

117TH CONGRESS
1ST SESSION

H. R. 2704

IN THE SENATE OF THE UNITED STATES

MAY 19, 2021

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. IMPROVEMENTS TO EQUAL EMPLOYMENT OPPOR-**
6 **TUNITY FUNCTIONS OF DEPARTMENT OF**
7 **VETERANS AFFAIRS.**

8 (a) ALIGNMENT OF EEO DIRECTOR.—

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

12 (A) by striking “The provisions” and in-
13 serting “(1) The provisions”; and

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

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

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

23 “(B) does not also serve in a position that has
24 responsibility over personnel functions of the De-
25 partment or other functions that conflict with the
26 functions under this section.”.

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

3 (A) in subsection (b)(1), by inserting “, in
4 accordance with subsection (h)(2),” after “an
5 Assistant Secretary or a Deputy Assistant Sec-
6 retary”; and

7 (B) in subsection (e)(1)(A), by striking
8 “the Assistant Secretary for Human Resources
9 and Administration” and inserting “the Sec-
10 retary”.

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

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

22 (c) REPORTING HARASSMENT AND EMPLOYMENT
23 DISCRIMINATION COMPLAINTS.—Subsection (a) of such
24 section 516 is amended—

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

3 (2) by adding at the end the following new
4 paragraph:

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

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

1 (e) HARASSMENT AND EMPLOYMENT DISCRIMINA-
2 TION POLICIES AND DIRECTIVES.—The Secretary of Vet-
3 erans Affairs shall—

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

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

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

1 crimination complaints pursuant to subsection (a)(2) of
2 such section 516.

Passed the House of Representatives May 18, 2021.

Attest: **CHERYL L. JOHNSON,**
Clerk.