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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Improving VA Accountability To Prevent Sexual Harassment and Discrimination Act of 2021”.
SEC. 2. IMPROVEMENTS TO EQUAL EMPLOYMENT OPPORTUNITY FUNCTIONS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) ALIGNMENT OF EEO DIRECTOR.—

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

(A) by striking “The provisions” and inserting “(1) The provisions”; and

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

“(2) Beginning not later than 90 days after the date of the enactment of this paragraph, in carrying out paragraph (1), the Secretary shall ensure that the official of the Department who serves as the Equal Employment Opportunity Director of the Department—

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

“(B) does not also serve in a position that has responsibility over personnel functions of the Department or other functions that conflict with the functions under this section.”.

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

(A) in subsection (b)(1), by inserting “, in accordance with subsection (h)(2),” after “an
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Assistant Secretary or a Deputy Assistant Sec-

retary”; and

(B) in subsection (c)(1)(A), by striking

“the Assistant Secretary for Human Resources

and Administration” and inserting “the Sec-

retary”.

(b) ALIGNMENT OF EEO PROGRAM MANAGERS.—

Such section is further amended by adding at the end the

following new subsection:

“(i) In accordance with subsection (b), not later than

December 31, 2021, the Secretary of Veterans Affairs

shall ensure that each Equal Employment Opportunity

program manager of the Department at the facility level

reports to the head of the Office of Resolution Manage-

ment, or such successor office established pursuant to sub-

section (a), with respect to the equal employment func-

tions of the program manager.”.

(c) REPORTING HARASSMENT AND EMPLOYMENT

DISCRIMINATION COMPLAINTS.—Subsection (a) of such

section 516 is amended—

(1) by striking “The Secretary” and inserting

“(1) The Secretary”; and

(2) by adding at the end the following new

paragraph:
“(2) The Secretary shall ensure that the employment discrimination complaint resolution system established under paragraph (1) requires that any manager of the Department who receives a sexual or other harassment or employment discrimination complaint reports such complaint to the Office of Resolution Management, or such successor office, immediately, or if such immediate reporting is impracticable, not later than two business days after the date on which the manager receives the complaint.”.

(d) TRAINING.—Subsection (c) of such section 516 is amended by adding at the end the following new sentence: “Beginning not later than September 30, 2021, the Secretary shall provide to each employee of the Department mandatory annual training on identifying and addressing sexual and other harassment and employment discrimination, including with respect to processes under the Harassment Prevention Program of the Department, or such successor program. An employee of the Department who is hired on or after such date shall receive the first such mandatory annual training not later than 60 days after being hired.”.

(e) HARASSMENT AND EMPLOYMENT DISCRIMINATION POLICIES AND DIRECTIVES.—The Secretary of Veterans Affairs shall—
(1) by not later than September 30, 2021, and on a regular basis thereafter, review the policies relating to sexual and other harassment and employment discrimination of the Department of Veterans Affairs to ensure that such policies are complete and in accordance with the sexual and other harassment and employment discrimination policies established by the Office of Resolution Management of the Department, or such successor office; and

(2) by not later than 180 days after the date of the enactment of this Act, issue a final directive and a handbook for the Harassment Prevention Program of the Department.

(f) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter for one year, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a report on the progress the Secretary has made in carrying out this section and section 516 of title 38, United States Code, as amended by this section, including with respect to reporting sexual and other harassment and employment discrimination complaints pursuant to subsection (a)(2) of such section 516.