AMENDMENT TO RULES COMMITTEE PRINT 117–54

OFFERED BY MS. ESCOBAR OF TEXAS

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

SEC. 5. TIME LIMIT FOR PROCESSING CERTAIN ADMINISTRATIVE COMPLAINTS.

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

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

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

“(b) JUDICIAL REVIEW.—

“(1) Pursuant to section 706(1) of title 5, United States Code, a member of the armed forces may seek an order in a court of the United States directing the Secretary concerned to take final ac-
tion or provide a written explanation no later than 30 days after the court enters its order, if an authorized official does not—

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

“(B) provide the member a written explanation of the final action taken on a complaint under subsection (a).

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

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

“(d) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means the following:

“(A) The Committee on Armed Services of the House of Representatives.
“(B) The Committee on Armed Services of the Senate.

“(C) The Committee on Transportation and Infrastructure of the House of Representatives.

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

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

“(3) The term ‘designated office’ means a military equal opportunity office or an office of the inspector general or staff judge advocate, and any other departmental office authorized by the Secretary concerned to receive harassment and prohibited discrimination complaints.

“(4) The term ‘harassment’ means behavior that is unwelcome or offensive to a reasonable person, whether oral, written, or physical, that creates an intimidating, hostile, or offensive environment.

“(5) The term ‘prohibited discrimination’ means unlawful discrimination, including disparate treatment, of an individual or group on the basis of race, color, national origin, religion, sex (including pregnancy), gender identity, or sexual orientation.
“(6) The term ‘member of the armed forces’ means a member of an armed force serving on active duty.

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

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

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