

117TH CONGRESS
1ST SESSION

S. 1243

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 SENATE OF THE UNITED STATES

APRIL 20, 2021

Ms. ERNST (for herself and Ms. HASSAN) introduced the following bill; which was read twice and 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 EQUAL EMPLOYMENT OPPOR-
5 TUNITY DIRECTOR.—

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

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

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

13 “(2) Beginning not later than 90 days after the date
14 of the enactment of the Improving VA Accountability To
15 Prevent Sexual Harassment and Discrimination Act of
16 2021, in carrying out paragraph (1), the Secretary shall
17 ensure that the official of the Department who serves as
18 the Equal Employment Opportunity Director of the De-
19 partment—

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

22 “(B) does not also serve in a position that has
23 responsibility over personnel functions of the De-
24 partment or other functions that conflict with the
25 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 shall ensure that each
16 Equal Employment Opportunity program manager of the
17 Department at the facility level reports to the head of the
18 Office of Resolution Management, or such successor office
19 established pursuant to subsection (a), with respect to the
20 equal employment functions of the program manager.”.

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

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

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

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

12 (d) TRAINING.—Subsection (c) of such section is
13 amended—

14 (1) by inserting “(1)” before “The Secretary”;
15 and

16 (2) by adding at the end the following new
17 paragraph:

18 “(2)(A) Beginning not later than September 30,
19 2021, the Secretary shall provide to each employee of the
20 Department mandatory annual training on identifying and
21 addressing sexual and other harassment and employment
22 discrimination, including with respect to processes under
23 the Harassment Prevention Program of the Department,
24 or such successor program.

1 “(B) An employee of the Department who is hired
2 on or after such date shall receive the first such manda-
3 tory annual training not later than 60 days after being
4 hired.”.

5 (e) HARASSMENT AND EMPLOYMENT DISCRIMINA-
6 TION POLICIES AND DIRECTIVES.—The Secretary of Vet-
7 erans Affairs shall—

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

17 (2) by not later than 180 days after the date
18 of the enactment of this Act, issue a final directive
19 and a handbook for the Harassment Prevention Pro-
20 gram of the Department.

21 (f) SEMIANNUAL REPORTS.—Not later than 180 days
22 after the date of the enactment of this Act, and semiannu-
23 ally thereafter for one year, the Secretary of Veterans Af-
24 fairs shall submit to the Committee on Veterans’ Affairs
25 of the Senate and the Committee on Veterans’ Affairs of

1 the House of Representatives a report on the progress the
2 Secretary has made in carrying out this section and sec-
3 tion 516 of title 38, United States Code, as amended by
4 this section, including with respect to reporting sexual and
5 other harassment and employment discrimination com-
6 plaints pursuant to subsection (a)(2) of such section 516.

○