

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

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September 22, 2021

The Honorable Gene L. Dodaro  
Comptroller General  
Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20416

Dear Comptroller General Dodaro:

We write to request that the Government Accountability Office (GAO) study how the federal government's equal employment opportunity (EEO) complaint process and anti-harassment programs can better prevent and remedy unlawful employment discrimination and advance equal opportunity in the workplace.

As the largest employer in the United States, the federal government should serve as a model employer by processing complaints fairly and expeditiously, holding perpetrators accountable, and providing victims with relief. As Members of Congress committed to safe and respectful workplaces, we know that the federal government is only as good as its civil servants, all of whom deserve to do their jobs in safety and with dignity.

Unfortunately, too often federal employees are casualties of a process that can be convoluted, slow, costly, and unjust. In August 2009, GAO issued report GAO-09-712 highlighting deficiencies in the federal sector EEO process. More than a decade later, despite a heightened awareness around sexual harassment issues due to the #MeToo movement, we fear that too little has changed.

Our offices continue to receive complaints that mirror the issues raised in the 2009 report. Specifically, we hear from victims, plaintiffs' attorneys, civil rights organizations, and unions that agency investigations are too lengthy and lacking in substance; there are no consequences for agencies or other EEO practitioners for missing deadlines prescribed by Equal Employment Opportunity Commission (EEOC) regulations and best practices; perpetrators continue to evade accountability; EEO offices and EEOC are severely under-resourced; and EEO practitioners do not effectively communicate with complainants throughout the process. We also hear concerns that the "fox is guarding the henhouse," due to potential conflicts of interest caused by agencies conducting their own EEO complaint investigations and issuing findings on whether discrimination occurred. The complaints we have heard are validated by recent reports on the problem, including the U.S. Commission on Civil Rights' (USCCR) April 2020 report titled "Federal #MeToo: Examining Sexual Harassment in Government Workplaces."

In its April 2020 report, USCCR also highlighted the importance of agency anti-harassment programs. The report stated that these programs enable agencies to “take immediate and appropriate corrective action, including the use of disciplinary actions, to eliminate harassing conduct regardless of whether the conduct violated the law” and to “prevent harassing conduct before it rises to the level of becoming ‘severe or pervasive.’”

We respectfully request that GAO initiate a review of how the federal government’s EEO process and anti-harassment programs can better achieve their missions. Specifically, we ask that GAO examine the following focus areas:

- The federal sector EEO complaint process and anti-harassment programs at agencies and the extent to which these processes and programs adhere to applicable regulations and directives, standards for internal control, and best practices. Specifically, we ask you to examine whether EEOC needs additional resources or authorities to enforce existing regulations and best practices in federal agencies; recommend improvements to the federal EEO process in delivering relief for victims and instituting accountability for offenders; and recommend any appropriate changes to personnel structure that could contribute to a more efficient federal EEO process, such as subpoena authority for EEOC administrative judges.
- Challenges that impede the prompt, fair, and impartial processing of federal EEO complaints, and potential improvements and reforms to EEO complaint processes, based on perspectives of EEO practitioners and other key stakeholders. Specifically, we ask you to address barriers victims experience in substantiating complaints, such as legal counsel fees; the thoroughness of EEO investigations; possible workplace accommodations while EEO complaints are adjudicated; and how effectively federal agencies communicate and train their employees about navigating the EEO process.
- Potential improvements to agencies’ internal processes for investigating complaints and holding offenders accountable when EEO complaints or harassment allegations are substantiated, and whether the federal government’s EEO process would benefit from eliminating the requirement that employees exhaust agency administrative processes before filing complaints with EEOC or in district court. We ask that GAO also study the frequency of disciplinary actions at agencies, whether the actions are commensurate with the severity of the offense, and whether EEOC should have a role in mandating and enforcing certain disciplinary actions.

During your review, we encourage you to survey EEO practitioners, including in agencies, and the community of plaintiffs’ attorneys. We also encourage you, to the extent practicable, to speak with current and former complainants, as well as civil rights groups, federal sector unions, and agency inspectors general that have undertaken reviews of their EEO programs.

Thank you for your consideration of this request. If you have any questions, please contact Committee staff at (202) 225-5051 or [Yana.Mayayeva@mail.house.gov](mailto:Yana.Mayayeva@mail.house.gov) with Congresswoman Jackie Speier.

Sincerely,

  
Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform

  
Jackie Speier  
Member of Congress

cc: The Honorable James Comer, Ranking Member  
Committee on Oversight and Reform