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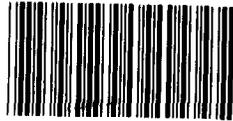
United States General Accounting Office

GAO

Transition Series

December 1992

# Natural Resources Management Issues



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GAO/OCG-93-17TR

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**Comptroller General  
of the United States**

December 1992

The Speaker of the House of Representatives  
The Majority Leader of the Senate

In response to your request, this transition series report discusses major policy, management, and program issues facing the Congress and the new administration in natural resources management. These issues include (1) maintaining facilities and lands and staffing programs under increasing budgetary constraints, (2) seeking a better return for the sale or use of natural resources, and (3) establishing national policies for natural resources in the 1990s.

The GAO products upon which this report is based are listed at the end of the report.

We are also sending copies of this report to the President-elect, the Republican leadership of the Congress, the appropriate congressional committees, and the designated heads of the appropriate agencies.



Charles A. Bowsher

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# Natural Resources Management Issues

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Vital for economic, ecological, and cultural reasons, natural resources on federal lands comprise vast reserves of fuels and other minerals, timber, rangeland, water, habitat for fish and wildlife, recreation areas, areas of scenic beauty, historic and cultural sites, and artifacts. Managing and protecting these resources, as well as managing the vast infrastructure—including buildings, roads, trails, bridges, developed sites, water and sewer systems, dams, and other facilities on federal lands—associated with them, are primarily the responsibility of the Department of the Interior, the Department of Agriculture's Forest Service, and the U.S. Army Corps of Engineers. Together, these agencies hold and are responsible for almost 30 percent of the country's land surface, rights to minerals beneath even more of the country and beneath 1.4 billion acres of ocean floor, and 12,000 miles of commercial navigation channels. For fiscal year 1993, budget authorities for managing natural resources total about \$16.6 billion. In fiscal year 1992, these resources generated an estimated \$6.9 billion in receipts to the federal government.

In our 1988 transition report, we concluded that the most pressing overall need at that time was for the Department of the Interior

to become a more effective steward by better balancing competing demands on the natural and cultural resources it is legislatively mandated to foster, protect, and preserve. We pointed out that billions of dollars would be needed to stop the continued deterioration of, and prevent possibly irreversible damage to, the nation's natural and cultural resources. Though the Department of the Interior and other responsible agencies have not always agreed with our positions, a number of changes have been made. Budgetary constraints, however, will slow the pace of change and will require difficult trade-offs among important yet competing priorities.

Our 1988 report also concluded that the Department of the Interior had not always fulfilled its fiduciary responsibility of collecting the revenues due the government or taken advantage of opportunities to increase revenues. Since then, various amendments have been proposed and bills introduced to ensure a better return for the sale or use of natural resources on federal lands. With few exceptions, however, these reforms have not been enacted. According to estimates prepared by the Congressional Budget Office, legislation to ensure a better return could generate an additional \$4.5

billion in revenues and savings in fiscal years 1993 to 1997.

Finally, a number of key decisions about the management of the nation's natural resources have been left to the 103rd Congress. Resolving the issues involved will go a long way in establishing national policies for natural resources in the 1990s.

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# Setting Priorities Under Budgetary Constraints

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The management of the nation's natural resources is at a crossroads. While the infrastructure on federal lands that is associated with natural resources is expanding yearly, the existing infrastructure and lands, approaching \$200 billion in value, are in a growing state of disrepair. At the same time, agency staff are being asked to assume increasing responsibilities and to perform more duties. As a result, existing maintenance and reconstruction standards are being compromised and trade-offs are being made among important yet competing work priorities.

Although annual appropriations for managing natural resources have increased in recent years, these increases have not been large enough to make a dent in the needs for the infrastructure and staffing. Moreover, in fiscal year 1993, appropriations for managing natural resources dropped by 1.3 percent from the previous fiscal year, and the Budget Enforcement Act of 1990 will require substantial cuts to discretionary spending in fiscal years 1994 and 1995 with no allowance for new or deferred needs. As a result, the new administration now faces a difficult choice: It must find new sources of funding for the agencies responsible for managing natural resources and/or find ways

for these agencies to operate more efficiently, or it must make further cutbacks in the services they provide and/or their standards for maintaining facilities and lands.

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**Cumulative  
Shortfall at the  
Department of  
the Interior**

In 1988, we reported a \$1.9 billion cumulative shortfall in funds for park maintenance. In its fiscal year 1993 budget request, the Department of the Interior reported that the deferred maintenance of parks will now cost over \$2.1 billion. In addition, the Department identified a growing backlog in the maintenance and reconstruction of the Bureau of Land Management's (BLM) \$400 million infrastructure of facilities. Additional funding requirements include

- an unquantified need for improvements to the 337 dams built by the Bureau of Reclamation since 1902;
- an estimated \$27 billion shortfall between (1) the estimated costs to reclaim lands around surface coal mines abandoned before 1977 and (2) the fees collected for this

purpose when the authority to collect such fees expires in 2004; and

- an estimated \$283 million to reclaim about 280,000 acres of abandoned, suspended, or unauthorized hardrock mining operations on federal lands.

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**Forest Service's  
Assets Continue  
to Deteriorate**

As we reported from September 1989 through January 1991, the Forest Service will require

- at least \$644 million to eliminate the backlog of maintenance and reconstruction of trails and developed recreation sites and
- millions of dollars more to develop and maintain special recreation and wilderness areas in accordance with current standards.

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**Corps' Water  
Resources  
Projects Are a  
Vital, but Aging,  
National  
Resource**

By the turn of the century, many of the structures in the Corps of Engineers' vital, but aging, \$125 billion inventory of water resources projects will have reached their design life, according to the Corps. The major structures have an average age of 33 years, and 12 percent of the projects are over 50 years old. As a result, major rehabilitation projects will become increasingly important and costly in the near future.

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**Significant  
Staffing and  
Funding  
Shortfalls Have  
Been Reported**

We, as well as others, have identified significant shortfalls in the staffing and funding for natural resources management, including the following:

- In 1987, 267 National Park Service unit managers reported needing a 35-percent increase in maintenance staff to eliminate the growing backlog of deferred maintenance.
- In 1990, BLM reported needing a 50-percent increase in its range management budget to restore riparian areas damaged by overgrazing, detect and deter unauthorized grazing, and collect and analyze data to determine appropriate grazing levels. BLM also has reported needing additional staff and/or resources to (1) verify oil and gas production, (2) complete and implement legislatively mandated land-use plans and related environmental impact statements used to guide the management of the public lands, and (3) implement the objectives envisioned for wildlife in the land-use plans that have been completed.
- In recent years, the Fish and Wildlife Service (FWS) has pointed to insufficient staffing or resource constraints as a primary reason for its inability to (1) list, in a timely manner,

about 600 domestic species for which it has adequate information to support their protection under the Endangered Species Act and (2) even minimally deter crimes against wildlife. Moreover, many of FWS' special agents are deskbound for months at a time because of insufficient operating funds.

- In 1991, we reported that despite recent increases in the Forest Service's appropriations, funding and/or staffing levels were not sufficient to (1) bring recreational sites up to the condition called for by the Service's development plans and maintenance standards, (2) conduct the monitoring necessary to identify improper grazing and devise remedies, or (3) implement wildlife-beneficial actions included in approved land-use plans.
- Funding and staffing shortfalls have adversely affected the federal government's efforts to control the use of wetlands. The shortfalls have inhibited enforcement activities, impeded the Corps' ability to establish wetlands' boundaries, and often precluded the Corps from meeting established goals for timely processing permits for projects that may alter wetlands. Budgetary constraints have also hampered

the ability of the Environmental Protection Agency, FWS, and the Department of Commerce's National Marine Fisheries Service to visit proposed project sites, comment on permit applications, and follow up on the Corps' decisions about permits to see if their recommendations were adopted.

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## Ensuring a Better Return for Natural Resources

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For the agencies managing natural resources, one alternative for addressing the declining condition of the nation's natural resources and related infrastructure is to obtain new sources of funding. It seems reasonable to expect that in these times of budgetary constraints, the federal government should (1) seek a better return for the sale or use of the mineral, renewable, and other natural resources on its lands; (2) cover programs' costs to the extent reasonable and make some programs revenue producers rather than contributors to the national debt, as they are now; and (3) provide a revenue base that can be used to better manage and improve federal lands so that they will remain a viable public resource in the future.

According to estimates prepared by the Congressional Budget Office (CBO), legislation to ensure a better return for the sale or use of natural resources on federal lands could generate an additional \$4.5 billion in revenues and savings in fiscal years 1993 to 1997. Legislative precedent exists for returning revenues to the managing agencies or units to supplement, rather than supplant, yearly appropriations. This could help reduce the need for further cutbacks in the services provided and/or the standards to

which the facilities and lands are maintained.

We believe that the Congress and new administration should consider a number of situations in which it appears that the government could receive a better return, including the following:

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**Hardrock Minerals**

- Valuable federal lands continue to pass into private ownership for a fraction of their value. Over the last 120 years, the federal government has sold about 3.2 million acres of public lands, or an area about the size of Connecticut, under the patent provision of the Mining Law of 1872. This provision allows holders of economically minable claims to obtain all rights and interests to both the land and the minerals by patenting them for \$2.50 or \$5.00 an acre—an amount that approximated the fair market value for western grazing land and farmland in 1872. As a result, some patent holders have reaped huge profits at the government's expense. For example, between 1970 and 1983 the government received less than \$4,500 for 20 patents that in 1988 were estimated to be worth between \$13.8 million and \$47.9 million.

- The government receives no financial compensation for hardrock minerals extracted from federal lands. In 1990, hardrock minerals worth at least \$1.2 billion were extracted from federal lands, while the known, economically recoverable reserves of hardrock minerals that remained on federal lands were valued at \$64.9 billion.

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**Federal Water**

- Some farmers have taken advantage of a loophole in the Reclamation Reform Act of 1982, as amended, by reorganizing their large farming operations into multiple, smaller landholdings to be eligible to receive additional federally subsidized irrigation water. The act limits to 960 the maximum number of owned or leased acres that individuals or legal entities, such as partnerships or corporations, can irrigate with federal water at rates that exclude any interest on the government's investment in the irrigation component of its water resources projects. The act has not, however, stopped the flow of federally subsidized water to land above the 960-acre limit that is being operated as one large farming operation. Consequently, the federal government is not collecting the revenues to which it would be entitled if the multiple landholdings were considered collectively as

large farms subject to the act's 960-acre limit. The foregone revenues from one large farming operation alone are about \$2 million a year. Such revenues are likely to remain uncollected unless the act is amended.

- By the end of fiscal year 1990, after receiving water from the Central Valley Project (CVP) in California's Central Valley Basin for over 40 years, irrigators had repaid only \$10 million, or 1 percent, of the over \$1 billion in construction costs that they owe the federal government. Amendments to the CVP's purposes in 1986 require irrigators and other users to pay their share of the federal investment in the CVP by 2030. Under the terms of the long-term water contracts currently being renewed by the Secretary of the Interior, the Bureau of Reclamation can adjust each water district's rates annually to meet the deadline. While the Bureau may ultimately recover its construction costs by 2030, the dollars that eventually flow to the U.S. Treasury could be worth much less than if they had been repaid sooner—as inflation decreases the money's value and as opportunities to use the money for other, productive purposes, such as reducing the federal debt, are lost.

- Estimates of the current cost of federal water subsidies are substantial. For example, the Department of the Interior reported that irrigation subsidies throughout the 17 western states totaled \$534 million in 1986, while the Bureau of Reclamation placed the cost at \$2.2 billion. (Estimates differ because of different definitions of an irrigation subsidy, different interest rates used to calculate the subsidies, and different methods for compounding unpaid interest.) Much has changed in the West since the subsidies were established in 1902, and it is not known whether the subsidies are still warranted or whether irrigators could pay more of the cost of the water delivered.
- The use of federally subsidized water to produce federally subsidized crops results in the federal government's paying double subsidies. According to the Department of the Interior, between 1976 and 1985, an average of 38 percent of the acreage served by the Bureau of Reclamation nationwide was used to produce crops that are also eligible for subsidies through the Department of Agriculture's commodity programs. The Department of the Interior estimated that irrigation subsidies used to produce subsidized crops throughout the 17 western states totaled \$203 million in 1986.

Other estimates are higher. For example, the Bureau of Reclamation placed the figure at \$830 million.

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Recreation  
Lands

- In 1989, according to available financial information (which was complete for about 60 percent of the 9,000 concession agreements identified by six federal agencies), the federal government received about \$35 million in concession fees from gross concession revenues of about \$1.4 billion. This amount represents an average return to the government of about 2 percent.
- Under land-use agreements with nonfederal public entities, the Bureau of Reclamation has agreed to the long-term use of some of its lands with no compensation to the federal government. The nonfederal public entities, in turn, develop and lease the lands to private commercial operators in exchange for a percentage of their gross revenues. For example, the Bureau agreed that the city of Scottsdale, Arizona, could use about 760 acres of its land for 75 years for recreation development. The city developed two major recreation facilities on the land and subsequently leased them to private commercial operators. The operators of

these facilities generated about \$24 million in gross revenues from 1988 through 1990, and the city was entitled to receive about \$1.5 million in compensation. Although Bureau headquarters officials were unable to tell us the extent to which the agency has used these agreements, we identified three other similar agreements in Arizona that the Bureau had approved.

- Improved pricing of user fees at recreational sites could help defray direct costs to the government, shift the cost burden from the taxpayers in general to the beneficiaries of the services, and alleviate overcrowding at many sites. Entrance and user fees are charged at some sites, but the fees generally cover only a small portion of the costs for the services provided to visitors. For example, in 1992, the National Park Service spent an estimated \$220 million on services for visitors but recovered only an estimated \$60 million in fees. According to CBO, requiring federal land managing agencies to charge fees to cover the costs for services would generate \$170 million in fiscal year 1993 and \$950 million over 5 years.

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**Public Rangelands**

- The fees charged ranchers to graze livestock on public lands do not cover either the

government's cost to manage the grazing program or the cost to better manage and improve the lands so that they will remain a productive public resource in the future. Thus, the fees may represent a subsidy for many of the ranchers who graze livestock on about 268 million acres of public lands. CBO estimates that an annual increase in grazing fees not to exceed 33.3 percent a year, with the fees reaching fair market value in 4 years, would increase federal receipts by approximately \$120 million over fiscal years 1993 to 1997.

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## Timber

- The government does not always recover its expenses for preparing and administering sales of timber, resulting in below-cost sales. For example, in fiscal year 1990, under our most conservative definition of costs, \$35.6 million in such expenses went unrecovered. These expenses range as high as \$112.2 million when all costs are considered. While the Forest Service has acted to reduce losses from below-cost timber sales, many such sales are still not subject to review. CBO estimates that the net savings in federal budget outlays over fiscal years 1993 to 1997 would be about \$230 million if all future timber sales were eliminated in three of the Forest Service's

nine regions where, on average over the last decade, cash expenditures have exceeded cash receipts by a 3:1 ratio.

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**Inland  
Waterways**

- The government does not impose user fees that are high enough to recover the cost of operating and maintaining the nation's system of inland waterways. CBO estimates that taxpayers, not users, paid \$700 million of the about \$800 million that the Corps of Engineers spent to construct, operate, and maintain the nation's system of inland waterways in fiscal year 1991. According to CBO, imposing user fees high enough to recover the cost of operating and maintaining the system would reduce the federal deficit by \$350 million in fiscal year 1993 and by \$1.9 billion through fiscal year 1997. CBO also notes that higher fees would increase efficiency. Reducing subsidies to water transportation should (1) improve the allocation of resources by leading shippers to choose the most efficient transportation route rather than the most heavily subsidized one and (2) encourage more efficient use of existing waterways, reducing the need for new construction to alleviate congestion.

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**Sharing Revenues With States and Counties**

- Federal land-managing agencies typically do not deduct the full costs of their programs from the gross receipts that the programs generate before the agencies share the receipts with states and counties. Sharing federal receipts on a gross, rather than a net, basis sometimes causes the costs of the programs to exceed the federal government's share of the revenues. According to CBO, changing revenue-sharing from a gross-receipt basis to a net-receipt basis would reduce net federal outlays by \$1.05 billion over fiscal years 1993 to 1997.

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# Balancing the Conservation and Use of Natural Resources

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The most difficult challenge concerning natural resources that faces this or any other Congress and administration is fulfilling the federal government's responsibilities as a steward of the nation's natural resources by providing the proper balance between their use and conservation for future generations. Achieving this balance has been likened to steadying a pendulum that could swing between two extremes—irresponsible consumptive use and preservation to the exclusion of all other uses.

Where this pendulum rests at any given time depends, to a large degree, on policy decisions. The 102nd Congress has left some thorny legislative issues for the next Congress, among them the Endangered Species Act, the Clean Water Act, and various proposals to designate additional areas as wilderness. Resolving these issues will go a long way in establishing national policies for natural resources in the 1990s.

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## The Endangered Species Act

Since 1966, when the first act was passed to protect species threatened with extinction, the pendulum has periodically swung between increased protection and the need to soften the law's economic impact. Under the Endangered Species Act of 1973,

economic factors may not be considered in listing a species as endangered or threatened or in consultations with federal agencies proposing activities that may affect listed species; these actions must be based solely on biological data. Economic and other nonbiological factors, however, may be considered when making other decisions, including designating habitat critical to the species' protection and granting exemptions from the act's protective provisions.

The June 1990 listing of the Northern spotted owl and the listing's current and potential impact on commercial logging in the old-growth forests of the Pacific Northwest and the listing of three species of Columbia River Basin salmon in fiscal year 1992 and the potential economic costs associated with their protection have again riveted national attention on the act's reauthorization. Spending authorization for the Endangered Species Act expired at the end of fiscal year 1992. Rather than reauthorize the act for 5 years, as it has often done in the past, the Congress authorized spending for 1 more year under the Department of the Interior's fiscal year 1993 appropriations bill and appropriated money for the National Academy of Sciences to study the act. Ultimately, the new Congress will have to

decide the extent to which economic and other nonbiological factors, including the need to compensate owners whose property loses value because of the act, should be considered in making decisions about endangered and threatened species.

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**The Clean Water  
Act**

Controversy over proposals to amend section 404 of the Clean Water Act of 1977—to better balance the need to protect wetlands with the rights of private property owners—delayed the reauthorization of the act. Although section 404 is just 1 of at least 25 federal laws that affect wetlands, it provides the primary legislative authority behind federal efforts to control their use and has become a major regulatory and environmental issue in recent years.

Wetlands provide vital habitat for fish and wildlife and offer numerous other benefits. However, according to the Fish and Wildlife Service (FWS), the contiguous 48 states lost an estimated 53 percent of their original 221 million acres of wetlands over the 200 years from the 1780s to the 1980s. FWS' most recent estimates suggest that these states continue to lose about 290,000 acres of wetlands each year.

The section 404 program requires landowners and developers to obtain permits issued by the Corps of Engineers to dredge or fill navigable waters, including wetlands. The program has become the target of farmers, developers, oil companies, and other private landowners who believe that the program has intruded too far into their decisions about how to use their land and that the process for obtaining permits is time-consuming, costly, and inconsistently administered by the Corps.

Environmentalists and some state officials, on the other hand, are concerned that current proposals for defining wetlands would result in the loss of millions of acres previously regulated as wetlands.

During the 102nd Congress, major revisions to section 404 were proposed that seek to stem the loss of remaining wetlands without creating severe economic hardship for private developers and property owners. In the appropriations bills for both fiscal year 1992 and fiscal year 1993, the Congress banned the Corps from using its more expansive 1989 definition of wetlands in favor of a more narrow 1987 one, and the latter bill appropriated funds for the National Academy of Sciences to study how to define wetlands and how to categorize them

according to their function and value. As with the Endangered Species Act, the 103rd Congress will ultimately have to decide how best to balance the protection, restoration, and creation of wetlands with the need for sustained economic growth and development.

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## Wildernesses

Economics will also play a key role in congressional deliberations on designating additional areas as wilderness. Because the Wilderness Act of 1964 generally prohibits such things as motorized equipment, buildings, roads, commercial enterprises, and aircraft landings in wilderness, some believe that designating areas as wilderness is detrimental to the economy. Others believe that doing so is a necessary step for preserving federal lands in an undisturbed condition for present and future generations.

Nowhere has this use-versus-conservation debate been more visible than in the conflicting efforts to open the Arctic National Wildlife Refuge's 1.5-million-acre "coastal plain" to exploration for oil or to designate it as wilderness. After 2 years of work, the 102nd Congress sent to the President, and he signed, major energy legislation that did not include the opening

of the refuge to development, despite arguments that (1) drilling there could create 200,000 jobs and provide \$125 billion in revenues for the federal government and the state of Alaska and (2) the 800-mile-long Trans-Alaska Pipeline System that is the primary means for delivering nearly 25 percent of the nation's domestically produced oil could shut down within the next 10 to 30 years unless a new oil field is developed in the refuge. Meanwhile, efforts to have the refuge's coastal plain designated as wilderness were also unsuccessful.

Bills that would have designated the Arctic National Wildlife Refuge's coastal plain as wilderness were not the only such bills not to make it through the 102nd Congress. Left unfinished was work on at least five additional bills to designate wilderness areas in Montana, Colorado, Utah, and the California Desert, as well as additional areas in Alaska. Also unresolved was the accompanying issue of state water rights in wilderness areas. Our review of studies on the effects of designating additional areas in Utah as wilderness led us to conclude that the likely effect on Utah's economy has not been adequately quantified. As a result, policy decisions on this issue in Utah, and possibly in other states, will have to be

based primarily on subjective judgment  
rather than on objective economic data.

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## Related GAO Products

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### Setting Priorities Under Budgetary Constraints

Rangeland Management: Interior's Monitoring Has Fallen Short of Agency Requirements (GAO/RCED-92-51, Feb. 24, 1992).

Wildlife Protection: Enforcement of Federal Laws Could Be Strengthened (GAO/RCED-91-44, Apr. 26, 1991).

Forest Service: Difficult Choices Face the Future of the Recreation Program (GAO/RCED-91-115, Apr. 15, 1991).

Federal Land Management: An Assessment of Hardrock Mining Damage (GAO/RCED-88-123BR, Apr. 19, 1988).

Parks and Recreation: Park Service Managers Report Shortfalls in Maintenance Funding (GAO/RCED-88-91BR, Mar. 21, 1988).

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### Ensuring a Better Return for Natural Resources

Mineral Resources: Value of Hardrock Minerals Extracted From and Remaining on Federal Lands (GAO/RCED-92-192, Aug. 24, 1992).

Reclamation Law: Changes Needed Before Water Service Contracts Are Renewed (GAO/RCED-91-175, Aug. 22, 1991).

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Bureau of Reclamation: Federal Interests Not Adequately Protected in Land-Use Agreements (GAO/RCED-91-174, July 11, 1991).

Federal Lands: Improvements Needed in Managing Concessioners (GAO/RCED-91-163, June 11, 1991).

Rangeland Management: Current Formula Keeps Grazing Fees Low (GAO/RCED-91-185BR, June 11, 1991).

Forest Service Needs to Improve Efforts to Reduce Below-Cost Timber Sales (GAO/T-RCED-91-43, Apr. 25, 1991).

Water Subsidies: Basic Changes Needed to Avoid Abuse of the 960-Acre Limit (GAO/RCED-90-6, Oct. 12, 1989).

Federal Land Management: The Mining Law of 1872 Needs Revision (GAO/RCED-89-72, Mar. 10, 1989).

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Balancing the Conservation and Use of Natural Resources

Endangered Species: Past Actions Taken to Assist Columbia River Salmon (GAO/RCED-92-173BR, July 13, 1992).

Endangered Species Act: Types and Number  
of Implementing Actions (GAO/RCED-92-131BR,  
May 8, 1992).

Wetlands Overview: Federal and State  
Policies, Legislation, and Programs  
(GAO/RCED-92-79FS, Nov. 22, 1991).

Interior Issues (GAO/OCG-89-24TR, Nov. 1988).

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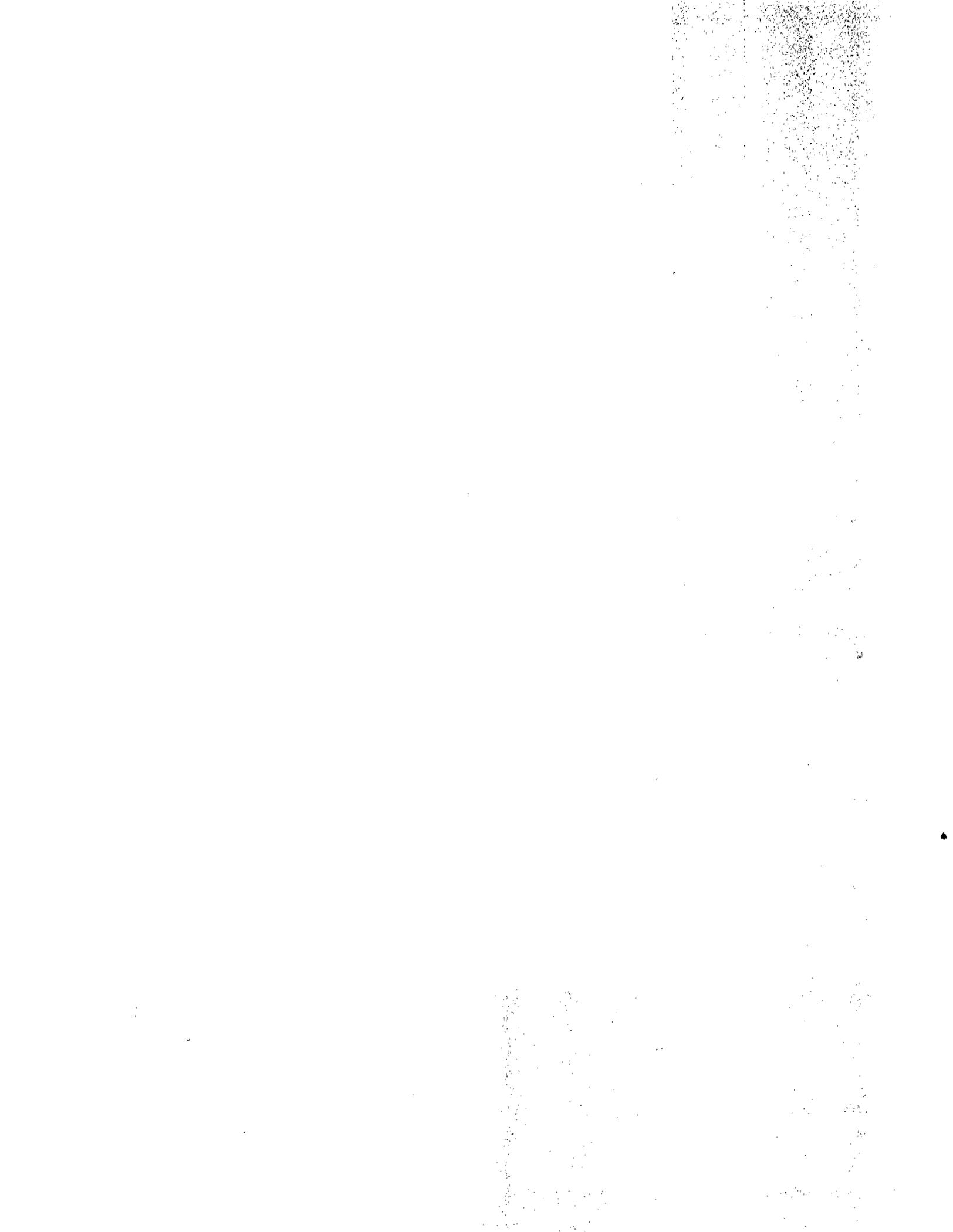
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