

117TH CONGRESS
2D SESSION

H. R. 9163

To amend title 10, United States Code, to establish a time limit for the processing of harassment complaints made by members of the Armed Forces and to clarify the procedure for judicial review of such complaints, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 2022

Ms. ESCOBAR (for herself and Ms. SPEIER) introduced the following bill;
which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to establish a time limit for the processing of harassment complaints made by members of the Armed Forces and to clarify the procedure for judicial review of such complaints, 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 “Advancing Justice for
5 Servicemembers Act”.

1 **SEC. 2. TIME LIMIT FOR PROCESSING CERTAIN ADMINIS-**
2 **TRATIVE 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-
19 tion or provide a written explanation no later than
20 30 days after the court enters its order, if an au-
21 thorized official does not—

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

24 “(B) provide the member a written expla-
25 nation of the final action taken on a complaint
26 under subsection (a).

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

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

12 “(d) DEFINITIONS.—In this section:

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

15 “(A) The Committee on Armed Services of
16 the House of Representatives.

17 “(B) The Committee on Armed Services of
18 the Senate.

19 “(C) The Committee on Transportation
20 and Infrastructure of the House of Representa-
21 tives.

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

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

1 “(3) The term ‘designated office’ means a mili-
2 tary equal opportunity office or an office of the in-
3 specter general or staff judge advocate, and any
4 other departmental office authorized by the Sec-
5 retary concerned to receive harassment and prohib-
6 ited discrimination complaints.

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

11 “(5) The term ‘prohibited discrimination’
12 means unlawful discrimination, including disparate
13 treatment, of an individual or group on the basis of
14 race, color, national origin, religion, sex (including
15 pregnancy), gender identity, or sexual orientation.

16 “(6) The term ‘member of the armed forces’
17 means a member of an armed force serving on active
18 duty.

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

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

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

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