

GAO

Report to the Chairman, Committee on
Homeland Security, House of
Representatives

August 2009

**EQUAL
EMPLOYMENT
OPPORTUNITY**

**DHS Has
Opportunities to
Better Identify and
Address Barriers to
EEO in Its Workforce**



GAO

Accountability * Integrity * Reliability



Highlights of [GAO-09-639](#), a report to the Chairman, Committee on Homeland Security, House of Representatives

Why GAO Did This Study

The federal government is faced with a workforce that is becoming increasingly eligible for retirement. GAO has reported that it is important for federal agencies, including the Department of Homeland Security (DHS), to use available flexibilities to acquire, develop, motivate, and retain talented individuals who reflect all segments of society and our nation's diversity. The Equal Employment Opportunity Commission's (EEOC)

Management Directive (MD) 715, provides that in order to attract and retain top talent, federal agencies are to identify barriers to equal employment opportunity (EEO) in the workplace, execute plans to eliminate barriers, and report annually to EEOC.

In response to a request to determine the extent to which DHS has taken steps to identify and address barriers to EEO and how DHS oversees and supports component agencies in identifying and addressing barriers, GAO reviewed DHS's MD-715 reports and EEOC guidance on MD-715 and interviewed officials from DHS's civil rights and human capital offices responsible for EEO.

What GAO Recommends

GAO recommends that DHS (1) develop a strategy to regularly include employee input in identifying potential barriers to EEO and (2) establish interim milestones for completing planned activities to address identified barriers. DHS agreed with our recommendations.

View [GAO-09-639](#) or [key components](#). For more information, contact Yvonne D. Jones at (202) 512-6806 or jonesy@gao.gov.

EQUAL EMPLOYMENT OPPORTUNITY

DHS Has Opportunities to Better Identify and Address Barriers to EEO in Its Workforce

What GAO Found

DHS has generally relied on workforce data and has not regularly included employee input from available sources to identify "triggers," the term EEOC uses for indicators of potential barriers. GAO's analysis of DHS's MD-715 reports showed that DHS generally relied on workforce data to identify 13 of 15 triggers, such as promotion and separation rates. According to EEOC, in addition to workforce data, agencies are to regularly consult a variety of sources, such as exit interviews, employee groups, and employee surveys, to identify triggers. Involving employees helps to incorporate insights about operations from a frontline perspective in determining where potential barriers exist. DHS does not consider employee input from such sources as employee groups, exit interviews, and employee surveys in conducting its MD-715 analysis. Data from the governmentwide employee survey and DHS's internal employee survey are available, but DHS does not use these data to identify triggers. By not considering employee input on DHS personnel policies and practices, DHS is missing opportunities to identify potential barriers. Once a trigger is revealed, agencies are to investigate and pinpoint actual barriers and their causes. In 2007, through its departmentwide barrier analysis, DHS identified four barriers: (1) overreliance on the Internet to recruit applicants, (2) overreliance on noncompetitive hiring authorities, (3) lack of recruitment initiatives that were directed at Hispanics in several components, and (4) nondiverse interview panels.

GAO's analysis of DHS's 2007 and 2008 MD-715 reports showed that DHS has articulated planned activities to address identified barriers, has modified nearly all of its original target completion dates by a range of 12 to 21 months, and has not completed any planned activities; although officials reported completing other activities in fiscal year 2007 and 2008 associated with its EEO program. Nearly half of the planned activities involve collaboration between the civil rights and human capital offices. DHS said that it modified the dates because of staffing shortages. In order to ensure that agency programs are effectively and efficiently implemented, it is important for agencies to implement internal control activities, such as establishing and tracking implementation goals with timelines. This allows agencies to pinpoint performance shortfalls and gaps and suggest midcourse corrections. DHS has not developed project plans with milestones beyond what is included in its MD-715 report and its *Human Capital Strategic Plan*. These documents include only the anticipated outcomes and target completion dates, not the essential activities needed to achieve the outcome. Identifying the critical phases of each planned activity necessary to achieve the intended outcome with interim milestones could help DHS ensure that its efforts are moving forward and manage any needed midcourse corrections, while minimizing modification of target dates.

DHS uses a variety of means to oversee and support components, including providing written feedback on draft reports to components that are required to prepare their own MD-715 reports, conducting program audits, and convening a council of EEO directors from each of the components.

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Abbreviations

CLF	Civilian Labor Force
CRCL	Office of Civil Rights and Civil Liberties
DHS	Department of Homeland Security
EEO	Equal Employment Opportunity
EEOC	Employment Opportunity Commission
EPCA	EEO Program Compliance Assessment
FHCS	Federal Human Capital Survey
FMFIA	Federal Managers' Financial Integrity Act of 1982
LOB	Lines of Business
MD	Management Directive
OCHCO	Office of the Chief Office of the Chief Human Capital Officer
OPM	Office of Personnel Management
RCLF	Relevant Civilian Labor Force
SES	Senior Executive Service
USM	Under Secretary for Management

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United States Government Accountability Office
Washington, DC 20548

August 31, 2009

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
House of Representatives

Dear Mr. Chairman:

Since March 2003, when it was created from a disparate group of 22 agencies with multiple missions, values, and cultures, the Department of Homeland Security (DHS) has faced enormous challenges related to protecting the nation from terrorism while organizing its predecessor agencies—several with existing program and management challenges—into a coherent and integrated department.¹ Because these challenges could have serious consequences for the security of our country, we designated DHS's implementation and transformation as a high-risk area in 2003. While progress has been made, DHS's implementation and transformation remains on the high-risk list today.²

One key challenge DHS has faced is effectively and strategically managing its large workforce (about 216,000 employees) to respond to current and emerging 21st century issues. Strategic human capital management must be the centerpiece of any serious change management strategy.³ The federal government is faced with a workforce that is becoming increasingly eligible for retirement. We have reported that it is important for federal agencies, including DHS, to use available flexibilities to acquire, develop, motivate, and retain talented individuals who reflect all segments

¹DHS comprises 16 major components: Directorate for National Protection and Programs, Directorate for Science and Technology, Directorate for Management, Office of Policy, Office of Health Affairs, Office of Intelligence and Analysis, Office of Operations Coordination, Federal Law Enforcement Training Center, Domestic Nuclear Detection Office, Transportation Security Administration, U.S. Customs and Border Protection, U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, U.S. Coast Guard, Federal Emergency Management Agency, and U.S. Secret Service.

²GAO, *High-Risk Series: An Update*, [GAO-09-271](#) (Washington, D.C.: January 2009).

³GAO, *Homeland Security: Overview of Department of Homeland Security Management Challenges*, [GAO-05-573T](#) (Washington, D.C.: Apr. 20, 2005).

of society and our nation's diversity.⁴ While DHS overall has a low proportion—20 percent—of workers eligible to retire by 2012, attention to strategic human capital management is still important as 50 percent or more of its customs and border agents, who serve in a mission-critical occupation, are eligible to retire by 2012.⁵ According to the Equal Employment Opportunity Commission (EEOC), to attract, develop, and retain a top-quality workforce, agencies must ensure that their workforces are free of barriers to equal employment opportunity (EEO). Through Management Directive (MD) 715, EEOC provides that as part of a model EEO program, to prevent unlawful discrimination, federal agencies are to identify barriers to EEO in the workplace, execute plans to eliminate barriers, and report annually to EEOC.

As agreed, we present our findings on (1) the extent to which DHS has taken steps, according to its MD-715 reports, to identify barriers to EEO in the workplace; (2) the extent to which DHS has taken steps to address identified barriers and what progress has been reported; and (3) how DHS oversees and supports component agencies in identifying and addressing barriers. We reviewed DHS's MD-715 reports for fiscal years 2004 through 2008, and analyzed DHS's identified barriers and plans to address those barriers obtained from its fiscal year 2007 and 2008 reports. Because it was beyond the scope of this engagement, we did not evaluate the accuracy of the data contained in the workforce data tables, the extent to which DHS identified all potential barriers, or the extent to which plans to eliminate barriers or activities would address identified barriers. In addition, we reviewed DHS policies, guidance, directives, and diversity plans related to identifying and addressing barriers; the 2008 Federal Human Capital Survey (FHCS) results for DHS; and DHS's 2007 internal employee survey results. We interviewed DHS officials from its Office of Civil Rights and Civil Liberties (CRCL) and the Office of the Chief Human Capital Officer (OCHCO). We also reviewed MD-715 and EEOC instructions and guidance on MD-715, and interviewed EEOC officials from its Office of Federal Operations. We obtained information from the Office of Personnel Management's (OPM) Strategic Human Resource Policy Division on the availability of FHCS data to federal agencies.

⁴GAO, *Human Capital: Federal Workforce Challenges in the 21st Century*, [GAO-07-556T](#) (Washington, D.C.: Mar. 6, 2007).

⁵GAO, *Older Workers: Enhanced Communication among Federal Agencies Could Improve Strategies for Hiring and Retaining Experienced Workers*, [GAO-09-206](#) (Washington, D.C.: Feb. 24, 2009).

We conducted this performance audit from January 2009 to August 2009 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.

Background

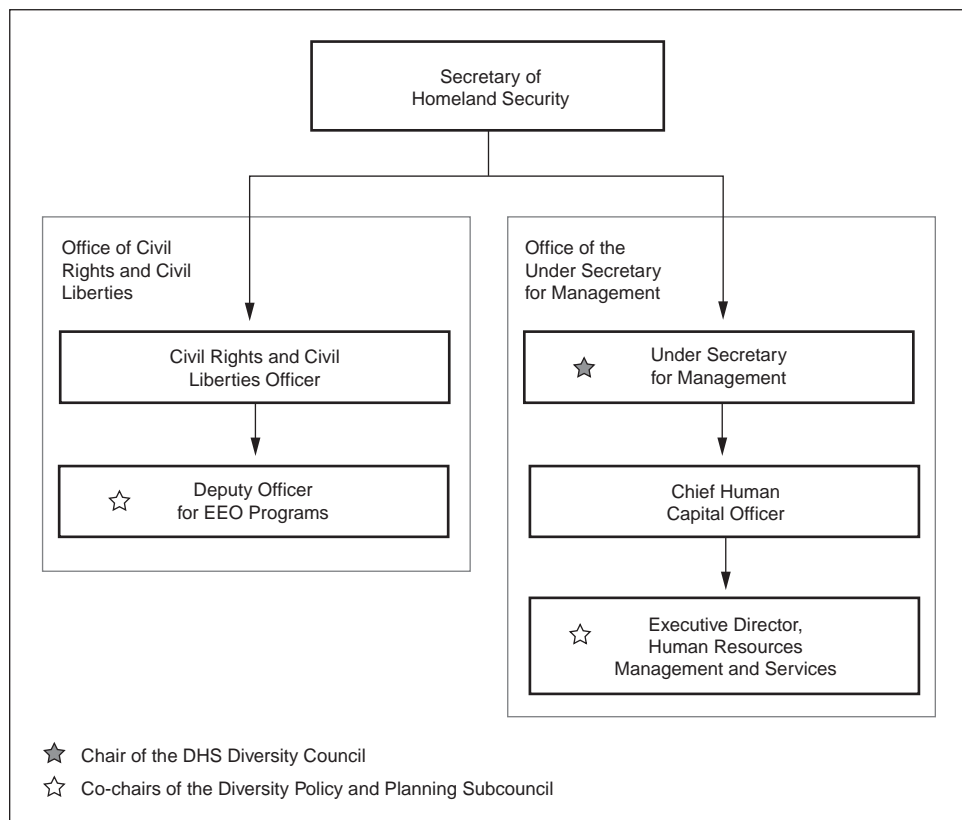
Under MD-715, federal agencies are to identify and eliminate barriers that impede free and open competition in their workplaces. EEOC defines a barrier as an agency policy, principle, or practice that limits or tends to limit employment opportunities for members of a particular gender, race, ethnic background, or disability status. According to EEOC's instructions, many employment barriers are built into the organizational and operational structures of an agency and are embedded in the day-to-day procedures and practices of the agency. In its oversight role under MD-715, EEOC provides instructions to agencies on how to complete their barrier analyses and offers other informal assistance. Based on agency submissions of MD-715 reports, EEOC provides assessments of agency progress in its *Annual Report on the Federal Workforce*, feedback letters addressed to individual agencies, and the EEO Program Compliance Assessment (EPCA).⁶

At DHS, the Officer for CRCL, through the Deputy Officer for EEO Programs, is responsible for processing complaints of discrimination; establishing and maintaining EEO programs; fulfilling reporting requirements as required by law, regulation, or executive order; and evaluating the effectiveness of EEO programs throughout DHS. Consistent with these responsibilities, the Officer for CRCL, through the Deputy Officer for EEO Programs, is responsible for preparing and submitting DHS's annual MD-715 report.

⁶EPCA, which was released in January 2009, provided EEOC's assessment of the performance of selected federal agencies' EEO programs, including DHS, during fiscal year 2006 and evaluated agencies on selected indicators under each model element of MD-715. EPCA also provided outcome indicators based on selected responses from OPM's fiscal year 2006 FHCS. According to EEOC, it has removed the EPCA Web page because EEOC is evaluating the appropriate use of the EPCA program indicators in an attempt to ensure that the indicators chosen are accurate measures of the performance of agency EEO programs.

In addition, the Deputy Officer for EEO Programs and the Under Secretary for Management (USM) are also responsible for diversity management at DHS. Under the USM, the Chief Human Capital Officer is responsible for diversity management and has assigned these duties to the Executive Director of Human Resources Management and Services. According to CRCL's Deputy Officer for EEO Programs, CRCL and OCHCO collaborate on a number of EEO and diversity activities through participation in work groups, involvement in major projects, policy and report review, and participation on the Diversity Council and its Diversity Policy and Planning Subcouncil. Figure 1 shows the officials who are primarily responsible for EEO and diversity management at DHS.

Figure 1: DHS Officials with Primary Responsibility for DHS Departmentwide EEO and Diversity Activities



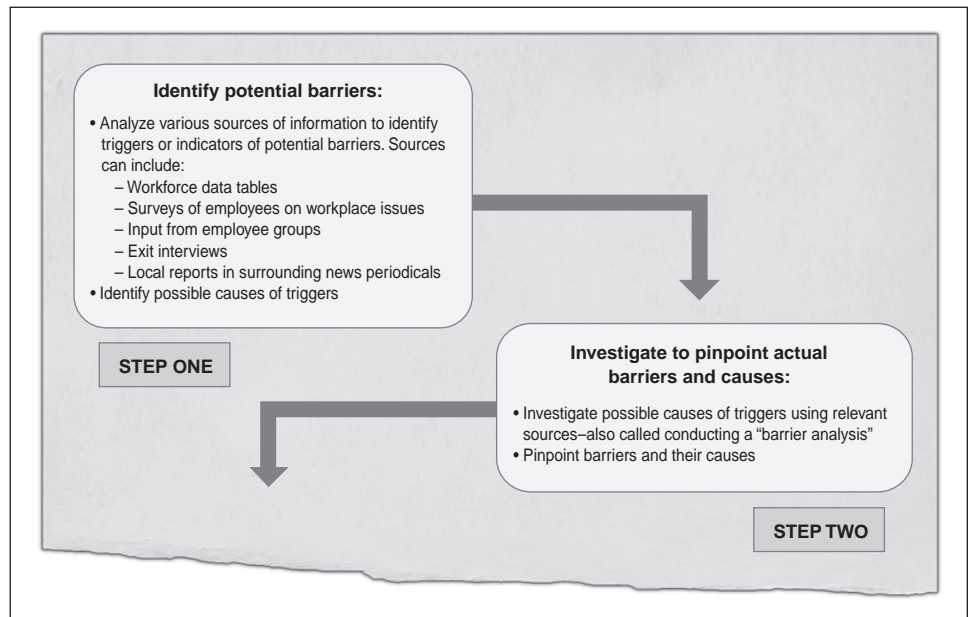
Source: GAO, based on information obtained from DHS.

The DHS Diversity Council is composed of the members of the DHS Management Council, which is chaired by the USM and includes component representatives—generally a component’s equivalent of a chief management officer or chief of staff. The Diversity Council charter gives the DHS Management Council the responsibility of meeting as the Diversity Council at least bimonthly. CRCL’s Deputy Officer for EEO Programs and OCHCO’s Executive Director of Human Resources Management and Services chair the Diversity Council’s Policy and Planning Subcouncil, which includes at least one member from each DHS component represented on the Management Council. The Diversity Policy and Planning Subcouncil meets every 2 weeks and is to identify, research, and analyze workforce diversity issues, challenges, and opportunities and report and make recommendations to the Diversity Council on DHS diversity strategies and priorities.

DHS Has Generally Relied on Workforce Data and Has Not Regularly Included Employee Input in Identifying Potential Barriers

According to EEOC’s MD-715 instructions, barrier identification is a two-part process. First, using a variety of sources, an agency is to identify triggers. Second, the agency is to investigate and pinpoint actual barriers and their causes. According to EEOC officials, this should be an ongoing process. Figure 2 shows the barrier identification steps under MD-715.

Figure 2: Barrier Identification Process



Source: GAO modification of EEOC guidance.

Note: EEOC concurred with GAO’s modification of EEOC’s guidance.

Our review of DHS’s MD-715 reports for each of the fiscal years 2004 through 2007 showed that in 2004 DHS identified 14 triggers, which were present in each subsequent year. According to DHS’s MD-715 reports, DHS identified 13 of the 14 triggers based on its analysis of participation rates contained in the workforce data tables.⁷ The remaining trigger—incomplete accessibility studies on all facilities—was identified based on responses to the self-assessment checklist contained in the MD-715 form and comments made at disability awareness training for managers. In addition, in 2008, DHS identified one new trigger based on a joint

⁷Although DHS identified a number of triggers based on workforce data, DHS did not include in its 2008 MD-715 submission required data tables on (1) applicants and new hires for major occupations, (2) selections for internal competitive promotions, (3) internal selections for senior-level positions, and (4) participation in career development programs. CRCL officials stated that DHS did not submit these tables because DHS does not currently track the data necessary to complete these tables. DHS is in the process of testing and implementing new systems to collect and analyze applicant flow data, which would enable it to complete the tables on hiring and promotions. According to documents from OCHCO, implementation of these systems is expected by the first quarter of fiscal year 2011.

statement from EEOC, the Department of Justice, and the Department of Labor related to heightened incidents of harassment, discrimination, and violence in the workplace against individuals who are or are perceived to be Arab, Muslim, Middle Eastern, South Asian, or Sikh. Table 1 shows a summary of DHS-identified triggers and the sources of information from which they were identified.

Table 1: Triggers Identified in DHS's 2008 Management Directive 715 Report

Trigger	Groups affected	Source
1. Participation rates in the total workforce were below participation rates in the civilian labor force (CLF) ^a	Total females and White females	Analysis of workforce data
2. Participation rates among officials and managers ^b were below participation rates in the relevant civilian labor force (RCLF) ^c	Total females and White females	Analysis of workforce data
3. Participation rates among professionals ^b were below participation rates in the RCLF	Total females and White females	Analysis of workforce data
4. Participation rates among service workers ^b were below participation rates in the RCLF	Total females and White females	Analysis of workforce data
5. Participation rates among General Schedule (GS) grades GS-14 and GS-15 and the Senior Executive Service (SES) were below participation rates in DHS's total GS workforce population	GS-14: Hispanic males GS-15: Hispanic males SES: Hispanic males, females (collectively), African American females, and African American males	Analysis of workforce data
6. Participation rates among cross-cutting, high-profile occupations ^d were below participation rates in the RCLF	Total females and White females	Analysis of workforce data
7. Participation rates among new hires by type of appointment ^e were below participation rates in the CLF	Total females and White females	Analysis of workforce data
8. Award rates of quality salary increases were below participation rates in DHS's permanent workforce	Total males, Hispanic males, White males, African American males, American Indian/Alaskan Native males, American Indian/Alaskan Native females, and males identified as two or more/other races	Analysis of workforce data
9. Separation rates (voluntary and involuntary) were higher than participation rates in DHS's permanent workforce	Voluntary: Total females, White females, African American males, and African American females Involuntary: African American males and total females	Analysis of workforce data
10. Participation rates (temporary and permanent workers) were below the "federal high" in DHS's total workforce ^f	DHS employees with targeted disabilities ^g	Analysis of workforce data

Trigger	Groups affected	Source
11. Physical barriers to employment	DHS employees with targeted disabilities	MD-715 self-assessment checklist (part G) and comments made at a disability awareness training for managers
12. Separation rates (total and voluntary) exceeded participation rates in DHS's permanent workforce	DHS employees with disabilities and targeted disabilities	Analysis of workforce data
13. Promotion rates (competitive and noncompetitive) were below participation rates in DHS's permanent workforce	DHS employees with disabilities and targeted disabilities	Analysis of workforce data
14. Participation rates were below the "federal high" in DHS's temporary workforce	DHS employees with disabilities and targeted disabilities	Analysis of workforce data
15. Increased incidents of workplace harassment, discrimination, and violence	Muslims, Arabs, South Asians, and Sikhs	November 19, 2001, EEOC, Department of Justice and Department of Labor "Joint Statement Against Employment Discrimination in the Aftermath of the September 11 Terrorist Attacks"

Source: GAO analysis of DHS's 2007 and 2008 MD-715 reports.

^aThe CLF is defined as those 16 and older (including federal workers) who are employed or looking for work and are not in the military or institutionalized.

^bEEOC uses nine occupational categories for the federal workforce—officials and managers, professionals, technicians, sales, administrative support workers, craft workers, operatives, laborers, and service workers. See EEOC publication for definitions of the nine occupational categories.

^cEEOC defines the RCLF as the available pool in the CLF for a specific occupation, including geographic considerations of the recruitment area.

^dAccording to DHS's 2008 MD-715 report, cross-cutting, high-profile occupations within DHS are mission-critical occupations that reside in multiple organizational elements or by their very nature are high-profile occupations, for example, transportation security officers.

^eTypes of appointment include permanent, temporary, and nonappropriated funds.

^fEEOC has designated the "federal high" as the benchmark for comparing an agency's employment of individuals with targeted disabilities. The federal high is of a federal agency (with 500 or more permanent employees) that had the highest participation rate of employees with targeted disabilities during the prior fiscal year. For 2008, the federal high was 2.65 percent.

^gAccording to EEOC, to encourage the hiring, placement, and advancement of selected individuals with disabilities in affirmative action planning, EEOC has identified nine categories of targeted disabilities: (1) deafness; (2) blindness; (3) missing extremities; (4) partial paralysis; (5) complete paralysis; (6) convulsive disorders; (7) mental retardation; (8) mental illness; and (9) distortion of limb, spine, or both.

To identify triggers, agencies are to prepare and analyze workforce data tables comparing participation rates to designated benchmarks (such as representation in the civilian labor force (CLF)⁸ or the agency's total

⁸The CLF is defined as those 16 and older (including federal workers) who are employed or looking for work and are not in the military or institutionalized.

workforce) by gender, race, ethnicity, or disability status in various subsets of their workforces (such as by grade level or major occupations and among new hires, separations, promotions, and career development programs). According to EEOC's MD-715 instructions, participation rates below a designated benchmark for a particular group are triggers. Along with the workforce data tables, according to EEOC's MD-715 instructions, agencies are to regularly consult additional sources of information to identify areas where barriers may operate to exclude certain groups. Other sources of information include, but are not limited to

- EEO complaints and EEO-related grievances filed;
- findings of discrimination on EEO complaints;
- surveys of employees on workplace environment issues;
- exit interview results;
- surveys of human resource program staff, managers, EEO program staff, counselors, investigators, and selective placement coordinators;
- input from agency employee and advocacy groups and union officials;
- available government reports (i.e., those of EEOC, GAO, OPM, the Merit Systems Protection Board, and the Department of Labor); and
- local and national news reports.

EEOC officials said that these sources may reveal triggers that may not be present in the workforce data tables. Several of the above-listed sources provide direct employee input on employee perceptions of the effect of agency policies and procedures. For example, according to EEOC instructions, employee surveys may reveal information on experiences with, perceptions of, or difficulties with a practice or policy within the agency. Further, EEOC's instructions state that reliance solely on workforce profiles and statistics will not meet the mandate of MD-715. When workforce data and other sources of information indicate that a barrier may exist, agencies are to conduct further inquiry to identify and examine the factors that caused the situation revealed by workforce data or other sources of information.

To identify triggers, CRCL stated that it regularly reviews complaint data it must submit annually to EEOC and data collected from reports CRCL is required to submit under various statutes, executive orders, and initiatives, including the Notification and Federal Employee Antidiscrimination and Retaliation Act,⁹ Federal Equal Employment Opportunity Recruitment

⁹Pub. L. No. 107-174 (May 15, 2002).

Program,¹⁰ Executive Order 13171 on Hispanic employment in the federal government, Disabled Veterans Affirmative Action Program,¹¹ White House Initiative on Historically Black Colleges and Universities, and White House Initiative on Tribal Colleges and Universities. According to CRCL officials, in the past, CRCL has also relied upon the DHS online departmental newsletter, periodicals, and news media to identify triggers.

We have previously reported that successful organizations empower and involve their employees to gain insights about operations from a frontline perspective, increase their understanding and acceptance of organizational goals and objectives, and improve motivation and morale.¹² Obtaining the input of employees in identifying triggers would provide a frontline perspective on where potential barriers exist. Employee input can come from a number of sources including employee groups, exit interviews, and employee surveys. CRCL said that it does not consider input from employee groups in conducting its MD-715 analysis, but the Diversity Council's Diversity Policy and Planning Subcouncil has recently begun to reach out to form partnerships with employee associations such as the National Association of African-Americans in the Department of Homeland Security. In addition, according to DHS's 2008 MD-715 report, DHS does not currently have a departmentwide exit survey, but according to a senior OCHCO official, OCHCO plans to develop a prototype exit survey with the eventual goal of proposing its use throughout DHS.

Although DHS does not have the structures in place to obtain employee input departmentwide from employee groups and exit surveys, DHS could use the FHCS and DHS's internal employee survey to obtain employee input in identifying potential barriers. OPM administers the FHCS biennially in even-numbered years, and DHS administers its own internal

¹⁰5 C.F.R. §§ 720.201-207.

¹¹5 C.F.R. §§ 720.301-307.

¹²GAO, *High-Risk Series: Strategic Human Capital Management*, GAO-03-120 (Washington, D.C.: January 2003).

survey in off years.¹³ Both surveys collect data on employees' perceptions of workforce management, organizational accomplishments, agency goals, leadership, and communication. We have previously reported that disaggregating employee survey data in meaningful ways can help track organizational priorities.¹⁴ According to information from officials in OPM's Division for Strategic Human Resources Policy, which administers and analyzes the FHCS, results by gender, national origin, and race are available at the agency level (i.e., DHS) on each agency's secure site.¹⁵ DHS's internal survey also collects demographic data on race, gender, and national origin of respondents. DHS could analyze responses from the FHCS and its internal employee survey by race, gender, and national origin to determine whether employees of these groups perceive a personnel policy or practice as a possible barrier. For example, one question on the 2008 FHCS asked whether supervisors or team leaders in the employee's work unit support employee development. Fifty-eight percent of DHS respondents agreed and 21 percent disagreed with the statement. The 2007 DHS internal survey asked whether employees receive timely information about employee development programs. Thirty-nine percent of respondents provided a positive response; 35 percent provided a negative response. Although a CRCL staff member reviews the FHCS and DHS's internal survey data as part of an OCHCO employee engagement working group, the staff member does not review DHS responses based on race, gender, and national origin. Responses based on demographic group could indicate whether a particular group perceives a lack of opportunity for employee development and suggest a need to further examine these areas

¹³ According to OPM's Web site, the FHCS, which was first administered in 2002, is administered to full-time, permanent employees of the major agencies represented on the President's Management Council and the small/independent agencies that accepted an invitation to participate in the survey. For the 2008 survey, these agencies made up approximately 97 percent of the executive branch workforce. Of the 417,128 employees receiving surveys, 212,223 completed the survey for a governmentwide response rate of 51 percent. According to DHS's summary of results, DHS's internal survey was electronically administered to all permanent civilian DHS employees as of August 2007. A total of 65,753 of 141,160 eligible employees responded to the survey for a response rate of 47 percent.

¹⁴ GAO, *Result-Oriented Cultures, Creating a Clear Linkage between Individual Performance and Organizational Success*, [GAO-03-488](#) (Washington, D.C.: Mar. 14, 2003).

¹⁵ According to OPM's responses, results by age, supervisory status, and work location departmentwide are also available on an agency's internal secure site. At the component level, results for each question are available on each agency's internal secure site and results by some demographic groups are available at the request of the agency, provided results for any group contain at least 10 respondents. When there are fewer than 10 respondents in a group, OPM stated that it would typically combine demographic groups (i.e., minority/nonminority, nonsupervisors/supervisors, etc.) and then create a report.

to determine if barriers exist. Without employee input on DHS personnel policies and practices, DHS is missing opportunities to identify potential barriers. Regular employee input could help DHS to identify potential barriers and enhance its efforts to acquire, develop, motivate, and retain talent that reflects all segments of society and our nation's diversity.

DHS Identified Workforce Barriers in 2007

In fiscal year 2007, DHS conducted its first departmentwide barrier analysis. This effort involved further analysis of the triggers initially identified in 2004 to determine if there were actual barriers and their causes. According to DHS's 2007 MD-715 report, DHS limited its barrier analysis to an examination of policies and management practices and procedures that were in place during fiscal year 2004. Therefore, according to the report, policies, procedures, and practices that were established or used after fiscal year 2004 were outside the scope of this initial barrier analysis.¹⁶ Based on triggers DHS identified in 2004, DHS's departmentwide barrier analysis identified the following four barriers:

1. Overreliance on the Internet to recruit applicants.
2. Overreliance on noncompetitive hiring authorities.
3. Adequacy of responses to Executive Order 13171, *Hispanic Employment in the Federal Government*; specifically, in several components that there was no evidence of specific recruitment initiatives that were directed at Hispanics.
4. Nondiverse interview panels; specifically, interview panels that did not reflect the diversity of applicants.

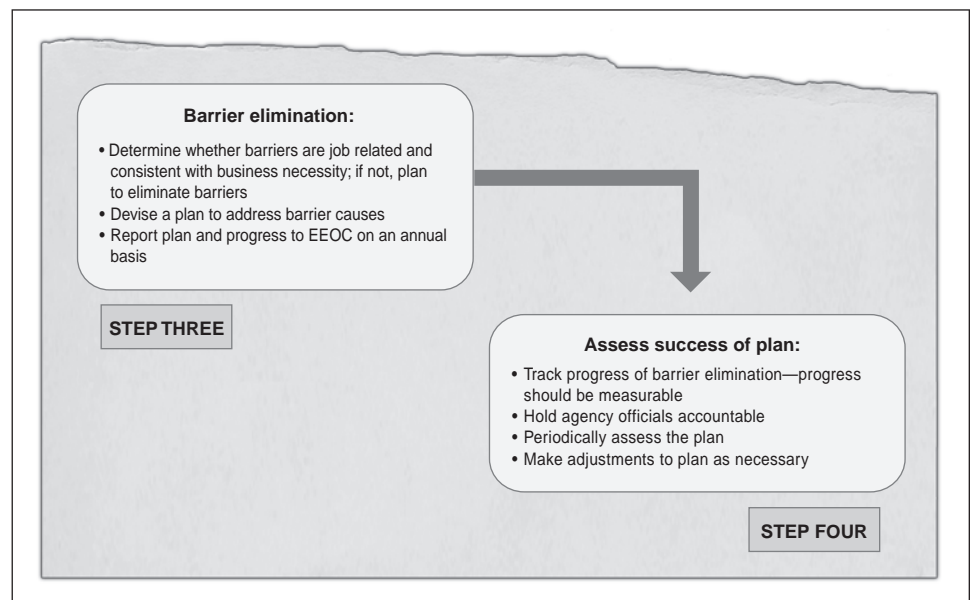
DHS Has Identified Planned Activities to Address Barriers, but Has Modified Nearly All of Its Target Completion Dates

According to EEOC guidance, barrier elimination is vital to achieving the common goal of making the federal government a model employer. Once an agency identifies a likely factor (or combination of factors) adversely affecting the employment opportunities of a particular group, it must decide how to respond. Barrier elimination is the process by which an agency removes barriers to equal participation at all levels of its workforce. EEOC's instructions provide that in MD-715 reports, agencies are to articulate objectives accompanied by specific action plans and planned activities that the agency will take to eliminate or modify barriers to EEO. Each action item must set a completion date and identify the one high-level agency official who is responsible for ensuring that the action

¹⁶To date, DHS has not conducted any other barrier analyses. According to CRCL officials, DHS has not conducted subsequent barrier analyses because of resource limitations, such as staffing and limited funding to contract for this activity.

item is completed on time. In addition, according to EEOC's instructions, agencies are to continuously monitor and adjust their action plans to ensure the effectiveness of the plans themselves, both in goal and execution. This will serve to determine the effectiveness of the action plan and objectives. Figure 3 shows the barrier elimination and assessment steps under MD-715.

Figure 3: Barrier Elimination and Assessment



Source: GAO modification of EEOC guidance.

Note: EEOC concurred with GAO's modification of EEOC's guidance.

DHS Modified Nearly All Target Completion Dates on Planned Actions to Address Barriers

Our analysis of DHS's MD-715 2007 and 2008 reports showed DHS articulated 12 different planned activities to address the identified barriers, including 1 new planned activity in 2008.¹⁷ Of the 12 planned activities, 2 relate to recruitment practices and strategies, specifically implementing a departmentwide recruitment strategy and targeting recruitment where there are low participation rates. Two other planned activities relate to the development of additional guidance, specifically on composition of interview panels and increasing educational opportunities. For each barrier, DHS identifies at least one planned activity—eight in total—

¹⁷Two of the planned activities were listed under multiple barriers.

related to collecting and analyzing additional data. According to DHS's 2007 and 2008 MD-715 reports, DHS's primary objective is to capture and analyze the additional data needed to link the barriers to the relevant triggers.

In addition, of the 12 different planned activities, 5 involve collaboration between CRCL and OCHCO. One planned activity to address overreliance on the use of the Internet to recruit applicants calls for the development of an applicant flow tool to gather data on applicants, which would enable CRCL and OCHCO to analyze recruitment and hiring results. According to CRCL, its staff collaborate with OCHCO by evaluating and providing feedback on development of the tool. We have previously reported on the benefits of coordination and collaboration between the EEO and the human capital offices within agencies.¹⁸ During our previous work reviewing coordination of federal workplace EEO, an EEOC official commented that a review of barrier analyses in reports submitted under MD-715 showed that the highest-quality analyses had come from agencies where there was more coordination between staff of the human capital and EEO offices.

Table 2 shows DHS's planned activities, the identified barriers to which they relate, and the target completion dates.

¹⁸GAO, *Equal Employment Opportunity: Improved Coordination Needed between EEOC and OPM in Leading Federal Workplace EEO*, GAO-06-214 (Washington, D.C.: June 16, 2006).

Table 2: DHS-Identified Barriers, Planned Activities, and Target Completion Dates

Identified barrier	Planned activities ^a	Modified target completion date from 2008 MD-715 report and (original date from 2007 MD-715 report)	2008 update
Overreliance on the Internet to recruit applicants for cross-cutting, high-profile occupations.	1. Partner with OCHCO to “Implement an enterprise-wide recruitment strategy.” ^{ab}	(09/30/2009)	No 2008 update was listed for this planned activity.
	2. Partner with OCHCO to “Deploy applicant flow tool to analyze recruitment and hiring results.”	12/31/2009 (09/30/2008)	OCHCO indicated that it is working toward a redeployment of the e-Recruitment System.
	3. Collect and analyze additional data that could more conclusively demonstrate a link between overreliance on online recruiting media and equality of opportunity for applicants. ^c	12/31/2010 (09/30/2009)	A lesson learned in fiscal year 2008 was that targeted recruiting can be done more efficiently over the Internet and that DHS needs to develop an online methodology in fiscal year 2009 to reach active candidates looking for jobs and passive (not actively looking) candidates who have the appropriate skills and education.
	4. Develop a financial grid with information about the employee group(s) targets for a specific recruitment tactic. ^d	12/31/2010 (03/30/2009)	See #3.
Overreliance of noncompetitive hiring authorities.	1. Coordinate with OCHCO to ensure that the applicant flow tool has the capability to capture the additional data identified in #2.	12/31/2009 (09/30/08)	CHCO indicated it is working toward a redeployment of the e-Recruitment System.
	2. Collect and analyze additional data that would more conclusively demonstrate a link between overreliance on noncompetitive hiring authorities and equality of opportunity for applicants. ^c	12/31/2010 (09/30/2009)	CRCL will identify any specific follow-on actions required after the potential barriers are confirmed.
	3. Have the DHS Corporate Recruitment Council target candidates for components that have low participation rates. ^e	12/31/2010	N/A ^f
Lack of specific recruitment initiatives directed to Hispanics in several components.	1. Partner with OCHCO to “Implement an enterprise-wide recruitment strategy.” ^{ab}	(09/30/2009)	CRCL participated in the DHS Corporate Recruitment Council, which in fiscal year 2008 targeted five major categories of candidates to target.
	2. Coordinate with OCHCO to ensure that the applicant flow tool has the capability to capture the additional data identified under item #3.	12/31/2009 (12/31/2008)	OCHCO indicated that it is working towards a redeployment of the e-Recruitment System.

Identified barrier	Planned activities ^a	Modified target completion date from 2008 MD-715 report and (original date from 2007 MD-715 report)	2008 update
	3. Collect additional data that could more conclusively demonstrate a link between problematic/insufficient responses to Executive Order 13171 and equality of opportunity for applicants and employees. ^c	12/31/2010 (09/30/2009)	CRCL will identify any specific follow-on actions required after the potential barriers are confirmed.
	4. Develop departmentwide guidance to address the issue of levels of education among Hispanics in the pipeline.	12/31/2010 (03/31/2009)	No 2008 update was listed for this planned activity.
	5. Have the DHS Corporate Recruitment Council target candidates for components that have underrepresentation. ^e	12/31/2010	N/A ^f
Nondiverse interview panels.	1. Collaborate with OCHCO in the development of guidelines that addresses the diversity/composition of interview panels.	12/31/2009 (09/30/2008)	No 2008 update was listed for this planned activity.
	2. Collect additional data to determine the impact of nondiverse interview panels. ^c	12/31/2010 (09/30/2009)	CRCL will identify any specific follow-on actions required after the potential barriers are confirmed.

Source: GAO analysis of DHS's 2007 and 2008 MD-715 reports.

^aDHS has identified 12 unique planned activities. The planned activities listed total 14 because 2 planned activities are listed twice.

^bThis planned activity is listed twice.

^cIn the fiscal year 2008 MD-715 report, DHS specifies the additional information to obtain.

^dAccording to DHS's 2008 MD-715 report, the financial grid will identify the cost-effectiveness and human capital yield that results from using a specific recruitment tactic to acquire specific employee groups. Also, the grid data will produce information about the investment costs allocated for each recruitment tactic for each employee group as well as information about the number of contacts made using a specific approach.

^eThis planned activity is listed twice.

^fNot applicable. This planned activity was first identified in the fiscal year 2008 MD-715 report; therefore, it could not have been modified in the 2008 report.

For the planned activities identified in its 2007 MD-715 report, DHS has modified the target date for all but one of them. As reported in the 2008 MD-715 report, the original target completion dates have been delayed anywhere from 12 to 21 months. In addition, since DHS filed its 2008 MD-715 report, DHS modified one of the target dates it had previously modified in its 2008 report. DHS has not completed any of the planned activities articulated in its 2007 and 2008 MD-715 reports. According to CRCL officials, although it has not completed any planned activities to address identified barriers, DHS has completed some planned activities

identified in fiscal years 2007 and 2008 related to improving its EEO program.

According to CRCL, DHS modified target dates primarily because of staffing shortages in both CRCL and OCHCO, including the retirement in 2008 of three senior CRCL officials (including the Deputy Officer for EEO Programs) and extended absences of the remaining two staff. In addition, according to senior officials, during fiscal year 2008, OCHCO experienced significant staff shortages and budgetary issues and lost its contract support. According to the Deputy Officer for EEO Programs, fiscal year 2009 is a rebuilding year. CRCL is adding five new positions, in addition to the existing three, to the CRCL unit responsible for preparing and submitting DHS's MD-715 reports and implementing MD-715 planned activities. According to CRCL, once it is fully staffed, it will be able to expand services and operations.

DHS has not established interim milestones for the completion of planned activities to address barriers. According to DHS officials, its MD-715 reports and *Human Capital Strategic Plan* represent the extent of DHS project plans and milestones for completing planned activities. These documents include only the anticipated outcome, not the essential activities needed to achieve the outcome. For example, in DHS's 2007 and 2008 MD-715 reports, CRCL identifies an applicant flow tool to analyze recruitment and hiring results as a planned activity to address the barrier of overreliance on the use of the Internet to recruit applicants. DHS's *Human Capital Strategic Plan* also identifies an applicant flow tool to analyze recruitment and hiring results as an action to achieve its departmentwide diversity goal. DHS does not articulate interim steps, with milestones, to achieve this outcome in either document.

In order to help ensure that agency programs are effectively and efficiently implemented, it is important that agencies implement effective internal control activities.¹⁹ These activities help ensure that management

¹⁹GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999). We used the criteria in these standards, issued pursuant to the requirements of the Federal Managers' Financial Integrity Act of 1982 (FMFIA), to provide the overall framework for establishing and maintaining internal control in the federal government. Pub. L. No. 97-255, 96 Stat. 814. Also pursuant to FMFIA, the Office of Management and Budget issued Circular No. A-123, revised December 21, 2004, to provide the specific requirements for assessing and reporting on internal controls. Internal control standards and the definition of internal control in Circular No. A-123 are based on the aforementioned GAO standards.

directives are carried out. We have previously reported that it is essential to establish and track implementation goals and establish a timeline to pinpoint performance shortfalls and gaps and suggest midcourse corrections. Further, it is helpful to focus on critical phases and the essential activities that need to be completed by a given date.²⁰ In addition, we recommended in our 2005 report on DHS's management integration that DHS develop a management integration strategy. Such a strategy would include, among other things, clearly identifying the critical links that must occur among initiatives and setting implementation goals and a timeline to monitor the progress of these initiatives and to ensure that the necessary links occur.²¹ Identifying the critical phases of each planned activity necessary to achieve the intended outcome with interim milestones could help DHS ensure that its efforts are moving forward and manage any needed midcourse corrections, while minimizing modifications of target completion dates.

DHS Reports Progress on EEO and Diversity Initiatives

According to CRCL and OCHCO officials, DHS is making progress on initiatives relating to (1) outreach and recruitment, (2) employee engagement, and (3) accountability. DHS's Executive Director of Human Resources Management and Services told us that DHS is currently implementing a targeted recruitment strategy based on representation levels, which includes attending career fairs and entering into partnerships with organizations such as the Black Executive Exchange Program. CRCL officials also said that CRCL staff participate on the Corporate Recruitment Council, which meets each month and includes recruiters from each of the components. In addition, according to the *Human Capital Strategic Plan* diversity goal, DHS plans to establish a diversity advisory network of external stakeholders. According to CRCL, this effort includes specific outreach and partnership activities with such groups as the National Association for the Advancement of Colored People, Blacks in Government, League of United Latin American Citizens, Organization of Chinese Americans, Federal Asian Pacific American Council, Federally Employed Women, National Organization of Black Law Enforcement Executives, and Women in Federal Law Enforcement.

²⁰GAO, *Results-Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations*, GAO-03-669 (Washington, D.C.: July 2, 2003).

²¹GAO, *Department of Homeland Security: A Comprehensive and Sustained Approach Needed to Achieve Management Integration*, GAO-05-139 (Washington, D.C.: Mar. 16, 2005).

DHS has also reported progress on employee engagement efforts. The Executive Director of Human Resources Management and Services also told us that DHS is in the planning stages of forming a department-level employee council comprising representatives from each diversity network at each of DHS's components.²² In addition, according to DHS's *Human Capital Strategic Plan*, DHS will incorporate questions into its internal employee survey specifically addressing leadership and diversity. The planned completion for this effort is the first quarter of fiscal year 2010.

To address accountability, the Executive Director of Human Resources Management and Services said that DHS added a Diversity Advocate core competency as part of DHS's fiscal year 2008 rating cycle for Senior Executive Service (SES) performance evaluations. Under DHS's SES pay-for-performance appraisal system, ratings on this and other core competencies affect SES bonuses and pay increases. According to DHS's *Competency Illustrative Guidance*, the standard provides for each senior executive to promote workforce diversity, provide fair and equitable recognition and equal opportunity, and promptly and appropriately address allegations of harassment or discrimination. According to the Executive Director of Human Resources Management and Services, OCHCO is currently developing plans, with the participation of CRCL, to implement a similar competency in 2010 for managers and supervisors, although the specific details on implementation are not yet finalized.

DHS Reports Using a Variety of Means to Oversee and Support Components

According to MD-715 and its implementing guidance, a parent agency is to ensure that its components implement the provisions of MD-715 and make a good faith effort to identify and remove barriers to equality of opportunity in the workplace. Among other requirements, the parent agency is responsible for ensuring that its reporting components—those that are required to submit their own MD-715 reports—complete those reports. The parent agency is also responsible for integrating the

²²Diversity networks are also called advisory, advocacy, support, affinity, or resources groups.

components' MD-715 reports into a departmentwide MD-715 report.²³ According to officials from EEOC's Office of Federal Operations, how a department oversees and manages this process is at the discretion of the department. In addition, to ensure management accountability, the agency, according to MD-715, should conduct regular internal audits, at least annually, to assess, among other issues, whether the agency has made a good faith effort to identify and remove barriers to equality of opportunity in the workplace.

At DHS, according to the DHS Acting Officer for CRCL and the Deputy Officer for EEO Programs, component EEO directors do not report directly to CRCL but to their respective component heads. While this EEO organizational structure is similar to other cross-cutting lines of business (LOB), other cross-cutting LOBs have indirect reporting relationships, established through management directives, between the component LOB head and the DHS LOB chief for both daily work and annual evaluation. In contrast, the Deputy Officer for EEO Programs stated that he relies on a collaborative relationship with the EEO directors of the components to carry out his responsibilities. According to the Deputy Officer for EEO Programs, component EEO programs have supported department-wide initiatives when asked to join such efforts.

On February 4, 2008, the Secretary of Homeland Security delegated authority to the Officer for CRCL to integrate and manage the DHS EEO Program, and currently a management directive interpreting the scope of this authority is awaiting approval. The Deputy Officer for EEO Programs stated that until the management directive is approved and implemented, the actual effect of the delegated authority is unclear. Lacking direct authority, the Deputy Officer stated that he relies on a collaborative relationship with the EEO directors of the components to carry out his responsibilities. According to the Deputy Officer for EEO Programs, one means of collaboration with the components is through the EEO Council, which meets monthly and is chaired by the Deputy Officer for EEO

²³ According to MD-715 guidance, components with a certain amount of autonomy from their parent agencies are to prepare their own MD-715 reports. Components are to submit these reports to their headquarters for inclusion in the agencywide report and must also file a copy with EEOC. DHS has eight reporting components that must prepare and submit their own MD-715 reports. DHS reporting components are the Federal Emergency Management Agency, Federal Law Enforcement Training Center, Transportation Security Administration, U.S. Citizenship and Immigration Services, U.S. Coast Guard, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and U.S. Secret Service.

Programs and is composed of the EEO directors from each component. The Deputy Officer for EEO Programs said that he uses the EEO Council to share best practices, enhance cooperation, and enforce accountability.

To assist the components in their MD-715 analyses, according to CRCL officials, CRCL prepares the workforce data tables for each of the components required to submit its own MD-715 report. CRCL obtains the data from OCHCO and sends them to a contractor to create the workforce data tables. According to CRCL officials, DHS is pursuing an automated information management system that will allow CRCL to conduct in-house centralized workforce data analysis at the component level.

To ensure timely submissions of component MD-715 reports, DHS's CRCL sets internal deadlines by which reporting components are to submit their final MD-715 reports. CRCL instructs the components to follow EEOC guidance in completing their reports. CRCL also gives components the option of submitting a draft report for CRCL to review and provide technical guidance on before the final report is submitted. For those components that have submitted draft reports, CRCL has provided written comments that could be incorporated into the components' final reports. A CRCL official told us that for fiscal year 2009 draft submissions, CRCL will continue this practice and encourage components to submit draft reports.

Since DHS was formed in 2003, CRCL has completed a full EEO program evaluation of the Federal Law Enforcement Training Center (FLETC) in fiscal year 2007, which focused on FLETC's EEO Office's operations and activities. In fiscal year 2008, CRCL conducted the audit work on a full program evaluation of the Federal Emergency Management Agency's Equal Rights Office's operations and activities, but to date CRCL has not issued the audit report. In fiscal year 2006, CRCL conducted a partial evaluation of the Transportation Security Administration's Office for Civil Rights, which focused on EEO counseling, complaint tracking, and alternative dispute resolution. In addition, in fiscal year 2009, a contractor issued a report describing the findings of a program review of the U.S. Coast Guard's Office of Civil Rights.²⁴ The Deputy Officer for EEO Programs told us that CRCL intends to conduct program reviews of the EEO programs at all operational components by 2010, although no schedule for completing these audits has been established.

²⁴The results of the Coast Guard review are for official use only.

Conclusions

Input from employee groups reflects the perspective of the individuals directly affected by employment policies and procedures and could provide valuable insight into whether those policies and procedures may be barriers to EEO. Because CRCL does not regularly include employee input from available sources, such as the FHCS and DHS's internal employee survey, it is missing opportunities to identify potential barriers to EEO. For barriers DHS has already identified, it is important for DHS to ensure the completion of planned activities through effective internal control activities, including the identification of critical schedules and milestones that need to be completed by a given date. Effective internal controls could help DHS ensure that its efforts are moving forward, manage any needed midcourse corrections, and minimize modifications of target completion dates. Additional staff, which DHS plans to add in 2009, could help DHS implement effective internal control activities.

Recommendations for Executive Action

We recommend that the Secretary of Homeland Security take the following two actions:

- Direct the Officer for CRCL to develop a strategy to regularly include employee input from such sources as the FHCS and DHS's internal survey in identifying potential barriers to EEO.
- Direct the Officer for CRCL and the CHCO to identify essential activities and establish interim milestones necessary for the completion of all planned activities to address identified barriers to EEO.

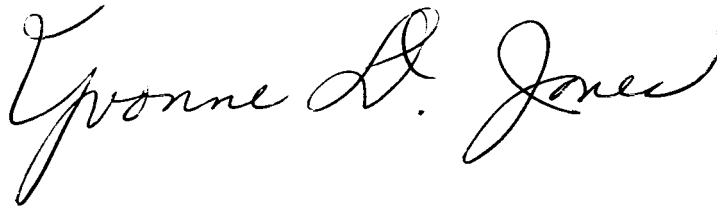
Agency Comments

We provided a draft of this report to the Secretary of Homeland Security for review and comment. In written comments, which are reprinted in appendix I, the Director of DHS's Departmental GAO/OIG Liaison Office agreed with our recommendations. Regarding the first recommendation, the Director agreed that DHS should develop a departmentwide strategy to regularly include employee input from the FHCS and DHS internal employee survey to identify barriers, but noted that DHS component EEO programs already use employee survey data to develop annual action plans to address identified management issues. Regarding the second recommendation, the Director wrote that CRCL has already begun revising its plans to identify specific steps and interim milestones to accomplish the essential activities. DHS also provided technical comments, which we incorporated as appropriate.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the Secretary of Homeland Security and other interested parties. The report also will be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you or your staff have any questions concerning this report, please contact me at (202) 512-6806 or jonesy@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Staff who made major contributions to this report are listed in appendix II.

Sincerely yours,

A handwritten signature in black ink that reads "Yvonne D. Jones". The signature is written in a cursive style with a large initial "Y" and a long, sweeping underline.

Yvonne D. Jones
Director, Strategic Issues

Appendix I: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

July 13, 2009

Ms. Yvonne D. Jones,
Director, Strategic Issues
United States Government Accountability Office
Washington, DC 20548

Dear Ms. Jones:

Thank you for the opportunity to review and comment on the U.S. Government Accountability Office's (GAO) Draft Report GAO-09-639, entitled *DHS Has Opportunities to Better Identify and Address Barriers to EEO in its Workforce*. The Department of Homeland Security (DHS) and the Office for Civil Rights and Civil Liberties (CRCL) concurs with GAO's proposed recommendations.

Below, we address the specific GAO recommendations:

GAO Recommendation #1: Direct the Officer for CRCL to develop a strategy to regularly include employee input from such sources as the Federal Human Capital Survey (FHCS) and DHS's internal survey in identifying potential barriers to EEO.

DHS Response: Concur. CRCL agrees DHS should develop a department-wide strategy to regularly include employee input from the FHCS and DHS Employee Satisfaction Survey as part of DHS's regular barrier analyses. CRCL notes, however, DHS component EEO and human capital programs already use employee survey data to develop annual action plans to address identified management issues. DHS's components track and report the results of their action plans on a quarterly basis. CRCL also notes DHS has relied upon, and will continue to examine the DHS Today on-line departmental newsletter, periodicals, and news media as a means to identify potential triggers.

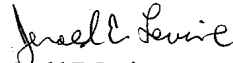
GAO Recommendation #2: Direct the Officer of CRCL and the Chief Human Capital Officer (CHCO) to identify essential activities and establish interim milestones necessary for the completion of all planned activities to address identified barriers to EEO.

DHS Response: Concur. Although CRCL included an action plan in DHS's FY 2008 MD-715 report, CRCL has already begun revising the plan to include specific steps to accomplish the essential activities, as well as interim milestones. Also, DHS component EEO programs have previously identified and implemented action plans with milestones to address their component specific barriers to EEO.

**Appendix I: Comments from the Department
of Homeland Security**

We thank you for considering our comments on this important issue. We look forward to working with the GAO on future Homeland Security issues.

Sincerely,



Jerald E. Levine
Director
Departmental GAO/OIG Liaison Office

Appendix II: GAO Contact and Staff Acknowledgments

GAO Contact

Yvonne D. Jones, (202) 512-6806 or jonesy@gao.gov

Acknowledgments

In addition to the contact named above, Belva Martin, Acting Director; Amber Edwards; Karin Fangman; Melanie H. Papasian; Tamara F. Stenzel; and Greg Wilmoth made key contributions to this report.

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