HOMELAND SECURITY

Preliminary Information on Federal Actions to Address Challenges Faced by State and Local Information Fusion Centers

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Homeland Security and Justice Issues
Why GAO Did This Study

In general, a fusion center is a collaborative effort to detect, prevent, investigate, and respond to criminal and terrorist activity. Recognizing that fusion centers are a mechanism for information sharing, the federal government—including the Program Manager for the Information Sharing Environment (PM-ISE), who has primary responsibility for governmentwide information sharing, the Department of Homeland Security (DHS), and the Department of Justice (DOJ)—is taking steps to partner with fusion centers.

This testimony is based on GAO’s draft report on state and local fusion centers. It addresses (1) the status and characteristics of the centers and (2) to what extent federal efforts help alleviate challenges fusion centers identified. In conducting this work, GAO reviewed center-related documents and conducted interviews with officials from DHS, DOJ, and the PM-ISE, and semistructured interviews with 58 state and local fusion centers.

What GAO Found

Most states and many local governments have established fusion centers to address gaps in information sharing. Fusion centers across the country vary in their stages of development—from operational to early in the planning stages. Officials in 43 of the centers GAO contacted described their centers as operational, and 34 of these centers had opened since January 2004. Law enforcement entities, such as state police or state bureaus of investigation, are the lead or managing agencies in the majority of the operational centers GAO contacted. However, the centers varied in their staff sizes and partnerships with other agencies. At least 34 of the 43 operational fusion centers contacted reported that they had federal personnel assigned to their centers. Products disseminated and services provided vary.

DHS and DOJ have several efforts under way that begin to address some of the challenges fusion center officials identified. DHS and DOJ have provided many fusion centers access to their information systems, but fusion center officials cited challenges accessing and managing multiple information systems. Both DHS and the Federal Bureau of Investigation (FBI) have provided security clearances for state and local personnel and set timeliness goals. However, officials cited challenges obtaining and using security clearances. Officials in 43 of the 58 fusion centers contacted reported facing challenges related to obtaining personnel, and officials in 54 fusion centers reported challenges with funding, some of which affected these centers’ sustainability. They said that these issues made it difficult to plan for the future, and created concerns about the fusion centers’ ability to sustain their capability for the long term. To support fusion centers, both DHS and FBI have assigned personnel to the centers. To help address funding issues, DHS has made several changes to address restrictions on the use of federal grant funds. These individual agency efforts help address some of the challenges with personnel and funding. However, the federal government has not clearly articulated the long-term role it expects to play in sustaining fusion centers. It is critical for center management to know whether to expect continued federal resources, such as personnel and grant funding, since the federal government, through an information sharing environment, expects to rely on a nationwide network of centers to facilitate information sharing with state and local governments. Finally, DHS, DOJ, and the PM-ISE have taken steps to develop guidance and provide technical assistance to fusion centers, for instance by issuing guidelines for establishing and operating centers. However, officials at 31 of the 58 centers said they had challenges training their personnel, and officials at 11 centers expressed a need for the federal government to establish standards for fusion center analyst training to help ensure that analysts have similar skills. DHS and DOJ have initiated a technical assistance program for fusion centers. They have also developed a set of baseline capabilities, but the document is in draft as of September.

What GAO Recommends

In its draft report, GAO is recommending that the federal government determine and articulate its long-term fusion center role and whether it expects to provide resources to centers to help ensure their sustainability. GAO’s draft report is currently at DHS, DOJ, and the PM-ISE for review and comment.

To view the full product, including the scope and methodology, click on GAO-07-1241T. For more information, contact Eileen Laurence at (202) 512-8777 or larencee@gao.gov.
Madam Chair, Ranking Member, and Members of the Subcommittee:

I appreciate the opportunity to participate in today’s hearing to discuss our ongoing work on state and local fusion centers. Since the events of September 11, 2001, most states and some local governments have, largely on their own initiative, established fusion centers to address gaps in homeland security and law enforcement information sharing by the federal government and to provide a conduit of this information within the state. Although fusion centers vary because they were primarily established to meet state and local needs, a fusion center is generally “a collaborative effort of two or more agencies that provide resources, expertise, and information to the center with the goal of maximizing their ability to detect, prevent, investigate, and respond to criminal and terrorist activity.”\(^1\) Fusion centers may include a range of federal, state, and local entities and collect and analyze information related to homeland security, terrorism, and law enforcement.

With information-sharing weaknesses recognized as a major contributing factor in the nation’s lack of preparedness for the September 11 attacks, a number of information-sharing initiatives were mandated by the Homeland Security Act of 2002 and the Intelligence Reform and Terrorism Prevention Act of 2004 (Intelligence Reform Act). The Homeland Security Act requires that the President, among other things, prescribe and implement procedures under which federal agencies can share relevant and appropriate homeland security information with other federal agencies and with appropriate state and local personnel, such as law enforcement agencies and first responders.\(^2\) The Intelligence Reform Act, as amended in August 2007 by the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Commission Act), mandates a more extensive information-sharing regime.\(^3\) It requires the President to take action to facilitate the sharing of terrorism and homeland security information by establishing an Information Sharing Environment (ISE). This environment is to combine policies, procedures, and technologies

\(^{1}\text{See Global Justice Information Sharing Initiative, }\textit{Fusion Center Guidelines, Developing and Sharing Information and Intelligence in a New Era, Guidelines for Establishing and Operating Fusion Centers at the Local, State, and Federal Levels—Law Enforcement Intelligence, Public Safety, and the Private Sector} (August 2006).\\


that link people, systems, and information among all appropriate federal, state, local, and tribal entities and the private sector. This act also requires, among other things, that the President appoint a program manager to oversee development and implementation of the ISE, which the President did in April 2005.

Recognizing that state and local fusion centers represent a critical source of local information about potential threats and a mechanism for providing terrorism-related information and intelligence from federal sources, the Program Manager for the ISE (PM-ISE), the Department of Homeland Security (DHS), and the Department of Justice (DOJ) are taking steps to partner with and leverage fusion centers as part of the overall information sharing environment. The PM-ISE issued a plan for implementing the ISE in November 2006 that incorporated presidentially approved recommendations for federal, state, local, and private sector information sharing. Recognizing that the collaboration between fusion centers and with the federal government marks a tremendous increase in the nation’s overall analytic capacity that can be used to combat terrorism, the plan envisions that the federal government, through the ISE, will rely on a nationwide network of fusion centers as the cornerstone of information sharing with state and local governments. Under the plan, DHS and DOJ are to work with states to designate a primary fusion center to serve as the statewide or regional hub to interface with the federal government and through which to coordinate the gathering, processing, analysis, and dissemination of terrorism-related information.

In addition, the 9/11 Commission Act contains several provisions related to fusion centers. For example, the act requires the Secretary of DHS, in consultation with the Attorney General, the PM-ISE, and others, to establish a state, local, and regional fusion center initiative within DHS to establish partnerships with fusion centers that will, among other things, provide operational and intelligence advice and assistance, as well as management assistance, and facilitate close communication and coordination between fusion centers and DHS. In addition, the initiative is to provide training to fusion centers and encourage the centers to participate in terrorism threat-related exercises conducted by DHS.

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4 On June 2, 2005, the President issued a memorandum placing the PM-ISE and its staff within the Office of the Director of National Intelligence.

My testimony today discusses our draft report on state and local fusion centers. The report is currently at DHS, DOJ, and the PM-ISE for review and comment and we expect to issue it next month. Specifically, I will discuss (1) the stages of development and characteristics of state and local fusion centers and (2) the extent to which efforts under way by the PM-ISE, DHS, and DOJ help to address some of the challenges identified by fusion centers.

In conducting this work, we reviewed relevant directives, plans, and documents and interviewed officials—including many of those from the PM-ISE, DHS, and DOJ—who are involved with those entities’ efforts to support fusion centers. In addition, we spoke with officials from organizations conducting research on state and local information sharing, including officials at the Congressional Research Service (CRS) who released a report in July 2007 on fusion centers.\(^6\) We also conducted semistructured telephone interviews with officials from all 50 states, the District of Columbia, and 8 local jurisdictions. Specifically, from February through May 2007, we spoke with the director (or his or her designee) of every state fusion center, the District of Columbia center, and 8 local centers to obtain information about the centers’ characteristics, challenges encountered, and support received from DHS and DOJ.\(^7\) Our selection criteria for local fusion centers included their relationship with the state fusion center, their stage of development, and geographic diversity. While we did contact officials in all state fusion centers, we did not contact officials in all local fusion centers; therefore our results are not generalizable to the universe of fusion centers.\(^8\) Finally, to obtain detailed information about centers’ operations and challenges encountered, we conducted site visits to fusion centers in Atlanta, Georgia; Phoenix, Arizona; Richmond, Virginia; Baltimore, Maryland; West Trenton, New Jersey; and New York City, New York. We performed our work from August 2006 through September 2007 in accordance with generally accepted government auditing standards.


\(^7\)For purposes of this report, we use “local fusion center” to refer to centers established by major urban areas, counties, cities, and intrastate regions.

\(^8\)Data were not available to determine the total number of local fusion centers.
Established by state and local governments generally to improve information sharing and to prevent terrorism or other threats, fusion centers across the country are in varying stages of development—from operational to early in the planning stages. Officials in 43 of the 58 fusion centers we contacted described their centers as operational as of September 2007.9 Thirty-four of the operational centers are relatively new, having been opened since January 2004, while 9 centers opened within the couple of years after the attacks of September 11. The majority had missions and scopes of operations that included more than just counterterrorism-related activities, such as a focus on all crimes. Adopting a broader focus helped provide information about all threats and increased the center’s sustainability, for instance, by including additional stakeholders who could provide staff and support. Law enforcement entities, such as state police or state bureaus of investigation, are the lead or managing agencies in the majority of the operational centers we contacted. However, the centers varied in their staff sizes and partnerships with other agencies. At least 34 of the 43 operational fusion centers we contacted reported that they had federal personnel assigned to their centers. Thus far, products disseminated and services provided vary from bulletins to in-depth reports.

In light of the importance of fusion centers in facilitating information sharing among levels of government, DHS and DOJ have several efforts under way that begin to address challenges that fusion center officials identified in establishing and operating their centers.10 DHS and DOJ have made efforts to provide fusion centers access to federal information systems, but some fusion center officials cited challenges accessing relevant, actionable information and managing multiple information systems. As a result, these center officials said that their ability to receive and share information with those who need it may be limited. Additionally, both DHS and the Federal Bureau of Investigation (FBI) have provided clearances to state and local officials and have set timeliness goals for the issuance of new clearances, but some fusion center officials told us they had encountered challenges obtaining and using security clearances.

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9We contacted all 50 states, the District of Columbia, and 8 local areas. However, 1 state did not plan a fusion center. For that reason, we have responses from 58 fusion centers—43 operational and 15 in the planning or early stages of development.

10We present information about challenges encountered by 58 fusion centers—those in all stages of development—as they were establishing and operating their centers. Fusion centers may have encountered more than one challenge related to a particular area, for example, related to guidance and training.
Further, while law and executive order provide that a security clearance granted by one federal agency should generally be accepted by other agencies, officials also encountered difficulties with federal agencies, particularly DHS and FBI, accepting each others’ clearances. Notwithstanding DHS and FBI efforts to deploy personnel to fusion centers and DHS’s grant funding to support their establishment and enhancement, fusion center officials noted challenges obtaining personnel and ensuring sufficient funding to sustain the centers. To help address funding issues, DHS has made several changes to address restrictions on the use of federal grants funds. Finally, officials at 31 of the 58 centers said they had challenges training their personnel, and officials at 11 centers expressed a need for the federal government to establish standards for fusion center analyst training to help ensure that analysts have similar skills. DHS and DOJ have initiated a technical assistance program for fusion centers. They have also developed a set of baseline capabilities, but the document is in draft as of September 2007.

Because of officials’ concerns about sustaining their centers and recognizing that doing so is critical if the federal government’s nationwide network of fusion centers is to succeed, in our draft report, we are recommending that the federal government determine and articulate its long-term fusion center role and whether it expects to provide resources to centers to help ensure their sustainability.

Since September 2001, almost all states and several local governments have established or are in the process of establishing fusion centers. Officials in 43 of the 58 fusion centers we contacted described their centers as operational as of September 2007, ranging from having limited operations and functionality to being fully operational and functional. Specifically, officials in 35 states, the District of Columbia, and 7 local jurisdictions we contacted described their fusion centers as operational. Officials in 14 states and 1 local jurisdiction considered their centers to be in the planning or early stages of development, and 1 state did not plan to have a fusion center, as shown in figure 1.
Officials cited a variety of reasons why their state or local area established a fusion center. To improve information sharing—related to homeland security, terrorism, and law enforcement—among federal, state, and local entities and to prevent terrorism or threats after the attacks of September 11 were the most frequently cited reasons. Thirty-four of the operational centers are relatively new, having been opened since January 2004, while 9 centers opened in the couple of years after the attacks of September 11. The majority had missions and scopes of operations that included more than just counterterrorism-related activities. For example, 23 of the 36 operational fusion centers that provided us mission statements had missions that involved collecting, analyzing, and disseminating criminal as
well as terrorism-related information. Further, 11 fusion centers had missions that involved enhancing, supporting, or coordinating information and intelligence dissemination to both law enforcement and homeland security agencies. Adopting a broader focus helped provide information about all threats, because of the link of many crimes to terrorist activity, and increased the centers’ sustainability, for instance, by including additional stakeholders.

Law enforcement entities, such as state police or state bureaus of investigation, are the lead or managing agencies in the majority of the operational centers we contacted. However, the centers varied in their staff sizes and partnerships with other agencies. A few centers we contacted had fewer than 5 employees, while others had over 80. At least 34 of the 43 operational fusion centers we contacted reported that they had federal personnel assigned to their centers. For example, DHS has assigned intelligence officers to 17 of the operational centers included in our review. About three quarters of the operational centers we contacted also reported that the FBI has assigned personnel, including intelligence analysts and special agents, to their centers. Additionally, 12 of the operational centers we contacted were colocated in an FBI field office or with an FBI task force. Finally, 19 of the 43 operational centers reported that they had other DHS and DOJ components represented in their centers, including personnel from Customs and Border Protection; Immigration and Customs Enforcement; United States Secret Service; United States Coast Guard; Transportation Security Administration; United States Attorneys Office; Bureau of Alcohol, Tobacco and Firearms; Drug Enforcement Administration; or the United States Marshals Service.

Many fusion centers reported having access to DHS’s and DOJ’s unclassified networks or systems, such as the Homeland Security Information Network (HSIN) and Law Enforcement Online (LEO), containing, among other things, terrorism and related information. For example 40 of the 43 operational centers reported they had access to HSIN, while 39 reported having access to LEO. In addition, 16 of the 43 centers said they had or were in the process of obtaining access to DHS’s classified network of secret-level homeland security data, and

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11HSIN serves as DHS’s primary nationwide information-sharing tool for communicating sensitive but unclassified homeland security information. LEO serves as a real-time online controlled access communications and information-sharing data repository for sensitive but unclassified information about, among other things, antiterrorism, intelligence, law enforcement, and criminal justice.
23 reported they had or were in the process of obtaining access to FBI’s classified systems containing, among other things, secret-level investigative case files. Products disseminated and services provided also vary. Fusion centers reported issuing a variety of products, such as daily and weekly bulletins on general criminal or intelligence information and intelligence assessments that, in general, provide in-depth reporting on an emerging threat, group, or crime. In addition some centers provide investigative support for law enforcement officers.

DHS and DOJ, recognizing the importance of fusion centers in information sharing, have undertaken efforts that begin to address challenges fusion center officials identified in establishing and operating their centers, such as accessing information, obtaining security clearances, obtaining and retaining personnel, obtaining funding, and finding sufficient guidance and training.

Fusion center officials cited challenges accessing and managing multiple information systems. DHS and FBI have provided information system access, such as to HSIN and LEO, to a number of state and local fusion centers and have outlined plans to provide greater access to their classified networks. However, officials at 31 of the 58 centers we contacted still reported challenges obtaining access to federal information systems or networks. For example, officials in some centers cited challenges with DHS and FBI not providing fusion center personnel with direct access to their classified systems. In these centers, fusion center personnel must rely on federal personnel who are assigned to the center or other state personnel assigned to FBI task forces to access these systems, obtain the relevant information, and share it with them. Further, officials in 12 of 58 fusion centers reported challenges meeting system security requirements or establishing the technical capabilities necessary to access information systems, and DHS and FBI have taken some steps to address these challenges.

In addition, officials at 30 of the fusion centers found the multiple systems or heavy volume of often redundant information a challenge to manage. Officials in 18 fusion centers said that they had difficulty with what they perceived to be the high volume of information their center receives, variously describing the flow of information as “overwhelming,” “information overload,” and “excessive.” For example, officials said that center personnel must sort through the large amount of information, much of which is not relevant to the center, to find information that is useful or important to them. Additionally, officials in 18 fusion centers find the lack
of integration among these multiple, competing, or duplicative information systems challenging, or said they wanted a single mechanism or system through which to receive or send information. Officials from the PM-ISE’s office said they are collaborating with other agencies, including DHS and DOJ, on an effort to review existing federal information systems and users’ needs to determine opportunities to streamline system access. This review is in accordance with recommendations that fusion centers made during the National Fusion Center Conference in March 2007. Specifically, fusion centers recommended the federal government explore using a single sign-on or search capability, which would facilitate accessing multiple systems. However, it is too early to tell whether the efforts by the PM-ISE’s office will address the challenges reported by fusion centers.

Both DHS and FBI have provided security clearances for state and local personnel in order to access classified information and have set goals to reduce the length of time it takes to obtain a security clearance. For example, DHS set a goal of 90 days to complete a Secret clearance, and FBI set a goal of 45 to 60 days to complete a Secret clearance and 6 to 9 months to complete a Top Secret clearance. DHS and FBI have also provided centers with information about the security clearance process and time frames, stating that processing time for individual security clearances can vary, depending on complexity. However, obtaining and using security clearances represented a challenge for 44 of the 58 fusion centers we contacted. Further, while law and executive order provide that a security clearance granted by one government agency should generally be accepted by other agencies, officials in 19 of the centers encountered difficulties with federal agencies, particularly DHS and FBI, accepting each others’ clearances. DHS and DOJ officials said that they were not aware of fusion centers encountering recent challenges with reciprocity of security clearances. However, they said that there were complications in the clearance process because, for example, multiple federal agencies carry out their own processes without central coordination.

Officials in 43 of the 58 fusion centers we contacted reported facing challenges related to obtaining personnel, and officials in 54 fusion centers reported challenges with obtaining and maintaining funding when establishing and operating their centers, challenges that some of these officials also said affected their centers’ sustainability. For example, officials in 37 centers said they encountered challenges with federal, state, and local agencies not being able to detail personnel to their fusion center, particularly in the face of resource constraints. Fusion centers rely on such details as a means of staffing the centers and enhancing information sharing with other state and local agencies. Furthermore, officials in 20 of
the centers we contacted said that they faced challenges finding, attracting, and retaining qualified personnel. For instance, an official from one fusion center said that finding personnel with the expertise to understand the concept behind the development of the center and to use the tools to build the center was challenging, while an official at another fusion center acknowledged that there was a very limited number of qualified candidates in the state from which to hire personnel. To support fusion centers, DHS and FBI have assigned personnel to centers. As of September 2007, DHS has assigned intelligence officers to 17 of the operational fusion centers we contacted. In addition, DHS was in the process of staffing 8 additional centers and has plans to place officers in a total of 35 fusion centers by the end of fiscal year 2008. The FBI has also assigned personnel to about three quarters of the fusion centers we contacted and continues to do so.

In terms of funding, officials in 35 of the 58 centers encountered challenges with the complexity of the federal grant process, uncertainty as to whether they would receive federal funds, or declining federal funding, and officials from 28 of the 58 centers reported having difficulty obtaining state or local funding. They said that these issues created confusion for their centers over the steps needed to secure federal funds, made it difficult to plan for the future, and created concerns about the fusion centers’ abilities to sustain their capabilities for the long term. Fusion center officials identified challenges with restrictions on the use of federal grant funds, unclear and changing grant guidance, and a lack of understanding of how federal funding decisions are made. 12 DHS has made several changes to help address these challenges by taking steps to ease the grant process and by adjusting some of the restrictions on the timing and use of grant funds. For example, DHS expanded grant funding in fiscal year 2006 in the area of allowable costs for information sharing and collaborative efforts. Funds could be used by states to develop and enhance their fusion centers, particularly by hiring contract or government employees as intelligence analysts; purchasing information technology hardware, software, and communication equipment; hiring consultants to

12A primary federal funding source for fusion centers is DHS’s Homeland Security Grant Program, which awards funds to state, local, and tribal governments to enhance their ability to prepare for, prevent, and respond to terrorist attacks and other major disasters. The Homeland Security Grant Program consists of five interconnected programs, three of which can be used by states and local jurisdictions, at their discretion, for fusion center-related funding.
make recommendations on fusion center development; or leasing office space for use by a fusion center.

While these funds are helpful, fusion center officials were concerned about the extent of federal support they could expect over the long term. The federal government, through the ISE, has stated that it expects to rely on a nationwide network of fusion centers as the cornerstone of information sharing with state and local governments, but ISE plans or guidance to date do not articulate the long-term role the federal government expects to play in sustaining these centers, especially in relation to the role of their state or local jurisdictions. It is critical for center management to know whether to expect continued federal resources, such as grant funds, facility support, personnel, and information systems over the long term. While the federal government generally cannot commit future resources, articulating the extent to which it plans to help support these centers in the long term is important for fusion center management in their planning efforts and sustaining the network.

DHS, DOJ, and the PM-ISE have taken some steps to develop guidance and provide technical assistance to fusion centers to help address their challenges in the areas of guidance and training. For instance, in August 2006, DHS and DOJ issued jointly developed Fusion Center Guidelines that outline 18 recommended elements for establishing and operating fusion centers—for example, ensuring appropriate security measures are in place for facility, data, and personnel. Officials in 48 of the 58 fusion centers we contacted said that they found the guidelines generally good or useful, although others said they were not specific enough to address their challenges. Officials at 19 fusion centers said they lacked guidance on specific policies and procedures on information sharing or lacked national standards and guidelines on training or qualifications for analysts. Furthermore, officials at 31 of the fusion centers we contacted said they had challenges training their personnel, and officials at 11 centers we contacted, most of whom were operational centers that had been in existence for more than 2 years, expressed a need for the federal government to establish standards for training fusion center analysts. DHS and DOJ have initiated a technical assistance service program for fusion centers and, along with the PM-ISE, sponsored regional and national conferences and are developing a baseline capabilities document to provide more specific guidelines for fusion centers. However, as of September 2007 the baseline capabilities document is in draft.
In closing, Madam Chair, state and local governments created fusion centers to fill their information needs, and the centers have attracted the attention of the federal government as it works to improve information sharing with state, local, and tribal entities in accordance with the Homeland Security and Intelligence Reform Acts. Indeed, the PM-ISE’s implementation plan envisions that the federal government will work to promote fusion center initiatives to facilitate effective terrorism information sharing nationwide and designates fusion centers as the focus of sharing with state, local, and tribal governments. To date, DHS’s and DOJ’s efforts to assist fusion centers, such as providing access to information systems, security clearances, personnel, funding, and guidance, have begun to address a number of the challenges fusion center directors identified to us. However, it is also important for fusion center management to understand the federal government’s role with respect to these centers since this affects state and local governments’ support to centers. However, many fusion center officials were uncertain about the level of future resources and the sustainability of federal support. Although the federal government cannot make promises regarding future resources, articulating whether the federal government views its role in providing resources, such as grant funding, facilities, personnel, and information-sharing systems, to fusion centers as a short-term start-up effort or for the long-term sustainability of operations is important for fusion center management in their planning efforts and sustaining the network.

In our draft report, which is now at the agencies for review and comment, we are recommending that the federal government determine and articulate its long-term fusion center role and whether it expects to provide resources to centers to help ensure their sustainability. Particular emphasis should be placed on how best to sustain those fusion center functions that support a national information-sharing capability as critical nodes of the ISE. We provided the agencies a statement of facts for our draft report and discussed the recommendation with them to obtain their comments. The Deputy PM-ISE generally agreed with the recommendation, and the agencies provided us technical details, which we incorporated. All agencies will be sending official comments on the draft report later.

Madam Chair, this concludes my statement. I would be pleased to answer any questions that you or other members of the subcommittee may have at this time.
For further information on this testimony, please contact Eileen Larence at (202) 512-8777 or by e-mail at larencee@gao.gov. Individuals making key contributions to this testimony include Susan Quinlan, Assistant Director; Michael Blinde; Jill Evancho; and Mary Catherine Hult.
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