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**GAO**

**United States General Accounting Office**

**Briefing Report to the Chairman  
Committee on the Judiciary  
House of Representatives**

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**May 2000**

**CAMPAIGN  
FINANCE TASK  
FORCE**

**Problems and  
Disagreements  
Initially Hampered  
Justice's Investigation**



**G A O**

**Accountability \* Integrity \* Reliability**

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G A O

Accountability \* Integrity \* Reliability

United States General Accounting Office  
Washington, D.C. 20548

General Government Division

B-284908

May 31, 2000

The Honorable Henry J. Hyde  
Chairman, Committee on the Judiciary  
House of Representatives

Dear Mr. Chairman:

As you requested, this report discusses the management and oversight, operations, and results of the Department of Justice's (DOJ) Campaign Finance Task Force (CFTF). Created by Attorney General Reno in December 1996 within the Criminal Division's Public Integrity Section (PI), CFTF was established to investigate allegations of illegal fundraising during the 1996 presidential election. Subsequently, investigating illegal fundraising allegations concerning the 1994 congressional election was added to CFTF's mission. The Task Force comprised primarily DOJ attorneys; Federal Bureau of Investigation (FBI) investigators; and support staff, such as financial analysts and intelligence research specialists. Since its creation, CFTF has undergone several management changes and has been the target of accusations of mismanagement.

On February 17, 2000, we provided your office a preliminary briefing on the results of our review. This report summarizes and updates the information presented at that briefing. More specifically it addresses (1) strained working relationships and trust concerns; (2) disagreement over investigative approach; (3) management and analysis of evidence problems; (4) management changes, staffing fluctuations, and oversight; (5) CFTF prosecutive results and costs; and (6) limitations in the Federal Election Campaign Act that may inhibit prosecutions. The briefing slides, which have been updated to include additional information obtained subsequent to our briefing, are contained in appendix I.

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## Results in Brief

Following its creation, CFTF faced several management challenges and operational problems. Notably, the working relationships between DOJ and the FBI were strained and hampered by mutual concerns of trust, with DOJ attorneys and FBI investigators disagreeing over which investigative approach to take. Furthermore, efforts to manage and analyze documentation and evidence were hampered by the lack of (1) an electronic data management system that could effectively process and manage the overwhelming amount of documents and other evidence collected and (2) sufficient staff to input and analyze them.

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To get the investigation on track, in the fall of 1997, DOJ and the FBI changed the Task Force's leadership, streamlined CFTF's oversight structure, and committed additional staff and information management resources. The Task Force was removed from PI's leadership and placed directly under a Deputy Assistant Attorney General in DOJ's Criminal Division. PI, however, maintained its oversight of CFTF-related matters that had Independent Counsel statute implications. Up until its expiration in 1999, the statute and its applicability to CFTF's investigation had been a source of tension and disagreement between DOJ and the FBI and within DOJ.

As of December 31, 1999, CFTF had launched 121 investigations. As of March 31, 2000, it had initiated 24 prosecutions and 15 individuals and 1 corporation had been convicted. From its inception through fiscal year 1999, DOJ and the FBI estimated that they had spent \$31.2 million on Task Force activities.

DOJ and FBI officials reviewed a draft of this report and generally concurred with its substance.

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## Background

As it relates to campaign financing, the Federal Election Campaign Act (FECA) of 1971, as amended, (2 U.S.C. 431-455) generally applies only to financial transactions that are intended to influence federal elections, i.e., campaigns for the office of U.S. Representative, U.S. Senator, President, or Vice President. FECA contains its own criminal provision, which generally provides that knowing and willful violations involving at least \$2,000 may be prosecuted as misdemeanors.

According to DOJ, those FECA violations most likely to warrant criminal prosecution involve schemes to influence a federal candidate's election by making contributions that are patently illegal, through means calculated to conceal the scheme. Furthermore, to warrant criminal prosecution, in general, a FECA fraud must have subverted one of FECA's "core" provisions. These provisions place limits on the amount that can be contributed and disallow contributions from foreign nationals, disguised contributions, and attempts to circumvent FECA's disclosure requirements.

The Independent Counsel statute, 28 U.S.C. 591-599, which expired June 30, 1999, required the Attorney General to decide whether a criminal allegation involving a top official of the executive branch of the federal government, such as the President, Vice President, Cabinet officers, or the chairman or treasurer of the national campaign committee seeking the

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reelection of the President, was to be investigated by someone outside of DOJ. The purpose of this legislation was to ensure both the appearance and the reality of impartial prosecutive decisions concerning the President and certain high-level government and campaign officials.

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## Scope and Methodology

At your request, we examined the management and oversight, operations, and results of CFTF from its inception through December 31, 1999. To accomplish this objective, we interviewed current and former DOJ and FBI officials responsible for managing and overseeing CFTF. We obtained information on CFTF's management structure, oversight, cost, and staffing from DOJ and the FBI. We reviewed CFTF indictments and obtained information concerning the results of its prosecutions. We have updated CFTF's prosecutive results through March 31, 2000.

In addition, we reviewed selected prosecution and declination documents<sup>1</sup> from five closed cases and five closed matters<sup>2</sup> to gain a sense of whether those documents showed evidence of supervisory review and management oversight. Of the five cases we selected, three cases were selected because they had been high-profile cases; one case was selected because the defendant was found not guilty; and one case was randomly selected.

Because information on the number and chronology of matters that had been declined was not readily available, we selected, with CFTF's assistance, five matters to review. We recognize that this small sample is insufficient to be representative of all matters declined; however, we sought to obtain some limited insight into the supervisory oversight and approval process for declinations. Thus, we selected two matters closed during fiscal year 1998 and three matters closed during fiscal year 1999. No matters were declined during fiscal year 1997.

We did not assess the appropriateness of CFTF's prosecutive decisions or its rationale for those decisions. Because CFTF's work is ongoing, active investigation and prosecution files were not available to us. We did our work from July 1999 to March 2000 in accordance with generally accepted government auditing standards.

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<sup>1</sup> Declination memoranda are internal documents, which set forth the facts of a matter and explain the government's reasons for not prosecuting individuals or organizations accused of violations.

<sup>2</sup> For purposes of this report, we define a matter as an allegation of a violation that has been considered for possible further investigation and prosecution. If Justice decides to prosecute a matter and files it with the court, either by indictment or information, it then becomes a case.

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## Strained Working Relationships and Trust Concerns

Describing their working relationship following CFTF's creation, the PI attorney in charge and the FBI's lead investigator, respectively, characterized their relationship as not very effective and strained. According to PI's chief, tensions between investigators and attorneys existed over the extent of attorney involvement in investigations. According to two FBI officials, investigators believed that the Task Force attorneys' involvement in traditional investigative functions, especially interviews, was excessive. For example, the lead investigator said that some agents believed that during investigative interviews they were being used mainly as note takers.

In addition, disagreements developed over the need for an Independent Counsel. Both DOJ and FBI officials frequently cited their disagreement over the need for an Independent Counsel as a major source of tension and conflict. One FBI official characterized DOJ's criteria for triggering the seeking of an Independent Counsel as too stringent. According to PI's Chief, the disagreement over the need for an Independent Counsel also created mutual trust concerns. Eventually, both the FBI Director and a Supervising Attorney leading the Task Force recommended that the Attorney General appoint an Independent Counsel. (See appendix I, slides 17 - 18.)

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## Disagreement Over Investigative Approach

Initially, attorneys and investigators differed over the Task Force's investigative approach. The attorneys' approach was to build cases from the ground up and investigate wherever the evidence led. One of DOJ's concerns was to avoid prematurely tipping off potential witnesses or targeting individuals before sufficient predication was established. The lead investigator, on the other hand, wanted to pursue several investigative tracks simultaneously. For example, a senior FBI official said that on the basis of news reports of White House coffees for campaign contributors, one of the tracks the FBI wanted to investigate was whether the White House had violated campaign finance laws. However, according to the Chief of PI, there was no specific predication to justify all the investigative tracks that the FBI wanted to pursue.

Moreover, the FBI official said that the investigative effort was always under a microscope and subject to enormous scrutiny and second-guessing. The Chief of PI agreed that the investigation was under considerable scrutiny, but he also said that this scrutiny was occasioned by PI's belief that the press created expectations for a major scandal. DOJ officials said it was important to have sufficient predication to justify an investigative direction, and it was particularly important for the

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investigation to be thorough and not perceived as being political. (See app. I, slides 19 - 21.)

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## Management and Analysis of Evidence Problems

Exacerbating the strained situation were document management problems, which impeded the investigation's progress. According to the lead investigator, CFTF was overwhelmed with documents and other evidence and lacked sufficient staff and electronic system resources to input and organize the information being gathered. The lead investigator noted that after several months, the large volume of documents obtained overwhelmed CFTF's electronic data management system and a new system had to be purchased. He added that due, in part, to delays in hiring support staff, it took months to input backlogged documents into the new system. According to the lead investigator and CFTF's attorney-in-charge, the document management problems hindered efforts to assess the documents' importance to the investigation and their relationship to other evidence. The problems continued into late 1997. (See app. I, slides 22 - 24.)

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## Management Changes, Staffing Fluctuations, and Oversight

In the fall of 1997, displeased with the investigation's slow pace, disclosures in the press about critical leads not being pursued, and internal frictions, the Attorney General and the FBI Director changed the Task Force's leadership. Subsequently, the Task Force's oversight structure was streamlined by the removal of PI from its leadership role and the commitment of additional staff and information management resources to get the investigation on track.

Since its inception, CFTF's staffing levels have fluctuated as investigations were initiated, documents and evidence were obtained and analyzed, and cases were completed. CFTF staffing peaked in late 1997 at 126 (24 attorneys, 67 agents, and 35 support staff). However, it has declined since then; and as of December 31, 1999, it totaled 48 (13 attorneys, 12 agents, and 23 support staff).

Since the fall of 1997, a number of personnel changes have taken place within CFTF and among the DOJ officials responsible for its oversight. However, the level and type of CFTF's management and oversight have remained fairly consistent. According to officials, (1) briefings for the Attorney General and top DOJ management officials have taken place weekly; (2) the FBI Director has had periodic discussions about CFTF with his executive staff; and (3) within CFTF, weekly meetings have been held among managers, case attorneys, and investigators to discuss case strategy, progress, and problems.

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Regarding case management, all prosecution proposals were to be reviewed by senior Task Force managers and attorneys and forwarded through DOJ management to the Attorney General. Procedurally, both DOJ and the FBI were to concur on whether to decline prosecution of an investigation. Our review of documents in five selected prosecution case files showed evidence of high-level DOJ reviews in three of the five cases. However, the absence of documentary evidence in the two cases does not necessarily mean that supervisory reviews did not occur. Our review of documents in five selected declination matters showed evidence of DOJ and FBI concurrence in all instances. (See app. I, slides 27 - 41.)

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## CFTF Prosecutive Results and Costs

As of December 31, 1999, CFTF had completed 70 of the 121 investigations it had initiated and was focusing on completing its work on the 51 investigations ongoing. As of March 31, 2000, CFTF had initiated prosecution of 24 cases. It had convicted 15 individuals and 1 corporation, and 6 trials were pending. A jury acquitted one individual, and one prosecution resulted in a hung jury. Through fiscal year 1999, DOJ estimated that it had spent \$5.2 million, and the FBI estimated that it had spent about \$26 million funding CFTF. (See app. I, slides 42 - 43.)

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## Federal Election Campaign Act Limitations May Inhibit Prosecutions

According to a DOJ official, limitations in FECA penalties and its statute of limitations have inhibited more effective investigation of campaign finance violations. Specifically, he said that the criminal misdemeanor penalties provided in FECA are not severe enough to encourage violators to cooperate with the government to reveal the other participants and the extent of campaign financing schemes in exchange for lesser charges or for favorable consideration at sentencing. (See app. I, slides 44 - 46.)

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## Agency Comments

We provided the Attorney General with a draft of this report for comment. Representatives of the Criminal Division and the FBI reviewed the draft. On May 8, 2000, the Director of the Department of Justice's Audit Liaison Office responded that the Department generally concurred with the report's substance. The Department provided some technical comments, which have been incorporated where appropriate.

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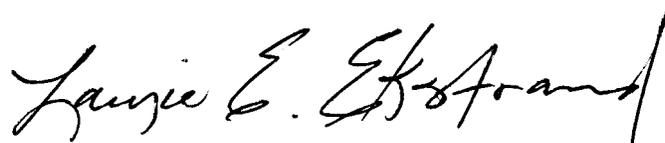
As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of this letter. At that time, we will send copies of this report to Representative John Conyers, Ranking Minority Member of your Committee; Senator Orrin G. Hatch, Chairman of the Senate Judiciary Committee; Senator Patrick J. Leahy, Ranking Minority Member of the Senate Judiciary Committee; Senator Fred Thompson, Chairman of the Senate Governmental Affairs Committee; Senator Joseph Lieberman,

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Ranking Minority Member of the Senate Governmental Affairs Committee; Representative Dan Burton, Chairman of the House Government Reform Committee; Representative Henry Waxman, Ranking Minority Member of the House Government Reform Committee; the Honorable Janet Reno, Attorney General; the Honorable Louis J. Freeh, Director of the Federal Bureau of Investigation; the Honorable Jacob J. Lew, Director of OMB; and other interested parties. Copies will also be made available to others upon request.

If you have any questions, please contact me or Daniel C. Harris, Assistant Director, at (202) 512-8777 or by e-mail at [ekstrandl.ggd@gao.gov](mailto:ekstrandl.ggd@gao.gov) or [harrisd.ggd@gao.gov](mailto:harrisd.ggd@gao.gov). Major contributors to this work were Robert P. Glick and Charles Michael Johnson.

Sincerely yours,

A handwritten signature in black ink that reads "Laurie E. Ekstrand". The signature is written in a cursive style with a large, sweeping initial "L".

Laurie Ekstrand  
Director, Administration  
of Justice Issues

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**GAO** General Government Division

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**Briefing to the Staff of the House Judiciary  
Committee on the Department of Justice's  
Campaign Finance Task Force**

**February 17, 2000**

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Note: Information on Task Force prosecutions and staffing was updated subsequent to the briefing.

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## GAO CONTENTS

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- Objectives, Scope, and Methodology
- Background
- Results
- Summary of Prosecutions

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## GAO Objectives, Scope, and Methodology

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- The Chairman asked us to review the management and oversight, operations, and results of the Department of Justice's (DOJ) Campaign Finance Task Force (CFTF).
- To accomplish these objectives, we:
  - interviewed current and former DOJ and Federal Bureau of Investigation (FBI) officials responsible for managing and overseeing the Task Force;
  - obtained information on the management structure, oversight, cost, and staffing of CFTF from its creation in December 1996 to December 31, 1999;
  - reviewed CFTF indictments and obtained information concerning their prosecutive results through March 31, 2000.

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## GAO Objective, Scope, and Methodology (cont)

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- Obtained access to CFTF documents related to five closed prosecutions and five declinations to gain a sense for whether these documents evidenced supervisory review and management oversight. We recognize that this small sample is insufficient to be representative of the universe of closed cases and matters. The reviewed documents included prosecution and declination memoranda, plea bargain agreements, and correspondence related to those documents. Moreover, we did not assess the appropriateness of CFTF's decisions or its rationale for those decisions in the cases and matters we reviewed.
- Obtained staffing and cost data estimates from DOJ and the FBI.
- Because CFTF's work is ongoing, active investigation and prosecution files were not available to us.

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## GAO Background

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- In November 1996, DOJ's Public Integrity Section (PI) initiated an effort to collect, collate, and evaluate various press allegations concerning violations of campaign finance laws in the 1996 presidential election.
- This effort led to Attorney General Reno creating CFTF in December 1996 to investigate alleged violations of campaign finance laws (discussed below) and to prosecute those cases where violations were believed to have occurred. Allegations concerning the 1994 congressional election were subsequently included in the Task Force's scope.

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## GAO Background

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- The Federal Election Campaign Act
- As it relates to campaign financing, the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 431-455 (FECA), generally applies only to financial transactions that are intended to influence federal elections, i.e., campaigns for election to the office of U.S. Representative, U.S. Senator, President, or Vice President.
- FECA contains its own criminal provision, which generally provides that FECA violations that are knowing and willful and involve at least \$2,000 may be prosecuted as misdemeanors. According to DOJ, those FECA violations most likely to warrant criminal prosecution involve schemes to influence a federal candidate's election by making contributions that are patently illegal, through means calculated to conceal the scheme.

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## GAO Background

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- According to DOJ, in general, to warrant criminal prosecution, a FECA fraud must have subverted one of FECA's "core" provisions, which include, for example, the following:
  - Limits on contributions from persons. Contributions from "persons" may not exceed \$1,000 to a federal candidate per election; \$20,000 to a national party committee per year; or \$5,000 to any other political committee per year. 2 U.S.C. 441a(a).
  - No contribution from foreign nationals. Section 441e prohibits any foreign national from making, directly or through any other person, any contribution in connection with any federal, state, or local election. It also prohibits any person from knowingly soliciting or accepting such a contribution.

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## GAO Background

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- No disguised contributions. Section 441f makes it unlawful for any person to make a contribution in the name of another, or for any person to permit his or her name to be used to make a contribution. A violation occurs if a person gives funds to a straw donor, or conduit, for the purpose of having the conduit pass the funds on to a federal candidate.
- No avoidance of FECA's disclosure requirements. Section 434 requires timely and accurate reporting of, among other things, all contributions over \$200 to federal candidates and committees seeking to elect federal candidates and all expenditures over \$200 on behalf of federal candidates.

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## GAO Background

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- According to DOJ, reporting violations are normally involved in any aggravated scheme to subvert one of the other “core” campaign financing provisions.
  - For example, the use of conduits to disguise illegal contributions to federal candidates is evidence of an intent to interfere with the accurate reporting of campaign contributions and to deliberately cause false information to be conveyed to the Federal Election Commission, the federal agency charged with overseeing FECA.

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## GAO Background

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- Independent Counsel Statute
- The Independent Counsel Statute, 28 U.S.C. 591-599, which expired June 30, 1999, required the Attorney General to decide whether a criminal allegation involving a top official of the executive branch of the federal government, such as the President, Vice President, Cabinet officers, or the chairman or treasurer of the national campaign committee seeking the reelection of the President, was to be investigated by someone outside of DOJ.
- The purpose of this legislation was to ensure both the appearance and the reality of impartial prosecutive decisions concerning the President and certain high-level government and campaign officials.

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## GAO Background

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- In general, under the Independent Counsel Statute, the Attorney General had 30 days from the date of receipt of an allegation that a covered official had committed a crime to determine if there existed grounds to commence a preliminary 90-day investigation. During this initial 30-day inquiry, the Attorney General was to consider only the specificity of the information received and the credibility of its source.
- Under the statute, once a preliminary investigation commenced, the Attorney General generally had 90 days to determine if there were reasonable grounds to believe further investigation was warranted. If the Attorney General found that it was warranted, she made an application to a special panel of federal judges for the appointment of an Independent Counsel.

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## GAO Background

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- In order to avoid potential conflicts, the act limited the Attorney General's authority and power during the initial inquiry and the preliminary investigation phases to prevent her from extensively participating in substantive decisionmaking.
- As a result, during these phases, some of the Attorney General's normal investigative tools were prohibited. The Attorney General was not allowed to convene a grand jury, plea bargain, issue subpoenas, and grant immunity.

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## GAO Results - Initial Organization and Staffing

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- In December 1996:
  - Laura Ingersoll, a PI trial attorney, was placed in charge of CFTF, which was a subunit of PI. She reported to PI's chief.
  - Jeff Lampinski, a Section Chief in the FBI's Information Resources Division, was named lead investigator on the Task Force, reporting to a Deputy Assistant Director in the FBI's Criminal Investigative Division.
- Lee Radek, PI's Chief, said that no formal mission statement was prepared for the Task Force because he expected its investigation to be handled in the same way as other high-priority cases within the section. He anticipated that as additional targets or cases were developed, they would be spun off to other PI trial attorneys. PI was to apply its normal case review and oversight procedures to CFTF.

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## GAO Results - Initial Organization and Staffing (cont'd)

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- When CFTF was first created, John Keeney, then Acting Assistant Attorney General, Criminal Division, recused himself of all CFTF matters because his son, a private attorney, represented John Huang, one of the investigation's targets.
- Mark Richard, a Criminal Division Deputy Assistant Attorney General, was designated to oversee CFTF.
  - Due to Mr. Keeney's recusal, Mr. Richard reported directly to the Deputy Attorney General and the Attorney General and, thus, for Task Force purposes, fulfilled the role of Assistant Attorney General.
- Neil Gallagher, then an FBI Deputy Assistant Director, was designated to oversee Mr. Lampinski and the FBI's investigative efforts.

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# GAO Results - Initial Organization and Staffing (cont'd)

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Department of Justice Management and Oversight Structure  
for the Campaign Finance Task Force - January 1997



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## GAO Results - Initial Organization and Staffing (cont'd)

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- Initially, 20 FBI agents, 2 Department of Commerce Office of Inspector General agents, 3 FBI financial analysts, 2 FBI intelligence research specialists, 1 FBI secretary, 4 PI attorneys, and a PI paralegal constituted the Task Force.
  - In January 1997, CFTF's investigative and prosecutive resources were co-located in the same offices.
- Subsequently, according to DOJ and FBI officials, between February and September 1997, 24 FBI agents, 9 intelligence research specialists, 3 attorneys, and 5 administrative support personnel were added to CFTF headquarters. One other attorney worked part-time coordinating intelligence issues. In August 1997, two Internal Revenue Service agents were brought in to review all cases for tax issues.

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## GAO Results - Initial Problems and Obstacles

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- Strained Working Relationships Ms. Ingersoll and Mr. Lampinski, respectively, characterized their working relationship as not very effective and strained. In addition, according to two FBI Task Force officials, agents complained about PI attorneys' excessive participation in traditional investigative functions, especially interviews of witnesses where agents felt they were being used mainly as note takers.
    - Mr. Radek confirmed that tensions existed between attorneys and agents over the extent of attorney involvement in investigations. He added that disagreements over the threshold of information required to trigger a recommendation for an Independent Counsel also adversely affected their relationship. Mr. Radek said that as a result, issues of trust arose and the FBI resisted the team concept.
    - Moreover, Mr. Radek believed the press created expectations for a major scandal, rather than allowing the investigative process to make that determination. As a result, he said it was particularly important for the investigation to be thorough and not perceived as political.

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## GAO Results - Initial Problems and Obstacles (cont'd)

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- According to Mr. Gallagher, contentious divisions arose between the FBI and DOJ over several issues, including the applicability of the Independent Counsel statute. Mr. Gallagher believed that Mr. Radek's criteria for what information was needed to trigger the seeking of an Independent Counsel were too stringent. Moreover, concerns over leaks to the media about Task Force progress and problems added to mutual trust concerns.
- Although both the attorneys and investigators held strong views on these issues, they believed the process for arguing their positions was fair. Mr. Lampinski said that disagreements between Ms. Ingersoll and him were elevated to their supervisors and in some cases to Mr. Richard. He described Mr. Richard as a fair mediator and said that no one ever told the investigators to back away from an investigation. He said the Attorney General and Director Freeh got involved only when Independent Counsel statute issues arose.

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## GAO Results - Initial Problems and Obstacles (cont'd)

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- Disagreement over Investigative Approach: The attorneys' investigative approach was to build cases from the ground up and investigate wherever the evidence led. The lead investigator, on the other hand, wanted to pursue several investigative tracks simultaneously.
  - DOJ officials believed protecting the investigative process was important, and this meant having sufficient predication to justify an investigative direction.
  - One of DOJ's concerns was to avoid prematurely tipping off potential witnesses and/or investigative targets or targeting individuals before sufficient predication was established. Mr. Radek did not believe specific predication existed at that time to justify all the investigative tracks proposed by the investigators.

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## GAO Results - Initial problems and obstacles (cont'd)

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- Mr. Gallagher said he and Mr. Radek disagreed on the investigative strategy. Mr. Gallagher said that on the basis of news reports concerning White House coffees for campaign contributors, one of the tracks the FBI wanted to investigate was whether the White House had violated campaign finance laws. Mr. Gallagher said that the FBI believed that its investigative efforts were always under a microscope and subject to enormous scrutiny and second-guessing.
  - Because of PI's oversight of matters relating to the Independent Counsel statute, the overall approach taken by the Task Force was very conservative; that is, building cases from the ground up.
- Mr. Radek said that he believed that the FBI was too anxious to recommend the need for an Independent Counsel and that in his opinion the information gathered did not justify seeking the appointment of an Independent Counsel. He added that their disagreement over this issue had a devastating impact on the relationship between the FBI and PI.

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## GAO Results - Initial Problems and Obstacles (cont'd)

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- The need to appoint an Independent Counsel continued to be an area of disagreement.
  - In November 1997, FBI Director Freeh recommended to the Attorney General that she appoint an Independent Counsel.
  - Then, in July 1998, the then Supervising Attorney of the Task Force also recommended that the Attorney General appoint an Independent Counsel.
  - In both instances, the Attorney General decided not to appoint an Independent Counsel.

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## GAO Results - Initial Problems and Obstacles (cont'd)

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- Management and Analysis of Evidence: CFTF was overwhelmed with documents and other evidence and lacked sufficient resources to address this problem. Mr. Lampinski said that CFTF was receiving about 60 boxes of documents a day and had acquired over 2 million pages of documents. The FBI had to copy, index, and enter all documents into an electronic data management system that would support search and full retrieval capabilities. After several months, the system became overwhelmed and a new system had to be purchased.
  - According to Ms. Ingersoll and Mr. Lampinski, it took months to input backlogged documents into the new system, which significantly hindered efforts to assess the documents' importance to the investigation and their relationship to other evidence.
  - Mr. Lampinski said that by mid-February 1997, he had recognized the problem and subsequently sought to get resources to input the documents but had difficulty obtaining the FBI staffing he needed.

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## GAO Results - Initial Problems and Obstacles (cont'd)

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- Mr. Lampinski said that efforts to obtain additional staff resources were delayed due to the process used to fill positions. At that time, the Criminal Justice Information Systems Division was moving its operations to West Virginia. The FBI was trying to help employees who did not want to move to West Virginia find other jobs at headquarters and decided that these employees should have the first opportunity at CFTF positions. However, according to Mr. Lampinski, the process of selecting individuals for these positions took 5 or 6 months to complete as positions had to be advertised, applications reviewed, career boards established, and applicants interviewed and selected.
- Mr. Gallagher said that in late spring 1997, the document management problems became evident.

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## GAO Results - Initial Problems and Obstacles (cont'd)

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- In June 1997, on the basis of the FBI's proposed multiple-track investigative strategy, Director Freeh directed CFTF investigators to interview over 100 individuals. Many of those interviewed were not as yet the focus of CFTF efforts, including a number of White House and Democratic National Committee employees.
  - According to Mr. Radek, using CFTF investigators to interview additional individuals at this point diverted them from assessing the significance of documents already obtained. Moreover, Mr. Radek said he did not believe there was sufficient predication at the time to justify conducting all the interviews.
  - Ms. Ingersoll said that as a result of the interviews, about 90 percent of the Task Force's investigative resources were unavailable for about 2 to 3 weeks.
- The document management problems continued into late 1997.

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## GAO Results - Initial Problems and Obstacles (cont'd)

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- Congressional/media impacts: According to CFTF officials, parallel congressional investigations and media reports during this period led to internal DOJ pressures and decisions that required CFTF to divert its efforts to address these external events.
  - For example, CFTF officials had to work with the congressional committees to coordinate CFTF and congressional documentation requests. CFTF also had to divert investigators to interview individuals identified as possible witnesses at congressional hearings although they had not as yet been earmarked for interview. The normal approach would be to first analyze information collected and use those analyses as a basis for the interviews.
  - Mr. Lampinski said that the need to divert resources to interview possible congressional witnesses had a negative impact on the Task Force's progress.

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## GAO Results - Initial Problems and Obstacles (cont'd)

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- Mr. Radek said that CFTF efforts became unfocused as it attempted to ensure that if the Attorney General inquired about a news report, CFTF would already have information on it and not be caught by surprise disclosures.
- Lack of Foreign Country Cooperation: CFTF had difficulty obtaining evidence and interviewing subjects in certain foreign countries. According to DOJ, in many of these countries, legal assistance treaties do not exist. Although they may cooperate on crimes viewed as serious, some countries considered campaign finance violations to be internal U.S. political problems and were not as willing to cooperate. As a result, investigations of certain individuals were hampered and allegations of a foreign conspiracy to influence the presidential election could not be fully investigated, according to DOJ.

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## GAO Results - Management and Organizational Changes (Sept. 1997)

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- In the fall of 1997, displeased with the investigation's slow pace, disclosures in the press that critical leads were not being pursued, and internal frictions plaguing CFTF, the Attorney General and FBI Director Freeh decided to replace CFTF's leadership.
- Charles LaBella, 1st Assistant U.S. Attorney in San Diego and James DeSarno, a former Special Agent-in-Charge of the FBI's New Orleans Field Office, were selected to lead the Task Force.
  - Mr. LaBella was told that the Task Force needed more focus, direction, and aggressive leadership.
  - Mr. DeSarno was told that the investigation was moving too slowly and that there were evidential and staffing issues that needed to be addressed.

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## GAO Results - Management and Organizational Changes (Sept. 1997)(cont'd)

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- Mr. DeSarno said that one of the reasons he was selected was because he was high enough in the FBI organization to coordinate across FBI divisional lines and obtain cooperation and support in addressing issues and problems he identified.
- Ms. Ingersoll stayed with the Task Force for a short period after Mr. LaBella took over.
- Mr. Lampinski remained with the Task Force and maintained much the same role he had before: managing agents and cases and overseeing case assignments and investigative strategies.

# GAO Results - Management and Organizational Changes (Sept. 1997)(cont'd)

Department of Justice Management and Oversight Structure for the Campaign Finance Task Force Subsequent to September 1997



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## GAO Results - Management and Organizational Changes (Sept. 1997)(cont'd)

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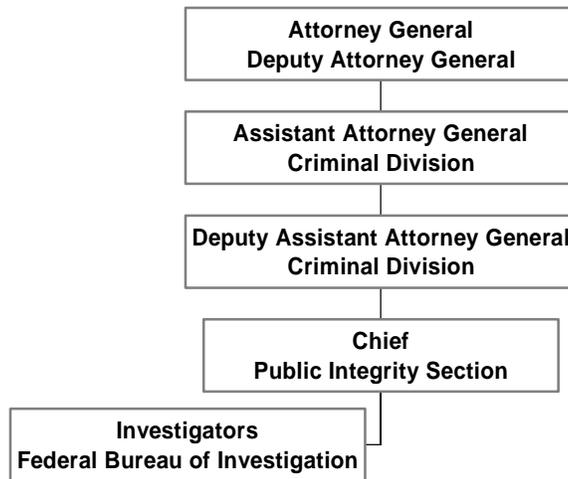
- Both Messrs. LaBella and DeSarno recognized the need to streamline CFTF's oversight structure.
  - Mr. LaBella insisted on a more direct chain of command. Subsequently, he reported directly to Mr. Richard, and Mr. Radek assumed an advisory role. However, Mr. Radek continued a direct role whenever Independent Counsel statute issues arose, as PI maintained primary responsibility for initial inquiries and preliminary investigations related to the statute.
  - Mr. DeSarno said that he reported directly to FBI Deputy Director Robert Bryant and Director Freeh. Upon Mr. DeSarno's arrival, Mr. Gallagher no longer had to take on as formal a role in the Task Force. However, he still attended weekly meetings and was involved in briefing the Director.

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# GAO Results - Management and Organizational Changes (Sept. 1997)(cont'd)

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Organization Chart Showing Public Integrity Section Responsibility for Independent Counsel Matters



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## GAO Results - Management and Organizational Changes (Sept. 1997)(cont'd)

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- Mr. DeSarno believed CFTF should be structured more like a field office, with investigators separated from attorneys. With Mr. LaBella's concurrence, investigators were moved to another floor in the building, which allowed the FBI to maintain greater investigative control of the cases.
- Mr. LaBella said that he quickly realized that CFTF's biggest problem was understaffing -- too few agents and attorneys for the number of cases that it had. As a result, documents went unreviewed and investigative leads were not followed. Mr. LaBella also noted that the experience level of the Task Force attorneys was not sufficient to address pending investigations. As a result, he brought three experienced Assistant U.S. Attorneys with him from San Diego.
- Since then, according to several CFTF managers, the Task Force has not had a problem getting resources. Both the Attorney General and Director Freeh have been very helpful in getting needed resources.

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## GAO Results - Management and Organizational Changes (Sept. 1997)(cont'd)

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- Ms. Ingersoll said that she had been requesting more resources for some time and had formally submitted a written request for additional resources just prior to Mr. LaBella's appointment to replace her.
- About the time of Messrs. LaBella's and DeSarno's arrival, CFTF received a significant increase in investigative and prosecutive resources.
- Mr. DeSarno said that soon after taking over the Task Force, he was able to get 90 FBI support personnel detailed short-term to address the backlog of documents to be indexed and entered into the new electronic database.

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## GAO Results - Management and Organizational Changes (1998 - 1999)

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- In June 1998, James Robinson was confirmed as Assistant Attorney General for the Criminal Division and acquired responsibility for CFTF. Mr. Richard then reported through Mr. Robinson.
- July - August 1998:
  - David Vicinanza, former Chief of the Criminal Division in the New Hampshire U.S. Attorneys Office, replaced Mr. LaBella as Supervising Task Force Attorney. Mr. LaBella returned to San Diego to become Acting U.S. Attorney for the Southern District of California.
  - Mr. Lampinski replaced Mr. DeSarno, who was designated to head the FBI's Criminal Justice Information Systems Division.

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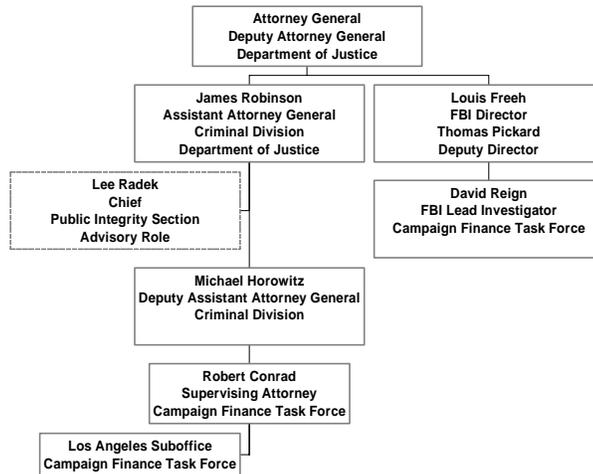
## GAO Results - Management and Organizational Changes (1998 - 1999)(cont'd)

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- In March 1999, Michael Horowitz, a Deputy Assistant Attorney General in the Criminal Division, replaced Mr. Richard in overseeing the Task Force.
- In June 1999, FBI Supervisory Special Agent David Reign, who was already a member of the Task Force, replaced Mr Lampinski, who was designated Special Agent-in-Charge of the FBI's Louisville, KY, Field Office.
- In September 1999, Mr. Vicinanza returned to the New Hampshire U.S. Attorneys Office but continued to consult with CFTF. He was subsequently replaced in December 1999 by Assistant U.S. Attorney Robert Conrad, Chief of the Criminal Section in the Western District of North Carolina.

# GAO Results - CFTF Organization Chart, as of December 31, 1999

Department of Justice Management and Oversight Structure for the Campaign Finance Task Force - December 31, 1999



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## GAO Results - Management and Oversight

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- According to CFTF managers interviewed, Task Force oversight has been accomplished in several ways:
  - Since Mr. LaBella arrived, weekly Attorney General briefings have been held to keep her informed of CFTF progress, problems, and needs. Participants have included, among others, the Deputy Attorney General; the Attorney General's Counsel; Mr. Robinson; Mr. Radek; Mr. Horowitz; Mr. Richard; the FBI's General Counsel; and CFTF's Lead Investigator and Supervising Attorney.
  - Director Freeh had periodic CFTF discussions with his executive staff.
  - Task Force managers met weekly with staff attorneys and investigators to discuss case strategy, progress, and problems on each ongoing investigation and prosecution.
  - Managers have been apprised daily, as needed, of important developments that may affect cases.

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## GAO Results - Management and Oversight (cont'd)

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- Case management - prosecutions:
- CFTF prosecutors said that when prosecutions were believed to be justified, senior Task Force managers and attorneys met with case attorneys and investigators to review and comment on prosecution memoranda. Prosecution memos were to be forwarded up the chain-of-command for information purposes, and the Attorney General and the Director were to be briefed.
- We found evidence of high-level DOJ reviews, including the Attorney General and/or the Deputy Attorney General, in three of the five cases we reviewed (Johnny Chung, John Huang, and Yah Lin “Charlie” Trie). In two cases (Franklin Haney and Howard Glicker), we did not see evidence of high-level reviews of the prosecution memo nor, in Glicker’s case, the plea agreement. (We should note, however, that the absence of documentary evidence on these case documents does not necessarily mean that supervisory reviews did not occur.)

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## GAO Results - Management and Oversight (cont'd)

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- Case management - declinations:
- Procedurally, both DOJ and FBI concurrence was required to decline prosecution on an investigation. The FBI indicated that CFTF's lead investigator was authorized to sign off on declinations although in one instance Director Freeh signed off.
  - Our review of five matters declined for prosecution showed FBI and DOJ concurrence. In those five matters, we were told that evidence was not sufficient to prove that a crime had been committed.
- Since Mr. LaBella's tenure, PI has served in an exclusively advisory capacity, except for matters or issues that related to the Independent Counsel Statute.

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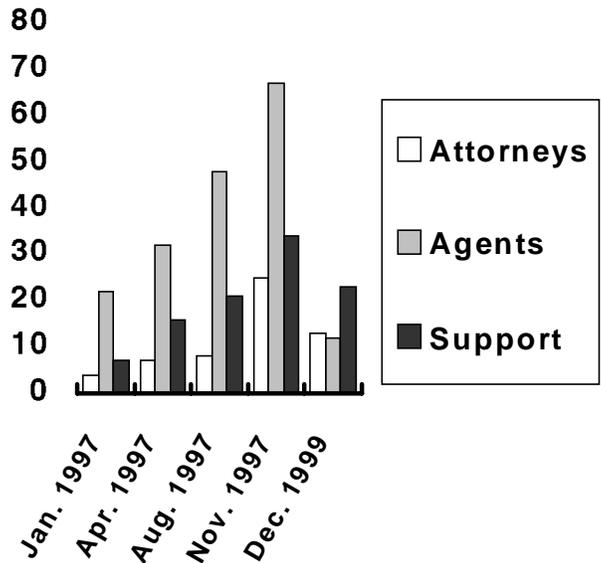
## GAO Results - Staffing Trends

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- CFTF staffing has fluctuated depending on its operational phase.
  - When CFTF was established, the investigation was only beginning and its scope was still unknown. As more information was developed, staffing grew.
  - In the summer and fall of 1997, CFTF staffing began to increase rapidly, reaching its peak in late 1997.
  - As of December 31, 1999, CFTF had completed 70 of the 121 investigations it had initiated and was focusing on completing its work on the 51 ongoing. As a result, staffing has decreased significantly.

## GAO Results - Staffing Trends (cont'd)

- In January 1997, there were 4 attorneys, 22 agents, and 7 support staff.
- In April 1997, CFTF had grown to 7 attorneys, 32 agents, and 16 support staff.
- By the end of August 1997, CFTF staff numbered 77, which included 8 attorneys; 48 agents; and 21 support staff
- At its peak, in November 1997, staff numbered 126, including 24 attorneys, 67 agents, and 35 support staff.
- As of December 31, 1999, staff numbered 48, including 13 attorneys, 12 agents, and 23 support staff.



Note: Support staff included computer support, paralegal, intelligence research staff, financial analysts, and clerical.

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## GAO Results - Estimated CFTF Costs

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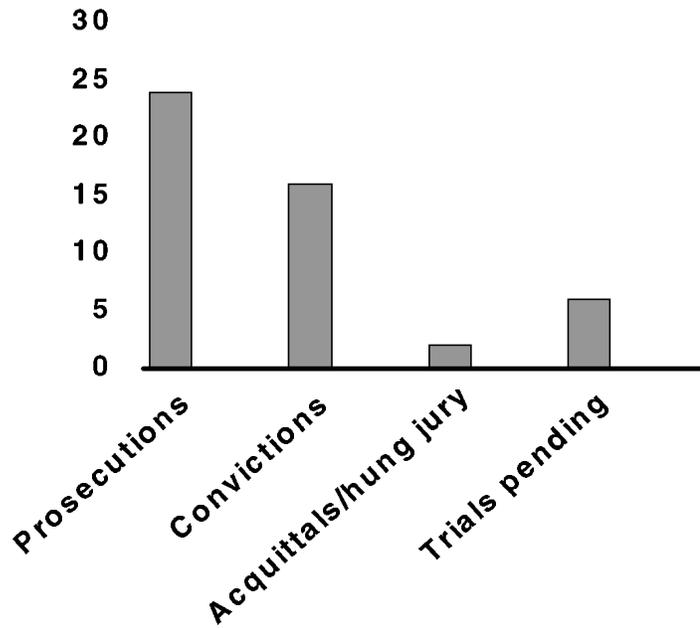
- Justice Department Costs:
  - Fiscal Year 1997 - \$1.0 million
  - Fiscal Year 1998 - \$2.1 million
  - Fiscal Year 1999 - \$2.1 million
  
- FBI Costs:
  - Fiscal Year 1996 - \$10,000 (equipment purchased in FY 1996 but transferred to CFTF in FY 1997)
  - Fiscal Year 1997 - \$5.2 million
  - Fiscal Year 1998 - \$16.1 million
  - Fiscal Year 1999 - \$4.7 million

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## GAO Results - Prosecution Efforts, as of March 31, 2000

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- Prosecutions - 24
- Convictions - 16  
(15 plea bargains)
- Acquittals/hung juries- 2
- Trials pending - 6



Note: See summary of prosecutions, slides 47 – 52.

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## GAO Results - FECA Limitations May Inhibit Prosecution Efforts

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- Limitations in FECA penalties and statute of limitations:
- According to DOJ and FBI officials, the penalties for violating FECA campaign finance provisions need strengthening.
- Mr. Horowitz stated that FECA's prescribed penalties have adversely affected CFTF's investigative efforts in that they are not severe enough to encourage cooperation by those being investigated to reveal the participants and the extent of the campaign finance scheme. Noting FECA's weak penalties, Mr. DeSarno stated that he was unaware of any area where Justice and the FBI put in so much effort for such a small return.
  - According to Mr. Horowitz, FECA violations are penalized as misdemeanors no matter the extent or amount of the violation. Moreover, the criminal penalties do not differentiate between donors or conduits.

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## GAO Results - FECA Limitations May Inhibit Prosecution Efforts (cont'd)

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- Commenting on how FECA violations were being treated by the courts, Mr. Horowitz stated that there is no current sentencing guideline for FECA violations. Therefore, judges usually use the closest, most analogous guidelines, which deal with fraud.
  - Using analogous fraud guidelines and considering the (a) first-time offense of those convicted and (b) lack of material loss involved, judges have sentenced most campaign finance violators to supervised probation and community service.
  - Generally, jail time or witness cooperation was obtained only in those cases where offenders were found to have committed other more serious violations, such as mail or wire fraud or income tax violations.

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## GAO Results - FECA Limitations May Inhibit Prosecution Efforts (cont'd)

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- According to Mr. Horowitz, another problem with FECA is its 3-year statute of limitations. The statute of limitations for most crimes is 5 years and for some crimes even longer.
  - This shortened statute of limitations is even more problematic in that the clock for the limitation generally starts when the check is written, not when the contribution report is filed. Thus, several months can pass before enforcement officials learn of a possible violation, further shortening the time prosecutors and investigators have to establish and file a case.
- As of December 31, 1999, legislation was pending in both the House and Senate to strengthen the criminal penalties for FECA violations.

## GAO Summary of Prosecutions (As of March 31, 2000)

<b>Defendant and court district</b>	<b>Summary of charges</b>	<b>Disposition of case</b>	<b>Sentencing</b>
U.S. v. David Chang District of New Jersey, January 7, 2000 and March 31, 2000	4 counts of violating Title 18 (Conspiracy, Obstruction of Justice, Witness Tampering)	Trial scheduled for June 6, 2000	Trial pending
U.S. v. Audrey Yu, District of New Jersey, January 7, 2000 and March 31, 2000	11 counts of violating Title 18 (Perjury Before the Grand Jury, Conspiracy, Obstruction of Justice, and Witness Tampering)	Trial scheduled for June 6, 2000	Trial pending
U.S. v. Pornpimol "Pauline" Kanchanalak & Duangnet "Georgie" Kronenberg District of Columbia, November 13, 1998	15 counts of violating Title 18 (Conspiracy, Causing False Statements) and 1 count of violating Title 2 (Causing Contribution by Foreign National)	Trial scheduled for November 13, 2000	Trial pending
U.S. v. Mark B. Jimenez, Southern District of Florida, April 15, 1999	43 counts of violating Title 18 (Conspiracy, False Statements, and Aiding and Abetting), violating Title 2 (Causing Conduit Contributions, Aiding and Abetting), and 4 counts of violating Title 26 (Tax Evasion and Fraud)	DOJ pursuing Jimenez' extradition from the Philippines	Trial pending

## GAO Summary of Prosecutions (As of March 31, 2000)

<b>Defendant and court district</b>	<b>Summary of charges</b>	<b>Disposition of case</b>	<b>Sentencing</b>
U.S. v. Mark B. Jimenez, District of Columbia, September 30, 1998	17 counts of violating Title 18 (Conspiracy, False Statements, and Aiding and Abetting) and Title 2 (Causing, Aiding and Abetting)	DOJ pursuing extradition from the Philippines	Trial pending
U.S. v. Yuan "Antonio" Pan, District of Columbia, January 29, 1998	4 counts of violating Title 18 (Conspiracy to Defraud, Impair and Impede the FEC, Wire Fraud, Aiding and Abetting)	Yuan Pan is currently a fugitive	Trial pending
U.S. v. Carmine Alampi, District of New Jersey, December 1, 1999	1 count violation of Title 18 (Funneling Illegal Contributions to a 1996 Senate Campaign) and Title 2 (Illegal Conduit Contribution)	Pled guilty to 1 Count Illegal Campaign Contributions December 1, 1999	Sentencing date pending
U.S. v. Lawrence Penna Southern District, New York, September 15, 1999	1 count violation of Title 18 (Conspiracy to Impede the Reporting Functions of the FEC)	Pled guilty to 1 count Conspiracy to Impede Reporting Functions of the FEC September 15, 1999	Delayed pending Penna's cooperation
U.S. v. Berek Don District of New Jersey, March 5, 1999	1 count violation of Title 18 (Conspiracy to Funnel Illegal Contributions to a 1996 Senate Campaign)	Pled guilty to Making Illegal Contributions to 1996 Senate campaign May 27, 1999	Sentencing date pending

## GAO Summary of Prosecutions (As of March 31, 2000)

<b>Defendant and court district</b>	<b>Summary of charges</b>	<b>Disposition of case</b>	<b>Sentencing</b>
U.S. v. Maria Hsia (Hsia Ling) District of Columbia, February 18, 1999	6 counts of violating Title 18 (Conspiracy, False Statements, and Willfully Causing the Commission of an Offense)	Found guilty on 5 counts of Causing False Statements to be made to the FEC March 2, 2000	Sentencing date August 18, 2000
U.S. v. Yogesh Gandhi Northern District of California, August 5, 1998 and March 9, 1999	1 count of violating Title 18 (Mail Fraud) and violation of Title 26 (Tax Evasion, and Violating Federal Election Laws)	Pled guilty to Mail Fraud, Tax Evasion, and Violating Federal Election Laws June 25, 1999	December 5, 1999 1 year imprisonment, 2 years supervised release, and \$237,299 restitution
U.S. v. Yah Lin "Charlie" Trie, District of Columbia, January 29, 1998 and Eastern District of Arkansas, November 9, 1998	Violations of Title 18 (Conspiracy to Defraud, Impair and Impede the FEC, Mail and Wire Fraud, Aiding and Abetting, False Statements, Witness Tampering, Conspiracy to Obstruct Justice and Congressional Investigation) and 1 count violation of Title 18 (Causing False Statements to FEC) and 1 count violation of Title 2 (Making Political Contributions in the Name of Another)	Pled guilty to 2 counts of campaign financing violations (Causing a False Statement to be Made to FEC and Causing Conduit Contributions to be made to the DNC) May 21, 1999	November 1, 1999 3 years probation (including 4 months of home detention), 200 hours of community service, and \$5,000 fine

## GAO Summary of Prosecutions (As of March 31, 2000)

<b>Defendant and court district</b>	<b>Summary of charges</b>	<b>Disposition of case</b>	<b>Sentencing</b>
U.S. v. Jian-Nan "John" Huang Central District of Columbia, May 25, 1999	1 felony count violation of Campaign Finance Laws	Pled guilty to a felony conspiracy charge August 2, 1999	August 12, 1999 1 year probation, 500 hours community service, and \$10,000 fine
U.S. v. Robert Lee Central District of California, April 6, 1999	Violations of Title 18 (Aiding and Abetting Illegal Foreign Campaign Contributions)	Pled guilty to Aiding and Abetting Illegal Foreign Campaign Contributions April 26, 1999	August 16, 1999 3 years probation, 250 hours of community service
U.S. v. Juan C. Ortiz District of Columbia, December 17, 1998	Violation of Title 2 (Conduit Contributions) and Title 18 (Aiding and Abetting)	Pled guilty to Acting as Conduit Contributor and Aiding and Abetting Illegal Campaign Contributions March 23, 1999	March 23, 1999 2 years probation, \$20,000 in fines, and 200 hours of community service
U.S. v. Future Tech International Inc. District of Columbia, December 17, 1998	Violations of Title 26 (Tax Evasion)	Pled guilty to 2 counts of Tax Evasion October 5, 1998	February 5, 1999 \$1 million in fines and payment of all back taxes and penalties
U.S. v. Johnny Chung Central District of California, March 5, 1998	Violations relating to Title 26 (Tax Evasion) and Title 18 (Bank Fraud and Conspiracy to Violate the Federal Election Campaign Act)	Pled guilty to Bank Fraud, Tax Evasion, and 2 misdemeanor violations of Conspiracy To Violate Federal Election Laws March 5, 1998	December 14, 1998 Probation and 3,000 hours of community service

## GAO Summary of Prosecutions (As of March 31, 2000)

<b>Defendant and court district</b>	<b>Summary of charges</b>	<b>Disposition of case</b>	<b>Sentencing</b>
U.S. v. Howard Glicken District of Columbia, July 9, 1998	Violating Title 2 (Criminal Violation of Federal Election Campaign Act) and 1 count of Violating Title 18 (Causing, Aiding and Abetting)	Pled guilty to Causing a Political Contributions to be Made by a Foreign National and Procuring a Conduit Contribution July 20, 1998	November 24, 1998 18 months probation, \$80,000 fine, and 500 hours of community service
U.S. v. Michael Brown District of Columbia, August 28, 1997	Violations of Title 2 (Exceeding Dollar Limits on Contributions and Violating Federal Election Campaign Act)	Pled guilty to violating Title 2 (Exceeding Contribution Limit) August 28, 1997	November 21, 1997 3 years supervised probation, \$5,000 fine, and \$7,800 in restitutions
U.S. v. Gene Lum District of Columbia, May 21, 1997	Violating Title 18 (Conspiracy to Defraud the United States and Cause False Statements to be Made to the FEC)	Pled guilty to Conspiracy August 5, 1997 and Filing False Tax Returns August 13, 1998	June 3, 1999 2 years in prison, 5 months in half-way house, 5 months in home detention, and \$30,000 fine
U.S. v. Nora Lum District of Columbia, May 21, 1997	Violating Title 18 (Conspiracy to Defraud the United States and Cause False Statements to be Made to the FEC)	Pled guilty to Conspiracy June 5, 1997	September 9, 1997 5 months in half-way house, 5 months in home detention, and \$30,000 fine

## GAO Summary of Prosecutions (As of March 31, 2000)

<b>Defendant and court district</b>	<b>Summary of charges</b>	<b>Disposition of case</b>	<b>Sentencing</b>
U.S. v. Trisha Lum District of Columbia, May 12, 1997	Violations of Title 2 (Making Contribution in the Name of Another and Penalty for Violation of Federal Election Campaign Act)	Pled guilty to violating Title 2 (Making Conduit Contribution) June 5, 1997	August 27, 1997 3 years of supervised probation, 150 hours of community service, \$5,000 fine, and \$7,800 in restitutions
U.S. v. Franklin Haney District of Columbia, November 4, 1998	42 counts of violating Title 18 (Conspiracy, False Statements, and Causing an Illegal Act to be Done) and Title 2 (Criminal Violations of the Federal Election Campaign Act and Making Contributions in Another's Name)	Acquitted June 30, 1999	N/A
U.S. v. Maria Hsia (Hsia Ling) Central District of California, July 7, 1998	Violations of Title 18 (Conspiracy, False Statements, and Willfully Causing the Commission of an Offense)	Jury hung (7-5) June 7, 1999 Case was not retried by Justice and a motion to dismiss was filed June 21, 1999	N/A

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