

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MS. ESCOBAR OF TEXAS

At the end of subtitle E of title V, add the following new section:

1 **SEC. 5___ . TIME LIMIT FOR PROCESSING CERTAIN ADMIN-**
2 **ISTRATIVE COMPLAINTS.**

3 (a) IN GENERAL.—Chapter 80 of title 10, United
4 States Code, is amended by inserting after section 1561b
5 the following new section:

6 **“§ 1561c. Processing a harassment or military equal**
7 **opportunity complaint**

8 “(a) TIME LIMIT.—An official authorized to take
9 final action on a complaint from a member of the armed
10 forces of harassment or prohibited discrimination shall en-
11 sure the procedures and requirements for the complaint
12 are completed within 180 days after the date on which
13 any supervisor or designated office received the complaint.

14 “(b) JUDICIAL REVIEW.—

15 “(1) Pursuant to section 706(1) of title 5,
16 United States Code, a member of the armed forces
17 may seek an order in a court of the United States
18 directing the Secretary concerned to take final ac-

1 tion or provide a written explanation no later than
2 30 days after the court enters its order, if an au-
3 thorized official does not—

4 “(A) take final action on a complaint
5 under subsection (a) within 180 days; or

6 “(B) provide the member a written expla-
7 nation of the final action taken on a complaint
8 under subsection (a).

9 “(2) Pursuant to section 706(2) of title 5,
10 United States Code, and no later than 30 days after
11 a member of the armed forces receives a written ex-
12 planation of the final action taken on a complaint
13 under subsection (a), the member may seek review
14 of the action in a court of the United States.

15 “(c) REPORT.—Not later than April 1 each year, the
16 Secretary concerned shall submit to the appropriate con-
17 gressional committees a report of the total number of
18 court orders sought under subsection (b) and orders
19 granted by such courts.

20 “(d) DEFINITIONS.—In this section:

21 “(1) The term ‘appropriate congressional com-
22 mittees’ means the following:

23 “(A) The Committee on Armed Services of
24 the House of Representatives.

1 “(B) The Committee on Armed Services of
2 the Senate.

3 “(C) The Committee on Transportation
4 and Infrastructure of the House of Representa-
5 tives.

6 “(D) The Committee on Commerce,
7 Science, and Transportation of the Senate.

8 “(2) The term ‘complaint’ means an allegation
9 or report of harassment or prohibited discrimination.

10 “(3) The term ‘designated office’ means a mili-
11 tary equal opportunity office or an office of the in-
12 spector general or staff judge advocate, and any
13 other departmental office authorized by the Sec-
14 retary concerned to receive harassment and prohib-
15 ited discrimination complaints.

16 “(4) The term ‘harassment’ means behavior
17 that is unwelcome or offensive to a reasonable per-
18 son, whether oral, written, or physical, that creates
19 an intimidating, hostile, or offensive environment.

20 “(5) The term ‘prohibited discrimination’
21 means unlawful discrimination, including disparate
22 treatment, of an individual or group on the basis of
23 race, color, national origin, religion, sex (including
24 pregnancy), gender identity, or sexual orientation.

1 “(6) The term ‘member of the armed forces’
2 means a member of an armed force serving on active
3 duty.

4 “(7) The term ‘supervisor’ means a member of
5 the armed forces in charge or command of other
6 members of the armed forces or a civilian employee
7 (as defined in section 2105 of title 5, United States
8 Code) authorized to direct and control service mem-
9 bers.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of such chapter is amended by inserting
12 after the item relating to section 1561b the following new
13 item:

“1561c. Processing a harassment or military equal opportunity complaint.”.

