* John D. Dingell.

Authority: Water Pollution Control Act Amendments of 1972 (Federal) (33 U.S.C. 1251 et seq.). Toxic Substances Control Act.

Abstract: In response to a congressional request, GAO obtained information on the Environmental Protection Agency's (EPA) controls over pollutants that a pipeline company discharged into Valdez Bay, Alaska, at its ballast water treatment plant to determine: (1) why EPA has not issued the plant a new water discharge permit; and (2) whether EPA has effectively monitored and enforced the conditions of the existing permit.

Findings/Conclusions: GAO found that: (1) EPA did not issue a new permit in 1983 because of higher-priority work, staff limitations, and absence of funds to hire an expert permit writer; (2) EPA expects to issue a draft permit in 1987; (3) the company has operated under an extension of the less stringent old permit; (4) EPA monitored the company's permit and identified instances of noncompliance, but has not taken formal enforcement actions; and (5) since 1984, EPA has taken steps to enforce compliance with permit requirements, but has not finalized its investigation of allegations of other environmental problems. GAO believes that EPA needs to resolve environmental concerns surrounding the facility as soon as possible.

133534

Rail Abandonments: Abandonment Activity and Shipper Views on Rail Service Loss. RCED-87-82; B-226069. July 17, 1987.

Released July 24, 1987. 51 pp. plus 4 appendices (4 pp.). *Report to Rep. Tony Coelho; Rep. Martin Olav Sabo; Rep. Byron L. Dorgan; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-87-15BR, October 2, 1986, Accession Number 131806.*

Issue Area: Transportation: Economic Effects of Regulatory Reform in the Transportation Sector (6611).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Interstate Commerce Commission; Interstate Commerce Commission: Office of Public Assistance; Interstate Commerce Commission: Office of Hearings.

Congressional Relevance: House Committee on Appropriations;

Transportation Subcommittee; House

Committee on Energy and Commerce: Transportation, Tourism, and Hazardous Materials Subcommittee; *Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation: Surface Transportation Subcommittee; Rep. Byron L. Dorgan; Rep. Martin Olav Sabo; Rep. Tony Coelho.*

Authority: Transportation Act of 1920. Regional Rail Reorganization Act of 1973. Railroad Revitalization and Regulatory Reform Act of 1976. Staggers Rail Act of 1980. Northeast Rail Service Act of 1981.

Abstract: Pursuant to a congressional request, GAO provided information on railroad abandonments, focusing on: (1) the amount of mileage railroads attempted to abandon; (2) shippers' and local officials' perspectives on the abandonment process; and (3) shippers' views on the effects of rail abandonments on their operations.

Findings/Conclusions: GAO found that: (1) railroads requested the Interstate Commerce Commission's (ICC) permission to abandon 36,900 miles of rail lines from 1970 through 1985; (2) ICC denied permission for 6.9 percent of that mileage; (3) while many factors influenced railroads' decisions to abandon rail lines, it could not determine the primary causes of abandonments; (4) protesters in abandonment proceedings were generally unaware of the various forms of assistance that ICC could provide to them; (5) protesters and state transportation officials opposed the ICC method of considering railroad opportunity costs in abandonment decisions; (6) many shippers believed that converting to other forms of transportation increased their transportation costs; and (7) abandonments have forced some shippers of bulk commodities to relocate their rail-dependent facilities.

Recommendation To Agencies: Given the ICC regulatory requirement that the Office of Public Assistance (OPA) ensure that all aspects of proceedings are fully developed and that shippers be adequately informed of ICC assistance, ICC should modify its regulations to require that rail-user communities be informed of assistance available to protesters when railroads first notify ICC of their intent to abandon a branch line. Furthermore, OPA should be charged with this notification responsibility. The ICC Office of Hearings should also refer to available assistance in its Notice of Hearings if ICC decides to investigate a case set for oral hearing.

133538

Department of Transportation: Enhancing Policy and Program Effectiveness Through Improved Management. RCED-87-3S; B-216946. July 24, 1987. 1 p. plus 12 appendices (219 pp.). *Report to Elizabeth H. Dole, Secretary, Department of Transportation; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to T-RCED-88-38, April 28, 1988, Accession Number 135678; RCED-87-3, April 13, 1987, Accession Number 132655; and RCED-89-32BR, October 26, 1988, Accession Number 137155.*

Issue Area: General Management Reviews: RCED-Assessing Whether Agencies Have the Necessary Management to Ensure Effective Service Delivery and Safeguarding of Public Resources (7304).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0); Transportation: Air Transportation (402.0); Transportation: Water Transportation (403.0); Transportation: Other Transportation (407.0).

Organization Concerned: Department of Transportation.

Abstract: GAO provided information on the Department of Transportation's (DOT) policies and programs and recommended actions DOT could take to improve its management effectiveness.

Findings/Conclusions: GAO discussed: (1) the legislative and institutional history of DOT to facilitate an understanding of the present organization, its operations, and culture; (2) selected DOT safety programs and improved management techniques to better measure their operational effectiveness, enhance their productivity, and make optimal use of increasingly limited resources; (3) grants management in a changing environment; (4) the importance of support and control systems to management effectiveness; and (5) the importance of policy formulation and of a systematic framework for providing direction, coordination, and strategic focus to agency policies, plans, and programs.

133539

Aviation Security: FAA Needs Preboard Passenger Screening Performance Standards. RCED-87-182; B-226652. July 24, 1987. 2 pp. plus 2 appendices (9 pp.). *Report to Elizabeth H. Dole, Secretary,*

Department of Transportation; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-87-125FS, April 30, 1987, Accession Number 133242; T-RCED-87-34, June 18, 1987, Accession Number 133425; T-RCED-88-4, October 22, 1987, Accession Number 134217; T-RCED-88-14, December 17, 1987, Accession Number 134666; RCED-88-86, January 29, 1988, Accession Number 134921; and RCED-88-160, August 23, 1988, Accession Number 136826.

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Department of Transportation; Federal Aviation Administration.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee; House Committee on Public Works and Transportation: Aviation Subcommittee; House Committee on Government Operations: Government Activities and Transportation Subcommittee; Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee.

Abstract: GAO provided information on its work to date on the Federal Aviation Administration's (FAA) testing of preboard passenger screening.

Findings/Conclusions: GAO found that, although the preboard screening process has provided a deterrent to crimes against civil aviation, there were wide variations, from a high of 99 percent to a low of 34 percent, in the frequency with which FAA detected weapons.

Recommendation To Agencies: FAA should establish a minimum standard that the airlines must meet for the detection of FAA test weapons and use the standard as one of several management tools in its oversight of passenger screening.

133587

[FAA Air Traffic Controller Staffing and Related Issues]. T-RCED-87-42. July 29, 1987. 11 pp. plus 1 attachment (4 pp.). *Testimony* before the House Committee on Post Office and Civil Service: Investigations Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community,

and Economic Development Division. Refer to RCED-87-32BR, October 9, 1986, Accession Number 131579.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Post Office and Civil Service: Investigations Subcommittee.

Abstract: GAO discussed the Federal Aviation Administration's (FAA) efforts to rebuild its air traffic controller and maintenance technician work forces. GAO found that: (1) FAA has fewer air traffic controllers handling considerably more traffic than it did before the strike; (2) FAA has met the congressionally mandated controller work-force level of 15,000; (3) although the FAA fiscal year 1988 appropriation request included 580 more controllers, the linkages between controller staffing and the level of service FAA will provide is unknown; (4) the number of controller trainees fluctuates in response to budgetary concerns and attrition; (5) some facilities cannot provide adequate coverage and qualified instructors, even with additional overtime; (6) although FAA has considered rehiring fired controllers to achieve the mandated staffing level, most of the current staff oppose rehiring because it could hurt morale; and (7) because of the staffing priorities it gives to controllers, FAA has a critical shortage of maintenance technicians and lacks an adequate training program to replace eligible retirees. GAO believes that FAA needs to explain the linkages between its rebuilding efforts and the level of service it expects to provide.

133602

[Protest of Coast Guard Rejection of Bid as Nonresponsive]. B-227116. July 29, 1987. 4 pp. *Decision* re: Sabre Communications Corp.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Sabre Communications Corp.; United States Coast Guard.

Authority: 60 Comp. Gen. 189. F.A.R. 14.406. B-224301 (1986). B-225689 (1987).

Abstract: A firm protested the Coast Guard's rejection of its bid as nonresponsive under a small business set-aside solicitation for antenna towers, contending that the Coast Guard should have: (1) allowed it to modify its bid, since it based the bid on a defective specification; or (2) rejected all bids and resolicited with amended requirements. GAO held that the Coast Guard properly

rejected the protester's request to increase its bid price, since the: (1) specification was adequate and identified the correct design manual that offerers should have used; and (2) protester intentionally used an outdated manual in formulating its bid. Accordingly, the protest was denied.

133604

Alternative Fuels: Feasibility of Expanding the Fuel Ethanol Industry Using Surplus Grain. RCED-87-106BR; B-222735. June 30, 1987.

Released August 3, 1987. 60 pp. plus 3 appendices (13 pp.). *Briefing Report* to Sen. J. James Exon; by Flora H. Milans, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-84-1, June 6, 1984, Accession Number 124476.

Issue Area: Energy: Assessing Whether the DOE R&D Program Will Result in Developing Needed Alternative Energy Technologies To Meet Future Energy Demand (6410).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Energy: Energy Conservation (272.0).

Organization Concerned: Department of Agriculture; Department of Agriculture: Commodity Credit Corporation; Department of Energy.

Congressional Relevance: Sen. Edward Zorinsky; Sen. J. James Exon.

Authority: Energy Tax Act of 1978 (P.L. 95-618). Windfall Profit Tax Act (Crude Oil) (P.L. 96-223). Omnibus Reconciliation Act of 1980 (P.L. 96-499). Energy Security Act (P.L. 96-294). Consolidated Farm and Rural Development Act. Surplus Agricultural Commodities Disposal Act of 1982 (P.L. 97-358). Food Security Act (P.L. 99-198). Agricultural Act of 1949. P.L. 96-438.

Abstract: In response to a congressional request, GAO examined the feasibility of using surplus federally owned grain to further the development of the ethanol industry, focusing on financing concepts that would allow producers and developers to use surplus grain as either: (1) collateral to obtain financing from lending institutions to either construct new ethanol plants or expand existing facilities; or (2) a free feedstock to produce ethanol, which could induce lending institutions to finance the construction or expansion of ethanol plants or facilities.

Findings/Conclusions: GAO found that: (1) declining ethanol prices and weakened demand for fuel ethanol

threaten the economic viability of many ethanol producers; (2) federal and state government incentives had a significant role in expanding the industry and in marketing fuel ethanol; (3) surplus grain inventories are large enough to support the financing concepts; (4) producers, developers, and lenders are skeptical about the concepts' usefulness for expanding the industry, given the decreased demand for fuel ethanol; and (5) most producers and developers believe that the financing concepts are feasible, and one-half are willing to participate. GAO also found that: (1) lenders are not interested in the grain-as-collateral concept but are somewhat interested in the grain-feedstock-as-inducement concept; (2) lenders are unwilling to participate in the grain-as-collateral concept if the grain will only be used to produce ethanol in the case of a loan default; (3) the Department of Agriculture has the authority to use surplus federal grain for ethanol, but there are legal restrictions to its use; (4) use of surplus grain to finance additional fuel ethanol plants would not significantly reduce existing surplus inventories and could potentially reduce excise tax revenues; and (5) expansion of the fuel ethanol industry could affect others outside the industry, such as oil companies, farmers, and consumers.

133617

[U.S.-Mexico Opium Poppy and Marijuana Aerial Eradication Program]. T-NSIAD-87-42. August 5, 1987. 9 pp. *Testimony* before the House Select Committee on Narcotics Abuse and Control; by Joseph E. Kelley, Associate Director, National Security and International Affairs Division.

Contact: National Security and International Affairs Division.

Organization Concerned: Department of State; United Mexican States.

Congressional Relevance: House Select Committee on Narcotics Abuse and Control.

Authority: Drug Interdiction Improvement Act. Foreign Assistance Act of 1961.

Abstract: GAO discussed the U.S.-Mexico aerial opium poppy and marijuana crop eradication program to determine: (1) the extent to which the program has reduced the amount of heroin and marijuana produced in Mexico and smuggled into the United States; (2) whether Mexico is using U.S. aircraft in a manner which maximizes aerial spraying; and (3) whether the program's bilateral agreements provide an adequate basis for the ongoing

cooperation needed. GAO found that: (1) although the program and poor weather caused significant decreases in Mexican heroin and marijuana production between 1977 and 1980, it has increased in recent years and now represents 40 percent of the U.S. supply; (2) because Department of State personnel in Mexico did not develop a standard for flight time devoted to aerial spraying, the aircraft were only flown 48 instead of 80 hours per month; (3) as few as 40 percent of the aircraft were in running order and available for spraying; (4) overloaded repair facilities and poor parts management lengthened repair time and decreased available flight time; and (5) low wages caused shortages and turnover of pilots and mechanics and increased training costs. GAO also found that recent formal agreements between the United States and Mexico do not: (1) address the methodology for comprehensive surveys of the cultivation base; (2) include mutually acceptable annual eradication targets; (3) provide for a mutually acceptable program to measure and verify eradication accomplishments; and (4) provide for a mutually acceptable evaluation and audit program.

133621

[Protest of MARAD Solicitation for Custodial Services]. B-226968. July 29, 1987. 5 pp. *Decision* re: TLM Marine, Inc.; by Seymour Efras, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: TLM Marine, Inc.; Maritime Administration.

Authority: Merchant Marine Act, 1936 (46 U.S.C. 1271 et seq.). Competition in Contracting Act of 1984 (31 U.S.C. 3551 et seq.). Property and Administrative Services Act (40 U.S.C. 474(16)). 4 C.F.R. 21.2(a)(1). 65 Comp. Gen. 240. 65 Comp. Gen. 109. 65 Comp. Gen. 191. F.A.R. 14.406-2. F.A.R. 17.204(b). P.L. 92-507. B-224235 (1987). B-203338 (1982). B-218186.2 (1985). 86 Stat. 914.

Abstract: A firm protested a Maritime Administration (MARAD) solicitation for custodial services, contending that the solicitation did not: (1) comply with the Federal Acquisition Regulation (FAR); or (2) adequately describe the evaluation criteria or MARAD requirements. The protester also contended that MARAD should cancel the solicitation and resolicit, since its failure to advertise the procurement in the Commerce Business Daily precluded the protester from competition. MARAD contended that GAO lacked jurisdiction, since it would not use appropriated funds to obtain the

services. GAO held that: (1) its jurisdiction to consider the protest did not depend on the use of appropriated funds; (2) MARAD was exempt from FAR compliance, since it conducted the procurement under the Merchant Marine Act; and (3) the protester did not show that the agency's procedures were arbitrary or unreasonable. Accordingly, the protest was denied in part and dismissed in part.

133623

[Request for Reconsideration of Dismissal of Protest Against FAA Decision Not To Exercise Contract Option]. B-227554.2. August 3, 1987. 2 pp. *Decision* re: Etc. Technical & Professional Services, Inc.; by Seymour Efras, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Etc. Technical & Professional Services, Inc.; Federal Aviation Administration.

Authority: 4 C.F.R. 21.12(a). B-227554 (1987). B-223533 (1986). B-222731 (1986). B-224816.2 (1986).

Abstract: A firm requested reconsideration of the dismissal of its protest against the Federal Aviation Administration's (FAA) decision not to exercise an option under its contract for training courses. GAO had dismissed the protest, since it was a matter of contract administration. In its request for reconsideration, the protester contended that FAA: (1) improperly terminated its contract; and (2) should award it a contract for the services. GAO held that the: (1) protester did not show that the original decision contained legal or factual errors, but merely restated its contention that the termination was improper; and (2) matter was one of contract administration, which it would not consider. Accordingly, the dismissal was affirmed.

133696

Nuclear Waste: Shipping Damaged Fuel From Three Mile Island to Idaho. RCED-87-123; B-227551. August 10, 1987.

Released August 13, 1987. 45 pp. plus 7 appendices (16 pp.). *Report* to Rep. William L. Clay; Rep. Richard A. Gephardt; Rep. Alan Wheat; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.

Issue Area: Energy: Effectiveness and Efficiency of DOE Implementation of

National Nuclear Waste Disposal Policies and Programs (6404).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Energy: Energy Information, Policy, and Regulation (276.0).

Organization Concerned: Department of Energy; Nuclear Regulatory Commission; General Public Utilities Corp.; Federal Railroad Administration; Department of Energy: Idaho National Engineering Laboratory.

Congressional Relevance: *Rep.* Alan Wheat; *Rep.* Richard A. Gephardt; *Rep.* William L. Clay.

Authority: Atomic Energy Act of 1954. Nuclear Waste Policy Act of 1982.

Abstract: In response to a congressional request, GAO examined the Department of Energy's (DOE) program to ship damaged nuclear fuel from the Three Mile Island (TMI) nuclear power plant to the DOE Idaho National Engineering Laboratory, specifically the: (1) DOE decision to ship the waste; (2) safety standards DOE used for the shipments; (3) criteria DOE used to select the shipping route; and (4) planning for emergencies that could occur along the route.

Findings/Conclusions: GAO found that: (1) DOE selected the Idaho facility because of its unique equipment and personnel expertise in the decontamination, processing and disposition of large-scale radioactive wastes; (2) the Nuclear Regulatory Commission (NRC) reviewed the transportation equipment to ensure that radioactivity would not escape in the event of an accident; (3) DOE, NRC, the TMI owner, the Federal Railroad Administration, and the affected states worked together to ensure the program's safety; (4) the criteria for route selection were a high-quality track, avoidance of large population centers, and the most direct route; (5) DOE developed a contingency plan to mobilize special emergency teams to recover and clean up the waste in the event of an accident; and (6) the railroad and local and state governments would have primary responsibility for initiating and monitoring recovery operations if an accident occurred.

133733

[Protest of Coast Guard Contract Award for Ship Renovation]. B-227069. August 19, 1987. 3 pp. *Decision re:* Runyan Machine and Boiler Works, Inc.; by Seymour Efros, (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Runyan Machine and Boiler Works, Inc.; Alabama Drydock and Shipbuilding Corp.; United States Coast Guard. **Authority:** 65 Comp. Gen. 412. B-214648 (1984). B-221068 (1986).

Abstract: A firm protested a Coast Guard contract award for ship renovation, contending that the Coast Guard: (1) changed the basis for evaluation; (2) failed to conduct adequate discussions; and (3) engaged in technical levelling. GAO held that: (1) while the Coast Guard should have modified the solicitation to reflect altered evaluation criteria, the protester was not prejudiced by the Coast Guard's failure; (2) the Coast Guard conducted adequate discussions; and (3) there was no evidence of technical levelling. Accordingly, the protest was denied.

133747

Ship Maintenance: Foreign Commercial Shipyard Repairs to U.S. Government Ships. NSIAD-87-193FS; B-227724. August 21, 1987. 2 pp. plus 4 appendices (7 pp.). *Fact Sheet* to Rep. Walter B. Jones, Chairman, House Committee on Merchant Marine and Fisheries; by John Landicho, Senior Associate Director, National Security and International Affairs Division.

Issue Area: Navy: Other Issue Area Work (5691).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Procurement and Contracts (051.2).

Organization Concerned: Department of the Navy; Department of the Army; Maritime Administration.

Congressional Relevance: *House* Committee on Merchant Marine and Fisheries; *Rep.* Walter B. Jones.

Abstract: In response to a congressional request, GAO determined the number and value of contracts the United States awarded to foreign commercial shipyards for vessel repairs in the last 5 years.

Findings/Conclusions: GAO found that: (1) of the six agencies that owned or operated vessels, three of them reported no expenditures; (2) the Maritime Administration reported four instances of minor repairs that totalled about \$20,360; (3) the Navy reported expenditures of about \$154.1 million, with an additional \$62.6 million for repairs to Military Sealift Command ships from 1984 through 1986, and \$879.5 million for repairs to Pacific Fleet ships;

(4) in 1986, the Navy's expenditure for foreign commercial shipyard contracts was less than 2 percent of its total funds for depot maintenance and modernization; and (5) the Army's ship repair expenditures totaled \$2.1 million from 1982 through 1986.

133779

Gasoline Marketing: Octane Mislabeling in New York City. RCED-87-180BR; B-227776. August 18, 1987.

Released August 25, 1987. 14 pp. plus 1 appendix (1 p.). *Briefing Report* to Rep. Charles E. Schumer; by Mary R. Hamilton, Regional Manager, Field Operations Division: Regional Office (New York).

Issue Area: Energy: Assessing Whether the DOE R&D Program Will Result in Developing Needed Alternative Energy Technologies To Meet Future Energy Demand (6410).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Energy: Energy Conservation (272.0); Energy: Energy Supply (271.0).

Organization Concerned: New York, NY.

Congressional Relevance: *House* Committee on Energy and Commerce: Energy and Power Subcommittee; *Rep.* Philip R. Sharp; *Rep.* Charles E. Schumer.

Authority: Petroleum Marketing Practices Act.

Abstract: In response to a congressional request, GAO reviewed the potential problem of octane cheating, or the sale of gasoline with an octane rating lower than the posted rating, in New York City.

Findings/Conclusions: GAO found that: (1) octane mislabelling has increased since 1981 and involves almost 8 percent of the city's gasoline stations; (2) almost 20 percent of the citations issued were for violations 4.0 octane points or more below the posted rating; (3) no single source of octane mislabelling exists, nor is the problem unique to any one type of gasoline station; (4) the city issued most of the citations in Brooklyn and the fewest to stations in Staten Island; (5) although using a lower-rated octane gasoline than required could have a negative long-term effect on an automobile, using higher-octane gasoline can easily correct most cases; and (6) a station that intentionally mislabels its gasoline can realize profits greater than the city's maximum \$500 fine for octane cheating.

133794

Superfund: Civilian Federal Agencies Slow To Clean Up Hazardous Waste. RCED-87-153; B-215824. July 24, 1987.

Released August 28, 1987. 33 pp. plus 2 appendices (3 pp.). *Report to Rep. Michael L. Synar, Chairman, House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee*; by Hugh J. Wessinger, Senior Associate Director, Resources, Community, and Economic Development Division. Refer to NSIAD-85-41, April 12, 1985, Accession Number 126764; RCED-87-30, November 4, 1986, Accession Number 131661; RCED-86-90, March 21, 1986, Accession Number 130087; RCED-86-192, September 8, 1986, Accession Number 131121; RCED-88-44, December 17, 1987, Accession Number 134840; and T-RCED-88-24, March 10, 1988, Accession Number 135246.

Issue Area: Environment: Assessing EPA's Efforts To Protect Public Health and the Environment by Controlling Hazardous Waste From Generation To Disposal (6802).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Environmental Protection Agency; Department of Energy; Bureau of Land Management; United States Fish and Wildlife Service; Federal Aviation Administration; Forest Service; National Aeronautics and Space Administration; Department of Agriculture: Agricultural Research Service; National Park Service; Bureau of Indian Affairs; Bureau of Reclamation; United States Coast Guard. **Congressional Relevance:** House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee; *Rep. Michael L. Synar.*

Authority: Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Resource Conservation and Recovery Act of 1976. Department of Defense Appropriation Act, 1984.

Abstract: In response to a congressional request, GAO evaluated the status of 11 civilian federal agencies' efforts to identify, assess, evaluate, and clean up hazardous waste sites.

Findings/Conclusions: GAO found that: (1) about 70 percent of the 1,882 potential hazardous waste sites identified as of September 1986 were at the Department of Energy's nuclear materials and weapons facilities and research laboratories; (2) the

Department of the Interior identified the second largest number, consisting of landfills, dumps, and old mining sites; (3) the other agencies' sites included maintenance and repair facilities and research laboratories; (4) only four of the agencies completed site identification efforts; and (5) although none of the agencies had completed their assessments, all but two believed that they would meet the 1988 congressional deadline. GAO also found that: (1) the number of sites requiring cleanup will increase; (2) agencies cleaned up 78 of the 511 identified hazardous waste sites; and (3) agencies could not predict when they would complete their cleanup efforts or how much those efforts would cost.

133798

Maritime Administration: Efforts To Improve Data on the Federal Ship Financing Program. RCED-87-58; B-226298. August 28, 1987. 35 pp. plus 2 appendices (23 pp.). *Report to Rep. Glenn M. Anderson, Acting Chairman, House Committee on Merchant Marine and Fisheries: Merchant Marine Subcommittee*; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to T-AFMD-87-15, May 21, 1987, Accession Number 133018; AFMD-86-65, July 2, 1986, Accession Number 130287; OCG-86-4, September 4, 1986, Accession Number 130903; and T-RCED-88-1, October 15, 1987, Accession Number 134398.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Water Transportation (403.0).

Organization Concerned: Maritime Administration; Department of Transportation; Department of the Treasury.

Congressional Relevance: House Committee on Public Works; House Committee on Merchant Marine and Fisheries: Merchant Marine Subcommittee; Senate Committee on Budget; Senate Committee on Commerce, Science and Transportation; Senate Committee on Appropriations: Transportation and Related Agencies Subcommittee; *Rep. Glenn M. Anderson.* **Authority:** Merchant Marine Act, 1936. Federal Managers' Financial Integrity Act of 1982. Accounting and Auditing Act.

Abstract: In response to a congressional request, GAO examined the Maritime Administration's (MARAD) Federal Ship Financing Program and its estimated \$5-billion portfolio of loan guarantees.

Findings/Conclusions: GAO found that: (1) MARAD considered 20 percent of the program loans to be at risk of default; (2) in 1986, default payments exceeded \$1.2 billion; and (3) since the fund was not self-supporting, it needed approximately \$1.4 billion in supplemental appropriations to repay outstanding loans. GAO also found that: (1) MARAD borrowed from the Treasury to cover the bulk of its 1987 program expenses; (2) improper and inadequate cost accounting procedures and underestimation of 1986 default payments caused the program's financial problems; and (3) MARAD plans to take corrective action to minimize its data problem.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, MARAD, to improve the financial information in the MARAD annual report and budget documents by clearly stating that the fund is no longer self-supporting. This statement should continue to appear in future annual reports and budget documents until the fund's own revenues are sufficient to pay all expenses, including default payments, within the same fiscal year, and Treasury borrowings within the next fiscal year, without the aid of supplemental appropriations. The Secretary of Transportation should direct the Administrator, MARAD, to document the MARAD process for compiling a list of companies that are considered to be at risk of default to ensure that each company's circumstances are reviewed thoroughly and consistently. The Secretary of Transportation should direct the Administrator, MARAD, to document the process used to estimate MARAD liability for potential losses on outstanding loan guarantees. Documentation should include a description of how each company's circumstances and market segment were considered in preparing the estimate. The Administrator, MARAD, should report at the end of this calendar year to the Secretary of Transportation on those financial reporting areas identified in this report where corrective action has not been taken, including any areas in the MARAD accounting system that do not conform with the Comptroller General's principles, standards and related requirements.

133808

Transborder Trucking: Impacts of Disparate U.S. and Canadian Policies. RCED-87-111; B-226371.

July 30, 1987.

Released August 31, 1987. 58 pp. plus 2 appendices (6 pp.). *Report* to Sen. John C. Danforth; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Highway Transportation (401.1).

Organization Concerned: Department of Transportation; Canada.

Congressional Relevance: Sen. John C. Danforth.

Authority: Interstate Commerce Act, Part 2 (49 Stat. 543). Motor Carrier Act of 1980 (P.L. 96-296). Surface Transportation Assistance Act of 1982 (P.L. 97-424). Deficit Reduction Act of 1984 (P.L. 98-369). Federal Highway Act. Internal Revenue Code (IRC). IRS Ruling 81-86. 44 U.S.C. 10727. 98 Stat. 1003. 96 Stat. 2177.

Abstract: In response to a congressional request, GAO reviewed Canadian and U.S. regulatory policies affecting international trucking to determine: (1) how difficult it is for U.S. truckers to gain authority from provincial regulators to expand their operations to Canada; (2) the differences in costs and restrictions on international operations; and (3) the prospects for change in trucking regulation in Canada. **Findings/Conclusions:** GAO found that: (1) since the United States has deregulated its trucking industry, it is easier for Canadian firms to expand into the United States than it is for U.S. firms to expand into Canada; (2) each Canadian province requires proof of need for a service before issuing an operating authority and usually restricts that authority to particular commodities or customers; and (3) although there are differences in U.S. and Canadian policies, there is no evidence that these differences favor one nation's carriers over another. GAO also found that: (1) Congress recently passed legislation that requires Canadian truckers to pay a use tax; (2) three Canadian provinces require that U.S. truckers contribute to provincial worker's compensation funds for the time they spend in the provinces; (3) although Canadian truckers have increased their share of international trucking, shifts in the balance of trade and the decline in the Canadian dollar

may have influenced this increase; and (4) all of the provinces plan to reform their trucking markets in anticipation of the passage of national legislation to deregulate extraprovincial trucking.

133821

[Protest Against FAA Contract Award for Circuit Card Assemblies].

B-228849. August 31, 1987. 2 pp. *Decision* re: Proto Circuit, Inc.; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Proto Circuit, Inc.; Florida Electronics and Transformer Co.; Federal Aviation Administration.

Authority: 4 C.F.R. 21.2(a). B-221241.2 (1986). B-224785 (1986).

Abstract: A firm protested a Federal Aviation Administration contract award for circuit card assemblies, contending that the awardee had an unfair competitive advantage, since the solicitation listed it as a component supplier. GAO held that the protester untimely filed after bid opening its protest against the alleged solicitation impropriety. Accordingly, the protest was dismissed.

133827

[Comments on Proposed Legislation To Require GAO Review of Gray Market Vehicle Importation Program].

B-223360. September 3, 1987. 2 pp. *Letter* to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: National Highway Traffic Safety Administration.

Congressional Relevance: House Committee on Energy and Commerce; Rep. John D. Dingell

Authority: Traffic and Motor Vehicle Safety Act. H.R. 2628 (100th Cong.). 31 U.S.C. 717.

Abstract: GAO commented on H.R. 2628, which would amend the National Traffic and Motor Vehicle Safety Act to require GAO to review the gray market vehicle importation program and submit a report to Congress. GAO noted that: (1) the proposed reporting requirement would not serve Congress' best interest; and (2) similar reporting results could be achieved under existing statutes.

133842

[Protest Against Coast Guard Rejection of Low Bid for the Construction of Piles]. B-228792.

September 1, 1987. 2 pp. *Decision* re: J.S. Peterson and Co., Inc.; by Jerold D. Cohen, (for Robert M. Strong, Deputy Associate General Counsel), Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: J.S. Peterson and Co., Inc.; United States Coast Guard.

Authority: 4 C.F.R. 21.3(f). B-226976 (1987). B-213284 (1983). B-219559 (1985). B-222091 (1986).

Abstract: A firm protested the Coast Guard's rejection of its bid for pile construction as nonresponsive, contending that it erroneously specified an acceptance period that was less than the solicitation required. GAO held that the Coast Guard properly rejected the bid, since the: (1) bid acceptance period was a material requirement; and (2) protester's bid failed to offer the required minimum period. Accordingly, the protest was dismissed.

133853

Inspectors General: Compliance With Professional Standards by the Transportation Inspector General.

AFMD-87-28; B-226368. August 10, 1987.

Released September 9, 1987. 5 pp. plus 5 appendices (31 pp.). *Report* to Rep. Jack Brooks, Chairman, House Committee on Government Operations: Legislation and National Security Subcommittee; by Frederick D. Wolf, Director, Accounting and Financial Management Division. Refer to AFMD-85-57, August 12, 1985, Accession Number 127631; AFMD-86-41, September 30, 1986, Accession Number 131332; AFMD-86-43, September 30, 1986, Accession Number 131382; and AFMD-87-22, July 20, 1987, Accession Number 133484.

Issue Area: Fraud Prevention and Audit Oversight: Effectiveness of Federal Inspectors General in Carrying Out Their Congressional Mandate (7603).

Contact: Accounting and Financial Management Division.

Budget Function: Financial Management and Information Systems: Internal Audit (998.3).

Organization Concerned: Department of Transportation: Office of Inspector General.

Congressional Relevance: House Committee on Appropriations; Transportation Subcommittee; House Committee on Government Operations; House Committee on Government

Operations: Legislation and National Security Subcommittee; *Senate Committee on Appropriations: Transportation and Related Agencies Subcommittee; Senate Committee on Governmental Affairs; Rep. Jack Brooks.* Authority: Inspector General Act of 1978. OMB Circular A-73. OMB Circular A-50.

Abstract: In response to a congressional request, GAO reviewed the Department of Transportation's (DOT) Office of Inspector General (OIG) to determine whether the Inspector General conducted audits and investigations in accordance with generally accepted standards.

Findings/Conclusions: GAO found that the DOT Inspector General: (1) complied with 19 of the 23 audit and investigation standards it tested; (2) needed to take corrective action to ensure satisfactory compliance with audit standards on evidence, reporting, supervision, and quality assurance; (3) developed policies to ensure that the OIG staff had an awareness and understanding of professional standards, but some of the policies were inadequate; (4) did not always have adequate audit quality processes to alert management to problems which could impact work quality and effectiveness; and (5) did not track all audit report recommendations through the implementation of corrective actions. GAO also found that the DOT semiannual reports show dollar findings that differ from those shown in the corresponding audit reports.

Recommendation To Agencies: To assist DOT OIG in satisfactorily complying with certain areas of the audit standards, the Inspector General should expand OIG policies on evidence to define the various types of evidence, such as documentary and analytical, and provide guidance on their appropriate use. To assist DOT OIG in satisfactorily complying with certain areas of the audit standards, the Inspector General should develop and implement a process, such as referencing, to help ensure the adequacy of evidence. To assist DOT OIG in satisfactorily complying with certain areas of the audit standards, the Inspector General should examine the OIG process for reviewing audit reports to determine whether it is functioning in a manner which ensures reasonable assurance of compliance with the reporting standard. To assist DOT OIG in satisfactorily complying with certain areas of the audit standards, the Inspector General should enforce OIG policies which require supervisors to fully review all of the audit work performed, document their supervisory review, and educate the staff on these

policies. To assist DOT OIG in satisfactorily complying with certain areas of the audit standards, the Inspector General should expand the scope of the OIG quality assurance program to provide reasonable assurance of adherence to the standards for performing audits and conduct more frequent reviews. To further strengthen operations at DOT OIG, the Inspector General should revise OIG policies and procedures to provide more precise guidance on preparing clear and understandable working papers. To further strengthen operations at DOT OIG, the Inspector General should clarify OIG policies on reporting to ensure that: (1) audit reports accurately reflect the audit's objectives and scope; and (2) the objectives are adequately addressed. To further strengthen operations at DOT OIG, the Inspector General should implement OIG policy on following up on the evaluation report recommendations. To further strengthen operations at DOT OIG, the Inspector General should track all of its significant recommendations through implementation and take prompt and appropriate action to resolve any recommendation that the agency managers do not fully implement. To further strengthen operations at DOT OIG, the Inspector General should explain in the semiannual report why some of the dollar figures reported differ from those in the corresponding audit reports.

133856

Foreign Travel: Expenditures and Controls of the Corps of Engineers and Selected Other Agencies. GGD-87-107BR; B-227351. August 11, 1987.

Released September 10, 1987. 2 pp. plus 5 appendices (10 pp.). *Briefing Report* to Rep. Michael L. Synar, Chairman, House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee; by L. Nye Stevens, Associate Director, General Government Division.

Issue Area: Civil Procurement and Property Management: Other Issue Area Work (4991).

Contact: General Government Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Department of the Army: Corps of Engineers.

Congressional Relevance: *House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee; Rep. Michael L. Synar.*

Page 320

Abstract: In response to a congressional request, GAO provided information on foreign travel expenditures of the Army Corps of Engineers' civil works employees to determine what procedures and controls the Corps uses.

Findings/Conclusions: GAO found that: (1) while nonreimbursable foreign travel expenditures increased between 1983 and 1985, they declined in 1986; (2) the Corps attributed this decline to the centralized approval methods it instituted in 1986; and (3) the Corps' current procedures and controls over foreign travel are consistent with federal travel regulations and are similar to those of other federal agencies.

133884

[**Status Report on GAO Review of the U.S. International Narcotics Control Program.**] T-NSIAD-87-40. July 29, 1987. 19 pp. *Testimony* before the House Committee on Foreign Affairs: Special International Narcotics Control Subcommittee; by Joseph E. Kelley, Associate Director, National Security and International Affairs Division.

Contact: National Security and International Affairs Division.

Organization Concerned: Department of State: Bureau of International Narcotics Matters; Drug Enforcement Administration; Agency for International Development.

Congressional Relevance: *House Committee on Foreign Affairs: Special International Narcotics Control Subcommittee.*

Authority: Drug Interdiction Improvement Act.

Abstract: GAO discussed U.S. international narcotics control efforts, summarizing its reviews of such efforts in various drug-exporting nations. GAO noted that: (1) production and availability of illicit drugs continues to grow; (2) governments fail to capture and imprison traffickers; (3) corruption in various drug-exporting countries hampers enforcement; and (4) aerial spraying, new legislation regarding asset and contraband seizures, and the expansion of narcotics control efforts should help achieve U.S. goals for drug eradication.

133903

Air Pollution: EPA's Efforts To Control Vehicle Refueling and Evaporative Emissions. RCED-87-151; B-227442. August 7, 1987.

Released September 15, 1987. 56 pp. plus 3 appendices (3 pp.). *Report to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee*; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-86-6, December 18, 1985, Accession Number 129022; RCED-84-62, April 6, 1984, Accession Number 123970; T-RCED-88-2, October 2, 1987, Accession Number 134082; and RCED-88-40, January 26, 1988, Accession Number 134947.

Issue Area: Environment: Adequacy of Federal and State Efforts To Regulate Toxic Air Pollutants (6805).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned:

Environmental Protection Agency; Environmental Protection Agency: Office of Air and Radiation.

Congressional Relevance: *House Committee on Appropriations: HUD-Independent Agencies Subcommittee; House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Rep. John D. Dingell.*

Authority: Clean Air Act. 40 C.F.R. 86.

Abstract: In response to a congressional request, GAO examined the Environmental Protection Agency's (EPA) proposals to adequately control motor vehicle refuelling and evaporative emissions, including the costs and benefits of alternative methods.

Findings/Conclusions: GAO found that: (1) EPA considered two alternatives for controlling refuelling emissions and determined that the onboard control method was superior; (2) the onboard control method requires motor vehicle manufacturers to equip vehicles with emission control systems; and (3) while onboard controls would cost an estimated \$180 million per year and add about \$19 to the average vehicle price, they would provide long-term emissions reductions and free consumers from the operation of any control equipment. GAO also found that: (1) by 1989, EPA plans to reduce hydrocarbon emissions by 6 percent by reducing the volatility of commercial gasoline during the summer months; (2) this plan would cost oil refineries an estimated \$490 million annually and consumers about \$20 per vehicle; and (3) while the motor vehicle industry favors lowering the volatility of commercial gasoline, the oil industry favors raising the volatility certification and modification of the evaporative

emission control systems to handle higher gasoline volatility.

Recommendation To Agencies: The Administrator, EPA, should direct the Office of Air and Radiation to include in its refuelling and evaporative control analyses better documentation of the cost-effectiveness of alternative ozone control strategies, including support for its \$2,000 benchmark standard. The Administrator, EPA, should direct the Office of Air and Radiation to include in its refuelling and evaporative control analyses a more explicit comparison of all the costs and benefits associated with the various refuelling and evaporative emission control strategies, including a more thorough analysis of the effects of key uncertainties.

133938

Interagency Agreements: Customs-Coast Guard Agreement for U.S.-Bahamas Drug Task Force Was Proper. AFMD-87-69; B-228826. August 31, 1987.

Released September 16, 1987. 8 pp. plus 2 appendices (8 pp.). *Report to Sen. Dennis DeConcini, Chairman, Senate Committee on Appropriations: Treasury, Postal Service, and General Government Subcommittee; Sen. Pete V. Domenici, Ranking Minority Member, Senate Committee on Appropriations: Treasury, Postal Service, and General Government Subcommittee; Rep. Earl Hutto, Chairman, House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; Rep. Robert W. Davis, Ranking Minority Member, House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; by Frederick D. Wolf, Director, Accounting and Financial Management Division. Refer to AFMD-88-72, September 28, 1988, Accession Number 137174.*

Issue Area: Internal Control and Financial Management System Audits: Congressionals and Contingencies (7492).

Contact: Accounting and Financial Management Division.

Budget Function: Financial Management and Information Systems: Accounting Systems in Operation (998.1).

Organization Concerned: United States Coast Guard; United States Customs Service; U.S.-Bahamas Drug Interdiction Task Force.

Congressional Relevance: *House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; Senate Committee on Appropriations: Treasury, Postal Service, and General Government Subcommittee; Rep. Robert W. Davis; Rep. Earl Hutto;*

Sen. Pete V. Domenici; Sen. Dennis DeConcini.

Authority: Drug Interdiction Improvement Act (P.L. 99-570; 100 Stat. 3207). Federal Managers' Financial Integrity Act of 1982 (31 U.S.C. 3512 et seq.). Omnibus Drug Supplemental Appropriations Act of 1987 (P.L. 99-591; 100 Stat. 3341). Economy Act (31 U.S.C. 1535 et seq.). Antideficiency Act (31 U.S.C. 1341). GAO [7] 16.1.

Abstract: In response to a congressional request, GAO reviewed an interagency agreement between the Coast Guard and the Customs Service that called for the Coast Guard to procure and operate helicopters for the U.S.-Bahamas Drug Interdiction Task Force, to determine: (1) the legal basis for the agreement; (2) any legal requirement concerning the use of funds; and (3) whether either agency violated any federal laws.

Findings/Conclusions: GAO found that: (1) the Drug Interdiction Improvement Act created a task force to manage aircraft and communication capabilities for 24-hour air coverage within the Bahamas; (2) the agreement was valid and did not contravene any legal requirements for Customs' use of appropriated funds; (3) the Coast Guard met the legislative requirements and followed established procedures in billing Customs for the task force's operations; (4) Customs did not follow its internal procedures for processing interagency agreements and related billings; and (5) Customs did not promptly obligate the necessary funds.

133949

[Request for Reconsideration of Claims Group's Denial of Retired FAA Employee's Claim for Overtime Compensation]. B-221228. September 18, 1987. 5 pp. *Decision re: James Blackburn, Jr.; by Harry R. Van Cleve, (for Charles A. Bowsher, Comptroller General).*

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration.

Authority: Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.). 61 Comp. Gen. 626. 55 Comp. Gen. 1009. 52 Comp. Gen. 446. 61 Comp. Gen. 27. 59 Comp. Gen. 333. 51 Comp. Gen. 727. *Abrahams v. United States*, 1 Ct. Cl. 305 (1982). F.P.M. Supp. 990-2, Book 550, S1-3. B-221088 (1986). B-203978 (1982). B-210697 (1983). 5 U.S.C. 5542(b)(2)(B). 31 U.S.C. 3702(b)(1).

Abstract: A retired Federal Aviation Administration (FAA) employee requested reconsideration of a decision denying his request for overtime and

mileage compensation, contending that: (1) he was on travel status when he made daily trips to the post office en route to his duty station to pick up and deliver mail; (2) previous supervisors at the remote FAA facility had performed this function; and (3) other employees at the facility received overtime compensation for the same activity. GAO held that: (1) the claimant was not in travel status when he picked up mail, since FAA determined that the post office was within his duty station; (2) it was not the claimant's primary function as supervisor to pick up and deliver mail and supplies; and (3) alleged overtime compensation to other employees did not constitute a basis for improperly granting such compensation to the claimant. Accordingly, the claim was denied.

134004

Railroad Accounting Principles, Vol. 1. September 1, 1987. 40 pp. Congress; by Charles A. Bowsher, Chairman, Railroad Accounting Principles Board. This is Volume 1 of a two volume report published by the Railroad Accounting Principles Board.

Contact: Office of the Comptroller General.

Organization Concerned: Railroad Accounting Principles Board; Interstate Commerce Commission.

Congressional Relevance: Congress.

Authority: Railroad Revitalization and Regulatory Reform Act of 1976. Staggers Rail Act of 1980 (49 U.S.C. 11167).

Abstract: The Railroad Accounting Principles Board: (1) presented eight railroad accounting principles to govern the determination of costs for specific regulatory purposes; and (2) made several recommendations to the Interstate Commerce Commission for implementing those principles.

134005

Railroad Accounting Principles, Vol. 2. September 1, 1987. 122 pp. plus 1 appendix (20 pp.). Congress; by Charles A. Bowsher, Chairman, Railroad Accounting Principles Board. This is Volume 2 of a two volume report published by the Railroad Accounting Principles Board.

Contact: Office of the Comptroller General.

Organization Concerned: Railroad Accounting Principles Board; Interstate Commerce Commission.

Congressional Relevance: Congress.

Authority: Railroad Revitalization and Regulatory Reform Act of 1976. Staggers Rail Act of 1980 (49 U.S.C. 11167).

Abstract: The Railroad Accounting Principles Board: (1) presented eight railroad accounting principles to govern the determination of costs for specific regulatory purposes; and (2) made several recommendations to the Interstate Commerce Commission for implementing those principles.

134041

[Hazardous Weather Detection and Dissemination Systems]. T-RCED-87-43. September 30, 1987. 11 pp. *Testimony* before the House Committee on Science, Space, and Technology: Transportation, Aviation, and Materials Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-152BR, April 22, 1986, Accession Number 129808; RCED-86-121, March 6, 1986, Accession Number 129306; and RCED-87-208, September 29, 1987, Accession Number 134079.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Science, Space, and Technology: Transportation, Aviation, and Materials Subcommittee.

Abstract: GAO discussed the Federal Aviation Administration's (FAA) existing and planned hazardous weather detection and dissemination systems for major airports. GAO noted that the: (1) enhanced low-level wind-shear alert system cannot detect wind shears that occur above the ground-based sensors or beyond the airport's boundaries; and (2) next-generation terminal weather radar and terminal doppler weather radar use state-of-the-art technology to measure wind intensity, a capability present equipment does not have. GAO also noted that FAA: (1) plans to procure doppler radar before it knows whether the radar can meet all performance objectives; (2) may have to reconsider various siting and scanning strategies when its research is complete; and (3) has not determined how controllers will monitor radar information or what information they will disseminate to pilots. GAO believes that FAA should: (1) determine the performance objectives that the doppler radar cannot meet and their impact on safety and cost before committing funds for procurement; and

(2) develop more specific guidance for air traffic controllers.

134067

Highway Needs: An Evaluation of DOT's Process for Assessing the Nation's Highway Needs. RCED-87-136; B-227656. August 7, 1987. 32 pp. plus 5 appendices (8 pp.). *Report* to Rep. James J. Howard, Chairman, House Committee on Public Works and Transportation; Sen. Quentin N. Burdick, Chairman, Senate Committee on Environment and Public Works; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Adequacy of the Current Highway Financing Mechanism for Addressing the Nation's Highway Needs (6615).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Federal Highway Administration; Department of Transportation.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee; House Committee on Energy and Commerce; House Committee on Public Works and Transportation; Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation; Senate Committee on Environment and Public Works; Rep. James J. Howard; Sen. Quentin N. Burdick.

Authority: 23 U.S.C. 307.

Abstract: In response to a congressional request, GAO evaluated the Department of Transportation's Highway Performance and Monitoring System (HPMS) to determine the reasonableness of its highway needs assessment.

Findings/Conclusions: GAO found that: (1) the data collection procedures that the Federal Highway Administration (FHWA) and states used in preparing HPMS were statistically sound; (2) FHWA did not test the model's sensitivity to changes in key input data; (3) although FHWA scheduled a calibration test to determine how closely past and future needs paralleled actual capital investments, it did not develop a test methodology or establish a test completion date; (4) FHWA did not include sufficient information for model users in its technical manuals; and (5) the report presented total highway needs amounting to \$315 billion through the year 2000, but it did not indicate that

about one-half of that amount represented existing backlogged needs. Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FHWA, to include more detailed documentation in published technical manuals addressing such things as key model changes, their underlying rationales, and their effect on the model's results. This documentation would help ensure model continuity in the event of key FHWA employee turnover, assist researchers attempting to study the model's results, and assist those states attempting to modify the national HPMS model for their own needs. The Secretary of Transportation should direct the Administrator, FHWA, to develop and document a methodology for a model calibration test and commit to a test completion date. Test results should provide FHWA and others with a clearer indication of how closely the model's needs estimates have paralleled actual highway investment practices and should help provide added confidence in the model's results. The Secretary of Transportation should direct the Administrator, FHWA, to adjust the Highway Needs report to separate backlogged from future highway needs in order to provide clearer information on highway needs and progress being achieved under current policies and programs.

134079

Aviation Weather: Status of FAA's New Hazardous Weather Detection and Dissemination Systems. RCED-87-208; B-222882. September 29, 1987. 25 pp. plus 3 appendices (3 pp.). Report to Rep. Robert A. Roe, Chairman, House Committee on Science, Space, and Technology; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to T-RCED-87-43, September 30, 1987, Accession Number 134041; RCED-86-152BR, April 22, 1986, Accession Number 129808; and RCED-86-121, March 6, 1986, Accession Number 129306.

Issue Area: Transportation: FAA Management of the Controller Work Force (6607).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation.

Congressional Relevance: House Committee on Science and Technology: Transportation, Aviation and Materials Subcommittee; House Committee on Appropriations: Transportation Subcommittee; House Committee on Public Works and Transportation; House Committee on Science, Space, and Technology; Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation; Rep. Robert A. Roe.

Authority: FAA Order 1812.9.

Abstract: Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) efforts to: (1) develop better ground-based hazardous weather detection systems; and (2) disseminate weather information to pilots in a more timely manner.

Findings/Conclusions: GAO found that: (1) the enhanced low-level wind-shear alert system (LLWAS) could not detect wind shears that occurred above or below its ground-based sensors; (2) the terminal next-generation weather radar has a much greater range and is more accurate than LLWAS in detecting wind shears; (3) FAA will replace LLWAS with the terminal doppler weather radar when it becomes available; (4) FAA plans to award a procurement contract for 100 doppler radars in 1988, although the radar has not realized some performance objectives; (5) some of the doppler radar's performance objectives could require competing siting and scanning strategies; (6) FAA was uncertain on how best to use its improved weather detection data; and (7) an effective communication system to inform pilots of weather conditions was at least a decade away.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FAA, to inform the Department of Transportation and Congress of any performance objectives that the terminal doppler weather radar cannot meet and their impact on safety and cost before committing funds for a procurement contract. The Secretary of Transportation should direct the Administrator, FAA, to develop guidance on how air traffic controllers are to monitor the airport surveillance radar weather display and what hazardous weather information they are to disseminate to pilots.

134080

Buy America Requirements: Federal Enforcement Questioned in Sacramento Mass Transit Procurement. RCED-87-162FS; B-226739. September 1, 1987.

Released October 5, 1987. 37 pp. plus 2 appendices (3 pp.). *Fact Sheet* to Rep. James L. Oberstar, Chairman, House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to T-RCED-88-33, May 12, 1988, Accession Number 135791.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Urban Mass Transportation Administration; Siemens Energy and Automation, Inc.; Sacramento, CA: Regional Transit District.

Congressional Relevance: House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; Rep. James L. Oberstar.

Authority: Buy American Act. Surface Transportation Assistance Act of 1982. Surface Transportation and Uniform Relocation Assistance Act of 1987. 49 C.F.R. 661.

Abstract: In response to a congressional request, GAO reviewed the Urban Mass Transportation Administration's (UMTA) settlement of alleged contractor violations of Buy American Act requirements.

Findings/Conclusions: GAO found that UMTA: (1) failed to specify the procedures for applying a 10-percent cost-increase exception in the act; (2) notified the contractor that it was required to deliver a domestic product; and (3) disagreed with the contractor on the definition of compliance under the act. GAO also found that: (1) the act's requirements covered all 26 light rail vehicles (LRV); (2) UMTA did not enforce compliance with the act with respect to 15 completed LRV; and (3) the contractor would ensure that 11 remaining LRV complied. In addition, GAO found that, since the transit system's temporary use of two noncompliant LRV violated both the act and the settlement agreement, UMTA intended to reduce overall federal support of the project by \$1.33 million.

134082

[Management of the National Acid Precipitation Assessment Program and EPA's Proposals To Control Vehicle Refueling and Evaporative Emissions]. T-RCED-88-2. October 2, 1987. 15 pp. *Testimony* before the

House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-87-89, April 29, 1987, Accession Number 133051; and RCED-87-151, August 7, 1987, Accession Number 133903.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned:

Environmental Protection Agency; National Acid Precipitation Assessment Program Joint Chairs Council.

Congressional Relevance: House Committee on Energy and Commerce: Oversight and Investigations Subcommittee.

Abstract: GAO discussed the National Acid Precipitation Assessment Program's (NAPAP) research into acid rain and the Environmental Protection Agency's (EPA) proposed action to reduce gasoline vapors from motor vehicles. GAO found that: (1) although the first NAPAP assessment's purpose was to summarize current knowledge about acid rain, it generated considerable controversy; and (2) management changes and staffing shortages contributed to delays in the assessment and the annual report and could delay a final assessment scheduled for 1990. GAO believes that the NAPAP Joint Chairs Council should take a stronger and more visible management role to ensure timely resolution of differences between agency representatives. GAO also found that EPA proposed to require: (1) motor vehicle manufacturers to equip their vehicles with onboard systems to control refuelling emissions; and (2) oil refineries to lower the volatility of the commercial gasoline consumers use in their vehicles. GAO believes that EPA should: (1) document the cost-effectiveness of alternative ozone control strategies; and (2) provide a more thorough analysis of the costs and benefits of its various refuelling and evaporative emission control strategies.

134083

[Request for Reconsideration of Dismissed Protest Against FAA Solicitation]. B-228068.3. September 30, 1987. 2 pp. *Decision* re: Atlantic Management Center; by Seymour Efras. (for Harry R. Van Cleve, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Atlantic Management Center; Federal Aviation Administration.

Authority: 4 C.F.R. 21.2(a)(3). 4 C.F.R. 21.12(b). B-219312.7 (1986). B-213689 (1984).

Abstract: A firm requested reconsideration of its dismissed protest against a Federal Aviation Administration solicitation. GAO had dismissed the protest because the protester untimely filed it more than 10 days after receiving notice of the agency's adverse action. In its request for reconsideration, the protester contended that GAO should have considered the protest, since it mailed the protest several days before the deadline. GAO held that, since a date stamp indicated that it received the protest after the deadline, the protest was untimely. Accordingly, the original dismissal was affirmed.

134091

[Decision Concerning DOT Allocation of Funds for Pipeline Safety Program]. B-222853.

September 29, 1987. 3 pp. *Decision* re: Department of Transportation; by Harry R. Van Cleve, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Department of Transportation; Department of Transportation: Research and Special Programs Administration.

Authority: Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674(d)). Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2004(d)). 55 Comp. Gen. 812. P.L. 99-190. P.L. 99-272. H.R. 3244 (99th Cong.). H. Rept. 99-256. S. Rept. 99-152. 99 Stat. 1185. 100 Stat. 139.

Abstract: The Department of Transportation (DOT) requested a decision concerning the allocation of funds for two of its grant programs, specifically whether Research and Special Programs Administration (RSPA) appropriations covered both programs, even though the act only mentioned one. GAO held that the appropriation was available for both programs, since RSPA had a lump-sum appropriation covering all of its authorized activities. Accordingly, DOT may use the appropriation without any earmark.

134122

FAA Staffing: Challenges in Managing Shortages in the Maintenance Work Force. RCED-87-137; B-228783. September 25, 1987.

Released October 13, 1987. 67 pp. plus 6 appendices (15 pp.). *Report* to Rep. Norman Y. Mineta, Chairman, House Committee on Public Works and Transportation: Aviation Subcommittee; Rep. John P. Hammerschmidt; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to T-RCED-88-30, March 31, 1988, Accession Number 135456; T-RCED-88-35, April 12, 1988, Accession Number 135536; RCED-87-104BR, April 17, 1987, Accession Number 132704; RCED-87-8, March 26, 1987, Accession Number 132534; RCED-87-62, May 19, 1987, Accession Number 133088; RCED-86-124BR, May 21, 1986, Accession Number 129923; T-RCED-88-45, June 2, 1988, Accession Number 135972; and RCED-88-189, September 2, 1988, Accession Number 136822.

Issue Area: Transportation: FAA Management of the NAS Plan in a Coordinated and Integrated Manner (6603).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee; House Committee on Public Works and Transportation: Aviation Subcommittee; Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation: Surface Transportation Subcommittee; Rep. John P. Hammerschmidt; Rep. Norman Y. Mineta.

Abstract: Pursuant to a congressional request, GAO examined the adequacy of the Federal Aviation Administration's (FAA) maintenance staffing, focusing on the impact of the: (1) current staffing situation on the air traffic system; and (2) projected attrition of maintenance personnel on staffing requirements.

Findings/Conclusions: GAO found that: (1) FAA hiring restrictions, staffing priorities, and failure to receive budget approval for additional staffing caused critical technician vacancies; (2) staffing shortages seriously impaired air traffic maintenance services; (3) increased work loads affected staff morale; (4) the outlook for technician staffing was not good, due to the large number of prospective retirements and the long training period for replacements; and (5) the performance data used for

management analysis did not accurately reflect current conditions in the field.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FAA, to improve the airway facilities staffing standard validation process by: (1) requiring the field to review and verify facility inventories; (2) linking staffing projections to facility-specific data available through the systems engineering and integration contractor data base; and (3) estimating pipeline staffing needs. The Secretary of Transportation should establish staffing targets for field maintenance at a level approaching authorized positions to provide a technician pipeline to replace anticipated attrition over the next 5 years. The Secretary of Transportation should submit these targets and a funding plan to support hiring to these levels to the appropriate congressional committees. The Secretary of Transportation should direct the Administrator, FAA, to consider the options discussed above, such as rehiring retirees and redistributing the work force, to deal with situations where field staffing is already critical. The Secretary of Transportation should direct the Administrator, FAA, to standardize the preventive maintenance reporting system.

134134

Alternative Fuels: Information on DOE's Methanol Vehicle Demonstration Program. RCED-88-38BR; B-226783. October 7, 1987. 15 pp. plus 1 appendix (1 p.). *Briefing Report* to Rep. Philip R. Sharp, Chairman, House Committee on Energy and Commerce: Energy and Power Subcommittee; by Flora H. Milans, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-87-91, May 22, 1987, Accession Number 133278.

Issue Area: Energy: Assessing Whether the DOE R&D Program Will Result in Developing Needed Alternative Energy Technologies To Meet Future Energy Demand (6410).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Energy: Energy Supply (271.0).

Organization Concerned: Department of Energy; Department of Defense.

Congressional Relevance: House Committee on Energy and Commerce: Energy and Power Subcommittee; *Rep.* Philip R. Sharp.

Abstract: Pursuant to a congressional request, GAO examined the status of the Department of Energy's (DOE) Methanol Vehicle Demonstration Program, focusing on: (1) reasons why other federal agencies have not participated in the program; (2) DOE experience in acquiring and operating demonstration fleets; (3) coordination between the DOE and Department of Defense (DOD) programs; and (4) a recent initiative to acquire flexible-fueled vehicles which could operate on gasoline, methanol, or a combination of both fuels.

Findings/Conclusions: GAO found that: (1) other federal agencies have not participated in the DOE program because of vehicle requirements, concerns about methanol reliability and availability, and data collection requirements; (2) although DOE gained experience in operating methanol-fueled vehicles, its demonstration fleets contributed little to increasing the federal and commercial use of methanol fuel and vehicles; (3) DOE and DOD exchange monthly reports on program status and maintain informal contact; and (4) DOE will probably provide technical assistance and advice to a government initiative to procure 5,000 flexible-fueled vehicles.

134145

[Aviation Safety: Is Re-regulation Needed To Improve Aviation Safety]. T-RCED-88-3. October 15, 1987. 4 pp. *Testimony* before the Senate Committee on Commerce, Science and Transportation; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division. Refer to T-RCED-87-1, January 29, 1987, Accession Number 132046; T-RCED-87-16, April 18, 1987, Accession Number 132632; T-RCED-87-28, May 28, 1987, Accession Number 133228; and T-RCED-87-1, January 29, 1987, Accession Number 132046.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: Senate Committee on Commerce, Science and Transportation.

Authority: Aviation Act.

Abstract: GAO discussed the need for re-regulation to ensure aviation safety. GAO found that: (1) Congress did not change the Federal Aviation Administration's (FAA) role in aviation safety when it deregulated the airline industry; (2) slow economic growth, fuel

price increases, and the air traffic controllers' strike obscured the full effect of deregulation; (3) FAA statistics show that, although near-mid-air collisions and operational errors have increased, the overall accident rate for U.S. airlines is lower than for airlines in other countries; and (4) FAA has not kept its safety standards current or ensured that airlines followed the standards through its inspection program. GAO believes that FAA has the authority to respond to these problems and to improve aviation safety.

134149

Railroad Regulation: Shipper Experiences and Current Issues in ICC Regulation of Rail Rates. RCED-87-119; B-227313. September 9, 1987.

Released October 15, 1987. 40 pp. plus 6 appendices (16 pp.). *Report* to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-87-15BR, October 2, 1986, Accession Number 131806; and RCED-87-109, June 17, 1987, Accession Number 133518.

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Interstate Commerce Commission.

Congressional Relevance: House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; *Rep.* John D. Dingell.

Authority: Railroad Revitalization and Regulatory Reform Act of 1976 (P.L. 94-210). Staggers Rail Act of 1980 (P.L. 96-448). Administrative Procedure Act (5 U.S.C. 551 et seq.). San Antonio, Texas v. United States, 631 F.2d 831 (D.C. Cir. 1980). American Trucking Ass'n v. Atchinson, Topeka & Santa Fe Railway Co., 387 U.S. 397 (1967).

Abstract: In response to a congressional request, GAO provided information on: (1) the Interstate Commerce Commission's (ICC) implementation of the market dominance and rate reasonableness provisions of railroad deregulation legislation; and (2) shippers' ability to obtain rate relief from ICC under the legislation.

Findings/Conclusions: GAO found that: (1) most of the rate dispute cases were settled through shipper and railroad negotiations; (2) although ICC believed that many shippers obtained rate relief through contract rates, out of 19 cases where ICC ruled that a rate was unreasonable, only 6 cases resulted in a negotiated contract, and only one of the shippers involved believed the contract rate to be rate relief; (3) ICC published coal rate guidelines to help railroads set reasonable rates, help shippers evaluate proposed rates, and encourage negotiated rates; (4) the guidelines contained no practical method for apportioning fixed costs among shippers, which resulted in widely varying methods of calculating upper limits on costs; and (5) recent case decisions have helped clarify what approaches to determine these costs ICC will find acceptable.

134159

[The Army's Risk Assessment of Chemical Munitions Transportation]. T-NSIAD-88-2. October 19, 1987. 14 pp. *Testimony* before the House Committee on Government Operations: Government Activities and Transportation Subcommittee; by Thomas J. Brew, Associate Director, National Security and International Affairs Division. Refer to T-NSIAD-87-6, March 3, 1987, Accession Number 132295; and T-NSIAD-87-7, March 4, 1987, Accession Number 132296.

Contact: National Security and International Affairs Division.

Organization Concerned: Department of the Army.

Congressional Relevance: House Committee on Government Operations: Government Activities and Transportation Subcommittee.

Authority: Environmental Policy Act of 1969 (National). P.L. 99-145.

Abstract: GAO discussed the Army's chemical munitions disposal program to determine whether the Army's draft impact statement fully addressed all of the aspects of risk involved in disposing of or transporting chemical munitions. GAO found that the analysis was incomplete because the Army did not: (1) cover alternative accident and transportation probabilities; (2) provide adequate emergency response capabilities; and (3) adequately disclose its limited air monitoring technology. GAO also found that the: (1) statement contained uncertainties that affected the accuracy of the accident and environmental impact estimates; (2)

limited available data affected the assessment results; and (3) Army did not include any assessment of the risk of sabotage or terrorism. GAO believes that the Army should explicitly indicate data and methodological weaknesses and their impacts in its statement.

134177

Additional Costs to Government: Reflagging Kuwaiti Ships and Protecting Them in the Persian Gulf. NSIAD-88-9FS; B-228983. October 8, 1987.

Released October 19, 1987. 4 pp. plus 4 appendices (4 pp.). *Fact Sheet* to Sen. Ernest F. Hollings; by Frank C. Conahan, Assistant Comptroller General, National Security and International Affairs Division.

Issue Area: Navy: Other Issue Area Work (5691); Transportation: Other Issue Area Work (6691).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: State of Kuwait; Department of the Navy; United States Coast Guard; Maritime Administration; Federal Communications Commission; Department of the Air Force.

Congressional Relevance: Sen. Ernest F. Hollings.

Abstract: Pursuant to a congressional request, GAO provided information on the additional costs to the United States of reflagging 11 Kuwaiti ships and protecting them in the Persian Gulf with military forces.

Findings/Conclusions: GAO noted that the: (1) reflagging costs the Coast Guard, Federal Communications Commission, and Maritime Administration incurred were primarily personnel-related and were within their normal operational costs; (2) military services estimated that their additional costs to protect the reflagged ships from July through September 1987 would be \$69 million; (3) increased operational tempo of the Navy's Middle East Force resulted in additional costs for ship and aircraft fuel and aircraft maintenance; (4) Air Force's additional costs were primarily for support of reconnaissance and refuelling aircraft; and (5) military services stated that it was not feasible to estimate additional costs beyond September 1987 because of the uncertainties involved.

134216

FAA Staffing: FAA's Definition of Its Controller Work Force Should Be Revised. RCED-88-14; B-222217. October 23, 1987. 6 pp. plus 3 appendices (3 pp.). *Report* to Rep. James L. Oberstar, Chairman, House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-88-106, June 21, 1988, Accession Number 136235.

Issue Area: Transportation: FAA Management of the Controller Work Force (6607).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee; House Committee on Public Works and Transportation: Aviation Subcommittee; House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; Senate Committee on Appropriations: Transportation and Related Agencies Subcommittee; Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee; Rep. James L. Oberstar.

Abstract: In response to a congressional request, GAO identified problems with the way the Federal Aviation Administration (FAA) defines its air traffic controller work force.

Findings/Conclusions: GAO found that: (1) the FAA definition includes air traffic assistants and controller trainees, who do not control air traffic, and excludes supervisors and traffic managers, who do control traffic; (2) if FAA had defined its controller work force more accurately, its work force would have totalled 14,400 at the end of fiscal year 1986, rather than 14,800; (3) FAA staffing in supervisory and traffic management positions is well below authorized levels; and (4) FAA no longer reports the number of developmental controllers separately from the number of fully qualified controllers, as it did before the 1981 controllers' strike.

Recommendation To Agencies: The Secretary of Transportation should require the Administrator, FAA, to revise the definition of the controller work force to include only those who are

responsible for separating and controlling air traffic, including first-line supervisors and traffic management coordinators. The revised definition should be used in reporting the controller work force count to Congress. The Secretary of Transportation should require the Administrator, FAA, to include in the FAA fiscal year budget justifications and other reports to Congress staffing targets for full-performance-level controllers.

134217

[FAA's Implementation of a Performance Standard for Passenger Screening Process]. T-RCED-88-4. October 22, 1987. 9 pp. plus 1 appendix (1 p.). *Testimony* before the House Committee on Government Operations: Government Activities and Transportation Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-87-182, July 24, 1987, Accession Number 133539; and T-RCED-88-14, December 17, 1987, Accession Number 134666.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Government Operations: Government Activities and Transportation Subcommittee.

Abstract: GAO discussed the preboarding passenger screening process the Federal Aviation Administration (FAA) established under its Civil Aviation Security Program to prevent passengers from carrying firearms, explosives, and other dangerous weapons on board airplanes. GAO noted that: (1) FAA developed an enforcement policy which allows it to assess civil penalties when air carrier screening systems fail to detect its test weapons; (2) a 10-month nationwide test of airport screening systems yielded an 80-percent detection rate; and (3) FAA needs to further evaluate the effectiveness of its enforcement policy, focusing on cumulative detection rates, the adequacy of its civil penalties, and its progress in implementing Department of Transportation recommendations for passenger screening.

134245

Naval Shipyards: Management of Borrowed Labor Can Be Enhanced by Stronger Internal Controls.

NSIAD-87-188; B-219204. September 23, 1987.

Released October 28, 1987. 4 pp. plus 3 appendices (14 pp.). *Report* to Rep. Dan Daniel, Chairman, House Committee on Armed Services: Readiness Subcommittee; by Frank C. Conahan, Assistant Comptroller General, National Security and International Affairs Division.

Issue Area: Navy: Other Issue Area Work (5691).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of the Navy; Department of the Navy: Naval Sea Systems Command.

Congressional Relevance: House Committee on Appropriations: Defense Subcommittee; House Committee on Armed Services: Readiness Subcommittee; Senate Committee on Appropriations: Defense Subcommittee; Senate Committee on Armed Services; Rep. Dan Daniel.

Abstract: In response to a congressional request, GAO reviewed naval shipyards' use of borrowed labor to determine: (1) the extent to which shipyards borrowed from one another; (2) whether the shipyards prepared adequate documentation to justify borrowing; and (3) whether internal controls concerning guidance and oversight of borrowed labor were adequate.

Findings/Conclusions: GAO found that: (1) the total cost for borrowed labor for fiscal years 1983 through 1986 was \$119.3 million; (2) shipyards generally did not perform cost comparisons of the alternatives for temporary shortages; (3) the Navy had no written guidance on managing borrowed labor; and (4) the Navy eliminated its borrowed-labor reporting requirement because it did not use the data and did not consider them useful.

Recommendation To Agencies: The Secretary of the Navy should direct the Commander, Naval Sea Systems Command, to issue guidance on how naval shipyards should relieve temporary labor shortages at the least cost to the government, setting out: (1) criteria for using various labor resources, including borrowing labor; (2) documentation requirements, including cost comparisons, justifying their use; and (3) data collection and reporting requirements.

134273

[Request for Reconsideration of Dismissed Protest of NTSB Contract Award for Clearinghouse Services]. B-228427.2. October 27, 1987. 2 pp. *Decision* re: General Microfilm; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: General Microfilm; National Transportation Safety Board.

Authority: 4 C.F.R. 21.2(a). 4 C.F.R. 21.3(f)(1).

Abstract: A firm requested reconsideration of the dismissal of its untimely protest of a National Transportation Safety Board (NTSB) sole-source contract award for clearinghouse services. GAO had held that the protester untimely filed the protest more than 10 days after it became aware of the NTSB decision. In its request for reconsideration, the protester contended that it timely protested after NTSB rejected its agency-level protest. GAO held that the agency-level protest concerned a different issue than the GAO protest. Accordingly, the dismissal was affirmed.

134285

[Protest Against Proposed DOT Subcontract Award for Ship Repair]. B-228035. October 27, 1987. 5 pp. *Decision* re: Eastern Technical Enterprises Inc.; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Eastern Technical Enterprises Inc.; B&A Marine Co. Inc.; American Foreign Shipping Co.; Maritime Administration.

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3551). 4 C.F.R. 21.3(f)(10). 4 C.F.R. 21.2(a)(1). 4 C.F.R. 21.6(d). 46 C.F.R. 338. 37 Comp. Gen. 550. 61 Comp. Gen. 379. B-224508 (1986). B-217028 (1985). B-218249.2 (1985). B-206301.2 (1982). B-207512 (1982). B-211618 (1983). B-225455 (1987).

Abstract: A firm protested a proposed subcontract award under a Maritime Administration (MARAD) prime contractor solicitation for ship repair, contending that: (1) the prime contractor improperly awarded the contract based solely on the awardee's low bid; (2) the awardee was not capable of performing the contract; (3) the prime contractor's staffing estimate was unreasonably low; and (4) it was entitled to reimbursement for its bid and protest preparation costs.

GAO held that the: (1) prime contractor properly awarded the contract to the low bidder; (2) protester's allegation that the awardee was incapable of performing the contract was a matter of responsibility, which it would not consider; (3) protester untimely filed after bid opening its protest concerning the staffing requirement; and (4) protester was not entitled to reimbursement for bid and protest preparation costs, since its protest was without merit. Accordingly, the protest was denied in part and dismissed in part, and the claim was denied.

134294

[Comments on Legal Arguments Concerning EPA Requirements for Gasoline Vapor Controls]. B-221037. September 15, 1987.

Released November 2, 1987. 2 pp. plus 1 enclosure (5 pp.). *Letter to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee*; by Harry R. Van Cleve, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Environmental Protection Agency.

Congressional Relevance: *House Committee on Energy and Commerce: Oversight and Investigations Subcommittee*; *Rep. John D. Dingell.*

Authority: Clean Air Act (42 U.S.C. 7502(b)).

Abstract: GAO commented on legal arguments in a draft brief that the Environmental Protection Agency (EPA) should require use of automobile vapor recovery controls on gasoline pumps. GAO: (1) disagreed with the draft's assertion that the controls were a reasonably available control measure, since there was no legislative basis for EPA to reach such a decision; (2) agreed that an ongoing EPA study did not preclude EPA from declaring the controls mandatory; and (3) noted that EPA submitted a proposed rulemaking that concluded that onboard controls were the best alternative for controlling refueling emissions.

134300

Satellite Acquisition: Global Positioning System Acquisition Changes After Challenger's Accident. NSIAD-87-209BR; B-228776. September 30, 1987.

Released November 2, 1987. 5 pp. plus 4 appendices (28 pp.). *Briefing Report to Rep. Bill Chappell, Jr., Chairman, House Committee on Appropriations: Defense Subcommittee*; by Richard A. Davis,

Associate Director, National Security and International Affairs Division.

Issue Area: Command, Control, Communications, and Intelligence: Adequacy of DOD Adjustments to Satellite Acquisitions in View of the Loss of Launch Capabilities (6008).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Telecommunications and Radio Frequency Spectrum Use (Military-Related) (051.4).

Organization Concerned: Department of the Air Force; National Aeronautics and Space Administration.

Congressional Relevance: *House Committee on Appropriations: Defense Subcommittee*; *Rep. Bill Chappell, Jr.*

Abstract: In response to a congressional request, GAO reviewed the NAVSTAR Global Positioning System to determine how the Air Force modified its acquisition approach for the system following the space shuttle accident. **Findings/Conclusions:** GAO found that the Air Force: (1) awarded a contract to build and launch seven medium expendable launch vehicles under its revised launch schedule; (2) reduced from 28 to 8 the number of NAVSTAR satellites it planned to launch from the space shuttle; (3) slowed production on items having limited life parts; (4) stretched out production and reduced funding for the operational satellites; (5) plans to postpone the purchase of replenishment satellites due to delays in launching the original 28 satellites; (6) needs to complete tests on satellite user equipment before it can begin full-rate production; and (7) is evaluating commercially available equipment to determine if it can meet its needs and achieve potential cost savings.

134315

[Protest Against Coast Guard Decision To Perform Shipboard Electronic Maintenance In-house]. B-227995. October 26, 1987. 5 pp. *Decision re: F.W. Morse & Co.*; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: United States Coast Guard; F.W. Morse & Co.; Small Business Administration.

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3551(2)). 13 C.F.R. 125.2. 4 C.F.R. 20.0(a). 61 Comp. Gen. 142. F.A.R. 19.602. OMB Circular A-76. B-220966 (1986). B-225490 (1986). B-224009 (1986). B-225452.2 (1987). B-225701 (1987). B-221261 (1986). 15 U.S.C. 637(b).

Abstract: A firm protested a Coast Guard decision not to contract for electronic systems maintenance, contending that the Coast Guard: (1) improperly determined that it was nonresponsible; (2) supplied the Small Business Administration (SBA) with negative, inaccurate information for its certificate-of-competency (COC) determination; and (3) improperly conducted a cost comparison. The protester also contended that SBA improperly reviewed its credit, since the Coast Guard did not raise that issue. GAO held that the Coast Guard: (1) reasonably determined that the protester was nonresponsible, based on its lack of experience and personnel; and (2) properly provided SBA with the basis for its determination of nonresponsibility. GAO also held that the protester: (1) failed to establish that either agency acted in bad faith or violated procurement regulations; (2) was not sufficiently interested to protest the cost comparison, since it was ineligible for award; and (3) was not entitled to reimbursement for its bid and protest preparation costs, since the protest was without merit. Accordingly, the protest was dismissed in part and denied in part.

134328

[Comments on STURA Act's Effects on Funding for Los Angeles Metrorail System]. B-226887. September 17, 1987.

Released November 4, 1987. 4 pp. *Letter to Nicholas J. Glakas, General Counsel, Senate Committee on Appropriations*; by Harry R. Van Cleve, General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Department of Transportation.

Congressional Relevance: *Senate Committee on Appropriations.*

Authority: Surface Transportation and Uniform Relocation Assistance Act of 1987. Environmental Policy Act of 1969 (National). H.R. 27 (100th Cong.). H. Rept. 100-27. 49 U.S.C. 1617(a)(2)(c).

Abstract: GAO commented on the probable effects of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURA) on the construction of a subway. GAO noted that: (1) Congress is obligated to provide the necessary funding for completion of the project; (2) the act extended the contractual obligation to provide funding for the system through fiscal year 1991; (3) the federal government was obligated to reimburse the funds expended on the project; and (4) Congress could enact new

legislation to enable it to control the disbursement of funds for the project.

134397

Highway Technology: The Structure for Conducting Highway Pavement Research. PEMD-88-2BR; B-227722. November 13, 1987. 44 pp. plus 1 appendix (2 pp.). *Briefing Report* to Rep. James L. Oberstar, Chairman, House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; by Carl E. Wisler, Associate Director, Program Evaluation and Methodology Division.

Issue Area: Program Evaluation and Methodology: Intended and Unintended Effects of Operational Systems and Technologies (7201).

Contact: Program Evaluation and Methodology Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Federal Highway Administration.

Congressional Relevance: *House* Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; *Rep.* James L. Oberstar.

Authority: Surface Transportation and Uniform Relocation Assistance Act of 1987. Federal-Aid Highway Act of 1981. Surface Transportation Assistance Act of 1981. Surface Transportation Assistance Act of 1982. Highway Revenue Act of 1956. Federal Highway Act. Federal Aid Highway Act of 1944. Federal Aid Highway Act of 1962. Federal Aid Highway Act of 1970. Department of Transportation and Related Agencies Appropriation Act, 1982.

Abstract: In response to a congressional request, GAO provided information on research efforts to develop highway technologies, including cost-effective ways to maintain and rehabilitate interstate highways.

Findings/Conclusions: GAO found that: (1) U.S. highways have deteriorated rapidly because of a lack of immediate maintenance and rehabilitation; (2) research and technological developments could improve states' abilities to finance highway improvement and rehabilitation; (3) research efforts for highway technology focus on various elements, such as soil, quality of materials used for pavement, traffic loads, and climate; and (4) for fiscal year 1987, states planned to spend about 25 percent of their federal highway funds on research.

134398

[Maritime Administration's Federal Ship Financing Program]. T-RCED-88-1. October 15, 1987. 10 pp. plus 4 attachments (4 pp.). *Testimony* before the House Committee on Merchant Marine and Fisheries: Merchant Marine Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-87-58, August 28, 1987, Accession Number 133798.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Maritime Administration; Department of Transportation.

Congressional Relevance: *House* Committee on Merchant Marine and Fisheries: Merchant Marine Subcommittee.

Authority: Ship Financing Act (Federal). Merchant Marine Act, 1936. H.R. 953 (100th Cong.).

Abstract: GAO discussed the Maritime Administration's (MARAD) Federal Ship Financing Program, focusing on its: (1) financial condition; (2) program management data; and (3) reporting practices. GAO noted that the Federal Ship Financing Fund, which underwrites the program, continues to experience serious financial difficulty, with: (1) a loan portfolio of about \$4.4 billion as of August 31, 1987; (2) fiscal year (FY) 1987 loan default payments of about \$400 million; (3) 30 percent of its loan guarantees, valued at about \$1 billion, which it estimates at risk of default; and (4) a reliance on supplemental appropriations to repay \$400 million borrowed from the Treasury to repay debts. GAO also noted that the program: (1) reported inconsistent and incomplete financial and management data in its documents and reports; (2) has not clearly stated in its reports that the Fund is no longer self-supporting; and (3) did not routinely compile complete data on companies at risk of default.

134414

[Protest of FRA Contract Award for Assessment Study]. B-227886.2. November 5, 1987. 5 pp. *Decision re:* A/E Group, Inc.; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: A/E Group, Inc.; Association of American Railroads; Federal Railroad Administration.

Authority: Competition in Contracting Act of 1984 (41 U.S.C. 253). F.A.R. 6.302-1. B-224549 (1987). B-220581 (1986).

Abstract: A firm protested a Federal Railroad Administration (FRA) sole-source contract award for a rail network assessment study, contending that: (1) FRA improperly determined that it was not qualified to submit a proposal; and (2) the awardee had a conflict of interest. GAO held that FRA reasonably awarded the sole-source contract, since the: (1) protester's qualification statement did not fully address areas listed in the solicitation announcement; (2) protester refused to supplement the submission; and (3) protester provided no evidence to support its allegation of the awardee's conflict of interest. Accordingly, the protest was denied.

134418

Truck Safety: Disposition of Allegations Concerning Three Safety Audits. RCED-88-17FS; B-229018. November 16, 1987. 24 pp. plus 2 appendices (3 pp.). *Fact Sheet* to Rep. Cardiss R. Collins, Chairman, House Committee on Government Operations: Government Activities and Transportation Subcommittee; by Herbert R. McLure, Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Department of Transportation: Office of Inspector General; Federal Highway Administration: Bureau of Motor Carrier Safety; Department of Justice; Federal Bureau of Investigation; Paul's Trucking Corp.

Congressional Relevance: *House* Committee on Government Operations: Government Activities and Transportation Subcommittee; *Rep.* Cardiss R. Collins.

Abstract: In response to a congressional request, GAO provided information on three safety audits the Bureau of Motor Carrier Safety (BMCS) performed at a trucking firm, focusing on the: (1) quality of the safety audits; (2) reason for the transfer of the principal safety investigator assigned to the three audits; and (3) extent of the investigation of the allegations posed by a former employee of the trucking firm made to BMCS and the Department of Transportation's Office of Inspector General (OIG). **Findings/Conclusions:** GAO found that: (1) BMCS felt that it was difficult to

evaluate a completed audit, since no enforcement action was taken and the information in the audits was limited; (2) limited evidence and conflicting statements made it difficult to determine the actual reason for the safety investigator's transfer; and (3) OIG did not formally investigate the trucking firm's former employee's allegations concerning the quality of the audits, but referred the case to the Federal Bureau of Investigation (FBI), since the employee alleged that bribery of a public official was involved; and (4) the Department of Justice declined to prosecute the case, based on the FBI information.

134419

[Controversy Regarding the Ready Reserve Force]. T-NSIAD-88-7. November 17, 1987. 5 pp. plus 5 appendices (25 pp.). *Testimony* before the House Committee on Government Operations: Legislation and National Security Subcommittee; by Bill W. Thurman, Deputy Director, National Security and International Affairs Division.

Contact: National Security and International Affairs Division.

Organization Concerned: Maritime Administration; Department of the Navy: Military Sealift Command.

Congressional Relevance: House Committee on Government Operations: Legislation and National Security Subcommittee.

Authority: Merchant Ship Sales Act of 1946.

Abstract: GAO discussed: (1) a disagreement between the Navy and the Maritime Administration (MARAD) concerning which agency was responsible for the Ready Reserve Force (RRF); (2) whether RRF was part of the National Defense Reserve Fleet (NDRF); and (3) the potential adverse effect the disagreement would have on RRF rapid sealift response capability and readiness. GAO found that: (1) the interagency agreement recognized RRF as part of NDRF; (2) although the Navy submitted a revised agreement to MARAD to make RRF its responsibility, the agencies have not yet agreed on the proposed revision; (3) although MARAD changed its procurement practices to allow greater competition, the Navy believed that MARAD proposal requests did not place enough responsibility on contractors; (4) the Navy stated that MARAD could not use Navy funds to award RRF operation and maintenance contracts until the RRF issues were resolved; and (5) the Navy's withholding of funds for current interagency agreements and contract

awards would severely affect the RRF program.

134429

Navy Contracting: Cost Overruns and Claims Potential on Navy Shipbuilding Contracts. NSIAD-88-15; B-228619. October 16, 1987.

Released November 17, 1987. 3 pp. plus 1 appendix (10 pp.). *Report to Rep. Bill Chappell, Jr., Chairman, House Committee on Appropriations: Defense Subcommittee;* by Frank C. Conahan, Assistant Comptroller General, National Security and International Affairs Division. Refer to T-NSIAD-87-30, April 23, 1987, Accession Number 132762; T-NSIAD-88-9, December 8, 1987, Accession Number 134599; and T-NSIAD-88-27, April 19, 1988, Accession Number 135602.

Issue Area: Navy: Other Issue Area Work (5691).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Procurement and Contracts (051.2).

Organization Concerned: Department of the Navy.

Congressional Relevance: House Committee on Appropriations: Defense Subcommittee; *Rep. Bill Chappell, Jr.*

Abstract: Pursuant to a congressional request, GAO reviewed 22 selected Navy shipbuilding contracts to determine the effects of increased competition, focusing on: (1) whether the Navy can execute the contracts within the funding appropriated; (2) the status of current and future claims against the government; (3) the actions that the Navy is taking to address current and anticipated claims; and (4) whether current staffing levels are providing effective contract oversight.

Findings/Conclusions: GAO found that the Navy: (1) realized favorable bid prices from increased competition for its shipbuilding contracts; (2) is currently projecting cost overruns of about \$1.413 billion over target costs on 19 contracts; (3) is required to pay at least half of these overruns up to a maximum ceiling price; and (4) has sufficient program account funds to cover its portion of most of the cost overruns, but anticipates submitting reprogramming requests to cover estimated overruns for three programs. GAO also found that: (1) overruns typically resulted from shipbuilders' decisions to cut prices to make low competitive offers for Navy contracts; (2) this highly competitive bidding has continued on more recent awards and could have future cost

implications for both the shipbuilders and the Navy; and (3) the Navy authorized additional staff to handle contract monitoring.

134437

[FAA's Air Traffic Controller Staffing Standards]. T-RCED-88-8. November 18, 1987. 10 pp. *Testimony* before the House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee.

Abstract: GAO discussed the Federal Aviation Administration's (FAA) staffing standards for the air traffic controller work force. GAO found that: (1) FAA did not establish a process for maintaining and validating its staffing standards; (2) following the 1981 air traffic controllers' strike, FAA shifted from maintaining a maximum number of controllers during peak hours to providing only minimum staffing levels; (3) because of this shift, FAA underestimated its staffing needs in its 1987 budget request, and had to amend its 1988 budget request; and (4) because of its reduced work force, FAA 1987 overtime expenditures increased dramatically from 1986. GAO also found that: (1) FAA regional and field offices have problems in understanding the methodology for estimating staffing needs; (2) while FAA based its staffing needs on the assumption of 8 shifts per day, field officers used three to five shifts; and (3) of the 15 centers it reviewed, only 1 used current FAA staffing standards. GAO believes that FAA needs to: (1) revise its standards to better reflect the staffing levels managers need to operate their facilities; (2) inform field offices about its staffing process to enhance acceptability; and (3) develop a formal validation process, to ensure that its standards are accurate and current.

134442

[Protest of FHWA Rejection of Bid for Construction Services]. B-228193. November 10, 1987. 3 pp. *Decision* re: Mount Diablo Corp.,

Inc.; by Seymour Efras, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Mount Diablo Corp., Inc.; Federal Highway Administration.

Authority: 52 Comp. Gen. 223. 54 Comp. Gen. 271. B-208332 (1983). B-218627 (1985). B-216397 (1984). B-213955 (1984). B-224024 (1986). B-203261 (1981).

Abstract: A firm protested the Federal Highway Administration's (FHWA) rejection of its bid for construction services as nonresponsive, contending that the: (1) entity listed on the bid was the same entity listed on the bid bond; and (2) protester's surety considered itself bound to the protester under the bid bond. GAO held that FHWA properly rejected the bid as nonresponsive, since the legal entity submitting the bid was a corporation and the legal entity on the bid bond was a joint venture between the corporation and its president. Accordingly, the protest was denied.

134451

[Availability of Insurance for Petroleum Underground Storage Tanks]. T-RCED-88-9. November 18, 1987. 8 pp. *Testimony* before the House Committee on Small Business: Energy and Agriculture Subcommittee; by Hugh J. Wessinger, Senior Associate Director, Resources, Community, and Economic Development Division.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Environmental Protection Agency.

Congressional Relevance: House Committee on Small Business: Energy and Agriculture Subcommittee.

Authority: Superfund Amendments and Reauthorization Act of 1986. Solid and Hazardous Waste Amendments of 1984.

Abstract: GAO discussed the availability of insurance for petroleum underground storage tanks. GAO found that: (1) the Environmental Protection Agency (EPA) proposed regulations containing a \$1-million to \$6-million financial responsibility requirement for petroleum tank owners and operators, a 3- to 5-year period to install leak detection devices, and a 10-year period to upgrade or replace tanks already in the ground; (2) two insurance companies provide insurance for about 15 percent of all U.S. tanks, but offer maximum policy limits of only \$2 million; (3) at least six insurance companies withdrew from this insurance market and others were reluctant to enter due to potentially high losses resulting from leaks; (4)

many of the methods EPA allowed tank owners to use to demonstrate financial responsibility were more expensive than insurance; and (5) many small businesses were unable to obtain the insurance or the alternatives to comply with EPA requirements. GAO believes that: (1) accelerating implementation of safety standards and phasing in implementation of the financial responsibility regulations would allow additional time for insurers to reevaluate the risks and tank owners to pursue other financial responsibility methods; and (2) EPA may want to reevaluate its proposed minimum aggregate level and self-insurance requirements.

134546

[Protest of Any FAA Contract Award for Navigation Equipment Modification Kits]. B-228219. November 30, 1987. 4 pp. *Decision* re: Monitronics; by Milton J. Socolar, Acting Comptroller General.

Contact: Office of the General Counsel.

Organization Concerned: Monitronics; Frontier Engineering, Inc.; Federal Aviation Administration.

Authority: 50 Comp. Gen. 137. B-221060 (1986). B-224512.3 (1987). B-210416 (1983). B-196801 (1980).

Abstract: A firm protested any Federal Aviation Administration (FAA) contract award to another firm for navigation equipment modification kits, contending that FAA improperly: (1) rejected its bid, which lacked descriptive material; and (2) considered another firm's descriptive material after bid opening. GAO held that FAA: (1) properly rejected the protester's bid as nonresponsive, since it failed to include the descriptive material necessary to determine whether its product met the brand-name specifications; and (2) improperly considered the other firm's descriptive literature after bid opening. Accordingly, the protest was denied in part and sustained in part, and GAO recommended that FAA: (1) make award to the next low bidder, if appropriate; or (2) cancel the solicitation and resolicit.

134579

[Privatization of Federal Aviation Administration Functions]. T-RCED-88-11. December 1, 1987. 10 pp. plus 3 attachments (9 pp.). *Testimony* before the President's Commission on Privatization; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration; President's Commission on Privatization.

Abstract: GAO discussed a proposal to privatize the Federal Aviation Administration's (FAA) functions and responsibilities. GAO noted that, although FAA faces numerous problems and deficiencies in its operations, it has taken constructive measures to correct the problems. GAO believes that: (1) privatization of FAA functions would not solve the fundamental problems facing FAA; (2) any shifts in responsibility should make provisions to retain adequate accountability for safety to the executive branch, Congress, and the public; and (3) the President's Commission on Privatization should consider alternatives short of full privatization of FAA work forces.

134599

[Navy Ship Construction Contracts]. T-NSIAD-88-9. December 8, 1987. 7 pp. *Testimony* before the House Committee on Merchant Marine and Fisheries: Merchant Marine Subcommittee; by Bill W. Thurman, Deputy Director, National Security and International Affairs Division. Refer to NSIAD-88-15, October 16, 1987, Accession Number 134429.

Contact: National Security and International Affairs Division.

Organization Concerned: Department of the Navy.

Congressional Relevance: House Committee on Merchant Marine and Fisheries: Merchant Marine Subcommittee.

Abstract: GAO discussed selected Navy ship construction contracts, focusing on whether the: (1) Navy could actually execute the contracts within its funding limits; (2) awards would result in future claims against the government; (3) Navy planned to take any action to address current and future claims against it; and (4) Navy provided effective contract oversight. GAO found that: (1) although the Navy's competitive procurement policy generally resulted in lower prices, it also resulted in cost overruns because of poor labor productivity and inefficiencies at some shipyards; (2) the Navy projected cost overruns of about \$1.4 billion for 19 of the 22 contracts reviewed, of which it would have to fund about \$706 million; (3) optimistic bidding and unrealistic production and low labor estimates were the principal causes of overruns; and (4) the Navy implemented

claims avoidance or prevention programs to track contractor performance. GAO also found that: (1) although shipbuilders are generally in favor of competitive procurement and fixed-price contracts, they believe that the process could adversely affect the already weak shipbuilding industry because it forces them to bid aggressively; and (2) although the Navy emphasized price in evaluating the contracts, it did consider technical and management factors.

134619

[Combat Exclusion Laws for Women in the Military]. T-NSIAD-88-8. November 19, 1987. 16 pp. *Testimony* before the House Committee on Armed Services: Military Personnel and Compensation Subcommittee; by Martin M. Ferber, Senior Associate Director, National Security and International Affairs Division. Refer to NSIAD-88-222, September 9, 1988, Accession Number 136896.

Contact: National Security and International Affairs Division.

Organization Concerned: Department of Defense; Department of the Air Force; United States Marine Corps; Department of the Navy; Department of the Army; United States Coast Guard.
Congressional Relevance: House Committee on Armed Services: Military Personnel and Compensation Subcommittee.

Authority: Women's Armed Services Integration Act, 1948 (10 U.S.C. 8549). 10 U.S.C. 6015.

Abstract: GAO discussed the military services' interpretations and applications of combat exclusion laws for women in the military. GAO noted that: (1) women constituted 10.1 percent of the military forces in 1986; (2) the types of jobs women hold in the military continue to expand; and (3) statutory restrictions limit the jobs available to women, as well as the number of women in the military. GAO also noted that the: (1) Air Force excludes women from fighter and bomber aircraft; (2) Navy and Marine Corps exclude women from aircraft or vessels engaged in combat missions; (3) Army excludes women from positions with a high probability of direct combat; (4) Coast Guard does not exclude women from any position; and (5) services generally apply the provisions to preclude women from the most frequent or severe exposure to the risks of war. In addition, GAO noted that the services' interpretations and applications of the provisions: (1) inhibit women's career progression by excluding them from some jobs they are capable of

filling; (2) may exacerbate recruiting problems and close off an excellent source of high-quality recruits; (3) impede the most effective management and assignment of personnel; and (4) could negatively affect the morale and retention of both men and women.

134648

Deficit Reductions For Fiscal Year 1988: Compliance With the Balanced Budget and Emergency Deficit Control Act of 1985. OCG-88-1; B-221498. December 15, 1987. 3 pp. plus 1 appendix (3 pp.). *Report to Congress;* Executive Office of the President; by Charles A. Bowsher, Comptroller General. Refer to AFMD-89-32, November 15, 1988, Accession Number 137292.

Contact: Office of the Comptroller General.

Budget Function: General Purpose Fiscal Assistance: Other General Purpose Fiscal Assistance (852.0).

Organization Concerned: Office of Management and Budget; Executive Office of the President; Congressional Budget Office.

Congressional Relevance: Congress.

Authority: Balanced Budget and Emergency Deficit Control Act of 1985. H. Rept. 100-313.

Abstract: Pursuant to a legislative requirement, GAO reviewed the Office of Management and Budget's (OMB) reports and the President's orders of October 20 and November 20, 1987 to determine if they complied with the Balanced Budget and Emergency Deficit Control Act of 1985.

Findings/Conclusions: GAO found that: (1) the majority of the reports and orders substantially complied with the act's requirements; (2) OMB incorrectly determined that the Railroad Supplemental Annuity Pension Fund was not an exempt account; (3) OMB properly excluded two assistance programs from its baseline for the Compact of Free Association Act of 1985, but should have included \$16 million in budget authority for two other programs; (4) the OMB baseline for the United States Information Agency's radio construction account incorrectly reflected \$20 million in permanent indefinite budget authority; and (5) OMB improperly reported expected savings of \$18.2 million for the Corporation for Public Broadcasting. GAO expressed concern about the quality, timeliness, and reliability of the financial data underlying the budget process, since it affects: (1) decisionmaking and policy formation; (2) the act's implementation;

and (3) deficit estimates and allocations. GAO believes that some short-term adjustments to the budget may provide temporary relief, but negatively affect long-term problems.

134653

[Request for Reconsideration of Dismissed Protest of DOT Rejection of Bid]. B-228327.2. December 15, 1987. 2 pp. *Decision re:* Science and Technology Institute, Inc.; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Science and Technology Institute, Inc.; Department of Transportation.

Authority: 4 C.F.R. 21.3(e). B-225614.2 (1987).

Abstract: A firm requested reconsideration of the dismissal of its protest against the Department of Transportation's (DOT) determination that its bid was technically unbalanced. GAO had dismissed the protest because the protester did not timely respond to the DOT protest report. In its request for reconsideration, the protester contended that GAO should not have dismissed its protest, since it did not receive the report. GAO would not reconsider the protest, since the protester failed to timely notify GAO that it had not received the report. Accordingly, the dismissal was affirmed.

134655

[Request for Reconsideration of Dismissed Protests of Maritime Administration Cooperative Agreement Award]. B-227084.3, B-227084.4. December 15, 1987. 7 pp. *Decision re:* Ship Analytics, Inc.; Marine Engineers Beneficial Association: District 2; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Ship Analytics, Inc.; Marine Engineers Beneficial Association: District 2; Marine Safety International; Maritime Administration.

Authority: Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6303). F.A.R. 15.610(d). B-227084 (1987). B-222344 (1986).

Abstract: A firm and a labor association requested reconsideration of their dismissed protest against a Maritime Administration (MARAD) cooperative agreement award for the operation and maintenance of a ship research

simulator. GAO had held that there was no showing that MARAD should have conducted a procurement instead of using the cooperative agreement. GAO subsequently determined that: (1) MARAD should have conducted a procurement; and (2) it would consider the merits of the original protest. The protesters had contended that MARAD: (1) improperly evaluated their financial backgrounds; (2) did not apply its criteria in evaluating the awardee's bid; and (3) was biased in its scoring of the bids. GAO held that MARAD reasonably awarded the contract to the awardee, since: (1) the protesters' bids contained significant deficiencies; and (2) there was no evidence of bias or impropriety in the evaluation process. Accordingly, the protest was denied.

134666

[**Security at Nation's Highest Risk Airports**]. T-RCED-88-14. December 17, 1987. 8 pp. plus 1 attachment (1 p.). *Testimony* before the House Committee on Government Operations: Government Activities and Transportation Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-87-125FS, April 30, 1987, Accession Number 133242; RCED-87-182, July 24, 1987, Accession Number 133539; T-RCED-87-34, June 18, 1987, Accession Number 133425; T-RCED-88-4, October 22, 1987, Accession Number 134217; and RCED-88-86, January 29, 1988, Accession Number 134921.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Department of Transportation: Federal Aviation Administration.

Congressional Relevance: *House* Committee on Government Operations: Government Activities and Transportation Subcommittee.

Abstract: In response to a congressional request, GAO evaluated the Federal Aviation Administration's (FAA) Civil Aviation Security Program to determine the effectiveness of its passenger screening process at airports with the highest security risk. GAO found that: (1) since the security measures at most airports are interrelated, if one measure fails, another measure is in place to support the failed measure; (2) the FAA policy on passenger screening does not ensure that airport and air carrier employees are not carrying dangerous weapons through the screening process; (3) FAA needs to improve accountability and control over personnel identification

systems; (4) airport and air carrier employees do not always challenge unauthorized persons or require that all employees display their identification badges; and (5) although FAA requires perimeter barriers, due to the ineffectiveness of the challenge procedures, unauthorized personnel could gain access to these restricted areas. GAO believes that to improve security FAA should: (1) account for identification badges at high-risk airports; (2) reemphasize airline and airport employee responsibility to challenge the presence of unauthorized persons and stress the importance of properly displaying employee identification; and (3) evaluate the extent to which individual airlines should exempt employees from the passenger screening process.

134668

[**Protest of Coast Guard Solicitation for Fire Prevention and Protection Services**]. B-228170. December 16, 1987. 4 pp. *Decision* re: West Coast Fire Service, Inc.; by Seymour Eφος, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: West Coast Fire Service, Inc.; United States Coast Guard.

Authority: Service Contract Act of 1965 (41 U.S.C. 351). 29 C.F.R. 4.4. 29 C.F.R. 4.6(b)(2). B-219387 (1985). B-196829 (1980). B-201482 (1981). B-225618 (1987). B-219415 (1985).

Abstract: A firm protested a Coast Guard solicitation for fire prevention and protection services, contending that the: (1) wage determinations were incomplete; and (2) solicitation did not include wage information on several positions currently staffed by Coast Guard employees. GAO held that: (1) since the Coast Guard obtained the wage rate determinations from the Department of Labor (DOL), the protester should pursue its challenge of their completeness through DOL administrative procedures; and (2) the Coast Guard's failure to include information on wages and benefits for its current employees did not prevent the protester from competing. Accordingly, the protest was denied.

134671

[**Aviation Safety: Commuter Airports Should Participate in the Airport Certification Program**]. RCED-88-41; B-228633. November 18, 1987. Released December 18, 1987. 10 pp. plus 7 appendices (13 pp.). *Report* to Sen.

Robert C. Byrd; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RED-76-5, August 8, 1975, Accession Number 096857.

Issue Area: Transportation: Effectiveness of FAA in Ensuring Aircraft Safety and Whether This Responsibility Conflicts With Its Role in Promoting Aviation Commerce (6613).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation.

Congressional Relevance: *House* Committee on Appropriations: Transportation Subcommittee; *House* Committee on Public Works and Transportation: Aviation Subcommittee; *Senate* Committee on Appropriations: Transportation Subcommittee; *Senate* Committee on Commerce, Science and Transportation: Aviation Subcommittee; *Sen. Robert C. Byrd*.

Authority: Airport and Airway Improvement Act of 1982 (P.L. 97-248). Airline Deregulation Act of 1978. Airport and Airways Development Act of 1970 (P.L. 91-258). Aviation Act. 14 C.F.R. 139. Federal Aviation Reg. 135. H.R. 2310 (100th Cong.). S. 1184 (100th Cong.).

Abstract: In response to a congressional request, GAO evaluated the Federal Aviation Administration's (FAA) requirements for participation in its Airport Certification Program, particularly: (1) its requirements for commuter airlines with 30 or fewer passenger seats; (2) the program's safety benefits and cost-effectiveness; and (3) alternative requirements and their impact on commuter airports.

Findings/Conclusions: GAO found that: (1) airports that serve only commuter airlines with less than 31 passengers cannot acquire certification; (2) many currently certified airports could lose their certification because they no longer meet FAA participation requirements; (3) the program has increased airport safety by reducing the risk of accidents and enhancing airports' ability to deal with accidents; (4) airport certification costs ranged from \$25,000 to \$313,000 for capital costs, \$8,200 to \$77,000 for annual operating costs, and \$820 to \$2,100 for FAA inspection and recertification; (5) a grant program under the Airport and Airway Improvement Act of 1982 could cover most of airports' capital costs; and (6)

implementation of alternative participation requirements would increase the number of certified commuter airports.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FAA, to change the participation requirements for the Airport Certification Program to require certification for all airports that receive regularly scheduled service. If the Secretary deems it necessary to resolve uncertainty over his authority to certify commuter airports, he should seek specific authority from Congress. The Secretary of Transportation should direct the Administrator, FAA, to develop a new category of certification for low-activity airports that would require full implementation of the risk reduction features of the airport certification program and allow the use of alternatives for crash, fire, and rescue equipment.

134679

[Protest of FHWA Rejection of Bid for Highway Project]. B-228336. December 17, 1987. 6 pp. *Decision re:* Goodwin Contractors; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Goodwin Contractors; Federal Highway Administration.

Authority: 56 Comp. Gen. 737. F.A.R. 14.402-3. F.A.R. 52.214-7. B-221551 (1986). B-211836 (1983). B-207977 (1982). B-211047 (1983).

Abstract: A firm protested the Federal Highway Administration's (FHWA) rejection of its bid for a highway project as late, contending that: (1) FHWA unreasonably maintained its bid opening schedule, in spite of unexpected office closures; (2) FHWA improperly failed to pick up the protester's bid when it received notice of attempted delivery; (3) FHWA should have informed the protester, in a conversation concerning a bid modification, that its bid had not arrived; and (4) its bid was timely. GAO held that FHWA properly rejected the bid, since: (1) the contracting officer reasonably determined that the office closure did not affect bidders; (2) it received no notice of attempted delivery of the bid; (3) regulations did not require it to volunteer a bid's arrival status prior to bid opening; and (4) the bid arrived after bid opening. Accordingly, the protest was denied.

134696

Air Traffic Control: FAA Should Avoid Duplication in Procuring a Traffic Management System. IMTEC-88-8; B-206887. December 22, 1987. 9 pp. plus 2 appendices (4 pp.). *Report to Rep. William Lehman, Chairman, House Committee on Appropriations: Transportation Subcommittee; Rep. Lawrence Coughlin, Ranking Minority Member, House Committee on Appropriations: Transportation Subcommittee; by Ralph V. Carlone, Director, Information Management and Technology Division.*

Issue Area: Transportation: Adequacy of FAA Planning, Management, and Acquisition of Information Systems for Air Traffic Users (6608); Information Management and Technology: Agencies' Acquisition or Development of Information Resources To Effectively and Economically Satisfy Mission Needs (7119).

Contact: Information Management and Technology Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation: Research and Special Programs Administration: Transportation Systems Center.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee; *Rep. Lawrence Coughlin; Rep. William Lehman.*

Abstract: In response to a congressional request, GAO assessed the Federal Aviation Administration's (FAA) efforts to acquire a new automated system designed to improve air traffic flow and traffic management.

Findings/Conclusions: GAO found that FAA believes that its present Traffic Management System cannot meet requirements because the: (1) obsolete software cannot keep pace with increasing demand; and (2) existing system does not have the capacity to process aircraft position messages produced by radar tracking. GAO also found that: (1) FAA upgraded the system's central computer and improved its data transmission capabilities; (2) the Transportation Systems Center demonstrated a prototype model in January 1987 that satisfied 85 percent of the current requirements; (3) FAA used the prototype to assist in the traffic flow management during summer 1987; and (4) FAA is integrating software developed by various research and development efforts to eliminate duplication.

134701

Drug Law Enforcement: Military Assistance for Anti-Drug Agencies. GGD-88-27; B-229113. December 23, 1987. 1 p. plus 2 appendices (5 pp.). *Report to Congress; by William J. Anderson, (for Charles A. Bowsher, Comptroller General).*

Issue Area: Administration of Justice: Obstacles Congress and Agencies Should Address in Coordinating Law Enforcement Resources (4701).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Law Enforcement Activities (751.0).

Organization Concerned: Department of Defense; National Narcotics Border Interdiction System; Drug Enforcement Administration; United States Coast Guard.

Congressional Relevance: Congress.

Authority: Anti-Drug Abuse Act of 1986 (P.L. 99-570).

Abstract: Pursuant to a legislative requirement, GAO examined the Department of Defense's (DOD) compliance with a provision of the Anti-Drug Abuse Act of 1986 requiring it to make military resources available to drug law enforcement agencies. **Findings/Conclusions:** GAO found that DOD: (1) prepared a list of available assistance and a detailed plan for providing this assistance to drug law enforcement agencies; (2) requested that the National Narcotics Border Interdiction System convene a conference of such agencies to reach agreement on the distribution of assistance; and (3) agreed to provide helicopters to the Coast Guard and mobile engineering support to the Drug Enforcement Administration.

134704

[Comments on MARAD Cooperative Agreement Award for Ship Simulator]. B-227084.5. October 15, 1987.

Released December 29, 1987. 4 pp. *Letter to Rep. Jack Brooks, Chairman, House Committee on Government Operations: Legislation and National Security Subcommittee; by Milton J. Socolar, Acting Comptroller General.*

Contact: Office of the Comptroller General.

Organization Concerned: Maritime Administration: Merchant Marine Academy: Computer Aided Operations Research Facility; Marine Safety International.

Congressional Relevance: *House* Committee on Government Operations: Legislation and National Security Subcommittee; *Rep.* Jack Brooks.

Authority: Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.). 61 Comp. Gen. 637. B-218816 (1986). 31 U.S.C. 4304(2).

Abstract: Pursuant to a congressional request, GAO reviewed a Maritime Administration (MARAD) contract award for the operation of a research facility. GAO concluded that MARAD improperly used a cooperative agreement instead of a procurement contract and was not in compliance with the Federal Grant and Cooperative Agreement Act.

134708

[Protest of MARAD Prime Contractor Solicitation for NDRF Engine Repair Work]. B-228398. December 22, 1987. 4 pp. *Decision re:* Golten Marine Co., Inc.; by Seymour Efron, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Golten Marine Co., Inc.; Barber Ship Management, Inc.; Maritime Administration.

Authority: Buy American Act. Competition in Contracting Act of 1984 (31 U.S.C. 3551 et seq.). 46 C.F.R. 338. B-227002 (1987). B-224626 (1986).

Abstract: A firm protested a Maritime Administration (MARAD) prime contractor's subcontract award for engine repair work, contending that: (1) it did not receive a copy of the solicitation; (2) the solicitation violated the Buy American Act, since it required foreign parts; and (3) the contractor improperly advanced a separate noncompetitive contract for engine start-up. GAO held that: (1) MARAD established that the protester received the solicitation; (2) MARAD properly determined that available domestic spare parts were not satisfactory; and (3) the alleged noncompetitive contract award procurement was not a federal procurement. Accordingly, the protest was denied in part and dismissed in part.

134753

[Protest of Coast Guard Contract Award for Propeller Overhaul Services]. B-229868. December 30, 1987. 2 pp. *Decision re:* Pacific Propeller, Inc.; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Pacific Propeller, Inc.; United States Coast Guard.

Authority: 4 C.F.R. 21.2(a)(3). B-225443.2 (1986).

Abstract: A firm protested a Coast Guard contract award for aircraft propeller overhaul services, contending that, since the contracting officer provided it with erroneous information concerning the deadline for filing its protest, GAO should waive the timeliness requirements. GAO held that the protester's lack of knowledge concerning protest filing requirements was not a basis for waiving the requirements. Accordingly, the protest was dismissed.

134772

Motor Vehicle Safety: A Review of the NTSB Report on Rear Seat Lap Belt Effectiveness. RCED-88-13; B-223735. November 13, 1987.

Released January 5, 1988. 51 pp. plus 2 appendices (2 pp.). *Report to Rep.* John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement-Program (6601).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: National Transportation Safety Board.

Congressional Relevance: *House* Committee on Energy and Commerce: Oversight and Investigations Subcommittee; *Rep.* John D. Dingell.

Authority: Air Commerce Act. Independent Safety Board Act of 1974. Federal-Aid Highway Act of 1970.

Abstract: In response to a congressional request, GAO reviewed the National Safety Transportation Board's (NTSB) study that criticized the effectiveness of lap belts for rear-seat automobile passengers.

Findings/Conclusions: GAO found that NTSB: (1) demonstrated that lap belts could cause death or serious injury to rear-seat occupants in severe frontal crashes; (2) stated that the data bases that other highway safety researchers used were flawed because information from police accident reports was inaccurate; and (3) concluded that it was unable to make a recommendation on whether rear-seat passengers should use lap belts. GAO also found that critics of

the NTSB report: (1) did not dispute that lap belts could cause injury in some cases; (2) claimed that NTSB examined biased case samples; and (3) believe that because the report questions only the inaccurate data bases and does not prove that lap belts are not effective, the public may believe that NTSB has proved that the lap belts are ineffective. In addition, GAO found that: (1) NTSB did not demonstrate that the data problems were so extensive that the data was unuseable; (2) NTSB should not dismiss evidence that lap belts in the rear seat are an effective safety measure; and (3) everyone agreed that lap/shoulder belts provided better protection than lap belts.

134807

Drug Control: U.S.-Mexico Opium Poppy and Marijuana Aerial Eradication Program. NSIAD-88-73; B-225282. January 11, 1988. 46 pp. plus 2 appendices (9 pp.). *Report to Congress;* by Frank C. Conahan, (for Charles A. Bowsher, Comptroller General). Refer to GGD-77-6, February 18, 1977, Accession Number 100613; GGD-80-4, October 25, 1979, Accession Number 110663; and NSIAD-88-114, March 1, 1988, Accession Number 135305.

Issue Area: Foreign Economic Assistance: Effectiveness of Structure of U.S. Bilateral Economic Assistance Programs With Country and Regional Focuses To Accomplish International Objectives (6201); Administration of Justice: Obstacles Congress and Agencies Should Address in Coordinating Law Enforcement Resources (4701).

Contact: National Security and International Affairs Division.

Budget Function: International Affairs: Foreign Economic and Financial Assistance (151.0).

Organization Concerned: Department of State; Department of State: Bureau of International Narcotics Matters; Mexico: Office of the Attorney General.

Congressional Relevance: *House* Select Committee on Narcotics Abuse and Control; *House* Committee on Appropriations: Foreign Operations Subcommittee; *House* Committee on Foreign Affairs; . *Senate* Committee on Appropriations: Foreign Operations Subcommittee; *Senate* Committee on Foreign Relations; Congress.

Authority: Anti-Drug Abuse Act of 1986. Foreign Assistance Act of 1961 (22 U.S.C. 2291). Agreement Relating to Additional Cooperative Arrangements To Curb the Illegal Traffic in Narcotics, June 2, 1977,

United States-Mexico, 29 U.S.T. 2483, T.I.A.S. No. 8952 .

Abstract: Pursuant to a legislative requirement, GAO reviewed the joint U.S.-Mexico opium poppy and marijuana aerial eradication program in terms of the extent to which: (1) the program reduced the Mexican poppy and marijuana crops; (2) Mexico effectively used U.S.-provided aircraft and other resources; and (3) formal bilateral agreements provided the ongoing cooperation needed to expeditiously eliminate opium poppies and marijuana in Mexico.

Findings/Conclusions: GAO found that: (1) although initially the aerial eradication program significantly reduced opium poppy and marijuana cultivation in Mexico, farmers developed new techniques to make such eradication difficult; (2) Mexico has reemerged as a prominent marijuana supplier; and (3) the gap between crop cultivation and eradication will probably continue to widen. GAO also found that Mexico's Office of the Attorney General, which administered the aerial eradication program: (1) underused U.S. aircraft, primarily because of maintenance deficiencies and an insufficient number of pilots; and (2) disagreed with the United States and contractors as to the cause of and responsibility for correcting deficiencies. In addition, GAO found that U.S. and Mexican officials: (1) agreed that the program needed additional aircraft, but purchased them without a bilateral analysis of the need; (2) lacked formal bilateral agreements addressing the frequency or scope of aerial surveys, annual eradication targets, or program validation and evaluation; and (3) failed to address problems involving insufficient spare parts, low pilot salaries, and inadequate program monitoring.

Recommendation To Agencies: The Secretary of State should instruct the Assistant Secretary for International Narcotics Matters to negotiate with the government of Mexico to revise the formal agreements which form the framework of the bilateral program, to include provisions for: (1) developing comprehensive aerial surveys to identify the extent and location of opium poppy and marijuana cultivation; (2) setting annual eradication goals consistent with reasonable standards for aircraft use and availability; and (3) validating and evaluating the program's activities and progress. To avoid the problems which developed because the current maintenance services contract does not clearly define the responsibilities of Mexico's Office of the Attorney General

and the contractor, the Assistant Secretary for International Narcotics Matters should negotiate with the government of Mexico to define the scope of the next contractor's responsibilities and financial accountability for: (1) determining maintenance requirements and maintaining spare parts inventories which are reasonable in relation to the distance of the program from its major suppliers and to the mission and deployment of the air fleet; (2) procuring spare parts and repairs and distributing spare parts; and (3) security of on-hand inventories. Once the contractor's responsibilities and liabilities have been established, the contract should ensure that the contractor is provided with sufficient authority to fulfill its obligations. The Secretary of State should not request funding to purchase aircraft for the program in Mexico unless the Assistant Secretary for International Narcotics Matters has determined the: (1) extent of eradication which Mexico's Office of the Attorney General could accomplish if it uses its existing air fleet in accordance with reasonable standards for use and availability; and (2) number and type of additional aircraft, if any, which Mexico's Office of the Attorney General needs to achieve complete crop control.

134824

[Protest of Coast Guard Rejection of Bid for Fire Department Operation]. B-228170.4. January 13, 1988. 3 pp. *Decision re:* Tark International; by Seymour Efron, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Tark International; United States Coast Guard.

Authority: 4 C.F.R. 21.2(a)(1). F.A.R. 14.406-3(g)(5). F.A.R. 14.101. OMB Circular A-76. B-227166 (1987). B-224013 (1986).

Abstract: A firm protested the Coast Guard's rejection of its bid for the operation and maintenance of a base fire department, contending that the Coast Guard should either award it the contract or resolicit to correct an allegedly ambiguous solicitation amendment. The Coast Guard: (1) suspected that there was an error in the bid, which was significantly lower than other bids; and (2) rejected the bid when the protester failed to verify it. GAO held that the: (1) protester untimely filed its protest concerning the solicitation amendment after bid opening; and (2) Coast Guard properly rejected the

protester's bid, since it did not include pricing for a significant part of the requirement. Accordingly, the protest was denied in part and dismissed in part.

134835

[Protest of FAA Rejection of Bid for Fiberglass Equipment Shelters]. B-228515. January 11, 1988. 3 pp. *Decision re:* JoaQuin Manufacturing Corp.; by Seymour Efron, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: JoaQuin Manufacturing Corp.; Vertex Plastics, Inc.; Federal Aviation Administration.
Authority: 4 C.F.R. 21.2(a)(1). B-226816 (1987). B-225700 (1987). B-225858 (1987).

Abstract: A firm protested the Federal Aviation Administration's (FAA) rejection of its bid for fiberglass equipment shelters as nonresponsive, contending that: (1) its descriptive literature stated that it offered a product which met or exceeded the specifications; (2) its shelters had been acceptable under similar procurements; (3) the awardee's bid was nonresponsive; and (4) the solicitation specifications were unduly restrictive and reflected a bias for the awardee's shelters. GAO held that: (1) FAA properly rejected the bid, since the protester's descriptive literature indicated nonconformance with the solicitation requirements; (2) an agency's waiver of a requirement on a prior procurement did not affect the instant procurement; (3) the awardee's descriptive literature showed that its product complied with the solicitation requirements; and (4) the protester untimely filed its protest concerning solicitation improprieties. Accordingly, the protest was denied in part and dismissed in part.

134843

Superfund: Insuring Underground Petroleum Tanks. RCED-88-39; B-224651. January 15, 1988. 64 pp. plus 2 appendices (5 pp.). *Report to Congress;* by Charles A. Bowsher, Comptroller General. Refer to RCED-88-2, October 16, 1987, Accession Number 134208; RCED-88-1, October 26, 1987, Accession Number 134238; GGD-86-56FS. April 9, 1986, Accession Number 129554; HRD-86-120BR, July 22, 1986, Accession Number 130549; and HRD-88-64, July 29, 1988, Accession Number 136658.

Issue Area: Environment: Availability of Adequate Insurance for Liabilities

Associated With Hazardous Waste (6812).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Environmental Protection Agency.

Congressional Relevance: House Committee on Government Operations; Senate Committee on Governmental Affairs; Congress.

Authority: Superfund Amendments and Reauthorization Act of 1986. Water Pollution Control Act Amendments of 1972 (Federal). Solid and Hazardous Waste Amendments of 1984. Product Liability Risk Retention Act of 1981. Risk Retention Act of 1986. Water Pollution Control Act.

Abstract: Pursuant to a legislative requirement, GAO determined the availability of pollution liability insurance for owners and operators of petroleum storage and distribution facilities, focusing on: (1) the current and projected availability of tank insurance; (2) tank owners' and operators' ability to maintain financial responsibility through methods other than insurance; (3) the experience of marine vessel owners and operators in getting insurance for similar liabilities; and (4) available options to assist tank owners and operators in demonstrating financial responsibility.

Findings/Conclusions: GAO found that: (1) there was only one substantial provider of tank insurance as of July 1987; (2) at least six other firms have dropped out of this insurance market over the last several years; and (3) some other firms have expressed interest in expanding into the market, but are generally months away from offering insurance policies. GAO also found that: (1) the Environmental Protection Agency (EPA) allows tank owners and operators methods other than insurance for demonstrating financial responsibility, including self-insurance, letters of credit, and surety bonds; (2) major oil companies and other large corporations were most likely to use these other methods; (3) marine pollution liability insurance was generally more available and affordable because of reduced risks resulting from heavy regulation and monitoring; (4) many tank owners and operators will experience difficulty in demonstrating financial responsibility; and (5) one approach to help tank owners and operators demonstrate financial responsibility would involve gradual EPA implementation of incentives for technical improvements, development of state regulatory and

enforcement programs, and tank upgrading and replacement regulations.

Recommendation To Agencies: The Administrator, EPA, should implement financial responsibility requirements over a timetable that: (1) is realistic in terms of availability of insurance and other financial assurance methods; (2) provides incentives for prompt and appropriate technical improvements by tank owners and operators; and (3) allows for the development of appropriate state regulatory and enforcement programs. The Administrator, EPA, should modify the timetable for tank upgrading or replacement by establishing a staggered schedule under which older tanks will be upgraded or replaced first. The Administrator, EPA, should continue to investigate the appropriate levels of liability for tank owners and proper requirements for self-insurance.

134856

[Former FAA Employee's Claim for Vehicle Transportation Costs]. B-226426. January 19, 1988. 3 pp. *Decision re:* David E. Nyman; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration.

Authority: 56 Comp. Gen. 131. Utah Power and Light Co. v. United States, 243 U.S. 389 (1917). FAM [6] 168.4. FAM [6] 165.9-1.

Abstract: A retired Federal Aviation Administration employee requested reimbursement for costs he incurred transporting a vehicle he purchased while he was overseas to his place of retirement. GAO held that the employee was not entitled to reimbursement, since he did not: (1) purchase the vehicle for use in a foreign country; and (2) take possession of it while he was overseas. Accordingly, the claim was denied.

134872

Air Pollution: Information on EPA's Efforts To Control Emissions of Sulfur Dioxide. RCED-88-32; B-217221. December 7, 1987.

Released January 25, 1988. 3 pp. plus 5 appendices (23 pp.). *Report to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee;* by Hugh J. Wessinger, Senior Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-85-129, August 16, 1985, Accession Number 127916.

Issue Area: Environment: Other Issue Area Work (6891).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Environmental Protection Agency.

Congressional Relevance: House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; *Rep. John D. Dingell.*

Authority: Clean Air Act. Acid Precipitation Act of 1980.

Abstract: In response to a congressional request, GAO provided information on the status of the Environmental Protection Agency's (EPA) efforts to control sulfur dioxide emissions through development of the Regional Acid Deposition Model (RADM) and the Complex Terrain Dispersion Model (CTDM), which would estimate the movement, transformation, and effect of emissions.

Findings/Conclusions: GAO found that EPA: (1) has experienced delays and cost overruns in the development of both RADM and CTDM as a result of changes in the scope of work and funding constraints; (2) originally estimated about \$5.7 million for the development and evaluation of CTDM but has already expended approximately \$8.5 million in fiscal year 1987; (3) estimated that the final RADM evaluation plan would cost about \$30 million and would be completed in 1990; and (4) needs to further improve both models to make them capable of providing it with the information it requires to regulate emissions. GAO also found that EPA approved 48 revisions to 19 state and 3 territory implementation plans from 1984 through 1986, which increased allowable sulfur dioxide emissions by about 250,000 tons per year.

134883

[Protest of Coast Guard Determination To Perform Electronic Maintenance Services]. B-228352. January 19, 1988. 5 pp. *Decision re:* Raytheon Support Services Co.; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Raytheon Support Services Co.; United States Coast Guard.

Authority: B-221352.2 (1986). B-219580 (1985). B-221352 (1986). B-227004 (1987). OMB Circular A-76.

Abstract: A firm protested the Coast Guard's determination to perform electronic maintenance services in-house, contending that the Coast Guard: (1) cost comparison failed to include certain personnel costs; (2) improperly added certain administrative costs to its bid without proper waiver; and (3) improperly failed to furnish it with the details of the cost comparison. GAO held that the: (1) Coast Guard properly excluded the cost of certain staff positions from its analysis, since they were not included in the solicitation's work statement; (2) Coast Guard's failure to obtain a waiver was merely a procedural defect that did not affect the outcome of its cost comparison; and (3) information the Coast Guard withheld did not contain any governmental cost calculations. Accordingly, the protest was denied.

134921

Aviation Security: Improved Controls Needed To Prevent Unauthorized Access at Key Airports. RCED-88-86; B-226652.

January 29, 1988. 3 pp. plus 2 appendices (11 pp.). *Report* to James Burnley, Secretary, Department of Transportation; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-87-125FS, April 30, 1987, Accession Number 133242; RCED-87-182, July 24, 1987, Accession Number 133539; T-RCED-88-14, December 17, 1987, Accession Number 134666; and RCED-88-160, August 23, 1988, Accession Number 136826.

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation.

Congressional Relevance: *House* Committee on Appropriations: Transportation Subcommittee; *House* Committee on Public Works and Transportation: Aviation Subcommittee; *Senate* Committee on Appropriations: Transportation Subcommittee; *Senate* Committee on Commerce, Science and Transportation: Aviation Subcommittee.

Abstract: GAO reviewed the Federal Aviation Administration's (FAA) domestic civil aviation security program.

Findings/Conclusions: GAO found that, at the nation's highest-risk airports, aviation services firms: (1) could not properly account for their terminated employees' identification badges; (2) failed to challenge unidentified personnel who gained access to restricted airport areas; and (3) allowed employees with identification to bypass screening. GAO also found that FAA: (1) required airport and airline employees to undergo full security screening, effective December 21, 1987; and (2) plans to require all U.S. airports to acquire automated identification systems.

Recommendation To Agencies: The Secretary of Transportation should direct FAA to require air carrier and airport officials to inventory identification badges. The Secretary of Transportation should direct FAA to ensure that appropriate controls over identification systems are implemented where needed. The Secretary of Transportation should direct FAA to reemphasize the responsibility of aviation employees to challenge unauthorized persons and to properly display employee identification badges.

134940

Federal Research: Small Business Involvement in Federal Research and Development. RCED-88-90BR; B-209970. February 2, 1988. 17 pp. plus 4 appendices (4 pp.). *Briefing Report* to Sen. Carl M. Levin, Chairman, Senate Committee on Small Business: Innovation, Technology, and Productivity Subcommittee; by Sarah Frazier Jaggar, Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Science and Technology Policy and Programs: Other Issue Area Work (9391).

Contact: Resources, Community, and Economic Development Division.

Budget Function: General Science, Space, and Technology: General Science and Basic Research (251.0).

Organization Concerned: Sematech; National Aeronautics and Space Administration: Jet Propulsion Laboratory, Pasadena, CA; National Aeronautics and Space Administration: Lewis Research Center, Cleveland, OH; Department of Commerce: National Bureau of Standards; Department of Energy: Los Alamos National Laboratory; Department of Energy: Operations Center, Oak Ridge, TN; Department of Agriculture: Agricultural Research Service: Agricultural Research Center; Department of Agriculture:

Agricultural Research Service: Northern Regional Research Center; National Institutes of Health: National Cancer Institute; National Institutes of Health: National Heart, Lung, and Blood Institute; National Oceanic and Atmospheric Administration: Environmental Research Laboratories; National Science Foundation.

Congressional Relevance: *Senate* Committee on Small Business: Innovation, Technology, and Productivity Subcommittee; *Sen.* Carl M. Levin.

Authority: Technology Transfer Act of 1986. Small Business Innovation Development Act of 1982 (P.L. 97-219). Executive Order 12591. P.L. 93-400.

Abstract: Pursuant to a congressional request, GAO provided information on the role of small businesses in the federal government's technology transfer and research and development programs, focusing on: (1) large federal research and development laboratories' implementation of technology transfer plans for small businesses; (2) whether two large federally funded efforts excluded small business participation in their activities; and (3) the effect of the rapid growth of defense and space, as opposed to civilian, research funding on small business participation.

Findings/Conclusions: GAO found that, of the 10 federal laboratories it reviewed: (1) none had developed formal technology transfer plans for small businesses; (2) 3 had special outreach programs for small businesses; (3) 6 had cooperative research and development activities with small businesses; and (4) several did not distinguish between large and small businesses in their outreach and cooperative activities. GAO also found that: (1) both of the large research and development efforts it reviewed either expected heavy small business participation in their activities or reported that such participation was already ongoing. In addition, GAO found that, from increased 1982 through 1986, small businesses' shares of: (1) defense and space funding from 4.3 to 5.9 percent; and (2) civilian funding increased from 7.5 to 11.8 percent.

134947

Air Pollution: Ozone Attainment Requires Long-Term Solutions To Solve Complex Problems. RCED-88-40; B-208593. January 26, 1988.

Released February 3, 1988. 50 pp. plus 5 appendices (10 pp.). *Report* to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; *Sen.*

Quentin N. Burdick, Chairman, Senate Committee on Environment and Public Works; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-86-129BR, May 2, 1986, Accession Number 130424; RCED-85-22, January 16, 1985, Accession Number 126226; RCED-85-121, September 30, 1985, Accession Number 128483; and RCED-87-151, August 7, 1987, Accession Number 133903.

Issue Area: Environment: Adequacy of Federal and State Efforts To Regulate Toxic Air Pollutants (6805).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Environmental Protection Agency.

Congressional Relevance: House Committee on Energy and Commerce; House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Senate Committee on Environment and Public Works; Congress; Rep. John D. Dingell; Sen. Quentin N. Burdick.

Authority: Clean Air Act. Clean Air Act Amendments of 1970. Clean Air Act Amendments of 1977. Water Pollution Control Act. P.L. 100-202. S. 1894 (100th Cong.). H.R. 3054 (100th Cong.). B-221421 (1986).

Abstract: In response to a congressional request, GAO examined: (1) the progress in reducing ozone levels to comply with national air quality standards; (2) the Environmental Protection Agency's (EPA) review of the latest data on the health effects of ozone; and (3) EPA and state and local governments' efforts to address ozone problems in three areas not attaining the standard.

Findings/Conclusions: GAO found that: (1) EPA identified 317 counties or parts of the country and 31 metropolitan areas that did not meet ozone standards; (2) although 123 of the counties met the standards as of January 1, 1987, none of the 31 metropolitan areas met the standards as of August 1987; (3) although a 1986 EPA study concluded that it should set a lower standard, it revised the study, because of opposition, to more clearly define adverse ozone health effects; (4) many areas failed to meet the standards because they did not implement or enforce planned control measures or have effective control measures; (5) EPA did not use the provisions of the Clean Air Act (CAA) to carry out oversight responsibilities; (6) scientific uncertainties in ozone information, weather patterns, modeling,

and determining the proper controls also contributed to unmet deadlines; and (7) although EPA has recently proposed a program that would extend the attainment deadline for some areas of nonattainment without imposing construction ban sanctions, it can not administratively extend CAA deadlines in lieu of enforcing the statutory penalties.

Recommendation To Congress: In order to build flexibility into CAA that recognizes the variety of problems areas face in attempting to reach ozone standards, and to clear up the confusion over the use of sanctions, Congress should amend CAA to establish a strategy that places nonattainment areas into different categories on the basis of their design values, emission reductions, or both, with new attainment dates for each category. Congress may wish to either establish the new attainment dates and provide criteria, or provide EPA with the authority to do so. In order to build flexibility into CAA that recognizes the variety of problems areas face in attempting to reach ozone standards, and to clear up the confusion over the use of sanctions, Congress should amend CAA to specify the conditions under which sanctions will apply, such as when an area fails to implement its plan or does not meet its attainment deadline, and the extent to which EPA has discretion in applying such sanctions.

134958

[Comments on Proposed Oregon Purchase of Rail Line With Oil Overcharge Settlement]. B-226517. October 9, 1987.

Released February 5, 1988. 5 pp. Letter to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by Milton J. Socolar, Acting Comptroller General.

Contact: Office of the General Counsel.
Organization Concerned: Oregon; Department of Energy.

Congressional Relevance: House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Rep. John D. Dingell.
Authority: 10 C.F.R. 205. 46 Fed. Reg. 52221.

Abstract: In response to a congressional request, GAO examined the state of Oregon's proposed use of oil overcharge settlement funds to purchase a rail line. GAO determined that the proposed purchase was a permissible use of the funds, since it met the Department of

Energy's definition of a public transportation project.

134972

Resource Protection: Corps' Permitting of Louisville Floating Restaurant. RCED-88-74BR; B-229381. January 19, 1988.

Released February 8, 1988. 17 pp. plus 1 appendix (1 p.). *Briefing Report* to Rep. William F. Clinger, Jr., Ranking Minority Member, House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; Rep. James L. Oberstar, Chairman, House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; by James Duffus, III, Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Natural Resources Management: Other Issue Area Work (6991).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Other Natural Resources (306.0).

Organization Concerned: Department of the Army: Corps of Engineers: Louisville District, KY; United States Coast Guard.

Congressional Relevance: House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; Rep. William F. Clinger, Jr.; Rep. James L. Oberstar.
Authority: Rivers and Harbors Act. Clean Water Act of 1977. 33 C.F.R. 320.

Abstract: In response to a congressional request, GAO reviewed the Army's decisionmaking process in issuing a permit for a floating restaurant to determine if local development interests unduly influenced the decision to the detriment of navigation safety.

Findings/Conclusions: GAO found that the Army: (1) followed its normal decisionmaking procedures in reviewing the permit application; (2) assessed all the pertinent issues concerning navigation safety and commercial development interests in its required public interest review; and (3) followed its own guidelines in delegating authority to the district engineer for the permit decision. GAO also found that: (1) those agencies with jurisdictional interest in the restaurant were aware of the permit application; and (2) the Coast Guard determined that the restaurant would not present an unreasonable hazard.

134986

Drug Control: River Patrol Craft for the Government of Bolivia.

NSIAD-88-101FS; B-225282.

February 2, 1988.

Released February 9, 1988. 5 pp. plus 3 appendices (13 pp.). *Fact Sheet* to Rep. Lawrence J. Smith, Chairman, House Committee on Foreign Affairs: International Narcotics Control Task Force; by Nancy R. Kingsbury, Associate Director, National Security and International Affairs Division. Refer to NSIAD-88-114, March 1, 1988, Accession Number 135305.

Issue Area: Foreign Economic Assistance: Effectiveness of Structure of U.S. Bilateral Economic Assistance Programs With Country and Regional Focuses To Accomplish International Objectives (6201); Administration of Justice: Obstacles Congress and Agencies Should Address in Coordinating Law Enforcement Resources (4701).

Contact: National Security and International Affairs Division.

Budget Function: International Affairs: Foreign Economic and Financial Assistance (151.0).

Organization Concerned: Department of State: Bureau of International Narcotics Matters; Republic of Bolivia; Department of the Army.

Congressional Relevance: *House*

Committee on Foreign Affairs: International Narcotics Control Task Force, *Rep.* Lawrence J. Smith.

Authority: Anti-Drug Abuse Act of 1986.

Abstract: In response to a congressional request, GAO provided information on the Department of State's Bureau of International Narcotics Matters' (INM) selection and purchase of eight river patrol craft to assist Bolivia in its narcotics interdiction efforts.

Findings/Conclusions: GAO found that: (1) the eight high-speed river patrol boats cost the United States about \$694,276; (2) the Army purchased the boats without performing a systematic evaluation of the capabilities of various alternatives, the conditions in Bolivia that could affect their operation, or Bolivian expertise to operate and maintain the boats; (3) the \$76,110 cost of each boat, excluding trailers and spare parts, exceeded the \$35,000 cost initially envisioned because of modifications to meet Army requirements, additional costs due to the boat's experimental status, and the manufacturer's follow-up support and warranty; (4) although INM and the military initially agreed to share the costs, congressional sanctions limited military assistance to Bolivia in fiscal years 1986 and 1987; and (5) INM funded

almost all of the purchase, while the military financed the transportation and training costs, and procured machine guns for the boats.

134991

[Request for Reconsideration of Dismissed Protest of Coast Guard Solicitation Cancellation]. B-224064.4. February 8, 1988. 3 pp. *Decision* re: Federal Contracting Corp.; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel. **Organization Concerned:** Federal Contracting Corp.; United States Coast Guard.

Authority: 4 C.F.R. 21.1(d). 4 C.F.R. 21.2(a)(2). B-224064.2 (1986). B-228148 (1987). B-227554 (1987). B-227094.2 (1987).

Abstract: A firm requested reconsideration of its dismissed protest of the Coast Guard's cancellation of a solicitation for the maintenance of navigation buoys. GAO had dismissed the protest because the protester failed to provide a copy of its protest to the Coast Guard. In its request for reconsideration, the protester contended for the first time that the: (1) Coast Guard improperly revised the in-house cost estimate after receipt of best and final offers; and (2) in-house cost estimate was defective, since the Coast Guard prepared it on a lump-sum basis rather than using unit prices. GAO held that the protester: (1) untimely filed its protest more than 10 days after it became aware of the basis for protest; and (2) failed to show that the Coast Guard did not perform in accordance with cost comparison guidelines. Accordingly, the protest was dismissed.

134993

[Protest of Coast Guard Rejection of Bid for Maintenance Services]. B-226774.3. February 8, 1988. 3 pp. *Decision* re: Contract Services Co., Inc.; by Seymour Efron, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel. **Organization Concerned:** Contract Services Co., Inc.; United States Coast Guard.

Authority: 54 Comp. Gen. 686. F.A.R. 28.202-1. F.A.R. 28.101-4. B-225802 (1987). B-218428 (1985). Treasury Circular 570.

Abstract: A firm protested the Coast Guard's rejection of its bid for maintenance services, contending that the Coast Guard improperly determined that its surety bond was insufficient. GAO held that the Coast Guard properly

rejected the protester's bid as nonresponsive, since its bid guarantee: (1) was less than the required amount; and (2) did not meet the requirements for waiving an inadequate bid guarantee. Accordingly, the protest was denied.

135005

FAA Technical Center: Mission and Role in National Airspace System Plan Implementation. IMTEC-88-6BR; B-229265. January 6, 1988.

Released February 10, 1988. 2 pp. plus 2 appendices (38 pp.). *Briefing Report* to Sen. Frank R. Lautenberg, Chairman, Senate Committee on Appropriations: Transportation and Related Agencies Subcommittee; by Carl R. Palmer, Associate Director, Information Management and Technology Division. Refer to RCED-87-8, March 26, 1987, Accession Number 132534; and IMTEC-86-24, July 8, 1986, Accession Number 130514.

Issue Area: Transportation: Adequacy of FAA Planning, Management, and Acquisition of Information Systems for Air Traffic Users (6608); Information Management and Technology: Agencies' Acquisition or Development of Information Resources To Effectively and Economically Satisfy Mission Needs (7119).

Contact: Information Management and Technology Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration: FAA Technical Center; Federal Aviation Administration.

Congressional Relevance: *Senate* Committee on Appropriations: Transportation and Related Agencies Subcommittee; *Sen.* Frank R. Lautenberg.

Authority: OMB Circular A-76.

Abstract: In response to a congressional request, GAO provided information on the Federal Aviation Administration's (FAA) Technical Center's roles and responsibilities in the development and implementation of the National Airspace System (NAS) Plan.

Findings/Conclusions: GAO found that the Technical Center: (1) provides the test facilities, skills, and services necessary to support the development, testing, and evaluation of NAS equipment, systems, and procedures; (2) supports the modernization of the air traffic control system; (3) maintains the operation of computer systems; (4) provides research into aircraft safety and aviation security; (5) assists program

managers in developing procurement specifications and soliciting contractor proposals; and (6) is responsible for the management of the Automated En Route Air Traffic Control II program. GAO also found that: (1) the number of Technical Center employees has decreased, while the number of contractor personnel has quadrupled; (2) funding for contract services increased from \$28 million in 1985 to about \$59 million in 1987; and (3) overall funding increased from \$114 million in 1984 to \$144 million in 1987, due to increased appropriations for facilities and equipment for NAS.

135117

Air Safety: FAA's Traffic Alert and Collision Avoidance System. RCED-88-66BR; B-222851. February 11, 1988.

Released February 26, 1988. 21 pp. plus 1 appendix (1 p.). *Briefing Report* to Sen. J. James Exon; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Adequate Justification and Management of NAS Plan Procurements (6604).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: Sen. J. James Exon.

Authority: P.L. 100-223.

Abstract: Pursuant to a congressional request, GAO provided information on the Federal Aviation Administration's (FAA) proposed Traffic Alert and Collision Avoidance System (TCAS), focusing on its: (1) safety benefits; (2) commercial prospects; and (3) development plans.

Findings/Conclusions: GAO found that FAA: (1) designed TCAS to reduce the risk of mid-air collisions by providing pilots with an independent airborne backup to the FAA ground-based air traffic control system; (2) has three models which vary in cost, technical sophistication, and capacity, with TCAS III having the most risk-reduction capability; and (3) designed TCAS II to permit an easy, low-cost upgrade to TCAS III capability. GAO also found that FAA: (1) proposed legislation requiring installation of TCAS I in all jets with 10 to 19 passenger seats and installation of TCAS II and III in larger commercial aircraft; (2) did not conduct a safety study for TCAS I; (3) is currently performing safety studies of

TCAS III after determining that TCAS II reduces the risk of near mid-air collisions by 58 percent; (4) believes that the avionics equipment manufacturing industry is capable of manufacturing TCAS equipment, but may not be able to meet the legislatively mandated deadline; and (5) is currently testing the operational capacity of TCAS II and III.

135119

Drug Control: U.S. Supported Efforts in Burma, Pakistan, and Thailand. NSIAD-88-94; B-225282. February 26, 1988. 42 pp. plus 2 appendices (17 pp.). *Report* to Congress; by Frank C. Conahan, (for Charles A. Bowsher, Comptroller General). Refer to NSIAD-88-114, March 1, 1988, Accession Number 135305.

Issue Area: Foreign Economic Assistance: Effectiveness of Structure of U.S. Bilateral Economic Assistance Programs With Country and Regional Focuses To Accomplish International Objectives (6201); Administration of Justice: Obstacles Congress and Agencies Should Address in Coordinating Law Enforcement Resources (4701).

Contact: National Security and International Affairs Division.

Budget Function: International Affairs: Foreign Economic and Financial Assistance (151.0).

Organization Concerned: Department of State; Agency for International Development; Drug Enforcement Administration; Department of State: Bureau of International Narcotics Matters; Islamic Republic of Pakistan; Socialist Republic of the Union of Burma; Kingdom of Thailand.

Congressional Relevance: House Select Committee on Narcotics Abuse and Control; House Committee on Appropriations: Foreign Operations Subcommittee; House Committee on Foreign Affairs; Senate Committee on Appropriations: Foreign Operations Subcommittee; Senate Committee on Foreign Relations; Congress.

Authority: Anti-Drug Abuse Act of 1986 (P.L. 99-570). Foreign Assistance Act of 1961 (22 U.S.C. 2291).

Abstract: Pursuant to a legislative requirement, GAO evaluated the Department of State's Bureau of International Narcotics Matters' (INM), the Drug Enforcement Administration's (DEA), and the Agency for International Development's (AID) narcotics control efforts in Burma, Thailand, and Pakistan, focusing on: (1) financial and technical assistance for crop control; (2)

law enforcement activities; and (3) development assistance.

Findings/Conclusions: GAO found that: (1) although Burma, Pakistan, and Thailand increased eradication of opium poppy crops, only Thailand had a consistent decline over the last four growing seasons; (2) all three countries have had problems with narcotics-related corruption; (3) Thailand and Pakistan have weak narcotics laws; (4) poorly managed crop-control programs made it difficult to measure progress in all three countries; and (5) opium production reductions in Pakistan and Thailand will depend on the success of rural development projects. GAO also found that: (1) INM often lacked quantifiable project goals and frequently reported inaccurate cultivation, yield, and eradication data; (2) INM provided development assistance through U.S. embassies' narcotics assistance units (NAU) to farmers to discourage opium cultivation; (3) AID spent about \$9.4 million on narcotics control development assistance in Pakistan and Thailand in fiscal year 1987; (4) AID had no projects in Burma, since the Burmese government preferred dealing with a single agency rather than multiple foreign agencies; and (5) AID did not coordinate its narcotics control efforts with those of INM or NAU.

Recommendation To Agencies: The Secretary of State should direct INM to seek to develop more specific, quantifiable goals in project agreements and perform the required evaluations, including evaluating the results of development assistance. The Secretary of State should direct INM to encourage host governments to perform complete and more timely aerial surveys and require more NAU validation of host government eradication results to improve the accuracy of production and eradication statistics. The Secretary of State and the Administrator, AID, should take steps to ensure that NAU and AID missions work together to make certain that the most effective approach is followed in providing narcotics-related development assistance to Pakistan and Thailand.

135132

Federal Funding: Information on Selected Benefit/Mandatory Spending Programs. AFMD-88-31FS; B-221204. January 27, 1988.

Released February 29, 1988. 2 pp. plus 4 appendices (120 pp.). *Fact Sheet* to Rep. Jack Brooks, Chairman, House Committee on Government Operations; by Jeffrey C. Steinhoff, Associate Director, Accounting and Financial

Management Division. Refer to AFMD-88-30, January 27, 1988, Accession Number 135131.

Issue Area: Internal Control and Financial Management System Audits: Government-Wide Accounting Issues (7403).

Contact: Accounting and Financial Management Division.

Budget Function: Financial Management and Information Systems: Accounting Systems in Operation (998.1).

Organization Concerned: Department of Health and Human Services; Department of Agriculture; Department of Defense; Department of Education; Department of Energy; Department of the Interior; Department of Justice; Department of Labor; Office of Personnel Management; Railroad Retirement Board; Department of Transportation; Department of the Treasury; Veterans Administration; Social Security Administration.

Congressional Relevance: House Committee on Government Operations; Rep. Jack Brooks.

Abstract: In response to a congressional request, GAO provided information on entitlement, benefit payment, and mandatory spending programs at selected agencies.

Findings/Conclusions: GAO found over 100 entitlement, benefit payment, and mandatory spending programs. GAO included descriptions of the programs, the appropriation authority, and the expenditures for each over the past several fiscal years.

135135

[Civilian Agencies' Management and Use of Aircraft]. T-GGD-88-15. February 29, 1988. 17 pp. *Testimony* before the House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee; by Richard L. Fogel, Assistant Comptroller General, General Government Division. Refer to PLRD-88-64, June 24, 1988, Accession Number 121940; PLRD-88-45, March 3, 1988, Accession Number 120803; PLRD-88-52, April 1, 1988, Accession Number 121111; and NSIAD-84-148, August 1, 1984, Accession Number 124830.

Contact: General Government Division.

Organization Concerned: Government-Wide.

Congressional Relevance: House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee.

Authority: OMB Circular A-76. OMB Circular A-126.

Abstract: GAO discussed federal civilian agencies' management and use of government-owned aircraft. GAO noted that civilian agencies: (1) operated about 1,100 aircraft with an estimated book value of about \$2 billion and annual operation and maintenance costs of \$650 million; and (2) used aircraft equipped for unique missions for passenger transportation, although commercial airlines and charter air services provided such services at a lower cost. GAO also noted that, although agencies have reportedly acted to correct problems GAO identified in prior reports, some problems persist in effective aircraft management and use due to: (1) noncompliance with Office of Management and Budget (OMB) circulars requiring cost studies and needs assessments; (2) the lack of a uniform cost accounting system to standardize aircraft program cost elements; and (3) the lack of established standards for aircraft use. In addition, GAO noted that an Army Corps of Engineers contractor study of aircraft management and use, which concluded that continued operation of government-owned aircraft was less expensive than use of charter and commercial flights, failed to use a credible methodology that included calculation of appropriate productivity costs, commercial ticket costs, and ground transportation costs.

135158

Controlling Drug Abuse: A Status Report. GGD-88-39; B-230367. March 1988. 36 pp. plus 2 appendices (8 pp.). *Report to Congress*; by Charles A. Bowsher, Comptroller General. Refer to GGD-85-61, June 3, 1985, Accession Number 127323; GGD-84-36, March 5, 1984, Accession Number 123700; GGD-81-51, April 10, 1981, Accession Number 115143; T-GGD-87-27, September 25, 1987, Accession Number 134007; GGD-87-91, June 12, 1987, Accession Number 133441; HRD-88-26, December 4, 1987, Accession Number 134942; GGD-88-52, June 13, 1988, Accession Number 121662; GGD-88-24, February 12, 1988, Accession Number 135271; NSIAD-88-156, April 29, 1988, Accession Number 135807; and OCG-89-13TR, November 1988, Accession Number 137339.

Issue Area: Administration of Justice: Obstacles Congress and Agencies Should Address in Coordinating Law Enforcement Resources (4701).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Law Enforcement Activities (751.0); Health: Prevention and Control of Health Problems (551.2); International Affairs: Foreign Economic and Financial Assistance (151.0).

Organization Concerned: District of Columbia; New York, NY; Chicago, IL; Los Angeles, CA; San Francisco, CA; Miami, FL.

Congressional Relevance: Congress.

Authority: Comprehensive Crime Control Act of 1984. Anti-Drug Abuse Act of 1986. Drug Abuse Office and Treatment Act of 1972. Narcotics Act (National) (P.L. 98-473). Executive Order 12590. Reorg. Plan No. 2 of 1973.

Abstract: GAO provided information on: (1) drug abuse, availability, trafficking, and production in the United States; (2) federal drug supply and demand reduction efforts; and (3) the costs of these efforts.

Findings/Conclusions: GAO found that: (1) the nationwide supply and demand for illegal drugs persists and continues to adversely affect society; (2) trends in major cities reflect national trends regarding drug availability and use, although each city has unique, localized problems regarding particular drugs; (3) federal anti-drug efforts employ a dual strategy aimed at reducing both the supply of and demand for illicit drugs; (4) experts disagree about which anti-drug programs work best and cite the need for such different efforts as increased resources, eradication of drug production by foreign countries, increased drug abuse prevention and treatment programs, and changes in cultural attitudes and values; (5) differing agency priorities, interagency rivalries, conflicts, jurisdictional disputes, and lack of coordination have fragmented federal anti-drug efforts; and (6) congressional attempts to resolve such conflicts have not succeeded in reducing the fragmentation. GAO believes that, while some proposed organizational changes may help reduce interagency conflict and improve federal efforts, such changes require the firm support and commitment of the President and Congress.

135170

Resource Protection: Using Gasoline Taxes To Fund the Nongame Act. RCED-88-87BR; B-229454. January 29, 1988.

Released March 2, 1988. 22 pp. plus 1 appendix (1 p.). *Briefing Report* to Sen. George J. Mitchell, Chairman, Senate Committee on Environment and Public Works: Environmental Protection

Subcommittee; by James Duffus, III, Associate Director, Resources, Community, and Economic Development Division. Refer to GGD-87-43BR, June 9, 1987, Accession Number 133152; and RCED-88-88BR, February 1, 1988, Accession Number 135171.

Issue Area: Natural Resources Management: Assessing Whether Wildlife Protection Programs Are Efficiently Meeting Their Goals (6918); Transportation: Other Issue Area Work (6691); Tax Policy and Administration: Other Issue Area Work (4691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Conservation and Land Management (302.0); Transportation: Ground Transportation (401.0).

Organization Concerned: Federal Highway Administration; United States Fish and Wildlife Service; Department of the Treasury.

Congressional Relevance: Senate Committee on Environment and Public Works: Environmental Protection Subcommittee; Sen. George J. Mitchell.

Authority: Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.). Pittman-Robertson Act (Wildlife Conservation). Fish Restoration and Management Projects Act. Highway Revenue Act of 1956. Deficit Reduction Act of 1984.

Abstract: In response to a congressional request, GAO: (1) estimated the potential revenues available from gasoline taxes to fund the Nongame Program to conserve fish and wildlife species not taken for sport, fur, or food; and (2) obtained federal officials' opinions on the merits of using such revenues for the program.

Findings/Conclusions: GAO found that: (1) residential outdoor power equipment consumed an estimated 248 to 563 million gallons of gasoline each year; (2) this consumption would generate between \$21.3 million and \$48.3 million in tax revenues at the current excise tax rate and would account for less than 0.5 percent of the taxes collected in 1986 for the Highway Trust Fund; (3) the Federal Highway Administration opposed taking money from the Highway Trust Fund for wildlife conservation, since it was unrelated to motor fuel use and highways; (4) the U.S. Fish and Wildlife Service supported it as a revenue source, since it would provide significant and stable funds for state planning and program development; and (5) the Department of the Treasury had no specific views on the merits of diverting the revenues, but suggested methods for

effectively administering a nongame trust fund.

135173

Federal Motor Vehicles: Agencies' Progress in Meeting Expenditure Control Requirements. GGD-88-40; B-226654. March 2, 1988. 32 pp. plus 1 appendix (2 pp.). Report to Sen. Dennis DeConcini, Chairman, Senate Committee on Appropriations: Treasury, Postal Service, and General Government Subcommittee; by Richard L. Fogel, Assistant Comptroller General, General Government Division.

Issue Area: Civil Procurement and Property Management: Other Issue Area Work (4991).

Contact: General Government Division.

Budget Function: General Government: Other General Government (806.0).

Organization Concerned: Government-Wide; General Services Administration; Office of Management and Budget.

Congressional Relevance: Senate Committee on Appropriations: Treasury, Postal Service, and General Government Subcommittee; Sen. Dennis DeConcini.

Authority: Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272). Property and Administrative Services Act (40 U.S.C. 491). OMB Circular A-76. OMB Bull. 86-17.

Abstract: Pursuant to a legislative requirement, GAO provided information on federal agencies' implementation of the 1985 Consolidated Omnibus Budget Reconciliation Act's requirement that they improve their management of and reduce their costs for motor vehicles.

Findings/Conclusions: GAO found that: (1) although the 20 agencies affected by the requirement made some progress, there were instances in which they did not implement specific requirements; (2) most of the agencies have not implemented motor vehicle data collection systems because the General Services Administration (GSA) has not developed any implementation procedure; (3) most of the affected agencies have not conducted cost-comparison studies because the act does not require a specific comparison method and GSA has not developed comparison guidance; (4) agencies estimated \$166 million in reductions to their motor vehicle outlays for fiscal years 1986 and 1987; (5) GSA estimated savings of \$11.9 million after consolidating its motor vehicle fleet; and (6) GSA and the agencies believed that administrative burdens imposed by the vehicle disposal process would be relieved through the

implementation of GSA recommendations.

135209

Aviation Services: Automation and Consolidation of Flight Service Stations. RCED-88-77; B-227183. February 8, 1988.

Released March 4, 1988. 11 pp. plus 4 appendices (15 pp.). Report to Rep. John P. Hammerschmidt, Ranking Minority Member, House Committee on Public Works and Transportation; Rep. Norman Y. Mineta, Chairman, House Committee on Public Works and Transportation: Aviation Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-85-78, July 29, 1985, Accession Number 127545; and RCED-89-7, November 10, 1988, Accession Number 137406.

Issue Area: Transportation: FAA Management of the NAS Plan in a Coordinated and Integrated Manner (6603).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Department of Transportation; Federal Aviation Administration.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee; House Committee on Public Works and Transportation; Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation; Rep. John P. Hammerschmidt; Rep. Norman Y. Mineta.

Authority: Airport and Airway Improvement Act of 1982 (49 U.S.C. 2224).

Abstract: Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) program to consolidate and automate its flight service stations, focusing on: (1) whether the new automated system is performing all FAA-required services and the quality of those services; (2) the effect of technical problems experienced at the automated stations; and (3) the effect of staff constraints on automated operations.

Findings/Conclusions: GAO found that the automated stations: (1) are performing all FAA-required services, although the manner in which they provide services has changed; (2) do not provide weather observations; and (3) are experiencing technical problems

involving computer systems, telephone lines, data lines, and telephone and radio communications. GAO also found that: (1) FAA contracted for weather observation services in areas that permanently closed stations formerly served; and (2) FAA is testing an automated weather observing system to replace the observers. In addition, GAO found that staffing and consolidation constraints: (1) have delayed achievement of anticipated productivity gains; (2) have increased the number of stations with reduced hours that FAA has not been able to close; and (3) will probably continue until consolidation is complete.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FAA, to not further reduce the flight service specialist work force until after the flight service stations are closed and performance standards and staffing levels can be developed for the automated stations. The Secretary of Transportation should direct the Administrator, FAA, to ensure that the automated weather observing systems, acquired to replace contracted weather observers for areas formerly served by stations that have been closed, meet all FAA weather forecasting operational requirements.

135217

[Highway Safety: Monitoring Practices To Show Compliance With Speed Limits Should Be Reexamined]. T-RCED-88-19. February 25, 1988. 8 pp. plus 1 appendix (1 p.). *Testimony* before the Senate Committee on Environment and Public Works: Water Resources, Transportation, and Infrastructure Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Highway Administration.

Congressional Relevance: Senate Committee on Environment and Public Works: Water Resources, Transportation, and Infrastructure Subcommittee.

Abstract: GAO discussed its work on states' monitoring of compliance with the national 55-mile-per-hour (mph) maximum highway speed limit, focusing on: (1) whether states followed Federal Highway Administration (FHWA) data collection guidelines; and (2) states' monitoring in relation to the congressional goal of improving highway

safety. GAO noted that: (1) three states recently went out of compliance with the 55-mph limit; and (2) the six states it reviewed generally complied with FHWA guidelines, but there were several problems, including inappropriate speed monitoring locations, such as near traffic lights, traffic merging locations, or residential areas; (3) while state police officials stated that they did not use speed monitoring data to influence data collection, there were two cases where state police stationed marked patrol cars at monitoring sites while speeds were being recorded; (4) states with good compliance records did not always have the best safety records; (5) states with aggressive enforcement practices did not necessarily motivate motorists to comply with the 55-mph limit; (6) states can influence their compliance records by posting 55-mph speed limits on less-well-designed roads; and (7) state officials generally believe that FHWA should consider road types, local conditions, states' enforcement efforts, and magnitude of speeding violations in assessing states' compliance.

135247

[Protest of Coast Guard Rejection of Bid for Base Operating Support Services]. B-229529. March 9, 1988. 4 pp. *Decision* re: Dynateria, Inc.; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Dynateria, Inc.; United States Coast Guard.

Authority: OMB Circular A-76.

Abstract: A firm protested the Coast Guard's rejection of its bid for base operating support services as nonresponsive, contending that the solicitation did not require inclusion of overhead or profit in the bid price. GAO held that the only reasonable reading of the solicitation showed that the Coast Guard could not conduct a valid cost comparison without those figures. Accordingly, the protest was denied.

135271

National Drug Policy Board: Leadership Evolving, Greater Role in Developing Budgets Possible. GGD-88-24; B-229364. February 12, 1988.

Released March 15, 1988. 28 pp. *Report* to Sen. Joseph R. Biden, Chairman, Senate Committee on the Judiciary; by Arnold P. Jones, Senior Associate Director, General Government Division. Refer to T-GGD-87-17, May 14, 1987. Accession Number 132939; GGD-80-4, October 25, 1979, Accession Number

110663; GGD-83-52, June 13, 1983, Accession Number 121662; GGD-85-61, June 3, 1985, Accession Number 127323; GGD-85-67, July 15, 1985, Accession Number 127418; GGD-87-91, June 12, 1987, Accession Number 133441; GGD-88-39, 1988, Accession Number 135158; and NSIAD-88-156, April 29, 1988, Accession Number 135807.

Issue Area: Administration of Justice: Obstacles Congress and Agencies Should Address in Coordinating Law Enforcement Resources (4701).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Law Enforcement Activities (751.0).

Organization Concerned: National Drug Policy Board.

Congressional Relevance: Senate Committee on the Judiciary; Sen. Joseph R. Biden.

Authority: Comprehensive Crime Control Act of 1984. Drug Abuse Office and Treatment Act of 1972. Anti-Drug Abuse Act of 1986. Department of Defense Authorization Act, 1987. Executive Order 12590. Presidential Directive 27.

Abstract: Pursuant to a congressional request, GAO reviewed the activities of the National Drug Policy Board, focusing on the Board's role in several federal drug law enforcement initiatives. **Findings/Conclusions:** GAO found that the Board: (1) helped ensure coordination among the federal agencies involved in drug law enforcement; (2) established a mechanism for collecting information on drug seizures and resolved conflicts among agencies on data accumulation methods; (3) issued policy directives regarding international crimes precipitated by illegal drug traffickers and federal agencies' roles in drug law enforcement efforts; (4) issued an anti-drug strategy publication describing the general nature and objectives of federal drug law enforcement activities; (5) has contributed to better understanding of federal expenditures for the various components of the anti-drug strategy, but has not developed budgetary priorities; and (6) has fulfilled its responsibilities under the Comprehensive Crime Control Act of 1984.

135288

[Protest of UMTA Contract Award for Special Analyses]. B-229547. March 14, 1988. 8 pp. *Decision* re: Ecosometrics, Inc.; by Robert M. Strong, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Ecosometrics, Inc.; Urban Mobility Corp.; Urban Mass Transportation Administration.

Authority: 4 C.F.R. 21.2(a)(1). B-228552 (1988). B-222591.3 (1987). B-223635.3 (1986). B-224578.2 (1987). B-212979 (1984).

Abstract: A firm protested an Urban Mass Transportation Administration (UMTA) contract award for special analyses, contending that: (1) UMTA improperly downgraded its bid for weaknesses which were not directly related to the evaluation criteria; (2) UMTA did not hold adequate discussions; and (3) the alleged weaknesses resulted from the agency's faulty evaluation of its bid. GAO held that: (1) the protester untimely filed after award its protest against the agency's bid evaluation; (2) UMTA reasonably evaluated the protester's bid consistently with the solicitation's evaluation criteria; and (3) UMTA properly advised the protester of its bid's weaknesses. Accordingly, the protest was dismissed in part and denied in part.

135292

[Presidential Transitions Effectiveness Act of 1988--H.R. 3932]. T-GGD-88-19. March 16, 1988. 6 pp. *Testimony* before the House Committee on Government Operations: Legislation and National Security Subcommittee; by Charles A. Bowsher, Comptroller General.

Contact: General Government Division.
Congressional Relevance: House Committee on Government Operations: Legislation and National Security Subcommittee.

Authority: Presidential Transition Act of 1963. Former Presidents Act of 1958. H.R. 3932 (100th Cong.).

Abstract: GAO discussed H.R. 3932, a bill that would authorize appropriations and amend sections of the Presidential Transition Act of 1963. GAO found that the bill: (1) provides adequate public money to eliminate the need for private funding for presidential transition; (2) provides for disclosure of private financial contributions and expenditures as a condition to receiving public transition funds; (3) mandates disclosure of the names, most recent employment, and funding sources of all transition personnel to prevent any conflict of interest; (4) provides funding support to facilitate relocation for the outgoing President and Vice President beginning 1 month prior to inauguration; (5) provides for use of government aircraft on a reimbursable basis; (6) allows the President-elect and Vice President-elect

expenditures for up to 30 days after inauguration; and (7) provides reimbursement for travel and transportation expenses of officials involved in the transition who later accept appointments in the new administration. GAO believes that Congress may wish to consider including a provision to audit the transition funds.

135305

Drug Control: U.S. International Narcotics Control Activities. NSIAD-88-114; B-225282. March 1, 1988. 29 pp. *Report to Congress*; by Frank C. Conahan, (for Charles A. Bowsher, Comptroller General). Refer to NSIAD-88-73, January 11, 1988, Accession Number 134807; NSIAD-88-94, February 26, 1988, Accession Number 135119; NSIAD-88-101FS, February 2, 1988, Accession Number 134986; GGD-80-4, October 25, 1979, Accession Number 110663; and NSIAD-88-156, April 29, 1988, Accession Number 135807.

Issue Area: Foreign Economic Assistance: Effectiveness of Structure of U.S. Bilateral Economic Assistance Programs With Country and Regional Focuses To Accomplish International Objectives (6201); Administration of Justice: Obstacles Congress and Agencies Should Address in Coordinating Law Enforcement Resources (4701).

Contact: National Security and International Affairs Division.

Budget Function: International Affairs: Foreign Economic and Financial Assistance (151.0).

Organization Concerned: Department of State; Agency for International Development; Drug Enforcement Administration.

Congressional Relevance: Congress.

Authority: Anti-Drug Abuse Act of 1986. Foreign Assistance Act of 1961 (22 U.S.C. 2291). Executive Order 12590.

Abstract: Pursuant to a legislative requirement, GAO evaluated the effectiveness of the assistance the United States provided to foreign countries participating in the International Narcotics Control Program.

Findings/Conclusions: GAO reviewed programs in six countries and found that: (1) economic, political, and cultural conditions limited the countries' ability to deal with drug production and trafficking; (2) corruption or intimidation of law enforcement and judicial officials hampered efforts to curb drug production and trafficking; (3) drug cultivation and use were legal in some countries; and (4) non-traditional

demands for illegal drugs have increased. GAO also found that: (1) if drug control programs were effective in one area, drug traffickers usually established new sources of supply; (2) the Agency for International Development's (AID) area development programs were only partially successful because of difficulties in identifying substitute crops and integrating enforcement and control programs with development projects; and (3) AID programs also promote the extension of government administration and services in major narcotics-growing areas. GAO believes that the six countries need to: (1) establish clear and quantifiable goals and objectives; (2) periodically evaluate program performance; and (3) improve their aerial survey techniques.

135339

[Coast Guard Resources]. T-RCED-88-28. March 22, 1988. 11 pp. plus 3 attachments (3 pp.). *Testimony* before the House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; by Victor S. Rezendes, Associate Director, Resources, Community, and Economic Development Division. Refer to CED-80-76, April 3, 1980, Accession Number 112031; and RCED-87-3, April 13, 1987, Accession Number 132655.

Contact: Resources, Community, and Economic Development Division.

Congressional Relevance: House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee.

Authority: H. Rept. 97-355.

Abstract: GAO discussed the adequacy of the Coast Guard's resources. GAO found that: (1) although the Coast Guard's budget increased more than 50 percent since 1980, it actually declined when adjusted for inflation; (2) about two-thirds of the budget was devoted to operating expenses; (3) the 1988 appropriation of \$267 million was the lowest since 1980, even though the Coast Guard requested \$500 to \$600 million to maintain its capital base; (4) although the Coast Guard stated in 1980 that it would need 35,000 more full-time personnel by 1991, its personnel levels remained static; (5) inadequate training jeopardized the Coast Guard's ability to carry out its peacetime and military roles; (6) a shortage of funds for maintenance, parts, and equipment reduced its vessel capability; and (7) the Coast Guard estimated that it has a \$1-billion backlog of projects to restore or

replace inadequate facilities. GAO believes that the Coast Guard should: (1) develop an overall determination of its staffing needs; and (2) assess its current missions to determine how it can best apply its limited resources.

135348

Aviation Safety: Measuring How Safely Individual Airlines Operate. RCED-88-61; B-230349. March 18, 1988.

Released March 23, 1988. 32 pp. plus 2 appendices (2 pp.). *Report* to Rep. Lane Evans; Rep. Howard Wolpe; Rep. Bruce A. Morrison; Rep. Barbara Boxer; Rep. Robert J. Mrazek; Rep. Mario Biaggi; Rep. Edolphus Towns; Rep. Samuel Gejdenson; Rep. Les AuCoin; Rep. Lawrence J. Smith; Rep. Larry J. Hopkins; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-87-3, April 13, 1987, Accession Number 132655; and RCED-87-62, May 19, 1987, Accession Number 133088.

Issue Area: Transportation: Effectiveness of FAA in Ensuring Aircraft Safety and Whether This Responsibility Conflicts With Its Role in Promoting Aviation Commerce (6613).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation: Research and Special Programs Administration; Transportation Systems Center.

Congressional Relevance: *Rep.* Bruce A. Morrison; *Rep.* Howard Wolpe; *Rep.* Lane Evans; *Rep.* Larry J. Hopkins; *Rep.* Lawrence J. Smith; *Rep.* Les AuCoin; *Rep.* Samuel Gejdenson; *Rep.* Edolphus Towns; *Rep.* Mario Biaggi; *Rep.* Robert J. Mrazek; *Rep.* Barbara Boxer.

Abstract: In response to a congressional request, GAO provided information on the feasibility of publishing indicators comparing airline safety records, focusing on the: (1) areas of operation important to airline safety; (2) availability and quality of data; and (3) ongoing research efforts to measure individual airline safety.

Findings/Conclusions: GAO found that: (1) the Federal Aviation

Administration's (FAA) inspection data had the potential for objectively measuring and comparing individual airlines' pilot competence and maintenance quality; (2) FAA inspection data did not indicate airlines' compliance with federal regulations; (3)

the FAA data on unsafe incidents was unreliable and of limited use for measuring individual airline safety; (4) the Department of Transportation (DOT) data base on airline financial conditions could indicate airlines with a high probability of compliance problems; and (5) DOT has ongoing research for use in managing military charter operations. GAO believes that FAA should address current deficiencies in its inspection reports to improve its potential for use in measuring airline safety and pilot competence.

135352

[Highway Safety: Monitoring Practices To Show Compliance With Speed Limits Should Be Reexamined]. T-RCED-88-29. March 23, 1988. 9 pp. plus 1 appendix (1 p.). *Testimony* before the House Committee on Public Works and Transportation: Surface Transportation Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Highway Administration.

Congressional Relevance: *House* Committee on Public Works and Transportation: Surface Transportation Subcommittee.

Abstract: GAO discussed states' monitoring of compliance with the national 55-mile-per-hour (mph) maximum highway speed limit, focusing on: (1) whether states followed Federal Highway Administration (FHWA) data collection guidelines; and (2) states' monitoring in relation to the congressional goal of improving highway safety. GAO found that: (1) three states recently went out of compliance with the 55-mph limit; (2) the six states it reviewed generally complied with FHWA guidelines, but there were several problems, including inappropriate speed monitoring locations, such as near traffic lights, traffic merging locations, or residential areas; (3) while state police officials stated that they did not use speed monitoring to influence data collection, there were two cases where state police stationed marked patrol cars at monitoring sites while speeds were being recorded; (4) states with good compliance records did not always have the best safety records; (5) states with aggressive enforcement practices did not necessarily motivate motorists to comply with the 55-mph limit; (6) states can influence their compliance records by posting 55-mph speed limits on less-well-

designed roads; and (7) state officials generally believe that FHWA should consider road types, local conditions, states' enforcement efforts, and magnitude of speeding violations in assessing states' compliance.

135373

[Protest of Coast Guard Exclusion of Bid From Competitive Range]. B-229748. March 24, 1988. 4 pp. *Decision* re: Telemechanics, Inc.; by Robert M. Strong, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Telemechanics, Inc.; United States Coast Guard.

Authority: 4 C.F.R. 21.2(a)(1). B-222472 (1986). B-211053.2 (1984). B-226103.2 (1987). B-227555.3 (1987). B-228043 (1987). B-225385 (1987).

Abstract: A firm protested the Coast Guard's exclusion of its bid for radar simulators from the competitive range, contending that the: (1) Coast Guard erroneously determined that its bid was technically unacceptable, since its offered equipment was technically superior; and (2) solicitation requirements were unduly restrictive. GAO held that the: (1) Coast Guard properly excluded the protester from competition, since its technical proposal required major revision to be made technically acceptable; and (2) protester untimely filed its protest against the allegedly restrictive specifications. Accordingly, the protest was denied.

135393

Foreign Investment: Growing Japanese Presence in the U.S. Auto Industry. NSIAD-88-111; B-230351. March 7, 1988.

Released March 28, 1988. 57 pp. plus 2 appendices (7 pp.). *Report* to Rep. Marcy Kaptur; Rep. John D. Dingell; Rep. Edward R. Madigan; by Frank C. Conahan, Assistant Comptroller General, National Security and International Affairs Division. Refer to NSIAD-88-205, July 18, 1988, Accession Number 136588; and T-NSIAD-88-47, September 22, 1988, Accession Number 136856.

Issue Area: International Trade and Commercial Policy: Government's Role With Respect to Exchange Rates, International Capital Flow, and Foreign Direct Investment (6306).

Contact: National Security and International Affairs Division.

Budget Function: International Affairs: Conduct of Foreign Affairs (153.0).

Congressional Relevance: *Rep.* Edward R. Madigan; *Rep.* John D. Dingell; *Rep.* Marcy Kaptur.

Abstract: In response to a congressional request, GAO provided information on the impact of Japanese automakers' investments in the United States on U.S. auto manufacturers and parts suppliers, focusing on whether: (1) foreign investment created job losses in the U.S. automobile industry; and (2) U.S. parts suppliers had the opportunity to supply parts for U.S.-based foreign auto manufacturers.

Findings/Conclusions: GAO found that: (1) Japanese-affiliated automakers in the United States used fewer workers and parts than their domestic counterparts; (2) Japanese automakers imported higher percentages of auto parts than U.S. automakers because of price, quality, and delivery time; (3) although some U.S. parts suppliers have been able to sell parts to Japanese-affiliated automakers by adapting to the rigorous requirements, they are at a disadvantage because of differences in language, culture, and business practices; and (4) in 1987, there were 104 Japanese-affiliated parts suppliers in the United States. GAO also found that: (1) U.S. auto-related employment will probably be substantially lower in 1990 due to gains in worker productivity, increased use of foreign parts, and increased imports; and (2) net job loss or gain will depend on the extent to which Japanese-affiliated production displaces U.S. production.

135441

[FAA Payment of Award to Iran]. B-230244. March 28, 1988. 4 pp. *Decision re:* Payment by Federal Aviation Administration of Award to Iran; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Iran-United States Claims Tribunal; Federal Aviation Administration; Iran Air.

Authority: Executive Order 12294. 46 Fed. Reg. 7913. Dames & Moore v. Regan, 453 U.S. 654 (1981).

Abstract: The Federal Aviation Administration (FAA) requested a decision regarding the propriety of paying an Iranian government firm's claim. The Iran-United States Claims Tribunal ordered FAA to pay the claim. GAO held that, since an international agreement vested claims settlement authority in the Tribunal, FAA should

pay the claim. Accordingly, the claim was allowed.

135453

[Federal Aviation Administration's Advanced Automation System Investment]. T-IMTEC-88-2. March 31, 1988. 7 pp. plus 1 attachment (13 pp.). *Testimony before the Senate Committee on Appropriations: Transportation Subcommittee;* by Daniel C. White, Deputy Director, Information Management and Technology Division. Refer to RCED-89-7, November 10, 1988, Accession Number 137406; and IMTEC-89-5, November 30, 1988, Accession Number 137418.

Contact: Information Management and Technology Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: *Senate Committee on Appropriations: Transportation Subcommittee.*

Abstract: GAO discussed the Federal Aviation Administration's (FAA) plans to modernize its air traffic control computer system. GAO noted that FAA plans to acquire the Advanced Automation System (AAS) to: (1) increase controller productivity; (2) reduce its operating costs; (3) save fuel and passenger time; and (4) replace its aging air traffic control computer systems. GAO also noted that the FAA proposal for implementing AAS: (1) involved closing 180 terminal control facilities and moving their functions to 23 large centers; (2) did not fully analyze or properly compare a range of alternatives for AAS program elements; (3) had disadvantages in terms of increased vulnerability to loss of services in the event of catastrophe, personnel relocation problems, and the need for additional controllers during transitions from old to new facilities; and (4) used an unsound methodology to estimate AAS benefits. In addition, GAO noted that an alternative proposal involving replacement of equipment and new workstations: (1) reduced costs by over \$750 million; and (2) alleviated many of the FAA proposal disadvantages. GAO believes that FAA should: (1) not award the multi-billion dollar AAS contract until it has identified the number and types of equipment necessary for a non-consolidation approach; and (2) fully analyze other terminal control facility alternatives.

135456

[FAA Appropriation Issues]. T-RCED-88-32. March 31, 1988. 13 pp.

Testimony before the Senate Committee on Appropriations: Transportation Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to T-RCED-88-35, April 12, 1988, Accession Number 135536; RCED-87-137, September 25, 1987, Accession Number 134122; and RCED-89-7, November 10, 1988, Accession Number 137406.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration; Martin Marietta Corp.

Congressional Relevance: *Senate Committee on Appropriations: Transportation Subcommittee.*

Abstract: GAO discussed Federal Aviation Administration (FAA) appropriation issues, specifically: (1) the work of the FAA systems engineering and integration contractor (SEIC); (2) how much air traffic control (ATC) modernization could cost; (3) when FAA would complete modernization; and (4) how many controllers and maintenance technicians FAA would need. GAO found that: (1) although SEIC contributed to the National Airspace System (NAS) plan, its control over the system design was limited; (2) SEIC employees are currently in an improper employee-employer relationship with FAA; (3) FAA assigned SEIC the site-specific design work at air traffic control centers, but SEIC believes that the work was beyond the scope of its responsibility and had difficulty in meeting delivery schedules; (4) SEIC identified changes in the NAS plan that could raise modernization costs from \$15.8 billion to \$24 billion by the year 2000; and (5) FAA did not have sufficient technical support, controller, or maintenance work forces to implement transition to the future system. GAO believes that a redefined NAS plan would enhance future implementation decisions and permit resetting priorities due to the significant increase in projected funding needs.

135463

Hazardous Waste: Problems and Cleanup Efforts at an FAA Facility in Oklahoma City. RCED-88-113FS; B-230449. March 3, 1988.

Released April 4, 1988. 10 pp. plus 1 appendix (1 p.). *Fact Sheet* to Rep. Michael L. Synar, Chairman, House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee; by David L. Jones, Regional Manager, Field

Operations Division: Regional Office
(Kansas City).

Issue Area: Environment: Assessing EPA's Efforts To Protect Public Health and the Environment by Controlling Hazardous Waste From Generation To Disposal (6802).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Federal Aviation Administration: Mike Monroney Aeronautical Center, Oklahoma City, OK; Oklahoma: Water Resources Board; Oklahoma City, OK: Water Department.

Congressional Relevance: *House* Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee; *Rep.* Michael L. Synar.

Authority: Water Pollution Control Act Amendments of 1972 (Federal) (33 U.S.C. 1251 et seq.). Resource Conservation and Recovery Act of 1976. Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Abstract: In response to a congressional request, GAO provided information on the: (1) nature and extent of hazardous waste problems at the Federal Aviation Administration's Mike Monroney Aeronautical Center; and (2) actions the Center took to clean up contamination. **Findings/Conclusions:** GAO found that: (1) state and local regulatory agencies cited the Center several times between 1984 and 1987 for various hazardous waste violations, including toxic substances discharges, leaking fuel storage tanks, an abandoned radioactive materials burial site, and improper documentation of waste shipments; (2) the Center installed a pretreatment system and spill containment structures to prevent hazardous discharges into sewer systems; (3) the center began to remove and replace the fuel tanks and to train its personnel in complying with waste-handling requirements; (4) the Center developed a 5-year plan to protect the environment and clean up any contamination resulting from its operations; (5) the Center reported two sites to the Environmental Protection Agency as candidates for the Superfund Program; and (6) cognizant regulatory officials believed that adequate funding and proper implementation of the plan would permanently solve the Center's contamination problems.

135467

Highway Safety: Monitoring Practices To Show Compliance With Speed Limits Should Be Reexamined. RCED-88-93BR; B-229461. March 31, 1988. 25 pp. plus 2 appendices (4 pp.). *Briefing Report* to Sen. Daniel P. Moynihan, Chairman, Senate Committee on Environment and Public Works: Water Resources, Transportation, and Infrastructure Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Department of Transportation; Federal Highway Administration.

Congressional Relevance: *House* Committee on Appropriations: Transportation Subcommittee; *House* Committee on Public Works and Transportation; *Senate* Committee on Appropriations: Transportation Subcommittee; *Senate* Committee on Commerce, Science and Transportation; *Senate* Committee on Environment and Public Works: Water Resources, Transportation, and Infrastructure Subcommittee; Congress; *Sen.* Daniel P. Moynihan.

Authority: Emergency Highway Energy Conservation Act. Highway Safety Act of 1978.

Abstract: In response to a congressional request, GAO examined states' monitoring of motorists' compliance with the 55 miles-per-hour (mph) national speed limit.

Findings/Conclusions: GAO reviewed six states' speed monitoring programs and found that: (1) the programs generally complied with monitoring requirements and regulations; (2) the states generally located their monitoring sites appropriately; (3) the Federal Highway Administration (FHWA) decreased its participation in the development and implementation of state monitoring programs; and (4) there was little relationship between states' speed limit enforcement activities and the compliance level. GAO also found that the: (1) states' speed monitoring programs did not meet the speed limit's objectives of improving highway safety; (2) states' enforcement activities were insufficient to ensure compliance with the speed limit; (3) federal criteria for judging states' compliance were inadequate because they failed to

consider the differences in road quality and design; and (4) states' transportation officials believed that a comprehensive program should consider speed-related fatalities, enforcement levels, and road types in determining states' compliance. **Recommendation To Agencies:** The Secretary of Transportation should direct the Administrator, FHWA, to undertake a study of the feasibility of instituting a weighting scheme that places greater weight on high-speed violations and violations on roads of lower design quality in assessing whether to sanction a state for noncompliance with the 55-mph national maximum speed limit. The Secretary should report the results of this analysis to Congress along with any recommendations for legislative changes necessary to improve the compliance monitoring system.

135490

[Comments on Sequesterability of Railroad Supplemental Annuity Pension Fund]. B-229738. March 28, 1988. 1 p. plus 1 enclosure (6 pp.). *Letter* to R.A. Gielow, Chairman, Railroad Retirement Board; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Railroad Retirement Board.

Congressional Relevance: *Rep.* Steny H. Hoyer; *Rep.* Norman D. Dicks; *Rep.* Vic Fazio

Authority: Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177). P.L. 100-119. P.L. 100-202. B-221498 (1987). 101 Stat. 754.

Abstract: GAO commented on the sequesterability of the Railroad Supplemental Annuity Pension Fund. GAO agreed with the Railroad Retirement Board that the Fund was exempt from sequestration, since the President's final sequestration order under the Balanced Budget and Emergency Deficit Control Act of 1985 was rescinded.

135531

Bridge Safety: Structural Soundness of the Zilwaukee Bridge. RCED-88-96; B-215223. March 29, 1988.

Released April 12, 1988. 8 pp. plus 9 appendices (39 pp.). *Report* to Rep. Bill Schuette; by Walter C. Herrmann, Jr., Regional Manager, Field Operations Division: Regional Office (Detroit). Refer to RCED-83-165, August 17, 1983, Accession Number 121997; and RCED-84-

144, June 27, 1984, Accession Number 124597.

Issue Area: Transportation: Implementation of Federal and State Government Roles for Addressing the Nation's Bridge Problems (6617).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Federal Highway Administration; Michigan: Department of Transportation.

Congressional Relevance: Rep. Bill Schuette.

Abstract: In response to a congressional request, GAO reviewed the Zilwaukee Bridge Project to: (1) determine whether the testing program that the Michigan Department of Transportation (MDOT) implemented confirmed that the bridge was structurally sound; (2) identify construction problems causing concerns about the bridge and determine whether they would affect its ability to perform as designed; and (3) assess the MDOT draft bridge maintenance manual.

Findings/Conclusions: GAO found that: (1) the tests indicated that the Zilwaukee Bridge had performed as designed and that the concrete exceeded design requirements for strength and durability; (2) repairs made after a 1982 construction accident fully restored the damaged areas of the bridge; (3) concrete spalling and cracking did not affect the bridge's ability to perform as designed; (4) MDOT took corrective action to ensure proper bonding of all areas with a concrete overlay; and (5) although an independent panel's review of the maintenance manual concluded that the manual was generally well prepared, it recommended several changes that, if followed, would provide for more adequate future maintenance.

135533

[Federal Aviation Administration's Advanced Automation System Investment]. T-IMTEC-88-3. March 12, 1988. 20 pp. *Testimony* before the House Committee on Appropriations: Transportation Subcommittee; by Daniel C. White, Deputy Director, Information Management and Technology Division. Refer to IMTEC-89-5, November 30, 1988, Accession Number 137418.

Contact: Information Management and Technology Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee.

Abstract: GAO discussed the Federal Aviation Administration's (FAA) plans to modernize its air traffic control computer system. GAO noted that FAA plans to acquire the Advanced Automation System (AAS) to: (1) increase controller productivity; (2) reduce its operating costs; (3) save fuel and passenger time; and (4) replace its aging air traffic control computer systems. GAO also noted that the FAA proposal for implementing AAS: (1) involved closing 180 terminal control facilities and moving their functions to 23 large centers; (2) did not fully analyze or properly compare a range of alternatives for AAS program elements; (3) had disadvantages in terms of increased vulnerability to loss of services in the event of catastrophe, personnel relocation problems, and the need for additional controllers during transitions from old to new facilities; and (4) used an unsound methodology to estimate AAS benefits. In addition, GAO noted that an alternative proposal involving replacement of equipment and new workstations: (1) reduced costs by over \$750 million; and (2) alleviated many of the FAA proposal disadvantages. GAO believes that FAA should: (1) not award the multi-billion dollar AAS contract until it has identified the amount and types of equipment necessary for a non-consolidation approach; and (2) fully analyze other terminal control facility alternatives.

135536

[FAA Appropriation Issues]. T-RCED-88-35. April 12, 1988. 13 pp. plus 2 attachments (2 pp.). *Testimony* before the House Committee on Appropriations: Transportation Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-87-137, September 25, 1987, Accession Number 134122; T-RCED-88-32, March 31, 1988, Accession Number 135456; T-RCED-88-45, June 2, 1988, Accession Number 135972; and RCED-89-7, November 10, 1988, Accession Number 137406.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration; Martin Marietta Corp.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee.

Abstract: GAO discussed Federal Aviation Administration (FAA) appropriations issues, specifically: (1) the work of the FAA systems engineering and integration contractor (SEIC); (2) how much air traffic control (ATC) modernization could cost; (3) when FAA would complete modernization; and (4) how many controller and maintenance technicians FAA would need. GAO found that: (1) although SEIC contributed to the National Airspace System (NAS) plan, its control over the system design was limited; (2) SEIC employees are currently in an improper employee-employer relationship with FAA; (3) FAA assigned SEIC the site-specific design work at air traffic control centers, but SEIC believed that the work was beyond the scope of its responsibility and had difficulty in meeting delivery schedules; (4) SEIC identified changes in the NAS plan that could raise modernization costs from \$15.8 billion to \$24 billion by the year 2000; and (5) FAA did not have sufficient technical support, controller, or maintenance work forces to implement transition to the future system. GAO believes that a redefined NAS plan would enhance future implementation decisions and permit resetting priorities due to the significant increase in projected funding needs.

135539

[Protest of FAA Procedures Under Solicitation for Towers]. B-230855. April 8, 1988. 2 pp. *Decision* re: Transmission Structures Limited; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Transmission Structures Limited; Federal Aviation Administration; Department of Transportation.

Authority: 4 C.F.R. 21.2(a)(3). 4 C.F.R. 21.0(f).

Abstract: A firm protested the Federal Aviation Administration's (FAA) procurement procedures under a solicitation for towers, contending that: (1) FAA should have procured the towers under the protester's current contract with the Department of Transportation; and (2) the towers FAA solicited were obsolete, expensive, and inefficient. GAO held that the protester untimely filed its protest more than 10 days after initial adverse agency action on its agency-level protest. Accordingly, the protest was dismissed.

135557

Railroad Safety: Reporting Time Frames and Results of Post-Accident Drug Tests. RCED-88-120; B-230678. April 8, 1988.

Released April 14, 1988. 8 pp. plus 1 appendix (1 p.). *Report to Sen. John Heinz*; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Federal Railroad Administration; University of Utah: Center for Human Toxicology.

Congressional Relevance: Sen. John Heinz.

Authority: Railroad Safety Act of 1970 (Federal). Department of Transportation Act. Independent Safety Board Act of 1974.

Abstract: In response to a congressional request, GAO reviewed the Federal Railroad Administration's (FRA) drug and alcohol testing procedures, focusing on: (1) its use of one laboratory to conduct all testing; and (2) the time it required to obtain test results. GAO also obtained information on the results of FRA post-accident drug and alcohol testing in 1987.

Findings/Conclusions: GAO found that: (1) FRA used one laboratory for its post-accident testing to ensure standard procedures, control mechanisms, and reporting protocols; (2) the laboratory's location was not a major factor in the time required to obtain results, since it usually received test samples by the second day after the samples were taken; (3) the laboratory's reporting time frame averaged 4.8 working days since October 1987 for initial screening where all crew members involved in a railroad accident tested negative; (4) the laboratory reported its test results within 13 working days for accidents in which at least one crew member tested positive; and (5) FRA records showed at least one positive result in 20.7 percent of the accidents covered by its testing program in 1987.

135594

[Request for Reconsideration of Protests of Subcontract Award Under MARAD Solicitation for Ship Repairs]. B-228398.2. April 18, 1988. 7 pp. *Decision re: Golten Marine Co., Inc.*; by Robert M. Strong, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Golten Marine Co., Inc.; Maritime Administration; Barber Ship Management, Inc.; H.W. Ramberg.

Authority: Buy American Act. 4 C.F.R. 21.12(a). 46 C.F.R. 338. 4 C.F.R. 21.2(a)(1). DOT F.A.R. Supp. 1205.4. B-228398 (1987). B-221863.3 (1986). B-224156 (1987). B-228484 (1988). B-227002 (1987). B-228475 (1988).

Abstract: A firm requested reconsideration of its protests against a Maritime Administration (MARAD) prime contractor's subcontract award for ship repairs. GAO had held that the: (1) prime contractor properly mailed a solicitation to the protester; (2) prime contractor complied with the Buy American Act in its award; and (3) alleged sole-source award involved work by the firm that sold the ships to MARAD and was not subject to its review. In its request for reconsideration, the protester contended that the prime contractor: (1) failed to follow proper procurement procedures in publicizing and mailing the solicitation; (2) improperly specified the use of foreign-made spare parts; and (3) improperly awarded a sole-source contract to the ships' foreign seller. GAO held that the protester merely reiterated arguments it raised in the original protest. Accordingly, the request for reconsideration was denied.

135602

[Navy Ship Construction Contracts]. T-NSIAD-88-27. April 19, 1988. 6 pp. *Testimony before the House Committee on Appropriations: Defense Subcommittee*; by Bill W. Thurman, Deputy Director, National Security and International Affairs Division. Refer to T-NSIAD-87-30, April 23, 1987, Accession Number 132762; and NSIAD-88-15, October 16, 1987, Accession Number 134429.

Contact: National Security and International Affairs Division.

Organization Concerned: Department of the Navy.

Congressional Relevance: House Committee on Appropriations: Defense Subcommittee.

Abstract: GAO discussed the Navy's ship construction contracts to determine the extent to which those contracts: (1) experienced cost overruns; (2) resulted in claims against the government; and (3) stayed within their appropriate limits. GAO found that: (1) more contracts experienced overruns and were at or close to their ceiling prices than a year

ago; (2) as of February 1988, the Navy projected cost overruns of about \$2.1 billion for 21 contracts involving 60 vessels; and (3) since the Navy shared a portion of the overruns with its contractors, it was potentially liable for about \$1 billion. GAO also found that: (1) the Navy is conducting a review to determine whether it has funds available to cover its potential overrun liability; (2) due to the cost overruns, contractors filed claims against the government totalling \$110 million as of December 1987; and (3) the Navy settled five claims during 1987 totalling \$28 million.

135619

Navy Maintenance: Competing Vessel Overhauls and Repairs Between Public and Private Shipyards. NSIAD-88-109; B-229025. March 25, 1988. 42 pp. plus 4 appendices (23 pp.). *Report to Rep. G.V. Montgomery*; Rep. Denny Smith; Rep. W.J. (Billy) Tauzin; Sen. John B. Breaux; Rep. Herbert H. Bateman; Rep. Helen Delich Bentley; Rep. Lindy Boggs; Rep. H.L. (Sonny) Callahan; Rep. Roy Dyson; Rep. Duncan L. Hunter; Rep. Trent Lott; by Frank C. Conahan, Assistant Comptroller General, National Security and International Affairs Division. Refer to NSIAD-86-27, January 9, 1986, Accession Number 128813.

Issue Area: Navy: Ability of Navy Supply System To Provide Materials at Lowest Cost While Maintaining Military Capabilities (5602).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Procurement and Contracts (051.2).

Organization Concerned: Department of Defense; Department of the Navy; Department of the Navy: Naval Sea Systems Command.

Congressional Relevance: House Committee on Appropriations: Defense Subcommittee; House Committee on Armed Services: Seapower and Strategic and Critical Materials Subcommittee; Senate Committee on Appropriations: Defense Subcommittee; Senate Committee on Armed Services: Readiness, Sustainability, and Support Subcommittee; Rep. W.J. (Billy) Tauzin; Rep. Denny Smith; Rep. G.V. Montgomery; Rep. Trent Lott; Rep. Duncan L. Hunter; Rep. Roy Dyson; Rep. H.L. (Sonny) Callahan; Rep. Lindy Boggs; Rep. Helen Delich Bentley; Rep.

Herbert H. Bateman; Sen. John B. Breaux.

Authority: Department of Defense Authorization Act, 1981. Department of Defense Appropriation Act, 1985. OMB Circular A-76. B-221888.2 (1986).

Abstract: Pursuant to a congressional request, GAO assessed the Navy's program to increase competition between public and private shipyards for its naval vessel overhaul and repair contracts, focusing on whether: (1) inherent differences between public and private shipyards precluded realistic and fair competition; (2) public shipyard bids included all direct and indirect costs; and (3) mechanisms existed to ensure the integrity of the competitive process.

Findings/Conclusions: GAO found that the Naval Sea Systems Command (NAVSEA), which oversees the competitive process, awarded: (1) \$656 million, or 80 percent of total competitive repair contracts from 1985 through 1987, to public shipyards; (2) \$166 million in repair contracts to private shipyards; and (3) all repair contracts involving nuclear ballistic missile submarines to public shipyards. GAO also found that private shipyards: (1) typically lacked the qualifications to perform submarine repairs; (2) successfully competed with public shipyards for surface vessel repair contracts; and (3) faced greater financial risk than public shipyards, since they accomplished repair work through fixed-price contracts while public shipyards accomplished work through project orders, which were analogous to cost-reimbursement type contracts. In addition, GAO found that: (1) public shipyards' addition of certain discretionary costs increased cost estimates for submarine repairs and decreased estimates for surface vessel repairs; (2) NAVSEA cost comparisons did not incorporate some indirect costs in public shipyards' bids; (3) NAVSEA awarded contracts on the basis of proposed prices rather than comparisons; and (4) the Navy could not substantiate its estimate that private and public shipyard competition saved about \$200 million. GAO believes that, while the Navy attempted to treat private and public shipyards as equitably as possible, certain inherent differences precluded complete comparability and equity. **Recommendation To Agencies:** The Secretary of Defense should direct the Secretary of the Navy to base the certifications of public and private shipyard competitive proposals on all reasonably identifiable and objectively quantifiable costs to the federal government. The Secretary of Defense should direct the Secretary of the Navy

to solicit and evaluate proposals and award competed work on that basis.

135633

[DOT Airline Industry Oversight]. T-RCED-88-36. April 21, 1988. 13 pp. plus 7 attachments (7 pp.). *Testimony before the Senate Committee on Appropriations: Transportation Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-87-116FS, March 27, 1987, Accession Number 132770.*

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Department of Transportation; Civil Aeronautics Board.

Congressional Relevance: Senate Committee on Appropriations: Transportation Subcommittee.

Authority: Airline Deregulation Act of 1978 (41 U.S.C. 1378). Civil Aeronautics Board Sunset Act of 1984.

Abstract: GAO discussed the Department of Transportation's (DOT) oversight of the airline industry to determine how it: (1) developed and implemented its policy for approving airline mergers; (2) protected airline passengers from unfair and deceptive trade practices; and (3) maintained data bases needed for industry oversight. GAO found that: (1) DOT developed its merger policy using the same dated assumptions about the industry's competitive conditions that the defunct Civil Aeronautics Board used; (2) DOT used these assumptions to approve 20 airline mergers between 1985 and 1987; (3) since deregulation, airlines have developed competitive tools, such as frequent-flyer programs and computerized reservations, to concentrate the industry and make it more difficult for new airlines to develop; and (4) in a 1987 merger case, DOT considered a fuller range of factors that better reflected the realities of today's industry. GAO also found that: (1) while DOT provided airline consumers with a complaint process, it did not systematically follow up cases to ensure that their actions satisfied consumers; (2) DOT did not coordinate its complaint process with states; (3) because DOT did not adequately plan its data base transfer, train the replacement staff or allow rewriting of programs before changing systems, the accuracy and timeliness of industry data was reduced; and (4) DOT returned its data functions to the original operations unit to bring the data bases up to date and improve accuracy.

135673

National Aero-Space Plane: A Technology Development and Demonstration Program To Build the X-30. NSIAD-88-122; B-229301. April 27, 1988. 61 pp. plus 4 appendices (17 pp.). *Report to Sen. Sam Nunn, Chairman, Senate Committee on Armed Services; Sen. Ernest F. Hollings, Chairman, Senate Committee on Commerce, Science and Transportation; Rep. Les Aspin, Chairman, House Committee on Armed Services; Rep. Robert A. Roe, Chairman, House Committee on Science, Space, and Technology; by Frank C. Conahan, Assistant Comptroller General, National Security and International Affairs Division.*

Issue Area: Air Force: Assessing Whether U.S. Strategic Defense Programs Are Effectively Planned and Conducted (5403).

Contact: National Security and International Affairs Division.

Budget Function: General Science, Space, and Technology: Space Science, Applications, and Technology (254.0).

Organization Concerned: Department of Defense; National Aeronautics and Space Administration.

Congressional Relevance: House Committee on Science, Space, and Technology; House Committee on Armed Services; Senate Committee on Commerce, Science and Transportation; Senate Committee on Armed Services; Rep. Robert A. Roe; Rep. Les Aspin; Sen. Ernest F. Hollings; Sen. Sam Nunn.

Authority: Department of Defense Appropriation Act, 1987. P.L. 100-202.

Abstract: GAO reviewed the National Aero-Space Plane (NASP) Program, a joint Department of Defense (DOD) and National Aeronautics and Space Administration (NASA) technology development and demonstration program to build and test the X-30 experimental flight vehicle.

Findings/Conclusions: GAO found that: (1) although NASP was a technologically challenging and high-risk program, it had potentially high payoffs; (2) the program schedule and milestones to design, fabricate, and flight test the X-30 by the end of 1994 were probably feasible but ambitious; (3) since design and integration setbacks could delay the program and increase costs, increased funding could reduce technological risk but might not speed development; (4) NASA has the major role in technology maturation and the lead responsibility for civilian applications, since its personnel and facilities have been

integrated into the program; and (5) although industry made significant investments in the program, NASP contractors were concerned about cost-sharing with no payoff, sharing proprietary design concepts with the government and other contractors, and reporting current and projected proprietary NASP-related investments. GAO also found that: (1) although there was substantial progress in some systems areas, development of materials to build the engine and to demonstrate engine efficiencies and component performance was necessary; (2) although there were potential military, space, and commercial applications for the X-30, existing or planned aircraft could prove more cost-effective for some missions; and (3) foreign development of operational aerospace technologies challenges U.S. aeronautical leadership and preeminence, provides independent access to space, and reduces launching costs.

135678

[Wallop-Breaux Trust Fund]. T-RCED-88-38. April 28, 1988. 10 pp. plus 2 attachments (2 pp.).
Testimony before the House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; by Victor S. Rezendes, Associate Director, Resources, Community, and Economic Development Division. Refer to GGD-87-43BR, June 9, 1987, Accession Number 133152; RCED-87-3S, July 24, 1987, Accession Number 133538; and RCED-89-32BR, October 26, 1988, Accession Number 137155.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: United States Coast Guard.

Congressional Relevance: House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee.

Authority: Highway Revenue Act of 1982. H.R. 3918 (100th Cong.).

Abstract: GAO discussed the Aquatic Resources Trust Fund's Boat Safety Account, from which the Coast Guard administers payments to states to support their recreational boating safety activities. GAO noted that states: (1) received two-thirds of account funds; (2) typically spent \$4 for every federal dollar, exceeding the requirements to match federal funds dollar-for-dollar; (3) typically requested all funds available to them; and (4) spent about 45 percent of the funds on law enforcement and boating safety education equipment and supplies, 17 percent on safety inspections

and marine casualty investigations, and 14 percent on boating access. GAO also noted that the Coast Guard: (1) used its share of the funds for program administration expenses; (2) provided adequate oversight of states' expenditures for boating safety activities; (3) did not attempt to determine how effectively states spent their funds; and (4) inconsistently categorized data in its compilation of states' expenditures. GAO believes that proposed legislation which would raise the cap for the account's revenues and allocate more funds would not necessarily increase funding for boating safety, since the: (1) Coast Guard would probably continue to spend its share of funds to offset operating expenses; and (2) relationship between the size of states' program budgets and boating safety is unclear.

135704

Highways: Acquiring Land for Federal-Aid Projects. RCED-88-112; B-227656. March 30, 1988.

Released May 3, 1988. 8 pp. plus 2 appendices (2 pp.). *Report to Sen. Bob Graham; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division.*

Issue Area: Transportation: Implementation of Federal and State Government Roles in Constructing and Improving the Nation's Highways (6616).
Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Federal Highway Administration.

Congressional Relevance: Sen. Bob Graham.

Authority: Environmental Policy Act of 1969 (National) (P.L. 91-190). Airport and Airways Development Act of 1970 (P.L. 91-258). National Wildlife Federation v. Snow, 561 F.2d 227 (D.C. Cir. 1976).

Abstract: In response to a congressional request, GAO provided information on: (1) requirements that govern land acquisitions for federal-aid highway projects, including procedures for acquiring rights-of-way before environmental requirements are met; (2) environmental and conservation groups' and state officials' views on possible legislation allowing right-of-way acquisitions before environmental requirements are met; and (3) federal agencies' approaches to land acquisitions.

Findings/Conclusions: GAO found that: (1) the National Environmental Policy

Act requires an assessment of the environmental impact of certain federal actions, such as major highway projects; (2) the Federal Highway Administration (FHWA) will not authorize federal acquisition costs until federal requirements are met, and will then reimburse states for acquisition costs only if the acquired property is used in the final highway project; (3) in extraordinary cases, FHWA may authorize federal funding before meeting environmental requirements to alleviate a hardship to the property owner or prevent imminent development of the land; (4) environmental and conservation groups oppose legislation that would broaden the criteria for advanced land acquisitions, since government property ownership could influence decisions on whether and where to build a highway; (5) some state officials stated that owning the land would not influence their project decisions, while others stated that owning the land could influence their decisions; (6) most agencies do not normally reimburse grantees for right-of-way costs before the land meets environmental requirements or the agency authorizes the acquisition; (7) some agencies allow advanced acquisitions in cases similar to FHWA, while one agency retroactively reimburses grantees for acquisitions before environmental requirements are met; and (8) environmental and conservation groups are opposed to any legislation that would allow FHWA retroactive reimbursement authority, since it might delay FHWA involvement in federal aid projects.

135708

Airport Noise: FAA's Enforcement of Noise Rules at National Airport. RCED-88-117; B-230734. April 15, 1988.

Released May 3, 1988. 9 pp. plus 1 appendix (1 p.). *Report to Sen. Paul S. Sarbanes; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.*

Issue Area: Transportation: Adequate Justification and Management of NAS Plan Procurements (6604).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration: Federal Aviation Administration: Washington National Airport; Department of Transportation; Metropolitan Washington Airports Authority.

Congressional Relevance: *House* Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; *House* Committee on Appropriations: Transportation Subcommittee; *House* Committee on Public Works and Transportation: Aviation Subcommittee; *Senate* Committee on Appropriations: Transportation Subcommittee; *Senate* Committee on Commerce, Science and Transportation: Aviation Subcommittee; *Sen.* Paul S. Sarbanes.

Authority: Environmental Policy Act of 1969 (National) (42 U.S.C. 4321 et seq.). Aviation Act (49 U.S.C. 1301 et seq.). Noise Control Act of 1972 (42 U.S.C. 4901 et seq.). Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. 2101 et seq.). 14 C.F.R. 159.40. 14 C.F.R. 93.

Abstract: In response to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) monitoring and enforcement of aircraft noise rules at Washington National Airport.

Findings/Conclusions: GAO found that: (1) between January 1982 and June 1987, FAA monitored all flights between 10 P.M. and 7 A.M. for compliance with the nighttime rule and imposed penalties for violations; (2) FAA exempted noncompliant operations which it determined were beyond operator control; (3) during the past 6 years, flights during peak traffic hours have exceeded high-density rule limits by up to 13 percent; (4) since its monitoring equipment broke down in 1985, FAA has relied on voluntary operator compliance with the airport's noise abatement procedures; and (5) it was unable to determine the number of violations or the rate at which FAA imposed penalties, since FAA did not maintain adequate records. GAO noted that the Metropolitan Washington Airports Authority budgeted funds to purchase monitoring equipment as part of its responsibility for noise abatement.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FAA, to: (1) monitor all—or a systematic, generalizable sample of—operations at high-density airports, including National Airport, for compliance with the high-density rule; and (2) maintain a system of records of the violations identified and its disposition of them in a form that will enable FAA to evaluate its overall monitoring and enforcement effort.

North Carolina. RCED-88-133FS; B-226538. April 29, 1988.

Released May 9, 1988. 19 pp. plus 2 appendices (3 pp.). *Fact Sheet* to Sen. Jesse A. Helms; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-88-147, August 5, 1988, Accession Number 136566.

Issue Area: Transportation: Effectiveness of FAA in Ensuring Aircraft Safety and Whether This Responsibility Conflicts With Its Role in Promoting Aviation Commerce (6613).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of the Navy; United States Marine Corps; Department of the Air Force.

Congressional Relevance: *Sen.* Jesse A. Helms.

Authority: Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

Abstract: In response to a congressional request, GAO evaluated the Federal Aviation Administration's (FAA) management of airspace set aside for military training, focusing on the proposed additional use of airspace in North Carolina.

Findings/Conclusions: GAO found that: (1) the Navy proposed using the additional airspace to ensure proper training and flight safety when using its new missile system; (2) the Marine Corps required the additional space to train pilots for low-level, high-speed, overland tactical maneuvers because its existing special-use airspace was too small to allow such training; (3) the Air Force proposed using the airspace for low-level training; and (4) although FAA had not approved any of the proposals, it was evaluating the Navy's proposal. GAO also found that: (1) the aviation community, tourist industry, environmentalists, and state and local governments opposed the proposal for additional military airspace; (2) groups had concerns about the adequacy of the military's environmental assessments and impact statements dealing with safety, economic, and legal issues; and (3) FAA did not evaluate any of the environmental studies relating to the proposals because it believed it had no legal responsibility to do so, and its role was limited to aeronautical concerns.

135759

[Request for Reconsideration of Denied Protest of Coast Guard Rejection of Bid]. B-226774.4. May

6, 1988. 3 pp. *Decision* re: Contract Services Co., Inc.; by Milton J. Socolar, Acting Comptroller General.

Contact: Office of the General Counsel.

Organization Concerned: Contract Services Co., Inc.; United States Coast Guard.

Authority: F.A.R. 28.202-1(a)(4). F.A.R. 28.102-1(b). Treasury Circular 570. B-226774.3 (1988). B-218428 (1985). B-224222 (1987).

Abstract: A firm requested reconsideration of its denied protest against the Coast Guard's rejection of its bid for maintenance services. GAO had held that the protester's bid was nonresponsive, since it had an insufficient bid guarantee at bid opening. In its request for reconsideration, the protester contended that its surety had a reinsurance policy to cover the additional amount required for the bid bond. GAO held that the protester: (1) merely reiterated arguments it raised in its original protest; and (2) failed to provide documentation of the reinsurance policy at bid opening. Accordingly, the original decision was affirmed.

135782

[Comments on Responsibility for Peacetime Administration of Ready Reserve Fleet]. B-229174.2. March 8, 1988.

Released May 13, 1988. 5 pp. *Letter* to Rep. Jack Brooks, Chairman, House Committee on Government Operations: Legislation and National Security Subcommittee; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General)

Contact: Office of the General Counsel.

Organization Concerned: Department of the Navy: Military Sealift Command; Maritime Administration.

Congressional Relevance: *House* Committee on Government Operations: Legislation and National Security Subcommittee; *Rep.* Jack Brooks.

Authority: Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744). Department of Defense Authorization Act, 1984. Department of Defense Authorization Act, 1985. Department of Defense Authorization Act, 1986. P.L. 100-102. H. Rept. 98-691. S. Rept. 98-174. S. Rept. 98-500. S. Rept. 99-41. H. Rept. 98-107. 46 U.S.C. 1242.

Abstract: GAO commented on whether the Department of the Navy's Military Sealift Command or the Maritime Administration (MARAD) was responsible for the peacetime administration of the Ready Reserve

135748

Airspace Use: Status of Proposals To Expand Special Use Airspace in

law enforcement agencies' interdiction efforts, since it was not authorized to search for or seize drugs or arrest drug traffickers; (3) in 1987, DOD spent about \$389 million for drug law enforcement assistance; and (4) legal and budget constraints reduced DOD ability to provide additional personnel and intelligence activities. GAO also found that: (1) some congressional members believe that DOD should assume more interdiction responsibilities, but DOD believes that increasing its assistance could adversely affect combat readiness; (2) although agencies would like more military assistance, they believe that DOD should remain limited to providing support; (3) law enforcement agencies preferred direct funding; and (4) proposed legislation would allow assigned military members to assist in search and seizure and arrests outside the United States.

135809

[FAA's Implementation of the Expanded East Coast Plan]. T-RCED-88-39. May 16, 1988. 11 pp. *Testimony* before the New Jersey: Noise Control Council; by Mary R. Hamilton, Regional Manager, Field Operations Division: Regional Office (New York).

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: New Jersey: Noise Control Council; Federal Aviation Administration; Port Authority of New York and New Jersey.

Abstract: GAO discussed the Federal Aviation Administration's (FAA) implementation of its Expanded East Coast Plan (EECP), which revised air traffic control routes and procedures to reduce delays in the three major airports in the New York metropolitan area. GAO found that: (1) although phase 1 of EECP, which created new air routes and revised others, significantly reduced flight delays, it increased aircraft noise over some northern and central New Jersey residents' homes; (2) because of other significant operating changes, EECP was not necessarily the sole reason for the reduction in delays at the airports; (3) the complaints focused on increased aircraft noises, increased numbers of flights, lower altitudes, and late night overflights; (4) an FAA study showed 144 flights passed within 2.5 nautical miles of one community at between 5,000 and 14,000 feet, at an average noise level which was substantially below federal guidelines; (5) the New Jersey Port Authority's noise survey contractor plans to use citizen complaint data, which could

prove inadequate; and (6) FAA exempted EECP from an environmental assessment, since the proposed changes would take place 3,000 feet or more above ground, and it did not anticipate the noise or controversy. GAO believes that FAA should: (1) prepare an environmental assessment; and (2) do similar assessments before making major air route changes in other areas.

135841

[Comments on DOT Authority To Requisition Vessels]. B-229258. April 14, 1988.

Released May 20, 1988. 7 pp. Letter to Sen. Ernest F. Hollings, Chairman, Senate Committee on Commerce, Science and Transportation; by James F. Hinchman, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Maritime Administration; National Maritime Union of America; Department of Transportation.

Congressional Relevance: *Senate* Committee on Commerce, Science and Transportation; *Sen. Ernest F. Hollings.*

Authority: Merchant Marine Act, 1936 (46 U.S.C. 1101 et seq.). 46 C.F.R. 308.5. 46 C.F.R. 221. 63 Comp. Gen. 285. P.L. 74-835. P.L. 76-328. H. Rept. 76-660. *Udall v. Tallman*, 380 U.S. 1 (1965). *St. Paul Fire & Marine Insurance Co., Inc. v. Vest Transportation Co., Inc.*, 666 F.2d 932 (5th Cir. 1982). *Town of Brookline v. Gorsuch*, 667 F.2d 215 (1st Cir. 1981). 46 U.S.C. 802. 49 Stat. 2015. 53 Stat. 1255.

Abstract: In response to a congressional request, GAO commented on the Department of Transportation's (DOT) authority under the Merchant Marine Act of 1936 to requisition a vessel during a national emergency when: (1) the corporation which owned the vessel did not meet a requirement for organization under U.S. law; and (2) an American corporation's foreign subsidiary owned or controlled the vessel. GAO found that: (1) DOT may requisition only vessels which are owned by U.S. citizens; (2) the act provided that only a corporation that was organized under the laws of the United States or its states, territories, districts, or possessions qualified as a citizen; and (3) if foreign subsidiaries of American parent corporations owned a vessel, that vessel would not come within the scope of the statute, unless it had a specific contractual arrangement to that effect.

135864

Bridge Condition Assessment: Inaccurate Data May Cause

Inequities in the Apportionment of Federal-Aid Funds. RCED-88-75; B-226936. May 20, 1988. 43 pp. plus 8 appendices (23 pp.). *Report to Sen. Quentin N. Burdick, Chairman, Senate Committee on Environment and Public Works; Rep. Glenn M. Anderson, Acting Chairman, House Committee on Public Works and Transportation; Sen. Jim Sasser; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-89-8, October 26, 1988, Accession Number 137149.*

Issue Area: Transportation: Implementation of Federal and State Government Roles for Addressing the Nation's Bridge Problems (6617).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Department of Transportation; Federal Highway Administration.

Congressional Relevance: *House* Committee on Appropriations: Transportation Subcommittee; *House* Committee on Public Works and Transportation; *Senate* Committee on Appropriations: Transportation Subcommittee; *Senate* Committee on Commerce, Science and Transportation; *Senate* Committee on Environment and Public Works; *Rep. Glenn M. Anderson; Sen. Jim Sasser; Sen. Quentin N. Burdick.*

Authority: Surface Transportation Assistance Act of 1978 (P.L. 95-599). Federal-Aid Highway Act of 1968 (P.L. 90-495). Federal-Aid Highway Act of 1970 (P.L. 91-605). Surface Transportation and Uniform Relocation Assistance Act of 1987.

Abstract: Pursuant to a congressional request, GAO reviewed the Federal Highway Administration's (FHWA) 1986 Highway Bridge Replacement and Rehabilitation Program (HBRRP) report to Congress, focusing on: (1) the accuracy of its National Bridge Inventory; and (2) FHWA procedures for ensuring equitable apportionment of federal funds to states. **Findings/Conclusions:** GAO found that the FHWA report did not accurately identify bridge funding needs and could not ensure equitable apportionment of funds, since FHWA: (1) did not exercise sufficient control or oversight over its field offices to ensure that they adequately examined states' bridge inventory data or states' data collection and reporting methods; (2) did not obtain adequate data from states to

differentiate among those bridges requiring total replacement, those requiring remedial improvements, and those that states did not intend to repair; (3) included bridges which were not deficient in its inventory; and (4) allowed states to use inconsistent methods and include inappropriate costs in their estimates of bridge repair costs.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FHWA, to establish a management oversight program, which would include guidance to the states, as well as an internal control process, to ensure the accuracy, completeness, and timeliness of states' bridge inventories. The Administrator, FHWA, should provide cost-to-improve estimates corresponding to the various categories of deficient bridges. The Administrator should also prescribe an appropriate method for states to use when estimating the cost to replace and rehabilitate their deficient bridges. To further ensure the quality of states' bridge data and the equity of the HBRRP apportionment process, the Secretary of Transportation should direct the Administrator, FHWA, to exclude those bridges that are not in need of replacement or rehabilitation from the apportionment data base. The Secretary of Transportation should direct the Administrator, FHWA, to require states to report the data that would enable FHWA to identify in its annual report varying levels of bridge deficiencies. At a minimum, states should identify deficiencies in three categories: (1) those bridges that need relatively inexpensive improvements such as traffic control devices; (2) those bridges that need total replacement or rehabilitation; and (3) those bridges that the states do not intend to replace or rehabilitate.

135871

[Request for Reconsideration of Dismissed Protest of FAA Solicitation for Audiovisual Services]. B-231201.2. May 20, 1988. 2 pp. *Decision* re: Data Monitor Systems, Inc.; by Robert M. Strong, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Data Monitor Systems, Inc.; Federal Aviation Administration.

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3551). 4 C.F.R. 21.1(d), 4 C.F.R. 21.2(c). B-227450.2 (1987). B-226034.2 (1987). B-227889.2 (1987). B-227855.2 (1987).

Abstract: A firm requested reconsideration of its dismissed protest under a Federal Aviation Administration (FAA) solicitation for audiovisual services. GAO had held that the protester failed to timely provide a copy of its protest to FAA. In its request for reconsideration, the protester contended that: (1) it mailed one copy and later delivered another copy of its protest to FAA; and (2) its protest warranted review as a significant issue. GAO held that: (1) FAA did not timely receive a copy of the protest; and (2) the significant-issue exception did not apply to the requirement to timely provide the agency with a copy of the protest. Accordingly, the dismissal was affirmed.

135878

Microwave Landing Systems: Additional Systems Should Not Be Procured Unless Benefits Proven. RCED-88-118; B-225281.2. May 16, 1988.

Released May 24, 1988. 57 pp. plus 6 appendices (13 pp.). *Report* to Rep. William Lehman, Chairman, House Committee on Appropriations: Transportation Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to PSAD-78-149, October 19, 1978, Accession Number 107621; RCED-85-24, April 3, 1985, Accession Number 126696; RCED-87-8, March 26, 1987, Accession Number 132534; NSIAD-87-128, April 2, 1987, Accession Number 132793; NSIAD-87-57, December 23, 1986, Accession Number 132138; NSIAD-85-68, June 19, 1985, Accession Number 127204; T-RCED-87-20, April 21, 1987, Accession Number 132742; T-RCED-87-23, May 8, 1987, Accession Number 132907; T-RCED-88-45, June 2, 1988, Accession Number 135972; and RCED-89-7, November 10, 1988, Accession Number 137406.

Issue Area: Transportation: Adequate Justification and Management of NAS Plan Procurements (6604).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Department of Transportation; Federal Aviation Administration.

Congressional Relevance: *House* Committee on Public Works and Transportation: Aviation Subcommittee; *House* Committee on Appropriations: Transportation Subcommittee; *Senate* Committee on Appropriations: Transportation Subcommittee; *Senate*

Committee on Commerce, Science and Transportation: Aviation Subcommittee; *Rep.* William Lehman.

Authority: OMB Circular A-109. FAA Order 1810.1D.

Abstract: Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) National Airspace System Plan, focusing on: (1) the justification and requirements for replacing its improved instrument landing systems (ILS) with microwave landing systems (MLS); (2) potential MLS operational and economic benefits; (3) the MLS siting strategy; and (4) industry and user association views of ILS and MLS.

Findings/Conclusions: GAO found that FAA: (1) first justified its need for MLS in 1969, citing concerns about ILS reliability and limitations and projected large increases in air traffic volume; (2) planned to replace ILS with MLS, although it did not reassess its needs by taking into consideration substantial ILS improvements and lower-than-projected traffic volumes; (3) experienced significant delays and increased program costs for MLS production and testing; (4) has not adequately assessed potential MLS benefits or identified its limitations; (5) requested \$20 million to initiate a second MLS procurement and to develop the avionics to demonstrate MLS benefits; (6) is developing plans to test MLS at two airports; and (7) developed its list of MLS implementation sites without considering test results, cost benefits, and user support. GAO also found that: (1) both national and international air carriers were generally satisfied with ILS capabilities; (2) regional and commuter airlines generally supported MLS; and (3) commercial and general aviation pilots' views toward MLS differed.

Recommendation To Agencies: The Secretary of Transportation should require the Administrator, FAA, to reassess the requirements to replace ILS with MLS, recognizing improvements to ILS and current and expected air traffic growth. The reassessment should consider: (1) improved ILS reliability; (2) increases in the number of available ILS channels; (3) reduced ILS siting problems; and (4) the ability of aircraft to land using ILS in lower ceiling and visibility minimums than previously possible. The Secretary of Transportation should direct the Administrator, FAA, to demonstrate MLS benefits by testing the system in the challenging airport environments in which it is to be used. This should be done before proceeding with further MLS procurements. The operational

tests should involve: (1) wide-bodied aircraft; (2) landing at major hub airports having difficult and complex operating requirements; (3) both good and poor weather conditions; (4) both curved and segmented approaches; and (5) operating under the control of FAA traffic controllers and interfacing with the air traffic control environment. The Secretary of Transportation should direct the Administrator, FAA, not to proceed with the planned second MLS procurement unless the assessment of ILS improvements and air traffic growth, as well as the operational testing of MLS, have been completed. In the interim, FAA must accept delivery of 178 MLS and should use them: (1) in operational tests; (2) on some international runways, if internationally scheduled airlines are willing to acquire the necessary on-board avionics; (3) at locations that qualify for a precision landing system, but where FAA can clearly show that ILS can not be sited because of terrain or obstacles in the approach or missed approach path; and (4) at heliports. The Secretary of Transportation should require the Administrator, FAA, to take the action necessary to maintain ILS as the primary landing system nationally and internationally until the assessment, analysis, and demonstrations have been completed.

135923

[**FAA Application of Pay Cap to Retired Employee's Salary and Annuity Payments**]. B-230877. May 24, 1988. 4 pp. *Decision re: Herman J. Halper*; by Milton J. Socolar, Acting Comptroller General.

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration.

Authority: 65 Comp. Gen. 78. 58 Comp. Gen. 90. Executive Order 12496. P.L. 97-276. P.L. 99-88. F.P.M. Supp. 831-1, S15-7c. 5 U.S.C. 8344. 5 U.S.C. 5332. 5 U.S.C. 5546 et seq. 96 Stat. 1200. 99 Stat. 351.

Abstract: A retired air traffic controller claimed additional compensation for the period of time that the Federal Aviation Administration (FAA) reemployed him part-time during an air traffic controllers' strike. GAO held that FAA incorrectly computed a statutory pay cap on an hourly basis rather than based on the aggregate pay rate for a pay period and effectively reduced the employee's pay by \$4 per hour. Accordingly, the claim was allowed.

135941

Military Cargo Routing: Allocation of Port Handling Costs. NSIAD-88-148; B-220902. April 27, 1988.

Released June 1, 1988. 4 pp. *Report to Rep. Marcy Kaptur*; by Mark E. Gebicke, Associate Director, National Security and International Affairs Division.

Issue Area: Army: Other Issue Area Work (5591).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of the Army: Military Traffic Management Command; Fednav, Inc.; Department of the Navy: Military Sealift Command.

Congressional Relevance: *Rep. Marcy Kaptur.*

Authority: F.A.R. 47.000(a)(2). F.A.R. 47.200(b)(2). DOD F.A.R. Supp. 201.103(b). B-220902 (1986).

Abstract: In response to a congressional request, GAO investigated an ocean carrier's allegations that the Military Traffic Management Command (MTMC) improperly allocated port handling costs to determine the: (1) appropriateness of the cost allocations; and (2) administrative roles of MTMC and the Military Sealift Command (MSC) in shipping agreements.

Findings/Conclusions: GAO found that: (1) MTMC properly considered only incremental port handling costs and not the full cost of using a government-owned military terminal in determining the lowest-cost routing for moving cargo, since there was no legal requirement to the contrary; and (2) since 1981, MTMC has been responsible for administering sealift cargo booking and contract administration, while MSC continues as sealift operator and procuring agent.

135960

Drug Interdiction: Operation Autumn Harvest: A National Guard-Customs Antismuggling Effort. GGD-88-86; B-230748. June 2, 1988.

27 pp. *Report to Sen. Joseph R. Biden, Chairman, Senate International Narcotics Control Caucus*; Sen. Alfonse M. D'Amato, Cochairman, Senate International Narcotics Control Caucus; Sen. Dennis DeConcini, Senate International Narcotics Control Caucus; Sen. Alan J. Dixon, Senate International Narcotics Control Caucus; Sen. Bob Graham, Senate International Narcotics Control Caucus; Sen. Frank H. Murkowski,

Senate International Narcotics Control Caucus; Sen. Pete Wilson, Senate International Narcotics Control Caucus; Rep. Charles B. Rangel, Chairman, House Select Committee on Narcotics Abuse and Control; Sen. John C. Stennis, Chairman, Senate Committee on Appropriations; Sen. Sam Nunn, Chairman, Senate Committee on Armed Services; Sen. Joseph R. Biden, Chairman, Senate Committee on the Judiciary; Sen. Claiborne Pell, Chairman, Senate Committee on Foreign Relations; Rep. Jamie L. Whitten, Chairman, House Committee on Appropriations; Rep. Les Aspin, Chairman, House Committee on Armed Services; Rep. Dante B. Fascell, Chairman, House Committee on Foreign Affairs; Rep. Peter W. Rodino, Jr., Chairman, House Committee on the Judiciary; by Richard L. Fogel, Assistant Comptroller General, General Government Division.

Issue Area: Administration of Justice: Obstacles Congress and Agencies Should Address in Coordinating Law Enforcement Resources (4701).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Law Enforcement Activities (751.0); National Defense: Defense-Related Activities (054.0).

Organization Concerned: Department of the Army: National Guard Bureau; United States Customs Service.

Congressional Relevance: *House Select Committee on Narcotics Abuse and Control*; *House Committee on the Judiciary*; *House Committee on Foreign Affairs*; *House Committee on Armed Services*; *House Committee on Appropriations*; *Senate International Narcotics Control Caucus*; *Senate Committee on Foreign Relations*; *Senate Committee on the Judiciary*; *Senate Committee on Armed Services*; *Senate Committee on Appropriations*; *Rep. Charles B. Rangel*; *Rep. Peter W. Rodino, Jr.*; *Rep. Dante B. Fascell*; *Rep. Les Aspin*; *Rep. Jamie L. Whitten*; *Sen. Pete Wilson*; *Sen. Frank H. Murkowski*; *Sen. Bob Graham*; *Sen. Alan J. Dixon*; *Sen. Dennis DeConcini*; *Sen. Alfonse M. D'Amato*; *Sen. Claiborne Pell*; *Sen. Joseph R. Biden*; *Sen. Sam Nunn*; *Sen. John C. Stennis*.

Authority: Posse Comitatus Act (Use of Army) (18 U.S.C. 1385). P.L. 100-180. 10 U.S.C. 371 et seq.

Abstract: Pursuant to a legislative requirement, GAO assessed the National Guard Bureau's and the Customs Service's joint drug interdiction

operation along the Arizona-Mexico border.

Findings/Conclusions: GAO found that: (1) Operation Autumn Harvest did not meet its primary objective of interdicting drug smugglers; (2) of the six suspected drug smugglers Customs intercepted, none carried drugs; and (3) although the operation failed to turn up drug smugglers, officials believed that it provided valuable wartime readiness training for the National Guard, and may have temporarily deterred drug smuggling across the Arizona-Mexico border. GAO noted that premature newspaper publicity, poor agency coordination, inadequate radar capability, and the absence of full-time interceptor aircraft limited the operation's potential for interdicting drug smugglers.

135972

[Issues Related to an Independent FAA]. T-RCED-88-45. June 2, 1988. 18 pp. plus 1 attachment (1 p.). *Testimony* before the House Committee on Public Works and Transportation: Aviation Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-124BR, May 21, 1986, Accession Number 129923; IMTEC-86-29, July 31, 1986, Accession Number 131251; RCED-87-62, May 19, 1987, Accession Number 133088; RCED-87-137, September 25, 1987, Accession Number 134122; RCED-88-118, May 16, 1988, Accession Number 135878; and T-RCED-88-35, April 12, 1988, Accession Number 135536.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: House Committee on Public Works and Transportation: Aviation Subcommittee.

Authority: Automatic Data Processing Equipment Act. OMB Circular A-109.

Abstract: GAO discussed issues concerning the Federal Aviation Administration's (FAA) effectiveness in ensuring aviation safety in light of recent proposals to make FAA an independent agency. GAO found that: (1) FAA modernization of air traffic control equipment under the National Airspace System (NAS) Plan was one of the largest civilian procurements ever undertaken; (2) NAS costs have risen from the 1981 estimate of \$12 billion to an estimated \$24 billion by the year

2000; (3) NAS delays have resulted from unrealistic schedules and technology development problems; (4) although FAA must manage over 44,000 personnel to achieve its mission, its staffing standards are inadequate to address its work-force shortages; (5) FAA dependence on the Office of Personnel Management to conduct prospective employee exams and investigations caused hiring delays; (6) Department of Transportation (DOT) oversight of FAA was instrumental in improving security and inspection programs; and (7) although the Aviation Trust Fund had a projected surplus of about \$5 billion, legislation restricted the fund's availability to cover work-force salaries and projected needs. GAO believes that Congress may wish to consider: (1) changing the fund's tax and fee structure to provide for its use in financing FAA costs while retaining congressional authorization and appropriation oversight; and (2) whether an independent FAA would best serve the long-term interests of transportation policy and aviation.

136020

[Protest of Proposed FAA Contract Award for Telephone Operator Services]. B-230170. June 7, 1988. 4 pp. *Decision* re: J.A. Reyes Associates, Inc.; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: J.A. Reyes Associates, Inc.; Federal Aviation Administration: FAA Technical Center; Morman Development Corp.

Authority: 4 C.F.R. 21.2(a)(1). 4 C.F.R. 21.0(a). B-214081.2 (1984).

Abstract: A firm protested a Federal Aviation Administration (FAA) contract award for telephone operator services, contending that offerers did not compete on an equal basis, since the solicitation staffing requirements were ambiguous. GAO held that: (1) contrary to FAA contentions, the protest was timely, since the protester was not aware of the basis for protest until after bid opening; (2) FAA improperly allowed the awardee to bid fewer staff hours than the solicitation required; and (3) FAA should resolicit and allow competition on an equal basis. Accordingly, the protest was sustained.

136039

Aircraft Preservation: Preserving DOD Aircraft Significant to Aviation History. NSIAD-88-170BR; B-229006. May 31, 1988.

Released June 13, 1988. 4 pp. plus 4 appendices (18 pp.). *Briefing Report* to Rep. Tony P. Hall; Rep. Norman D. Dicks; by Harry R. Finley, Senior Associate Director, National Security and International Affairs Division.

Issue Area: Natural Resources Management: Effectiveness and Efficiency of Federal Land Management Agencies in Protecting and Preserving Historical and Cultural Resources of National Significance (6916); Air Force: Other Issue Area Work (5491).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Defense-Related Activities (054.0).

Organization Concerned: Department of Defense.

Congressional Relevance: Rep. Tony P. Hall; Rep. Norman D. Dicks.

Authority: Historic Preservation Act.

Abstract: In response to a congressional request, GAO reviewed the National Historic Preservation Act to determine whether: (1) the act was adequate to ensure that the Department of Defense (DOD) took appropriate steps to preserve historically significant aircraft; and (2) DOD took adequate steps to preserve and ensure public access to its historically significant aircraft.

Findings/Conclusions: GAO found that: (1) the act applied to DOD aircraft; (2) the act required federal agencies to nominate to the Secretary of the Interior, all properties that qualified for listing on the National Register of Historic Places; (3) National Park Service guidelines allowed DOD to nominate aircraft with historic significance for listing on the National Register; (4) DOD believed that an F-4D aircraft at the Air Force Academy did not have sufficient significance in aviation history to exempt it from an age requirement; (5) in 1986, the National Park Service included in its guidelines aircraft structures as eligible for nomination for the National Register, and eliminated the historic setting requirement; and (6) although the military services did not nominate any aircraft to the National Register, they preserved significant aircraft in their museum collections.

136067

Navy Maintenance: Ship Maintenance Strategies Need Better Assessments. NSIAD-88-187; B-230550. June 14, 1988. 3 pp. plus 1 appendix (7 pp.). *Report* to Everett Pyatt, Assistant Secretary, Shipbuilding and Logistics, Department of the Navy; by John

Landicho, Senior Associate Director, National Security and International Affairs Division.

Issue Area: Navy: Efficiency and Cost-Effectiveness of Navy Maintenance and Modernization Efforts (5607).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of the Navy.

Congressional Relevance: *House* Committee on Appropriations: Defense Subcommittee; *House* Committee on Armed Services; *Senate* Committee on Appropriations: Defense Subcommittee; *Senate* Committee on Armed Services.

Abstract: GAO reviewed the Navy's revised ship maintenance strategies. **Findings/Conclusions:** GAO found that the Navy: (1) scheduled fewer ship overhauls and performed shorter and more frequent depot-level repairs; (2) incurred \$5.6 million in ship maintenance and modernization costs in fiscal year 1987; (3) lacked essential management features in its ship management program, such as evaluation criteria, a management information system, or documentation procedures for determining the strategies' effectiveness; and (4) responded primarily to unfunded maintenance requirements and budget cuts in initiating changes and did not support them with a detailed engineering analysis to determine the optimal frequency and level of repair. GAO believes that the Navy cannot reasonably predict the strategies' impact on its ships' material readiness, operational availability, and maintenance costs.

Recommendation To Agencies: So that data are available for an effective feedback loop, the Secretary of the Navy should perform detailed engineering analyses of optimum frequency and type of maintenance for all ships. So that data are available for an effective feedback loop, the Secretary of the Navy should establish criteria for evaluating the effects of changes in maintenance strategies and operating cycles. So that data are available for an effective feedback loop, the Secretary of the Navy should use the information to compare the costs and benefits of different maintenance strategies and provide managers with necessary data to make decisions on sustaining or modifying strategies in light of maintenance costs and operational availability of ships. So that data are available for an effective

feedback loop, the Secretary of the Navy should collect the data needed for evaluating different maintenance strategies in the management information systems.

136135

[Comparison of Amtrak Employee Injury Settlement Costs Under the Federal Employers' Liability Act and State Workers' Compensation Programs]. T-RCED-88-49. June 22, 1988. 10 pp. plus 2 attachments (2 pp.). *Testimony* before the Senate Committee on Commerce, Science and Transportation: Surface Transportation Subcommittee; by Neal P. Curtin, Deputy Director, Resources, Community, and Economic Development Division. Refer to RCED-86-202, August 11, 1986, Accession Number 130994.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: National Railroad Passenger Corporation (Amtrak).

Congressional Relevance: *Senate* Committee on Commerce, Science and Transportation: Surface Transportation Subcommittee.

Authority: Employers' Liability Act (Railroads).

Abstract: GAO discussed the: (1) National Railroad Passenger Corporation's (Amtrak) costs for claims settled under the Federal Employer's Liability Act (FELA) in comparison with potential costs under state workers' compensation programs; and (2) amount of money Amtrak claimants spent on attorney fees. GAO compared FELA costs with Connecticut, which has the highest workers' compensation benefits, and Indiana, which has the lowest benefits. GAO found that: (1) FELA was a negligence statute that determined the amount of damages for each individual case through negotiation or litigation; (2) state compensation systems established fixed schedules of benefits based on the specific injury and duration of disability; (3) although both FELA and state compensation programs paid for employees' medical and rehabilitation costs and lost wages, FELA covered losses due to pain and suffering related to the injury; (4) FELA settlements were one-time, lump-sum payments with an elapsed time between injury and settlement of 66 weeks, while most state settlements were typically a series of payments stretching over several years and began the year of the injury; (5) Amtrak paid a total of \$24 million under FELA for cases closed in 1984, but would have paid \$21 million in Connecticut and

\$7 million in Indiana under their rules; (6) under FELA, both liability and compensation amounts were subject to negotiation, while the state programs based payments on the classification of the disability as temporary, permanent partial, permanent total, or fatality; (7) attorneys who represented FELA claimants received between 25 and 33.3 percent of the final settlement as their fee; and (8) 41 percent of FELA claimants had an attorney represent them, while 4 percent of Connecticut's and 6 percent of Indiana's claimants had attorneys.

136146

[Protest of FAA Solicitation for Equipment Shelters]. B-230645. June 21, 1988. 4 pp. *Decision re:* JoaQuin Manufacturing Corp.; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: JoaQuin Manufacturing Corp.; Federal Aviation Administration.

Authority: B-228081.2 (1987). B-226103 (1987). B-227642.3 (1987). B-228131 (1987). 41 U.S.C. 253(a)(1)(A).

Abstract: A firm protested the terms of a Federal Aviation Administration (FAA) solicitation for equipment shelters, contending that the construction design specification was unduly restrictive, since only the product manufacturer met the requirement. GAO held that FAA reasonably determined that the design requirement was necessary to meet its minimum needs. Accordingly, the protest was denied.

136147

National Defense Stockpile: Relocation of Stockpile Materials. NSIAD-88-142; B-223657. June 15, 1988.

Released June 23, 1988. 2 pp. plus 1 appendix (4 pp.). *Report to Rep. Charles E. Bennett, Chairman, House Committee on Armed Services: Seapower and Strategic and Critical Materials Subcommittee;* by Martin M. Ferber, Senior Associate Director, National Security and International Affairs Division.

Issue Area: Logistics: Other Issue Area Work (5991).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Defense-Related Activities (054.0).

Organization Concerned: General Services Administration; Federal

Property Resources Service: Stockpile Depot, New Bedford, MA; Federal Property Resources Service: Stockpile Depot, Davisville, RI.

Congressional Relevance: *House Committee on Armed Services: Seapower and Strategic and Critical Materials Subcommittee; Rep. Charles E. Bennett.*

Abstract: Pursuant to a congressional request, GAO analyzed the General Services Administration's (GSA) claim that the government obtained a \$2.2-million benefit from its sale of a stockpile depot.

Findings/Conclusions: GAO found that the depot sale actually resulted in a net cost to the government of \$500,000, since the GSA analysis: (1) only considered the depot sales revenue of \$2.8 million, less \$600,000 for stockpile material relocation costs; but (2) failed to consider \$800,000 in revenue from the necessary sale of a satellite facility and its stockpile material relocation costs of \$3.5 million. GAO also found that stockpile managers expressed concern that the depot sale could cause an undesirable concentration of national security assets and the loss of needed expansion space.

136163

Domestic Terrorism: Prevention Efforts in Selected Federal Courts and Mass Transit Systems. PEMD-88-22; B-229893. June 23, 1988. 86 pp. plus 6 appendices (24 pp.). *Report to Rep. Don Edwards, Chairman, House Committee on the Judiciary: Civil and Constitutional Rights Subcommittee; by Eleanor Chelimsky, Director, Program Evaluation and Methodology Division.*

Issue Area: Terrorism (0080); Program Evaluation and Methodology: Intended and Unintended Effects of Government Actions in Physical System Areas (7203); Administration of Justice: Other Issue Area Work (4791); Civil Procurement and Property Management: Other Issue Area Work (4991); Transportation: Other Issue Area Work (6691).

Contact: Program Evaluation and Methodology Division.

Budget Function: Administration of Justice (750.0); Transportation: Ground Transportation (401.0); Administration of Justice: Federal Litigative and Judicial Activities (752.0); General Government: General Property and Records Management (804.0).

Organization Concerned: Department of Justice: United States Marshals Service; Urban Mass Transportation Administration.

Congressional Relevance: *House Committee on the Judiciary: Civil and Constitutional Rights Subcommittee; Congress; Rep. Don Edwards.*

Authority: Urban Mass Transportation Act of 1964. Judiciary Act (1 Stat. 73). S. 2236 (95th Cong.). S. Rept. 95-908.

Abstract: In response to a congressional request, GAO provided information on current efforts to protect against domestic terrorism in federal court buildings and mass transit systems.

Findings/Conclusions: GAO found that: (1) the U.S. Marshals Service protects federal court facilities and personnel against terrorist actions; (2) the seven court districts it reviewed implemented and enhanced most of the Service's standard security measures against terrorism; (3) although the courts established emergency response procedures, they emphasized prevention; and (4) the courts generally selected risk-reduction strategies that would not negatively affect the court's openness or the general public's civil liberties. GAO also found that: (1) the Urban Mass Transportation Administration failed to address civil liberty issues in its technical assistance project on terrorism prevention and response strategies; (2) local transit officials regarded their systems as only secondary targets for terrorist attack and considered accident and common crime prevention more important than terrorism prevention; and (3) transit officials had generally not tested the performance effectiveness or intrusiveness of their security systems. In addition, GAO found that: (1) no one specific agency was responsible for providing federal agencies with technical information and expertise regarding the planning, coordination, and evaluation of domestic antiterrorism strategies; and (2) there was a lack of uniform, systematic, and comprehensive planning efforts to evaluate the effectiveness of current antiterrorism measures. **Recommendation To Congress:** Congressional committees that are concerned about the threat of domestic terrorism and the preservation of civil liberties may wish to request that agencies provide information on the strategies they have developed to prevent and respond to terrorist acts. Of special interest would be the extent to which agencies have evaluated the effectiveness and intrusiveness of existing preventive measures. Consideration should be given to how protective strategies can be effective and flexible in addressing different terrorist threats, while adhering to a consistent standard of minimal intrusiveness on the civil liberties of the public and employees. Congressional committees

might also want to ensure that the antiterrorism programs are compatible with the mission and operations of their institutions or facilities, are integrated with related functions such as safety and emergency preparedness, and are coordinated with appropriate law enforcement agencies.

136180

[Maritime Administration Employees' Claims for Retroactive Differential Pay]. B-230411. June 23, 1988. 3 pp. *Decision re: American Federation of Government Employees: Local 2413; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).*

Contact: Office of the General Counsel.

Organization Concerned: American Federation of Government Employees: Local 2413; Maritime Administration: Central Region: Beaumont Reserve Fleet, Beaumont, TX.

Authority: 4 C.F.R. 31. 4 C.F.R. 22.7. 29 C.F.R. 1910.1001(b). 61 Comp. Gen. 20. 58 Comp. Gen. 331. F.P.M. Supp. 532-1, App. J. 5 U.S.C. 7122(b). 31 U.S.C. 3702(b)(1).

Abstract: A labor union requested a decision on behalf of 53 Maritime Administration (MARAD) employees who claimed retroactive environmental differential pay for a period prior to an arbitration award. The employees contended that the same conditions which warranted differential pay existed prior to the arbitration award. GAO considered the claims, since the: (1) arbitrator did not take jurisdiction over the claims; (2) employees did not file a grievance; and (3) employees based their right to differential pay on statutes and regulations which existed independently from the collective bargaining agreement. GAO held that the employees failed to show that the MARAD denial of their claim was wrong or arbitrary and capricious, since MARAD had followed applicable health and safety standards during the period in question. Accordingly, the claims were denied.

136196

[Comments on Protest of FAA Solicitation for Audiovisual Services]. B-231201.4. June 27, 1988. 2 pp. *Letter to Sen. David L. Boren; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.*

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration; Data Monitor Systems, Inc.

Congressional Relevance: Sen. David L. Boren.

Authority: 4 C.F.R. 21.1(d).

136235

FAA Staffing: Improvements Needed in Estimating Air Traffic Controller Requirements. RCED-88-106; B-222217. June 21, 1988.

Released July 6, 1988. 54 pp. plus 6 appendices (11 pp.). *Report* to Rep. James L. Oberstar, Chairman, House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; Rep. William F. Clinger, Jr., Ranking Minority Member, House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-88-14, October 23, 1987, Accession Number 134216; and RCED-86-121, March 6, 1986, Accession Number 129306.

Issue Area: Transportation: FAA Management of the Controller Work Force (6607).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Department of Transportation; Federal Aviation Administration.

Congressional Relevance: House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; Rep. William F. Clinger, Jr.; Rep. James L. Oberstar. **Authority:** Federal Managers' Financial Integrity Act of 1982. Executive Order 12552. FAA Order 1380.34A. FAA Order 1380.33B. FAA Order 1100.123C. FAA Order 1100.126E.

Abstract: 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/Conclusions: 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.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FAA, to revise the terminal and center staffing standards to better reflect actual field operations. The Secretary of Transportation should direct the Administrator, FAA, to require field facilities to establish tracking systems to verify how frequently supervisors and other staff are working as controllers. The Secretary of Transportation should direct the Administrator, FAA, to refine the controller pipeline formula to reflect both historical attrition and anticipated losses. For example, the pipeline allowance could: (1) cover a percentage of either the budget year's or a future year's retirement-eligible controllers; and (2) include additional positions for lower-level terminals, which serve as training grounds for controllers who progress to higher-level terminals. The Secretary of Transportation should direct the Administrator, FAA, to base its overhead staffing requirements on operational needs and facility work load. To improve the process it uses to determine air traffic controller staffing requirements, the Secretary of Transportation should direct the Administrator, FAA, to establish a formal validation process to ensure that the standards are accurate and current. To improve the process it uses to determine air traffic controller staffing requirements, the Secretary of Transportation should direct the Administrator, FAA, to establish a formal feedback process for communicating with facility managers to ensure adequate consideration of staff needs for each facility. 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. To improve the process it uses to determine air traffic controller staffing requirements, the Secretary of Transportation should direct the Administrator, FAA, to train facility managers on the staffing standards and process and in ways to use the standards to maximize resource utilization.

136247

[Protest of FAA Contract Award for Automated Weather Observing Systems]. B-231575. July 5, 1988. 2 pp. *Decision* re: Norden Service Co., Inc.; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration; Qualimetrics, Inc.; General Services Administration: Board of Contract Appeals; Norden Service Co., Inc.; Artais, Inc.

Authority: Competition in Contracting Act of 1984 (40 U.S.C. 759(f)). 4 C.F.R. 21.3(m)(6). B-221379 (1986).

Abstract: A firm protested any contract award to another firm under a Federal Aviation Administration (FAA) solicitation for automated weather observing systems, contending that the two low bidders: (1) submitted nonresponsive bids; and (2) did not qualify as responsible bidders for the procurement. GAO would not review the protest, since the General Services Administration Board of Contract Appeals was considering a protest concerning the instant procurement. Accordingly, the protest was dismissed.

136263

Aviation Safety: Airlines Should Check Pilot Applicants' Safety History. RCED-88-154; B-228633. June 7, 1988.

Released July 8, 1988. 10 pp. plus 6 appendices (13 pp.). *Report* to Sen. Robert C. Byrd; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-88-218, September 25, 1988, Accession Number 136980.

Issue Area: Transportation: Effectiveness of FAA in Ensuring Aircraft Safety and Whether This Responsibility Conflicts With Its Role in Promoting Aviation Commerce (6613).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation; National Transportation Safety Board.

Congressional Relevance: *House* Committee on Appropriations; Transportation Subcommittee; *House* Committee on Public Works and Transportation; *Senate* Committee on Appropriations; Transportation Subcommittee; *Senate* Committee on Commerce, Science and Transportation; *Sen.* Robert C. Byrd.

Authority: Federal Aviation Reg. Part 135. Federal Aviation Reg. Part 121.

Abstract: Pursuant to a congressional request, GAO: (1) identified Federal Aviation Administration (FAA) regulations regarding commercial airline pilot hiring practices; (2) assessed the type and availability of FAA pilot safety background information; and (3) determined whether airlines verified pilot safety background information.

Findings/Conclusions: GAO found that: (1) FAA required airline pilots to have a valid FAA certificate; (2) FAA required airlines to perform a security background check, which included employment verification for the last 5 years, but not a check of pilot accident, incident, or violation histories; (3) airlines were largely responsible for developing their own hiring criteria; (4) many airlines required pilot applicants to undergo physical examinations and psychological, drug, and proficiency tests; (5) FAA maintained data bases containing records of all pilots' safety histories and certificates, which airlines could inspect; and (6) almost all airlines surveyed knew that the FAA data bases existed. GAO also found that: (1) all the airlines surveyed obtained a copy of pilot certificates, but 62 percent did not verify certificate validity with FAA; and (2) 92 percent of the airlines surveyed obtained safety background information from pilot applicants, but 23 percent of these airlines did not verify reported safety transgressions with FAA, and 56 percent did not verify applicants' reported lack of transgressions.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FAA, to inform all airlines about how to access the Airman and Aircraft Registry; the Accident/Incident Data System; and the Enforcement Information System. The Secretary of Transportation should direct the Administrator, FAA, to encourage airlines to verify each pilot applicant's certificate validity with the Airman and Aircraft Registry and verify the pilot's flying safety history with

FAA's Accident/Incident Data System and the Enforcement Information System and use this information in making pilot-hiring decisions.

136268

[Protest of Coast Guard Contract Award for Core Panels]. B-231775. July 7, 1988. 2 pp. *Decision* re: Skyline Products; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: United States Coast Guard; Skyline Products; Allied Insulation Supply Co.

Authority: Walsh-Healey Act (Government Contracts) (41 U.S.C. 35 et seq.). 4 C.F.R. 21.3(m). B-229524 (1987). B-216002 (1985). B-228388 (1987).

Abstract: A firm protested a Coast Guard contract award for core panel manufacture, contending that the awardee: (1) lacked manufacturing capability; (2) intended to supply a product manufactured by a large business, although the solicitation was a small business set-aside; and (3) was not eligible for award, since it did not qualify as a manufacturer or dealer under the Walsh-Healey Act. GAO would not consider the protest, since the: (1) protester failed to show that the Coast Guard made its affirmative determination of the awardee's responsibility fraudulently or in bad faith; and (2) awardee's qualifications concerned the Coast Guard, the Small Business Administration, and the Department of Labor. Accordingly, the protest was dismissed.

136299

Leasing Office Space: FAA's Denver Solicitation May Have Unduly Restricted Competition. GGD-88-72BR; B-230536. June 28, 1988. 2 pp. plus 1 appendix (10 pp.). *Briefing Report* to Rep. David (Mac) Sweeney; by L. Nye Stevens, Associate Director, General Government Division.

Issue Area: Civil Procurement and Property Management: Changes Needed To Improve the Operation and Maintenance of GSA-Controlled Office Space (4901).

Contact: General Government Division.

Budget Function: General Government: General Property and Records Management (804.0).

Organization Concerned: Federal Aviation Administration.

Congressional Relevance: *House* Committee on Appropriations; Transportation Subcommittee; *House* Committee on Government Operations; *Senate* Committee on Appropriations; Transportation Subcommittee; *Senate* Committee on Governmental Affairs; *Rep.* David (Mac) Sweeney.

Authority: Fed. Property Management Reg. 101-18.104-1[1][2]. FAA Order 4420. B-217042 (1985).

Abstract: In response to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) proposed acquisition of office space at Stapleton International Airport in Denver, Colorado, to determine whether FAA adhered to federal procurement regulations.

Findings/Conclusions: GAO found that the FAA solicitation may have unduly restricted competition, since FAA failed to sufficiently justify its need for space on the airport grounds.

Recommendation To Agencies: FAA should review its space needs at Stapleton to determine whether its actual requirements are for space near the airport. FAA should consider a resolicitation that provides offerers with space located on or near Stapleton Airport an opportunity to compete, and an indication through evaluation criteria of the weight to be accorded proximity to the airport.

136326

[Protest of Proposed MARAD Contract Award for Research Studies]. B-230647. July 12, 1988. 5 pp. *Decision* re: Ship Analytics, Inc.; Maritime Training and Research Center; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Ship Analytics, Inc.; Maritime Training and Research Center; Maritime Administration; Marine Safety International; General Services Administration.

Authority: Automatic Data Processing Equipment Act (40 U.S.C. 759). Competition in Contracting Act of 1984 (41 U.S.C. 253(c)(3)). 46 C.F.R. 315. 55 Comp. Gen. 60. 64 Comp. Gen. 260. 65 Comp. Gen. 57. F.A.R. 6.302-3. F.I.R.M.R. 201-23.104-6. B-224375 (1986). B-211724 (1985). B-223990.2 (1987). B-228373 (1988).

Abstract: Two firms protested a proposed Maritime Administration (MARAD) contract award for research studies, contending that MARAD improperly awarded the contract on the basis of other than full and open competition,

since it: (1) failed to obtain the necessary delegation of procurement authority for automatic data processing (ADP) equipment from the General Services Administration (GSA); and (2) lacked authority to invoke a national emergency exception as justification for acquiring goods and services through other than competitive means. GAO held that: (1) GSA advised MARAD that, since the procurement was for ADP support services, it did not require a delegation of authority; and (2) MARAD had authority to use other than competitive procedures for national emergency purposes. Accordingly, the protest was denied.

136327

[Protest of FAA Contract Award for Ribbon Cartridges]. B-231173. July 12, 1988. 2 pp. *Decision* re: Wespercorp, Federal Systems Group, Inc.; by Seymour Efron, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Wespercorp, Federal Systems Group, Inc.; Genicom Corp.; Federal Aviation Administration.
Authority: B-186854 (1977).

Abstract: A firm protested a Federal Aviation Administration (FAA) contract award for ribbon cartridges, contending that the awardee should have submitted bid samples, since its product did not conform to the solicited brand-name product. GAO held that: (1) the awardee's product was identical to the solicited product; and (2) FAA had successfully tested the awardee's product. Accordingly, the protest was denied.

136345

[Protest of FAA Solicitation for Radio Tower Construction]. B-230855.2. July 14, 1988. 3 pp. *Decision* re: Transmission Structures Limited; by Seymour Efron, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Transmission Structures Limited; Federal Aviation Administration.
Authority: F.A.R. 52.216-19. B-229772 (1988). B-227962 (1987).

Abstract: A firm protested a Federal Aviation Administration (FAA) solicitation for radio tower construction, contending that a specification prohibiting use of welded steel pipe unduly restricted competition, since it exceeded the agency's minimum needs. GAO held that: (1) FAA occupational

safety and welding quality concerns established the need for the restrictive specification; and (2) the protester failed to provide any evidence to refute FAA concerns. Accordingly, the protest was denied.

136403

Strategic Air Command: KC-135A Crash and the Need for SAC Air Show Regulations. NSIAD-88-172; B-230437. July 19, 1988.

Released July 26, 1988. 38 pp. plus 2 appendices (23 pp.). *Report* to Rep. Edward F. Feighan; by Frank C. Conahan, Assistant Comptroller General, National Security and International Affairs Division.

Issue Area: Air Force (5400).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of the Air Force: Strategic Air Command; Department of the Air Force; Department of the Air Force: Strategic Air Command: 92nd Bombardment Wing, Fairchild AFB, WA.

Congressional Relevance: *House* Committee on Appropriations: Defense Subcommittee; *House* Committee on Armed Services; *Senate* Committee on Appropriations: Defense Subcommittee; *Senate* Committee on Armed Services; *Rep.* Edward F. Feighan.

Abstract: In response to a congressional request, GAO reviewed the crash of a Strategic Air Command (SAC) KC-135A aircraft while it was practicing for an air show to determine: (1) the rationale for the SAC Air Show Program; (2) how well SAC developed and managed the program; and (3) the thoroughness of the Air Force's investigation of the crash.

Findings/Conclusions: GAO found that: (1) SAC officials believed that the flight crew erred in placing the aircraft in a position from which it could not recover when it encountered turbulence; (2) although SAC did not issue written orders to include the KC-135A aircraft in the program, it verbally approved its inclusion in a later SAC demonstration; (3) SAC oversight of the 92nd Bombardment Wing's (BMW) development of the flight profile was less thorough than for other aircraft; (4) the 92nd BMW established its own flight parameters for the KC-135A, rather than using SAC guidelines; (5) the 92nd BMW did not have a simulation of the integrated B-52H/KC135A profile before the flight; and (6) neither SAC nor the

92nd BMW appear to have followed command and control requirements in developing the integrated profile. GAO also found that: (1) SAC had no air show regulations; (2) although SAC believes that its guidance was adequate, it admits that it did not document the planning, direction, and oversight of the B-52H/KC-135A profile development as thoroughly as it did for the other show aircraft; and (3) the Air Force's accident report was thorough and complete and reflected an objective and accurate investigation.

Recommendation To Agencies: If a decision is made to continue the program, the Secretary of the Air Force should direct the Commander-in-Chief, SAC, to: (1) establish official regulations for the air show program; (2) ensure that all participating units in its command are aware of the regulations and their specific responsibilities; and (3) ensure, through documentation, that its procedures are followed and that units are maintaining an adequate margin of safety for air show maneuvers.

136411

[Protest of DOT Contract Award]. B-231878. July 25, 1988. 1 p. *Decision* re: Norfolk Shipbuilding and Drydock Corp.; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Norfolk Shipbuilding and Drydock Corp.; Department of Transportation; Steven's Technical.

Authority: B-228138 (1987).

Abstract: A firm protested a Department of Transportation (DOT) contract award, contending that DOT improperly extended additional time to the awardee for furnishing performance and payment bonds. GAO would not consider the protest, since the awardee's fulfillment of bond requirements after implementation of contract award concerned contract administration. Accordingly, the protest was dismissed.

136426

Budget Issues: Status of Obligations at Selected Agencies. AFMD-88-62FS; B-231218. June 28, 1988.

Released July 28, 1988. 6 pp. plus 6 appendices (39 pp.). *Fact Sheet* to Sen. Mark O. Hatfield; by James L. Kirkman, Associate Director, Accounting and Financial Management Division.

Issue Area: Financial Management Standards and Initiatives: Federal Legislative Processes (7015).

Contact: Accounting and Financial Management Division.

Budget Function: Financial Management and Information Systems (998.0).

Organization Concerned: Department of Agriculture; Department of Commerce; National Oceanic and Atmospheric Administration; Department of the Interior; Department of the Treasury; Department of the Army; Department of the Navy; Department of the Army: Corps of Engineers; Office of Management and Budget; Department of Defense; Department of Transportation.

Congressional Relevance: Sen. Mark O. Hatfield.

Authority: Bridge Alteration Act. P.L. 100-202.

Abstract: In response to a congressional request, GAO provided information on whether selected executive agencies planned to spend the full amount of appropriated funds designated for specific projects referred to in an Office of Management and Budget memorandum.

Findings/Conclusions: GAO found that: (1) except for 5 of its 58 projects, the Department of Agriculture (USDA) planned to obligate all funds as directed; (2) USDA had obligated \$35.7 million of its \$143.1 million in appropriated funds; (3) the Department of Commerce intended to obligate all the funds in question with two exceptions that concerned the National Oceanic and Atmospheric Administration (NOAA); (4) NOAA considered 15 items low priority and proposed reprogramming their funds and a 6.5 percent across-the-board reduction on all items on the list to prevent personnel reductions; (5) Commerce had obligated \$21.1 million of its \$71.8 million in appropriated funds; (6) the Army planned to obligate funds for all the items with the exception of a system that had no authorized funds for fiscal year 1988; (7) the Navy did not plan to obligate funds for four of its seven items; (8) the Corps of Engineers did not plan to obligate funds for three of its six items; (9) the Department of Defense had obligated \$11 million of its \$438.3 million in appropriated funds; (10) although the Department of the Interior planned to fully obligate its funds, at the Bureau level, it was considering 5 of the 67 items, totalling \$9.7 million, for rescission, repeal, or amendment; (11) Interior had obligated \$77 million of its \$250.4 million in appropriated funds; (12) the Department of Transportation (DOT) intended to obligate its funds for all but 3 of its 36 items; and (13) DOT had

obligated \$107.5 million of its \$838.5 million in appropriated funds.

136452

Central America: U.S. National Guard Activities. NSIAD-88-195; B-230756. July 18, 1988.

Released August 2, 1988. 3 pp. plus 5 appendices (14 pp.). *Report to Rep. Richard A. Gephardt; by Joseph E. Kelley, Associate Director, National Security and International Affairs Division.*

Issue Area: Security and International Relations: Effective, Economical Management of U.S. Security Assistance to Countries and Adequacy of Consideration of Regional Impact of U.S. Aid (6102).

Contact: National Security and International Affairs Division.

Budget Function: International Affairs: Military Assistance (152.0).

Organization Concerned: Department of the Army: National Guard Bureau; Department of the Air Force: National Guard Bureau.

Congressional Relevance: Rep. Richard A. Gephardt.

Abstract: Pursuant to a congressional request, GAO reviewed U.S. Air and Army National Guard training programs in Central America from 1983 through 1987, focusing on: (1) how many troops they trained, and the nature, purpose, and costs of the training; (2) whether the training occurred in a secure environment; (3) whether the training related to U.S. efforts to aid the Nicaraguan Democratic Resistance (Contras); and (4) how the training aided the host countries.

Findings/Conclusions: GAO found that: (1) 6,721 Army and 740 Air guardsmen trained in Honduras, while 17,761 Army and 12,135 Air guardsmen trained in Panama; (2) in Honduras, Army guardsmen primarily conducted road-building, artillery, and armor training exercises, while Air guardsmen primarily conducted civil engineering training exercises; (3) in Panama, Army guardsmen built roads, trained for Panama Canal defense, and participated in medical training exercises, public affairs activities, and other annual training activities; (4) in Panama, Air guardsmen provided airlift support and air defense capability for the U.S. Southern Command; (5) the training cost about \$22 million, not including some transportation costs; (6) no hostile incidents occurred, and Honduran troops and U.S. military police provided perimeter security; (7) the Guard made efforts to ensure that the training did

not aid, or give the appearance of aiding, the Contras; and (8) the training benefited Honduras and Panama, primarily through road construction.

136455

Civil Agency Aircraft: Agencies' Use of Certain Aircraft to Transport Passengers. GGD-88-92BR; B-231245. August 1, 1988. 5 pp. plus 1 appendix (3 pp.). *Briefing Report to Rep. Glenn L. English, Chairman, House Committee on Government Operations: Government Information, Justice, and Agriculture Subcommittee; by L. Nye Stevens, Associate Director, General Government Division.* Refer to T-GGD-88-52, September 28, 1988, Accession Number 136914.

Issue Area: Civil Procurement and Property Management: Assessing Whether Civilian Agencies Efficiently, Effectively, and Economically Acquire, Manage, and Dispose of Personal Property (4904); General Management Reviews: GGD-Assessing Effectiveness of OMB Leadership in Guiding and Supporting Line Agencies in Performing Program Roles (7309).

Contact: General Government Division.

Budget Function: General Government: General Property and Records Management (804.0).

Congressional Relevance: House Committee on Government Operations: Government Information, Justice, and Agriculture Subcommittee; Rep. Glenn L. English.

Authority: OMB Circular A-76. OMB Circular A-126.

Abstract: Pursuant to a congressional request, GAO provided information regarding civilian agencies' use of aircraft for passenger transport.

Findings/Conclusions: GAO reviewed 47 specific aircraft and found that the agencies: (1) used 29 configured aircraft for special-purpose missions and 18 for passenger transportation during a 12-month period; (2) used eight of the passenger aircraft primarily for special-purpose missions and secondarily for passenger transportation; (3) used the remaining 10 aircraft primarily for passenger transport, with usage rates ranging from 70 to 93 percent of total flight hours; and (4) frequently used the aircraft to transport passengers to locations that commercial airlines served. GAO also found that the agencies: (1) may not have complied with policies governing initial acquisition and continued justification for use of government aircraft for passenger transport; (2) frequently raised questions

or sought clarification regarding these policies; (3) believed that the policies did not apply to them, since they acquired aircraft before the policies' implementation; and (4) believed that they had adequately justified their continuing need for passenger aircraft, although only one agency formally documented its reviews.

136461

[Comments on GAO Legal Opinion on DOT Authority to Requisition Vessels of U.S. Citizens]. B-229258.2. August 2, 1988. 4 pp. *Letter* to Philip J. Loree, Chairman, Federation of American Controlled Shipping; by James F. Hinchman, General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Federation of American Controlled Shipping; Maritime Administration; Department of Transportation.

Authority: Merchant Marine Act, 1936 (46 U.S.C. 1242(a)). H.R. 4983 (76th Cong.). H.R. 3260 (78th Cong.). S. Rept. 76-678. S. 1488 (85th Cong.).

Abstract: GAO commented on its decision concerning the Department of Transportation's authority to requisition U.S. citizens' vessels under specified conditions. GAO believes that its analysis that the requisitioning authority did not extend to vessels that foreign subsidiaries of American companies owned was correct.

136504

Aircraft Noise: Implementation of FAA's Expanded East Coast Plan. RCED-88-143; B-230870. August 5, 1988. 10 pp. plus 8 appendices (49 pp.). *Report* to Rep. Jim Courter; Rep. James J. Florio; Rep. Dean A. Gallo; Rep. Matthew J. Rinaldo; Rep. Peter W. Rodino; Rep. Marge Roukema; Rep. Christopher H. Smith; Rep. Robert G. Torricelli; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Department of Transportation; Federal Aviation Administration.

Congressional Relevance: House Committee on Appropriations; Transportation Subcommittee; House

Committee on Public Works and Transportation; Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation; Rep. Robert G. Torricelli; Rep. Christopher H. Smith; Rep. Marge Roukema; Rep. Peter W. Rodino, Jr.; Rep. Matthew J. Rinaldo; Rep. Dean A. Gallo; Rep. James J. Florio; Rep. Jim Courter.

Authority: Environmental Policy Act of 1969 (National).

Abstract: Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) implementation of its Expanded East Coast Plan, focusing on: (1) agencies' responsibilities for assessing the environmental impact of revising air routes and flight procedures; (2) the plan's effects on noise and air routes; (3) how FAA measured aircraft noise; (4) reasons why FAA did not perform an environmental assessment of the plan; and (5) actions FAA took in response to citizens' complaints regarding increased aircraft noise.

Findings/Conclusions: GAO found that FAA: (1) designed the plan to reduce air traffic delays by revising air traffic control routes and flight procedures; (2) had sole responsibility for assessing the plan's environmental impact and used a measure of day-night noise level (Ldn) to determine cumulative exposure to aircraft noise; (3) did not assess the plan's environmental impact, based on its long-standing policy to exempt from such assessment routes and flight procedures carried out at over 3,000 feet; and (4) concluded that the plan significantly reduced flight delays, but failed to link any delay reductions to specific plan components. GAO also found that: (1) the plan resulted in three new departure routes, two new arrival routes, and six realigned routes over New Jersey; (2) New Jersey residents lodged numerous complaints about increased aircraft noise after the plan's implementation; (3) a 1-day FAA study in one affected area showed aircraft noise to be within FAA guidelines; and (4) in response to citizen complaints, FAA directed air traffic controllers to, when possible, direct flights along more varied paths to spread traffic over a wider area.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FAA, to improve the information base available on which to assess the merits of the Expanded East Coast Plan and other such major airspace changes by: (1) preparing an environmental assessment of the effects of the plan and, if

significant impacts from the plan are found, preparing an environmental impact statement; (2) making a qualitative determination of which portions of the reduced delays are due to the plan and which are due to other factors; and (3) preparing an environmental assessment of any major proposal for making widespread air route or flight procedure changes on the West Coast or in other areas of the country where delays and congestion warrant such changes.

136505

Air Traffic Control: Efforts to Expand the New York Terminal Area Automation System. IMTEC-88-29; B-206887. July 29, 1988. 6 pp. plus 4 appendices (13 pp.). *Report* to Sen. Frank R. Lautenberg, Chairman, Senate Committee on Appropriations: Transportation and Related Agencies Subcommittee; by Daniel C. White, (for Ralph V. Carlone, Director), Information Management and Technology Division. Refer to AFMD-83-34, February 16, 1983, Accession Number 120777.

Issue Area: Transportation: FAA Management of the NAS Plan in a Coordinated and Integrated Manner (6603); Information Management and Technology: Agencies' Acquisition or Development of Information Resources To Effectively and Economically Satisfy Mission Needs (7119).

Contact: Information Management and Technology Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Unisys Corp.; Federal Aviation Administration: Terminal Radar Approach Control Facility, New York, NY.

Congressional Relevance: Senate Committee on Appropriations: Transportation and Related Agencies Subcommittee; Sen. Frank R. Lautenberg.

Abstract: In response to a congressional request, GAO reviewed: (1) the status of the Federal Aviation Administration's (FAA) actions to enhance computer capability to meet current and future requirements at its New York Terminal Radar Approach Control (TRACON) facility; and (2) related contract management problems.

Findings/Conclusions: GAO found that: (1) although FAA awarded a contract for \$45.6 million to expand the existing automated radar terminal system, as of June 1988, the estimated cost for the

expansion ranged from \$76.4 to \$77 million; (2) FAA determined that the program was behind schedule and directed the contractor to integrate specific segments of each stage into a new interim upgrade; (3) contract management problems, hardware development difficulties, and misunderstandings between FAA and the contractor resulted in cost increases and schedule delays; (4) FAA began to use 37 new displays in May 1988, but could not fully operate the interim upgrade due to unexpected problems in the revised software; (5) the TRACON system used all eight processors during heavy traffic periods, leaving no backup processor; (6) since FAA decided to implement the interim upgrade capacity in December 1988 without full testing, any problems uncovered during operation could result in additional delays and potentially more costly and disruptive retrofits; and (7) FAA plans to install required Mode C intruder altitude transponders in TRACON in early 1990, after implementation of the second stage of the contract. GAO believes that FAA needs to consider: (1) whether it has adequate alternative plans to handle peak traffic; (2) the effect of using its backup computer and whether a backup was still warranted; and (3) whether continuing contract problems require the need to revise its contract management practices.

136517

[Comments on Dismissed Protest of DOT Contract Award]. B-231878.2. August 5, 1988. 1 p. *Letter to Sen. John W. Warner*; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Norfolk Shipbuilding and Drydock Corp.; Steven's Technical; Department of Transportation.

Congressional Relevance: *Sen. John W. Warner.*

136556

[Request for Reconsideration of Dismissed Protest of Coast Guard Contract Award for Core Panels]. B-231775.2. August 11, 1988. 4 pp. *Decision re: Skyline Products*; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Skyline Products; Allied Insulation Supply Co.;

United States Coast Guard; Small Business Administration.

Authority: Walsh-Healey Act (Government Contracts) (41 U.S.C. 35 et seq.). 4 C.F.R. 21.9(m)(9). F.A.R. 22.608. B-230218 (1988). B-225419.3 (1987). B-231775 (1988). B-225631 (1987).

Abstract: A firm requested reconsideration of its dismissed protest against a Coast Guard contract award for core panels. GAO had not reviewed the: (1) Coast Guard's affirmative determination of the awardee's responsibility, absent a showing that the Coast Guard acted fraudulently, or in bad faith, or that it failed to apply definitive solicitation criteria; or (2) awardee's qualifications, since that was not within its jurisdiction. In its request for reconsideration, the protester contended that the Coast Guard improperly accepted the awardee's certification without verifying its authenticity. The protester also contended for the first time that, since the awardee did not manufacture a core panel which met the solicitation specifications, it intended to supply a nonconforming product. GAO would not review the allegations, since they were matters of responsibility or contract administration. Accordingly, the original dismissal was affirmed and the additional protest was dismissed, and GAO recommended that the Coast Guard refer the issue of the awardee's qualifications to the Small Business Administration.

136564

Women in the Military: Impact of Proposed Legislation to Open More Combat Support Positions and Units to Women. NSIAD-88-197BR; B-230552. July 15, 1988.

Released August 15, 1988. 7 pp. plus 2 appendices (7 pp.). *Briefing Report to Sen. Dennis DeConcini*; *Sen. William S. Cohen*; *Sen. William Proxmire*; by Frank C. Conahan, Assistant Comptroller General, National Security and International Affairs Division.

Issue Area: Manpower and Reserve Affairs: Cost Effective Alternatives Which Would Enable the Military Services To Meet Their Future Needs for Critically Skilled Personnel (5802).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Defense-Related Activities (054.0).

Organization Concerned: Department of the Army; Department of the Air Force; Department of the Navy; United States Marine Corps.

Congressional Relevance: *Sen. William Proxmire*; *Sen. Dennis DeConcini*; *Sen. William S. Cohen.*

Authority: S. 581 (100th Cong.). 10 U.S.C. 6015. 10 U.S.C. 8549.

Abstract: In response to a congressional request, GAO reviewed S. 581, a bill which would increase the combat support assignments open to women in the military services, focusing on the: (1) positions and units closed to women because of exclusionary laws and policies; (2) ongoing service reviews of positions and units currently closed to women; and (3) potential impact of the bill on those positions and units.

Findings/Conclusions: GAO found that: (1) with the exception of some forward support battalion positions that it historically opened to women, the Army excluded women from positions located forward of the brigade rear boundary on the battlefield; (2) although the Navy excluded women from service on aircraft or naval vessels engaged in combat missions, recent policy reviews opened some combat logistics force ships and reconnaissance aircraft to women; (3) the Marine Corps precluded assigning women to any unit that could engage in direct combat, including security guards for embassies and designated naval installations and combatant ships; and (4) the Air Force precluded assigning women to aerial activity over hostile territory where the risk of capture was substantial. GAO also found that the bill would: (1) require evaluation of certain jobs on the basis of performance function, rather than risk involved; (2) direct the Army to provide more efficient utilization of women in assignments which were in direct support of combat units; (3) allow assignment of Navy women to combat-support vessels, but would not change policies for women Marines; and (4) allow the Air Force to assign women to all reconnaissance, training, or transport aircraft missions. GAO could not determine the full impact of the bill, since the services have not completed their evaluations.

136566

Airspace Use: FAA Needs to Improve Its Management of Special Use Airspace. RCED-88-147; B-226538. August 5, 1988.

Released August 15, 1988. 9 pp. plus 11 appendices (30 pp.). *Report to Sen. Jesse A. Helms*; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-88-133FS, April 29, 1988, Accession Number 135748.

Issue Area: Transportation: FAA Management of the Controller Work Force (6607).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation; Council on Environmental Quality; Department of Defense; Department of the Navy.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee; House Committee on Public Works and Transportation: Aviation Subcommittee; Senate Committee on Appropriations: Transportation Subcommittee; Senate Committee on Commerce, Science and Transportation: Aviation Subcommittee; Sen. Jesse A. Helms.

Authority: Environmental Policy Act of 1969 (National). Aviation Act.

Abstract: In response to a congressional request, GAO evaluated the Federal Aviation Administration's (FAA) management of special-use airspace set aside for military training, focusing on its: (1) approval process for special-use proposals; and (2) monitoring of existing special-use airspace.

Findings/Conclusions: GAO found that FAA: (1) lacked adequate data to effectively manage special-use airspace areas and did not require military services to provide such data; (2) did not establish guidance for its regions to reduce or eliminate inappropriate use of special airspace areas; and (3) planned to discuss its role in evaluating military environmental assessments in special-use proposals with the Council on Environmental Quality. GAO noted that, in 1987, two Navy staff studies on special-use airspace utilization showed that the Navy: (1) lacked a standard, centralized system for documenting and reporting its airspace usage; and (2) inefficiently and inappropriately used special airspace areas.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FAA, to require standardized user reporting of actual usage data for restricted areas and expand the reporting requirement to other areas, such as military operations areas. The Secretary of Transportation should direct the Administrator, FAA, to review periodically the usage reports and ensure that the airspace is being used for the designated purpose. The Secretary of Transportation should direct the Administrator, FAA, to establish standards for measuring the effectiveness of special-use airspace utilization to develop a starting point for

all regional discussion of modification or disestablishment of special-use airspace.

136580

Highways: How State Agencies Adopt New Pavement Technologies. PEMD-88-19; B-227722. August 12, 1988. 59 pp. plus 11 appendices (56 pp.). *Report to Rep. James L. Oberstar, Chairman, House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; by Eleanor Chelimsky, Director, Program Evaluation and Methodology Division.*

Issue Area: Program Evaluation and Methodology: Intended and Unintended Effects of Operational Systems and Technologies (7201).

Contact: Program Evaluation and Methodology Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Federal Highway Administration.

Congressional Relevance: House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; Rep. James L. Oberstar.

Authority: Highway Revenue Act of 1956. Surface Transportation and Uniform Relocation Act of 1987 (P.L. 100-17). P.L. 84-627.

Abstract: In response to a congressional request, GAO reviewed state highway agencies' efforts to improve highways and reduce costs, specifically: (1) how states adopt highway pavement technologies for use; (2) the extent to which states use six selected technologies; (3) criteria states use in adopting selected technologies, such as cost or performance measures; and (4) barriers that prevent states from adopting selected technologies.

Findings/Conclusions: GAO found that: (1) state highway agencies both receive and provide information about technologies through technology transfer; (2) most states relied on the Federal Highway Administration and research review committees to select and prioritize potential technologies for test and evaluation; (3) highway agencies have widely differing levels of experience with the six technologies; (4) highway agencies' examples of their technology evaluations showed their use of the six technologies, their evaluation criteria and results, and the importance of other factors in adoption decisions; (5) all the states used hot mix recycling and about 30 states adopted or evaluated the other five technologies; (6) states'

experiences with the selected technologies varied widely from 2 months to 30 years; (7) states considered performance and cost, then physical factors, in their technology adoption decisions; and (8) key barriers to technology adoption included key decisionmakers' opposition, limited expertise in the technology application, and lack of the necessary equipment.

136592

[Industry Concerns Regarding the Policies and Procedures of the Military Sealift Command]. T-NSIAD-88-40. August 9, 1988. 7 pp. plus 3 appendices (36 pp.). *Testimony before the House Committee on Merchant Marine and Fisheries: Merchant Marine Subcommittee; by Bill W. Thurman, Deputy Director for Planning and Reporting, National Security and International Affairs Division.*

Contact: National Security and International Affairs Division.

Organization Concerned: Department of the Navy: Military Sealift Command.

Congressional Relevance: House Committee on Merchant Marine and Fisheries: Merchant Marine Subcommittee.

Authority: Employees' Compensation Act (Injuries). OMB Circular A-76.

Abstract: GAO discussed the positions of the Military Sealift Command (MSC) and maritime industry representatives regarding MSC policies and procedures and their impact on the U.S. Merchant Marine, focusing on the: (1) use of cost comparisons in determining who operated and maintained MSC ships; (2) current system of setting cargo rates for MSC cargo; and (3) use of Ready Reserve Force (RRF) ships. GAO found that: (1) some commercial firms believed that MSC cost-estimating procedures favored MSC, but MSC believed that comparisons offered commercial firms new contracting opportunities; (2) since 1982, four cost comparisons favored MSC and showed a total difference of about \$65.2 million for 15 ships, and one comparison favored a commercial firm and showed a difference of about \$24.8 million for 12 ships; (3) increasing the number of government-owned, commercially operated vessels would likely result in additional costs to the government; (4) some industry members believed that MSC should modify its rate-setting process, since the rates were too low, and carriers were not recovering their costs, but MSC believed that the existing system worked well; (5) ocean carriers believed that they were losing

opportunities to carry cargo, due to MSC use of RRF ships for extended periods of time; and (6) in fall 1987, MSC began concerted efforts to carry cargo for military exercises in commercial ships. GAO believes that MSC should identify and fully disclose additional costs which may result from its efforts to support the maritime industry.

136603

[Protest of FAA Contract Award for Automated Weather Observing Systems], B-231575.2. August 19, 1988. 3 pp. *Decision* re: Norden Service Co., Inc.; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Federal Aviation Administration; Norden Service Co., Inc.; Qualimetrics, Inc.; Artais, Inc.; General Services Administration; Board of Contract Appeals.

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3551 et seq.). 4 C.F.R. 21.3(m)(5). 4 C.F.R. 21.2(a)(1). 65 Comp. Gen. 72. GSBCA 9508-P. B-231384.2 (1988). B-225685 (1987). B-231575 (1988). B-227847.2 (1988). 40 U.S.C. 759(f).

Abstract: A firm protested a Federal Aviation Administration (FAA) contract award for automated weather observing systems to either of the two low bidders, contending that: (1) the firms' bids were nonresponsive, since they offered unqualified parts; and (2) neither firm was responsible. GAO would not review the protest, since the: (1) General Services Administration Board of Contract Appeals had determined that the low bid was responsive; and (2) protester did not allege that FAA made its responsibility determinations fraudulently or in bad faith, or that the awardee failed to meet the solicitation's definitive responsibility criteria. Accordingly, the protest was dismissed.

136633

Alaskan Offshore Shipping: Changing Federal Regulation and Service. RCED-88-114BR; B-231223. August 9, 1988.

Released August 24, 1988. 16 pp. plus 3 appendices (6 pp.). *Briefing Report* to Sen. Ted Stevens; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Economic Effects of Regulatory Reform in the Transportation Sector (6611).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Water Transportation (403.0).

Organization Concerned: Federal Maritime Commission; Interstate Commerce Commission.

Congressional Relevance: Sen. Ted Stevens.

Authority: Interstate Commerce Act, Part 4 (76 Stat. 397). Executive Order 11107. P.L. 87-595.

Abstract: In response to a congressional request, GAO examined the divided regulation of ocean transportation between Alaska and the U.S. mainland, to determine how: (1) the divided offshore regulatory system developed; and (2) Alaskan offshore regulation and service have changed under the divided system.

Findings/Conclusions: GAO found that: (1) before the early 1960's, the Federal Maritime Commission (FMC) was responsible for ocean services, while the Interstate Commerce Commission (ICC) was responsible for land services; (2) 1962 legislation permitted ICC to regulate intermodal ocean-rail service; (3) since carriers that combine ocean and land service are subject to ICC regulation, and those that provide only ocean service are subject to FMC regulation, regulation depends on how carriers arrange their service rather than how they ship their goods; (4) as ICC relaxed its requirements in response to regulatory reform policies and FMC remained unchanged, there was a shift toward Alaskan intermodal service, with a corresponding shift in tariff activity; (5) between 1984 and 1987, the number of Alaskan ocean carriers offering intermodal service increased from 7 to 13, while the number offering separate ocean service dropped from 13 to 11; (6) from 1984 to 1986, the number of tariff changes increased from about 5,000 to 7,000 at ICC, while they decreased from about 700 to 300 at FMC; and (7) a recent economic turndown related to reductions in the price of oil led to reduced demand for ocean transportation, heightened competitive conditions, and excess capacity, forcing carriers to either shift to charter service or cease operations.

136673

[Protest of Coast Guard Contract Award for Fire Suppression System], B-231787. August 24, 1988. 2 pp. *Decision* re: Pem All Fire Extinguisher Corp.; by Ronald Berger, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: Pem All Fire Extinguisher Corp.; United States Coast Guard.

Authority: Competition in Contracting Act of 1984 (31 U.S.C. 3551(2)). 4 C.F.R. 21.0(a). B-230086 (1988). B-225495 (1987).

Abstract: A firm protested a Coast Guard contract award for a fire suppression system, contending that the Coast Guard improperly rejected bids which offered its system, since its product met the brand-name-or-equal specifications. GAO held that the protester was not sufficiently interested to protest, since it was the potential supplier and not a bidder. Accordingly, the protest was dismissed.

136709

Air Force Procurement: Ammunition Container Contract. NSIAD-88-218BR; B-227061.4. September 1, 1988. 2 pp. plus 1 appendix (8 pp.). *Briefing Report* to Rep. Helen Delich Bentley; by Allan I. Mendelowitz, Senior Associate Director, National Security and International Affairs Division.

Issue Area: International Trade and Commercial Policy: Other Issue Area Work (6391).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Procurement and Contracts (051.2).

Organization Concerned: Department of the Air Force; Interpool, Ltd.; Maritime Administration; Containertechnik Hamberg GmbH.

Congressional Relevance: Rep. Helen Delich Bentley.

Authority: Department of Defense Appropriation Act, 1983. F.A.R. 52.247-64. DOD F.A.R. Supp. 25.7004. 10 U.S.C. 2631.

Abstract: In response to a congressional request, GAO reviewed an Air Force procurement of steel ammunition storage containers for which the contractor obtained most of the labor and materials from a West German subcontractor and its Polish licensee.

Findings/Conclusions: GAO found that: (1) there were no significant problems involving the solicitation, award, or contract administration during 1986 and 1987; (2) no law or regulation precluded contract or subcontract awards to firms located in Poland or any other member of the Warsaw Pact; (3) there were no significant problems with the 360 containers delivered under the 1986 contract; (4) the first 800 of the 1,640 containers ordered under the 1987

that the anticompetitive effects of airline system ownership do not nullify airline deregulation benefits; and (2) review airline divestiture of systems, establishment of an industry-wide consortium to operate a common system, restrictions on booking fees, and changes in vendor contracts as remedies for the anticompetitive features of the system industry.

136822

FAA Staffing: Recruitment, Hiring, and Initial Training of Safety-Related Personnel. RCED-88-189; B-232095.1. September 2, 1988.

Released September 19, 1988. 50 pp. plus 1 appendix (1 p.). *Report to Rep. James L. Oberstar, Chairman, House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; Rep. William F. Clinger, Jr., Ranking Minority Member, House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-87-62, May 19, 1987, Accession Number 133088; and RCED-87-137, September 25, 1987, Accession Number 134122.*

Issue Area: Transportation: FAA Management of the Controller Work Force (6607).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Department of Transportation; Federal Aviation Administration; Federal Aviation Administration: Federal Aviation Academy, Oklahoma City, OK; Federal Aviation Administration: Civil Aeromedical Institute.

Congressional Relevance: House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; *Rep. William F. Clinger, Jr.; Rep. James L. Oberstar.*
Authority: Federal Managers' Financial Integrity Act of 1982.

Abstract: Pursuant to a congressional request, GAO examined the Federal Aviation Administration's (FAA) progress in meeting congressionally mandated staffing goals for air traffic controllers, aviation safety inspectors, and maintenance technicians, focusing on its: (1) employment qualifications; and (2) recruitment, hiring, and initial training programs.

Findings/Conclusions: GAO found that FAA: (1) was behind planned hiring

levels for inspectors and maintenance personnel, but expected to meet fiscal year (FY) staffing goals; and (2) expects to fall 518 controllers short of its FY 1988 staffing goal. GAO also found that controller shortages resulted from: (1) the lack of a national, centralized recruitment policy and resultant failure to attract high-quality candidates; (2) the time-consuming hiring process, averaging 11.5 months, before candidates enter the FAA Academy for training; (3) the large number of candidates who did not complete training; and (4) field placement of trainees without consideration of individual candidates' test scores, performance levels, and organizational and personal needs. In addition, GAO found that FAA is studying ways to redesign, reorganize, and modernize its training programs for controllers, inspectors, and technicians.

Recommendation To Agencies: To improve FAA recruitment and retention of controllers, the Secretary of Transportation should direct the Administrator, FAA, to develop a systematic and coordinated national recruiting strategy targeted to those individuals most likely to have the potential to be a controller. As part of such a strategy, FAA could, for example, specify standard minimum requirements for the frequency of testing and updating controller registers, canvassing schools, and job fairs. To improve FAA recruitment and retention of controllers, the Secretary of Transportation should direct the Administrator, FAA, to integrate the results of the Civil Aeromedical Institute's research on Academy failures and withdrawals into its training and guidebook for interviewers so that they can better assess an applicant's qualifications. To the extent practicable, the Administrator, FAA, should, consistent with the agency's own placement policy, place Academy graduates at field facilities according to their performance during the screening program.

136826

Aviation Security: Corrective Actions Underway, but Better Inspection Guidance Still Needed. RCED-88-160; B-226652. August 23, 1988.

Released September 21, 1988. 25 pp. plus 2 appendices (4 pp.). *Report to Rep. Cardiss R. Collins, Chairman, House Committee on Government Operations: Government Activities and Transportation Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer*

to RCED-88-86, January 29, 1988, Accession Number 134921; and RCED-87-182, July 24, 1987, Accession Number 133539.

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Department of Transportation; Federal Aviation Administration.

Congressional Relevance: House Committee on Government Operations: Government Activities and Transportation Subcommittee; *Rep. Cardiss R. Collins.*

Authority: Aviation Act. P.L. 100-223. Federal Aviation Reg. Part 107. Federal Aviation Reg. Part 108.

Abstract: In response to a congressional request, GAO evaluated the Federal Aviation Administration's (FAA) Civil Aviation Security Program to determine the effectiveness of FAA inspection efforts to identify and rectify domestic security deficiencies.

Findings/Conclusions: GAO reviewed inspection programs at six large airports and found that: (1) FAA lacked adequate controls over personnel identification systems and air operations access points; (2) inspectors did not verify personnel and vehicle identification systems, but relied on airport or air carrier officials' descriptions and judgments; and (3) passenger-screening processes needed improvement to ensure their effectiveness in preventing passengers from carrying weapons on board airplanes. GAO also found that FAA: (1) has addressed several systemic security problems at major airports; (2) required airport operators to install computer-controlled identification systems for access to restricted areas; and (3) increased the penalties on carriers for screening system failures.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FAA, to develop appropriate testing and verification procedures to determine the adequacy of key security features, such as lock-and-key controls and personnel and vehicle identification systems. The Secretary of Transportation should direct the Administrator, FAA, to issue clear instructions to inspectors on the use of these procedures during the inspection process. The Secretary of Transportation should direct the Administrator, FAA, to incorporate these procedures and associated

instructions into the inspectors' formal training curriculum to ensure that they are adequately trained in the inspection process to be followed.

136838

Airline Competition: Fare and Service Changes at St. Louis Since the TWA-Ozark Merger. RCED-88-217BR; B-231289. September 21, 1988.

Released September 20, 1988. 25 pp. plus 3 appendices (10 pp.). *Briefing Report* to Sen. John C. Danforth, Senate Committee on Commerce, Science and Transportation; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to T-RCED-88-65, September 22, 1988, Accession Number 136869.

Issue Area: Transportation: Economic Effects of Regulatory Reform in the Transportation Sector (6611).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Trans World Airlines; Ozark Air Lines; Lambert-St. Louis International Airport; Department of Transportation.

Congressional Relevance: *Senate* Committee on Commerce, Science and Transportation; *Sen.* John C. Danforth.

Abstract: Pursuant to a congressional request, GAO analyzed fare and service changes at Lambert-St. Louis International Airport after two principal carriers, which individually handled 56 percent and 26 percent of all enplanements, merged.

Findings/Conclusions: GAO found that: (1) the remaining airline handled 82 percent of enplanements and increased its direct, nonstop, and jet service to more cities; (2) no other airline handled more than 3 percent of enplanements; (3) the other airlines reduced the number of routes they served from 83 to 66 and provided nonstop and direct services to fewer cities; (4) the remaining airline offered 75 percent of flights on 80 percent of nonstop routes and was the only nonstop carrier on 76 percent of routes; (5) the remaining airline's round-trip fares on 67 major routes increased by 13 to 18 percent, as compared to an average increase of 5 to 6 percent for all airlines; and (6) the remaining airline increased its fares at another airport at the average rate. GAO believes that other airlines which attempt to add flights or gain a larger share of enplanements at St. Louis would face difficulties in: (1) obtaining facilities; (2)

overcoming the effects of airline marketing tools such as frequent flyer programs, travel agent commission overrides, and computerized reservation systems; and (3) matching the number of flights the merged airline offered.

136843

[Protest Against Proposed FAA Contract Award for Radar Facility]. B-231605.2. September 16, 1988. 3 pp. *Decision* re: GEM Engineering Co., Inc.; by Seymour Efron, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: GEM Engineering Co., Inc.; Federal Aviation Administration; Blueridge General, Inc. **Authority:** 65 Comp. Gen. 240. F.A.R. 14.405. B-226623 (1987). B-212790 (1983).

Abstract: A firm protested a proposed Federal Aviation Administration (FAA) contract award for radar facility construction, contending that FAA should have rejected the proposed awardee's bid as nonresponsive, since it did not meet the requirement that it state unit prices. GAO held that the awardee's failure to provide unit prices was a minor irregularity which did not prejudice the protester, since FAA could ascertain the unit price by dividing the total price by the number of units. Accordingly, the protest was denied.

136853

[Protest of USCG Rejection of Bid as Nonresponsive]. B-232572. September 20, 1988. 2 pp. *Decision* re: M/V Constructor Co.; by Robert M. Strong, Deputy Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.

Organization Concerned: United States Coast Guard; M/V Constructor Co. **Authority:** 4 C.F.R. 21.3(m). 64 Comp. Gen. 505. F.A.R. 28.101-4. B-226774.3 (1988).

Abstract: A firm protested the Coast Guard's rejection of its low bid as nonresponsive, contending that the Coast Guard should have waived its failure to include the penal sum in its bond, since that was a minor informality. GAO held that the Coast Guard properly rejected the protester's bid, which did not include a penal sum in the surety bond. Accordingly, the protest was dismissed.

136856

[Foreign Direct Investment in the U.S. Automobile Industry]. T-

NSIAD-88-47. September 22, 1988. 14 pp. *Testimony* before the House Committee on Foreign Affairs: International Economic Policy and Trade Subcommittee; by Allan I. Mendelowitz, Senior Associate Director, National Security and International Affairs Division. Refer to NSIAD-88-111, March 7, 1988, Accession Number 135393.

Contact: National Security and International Affairs Division.

Congressional Relevance: *House* Committee on Foreign Affairs: International Economic Policy and Trade Subcommittee.

Abstract: GAO discussed the impact of Japanese direct investment on the U.S. automobile industry. GAO noted that Japanese automobile companies' assembly plants, known as transplants: (1) could increase or decrease employment, depending on whether their production supplanted traditional U.S. companies' production or displaced imports; (2) used fewer suppliers than domestic manufacturers and retained them for entire production runs; (3) have benefited from state and local industrial subsidies; (4) may be more influenced by business considerations than by community and worker interests in making production and investment decisions; (5) obtained fewer technology transfer benefits than U.S. manufacturers; and (6) managed their operations differently from domestic firms, emphasizing a commitment to total quality control, increased importance of parts and components suppliers, timely delivery of parts, a more effective information flow, more efficient labor management, and greater management accessibility. GAO believes that U.S. manufacturers are responding to the increased competition from transplants and their demonstrated success by changing some aspects of their management and production systems and standards.

136857

Federal Assets: Information on Completed and Proposed Sales. RCED-88-214FS; B-215489. September 21, 1988. 39 pp. plus 1 appendix (1 pp.). *Fact Sheet* to Rep. Jamie L. Whitten, Chairman, House Committee on Appropriations; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-88-198, July 28, 1988, Accession Number 136457; RCED-88-172, June 10, 1988, T-RCED-88-59, August 10, 1988, Accession Number

136593; GGD-88-65, May 11, 1988, Accession Number 135785; RCED-87-9, February 5, 1987, Accession Number 132423; and T-RCED-88-52, July 7, 1988, Accession Number 135285.

Contact: Resources, Community, and Economic Development Division.

Budget Function: Undistributed Offsetting Receipts: Federal Surplus Property Disposition (954.0).

Organization Concerned: Department of Transportation; Department of the Treasury; Consolidated Rail Corp.; Federal Aviation Administration: Washington Dulles International Airport; Federal Aviation Administration: Washington National Airport; Metropolitan Washington Airports Authority; Farmers Home Administration; Department of Commerce: Economic Development Administration; Department of Education; Veterans Administration; General Services Administration; National Railroad Passenger Corporation (Amtrak); Department of Energy; Alaska Power Administration; Southeastern Power Administration; **Congressional Relevance:** *House* Committee on Appropriations; *Rep.* Jamie L. Whitten.

Authority: Executive Order 12626. Northeast Rail Service Act of 1981. Omnibus Budget Reconciliation Act of 1986 (P.L. 99-509). Higher Education Act of 1965. Higher Education Amendments of 1986 (P.L. 99-498). Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.). Strategic and Critical Materials Stock Piling Revision Act of 1979 (P.L. 96-41). Department of Defense Authorization Act, 1985 (P.L. 98-525). Department of Defense Authorization Act, 1987 (P.L. 99-661). Property and Administrative Services Act (40 U.S.C. 483). Nonnuclear Energy Research and Development Act of 1974 (P.L. 93-577). Department of Energy Act of 1978—Civilian Applications (P.L. 95-238; 42 U.S.C. 5919(g)(2)). Urgent Supplemental Appropriations Act, 1986 (P.L. 99-349). P.L. 99-591. P.L. 85-857. Commemorative Coin Act (Statue of Liberty-Ellis Island) (P.L. 99-61). P.L. 99-582. P.L. 100-202. P.L. 86-777. S. 2097 (100th Cong.). S. Rept. 100-159. 38 U.S.C. 1820. H.R. 2718 (100th Cong.). S. 1719 (100th Cong.).

Abstract: In response to a congressional request, GAO provided information regarding the sales of federal assets included in the President's budget proposals to Congress since 1984.

Findings/Conclusions: GAO found that: (1) the Department of Transportation (DOT) received \$1.575 billion from the sale of Conrail stock; (2) the Washington

Metropolitan Airport Authority will make a \$3 million annual payment to the Treasury for 50 years under the Federal Aviation Administration's lease of Dulles and National Airports and made a one-time payment of \$23.6 million to cover the unfunded pension liabilities for airport employees remaining in the federal retirement system; (3) various federal agencies' loan assets sales with unpaid principal of \$7.279 billion produced proceeds of \$4.649 billion through July 1988; (4) the General Services Administration (GSA) disposed of national stockpile materials during fiscal years (FY) 1985 through 1988 totalling \$335 million, including the transfer of \$152 million in silver to the Treasury; (5) during FY 1985 through 1987, GSA sold 933 surplus real properties for \$241 million, 77 of which sold for more than \$1 million each, an average of 157 percent of their appraised value; and (6) the sales of Conrail, Dulles and National Airports, and loan assets required special legislation, while GSA disposed of surplus stockpile material and real property under existing authorities. GAO also found that: (1) although DOT invested more than \$3 billion in Amtrak assets, Congress prevented establishing a commission to study its disposal; (2) although the President's last four budgets proposed Amtrak's disposal, DOT did not actively pursue the sale of Amtrak's assets; (3) the Department of Energy (DOE) selected a buyer for the Great Plains Coal Gasification Project and expected to complete the sale by September 30, 1988 at an estimated value of \$1.8 billion over the next 21 years; (4) a Department of the Interior contractor developed three alternatives for the disposal of the Helium Program and estimated the program's value between \$193 million and \$327 million; (5) DOE was negotiating the sale of the Alaska Power Administration, with anticipated proceeds of between \$89 million and \$100 million; (6) Congress had not acted on bills to authorize the study of selling the Southeastern Power Administration or transferring the Transportation Systems Center to the private sector; (7) Congress was considering legislation to establish a government corporation to take over DOE uranium enrichment facilities; and (8) the Department of Interior proposed two land exchanges in the Arctic National Wildlife Refuge and the Big Cypress National Preserve.

136869

[Factors Affecting Concentration in the Airline Industry]. T-RCED-88-65. September 22, 1988. 17 pp. *Testimony* before the Senate

Committee on Commerce, Science and Transportation; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-86-74, May 9, 1986, Accession Number 130501; and RCED-88-217BR, September 21, 1988, Accession Number 136838.

Contact: Resources, Community, and Economic Development Division.

Organization Concerned: Department of Transportation; Civil Aeronautics Board.

Congressional Relevance: *Senate* Committee on Commerce, Science and Transportation.

Authority: Civil Aeronautics Board Sunset Act of 1984.

Abstract: GAO discussed the impact of deregulation on the airline industry, focusing on: (1) carrier entry into the industry and individual markets; (2) how federal policies have contributed to the trend toward increased airline concentration; and (3) the effects of airline concentration on airline fares and services. GAO found that: (1) deregulation allowed airlines to compete on the basis of fares, opened up the airline industry to new entrants, and allowed existing carriers to expand operations; (2) established carriers responded to deregulation by changing their operating and marketing strategies to increase their market dominance, making it more difficult for new airlines to enter the market; (3) since deregulation, the Department of Transportation has approved 26 airline mergers, based on a policy containing outdated assumptions regarding the ease of market entry; (4) these mergers increased airline concentration, with the 5 largest carriers currently handling 74 percent of travel; and (5) such mergers have not adversely affected service levels, although consumers faced fewer choices and increased fares.

136898

[States' Programs for Pump Labeling of Gasoline Ingredients]. T-RCED-88-60. September 27, 1988. 9 pp. plus 2 attachments (4 pp.). *Testimony* before the House Committee on Energy and Commerce: Energy and Power Subcommittee; by Keith O. Fultz, Senior Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-89-6, January 12, 1989, Accession Number 137702.

Contact: Resources, Community, and Economic Development Division.

Congressional Relevance: *House* Committee on Energy and Commerce: Energy and Power Subcommittee.

Authority: Petroleum Marketing Practices Act.

Abstract: GAO discussed the results of a survey of states and U.S. territories regarding their gasoline-pump labelling requirements and the need for a uniform federal label. GAO noted that, of the 39 states requiring pump labels: (1) all required alcohol content disclosure; (2) half indicated that they required the labels for consumer protection; (3) 32 imposed fines, 28 stopped sales, and 18 issued warnings to enforce compliance; and (4) 22 expressed satisfaction with their requirements and did not express a need for a uniform federal label. GAO also noted that: (1) 24 states favored a uniform federal label, citing the benefits of uniformity and consumer and environmental safety; (2) 13 states opposed a federal label, citing potential problems between state and federal enforcement efforts; and (3) states believed that labels should disclose alcohol content, health information, and warnings.

136906

[States' Programs for Pump Labeling of Gasoline Ingredients]. T-RCED-88-60A. September 27, 1988. 1 pp. *Testimony* before the House Committee on Energy and Commerce: Energy and Power Subcommittee; by Keith O. Fultz, Senior Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-89-6, January 12, 1989, Accession Number 137702.

Contact: Resources, Community, and Economic Development Division.

Congressional Relevance: *House* Committee on Energy and Commerce: Energy and Power Subcommittee.

Abstract: GAO discussed the results of its survey of states and U.S. territories regarding their gasoline-pump labelling requirements and the need for a uniform federal gasoline ingredient label. GAO noted that: (1) 39 states required gasoline pump labels disclosing at least the gasoline alcohol content; (2) most of these states required such labels for consumer protection; (3) 22 of these 39 states were satisfied with their requirements and did not perceive a need for a uniform federal label; (4) 24 states favored a uniform federal label, while 13 states opposed a labelling requirement; and (5) states' label content requirements varied.

136914

[Use of Civilian Agencies' Aircraft for Passenger Transportation]. T-GGD-88-52. September 28, 1988. 18 pp. *Testimony* before the House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee; by L. Nye Stevens, Associate Director, General Government Division. Refer to PLRD-83-64, June 24, 1983, Accession Number 121940; PLRD-83-45, March 3, 1983, Accession Number 121111; PLRD-83-52, April 1, 1983, Accession Number 120803; and GGD-88-92BR, August 1, 1988, Accession Number 136455.

Contact: General Government Division.

Organization Concerned: General Services Administration; Office of Management and Budget.

Congressional Relevance: *House* Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee.

Authority: OMB Circular A-76. OMB Circular A-126.

Abstract: GAO discussed civilian agencies' management and use of government aircraft, specifically: (1) the requirements of Office of Management and Budget (OMB) Circulars A-76 and A-126 as they relate to the acquisition, need, and use of government aircraft; (2) actions the agencies took in response to past reports on civilian aircraft; and (3) recent follow-up work on agencies' aircraft management practices. GAO found that: (1) civilian agencies operated about 1,200 aircraft, most of which were government-owned; (2) the aircraft have a book value of about \$2 billion and cost about \$750 million annually to operate and maintain; (3) leased aircraft cost about \$100 million annually, including their operation and maintenance; (4) agencies generally agreed with most of the recommendations; (5) although OMB and the agencies strengthened their guiding policies and procedures for managing and using aircraft, agencies have not materially changed their aircraft practices or fully complied with the intent of the circulars; (6) most of the continuing aircraft management problems have resulted from incomplete guidance from OMB and the General Services Administration (GSA); (7) agencies did not have the necessary cost data to fully comply with the circulars' justification, cost-comparison, and cost-effectiveness requirements; (8) the administration did not establish standards for aircraft use to help ensure that agencies used their aircraft for justified missions; and (9) GSA recently

implemented new initiatives to assert more governmentwide leadership of aircraft management.

136926

[Protest of FHWA Contract Award for Study Concerning Ramp Signing for Trucks]. B-231914. September 27, 1988. 7 pp. *Decision* re: Transportation Research Corp.; by Seymour Efron, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Transportation Research Corp.; Center for Applied Research; Federal Highway Administration.

Authority: 4 C.F.R. 21.1(a). B-221906 (1986). B-215303.5 (1985). B-228518 (1988). B-218353 (1985). 55 Comp. Gen. 1111. B-199741.2 (1981). B-225677 (1987). 4 C.F.R. 21.3(f)(5). B-228396.4 (1988). B-228404 (1988). B-225455 (1987).

Abstract: A firm protested a Federal Highway Administration (FHWA) contract award for a study concerning ramp signing for trucks, contending that: (1) FHWA improperly evaluated the awardee's bid; (2) the technical superiority of its bid outweighed the awardee's lower cost; (3) since FHWA gave more weight to cost than to technical considerations, its evaluations were inconsistent with the solicitation's selection criteria; (4) FHWA incorrectly determined that the bids in the competitive range were technically equal; (5) the awardee was not a responsible contractor; (6) FHWA had a prejudiced view of the awardee's capability and was unable to make a proper responsibility determination; and (7) FHWA should reimburse it for its bid and protest preparation costs. GAO held that: (1) FHWA reasonably determined that the awardee's bid was technically acceptable; (2) FHWA properly used cost as a deciding factor between bids it considered to be essentially technically equal; (3) it would not review the FHWA affirmative determination of the awardee's responsibility, since the protester did not allege that FHWA acted fraudulently or in bad faith or did not apply definitive responsibility criteria; and (4) the protester was not entitled to reimbursement for its bid and protest preparation costs, since its protest was without merit. Accordingly, the protest was denied in part and dismissed in part.

136969

[Protest Against Coast Guard Cancellation of Solicitation for

Maintenance Services]. B-231918. September 30, 1988. 3 pp. *Decision re: Bay Shipbuilding Corp.; by Seymour Efras, (for James F. Hinchman, General Counsel).*

Contact: Office of the General Counsel.

Organization Concerned: Bay Shipbuilding Corp.; United States Coast Guard.

Authority: Competition in Contracting Act of 1984 (41 U.S.C. 253(a)(1)(A)). F.A.R. 14.404-1. B-222425.2 (1986). B-227677 (1987). B-221827.2 (1986).

Abstract: A firm protested the Coast Guard's cancellation of a solicitation for maintenance services, contending that the cancellation: (1) created an impermissible auction; and (2) was not justified, since bidders could have asked for clarification of the solicitation instructions. GAO held that the: (1) Coast Guard properly cancelled the solicitation in order to obtain full and open competition, since the solicitation did not provide clear and concise bid submission instructions; and (2) resolicitation did not create an impermissible auction. Accordingly, the protest was denied.

136980

Aviation Safety: Enhanced Requirements Can Improve Commuter Pilot Training. RCED-88-218; B-228633. September 28, 1988. Released October 5, 1988. 10 pp. plus 7 appendices (18 pp.). *Report to Sen. Robert C. Byrd; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-88-154, June 7, 1988, Accession Number 136263.*

Issue Area: Transportation: Effectiveness of FAA in Ensuring Aircraft Safety and Whether This Responsibility Conflicts With Its Role in Promoting Aviation Commerce (6613).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation.

Congressional Relevance: Sen. Robert C. Byrd.

Authority: Federal Aviation Reg. Part 135. Federal Aviation Reg. Part 121.

Abstract: Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) commuter airline pilot training regulations, specifically: (1) changes in the commuter airline industry; (2)

commuter and major airline pilot training regulatory requirements; and (3) commuter airline accident reports and statistics.

Findings/Conclusions: GAO found that: (1) commuter airlines are flying more passengers, on more routes, in larger, more complex planes, but have been losing experienced pilots to major airlines; (2) copilots are often upgraded to captain more rapidly than in the past, allowing less time for them to accumulate experience; (3) commuter and major airline pilot training regulations are similar, except that the commuter regulations do not specify required minimum training hours or flight training requirements; (4) accident investigation statistics showed that pilots were a factor in 57 percent of commuter airline accidents between 1980 and 1984 and 95 percent in 1985; and (5) recent accident investigations cited problems with cockpit resource management, including crew coordination, standard operating procedures, and pilot decisionmaking, rather than the pilots' flying ability or equipment problems.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FAA, to include as part of the forthcoming rulemaking for commuter pilot training: (1) guidance describing minimum training program requirements using standards such as pilot performance criteria or required training hours; (2) guidance describing required flight training maneuvers and procedures; and (3) requirements for cockpit resource management training, including crew coordination, standard operating procedures, and pilot decisionmaking, and guidance describing acceptable training programs.

137055

[Protest Against FAA Contract Award for Aircraft Rental]. B-232078. October 13, 1988. 4 pp. *Decision re: Professional Aviation Maintenance & Management Services, Inc.; by Seymour Efras, (for James F. Hinchman, General Counsel).*

Contact: Office of the General Counsel.

Organization Concerned: Professional Aviation Maintenance & Management Services, Inc.; Beech Aircraft Corp.; Federal Aviation Administration: Mike Monroney Aeronautical Center, Oklahoma City, OK.

Authority: 4 C.F.R. 21.2. B-220436 (1986). B-212940 (1984). B-228038 (1987). B-225401 (1987). B-228050 (1987).

Abstract: A firm protested a Federal Aviation Administration (FAA) contract award for aircraft rental, contending that: (1) FAA should have rejected the awardee's bid as nonresponsive for failure to acknowledge solicitation amendments; (2) FAA improperly failed to set aside the procurement exclusively for small businesses; and (3) GAO should consider its untimely protest as a significant issue. GAO held that the: (1) awardee's bid clearly indicated that it received the amendments and intended to perform in accordance with them; and (2) protester untimely filed after bid opening its protest against alleged solicitation improprieties. GAO would not consider the protest as an exception to its timeliness rules, since it had previously considered the protest issues it raised. Accordingly, the protest was denied in part and dismissed in part.

137058

Border Control: Drug Interdiction and Related Activities Along the Southwestern U.S. Border. GGD-88-124FS; B-203099. September 12, 1988.

Released October 17, 1988. 4 pp. plus 6 appendices (8 pp.). *Fact Sheet to Rep. Glenn L. English, Chairman, House Committee on Government Operations: Government Information, Justice, and Agriculture Subcommittee; by John H. Anderson, Jr., (for Arnold P. Jones, Senior Associate Director), General Government Division.*

Issue Area: Administration of Justice: Obstacles Congress and Agencies Should Address in Coordinating Law Enforcement Resources (4701).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Law Enforcement Activities (751.0).

Organization Concerned: Federal Bureau of Investigation; Drug Enforcement Administration; Department of Justice: Immigration and Naturalization Service; U.S. Border Patrol; United States Customs Service; Bureau of Alcohol, Tobacco and Firearms; Internal Revenue Service.

Congressional Relevance: House Committee on Government Operations: Government Information, Justice, and Agriculture Subcommittee; *Rep. Glenn L. English.*

Abstract: Pursuant to a congressional request, GAO provided information regarding law enforcement personnel and equipment assigned to the southwestern U.S. border and drug seizures since July 1, 1986, under Operation Alliance.

Findings/Conclusions: GAO found that: (1) it could not clearly distinguish Operation Alliance activities from other existing law enforcement activities along the border, since participating agencies do not specifically identify their efforts with the operation; (2) the participating agencies placed about 1,090 additional law enforcement personnel in California, New Mexico, Arizona, and Texas between July 1986 and October 1987; (3) the Customs Service has placed 11 interdiction aircraft and 12 boats along the border since July 1986; and (4) from July 1986 through December 1987, the participating agencies seized 199,196 kilograms of marijuana, 15,526 kilograms of cocaine, and 100 kilograms of heroin.

137061

The Jones Act: Impact on Alaska Transportation and U.S. Military Sealift Capability. RCED-88-107; B-230334. September 30, 1988.

Released October 17, 1988. 5 pp. plus 7 appendices (45 pp.). *Report to Sen. Ted Stevens, Ranking Minority Member, Senate Committee on Commerce, Science and Transportation: Merchant Marine Subcommittee; by Sarah F. Jaggar, Associate Director, Resources, Community, and Economic Development Division.*

Issue Area: Transportation: Economic Effects of Regulatory Reform in the Transportation Sector (6611); Logistics: Other Issue Area Work (5991); Navy: Other Issue Area Work (5691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Water Transportation (403.0).

Organization Concerned: United States Customs Service; Alaska; Department of Defense.

Congressional Relevance: *Senate Committee on Commerce, Science and Transportation: Merchant Marine Subcommittee; Sen. Ted Stevens.*

Authority: Merchant Marine Act, 1920 (P.L. 66-261; 46 U.S.C. 883). Tariff Act of 1922. Export Administration Act of 1979. Trans-Alaska Pipeline Authorization Act. 46 U.S.C. 8103. P.L. 98-525.

Abstract: In response to a congressional request, GAO examined the effects of the Jones Act on Alaska trade to determine the: (1) economic costs of the act's requirement that only U.S. vessels carry cargo between points in the United States; and (2) impact of this requirement on achieving national defense objectives.

Findings/Conclusions: GAO found that: (1) the requirement increased annual

transportation costs in Alaskan trade by about \$163 million; (2) a new crude oil pipeline from California to Alaska could reduce the need for tanker transportation; and (3) the increased costs for Alaskan oil reduced Alaskan royalties and severance taxes by \$37 million per year. GAO also found that: (1) U.S. military strategy relied heavily on the use of U.S.-flag ships to move military supplies abroad in case of war; (2) the U.S.-flag fleet declined from 1,050 ships in 1950 to 365 in 1987; (3) the number of positions for U.S. merchant mariners declined from 56,629 in 1950 to 10,376 in 1987; (4) although admitting foreign-built ships to Alaskan trade would probably not change the number of U.S.-flag ships in that trade, it might reduce the number of positions for U.S. merchant mariners; and (5) replacing existing ships with foreign ships would reduce the shipyard mobilization base.

137062

Coast Guard: Decision to Phase Out Curtis Bay Yard Is Inadequately Supported. RCED-89-29; B-231308. October 7, 1988.

Released October 17, 1988. 10 pp. plus 4 appendices (5 pp.). *Report to Rep. Earl Hutto, Chairman, House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; Sen. Frank R. Lautenberg, Chairman, Senate Committee on Appropriations: Transportation Subcommittee; Sen. Barbara A. Mikulski; Sen. Paul S. Sarbanes; Rep. Benjamin Cardin; Rep. Tom McMillen; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-89-48, November 29, 1988, Accession Number 137454.*

Issue Area: Transportation: Other Issue Area Work (6691); Intergovernmental Relations: Other Issue Area Work (9291).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Water Transportation (403.0).

Organization Concerned: Department of Transportation; United States Coast Guard: Curtis Bay Yard, MD.

Congressional Relevance: *House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; Senate Committee on Appropriations: Transportation Subcommittee; Rep. Tom McMillen; Rep. Benjamin Cardin; Rep. Earl Hutto; Sen. Paul S. Sarbanes; Sen. Barbara A. Mikulski; Sen. Frank R. Lautenberg. Authority: P.L. 99-640.*

Abstract: In response to a congressional request, GAO reviewed the proposed phaseout of industrial operations at the U.S. Coast Guard Yard at Curtis Bay, Maryland.

Findings/Conclusions: GAO found that: (1) the Coast Guard estimated that phasing out the Yard's industrial functions would result in annual savings of about \$2.6 million; (2) Yard officials estimated that the savings would only total about \$1 million due to offsetting increased overhead operating and maintenance costs; (3) neither the Coast Guard headquarters nor the Yard estimates considered certain annual offsetting administration costs associated with contracting out the industrial work; and (4) Coast Guard headquarters assumed that contracting the work would cost the same as performing it in-house. GAO also found that: (1) closing the Yard would result in one-time offsetting costs of between \$5 million and \$8 million for severance and annual leave pay to civilian employees and could delay any net savings for 2 to 3 years; (2) Yard officials stated that headquarters often overlooked the Yard's tangible benefits when deciding where it should make ship construction and repairs; (3) the Coast Guard also justified the phaseout as a means to avoid \$20 million to \$30 million in modernization costs; (4) although the Coast Guard anticipated declines in the Yard's work load, documents suggested that the Yard operations were an essential activity needed for effective and timely mission performance; and (5) the Coast Guard had not officially justified waiving a legislated prohibition against terminating the essential logistic activities before considering contracting out its activities. In addition, GAO found that, although the Coast Guard was developing a phaseout implementation plan that would include new cost savings estimates, an assessment of offsetting costs for contract administration, and a better assessment of one-time closing costs, until it corrected other weaknesses, it lacked assurance that its decision to close the Yard was proper.

Recommendation To Agencies: In order to develop more complete information upon which to base a decision on maintaining or phasing out the industrial activities of the Curtis Bay Yard, the Secretary of Transportation should direct the Commandant, Coast Guard, to identify and weigh the importance of the intangible benefits of maintaining the only ship repair and construction facility under Coast Guard control. In order to develop more complete information upon which to

base a decision on maintaining or phasing out the industrial activities of the Curtis Bay Yard, the Secretary of Transportation should direct the Commandant, Coast Guard, to evaluate the feasibility of the less costly alternatives to modernize the Yard laid out in the Yard's 1987 Master Plan and develop a more precise estimate of future modernization costs. The Secretary of Transportation should adequately justify the required waiver, if the decision is made to terminate the Yard's essential logistics industrial activities. At a minimum, the justification should resolve inconsistencies in existing planning documents with respect to future work that could be done at the Yard and include the reasons why the Yard's technical personnel and base facilities are no longer necessary to ensure the effective and timely performance of the Coast Guard's missions under varying contingency operations.

137123

Whistleblowers: Management of the Program to Protect Trucking Company Employees Against Reprisal. GGD-88-123; B-231224. September 22, 1988.

Released October 25, 1988. 35 pp. *Report* to Rep. Cardiss R. Collins, Chairman, House Committee on Government Operations: Government Activities and Transportation Subcommittee; by Richard L. Fogel, Assistant Comptroller General, General Government Division. Refer to HRD-87-5, February 3, 1987, Accession Number 132327.

Issue Area: Federal Civilian Work Force: Other Issue Area Work (4891); Employment and Education: **Assessing Whether Department of Labor Worker Protection Programs Adequately Ensure Safe and Healthful Workplaces and Fair Compensation** (5312).

Contact: General Government Division.
Budget Function: Health: Consumer and Occupational Health and Safety (554.0).

Organization Concerned: Department of Labor; Occupational Safety and Health Administration; Department of Transportation; Federal Highway Administration; Office of Motor Carriers.
Congressional Relevance: *House* Committee on Government Operations: Government Activities and Transportation Subcommittee; *Rep.* Cardiss R. Collins.

Authority: Surface Transportation Assistance Act of 1982 (P.L. 97-424; 49 U.S.C. 2301 et seq.); 49 U.S.C. 3101 et seq. 49 U.S.C. App. 2501 et seq. 49 U.S.C. App. 1801 et seq. 49 C.F.R. 390. Motor

Carrier Safety Act of 1984 (49 U.S.C. 521(b)). Occupational Safety and Health Act of 1970 (P.L. 91-596; 29 U.S.C. 660(c)).

Abstract: Pursuant to a congressional request, GAO reviewed the Occupational Safety and Health Administration's (OSHA) management of the Whistleblower Protection Program for trucking company employees who allege safety violations by employers.

Findings/Conclusions: GAO found that OSHA: (1) has not devoted enough management attention to the Whistleblower Protection Program; (2) did not fully comply with the statutory requirement that it investigate and issue findings on whistleblower complaints within 60 days; (3) inadequately publicized the program; and (4) plans to have a new management information system in operation by January 1989, which will provide direct access to data maintained in OSHA regional offices. GAO also found that the Department of Transportation's Office of Motor Carriers (OMC) and OSHA did not have procedures to provide OMC with information from complaints alleging motor carrier safety violations.

Recommendation To Agencies: The Secretary of Labor should direct the Assistant Secretary for Occupational Safety and Health to ensure that the management information system being developed will provide accurate and up-to-date information on the current status of Section 405 cases. The Secretary of Transportation should develop, in cooperation with OSHA, a procedure for obtaining information from whistleblower complaints alleging motor carrier safety violations and use the information as a factor to consider in identifying and following up on motor carriers alleged to have violated federal laws and regulations. The Secretary of Labor should direct the Assistant Secretary for Occupational Safety and Health to identify the problems, factors, and conditions that are causing delays in case processing and take action to correct them. The Secretary of Labor should direct the Assistant Secretary for Occupational Safety and Health to develop and implement a better, more comprehensive public information program and mechanism to ensure that trucking company employees are aware of their rights and protections under the act. The Secretary of Transportation should develop, in cooperation with OSHA, a procedure for obtaining information from whistleblower complaints alleging motor carrier safety violations and use the information as a factor to consider in deciding what penalties to impose on motor carriers

who have committed repeated and/or serious violations.

137149

Bridge Improvements: States Exercise Discretion in Selecting Projects Using Federal-Aid Funds. RCED-89-8; B-226936. October 26, 1988. 10 pp. plus 14 appendices (25 pp.). *Report* to Rep. Glenn M. Anderson, Chairman, House Committee on Public Works and Transportation; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to RCED-88-75, May 20, 1988, Accession Number 135864.

Issue Area: Transportation: Implementation of Federal and State Government Roles for Addressing the Nation's Bridge Problems (6617).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Federal Highway Administration.

Congressional Relevance: *House* Committee on Public Works and Transportation; *Rep.* Glenn M. Anderson.

Authority: Surface Transportation Assistance Act of 1978 (P.L. 95-599). Surface Transportation and Uniform Relocation Assistance Act of 1987.

Abstract: In response to a congressional request, GAO provided information on six state highway agencies' selections of bridges for replacement and rehabilitation, specifically the: (1) legislative requirements for bridge project selection and the Federal Highway Administration's (FHWA) role in the process; (2) factors that states considered in making bridge project decisions; and (3) levels and sources of state funding for bridge improvement programs.

Findings/Conclusions: GAO found that: (1) the Highway Bridge Replacement and Rehabilitation Program legislation did not contain bridge selection criteria for states to use or prescribe a role for FHWA in selecting specific bridge projects; (2) in all of the states reviewed, the transportation officials considered average daily traffic counts and structural integrity when selecting bridge replacement or rehabilitation projects; (3) some states considered the impact of detours on the community and other states considered bridges' remaining useful lives and the need to replace bridge decks; (4) three states had formal systems for evaluating their

bridge improvement priorities; (5) FHWA developed a bridge management system to help states rank bridge projects and presented workshops to state agencies to show them how to develop and implement a formal bridge management system; and (6) FHWA believes that states should expand their bridge data bases to include truck weight surveys, accidents, maintenance costs, and the effect of maintenance on bridge deterioration rates. GAO also found that: (1) the states varied greatly in the extent to which they supplemented their legislative apportionment in addition to the required 20-percent matching contribution; (2) federal funding for fiscal years 1987 through 1991 totalled \$8.15 billion for bridge improvements; (3) state contributions ranged from \$5 million to about \$70 million; and (4) all of the states generally raised their funds through legislatively authorized bond issues or state gasoline taxes.

137155

Boating and Fishing:

Administration of the Wallop-Breaux Trust Fund. RCED-89-32BR; B-231292. October 26, 1988. 34 pp. plus 1 appendix (1 pp.). *Briefing Report* to Rep. Walter B. Jones, Chairman, House Committee on Merchant Marine and Fisheries; Rep. Robert W. Davis, Ranking Minority Member, House Committee on Merchant Marine and Fisheries; Rep. Gerry E. Studds, Chairman, House Committee on Merchant Marine and Fisheries: Fisheries, Wildlife Conservation and the Environment Subcommittee; Rep. Don Young, Ranking Minority Member, House Committee on Merchant Marine and Fisheries: Fisheries, Wildlife Conservation and the Environment Subcommittee; Rep. Earl Hutto, Chairman, House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division. Refer to T-RCED-88-38, April 28, 1988, Accession Number 135678; T-RCED-88-42, May 12, 1988, Accession Number 135792; RCED-87-3S, July 24, 1987, Accession Number 133538; and GGD-87-43BR, June 9, 1987, Accession Number 133152.

Issue Area: Transportation: Other Issue Area Work (6691); Intergovernmental Relations: Other Issue Area Work (9291); Tax Policy and Administration: Other Issue Area Work (4691).

Contact: Resources, Community, and Economic Development Division.
Budget Function: Transportation: Water Transportation (403.0).

Organization Concerned: Department of the Treasury; United States Coast Guard; United States Fish and Wildlife Service.

Congressional Relevance: *House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; House Committee on Merchant Marine and Fisheries: Fisheries, Wildlife Conservation and the Environment Subcommittee; House Committee on Merchant Marine and Fisheries: Fisheries, Wildlife Conservation and the Environment Subcommittee; House Committee on Merchant Marine and Fisheries; House Committee on Merchant Marine and Fisheries; Rep. Earl Hutto; Rep. Don Young; Rep. Gerry E. Studds; Rep. Robert W. Davis; Rep. Walter B. Jones.*
Authority: Federal Managers' Financial Integrity Act of 1982. Deficit Reduction Act of 1984 (P.L. 98-369). Fish Restoration and Management Projects Act. Federal Aid in Fish Restoration and Management Projects Act. P.L. 100-448. H. Rept. 100-786.

Abstract: In response to a congressional request, GAO analyzed the Sport Fish Restoration Account of the Aquatic Resource Trust Fund to determine: (1) why the revenues increased; (2) the accuracy of the Department of the Treasury's revenue estimates and accounting procedures; and (3) how states spent their funds. GAO also analyzed the Fund's Boat Safety Account to determine how states and the Coast Guard used those funds.

Findings/Conclusions: GAO found that: (1) the Sport Fish Restoration Account revenues increased to \$125 million between 1985 and 1988, due to increased taxes on fishing equipment and motorboat fuel; (2) Treasury affected state planning and budgeting by making errors in estimating monthly revenues, which it made because of its inexperience in estimating excise taxes and import duties, mistakes in reporting revenues, and inadequate monthly reports; (3) Treasury failed to transfer about \$14 million in import duties into the account; (4) the Fish and Wildlife Service failed to promptly and accurately apportion account funds to the states; and (5) states used the funds to finance new research and fishery development activities and to complete projects they started before the fund was established. GAO also found that: (1) most states used Boat Safety Account funds primarily to acquire and upgrade law enforcement equipment; (2) the

Coast Guard used its funds to offset a portion of its total cost of services to recreational boaters; (3) the Coast Guard did not implement a recommendation that it use existing information sources to obtain more meaningful data on state spending of boat safety funds due to staff limitations; and (4) Congress recently authorized the Coast Guard to hire additional staff, using available funds.

137178

Airline Scheduling: Airline Practices in Establishing and Maintaining Connecting Times. RCED-88-207; B-228633. September 30, 1988.

Released October 31, 1988. 9 pp. plus 5 appendices (7 pp.). *Report* to Rep. John P. Hammerschmidt; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Economic Effects of Regulatory Reform in the Transportation Sector (6611).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Lambert-St. Louis International Airport; Memphis-Shelby County Airport; Federal Aviation Administration: Washington National Airport.

Congressional Relevance: *Rep. John P. Hammerschmidt.*

Abstract: In response to a congressional request, GAO reviewed airline procedures to determine: (1) how they established, publicized, and enforced connecting times between flights; (2) whether current scheduled connecting times were too short; (3) if there were carrier policies regarding holding outgoing flights when incoming connecting flights were late and keeping spare aircraft in reserve to replace those that developed mechanical problems; and (4) if there were any unusual circumstances that would increase the likelihood of missing connections at the three airports reviewed.

Findings/Conclusions: GAO found that: (1) for on-line connections, a carrier sets whatever time between flights it believes is a reasonable minimum for the airport; (2) for inter-line connections, the airlines serving the airport agree to a standard minimum connecting time; (3) although there are no formal mechanisms for ensuring that airlines do not schedule connections allowing for less than the minimum airport connecting time, the airlines will not accept responsibility for transferring passengers and luggage for

connections that are below the minimum time; and (4) publishers of airline schedules do not list connections which do not adhere to the established airport minimum. GAO also found that: (1) airlines have procedures for adjusting minimum times that are too short; (2) airlines usually allow more time for connections than the minimum established times; (3) airlines hold flights in some cases; (4) some airlines maintain backup aircraft to compensate for delays and mechanical problems; (5) complaints about missed connections have grown in proportion to the overall increase in complaints about all flight problems; and (6) some airports' physical layouts and work-force problems increase the likelihood of delays.

137207

Drug Control: U.S.-Supported Efforts in Colombia and Bolivia. NSIAD-89-24; B-225282. November 1, 1988. 69 pp. plus 3 appendices (11 pp.). *Report to Congress*; by Frank C. Conahan, (for Charles A. Bowsher, Comptroller General).

Issue Area: Foreign Economic Assistance; Other Issue Area Work (6291); Administration of Justice: Obstacles Congress and Agencies Should Address in Coordinating Law Enforcement Resources (4701).

Contact: National Security and International Affairs Division.

Budget Function: International Affairs: Foreign Economic and Financial Assistance (151.0).

Organization Concerned: Department of State; Department of Justice; Agency for International Development; Department of State: Bureau of International Narcotics Matters; Department of State: Office of the Assistant Secretary for International Narcotics Matters; Republic of Bolivia; Republic of Colombia.

Congressional Relevance: Congress.

Authority: Anti-Drug Abuse Act of 1986. Foreign Assistance Act of 1961 (22 U.S.C. 2291). Single Convention on Narcotic Drugs, Mar. 30, 1961, Multilateral, T.I.A.S. No. 6298. International Narcotics Control Act of 1985 (P.L. 99-83). Convention Relating to the Suppression of the Abuse of Opium and Other Drugs, Jan. 23, 1912, Multilateral, 38 Stat. 1912, 8 L.N.T.S. 187. P.L. 99-190. Convention on Extradition, Dec. 26, 1933, Multilateral, 49 Stat. 3111, 165 L.N.T.S. 45.

Abstract: Pursuant to a legislative requirement, GAO evaluated the scope, purpose, and effectiveness of U.S.

narcotics control efforts in Colombia and Bolivia.

Findings/Conclusions: GAO found that U.S.-supported crop control, enforcement, and interdiction efforts in Colombia and Bolivia have not produced major reductions in coca and marijuana production and trafficking, and it is questionable whether the efforts will achieve major reductions in the near future. GAO found that Colombia's large-scale efforts have had little effect due to the: (1) unprecedented level of violence associated with narcotics control; (2) lack of an enforceable extradition treaty with the United States for narcotics offenses; (3) general reluctance of the Colombian military forces to become involved in narcotics enforcement; and (4) lack of safe and effective means of chemically eradicating coca. GAO also found that Bolivia's efforts have had little effect due to: (1) the lack of clear legislation in Bolivia outlawing coca cultivation and supporting government control and eradication programs; (2) an inexperienced and ineffective special narcotics police force; (3) limited Bolivian government funding for program objectives; and (4) generalized corruption. In addition, GAO found that the Department of State's Bureau of International Narcotics Matters (INM): (1) did not systematically evaluate program and project performance to assess progress against established goals and objectives or to redirect activities; and (2) does not have guidelines which clearly establish the responsibility for ensuring that INM units perform evaluations. GAO also found that the Agency for International Development's development and narcotics awareness programs in Bolivia have not been effective due to the unwillingness or inability of the Bolivian government to introduce and implement effective coca control and enforcement measures. **Recommendation To Agencies:** The Secretary of State should instruct the Assistant Secretary for International Narcotics Matters to: (1) ensure that eradication aircraft are used during the entire day and to spray early in the marijuana growing cycle; (2) increase U.S. monitoring of marijuana eradication activities; (3) encourage Colombian officials to establish aircraft maintenance standards; (4) improve aircraft spare parts inventory management policies and procedures; and (5) request the government of Colombia to use all of its resources, including its military force, more effectively in the fight against drug production and trafficking. To obtain greater participation in the narcotics

control effort, the Secretary of State should encourage the government of Bolivia to: (1) improve the effectiveness of Bolivia's narcotics special police force; and (2) provide additional support for narcotics interdiction and enforcement activities. Such support does not have to be strictly financial, because several requirements for in-kind logistical support can be provided by elements of the government of Bolivia at little or no additional cost. The Assistant Secretary of State for International Narcotics Matters should: (1) issue clear guidelines on the responsibility for conducting program and project evaluations; (2) establish an evaluation schedule; and (3) establish procedures to ensure that scheduled evaluations are performed. The Assistant Secretary of State for International Narcotics Matters should initiate a review of procedures for accounting for cash advances and ensure that proper control of advances are instituted and maintained.

137216

Nuclear Health and Safety: DOE Needs to Take Further Actions to Ensure Safe Transportation of Radioactive Materials. RCED-88-195; B-222195. September 27, 1988.

Released November 4, 1988. 41 pp. plus 4 appendices (10 pp.). *Report to Sen. John H. Glenn, Chairman, Senate Committee on Governmental Affairs*; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to EMD-81-108, August 4, 1981, Accession Number 115979; RCED-86-175, June 16, 1986, Accession Number 130260; and RCED-89-61FS, December 14, 1988, Accession Number 137713.

Issue Area: Energy: Other Issue Area Work (6491).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Energy: Energy Information, Policy, and Regulation (276.0).

Organization Concerned: Department of Energy; Nuclear Regulatory Commission; Westinghouse Hanford Co. **Congressional Relevance:** *Senate Committee on Governmental Affairs*; Sen. John H. Glenn.

Authority: Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.). Transportation of Explosives Act (18 U.S.C. 831 et seq.). Dangerous Cargo Act (Ships) (46 U.S.C. 170). Aviation Act (49 U.S.C. 1421 et seq.). Department of Transportation Act (49 U.S.C. 1655). DOE Order 5480.3. DOE Order 5610.1. 49 C.F.R. 173.7. 10 C.F.R. 71.

Abstract: Pursuant to a congressional request, GAO reviewed the Department of Energy's (DOE) regulation of its program for transporting high-level radioactive materials.

Findings/Conclusions: GAO found that: (1) the Nuclear Regulatory Commission (NRC) identified safety-related concerns with DOE-certified containers for transporting radioactive material, involving structure, containment, shielding, thermal, criticality, and acceptance testing and maintenance conditions; (2) these concerns prompted DOE to revamp container certification procedures, consolidate certification responsibility at national headquarters, and remove many of the containers from the transport program; (3) a DOE contractor's review identified inadequate documentation that the containers complied with safety requirements, the use of nonconservative analyses, and calculation errors; (4) DOE continued to use the containers up to 3 months after the contractor identified these problems; (5) DOE used three containers for several years without ever obtaining certification; (6) DOE used four containers with only 60-day approvals for several years; and (7) DOE regarded inadequate demonstration and certification as documentation problems not affecting container safety.

Recommendation To Agencies: In accordance with the provisions of DOE Order 5480.3, the Secretary of Energy should promptly develop written guidance for addressing and resolving safety-related concerns raised about the packages used to ship nonweapons, high-level radioactive materials. This guidance should include provisions for approving the continued use of these packages by an organization that does not manage their use. The Secretary of Energy should: (1) promptly conduct an independent review of all available documentation to ensure that package designs approved for transporting nuclear explosives, nuclear components, and special assemblies meet all applicable safety regulations; and (2) consolidate certification responsibilities for these packages with the centralized package certification program at DOE headquarters.

Investigations Subcommittee; by Hugh J. Wessinger, Senior Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Environment: Assessing EPA's Protection of Public Health and the Environment From Criteria Air Pollutants (6814); Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Environmental Protection Agency; United States Coast Guard; Maritime Administration.

Congressional Relevance: House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Rep. John D. Dingell.

Authority: Clean Air Act.

Abstract: In response to a congressional request, GAO reviewed federal and state efforts to: (1) control marine vessel emissions; and (2) address vessel safety and interstate commerce issues.

Findings/Conclusions: GAO found that: (1) neither the Environmental Protection Agency (EPA) nor the states implemented marine vessel emission controls because the industry, the Coast Guard, and the Maritime Administration raised concerns about their safety, cost, and effects on interstate commerce; (2) vessel operators were concerned about the costs of vapor recovery systems and the possibility that differing requirements would restrict vessel operations in some states; (3) although the Coast Guard and EPA attempted to resolve some of the issues, they discontinued their efforts in 1981 due to EPA budget reductions; (4) the Coast Guard resumed its efforts in 1984 and anticipated issuing safety regulations for vapor recovery systems in 1990; (5) the Coast Guard and Maritime Administration developed a proposal to amend the Clean Air Act to give EPA authority to regulate marine vessel emissions and the Coast Guard authority to establish and enforce safety regulations; and (6) EPA proposed a national ozone strategy to provide support for the states in controlling emissions from various sources.

Lowry, Chairman, House Committee on Merchant Marine and Fisheries: Oceanography Subcommittee; by Flora H. Milans, Associate Director, Resources, Community, and Economic Development Division. Refer to HRD-79-18, April 27, 1979, Accession Number 109236; and OCG-85-1, February 19, 1985, Accession Number 126442.

Issue Area: Science and Technology Policy and Programs: Other Issue Area Work (9391).

Contact: Resources, Community, and Economic Development Division.

Budget Function: General Science, Space, and Technology: General Science and Basic Research (251.0).

Organization Concerned: National Oceanic and Atmospheric Administration; Department of Labor; Department of Commerce: Office of the Inspector General.

Congressional Relevance: House Committee on Merchant Marine and Fisheries: Oceanography Subcommittee; Rep. Mike Lowry.

Authority: Davis-Bacon Act (Wage Rates) (40 U.S.C. 276a). Walsh-Healey Act (Government Contracts) (41 U.S.C. 35 et seq.). Service Contract Act of 1965 (41 U.S.C. 351 et seq.).

Abstract: Pursuant to a congressional request, GAO monitored the National Oceanic and Atmospheric Administration's (NOAA) implementation of recommendations that the Department of Commerce's Office of the Inspector General (OIG) included in two audit reports concerning alleged NOAA procurement of substandard power packs and NOAA contract management weaknesses affecting its vessel fleet. GAO also examined NOAA plans to propose legislation to clarify the application of labor rate provisions to its ship repair contracts.

Findings/Conclusions: GAO found that the OIG audit reports recommended: (1) several contract administration changes relating to power pack procurement, including requiring adequate technical specifications and appropriate inspection checkpoints and establishing review and control processes; (2) an additional, independent inspection of the alleged substandard power packs; and (3) several changes to correct problems in the management of ship repair contracts, including improving the timeliness of bid solicitations, correcting technical errors in contract administration, and eliminating excessive and inappropriate contract modifications. GAO also found that OIG: (1) concurred with NOAA proposals for implementing its

137237

Air Pollution: Issues Inhibiting Marine Vessel Emission Controls Are Still Unresolved. RCED-89-12; B-226223. October 7, 1988.

Released November 8, 1988. 24 pp. plus 1 appendix (1 pp.). Report to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and

137238

Ocean Research Fleet: Contracting Practices for Repair of NOAA Ships. RCED-89-25; B-232617. October 31, 1988.

Released November 8, 1988. 6 pp. plus 3 appendices (12 pp.). Report to Rep. Mike

recommendations; and (2) planned to conduct a follow-up review to ensure adequate implementation of corrective actions. In addition, GAO found that: (1) the Department of Labor advised Commerce that it should apply Davis-Bacon Act labor rate provisions to its NOAA ship repair contracts; (2) Commerce applied Walsh-Healey Public Contracts Act provisions to these contracts, since it believed that Davis-Bacon Act provisions were costly and time-consuming; and (3) Labor did not object to Commerce's proposed legislation to allow it to apply Walsh-Healey Act labor rate provisions to cover NOAA vessel construction and repair contracts.

137250

[Protests of USCG Contract Award for Prototype Motor Life Boat]. B-231912. November 7, 1988. 4 pp. *Decision* re: Kings Craft, Inc.; Halter Marine, Inc.; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: United States Coast Guard; Kings Craft, Inc.; Halter Marine, Inc.; Textron, Inc.
Authority: B-228325 (1987). B-230669.2 (1988). B-228168.3 (1988).

Abstract: Two firms protested a Coast Guard contract award for a prototype motor life boat, contending that the: (1) awardee's bid was higher than theirs; and (2) Coast Guard gave the awardee's experience an improperly high technical rating. GAO held that the Coast Guard: (1) reasonably evaluated the awardee's proposal consistently with the solicitation's evaluation criteria; and (2) was not required to make award to the low bidder in a negotiated procurement. Accordingly, the protests were denied.

137265

[Request for Reconsideration of Denied Protest Against FHWA Contract Award for Study]. B-231914.2. November 10, 1988. 4 pp. *Decision* re: Transportation Research Corp.; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Transportation Research Corp.; Center for Applied Research; Federal Highway Administration.
Authority: 4 C.F.R. 21.12(a). 4 C.F.R. 21.3(k). B-230107.3 (1988).

Abstract: A firm requested reconsideration of its denied protest against a Federal Highway

Administration (FHWA) contract award for a research study. GAO had held that FHWA reasonably made: (1) an affirmative determination of the awardee's capability; and (2) award on the basis of cost. In its request for reconsideration, the protester contended that GAO: (1) made a factual misstatement about the awardee's capability; (2) did not consider the solicitation requirements; and (3) based its decision on incomplete information. GAO held that the protester merely reiterated arguments it raised in its original protest. Accordingly, the request for reconsideration was denied.

137267

[Protest Against Army Contract Award for Transportation Services]. B-232488. November 9, 1988. 3 pp. *Decision* re: Technical Support Services; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.
Organization Concerned: Department of the Army; Technical Support Services; Sterling Services, Inc.

Authority: F.A.R. 14.406. B-219981 (1985).
Abstract: A firm protested an Army contract award for transportation services, contending that the Army improperly corrected a mathematical error in the awardee's bid, displacing the protester's low bid. GAO held that the Army properly allowed correction of the error, since the: (1) mistake and the intended bid were apparent on the face of the bid; and (2) correction did not prejudice the protester or any other bidder. Accordingly, the protest was denied.

137318

[Protest Against Air Force Contract Award for Air Transportation Services]. B-233185. November 17, 1988. 2 pp. *Decision* re: Tri-Services, Inc.; by Robert M. Strong, Associate General Counsel, Office of the General Counsel.

Contact: Office of the General Counsel.
Organization Concerned: Department of the Air Force; Small Business Administration; Tri-Services, Inc.; Access Flight Services.

Authority: 4 C.F.R. 21.3(m). F.A.R. 19.302(h)(1). B-228367 (1987). B-227939 (1987).

Abstract: A firm protested an Air Force contract award for air transportation services, contending that the: (1) Air Force improperly awarded the contract before the Small Business

Administration (SBA) ruled on a protest regarding the awardee's size; and (2) SBA failed to timely notify the protester of its determination of the awardee's size, which precluded the protester from appealing the determination. GAO held that the Air Force: (1) properly awarded the contract after SBA ruled on the awardee's size; and (2) was not required to wait for a size determination appeal before awarding the contract. Accordingly, the protest was dismissed.

137321

Reserve Components: Opportunities to Improve National Guard and Reserve Policies and Programs. NSIAD-89-27; B-222994. November 17, 1988. 77 pp. plus 3 appendices (41 pp.). *Report to Congress*; by Charles A. Bowsler, Comptroller General. Refer to FPCD-78-82, January 29, 1979, Accession Number 108459; NSIAD-85-95, June 4, 1985, Accession Number 127099; NSIAD-86-35BR, December 31, 1985, Accession Number 128795; NSIAD-84-35, January 20, 1984, Accession Number 123435; NSIAD-86-53, March 26, 1986, Accession Number 129611; NSIAD-88-164, June 28, 1988, Accession Number 136199; FPCD-80-30, January 28, 1980, Accession Number 111402; and NSIAD-87-23BR, October 24, 1988, Accession Number 131683.

Issue Area: General Management Reviews: NSIAD-Assessing Whether Agencies Have the Necessary Management To Ensure Effective Service Delivery and Safeguarding of Public Resources (7303); Manpower and Reserve Affairs (5800).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

Organization Concerned: Department of Defense; Department of the Army: National Guard Bureau; Department of the Army: U.S. Army Reserve; Department of the Air Force: National Guard Bureau; Department of the Air Force: Air Force Reserve; Department of the Navy: Naval Reserve Command; United States Marine Corps: Marine Corps Reserve; United States Coast Guard: Coast Guard Reserve.

Congressional Relevance: Congress. **Authority:** Armed Forces Reserve Act of 1952. Federal Managers' Financial Integrity Act of 1982 (P.L. 97-258). Department of Defense Authorization Act, 1987. Department of Defense

Authorization Act, 1988 and 1989. Reserve Forces Bill of Rights and Vitalization Act (P.L. 90-168). Department of Defense Authorization Act, 1984. DOD Directive 5010.38. DOD Directive 1225.6. Department of Defense Appropriation Authorization Act, 1979. A.R. 10-5. 10 U.S.C. 115(a).

Abstract: GAO reviewed the Department of Defense's (DOD) reserve components' management systems and practices to determine how the services could improve management to enhance reserve force capabilities.

Findings/Conclusions: GAO found that: (1) DOD did not develop force mix and mission assignment guidance because it had difficulty developing the methodology; (2) DOD had problems maintaining the updated personnel information necessary to train and mobilize the Individual Ready Reserve (IRR); (3) DOD did not know the capability of a large number of individual ready reservists, since it transferred personnel without adequate screening; and (4) no guidance existed in key management areas to determine personnel requirements and to utilize and train personnel. GAO also found that: (1) although DOD recently took actions to improve the status of reserve component equipment, shortages still existed and were a major factor affecting capability; (2) although Congress approved funds to increase reserve equipment procurement, the services reduced the amounts they planned to use for procuring the equipment; (3) the Army Reserve had difficulty using special reserve appropriations because some of its equipment requirements did not fit into its procurement actions; (4) although DOD did not separate reserve component equipment budgets as mandated, it presented an alternative for providing oversight that would establish reserve equipment expenditure minimums; and (5) certain Army National Guard and Reserve equipment distribution practices resulted in reductions in capability of some higher-priority units. In addition, GAO found that: (1) about 277,000 selected reservists did not have the required individual skills for their positions; (2) training time limited to 38 days a year constrained DOD from providing sufficient individual skill training; and (3) although the services had generally well integrated financial and management information systems, they had long-standing accuracy and timeliness problems with their pay systems and slippages in their mobilization, management, and administrative information systems.

Recommendation To Congress: Congress may wish to consider discontinuing the requirements for DOD to separately budget for National Guard and Reserve equipment and instead establish within each service's equipment authorization and appropriation a minimum amount for reserve equipment expenditures. This would provide visibility over reserve equipment expenditures and would better integrate the reserve components into their parent services' planning and budgeting processes.

Recommendation To Agencies: The Secretary of Defense should take steps to ensure the timely development of force-mix and mission assignment decision guidance that would ensure the consistent consideration of relevant factors pertaining to the decisions. At a minimum, the guidance should address such factors as cost, capability, personnel training, and equipment requirements. The Secretary of Defense should examine alternatives for ensuring that reservists report current addresses and other personal information. The Secretary of Defense should report the IRR personnel data base deficiencies as a material weakness in the DOD system of internal controls and identify plans and milestones for correcting those deficiencies. The Secretary of Defense should direct the military services to identify critical skill requirements and target training resources to IRR members with those skills. The Secretary of Defense should direct the military services to ensure that unit commanders analyze the mobilization potential of unsatisfactory performers and participants before transferring them to IRR. The Secretary of Defense should establish milestones for the timely completion of a DOD directive providing guidance on the administration of full-time support programs. The Secretary of Defense should monitor the execution of equipment appropriations designated for the reserve components. The Secretary of Defense should direct the Secretaries of the military services to ensure that procurement plans address the availability of mission-essential equipment needed by reserve units, especially when this equipment is unique to the reserve components. The Secretary of Defense should direct the Secretary of the Army to reexamine the guidance for equipment distribution and redistribution in the Army National Guard and Reserve and to include consideration of unit deployment priorities in the resource allocation process. The Secretary of Defense should ensure that plans for improving the levels of individual military skill

qualification include strengthening management control and practices to ensure that reserve component training programs are effectively administered and implemented. The Secretary of Defense should examine the possible costs and benefits of using full-time support personnel for those military skill specialities that are difficult to obtain or maintain in the reserve components. If this approach is found to have merit, an analysis should be made of the utilization of existing full-time support personnel before any additional personnel are requested. The Secretary of Defense should direct the Secretaries of the Army and Navy to develop programs to expedite the retraining of prior service personnel through such practices as establishing and enforcing time limits for completion of requalifications and scheduling required retraining prior to enlisting these personnel in units. The Secretary of Defense should consider establishing a policy selectively requiring active duty for training for IRR members who transferred from the Selected Reserve. This should apply only to IRR members who have not served on active duty other than for initial entry training. The Secretary of Defense should direct the Secretary of the Army to report to him on whether opportunities exist to expedite the integration of reserve component pay systems and the elimination of the Army National Guard's unique accounting and information systems. Also, the Secretary of the Army should report the reserve component mobilization data deficiencies as a material weakness and include plans for correcting the weakness in the fiscal year 1988 report on internal controls. The Secretary of Defense should direct the Secretary of the Navy to develop a single pay system for reserve pay.

137351

Transition Series: Transportation Issues. OCG-89-25TR; B-158195. November 1988. 32 pp. *Report to Congress; Secretary-designate, Department of Transportation;* by Charles A. Bowsher, Comptroller General. This is part of Transition Series on Issues Facing New Administration, November 1988, Accession Number 137326. Refers to numerous reports and testimonies concerning transportation issues.

Contact: Office of the Comptroller General.

Organization Concerned: Department of Transportation; Federal Aviation

Administration; United States Coast Guard.

Congressional Relevance: Congress.

Abstract: GAO summarized information on issues relating to the Department of Transportation (DOT).

Findings/Conclusions: GAO noted that future challenges facing DOT include: (1) enhancing the Secretary of Transportation's leadership in policymaking and program oversight; (2) revising its plan to modernize the air traffic control system; (3) improving the Federal Aviation Administration's effectiveness; (4) improving management of the transportation infrastructure; and (5) reassessing the Coast Guard's expanding responsibilities in light of its available resources.

137406

Air Traffic Control: Continued Improvements Needed in FAA's Management of the NAS Plan.

RCED-89-7; B-230526.4. November 10, 1988.

Released December 1, 1988. 63 pp. plus 3 appendices (7 pp.). *Report to Rep. William Lehman, Chairman, House Committee on Appropriations: Transportation Subcommittee*; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to T-RCED-88-32, March 31, 1988, Accession Number 135456; T-RCED-88-35, April 12, 1988, Accession Number 135536; RCED-88-77, February 8, 1988, Accession Number 135209; RCED-88-118, May 26, 1988, Accession Number 135878; RCED-86-21, March 6, 1986, Accession Number 128343; RCED-87-18, December 17, 1986, Accession Number 131789; and numerous other GAO reports on air traffic control.

Issue Area: Transportation: FAA Management of the NAS Plan in a Coordinated and Integrated Manner (6603).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Federal Aviation Administration; Department of Transportation.

Congressional Relevance: House Committee on Appropriations: Transportation Subcommittee; *Rep. William Lehman.*

Authority: Aviation Act (49 U.S.C. 1303 et seq.); Airport and Airway Revenue Act of 1970 (P.L. 91-258). Airport and Airway Improvement Act of 1982 (P.L. 97-248; 49 U.S.C. 2201 et seq.). OMB

Circular A-109. DOT Order 4200.14B. FAA Order 1800.13C.

Abstract: In response to a congressional request, GAO evaluated the Federal Aviation Administration's (FAA) National Airspace System (NAS) Plan to determine: (1) the additional resources that modernization would require before realizing its benefits; (2) the causes and effects of development delays that the most costly and complex NAS Plan projects have experienced; and (3) FAA weaknesses in managing e plan.

Findings/Conclusions: GAO found that: (1) although FAA awarded contracts to develop or produce 80 of the 92 projects, including 8 of the major systems needed to upgrade the air traffic control (ATC) system, the projects were an average of 3 years behind schedule; (2) because new projects and changes to existing projects expanded the extent of modernization, FAA would need at least \$25 billion in appropriations by the year 2000; (3) because FAA lacked experience in developing and integrating large-scale systems, it put several of its major systems into full production without adequate testing and evaluation; (4) FAA underestimated the size and complexity of the development effort, which led to involving additional performance requirements and software design difficulties; (5) FAA overstated some projects' benefits, which made trade-offs difficult among projects whose benefits had high passenger-time-savings components; (6) FAA runs the risk that the planned testing of its major systems will not be objective due to program managers' competing goals of achieving a timely, working system within budget; (7) FAA implemented a long-range planning policy to ensure that it would effectively integrate the separate plans for the interrelated NAS components; and (8) the NAS Plan needed revisions to include all the projects for modernization, correctly estimate many project benefits, and better coordinate the NAS Plan with other FAA plans for building airports, making airspace changes, and managing human resources.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FAA, to revise the ATC modernization plan by: (1) identifying all needed projects and their associated benefits, costs, and schedules so that relative priorities can be set on the basis of benefit-cost ratios, mission need, or safety considerations; and (2) reflecting in project schedules and quantity requirements the results of other agencywide plans for airspace changes, airport development, and human resource management.

137416

[Protest Against Coast Guard Rejection of Bid for Food Services]. B-232610. November 23, 1988. 6 pp. *Decision re: Rice Services Ltd.*; by Seymour Efros, (for James F. Hinchman, General Counsel).

Contact: Office of the General Counsel.

Organization Concerned: Rice Services Ltd.; United States Coast Guard.

Authority: 4 C.F.R. 21.2(a)(1). B-226185 (1987). B-212668 (1984). B-224354 (1986). B-227285.3 (1987). B-227926 (1987). B-230586 (1988).

Abstract: A firm protested a Coast Guard's exclusion of its bid from the competitive range, contending that the: (1) deficiencies the Coast Guard found in its proposal were either minor or incorrect or did not warrant rejection; and (2) solicitation staffing-level requirements were vague. GAO held that the: (1) Coast Guard reasonably determined that the protester's proposal was deficient and failed to meet the government's minimum needs; and (2) protester untimely filed after bid opening its protest against alleged solicitation improprieties. Accordingly, the protest was denied in part and dismissed in part.

137418

Air Traffic Control: FAA Should Define the Optimal Advanced Automation System Alternative. IMTEC-89-5; B-230526. November 30, 1988. 12 pp. plus 5 appendices (11 pp.). *Report to Sen. Frank R. Lautenberg, Chairman, Senate Committee on Appropriations: Transportation and Related Agencies Subcommittee*; *Rep. William Lehman, Chairman, House Committee on Appropriations: Transportation Subcommittee*; by Daniel C. White, (for Ralph V. Carlone, Director), Information Management and Technology Division. Refer to IMTEC-86-24, July 8, 1986, Accession Number 130514; T-IMTEC-87-4, April 21, 1987, Accession Number 132743; T-IMTEC-88-2, March 31, 1988, Accession Number 135453; and T-IMTEC-88-3, March 12, 1988, Accession Number 135533.

Issue Area: Transportation: FAA Management of the NAS Plan in a Coordinated and Integrated Manner (6603); Information Management and Technology: Agencies' Acquisition or Development of Information Resources To Effectively and Economically Satisfy Mission Needs (7119).

Contact: Information Management and Technology Division.

Budget Function: Transportation: Air Transportation (402.0).

Organization Concerned: Department of Transportation; Federal Aviation Administration; Hughes Aircraft Co.; International Business Machines Corp.

Congressional Relevance: *House* Committee on Appropriations: Transportation Subcommittee; *Senate* Committee on Appropriations: Transportation and Related Agencies Subcommittee; *Rep.* William Lehman; *Sen.* Frank R. Lautenberg.

Authority: H. Rept. 99-450. H.R. 465 (99th Cong.). H. Rept. 99-696. S. Rept. 99-423.

Abstract: Pursuant to a congressional request, GAO reviewed the Federal Aviation Administration's (FAA) plans to acquire the Advanced Automation System (AAS), focusing on FAA compliance with congressional direction to: (1) obtain more technical information and modify test plans before awarding the AAS acquisition contract; and (2) conduct a cost-benefit study.

Findings/Conclusions: GAO found that FAA complied with congressional direction to obtain more technical information regarding AAS by: (1) directing design contractors to perform risk-reduction activities and demonstrate how their chosen hardware and software technologies would meet performance requirements; (2) requiring the completion of additional tests before authorizing full controller work station production; and (3) reviewing the need to simulate advanced en route automation functions and deciding not to simulate them before awarding the contract. GAO also found that the FAA cost-benefit study: (1) stated that modernizing the air traffic control computer system was a good investment; (2) concluded that the most cost-beneficial approach was to close about 180 terminal control facilities and consolidate their functions at 23 large centers; (3) did not fully analyze or properly compare a full range of alternatives, including nonconsolidation approaches, to its preferred system; (4) used an unsound methodology to estimate AAS benefits; (5) addressed potential safety improvements qualitatively; (6) estimated that AAS contract costs could total about \$3.3 billion, \$1.7 billion less than an independent cost analysis estimated; and (7) did not successfully control AAS design costs and opposed suggestions to adopt a design-to-cost goal to help control costs.

Recommendation To Agencies: To ensure that FAA completes a credible cost-benefit analysis and retains the

flexibility to acquire the optimal alternative, the Secretary of Transportation should direct the Administrator, FAA, to conduct an analysis to determine the optimal terminal control alternative: (1) using the data supporting the recently completed cost-benefit study; and (2) comparing a full range of alternative system configurations, capabilities, and locations. To ensure that FAA completes a credible cost-benefit analysis and retains the flexibility to acquire the optimal alternative, the Secretary of Transportation should direct the Administrator, FAA, to exclude from new contracts or extensions of existing contracts materials and services required to prepare to consolidate terminal control facilities into AAS area control facilities until FAA determines the optimal alternative. This recommendation should not preclude FAA from modernizing facilities to perform en route functions. To ensure effective cost control on the multi-billion dollar AAS acquisition, the Secretary of Transportation should review FAA cost control processes to determine whether improvements, including establishing design-to-cost goals, should be implemented.

137448

Navy Maintenance: Implementing the Commercial Industrial Services Program at San Diego. NSIAD-89-18; B-231303. December 2, 1988. 5 pp. plus 6 appendices (15 pp.). *Report to Rep. Barbara Boxer*; by John Landicho, Senior Associate Director, National Security and International Affairs Division.

Issue Area: Navy: Efficiency and Cost-Effectiveness of Navy Maintenance and Modernization Efforts (5607).

Contact: National Security and International Affairs Division.

Budget Function: National Defense: Department of Defense - Procurement and Contracts (051.2).

Organization Concerned: Department of the Navy: Pacific Fleet; Department of the Navy: Naval Sea Systems Command: Supervisor of Shipbuilding, Conversion, and Repair, San Diego, CA; Department of the Navy: Naval Sea Systems Command: Supervisor of Shipbuilding, Conversion, and Repair, San Francisco, CA.

Congressional Relevance: *Rep.* Barbara Boxer.

Abstract: Pursuant to a congressional request, GAO reviewed the Navy's management of the Commercial Industrial Services (CIS) program in San

Diego, California, focusing on: (1) whether the Supervisor of Shipbuilding, Conversion, and Repair (SUPSHIP), San Diego, implemented the program in compliance with Navy policy and regulations and in a manner similar to other West Coast Navy activities; (2) whether Navy policy has changed to shift work from CIS contractors to master ship repair (MSR) contractors at a higher cost to the Navy; (3) how SUPSHIP, San Diego, viewed and prioritized the program in light of other work requirements; and (4) how San Diego CIS contractors view the Navy's management of the program.

Findings/Conclusions: GAO found that: (1) SUPSHIP, San Diego, generally managed its program in accordance with Navy policy and in a way similar to other West Coast Navy activities; (2) since fiscal year 1987, SUPSHIP, San Francisco, has reduced the previously significantly higher percentage of CIS funds it provided to MSR contractors; (3) the Navy has not increased work provided to MSR contractors, although the Pacific Fleet has increased its amount of in-house intermediate and organizational maintenance; (4) although SUPSHIP, San Diego, management officials believed that the CIS program placed a heavy burden on their limited staff resources, they approved of the program and believed that it functioned well; (5) as of mid-1988, SUPSHIP, San Diego, had 27 active CIS contracts; (6) at least two CIS contractors at San Diego believed that SUPSHIP, San Diego, did not provide them with enough work; and (7) CIS contractors' allegations that the Navy improperly used MSR contractors at greater expense were incorrect.

137449

Impoundment Control: President's First Special Impoundment Message for FY 1989. OGC-89-3; B-233179. November 30, 1988. 1 pp. plus 2 enclosures (3 pp.). *Report to Congress*; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Budget Function: Impoundment Control Act of 1974 (990.2).

Organization Concerned: Executive Office of the President; Department of Agriculture; Department of Defense; Department of Health and Human Services; Department of Justice; Department of State; Department of Transportation.

Congressional Relevance: Congress.

Authority: Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681).

Abstract: GAO reviewed the deferrals included in the President's first special budget impoundment message for fiscal year 1989.

Findings/Conclusions: GAO found that the proposed deferrals were in accordance with the Congressional Budget and Impoundment Control Act of 1974. GAO identified no other information, except as noted, that would be useful to Congress in its consideration of the President's proposal.

137453

Border Management: Options for Improved Border Control Management. GGD-89-8BR; B-203099. November 21, 1988.

Released December 6, 1988. 3 pp. plus 4 appendices (9 pp.). *Briefing Report* to Sen. John H. Glenn, Chairman, Senate Committee on Governmental Affairs; by Arnold P. Jones, Senior Associate Director, General Government Division. Refer to OCG-85-1, February 19, 1985, Accession Number 126442; T-GGD-88-38, June 8, 1988, Accession Number 136025; and numerous other reports on drug abuse control.

Issue Area: Administration of Justice: Obstacles Congress and Agencies Should Address in Coordinating Law Enforcement Resources (4701).

Contact: General Government Division.

Budget Function: Administration of Justice: Federal Law Enforcement Activities (751.0).

Organization Concerned: United States Coast Guard; United States Customs Service; Department of Justice: Immigration and Naturalization Service.

Congressional Relevance: Senate Committee on Governmental Affairs; Sen. John H. Glenn.

Authority: Anti-Drug Abuse Act of 1986. Immigration Reform and Control Act. Reorg. Plan No. 2 of 1973.

Abstract: Pursuant to a congressional request, GAO provided information on the border control activities and funding of the Coast Guard, Customs Service, and the Immigration and Naturalization Service (INS).

Findings/Conclusions: GAO found that: (1) 12 agencies are responsible for controlling legal and illegal entry into the United States; (2) border control programs are fragmented and duplicative; and (3) border control obligations for the Coast Guard, Customs, and INS rose from \$1.3 billion in fiscal year (FY) 1983 to \$1.9 billion in FY 1987. In a recent report and

testimony, GAO recommended that the administration: (1) develop a comprehensive border management policy; (2) place all responsibility for primary inspection functions into one agency; and (3) assign the authority and responsibility for planning and coordinating federal antidrug efforts to a single individual, who would receive strong support from the President and Congress.

137454

Coast Guard: Better Information Needed Before Deciding on Facility Closings. RCED-89-48; B-232870. November 29, 1988.

Released December 6, 1988. 10 pp. plus 4 appendices (4 pp.). *Report* to Rep. Earl Hutto, Chairman, House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division. Refer to RCED-87-3, April 13, 1987, Accession Number 132655; and RCED-89-29, October 7, 1988, Accession Number 137062.

Issue Area: Transportation: Other Issue Area Work (6691).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Water Transportation (403.0).

Organization Concerned: Department of Transportation; United States Coast Guard.

Congressional Relevance: House Committee on Merchant Marine and Fisheries: Coast Guard and Navigation Subcommittee; Rep. Earl Hutto.

Abstract: In response to a congressional request, GAO reviewed the implications of the Coast Guard's plans to eliminate or reduce facilities in response to reductions in its requested fiscal year 1988 appropriations to determine the: (1) factors the Coast Guard used in selecting the New York and New Orleans vessel traffic service (VTS) facilities for closure; (2) safety value of the two VTS facilities; and (3) estimated personnel cost savings from closing the two VTS facilities and decommissioning two icebreaker vessels. **Findings/Conclusions:** GAO found that:

(1) the Coast Guard used selection factors primarily to reduce its operating expenses and gave little consideration to VTS effectiveness in enhancing safety; (2) the Coast Guard considered for closure only those VTS facilities with voluntary traffic participation that would not require legislative changes to close them, with the low user participation rates and low potential for

local resistance; and (3) an additional advantage in selecting the New Orleans site was avoiding over \$16 million for required equipment upgrades. GAO also found that the Coast Guard: (1) did not maintain required cost-effectiveness and safety information; (2) did not consider accident prevention information, total VTS activity levels, or the complexity of traffic in VTS areas; and (3) could not clearly demonstrate VTS safety value, since it did not have complete and current management information regarding VTS program effectiveness. In addition, GAO found that: (1) the estimated annual savings from the New York and New Orleans VTS facility closures totalled \$1,341,000 and \$1,980,000, respectively; (2) \$2.4 million of the total savings represented personnel cost savings, while the remainder was attributable the elimination of operations and maintenance costs; (3) the estimated annual savings from decommissioning two icebreaker vessels totalled about \$14.2 million; (4) the Coast Guard estimated the personnel cost savings at \$9.3 million and the remainder in fuel and maintenance costs, but could not provide documentation for the figures; and (5) since the Coast Guard needed four icebreakers to meet future needs, it estimated the costs of two new vessels at about \$250 million each, with annual operating costs of \$7.4 million. **Recommendation To Agencies:** To improve management control within the VTS program, the Secretary of Transportation should direct the Commandant, U.S. Coast Guard, to develop and maintain VTS cost-effectiveness information that demonstrates the current and potential value of each VTS facility, including New York and New Orleans, and to use such information in deciding where such facilities would be most beneficial. To improve the Coast Guard's personnel cost estimates for making decisions regarding facility reductions and closings and decommissionings of vessels, the Secretary of Transportation should direct the Commandant, U.S. Coast Guard, to use billet cost information contained in the Coast Guard's Standard Personnel Cost Report.

137455

Civil Space: NASA's Strategic Planning Process. NSIAD-89-30BR; B-227537. November 30, 1988.

Released December 6, 1988. 2 pp. plus 4 appendices (14 pp.). *Briefing Report* to Rep. Robert A. Roe, Chairman, House Committee on Science, Space, and Technology; by Harry R. Finley, Senior

Associate Director, National Security and International Affairs Division. Refer to AFMD-85-35, February 1985, Accession Number 126342.

Issue Area: Air Force: Other Issue Area Work (5491).

Contact: National Security and International Affairs Division.

Budget Function: General Science, Space, and Technology: Supporting Space Activities (255.0).

Organization Concerned: National Aeronautics and Space Administration.

Congressional Relevance: House Committee on Science, Space, and Technology; *Rep. Robert A. Roe.*

Abstract: In response to a congressional request, GAO reviewed the National Aeronautics and Space Administration's (NASA) strategic planning process to identify: (1) the NASA process for providing visibility and direction to the civil space program; and (2) opportunities for NASA to improve the process.

Findings/Conclusions: GAO found that: (1) NASA had not fully implemented its strategic planning agency-wide; and (2) although NASA had established the process at its field centers, it planned full implementation agency-wide; and (3) NASA could speed up full implementation and improve management of the process by providing continuous oversight and attention, furnishing staff support, and providing better linkage between goals, objectives, and the budget. GAO believes that NASA needs to develop a strategic plan to: (1) help focus attention on what it should be doing and how best to accomplish it; (2) encourage long-term and more realistic multi-year financial planning and programming; and (3) ensure that its overall efforts are affordable and balanced.

137475

Railroad Safety: Accidents in Pennsylvania and Related Federal Enforcement Actions. RCED-89-52; B-230678. November 3, 1988.

Released November 4, 1988. 26 pp. plus 3 appendices (20 pp.). *Report* to Sen. John Heinz; Sen. Arlen Specter; Rep. Joseph M. Gaydos; by Kenneth M. Mead, Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601).

Contact: Resources, Community, and Economic Development Division

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Federal Railroad Administration.

Congressional Relevance: *Rep. Joseph M. Gaydos; Sen. Arlen Specter; Sen. John Heinz.*

Authority: Railroad Safety Act of 1970 (Federal).

Abstract: In response to a congressional request, GAO: (1) developed statistical profiles of railroad safety in Pennsylvania and nationwide; and (2) reviewed the Federal Railroad Administration's (FRA) investigations of railroad accidents in Pennsylvania from January 1987 through January 1988.

Findings/Conclusions: GAO found that: (1) between 1984 and 1987, railroad accidents and incidents decreased overall nationwide and in Pennsylvania; (2) there were slight increases in the number of train derailments, highway crossing accidents, and accidents involving hazardous materials in Pennsylvania from 1986 and 1987; (3) it was unable to determine whether the absolute increase in train accidents in Pennsylvania represented an increase in accident rates because FRA lacked regional or statewide data on the level of train operations; and (4) FRA could use state and regional accident rate data to detect deviations from national accident rates and rail safety within a state or region. GAO also found that: (1) FRA cited a safety standard violation in 1 of the 21 accidents it investigated and fined the carrier the maximum amount because the carrier had prior knowledge of a defective track that caused a derailment; (2) FRA took no enforcement action in 11 of 14 accidents because available evidence did not meet its requirements for standards violations, or the accidents were caused by track irregularities that were within the allowable ranges; and (3) it could not adequately assess FRA policies in investigating train accidents in Pennsylvania due to limited data.

137590

[Protest of MARAD Contract Award for Ship Repair]. B-232630. December 16, 1988. 3 pp. *Decision* re: Century Marine Corp.; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Century Marine Corp.; Southwest Marine, Inc.; Maritime Administration.

Authority: B-220424 (1985). F.A.R. 14.405. 4 C.F.R. 21.6.

Abstract: A firm protested the Maritime Administration's (MARAD) rejection of its bid as nonresponsive, and subsequent contract award to another firm for ship repair. The protester contended that MARAD improperly instructed it to indicate in its bid that it held a master lump sum repair agreement, when it actually did not. GAO held that MARAD improperly rejected the protester's bid, since the: (1) protester's signature on the bid constituted its written agreement to abide by the solicitation terms which specifically included the terms of the master agreement; and (2) representations and certifications which the protester failed to include in its bid were not material and did not render the bid nonresponsive. GAO also held that the protester was entitled to reimbursement for its bid and protest preparation costs. Accordingly, the protest was sustained.

137597

[Request for Reconsideration of Decision Concerning MARAD Award of Cooperative Agreement]. B-227084.6. December 19, 1988. 3 pp. *Decision* re: Maritime Administration; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Maritime Administration; Maritime Administration; Merchant Marine Academy; Computer Aided Operations Research Facility.

Congressional Relevance: House Committee on Government Operations: Legislation and National Security Subcommittee; *Rep. Jack Brooks.*

Authority: B-227084.5 (1987). Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.). B-230647 (1988).

Abstract: The Maritime Administration (MARAD) requested reconsideration of a decision regarding a MARAD cooperative agreement award for the operation of its Computer Aided Operations Research Facility (CAORF). GAO had held that MARAD improperly used a cooperative agreement instead of a procurement contract. MARAD contended that the primary purpose of the agreement was to transfer CAORF to the private sector in order to carry out a legislated public purpose of support or stimulation. GAO held that the transaction involved the acquisition of facility operation services for the direct benefit of MARAD and other governmental agencies. Accordingly, the original decision was affirmed.

137611

Aviation Security: FAA's Assessments of Foreign Airports. RCED-89-45; B-226652. December 7, 1988.

Released December 28, 1988. 9 pp. plus 4 appendices (5 pp.). *Report to Rep. Cardiss R. Collins, Chairman, House Committee on Government Operations: Government Activities and Transportation Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.*

Issue Area: Transportation: DOT Effectiveness in Managing Its Safety Enforcement Program (6601); International Trade and Commercial Policy: Other Issue Area Work (6391). **Contact:** Resources, Community, and Economic Development Division. **Budget Function:** Transportation: Air Transportation (402.0).

Organization Concerned: Department of Transportation; Federal Aviation Administration; Department of State; International Civil Aviation Organization.

Congressional Relevance: House Committee on Government Operations: Government Activities and Transportation Subcommittee; *Rep. Cardiss R. Collins.*

Authority: International Security and Development Cooperation Act of 1985 (P.L. 99-83).

Abstract: Pursuant to a congressional request, GAO: (1) evaluated the Federal Aviation Administration's (FAA) methodology for assessing security at foreign airports, focusing on those airports at high risk of terrorist and other criminal activities; and (2) provided information on how the Department of State used its Anti-Terrorism Assistance Program funds to enhance foreign airports' security.

Findings/Conclusions: GAO found that: (1) FAA revised its foreign airport assessment guidance in 1987 to promote more comprehensive documentation of compliance with International Civil Aviation Organization (ICAO) standards, an inspection team approach, and increased rapport between inspectors and foreign security officials; (2) FAA inspectors interviewed various foreign government, airport, and security officials, observed various security measures, and toured airport perimeters to determine airport security; (3) FAA inspectors did not test the operational effectiveness of security systems or observe and evaluate the security tests conducted by foreign airport officials; and (4) FAA conducted about 600 assessments of 200 airports during 1986

and 1987, concluded that most airports met ICAO standards, and suggested 100 security enhancements at 33 of the 54 highest-threat airports. GAO also found that: (1) through fiscal year 1987, State's Anti-Terrorism Assistance Program provided aviation security training to about 500 persons from 19 countries and provided aviation security equipment worth \$2.8 million to 18 countries; and (2) State generally provided such training through requests from foreign governments, since FAA did not formally notify State of specifics on training needs identified during security assessments.

Recommendation To Agencies: To strengthen the foreign airport assessment program, the Secretary of Transportation should direct the Administrator, FAA, to make some analysis of host country security systems testing as part of FAA foreign airport security assessments. Where practicable, this could include observing and evaluating host country tests of security systems to assess the operational effectiveness of various security measures. To strengthen the foreign airport assessment program, the Secretary of Transportation should direct the Administrator, FAA, to develop procedures for informing the Department of State of training needs, identified during foreign airport assessments, that could be met through State's Anti-Terrorism Assistance Program.

137616

[Protest of Coast Guard Contract Award for Facility Construction]. B-232813. December 22, 1988. 2 pp. *Decision re: Site Development, Inc.; by Seymour Efros, (for James F. Hinchman, General Counsel).*

Contact: Office of the General Counsel. **Organization Concerned:** United States Coast Guard; Site Development, Inc.; Tony Anthony, Inc.

Authority: 63 Comp. Gen. 182. 65 Comp. Gen. 255. F.A.R. 14.405. B-213595 (1984).

Abstract: A firm protested a U.S. Coast Guard contract award for multi-mission station construction, contending that the Coast Guard improperly accepted the awardee's bid, which failed to acknowledge a solicitation amendment. GAO held that the Coast Guard properly waived the awardee's failure to acknowledge the amendment, since the amendment imposed no significant additional obligation and was not material. Accordingly, the protest was denied.

137664

Highway Contracting: Assessing Fraud and Abuse in FHWA's Disadvantaged Business Enterprise Program. RCED-89-26; B-215458. November 30, 1988.

Released January 5, 1989. 36 pp. plus 9 appendices (19 pp.). *Report to Sen. Daniel P. Moynihan, Chairman, Senate Committee on Environment and Public Works: Water Resources, Transportation, and Infrastructure Subcommittee; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.*

Issue Area: Transportation: Adequacy of the Current Highway Financing Mechanism for Addressing the Nation's Highway Needs (6615).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Ground Transportation (401.0).

Organization Concerned: Department of Transportation; Federal Highway Administration; New York; Pennsylvania; New York: Department of Transportation.

Congressional Relevance: Senate Committee on Environment and Public Works: Water Resources, Transportation, and Infrastructure Subcommittee; *Sen. Daniel P. Moynihan.*

Authority: Surface Transportation Assistance Act of 1982 (P.L. 97-424). Surface Transportation and Uniform Relocation Assistance Act of 1987 (P.L. 100-17).

Abstract: Pursuant to a congressional request, GAO reviewed the Federal Highway Administration's (FHWA) Disadvantaged Business Enterprise (DBE) Program, focusing on the: (1) nature and extent of program fraud and abuse; (2) results of FHWA investigations of DBE fraud and abuse cases; and (3) approaches FHWA and states used to minimize fraud and abuse.

Findings/Conclusions: GAO found that: (1) FHWA established the DBE program to expand highway-related contracting opportunities for disadvantaged small businesses; (2) FHWA did not collect nationwide data relating to key program activities, disadvantaged business investigation results, contractor eligibility assessment and reassessment results, and program monitoring reviews; (3) contractor irregularities primarily involved ineligible businesses using inaccurate or misleading information to obtain contracts or eligible businesses engaging in questionable activities; (4) the Department of Transportation

investigated 89 disadvantaged businesses in the program nationwide and resolved 53 cases administratively and 17 cases with legal action; (5) contractors in the resolved cases paid a total of over \$1 million to federal and state governments; (6) New York and Pennsylvania investigated 90 additional disadvantaged businesses, resulting in 60 administratively resolved cases; (7) FHWA encouraged states to administratively resolve cases, citing the difficulty in getting cases prosecuted; (8) to minimize program fraud and abuse, most states initially assessed and annually reassessed contractors' eligibility, and FHWA monitored states' and contractors' compliance with program requirements; and (9) New York did not have a program for annually reassessing contractors' eligibility.

Recommendation To Agencies: The Secretary of Transportation should direct the Administrator, FHWA, to expand its information system to annually obtain and compile pertinent summary information on the results of key program activities. The data could include the results of all investigations, certification and reassessment actions, and FHWA and states' monitoring reviews. The Secretary of Transportation should direct the Administrator, FHWA, to assist New York's Department of Transportation in the development of a plan for annually reassessing the eligibility of certified businesses. Until the state agency can reduce the large number of certified businesses due reassessments and begin adhering to the required annual cycle, FHWA should require that the state give reassessment priority to examining the eligibility of businesses at the time they are actually awarded contracts.

137671

Air Pollution: Status of Dispute Over Alaska Oil Pipeline Air Quality Controls. RCED-89-37; B-233149. December 9, 1988.

Released January 9, 1989. 9 pp. plus 3 appendices (5 pp.). *Report* to Sen. Howard M. Metzenbaum, Chairman, Senate Committee on Energy and Natural Resources: Energy Regulation and Conservation Subcommittee; by Hugh J. Wessinger, Senior Associate Director, Resources, Community, and Economic Development Division.

Issue Area: Environment: Assessing EPA's Protection of Public Health and the Environment From Criteria Air Pollutants (6814).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Alyeska Pipeline Service Co.; Environmental Protection Agency; Alaska.

Congressional Relevance: *Senate* Committee on Energy and Natural Resources: Energy Regulation and Conservation Subcommittee; *Sen.* Howard M. Metzenbaum.

Authority: Clean Air Act. Clean Air Act Amendments of 1977.

Abstract: Pursuant to a congressional request, GAO investigated whether federal or state laws required an Alaskan pipeline services company to file for a new air quality control permit, since the firm had: (1) increased the amount of natural gas liquids in its pipeline; and (2) made operational equipment changes to its terminal's waste gas incinerators.

Findings/Conclusions: GAO found that: (1) the firm's original air quality control permit was issued in 1974, before current federal air quality regulations were enacted; (2) the current regulations required the firm's terminal to obtain a Prevention of Significant Deterioration (PSD) program permit only if the firm made major equipment modifications; (3) the Environmental Protection Agency (EPA) and Alaska's Department of Environmental Conservation (ADEC) believed that the firm's increase in natural gas liquids and volatile organic compounds and the equipment changes required it to obtain a PSD permit; (4) the firm believed that the events did not trigger the need for a PSD permit; (5) neither EPA nor ADEC have conducted detailed inspections of the terminal, citing a lack of staff and the nonspecific nature of the operating permit; (6) EPA, ADEC, and the firm have attempted to resolve the permit issue since late 1987, with EPA and ADEC proposing that the firm apply for a new permit and the firm proposing that it review and rewrite its existing permit; and (7) both proposals showed a willingness of all parties to work toward negotiating a settlement.

137713

Nuclear Materials: Additional Information on Shipments From DOE's Rocky Flats Plant. RCED-89-61FS; B-216376. December 14, 1988.

Released January 19, 1989. 15 pp. plus 1 appendix (1 pp.). *Fact Sheet* to Sen. Timothy Wirth; by David A. Hanna, Manager, Field Operations Division: Regional Office (Denver).

Issue Area: Energy: Other Issue Area Work (6491).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Energy: Energy Information, Policy, and Regulation (276.0).

Organization Concerned: Department of Energy; Department of Energy: Sandia National Laboratory; Department of Energy: Idaho National Engineering Laboratory; Department of Energy: Rocky Flats Nuclear Weapons Production Facility; Nuclear Regulatory Commission; Rockwell International Corp.

Congressional Relevance: *Sen.* Timothy E. Wirth.

Authority: 49 C.F.R. 178.104.

Abstract: In response to a congressional request, GAO discussed the transportation factors associated with four alternatives for relocating plutonium processing operations from the Rocky Flats, Colorado, plant to other Department of Energy (DOE) locations, focusing on: (1) Sandia National Laboratory's consideration of human error in estimating risks; (2) testing of DOE transportation containers; (3) continued radiological risks to Rocky Flats workers; (4) possible relocation sites; (5) origins of waste and scrap materials; (6) sufficiency of the DOE transportation fleet; and (7) the use of Nuclear Regulatory Commission (NRC) data in estimating the economic consequences of a transportation accident.

Findings/Conclusions: GAO found that: (1) Sandia did not consider potential human error in estimating the risks associated with shipping the plutonium because a staff member believed that it would not affect the risk calculations; (2) contractor personnel at the Rocky Flats plant had not tested the container used for transporting oxides for durability, since they believed that container inspection procedures adequately detected any problems; (3) radiological risks to workers at Rocky Flats would continue because relocation alternatives would not eliminate all operations involving plutonium at the plant; (4) although DOE considered relocating plutonium operations to the Idaho site, the site did not have plutonium processing capabilities; (5) Rocky Flats would continue to generate waste and scrap material from its existing operations, while materials pretreatment processes associated with moving some operations elsewhere would generate additional scrap materials; (6) increased shipments of materials to alternative locations could require five additional

safety vehicles and personnel; and (7) Sandia used data pertaining to the four alternatives GAO reviewed to calculate the economic consequences of a transportation accident.

137810

Coast Guard: Information Needed To Assess the Extent of Sexual Assaults on Ships. RCED-89-59; B-232911. December 29, 1988.

Released January 30, 1989. 10 pp. plus 6 appendices (18 pp.). *Report to Rep. Mike Lowry*; by J. Dexter Peach, Assistant Comptroller General, Resources, Community, and Economic Development Division.

Issue Area: Transportation: Other Issue Area Work (6691); Administration of Justice: Other Issue Area Work (4791).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Transportation: Water Transportation (403.0).

Organization Concerned: United States Coast Guard; Department of Transportation.

Congressional Relevance: *Rep. Mike Lowry.*

Authority: Fishery Conservation and Management Act of 1976 (16 U.S.C. 1802(13)). P.L. 99-654. *United States v. Romero-Galve*, 757 F.2d 1147 (11th Cir. 1985). 46 C.F.R. 5.27. 14 U.S.C. 89 et seq. 14 U.S.C. 633. 18 U.S.C. 111 et seq. 18 U.S.C. 1114. 18 U.S.C. 2241.

Abstract: In response to a congressional request, GAO provided information regarding sexual assaults on women in the U.S. merchant marine, specifically: (1) the number of women documented, licensed, and working in the U.S. merchant marine and selected other occupations; (2) the number of shipboard sexual assaults on women reported to government agencies in Washington, Oregon, and Alaska; and (3) whether the Department of Transportation should change laws and regulations relating to such assaults.

Findings/Conclusions: GAO found that: (1) 4,670 of the 88,482 individuals listed in the U.S. Coast Guard's data base of documented mariners were women, but the data base was incomplete and not currently maintained; (2) the Coast Guard's more complete data base of licensed officers showed that 4,554 of the 131,934 persons listed were women; (3) at least 1,083 of the 34,550 individuals actively working on U.S. merchant ships in 1985 were women; (4) government officials in Washington, Oregon, and Alaska have reported four cases of shipboard sexual assaults since 1981; (5) many in the merchant marine believe

that more assaults actually take place than are reported; and (6) the Coast Guard did not have specific requirements for the reporting of shipboard sexual assaults and other offenses which the Sexual Abuse Act of 1986 covered.

Recommendation To Agencies: The Secretary of Transportation should direct the Commandant of the Coast Guard to require that masters of vessels or other responsible officials promptly report to the Coast Guard any complaint of a criminal sexual offense covered by the Sexual Abuse Act of 1986 as soon as possible following its occurrence or report of its occurrence.

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