April 26, 2010

Congressional Committees

Subject: Military Personnel: Status of Implementation of GAO’s 2006 Recommendations on DOD’s Domestic Violence Program

National estimates indicate that approximately 1.5 million women and 835,000 men are physically assaulted or raped by intimate partners in the United States annually. Congress, in the National Defense Authorization Act for Fiscal Year 2000, required the Department of Defense (DOD) to (1) establish a central database of information on domestic violence incidents involving members of the armed forces and (2) establish the Department of Defense Task Force on Domestic Violence. The law charged the task force with establishing a strategic plan that would allow DOD to more effectively address domestic violence matters within the military. In fiscal years 2001, 2002, and 2003, the task force issued three reports containing almost 200 recommendations to improve the safety of victims, accountability of offenders, coordination among support-service providers, and recording of data on cases of domestic violence. To coordinate implementation of these recommendations, in January 2003, DOD established a Family Violence Policy Office to ensure that DOD and the services took appropriate actions in this area. This office was located in the Military Community and Family Policy Office, which is in the Office of the Under Secretary of Defense for Personnel and Readiness. DOD’s Family Advocacy Program office, responsible for providing treatment for domestic violence victims and rehabilitation for offenders, is also located in the Military Community and Family Policy Office. In 2003, members of Congress requested that we assess DOD’s progress in implementing the recommendations made by the Defense Task Force on Domestic Violence, and we subsequently issued a report in 2006 stating, among other things, that DOD had taken action on a majority of the task force recommendations but that DOD had not captured data from all law enforcement and clinical records involving domestic abuse cases and that until it had complete and accurate data, it could not fully understand the scope of the problem. The National Defense Authorization Act for Fiscal Year 2010 requires us to review and assess the progress DOD has made in implementing recommendations contained in our 2006 report.

In our 2006 report, we recommended that the Secretary of Defense direct the Under Secretary of Defense for Personnel and Readiness to take the actions listed in table 1. In commenting on a draft of our 2006 report, the Office of the Secretary of Defense (OSD)

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Military Personnel: Status of Implementation of GAO's 2006 Recommendations on DOD's Domestic Violence Program

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concurred with three of our recommendations, partially concurred with one, partially did not concur with two, and did not concur with one.

**Table 1: GAO's Recommendations in 2006 Report on Domestic Violence and DOD Response**

<table>
<thead>
<tr>
<th>GAO Recommendation</th>
<th>DOD Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop, in conjunction with the service secretaries, a comprehensive management plan to address deficiencies in the data captured in DOD's domestic violence database that focuses on ensuring that accurate and complete data exist and that all instances in the Defense Incident-Based Reporting System and Family Advocacy Program Central Registry are matched and reported annually, as required in DOD’s Manual 7730.47-M.</td>
<td>✓</td>
</tr>
<tr>
<td>Take appropriate steps, in conjunction with the service secretaries, to ensure that all commander actions related to domestic violence incidents are entered in law enforcement systems.</td>
<td>✓</td>
</tr>
<tr>
<td>Develop a plan to ensure that adequate personnel are available to implement pending recommendations made by the Defense Task Force on Domestic Violence.</td>
<td>✓</td>
</tr>
<tr>
<td>Establish a communication strategy for effectively informing DOD and service officials about new guidance implementing the task force recommendations, to include • issuing a revised DOD Family Advocacy Program directive that is consistent with interim guidance for implementing the task force recommendations and • clearly articulating its policy regarding the distribution of military protective orders using a method that will ensure consistent application by all services and DOD.</td>
<td>✓</td>
</tr>
<tr>
<td>Develop, in conjunction with the service secretaries, procedures and metrics to ensure that accurate, consistent, and timely domestic violence training data are collected for chaplains.</td>
<td>✓</td>
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<tr>
<td>Develop, in conjunction with the service secretaries, chaplain guidance and training materials that highlight and clarify chaplain responsibilities concerning privileged communication.</td>
<td>✓</td>
</tr>
<tr>
<td>Develop and implement, in conjunction with the services, a DOD-wide oversight framework that includes a results-oriented evaluation plan for the implemented recommendations and a process for ongoing monitoring of and reporting on implementation.</td>
<td>✓</td>
</tr>
</tbody>
</table>

Source: GAO-06-540.

To assess the extent to which DOD has implemented our previous recommendations, we submitted formal questions to the Office of the Under Secretary of Defense for Personnel and Readiness on actions DOD had taken, and that office provided us with written
answers representing DOD’s official position. We also reviewed current DOD policies and programs, as well as our prior findings and recommendations. In addition, to address our first two recommendations, to determine whether DOD had developed a management plan to correct deficiencies in its data on domestic violence incidents and had taken steps to ensure that commander actions were entered in law enforcement systems, we reviewed documents on and interviewed officials responsible for the Defense Incident-Based Reporting System (DIBRS) and the Family Advocacy Program Central Registry. We requested data on the incidence of domestic violence in DOD from the Chief of the Financials and Special Projects Branch of the Defense Manpower Data Center, which is responsible for managing DIBRS. This official told us that DIBRS’ data were too unreliable to be provided to us. For our third recommendation, to determine whether OSD had developed a plan to ensure that adequate personnel were available to implement recommendations made by the Defense Task Force on Domestic Violence, in addition to obtaining DOD’s official position on this issue in written answers to our questions, we also interviewed the Principal Director of the Military Community and Family Policy Office and the Director of the Family Advocacy Program, both in the Office of the Under Secretary of Defense for Personnel and Readiness. For our fourth recommendation, to determine whether DOD had created a communications strategy to effectively inform DOD and service officials about new guidance, in addition to reviewing DOD’s formal responses, we reviewed DOD directives, instructions, and a draft instruction on its Family Advocacy Programs. For our fifth and sixth recommendations, to determine whether chaplain training data were tracked and DOD had developed guidance and training materials on privileged communication for chaplains, we interviewed the Executive Director of the Armed Forces Chaplains Board. We also reviewed DOD and service policies on privileged communication and training curricula for chaplain courses. For our seventh recommendation, to determine whether OSD had established an oversight framework for evaluating Defense Task Force on Domestic Violence recommendations, we reviewed DOD’s official response to our written questions.

We conducted this performance audit from February to April 2010 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

See enclosure I for additional background information, which includes definitions of domestic abuse and violence, the legislative requirement for a database on domestic violence incidents, and a description of the databases DOD uses to record domestic violence incidents.

We are also conducting a related engagement on domestic violence in the military services at the request of the Chairman of the Subcommittee on National Security and
Foreign Affairs, House Committee on Oversight and Government Reform. In summer 2010, we expect to respond to this request by issuing a report further discussing DOD’s collection of data on domestic violence incidents, information on factors contributing to domestic violence and domestic violence’s effects on mission readiness, and changes to DOD’s domestic violence program since 2006.

Summary

DOD has addressed one of the recommendations in our 2006 report to improve its domestic violence program and taken steps toward implementing two more, but it has not taken any actions on four of the recommendations. Specifically, DOD has met the intent of our recommendation to clarify chaplain guidance concerning privileged communication. Regarding our recommendation on ensuring that commander actions related to domestic violence incidents are entered into all law enforcement systems, DOD has taken some actions to inform commanders of their responsibility, but the data on commanders’ actions remain incomplete. Our analysis of information provided by the Chief of the Financials and Special Projects Branch at the Defense Manpower Data Center demonstrated that the Air Force and the Army provided some data on commander actions but not enough to provide reliable statistics on the disposition of domestic violence incidents. Further, according to the Director of OSD’s Office of Law Enforcement Policy and Support, the Navy is not providing any information to DIBRS on commanders’ actions. Without complete information on commanders’ actions, DOD lacks visibility into the military’s response to domestic violence. DOD has also taken actions that have partially met the intent of our recommendation regarding a communication strategy for disseminating DOD guidance. Although DOD did not concur with the portion of this recommendation to articulate its policy on distributing military protective orders, it did clarify its policy by issuing guidance in 2007. If DOD issues its draft Family Advocacy Program guidance as currently written, we believe the department will have met the intent of this recommendation. For the remaining four recommendations, however, DOD has not met our intent. First, DOD has not developed a comprehensive management plan to address deficiencies in the data captured in the Defense Incident-Based Reporting System (DIBRS), although it partially concurred with this recommendation. The data remain incomplete, and as a result, DOD cannot provide an accurate count of the domestic violence incidents that are reported throughout DOD. Second, although DOD concurred with our recommendation to develop a plan to ensure that adequate personnel are available to implement recommendations made by the Defense Task Force on Domestic Violence, at present DOD has not done so. Third, because DOD did not concur with our recommendation, it has not taken steps to ensure that domestic violence training data are collected for chaplains. According to the Executive Director of the Armed Forces Chaplains Board, chaplains are trained on domestic violence issues during the officers’ basic training course. This official further stated that the lack of metrics on training does not mean that chaplain training is inadequate. Nonetheless, we believe that without accurate training data, DOD lacks visibility on whether chaplains are prepared to deal with domestic violence issues.
Fourth, while DOD concurred with our recommendation to develop an oversight framework, it has not done so. After the office responsible for implementing the task force recommendations was closed in 2007, DOD, in its official response to our questions, stated that the responsibility for developing this framework “mistakenly was not reassigned.” See enclosure II for further details on the status of these recommendations.

Agency Comments

The Acting Deputy Under Secretary of Defense (Military Community and Family Policy) provided oral comments on a draft of this report. This senior official stated that the GAO audit conducted in 2006 provided valuable independent oversight and assessments of the department’s domestic violence program. Further, this official stated that our draft report had correctly noted that the department has not completed implementation of GAO’s recommendations. This official agreed that there is still room for improvement and stated that the department is committed to continued progress and will take the necessary steps to continue to address issues raised in the draft report.

We will send copies of this report to the appropriate congressional committees, including the Subcommittee on National Security and Foreign Affairs, House Committee on Oversight and Government Reform. We will also send copies to the Secretary of Defense; the Secretaries of the Army, the Navy, and the Air Force; and the Commandant of the Marine Corps. The report will be available at no charge on GAO’s Web site at http://www.gao.gov.

If you or your staff have any questions on this report, please contact me at (202) 512-3604 or farrellb@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in enclosure III.

Brenda S. Farrell
Director, Defense Capabilities and Management
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United States Senate

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The Honorable Thad Cochran
Ranking Member
Subcommittee on Defense
Committee on Appropriations
United States Senate

The Honorable Ike Skelton
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The Honorable Howard P. “Buck” McKeon
Ranking Member
Committee on Armed Services
House of Representatives

The Honorable Norman D. Dicks
Chairman
The Honorable C.W. Bill Young
Ranking Member
Subcommittee on Defense
Committee on Appropriations
House of Representatives
Enclosure I: Background

Definitions of Domestic Violence and Abuse

The Department of Defense (DOD) defines domestic violence as “[a]n offense under the United States Code, the Uniform Code of Military Justice, or State law that involves the use, attempted use, or threatened use of force or violence against a person of the opposite sex, or a violation of a lawful order issued for the protection of a person of the opposite sex, who is (a) a current or former spouse; (b) a person with whom the abuser shares a child in common; or (c) a current or former intimate partner with whom the abuser shares or has shared a common domicile.” Further, DOD’s definition of domestic abuse encompasses (1) domestic violence as defined above or (2) a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward a person of the opposite sex who meets the same criteria as defined for domestic violence. Serious adverse consequences for servicemembers who commit acts of domestic violence can range from nonjudicial punishments, which can result in the removal of a servicemember from normal duties, to criminal sanctions.

Legislative Requirement to Maintain a Central Database on Domestic Violence Incidents

Enacted in 1999, 10 U.S.C. § 1562 states that the Secretary of Defense “shall establish a central database of information on the incidents of domestic violence involving members of the armed forces.” It also directs the Secretary of Defense to require the secretaries of the military departments to maintain and report annually, to the administrator of the database, information received on (1) each domestic violence incident reported to a commander, a law enforcement authority of the armed forces, or a Family Advocacy Program of the Department of Defense; (2) the number of domestic violence incidents that involve evidence determined sufficient for supporting disciplinary action and, for each such incident, a description of the substantiated allegation and the action taken by command authorities in the incident; and (3) the number of those incidents that involve evidence determined insufficient for supporting disciplinary action and, for each such case, a description of the allegation.

DOD Maintains Two Databases Containing Information on Domestic Violence Incidents

To capture information on domestic violence incidents, DOD currently maintains two databases. The Defense Incident-Based Reporting System includes domestic violence incidents that are reported to law enforcement. This database was initiated following the enactment of the Uniform Federal Crime Reporting Act of 1988 to provide a standard data system for collecting statistical information on criminal incidents within DOD. The

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1 DOD adopted the definitions for domestic violence and domestic abuse in 2004, and they are set out in DOD Instruction 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel (Aug. 21, 2007).
Central Registry began receiving data on domestic violence from the Family Advocacy Program in 1994. This database lists cases of domestic abuse that are reported to the Family Advocacy Program, including an accounting of the risk level, actions taken, assessments conducted, and clinical services provided from the initial report of an incident to case closure. Before 2006, the Central Registry contained reported incidents of abuse involving only current spouses. Since 2006, this database contains domestic violence data as defined by DOD’s 2004 definition, which includes former spouses and intimate partners with whom the alleged offender shared a child or a common domicile.
Recommendation 1: Develop a Plan to Address Data Deficiencies

DOD partially concurred with our recommendation, but it has not developed a comprehensive management plan to address deficiencies in the data captured in DOD’s domestic violence databases—DIBRS and the Family Advocacy Program Central Registry. In DOD’s official response to our questions, the department stated that it plans to match data from these two databases in 2010. Once the match is complete, DOD stated it will ascertain whether any deficiencies warrant a comprehensive management plan to address them. However, according to the Chief of the Financials and Special Projects Branch of the Defense Manpower Data Center, which is responsible for managing the database, it would not be feasible to match data from the two systems in 2010. This official stated that DIBRS is incapable of providing reliable statistics on the incidence of domestic violence in the military, in part, because not all services are providing complete information on these incidents. Our analysis of information provided by this official demonstrated that the services provided some data but not enough to provide reliable statistics on domestic violence incidents. An Air Force official responsible for managing an Air Force law enforcement database affirmed this, stating that some data on commander actions are recorded in this Air Force system, but none of those data is reported to DIBRS. The other DOD database containing information on domestic abuse cases, the Family Advocacy Program Central Registry, includes cases not necessarily referred to law enforcement entities. Instead, the Central Registry collects clinical information about the initial allegation of domestic abuse, support and services provided to victims of such abuse, and treatment given to alleged abusers. Because these two databases contain different information, it is necessary to match them to help ensure that accurate and complete data exist for the number of reported incidents of domestic violence that occur throughout DOD. Without accurate and complete data on reported incidents of domestic violence, DOD and Congress lack the visibility and information needed to understand the magnitude of the domestic violence problem and identify trends in domestic violence. Therefore, we continue to believe that DOD needs a comprehensive management plan to address deficiencies in the data.
Recommendation 2: Ensure Commander Actions Are Recorded

The Department of Defense (DOD) concurred with our recommendation and has taken some action by issuing further guidance on this subject. The directive-type memorandum issued on the subject in 2004 was incorporated in August 2007 into DOD Instruction 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel. This instruction states that commanders are required to report command actions to the Defense Incident-Based Reporting System (DIBRS) through law enforcement officials. In addition to this guidance, the Web-based training curriculum that DOD developed for commanding officers is still in use. However, according to the Chief of the Financials and Special Projects Branch of the Defense Manpower Data Center, which is responsible for managing the database, DIBRS is not able to provide complete information on commanders’ actions. Our analysis of information provided by this official demonstrated that the Army and the Air Force provided some data on commander actions but not enough to provide reliable statistics on the disposition of domestic violence incidents. Further, according to the Director of the Office of the Secretary of Defense’s (OSD) Office of Law Enforcement Policy and Support, the Navy is not providing any information to DIBRS on commanders’ actions. An Air Force official responsible for managing an Air Force law enforcement database stated that some data on commander actions are recorded in this Air Force system, but none of those data is reported to DIBRS. According to Army officials responsible for two Army law enforcement databases, the Army regularly reports all available information on domestic violence incidents to DIBRS, but not all of the Army’s commanders are reporting actions taken in response to domestic violence. An official from the Army’s Office of the Provost Marshal General told us that the service has been taking actions to improve the compliance rate, such as sending commanders reminders of their responsibility to report this information. Because DIBRS does not contain complete information on commander actions, we continue to believe that OSD and the services need to take appropriate steps to help ensure that this information is accurately entered into DIBRS, as well as all other law enforcement systems.

For more information, contact Brenda Farrell at (202) 512-3604 or farrellb@gao.gov.
Recommendation 3: Ensure That Adequate Staff Are Available

The Department of Defense (DOD) concurred with our recommendation. However, to date, DOD has not developed a plan to ensure that adequate personnel are available to complete the implementation of the 26 remaining recommendations made by the Defense Task Force on Domestic Violence. In January 2003, the Office of the Under Secretary of Defense for Personnel and Readiness established the Family Violence Policy Office to coordinate implementation of the task force recommendations. According to the former director of the Family Violence Policy Office, it was understood that the office would be closed once DOD had implemented the task force recommendations. While not all of the task force recommendations have been implemented, the former director stated that key recommendations were completed, and in 2007, the Family Violence Policy Office was closed. At that time, the responsibility for implementing the remaining recommendations was not reassigned. The Principal Director of the Military Community and Family Policy Office stated that the Office of the Under Secretary of Defense for Personnel and Readiness is undergoing a review for a possible realignment. The realignment may result in the Office of the Secretary of Defense’s (OSD) decision to reassign the responsibilities of the former Family Violence Policy Office. Currently, the Family Advocacy Program staff is implementing the task force recommendations that were directed to its office. The Director of DOD’s Family Advocacy Program stated that the Family Advocacy Program office does not have adequate personnel to implement the remaining recommendations not directed to that office. Therefore, we continue to believe that DOD needs to develop a plan to ensure that adequate personnel are available to perform these duties.
Recommendation 4: Establish a Communication Strategy

GAO Assessment of DOD Actions since 2006

DOD concurred with the part of our recommendation involving issuing a revised Family Advocacy Program directive, but it did not concur with the portion concerning military protective orders. In an official response to our written questions, DOD told us that it did not plan to develop a new communication strategy because it believes that DOD’s current method of distributing guidance and policy is adequate. As new guidance is issued as, for example, directive-type memoranda, directives, instructions, or manuals, it is currently disseminated by Washington Headquarters Services to the service secretariats with instructions for further dissemination. The Office of the Secretary of Defense (OSD) issued DOD Instruction 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel, in August 2007. This instruction integrated interim guidance for implementing Defense Task Force on Domestic Violence recommendations. However, DOD Instruction 6400.01 Family Advocacy Program, has been in draft since 2006, and DOD stated that the projected issuance date for this guidance is now July 2010. This draft instruction, if finalized as currently written, contains guidance regarding Family Advocacy Program elements, the Central Registry, the review committee process, and clinical intervention and case management of domestic abuse incidents. Additionally, although OSD did not concur with the part of our recommendation having to do with military protective orders, it clarified its policy on the distribution of military protective orders in DOD Instruction 6400.06. This instruction requires commanders to provide copies to the servicemember who is the subject of the order, to the servicemember’s local personnel file, and to the protected person. If the department issues DOD Instruction 6400.01, we believe that it will have met the intent of this recommendation.

For more information, contact Brenda Farrell at (202) 512-3604 or farrellb@gao.gov.
Recommendation 5: Ensure That Chaplain Training Data Are Collected

GAO Assessment of DOD Actions since 2006

The Department of Defense (DOD) did not concur with our recommendation, and the Office of the Secretary of Defense (OSD) has not taken steps to ensure that domestic violence training data are collected for chaplains. According to the Executive Director of the Armed Forces Chaplains Board, there is no requirement to track chaplains’ training at the OSD level. However, the official stated that all chaplains are trained on privileged communication during the officers’ basic training course. This official further stated that the lack of metrics on training does not mean that chaplain training is inadequate. Even so, we believe that collecting data on this training is important for DOD because, without training data, DOD lacks visibility over whether chaplains have been adequately trained and are being provided with resources that will assist them in handling domestic violence issues.

For more information, contact Brenda Farrell at (202) 512-3604 or farrellb@gao.gov.
Recommendation 6: Develop Chaplain Guidance on Privileged Communication

The Department of Defense (DOD) partially did not concur with our recommendation, stating that the services already had issued their policies on clergy confidentiality. In August 2007, however, the Office of the Secretary of Defense (OSD) issued guidance that addresses clergy confidentiality in domestic abuse situations. In DOD Instruction 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel, DOD states that “victims and alleged abusers are entitled to the protections of privileged communications with a chaplain that may be protected under the Military Rules of Evidence or applicable statutes and regulations.” In addition, the military departments’ guidance addressing clergy responsibilities and activities includes guidance related to privileged communications. Further, in DOD Instruction 6400.06, DOD also directs each military department to provide chaplains with specialized domestic abuse training and requires them to be trained on the policies and procedures in the instruction as well as military service-specific domestic abuse policies and privileged communications. According to the Executive Director of the Armed Forces Chaplains Board, chaplains are trained on these policies during the officers’ basic training course. This official stated that OSD believes this training provides chaplains with a good understanding of their responsibilities regarding privileged communication. Because DOD did issue guidance on clergy confidentiality, we believe that it has met the intent of this recommendation.
Recommendation 7: Develop an Oversight Framework

The Department of Defense (DOD) concurred with our recommendation. However, the Office of the Secretary of Defense (OSD) has not developed an oversight framework for monitoring the implementation of Defense Task Force on Domestic Violence recommendations. In DOD’s official response to our written questions, it stated that the responsibility for developing this framework “mistakenly was not reassigned” after the Family Violence Policy Office was closed in 2007. Even though this responsibility was not reassigned, draft DOD Instruction 6400.01, *Family Advocacy Program*, if finalized as currently written, would require the Principal Deputy Under Secretary of Defense for Personnel and Readiness to collaborate with the DOD components to establish family advocacy programs, procedures, and standards implementing Family Advocacy Program elements and to evaluate and monitor compliance with the instruction. As reported in 2006, the services evaluate their Family Advocacy Programs through their own accreditation processes. We continue to believe that when DOD’s draft guidance becomes final and the Principal Deputy Under Secretary of Defense for Personnel and Readiness assumes this responsibility, this office will need to develop an oversight framework. Until such a framework is developed, DOD will be limited in its ability to fully evaluate the changes associated with the task force recommendations and to make program improvements. An oversight framework will, at a minimum, help OSD to develop goals, objectives, milestones, and strategies to help ensure that all of the accepted recommendations by the Defense Task Force on Domestic Violence are implemented to produce the desired improvements in assisting domestic violence victims and holding offenders accountable as appropriate.
Enclosure III: GAO Contact and Staff Acknowledgments

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Acknowledgments
In addition to the contact listed above, key contributors to this report include Marilyn K. Wasleski, Assistant Director; Cynthia Grant; Nicole Harms; Elizabeth Kowalewski; Joanne Landesman; Alberto Leff; Eli Lewine; Ann Rivlin; Beverly Schladt; Dale Wineholt; and Elizabeth Wood.
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