

117TH CONGRESS
1ST SESSION

H. R. 2704

To amend title 38, United States Code, to improve the equal employment opportunity functions of Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2021

Mr. PAPPAS (for himself, Mrs. HINSON, and Ms. KUSTER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve the equal employment opportunity functions of Department of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving VA Ac-
5 countability To Prevent Sexual Harassment and Discrimi-
6 nation Act of 2021”.

1 **SEC. 2. IMPROVEMENTS TO EQUAL EMPLOYMENT OPPOR-**
2 **TUNITY FUNCTIONS OF DEPARTMENT OF**
3 **VETERANS AFFAIRS.**

4 (a) ALIGNMENT OF EEO DIRECTOR.—

5 (1) REPORTING AND DUTIES.—Subsection (h)
6 of section 516 of title 38, United States Code, is
7 amended—

8 (A) by striking “The provisions” and in-
9 serting “(1) The provisions”; and

10 (B) by adding at the end the following new
11 paragraph:

12 “(2) Beginning not later than 90 days after the date
13 of the enactment of this paragraph, in carrying out para-
14 graph (1), the Secretary shall ensure that the official of
15 the Department who serves as the Equal Employment Op-
16 portunity Director of the Department—

17 “(A) reports directly to the Deputy Secretary
18 with respect to the functions under this section; and

19 “(B) does not also serve in a position that has
20 responsibility over personnel functions of the De-
21 partment or other functions that conflict with the
22 functions under this section.”.

23 (2) CONFORMING AMENDMENTS.—Such section
24 is further amended—

25 (A) in subsection (b)(1), by inserting “, in
26 accordance with subsection (h)(2),” after “an

1 Assistant Secretary or a Deputy Assistant Sec-
2 retary”; and

3 (B) in subsection (e)(1)(A), by striking
4 “the Assistant Secretary for Human Resources
5 and Administration” and inserting “the Sec-
6 retary”.

7 (b) ALIGNMENT OF EEO PROGRAM MANAGERS.—
8 Such section is further amended by adding at the end the
9 following new subsection:

10 “(i) In accordance with subsection (b), not later than
11 December 31, 2021, the Secretary of Veterans Affairs
12 shall ensure that each Equal Employment Opportunity
13 program manager of the Department at the facility level
14 reports to the head of the Office of Resolution Manage-
15 ment, or such successor office established pursuant to sub-
16 section (a), with respect to the equal employment func-
17 tions of the program manager.”.

18 (c) REPORTING HARASSMENT AND EMPLOYMENT
19 DISCRIMINATION COMPLAINTS.—Subsection (a) of such
20 section 516 is amended—

21 (1) by striking “The Secretary” and inserting
22 “(1) The Secretary”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(2) The Secretary shall ensure that the employment
2 discrimination complaint resolution system established
3 under paragraph (1) requires that any manager of the De-
4 partment who receives a sexual or other harassment or
5 employment discrimination complaint reports such com-
6 plaint to the Office of Resolution Management, or such
7 successor office, immediately, or if such immediate report-
8 ing is impracticable, not later than two business days after
9 the date on which the manager receives the complaint.”.

10 (d) TRAINING.—Subsection (c) of such section 516
11 is amended by adding at the end the following new sen-
12 tence: “Beginning not later than September 30, 2021, the
13 Secretary shall provide to each employee of the Depart-
14 ment mandatory annual training on identifying and ad-
15 dressing sexual and other harassment and employment
16 discrimination, including with respect to processes under
17 the Harassment Prevention Program of the Department,
18 or such successor program. An employee of the Depart-
19 ment who is hired on or after such date shall receive the
20 first such mandatory annual training not later than 60
21 days after being hired.”.

22 (e) HARASSMENT AND EMPLOYMENT DISCRIMINA-
23 TION POLICIES AND DIRECTIVES.—The Secretary of Vet-
24 erans Affairs shall—

1 (1) by not later than September 30, 2021, and
2 on a regular basis thereafter, review the policies re-
3 lating to sexual and other harassment and employ-
4 ment discrimination of the Department of Veterans
5 Affairs to ensure that such policies are complete and
6 in accordance with the sexual and other harassment
7 and employment discrimination policies established
8 by the Office of Resolution Management of the De-
9 partment, or such successor office; and

10 (2) by not later than 180 days after the date
11 of the enactment of this Act, issue a final directive
12 and a handbook for the Harassment Prevention Pro-
13 gram of the Department.

14 (f) REPORTS.—Not later than 180 days after the
15 date of the enactment of this Act, and semiannually there-
16 after for one year, the Secretary of Veterans Affairs shall
17 submit to the Committees on Veterans’ Affairs of the
18 House of Representatives and the Senate a report on the
19 progress the Secretary has made in carrying out this sec-
20 tion and section 516 of title 38, United States Code, as
21 amended by this section, including with respect to report-
22 ing sexual and other harassment and employment dis-
23 crimination complaints pursuant to subsection (a)(2) of
24 such section 516.

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