



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548



OFFICE OF GENERAL COUNSEL

IN REPLY
REFER TO: B-195544 (MRV)

May 7, 1980

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Mr. Paul Gonson
Solicitor
Office of General Counsel
Securities and Exchange Commission
Washington, D.C. 20549

Dear Mr. Gonson:

This is in response to your letter of March 11, 1980, requesting our opinion on the ~~authority of your agency to pay reasonable attorney fees and costs incident to an equal employment opportunity proceeding~~ before the agency. *EEO proceeding*

As we advised you in our letter B-195544, November 20, 1979, in the absence of specific legislation, further clarification of conflicting court decisions, or appropriate regulations, we found no authority for Federal agencies to award attorney fees incident to administrative equal employment opportunity proceedings.

On April 9, 1980, the Equal Employment Opportunity Commission (EEOC) issued interim regulations on this subject. See 45 Fed. Reg. 24130 (29 C.F.R. Part 1613). The interim revised regulations are effective as of April 11, 1980, and provide that an agency or EEOC may award a complainant reasonable attorney fees and costs when an allegation of discrimination is resolved in favor of the complainant, including a settlement under 29 C.F.R. § 1613.217(a). The interim regulations apply to all pending or future complaints.

With the issuance of these regulations, Federal agencies now have the authority to pay to a prevailing complainant reasonable attorney fees and costs in connection with the informal settlement or formal resolution of pending and future equal employment opportunity proceedings. Therefore, there is no need for us to issue a formal opinion on your request.

Sincerely yours,

Harry R. Van Cleave
for Milton J. Socolar
General Counsel

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